



## The Legal Definitions of First Responder

### DETAILS

30 pages | 8.5 x 11 | PAPERBACK  
ISBN 978-0-309-28369-4 | DOI 10.17226/22451

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## NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM

Responsible Senior Program Officer: Stephan A. Parker

# Research Results Digest 385

## THE LEGAL DEFINITIONS OF "FIRST RESPONDER"

This digest presents the results of NCHRP Project 20-59(41), "Legal Definition of 'First Responder'." The research was conducted by Lew R. C. Bricker, Esquire, and Tanya N. Petermann, Esquire, of Smith Amundsen, Chicago, IL; Margaret Hines, Esquire; and Jocelyn Sands, J. D. James B. McDaniel was the Principal Investigator.

## INTRODUCTION

This digest was prepared to answer the following questions: first, whether there is a definition of the term "first responder" in federal law, and second, if there is a definition in federal law, what is the definition's effect on the distribution of federal grant funding. This digest also contains an analysis of grants available from the federal government to aid state and local governmental entities in preparing for and responding to natural or manmade disasters and emergencies (i.e., grants that would be available to those who might be considered "first responders"). The grant programs are analyzed and described in terms of general information about each grant's guidelines for applicants and administration.

The conclusion reached after examining federal law, regulations, and other federal executive branch documents is that there is no "definition" of the term "first responder." The term has come to be used popularly or colloquially to refer to law enforcement, fire, and emergency medical personnel, especially after the events of September 11, 2001. For example, the research shows that "first responder" has been used in that sense in testimony by members of the federal executive branch before congressional committees and also by members of Congress in statements on the floor of

Congress and in some congressional bills that were not enacted into law. The term is used by the chief funding agencies for "disaster-related" grants, the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA), on their websites in general descriptive language and also appears in the same sense on the website of the Federal Communications Commission (FCC). The term is used in a non-legal sense in other executive branch documents (e.g., the curriculum for a training course prepared by the National Highway Traffic Safety Administration [NHTSA]).

Because of this popular use, and more importantly, because some states use the term "first responder" in their laws, regulations, and executive documents to designate governmental and nongovernmental personnel who respond to emergencies and disasters, the question has arisen as to whether there is a single federal definition, and if so, whether that definition would affect state and local government eligibility for grants. The federal government, through grants to the states, distributes funding for most of these programs. To receive the funds, the states are independently responsible for applying for these grants. Under the programs, funding should be awarded if the state qualifies. Given the expressed

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guidance and intent of the grant programs, qualification for the funding would depend on the state's definition of its agency or personnel and whether that definition satisfies the criteria articulated by the federal scheme. A further question that has arisen is, if there is no single uniform federal definition of "first responder," is there a need to create or adopt one.

The research shows that neither the Homeland Security Act of 2002<sup>1</sup> nor other relevant federal law that provides for grants to state and local governmental entities, tribal governments, or other local entities, for emergency and disaster-related activities, used the term "first responder" in defining or describing those who are eligible for grant funds.

The Homeland Security Act uses the term "emergency response providers" to mean "federal, state, and local governmental and nongovernmental emergency public safety, fire, law enforcement, emergency response, emergency medical (including hospital emergency facilities) and related personnel, agencies, and authorities."<sup>2</sup> In the "Post-Katrina Emergency Management Reform Act of 2006" (Title VI of the 2007 Appropriations Act for the Department of Homeland Security)<sup>3</sup>, the definitions section of the law dealing with the Federal Emergency Management Agency was expanded to include a definition of the term "emergency response provider." The term is defined there as having the same meaning as in the Homeland Security Act, at 6 U.S.C. 101. In other words, in both these statutory schemes dealing with funding for "first responders," those who would be the first to respond in the case of a natural or manmade disaster or emergency are termed "emergency response providers" rather than "first responders."

The Middle Class Tax Relief and Job Creation Act of 2012<sup>4</sup> provides for grant funds to state and local governments for emergency communications activities. This Act, in its definitions section, includes the term "public safety entity," which is defined as "an entity that provides public safety services." "Public safety services" is defined to have the same meaning as the term has under section 337(f) of the Communications Act of 1934 and "includes

services provided by emergency service providers, as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)."<sup>5</sup> Section 337(f) of the Communications Act of 1934<sup>6</sup> defines "public safety services" to be services "the sole or principal purpose of which is to protect the safety of life, health, or property" and that are provided by state or local governmental entities or by nongovernmental entities that are authorized by the government. The term "first responder" is not included in the definitions section of the Middle Class Tax Relief and Job Creation Act of 2012, nor is it included in section 337 of the Communications Act, as amended.<sup>7</sup>

## RESEARCH METHOD

The research on which this digest is based was conducted in stages. Initially, a general survey was conducted to determine the federal and individual states' definition of the term "first responder" (if any). Then relevant federal funding laws were researched.

Federal grants for "first responders" (or emergency response providers) were next researched. Whether the term "first responder" was used as a term of eligibility or for applicants was examined. Guidelines for grant applicants were investigated and the previous history of the individual grants was researched. The relevant results are described in this digest.

## FEDERAL LAWS AND REGULATIONS

### Security Assistance Grants under DHS and FEMA

Federal regulation and funding for disaster and emergency relief began in its basic form in the 1930s under entities such as the Reconstruction Finance Corporation following an earthquake, the Bureau of Public Roads for repairs after natural disasters, and the Flood Control Act which assisted the Army Corps of Engineers with flooding problems. These entities

<sup>1</sup> Pub. L. No. 107-296, 116 Stat. 2135 (2002).

<sup>2</sup> 6 U.S.C. 101(6) (2013).

<sup>3</sup> Pub. L. No. 109-295, 120 Stat. 1355, 1394 (2006).

<sup>4</sup> Pub. L. No. 112-96, 126 Stat. 156 (2012).

<sup>5</sup> Pub. L. No. 112-96, §§ 6001(26) and (27), 126 Stat. 156, 204 (2012); (codified at 47 U.S.C. 1401) (2013).

<sup>6</sup> 47 U.S.C. 337(f) (2013).

<sup>7</sup> Pub. L. No. 112-96, 126 Stat. 156 (2012) provides for establishment of the "First Responder Network Authority" under § 6204 (codified at 47 U.S.C. 1424 (2013)); however, the definition refers to its responsibilities under the Act, not to eligibility of any entity for grant funds. (See § 6001(15) of Pub. L. No. 112-96, 126 Stat. 156 (2012)).

acted as partial precursors to the currently most commonly known disaster relief agency within the federal government, the Federal Emergency Management Agency (FEMA).<sup>8</sup> The available funding mechanisms were later expanded after various natural disasters such as earthquakes and hurricanes. In 1974, the Disaster Relief Act established the process for presidential disaster declarations that had been handled on an *ad hoc* basis prior to that time.<sup>9</sup>

In 1979, President Carter created FEMA under Executive Order 12127. This agency united a group of federal entities that included The Federal Insurance Administration, the National Fire Prevention and Control Administration, the National Weather Service Community Preparedness Program, the Federal Preparedness Agency of the General Services Administration, and the Federal Disaster Assistance Administration activities from the U.S. Department of Housing and Urban Development (HUD). Civil defense responsibilities were also transferred to the new agency (i.e., FEMA) from the U.S. Defense Department's Defense Civil Preparedness Agency.<sup>10</sup> This expanded the operational scope and portfolio of FEMA. From 1979 onward, FEMA funded emergency responders in various disasters and emergencies that included earthquakes, hurricanes, the Cuban refugee crisis, water contamination, and the Three Mile Island nuclear power plant accident. Following the bombings of the World Trade Center in 1993 and the Alfred P. Murrah building in Oklahoma in 1996, and most especially after the terrorist attacks of September 11, 2001, however, FEMA's funding for "first responders" began to include not only disasters, but also the threat of terrorism.<sup>11</sup>

According to FEMA's website, the Robert T. Stafford Disaster Relief and Emergency Assistance Response Act (Stafford Act)<sup>12</sup>, amending the 1974 Disaster Relief Act<sup>13</sup>, "constitutes the statutory

authority for most federal disaster response activities, especially as they pertain to FEMA and FEMA programs."<sup>14</sup> The term "first responder" is not used or defined in either the Stafford Act or the 1974 Disaster Relief Act.

In March 2003, under provisions of the Homeland Security Act of 2002,<sup>15</sup> FEMA was made part of the Department of Homeland Security (DHS). The Homeland Security Act also does not, as enacted, refer to or define "first responder." The legislative history of the Act shows the House Bill at one point contained a provision for "National Council of First Responders."<sup>16</sup> The Council would have consisted of "not less than 100 members" to include "police, firefighters, emergency medical technicians, rescue workers, and hospital personnel."<sup>17</sup> This provision was not in the version of the bill enacted into law; however, and no explanation as to its removal was found in the legislative history.

