

SENATE BILL 78

E4

11r0339

(PRE-FILED)

By: **Senator Waldstreicher**

Requested: September 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2021

CHAPTER _____

1 AN ACT concerning

2 ~~Public Safety – Law Enforcement and Emergency Medical Services Providers –~~
3 ~~Administration of Ketamine~~
4 Maryland Institute for Emergency Medical Services Systems – Administration
5 of Ketamine – Data Collection

6 FOR the purpose of ~~prohibiting a law enforcement officer from administering ketamine to~~
7 ~~an individual or directing an emergency medical services provider to administer~~
8 ~~ketamine; authorizing an emergency medical services provider to administer~~
9 ~~ketamine to a certain individual under certain circumstances~~ requiring the
10 Maryland Institute for Emergency Medical Services Systems to collect certain data
11 on the administration of ketamine to individuals by emergency medical services
12 providers; requiring the Maryland Institute for Emergency Medical Services
13 Systems to report certain data to the General Assembly, the President of the Senate,
14 the Speaker of the House, and certain committees on or before a certain date and
15 annually thereafter; providing for the termination of this Act; defining certain terms;
16 and generally relating to law enforcement, emergency medical service providers, the
17 Maryland Institute for Emergency Medical Services Systems and ketamine.

18 ~~BY adding to~~
19 ~~Article – Public Safety~~
20 ~~Section 3 – 523 and 7 – 404~~
21 ~~Annotated Code of Maryland~~
22 ~~(2018 Replacement Volume and 2020 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That ~~the Laws of Maryland read as follows:~~

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) “Emergency medical services provider” has the meaning stated in §
5 13–516 of the Education Article.

6 (3) “Ketamine” includes ketamine salts, isomers, and salts of isomers.

7 (4) “Law enforcement officer” has the meaning stated in § 3–101 of the
8 Public Safety Article.

9 (b) On or before October 1, 2022, and each October 1 thereafter, the Maryland
10 Institute for Emergency Medical Services Systems shall collect data from State and local
11 emergency medical services providers on the administration of ketamine to individuals by
12 emergency medical services providers in the prior 12–month period.

13 (c) (1) Subject to paragraph (2) of this subsection, the data collected shall
14 include:

15 (i) whether the administration of ketamine to each individual by an
16 emergency medical services provider was directed or requested by a law enforcement
17 officer;

18 (ii) the dosage of ketamine administered to each individual by an
19 emergency medical services provider;

20 (iii) if known, the height, weight, age, gender, and race of each
21 individual administered ketamine by an emergency medical services provider; and

22 (iv) the diagnosis for which ketamine was administered by an
23 emergency medical services provider.

24 (2) The data collected may not contain information that reveals the identity
25 of an individual who received a medical treatment using ketamine.

26 (d) On or before December 1, 2022, and each December 1 thereafter, the Director
27 of the Maryland Institute for Emergency Medical Services Systems shall report to the
28 General Assembly, the President of the Senate, the Speaker of the House, the Senate
29 Judicial Proceedings Committee, and the House Judiciary Committee, in accordance with
30 § 2–1257 of the State Government Article, on the data collected under this section.

31 ~~Article – Public Safety~~

1 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
2 ~~INDICATED.~~

3 ~~(2) "EMERGENCY MEDICAL SERVICES PROVIDER" HAS THE MEANING~~
4 ~~STATED IN § 13-516 OF THE EDUCATION ARTICLE.~~

5 ~~(3) "KETAMINE" INCLUDES KETAMINE SALTS, ISOMERS, AND SALTS~~
6 ~~OF ISOMERS.~~

7 ~~(B) A LAW ENFORCEMENT OFFICER MAY NOT:~~

8 ~~(1) ADMINISTER KETAMINE TO AN INDIVIDUAL; OR~~

9 ~~(2) DIRECT AN EMERGENCY MEDICAL SERVICES PROVIDER TO~~
10 ~~ADMINISTER KETAMINE TO AN INDIVIDUAL.~~

11 ~~7-404.~~

12 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
13 ~~INDICATED.~~

14 ~~(2) "EMERGENCY MEDICAL SERVICES PROVIDER" HAS THE MEANING~~
15 ~~STATED IN § 13-516 OF THE EDUCATION ARTICLE.~~

16 ~~(3) "KETAMINE" INCLUDES KETAMINE SALTS, ISOMERS, AND SALTS~~
17 ~~OF ISOMERS.~~

18 ~~(4) (i) "MEDICAL DIRECTION" MEANS THE WRITTEN OR ORAL~~
19 ~~INSTRUCTION BY A LICENSED PHYSICIAN TO PERFORM MEDICAL PROCEDURES OR~~
20 ~~ADMINISTER MEDICATIONS OR INTRAVENOUS SOLUTIONS.~~

21 ~~(ii) "MEDICAL DIRECTION" INCLUDES THE ACTIVITIES OF A~~
22 ~~LICENSED PHYSICIAN IN THE STATE SERVING AS A MEDICAL DIRECTOR FOR AN~~
23 ~~AGENCY PROVIDING EMERGENCY MEDICAL SERVICES, INCLUDING QUALITY~~
24 ~~ASSURANCE, PLANNING, AND EDUCATION.~~

25 ~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
26 ~~AN EMERGENCY MEDICAL SERVICES PROVIDER MAY ADMINISTER KETAMINE TO A~~
27 ~~SEVERELY AGITATED INDIVIDUAL WHO IS COMBATIVE AND VIOLENT AND WHO~~
28 ~~REPRESENTS AN IMMEDIATE DANGER TO THE INDIVIDUAL OR OTHERS ONLY IF THE~~
29 ~~EMERGENCY MEDICAL SERVICES PROVIDER OBTAINS MEDICAL DIRECTION PRIOR~~
30 ~~TO ADMINISTERING KETAMINE TO THE INDIVIDUAL.~~

1 ~~(2) AN EMERGENCY MEDICAL SERVICES PROVIDER MAY ADMINISTER~~
 2 ~~KETAMINE TO A SEVERELY AGITATED INDIVIDUAL WITHOUT OBTAINING MEDICAL~~
 3 ~~DIRECTION IF OBTAINING MEDICAL DIRECTION WOULD CAUSE AN IMMEDIATE AND~~
 4 ~~IMMINENT THREAT OF SERIOUS HARM TO THE INDIVIDUAL OR EMERGENCY~~
 5 ~~MEDICAL SERVICES PROVIDER.~~

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 7 October 1, 2021. It shall remain effective for a period of 3 years and 3 months and, at the
 8 end of December 31, 2024, this Act, with no further action required by the General
 9 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.