

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0043.01 Jennifer Berman x3286

HOUSE BILL 26-1238

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A BILL FOR AN ACT

101 **CONCERNING EMERGENCY MEDICAL SERVICES PROVIDED IN THE**
102 **STATE, AND, IN CONNECTION THEREWITH, DESIGNATING**
103 **EMERGENCY MEDICAL SERVICES, INCLUDING AMBULANCE**
104 **SERVICES AND AIR AMBULANCE SERVICES, TO BE ESSENTIAL**
105 **SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill declares emergency medical services as an essential service in the state and an integral part of the state's health-care

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

infrastructure. In relation to the declaration, the bill authorizes:

- Public and private ambulance services in the state to participate in, and receive reimbursement from, public safety-related systems coordinated by the department of personnel or the department of public safety;
- The disbursement of money from the emergency medical services account in the highway users tax fund to counties and cities and counties that authorize ambulance services within their boundaries; and
- The governor to direct the transfer of money from the disaster emergency fund to the emergency medical services account to finance emergency medical services needed in response to a declared disaster emergency.

The bill also updates certain definitions related to emergency medical services, including the addition of a definition of "out-of-hospital setting", which term is included in and may be used interchangeably with the existing defined term "prehospital setting".

The bill clarifies that an off-duty emergency medical service provider is not obligated to respond to the scene of a medical emergency or provide emergency medical services.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) The state of Colorado recognizes the critical and essential role
5 that emergency medical service providers play in safeguarding the health
6 and safety of our communities;

7 (b) These dedicated professionals serve as first responders during
8 medical crises, delivering immediate and often lifesaving care to people
9 in dire need; and

10 (c) Emergency medical service providers encompass a diverse
11 range of highly trained and skilled medical personnel, including
12 paramedics, emergency medical technicians, and other specialized
13 medical responders.

14 (2) The general assembly therefore declares that:

1 (a) The provision of emergency medical services constitutes a
2 vital component of the health-care system in the state; and

3 (b) Our health-care system is multifaceted, and emergency
4 medical services play a crucial role in the system and provide an essential
5 service in the state.

6 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-102, **add** (5)
7 as follows:

8 **25-3.5-102. Legislative declaration.**

9 (5) (a) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

10 (I) THE PROVISION OF EMERGENCY MEDICAL SERVICES, INCLUDING
11 AMBULANCE SERVICES AND AIR AMBULANCE SERVICES, IS ESSENTIAL TO
12 THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE
13 PEOPLE OF THE STATE OF COLORADO;

14 (II) ACCESS TO TIMELY AND APPROPRIATE MEDICAL CARE IN AN
15 OUT-OF-HOSPITAL SETTING IS A CRITICAL COMPONENT OF THE STATE'S
16 HEALTH-CARE INFRASTRUCTURE, PARTICULARLY IN RURAL AND FRONTIER
17 AREAS OF THE STATE IN WHICH HOSPITALS AND OTHER HEALTH-CARE
18 RESOURCES MAY BE LIMITED; AND

19 (III) EMERGENCY MEDICAL SERVICES FUNCTION AS AN INTEGRAL
20 PART OF THE CONTINUUM OF CARE BY BRIDGING PREHOSPITAL,
21 INTERFACILITY, AND COMMUNITY-BASED HEALTH-CARE DELIVERY.

22 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

23 (I) IT IS NECESSARY TO RECOGNIZE AND SUPPORT EMERGENCY
24 MEDICAL SERVICES AS AN ESSENTIAL SERVICE IN THE STATE OF COLORADO
25 AND TO ENSURE THAT EACH RESIDENT OF AND VISITOR TO THE STATE HAS
26 ACCESS TO EMERGENCY MEDICAL SERVICES;

27 (II) AS ESSENTIAL HEALTH-CARE PROVIDERS AND FIRST

1 RESPONDERS, EMERGENCY MEDICAL SERVICE PROVIDERS ARE EXPECTED
2 TO RESPOND DURING A DECLARED DISASTER, PRESCRIBED CLOSURE, CRISIS,
3 OR EMERGENCY; AND

4 (III) IT IS THE POLICY OF THE STATE OF COLORADO THAT:

5 (A) WHEN IN ACTIVE SERVICE, EMERGENCY MEDICAL SERVICE
6 PROVIDERS ARE AUTHORIZED TO TRAVEL UNENCUMBERED UPON THE
7 ROADS AND HIGHWAYS WITHIN THE STATE; AND

8 (B) AT ANY TIME OR PLACE IN WHICH EMERGENCY MEDICAL
9 SERVICE PROVIDERS ARE CALLED TO RESPOND, THEIR PERFORMANCE OF
10 EMERGENCY MEDICAL SERVICES FALLS WITHIN THE DUTIES AND
11 CLASSIFIED DEMANDS OF THEIR JOBS AND THE REGULAR USAGE AND WEAR
12 OF THEIR VEHICLES AND EQUIPMENT.

