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HOUSE BILL 12-1059

BY REPRESENTATIVE(S) Looper, Acree, Barker, Beezley, Casso, Gardner B., Gerou, Hamner, Holbert, Kefalas, Kerr A., Lee, Liston, Massey, Murray, Pace, Priola, Ryden, Schafer S., Scott, Singer, Soper, Todd, Vigil, Young, Baumgardner, Becker, Bradford, Brown, Conti, Coram, Court, DelGrosso, Ferrandino, Fields, Hullinghorst, Jones, Joshi, Kagan, Kerr J., McKinley, Miklosi, Nikkel, Pabon, Solano, Sonnenberg, Stephens, Swalm, Swerdfeger, Szabo, Tyler, Waller, Williams A., Wilson, McNulty;

also SENATOR(S) King K., Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Grantham, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King S., Lambert, Lundberg, Mitchell, Neville, Newell, Renfroe, Roberts, Scheffel, Schwartz, Spence, Tochtrop, White, Williams S., Shaffer B.

CONCERNING THE AUTHORITY OF A PERSON CREDENTIALLED IN ANOTHER  
STATE WHOSE RESIDENCE IS DETERMINED BY MILITARY ORDERS TO  
PRACTICE AN OCCUPATION REGULATED BY COLORADO LAW.

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

**SECTION 1.** In Colorado Revised Statutes, **add** article 71 to title 12 as follows:

**ARTICLE 71**

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

## **Regulation of Military Individuals and Spouses**

**12-71-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AGENCY" MEANS AN AGENCY OF THE STATE THAT REGULATES A PROFESSION OR OCCUPATION UNDER THIS TITLE.

(2) "AUTHORITY TO PRACTICE" OR "AUTHORIZED TO PRACTICE" MEANS THE HOLDING OF A CURRENTLY VALID LICENSE TO PRACTICE IN A PROFESSION OR OCCUPATION OR A CURRENTLY VALID CERTIFICATION OR REGISTRATION NECESSARY TO PRACTICE IN A PROFESSION OR OCCUPATION IF THE PERSON IS LICENSED, CERTIFIED, OR REGISTERED UNDER THIS TITLE OR A SUBSTANTIALLY SIMILAR LAW IN ANOTHER STATE.

(3) "MILITARY SPOUSE" MEANS THE SPOUSE OF A PERSON WHO IS ACTIVELY SERVING IN THE UNITED STATES ARMED FORCES AND WHO IS STATIONED IN COLORADO IN ACCORDANCE WITH MILITARY ORDERS.

### **12-71-102. Authority to practice - reciprocity.**

(1) NOTWITHSTANDING ANY OTHER ARTICLE OF THIS TITLE, A PERSON NEED NOT OBTAIN AUTHORITY TO PRACTICE AN OCCUPATION OR PROFESSION UNDER THIS TITLE DURING THE PERSON'S FIRST YEAR OF RESIDENCE IN COLORADO IF:

(a) THE PERSON IS A MILITARY SPOUSE WHO IS AUTHORIZED TO PRACTICE THAT OCCUPATION OR PROFESSION IN ANOTHER STATE;

(b) OTHER THAN THE PERSON'S LACK OF LICENSURE, REGISTRATION, OR CERTIFICATION IN COLORADO, THERE IS NO BASIS TO DISQUALIFY THE PERSON UNDER THIS TITLE; AND

(c) THE PERSON CONSENTS, AS A CONDITION OF PRACTICING IN COLORADO, TO BE SUBJECT TO THE JURISDICTION AND DISCIPLINARY AUTHORITY OF THE APPROPRIATE AGENCY.

(2) THIS SECTION DOES NOT PREVENT AN AGENCY FROM ENTERING INTO A RECIPROCITY AGREEMENT WITH THE REGULATING AUTHORITY OF ANOTHER STATE OR JURISDICTION IF OTHERWISE AUTHORIZED BY LAW.

(3) THIS SECTION DOES NOT APPLY TO AUTHORITY TO PRACTICE UNDER ARTICLE 25, 28, 36, 40, OR 61 OF THIS TITLE.

**12-71-103. Notice.** (1) **Agency.** IF A PERSON WHO IS PRACTICING IN COLORADO UNDER SECTION 12-71-102 APPLIES FOR AUTHORITY TO CONTINUE TO PRACTICE AFTER THE FIRST YEAR UNDER ANOTHER ARTICLE OF THIS TITLE, THE APPLICANT SHALL NOTIFY THE AGENCY RECEIVING THE APPLICATION OF THE FOLLOWING:

(a) THE APPLICANT IS CURRENTLY PRACTICING IN COLORADO UNDER THIS ARTICLE;

(b) THE DATE THE APPLICANT BEGAN PRACTICING IN COLORADO;  
AND

(c) THE NAME AND CONTACT INFORMATION OF ANY PERSON EMPLOYING THE APPLICANT TO PRACTICE IN COLORADO.

