

HB1251 L.031

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB21-1251 be amended as follows:

1 Amend reengrossed bill, page 5, after line 14 insert:

2       "(5) (a) (I) A PEACE OFFICER SHALL NOT DIRECT OR UNDULY  
3 INFLUENCE THE USE OF KETAMINE UPON ANOTHER PERSON NOR COMPEL,  
4 DIRECT, OR UNDULY INFLUENCE AN EMERGENCY MEDICAL SERVICE  
5 PROVIDER TO ADMINISTER KETAMINE.

6       (II) AN EMERGENCY MEDICAL SERVICE PROVIDER SHALL  
7 CONFIDENTIALLY REPORT ANY VIOLATION OF THIS SUBSECTION (5)(a) TO  
8 THE P.O.S.T. BOARD CREATED IN SECTION 24-31-302 WITHIN TEN DAYS OF  
9 THE OCCURRENCE. AT A MINIMUM, THE REPORT MUST INCLUDE THE DATE,  
10 TIME, AND PLACE OF THE OCCURRENCE; THE IDENTITY, IF KNOWN, AND A  
11 DESCRIPTION OF THE PARTICIPANTS; AND A DESCRIPTION OF THE EVENTS.

12       (III) A PEACE OFFICER SHALL NOT RETALIATE IN ANY WAY  
13 AGAINST AN EMERGENCY MEDICAL SERVICE PROVIDER FOR REPORTING THE  
14 INCIDENT PURSUANT TO THIS SUBSECTION (5).

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

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

30       (c) NOTWITHSTANDING SUBSECTION (5)(b) OF THIS SECTION, A  
31 PEACE OFFICER MAY PROVIDE CRITICAL MEDICAL INFORMATION OR ANY  
32 OTHER PERTINENT INFORMATION ABOUT THE INDIVIDUAL OR THE SCENE OF  
33 THE EMERGENCY THAT MAY ASSIST THE EMERGENCY MEDICAL SERVICE  
34 PROVIDER'S ASSESSMENT OF THE NEED TO ADMINISTER KETAMINE.

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

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