

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1263
99TH GENERAL ASSEMBLY

4216H.02C

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
2 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
2 to Traumatic Injuries Act".**

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

5 (1) Two tourniquets;

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

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

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

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

**16 3. In order to ensure public safety, a person or entity that supplies a trauma kit
17 may provide the person or entity that acquires the trauma kit with all information
18 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. The placement of trauma PAKs in public or private buildings, facilities, or**
20 **structures is voluntary, but this shall not preclude any state agency or political subdivision**
21 **from adopting mandatory building standards requiring the placement of PAKs in public**
22 **buildings, facilities, or structures. If any person or entity places or requires the placement**
23 **of PAKs in private buildings, facilities, or structures, then such persons or entities shall**
24 **comply with the requirements of subsection 5 of this section in order for such person or**
25 **entity, or any agents thereof, to claim immunity from civil damages under subsection 6 of**
26 **this section.**

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

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

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

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

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

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

43 **6. Notwithstanding any other provision of law, a person or entity that acquires and**
44 **places a trauma kit for emergency care in a structure shall not be liable for any civil**
45 **damages resulting from any acts or omissions in the rendering of emergency care by use**
46 **of the trauma kit if that person or entity has complied with subsection 5 of this section.**

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

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

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