

CHAPTER 450

HEALTH AND ENVIRONMENT

HOUSE BILL 21-1251

BY REPRESENTATIVE(S) Caraveo and Herod, Benavidez, Jackson, Jodeh, Mullica, Woodrow, Amabile, Bennett, Boesenecker, Duran, Esgar, Gonzales-Gutierrez, Hooton, Kipp, Lontine, Ortiz, Ricks, Snyder, Weissman, Exum, Michaelson Jenet, Sirota; also SENATOR(S) Fields and Gonzales, Buckner, Coleman, Danielson, Hansen, Jaquez Lewis, Lee, Moreno, Pettersen, Story, Winter.

AN ACT

CONCERNING THE APPROPRIATE USE OF KETAMINE UPON A PERSON IN A PREHOSPITAL SETTING, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 25-3.5-103, **add** (8.6) and (10.3) as follows:

25-3.5-103. Definitions. As used in this article 3.5, unless the context otherwise requires:

(8.6) "JUSTIFIABLE MEDICAL EMERGENCY" MEANS AN UNDERLYING MEDICAL, TRAUMATIC, OR PSYCHIATRIC CONDITION POSING AN IMMEDIATE SAFETY RISK TO THE INDIVIDUAL, EMERGENCY MEDICAL SERVICE PROVIDER, OR THE PUBLIC. EXCITED DELIRIUM, ANY SUBSEQUENT TERM FOR EXCITED DELIRIUM, OR ANY ACUTE PSYCHIATRIC DIAGNOSIS NOT RECOGNIZED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS IS NOT A JUSTIFIABLE MEDICAL EMERGENCY.

(10.3) "PREHOSPITAL SETTING" MEANS ONE OF THE FOLLOWING SETTINGS IN WHICH AN EMERGENCY MEDICAL SERVICE PROVIDER PERFORMS PATIENT CARE, WHICH CARE IS SUBJECT TO MEDICAL DIRECTION BY A MEDICAL DIRECTOR:

- (a) AT THE SITE OF AN EMERGENCY;
- (b) DURING EMERGENCY TRANSPORT; OR

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.

(c) DURING INTERFACILITY TRANSPORT.

SECTION 2. In Colorado Revised Statutes, **add 25-3.5-209** as follows:

25-3.5-209. Use of ketamine in prehospital setting when peace officer is present - definition. (1) (a) WHEN A PEACE OFFICER IS PRESENT AT THE SCENE OF AN EMERGENCY, AN EMERGENCY MEDICAL SERVICE PROVIDER AUTHORIZED TO ADMINISTER KETAMINE IN A PREHOSPITAL SETTING SHALL ONLY ADMINISTER KETAMINE IF THE PROVIDER HAS:

(I) WEIGHED THE INDIVIDUAL TO ENSURE ACCURATE DOSAGE. IF THE EMERGENCY MEDICAL SERVICE PROVIDER IS UNABLE TO WEIGH THE INDIVIDUAL, THE EMERGENCY MEDICAL SERVICE PROVIDER SHALL, PRIOR TO THE ADMINISTRATION OF KETAMINE:

(A) ESTIMATE THE INDIVIDUAL'S WEIGHT, AND AT LEAST TWO PERSONNEL WHO ARE TRAINED IN WEIGHT ASSESSMENTS MUST AGREE WITH THE WEIGHT ASSESSMENT; AND

(B) ATTEMPT TO OBTAIN A VERBAL ORDER FROM THE EMERGENCY MEDICAL SERVICE PROVIDER'S MEDICAL DIRECTOR OR THEIR DESIGNEE, UNLESS THERE IS A VERIFIABLE REASON THE EMERGENCY MEDICAL SERVICE PROVIDER CANNOT OBTAIN A VERBAL ORDER.

(II) TRAINING IN THE ADMINISTRATION OF KETAMINE, INCLUDING TRAINING TO ENSURE APPROPRIATE DOSAGE BASED ON THE WEIGHT OF THE INDIVIDUAL;

(III) TRAINING IN ADVANCED AIRWAY SUPPORT TECHNIQUES;

(IV) EQUIPMENT AVAILABLE TO MANAGE RESPIRATORY DEPRESSION; AND

(V) EQUIPMENT AVAILABLE TO IMMEDIATELY MONITOR THE VITAL SIGNS OF THE INDIVIDUAL RECEIVING KETAMINE AND THE ABILITY TO RESPOND TO ANY ADVERSE REACTIONS.

