

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0522.01 Jane Ritter x4342

**HOUSE BILL 21-1085**

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**HOUSE SPONSORSHIP**

**McCluskie and Larson,**

**SENATE SPONSORSHIP**

**Bridges and Smallwood,**

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**House Committees**

Public & Behavioral Health & Human Services

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING SECURE TRANSPORTATION FOR AN INDIVIDUAL IN**  
102 **BEHAVIORAL HEALTH CRISIS.**

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**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 creates a regulatory and service system to provide secure transportation services, with different requirements from traditional ambulance services, for individuals experiencing a behavioral health crisis. The department of human services shall allow for the development of secure transportation alternatives.

The board of county commissioners of the county in which the

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

secure transportation service is based (commissioners) shall issue a license to an entity (licensee), valid for 3 years, that provides secure transportation services if the minimum requirements set by rule by the state board of health are met or exceeded. The commissioners shall also issue operating permits, valid for 12 months following issuance, to each vehicle operated by the licensee. A fee may be charged for each license to reflect the direct and indirect costs to the applicable county in implementing secure transportation services licensure. The state board of health is given authority to promulgate rules concerning secure transportation licensure.

The department of health care policy and financing (department) is directed to create and implement a secure transportation benefit on or before January 1, 2023. The department is required to include information on secure transportation services and benefits in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" report.

The bill exempts secure transportation services from regulation under the public utilities commission.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-3.5-103, **add**  
3 (3.3), (8.1), and (11.4) as follows:

4 **25-3.5-103. Definitions.** As used in this article 3.5, unless the  
5 context otherwise requires:

6 (3.3) "BEHAVIORAL HEALTH" HAS THE SAME MEANING AS SET  
7 FORTH IN SECTION 25-27.6-102 (4).

8 (8.1) "EMERGENCY MEDICAL SERVICES FACILITY" MEANS A  
9 FACILITY LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF THIS TITLE 25,  
10 LICENSED PURSUANT TO SECTION 25-1.5-103, OR ANY OTHER LICENSED OR  
11 CERTIFIED FACILITY THAT PROVIDES EMERGENCY MEDICAL SERVICES.

12 (11.4) (a) "SECURE TRANSPORTATION" OR "SECURE  
13 TRANSPORTATION SERVICES" MEANS URGENT TRANSPORTATION SERVICES  
14 PROVIDED TO INDIVIDUALS EXPERIENCING A BEHAVIORAL HEALTH CRISIS.

15 (b) SECURE TRANSPORTATION INCLUDES:

1 (I) FOR AN INDIVIDUAL BEING TRANSPORTED PURSUANT TO  
2 SECTION 27-65-103 OR 27-65-105 (1), TRANSPORTATION FROM THE  
3 COMMUNITY TO A FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF  
4 THE DEPARTMENT OF HUMAN SERVICES FOR TREATMENT AND EVALUATION  
5 PURSUANT TO ARTICLE 65 OF TITLE 27;

6 (II) FOR AN INDIVIDUAL IN NEED OF SERVICES PURSUANT TO  
7 ARTICLES 81 AND 82 OF TITLE 27, TRANSPORTATION FROM ANY LOCATION  
8 TO AN APPROVED TREATMENT FACILITY, AS DESCRIBED IN SECTION  
9 27-81-106, OR A WALK-IN CRISIS CENTER THAT IS OPERATING AS PART OF  
10 THE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM;

11 (III) FOR AN INDIVIDUAL WHO IS RECEIVING TRANSPORTATION  
12 ACROSS LEVELS OF CARE OR TO A HIGHER LEVEL OF CARE,  
13 TRANSPORTATION BETWEEN ANY OF THE FOLLOWING TYPES OF FACILITIES:

14 (A) AN EMERGENCY MEDICAL SERVICES FACILITY;

15 (B) A FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE  
16 DEPARTMENT OF HUMAN SERVICES FOR TREATMENT AND EVALUATION  
17 PURSUANT TO ARTICLE 65 OF TITLE 27;

18 (C) AN APPROVED TREATMENT FACILITY, AS DESCRIBED IN  
19 SECTION 27-81-106; OR

20 (D) A WALK-IN CRISIS CENTER THAT IS OPERATING AS PART OF THE  
21 BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.

