

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 46

102ND GENERAL ASSEMBLY

0540S.02C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 67.145, 70.631, 170.310, 190.091, 190.327, 650.320, 650.330, and 650.340, RSMo, and to enact in lieu thereof eight new sections relating to emergency services.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 67.145, 70.631, 170.310, 190.091,
2 190.327, 650.320, 650.330, and 650.340, RSMo, are repealed and
3 eight new sections enacted in lieu thereof, to be known as
4 sections 67.145, 70.631, 170.310, 190.091, 190.327, 650.320,
5 650.330, and 650.340, to read as follows:

67.145. 1. No political subdivision of this state
2 shall prohibit any first responder from engaging in any
3 political activity while off duty and not in uniform, being
4 a candidate for elected or appointed public office, or
5 holding such office unless such political activity or
6 candidacy is otherwise prohibited by state or federal law.

7 2. As used in this section, "first responder" means
8 any person trained and authorized by law or rule to render
9 emergency medical assistance or treatment. Such persons may
10 include, but shall not be limited to, emergency first
11 responders, **telecommunicator first responders**, police
12 officers, sheriffs, deputy sheriffs, firefighters, ambulance
13 attendants and attendant drivers, emergency medical
14 technicians, mobile emergency medical technicians, emergency

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 medical technician-paramedics, registered nurses, or
16 physicians.

70.631. 1. Each political subdivision may, by
2 majority vote of its governing body, elect to cover
3 **[emergency telecommunicators] telecommunicator first**
4 **responders**, jailors, and emergency medical service personnel
5 as public safety personnel members of the system. The clerk
6 or secretary of the political subdivision shall certify an
7 election concerning the coverage of **[emergency**
8 **telecommunicators] telecommunicator first responders**,
9 jailors, and emergency medical service personnel as public
10 safety personnel members of the system to the board within
11 ten days after such vote. The date in which the political
12 subdivision's election becomes effective shall be the first
13 day of the calendar month specified by such governing body,
14 the first day of the calendar month next following receipt
15 by the board of the certification of the election, or the
16 effective date of the political subdivision's becoming an
17 employer, whichever is the latest date. Such election shall
18 not be changed after the effective date. If the election is
19 made, the coverage provisions shall be applicable to all
20 past and future employment with the employer by present and
21 future employees. If a political subdivision makes no
22 election under this section, no **[emergency] telecommunicator**
23 **first responder**, jailor, or emergency medical service
24 personnel of the political subdivision shall be considered
25 public safety personnel for purposes determining a minimum
26 service retirement age as defined in section 70.600.

27 2. If an employer elects to cover **[emergency**
28 **telecommunicators] telecommunicator first responders**,
29 jailors, and emergency medical service personnel as public
30 safety personnel members of the system, the employer's

31 contributions shall be correspondingly changed effective the
32 same date as the effective date of the political
33 subdivision's election.

34 3. The limitation on increases in an employer's
35 contributions provided by subsection 6 of section 70.730
36 shall not apply to any contribution increase resulting from
37 an employer making an election under the provisions of this
38 section.

170.310. 1. For school year 2017-18 and each school
2 year thereafter, upon graduation from high school, pupils in
3 public schools and charter schools shall have received
4 thirty minutes of cardiopulmonary resuscitation instruction
5 and training in the proper performance of the Heimlich
6 maneuver or other first aid for choking given any time
7 during a pupil's four years of high school.

8 2. Beginning in school year 2017-18, any public school
9 or charter school serving grades nine through twelve shall
10 provide enrolled students instruction in cardiopulmonary
11 resuscitation. Students with disabilities may participate
12 to the extent appropriate as determined by the provisions of
13 the Individuals with Disabilities Education Act or Section
14 504 of the Rehabilitation Act. Instruction shall be included
15 in the district's existing health or physical education
16 curriculum. Instruction shall be based on a program
17 established by the American Heart Association or the
18 American Red Cross, or through a nationally recognized
19 program based on the most current national evidence-based
20 emergency cardiovascular care guidelines, and psychomotor
21 skills development shall be incorporated into the
22 instruction. For purposes of this section, "psychomotor
23 skills" means the use of hands-on practicing and skills
24 testing to support cognitive learning.

