

By: Senator(s) Carmichael, Chamberlin

To: Public Health and Welfare

SENATE BILL NO. 2140

1 AN ACT TO BRING FORWARD SECTIONS 41-59-3, 41-59-79, 41-59-81
 2 and 41-59-83, MISSISSIPPI CODE OF 1972, WHICH DEFINE"
 3 AUTO-INJECTOR" AND "FIRST RESPONDER" FOR THE PURPOSE OF THE
 4 EMERGENCY MEDICAL SERVICES LAW, AUTHORIZE FIRST RESPONDERS AND ALL
 5 LEVELS OF EMERGENCY MEDICAL TECHNICIANS, WHEN AUTHORIZED BY
 6 MEDICAL DIRECTION, TO CARRY AND ADMINISTER EPINEPHRINE FROM
 7 AUTO-INJECTORS TO TREAT PERSONS EXPERIENCING ALLERGIC REACTIONS
 8 AND ANAPHYLAXIS, PROVIDE FOR CERTIFICATION OF FIRST RESPONDERS BY
 9 THE STATE BOARD OF HEALTH, AND AUTHORIZE THE STATE BOARD OF HEALTH
 10 TO ISSUE REGULATIONS FOR FIRST RESPONDER BASIC LIFE SUPPORT; TO
 11 AMEND SECTION 41-59-79, MISSISSIPPI CODE OF 1972, TO PROVIDE A
 12 FIRST RESPONDER GRANDFATHER CLAUSE FOR VOLUNTEER FIREMEN SERVING
 13 ON JULY 1, 2004, AND TO PROVIDE THAT PERSONS PROVIDING SERVICES ON
 14 A VOLUNTEER BASIS SHALL BE EXEMPT FROM THE CERTIFICATION FEE; TO
 15 AMEND SECTION 5, CHAPTER 623, LAWS OF 2002, TO DELAY THE EFFECTIVE
 16 DATE ON THE PRECEDING PROVISIONS UNTIL JULY 1, 2005; AND FOR
 17 RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 **SECTION 1.** Section 41-59-3, Mississippi Code of 1972, is
 20 brought forward as follows:

21 41-59-3. As used in this chapter, unless the context
 22 otherwise requires, the term:

23 (a) "Ambulance" shall mean any privately or publicly
 24 owned land or air vehicle that is especially designed,
 25 constructed, modified or equipped to be used, maintained and
 26 operated upon the streets, highways or airways of this state to
 27 assist persons who are sick, injured, wounded, or otherwise
 28 incapacitated or helpless;

29 (b) "Auto-injector" means a spring-loaded needle and
 30 syringe with a single dose of medicine that will automatically
 31 release and inject the medicine;

32 (c) "Permit" shall mean an authorization issued for an
 33 ambulance vehicle and/or a special use EMS vehicle as meeting the
 34 standards adopted pursuant to this chapter;

35 (d) "License" shall mean an authorization to any
36 person, firm, corporation, or governmental division or agency to
37 provide ambulance services in the State of Mississippi;

38 (e) "Emergency medical technician" shall mean an
39 individual who possesses a valid emergency medical technician's
40 certificate issued pursuant to the provisions of this chapter;

41 (f) "Certificate" shall mean official acknowledgment
42 that an individual has successfully completed the recommended
43 basic emergency medical technician training course referred to in
44 this chapter which entitles that individual to perform the
45 functions and duties of an emergency medical technician;

46 (g) "Board" shall mean the State Board of Health;

47 (h) "Department" means the Mississippi State Department
48 of Health, Division of Emergency Medical Services;

49 (i) "Executive officer" shall mean the Executive
50 Officer of the State Board of Health, or his designated
51 representative;

52 (j) "First Responder" means a person who uses a limited
53 amount of equipment to perform the initial assessment of and
54 intervention with sick, wounded or otherwise incapacitated
55 persons, who (i) is trained to assist other EMS personnel by
56 successfully completing, within the previous two (2) years, an
57 approved "First Responder: National Standard Curriculum" training
58 program, as developed and promulgated by the United States
59 Department of Transportation, (ii) is nationally registered as a
60 First Responder by the National Registry of Emergency Medical
61 Technicians; and (iii) is certified as a First Responder by the
62 Mississippi State Department of Health, Division of Emergency
63 Medical Services;

