

By: Representatives Zuber, Ford (54th),  
Hobgood-Wilkes

To: Insurance

HOUSE BILL NO. 821  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-59-3, MISSISSIPPI CODE OF 1972, TO  
2 DEFINE NONTRANSPORT EMERGENCY MEDICAL SERVICES; TO AMEND SECTION  
3 41-59-35, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE  
4 DEPARTMENT OF HEALTH AND MISSISSIPPI INSURANCE DEPARTMENT TO  
5 DEVELOP A COORDINATED ENTITY TO PROVIDE A STATEWIDE SYSTEM OF  
6 NONTRANSPORT EMERGENCY MEDICAL SERVICES; TO AMEND SECTION 21-1-49,  
7 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF ANY MUNICIPALITY HAS  
8 BEEN ABOLISHED BASED ON THE FINDINGS OF THE FEDERAL CENSUS OF 2020  
9 THAT INDICATE A MUNICIPALITY HAS LESS THAN FIFTY INHABITANTS, SUCH  
10 MUNICIPALITY SHALL HAVE ALL ITS RIGHTS AND PRIVILEGES TEMPORARILY  
11 RESTORED AS A MUNICIPALITY UPON PROVIDING DOCUMENTATION TO THE  
12 SECRETARY OF STATE THAT THE MUNICIPALITY HAS SUBMITTED ITS INTENT  
13 TO CHALLENGE SUCH FINDINGS; TO PROVIDE THAT IF THE UNITED STATES  
14 CENSUS BUREAU LATER FINDS THAT A MUNICIPALITY HAS FIFTY OR MORE  
15 INHABITANTS, THEN ALL SUCH RIGHTS AND PRIVILEGES OF THE  
16 MUNICIPALITY WILL BE RESTORED; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 41-59-3, Mississippi Code of 1972, is  
19 amended as follows:

20 41-59-3. As used in this chapter, unless the context  
21 otherwise requires, the term:

22 (a) "Ambulance" means any privately or publicly owned  
23 land or air vehicle that is especially designed, constructed,  
24 modified or equipped to be used, maintained and operated upon the  
25 streets, highways or airways of this state to assist persons who



26 are sick, injured, wounded, or otherwise incapacitated or  
27 helpless;

28 (b) "Permit" means an authorization issued for an  
29 ambulance vehicle and/or a special use EMS vehicle as meeting the  
30 standards adopted under this chapter;

31 (c) "License" means an authorization to any person,  
32 firm, corporation, or governmental division or agency to provide  
33 ambulance services in the State of Mississippi;

34 (d) "Emergency medical technician" means an individual  
35 who possesses a valid emergency medical technician's certificate  
36 issued under the provisions of this chapter or who has a privilege  
37 to practice under the Emergency Medical Services Personnel  
38 Licensure Interstate Compact;

39 (e) "Certificate" means official acknowledgment that an  
40 individual has successfully completed (i) the recommended basic  
41 emergency medical technician training course referred to in this  
42 chapter which entitles that individual to perform the functions  
43 and duties of an emergency medical technician, or (ii) the  
44 recommended medical first responder training course referred to in  
45 this chapter which entitles that individual to perform the  
46 functions and duties of a medical first responder;

47 (f) "Board" means the State Board of Health;

48 (g) "Department" means the State Department of Health,  
49 Division of Emergency Medical Services;



50 (h) "Executive officer" means the Executive Officer of  
51 the State Board of Health, or his designated representative;

52 (i) "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;

56 (j) "Medical first responder" means a person who uses a  
57 limited amount of equipment to perform the initial assessment of  
58 and intervention with sick, wounded or otherwise incapacitated  
59 persons who (i) is trained to assist other EMS personnel by  
60 successfully completing, and remaining current in refresher  
61 training in accordance with, an approved "First Responder:  
62 National Standard Curriculum" training program, as developed and  
63 promulgated by the United States Department of Transportation;

64 (ii) is nationally registered as a first responder by the National  
65 Registry of Emergency Medical Technicians; and (iii) is certified  
66 as a medical first responder by the State Department of Health,  
67 Division of Emergency Medical Services;

68 (k) "Invalid vehicle" means any privately or publicly  
69 owned land or air vehicle that is maintained, operated and used  
70 only to transport persons routinely who are convalescent or  
71 otherwise nonambulatory and do not require the service of an  
72 emergency medical technician while in transit;