The Homeland Security Act (as enacted) did not contain any reference to "first responders." In the "Definitions" section is the following language, "The term 'emergency response providers' includes federal, state, and local emergency public safety, law enforcement, emergency response, emergency medical (including hospital emergency facilities) and related personnel, agencies, and authorities."<sup>18</sup>

Congress subsequently amended this definition twice in 2006, first inserting "fire" after "safety"<sup>19</sup> and then inserting "governmental and nongovernmental" after "local."<sup>20</sup> Neither of these amendments has any legislative history that is illuminating for the purposes of this digest.<sup>21</sup> However, it could be argued that both these amendments gave Congress an opportunity to focus on this definition and consider whether the term "first responders" was more appropriate for purposes of the law. The term "emergency response providers" remains the term used in the law, including in subsequent legislation.

<sup>8</sup> FEMA History at: <http://federal/fema/gov/about/history.shtm> (Last visited June 15, 2013). See, 42 U.S.C. 5121-5207 (2013).

<sup>9</sup> Pub. L. No. 93-288, 88 Stat. 143 (1988).

<sup>10</sup> <http://federal.fema.gov/about/history.shtm> (Last visited on June 15, 2013).

<sup>11</sup> *Id.* See also, CRS Report R40246, "Department of Homeland Security Assistance to States and Localities: A Summary of the Issues for the 111th Congress" by Shawn Reese (Dec. 1, 2009) at p. 1. This report gives a summary of DHS security assistance to state and local governments.

<sup>12</sup> Pub. L. No. 100-707, 102 Stat. 4691 (1988).

<sup>13</sup> Pub. L. No. 93-288, 88 Stat. 143 (1974).

<sup>14</sup> <http://federal.fema.gov/robert-t-stafford-disaster-relief-and-emergency-assistance-act-public-law-93-288-amended> (Last visited June 15, 2013)

<sup>15</sup> Pub. L. No. 107-296, 116 Stat. 2135 (2002).

<sup>16</sup> Section 104 of H. Rep. 107-609(pt. I) (2002).

<sup>17</sup> *Id.*

<sup>18</sup> Pub. L. No. 107-296, 116 Stat. 2135 (2002).

<sup>19</sup> Pub. L. No. 109-295, § 612(d), 120 Stat. 1355, 1410 (2006).

<sup>20</sup> Pub. L. No. 109-347, § 613, 120 Stat. 1884, 1943 (2006).

<sup>21</sup> See, Pub. L. No. 109-295, §612, 120 Stat. 1355, 1410 (2006), entitled "Technical and Conforming Amendment."

More recently, Congress enacted the “Implementing Recommendations of the 9/11 Commission Act of 2007” (hereinafter “the 9/11 Commission Act”).<sup>22</sup> In a 2009 Congressional Research Service report, this legislation was described as the “most recent legislative action affecting DHS grants [other than appropriations only bills].”<sup>23</sup> Title III of the 9/11 Commission Act is entitled “Ensuring Communications Interoperability for First Responders”<sup>24</sup> and amends 6 U.S.C. 571 et seq. to establish a program to provide grants to states for interoperable emergency communications systems. Nowhere, other than the title, does the law refer to “first responders.” As in the Homeland Security Act of 2002, the term used is “emergency response providers,” for example, in the “Program requirements” section is the following: “The Director shall . . . help ensure that emergency response providers can communicate with each other in the event of natural disasters, acts of terrorism, and other man-made disasters.”<sup>25</sup> Further, Title III of the 9/11 Commission Act requires that activities funded by the grant comply with 6 U.S.C 194(f), and amends 194(f) to read (in relevant part): “Any applicant requesting funding assistance from the Secretary for interoperable communications for *emergency response providers* shall submit” a plan for approval (emphasis added).<sup>26</sup> Therefore, although this title of the Act refers to “first responders” in its title, the law itself makes clear that the funds are to be made available for “emergency response providers.” The “Definitions” section of 6 U.S.C. 194 contains a provision that reads: “The term ‘emergency response providers’ has the meaning that term has under Sec. 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”<sup>27</sup>

In regulations promulgated to administer the grant programs under FEMA and DHS, no reference to the term “first responder” is found.<sup>28</sup> The regulations frequently refer to an agency or other public or non-

public entity as being the eligible party. For example, the regulations that apply to the Fire Management Assistance Grant Program define “Applicant” as a “local or Indian tribal government submitting an application to the Grantee.”<sup>29</sup> As another example, the rules for application and administration of the Hazard Mitigation Grant Program include a Definitions provision which states, “*Applicant* means a State agency, local government, or eligible private nonprofit organization, submitting an application to the grantee.”<sup>30</sup>

### Emergency Communications Grants from the National Telecommunications and Information Administration

In recognition of the need for better access to communications capability for public safety agencies in emergency situations, Congress included that as one of the purposes of its creation of the Broadband Technology Opportunities Program (BTOP) in 2009 under provisions of the American Recovery and Reinvestment Act.<sup>31</sup> This grant program, which was established by the Assistant Secretary of Commerce for Communications and Information in consultation with the FCC, is administered by the National Telecommunications and Information Administration (NTIA).<sup>32</sup> Eligibility for the grant funds is spelled out in the law, now codified at 47 U.S.C. 1305(e). To be eligible, an applicant “shall . . . be a State or political subdivision thereof, the District of Columbia, a territory or possession of the United States, an Indian tribe . . . or native Hawaiian organization” or a nonprofit entity, or “any other entity . . . that the Assistant Secretary finds by rule to be in the public interest.”<sup>33</sup> Although regulations were not issued by NTIA, its Notice of Funding announcing the grants extended eligibility to for-profit entities.<sup>34</sup> The term “first responder” does not appear in the definition of eligible entities.

In 2012, the Middle Class Tax Relief and Job Creation Act was enacted (“the Act”).<sup>35</sup> Title VI of the Act establishes a State and Local Implementation Grant Program for the purpose of making

<sup>22</sup> Pub. L. No. 110-53, 121 Stat. 266 (2007).

<sup>23</sup> See also, CRS Report R40246, “Department of Homeland Security Assistance to States and Localities: A Summary of the Issues for the 111th Congress” by Shawn Reese (Dec. 1, 2009) at p. 3.

<sup>24</sup> Pub. L. No. 110-53, § 301, 121 Stat. 266, 296 (2007).

<sup>25</sup> 6 U.S.C. 580(c) (2) (2013).

<sup>26</sup> 6 U.S.C. 194(f), (2013), as amended by Pub. L. No. 110-53, § 301(c), 121 Stat. 299, (2007).

<sup>27</sup> 6 U.S.C. 194(g)(2) (refers to “emergency response providers”).

<sup>28</sup> See, generally, Title 44, Code of Federal Regulations.

<sup>29</sup> 44 CFR 204.3

<sup>30</sup> 44 CFR 206.431.

<sup>31</sup> Pub. L. No. 111-5, § 6001(b)(4), 123 Stat. 115, 124 (2009).

<sup>32</sup> 74 Fed. Reg. 33104 (July 9, 2009).

<sup>33</sup> 47 U.S.C. 1305(e) (2013).

<sup>34</sup> See 74 Fed. Reg. 33104 (July 9, 2009) and 75 Fed. Reg. 3792, 3799 (Jan. 22, 2010).

<sup>35</sup> Pub. L. No. 112-96, 126 Stat. 156 (2012).

grants “to States to assist State, regional, tribal and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions” to use and become part of the “nationwide public safety broadband network”<sup>36</sup> that is also to be established under the Act.<sup>37</sup> Each state must designate a single officer or governmental body to serve as the coordinator of implementation of the grant funds.<sup>38</sup> According to NTIA’s Announcement of Federal Funding Opportunity, the eligible applicants for grant funds are the “56 States and territories,” citing 47 U.S.C. 1442(a).<sup>39</sup> The “Definitions” section of the Act, Section 6001, provides that the term “state” has the meaning given the term in 47 U.S.C. 153, which provides “The term ‘State’ includes the District of Columbia and the territories and possessions.”

Another grant program re-established under the Act is the 911 grants program originally established under Section 158 of the National Telecommunications and Information Administration Organization Act, which expired in October 2009.<sup>40</sup> Under Section 6503(d) of the Act, an “eligible entity” for these grants is “a State or local government or a tribal organization . . .” and the term “includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities.” In other words, states, local governments, or tribal organizations may

create a public authority to apply for the grant funds and that authority would be an eligible entity.

