

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; establishing the emergency medical dispatch and
12 telecommunicator cardiopulmonary resuscitation fund in the state
13 treasury; limiting civil liability for the provision of emergency medical
14 dispatch and telecommunicator cardiopulmonary resuscitation, medical
15 direction and quality assurance services; amending K.S.A. 2025 Supp.
16 12-5362 and 75-6104 and repealing the existing sections.

17
18 *Be it enacted by the Legislature of the State of Kansas:*

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

26 (b) (1) The state 911 board may employ, contract for or enter into an
27 agreement, including an interagency agreement, to procure the services of
28 a medical director to provide medical direction regarding the management
29 and accountability of the medical care aspects of emergency medical
30 dispatch and telecommunicator cardiopulmonary resuscitation protocols
31 and services rendered pursuant to such protocols. Such medical direction
32 may include, but shall not be limited to:

33 (A) Evaluation, recommendation, development and maintenance of
34 emergency medical dispatch and telecommunicator cardiopulmonary
35 resuscitation protocols;

36 (B) establishment and oversight of minimum training standards

1 aligned with such recommended protocols; and

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

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

9 (c) (1) The state 911 board may establish, contract for or enter into an
10 agreement, including an interagency agreement, to procure a centralized
11 quality assurance system for the evaluation and quality performance
12 review of the services rendered pursuant to the statewide emergency
13 medical dispatch and telecommunicator cardiopulmonary resuscitation
14 protocols.

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

19 (d) The state 911 board shall be subject to the provisions of K.S.A.
20 75-3738 et seq., and amendments thereto, when contracting or entering
21 into an agreement with any person, entity or agency for emergency
22 medical dispatch and telecommunicator cardiopulmonary resuscitation,
23 medical direction and quality assurance services pursuant to this section.
24 The director of purchases may authorize the state 911 board to procure
25 such services pursuant to K.S.A. 75-3739(h), and amendments thereto,
26 from other state agencies or political subdivisions of this state without
27 competitive bids.

28 (e) Nothing in this section shall prohibit a PSAP or governing body of
29 a PSAP from contracting or entering into an agreement with another PSAP
30 or governing body of a PSAP for the provision of emergency medical
31 dispatch or telecommunicator cardiopulmonary resuscitation, medical
32 direction or quality assurance services.

33 (f) (1) There is hereby established in the state treasury the emergency
34 medical dispatch and telecommunicator cardiopulmonary resuscitation
35 fund. The emergency medical dispatch and telecommunicator
36 cardiopulmonary resuscitation fund shall be administered by the state 911
37 board. All expenditures from the emergency medical dispatch and
38 telecommunicator cardiopulmonary resuscitation fund shall be made in
39 accordance with appropriation acts upon warrants of the director of
40 accounts and reports issued pursuant to vouchers approved by the
41 chairperson of the state 911 board or the chairperson's designee. Such fund
42 shall be used to provide statewide emergency medical dispatch and
43 telecommunicator cardiopulmonary resuscitation, medical direction and

1 quality assurance services.

2 (2) ~~On July 1, 2027, the director of accounts and reports shall transfer~~
3 ~~\$300,000 from the state 911 operations fund to the emergency medical~~
4 ~~dispatch and telecommunicator cardiopulmonary resuscitation fund.~~

5 (3) ~~On or before the 10th day of each month, the director of accounts~~
6 ~~and reports shall transfer from the state general fund to the emergency~~
7 ~~medical dispatch and telecommunicator cardiopulmonary resuscitation~~
8 ~~fund interest earnings based on:~~