25 3. The teacher of the cardiopulmonary resuscitation
26 course or unit shall not be required to be a certified
27 trainer of cardiopulmonary resuscitation if the instruction
28 is not designed to result in certification of students.
29 Instruction that is designed to result in certification
30 being earned shall be required to be taught by an authorized
31 cardiopulmonary instructor. Schools may develop agreements
32 with any local chapter of a voluntary organization of first
33 responders to provide the required hands-on practice and
34 skills testing. **For purposes of this subsection, "first**
35 **responders" shall include telecommunicator first responders**
36 **as defined in section 650.320.**

37 4. The department of elementary and secondary
38 education may promulgate rules to implement this section.
39 Any rule or portion of a rule, as that term is defined in
40 section 536.010, that is created under the authority
41 delegated in this section shall become effective only if it
42 complies with and is subject to all of the provisions of
43 chapter 536 and, if applicable, section 536.028. This
44 section and chapter 536 are nonseverable and if any of the
45 powers vested with the general assembly pursuant to chapter
46 536 to review, to delay the effective date, or to disapprove
47 and annul a rule are subsequently held unconstitutional,
48 then the grant of rulemaking authority and any rule proposed
49 or adopted after August 28, 2012, shall be invalid and void.

190.091. 1. As used in this section, the following
2 terms mean:

3 (1) "Bioterrorism", the intentional use of any
4 microorganism, virus, infectious substance, or biological
5 product that may be engineered as a result of biotechnology
6 or any naturally occurring or bioengineered component of any
7 microorganism, virus, infectious substance, or biological

8 product to cause death, disease, or other biological
9 malfunction in a human, an animal, a plant, or any other
10 living organism to influence the conduct of government or to
11 intimidate or coerce a civilian population;

12 (2) "Department", the Missouri department of health
13 and senior services;

14 (3) "Director", the director of the department of
15 health and senior services;

16 (4) "Disaster locations", any geographical location
17 where a bioterrorism attack, terrorist attack, catastrophic
18 or natural disaster, or emergency occurs;

19 (5) "First responders", state and local law
20 enforcement personnel, **telecommunicator first responders**,
21 fire department personnel, and emergency medical personnel
22 who will be deployed to bioterrorism attacks, terrorist
23 attacks, catastrophic or natural disasters, and emergencies;

24 (6) **"Missouri state highway patrol telecommunicator",**
25 **any authorized Missouri state highway patrol communications**
26 **division personnel whose primary responsibility includes**
27 **directly responding to emergency communications and who meet**
28 **the training requirements pursuant to section 650.340.**

29 2. The department shall offer a vaccination program
30 for first responders **and Missouri state highway patrol**
31 **telecommunicators** who may be exposed to infectious diseases
32 when deployed to disaster locations as a result of a
33 bioterrorism event or a suspected bioterrorism event. The
34 vaccinations shall include, but are not limited to,
35 smallpox, anthrax, and other vaccinations when recommended
36 by the federal Centers for Disease Control and Prevention's
37 Advisory Committee on Immunization Practices.

38 3. Participation in the vaccination program shall be
39 voluntary by the first responders **and Missouri state highway**

40 **patrol telecommunicators**, except for first responders **or**
41 **Missouri state highway patrol telecommunicators** who, as
42 determined by their employer, cannot safely perform
43 emergency responsibilities when responding to a bioterrorism
44 event or suspected bioterrorism event without being
45 vaccinated. The recommendations of the Centers for Disease
46 Control and Prevention's Advisory Committee on Immunization
47 Practices shall be followed when providing appropriate
48 screening for contraindications to vaccination for first
49 responders **and Missouri state highway patrol**
50 **telecommunicators**. A first responder **and Missouri state**
51 **highway patrol telecommunicator** shall be exempt from
52 vaccinations when a written statement from a licensed
53 physician is presented to their employer indicating that a
54 vaccine is medically contraindicated for such person.

55 4. If a shortage of the vaccines referred to in
56 subsection 2 of this section exists following a bioterrorism
57 event or suspected bioterrorism event, the director, in
58 consultation with the governor and the federal Centers for
59 Disease Control and Prevention, shall give priority for such
60 vaccinations to persons exposed to the disease and to first
61 responders **or Missouri state highway patrol**
62 **telecommunicators** who are deployed to the disaster location.