The term “first responder” is not included in the “Definitions” section of the Act. The term that is defined instead is “Public Safety Entity,” which “means an entity that provides public safety services.”<sup>41</sup> “Public Safety Services” is defined as having “the meaning given the term in section 337(f) of the Communications Act of 1934 (47 U.S.C. 337(f)); and includes services provided by emergency response providers, as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”<sup>42</sup> Section 337(f) of the Communications Act provides that

“[P]ublic safety services” are those services “(A) the sole purpose of which is to protect the safety of life, health, or property; (B) that are provided – (i) by State or local government entities; or (ii) by nongovernmental organizations that are authorized by a governmental entity whose primary mission is the provision of such services, and (C) that are not made commercially available to the public by the provider.”<sup>43</sup>

Although “first responder” is not defined in the Act, there is provision for the establishment of a “First Responder Network Authority” and that term is defined, as “the First Responder Network Authority established under section 6204 [of the Act].”<sup>44</sup> Section 6204 provides that the First Responder Network Authority or “FirstNet” is authorized as an independent authority within the NTIA and that its Board shall include the Secretary of Homeland Security, the United States Attorney General, the Director of Office of Management and Budget (OMB), and 12 other individuals appointed by the Secretary of Commerce, to include geographic diversity and some representation of States, localities, tribes, and territories and further provides for their qualifications. The section also provides for terms of their appointment and how often they shall meet.<sup>45</sup> There is nothing in this section about eligibility for grants;

<sup>36</sup> Pub. L. No. 112-96, § 6302(a), 126 Stat. 219 (2012), 47 U.S.C. 1442(a) (2013).

<sup>37</sup> Pub. L. No. 112-96, § 6206, 126 Stat. 156, 211 (2012). NTIA and the FCC determined that some BTOP grants would have funding suspended because of the provision for establishment of the nationwide broadband network under the Act. The concern expressed in documents was to “ensure that the investments would be compatible with the nationwide network.” Those grantees are negotiating with First Net as to reinstatement of the funding. See, “Broadband Technology Opportunities Program (BTOP) Quarterly Program Status Report” dated March 2013, submitted to Congress by NTIA, [http://www.ntia.doc.gov/files/ntia/publications/ntia\\_btop\\_16th\\_quarterly\\_report.pdf](http://www.ntia.doc.gov/files/ntia/publications/ntia_btop_16th_quarterly_report.pdf). See also, “Implementing Provisions of Tax Relief and Job Creation Act of 2012,” FCC 12-85, [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2012/db0731/FCC-12-85A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db0731/FCC-12-85A1.pdf).

<sup>38</sup> Pub. L. No. 112-96, § 6302(d), 126 Stat. 156, 219 (2012).

<sup>39</sup> Federal Funding Opportunity No. 2013-NTIA-SLIGP-01, Paragraph IV.A, “Eligible Applicants,” [http://www.ntia.doc.gov/files/ntia/publications/sligp\\_ffo\\_02062013.pdf](http://www.ntia.doc.gov/files/ntia/publications/sligp_ffo_02062013.pdf). See also, 78 Fed. Reg. 9889 (Feb. 12, 2013).

<sup>40</sup> Pub. L. No. 102-538, 106 Stat. 3533 (1992), as amended, codified at 47 U.S.C. 942(e)(B)(A) (2013).

<sup>41</sup> Pub. L. No. 112-96, §§ 6001(26), (27)(B), 126 Stat. 156, 204 (2012) (codified at 47 U.S.C. 1401 (26) (2013)).

<sup>42</sup> Pub. L. No. 112-96, § 6001(27), 126 Stat. 156, 204 (2012) (codified at 47 U.S.C. 1401 (27)(B) (2013)).

<sup>43</sup> 47 U.S.C. 337(f) (2013).

<sup>44</sup> Pub. L. No. 112-96, § 6001(15), 126 Stat. 156, 203 (2012).

<sup>45</sup> Pub. L. No. 112-96, § 6204, 126 Stat. 156, 208-212 (2012) (codified at 47 U.S.C. 1424 (2013)).

therefore, the definition of the First Responders Network Authority cannot be said to relate to whether “first responders” are eligible for grants under the Act. An examination of the language of the Act and of the notices and Federal Funding Opportunity issued by NTIA shows that eligible entities are defined in other terms.

### “FIRST RESPONDER” AS A TERM OF POPULAR USE

Although no definition of “first responder” was found in looking at the laws and regulations that govern federal grant programs, in describing its programs and activities on its website, FEMA does use the term “first responders.” FEMA describes its agency mission as “to support our citizens and first responders to . . . build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.”<sup>46</sup> No description or definition of the term is given, however. In another example of this “popular” use, press releases put out by FEMA and DHS about agency activities use the term to refer to members of local and state police and fire departments and emergency medical personnel. In a June 23, 2003, press release, “Kentucky First Responders Honored by FEMA, Commonwealth” this statement appears: “The honors were part of a nationwide effort to recognize first responders by the U.S. Department of Homeland Security. First responders are those involved in life safety emergencies and rescues, such as fire and police departments, and water rescue teams.”<sup>47</sup>

The Public Safety and Homeland Security Bureau (PSHS) of the FCC also uses the term “first responders” on its website.<sup>48</sup> The website describes the role of PSHS, as viewed by the agency, as providing

assistance and support to “first responders.” Part of that assistance and support is providing information about grants that might be available for communications systems. However, an examination of the website makes it clear that grants available to “first responders” for communications programs are administered by DHS, not PSHS, and not the FCC.<sup>49</sup> These grants are those covered by the provisions of 6 U.S.C. 194 and, therefore, are intended for “emergency response providers” under that provision.

In testimony before Congress, and in speech on the floor of Congress, “first responders” has been used to refer generally to emergency service providers. An example is a General Accounting Office (GAO) report of the testimony on emergency preparedness by the Director of Homeland Security and Justice Issues before the Subcommittee on Economic Development, Public Building and Emergency Management in 2004.<sup>50</sup> The GAO consistently has used the term “first responders” to refer to the emergency response providers eligible for grant funding by DHS and FEMA.<sup>51</sup> Members of Congress have also used the term. In a statement in support of HR 3978, a Congressional Bill that would allow the Center for Domestic Preparedness to accept gifts, Congressman Henry Cuellar of Texas said that the Center and DHS have “facilitated training for thousands of first responders from all 50 states and the District of Columbia.”<sup>52</sup> Likewise, speaking in support of the DHS Appropriations Act of 2007, Senator Dodd of Connecticut and Senator Levin of Michigan noted the funding for “our first responders.”<sup>53</sup>

<sup>46</sup> <http://federal.fema.gov/about/index.shtm> (Last visited June 15, 2013).

<sup>47</sup> See, also, “First Responders Provide Immediate and Critical Assistance,” a press release dated June 25, 2003, referring to “local police and fire departments, emergency medical professionals, county and state emergency management personnel and volunteer agencies” rushing to the scene of a natural disaster as “first responders.” Both these press releases may be found at <http://federal.fema.gov/news-release/2003/06/25/first-responders-provide-immediate-and-critical-assistance> (Last visited June 16, 2013).

<sup>48</sup> <http://federal.fcc.gov/pshs/first-responders.html> (Last visited June 16, 2013).

<sup>49</sup> See, for example, <http://federal.fcc.gov/pshs/services/priority-services/tsp.html> (Last visited June 16, 2013).

<sup>50</sup> U.S. General Accounting Office, *Emergency Preparedness: Federal Funds for First Responders*, GAO-04-788T (Washington DC, May 13, 2004), <http://federal.gpo.gov/fdsys/pkg/GAOREPORTS-GAO-04-788T/pdf/GAOREPORTS-GAO-04-788T.pdf> (Last visited June 16, 2013).

<sup>51</sup> See, for example, U.S. General Accounting Office, *Homeland Security: Reforming Federal Grants to Better Meet Outstanding Needs*, GAO-03-1146T, p. 3 (September 3, 2003), reporting that “The federal grant system for first responders is highly fragmented,” <http://federal.gao.gov/assets/120/110270.pdf>. See also, U.S. General Accounting Office, *Federal Assistance: Grant System Continues to be Highly Fragmented*, GAO-03-718T (April 29, 2003), <http://federal.gao.gov/assets/110/109870.pdf> reporting to the same effect.

<sup>52</sup> 155 Cong. Rec. H 14890 (Dec. 15, 2009).

<sup>53</sup> 152 Cong. Rec. S 10618 (Sept. 29, 2006).

In another instance of federal documents, other than regulations and law, that use the term “first responder” to refer to fire and emergency response personnel, the curriculum of a course for emergency medical technicians funded by the NHTSA, in the preface to the description of its program, states that the “term First Responder has been applied to the first individual who arrives at the scene regardless of the individual’s type of credential.”<sup>54</sup> This expansive description is not a formal definition with legal significance, but is another example of the popular use of the term to refer to emergency response providers, in this case, emergency medical technicians.