(b) THE MEDICAL DIRECTOR OF AN AGENCY THAT HAS A WAIVER TO ADMINISTER KETAMINE SHALL DEVELOP ANY NECESSARY TRAINING FOR EMERGENCY MEDICAL SERVICE PROVIDERS PURSUANT TO THIS SUBSECTION (1).

(2) AN EMERGENCY MEDICAL SERVICE PROVIDER WHO ADMINISTERS KETAMINE SHALL:

(a) PROVIDE URGENT TRANSPORT TO THE INDIVIDUAL RECEIVING KETAMINE; AND

(b) RECORD ANY COMPLICATIONS ARISING OUT OF SUCH ADMINISTRATION, INCLUDING BUT NOT LIMITED TO APNEA, LARYNGOSPASM, HYPOXIA, HYPERTENSION, HYPOTENSION, SEIZURE, AND CARDIAC ARREST.

(3) ABSENT A JUSTIFIABLE MEDICAL EMERGENCY, AN EMERGENCY MEDICAL SERVICE PROVIDER SHALL NOT ADMINISTER KETAMINE IN A PREHOSPITAL SETTING TO SUBDUE, SEDATE, OR CHEMICALLY INCAPACITATE AN INDIVIDUAL FOR ALLEGED OR SUSPECTED CRIMINAL, DELINQUENT, OR SUSPICIOUS CONDUCT.

(4) IF AN EMERGENCY MEDICAL SERVICE PROVIDER DOES NOT COMPLY WITH THE PROVISIONS OF THIS SECTION, SUCH NONCOMPLIANCE IS CONSIDERED MISCONDUCT, AS DEFINED IN SECTION 25-3.5-205 (5)(b).

SECTION 3. In Colorado Revised Statutes, 18-1-707, **add** (1.5) as follows:

18-1-707. Use of force by peace officers - definitions - repeal. (1.5)(a) PURSUANT TO SECTION 18-8-805 (1) AND (2)(a)(I), PEACE OFFICERS SHALL NOT USE, DIRECT, OR UNDULY INFLUENCE THE USE OF KETAMINE UPON ANOTHER PERSON NOR COMPEL, DIRECT, OR UNDULY INFLUENCE AN EMERGENCY MEDICAL SERVICE PROVIDER TO ADMINISTER KETAMINE. IF A PEACE OFFICER VIOLATES THIS PROHIBITION, THE DISTRICT ATTORNEY MAY CHARGE THE OFFICER WITH ANY CRIME BASED ON THE FACTS OF THE CASE.

(b) AS USED IN THIS SUBSECTION (1.5), UNLESS THE CONTEXT OTHERWISE REQUIRES, "UNDULY INFLUENCE" MEANS THE IMPROPER USE OF POWER OR TRUST IN A WAY THAT DEPRIVES A PERSON OF FREE WILL AND SUBSTITUTES ANOTHER'S OBJECTIVE.

(c) NOTWITHSTANDING SUBSECTION (1.5)(a) OF THIS SECTION, A PEACE OFFICER WHO IS ALSO CERTIFIED AS AN EMERGENCY MEDICAL SERVICE PROVIDER MAY ADMINISTER KETAMINE PURSUANT TO THE RESTRICTIONS SET FORTH IN SECTION 25-3.5-209 AND WHEN THE DECISION TO ADMINISTER KETAMINE IS BASED ON THE EMERGENCY MEDICAL SERVICE PROVIDER'S TRAINING AND EXPERTISE.

SECTION 4. In Colorado Revised Statutes, **amend** 18-8-801 as follows:

18-8-801. Definitions. As used in this part 8, unless the context otherwise requires:

(1) "EMERGENCY MEDICAL SERVICE PROVIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION 25-3.5-103 (8).

~~(1)~~ (2) "Materially false statement" has the meaning set out in section 18-8-501 (1).

~~(2)~~ (3) "Peace officer" has the meaning set out in section 16-2.5-101, C.R.S.

SECTION 5. In Colorado Revised Statutes, **add** 18-8-805 as follows:

18-8-805. Prohibition on using or directing administration of ketamine - duty to report - duty to intervene - definition. (1) A PEACE OFFICER SHALL NOT USE, DIRECT, OR UNDULY INFLUENCE THE USE OF KETAMINE UPON ANOTHER PERSON.