22 (c) "SECURE TRANSPORTATION" DOES NOT INCLUDE URGENT  
23 TRANSPORTATION SERVICES PROVIDED BY LAW ENFORCEMENT TO  
24 INDIVIDUALS EXPERIENCING A BEHAVIORAL HEALTH CRISIS; EXCEPT THAT  
25 A NON-LAW-ENFORCEMENT MEMBER OF A CO-RESPONDER TEAM WHO  
26 HOLDS A VALID LICENSE FOR SECURE TRANSPORTATION BY THE COUNTY  
27 IN WHICH THE SECURE TRANSPORTATION ORIGINATES, IN A VEHICLE WITH

1 A VALID PERMIT ISSUED BY THE COUNTY IN WHICH THE SECURE  
2 TRANSPORTATION ORIGINATES, AND WHICH MEETS THE MINIMUM  
3 REQUIREMENTS FOR SECURE TRANSPORTATION ESTABLISHED BY RULE  
4 PURSUANT TO SECTION 25-3.5-311 MAY PROVIDE URGENT SECURE  
5 TRANSPORTATION SERVICES.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 25-3.5-309,  
7 25-3.5-310, 25-3.5-311, and 25-3.5-312 as follows:

8 **25-3.5-309. Secure transportation - license required - fees -**  
9 **exceptions.** (1) (a) AFTER JANUARY 1, 2023, AN ENTITY SHALL NOT  
10 PROVIDE PUBLIC OR PRIVATE SECURE TRANSPORTATION SERVICES, AS  
11 DEFINED IN SECTION 25-3.5-103 (11.4), IN THIS STATE UNLESS THAT  
12 ENTITY HOLDS A VALID LICENSE ISSUED BY THE BOARD OF COUNTY  
13 COMMISSIONERS OF THE COUNTY IN WHICH THE SECURE TRANSPORTATION  
14 SERVICE IS BASED; EXCEPT THAT ENTITIES DESCRIBED IN SUBSECTION (2)  
15 OF THIS SECTION MAY PROVIDE SECURE TRANSPORTATION SERVICES WHEN  
16 NECESSARY.

17 (b) LICENSES, PERMITS, AND RENEWALS ISSUED PURSUANT TO THIS  
18 SECTION AND SECTION 25-3.5-310 REQUIRE A FEE IN AN AMOUNT TO BE  
19 DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY  
20 IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED TO REFLECT  
21 THE DIRECT AND INDIRECT COSTS INCURRED BY THE COUNTY IN  
22 IMPLEMENTING LICENSES FOR SECURE TRANSPORTATION.

23 (2) AMBULANCE AGENCIES, TRANSPORTATION SERVICES PROVIDED  
24 BY THE MENTAL HEALTH INSTITUTES WITHIN THE STATE DEPARTMENT OF  
25 HUMAN SERVICES, EMERGENCY SERVICE PATROLS ESTABLISHED PURSUANT  
26 TO SECTION 27-81-115, AND LAW ENFORCEMENT MAY PROVIDE SECURE  
27 TRANSPORTATION SERVICES TO AN INDIVIDUAL IN NEED OF URGENT

1 BEHAVIORAL HEALTH CARE.

2 (3) EACH VEHICLE OPERATED BY A SECURE TRANSPORTATION  
3 LICENSEE MUST BE ISSUED A SEPARATE PERMIT BY THE BOARD OF COUNTY  
4 COMMISSIONERS OF THE COUNTY IN WHICH THE SECURE TRANSPORTATION  
5 SERVICE IS BASED UPON POSITIVE REVIEW PURSUANT TO SECTION  
6 25-3.5-310.

7 **25-3.5-310. Secure transportation - issuance of licenses and**  
8 **permits - term - requirements.** (1) (a) AFTER RECEIPT OF AN ORIGINAL  
9 APPLICATION FOR A LICENSE TO PROVIDE PUBLIC OR PRIVATE SECURE  
10 TRANSPORTATION SERVICES, THE BOARD OF COUNTY COMMISSIONERS OF  
11 THE COUNTY IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED  
12 SHALL REVIEW THE APPLICATION, THE APPLICANT'S RECORD, AND THE  
13 APPLICANT'S EQUIPMENT, AS WELL AS THE APPLICANT'S TRAINING AND  
14 OPERATING PROCEDURES. IN ORDER TO BE APPROVED FOR A LICENSE, THE  
15 APPLICANT MUST PROVIDE EVIDENCE THAT THE APPLICANT'S EQUIPMENT  
16 AND TRAINING AND OPERATING PROCEDURES MEET OR EXCEED THE  
17 MINIMUM REQUIREMENTS ESTABLISHED BY THE STATE BOARD OF HEALTH  
18 PURSUANT TO SECTION 25-3.5-311. THE BOARD OF COUNTY  
19 COMMISSIONERS OF ANY COUNTY MAY IMPOSE, BY RESOLUTION,  
20 ADDITIONAL REQUIREMENTS FOR SECURE TRANSPORTATION THAT IS BASED  
21 IN THAT COUNTY.