63 5. The department shall notify first responders **and**
64 **Missouri state highway patrol telecommunicators** concerning
65 the availability of the vaccination program described in
66 subsection 2 of this section and shall provide education to
67 such first responders, [and] their employers, **and Missouri**
68 **state highway patrol telecommunicators** concerning the
69 vaccinations offered and the associated diseases.

70 6. The department may contract for the administration
71 of the vaccination program described in subsection 2 of this

72 section with health care providers, including but not
73 limited to local public health agencies, hospitals,
74 federally qualified health centers, and physicians.

75 7. The provisions of this section shall become
76 effective upon receipt of federal funding or federal grants
77 which designate that the funding is required to implement
78 vaccinations for first responders **and Missouri state highway**
79 **patrol telecommunicators** in accordance with the
80 recommendations of the federal Centers for Disease Control
81 and Prevention's Advisory Committee on Immunization
82 Practices. Upon receipt of such funding, the department
83 shall make available the vaccines to first responders **and**
84 **Missouri state highway patrol telecommunicators** as provided
85 in this section.

190.327. 1. Immediately upon the decision by the
2 commission to utilize a portion of the emergency telephone
3 tax for central dispatching and an affirmative vote of the
4 telephone tax, the commission shall appoint the initial
5 members of a board which shall administer the funds and
6 oversee the provision of central dispatching for emergency
7 services in the county and in municipalities and other
8 political subdivisions which have contracted for such
9 service. Beginning with the general election in 1992, all
10 board members shall be elected according to this section and
11 other applicable laws of this state. At the time of the
12 appointment of the initial members of the board, the
13 commission shall relinquish to the board and no longer
14 exercise the duties prescribed in this chapter with regard
15 to the provision of emergency telephone service and in
16 chapter 321, with regard to the provision of central
17 dispatching service, and such duties shall be exercised by
18 the board.

19 2. Elections for board members may be held on general
20 municipal election day, as defined in subsection 3 of
21 section 115.121, after approval by a simple majority of the
22 county commission.

23 3. For the purpose of providing the services described
24 in this section, the board shall have the following powers,
25 authority and privileges:

26 (1) To have and use a corporate seal;

27 (2) To sue and be sued, and be a party to suits,
28 actions and proceedings;

29 (3) To enter into contracts, franchises and agreements
30 with any person, partnership, association or corporation,
31 public or private, affecting the affairs of the board;

32 (4) To acquire, construct, purchase, maintain, dispose
33 of and encumber real and personal property, including leases
34 and easements;

35 (5) To have the management, control and supervision of
36 all the business affairs of the board and the construction,
37 installation, operation and maintenance of any improvements;

38 (6) To hire and retain agents and employees and to
39 provide for their compensation including health and pension
40 benefits;

41 (7) To adopt and amend bylaws and any other rules and
42 regulations;

43 (8) To fix, charge and collect the taxes and fees
44 authorized by law for the purpose of implementing and
45 operating the services described in this section;

46 (9) To pay all expenses connected with the first
47 election and all subsequent elections; and

48 (10) To have and exercise all rights and powers
49 necessary or incidental to or implied from the specific
50 powers granted in this subsection. Such specific powers

51 shall not be considered as a limitation upon any power
52 necessary or appropriate to carry out the purposes and
53 intent of sections 190.300 to 190.329.

54 4. (1) Notwithstanding the provisions of subsections
55 1 and 2 of this section to the contrary, the county
56 commission may elect to appoint the members of the board to
57 administer the funds and oversee the provision of central
58 dispatching for emergency services in the counties,
59 municipalities, and other political subdivisions which have
60 contracted for such service upon the request of the
61 municipalities and other political subdivisions. Upon
62 appointment of the initial members of the board, the
63 commission shall relinquish all powers and duties to the
64 board and no longer exercise the duties prescribed in this
65 chapter with regard to the provision of central dispatching
66 service and such duties shall be exercised by the board.

