

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 21-0081.01 Shelby Ross x4510

**HOUSE BILL 21-1251**

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**HOUSE SPONSORSHIP**

**Caraveo and Herod**, Benavidez, Jackson, Jodeh, Mullica, Woodrow

**SENATE SPONSORSHIP**

**Fields and Gonzales**,

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**House Committees**

Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE APPROPRIATE USE OF KETAMINE UPON A PERSON IN**  
102 **A PREHOSPITAL SETTING.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires an agency that uses a chemical restraint to ensure that a person administering ketamine, haloperidol, or any other medication that is severely dependent on the weight of an individual or may result in a severe or adverse reaction with improper dosage in a nonhospital setting does so when staff trained in the administration of such medication can monitor the vital signs of the individual and weigh

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
May 13, 2021

the individual to ensure accurate dosage.

Absent a justifiable emergency, a person shall not administer a chemical restraint in a nonhospital setting to subdue, sedate, or chemically incapacitate an individual for alleged or suspected criminal, delinquent, or suspicious conduct.

The bill prohibits a peace officer from using, requesting, causing, directing, or influencing the use of a chemical restraint upon another person.

The bill prohibits a peace officer from compelling, requesting, causing, directing, or influencing an emergency medical service provider (EMS provider) to administer a chemical restraint. An EMS provider shall confidentially report a peace officer's violation to the P.O.S.T. board within 10 days of the occurrence, and a peace officer shall not retaliate in any way against an EMS provider for reporting the incident. A peace officer shall not influence an EMS provider's medical decision or diagnosis, and an EMS provider shall not base its medical decision exclusively on information provided by a peace officer.

When a peace officer directs a person to assist the peace officer, the person is prohibited from administering a chemical restraint.

The bill requires a peace officer who witnesses another peace officer use a chemical restraint in pursuance of the peace officer's duties to report such use to the P.O.S.T. board. The report must be in writing and made within 10 days of the occurrence of the use of a chemical restraint. Any peace officer who fails to report use of a chemical restraint commits a class 1 misdemeanor.

The bill requires a peace officer to intervene, without regard for chain of command, to prevent or stop another peace officer from using a chemical restraint in pursuance of the other peace officer's duties. A peace officer who intervenes shall report the intervention to the peace officer's immediate supervisor. A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening. Any peace officer who fails to intervene commits a class 1 misdemeanor, and the officer's certification is subject to revocation.

The bill changes the structure of the emergency medical practice advisory council (advisory council) by adding an EMS provider certified or licensed at an advanced life support level, an anesthesiologist, a registered nurse or physician's assistant certified or licensed at a basic life support level, a clinical pharmacist, and a clinical psychiatrist. Members of the advisory council shall not have any conflicts of interest, and no more than 5 members of the advisory council may be members of, or have a direct affiliation with, the National Association of EMS Physicians.

The bill requires the advisory council to submit a report to the general assembly any time the advisory council advises or recommends authorizing the administration of any chemical restraints.

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

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

4 **25-3.5-103. Definitions.** As used in this article 3.5, unless the  
5 context otherwise requires:

6 (8.6) "JUSTIFIABLE MEDICAL EMERGENCY" MEANS AN UNDERLYING  
7 MEDICAL, TRAUMATIC, OR PSYCHIATRIC CONDITION POSING AN IMMEDIATE  
8 SAFETY RISK TO THE INDIVIDUAL, EMERGENCY MEDICAL SERVICE  
9 PROVIDER, OR THE PUBLIC. EXCITED DELIRIUM, ANY SUBSEQUENT TERM  
10 FOR EXCITED DELIRIUM, OR ANY ACUTE PSYCHIATRIC DIAGNOSIS NOT  
11 RECOGNIZED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND  
12 STATISTICAL MANUAL OF MENTAL DISORDERS IS NOT A JUSTIFIABLE  
13 MEDICAL EMERGENCY.

14 (10.3) "PREHOSPITAL SETTING" MEANS ONE OF THE FOLLOWING  
15 SETTINGS IN WHICH AN EMERGENCY MEDICAL SERVICE PROVIDER  
16 PERFORMS PATIENT CARE, WHICH CARE IS SUBJECT TO MEDICAL DIRECTION  
17 BY A MEDICAL DIRECTOR:

- 18 (a) AT THE SITE OF AN EMERGENCY;
- 19 (b) DURING EMERGENCY TRANSPORT; OR
- 20 (c) DURING INTERFACILITY TRANSPORT.