22 (b) IF AN APPLICANT IS APPROVED PURSUANT TO SUBSECTION  
23 (1)(a) OF THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS OF THE  
24 COUNTY IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED SHALL  
25 ISSUE A LICENSE, VALID FOR THREE YEARS, TO THE APPLICANT TO PROVIDE  
26 SECURE TRANSPORTATION SERVICES. THE BOARD OF COUNTY  
27 COMMISSIONERS OF THE COUNTY IN WHICH THE SECURE TRANSPORTATION

1 SERVICE IS BASED SHALL ALSO ISSUE A PERMIT, VALID FOR TWELVE  
2 MONTHS AFTER THE DATE OF ISSUANCE, FOR EACH VEHICLE USED BY THE  
3 LICENSEE IF THE VEHICLES AND EQUIPMENT MEET OR EXCEED THE  
4 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,  
7 UNLESS REVOKED BY THE BOARD OF COUNTY COMMISSIONERS OF THE  
8 COUNTY IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED, MAY  
9 BE RENEWED BY FILING AN APPLICATION, AS APPLICABLE FOR AN ORIGINAL  
10 LICENSE OR PERMIT. APPLICATIONS FOR PERMIT RENEWAL MUST BE FILED  
11 ANNUALLY, BUT NOT LESS THAN THIRTY DAYS BEFORE THE DATE THE  
12 PERMIT EXPIRES.

13 (3) A LICENSEE OR PERMIT HOLDER SHALL NOT SELL, ASSIGN, OR  
14 OTHERWISE TRANSFER A LICENSE OR PERMIT ISSUED PURSUANT TO THIS  
15 SECTION.

16 **25-3.5-311. Secure transportation - rules.** (1) THE STATE  
17 BOARD OF HEALTH SHALL ADOPT RULES ESTABLISHING THE MINIMUM  
18 REQUIREMENTS FOR SECURE TRANSPORTATION SERVICES LICENSING,  
19 INCLUDING BUT NOT LIMITED TO:

20 (a) STAFFING REQUIREMENTS FOR VEHICLES;

21 (b) STAFF TRAINING REQUIREMENTS, INCLUDING VERBAL  
22 DE-ESCALATION AND TRAUMA-INFORMED CARE;

23 (c) OPERATING PROCEDURES, INCLUDING CIRCUMSTANCES WHEN  
24 INDIVIDUAL PHYSICAL RESTRAINT IS ALLOWED;

25 (d) QUALITY IMPROVEMENT AND THE PROCESS USED TO  
26 INVESTIGATE COMPLAINTS AGAINST A LICENSEE;

27 (e) DATA COLLECTION AND REPORTING TO THE DEPARTMENT BY A

1 LICENSEE;

2 (f) CLINICAL AND MEDICAL STANDARDS AND PROCEDURES;

3 (g) THE CIRCUMSTANCES UNDER WHICH AN INDIVIDUAL MAY BE  
4 TRANSPORTED; AND

5 (h) CRITERIA FOR PICKUP.

6 **25-3.5-312. Funding.** THE DEPARTMENT IS AUTHORIZED TO SEEK,  
7 ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM PUBLIC OR  
8 PRIVATE SOURCES FOR THE PURPOSE OF FACILITATING THE RULEMAKING  
9 PROCESS SET FORTH IN SECTION 25-3.5-311.

10 **SECTION 3.** In Colorado Revised Statutes, 25.5-5-324, **amend**  
11 (1), (2)(a), (2)(c), and (4)(a); and **add** (5) as follows:

12 **25.5-5-324. Nonemergency medical transportation - urgent**  
13 **and secure transportation need - report - funding - repeal.** (1) (a) On  
14 or before January 1, 2019, the state department shall create and  
15 implement an efficient and cost-effective method for meeting urgent  
16 transportation needs within the existing nonemergency medical  
17 transportation benefit under the medical assistance program. Urgent  
18 transportation needs include discharge from inpatient, emergency  
19 services, and other urgent but nonemergency services, as determined by  
20 the state department.