(2) **Employer.** IF AN AGENCY DENIES THE APPLICATION FOR AUTHORITY TO PRACTICE UNDER THIS TITLE, THE AGENCY SHALL NOTIFY THE EMPLOYER THAT THE PERSON WAS DENIED AUTHORITY TO CONTINUE TO PRACTICE UNDER THIS TITLE.

**12-71-104. Continuing education - regulated service members - rules.** (1) AN AGENCY MAY ACCEPT, FROM A PERSON WITH AUTHORITY TO PRACTICE, CONTINUING EDUCATION, TRAINING, OR SERVICE COMPLETED AS A MEMBER OF THE ARMED FORCES OR RESERVES OF THE UNITED STATES, THE NATIONAL GUARD OF ANY STATE, THE MILITARY RESERVES OF ANY STATE, OR THE NAVAL MILITIA OF ANY STATE TOWARD THE EDUCATIONAL QUALIFICATIONS TO RENEW THE PERSON'S AUTHORITY TO PRACTICE.

(2) AN AGENCY MAY PROMULGATE RULES ESTABLISHING EDUCATIONAL STANDARDS AND PROCEDURES NECESSARY TO IMPLEMENT THIS SECTION.

**12-71-105. Rules.** THE DIRECTOR OF THE DIVISION OF REGISTRATIONS MAY PROMULGATE RULES REASONABLY NECESSARY TO IMPLEMENT THIS ARTICLE.

**SECTION 2.** In Colorado Revised Statutes, 25-3.5-201, **amend** (2)

as follows:

**25-3.5-201. Training programs.** (2) The department shall distribute the curricula and teaching aids to training institutions and hospitals upon request from a recognized training group or hospital. If ~~any~~ A county is unable to arrange for necessary training programs, the department shall arrange ~~such~~ A TRAINING program within the immediate vicinity of the agency requesting ~~such~~ THE program. The department shall issue emergency medical ~~technician~~ SERVICE PROVIDER certificates ~~pursuant to~~ IN ACCORDANCE WITH section 25-3.5-203 (1) and may issue certificates of successful course completion to those individuals who successfully complete other emergency medical services training programs of the department. ~~Such~~ THE programs may provide for the training of emergency medical dispatchers, emergency medical services instructors, emergency medical services coordinators, and other personnel who provide emergency medical services. The receipt of ~~such a~~ THE certificate of course completion ~~shall~~ IS not ~~be~~ deemed state licensure, approval, or a determination of competency.

**SECTION 3.** In Colorado Revised Statutes, **amend** 25-3.5-202 as follows:

**25-3.5-202. Personnel - basic requirements.** Emergency medical personnel employed or utilized in connection with an ambulance service shall meet the qualifications established, by resolution, by the board of county commissioners of the county in which the ambulance is based in order to be certified. For ambulance drivers, the minimum requirements ~~shall~~ include the possession of a valid driver's license and other requirements ~~to be~~ established by the board by rule ~~pursuant to~~ UNDER section 25-3.5-308; for any person responsible for providing direct emergency medical care and treatment to patients transported in an ambulance, the minimum requirement ~~shall be~~ IS possession of an emergency medical ~~technician~~ SERVICE PROVIDER certificate issued by the department. In the case of an emergency in ~~any~~ AN ambulance service area where no person possessing the qualifications required by this section is present or available to respond to a call for the emergency transportation of patients by ambulance, any person may operate ~~such~~ THE ambulance to transport any sick, injured, or otherwise incapacitated or helpless person in order to stabilize the medical condition of ~~such~~ THE person pending the availability of medical care.

**SECTION 4.** In Colorado Revised Statutes, 25-3.5-203, **amend** (1) (a.5), (1) (b) introductory portion, (1) (c) (I), (1) (c) (II), (4) (a), (4) (b) (I), and (4) (c) (I) (A); and **add** (1) (d) as follows:

**25-3.5-203. Emergency medical service providers - certification - renewal of certificate - duties of department - rules - criminal history record checks.** (1) (a.5) ~~On and after January 1, 2011,~~ The executive director or chief medical officer shall regulate the acts emergency medical ~~technicians~~ SERVICE PROVIDERS are authorized to perform subject to the medical direction of a licensed physician. The executive director or chief medical officer, after considering the advice and recommendations of the advisory council, shall adopt and revise rules, as necessary, regarding the regulation of emergency medical ~~technicians~~ SERVICE PROVIDERS and their duties and functions. ~~The executive director or chief medical officer may adopt the rules prior to January 1, 2011, but the rules shall not take effect until January 1, 2011, or later.~~

(b) The department shall certify emergency medical ~~technicians~~ SERVICE PROVIDERS. The board shall adopt rules for the certification of emergency medical ~~technicians~~ ~~Such~~ SERVICE PROVIDERS. THE rules ~~shall~~ MUST include ~~but not be limited to,~~ the following:

(c) (I) The department may issue a provisional certification to an applicant for certification as an emergency medical ~~technician~~ SERVICE PROVIDER who requests issuance of a provisional certification and who pays any fee authorized ~~pursuant to~~ UNDER rules adopted by the board. A provisional certification ~~shall be~~ IS valid for not more than ninety days.