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

11 (B) ~~the net earnings rate of the pooled money investment portfolio for~~
12 ~~the preceding month.~~ ***The state 911 board shall determine the amount of***
13 ***moneys considered necessary to carry out the program and provide for***
14 ***the services described in this section and may authorize the chairperson***
15 ***to certify to the director of accounts and reports amounts to be***
16 ***transferred from the state 911 operations fund to the emergency medical***
17 ***dispatch and telecommunicator cardiopulmonary resuscitation fund as***
18 ***determined appropriate. The chairperson of the state 911 board or the***
19 ***chairperson's designee shall transmit a copy of any such certification to***
20 ***the director of the budget and the director of legislative research. Upon***
21 ***receipt of any such certification, the director of accounts and reports***
22 ***shall transfer such amount from the state 911 operations fund to the***
23 ***emergency medical dispatch and telecommunicator cardiopulmonary***
24 ***resuscitation fund. The chairperson of the state 911 board or the***
25 ***chairperson's designee may certify amounts to be transferred pursuant***
26 ***to this paragraph on an ongoing basis to cover expenditures. In no event***
27 ***shall the total amount of moneys transferred pursuant to this paragraph***
28 ***exceed \$300,000.***

29 (g) The state 911 board shall prepare and submit a report on the
30 emergency medical dispatch and telecommunicator cardiopulmonary
31 resuscitation program to assess system performance, guide quality
32 improvement efforts, inform policy and funding decisions and improve
33 health outcomes. Such report shall include the number and geographical
34 territory of PSAPs using emergency medical dispatch protocols, the
35 number and geographical territory of PSAPs using telecommunicator
36 cardiopulmonary resuscitation protocols and information on any barriers to
37 increasing availability and uptake. Such report shall be submitted to the
38 senate committee on utilities and the house of representatives committee
39 on energy, utilities and telecommunications, or any successor committees,
40 on or before January 31 each year.

41 New Sec. 2. (a) Any person or entity that is contracted by or enters
42 into an agreement to provide medical direction or quality assurance
43 services for the state 911 board pursuant to section 1, and amendments

1 thereto, shall not be held liable for any civil damages for any claim arising
2 from the provision, or lack thereof, of any emergency medical dispatch or
3 telecommunicator cardiopulmonary resuscitation, medical direction or
4 quality assurance services or for any emergency dispatcher's rendering of
5 or failure to render emergency medical instructions unless such person or
6 entity is guilty of gross and wanton negligence proximately causing such
7 injury.

8 (b) Any person or entity that is contracted by or enters into an
9 agreement to provide medical direction or quality assurance services for
10 any PSAP shall not be held liable for any civil damages for any claim
11 arising from the provision, or lack thereof, of any emergency medical
12 dispatch or telecommunicator cardiopulmonary resuscitation, medical
13 direction or quality assurance services or for any emergency dispatcher's
14 rendering of or failure to render emergency medical instructions unless
15 such person or entity is guilty of gross and wanton negligence proximately
16 causing such injury.

17 Sec. 3. K.S.A. 2025 Supp. 12-5362 is hereby amended to read as
18 follows: 12-5362. K.S.A. 12-5362 through 12-5381, and amendments
19 thereto, and K.S.A. 2025 Supp. 12-5382 through 12-5390, *sections 1 and*
20 *2*, and amendments thereto, shall be known and may be cited as the Kansas
21 911 act.

22 Sec. 4. K.S.A. 2025 Supp. 75-6104 is hereby amended to read as
23 follows: 75-6104. (a) A governmental entity or an employee acting within
24 the scope of the employee's employment shall not be liable for damages
25 resulting from:

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

28 (2) judicial function;

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

32 (4) adoption or enforcement of, or failure to adopt or enforce, any
33 written personnel policy which protects persons' health or safety unless a
34 duty of care, independent of such policy, is owed to the specific individual
35 injured, except that the finder of fact may consider the failure to comply
36 with any written personnel policy in determining the question of
37 negligence;

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

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

43 (7) any claim by an employee of a governmental entity arising from

1 the tortious conduct of another employee of the same governmental entity,
2 if such claim is:

3 (A) Compensable pursuant to the Kansas workers compensation act;
4 or

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

9 (8) the malfunction, destruction or unauthorized removal of any
10 traffic or road sign, signal or warning device unless it is not corrected by
11 the governmental entity responsible within a reasonable time after actual
12 or constructive notice of such malfunction, destruction or removal.
13 Nothing herein shall give rise to liability arising from the act or omission
14 of any governmental entity in placing or removing any of the above signs,
15 signals or warning devices when such placement or removal is the result of
16 a discretionary act of the governmental entity;

