

CHAPTER 47

GOVERNMENT - STATE

HOUSE BILL 24-1103

BY REPRESENTATIVE(S) Amabile and Herod, Bacon, Boesenecker, Brown, deGruy Kennedy, Froelich, Garcia, Hernandez, Jodeh, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, McCormick, Rutinel, Sirota, Story, Velasco, Weissman, Woodrow, McCluskie; also SENATOR(S) Gonzales and Buckner, Bridges, Coleman, Cutter, Exum, Fields, Ginal, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Michaelson Jenet, Priola, Sullivan, Winter F.

AN ACT**CONCERNING PROHIBITIONS ON THE OFFICIAL USE OF THE TERM "EXCITED DELIRIUM".**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 24-31-907 as follows:

24-31-907. Prohibited use of "excited delirium" - definition. (1)(a) A PERSON OR ENTITY CONDUCTING A TRAINING PROGRAM FOR PEACE OFFICERS, AS DESCRIBED IN SECTION 16-2.5-101 (1), OR OTHER FIRST RESPONDERS SHALL NOT INCLUDE ANY TRAINING ON OR REFERENCE TO THE TERM "EXCITED DELIRIUM" IN ANY TRAINING PROGRAM. A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101 (1), LAW ENFORCEMENT AGENCY, OR OTHER ORGANIZATION SHALL NOT REPORT TO THE P.O.S.T. BOARD, CREATED IN SECTION 24-31-302, A COURSE THAT CONTAINS THE CONCEPT OF EXCITED DELIRIUM FOR CREDIT TOWARD ANY TRAINING REQUIRED BY SECTIONS 24-31-303 (1), 24-31-315, OR ANY RULE PROMULGATED BY THE P.O.S.T. BOARD. NOTHING IN THIS SECTION PROHIBITS THE INSTRUCTION OF, OR REPORTING TO THE P.O.S.T. BOARD FOR TRAINING CREDIT, COURSES THAT INCLUDE THE SAFE AND EFFECTIVE INTERACTION WITH INDIVIDUALS EXHIBITING AN ALTERED MENTAL STATE, INCLUDING SYMPTOMATOLOGY OF A STATE OF AGITATION, EXCITABILITY, PARANOIA, EXTREME AGGRESSION, PHYSICAL VIOLENCE, AND APPARENT IMMUNITY FROM PAIN.

(b) A PEACE OFFICER SHALL NOT USE THE TERM "EXCITED DELIRIUM" TO DESCRIBE AN INDIVIDUAL IN AN INCIDENT REPORT COMPLETED BY A PEACE OFFICER. A PEACE OFFICER MAY DESCRIBE THE CHARACTERISTICS OF AN INDIVIDUAL'S CONDUCT BUT SHALL NOT GENERALLY DESCRIBE THE INDIVIDUAL'S DEMEANOR, CONDUCT, OR PHYSICAL OR MENTAL CONDITION AT ISSUE AS "EXCITED DELIRIUM".

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) FOR PURPOSES OF THIS SECTION, "EXCITED DELIRIUM" MEANS A TERM USED TO DESCRIBE A PERSON'S STATE OF AGITATION, EXCITABILITY, PARANOIA, EXTREME AGGRESSION, PHYSICAL VIOLENCE, AND APPARENT IMMUNITY TO PAIN THAT IS NOT LISTED IN THE MOST RECENT VERSION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS. "EXCITED DELIRIUM" ALSO INCLUDES EXCITED DELIRIUM SYNDROME, HYPERACTIVE DELIRIUM, AGITATED DELIRIUM, AND EXHAUSTIVE MANIA.