In 2003, President Bush issued a Homeland Security Directive on the subject of national preparedness, HSPD-8.<sup>55</sup> The purpose of this Presidential Directive was to establish “policies to strengthen the preparedness” of the country to prevent and respond to terrorist attacks, major disasters and other emergencies. In the “Definitions” section of the directive, it is stated that “The term ‘first responder’ refers to those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and recovery operations.”<sup>56</sup> This description expands on the definition of “emergency response providers” included in 6 U.S.C. 101, and a Presidential Directive would have legal effect, although whether this one would affect the administration of grant funding is not clear. This directive, however, was rescinded and replaced, on March 30, 2011, by Presidential Policy Directive 8 on National Preparedness (PPD-8).<sup>57</sup> Presidential Policy Directive 8 does not use the term “first responders” anywhere

in its contents, and that term is not included in the “Definitions” section.<sup>58</sup> It is clear, then, that the definition of eligible personnel or entities for emergency and disaster grants would not be affected by these presidential documents.

## STATE SCHEMES

The states have differing categories for emergency response providers or first responders. Each of the states may classify its first responders according to, for example, training courses and requirements.<sup>59</sup> The definitions that states use can vary and be more restrictive or more inclusive than the definition of “emergency response providers” that appears in 6 U.S.C. 101, or the definition of “public safety entity” that appears in Public Law 112-96. The conclusion was reached, however, based on an examination of the federal laws and regulations, as well as the federal grants programs, that funding is not dependent on the individual state’s use or definition of the term “first responder.” Rather, funding is dependent on whether the grant applicant is an “emergency response provider” as defined in 6 U.S.C. 101 or is otherwise an eligible grantee for DHS or FEMA grants, such as a state administrative agency, or whether the entity is eligible under provisions of Public Law 112-96. The state definitions of “first responder” vary, but are not used for grant purposes. Appendix A shows the state definitions and the purposes for which they were enacted.

## FEDERAL GRANTS PROGRAMS

Grants and assistance programs from the Department of Homeland Security (DHS) provide the bulk of federal funding for those popularly called “first responders.”<sup>60</sup> In fiscal year 2003, DHS administered 8 assistance programs, but the total had expanded

<sup>54</sup> “First Responder: National Standard Curriculum” at Preface p. x, <http://federal.nhtsa.gov/people/injury/ems/pub/frnsc.pdf> (Last visited June 16, 2013).

<sup>55</sup> HSPD-8, (Issued by the Office of the Press Secretary, The White House, December 17, 2003) available at <http://federal.fas.org/irp/offdocs/nspd/hspd-8.html> (Last visited June 16, 2013).

<sup>56</sup> *Id.*

<sup>57</sup> PPD-8, [http://federal.dhs.gov/xabout/laws/gc\\_1215444247124.shtm](http://federal.dhs.gov/xabout/laws/gc_1215444247124.shtm) (Last visited July 18, 2012).

<sup>58</sup> *Id.*

<sup>59</sup> See, *EMS Training Levels in Alaska*, Division of Public Health Emergency Programs (Classifying the EMS training levels in Alaska as ETT, EMT-I, EMT-II, EMT-III, MICP). <http://dhss.alaska.gov/dph/Emergency/Pages/ems/training/default.aspx>. Alaska does not use the term “first responder.”

<sup>60</sup> U.S. General Accounting Office, *Federal Funds for First Responders*, GAO 04-788-T (May 13, 2004), <http://federal.gpo.gov/fdsys/pkg/GAOREPORTS-GAO-04-788T/pdf/GAOREPORTS-GAO-04-788T.pdf> (Last visited June 16, 2013).



to 15 by FY 2010.<sup>61</sup> There was a consolidation of some grant programs in 2012.<sup>62</sup> DHS and FEMA characterize these grants as “preparedness” or “non-disaster” grants to distinguish them from the help available to individuals, households, and some businesses, which are characterized as “disaster” assistance.<sup>63</sup>

### Available in Fiscal Year 2013

According to the DHS website, the following grants that would be available to at least one type of “first responder” are available from DHS in fiscal year 2013.<sup>64</sup> That is, each of these grants is available to at least one type of “first responder” as that term is popularly or colloquially used, i.e., firefighter, law enforcement personnel, emergency medical technician, and those other individuals, organizations and agencies enumerated in 6 U.S.C. 101(6). The information provided below comes mostly from an examination of FEMA’s grants-related websites, as indicated. The statutory authority for grants is also provided, where possible; in some cases, public law is provided when there is no authorization language but appropriations language is available. As to a definition of “first responder,” who or what qualifies as a “first responder” is not defined in the grant requirement or the grant application of any of these grants, although the group, agency or entity that is eligible may be provided at the website.

### Assistance to Firefighters Grant Program

The Assistance to Firefighters Grant program<sup>65</sup> provides assistance to local fire departments in order to protect citizens as well as firefighters against fire and fire-related incidents.<sup>66</sup> Eligible applicants are fire departments and nonaffiliated EMS organizations.<sup>67</sup>

<sup>61</sup> CRS Report R40246, “Department of Homeland Security Assistance to States and Localities: A Summary of the Issues for the 111th Congress” by Shawn Reese (Dec. 1, 2009).

<sup>62</sup> See, <http://federal.fema.gov/preparedness-non-disaster-grants> for a list of grants available in FY 2013 (Last visited June 16, 2013).

<sup>63</sup> <http://federal.fema.gov/grants> (Last visited June 16, 2013).

<sup>64</sup> <http://federal.fema.gov/preparedness-non-disaster-grants> (Last visited June 16, 2013).

<sup>65</sup> This grant program is authorized under the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2201 *et seq.* (2013).

<sup>66</sup> Grants and Assistance Programs for Emergency Personnel, <http://federal.fema.gov/grants> (Last visited June 16, 2013).

<sup>67</sup> 44 C.F.R. Part 150.

The objective of the program is to provide financial assistance to fire departments and nonaffiliated EMS organizations to enhance their capabilities. This program seeks to support organizations that otherwise would lack the funding and resources to properly support and protect the public.<sup>68</sup>

### Guidelines

- The two organizations eligible for this grant are firefighters and nonaffiliated EMS organizations within the United States or its territories.<sup>69</sup>
- The ultimate beneficiaries of this grant are the communities served by the fire departments.<sup>70</sup>
- A fire department is defined as an agency that has a formally recognized arrangement or agreement with the state or territory to provide fire assistance to a population on a first-due basis.<sup>71</sup>
- A nonaffiliated EMS organization is defined as a public or private nonprofit organization that provides direct emergency medical services on a first-due basis to a specific geographic region, but is not affiliated with a hospital and does not serve a geographic area where emergency medical services are adequately provided by a fire department.<sup>72</sup>
- This grant is awarded for a period of 12 months. A progress report is required to be submitted semi-annually by departments receiving the grant.<sup>73</sup>
- A federal audit is required to be performed by organizations receiving grants of more than \$500,000.<sup>74</sup>

### Application

The grant application focuses on general information about the organization, the community, and specific questions about the proposed project the funding would be going towards.<sup>75</sup> The application

<sup>68</sup> <http://federal.federalgrantswire.com/assistance-to-firefighters-grant.html> (Last visited June 16, 2013).

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

additionally asks for information on the current status of the equipment, facilities, and other funding being received by the grantee.<sup>76</sup> The grant funding priorities differ with each application and FEMA has discretion on which departments receive the grant dollars and how much money to award. The funding, however, is generally awarded on need.<sup>77</sup>

### Homeland Security Grant Program

According to the DHS website showing those grant programs available in Fiscal Year 2013, the Homeland Security Grant Program (HSGP)<sup>78</sup> “is comprised of three interconnected grant programs.”<sup>79</sup> These three programs are the Urban Area Security Initiative (UASI), the State Homeland Security Grant Program (SHSG), and Operation Stonegarden (OPSG). The goal of the overall HSGP is to strengthen the nation against attacks associated with terrorism.<sup>80</sup>

**Urban Area Security Initiative (UASI)**<sup>81</sup>—This grant provides support to areas in order to enhance regional preparedness in major metropolitan areas. The funds granted can be used for equipment, training, exercises, and planning.<sup>82</sup>

- This grant helps address the unique needs of high-threat, high-density urban areas. The cities and entities eligible are preselected, based on the 100 most populated areas. The State Administrative Agency (SAA) is the only entity eligible to apply to FEMA for UASI funds. DHS must review a submitted plan for the use of the funds, and the state is responsible for the administration of funds.<sup>83</sup>

**State Homeland Security Grant Program**<sup>84</sup> — This program provides funding to build capabilities

at the state and local levels for the prevention of terrorism and to respond to other catastrophic events.<sup>85</sup>

- The SAA is the only entity eligible to apply to FEMA for this grant. The awarding of the funds is at FEMA’s discretion, but the award is based on minimum amounts as legislatively mandated, DHS risk methodology, and effectiveness.<sup>86</sup>

**Operation Stonegarden**—The goal of the Operation Stonegarden (OPSG) program<sup>87</sup> is to enhance cooperation and coordination among federal, state, local, territorial, and tribal law enforcement agencies in a joint mission to secure and protect the borders of the U.S.<sup>88</sup>

- The SAA is the only entity eligible to apply to FEMA for OPSG funds. Local units of government at the county level and federally recognized tribal governments may apply through their SAA.<sup>89</sup>
- The funds are awarded competitively based on risk analysis and anticipated feasibility of the proposed investments by the applicant.<sup>90</sup>
- FEMA reviews applications from local agencies, confers with Customs and Border Patrol, and then determines how to allocate the funding.<sup>91</sup>

### Staffing for Adequate Fire and Emergency Response (SAFER) Grants

The SAFER<sup>92</sup> grant program provides funding to increase the number of “frontline” firefighters available in a community.<sup>93</sup> The goal is to assist fire departments to improve their ability to respond to emergencies.<sup>94</sup>

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> Implementing Recommendations of 9/11 Commission Act of 2007, Pub. L. No. 110-53, 121 Stat. 266. Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, Pub. L. No. 110-329, 122 Stat. 3574.