21 (b) ON OR BEFORE JANUARY 1, 2023, THE STATE DEPARTMENT  
22 SHALL CREATE A BENEFIT FOR SECURE TRANSPORTATION SERVICES, AS  
23 THAT TERM IS DEFINED IN SECTION 25-3.5-103 (11.4).

24 (2) The method created by the state department must include, at  
25 a minimum:

26 (a) Medical service provider or facility access to approved  
27 transportation providers for patients with urgent OR SECURE transportation

1 needs;

2 (c) An efficient method for obtaining and paying for  
3 transportation services for urgent OR SECURE transportation needs.

4 (4) (a) The state department shall annually report on the  
5 implementation and effectiveness of the process created in this section for  
6 meeting urgent AND SECURE transportation needs within the  
7 nonemergency medical transportation benefit AND SECURE  
8 TRANSPORTATION SERVICES BENEFIT. The state department shall present  
9 the report as part of its annual ~~presentation~~ "STATE MEASUREMENT FOR  
10 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
11 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203 to the  
12 health and human services committee of the senate and the public AND  
13 BEHAVIORAL health and human services committee of the house of  
14 representatives, or any successor committees. ~~as required pursuant to~~  
15 ~~section 2-7-203.~~

16 (5) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT,  
17 AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM PUBLIC OR PRIVATE  
18 SOURCES FOR THE PURPOSE OF FUNDING THE URGENT TRANSPORTATION  
19 NEEDS WITHIN THE EXISTING NONEMERGENCY MEDICAL TRANSPORTATION  
20 BENEFIT UNDER THE MEDICAL ASSISTANCE PROGRAM, AS SET FORTH IN  
21 SUBSECTION (1) OF THIS SECTION.

22 **SECTION 4.** In Colorado Revised Statutes, 27-60-104, **amend**  
23 (7) as follows:

24 **27-60-104. Behavioral health crisis response system - crisis**  
25 **service facilities - walk-in centers - mobile response units - report.**

26 (7) The state department shall explore solutions for addressing secure  
27 transportation, AS DEFINED IN SECTION 25-3.5-103 (11.4), of individuals



1 placed on a seventy-two-hour treatment and evaluation hold pursuant to  
2 article 65 of this title 27 AND SHALL, ON OR BEFORE JANUARY 1, 2023,  
3 INCLUDE THE FOLLOWING INFORMATION AS PART OF ITS "STATE  
4 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT  
5 (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED PURSUANT TO  
6 SECTION 2-7-203:

7 (a) HOW CRISIS CONTRACTORS ARE FACILITATING THE USE OF  
8 SECURE TRANSPORTATION OR CONTRACTING WITH SECURE  
9 TRANSPORTATION LICENSEES; AND

10 (b) HOW THE STATE DEPARTMENT HAS SUPPORTED AND  
11 ENCOURAGED CRISIS CONTRACTORS TO INCLUDE SECURE TRANSPORTATION  
12 IN THE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.

13 **SECTION 5.** In Colorado Revised Statutes, 27-65-107, **amend**  
14 (8) as follows:

15 **27-65-107. Certification for short-term treatment - procedure.**

16 (8) Whenever it appears to the court, by reason of a report by the treating  
17 professional person or any other report satisfactory to the court, that a  
18 respondent detained for evaluation and treatment or certified for treatment  
19 should be transferred to another facility for treatment and the safety of the  
20 respondent or the public requires that the respondent be transported by  
21 SECURE TRANSPORTATION, AS DEFINED IN SECTION 25-3.5-103 (11.4), OR  
22 a sheriff, the court may issue an order directing the sheriff or ~~his or her~~  
23 THE SHERIFF'S designee to deliver the respondent to the designated  
24 facility.

25 **SECTION 6.** In Colorado Revised Statutes, 40-10.1-105, **amend**  
26 (1) introductory portion and (1)(d) as follows:

27 **40-10.1-105. Transportation not subject to regulation.** (1) The

1 following types of transportation are not subject to regulation ~~under this~~  
2 ~~article~~ PURSUANT TO THIS ARTICLE 10.1:

3 (d) Transportation by hearses, ambulances, SECURE  
4 TRANSPORTATION, AS DEFINED IN SECTION 25-3.5-103 (11.4), or other  
5 emergency vehicles;

6 **SECTION 7. Act subject to petition - effective date.** This act  
7 takes effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly; except  
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
10 of the state constitution against this act or an item, section, or part of this  
11 act within such period, then the act, item, section, or part will not take  
12 effect unless approved by the people at the general election to be held in  
13 November 2022 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.