

JARED POLIS  
GOVERNOR



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July 6, 2021

Colorado House of Representatives  
The 73rd General Assembly  
First Regular Session  
State Capitol  
Denver, Colorado 80203

Dear Honorable Members of the Colorado House of Representatives:

Today I signed into law House Bill 21-1251, “Concerning the appropriate use of ketamine upon a person in a prehospital setting, and, in connection therewith, making an appropriation.”

House Bill 21-1251 (HB 21-1251) limits the use of ketamine, absent a justifiable medical emergency. In addition, the bill prohibits peace officers—unless the officer is also certified as an Emergency Medical Services (EMS) provider—from using, directing, or unduly influencing the use of chemical restraints upon another person.

I thank the sponsors and proponents for passing this and other measures to protect our communities and restore trust in law enforcement. Furthermore, I agree that chemical restraints, like ketamine, should only be used in true medical emergencies, and done so under the supervision of a trained medical professional. The Colorado Department of Public Health and Environment (CDPHE) has been working for the past year on appropriate strategies to govern the administration of chemical restraints. HB 21-1251 and CDPHE are both clear and in agreement: EMS is responsible for patient care, not law enforcement. Furthermore, ketamine should not be used for law enforcement purposes. When on-scene, there should be a formal hand-off from the responding officer to an EMS provider. Finally, EMS should make medical care decisions, and law enforcement police should not try to influence an EMS’s medical decision-making.

A recent American Medical Association policy statement indicated that “excited delirium” is a subjective diagnosis that should not be used until better diagnostic criteria exist. That is why CDPHE will place a hold on all ketamine waivers at this time in the setting of excited delirium, working to incorporate the law’s requirements, along with the findings to be released in July, to assure the best care for all Coloradans. There will still be times when chemical restraint is still needed to assess, treat, and transport patients. But, that should only occur when patients, whose serious, probable, and imminent threat of harm to self or others, prevent EMS providers from safely assessing, treating, and transporting the patient to a hospital, and not for matters relating to any criminal behavior or other circumstances not pertaining to the medical emergency.

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HB 21-1251 is a good start as a review of the ambulance care system, and the relationship that law enforcement plays in these situations. Following the release of CDPHE's findings later this summer, the agency will conduct a robust stakeholder engagement process to improve consumer protections in the EMS system and develop other recommendations for consideration.

Again, we thank the sponsors and proponents for helping to pass HB 21-1251. Colorado has been and will continue to be a national leader in criminal justice and policing reforms. With appropriate measures in place that address safety, behavioral health needs, and education and training, we can reduce the likelihood of injury or death from the use of chemical restraints.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Polis".

Jared Polis  
Governor