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

23 **25-3.5-209. Use of ketamine in prehospital setting when peace**  
24 **officer is present - definition.** (1) (a) WHEN A PEACE OFFICER IS PRESENT  
25 AT THE SCENE OF AN EMERGENCY, AN EMERGENCY MEDICAL SERVICE  
26 PROVIDER AUTHORIZED TO ADMINISTER KETAMINE IN A PREHOSPITAL

1       SETTING SHALL ONLY ADMINISTER KETAMINE IF THE PROVIDER HAS:

2               (I) WEIGHED THE INDIVIDUAL TO ENSURE ACCURATE DOSAGE. IF

3       THE EMERGENCY MEDICAL SERVICE PROVIDER IS UNABLE TO WEIGH THE

4       INDIVIDUAL, THE EMERGENCY MEDICAL SERVICE PROVIDER SHALL, PRIOR

5       TO THE ADMINISTRATION OF KETAMINE:

6               (A) ESTIMATE THE INDIVIDUAL'S WEIGHT, AND AT LEAST TWO

7       PERSONNEL WHO ARE TRAINED IN WEIGHT ASSESSMENTS MUST AGREE

8       WITH THE WEIGHT ASSESSMENT; AND

9               (B) ATTEMPT TO OBTAIN VERBAL AUTHORIZATION FROM THE

10       EMERGENCY MEDICAL SERVICE PROVIDER'S MEDICAL DIRECTOR OR THEIR

11       DESIGNEE, UNLESS THERE IS A VERIFIABLE REASON THE EMERGENCY

12       MEDICAL SERVICE PROVIDER CANNOT MAKE AN OUTGOING CALL.

13               (II) TRAINING IN THE ADMINISTRATION OF KETAMINE, INCLUDING

14       TRAINING TO ENSURE APPROPRIATE DOSAGE BASED ON THE WEIGHT OF THE

15       INDIVIDUAL;

16               (III) TRAINING IN ADVANCED AIRWAY SUPPORT TECHNIQUES;

17               (IV) EQUIPMENT AVAILABLE TO MANAGE RESPIRATORY

18       DEPRESSION; AND

19               (V) EQUIPMENT AVAILABLE TO IMMEDIATELY MONITOR THE VITAL

20       SIGNS OF THE INDIVIDUAL RECEIVING KETAMINE AND THE ABILITY TO

21       RESPOND TO ANY ADVERSE REACTIONS.

22               (b) THE MEDICAL DIRECTOR OF AN AGENCY THAT HAS A WAIVER

23       TO ADMINISTER KETAMINE SHALL DEVELOP ANY NECESSARY TRAINING FOR

24       EMERGENCY MEDICAL SERVICE PROVIDERS PURSUANT TO THIS SUBSECTION

25       (1).

26               (2) AN EMERGENCY MEDICAL SERVICE PROVIDER WHO

27       ADMINISTERS KETAMINE SHALL:

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

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

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

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

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

17 **18-1-707. Use of force by peace officers - definitions - repeal.**

18 (1.5) (a) PURSUANT TO SECTION 18-8-805 (1) AND (2)(a)(I), PEACE  
19 OFFICERS SHALL NOT USE, DIRECT, OR UNDULY INFLUENCE THE USE OF  
20 KETAMINE UPON ANOTHER PERSON NOR COMPEL, DIRECT, OR UNDULY  
21 INFLUENCE AN EMERGENCY MEDICAL SERVICE PROVIDER TO ADMINISTER  
22 KETAMINE. IF A PEACE OFFICER VIOLATES THIS PROHIBITION, THE DISTRICT  
23 ATTORNEY MAY CHARGE THE OFFICER WITH ANY CRIME BASED ON THE  
24 FACTS OF THE CASE.

25 (b) AS USED IN THIS SUBSECTION (1.5), UNLESS THE CONTEXT  
26 OTHERWISE REQUIRES, "UNDULY INFLUENCE" MEANS THE IMPROPER USE  
27 OF POWER OR TRUST IN A WAY THAT DEPRIVES A PERSON OF FREE WILL

1 AND SUBSTITUTES ANOTHER'S OBJECTIVE.

2 (c) NOTWITHSTANDING SUBSECTION (1.5)(a) OF THIS SECTION, A  
3 PEACE OFFICER WHO IS ALSO CERTIFIED AS AN EMERGENCY MEDICAL  
4 SERVICE PROVIDER MAY ADMINISTER KETAMINE PURSUANT TO THE  
5 RESTRICTIONS SET FORTH IN SECTION 26-20-104.7 AND WHEN THE  
6 DECISION TO ADMINISTER KETAMINE IS BASED ON THE EMERGENCY  
7 MEDICAL SERVICE PROVIDER'S TRAINING AND EXPERTISE.

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

10 **18-8-801. Definitions.** As used in this part 8, unless the context  
11 otherwise requires:

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

14 ~~(1)~~ (2) "Materially false statement" has the meaning set out in  
15 section 18-8-501 (1).

16 ~~(2)~~ (3) "Peace officer" has the meaning set out in section  
17 16-2.5-101, C.R.S.

