

Chapter 493

(Senate Bill 78)

AN ACT concerning

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

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

~~BY adding to~~

~~Article – Public Safety~~

~~Section 3–523 and 7–404~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2020 Supplement)~~

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

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Emergency medical services provider” has the meaning stated in § 13–516 of the Education Article.
- (3) “Ketamine” includes ketamine salts, isomers, and salts of isomers.
- (4) “Law enforcement officer” has the meaning stated in § 3–101 of the Public Safety Article.

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

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

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

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

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

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

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

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

~~Article — Public Safety~~

~~3-523.~~

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

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

~~(3) “KETAMINE” INCLUDES KETAMINE SALTS, ISOMERS, AND SALTS OF ISOMERS.~~

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

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

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

~~7-404.~~

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

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

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

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.