

## **SENATE BILL No. 379**

By Committee on Utilities

1-26

1 AN ACT concerning emergency communication services; relating to the  
2 Kansas 911 act; authorizing the state 911 board to establish a statewide  
3 emergency medical dispatch and telecommunicator cardiopulmonary  
4 resuscitation program; authorizing the board to employ, contract for or  
5 enter into an agreement to procure the services of a medical director  
6 under such program; authorizing the board to establish, contract for or  
7 enter into an agreement to procure a centralized quality assurance  
8 system; providing the option for PSAPs to retain or procure the PSAP's  
9 own emergency medical dispatch and telecommunicator  
10 cardiopulmonary resuscitation, medical direction and quality assurance  
11 services; *requiring the establishment of minimum training standards*  
12 *for telecommunicator-cardiopulmonary resuscitation and requiring*  
13 *PSAPs to comply with such training standards on and after January*  
14 *1, 2028;*} establishing the emergency medical dispatch and  
15 telecommunicator cardiopulmonary resuscitation fund in the state  
16 treasury; limiting civil liability for the provision of emergency medical  
17 dispatch and telecommunicator cardiopulmonary resuscitation, medical  
18 direction and quality assurance services; amending K.S.A. 2025 Supp.  
19 12-5362 and 75-6104 and repealing the existing sections.  
20

21 *Be it enacted by the Legislature of the State of Kansas:*

22 New Section 1. (a) The state 911 board shall provide for and  
23 coordinate a statewide emergency medical dispatch and telecommunicator  
24 cardiopulmonary resuscitation program. The general scope and purpose of  
25 such program shall be to adopt statewide protocols for PSAPs and  
26 emergency medical dispatchers for the provision of emergency medical  
27 dispatch and telecommunicator cardiopulmonary resuscitation, medical  
28 direction and quality assurance services.

29 (b) (1) The state 911 board may employ, contract for or enter into an  
30 agreement, including an interagency agreement, to procure the services of  
31 a medical director to provide medical direction regarding the management  
32 and accountability of the medical care aspects of emergency medical  
33 dispatch and telecommunicator cardiopulmonary resuscitation protocols  
34 and services rendered pursuant to such protocols. Such medical direction

1 may include, but shall not be limited to:

2       (A) Evaluation, recommendation, development and maintenance of  
3 emergency medical dispatch and telecommunicator cardiopulmonary  
4 resuscitation protocols;

5       (B) establishment and oversight of minimum training standards  
6 aligned with such recommended protocols; and

7       (C) establishment of minimum guidelines for and review of quality  
8 assurance methods and services used in the evaluation and quality  
9 performance review of services rendered pursuant to such protocols.

10     (2) Nothing in this subsection shall require a PSAP to utilize the  
11 medical direction services of such medical director. A PSAP may employ,  
12 contract for or enter into an agreement to procure the PSAP's own medical  
13 direction option.

14     *{(3) The minimum training standards established pursuant to this  
15 subsection shall include minimum 911 telecommunicator-  
16 cardiopulmonary resuscitation training and continuing education  
17 instruction that uses current, nationally recognized emergency  
18 cardiovascular care guidelines in high-quality telecommunicator-  
19 cardiopulmonary resuscitation. Such training and instruction shall  
20 incorporate recognition protocols for out-of-hospital cardiac arrest and  
21 compression-only cardiopulmonary resuscitation instructions for callers.}*

22     *(4) Commencing on January 1, 2028, every PSAP shall establish  
23 policies and procedures to require each 911 telecommunicator that  
24 provides dispatch for emergency medical conditions as part of such  
25 telecommunicator's regular duties to comply with the minimum training  
26 standards established pursuant to this subsection for telecommunicator-  
27 cardiopulmonary resuscitation.}*

28     (c) (1) The state 911 board may establish, contract for or enter into an  
29 agreement, including an interagency agreement, to procure a centralized  
30 quality assurance system for the evaluation and quality performance  
31 review of the services rendered pursuant to the statewide emergency  
32 medical dispatch and telecommunicator cardiopulmonary resuscitation  
33 protocols.

34     (2) Nothing in this subsection shall require a PSAP to utilize the  
35 services of such centralized quality assurance system. A PSAP may  
36 establish, contract for or enter into an agreement to procure the PSAP's  
37 own quality assurance system.

38     (d) The state 911 board shall be subject to the provisions of K.S.A.  
39 75-3738 et seq., and amendments thereto, when contracting or entering  
40 into an agreement with any person, entity or agency for emergency  
41 medical dispatch and telecommunicator cardiopulmonary resuscitation,  
42 medical direction and quality assurance services pursuant to this section.