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

20 **18-8-805. Prohibition on using or directing administration of**  
21 **ketamine - duty to report - duty to intervene - definition.** (1) A PEACE  
22 OFFICER SHALL NOT USE, DIRECT, OR UNDULY INFLUENCE THE USE OF  
23 KETAMINE UPON ANOTHER PERSON.

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

27 (II) AN EMERGENCY MEDICAL SERVICE PROVIDER SHALL

1 CONFIDENTIALLY REPORT ANY VIOLATION OF THIS SUBSECTION (2)(a) TO  
2 THE P.O.S.T. BOARD CREATED IN SECTION 24-31-302 WITHIN TEN DAYS OF  
3 THE OCCURRENCE. AT A MINIMUM, THE REPORT MUST INCLUDE THE DATE,  
4 TIME, AND PLACE OF THE OCCURRENCE; THE IDENTITY, IF KNOWN, AND A  
5 DESCRIPTION OF THE PARTICIPANTS; AND A DESCRIPTION OF THE EVENTS.

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

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

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

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

1 (d) NOTWITHSTANDING SECTION 18-1-707 (1.5)(a), A PEACE  
2 OFFICER WHO IS ALSO CERTIFIED AS AN EMERGENCY MEDICAL SERVICE  
3 PROVIDER MAY ADMINISTER KETAMINE PURSUANT TO THE RESTRICTIONS  
4 SET FORTH IN SECTION 26-20-104.7 AND WHEN THE DECISION TO  
5 ADMINISTER KETAMINE IS BASED ON THE EMERGENCY MEDICAL SERVICE  
6 PROVIDER'S TRAINING AND EXPERTISE.

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

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

19 (b) AT A MINIMUM, THE REPORT REQUIRED BY THIS SUBSECTION (4)  
20 MUST INCLUDE THE DATE, TIME, AND PLACE OF THE OCCURRENCE; THE  
21 IDENTITY, IF KNOWN, AND A DESCRIPTION OF THE PARTICIPANTS; AND A  
22 DESCRIPTION OF THE EVENTS. A COPY OF AN ARREST REPORT OR OTHER  
23 SIMILAR REPORT REQUIRED AS A PART OF A PEACE OFFICER'S DUTIES CAN  
24 BE SUBSTITUTED FOR THE REPORT REQUIRED BY THIS SUBSECTION (4) IF IT  
25 INCLUDES SUCH INFORMATION. THE REPORT MUST BE IN WRITING AND  
26 MADE WITHIN TEN DAYS OF THE OCCURRENCE OF THE USE OF KETAMINE.

27 (c) ANY PEACE OFFICER WHO FAILS TO REPORT THE USE OR



1 DIRECTED USE OF KETAMINE IN THE MANNER DESCRIBED IN THIS  
2 SUBSECTION (4) COMMITS A CLASS 1 MISDEMEANOR.

3 (d) UPON RECEIPT OF THE REPORT SUBMITTED PURSUANT TO THIS  
4 SUBSECTION (4), THE P.O.S.T. BOARD SHALL SUBMIT THE REPORT TO THE  
5 PEACE OFFICER'S EMPLOYING AGENCY. THE EMPLOYING AGENCY SHALL  
6 CONDUCT AN INTERNAL INVESTIGATION OF THE ALLEGED VIOLATION AND  
7 TRANSMIT THE FINDINGS OF THE INTERNAL INVESTIGATION TO THE  
8 P.O.S.T. BOARD. IF THE FINDINGS SHOW THE PEACE OFFICER VIOLATED  
9 SECTION 18-8-805 (1), (2)(a)(I), OR (5), THE P.O.S.T. BOARD MAY REVOKE  
10 THE PEACE OFFICER'S CERTIFICATION IN ACCORDANCE WITH SECTION  
11 24-31-904 (1)(a)(III), (1)(a)(IV), (1)(a) OR (2)(a).

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

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

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

1 INCIDENT.

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

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

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

20 (f) IN A CASE IN WHICH THE PROSECUTION CHARGES A PEACE  
21 OFFICER WITH OFFENSES RELATED TO AND BASED UPON THE USE OR  
22 DIRECTED USE OF KETAMINE BUT DOES NOT FILE CHARGES AGAINST ANY  
23 OTHER PEACE OFFICER OR OFFICERS WHO WERE AT THE SCENE DURING THE  
24 USE OF KETAMINE, THE DISTRICT ATTORNEY SHALL PREPARE A WRITTEN  
25 REPORT EXPLAINING THE DISTRICT ATTORNEY'S BASIS FOR THE DECISION  
26 NOT TO CHARGE ANY OTHER PEACE OFFICER WITH ANY CRIMINAL CONDUCT  
27 AND SHALL PUBLICLY DISCLOSE THE REPORT; EXCEPT THAT IF DISCLOSURE

1 OF THE REPORT WOULD SUBSTANTIALLY INTERFERE WITH OR JEOPARDIZE  
2 AN ONGOING CRIMINAL INVESTIGATION, THE DISTRICT ATTORNEY MAY  
3 DELAY PUBLIC DISCLOSURE FOR UP TO FORTY-FIVE DAYS. THE DISTRICT  
4 ATTORNEY SHALL POST THE WRITTEN REPORT ON ITS WEBSITE OR, IF IT  
5 DOES NOT HAVE A WEBSITE, MAKE IT PUBLICLY AVAILABLE.