(II) The department ~~may~~ SHALL NOT issue a provisional certification ~~only if~~ UNLESS the applicant satisfies the requirements for certification ~~pursuant to~~ IN ACCORDANCE WITH this section and rules adopted by the board ~~pursuant to~~ UNDER this subsection (1). If the department finds that an emergency medical ~~technician~~ SERVICE PROVIDER that has received a provisional certification has violated any requirements for certification, the department may impose disciplinary sanctions ~~pursuant to~~ UNDER subparagraph (IV) of paragraph (b) of this subsection (1).

(d) (I) THE DEPARTMENT SHALL EXEMPT CERTIFIED EMERGENCY MEDICAL SERVICE PROVIDERS WHO HAVE BEEN CALLED TO FEDERALLY FUNDED ACTIVE DUTY FOR MORE THAN ONE HUNDRED TWENTY DAYS TO

SERVE IN A WAR, EMERGENCY, OR CONTINGENCY FROM THE PAYMENT OF CERTIFICATION FEES AND FROM CONTINUING EDUCATION OR PROFESSIONAL COMPETENCY REQUIREMENTS OF THIS ARTICLE FOR A RENEWAL DATE DURING THE SERVICE OR THE SIX MONTHS AFTER THE COMPLETION OF SERVICE.

(II) UPON PRESENTATION OF SATISFACTORY EVIDENCE BY AN APPLICANT FOR RENEWAL OF CERTIFICATION, THE DEPARTMENT MAY ACCEPT CONTINUING MEDICAL EDUCATION, TRAINING, OR SERVICE COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE ARMED FORCES OR RESERVES OF THE UNITED STATES, THE NATIONAL GUARD OF ANY STATE, THE MILITARY RESERVES OF ANY STATE, OR THE NAVAL MILITIA OF ANY STATE TOWARD THE QUALIFICATIONS TO RENEW THE INDIVIDUAL'S CERTIFICATION.

(III) AN INDIVIDUAL SERVING IN THE ARMED SERVICES OF THE UNITED STATES OR THE SPOUSE OF THE INDIVIDUAL MAY APPLY FOR CERTIFICATION UNDER THIS ARTICLE WHILE STATIONED WITHIN THIS STATE. THE INDIVIDUAL OR SPOUSE IS EXEMPT FROM THE INITIAL CERTIFICATION REQUIREMENTS IN THIS ARTICLE, EXCEPT FOR THOSE IN SUBSECTION (4) OF THIS SECTION IF THE PERSON HOLDS A VALID CERTIFICATE OR LICENSE TO PROVIDE EMERGENCY MEDICAL SERVICES FROM ANOTHER STATE, THE CERTIFICATE OR LICENSE IS CURRENT, AND THE PERSON IS IN GOOD STANDING.

(IV) THE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS PARAGRAPH (d), INCLUDING THE CRITERIA AND EVIDENCE FOR ACCEPTABLE CONTINUING MEDICAL EDUCATION AND TRAINING OR SERVICE.

(4) (a) The department may, with reasonable cause, acquire a fingerprint-based criminal history record check from the Colorado bureau of investigation ~~for the purpose of investigating~~ TO INVESTIGATE the holder of or applicant for an emergency medical ~~technician~~ SERVICE PROVIDER certificate. The department may acquire a name-based criminal history record check for a certificate holder or an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.

(b) (I) Any government entity that employs a person as or allows a person to volunteer as an emergency medical ~~technician~~ SERVICE PROVIDER in a position ~~that would require~~ REQUIRING direct contact with ~~any patient~~

PATIENTS shall require all volunteer and employed emergency medical ~~technicians~~ SERVICE PROVIDERS, who have lived in the state for three years or less at the time of the initial certification or certification renewal, to submit to a federal bureau of investigation fingerprint-based national criminal history record check ~~for the purpose of determining~~ TO DETERMINE eligibility for employment. Each emergency medical ~~technician~~ SERVICE PROVIDER required to submit to a federal bureau of investigation fingerprint-based national criminal history record check shall obtain a complete set of fingerprints taken by a local law enforcement agency or another entity designated by the department. The local law enforcement agency or other ~~such~~ designated entity that took the fingerprints shall transmit them to the Colorado bureau of investigation, which shall in turn forward them to the federal bureau of investigation for a national criminal history record check. The department or other authorized government entity ~~shall be~~ IS the authorized agency to receive and disseminate information regarding the result of ~~any~~ A national criminal history record check. ~~Any such~~ EACH ENTITY HANDLING THE national criminal history record check shall ~~be handled in accordance~~ COMPLY with Pub.L. 92-544, as amended. Each government entity acting as the authorized recipient of the result of ~~any~~ A national criminal history record check shall forward the result of ~~any such~~ THE initial national criminal history record check and any subsequent notification of activity on the record to the department ~~for the purpose of determining~~ TO DETERMINE the individual's eligibility for initial certification or certification renewal.

