

# HOUSE BILL NO. 1263

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

4216H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To amend chapter 190, RSMo, by adding thereto one new section relating to first aid trauma kits.

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

Section A. Chapter 190, RSMo, is amended by adding thereto one new section, to be known as section 190.096, to read as follows:

**190.096. 1. This section shall be known and may be cited as the "Tactical Response to Traumatic Injuries Act".**

**2. For purposes of this section, "trauma public access kit" or "trauma PAK" means a first aid response kit that contains at least all of the following:**

**(1) Two tourniquets;**

**(2) Two pressure dressings that are inspected for replacement no less than every three years;**

**(3) Four chest seals that are inspected for replacement no less than every three years;**

**(4) Medical materials and equipment similar to those described in subdivisions (1), (2), and (3) of this subsection, and any additional items that are approved by local law enforcement or first responders, that adequately treat a traumatic injury, and can be stored in a readily available kit; and**

**(5) Instructional documents based upon nationally or internationally recognized evidence-based treatment recommendations, guidelines, and programs.**

**3. In order to ensure public safety, a person or entity that supplies a trauma kit shall provide the person or entity that acquires the trauma kit with all information governing the use, installation, operation, training, and maintenance of the trauma kit.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19           **4. Commencing January 1, 2019, the state fire marshal and**  
20 **the department of health and senior services shall conduct research and collect public**  
21 **comment for the purpose of determining if mandatory or voluntary building standards**  
22 **should be adopted regarding the placement of trauma kits in a public building constructed,**  
23 **or a public building that has any addition, significant repair, or alteration completed, on**  
24 **or after January 1, 2019.**

25           **5. The research and determination described in subsection 4 of this section shall be**  
26 **completed no later than January 1, 2021. The entities conducting public research and**  
27 **collecting public comment shall conduct one or more public workshops to seek input from**  
28 **interested parties during the research period.**

29           **6. In order to ensure public safety, the entity responsible for managing the building,**  
30 **facility, or tenants of a structure in which a trauma PAK is placed that is an occupied**  
31 **structure shall do all of the following:**

32           **(1) Comply with all regulations governing the placement of a trauma PAK;**

33           **(2) Inspect all trauma PAKs acquired and placed on the premises of a building,**  
34 **facility, or structure every three years from the date of installation to ensure that all**  
35 **materials, supplies, and equipment contained in the trauma PAK are not expired, and**  
36 **replace any expired materials, supplies, and equipment as necessary;**

37           **(3) Restock the trauma PAK after each use and replace any materials, supplies, and**  
38 **equipment as necessary to ensure that all materials, supplies, and equipment required to**  
39 **be contained in the trauma PAK are contained in the trauma PAK;**

40           **(4) At least once per year, notify tenants of the building, facility, or structure of the**  
41 **location of the trauma PAK and provide information to tenants regarding contact**  
42 **information for training in the use of the trauma PAK; and**

43           **(5) Provide tenants with instructions in the use of the trauma PAK from the**  
44 **training programs described in subdivision (5) of subsection 2 of this section.**

45           **7. Notwithstanding any other provision of law, a person or entity that acquires and**  
46 **places a trauma kit for emergency care in a structure shall not be liable for any civil**  
47 **damages resulting from any acts or omissions in the rendering of emergency care by use**  
48 **of the trauma kit if that person or entity has complied with subsection 6 of this section.**

49           **8. Any person who gratuitously and in good faith renders emergency care or**  
50 **treatment by the use of a trauma PAK at the scene of an emergency shall not be held liable**  
51 **for any civil damages as a result of such care or treatment, unless the person acts in a**  
52 **willful and wanton or reckless manner in providing the care or treatment. The person or**  
53 **entity who provides appropriate training to the person using the trauma PAK, the person**  
54 **or entity responsible for the site where the trauma PAK is located, the person or entity that**

55 owns the trauma PAK, the person or entity that provided clinical protocol for trauma PAK  
56 sites or programs, and the person or entity that reviews and approves the clinical protocol  
57 shall likewise not be held liable for civil damages resulting from the use of a trauma PAK.  
58 Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538. The  
59 protections specified in this section shall not apply in the case of personal injury or  
60 wrongful death that results from the gross negligence or willful or wanton misconduct of  
61 the person who renders emergency care or treatment by the use of a trauma PAK.

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