<sup>79</sup> <http://federal.fema.gov/fy-2012-homeland-security-grant-program>. (Last visited June 16, 2013).

<sup>80</sup> *Id.*

<sup>81</sup> 6 U.S.C. 604 (2013).

<sup>82</sup> <http://federal.fema.gov/fy-2012-homeland-security-grant-program>. (Last visited June 16, 2013).

<sup>83</sup> *Id.*

<sup>84</sup> 6 U.S.C. 605 (2013).

<sup>85</sup> CRS Report R40246, “Department of Homeland Security Assistance to States and Localities: A Summary of the Issues for the 111th Congress” by Shawn Reese (Dec. 1, 2009).

<sup>86</sup> *Id.*

<sup>87</sup> Pub. L. No. 110-329, 122 Stat. 3574, 3671.

<sup>88</sup> <http://federal.fema.gov/fy-2012-homeland-security-grant-program>. (Last visited June 16, 2013).

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> 15 U.S.C. § 2229(a) and 15 U.S.C. § 2201 *et seq.* (2013).

<sup>93</sup> <http://federal.fema.gov/staffing-adequate-fire-emergency-response-grants> (Last visited July 31, 2012).

<sup>94</sup> *Id.*

### Guidelines

- Local fire departments, including volunteers, are eligible to apply for the SAFER grants, as well as city or county governments and tribal organizations.<sup>95</sup>
- The grant program is designed to fund recruitment and hiring of firefighters, to improve firefighter safety by meeting minimum staffing.<sup>96</sup>

## Emergency Management Performance Grants

The Emergency Management Performance Grants (EMPG) program<sup>97</sup> assists state and local governments to enhance and sustain their all-hazard emergency management capabilities.<sup>98</sup> The objective is to develop an all-inclusive program complete with planning, training, and exercises to respond to any apparent or actual disaster or emergency. The goal is to support local and state emergency management, while having the states work together on a national level.<sup>99</sup>

### Guidelines

- Applicants for this grant must be a state or territory of the United States as defined in the Homeland Security Act of 2002.<sup>100</sup>
- Only two agencies, the State Administrative Agency or the Emergency Management Agency, may apply directly for the grant.<sup>101</sup>
- Only one application per state or territory may be submitted.<sup>102</sup>
- The FY 2013 EMPG Program funds will be allocated in compliance with Section 662 of the

Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762). All 50 States, the District of Columbia, and Puerto Rico will receive a base amount of 0.75 percent of the total available grant funding. Four territories (American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands) will receive a base amount of 0.25 percent of the total available grant funding.<sup>103</sup>

- If there is any remaining money available for this grant once the money has been allocated, the remaining money will be awarded on population share basis.<sup>104</sup> Funds are also available for the Federated States of Micronesia and for the Republic of the Marshall Islands.

### Application

To receive funds, a state must submit a narrative with the following information:

- Overview of the state's risk profile (natural, technological, manmade).
- Areas of need identified through an assessment process.
- Baseline inventory of where the state now is relative to the goals and objectives identified in relevant strategic plans.
- Description of the state emergency management priorities and planning focus for the current year.

A budget and budget narrative must also be submitted.

## Port Security Grant Program

The Port Security Grant program<sup>105</sup> provides funding for transportation infrastructure security activities and is intended to implement transportation security plans among port authorities, facility operators, and state and local government agencies.<sup>106</sup> The funding is to be used to prevent, detect, respond to, and recover from attacks involving improvised explo-

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001 *et seq.* (2013), Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 100-707, 102 Stat. 4691 (1988) (codified at 42 U.S.C. 5121 *et seq.* (2013), Earthquake Hazards Reduction Act of 1977, as amended, 42 U.S.C. 7701 *et seq.* (2013).

<sup>98</sup> <http://www.fema.gov/fy-2013-emergency-management-performance-grants-empg-program-0> (Last visited June 16, 2013).

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> 46 U.S.C. 70107 (2013).

<sup>106</sup> <http://www.fema.gov/fy-2013-port-security-grant-program-psgp-0> (Last visited June 16, 2013).

sive devices and other non-conventional weapons.<sup>107</sup> The awards are made competitively.<sup>108</sup>

### Guidelines

- The port areas have been designated as Group I (highest risk) and Group II (all other port areas).<sup>109</sup>
- All port areas are assigned to groups based on a FEMA risk analysis.<sup>110</sup>
- Port areas not identified in Group I are eligible to apply as Group II. Port areas that were previously Groups III and Group IV port areas have been re-grouped as Group II.<sup>111</sup>

### Application

Being a port area is the only requirement in order to apply for a grant.

## Transit Security Grant Program

The Transit Security Grant program<sup>112</sup> provides funds to owners and operators of transit systems. This includes intracity bus, commuter bus, ferries, and all forms of passenger rail.<sup>113</sup> The funding is intended to protect critical surface transportation infrastructure and passengers from acts of terrorism and to increase the “resilience” of transit infrastructure.<sup>114</sup>

### Guidelines

- DHS has identified “critical infrastructure assets” as those vital to the functionality and continuity of a major transit system.<sup>115</sup>
- The funds are awarded on a competitive basis.<sup>116</sup>
- Ferry systems may receive funds under this program, but are then ineligible to receive funds

under the Port Security Grant program; the two programs are mutually exclusive for ferry systems.<sup>117</sup>

### Application

- A transit agency’s eligibility will be determined based on daily ridership and those that serve historically eligible Urban Areas Security Initiative jurisdictions.<sup>118</sup>

## Urban Areas Security Initiative Nonprofit Security Grants Program

The purpose of the Urban Areas Security Initiative Nonprofit Security Grant program<sup>119</sup> is to provide support to nonprofit organizations at a high risk of a terrorist attack in urban areas due to their ideology, beliefs, or mission.<sup>120</sup> The funding is intended to support physical security enhancements and activities.<sup>121</sup>

### Guidelines

- Eligible nonprofit organizations are located in one of the specific FY 2013 UASI-eligible urban areas.<sup>122</sup>
- The nonprofits must have 501(c)(3) status under the Internal Revenue Code<sup>123</sup>.
- Funds will be awarded based on risk analysis, effectiveness, and integration with broader state and local preparedness efforts.<sup>124</sup>

### Application

The State Administrative Agency is the only eligible applicant. The agency applies on behalf of an eligible nonprofit.<sup>125</sup>

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> *Id.* There are eight port areas in Group I.

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

<sup>112</sup> 6 U.S.C. 1135, 1163.

<sup>113</sup> <http://federal.fema.gov/fy-2013-port-security-grant-program-psgp-0> (Last visited on June 17, 2013).

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> Pub. L. No. 111-83, 123 Stat. 2142 (2009).

<sup>120</sup> <http://federal.fema.gov/fy-2013-urban-areas-security-initiative-uasi-nonprofit-security-grant-program-nsgp-0> (Last visited June 17, 2013).

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

## State Fire Training Systems Grants

The State Fire Training Systems Grants<sup>126</sup> program, although not listed on the DHS website as available in Fiscal Year 2013, may be awarded to grantees that fit the definition of “emergency response provider” in 6 U.S.C. 101(6). The program provides National Fire Academy training courses and programs to State Fire Training Systems.<sup>127</sup> The grant funds are to be used for training courses/programs related to fire training, marketing, administrative costs, and electronic feedback.<sup>128</sup> The funding must be used in the designated State and can only be used for the purpose set forth in the application.<sup>129</sup>

### Guidelines

- Each state is eligible for this grant, and DHS, FEMA, and US Fire Administration (USFA) will review each application.<sup>130</sup>
- The funding opportunity is restricted to the 50 State Fire Training Systems.<sup>131</sup>
- In general the fire training is intended for local firefighters.<sup>132</sup>
- The funding is at the discretion of DHS, FEMA, USFA, and the National Fire Academy, based on each State’s application materials.<sup>133</sup>

### Application

Applicants are required to submit a work plan with the project description and a proposed budget. There are sample budgets and worksheets set out in the Guidance and Application Kit.<sup>134</sup>

<sup>126</sup> Federal Fire Prevention and Control Act of 1974 (codified at 15 U.S.C. 2201 *et seq.*).