(2)(a)(I) A PEACE OFFICER SHALL NOT COMPEL, DIRECT, OR UNDULY INFLUENCE AN EMERGENCY MEDICAL SERVICE PROVIDER TO ADMINISTER KETAMINE.

(II) AN EMERGENCY MEDICAL SERVICE PROVIDER SHALL CONFIDENTIALLY REPORT ANY VIOLATION OF THIS SUBSECTION (2)(a) TO THE P.O.S.T. BOARD CREATED IN SECTION 24-31-302 WITHIN TEN DAYS OF THE OCCURRENCE. AT A MINIMUM, THE REPORT MUST INCLUDE THE DATE, TIME, AND PLACE OF THE OCCURRENCE; THE

IDENTITY, IF KNOWN, AND A DESCRIPTION OF THE PARTICIPANTS; AND A DESCRIPTION OF THE EVENTS.

(III) A PEACE OFFICER SHALL NOT RETALIATE IN ANY WAY AGAINST AN EMERGENCY MEDICAL SERVICE PROVIDER FOR REPORTING THE INCIDENT PURSUANT TO THIS SUBSECTION (2).

(IV) UPON RECEIPT OF THE REPORT SUBMITTED PURSUANT TO SUBSECTION (2)(a)(II) OF THIS SECTION, THE P.O.S.T. BOARD SHALL SUBMIT THE REPORT TO THE PEACE OFFICER'S EMPLOYING AGENCY. THE EMPLOYING AGENCY SHALL CONDUCT AN INTERNAL INVESTIGATION OF THE ALLEGED VIOLATION AND TRANSMIT THE FINDINGS OF THE INTERNAL INVESTIGATION TO THE P.O.S.T. BOARD. IF THE FINDINGS SHOW THE PEACE OFFICER VIOLATED SECTION 18-8-805 (1), (2)(a)(I), OR (5), THE P.O.S.T. BOARD MAY REVOKE THE PEACE OFFICER'S CERTIFICATION IN ACCORDANCE WITH SECTION 24-31-904 (1)(a)(III), (1)(a)(IV), OR (2)(a).

(b) A PEACE OFFICER SHALL NOT UNDULY INFLUENCE AN EMERGENCY MEDICAL SERVICE PROVIDER'S MEDICAL DECISION OR DIAGNOSIS, AND AN EMERGENCY MEDICAL SERVICE PROVIDER SHALL NOT BASE ITS MEDICAL DECISION OR DIAGNOSIS EXCLUSIVELY ON INFORMATION PROVIDED BY A PEACE OFFICER.

(c) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION, A PEACE OFFICER MAY PROVIDE CRITICAL MEDICAL INFORMATION OR ANY OTHER PERTINENT INFORMATION ABOUT THE INDIVIDUAL OR THE SCENE OF THE EMERGENCY THAT MAY ASSIST THE EMERGENCY MEDICAL SERVICE PROVIDER'S ASSESSMENT OF THE NEED TO ADMINISTER KETAMINE.

(d) NOTWITHSTANDING SECTION 18-1-707 (1.5)(a), A PEACE OFFICER WHO IS ALSO CERTIFIED AS AN EMERGENCY MEDICAL SERVICE PROVIDER MAY ADMINISTER KETAMINE PURSUANT TO THE RESTRICTIONS SET FORTH IN SECTION 25-3.5-209 AND WHEN THE DECISION TO ADMINISTER KETAMINE IS BASED ON THE EMERGENCY MEDICAL SERVICE PROVIDER'S TRAINING AND EXPERTISE.

(3) A PERSON WHO IS DIRECTED BY A PEACE OFFICER TO ASSIST THE PEACE OFFICER TO EFFECT AN ARREST, DETENTION, RESTRAINT, TRANSPORT, OR PUNISHMENT; TO PREVENT AN ESCAPE FROM CUSTODY; OR TO FACILITATE EASE AND CONVENIENCE IN LAW ENFORCEMENT ENCOUNTERS SHALL NOT USE KETAMINE TO CARRY OUT THE PEACE OFFICER'S DIRECTION OR UNDUE INFLUENCE.

(4) (a) A PEACE OFFICER WHO, IN PURSUANCE OF THE PEACE OFFICER'S LAW ENFORCEMENT DUTIES, WITNESSES ANOTHER PEACE OFFICER, IN PURSUANCE OF THE OTHER PEACE OFFICER'S LAW ENFORCEMENT DUTIES, USE OR DIRECT THE USE OF KETAMINE ON ANOTHER PERSON SHALL REPORT SUCH USE TO THE P.O.S.T. BOARD CREATED IN SECTION 24-31-302.