(c) (I) (A) ~~Any~~ A government entity or ~~any~~ private, not-for-profit, or for-profit organization that employs a person or allows a person to volunteer as an emergency medical ~~technician~~ SERVICE PROVIDER in a position ~~that would require~~ REQUIRING direct contact with ~~any patient~~ PATIENTS shall require all volunteer and employed emergency medical ~~technicians~~ SERVICE PROVIDERS, who have lived in the state for more than three years at the time of initial certification or certification renewal, to submit to a fingerprint-based criminal history record check by the Colorado bureau of investigation ~~for the purpose of determining~~ TO DETERMINE eligibility for employment. The organization shall forward the result of ~~any such~~ THE criminal history record check and any subsequent notification of activity on the record to the department ~~for the purpose of determining~~ TO DETERMINE eligibility for initial certification or certification renewal.

**SECTION 5.** In Colorado Revised Statutes, 25-3.5-205, **amend** (1)

(a), (2), and (5) (a) as follows:

**25-3.5-205. Emergency medical service providers - investigations - discipline.** (1) (a) The department ~~shall have the power to~~ MAY administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant records and documents to investigate alleged misconduct by certified emergency medical ~~technicians~~ SERVICE PROVIDERS.

(2) An emergency medical ~~technician~~ SERVICE PROVIDER, the employer of an emergency medical ~~technician~~ SERVICE PROVIDER, a medical director, and a physician providing medical direction of an emergency medical ~~technician~~ SERVICE PROVIDER shall report to the department any misconduct that is known or reasonably believed by ~~such~~ THE person to have occurred.

(5) For the purposes of this section:

(a) "Medical director" means a physician who supervises certified emergency medical ~~technicians~~ SERVICE PROVIDERS consistent with the rules adopted by the executive director or chief medical officer, as applicable, ~~pursuant to~~ UNDER section 25-3.5-206.

**SECTION 6.** In Colorado Revised Statutes, 25-3.5-206, **amend** (1), (2) (a) introductory portion, (2) (a) (I) (D), (2) (a) (I) (E), (2) (a) (I) (F), (3) introductory portion, (3) (a), (3) (c), (4) (a) introductory portion, (4) (a) (I), and (4) (a) (II) as follows:

**25-3.5-206. Emergency medical practice advisory council - creation - powers and duties - emergency medical service provider scope of practice rules.** (1) There is hereby created within the department, as a **type 2** entity under the direction of the executive director of the department, the emergency medical practice advisory council, referred to in this part 2 as the "advisory council". The advisory council is responsible for advising the department regarding the appropriate scope of practice for emergency medical ~~technicians~~ SERVICE PROVIDERS certified ~~pursuant to~~ UNDER section 25-3.5-203.

(2) (a) The emergency medical practice advisory council ~~shall consist~~ CONSISTS of the following eleven members:



(I) Eight voting members appointed by the governor as follows:

(D) One emergency medical ~~technician~~ SERVICE PROVIDER certified at an advanced life support level who is actively involved in the provision of emergency medical services;

(E) One emergency medical ~~technician~~ SERVICE PROVIDER certified at a basic life support level who is actively involved in the provision of emergency medical services; and

(F) One emergency medical ~~technician~~ SERVICE PROVIDER certified at any level who is actively involved in the provision of emergency medical services;

(3) The advisory council shall provide general technical expertise on matters related to the provision of patient care by emergency medical ~~technicians~~ SERVICE PROVIDERS and shall advise or make recommendations to the department in the following areas:

(a) The acts and medications that certified emergency medical ~~technicians~~ SERVICE PROVIDERS at each level of certification are authorized to perform or administer under the direction of a physician medical director;

(c) Modifications to emergency medical ~~technician~~ SERVICE PROVIDER certification levels and capabilities; and

(4) (a) The executive director or, if the executive director is not a physician, the chief medical officer shall adopt rules in accordance with article 4 of title 24, C.R.S., concerning the scope of practice of emergency medical ~~technicians~~ SERVICE PROVIDERS for prehospital care. The rules ~~shall~~ MUST include ~~but not be limited to~~, the following:

(I) Allowable acts for each level of emergency medical ~~technician~~ SERVICE PROVIDER certification and the medications that each level of emergency medical ~~technician~~ SERVICE PROVIDER certification can administer;

(II) Defining the physician medical direction ~~that is required~~ for appropriate oversight of an emergency medical ~~technician~~ SERVICE PROVIDER by an emergency medical services medical director;

**SECTION 7.** In Colorado Revised Statutes, 12-36-106, **amend** (3) introductory portion and (3) (y) as follows:

**12-36-106. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants - penalties - rules.** (3) A person may engage in, and ~~shall~~ IS not be required to obtain a license or a physician training license under this article with respect to, any of the following acts:

(y) The rendering of services by an emergency medical ~~technician~~ SERVICE PROVIDER certified ~~pursuant to~~ UNDER section 25-3.5-203, C.R.S., ~~as long as~~ IF the services rendered are consistent with rules adopted by the executive director or chief medical officer, as applicable, ~~pursuant to~~ UNDER section 25-3.5-206, C.R.S., defining the duties and functions of emergency medical ~~technicians~~ SERVICE PROVIDERS.