<sup>127</sup> <http://federal.fema.gov/library/viewRecord.do?id=4475> (Last visited June 17, 2013).

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

## CONCLUSION

Although preliminary evidence had suggested that grant funding to public safety personnel or entities or so-called “first responders” might be affected by how that term was defined in federal grants law, and in the laws and regulations of the states, that has not proved to be the case. An examination of the federal law related to grants awarded to state and local government and nongovernmental entities has demonstrated that the term “first responder,” although used colloquially or popularly to refer to firefighters, law enforcement officers, emergency medical personnel, and other personnel who would respond in case of an emergency or disaster, is not a term of eligibility in the federal law or regulations that authorize the grants.

The research has shown that the term used for federal grants law, for those grants awarded and administered by the Department of Homeland Security and the Federal Emergency Management Agency, is “emergency response provider.” This term is used consistently in the laws enacted by Congress, from 2002 to the present. The term is defined in 6 U.S.C. 101(6) to mean “Federal, State, and local governmental and nongovernmental emergency public safety, fire, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities.” As to grants administered by the National Telecommunications and Information Administration within the Department of Commerce under the recently enacted Middle Class Tax Relief and Job Creation Act, the term “first responder” is not defined in the Act and is not an eligible applicant. Rather, for the State and Local Implementation Grant program, the state is the applicant, and for the 911 grant programs, the “eligible entity” is a state or local government or a tribal organization, or a public authority created by one or more such governments or organization.

The further question was raised, as to whether a “federal definition” of the term “first responder” was needed, again based on the idea that this term was used in federal grants law and was defined in different ways by different federal agencies. The answer to this question is that no federal definition is needed, because the term “first responder” is not used in relevant federal grants law. Given that eligibility for grant funds is not related to the definition of “first responder,” that term and its definition are irrelevant to the determination of funding awards.

## APPENDIX: STATES' USE OF TERM "FIRST RESPONDER"

State	Health/Emergency	Safety	Terrorism	Other
Arkansas	A.C.A. § 20-13-1201 (5) "First responders" means state and local law enforcement personnel, fire department personnel, and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and emergencies.			
				(Information Services) A.C.A. § 25-4-103 (10) "Nongovernmental first responder entity" means state and law enforcement personnel, fire department personnel, and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and other emergencies.
California	Cal. Health and Safety Code, Div. 105; Part 1; Chap. 3.5 § 120261 "Definitions" (g) "First responder" means a police officer, firefighter, rescue worker, or any other person who provides emergency response, first aid care, or other medically related assistance either in the course of the person's occupational duties or as a volunteer.			
Colorado	C.R.S. 24-33.5-1202 (6.5) "First responder" means a designated level of emergency medical care provider as described by the National Highway Traffic Safety Administration or successor agency.  C.R.S. 24-33.5-1802 (3.3) " <b>First responder</b> " means an individual who responds in a professional capacity to an emergency that occurs in a school building, including, but not limited to, peace officers, firefighters, emergency medical service providers, school administrators, and teachers.			
Delaware				10 Del. C. § 4312 and 2012 Del. ALS 236.6 (5) "First responders" shall mean federal, state and local law-enforcement officers, fire, and emergency medical services personnel, hazardous materials response team members, 911 dispatchers, or any individual who is responsible for the protection and preservation of life, property, and evidence, and has been sent or directed to respond to a request for assistance as a result of a critical incident.

*(continued on next page)*

State	Health/Emergency	Safety	Terrorism	Other
Florida	<p data-bbox="367 154 1029 438">           Fla. Stat. §§ 112.1815 (1), 125.01045(2), 166.0446(2),            The term “first responder” . . . means a law enforcement officer . . . , a firefighter . . . , or an emergency medical technician or paramedic . . . employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.         </p> <p data-bbox="367 454 1039 609">           Fla. Stat. § 196.081 (5)(c)(1)            “First responder” means a law enforcement officer or correctional officer . . . , a firefighter . . . , or an emergency medical technician or paramedic . . . who is a full-time paid employee, part-time paid employee, or unpaid volunteer.         </p> <p data-bbox="367 625 1039 1323">           Fla. Stat. § 252.515(3)(a)            “Emergency <b>first responder</b>” means:           <ol style="list-style-type: none"> <li>1. A physician licensed under chapter 458.</li> <li>2. An osteopathic physician licensed under chapter 459.</li> <li>3. A chiropractic physician licensed under chapter 460.</li> <li>4. A podiatric physician licensed under chapter 461.</li> <li>5. A dentist licensed under chapter 466.</li> <li>6. An advanced registered nurse practitioner certified under s. 464.012.</li> <li>7. A physician assistant licensed under s. 458.347 or s. 459.022.</li> <li>8. A worker employed by a public or private hospital in the state.</li> <li>9. A paramedic as defined in s. 401.23(17).</li> <li>10. An emergency medical technician as defined in s. 401.23(11).</li> <li>11. A firefighter as defined in s. 633.30.</li> <li>12. A law enforcement officer as defined in s. 943.10.</li> <li>13. A member of the Florida National Guard.</li> <li>14. Any other personnel designated as emergency personnel by the Governor pursuant to a declared emergency.</li> </ol> </p>			

<p>Florida (continued)</p>	<p>Fla. Stat. § 401.435(1)          . . . For purposes of this section, a <b>first responder</b> includes any individual who receives training to render initial care to an ill or injured person, other than an individual trained and certified pursuant to s. 943.1395(1), but who does not have the primary responsibility of treating and transporting ill or injured persons.</p>
<p>Georgia</p>	<p>O.C.G.A. § 31-11-2          (10) “First responder” means any person or agency who provides on-site care until the arrival of a duly licensed ambulance service.</p> <p>O.C.G.A. § 31-11-53.1          (3) “First responder” means any person or agency who provides on-site care until the arrival of a duly licensed ambulance service. This shall include, but not be limited to, persons who routinely respond to calls for assistance through an affiliation with law enforcement agencies, fire suppression agencies, rescue agencies, and others.</p>
<p>Hawaii</p>	<p>HRS Div. 1, Tit. 19 Note § -4. Hawaii health corps first responder service obligation.</p> <p>“If a civil defense or other emergency, proclaimed under chapter 127 or 128 occurs, physicians, physician assistants, and nurse practitioners participating in the Hawaii health corps program may be ordered into service by the governor as first responders to serve in areas</p>

(continued on next page)



State	Health/Emergency	Safety	Terrorism	Other
Hawaii (continued)	<p>of the state and in a capacity determined by the director of health.”</p> <p>H.R.S. § 321-222 “First responder personnel” means a person who has successfully completed a United States Department of Transportation approved First Responder Course of training in emergency basic life support.</p>			
Illinois	<p>210 ILCS 50/3.60 First Responder. (a) “First Responder” means a person who has successfully completed a course of instruction in emergency first response as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency first response course.</p> <p>105 ILCS 128/5. “First responder” means and includes all fire departments and districts, law enforcement agencies and officials, emergency medical responders, and emergency management officials involved in the execution and documentation of the drills administered under this Act. (Health And Safety School Safety Drill Act).</p> <p>210 ILCS 50/3.21. Hospital first responders. The General Assembly finds that in the event of terrorist acts, especially those involving the release of biological agents, bacteria, viruses, or other agents intended to cause illness or injury, hospitals serve as first responders in diagnosing and treating the victims of those acts.</p> <p><b>EFFECTIVE AS OF JANUARY 2013 210-ILCS 50/3/60</b></p> <p>(a) “First Responder” means a person who is at least 18 years of age, who has successfully completed a course of instruction in emergency medical response as prescribed by the Department, and who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency medical responder course.</p>			

