

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0121.01 Shelby Ross x4510

HOUSE BILL 26-1063

HOUSE SPONSORSHIP

Bradfield and Rydin, Jackson

SENATE SPONSORSHIP

Amabile and Michaelson Jenet,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING TREATING INDIVIDUALS WITH A BEHAVIORAL HEALTH
102 DISORDER, AND, IN CONNECTION THEREWITH, REIMBURSING
103 LICENSED PROVIDERS WHO ADMINISTER MEDICATION-ASSISTED
104 TREATMENT AND PROVIDING PROTECTIONS RELATED TO SECURE
105 TRANSPORTATION FOR PERSONS EXPERIENCING A BEHAVIORAL
106 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

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.

of Persons with Behavioral Health Disorders in the Criminal and 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.

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

SECTION 1. In Colorado Revised Statutes, 25.5-4-505.5, **amend**
(5) as follows:

25.5-4-505.5. Federal authorization related to persons involved
in the criminal justice system - report - rules - legislative declaration.

1 (5) (a) The state department shall ~~only~~ reimburse ~~an opioid~~
2 ~~treatment program, as defined in section 27-80-203;~~ A PROVIDER
3 LICENSED AND AUTHORIZED TO PRESCRIBE, DISPENSE, COMPOUND, OR
4 ADMINISTER MEDICATION-ASSISTED TREATMENT for administering
5 medication-assisted treatment in a jail setting. ~~At a minimum, an opioid~~
6 ~~treatment program that administers medication-assisted treatment shall:~~

7 ~~(I) Employ a physician medical director;~~

8 ~~(II) Ensure the individual receiving medication-assisted treatment~~
9 ~~undergoes a minimum observation period after receiving~~
10 ~~medication-assisted treatment as determined by behavioral health~~
11 ~~administration rule pursuant to section 27-80-204; and~~

12 ~~(III) Meet all critical incident reporting requirements as~~
13 ~~determined by behavioral health administration rule pursuant to section~~
14 ~~27-80-204.~~

15 (b) The state department shall ensure as part of the state
16 department's quality oversight that ~~opioid treatment programs that~~
17 LICENSED PROVIDERS WHO administer medication-assisted treatment in a
18 jail setting maintain emergency policies and procedures that address
19 adverse outcomes.

20 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-103, **amend**
21 (11.4)(c) as follows:

22 **25-3.5-103. Definitions.**

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

24 (11.4) (c) "Secure transportation" does not include urgent
25 transportation services provided by law enforcement ~~or personnel~~
26 ~~employed by or contracted with a law enforcement agency~~ to individuals
27 experiencing a behavioral health crisis; except that any member of a

1 co-responder team who is not law enforcement or personnel employed by
2 or contracted with a law enforcement agency and who holds a valid
3 license for secure transportation by the county in which the secure
4 transportation originates, in a vehicle with a valid permit issued by the
5 county in which the secure transportation originates, and which meets the
6 minimum requirements for secure transportation established by rule
7 pursuant to section 25-3.5-311 may provide urgent secure transportation
8 services.

9 **SECTION 3.** In Colorado Revised Statutes, 25-3.5-309, **amend**
10 (1)(a) as follows:

11 **25-3.5-309. Secure transportation - license required - fees -**
12 **exceptions.**

13 (1) (a) After ~~January 1, 2023~~ JANUARY 1, 2027, an entity shall not
14 provide public or private secure transportation services, as defined in
15 section 25-3.5-103 (11.4), in this state unless ~~that~~ THE entity holds a valid
16 license issued by the ~~board of county commissioners of the county~~
17 DEPARTMENT AND THE ENTITY HAS OBTAINED AUTHORIZATION TO
18 OPERATE FROM THE LOCAL LICENSING AUTHORITY FOR THE COUNTY OR
19 CITY AND COUNTY in which the secure transportation service is based;
20 except that entities described in subsection (2) of this section may provide
21 secure transportation services.

22 **SECTION 4.** In Colorado Revised Statutes, 25-3.5-310, **amend**
23 (1) and (2) as follows:

24 **25-3.5-310. Secure transportation - issuance of licenses and**
25 **permits - term - requirements.**

26 (1) (a) After receipt of an original application for a license to
27 provide public or private secure transportation services, the ~~board of~~

1 ~~county commissioners of the county in which the secure transportation~~
2 ~~service is based~~ DEPARTMENT shall review the application, the applicant's
3 record, and the applicant's equipment, as well as the applicant's training
4 and operating procedures. In order to be approved for a license, the
5 applicant must provide evidence that the applicant's equipment and
6 training and operating procedures meet or exceed the minimum
7 requirements established by the state board of health pursuant to section
8 25-3.5-311. ~~The board of county commissioners of any county may~~
9 ~~impose, by resolution, additional requirements for secure transportation~~
10 ~~that is based in that county.~~

11 (b) If an applicant is approved pursuant to subsection (1)(a) of this
12 section, ~~the board of county commissioners of the county in which the~~
13 ~~secure transportation service is based~~ DEPARTMENT shall issue a license,
14 valid for three years, to the applicant to provide secure transportation
15 services. The board of county commissioners of the county in which the
16 secure transportation service is based shall ~~also~~ issue a permit, valid for
17 twelve months after the date of issuance, for each vehicle used by the
18 licensee if the vehicles and equipment meet or exceed the minimum
19 requirements established by the state board of health pursuant to section
20 25-3.5-311.

21 (2) Any license or permit issued pursuant to this section, unless
22 revoked by the DEPARTMENT OR board of county commissioners of the
23 county in which the secure transportation service is based, may be
24 renewed by filing an application, as applicable for an original license or
25 permit. Applications for permit renewal must be filed annually, but not
26 less than thirty days before the date the permit expires.

27 **SECTION 5.** In Colorado Revised Statutes, 27-65-102, **add**

1 (30.5) as follows:

2 **27-65-102. Definitions.**

3 As used in this article 65, unless the context otherwise requires:

4 (30.5) "SECURE TRANSPORT PERSONNEL" MEANS THE FOLLOWING
5 PERSONNEL IN ORDER OF PRIORITY:

6 (a) A SECURE TRANSPORTATION PROVIDER;

7 (b) A BEHAVIORAL HEALTH CRISIS RESPONSE TEAM;

8 (c) A PRIVATE AMBULANCE PROVIDER; OR

9 (d) A PRIVATE EMERGENCY MEDICAL SERVICES PROVIDER.

10 **SECTION 6.** In Colorado Revised Statutes, 27-65-106, **amend**
11 (1)(a), (2), (4)(a)(III), (4)(a)(IV), (4)(a)(V), (4)(d), (10)(a)(XVI), and
12 (10)(a)(XVII); and **add** (4)(a)(VI), (8)(f), and (10)(a)(XVIII) as follows:

13 **27-65-106. Emergency mental health hold - screening -**
14 **court-ordered evaluation - discharge instructions - respondent's**
15 **rights.**

16 (1) An emergency mental health hold may be invoked under one
17 of the following conditions:

18 (a) (I) When a certified peace officer has probable cause to
19 believe a person has a mental health disorder and, as a result of the mental
20 health disorder, is an imminent danger to the person's self or others or is
21 gravely disabled, the certified peace officer may take the person into
22 protective custody and transport the person to a facility designated by the
23 commissioner for an emergency mental health hold. If ~~such~~ a facility is
24 not available, the certified peace officer may transport the person to an
25 emergency medical services facility. TO THE EXTENT POSSIBLE, THE
26 CERTIFIED PEACE OFFICER SHALL ADVISE THE PERSON THAT THE PEACE
27 OFFICER IS TAKING THE PERSON INTO PROTECTIVE CUSTODY AND

1 TRANSPORTING THE PERSON TO A FACILITY FOR AN EMERGENCY MENTAL
2 HEALTH HOLD AND THAT THE PERSON IS NOT UNDER ARREST AND HAS NOT
3 COMMITTED A CRIME. The certified peace officer may request assistance
4 from a behavioral health crisis response team for assistance in detaining
5 ~~and transporting the person or an emergency medical services provider in~~
6 ~~transporting the person; or~~ SECURE TRANSPORT PERSONNEL FOR
7 ASSISTANCE IN TRANSPORTING THE PERSON.

8 (II) When an intervening professional reasonably believes that a
9 person appears to have a mental health disorder and, as a result of the
10 mental health disorder, appears to be an imminent danger to the person's
11 self or others or appears to be gravely disabled, the intervening
12 professional may cause the person to be taken into protective custody and
13 transported to a facility designated by the commissioner for an emergency
14 mental health hold. ~~If such a facility is not available, the certified peace~~
15 ~~officer may transport the person to an emergency medical services~~
16 ~~facility.~~ If REASONABLE, the intervening professional ~~may~~ SHALL request
17 assistance from ~~a certified peace officer, a secure transportation provider,~~
18 ~~or a behavioral health crisis response team~~ SECURE TRANSPORT
19 PERSONNEL for assistance in ~~detaining and~~ transporting the person. ~~or~~
20 ~~assistance from an emergency medical services provider in transporting~~
21 ~~the person.~~ If THE INTERVENING PROFESSIONAL DETERMINES THAT
22 TRANSPORTATION BY A CERTIFIED PEACE OFFICER IS REQUIRED, THE
23 INTERVENING PROFESSIONAL SHALL REQUEST TRANSPORTATION
24 ASSISTANCE FROM A PEACE OFFICER AND DOCUMENT AND ARTICULATE
25 THE REASONING FOR THE DETERMINATION. IF SUCH A FACILITY IS NOT
26 AVAILABLE, THE CERTIFIED PEACE OFFICER MAY TRANSPORT THE PERSON
27 TO AN EMERGENCY MEDICAL SERVICES FACILITY.

1 (2) When a person is taken into custody pursuant to subsection (1)
2 of this section, the person must not be detained in a jail, lockup, or other
3 place used for the confinement of persons charged with or convicted of
4 penal offenses. Unless otherwise required by law, a certified peace officer
5 may transport the person to an emergency medical services facility or
6 facility designated by the commissioner even if a warrant has been issued
7 for the person's arrest if the certified peace officer believes it is in the best
8 interest of the person. The person must not be held on an emergency
9 mental health hold for longer than seventy-two hours after the hold is
10 placed or ordered. Nothing in this section prohibits an emergency medical
11 services facility OR AN AMBULANCE SERVICE PROVIDER from involuntarily
12 holding the person in order to stabilize the person as required pursuant to
13 the federal "Emergency Medical Treatment and Labor Act", 42 U.S.C.
14 sec. 1395dd, or if the treating professional determines that the individual's
15 physical or mental health disorder impairs the person's ability to make an
16 informed decision to refuse care and the provider determines that further
17 care is indicated.

18 (4) (a) The petition for a court-ordered evaluation filed pursuant
19 to subsection (1)(b) of this section must contain the following:

20 (III) Allegations of fact indicating that the respondent may have
21 a mental health disorder and, as a result of the mental health disorder, be
22 a danger to the respondent's self or others or be gravely disabled and
23 showing reasonable grounds to warrant an evaluation, INCLUDING ANY
24 KNOWN HISTORY OF ASSAULT OR POSSESSION OF WEAPONS;

25 (IV) The name and address of every person known or believed by
26 the petitioner to be legally responsible for the care, support, and
27 maintenance of the respondent, if available; and

1 (V) The name, address, and telephone number of the attorney, if
2 any, who has most recently represented the respondent; AND

3 (VI) THE RESPONDENT'S PRIOR HISTORY OF AN EMERGENCY
4 MENTAL HEALTH HOLD OR SHORT-TERM OR LONG-TERM CERTIFICATION,
5 IF KNOWN.

6 (d) Whenever it appears, by petition and screening pursuant to this
7 section, to the satisfaction of the court that probable cause exists to
8 believe that the respondent has a mental health disorder and, as a result
9 of the mental health disorder, is a danger to the respondent's self or others
10 or is gravely disabled and that efforts have been made to secure the
11 cooperation of the respondent but the respondent has refused or failed to
12 accept evaluation voluntarily, the court shall issue an order for evaluation
13 authorizing ~~a certified peace officer or secure transportation provider to~~
14 ~~take the respondent into custody and~~ SECURE TRANSPORT PERSONNEL TO
15 transport the respondent to a facility designated by the commissioner for
16 an emergency mental health hold. IF THE COURT DETERMINES THAT
17 SECURE TRANSPORT PERSONNEL ARE NOT AVAILABLE TO TRANSPORT THE
18 RESPONDENT TO A DESIGNATED FACILITY, THE COURT MAY ORDER A
19 CERTIFIED PEACE OFFICER TO TAKE THE RESPONDENT INTO CUSTODY AND
20 TRANSPORT THE RESPONDENT TO THE DESIGNATED FACILITY. A COPY OF
21 THE PETITION AND ORDER FOR EVALUATION MUST BE GIVEN TO THE
22 SECURE TRANSPORT PERSONNEL OR CERTIFIED PEACE OFFICER AS SOON AS
23 POSSIBLE BUT NO LATER THAN TWENTY-FOUR HOURS AFTER THE ORDER IS
24 ISSUED. At the time the respondent is taken into custody, a copy of the
25 petition and the order for evaluation must be given to the respondent and
26 promptly thereafter to the one lay person designated by the respondent
27 and to the person in charge of the facility named in the order or the

1 respondent's designee. If the respondent refuses to accept a copy of the
2 petition and the order for evaluation, such refusal must be documented in
3 the petition and the order for evaluation.

4 (8) (f) THE FACILITY MAY DISCLOSE THE DISPOSITION OF THE
5 PERSON DETAINED FOR AN EMERGENCY MENTAL HEALTH HOLD TO LAW
6 ENFORCEMENT.

7 (10) (a) A person detained for an emergency mental health hold
8 pursuant to this section has the following rights:

9 (XVI) To have personal privacy to the extent possible during the
10 course of treatment; ~~and~~

11 (XVII) To have the ability to meet with visitors in accordance
12 with the facility's current visitor guidelines; AND

13 (XVIII) TO NOT BE TRANSPORTED BY A CERTIFIED PEACE OFFICER
14 IF AN ALTERNATIVE SECURE TRANSPORTATION OPTION IS AVAILABLE.

15 **SECTION 7.** In Colorado Revised Statutes, 27-65-107, **amend**
16 (2) as follows:

17 **27-65-107. Emergency transportation - application - screening**
18 **- respondent's rights.**

19 (2) When a person is transported against the person's will pursuant
20 to subsection (1) of this section, the facility shall require an application,
21 in writing, stating the circumstances under which the person's condition
22 was called to the attention of the certified peace officer or emergency
23 medical services provider and further stating sufficient facts, obtained
24 from personal observations or obtained from others whom the certified
25 peace officer or emergency medical services provider reasonably believes
26 to be reliable, to establish that the person is experiencing a behavioral
27 health crisis or is gravely disabled and, as a result, it is believed that

1 without professional intervention the person may be a danger to the
2 person's self or others. The application must indicate the name of the
3 person, ~~and~~ the time the person was transported, AND, IF APPLICABLE, THE
4 REASON WHY AN ALTERNATIVE TO A CERTIFIED PEACE OFFICER WAS NOT
5 USED WHEN TRANSPORTING THE PERSON. A copy of the application must
6 be furnished to the person being transported.

7 **SECTION 8.** In Colorado Revised Statutes, 27-65-109, **amend**
8 (8) as follows:

9 **27-65-109. Certification for short-term treatment - procedure.**

10 (8) Whenever it appears to the court, by reason of a report by the
11 treating professional person or the BHA or any other report satisfactory
12 to the court, that a respondent detained for evaluation and treatment or
13 certified for short-term treatment should be transferred to another facility
14 for treatment and the safety of the respondent or the public requires that
15 the respondent be transported by a secure transportation provider, ~~or a law~~
16 ~~enforcement agency,~~ the court may issue an order directing ~~the law~~
17 ~~enforcement agency where the respondent resides or~~ A secure
18 transportation provider to deliver the respondent to the designated facility.
19 IF THE COURT DETERMINES THAT A SECURE TRANSPORTATION PROVIDER
20 IS NOT AVAILABLE TO TRANSPORT THE RESPONDENT TO THE DESIGNATED
21 FACILITY, THE COURT MAY ISSUE AN ORDER DIRECTING THE LAW
22 ENFORCEMENT AGENCY WHERE THE RESPONDENT RESIDES TO TRANSPORT
23 THE RESPONDENT TO THE DESIGNATED FACILITY.

24 **SECTION 9.** In Colorado Revised Statutes, 27-65-110, **amend**
25 (6) as follows:

26 **27-65-110. Long-term care and treatment of persons with**
27 **mental health disorders - procedure.**

1 (6) A respondent certified for long-term care and treatment may
2 be discharged from the facility upon the signature of the treating
3 professional person and medical director of the facility, and the facility
4 shall notify the BHA prior to the respondent's discharge. The facility shall
5 make the respondent's discharge instructions available to the respondent,
6 the respondent's attorney, the respondent's lay person, and the
7 respondent's legal guardian, if applicable, within one week after
8 discharge, if requested. A facility that is transferring a respondent to a
9 different facility or to an outpatient program shall provide all treatment
10 records to the facility or provider accepting the respondent at least
11 twenty-four hours prior to the transfer. IF THE TREATING PROFESSIONAL
12 OR MEDICAL DIRECTOR OF THE FACILITY DETERMINES THE SAFETY OF THE
13 RESPONDENT REQUIRES THAT THE RESPONDENT BE TRANSPORTED BY A
14 SECURE TRANSPORTATION PROVIDER, THE FACILITY SHALL ATTEMPT TO
15 UTILIZE ANY AVAILABLE TRANSPORTATION PROVIDER PRIOR TO
16 REQUESTING TRANSPORTATION BY A LAW ENFORCEMENT AGENCY.

17 **SECTION 10.** In Colorado Revised Statutes, 27-65-111, **amend**
18 (3), (6)(i), and (6)(j); and **add** (6)(k) as follows:

19 **27-65-111. Certification on an outpatient basis - short-term**
20 **and long-term care.**

21 (3) The facility responsible for providing services to a respondent
22 on a certification on an outpatient basis shall proactively reach out to the
23 respondent to engage the respondent in treatment. If the respondent
24 refuses treatment or court-ordered medication and is decompensating
25 psychiatrically AND THE COURT DETERMINES THAT AN ALTERNATIVE TO
26 LAW ENFORCEMENT FOR SECURE TRANSPORTATION DOES NOT EXIST OR IS
27 NOT AVAILABLE WITHIN A REASONABLE AMOUNT OF TIME, the court may

1 order a certified peace officer ~~or secure transportation provider~~ to
2 transport the respondent to an appropriate, least restrictive designated
3 facility in collaboration with the BHA and the provider holding the
4 certification. The respondent does not need to be imminently dangerous
5 to the respondent's self or others for the provider to request, and the court
6 to order, transportation to a facility for the respondent to receive treatment
7 and court-ordered medications. The facility responsible for providing
8 services to a respondent on a certification on an outpatient basis shall
9 provide the court information on the facility's proactive outreach to the
10 respondent and the professional person's and psychiatric advanced
11 practice registered nurse's basis for medical opinion, AND WHAT
12 ALTERNATIVES TO LAW ENFORCEMENT FOR SECURE TRANSPORTATION
13 EXIST. IF A CERTIFIED PEACE OFFICER IS ORDERED TO TAKE THE
14 RESPONDENT INTO CUSTODY AND TRANSPORT THE RESPONDENT, THE
15 COURT SHALL NOTIFY THE CERTIFIED PEACE OFFICER OF ANY KNOWN PRIOR
16 HISTORY OF AN EMERGENCY MENTAL HEALTH HOLD OR SHORT-TERM OR
17 LONG-TERM CERTIFICATION, OR ANY KNOWN PRIOR HISTORY RELATED TO
18 ASSAULT OR POSSESSION OF A WEAPON.

19 (6) A respondent subject to a short-term or long-term certification
20 on an outpatient basis has the following rights, in addition to those
21 enumerated in section 27-65-119:

22 (i) To have access to a representative within the facility who
23 provides assistance to file a grievance; ~~and~~

24 (j) To have the right to file a motion with the court at any time to
25 contest the certification; AND

26 (k) TO NOT BE TRANSPORTED BY A CERTIFIED PEACE OFFICER IF AN
27 ALTERNATIVE SECURE TRANSPORTATION OPTION IS AVAILABLE.

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