(b) AT A MINIMUM, THE REPORT REQUIRED BY THIS SUBSECTION (4) MUST INCLUDE THE DATE, TIME, AND PLACE OF THE OCCURRENCE; THE IDENTITY, IF KNOWN, AND A DESCRIPTION OF THE PARTICIPANTS; AND A DESCRIPTION OF THE EVENTS. A COPY OF AN ARREST REPORT OR OTHER SIMILAR REPORT REQUIRED AS A PART OF A PEACE OFFICER'S DUTIES CAN BE SUBSTITUTED FOR THE REPORT REQUIRED BY THIS SUBSECTION (4) IF IT INCLUDES SUCH INFORMATION. THE REPORT MUST BE

IN WRITING AND MADE WITHIN TEN DAYS OF THE OCCURRENCE OF THE USE OF KETAMINE.

(c) ANY PEACE OFFICER WHO FAILS TO REPORT THE USE OR DIRECTED USE OF KETAMINE IN THE MANNER DESCRIBED IN THIS SUBSECTION (4) COMMITS A CLASS 1 MISDEMEANOR.

(d) UPON RECEIPT OF THE REPORT SUBMITTED PURSUANT TO THIS SUBSECTION (4), THE P.O.S.T. BOARD SHALL SUBMIT THE REPORT TO THE PEACE OFFICER'S EMPLOYING AGENCY. THE EMPLOYING AGENCY SHALL CONDUCT AN INTERNAL INVESTIGATION OF THE ALLEGED VIOLATION AND TRANSMIT THE FINDINGS OF THE INTERNAL INVESTIGATION TO THE P.O.S.T. BOARD. IF THE FINDINGS SHOW THE PEACE OFFICER VIOLATED SECTION 18-8-805 (1), (2)(a)(I), OR (5), THE P.O.S.T. BOARD MAY REVOKE THE PEACE OFFICER'S CERTIFICATION IN ACCORDANCE WITH SECTION 24-31-904 (1)(a)(III), (1)(a)(IV), (1)(a) OR (2)(a).

(5) (a) A PEACE OFFICER SHALL INTERVENE, WITHOUT REGARD FOR CHAIN OF COMMAND, TO PREVENT OR STOP ANOTHER PEACE OFFICER FROM USING OR DIRECTING THE USE OF KETAMINE IN PURSUANCE OF THE OTHER PEACE OFFICER'S LAW ENFORCEMENT DUTIES TO EFFECT AN ARREST, DETENTION, RESTRAINT, TRANSPORT, OR PUNISHMENT; TO PREVENT AN ESCAPE FROM CUSTODY; OR TO FACILITATE EASE AND CONVENIENCE IN LAW ENFORCEMENT ENCOUNTERS.

(b) (I) A PEACE OFFICER WHO INTERVENES AS REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION SHALL REPORT THE INTERVENTION TO THE INTERVENING PEACE OFFICER'S IMMEDIATE SUPERVISOR.

(II) AT A MINIMUM, THE REPORT REQUIRED BY THIS SUBSECTION (5)(b) MUST INCLUDE THE DATE, TIME, AND PLACE OF THE OCCURRENCE; THE IDENTITY, IF KNOWN, AND A DESCRIPTION OF THE PARTICIPANTS; AND A DESCRIPTION OF THE INTERVENTION ACTIONS TAKEN. THE REPORT MUST BE IN WRITING AND MADE WITHIN TEN DAYS OF THE OCCURRENCE OF THE INTERVENTION AND MUST BE INCLUDED WITH ALL OTHER REPORTS OF THE INCIDENT.

(c) A MEMBER OF A LAW ENFORCEMENT AGENCY SHALL NOT DISCIPLINE OR RETALIATE IN ANY WAY AGAINST A PEACE OFFICER FOR INTERVENING AS REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION, FOR REPORTING ANY OTHER VIOLATION OF THIS SECTION, OR FOR FAILING TO FOLLOW WHAT THE PEACE OFFICER REASONABLY BELIEVES IS AN UNCONSTITUTIONAL DIRECTIVE.

(d) ANY PEACE OFFICER WHO FAILS TO INTERVENE TO PREVENT THE USE OF OR THE DIRECTED USE OF KETAMINE AS DESCRIBED IN THIS SUBSECTION (5) COMMITS A CLASS 1 MISDEMEANOR.

