

CHAPTER 118

HEALTH AND ENVIRONMENT

HOUSE BILL 26-1238

BY REPRESENTATIVE(S) Johnson and Lukens, Barron, Bradfield, Bradley, Clifford, Feret, Garcia Sander, Lieder, Martinez, Mauro, McCluskie, Nguyen, Richardson, Soper, Suckla, Taggart, Velasco, Winter T., Bacon, Boesenecker, Brown, Caldwell, Duran, Flannell, Froelich, Garcia, Gonzalez R., Hamrick, Jackson, Keltie, Lindsay, Mabrey, Marshall, McCormick, Paschal, Rutinel, Rydin, Smith, Stewart K., Story, Titone, Weinberg;
also SENATOR(S) Baisley and Lindstedt, Frizell, Pelton R., Rich, Roberts, Amabile, Carson, Daugherty, Exum, Jodeh, Kipp, Liston, Marchman, Coleman.

AN ACT

CONCERNING EMERGENCY MEDICAL SERVICES PROVIDED IN THE STATE, AND, IN CONNECTION THEREWITH, DESIGNATING EMERGENCY MEDICAL SERVICES, INCLUDING AMBULANCE SERVICES AND AIR AMBULANCE SERVICES, TO BE ESSENTIAL SERVICES.

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

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

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

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

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

(2) The general assembly therefore declares that:

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

25-3.5-102. Legislative declaration.

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

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

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

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

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

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

(II) AS ESSENTIAL HEALTH-CARE PROVIDERS AND FIRST RESPONDERS, EMERGENCY MEDICAL SERVICE PROVIDERS ARE EXPECTED TO RESPOND DURING A DECLARED DISASTER, PRESCRIBED CLOSURE, CRISIS, OR EMERGENCY; AND

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

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

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

(6) THE GENERAL ASSEMBLY RECOGNIZES AND DECLARES THAT EMERGENCY MEDICAL SERVICES ARE ESSENTIAL. WHEN ACTING ON DUTY OR RESPONDING AS A VOLUNTEER, EMERGENCY MEDICAL SERVICE PROVIDERS, INCLUDING PROVIDERS OF EMERGENCY AMBULANCE SERVICE AND NONEMERGENCY AMBULANCE SERVICE, ARE RECOGNIZED AS PROVIDING ESSENTIAL SERVICES REGARDLESS OF LOCATION.

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

25-3.5-103. Definitions.

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

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

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

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

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

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

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

(9) ~~"Patient" means any individual who is sick, injured, or otherwise incapacitated or helpless~~ "OUT-OF-HOSPITAL SERVICES" MEANS FURNISHING ANY NECESSARY GOODS AND SERVICES OUTSIDE OF A HOSPITAL SETTING FOR THE PURPOSE OF PREVENTING, ALLEVIATING, CURING, OR HEALING HUMAN ILLNESS, A PHYSICAL DISABILITY, A PHYSICAL INJURY, OR A SUBSTANCE USE DISORDER WHILE RESPONDING TO AN EMERGENCY OR OTHER HEALTH-CARE CONDITION. "OUT-OF-HOSPITAL SERVICES" DOES NOT INCLUDE PREHOSPITAL SETTING TRANSPORTS.

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

(10.3) "Prehospital setting" means one of the following settings in which an

emergency medical service provider performs patient care, which care is subject to medical direction by a medical director:

- (a) At the site of an emergency;
- (b) During emergency transport; ~~or~~
- (c) During interfacility transport; OR
- (d) WHILE PROVIDING OUT-OF-HOSPITAL SERVICES.

SECTION 4. In Colorado Revised Statutes, 25-3.5-203, **add** (6) as follows:

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

(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NOTHING IN THIS ARTICLE 3.5 IMPOSES ON AN EMERGENCY MEDICAL SERVICE PROVIDER AN OBLIGATION TO RESPOND TO THE SCENE OF A MEDICAL EMERGENCY OR TO PROVIDE EMERGENCY MEDICAL SERVICES WHEN THE EMERGENCY MEDICAL SERVICE PROVIDER IS OFF DUTY.

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

Approved: May 5, 2026