43 The director of purchases may authorize the state 911 board to procure

1 such services pursuant to K.S.A. 75-3739(h), and amendments thereto,  
2 from other state agencies or political subdivisions of this state without  
3 competitive bids.

4 (e) Nothing in this section shall prohibit a PSAP or governing body of  
5 a PSAP from contracting or entering into an agreement with another PSAP  
6 or governing body of a PSAP for the provision of emergency medical  
7 dispatch or telecommunicator cardiopulmonary resuscitation, medical  
8 direction or quality assurance services.

9 (f) (1) There is hereby established in the state treasury the emergency  
10 medical dispatch and telecommunicator cardiopulmonary resuscitation  
11 fund. The emergency medical dispatch and telecommunicator  
12 cardiopulmonary resuscitation fund shall be administered by the state 911  
13 board. All expenditures from the emergency medical dispatch and  
14 telecommunicator cardiopulmonary resuscitation fund shall be made in  
15 accordance with appropriation acts upon warrants of the director of  
16 accounts and reports issued pursuant to vouchers approved by the  
17 chairperson of the state 911 board or the chairperson's designee. Such fund  
18 shall be used to provide statewide emergency medical dispatch and  
19 telecommunicator cardiopulmonary resuscitation, medical direction and  
20 quality assurance services.

21 (2) ~~On July 1, 2027, the director of accounts and reports shall transfer~~  
22 ~~\$300,000 from the state 911 operations fund to the emergency medical~~  
23 ~~dispatch and telecommunicator cardiopulmonary resuscitation fund.~~

24 (3) ~~On or before the 10<sup>th</sup> day of each month, the director of accounts~~  
25 ~~and reports shall transfer from the state general fund to the emergency~~  
26 ~~medical dispatch and telecommunicator cardiopulmonary resuscitation~~  
27 ~~fund interest earnings based on:~~

28 (A) ~~The average daily balance of moneys in the emergency medical~~  
29 ~~dispatch fund for the preceding month; and~~

30 (B) ~~the net earnings rate of the pooled money investment portfolio for~~  
31 ~~the preceding month~~*The state 911 board shall determine{ make*  
32 *determinations of} the amount of moneys considered necessary to carry*  
33 *out the program and provide for the services described in this section*  
34 *and may authorize the chairperson{ executive director} to certify to the*  
35 *director of accounts and reports amounts to be transferred from the state*  
36 *911 operations fund to the emergency medical dispatch and*  
37 *telecommunicator cardiopulmonary resuscitation fund as determined*  
38 *appropriate. The chairperson of the state 911 board or the chairperson's*  
39 *designee{ executive director} shall transmit a copy of any such*  
40 *certification to the director of the budget and the director of legislative*  
41 *research. Upon receipt of any such certification, the director of accounts*  
42 *and reports shall transfer such amount from the state 911 operations*  
43 *fund to the emergency medical dispatch and telecommunicator*

1 ~~cardiopulmonary resuscitation fund. The chairperson of the state 911~~  
2 ~~board or the chairperson's designee may certify amounts to be~~  
3 ~~transferred pursuant to this paragraph on an ongoing basis to cover~~  
4 ~~expenditures. In no event shall the total amount of moneys transferred~~  
5 ~~pursuant to this paragraph exceed \$300,000.~~

6 (g) The state 911 board shall prepare and submit a report on the  
7 emergency medical dispatch and telecommunicator cardiopulmonary  
8 resuscitation program to assess system performance, guide quality  
9 improvement efforts, inform policy and funding decisions and improve  
10 health outcomes. Such report shall include the number and geographical  
11 territory of PSAPs using emergency medical dispatch protocols, the  
12 number and geographical territory of PSAPs using telecommunicator  
13 cardiopulmonary resuscitation protocols and information on any barriers to  
14 increasing availability and uptake. Such report shall be submitted to the  
15 senate committee on utilities and the house of representatives committee  
16 on energy, utilities and telecommunications, or any successor committees,  
17 on or before January 31 each year.

18 New Sec. 2. (a) Any person or entity that is contracted by or enters  
19 into an agreement to provide medical direction or quality assurance  
20 services for the state 911 board pursuant to section 1, and amendments  
21 thereto, shall not be held liable for any civil damages for any claim arising  
22 from the provision, or lack thereof, of any emergency medical dispatch or  
23 telecommunicator cardiopulmonary resuscitation, medical direction or  
24 quality assurance services or for any emergency dispatcher's rendering of  
25 or failure to render emergency medical instructions unless such person or  
26 entity is guilty of gross and wanton negligence proximately causing such  
27 injury.

