

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0121.01 Shelby Ross x4510

HOUSE BILL 26-1063

HOUSE SPONSORSHIP

Bradfield and Rydin, Jackson

SENATE SPONSORSHIP

Amabile,

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TREATING INDIVIDUALS WITH A BEHAVIORAL HEALTH**
102 **DISORDER, AND, IN CONNECTION THEREWITH,**
103 **PROVIDING PROTECTIONS RELATED TO SECURE**
104 **TRANSPORTATION FOR PERSONS EXPERIENCING A BEHAVIORAL**
105 **HEALTH CRISIS.**

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/>.)

**Legislative Oversight Committee Concerning the Treatment
of Persons with Behavioral Health Disorders in the Criminal and**

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.*

Juvenile Justice Systems. Current law requires the department of health care policy and financing to provide medicaid reimbursement to opioid treatment programs for administering medication-assisted treatment (MAT) in a jail setting. **Section 1** of the bill expands medicaid reimbursement to include licensed providers who administer MAT in a jail setting.

Current law excludes personnel employed by or contracted with a law enforcement agency from the definition of "secure transportation". **Section 2** removes this exclusion to allow entities that contract with law enforcement agencies to provide secure transportation.

Sections 3 and 4 transfer the licensing authority for secure transportation providers from the counties to the department of public health and environment beginning January 1, 2027.

Sections 6 through 10 make changes to the secure transportation requirements and petition filing requirements related to emergency mental health holds and short-term and long-term certifications, including:

- Expanding the transportation provider types that may be contacted for assistance in detaining and transporting a person to a facility for an emergency mental health hold to include a behavioral health crisis response team, a private ambulance service provider, a private emergency medical services provider, and a secure transportation provider;
- Requiring a certified peace officer to advise the person being taken into protective custody that the person is not under arrest and has not committed a crime;
- Requiring the petition for a court-ordered evaluation to include any known history of the respondent's history of assault or possession of weapons and whether the respondent has a prior history of an emergency mental health hold or short-term or long-term certification; and
- Creating a right for a person detained for an emergency mental health hold to not be transported by a certified peace officer if an alternative secure transportation option is available.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-3.5-103, **amend**
3 (11.4)(c) as follows:

4 **25-3.5-103. Definitions.**

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

1 (11.4) (c) "Secure transportation" does not include urgent
2 transportation services provided by law enforcement ~~or personnel~~
3 ~~employed by or contracted with a law enforcement agency~~ to individuals
4 experiencing a behavioral health crisis; except that any member of a
5 co-responder team who is not law enforcement ~~or personnel employed by~~
6 ~~or contracted with a law enforcement agency~~ and who holds a valid
7 license for secure transportation by the county in which the secure
8 ~~transportation originates~~ DEPARTMENT, in a vehicle with a valid permit
9 issued by the county in which the secure transportation originates
10 DEPARTMENT, and which meets the minimum requirements for secure
11 transportation established by rule pursuant to section 25-3.5-311 may
12 provide urgent secure transportation services.

13 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-309, **amend**
14 (1) and (4) as follows:

15 **25-3.5-309. Secure transportation - license required - fees -**
16 **exceptions.**

17 (1) (a) After ~~January 1, 2023~~ JANUARY 1, 2027, an entity shall not
18 provide public or private secure transportation services, as defined in
19 section 25-3.5-103 (11.4), in this state unless ~~that~~ THE entity holds a valid
20 license issued by the ~~board of county commissioners of the county in~~
21 ~~which the secure transportation service is based~~ DEPARTMENT; except that
22 entities described in subsection (2) of this section may provide secure
23 transportation services.

24 (b) Licenses, permits, and renewals issued pursuant to this section
25 and section 25-3.5-310 require a fee in an amount to be determined by the
26 ~~board of county commissioners of the county in which the secure~~
27 ~~transportation service is based~~ DEPARTMENT to reflect the direct and

1 indirect costs incurred by the ~~county~~ DEPARTMENT in implementing
2 licenses for secure transportation.