<p>Illinois (continued)</p>	<p>Persons who have already completed a course of instruction in emergency first response based on or equivalent to the national curriculum of the United States Department of Transportation, or as otherwise previously recognized by the Department, shall be considered First Responders on the effective date of this amendatory Act of 1995.</p> <p>(a-5) “Provisional First Responder” means a person who is at least 16 years of age, who has successfully completed a course of instruction in emergency medical response as prescribed by the Department, and who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency medical responder course. A Provisional First Responder must provide such services as part of an EMS System Response plan that utilizes Provisional First Responders with other EMS personnel dispatched to the scene of an emergency to provide initial emergency medical care and shall comply with the applicable sections of the program plan of that EMS System. A Provisional First Responder may apply to the Department for a First Responder license at the age of 18 upon the EMS Medical Director’s written approval.</p>
<p>Indiana</p>	<p>Ind. Code Ann. §16-31-8 discusses an amendment that substituted the term “first responders” with “medical responders” and defines “emergency medical responders” at §16-31-8, c) As used in this section, “emergency medical responder” means a person who:</p> <ul style="list-style-type: none"> <li>(1) is certified under IC 16-31 and who meets the Indiana emergency medical services commission’s standards for emergency medical responder certification; and</li> <li>(2) responds to an incident requiring emergency medical services. (See also, §35-31.5-2-136. “First Responders”)</li> </ul>

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State	Health/Emergency	Safety	Terrorism	Other
Indiana (continued)	<p>Ind. ALS 77. [Sec. 109.8. “Emergency medical responder”, for purposes of IC 16-31, means an individual who is: (1) certified under IC 16-31 and who meets the Indiana emergency medical services commission’s standards for emergency medical responder certification; and (2) the first individual to respond to an incident requiring emergency medical services.</p>			
Iowa	<p>Iowa Code §135.146 (1) . . . For purposes of this section, “first responder” means state and local law enforcement personnel, fire department personnel, and emergency medical personnel who will be deployed to sites of bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and other disasters.</p>			
Kansas	<p>K.S.A. § 65-6112 (n) “First responder” means a person who holds a first responder certificate issued pursuant to this act.</p>			
Kentucky	<p>K.R.S. 311A.010 (11) “First responder” means a person certified under this chapter as a first responder or first responder instructor.</p>			
Louisiana	<p>La. R.S. 40:1231 (9) “Certified first responder” means any individual who has successfully completed a training course developed and promulgated by the United States Department of Transportation and adopted by the bureau and who is certified by the bureau.</p>			

Louisiana  
(continued)

La. R.S. 23:1017.1  
(6) “First responder” means a volunteer engaged in activities involving the Governor’s Office of Homeland Security and Emergency Preparedness pursuant to R.S. 29:721 et seq. and first responders as defined in R.S. 40:1231 including, but not limited to, medical personnel, emergency and medical technicians, volunteer firemen, auxiliary law enforcement officers and members of the Civil Air Patrol.

La. R.S. 29:723  
(7) “First responders” means the first arriving organized responders with the capability and mission to contain, mitigate, and resolve the emergency at hand.

La. R.S. 29:739  
C. Definitions.  
As used in this Section, “first responder” refers to those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel, such as equipment operators that provide immediate support services during prevention, response, and recovery operations consistent with Homeland Security Presidential Directive 8.

La. R.S. 40:1299.58.2  
(4) “Certified first responder” means any person who has successfully completed a training course developed and promulgated by the United States Department of Transportation and adopted by the bureau of emergency medical services of the Department of Health and Hospitals and who is certified by the bureau.

La. R.S. 40:1299.64.2  
(3) “Certified first responder” means any person who has successfully completed a training course developed and promulgated by the United States Department of Transportation and adopted by the bureau of emergency medical services of the Department of Health and Hospitals and who is certified by the bureau.

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State	Health/Emergency	Safety	Terrorism	Other
Louisiana (continued)	2012 La. AIS 165 (2012 amendments to the False Impersonation Statutes) includes: (2) “Firefighter” means any certified first responder as defined in R.S. 40:1231, certified emergency medical technician as defined in R.S. 40:1231, or any firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state of Louisiana, or any volunteer fireman of the state of Louisiana.			
Maine	32 M.R.S. §83. 6. BASIC EMERGENCY MEDICAL SERVICES PERSON. “Basic emergency medical services person” means a person licensed to perform basic emergency medical treatment. Licensed first responders and basic emergency medical technicians are basic emergency medical services persons.			
Maryland	Md. Health-General Code Ann. §18-213.2 (7) “First responder” means a: (i) Fire fighter; (ii) Emergency medical technician; (iii) Rescue squad member; (iv) Law enforcement officer; (v) Correctional officer; or (vi) Sworn member of the State Fire Marshal’s office.  Md. Health-General Code Ann. §18-338.3 (4) “First responder” means an individual who: (i) Is licensed or certified under § 13-516 of the Education Article; and (ii) Provides services to an individual before the individual is admitted to a hospital.			
Massachusetts	ALM GL ch. 6A, §18L (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings: “EMS first responder,” a person providing emergency medical services as defined in section 1 of chapter 111C. “First responders,” members of police and fire departments, members of the state police participating in highway patrol and members of emergency reserve units of a volunteer fire department or fire protection			

<p>Massachusetts (continued)</p>	<p>district trained to administer first aid; provided, however, that first responders shall not include police officers, fire fighters and persons engaged in police and fire work whose duties are primarily clerical or administrative.</p> <p>ALM GL ch. 111C, §1  “EMS first responder,” a person who has, at a minimum, successfully completed a course in emergency medical care approved by the department pursuant to section 201 of chapter 111 and who provides emergency medical care through employment by or in association with an EMS first response service.</p>
<p>Michigan</p>	<p>MCLS §333.20906  (8) “Medical first responder” means an individual who has met the educational requirements of a department approved medical first responder course and who is licensed to provide medical first response life support as part of a medical first response service or as a driver of an ambulance that provides basic life support services only. Medical first responder does not include a police officer solely because his or her police vehicle is equipped with an automated external defibrillator.</p>
<p>Minnesota</p>	<p>Minn. Stat. §144E.001  Subd. 6. First responder.  —“First responder” means an individual who is registered by the board to perform, at a minimum, basic emergency skills before the arrival of a licensed ambulance service, and is a member of an organized service</p>

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State	Health/Emergency	Safety	Terrorism	Other
Minnesota (continued)	<p>recognized by a local political subdivision whose primary responsibility is to respond to medical emergencies to provide initial medical care before the arrival of a licensed ambulance service.</p>			
Mississippi	<p>Miss. Code Ann. §41-23-43(1)(e)                      (e) “First responders” means state and local law enforcement personnel, fire department personnel, emergency medical personnel, emergency management personnel and public works personnel who may be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters and emergencies.</p> <p>Miss. Code Ann. §41-59-3                      (i) “First responder” means a person who uses a limited amount of equipment to perform the initial assessment of and intervention with sick, wounded or otherwise incapacitated persons;                      (j) “Medical first responder” means a person who uses a limited amount of equipment to perform the initial assessment of and intervention with sick, wounded or otherwise incapacitated persons who (i) is trained to assist other EMS personnel by successfully completing, and remaining current in refresher training in accordance with, an approved “First Responder: National Standard Curriculum” training program, as developed and promulgated by the United States Department of Transportation; (ii) is nationally registered as a first responder by the National Registry of Emergency Medical Technicians; and (iii) is certified as a medical first responder by the State Department of Health, Division of Emergency Medical Services.</p> <p>Miss. Code Ann. §41-59-3                      (b) “First responders” means state and local law enforcement personnel, fire department personnel, emergency medical personnel, emergency management personnel and public works personnel who may be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters and emergencies.</p>			
Missouri	<p>§190.091 R.S. Mo.                      1. As used in this section, the following terms mean . . .                      (5) “First responders,” state and local law enforcement personnel, fire department personnel, and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and emergencies.</p> <p>§190.100 R.S. Mo.                      (20) “First responder,” a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United</p>			

<p>Missouri (continued)</p>	<p>States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency.</p> <p>§192.800 R.S. Mo. (3) “First responder,” any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses or physicians.</p>
<p>Nebraska</p>	<p>(Workman’s Compensation Statute) R.R.S. Neb. §48-101.01 (3) For purposes of this section, first responder means a sheriff, a deputy sheriff, a police officer, an officer of the Nebraska State Patrol, a volunteer or paid firefighter, or a volunteer or paid individual licensed under a licensure classification in subdivision (1) of section 38-1217 who provides medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.</p>
<p>Nevada</p>	<p>(Cruelty to Animals) Nev. Rev. Stat. Ann. §574.050 2. “First responder” means a person who has successfully completed the national standard course for first responders.</p>
<p>New Jersey</p>	<p>N.J. Stat. §26:2K-39 “First Responder” means a police officer, firefighter or other person who has been trained to provide emergency medical first response services in a program recognized by the commissioner.</p>