**SECTION 8.** In Colorado Revised Statutes, 13-21-108.2, **amend** (1), (2) introductory portion, and (2) (b) as follows:

**13-21-108.2. Persons rendering emergency assistance - competitive sports - exemption from civil liability.** (1) (a) Except as provided in subsection (2) of this section, a person licensed as a physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist or certified as an emergency medical ~~technician~~ SERVICE PROVIDER under part 2 of article 3.5 of title 25, C.R.S., who, in good faith and without compensation, renders emergency care or emergency assistance, including ~~but not limited to~~ sideline or on-field care as a team health care provider, to an individual requiring emergency care or emergency assistance as a result of having engaged in a competitive sport is not liable for civil damages as a result of acts or omissions by the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist or person certified as an emergency medical ~~technician~~ SERVICE PROVIDER under part 2 of article 3.5 of title 25, C.R.S.

(b) The provisions of this subsection (1) ~~shall~~ apply to the rendering of emergency care or emergency assistance to a minor even if the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist or the person certified as an emergency ~~technician~~ SERVICE PROVIDER under part 2 of article 3.5 of title 25, C.R.S., does not obtain permission from the parent or legal guardian of the minor before rendering

the care or assistance; except that, if a parent or guardian refuses the rendering of emergency care, this subsection (1) ~~shall~~ DOES not apply.

(2) The exemption from civil liability described in subsection (1) of this section ~~shall~~ DOES not apply to:

(b) Acts or omissions that are outside the scope of the license held by the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist or outside the scope of the certificate held by a person who is certified as an emergency medical ~~technician~~ SERVICE PROVIDER under part 2 of article 3.5 of title 25, C.R.S.

**SECTION 9.** In Colorado Revised Statutes, 15-18.6-101, **amend** (3) as follows:

**15-18.6-101. Definitions.** As used in this article, unless the context otherwise requires:

(3) "Emergency medical service personnel" means ~~any~~ AN emergency medical ~~technician~~ SERVICE PROVIDER at any level who is certified or licensed by the department of public health and environment. "Emergency medical service personnel" includes a first responder certified by the department of public health and environment or the division of fire safety in the office of preparedness, security, and fire safety in the department of public safety, in accordance with section 24-33.5-1205 (2) (c), C.R.S.

**SECTION 10.** In Colorado Revised Statutes, 15-18.7-102, **amend** (8) as follows:

**15-18.7-102. Definitions.** As used in this article, unless the context otherwise requires:

(8) "Emergency medical service personnel" means an emergency medical ~~technician~~ SERVICE PROVIDER who is certified or licensed by the department of public health and environment, created and existing ~~pursuant to~~ UNDER section 25-1-102, C.R.S., or ~~any~~ A first responder certified by the department of public health and environment or the division of fire safety in the office of preparedness, security, and fire safety in the department of public safety, in accordance with part 12 of article 33.5 of title 24, C.R.S.

**SECTION 11.** In Colorado Revised Statutes, 18-1.3-501, **amend** (1.5) as follows:

**18-1.3-501. Misdemeanors classified - penalties.** (1.5) (a) If a defendant is convicted of assault in the third degree ~~pursuant to~~ UNDER section 18-3-204 and the victim is a peace officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or firefighter engaged in the performance of his or her duties, notwithstanding ~~the provisions of~~ subsection (1) of this section, the court shall sentence the defendant to a term of imprisonment greater than the maximum sentence but no more than twice the maximum sentence authorized for the same crime when the victim is not a peace officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or firefighter engaged in the performance of his or her duties. In addition to ~~such~~ THE term of imprisonment, the court may impose a fine on the defendant ~~pursuant to~~ UNDER subsection (1) of this section. At any time after sentencing and ~~prior to~~ BEFORE the discharge of the defendant's sentence, the victim may request that the defendant participate in restorative justice practices with the victim. If the defendant accepts responsibility for and expresses remorse for his or her actions and is willing to repair the harm caused by his or her actions, an individual responsible for the defendant's supervision shall make the necessary arrangements for the restorative justice practices requested by the victim.

(b) As used in this section, "peace officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or firefighter engaged in the performance of his or her duties" means a peace officer as described in section 16-2.5-101, C.R.S., emergency medical ~~technician~~ SERVICE PROVIDER as defined in part 1 of article 3.5 of title 25, C.R.S., emergency medical care provider as defined by section 18-3-204 (4), or a firefighter as defined in section 18-3-201 (1), who is engaged or acting in or who is present ~~for the purpose of engaging~~ TO ENGAGE or ~~acting~~ ACT in the performance of ~~any~~ A duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or firefighter, whether or not the peace officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or firefighter is within the territorial limits of his or her jurisdiction, if the peace officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or firefighter is in uniform or

the person committing an assault upon or offense against or otherwise acting toward ~~such~~ THE peace officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or firefighter knows or reasonably should know that the victim is a peace officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or firefighter or if the peace officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or firefighter is intentionally assaulted in retaliation for the performance of his or her official duties.

