



# Fiscal Note

## Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

### SB 25-130: PROVIDING EMERGENCY MEDICAL SERVICES

**Prime Sponsors:**  
Sen. Gonzales J.; Weissman  
Rep. Froelich; Zokaie

**Fiscal Analyst:**  
Erin Reynolds, 303-866-4146  
erin.reynolds@coleg.gov

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**Version:** Initial Fiscal Note  
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**Fiscal note status:** The fiscal note reflects the introduced bill.

#### Summary Information

**Overview.** This bill ensures non-discriminatory access to emergency medical services, mandates provider availability while allowing religious exemptions, restricts billing inquiries until after treatment, regulates patient transfers, outlines compliance exceptions, and enforces penalties for violations, as detailed below.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- State Revenue
- State Expenditures

**Appropriations.** For FY 2025-26, the bill requires an appropriation of \$61,161 to the Department of Public Health and Environment.

**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$74,231	\$54,153
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.6 FTE	0.4 FTE

<sup>1</sup> Fund sources for these impacts are shown in the table below.

**Table 1A  
State Expenditures**

<b>Fund Source</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
General Fund	\$0	\$0
Cash Funds	\$61,161	\$45,042
Federal Funds	\$0	\$0
Centrally Appropriated	\$13,070	\$9,111
<b>Total Expenditures</b>	<b>\$74,231</b>	<b>\$54,153</b>
<b>Total FTE</b>	<b>0.6 FTE</b>	<b>0.4 FTE</b>

## Summary of Legislation

This bill ensures non-discriminatory access to emergency medical services, mandates provider availability while allowing religious exemptions, restricts billing inquiries until after treatment, regulates patient transfers, outlines compliance exceptions, and enforces penalties for violations, as detailed below.

### Mandating Emergency Medical Services

Under the bill, emergency departments, including labor and delivery units, must provide emergency medical services to all patients who seek care. Emergency departments are required to log whether a patient refused treatment or was denied treatment, and whether the patient was treated, stabilized, transferred, or discharged.

### Prohibition of Discrimination in Emergency Services

The bill prohibits emergency departments from denying or discriminating in the provision of emergency medical services based on specific patient characteristics.

### Availability of Health-Care Providers

Emergency departments must implement a protocol ensuring that a health care provider willing and able to provide emergency medical services, including abortions, is available at all times. A health care provider is not required to provide services if doing so conflicts with their sincerely held religious beliefs. Additionally, emergency departments cannot take adverse actions against providers based on their decision to provide or refuse services.

### Billing and Payment Inquiry Restrictions

Emergency departments are prohibited from inquiring about a patient's ability to pay for emergency medical services until after those services have been provided.

## Patient Transfers and Discharges

A patient with an emergency medical condition cannot be transferred or discharged unless specific conditions are met to ensure their safety and well-being.

## Compliance and Exceptions

An emergency department is not considered in violation of the bill's requirements if an appropriate medical screening examination is performed and certain conditions are met.

## Legal Enforcement and Penalties

The bill grants the Attorney General the authority to file a civil action for injunctive relief or impose a civil penalty of up to \$50,000 against an emergency department or examining health care provider who negligently violates the bill's provisions. Additionally, the bill establishes a private right of action for individuals who suffer personal injury due to an emergency department's failure to comply with the bill.

## State Revenue

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The bill may increase revenue to the Judicial Department from an increase in filing fees from civil case filings. If civil penalties are levied by the Attorney General, General Fund revenue will increase. Revenue from filing fees and civil penalties is subject to TABOR.

## State Expenditures

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The bill increases state expenditures in the Department of Public Health and Environment (CDPHE) by \$74,000 in FY 2025-26 and \$54,000 per year thereafter. These costs, paid from the CDPHE General Licensure Cash Fund, are summarized in Table 2 and discussed below. The bill also affects workload in the Department of Law, etc.

**Table 2**  
**State Expenditures**  
**Department of Public Health and Environment**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Personal Services	\$60,393	\$44,530
Operating Expenses	\$768	\$512
Centrally Appropriated Costs	\$13,070	\$9,111
<b>Total Costs</b>	<b>\$74,231</b>	<b>\$54,153</b>
<b>Total FTE</b>	<b>0.6 FTE</b>	<b>0.4 FTE</b>

## **Department of Public Health and Environment**

The department requires rulemaking support staff in FY 2025-26 only, and enforcement staff on an ongoing basis.

### **Rulemaking Staff**

In FY 2025-26 only, CDPHE requires 0.2 FTE Policy Advisor to support the rulemaking process to harmonize existing rules with the bill and to add discharge requirements.

### **Enforcement Staff**

Most hospitals are subject to federal Emergency Medical Treatment and Labor Act (EMTALA) requirements. However, freestanding emergency departments and community clinics with emergency departments are not subject to these requirements, and CDPHE's Health Facilities and Emergency Medical Services Division regulates and licenses 32 such facilities. Based on recent complaint levels and investigation timelines for licensed hospitals, the fiscal note estimates an additional 14 new complaints per year at 65 hours per complaint, which equates to 0.4 FTE Nurse Consultant.

## **Department of Law**

The bill gives the Attorney General discretion to pursue legal action against emergency departments or health care providers who violate the bill's provisions. The department will review and investigate alleged violations within available resources.

## **Judicial Department**

Trial courts in the Judicial Department may experience an increase in workload to the extent additional civil cases are filed under the bill. The fiscal note assumes that health care providers will comply with the law and any increase will be minimal.

## **Centrally Appropriated Costs**

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, leased space, and indirect cost assessments, are shown in the expenditure table above.

## **Effective Date**

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State Appropriations

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For FY 2025-26, the bill requires an appropriation of \$61,161 from the General Licensure Cash Fund to the Department of Public Health and Environment, and 0.6 FTE.

## State and Local Government Contacts

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Judicial

Public Health and Environment

Law

Regulatory Agencies

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).