28 (b) Any person or entity that is contracted by or enters into an  
29 agreement to provide medical direction or quality assurance services for  
30 any PSAP shall not be held liable for any civil damages for any claim  
31 arising from the provision, or lack thereof, of any emergency medical  
32 dispatch or telecommunicator cardiopulmonary resuscitation, medical  
33 direction or quality assurance services or for any emergency dispatcher's  
34 rendering of or failure to render emergency medical instructions unless  
35 such person or entity is guilty of gross and wanton negligence proximately  
36 causing such injury.

37 Sec. 3. K.S.A. 2025 Supp. 12-5362 is hereby amended to read as  
38 follows: 12-5362. K.S.A. 12-5362 through 12-5381, and amendments  
39 thereto, and K.S.A. 2025 Supp. 12-5382 through 12-5390, *sections 1 and*  
40 *2, and amendments thereto, shall be known and may be cited as the Kansas*  
41 *911 act.*

42 Sec. 4. K.S.A. 2025 Supp. 75-6104 is hereby amended to read as  
43 follows: 75-6104. (a) A governmental entity or an employee acting within

1 the scope of the employee's employment shall not be liable for damages  
2 resulting from:

3 (1) Legislative functions, including, but not limited to, the adoption  
4 or failure to adopt any statute, regulation, ordinance or resolution;

5 (2) judicial function;

6 (3) enforcement of or failure to enforce a law, whether valid or  
7 invalid, including, but not limited to, any statute, rule and regulation,  
8 ordinance or resolution;

9 (4) adoption or enforcement of, or failure to adopt or enforce, any  
10 written personnel policy which protects persons' health or safety unless a  
11 duty of care, independent of such policy, is owed to the specific individual  
12 injured, except that the finder of fact may consider the failure to comply  
13 with any written personnel policy in determining the question of  
14 negligence;

15 (5) any claim based upon the exercise or performance or the failure to  
16 exercise or perform a discretionary function or duty on the part of a  
17 governmental entity or employee, whether or not the discretion is abused  
18 and regardless of the level of discretion involved;

19 (6) the assessment or collection of taxes or special assessments;

20 (7) any claim by an employee of a governmental entity arising from  
21 the tortious conduct of another employee of the same governmental entity,  
22 if such claim is:

23 (A) Compensable pursuant to the Kansas workers compensation act;  
24 or

25 (B) not compensable pursuant to the Kansas workers compensation  
26 act because the injured employee was a firemen's relief association  
27 member who was exempt from such act pursuant to K.S.A. 44-505d, and  
28 amendments thereto, at the time the claim arose;

29 (8) the malfunction, destruction or unauthorized removal of any  
30 traffic or road sign, signal or warning device unless it is not corrected by  
31 the governmental entity responsible within a reasonable time after actual  
32 or constructive notice of such malfunction, destruction or removal.  
33 Nothing herein shall give rise to liability arising from the act or omission  
34 of any governmental entity in placing or removing any of the above signs,  
35 signals or warning devices when such placement or removal is the result of  
36 a discretionary act of the governmental entity;

37 (9) any claim which is limited or barred by any other law or which is  
38 for injuries or property damage against an officer, employee or agent  
39 where the individual is immune from suit or damages;

40 (10) any claim based upon emergency management activities, except  
41 that governmental entities shall be liable for claims to the extent provided  
42 in article 9 of chapter 48 of the Kansas Statutes Annotated, and  
43 amendments thereto;

- 1        (11) the failure to make an inspection, or making an inadequate or  
2        negligent inspection, of any property other than the property of the  
3        governmental entity, to determine whether the property complies with or  
4        violates any law or rule and regulation or contains a hazard to public  
5        health or safety;
- 6        (12) snow or ice conditions or other temporary or natural conditions  
7        on any public way or other public place due to weather conditions, unless  
8        the condition is affirmatively caused by the negligent act of the  
9        governmental entity;
- 10       (13) the plan or design for the construction of or an improvement to  
11       public property, either in its original construction or any improvement  
12       thereto, if the plan or design is approved in advance of the construction or  
13       improvement by the governing body of the governmental entity or some  
14       other body or employee exercising discretionary authority to give such  
15       approval and if the plan or design was prepared in conformity with the  
16       generally recognized and prevailing standards in existence at the time such  
17       plan or design was prepared;
- 18       (14) failure to provide, or the method of providing, police or fire  
19       protection;
- 20       (15) any claim for injuries resulting from the use of any public  
21       property intended or permitted to be used as a park, playground or open  
22       area for recreational purposes, unless:
  - 23        (A) The governmental entity or an employee thereof is guilty of gross  
24        and wanton negligence proximately causing such injury; or
  - 25        (B) an employee of the governmental entity commits childhood  
26        sexual abuse as defined in K.S.A. 60-523, and amendments thereto;
- 27       (16) the natural condition of any unimproved public property of the  
28       governmental entity;
- 29       (17) any claim for injuries resulting from the use or maintenance of a  
30       public cemetery owned and operated by a municipality or an abandoned  
31       cemetery, title to which has vested in a governmental entity pursuant to  
32       K.S.A. 17-1366 through 17-1368, and amendments thereto, unless the  
33       governmental entity or an employee thereof is guilty of gross and wanton  
34       negligence proximately causing the injury;
- 35       (18) the existence, in any condition, of a minimum maintenance road,  
36       after being properly so declared and signed as provided in K.S.A. 68-  
37       5,102, and amendments thereto;
- 38       (19) any claim for damages arising from the operation of vending  
39       machines authorized pursuant to K.S.A. 68-432 or 75-3343a, and  
40       amendments thereto;
- 41       (20) providing, distributing or selling information from geographic  
42       information systems which includes an entire formula, pattern,  
43       compilation, program, device, method, technique, process, digital database