64 (k) "Invalid vehicle" shall mean any privately or
65 publicly owned land or air vehicle which is maintained, operated
66 and used only to transport persons routinely who are convalescent

67 or otherwise nonambulatory and do not require the service of an
68 emergency medical technician while in transit;

69 (l) "Special use EMS vehicle" means any privately or
70 publicly owned land, water or air emergency vehicle used to
71 support the provision of emergency medical services. These
72 vehicles shall not be used routinely to transport patients;

73 (m) "Trauma care system" or "trauma system" means a
74 formally organized arrangement of health care resources that has
75 been designated by the department by which major trauma victims
76 are triaged, transported to and treated at trauma care facilities;

77 (n) "Trauma care facility" or "trauma center" means a
78 hospital located in the State of Mississippi or a Level I trauma
79 care facility or center located in a state contiguous to the State
80 of Mississippi that has been designated by the department to
81 perform specified trauma care services within a trauma care system
82 pursuant to standards adopted by the department. Participation in
83 this designation by each hospital is voluntary;

84 (o) "Trauma registry" means a collection of data on
85 patients who receive hospital care for certain types of injuries.
86 Such data are primarily designed to ensure quality trauma care and
87 outcomes in individual institutions and trauma systems, but have
88 the secondary purpose of providing useful data for the
89 surveillance of injury morbidity and mortality.

90 **SECTION 2.** Section 41-59-79, Mississippi Code of 1972, is
91 amended as follows:

92 41-59-79. (1) Any person desiring certification as a first
93 responder shall apply to the board using forms prescribed by the
94 board. Each application for a first responder certificate shall
95 be accompanied by a certificate fee to be fixed by the board,
96 which shall be paid to the board. Upon the successful completion
97 of the board's approved first responder training program, the
98 board shall make a determination of the applicant's qualifications
99 as a first responder as set forth in the regulations promulgated

100 by the board, and shall issue a first responder certificate to the
101 applicant.

102 (2) Any person who is actively providing services as a
103 volunteer fireman on July 1, 2004, shall be exempt from the
104 certification and recertification requirements of the board
105 pursuant to this chapter. This exemption shall be issued by the
106 board upon application therefor and the submission of proof
107 satisfactory to the board of the applicant's service in a
108 volunteer fire department.

109 (3) Any person who provides services on a volunteer basis,
110 as evidenced by a sworn affidavit, shall not be required to pay
111 any certification fee, recertification fee or exemption fee
112 authorized under this section.

113 **SECTION 3.** Section 41-59-81, Mississippi Code of 1972, is
114 brought forward as follows:

115 41-59-81. The Mississippi State Board of Health is
116 authorized to promulgate and enforce rules and regulations to
117 provide for the best and most effective emergency medical care,
118 and to comply with national standards for first responder basic
119 life support. Notwithstanding any other provision of law, first
120 responder personnel may be authorized to provide first responder
121 basic life support services as defined by rules and regulations
122 promulgated by the State Board of Health.

123 Rules and regulations promulgated pursuant to this authority
124 shall, as a minimum:

125 (a) Define and authorize functions and training
126 programs for first responder personnel; provided that all such
127 training programs shall meet or exceed the performance
128 requirements of the most current training program "First
129 Responder: National Standard Curriculum" as developed by the
130 United States Department of Transportation, National Highway
131 Traffic Safety Administration.

132 (b) Specify minimum operational requirements which will
133 include, but not be limited to, medical control over the
134 administration of a dose of epinephrine from an auto-injector.

135 (c) Specify minimum testing and certification
136 requirements and provide for continuing education and periodic
137 recertification for all first responder personnel.

138 **SECTION 4.** Section 41-59-83, Mississippi Code of 1972, is
139 brought forward as follows:

140 41-59-83. When authorized by medical direction, a first
141 responder, an emergency medical technician-basic, an emergency
142 medical technician-intermediate or an emergency medical
143 technician-paramedic may carry and administer, or aid in the
144 administration of, a dose of epinephrine from an auto-injector to
145 treat persons experiencing allergic reactions and anaphylaxis.

146 **SECTION 5.** Section 5, Chapter 623, Laws of 2002, is amended
147 as follows:

148 Section 5. This act shall take effect and be in force from
149 and after July 1, 2005.

150 **SECTION 6.** This act shall take effect and be in force from
151 and after its passage.