13 **SECTION 3.** In Colorado Revised Statutes, 25-3.5-103, **amend**
14 (1.3), (3), (9), and (10.3); and **add** (7.2), (8.9), and (9.2) as follows:

15 **25-3.5-103. Definitions.**

16 As used in this article 3.5, unless the context otherwise requires:

17 (1.3) "Air ambulance service" means ~~any~~ A public or private entity
18 that uses an air ambulance to transport patients to a medical facility AND
19 INCLUDES THE PROVISION OF EMERGENCY AMBULANCE SERVICE AND
20 NONEMERGENCY AMBULANCE SERVICE.

21 (3) (a) "Ambulance service" means the furnishing, operating,
22 conducting, maintaining, advertising, or otherwise engaging in or
23 professing to be engaged in the transportation of patients by ambulance
24 AND INCLUDES THE PROVISION OF EMERGENCY AMBULANCE SERVICE AND
25 NONEMERGENCY AMBULANCE SERVICE.

26 (b) Taken in context, ~~it~~ "AMBULANCE SERVICE" also means the
27 person ~~so engaged~~ PROVIDING or professing to be ~~so engaged~~ PROVIDING

1 AMBULANCE SERVICE.

2 (c) The person ~~so engaged~~ PROVIDING and the vehicles used for
3 the emergency transportation of ~~persons~~ INDIVIDUALS injured at a mine
4 are excluded from this definition when the personnel utilized in the
5 operation of ~~said~~ THE vehicles are subject to the mandatory safety
6 standards of the federal mine safety and health administration, or its
7 successor agency.

8 (7.2) "EMERGENCY AMBULANCE SERVICE" MEANS AN IMMEDIATE
9 AMBULANCE OR AIR AMBULANCE RESPONSE AT THE TIME AMBULANCE
10 SERVICE OR AIR AMBULANCE SERVICE IS REQUESTED THAT RESULTS IN THE
11 ASSESSMENT, TREATMENT, OR TRANSPORT OF A PATIENT BY AN
12 AMBULANCE OR AIR AMBULANCE.

13 (8.9) "NONEMERGENCY AMBULANCE SERVICE" MEANS THE
14 TRANSPORT OF A PATIENT BY AN AMBULANCE OR AIR AMBULANCE AND
15 THAT INCLUDES THE PROVISION OF MEDICALLY NECESSARY SUPPLIES AND
16 SERVICES AND MEETS THE MEDICAL NECESSITY REQUIREMENTS UNDER 42
17 CFR 410.40 (e), AS THAT SECTION EXISTED ON JULY 1, 2025.

18 (9) ~~"Patient" means any individual who is sick, injured, or~~
19 ~~otherwise incapacitated or helpless~~ "OUT-OF-HOSPITAL SETTING" MEANS
20 FURNISHING ANY NECESSARY GOODS AND SERVICES OUTSIDE OF A
21 HOSPITAL SETTING FOR THE PURPOSE OF PREVENTING, ALLEVIATING,
22 CURING, OR HEALING HUMAN ILLNESS, A PHYSICAL DISABILITY, A PHYSICAL
23 INJURY, OR A SUBSTANCE USE DISORDER WHILE RESPONDING TO AN
24 EMERGENCY OR OTHER HEALTH-CARE CONDITION.

25 (9.2) "PATIENT" MEANS AN INDIVIDUAL WHO IS SICK, INJURED, OR
26 OTHERWISE INCAPACITATED OR HELPLESS.

27 (10.3) "Prehospital setting":

1 (a) Means one of the following settings in which an emergency
2 medical service provider performs patient care, which care is subject to
3 medical direction by a medical director:

4 ~~(a)~~ (I) At the site of an emergency;

5 ~~(b)~~ (II) During emergency transport; or

6 ~~(c)~~ (III) During interfacility transport; AND

7 (b) INCLUDES AND MAY BE USED INTERCHANGEABLY WITH THE
8 TERM "OUT-OF-HOSPITAL SETTING".

9 **SECTION 4.** In Colorado Revised Statutes, **add** 25-3.5-109 as
10 follows:

11 **25-3.5-109. Use of governor's disaster emergency fund**
12 **authorized for emergency medical services, ambulance services, and**
13 **air ambulance services.**

14 THE DISASTER EMERGENCY FUND CREATED IN SECTION 24-33.5-706
15 (2)(a) MAY BE USED FOR THE PURPOSES OF PROVIDING EMERGENCY
16 MEDICAL SERVICES, INCLUDING AMBULANCE SERVICES AND AIR
17 AMBULANCE SERVICES, IN ACCORDANCE WITH THIS ARTICLE 3.5 AND IN
18 RESPONSE TO A DISASTER EMERGENCY DECLARED PURSUANT TO SECTION
19 24-33.5-704 (4).