**SECTION 12.** In Colorado Revised Statutes, 18-3-106, **amend** (4) (d) as follows:

**18-3-106. Vehicular homicide.** (4) (d) No person except a physician, a registered nurse, a paramedic as certified in part 2 of article 3.5 of title 25, C.R.S., an emergency medical ~~technician~~ SERVICE PROVIDER as defined in part 1 of article 3.5 of title 25, C.R.S., or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse ~~shall be~~ IS entitled to withdraw blood for the purpose of determining the alcoholic or drug content ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS SECTION. In ~~any~~ A trial for a violation of paragraph (b) of subsection (1) of this section, testimony of a law enforcement officer that he OR SHE witnessed the taking of a blood specimen by a person who he OR SHE reasonably believed was authorized to withdraw blood specimens ~~shall be~~ IS sufficient evidence that ~~such~~ THE person was ~~so~~ authorized, and testimony from the person who obtained the blood specimens concerning ~~such~~ THE person's authorization to obtain blood specimens ~~shall~~ IS not be a prerequisite to the admissibility of test results concerning the blood specimens obtained. No civil liability shall attach to any person authorized to obtain blood, breath, saliva, or urine specimens or to any hospital, clinic, or association in or for which such specimens are obtained pursuant to this subsection (4) as a result of the act of obtaining ~~such~~ THE specimens from ~~any~~ A person if ~~such~~ THE specimens were obtained according to the rules ~~and regulations~~ prescribed by the state board of health; except that such provision ~~shall~~ DOES not relieve ~~any such~~ THE person from liability for negligence in ~~the~~ obtaining of any specimen sample.

**SECTION 13.** In Colorado Revised Statutes, 18-3-204, **amend** (1) (b) as follows:

**18-3-204. Assault in the third degree.** (1) A person commits the

crime of assault in the third degree if:

(b) The person, with intent to infect, injure, harm, harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be a peace officer, a firefighter, an emergency medical care provider, or an emergency medical ~~technician~~ SERVICE PROVIDER, causes ~~such~~ THE other person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or ~~any~~ toxic, caustic, or hazardous material by any means, including ~~but not limited to~~ throwing, tossing, or expelling ~~such~~ THE fluid or material.

**SECTION 14.** In Colorado Revised Statutes, 18-3-205, **amend** (4) (d) as follows:

**18-3-205. Vehicular assault.** (4) (d) No person except a physician, a registered nurse, a paramedic as certified in part 2 of article 3.5 of title 25, C.R.S., an emergency medical ~~technician~~ SERVICE PROVIDER as defined in part 1 of article 3.5 of title 25, C.R.S., or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse ~~shall be~~ IS entitled to withdraw blood ~~for the purpose of determining~~ TO DETERMINE the alcoholic or drug content ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS SECTION. In ~~any~~ A trial for a violation of paragraph (b) of subsection (1) of this section, testimony of a law enforcement officer that ~~he~~ THE OFFICER witnessed the taking of a blood specimen by a person who ~~he~~ THE OFFICER reasonably believed was authorized to withdraw blood specimens ~~shall be~~ IS sufficient evidence that ~~such~~ THE person was ~~so~~ authorized, and testimony from the person who obtained the blood specimens concerning ~~such~~ THE person's authorization to obtain blood specimens ~~shall~~ IS not ~~be~~ a prerequisite to the admissibility of test results concerning the blood specimens obtained. No civil liability shall attach to ~~any~~ A person authorized to obtain blood, breath, saliva, or urine specimens or to ~~any~~ A hospital, clinic, or association in or for which ~~such~~ THE specimens are obtained ~~pursuant to~~ IN ACCORDANCE WITH this subsection (4) as a result of the act of obtaining ~~such~~ THE specimens from any person if ~~such~~ THE specimens were obtained according to the rules ~~and regulations~~ prescribed by the state board of health; except that ~~such~~ THE provision ~~shall~~ DOES not relieve ~~any such~~ THE person from liability for negligence in ~~the~~ obtaining of ~~any~~ THE specimen sample.

**SECTION 15.** In Colorado Revised Statutes, 18-4-412, **amend** (2)

(a) as follows:

**18-4-412. Theft of medical records or medical information - penalty.** (2) As used in this section:

(a) "Medical record" means the written or graphic documentation, sound recording, or computer record pertaining to medical, mental health, and health care services, including medical marijuana services, ~~that are~~ performed at the direction of a physician or other licensed health care provider on behalf of a patient by physicians, dentists, nurses, ~~technicians~~ SERVICE PROVIDERS, emergency medical ~~technicians~~ SERVICE PROVIDERS, mental health professionals, prehospital providers, or other health care personnel. "Medical record" includes such diagnostic documentation as X rays, electrocardiograms, electroencephalograms, and other test results. "Medical record" includes data entered into the prescription drug monitoring program pursuant to UNDER section 12-22-704, C.R.S.