3 (4) Each vehicle operated by a secure transportation licensee must
4 be issued a separate permit by the ~~board of county commissioners of the~~
5 ~~county in which the secure transportation service is based~~ DEPARTMENT
6 upon positive review pursuant to section 25-3.5-310.

7 **SECTION 3.** In Colorado Revised Statutes, 25-3.5-310, **amend**
8 (1) and (2); and **add** (4) as follows:

9 **25-3.5-310. Secure transportation - issuance of licenses and**
10 **permits - term - requirements.**

11 (1) (a) After receipt of an original application for a license to
12 provide public or private secure transportation services, the ~~board of~~
13 ~~county commissioners of the county in which the secure transportation~~
14 ~~service is based~~ DEPARTMENT shall review the application, the applicant's
15 record, and the applicant's equipment, as well as the applicant's training
16 and operating procedures. In order to be approved for a license, the
17 applicant must provide evidence that the applicant's equipment and
18 training and operating procedures meet or exceed the minimum
19 requirements established by the state board of health pursuant to section
20 25-3.5-311. ~~The board of county commissioners of any county may~~
21 ~~impose, by resolution, additional requirements for secure transportation~~
22 ~~that is based in that county.~~

23 (b) If an applicant is approved pursuant to subsection (1)(a) of this
24 section, the ~~board of county commissioners of the county in which the~~
25 ~~secure transportation service is based~~ DEPARTMENT shall issue a license,
26 valid for three years, to the applicant to provide secure transportation
27 services. ~~The board of county commissioners of the county in which the~~

1 ~~secure transportation service is based~~ DEPARTMENT shall also issue a
2 permit, valid for twelve months after the date of issuance, for each
3 vehicle used by the licensee if the vehicles and equipment meet or exceed
4 the minimum requirements established by the state board of health
5 pursuant to section 25-3.5-311.

6 (2) Any license or permit issued pursuant to this section, unless
7 revoked by the ~~board of county commissioners of the county in which the~~
8 ~~secure transportation service is based~~ DEPARTMENT, may be renewed by
9 filing an application, as applicable for an original license or permit.
10 Applications for permit renewal must be filed annually, but not less than
11 thirty days before the date the permit expires.

12 (4) THE DEPARTMENT SHALL PUBLISH A LIST OF APPROVED SECURE
13 TRANSPORTATION PROVIDERS ON THE DEPARTMENT'S WEBSITE AND
14 UPDATE THE LIST OF PROVIDERS ON A MONTHLY BASIS.

15 **SECTION 4.** In Colorado Revised Statutes, 25-3.5-311, **amend**
16 (1) introductory portion and (1)(b) as follows:

17 **25-3.5-311. Secure transportation - rules.**

18 (1) ~~On or before July 1, 2022,~~ The state board of health shall
19 adopt rules establishing the minimum requirements for secure
20 transportation services licensing, including, but not limited to:

21 (b) Staff training requirements, including verbal de-escalation and
22 trauma-informed care, as well as cultural competencies related to
23 supporting persons with physical or cognitive disabilities. STAFF
24 TRAINING REQUIREMENTS SHALL BE ESTABLISHED BY THE STATE BOARD
25 OF HEALTH AND NOT BY INDIVIDUAL COUNTIES.

26 **SECTION 5. Act subject to petition - effective date.** Section
27 25-3.5-309 (1)(a), Colorado Revised Statutes, as amended in section 2 of

1 this act, takes effect January 1, 2027, and the remainder of this act takes
2 effect at 12:01 a.m. on the day following the expiration of the ninety-day
3 period after final adjournment of the general assembly (August 12, 2026,
4 if adjournment sine die is on May 13, 2026); except that, if a referendum
5 petition is filed pursuant to section 1 (3) of article V of the state
6 constitution against this act or an item, section, or part of this act within
7 such period, then the act, item, section, or part will not take effect unless
8 approved by the people at the general election to be held in November
9 2026 and, in such case, will take effect on the date of the official
10 declaration of the vote thereon by the governor; except that section
11 25-3.5-309 (1)(a), Colorado Revised Statutes, as amended in section 2 of
12 this act, takes effect January 1, 2027, or on the date of the official
13 declaration of the vote thereon by the governor, whichever is later.