20 **SECTION 5.** In Colorado Revised Statutes, 25-3.5-203, **add** (6)
21 as follows:

22 **25-3.5-203. Emergency medical service providers - licensure**
23 **- renewal of license - duties of department - rules - record checks -**
24 **definitions.**

25 (6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NOTHING
26 IN THIS ARTICLE 3.5 IMPOSES ON AN EMERGENCY MEDICAL SERVICE
27 PROVIDER AN OBLIGATION TO RESPOND TO THE SCENE OF A MEDICAL

1 EMERGENCY OR TO PROVIDE EMERGENCY MEDICAL SERVICES WHEN THE
2 EMERGENCY MEDICAL SERVICE PROVIDER IS OFF DUTY.

3 **SECTION 6.** In Colorado Revised Statutes, **add** 25-3.5-404 as
4 follows:

5 **25-3.5-404. Participation of all licensed ambulance services in**
6 **emergency response systems - telecommunications subsystem -**
7 **regional and statewide mutual aid system - interoperable**
8 **communications system.**

9 (1) AN AMBULANCE SERVICE LICENSED IN THE STATE PURSUANT
10 TO SECTION 25-3.5-314, REGARDLESS OF WHETHER THE AMBULANCE
11 SERVICE IS A PUBLIC OR PRIVATE ENTITY, SHALL NOT BE PROHIBITED FROM
12 PARTICIPATING IN AND RECEIVING REIMBURSEMENT FROM:

13 (a) THE TELECOMMUNICATIONS SUBSYSTEM COORDINATED BY THE
14 DEPARTMENT OF PERSONNEL PURSUANT TO SECTION 25-3.5-401;

15 (b) THE REGIONAL AND STATEWIDE MUTUAL AID SYSTEM
16 IMPLEMENTED BY THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION
17 AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO
18 SECTION 24-33.5-1235; AND

19 (c) THE INTEROPERABLE COMMUNICATIONS SYSTEM OVERSEEN BY
20 THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-2509.

21 **SECTION 7.** In Colorado Revised Statutes, 25-3.5-603, **amend**
22 (1)(a); and **add** (3)(d) as follows:

23 **25-3.5-603. Emergency medical services account - creation -**
24 **allocation of money - rules - repeal.**

25 (1) (a) There is ~~hereby~~ created a special account within the
26 highway users tax fund established under section 43-4-201, to be known
27 as the emergency medical services account, which consists of all money

1 transferred into the account in accordance with section 42-3-304 (21) OR
2 SECTION 24-33.5-706 (4.5)(c), fees collected under section 25-3.5-203 for
3 provisional certifications or licenses of emergency medical service
4 providers, and fees collected under section 25-3.5-1103 for provisional
5 registration of emergency medical responders.

6 (3) The general assembly shall appropriate money in the
7 emergency medical services account:

8 (d) TO THE DEPARTMENT FOR DISBURSEMENT TO COUNTIES AND
9 CITIES AND COUNTIES THAT PARTICIPATE IN THE AUTHORIZATION TO
10 OPERATE AMBULANCE SERVICES WITHIN THE COUNTY'S OR THE CITY AND
11 COUNTY'S BOUNDARIES FOR USE IN IMPLEMENTING ESSENTIAL EMERGENCY
12 MEDICAL SERVICES, INCLUDING AMBULANCE SERVICES.

13 **SECTION 8.** In Colorado Revised Statutes, 24-33.5-706, **amend**
14 (2)(a); and **add** (4.5)(c) as follows:

15 **24-33.5-706. Disaster emergency fund - established - financing**
16 **- legislative intent.**

17 (2) (a) A disaster emergency fund is ~~hereby~~ established. The fund
18 consists of any money appropriated by the general assembly, money
19 transferred pursuant to ~~subsections (2.5) and~~ SUBSECTION (4)(b) of this
20 section, and money to reimburse expenditures from the fund that ~~are~~ IS
21 transmitted to the state treasurer and credited to the fund. Money in the
22 disaster emergency fund ~~shall remain~~ REMAINS in the fund until expended
23 or until transferred pursuant to subsection ~~(2.5)(c)~~, (4.3), (4.5), or (4.7) of
24 this section or section 24-33.5-1228 (3)(c)(III).

25 (4.5) (c) THE GOVERNOR MAY, FROM TIME TO TIME AS THE
26 GOVERNOR DEEMS NECESSARY BASED ON THE GOVERNOR'S
27 DETERMINATION THAT A DISASTER EMERGENCY IS IMMINENT, DIRECT THE

1 STATE TREASURER TO TRANSFER, AND THE STATE TREASURER SHALL
2 TRANSFER, MONEY FROM THE DISASTER EMERGENCY FUND TO THE
3 EMERGENCY MEDICAL SERVICES ACCOUNT CREATED IN SECTION
4 25-3.5-603 (1)(a).

5 **SECTION 9. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2026 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.