67 (2) The board shall consist of seven members appointed
68 without regard to political affiliation. The members shall
69 include:

70 (a) Five members who shall serve for so long as they
71 remain in their respective county or municipal positions as
72 follows:

73 a. The county sheriff, or his or her designee;

74 b. The heads of the municipal police department who
75 have contracted for central dispatching service in the two
76 largest municipalities wholly contained within the county,
77 or their designees; or

78 c. The heads of the municipal fire departments or fire
79 divisions who have contracted for central dispatching
80 service in the two largest municipalities wholly contained
81 within the county, or their designees;

82 (b) Two members who shall serve two-year terms
83 appointed from among the following:

84 a. The head of any of the county's fire protection
85 districts who have contracted for central dispatching
86 service, or his or her designee;

87 b. The head of any of the county's ambulance districts
88 who have contracted for central dispatching service, or his
89 or her designee;

90 c. The head of any of the municipal police departments
91 located in the county who have contracted for central
92 dispatching service, or his or her designee, excluding those
93 mentioned in subparagraph b. of paragraph (a) of this
94 subdivision; and

95 d. The head of any of the municipal fire departments
96 in the county who have contracted for central dispatching
97 service, or his or her designee, excluding those mentioned
98 in subparagraph c. of paragraph (a) of this subdivision.

99 (3) Upon the appointment of the board under this
100 subsection, the board shall have the powers provided in
101 subsection 3 of this section and the commission shall
102 relinquish all powers and duties relating to the provision
103 of central dispatching service under this chapter to the
104 board.

105 [5. An emergency services board originally organized
106 under section 190.325 operating within a county with a
107 charter form of government and with more than two hundred
108 thousand but fewer than three hundred fifty thousand
109 inhabitants shall not have a sales tax for emergency
110 services or for providing central dispatching for emergency
111 services greater than one-quarter of one percent. If on
112 July 9, 2019, such tax is greater than one-quarter of one
113 percent, the board shall lower the tax rate.]

650.320. For the purposes of sections 650.320 to
2 650.340, the following terms mean:

3 (1) "Board", the Missouri 911 service board
4 established in section 650.325;

5 (2) "Public safety answering point", the location at
6 which 911 calls are answered;

7 (3) "Telecommunicator **first responder**", any person
8 employed as an emergency [telephone worker,] call taker or
9 public safety dispatcher whose duties include receiving,
10 processing or transmitting public safety information
11 received through a 911 public safety answering point.

650.330. 1. The board shall consist of fifteen
2 members, one of which shall be chosen from the department of
3 public safety, and the other members shall be selected as
4 follows:

5 (1) One member chosen to represent an association
6 domiciled in this state whose primary interest relates to
7 municipalities;

8 (2) One member chosen to represent the Missouri 911
9 Directors Association;

10 (3) One member chosen to represent emergency medical
11 services and physicians;

12 (4) One member chosen to represent an association with
13 a chapter domiciled in this state whose primary interest
14 relates to a national emergency number;

15 (5) One member chosen to represent an association
16 whose primary interest relates to issues pertaining to fire
17 chiefs;

18 (6) One member chosen to represent an association with
19 a chapter domiciled in this state whose primary interest
20 relates to issues pertaining to public safety communications
21 officers;

22 (7) One member chosen to represent an association
23 whose primary interest relates to issues pertaining to
24 police chiefs;

25 (8) One member chosen to represent an association
26 domiciled in this state whose primary interest relates to
27 issues pertaining to sheriffs;

28 (9) One member chosen to represent counties of the
29 second, third, and fourth classification;

30 (10) One member chosen to represent counties of the
31 first classification, counties with a charter form of
32 government, and cities not within a county;

33 (11) One member chosen to represent telecommunications
34 service providers;

35 (12) One member chosen to represent wireless
36 telecommunications service providers;

37 (13) One member chosen to represent voice over
38 internet protocol service providers; and

39 (14) One member chosen to represent the governor's
40 council on disability established under section 37.735.

41 2. Each of the members of the board shall be appointed
42 by the governor with the advice and consent of the senate
43 for a term of four years. Members of the committee may
44 serve multiple terms. No corporation or its affiliate shall
45 have more than one officer, employee, assign, agent, or
46 other representative serving as a member of the board.
47 Notwithstanding subsection 1 of this section to the
48 contrary, all members appointed as of August 28, 2017, shall
49 continue to serve the remainder of their terms.