(e) WHEN AN ADMINISTRATIVE LAW JUDGE OR INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO INTERVENE TO PREVENT THE USE OF OR THE DIRECTED USE OF KETAMINE, THE FINDING MUST BE PRESENTED TO THE DISTRICT ATTORNEY SO THAT THE DISTRICT ATTORNEY CAN DETERMINE WHETHER CHARGES SHOULD BE FILED PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION. HOWEVER, NOTHING IN THIS SUBSECTION (5)(e) PROHIBITS OR IS INTENDED TO DISCOURAGE THE DISTRICT ATTORNEY FROM CHARGING AN OFFICER WITH FAILURE TO INTERVENE

BEFORE THE CONCLUSION OF ANY INTERNAL INVESTIGATION.

(f) IN A CASE IN WHICH THE PROSECUTION CHARGES A PEACE OFFICER WITH OFFENSES RELATED TO AND BASED UPON THE USE OR DIRECTED USE OF KETAMINE BUT DOES NOT FILE CHARGES AGAINST ANY OTHER PEACE OFFICER OR OFFICERS WHO WERE AT THE SCENE DURING THE USE OF KETAMINE, THE DISTRICT ATTORNEY SHALL PREPARE A WRITTEN REPORT EXPLAINING THE DISTRICT ATTORNEY'S BASIS FOR THE DECISION NOT TO CHARGE ANY OTHER PEACE OFFICER WITH ANY CRIMINAL CONDUCT AND SHALL PUBLICLY DISCLOSE THE REPORT; EXCEPT THAT IF DISCLOSURE OF THE REPORT WOULD SUBSTANTIALLY INTERFERE WITH OR JEOPARDIZE AN ONGOING CRIMINAL INVESTIGATION, THE DISTRICT ATTORNEY MAY DELAY PUBLIC DISCLOSURE FOR UP TO FORTY-FIVE DAYS. THE DISTRICT ATTORNEY SHALL POST THE WRITTEN REPORT ON ITS WEBSITE OR, IF IT DOES NOT HAVE A WEBSITE, MAKE IT PUBLICLY AVAILABLE.

(g) NOTHING IN THIS SUBSECTION (5) PROHIBITS OR DISCOURAGES PROSECUTION OF ANY OTHER CRIMINAL OFFENSE RELATED TO UNLAWFUL USE OR DIRECTED USE OF KETAMINE, FAILURE TO INTERVENE, OR FAILURE TO REPORT, INCLUDING A HIGHER CHARGE, IF SUPPORTED BY THE EVIDENCE.

(6) ANY PEACE OFFICER WHO KNOWINGLY MAKES A MATERIALLY FALSE STATEMENT THAT THE OFFICER DOES NOT BELIEVE TO BE TRUE IN ANY REPORT MADE PURSUANT TO SUBSECTION (4) OF THIS SECTION COMMITS FALSE REPORTING TO AUTHORITIES PURSUANT TO SECTION 18-8-111 (1)(a)(III).

(7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "UNDULY INFLUENCE" OR "UNDUE INFLUENCE" MEANS THE IMPROPER USE OF POWER OR TRUST IN A WAY THAT DEPRIVES A PERSON OF FREE WILL AND SUBSTITUTES ANOTHER'S OBJECTIVE.

SECTION 6. In Colorado Revised Statutes, **amend** 24-31-904 as follows:

24-31-904. Peace officer certification discipline. (1) (a) Notwithstanding any provision of law, THE P.O.S.T. BOARD SHALL PERMANENTLY REVOKE A PEACE OFFICER'S CERTIFICATION if: ~~any~~

(I) THE P.O.S.T.-CERTIFIED peace officer is convicted of or pleads guilty or nolo contendere to a crime involving the unlawful use ~~or threatened use~~ of physical force OR a crime involving the failure to intervene in the use of unlawful force ~~or is~~ AND THE INCIDENT RESULTED IN SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON;

(II) THE P.O.S.T.-CERTIFIED PEACE OFFICER IS found civilly liable for the use of unlawful physical force, or is found civilly liable for failure to intervene in the use of unlawful force ~~the P.O.S.T. board shall permanently revoke the peace officer's certification~~ AND THE INCIDENT RESULTED IN SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON;

(III) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO INTERVENE PURSUANT TO SECTION 18-8-805 (5) AND THE INCIDENT RESULTED IN DEATH TO ANOTHER PERSON;
OR

(IV) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER VIOLATED SECTION 18-8-805 (1) OR (2)(a)(I) AND THE INCIDENT RESULTED IN DEATH TO ANOTHER PERSON.

