



April 17, 2017

Lieutenant Governor Dan Patrick
P.O. Box 12068
Austin, TX 78711

Speaker Joe Straus
P.O. Box 2910
Austin, TX 78768

Re: First Responder Gun Bills in the 85th Texas Legislature

Dear Governor Patrick and Speaker Straus:

On behalf of the Texas EMS Alliance, I am writing to provide the organization's comments regarding the first responder gun bills in the 85th Texas Legislature. TEMSA was created in 2013 as the stakeholder voice for Texas EMS agencies. The membership consists of dozens of urban and rural EMS agencies that provide 9-1-1 services to Texas communities. The agencies include third-service EMS agencies operated by communities, hospital-based EMS agencies, non-profit EMS agencies, fire-based EMS agencies, and entities that contract with local communities to provide 9-1-1 services.

We greatly appreciate the willingness of the sponsors of HB 56, HB 435, HB 982, HB 1337, HB 2735, and SB 1408 to sit down with us to discuss these issues.

At this time, TEMSA can only support HB 56 and HB 435 because they give agencies the ability to establish guidelines for EMTs and paramedics carrying while on duty and exempt EMS agencies from 30.06 and 30.07.

Primary Concerns

We have heard the following concerns from EMS agencies:

- Existing laws and regulations do not prevent a first responder agency from allowing their personnel to carry a weapon today. Some Texas agencies have accepted the additional liability to allow their personnel to carry a weapon. The agencies have taken it upon themselves to coordinate with local law enforcement and provide the additional training and storage requirements for their staff.
- EMS professionals are often focused on several tasks relating to providing care. Our concern is that when an EMS professional is concentrating on providing

critical life-saving patient care interventions, a weapon, whether it is concealed or not, may become obvious and within reach of a patient who may not be alert and oriented or acting appropriately due to their medical condition.

- There may be circumstances when an EMS professional may not be able to carry the weapon with them, such as in prisons or other areas where weapons are not permitted. As a result, the EMS agency could be responsible for purchasing, installing, and securing a secure weapons storage unit.
- Due to the nature of many EMS scenes, law enforcement is already present on a regular basis. If one of these scenes deteriorated to the point where a handgun were to potentially be used, the last thing that a law enforcement officer is expecting is another weapon that is unaccounted for. Without coordination with local law enforcement, a medic or firefighter pulling a weapon on a high-stress scene could cause confusion and possibly present additional risk to all responders present.
- Standards would have to be developed to create training to reduce the risk of a weapon being taken from, and used against, an EMS professional or someone else. Training goes much deeper than just weapon retention. It also has to address escalation and de-escalation of violence/force. Additionally, the EMS professional, who may be faced with using the weapon in the confined space of a patient compartment in the back of an ambulance, would need to undergo qualifications on their firearm (similar to what law enforcement must accomplish) because the confined space of the ambulance would necessitate that a shot fired in that setting would need to be very true and accurate to prevent collateral injuries and avoid striking objects such as oxygen cylinders.
- We have strong concerns regarding the tremendous additional risk being assumed by the EMS agency that employs an individual who is carrying a weapon. How will the risk be mitigated for the agency? What effect will this law have on the agency's ability to obtain liability insurance? Simply absolving the agency of any liability by statute and placing it solely on the back of the first responder who desires to carry the weapon will not eliminate an agency having to defend itself. Since the liability would be shouldered by the party with the least means, the agency would be included in any civil suit. EMS agencies would likely have to prove that all persons carrying weapons were licensed to do so, had appropriate training, wore appropriate holsters, and were provided a proper place to secure the weapons, which could create an expensive administrative burden on the agency.
- What would the liability be if a gun is stolen from an ambulance? EMS agencies already have a high level of risk with the amount and type of controlled medications that many ambulances carry. A weapon's addition to this mix would make the ambulance an even more enticing target for burglary or theft.

- Health care settings such as hospitals have the ability to restrict gun possession, arguably due to the very emotional environment. Ambulances can also be areas of severe emotional distress. For the same reasons hospitals are provided the opportunity to restrict gun possession, we feel EMS agency leaders need to have the same ability.
- EMS providers always work in teams of at least two people. Forcing an agency to allow the carrying of weapons could create a hostile work environment for the partner who does not wish to carry, does not wish to be in a vehicle with someone carrying a weapon and does not want to bring a weapon onto an emergency scene.

HB 56 and HB 435 Serve As Models

We believe that HB 56 and HB 435 serve as model bills because they provide EMS agencies the authority to allow personnel to carry or not to carry. We oppose any bill that would include a mandate for EMS agencies to allow personnel to carry weapons.

If EMS agencies do choose to allow personnel to carry weapons, we believe that the EMS agency must meet liability coverage standards and meet standards for weapon security and personnel training. It is also critical to exempt first responders from 30.06 and 30.07 while acting in their official capacity for EMS agencies that make this choice.

Sincerely,

A handwritten signature in cursive script that reads "Dudley Wait".

Dudley Wait, President
TEMSA Board of Directors