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

11 (6) ANY PEACE OFFICER WHO KNOWINGLY MAKES A MATERIALLY  
12 FALSE STATEMENT THAT THE OFFICER DOES NOT BELIEVE TO BE TRUE IN  
13 ANY REPORT MADE PURSUANT TO SUBSECTION (4) OF THIS SECTION  
14 COMMITS FALSE REPORTING TO AUTHORITIES PURSUANT TO SECTION  
15 18-8-111 (1)(a)(III).

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

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

22 **24-31-904. Peace officer certification discipline.**

23 (1)(a) Notwithstanding any provision of law, THE P.O.S.T. BOARD SHALL  
24 PERMANENTLY REVOKE A PEACE OFFICER'S CERTIFICATION if: any

25 (I) THE P.O.S.T.-CERTIFIED peace officer is convicted of or pleads  
26 guilty or nolo contendere to a crime involving the unlawful use or  
27 ~~threatened use~~ of physical force OR a crime involving the failure to

1 intervene in the use of unlawful force ~~or is~~ AND THE INCIDENT RESULTED  
2 IN SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON;

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

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

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

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

23 (2) (a) NOTWITHSTANDING ANY PROVISION OF LAW, THE P.O.S.T.  
24 BOARD SHALL REVOKE A PEACE OFFICER'S CERTIFICATION FOR AT LEAST  
25 ONE YEAR IF AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR  
26 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO  
27 INTERVENE PURSUANT TO SECTION 18-8-805 (5), OR VIOLATED SECTION

1 18-8-805 (1) OR (2)(a)(I), AND THE INCIDENT DID NOT RESULT IN DEATH TO  
2 ANOTHER PERSON.

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

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

9 **25-3.5-206. Emergency medical practice advisory council -**  
10 **creation - powers and duties - emergency medical service provider**  
11 **scope of practice - definitions - rules.** (2) (a) The advisory council  
12 consists of the following ~~eleven~~ THIRTEEN members:

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

16 (IV) ONE VOTING MEMBER WHO IS A CLINICAL PSYCHIATRIST  
17 LICENSED IN GOOD STANDING IN COLORADO, APPOINTED BY THE  
18 COLORADO PSYCHIATRIC SOCIETY; AND

19 (V) ONE VOTING MEMBER WHO IS AN ANESTHESIOLOGIST LICENSED  
20 IN GOOD STANDING IN COLORADO, APPOINTED BY THE COLORADO  
21 SOCIETY OF ANESTHESIOLOGISTS.

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

26 (a) The acts and medications that emergency medical service  
27 providers at each level of certification or licensure are authorized to

1 perform or administer under the direction of a physician medical director.  
2 THE ADVISORY COUNCIL SHALL SUBMIT A REPORT TO THE HOUSE OF  
3 REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE AND THE SENATE  
4 HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY SUCCESSOR  
5 COMMITTEES, ANY TIME THE ADVISORY COUNCIL ADVISES OR  
6 RECOMMENDS AUTHORIZING THE ADMINISTRATION OF ANY NEW CHEMICAL  
7 RESTRAINT, AS DEFINED IN SECTION 26-20-102 (2). THE REPORT MUST  
8 INCLUDE THE ADVISORY COUNCIL'S REASONING FOR SUCH ADVISEMENT OR  
9 RECOMMENDATION.

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

12 **25-3.5-210. Report on statewide use of ketamine.** BEGINNING  
13 JANUARY 1, 2022, AND EACH JANUARY 1 THEREAFTER, THE DEPARTMENT  
14 SHALL SUBMIT A REPORT ON THE STATEWIDE USE OF KETAMINE BY  
15 EMERGENCY MEDICAL SERVICE PROVIDERS AND ANY COMPLICATIONS THAT  
16 ARISE OUT OF SUCH USE TO THE HOUSE OF REPRESENTATIVES JUDICIARY  
17 COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL  
18 HEALTH AND HUMAN SERVICES COMMITTEE, THE SENATE HEALTH AND  
19 HUMAN SERVICES COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE,  
20 OR THEIR SUCCESSOR COMMITTEES. THE DEPARTMENT SHALL MAKE THE  
21 REPORT PUBLICLY AVAILABLE ON THE DEPARTMENT'S WEBSITE.

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

24 **SECTION 10. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, or safety.