(b) The P.O.S.T. board shall not, under any circumstances, reinstate the peace officer's certification or grant new certification to the peace officer unless the peace officer is exonerated by a AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR COURT. The P.O.S.T. board shall record each ~~decertified~~ peace officer WHOSE CERTIFICATION IS REVOKED PURSUANT TO THIS SECTION in the database created pursuant to section 24-31-303 (1)(r).

(2) (a) NOTWITHSTANDING ANY PROVISION OF LAW, THE P.O.S.T. BOARD SHALL SUSPEND A PEACE OFFICER'S CERTIFICATION FOR AT LEAST ONE YEAR IF AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO INTERVENE PURSUANT TO SECTION 18-8-805 (5), OR VIOLATED SECTION 18-8-805 (1) OR (2)(a)(I), AND THE INCIDENT DID NOT RESULT IN DEATH TO ANOTHER PERSON.

(b) THE P.O.S.T. BOARD SHALL REINSTATE THE PEACE OFFICER'S CERTIFICATION IF THE PEACE OFFICER IS EXONERATED BY AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR COURT.

SECTION 7. In Colorado Revised Statutes, 25-3.5-206, **amend** (2)(a) introductory portion, (2)(a)(II), and (3)(a); and **add** (2)(a)(IV) and (2)(a)(V) as follows:

25-3.5-206. Emergency medical practice advisory council - creation - powers and duties - emergency medical service provider scope of practice - definitions - rules. (2) (a) The advisory council consists of the following ~~eleven~~ THIRTEEN members:

(II) One voting member who, as of July 1, 2010, is a member of the state emergency medical and trauma services advisory council, appointed by the executive director of the department; ~~and~~

(IV) ONE VOTING MEMBER WHO IS A CLINICAL PSYCHIATRIST LICENSED IN GOOD STANDING IN COLORADO, RECOMMENDED BY A STATEWIDE ASSOCIATION OF PSYCHIATRISTS, AND APPOINTED BY THE GOVERNOR; AND

(V) ONE VOTING MEMBER WHO IS AN ANESTHESIOLOGIST LICENSED IN GOOD STANDING IN COLORADO, RECOMMENDED BY A STATEWIDE ASSOCIATION OF ANESTHESIOLOGISTS, AND APPOINTED BY THE GOVERNOR.

(3) The advisory council shall provide general technical expertise on matters related to the provision of patient care by emergency medical service providers and shall advise or make recommendations to the department in the following areas:

(a) The acts and medications that emergency medical service providers at each level of certification or licensure are authorized to perform or administer under the direction of a physician medical director. THE ADVISORY COUNCIL SHALL SUBMIT A REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE

AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEES, ANY TIME THE ADVISORY COUNCIL ADVISES OR RECOMMENDS AUTHORIZING THE ADMINISTRATION OF ANY NEW CHEMICAL RESTRAINT, AS DEFINED IN SECTION 26-20-102 (2). THE REPORT MUST INCLUDE THE ADVISORY COUNCIL'S REASONING FOR SUCH ADVISEMENT OR RECOMMENDATION.

SECTION 8. In Colorado Revised Statutes, **add** 25-3.5-210 as follows:

25-3.5-210. Report on statewide use of ketamine. BEGINNING JANUARY 1, 2022, AND EACH JANUARY 1 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE STATEWIDE USE OF KETAMINE BY EMERGENCY MEDICAL SERVICE PROVIDERS AND ANY COMPLICATIONS THAT ARISE OUT OF SUCH USE TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE DEPARTMENT SHALL MAKE THE REPORT PUBLICLY AVAILABLE ON THE DEPARTMENT'S WEBSITE.

SECTION 9. In Colorado Revised Statutes, **repeal** 25-3.5-206 (5)(b).

SECTION 10. Appropriation. For the 2021-22 state fiscal year, \$132,488 is appropriated to the department of public health and environment for use by the health facilities and emergency medical services division. This appropriation is from the general fund and is based on an assumption that the division will require an additional 1.2 FTE. To implement this act, the division may use this appropriation for state EMS coordination, planning and certification program.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 6, 2021