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State	Health/Emergency	Safety	Terrorism	Other
New Jersey (continued)	“First Responder-D” means a First Responder who is certified by the commissioner to perform cardiac defibrillation.			
New Mexico	(Hazardous Materials Emergency Response Act) N.M. Stat. Ann. §12-12-19 H. “first responder” means the first law enforcement officer or other public service provider with a radio-equipped vehicle to arrive at the scene of an accident. N.M. Stat. Ann. §24-10B-3 (Emergency Medical Services Act) L. “emergency medical services first responder” means a person who is licensed by the department and who functions within the emergency medical services system to provide initial emergency aid.	(Homeland Security) N.M. Stat. Ann. §12-10D-2 B. “first responder” means a public safety employee or volunteer whose duties include responding rapidly to an emergency, including but not limited to: (1) a law enforcement officer; (2) a firefighter or certified volunteer firefighter; and (3) an emergency medical services provider.		
New York	NY CLS PubHealth §3001 5. “Certified first responder” means an individual who meets the minimum requirements established by regulations pursuant to section three thousand two of this article and who is responsible for administration of initial life saving care of sick and injured persons.			
North Carolina	N.C. Gen. Stat. §130A-485 (3) “First responders” means State and local law enforcement			

<p>North Carolina (continued)</p>	<p>personnel, fire department personnel, and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, or emergencies.</p>
<p>North Dakota</p>	
<p>Ohio</p> <p>ORC Ann. 4765.01 (A) “First responder” means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as a first responder.</p> <p>ORC Ann. 4765.01 (1) A first responder shall be also known as an emergency medical responder or EMR.</p>	
<p>Oklahoma</p> <p>63 Okl. St. §1-539.1 6. “First responder” means an individual who performs emergency medical services on scene in accordance with the Oklahoma Emergency Response Systems Development Act and rules of the State Board of Health promulgated thereto.</p> <p>63 Okl. St. §1-2503 13. “First responder” means an individual certified by the Department to perform emergency medical services in accordance with the</p>	<p>63 Okl. St. §682.1 5. “First responders” means state and local law enforcement personnel, fire department personnel and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters and emergencies.</p> <p>(Environment and Natural Resources – dangerous substances) 27A Okl. St. §4-1-102 8. “First responder” means the first person to arrive at the scene of an incident involving the release of a dangerous substance who has the authority by virtue of that person’s position as a local law enforcement officer, peace officer, fire protection officer or Oklahoma Highway Patrol Officer or other law enforcement officer.</p>

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State	Health/Emergency	Safety	Terrorism	Other
Oklahoma (continued)	Oklahoma Emergency Response Systems Development Act and in accordance with the rules and standards promulgated by the Board.			
Pennsylvania	(Confidential communications involving public safety) 42 Pa. C.S. §5951 “First responder.”—An individual who is certified by the Department of Health as a first responder.			
Texas	<p>Tex. Gov’t Code §421.095 (1) “First responder” means a public safety employee or volunteer whose duties include responding rapidly to an emergency. The term includes:</p> <p>(A) a peace officer whose duties include responding rapidly to an emergency;</p> <p>(B) fire protection personnel under Section 419.021;</p> <p>(C) a volunteer firefighter who is:</p> <p>(i) certified by the Texas Commission on Fire Protection or by the State Firemen’s and Fire Marshalls’ Association of Texas; or</p> <p>(ii) a member of an organized volunteer fire-fighting unit as described by Section 615.003; and</p> <p>(D) an individual certified as emergency medical services personnel by the Department of State Health Services.</p> <p>Tex. Gov’t Code §161.0001 (1-a) “First responder” means:</p> <p>(A) any federal, state, local, or private personnel who may respond to a disaster, including:</p> <p>(i) public health and public safety personnel;</p> <p>(ii) commissioned law enforcement personnel;</p> <p>(iii) fire protection personnel, including volunteer firefighters;</p> <p>(iv) emergency medical services personnel, including hospital emergency facility staff;</p> <p>(v) a member of the National Guard;</p> <p>(vi) a member of the Texas State Guard; or</p> <p>(vii) any other worker who responds to a disaster in the worker’s scope of employment; or</p>			<p>Tex. Gov’t Code §3106.001 (State Symbols and Honors) (1) “Emergency medical first responder” means an employee or volunteer of the state, a political subdivision, or an emergency medical services provider who provides urgent on-site medical care to the sick or injured.</p> <p>Tex. Lab. Code §504.055 (Workers’ Compensation) (a) In this section, “first responder” means:</p> <p>(1) an individual employed by a political subdivision of this state who is:</p> <p>(A) a peace officer under Article 2.12, Code of Criminal Procedure;</p> <p>(B) a person licensed under Chapter 773, Health and Safety Code, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or</p> <p>(C) a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue; or</p> <p>(2) an individual covered under Section 504.012(a) who is providing volunteer services to a political subdivision of this state as:</p> <p>(A) a volunteer firefighter, without regard to whether the volunteer firefighter is certified</p>

<p>Texas (continued)</p>	<p>(B) any related personnel that provide support services during the prevention, response, and recovery phases of a disaster.</p> <p>Tex. Health &amp; Safety Code §773.003 (16) “First responder organization” means a group or association of certified emergency medical services personnel that, working in cooperation with a licensed emergency medical services provider, provides immediate on-scene care to ill or injured persons but does not transport those persons.</p>	<p>under Subchapter D, Chapter 419, Government Code; or (B) an emergency medical services volunteer, as defined by Section 773.003, Health and Safety Code.</p>
<p>Utah</p>	<p>Utah Code Ann. §26-6b-2 (2) “First responder” means: (a) a law enforcement officer as defined in Section 53-13-103; (b) emergency medical service personnel as defined in Section 26-8a-102; (c) firefighters; and (d) public health personnel having jurisdiction over the location where an individual subject to restriction is found.</p>	
<p>Vermont</p>	<p>24 V.S.A. §2651 (10) “First responder service” means a person licensed by the department of health to provide emergency medical treatment.</p>	
<p>Virginia</p>		<p>Va. Code Ann. §65.2-104 (Workers’ Compensation) B. For purposes of this section, “first responder” shall include any person referenced in subdivision 11 of the definition of “employee” in § 65.2-101 who provides emergency services, during the period that the states of emergency defined in subsection A are in effect.</p>
<p>Washington</p>	<p>Rev. Code Wash. §18.73.030 (13) “First responder” means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.</p> <p>Rev. Code Wash. §43.44.130 (4) For the purposes of this section, “local first responders” means police, fire, emergency medical staff, and volunteers.</p>	

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State	Health/Emergency	Safety	Terrorism	Other
Washington <i>(continued)</i>	<p>Rev. Code Wash. §35.103.020                      (7) “First responder” means provision of initial assessment and basic first-aid intervention, including cardiac pulmonary resuscitation and automatic external defibrillator capability.</p> <p>Rev. Code Wash. §35A.92.020                      (7) “First responder” means provision of initial assessment and basic first-aid intervention, including cardiac pulmonary resuscitation and automatic external defibrillator capability.</p> <p>Rev. Code Wash. §52.33.020                      (6) “First responder” means provision of initial assessment and basic first-aid intervention, including cardiac pulmonary resuscitation and automatic external defibrillator capability.</p> <p>Rev. Code Wash. § 53.56.020                      (6) “First responder” means provision of initial assessment and basic first-aid intervention, including cardiac pulmonary resuscitation and automatic external defibrillator capability.</p>			

West Virginia		<p>W. Va. Code § 55-7-26 (Actions for Injuries) (a) “First responder” includes: law-enforcement officers, firefighters, emergency medical services personnel and others that respond to calls for emergency medical assistance.</p>
Wisconsin	<p>Wis. Stat. § 256.15 (8) CERTIFICATION OF FIRST RESPONDERS. (a) Except as provided in ss. 256.17 and 256.18, the department shall certify qualified applicants as first responders. (b) To be eligible for initial certification as a first responder, except as provided in ss. 256.17 and 256.18, an individual shall meet all of the following requirements: 1. The individual is 18 years of age or older and capable of performing the actions authorized under par. (e), or in rules promulgated under par. (e), for a first responder. 2. Subject to ss. 111.321, 111.322 and 111.335, the individual does not have an arrest or conviction record. 3. The individual satisfactorily completes a first responder course that meets or exceeds the guidelines issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3 (a) (5), that includes training for response to acts of terrorism, and that is approved by the department.</p>	<p>Wis. Stat. §16.25 (Service Award Program) “First responder” means an individual certified under s. 256.15 (8) (a) (b)</p>

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State	Health/Emergency	Safety	Terrorism	Other
Wisconsin (continued)	<p>Wis. Stat. §252.01 (1g) “First responder” means a person who, as a condition of employment or as a member of an organization that provides emergency medical care before hospitalization, provides emergency medical care to a sick, disabled or injured individual before the arrival of an ambulance, but who does not provide transportation for a patient.</p> <p>Wis. Stat. §256.01 (9) “First responder” means a person who is certified by the department as a first responder under s. 256.15 (8) (a) and who, as a condition of employment or as a member of an organization that provides emergency medical care before hospitalization, provides emergency medical care to a sick, disabled or injured individual before the arrival of an ambulance, but who does not provide transportation for a patient.</p>			



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