73 (l) "Special use EMS vehicle" means any privately or  
74 publicly owned land, water or air emergency vehicle used to



75 support the provision of emergency medical services. These  
76 vehicles shall not be used routinely to transport patients;

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

81 (n) "Trauma care facility" or "trauma center" means a  
82 hospital located in the State of Mississippi or a Level I trauma  
83 care facility or center located in a state contiguous to the State  
84 of Mississippi that has been designated by the department to  
85 perform specified trauma care services within a trauma care system  
86 pursuant to standards adopted by the department;

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

93 (p) "Emergency medical condition" means a medical  
94 condition manifesting itself by acute symptoms of sufficient  
95 severity, including severe pain, psychiatric disturbances and/or  
96 symptoms of substance abuse, such that a prudent layperson who  
97 possesses an average knowledge of health and medicine could  
98 reasonably expect the absence of immediate medical attention to  
99 result in placing the health of the individual (or, with respect



100 to a pregnant woman, the health of the woman or her unborn child)  
101 in serious jeopardy, serious impairment to bodily functions, or  
102 serious dysfunction of any bodily organ or part;

103 (q) "Emergency medical call" means a situation that is  
104 presumptively classified at time of dispatch to have a high index  
105 of probability that an emergency medical condition or other  
106 situation exists that requires medical intervention as soon as  
107 possible to reduce the seriousness of the situation, or when the  
108 exact circumstances are unknown, but the nature of the request is  
109 suggestive of a true emergency where a patient may be at risk;

110 (r) "Emergency response" means responding immediately  
111 at the basic life support or advanced life support level of  
112 service to an emergency medical call. An immediate response is  
113 one in which the ambulance supplier begins as quickly as possible  
114 to take the steps necessary to respond to the call;

115 (s) "Emergency mode" means an ambulance or special use  
116 EMS vehicle operating with emergency lights and warning siren (or  
117 warning siren and air horn) while engaged in an emergency medical  
118 call.

119 (t) "Nontransport emergency medical services" (NTEMS)  
120 means the provision of initial assessment and medical intervention  
121 with sick, wounded or otherwise incapacitated persons, performed  
122 by a medically trained person or team of persons, prior to the  
123 availability of and intervention by an ambulance service. NTEMS  
124 are typically rendered at the location of first contact with a



125 patient, and do not include transportation and care during transit  
126 to a medical facility, NTEMS providers are "EMS personnel" as  
127 referenced in the provisions of Chapters 59 and 60, Title 41 upon  
128 meeting the training and certification requirements for emergency  
129 medical technicians.

130       **SECTION 2.** Section 41-59-35, Mississippi Code of 1972, is  
131 amended as follows:

132       41-59-35. (1) An emergency medical technician certificate  
133 so issued shall be valid for a period not exceeding two (2) years  
134 from the date of issuance and may be renewed upon payment of a  
135 renewal fee to be fixed by the board, which shall be paid to the  
136 board, provided that the holder meets the qualifications set forth  
137 in this Chapter 59 and Chapter 60 and rules and regulations  
138 promulgated by the board. Any increase in the fee charged by the  
139 board under this subsection shall be in accordance with the  
140 provisions of Section 41-3-65.

141       (2) The board is authorized to suspend or revoke a  
142 certificate so issued at any time it is determined that the holder  
143 no longer meets the prescribed qualifications.

144       (3) It shall be unlawful for any person, corporation or  
145 association to, in any manner, represent himself, herself or  
146 itself as an Emergency Medical Technician-Basic, Emergency Medical  
147 Technician-Advanced, Emergency Medical Technician-Paramedic,  
148 Emergency Medical Technician-Paramedic Critical Care, or Emergency  
149 Medical Services Driver, or use in connection with his or its name



150 the words or letters of EMT, emt, paramedic, critical care  
151 paramedic, or any other letters, words, abbreviations or insignia  
152 which would indicate or imply that he, she or it is an Emergency  
153 Medical Technician-Basic, Emergency Medical Technician-Advanced,  
154 Emergency Medical Technician-Paramedic, Emergency Medical  
155 Technician-Paramedic Critical Care, or Emergency Medical Services  
156 Driver, unless certified in accordance with Chapters 59 and 60 of  
157 this title and in accordance with the rules and regulations  
158 promulgated by the board; or a person who has a privilege to  
159 practice under the Emergency Medical Services Personnel Licensure  
160 Interstate Compact. It shall be unlawful to employ an uncertified  
161 Emergency Medical Technician-Basic, Emergency Medical  
162 Technician-Advanced, Emergency Medical Technician-Paramedic, or  
163 Emergency Medical Technician-Paramedic Critical Care to provide  
164 basic or advanced life-support services.