**SECTION 16.** In Colorado Revised Statutes, 24-33.5-1203, **amend** (1) (h) as follows:

**24-33.5-1203. Duties of division.** (1) The division shall perform the following duties:

(h) Upon the request of local government officials, provide technical assistance in defining and developing solutions to local fire safety problems including, but not limited to, fireworks statutes; electrical hazards; public education programs; regulations concerning explosives; inspection of facilities when the performance of ~~such~~ THE inspections is the statutory duty of another state agency; certification of emergency medical ~~technicians~~ SERVICE PROVIDERS and paramedics; hazardous materials storage, handling, and transportation; and volatile, flammable, and carcinogenic materials;

**SECTION 17.** In Colorado Revised Statutes, 24-33.5-1802, **amend** (3.3) as follows:

**24-33.5-1802. Definitions.** As used in this part 18, unless the context otherwise requires:

(3.3) "First responder" means an individual who responds in a professional capacity to an emergency that occurs in a school building,

including, but not limited to, peace officers, firefighters, emergency medical ~~technicians~~ SERVICE PROVIDERS, school administrators, and teachers.

**SECTION 18.** In Colorado Revised Statutes, 25-1-1202, **amend** (1) (yy) as follows:

**25-1-1202. Index of statutory sections regarding medical record confidentiality and health information.** (1) Statutory provisions concerning policies, procedures, and references to the release, sharing, and use of medical records and health information include the following:

(yy) Section 25-3.5-501, concerning records maintained by ambulance services and emergency medical ~~technicians~~ SERVICE PROVIDERS;

**SECTION 19.** In Colorado Revised Statutes, **amend** 25-1-1204 as follows:

**25-1-1204. On-line exchange of advanced directives forms permitted.** A public or private entity, including ~~but not limited to~~ a nonprofit organization, that facilitates the exchange of health information among emergency medical ~~technicians~~ SERVICE PROVIDERS, doctors, hospitals, nursing homes, pharmacies, home health agencies, health plans, and local health information agencies through the use of health information technology may facilitate the voluntary, secure, and confidential exchange of forms containing advanced directives regarding a person's acceptance or rejection of life-sustaining medical or surgical treatment.

**SECTION 20.** In Colorado Revised Statutes, 25-3.5-103, **amend** (8), (10.6), (11.5), and (12) as follows:

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

(8) "Emergency medical ~~technician~~ SERVICE PROVIDER" means an individual who holds a valid emergency medical ~~technician~~ SERVICE PROVIDER certificate issued by the department as provided in this article.

(10.6) "Refresher course program" means a program establishing a course of instruction designed to keep emergency medical ~~technicians~~



SERVICE PROVIDERS abreast of developments or new techniques in their profession, which course includes an examination ~~or examinations~~ administered at any time during or following ~~such~~ THE course to facilitate continuing evaluation of emergency medical ~~technician examinees~~ SERVICE PROVIDERS.

(11.5) "Service agency" means a fixed-base or mobile prehospital provider of emergency medical services that employs emergency medical ~~technicians~~ SERVICE PROVIDERS to render medical care to patients.

(12) "Volunteer emergency medical ~~technician~~ SERVICE PROVIDER" means an emergency medical ~~technician~~ SERVICE PROVIDER who does not receive direct remuneration for the performance of emergency medical services.

**SECTION 21.** In Colorado Revised Statutes, 25-3.5-603, **amend** (1) (a), (3) introductory portion, (3) (a) (II) introductory portion, (3) (a) (II) (B), (3) (c) introductory portion, and (3) (c) (I) as follows:

**25-3.5-603. Emergency medical services account - creation - allocation of funds.** (1) (a) There is hereby created a special account within the highway users tax fund established ~~pursuant to~~ UNDER section 43-4-201, C.R.S., to be known as the emergency medical services account, which ~~shall consist~~ CONSISTS of all moneys transferred thereto in accordance with section 42-3-304 (21), C.R.S., and fees collected ~~pursuant to~~ UNDER section 25-3.5-203 for provisional certifications of emergency medical ~~technicians~~ SERVICE PROVIDERS.

(3) On and after July 1, 2002, THE GENERAL ASSEMBLY SHALL APPROPRIATE moneys in the emergency medical services account: ~~shall be appropriated:~~

(a) (II) Of the amount appropriated ~~pursuant to~~ UNDER subparagraph (I) of this paragraph (a) for grants:

(B) THE DEPARTMENT SHALL AWARD a minimum of one hundred fifty thousand dollars ~~shall be awarded~~ to offset the training costs of emergency medical ~~technicians~~ SERVICE PROVIDERS, emergency medical dispatchers, emergency medical services instructors, emergency medical services coordinators, and other personnel who provide emergency medical

services. Of said one hundred fifty thousand dollars, no less than eighty percent shall be used in the training of emergency medical ~~technicians~~ SERVICE PROVIDERS.