50 3. The board shall meet at least quarterly at a place
51 and time specified by the chairperson of the board and it
52 shall keep and maintain records of such meetings, as well as
53 the other activities of the board. Members shall not be

54 compensated but shall receive actual and necessary expenses
55 for attending meetings of the board.

56 4. The board shall:

57 (1) Organize and adopt standards governing the board's
58 formal and informal procedures;

59 (2) Provide recommendations for primary answering
60 points and secondary answering points on technical and
61 operational standards for 911 services;

62 (3) Provide recommendations to public agencies
63 concerning model systems to be considered in preparing a 911
64 service plan;

65 (4) Provide requested mediation services to political
66 subdivisions involved in jurisdictional disputes regarding
67 the provision of 911 services, except that the board shall
68 not supersede decision-making authority of local political
69 subdivisions in regard to 911 services;

70 (5) Provide assistance to the governor and the general
71 assembly regarding 911 services;

72 (6) Review existing and proposed legislation and make
73 recommendations as to changes that would improve such
74 legislation;

75 (7) Aid and assist in the timely collection and
76 dissemination of information relating to the use of a
77 universal emergency telephone number;

78 (8) Perform other duties as necessary to promote
79 successful development, implementation and operation of 911
80 systems across the state, including monitoring federal and
81 industry standards being developed for next-generation 911
82 systems;

83 (9) Designate a state 911 coordinator who shall be
84 responsible for overseeing statewide 911 operations and
85 ensuring compliance with federal grants for 911 funding;

86 (10) Elect the chair from its membership;

87 (11) Apply for and receive grants from federal,
88 private, and other sources;

89 (12) Report to the governor and the general assembly
90 at least every three years on the status of 911 services
91 statewide, as well as specific efforts to improve
92 efficiency, cost-effectiveness, and levels of service;

93 (13) Conduct and review an annual survey of public
94 safety answering points in Missouri to evaluate potential
95 for improved services, coordination, and feasibility of
96 consolidation;

97 (14) Make and execute contracts or any other
98 instruments and agreements necessary or convenient for the
99 exercise of its powers and functions, including for the
100 development and implementation of an emergency services
101 internet protocol network that can be shared by all public
102 safety agencies;

103 (15) Develop a plan and timeline of target dates for
104 the testing, implementation, and operation of a next-
105 generation 911 system throughout Missouri. The next-
106 generation 911 system shall allow for the processing of
107 electronic messages including, but not limited to,
108 electronic messages containing text, images, video, or data;

109 (16) Administer and authorize grants and loans under
110 section 650.335 to those counties and any home rule city
111 with more than fifteen thousand but fewer than seventeen
112 thousand inhabitants and partially located in any county of
113 the third classification without a township form of
114 government and with more than thirty-seven thousand but
115 fewer than forty-one thousand inhabitants that can
116 demonstrate a financial commitment to improving 911 services
117 by providing at least a fifty percent match and demonstrate

118 the ability to operate and maintain ongoing 911 services.
119 The purpose of grants and loans from the 911 service trust
120 fund shall include:

121 (a) Implementation of 911 services in counties of the
122 state where services do not exist or to improve existing 911
123 systems;

124 (b) Promotion of consolidation where appropriate;

125 (c) Mapping and addressing all county locations;

126 (d) Ensuring primary access and texting abilities to
127 911 services for disabled residents;

128 (e) Implementation of initial emergency medical
129 dispatch services, including prearrival medical instructions
130 in counties where those services are not offered as of July
131 1, 2019; and

132 (f) Development and implementation of an emergency
133 services internet protocol network that can be shared by all
134 public safety agencies;

135 (17) Develop an application process including
136 reporting and accountability requirements, withholding a
137 portion of the grant until completion of a project, and
138 other measures to ensure funds are used in accordance with
139 the law and purpose of the grant, and conduct audits as
140 deemed necessary;

141 (18) Set the percentage rate of the prepaid wireless
142 emergency telephone service charges to be remitted to a
143 county or city as provided under subdivision (5) of
144 subsection 3 of section 190.460;