1 or system which electronically records, stores, reproduces and manipulates  
2 by computer geographic and factual information which has been  
3 developed internally or provided from other sources and compiled for use  
4 by a public agency, either alone or in cooperation with other public or  
5 private entities;

6 (21) any claim arising from providing a juvenile justice program to  
7 juvenile offenders, if such juvenile justice program has contracted with the  
8 commissioner of juvenile justice or with another nonprofit program that  
9 has contracted with the commissioner of juvenile justice. The provisions of  
10 this section do not apply to community service work within the scope of  
11 K.S.A. 60-3614, and amendments thereto, or to claims arising from  
12 childhood sexual abuse as defined in K.S.A. 60-523, and amendments  
13 thereto;

14 (22) performance of, or failure to perform, any activity pursuant to  
15 K.S.A. 74-8922, and amendments thereto, including, but not limited to,  
16 issuance and enforcement of a consent decree agreement, oversight of  
17 contaminant remediation and taking title to any or all of the federal  
18 enclave described in such statute;

19 (23) any claim arising from the making of a donation of used or  
20 excess fire control, fire rescue, or emergency medical services equipment  
21 to a fire department, fire district, volunteer fire department, medical  
22 emergency response team or the Kansas forest service if at the time of  
23 making the donation the donor believes that the equipment is serviceable  
24 or may be made serviceable. This subsection also applies to equipment that  
25 is acquired through the federal excess personal property program  
26 established by the federal property and administrative services act of 1949,  
27 40 U.S.C. § 483. This subsection shall apply to any breathing apparatus or  
28 any mechanical or electrical device which functions to monitor, evaluate,  
29 or restore basic life functions, only if it is recertified to the manufacturer's  
30 specifications by a technician certified by the manufacturer; ~~or~~

31 (24) any claim arising from the acceptance of a donation of fire  
32 control, fire rescue or emergency medical services equipment, if at the  
33 time of the donation the donee reasonably believes that the equipment is  
34 serviceable or may be made serviceable and if after placing the donated  
35 equipment into service, the donee maintains the donated equipment in a  
36 safe and serviceable manner; *or*

37 (25) *any claim arising from the provision, or lack thereof, of any*  
38 *emergency medical dispatch or telecommunicator cardiopulmonary*  
39 *resuscitation, medical direction or quality assurance services or for an*  
40 *emergency dispatcher's rendering of or failure to render emergency*  
41 *medical instructions unless the governmental entity or employee thereof is*  
42 *guilty of gross and wanton negligence proximately causing such injury.*

43 (b) The enumeration of exceptions to liability in this section shall not

1 be construed to be exclusive nor as legislative intent to waive immunity  
2 from liability in the performance or failure to perform any other act or  
3 function of a discretionary nature.

4 (c) The exceptions to liability in subsections (a)(1) through (a)(4)  
5 shall not be construed to preclude, prohibit or otherwise limit a claim for  
6 damages arising from childhood sexual abuse as defined in K.S.A. 60-523,  
7 and amendments thereto. Failure of a governmental entity to adopt or  
8 enforce a policy, regulation or law related to childhood sexual abuse and  
9 failure to exercise reasonable discretion in the supervision of a  
10 governmental employee who commits childhood sexual abuse may be  
11 considered by the trier of fact in determining the question of a  
12 governmental entity's negligence.

13 Sec. 5. K.S.A. 2025 Supp. 12-5362 and 75-6104 are hereby repealed.

14 Sec. 6. This act shall take effect and be in force from and after its  
15 publication in the statute book.