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

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

24 (11) the failure to make an inspection, or making an inadequate or
25 negligent inspection, of any property other than the property of the
26 governmental entity, to determine whether the property complies with or
27 violates any law or rule and regulation or contains a hazard to public
28 health or safety;

29 (12) snow or ice conditions or other temporary or natural conditions
30 on any public way or other public place due to weather conditions, unless
31 the condition is affirmatively caused by the negligent act of the
32 governmental entity;

33 (13) the plan or design for the construction of or an improvement to
34 public property, either in its original construction or any improvement
35 thereto, if the plan or design is approved in advance of the construction or
36 improvement by the governing body of the governmental entity or some
37 other body or employee exercising discretionary authority to give such
38 approval and if the plan or design was prepared in conformity with the
39 generally recognized and prevailing standards in existence at the time such
40 plan or design was prepared;

41 (14) failure to provide, or the method of providing, police or fire
42 protection;

43 (15) any claim for injuries resulting from the use of any public

1 property intended or permitted to be used as a park, playground or open
2 area for recreational purposes, unless:

3 (A) The governmental entity or an employee thereof is guilty of gross
4 and wanton negligence proximately causing such injury; or

5 (B) an employee of the governmental entity commits childhood
6 sexual abuse as defined in K.S.A. 60-523, and amendments thereto;

7 (16) the natural condition of any unimproved public property of the
8 governmental entity;

9 (17) any claim for injuries resulting from the use or maintenance of a
10 public cemetery owned and operated by a municipality or an abandoned
11 cemetery, title to which has vested in a governmental entity pursuant to
12 K.S.A. 17-1366 through 17-1368, and amendments thereto, unless the
13 governmental entity or an employee thereof is guilty of gross and wanton
14 negligence proximately causing the injury;

15 (18) the existence, in any condition, of a minimum maintenance road,
16 after being properly so declared and signed as provided in K.S.A. 68-
17 5,102, and amendments thereto;

18 (19) any claim for damages arising from the operation of vending
19 machines authorized pursuant to K.S.A. 68-432 or 75-3343a, and
20 amendments thereto;

21 (20) providing, distributing or selling information from geographic
22 information systems which includes an entire formula, pattern,
23 compilation, program, device, method, technique, process, digital database
24 or system which electronically records, stores, reproduces and manipulates
25 by computer geographic and factual information which has been
26 developed internally or provided from other sources and compiled for use
27 by a public agency, either alone or in cooperation with other public or
28 private entities;

29 (21) any claim arising from providing a juvenile justice program to
30 juvenile offenders, if such juvenile justice program has contracted with the
31 commissioner of juvenile justice or with another nonprofit program that
32 has contracted with the commissioner of juvenile justice. The provisions of
33 this section do not apply to community service work within the scope of
34 K.S.A. 60-3614, and amendments thereto, or to claims arising from
35 childhood sexual abuse as defined in K.S.A. 60-523, and amendments
36 thereto;

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

42 (23) any claim arising from the making of a donation of used or
43 excess fire control, fire rescue, or emergency medical services equipment

1 to a fire department, fire district, volunteer fire department, medical
2 emergency response team or the Kansas forest service if at the time of
3 making the donation the donor believes that the equipment is serviceable
4 or may be made serviceable. This subsection also applies to equipment that
5 is acquired through the federal excess personal property program
6 established by the federal property and administrative services act of 1949,
7 40 U.S.C. § 483. This subsection shall apply to any breathing apparatus or
8 any mechanical or electrical device which functions to monitor, evaluate,
9 or restore basic life functions, only if it is recertified to the manufacturer's
10 specifications by a technician certified by the manufacturer; ~~or~~

11 (24) any claim arising from the acceptance of a donation of fire
12 control, fire rescue or emergency medical services equipment, if at the
13 time of the donation the donee reasonably believes that the equipment is
14 serviceable or may be made serviceable and if after placing the donated
15 equipment into service, the donee maintains the donated equipment in a
16 safe and serviceable manner; *or*

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

23 (b) The enumeration of exceptions to liability in this section shall not
24 be construed to be exclusive nor as legislative intent to waive immunity
25 from liability in the performance or failure to perform any other act or
26 function of a discretionary nature.

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

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

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