145 (19) Retain in its records proposed county plans
146 developed under subsection 11 of section 190.455 and notify
147 the department of revenue that the county has filed a plan
148 that is ready for implementation;

149 (20) Notify any communications service provider, as
150 defined in section 190.400, that has voluntarily submitted
151 its contact information when any update is made to the
152 centralized database established under section 190.475 as a
153 result of a county or city establishing or modifying a tax
154 or monthly fee no less than ninety days prior to the
155 effective date of the establishment or modification of the
156 tax or monthly fee;

157 (21) Establish criteria for consolidation
158 prioritization of public safety answering points;

159 (22) In coordination with existing public safety
160 answering points, by December 31, 2018, designate no more
161 than eleven regional 911 coordination centers which shall
162 coordinate statewide interoperability among public safety
163 answering points within their region through the use of a
164 statewide 911 emergency services network; [and]

165 (23) Establish an annual budget, retain records of all
166 revenue and expenditures made, retain minutes of all
167 meetings and subcommittees, post records, minutes, and
168 reports on the board's webpage on the department of public
169 safety website; **and**

170 **(24) Promote and educate the public about the critical**
171 **role of telecommunicator first responders in protecting the**
172 **public and ensuring public safety.**

173 5. The department of public safety shall provide staff
174 assistance to the board as necessary in order for the board
175 to perform its duties pursuant to sections 650.320 to
176 650.340. The board shall have the authority to hire
177 consultants to administer the provisions of sections 650.320
178 to 650.340.

179 6. The board shall promulgate rules and regulations
180 that are reasonable and necessary to implement and

181 administer the provisions of sections 190.455, 190.460,
182 190.465, 190.470, 190.475, and sections 650.320 to 650.340.
183 Any rule or portion of a rule, as that term is defined in
184 section 536.010, shall become effective only if it has been
185 promulgated pursuant to the provisions of chapter 536. This
186 section and chapter 536 are nonseverable and if any of the
187 powers vested with the general assembly pursuant to chapter
188 536 to review, to delay the effective date or to disapprove
189 and annul a rule are subsequently held unconstitutional,
190 then the grant of rulemaking authority and any rule proposed
191 or adopted after August 28, 2017, shall be invalid and void.

650.340. 1. The provisions of this section may be
2 cited and shall be known as the "911 Training and Standards
3 Act".

4 2. Initial training requirements for
5 **[telecommunicators] telecommunicator first responders** who
6 answer 911 calls that come to public safety answering points
7 shall be as follows:

- 8 (1) Police telecommunicator **first responder**, 16 hours;
- 9 (2) Fire telecommunicator **first responder**, 16 hours;
- 10 (3) Emergency medical services telecommunicator **first**
11 **responder**, 16 hours;
- 12 (4) Joint communication center telecommunicator **first**
13 **responder**, 40 hours.

14 3. All persons employed as a telecommunicator **first**
15 **responder** in this state shall be required to complete
16 ongoing training so long as such person engages in the
17 occupation as a telecommunicator **first responder**. Such
18 persons shall complete at least twenty-four hours of ongoing
19 training every three years by such persons or organizations
20 as provided in subsection 6 of this section.

21 4. Any person employed as a telecommunicator on August
22 28, 1999, shall not be required to complete the training
23 requirement as provided in subsection 2 of this section.

24 Any person hired as a telecommunicator **or a telecommunicator**
25 **first responder** after August 28, 1999, shall complete the
26 training requirements as provided in subsection 2 of this
27 section within twelve months of the date such person is
28 employed as a telecommunicator **or telecommunicator first**
29 **responder**.

30 5. The training requirements as provided in subsection
31 2 of this section shall be waived for any person who
32 furnishes proof to the committee that such person has
33 completed training in another state which is at least as
34 stringent as the training requirements of subsection 2 of
35 this section.

36 6. The board shall determine by administrative rule
37 the persons or organizations authorized to conduct the
38 training as required by subsection 2 of this section.

39 7. This section shall not apply to an emergency
40 medical dispatcher or **dispatch** agency as defined in section
41 190.100, or a person trained by an entity accredited or
42 certified under section 190.131, or a person who provides
43 prearrival medical instructions who works for an agency
44 which meets the requirements set forth in section 190.134.

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