165 (4) The department may develop, in conjunction with the  
166 Mississippi Insurance Department, a coordinated entity to provide  
167 a statewide system of nontransport emergency medical services for  
168 emergency medical personnel governed by the Division of Emergency  
169 Medical Services that includes medical control protocols, a  
170 quality management system, charting platform and data reporting  
171 system.

172 ( \* \* \*5) An EMT, EMT-A, EMR, or Paramedic may transport a  
173 police dog injured in the line of duty to a veterinary clinic,  
174 hospital emergency department or similar facility if there are no



175 persons requiring medical attention or transport at that time.  
176 For the purposes of this subsection, "police dog" means a dog  
177 owned or used by a law enforcement department or agency in the  
178 course of the department or agency's work, including a search and  
179 rescue dog, service dog, accelerant detection canine, or other dog  
180 that is in use by a county, municipal, or state law enforcement  
181 agency.

182 ( \* \* \*6) Any Emergency Medical Technician-Basic, Emergency  
183 Medical Technician-Advanced, Emergency Medical  
184 Technician-Paramedic, Emergency Medical Technician-Paramedic  
185 Critical Care, or Emergency Medical Services Driver who violates  
186 or fails to comply with these statutes or the rules and  
187 regulations promulgated by the board under these statutes shall be  
188 subject, after due notice and hearing, to an administrative fine  
189 not to exceed One Thousand Dollars (\$1,000.00).

190 **SECTION 3.** Section 21-1-49, Mississippi Code of 1972, is  
191 amended as follows:

192 21-1-49. (1) In the event any census taken under an act of  
193 Congress shall show that any municipality contains less than fifty  
194 (50) inhabitants, then such municipality shall be automatically  
195 abolished and all its rights and powers as a municipal corporation  
196 shall thereupon cease. In such cases it shall be the duty of the  
197 Secretary of State to make an appropriate notation on the records  
198 of such municipal corporation in his office showing that such  
199 municipal corporation has been abolished because of having less





200 than fifty (50) inhabitants, and he shall forthwith send a notice  
201 to the municipal authorities advising them of such fact, and shall  
202 send a copy of the notice to the chancery clerk of the county in  
203 which such municipality is located. However, the failure of the  
204 Secretary of State to make such notation or to send such notice  
205 shall not prevent the abolition of such municipal corporation as  
206 is herein provided, but such abolition shall result automatically  
207 from the fact that the census shows that such municipal  
208 corporation has less than fifty (50) inhabitants.

209       (2) Any municipality having not less than fifty (50)  
210 inhabitants and having heretofore been abolished under the federal  
211 census of 1970 by operation of language formerly employed in this  
212 section providing for such abolition should a municipality contain  
213 less than ninety-two (92) inhabitants, is hereby restored to all  
214 rights and privileges as a municipality after the most recent  
215 governing authority of the municipality gives notice to the  
216 Secretary of State that such municipality desires to be restored  
217 to all rights and privileges as a municipality.

218       (3) Any municipality having less than fifty (50) inhabitants  
219 and having heretofore been abolished under the federal census of  
220 2020 in accordance with subsection (1) of this section, shall be  
221 temporarily restored of all rights and privileges as a  
222 municipality upon providing documentation to the Secretary of  
223 State that the municipality has submitted its intent to challenge  
224 the findings of the federal census of 2020 in accordance with the



225 procedures of the United States Census Bureau, or any successor  
226 agency. Upon a finding by the United States Census Bureau, or any  
227 successor agency, that the municipality has fifty (50) or more  
228 inhabitants, the municipality will be restored to all rights and  
229 privileges as a municipality.

230         **SECTION 4.** This act shall take effect and be in force from  
231 and after July 1, 2022.