SECTION 2. In Colorado Revised Statutes, 25-2-110, **amend** (5) as follows:

25-2-110. Certificates of death - definition. (5) (a) When inquiry is required by section 30-10-606, the coroner shall determine the cause of death and shall complete and sign the medical certification within forty-eight hours after receipt of the electronic death registration request, except as permitted by subsection (5.5) of this section. If an autopsy is performed, the certification ~~shall~~ **MUST** indicate whether the decedent was pregnant at the time of death, and ~~said~~ **THE** information ~~shall~~ **MUST** be reported on the certificate of death as required by subsection (9) of this section. Except as otherwise provided in subsection (4.5) of this section, a coroner, medical examiner, forensic pathologist, or other qualified individual that determines the cause of death and completes the medical certification for a certificate of death in accordance with this subsection (5) must use the electronic death registration system used by the department of public health and environment and the state registrar pursuant to subsection (1)(b)(I) of this section.

(b) A CORONER, MEDICAL EXAMINER, FORENSIC PATHOLOGIST, OR OTHER QUALIFIED INDIVIDUAL WHO COMPLETES THE MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH PURSUANT TO THIS SUBSECTION (5) OR SUBSECTION (5.5) OR (6) OF THIS SECTION SHALL NOT REGISTER "EXCITED DELIRIUM" AS THE CAUSE OF DEATH.

(c) FOR PURPOSES OF THIS SUBSECTION (5), "EXCITED DELIRIUM" MEANS A TERM USED TO DESCRIBE A PERSON'S STATE OF AGITATION, EXCITABILITY, PARANOIA, EXTREME AGGRESSION, PHYSICAL VIOLENCE, AND APPARENT IMMUNITY TO PAIN THAT IS NOT LISTED IN THE MOST RECENT VERSION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS. "EXCITED DELIRIUM" ALSO INCLUDES EXCITED DELIRIUM SYNDROME, HYPERACTIVE DELIRIUM, AGITATED DELIRIUM, AND EXHAUSTIVE MANIA.

SECTION 3. In Colorado Revised Statutes, 25-3.5-203, **amend** (2) as follows:

25-3.5-203. Emergency medical service providers - licensure - renewal of license - duties of department - rules - record checks - definitions. (2) (a) The council shall advise the department and the board in establishing the training requirements for certificate or license renewal, which training requirements must include a classroom component requiring at least thirty-six and not more than fifty classroom hours.

(b) WITH THE EXCEPTION OF USING THE TERM "EXCITED DELIRIUM" IN THE TEACHING OF THE HISTORY OF THE TERM, A PERSON OR ENTITY CONDUCTING A TRAINING PROGRAM FOR EMERGENCY MEDICAL SERVICE PROVIDERS SHALL NOT

INCLUDE ANY TRAINING ON OR REFERENCE TO THE TERM "EXCITED DELIRIUM" IN ANY TRAINING PROGRAM. NOTHING IN THIS SECTION PROHIBITS THE INSTRUCTION OF EMERGENCY MEDICAL SERVICE COURSES THAT INCLUDE THE SAFE AND EFFECTIVE MEDICAL INTERACTION WITH INDIVIDUALS EXHIBITING AN ALTERED MENTAL STATE, INCLUDING SYMPTOMATOLOGY OF A STATE OF AGITATION, EXCITABILITY, PARANOIA, EXTREME AGGRESSION, PHYSICAL VIOLENCE, AND APPARENT IMMUNITY FROM PAIN.

(c) FOR PURPOSES OF SUBSECTION (2)(b) OF THIS SECTION, "EXCITED DELIRIUM" MEANS A TERM USED TO DESCRIBE A PERSON'S STATE OF AGITATION, EXCITABILITY, PARANOIA, EXTREME AGGRESSION, PHYSICAL VIOLENCE, AND APPARENT IMMUNITY TO PAIN THAT IS NOT LISTED IN THE MOST RECENT VERSION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS. "EXCITED DELIRIUM" ALSO INCLUDES EXCITED DELIRIUM SYNDROME, HYPERACTIVE DELIRIUM, AGITATED DELIRIUM, AND EXHAUSTIVE MANIA.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 4, 2024