(c) To the direct and indirect costs of planning, developing, implementing, maintaining, and improving the statewide emergency medical and trauma services system. ~~Such~~ THESE costs ~~shall~~ include:

(I) Providing technical assistance and support to local governments, local emergency medical and trauma service providers, and RETACs operating a statewide data collection system, coordinating local and state programs, providing assistance in selection and purchasing of medical and communication equipment, administering the EMTS grant program, and establishing and maintaining scope of practice for certified medical ~~technicians~~ SERVICE PROVIDERS; and

**SECTION 22.** In Colorado Revised Statutes, 25-3.5-605, **amend** (2) introductory portion, (2) (d) introductory portion, and (2) (d) (I) as follows:

**25-3.5-605. Improvement of county emergency medical and trauma services - eligibility for county funding - manner of distributing funds.** (2) In order to qualify for moneys under this section, a county ~~shall~~ MUST:

(d) Ensure that all moneys received ~~pursuant to~~ UNDER this section ~~shall be~~ ARE expended on developing and updating the emergency medical and trauma services plan and other emergency medical and trauma services needs of the county such as:

(I) Training and certification of emergency medical ~~technicians~~ SERVICE PROVIDERS;

**SECTION 23.** In Colorado Revised Statutes, 33-13-108.1, **amend** (6) as follows:

**33-13-108.1. Operating a vessel while under the influence.** (6) The ARRESTING OFFICER HAVING PROBABLE CAUSE TO BELIEVE A PERSON HAS VIOLATED THIS SECTION SHALL DIRECT THE ADMINISTRATION OF THE tests ~~shall be administered at the direction of the arresting officer~~

~~having reasonable grounds to believe that the person had been operating a vessel in violation of subsection (1) of this section and in accordance with rules prescribed by the state board of health with utmost respect for the constitutional rights, dignity, and health of the person being tested. No person except a physician, a registered nurse, a paramedic as certified in part 2 of article 3.5 of title 25, C.R.S., an emergency medical technician SERVICE PROVIDER as defined in part 1 of article 3.5 of title 25, C.R.S., or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse shall be entitled to withdraw blood for the purpose of determining TO DETERMINE the alcoholic or drug content of the blood FOR PURPOSES OF THIS SECTION. No civil liability shall attach ATTACHES to any A person authorized to obtain blood, breath, saliva, or urine specimens or to any A hospital in which the specimens are obtained as provided in subsection (4) of this section as a result of the act of obtaining the specimens from any person submitting thereto if the specimens were obtained according to the rules prescribed by OF the state board of health; except that this provision shall DOES not relieve any such THE person from liability for negligence in obtaining a specimen sample.~~

**SECTION 24.** In Colorado Revised Statutes, 41-2-102, **amend** (6) (b) (II) as follows:

**41-2-102. Operating an aircraft under the influence - operating an aircraft with excessive alcohol content - tests - penalties - useful public service program.** (6) (b) (II) No person except a physician, a registered nurse, an emergency medical ~~technician~~ SERVICE PROVIDER, as defined in part 1 of article 3.5 of title 25, C.R.S., and as certified in part 2 of article 3.5 of title 25, C.R.S., or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse shall ~~be entitled to withdraw blood for the purpose of determining~~ TO DETERMINE the alcoholic or drug content ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS SECTION. In ~~any~~ A trial for a violation of subsection (1) or (2) of this section, the testimony of a law enforcement officer that he OR SHE witnessed the taking of a blood specimen by a person who he OR SHE reasonably believed was authorized to withdraw a blood specimen ~~shall be~~ IS sufficient evidence that ~~such~~ THE person was ~~so~~ authorized, and testimony from the person who obtained the blood specimens concerning ~~such~~ THE person's authorization to obtain blood specimens ~~shall be~~ IS not be a prerequisite to the admissibility of test results concerning the blood specimen obtained. No civil liability ~~shall attach~~

ATTACHES to ~~any~~ A person authorized to obtain blood, breath, saliva, or urine specimens or to ~~any~~ A hospital, clinic, or association in or for which ~~such~~ THE specimens are obtained as provided in this subsection (6) as a result of the act of obtaining ~~such~~ THE specimens from any person submitting thereto if ~~such~~ THE specimens were obtained according to the rules and regulations ~~prescribed by~~ OF the state board of health; except that this provision shall not relieve ~~any such~~ THE person from liability for negligence in the obtaining of any specimen sample.

**SECTION 25.** In Colorado Revised Statutes, 42-4-1301.1, **amend** (6) (a) as follows:

**42-4-1301.1. Expressed consent for the taking of blood, breath, urine, or saliva sample - testing.** (6) (a) No person except a physician, a registered nurse, a paramedic, as certified in part 2 of article 3.5 of title 25, C.R.S., an emergency medical ~~technician~~ SERVICE PROVIDER, as defined in part 1 of article 3.5 of title 25, C.R.S., or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse shall ~~be entitled to~~ withdraw blood ~~for the purpose of determining~~ TO DETERMINE the alcoholic or drug content ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS SECTION.

**SECTION 26. Effective date - applicability.** This act takes effect July 1, 2012, and applies to acts committed on or after said date.

**SECTION 27. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO