

Essential in Name or Essential in Practice?

The Difference Between Recognizing and Funding EMS

Designation of emergency medical services (EMS) as an “essential service” is important because it recognizes a basic public-policy reality: communities depend on EMS for immediate access to lifesaving medical care, just as they depend on other core public-safety services. But the term *essential service* can mean very different things in state law, and that distinction is critical when evaluating the practical value of an essential-service designation.

Calling EMS “essential” is not the same as making EMS essential.

Meaningful essential-service legislation establishes responsibility for ensuring EMS is available - and provides a sustainable way to fund it.

This PWW|AG review of state laws demonstrates that many states have enacted statutes or resolutions recognizing EMS as “essential,” “vital,” or important to public health and safety without actually imposing an obligation on local government to ensure that EMS is available or financially sustainable. For example, Alabama declares EMS to be an essential public service performed for a public purpose, while Colorado describes EMS as an essential service and an integral part of the state's healthcare infrastructure. Neither, however, requires local jurisdictions to provide or fund EMS. Similarly, Maine recognizes EMS as essential to a well-functioning health system, and Nebraska calls EMS an essential healthcare service that can mean the difference between life and death or permanent disability, but neither designation creates a local obligation to provide or fund the service.

These declaratory or recognition-based designations still have value. They elevate EMS in public policy, reinforce its role as part of the healthcare and public-safety infrastructure, and can provide a foundation for future legislation, appropriations, grants, reimbursement reforms, workforce initiatives, and local funding decisions. They also help move EMS away from the outdated perception that ambulance service is simply a transportation enterprise that should be expected to sustain itself primarily through patient billing.

But a ‘proclamation’ that EMS is essential does not, by itself, put an ambulance on the street.

A much more consequential form of essential-service legislation establishes a governmental responsibility to ensure that EMS is actually provided. The PWW|AG review identifies several examples. North Carolina requires each county to ensure EMS is provided to its citizens. South Carolina requires each county to ensure that at least one licensed ambulance service is available, while Utah requires municipalities and counties to ensure at least a minimum level of 911 ambulance service. Pennsylvania goes further by placing responsibility for ensuring fire and EMS on local government and specifically referencing appropriate financial and administrative assistance for those services.

This distinction can be summarized simply:

Recognition says EMS is important. A mandate says someone is responsible for making sure it exists. A funding obligation helps ensure that responsibility can actually be fulfilled.

That final element – funding - may be the most important. EMS systems have significant readiness costs that exist whether an ambulance transports a patient or not: personnel, ambulances, stations, communications, medical oversight, equipment, supplies, training, technology and the capacity to respond 24 hours a day. A financing model dependent primarily on transport-generated reimbursement does not necessarily pay for that readiness. Consequently, legislation that merely labels EMS “essential” without addressing governmental responsibility or sustainable financing may have considerable symbolic value but limited ability to solve the underlying economic challenges facing EMS systems.

The strongest essential-service policies therefore do more than recognize EMS. They establish accountability for access, give local governments mechanisms to organize or contract for service, and - most importantly - recognize that ensuring reliable EMS may require public financial support.

Iowa illustrates another approach: counties may declare EMS essential and seek voter approval for dedicated local tax funding, tying the designation to an actual financing mechanism rather than recognition alone.

There is also an important nuance: even laws requiring EMS availability do not necessarily create an unlimited governmental funding obligation. Tennessee, for example, directs counties to ensure that ambulance service is available but allows that obligation to be met through county operation, private or nonprofit contracting, interlocal arrangements, hospitals, or other mechanisms - and expressly provides that county revenues need not be appropriated if the service can be provided another way. West Virginia similarly connects the county's obligation to the availability of appropriated funds.

Ultimately, the policy objective should not simply be to have state law contain the words “EMS is an essential service.” The more meaningful objective is legislation establishing that every community has a governmental entity responsible for ensuring access to reliable EMS and a sustainable mechanism for financing the level of service the community requires. Recognition is an important first step; responsibility and sustainable funding are what transform the designation from an expression of appreciation into meaningful public policy.

Summary of State Laws/Regulations Citing EMS as an Essential Service

State	Citation	Summary	Notes
Alabama	SB 183 2022	Relating to emergency medical services; to make findings and declarations that emergency medical services are essential public services performed for a public purpose.	Does not require EMS to be provided or funded by local jurisdictions.
Connecticut	Conn. Gen. Stat. §19a-181b 2024	“Each municipality shall establish a local emergency medical services plan. Such plan shall include the written agreements or contracts developed between the municipality, its emergency medical service organizations and the public safety answering point, as defined in section 28-25, that covers the municipality.”	Does not require EMS to be provided or funded by local jurisdictions.
Colorado	Colorado HB 1238	The act declares emergency medical services as an essential service in the state and an integral part of the state's health-care infrastructure.	Does not require EMS to be provided or funded by local jurisdictions.

State	Citation	Summary	Notes
District of Columbia	D.C. Code §7-2341.01 2009	Declares emergency medical services as “essential to the health or life” of a person who is ill, injured, wounded or otherwise incapacitated.	Does not require EMS to be provided or funded by local jurisdictions.
Hawaii	HI Rev Stat § 46-196 2024	Requires that counties determine the levels of emergency medical services that shall be implemented throughout the county; provided that the county shall provide no fewer than twenty-one ground ambulance units.	Requires EMS to be provided or funded by counties. The county may contract to provide emergency medical services, including emergency aeromedical services, or any necessary component of the county system.
Indiana	Ind. Code §16-31-1-2 2021	Declares the provision of emergency medical service is an essential purpose of the political subdivisions of the state.	Does not require EMS to be provided or funded by local jurisdictions.
Iowa	SF 615 2021	Allows counties to adopt a resolution declaring emergency medical services to be an essential service. Allows a county board of supervisors to offer voter approval the authority to impose local option income surtax or an ad valorem property tax not to exceed 75 cents per \$1,000 of assessed property value.	Essential service designation optional, based on local election, funding levels determined by a vote of county residents.

State	Citation	Summary	Notes
Louisiana	La. Rev. Stat. §40 2015	Allows the use of local revenues to enhance the delivery of emergency ambulance services through the use of certified public expenditures, intergovernmental transfers or other financing mechanisms.	Does not require EMS to be provided or funded by local jurisdictions.
Maine	SJR 13 2025	Recognizes EMS is essential to a "well-functioning health system." Rural emergency medical services are an important priority, and the legislative council will create an interim committee to assess current and future EMS plans, identify EMS deserts, review state EMS funding as well as coordinate with each county and local health department to determine specific EMS needs in the area.	Does not require EMS to be provided or funded by local jurisdictions.
Nebraska	Neb. Rev. Stat. §38-1203 2020	Declares EMS is an essential health care service that can be the difference between life and death or permanent disability to those persons in Nebraska making use of such services in an emergency.	Does not require EMS to be provided or funded by local jurisdictions.

State	Citation	Summary	Notes
Nevada	Nev. Rev. Stat. §450B.015 2023	Declares that prompt and efficient emergency medical care and transportation is necessary for the health and safety of the people of Nevada, and that minimum standards for such care and all persons providing it must be established.	Does not require EMS to be provided or funded by local jurisdictions.
New Hampshire	SB 133 2025	Declares that ambulance service providers are essential providers for purposes of emergency management at state and local levels.	Does not require EMS to be provided or funded by local jurisdictions.
North Carolina	§ 143-507 1973	EMS is organized at the county level throughout the state and requires each county to ensure that EMS is provided to its citizens.	Requires EMS to be provided or funded by local jurisdictions. <i>“Each county shall ensure that emergency medical services are provided to its citizens. Nothing in this Article affects the power of local governments to finance ambulance operations or to support rescue squads. Nothing in this Article shall be construed to allow infringement on the private practice of medicine or the lawful operation of health care facilities. (1973, c. 208, s. 11; 2001-220, s. 1.)”</i>

State	Citation	Summary	Notes
Oregon	Or. Rev. Stat. §682 2025	Declares that EMS is considered an important function of counties, cities and rural fire protection districts in the state. Requires each county to develop a plan for the coordination of ambulance services and establish one or more ambulance service areas for the effective and efficient provision of ambulance services.	Does not require EMS to be provided or funded by local jurisdictions.
Pennsylvania	Title 53 P.S. Municipal and Quasi-Municipal Corporations 2020	The statute places the responsibility for emergency services, including emergency medical services (EMS), on the township.	Requires Burroughs, Townships and Cities to ensure EMS is provided. <i>“(a) The township shall be responsible for ensuring that fire and emergency medical services are provided within the township by the means and to the extent determined by the township, including the appropriate financial and administrative assistance for these services. (b) The township shall consult with fire and emergency medical services providers to discuss the emergency services needs of the township. (c) The township shall require each emergency services organization receiving township funds to provide to the township an annual itemized listing of all expenditures of these funds before the township may consider budgeting additional funding to the organization.”</i>

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South Carolina	HB 4601 2022	Designates ambulances services, an important component of EMS, as essential within the state and requires that each county governing body ensures that at least one licensed ambulance service is operating within the county.	Requires counties to ensure EMS is provided in the county. <i>“(2) Each county governing body in this State shall ensure that at least one licensed ambulance service is available within the county. This may be provided as a county service, but also may be accomplished through other means including, but not limited to:...”</i>
South Dakota	HCR 6007 2025	The Legislature recognizes the vital, lifesaving care provided by emergency medical services personnel, and supports efforts to prioritize emergency medical service as an essential public service.	Does not require EMS to be provided or funded by local jurisdictions.

State	Citation	Summary	Notes
Tennessee	SB 1597 2021	Ambulance service is hereby designated as an essential service in the state of Tennessee.	Requires EMS to be provided or funded by local jurisdictions. <i>“(a) Ambulance service is hereby designated as an essential service in the state of Tennessee. (b) All county governing bodies are authorized and directed to make provisions to ensure that at least one (1) licensed ambulance service is available within their county. This may be provided as a county service, but can also be accomplished through other means, including, but not limited to: providing a license or franchise to a private company; contracting with a public, private, or nonprofit entity for the service; entering into an interlocal agreement with one (1) or more local governments; or entering into an agreement with a hospital or other healthcare facility. A county is not required to appropriate county revenues for ambulance service if the service can be provided by any other means.”</i>

State	Citation	Summary	Notes
Utah	HB 303 2021	Requires municipalities and counties to ensure at least a minimum level of 911 ambulance services are provided within the municipality or county; extends certain requirements for the selection of ambulance and paramedic providers to all other municipalities, counties, local districts, and special service districts;	Requires EMS to be provided or funded by local jurisdictions. <i>“(1) The governing body of each municipality and county shall, subject to Title 26, Chapter 8a, Part 4, Ambulance and Paramedic Providers, ensure at least a minimum level of 911 ambulance services are provided: (a) within the territorial limits of the municipality or county; (b) by a ground ambulance provider, licensed by the Department of Health under Title 26, Chapter 8a, Part 4, Ambulance and Paramedic Providers; and (c) in accordance with rules established by the State Emergency Medical Services Committee under Subsection 26-8a-104(8).”</i>
Vermont	Vt. Stat. Ann. tit. 18 § 901 2025	The General Assembly finds that emergency medical services provided by an ambulance service are essential services.	Does not require EMS to be provided or funded by local jurisdictions.
Virginia	Va. Code §12-5-31 2025	“Designated emergency response agency means an EMS agency recognized by an ordinance or a resolution of the governing body of any county, city or town as an integral part of the official public safety program of the county, city or town with a responsibility for providing emergency medical response.”	Does not require EMS to be provided or funded by local jurisdictions.

State	Citation	Summary	Notes
West Virginia	W. Va. Code § 7-15-4 2025	Declares "that the safe and efficient operation of life-saving and life-preserving emergency medical service to meet the needs of citizens of this state is a matter of general public interest and concern; to ensure the provision of adequate emergency medical services within this state for the protection of the public health, safety and welfare, it is imperative that minimum standards for emergency medical service personnel be established and enforced by the state."	Requires EMS to be provided or funded by local jurisdictions. <i>"Duty of county commissions to provide emergency ambulance service</i> <i>"the county commission shall cause emergency ambulance service to be made available to all the residents of the county where such service is not otherwise available: Provided, however, That the duty imposed upon county commissions by this article shall not be construed in such manner as to impose a duty to cause such emergency ambulance service to be provided unless the commission shall make an affirmative determination that there are funds available therefor by the inclusion of a projected expenditure for such purpose in the current levy estimate, and in the event that such county commission shall make such determination the commission shall not be under a duty to cause such service to be provided beyond a level commensurate with the amount of funds actually available for such purpose."</i>

Additional References:

State Policies Defining EMS as Essential

<https://www.ncsl.org/health/state-policies-defining-ems-as-essential>

Emergency Medical Services Legislation Database

<https://www.ncsl.org/health/emergency-medical-services-legislation-database>

Governing Magazine: Of Course EMS Is an Essential Service. States Need to Make That Official.

<https://www.governing.com/policy/of-course-ems-is-an-essential-service-states-need-to-make-that-official>

Backing the First Responders: Recent Bills Empower EMS Systems

<https://www.ncsl.org/state-legislatures-news/details/backing-the-first-responders-recent-bills-empower-ems-systems>