

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 21-0081.01 Shelby Ross x4510

HOUSE BILL 21-1251

HOUSE SPONSORSHIP

Caraveo and Herod, Benavidez, Jackson, Jodeh, Mullica, Woodrow, Amabile, Burnett, Boesenecker, Duran, Esgar, Gonzales-Gutierrez, Hooton, Kipp, Lontine, Ortiz, Ricks, Snyder, Weissman

SENATE SPONSORSHIP

Fields and Gonzales,

House Committees

Judiciary

Senate Committees

Judiciary

Appropriations

A BILL FOR AN ACT

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

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

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.

SENATE
Amended 2nd Reading
May 28, 2021

HOUSE
3rd Reading Unamended
May 14, 2021

HOUSE
Amended 2nd Reading
May 13, 2021

such medication can monitor the vital signs of the individual and weigh 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.

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 A VERBAL ORDER FROM THE EMERGENCY
10 MEDICAL SERVICE PROVIDER'S MEDICAL DIRECTOR OR THEIR DESIGNEE,
11 UNLESS THERE IS A VERIFIABLE REASON THE EMERGENCY MEDICAL
12 SERVICE PROVIDER CANNOT OBTAIN A VERBAL ORDER.

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 25-3.5-209 AND WHEN THE DECISION
6 TO ADMINISTER KETAMINE IS BASED ON THE EMERGENCY MEDICAL
7 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 25-3.5-209 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 KETAMINE IN PURSUANCE OF THE OTHER PEACE OFFICER'S LAW
15 ENFORCEMENT DUTIES TO EFFECT AN ARREST, DETENTION, RESTRAINT,
16 TRANSPORT, OR PUNISHMENT; TO PREVENT AN ESCAPE FROM CUSTODY; OR
17 TO FACILITATE EASE AND CONVENIENCE IN LAW ENFORCEMENT
18 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 OF KETAMINE AS DESCRIBED IN THIS SUBSECTION (5) COMMITS A
10 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 OF KETAMINE, THE FINDING MUST BE PRESENTED TO
14 THE DISTRICT ATTORNEY SO THAT THE DISTRICT ATTORNEY CAN
15 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 SUSPEND 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, RECOMMENDED BY A
18 STATEWIDE ASSOCIATION OF PSYCHIATRISTS, AND APPOINTED BY THE
19 GOVERNOR; AND ==

20 (V) ONE VOTING MEMBER WHO IS AN ANESTHESIOLOGIST LICENSED
21 IN GOOD STANDING IN COLORADO, RECOMMENDED BY A STATEWIDE
22 ASSOCIATION OF ANESTHESIOLOGISTS, AND APPOINTED BY THE GOVERNOR.
23 ==

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

1 (a) The acts and medications that emergency medical service
2 providers at each level of certification or licensure are authorized to
3 perform or administer under the direction of a physician medical director.
4 THE ADVISORY COUNCIL SHALL SUBMIT A REPORT TO THE HOUSE OF
5 REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE AND THE SENATE
6 HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY SUCCESSOR
7 COMMITTEES, ANY TIME THE ADVISORY COUNCIL ADVISES OR
8 RECOMMENDS AUTHORIZING THE ADMINISTRATION OF ANY NEW CHEMICAL
9 RESTRAINT, AS DEFINED IN SECTION 26-20-102 (2). THE REPORT MUST
10 INCLUDE THE ADVISORY COUNCIL'S REASONING FOR SUCH ADVISEMENT OR
11 RECOMMENDATION.

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

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

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

26 **SECTION 10. Appropriation.** For the 2021-22 state fiscal year,
27 \$132,488 is appropriated to the department of public health and

1 environment for use by the health facilities and emergency medical
2 services division. This appropriation is from the general fund and is based
3 on an assumption that the division will require an additional 1.2 FTE. To
4 implement this act, the division may use this appropriation for state EMS
5 coordination, planning and certification program.

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