

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0649.01 Brita Darling x2241

SENATE BILL 23-102

SENATE SPONSORSHIP

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Senate Committees
Legal Services

House Committees
Legal Services

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTATION OF THE COMMITTEE ON LEGAL**
102 **SERVICES' RECOMMENDATIONS IN CONNECTION WITH**
103 **LEGISLATIVE REVIEW OF STATE AGENCIES' RULES.**

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/>.)

Committee on Legal Services. Based on the findings and recommendations of the committee on legal services, the bill extends all state agency rules that were adopted or amended on or after November 1, 2021, and before November 1, 2022, with the exception of certain rules of the following agencies, as specifically listed in the bill:

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.

HOUSE
3rd Reading Unamended
April 26, 2023

HOUSE
Amended 2nd Reading
April 25, 2023

SENATE
3rd Reading Unamended
March 2, 2023

SENATE
2nd Reading Unamended
March 1, 2023

- The rule of the administrator of the uniform consumer credit code and commission on consumer credit concerning the "Colorado Student Loan Equity Act"; and
- The air quality control commission's rule concerning the control of lead hazards.

Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2023, on the grounds that the rules conflict with statute.

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

2 **SECTION 1. Extension of rules scheduled for expiration May**
3 **15, 2023 - exceptions.** (1) Except as indicated, the expiration of all rules
4 of agencies in the following principal departments, which rules were
5 adopted or amended on or after November 1, 2021, and before November
6 1, 2022, and that are therefore scheduled for expiration May 15, 2023, is
7 postponed:

- 8 (a) Department of agriculture;
- 9 (b) Department of corrections;
- 10 (c) Department of early childhood;
- 11 (d) Department of education;
- 12 (e) Department of health care policy and financing;
- 13 (f) Department of higher education;
- 14 (g) Department of human services;
- 15 (h) Department of labor and employment;
- 16 (i) Department of law; except that the following rule of the
17 administrator for the uniform consumer credit code and commission on
18 consumer credit concerning the Colorado Student Loan Equity Act (4
19 CCR 902-3) is not extended: Rule 5.A., which states in part "Private
20 education lenders are not required to provide the information required in
21 section 5-20-203 (2)(b)(I), ...";

- 1 (j) Department of local affairs;
- 2 (k) Department of military and veterans affairs;
- 3 (l) Department of natural resources;
- 4 (m) Department of personnel;
- 5 (n) Department of public health and environment;
- 6 (o) Department of public safety;
- 7 (p) Department of regulatory agencies; except that the following
- 8 rules are not extended:

9 (I) The following rules of the state board of social work examiners
10 concerning social work examiners rules and regulations (4 CCR 726-1):

11 (A) Rule 1.27 B., which states in part "The regulator shall not
12 deny licensure or registration to an applicant or impose disciplinary action
13 against an individual's license or registration based solely on a civil or
14 criminal judgment ..."; and

15 (B) Rule 1.27 C., which states in part "The regulator shall not
16 deny licensure or registration to an applicant or impose disciplinary action
17 against an individual's license or registration based solely on a
18 professional disciplinary action ...";

19 (II) The following rules of the state board of accountancy
20 concerning accountancy rules and regulations (3 CCR 705-1):

21 (A) Rule 1.16 B., which states in part "The regulator shall not
22 deny certification to an applicant or impose disciplinary action against an
23 individual's certificate based solely on a civil or criminal judgment ...";
24 and

25 (B) Rule 1.16 C., which states in part "The regulator shall not
26 deny certification to an applicant or impose disciplinary action against an
27 individual's certificate based solely on a professional disciplinary action

1 ...";

2 (III) The following rules of the Colorado state board of
3 chiropractic examiners concerning chiropractic examiners rules and
4 regulations (3 CCR 707-1):

5 (A) Rule 1.39 B., which states in part "The regulator shall not
6 deny licensure to an applicant or impose disciplinary action against an
7 individual's license based solely on a civil or criminal judgment ..."; and

8 (B) Rule 1.39 C., which states in part "The regulator shall not
9 deny licensure to an applicant or impose disciplinary action against an
10 individual's license based solely on a professional disciplinary action ...";

11 (IV) The following rules of the state board of addiction counselor
12 examiners concerning board of addiction counselor examiner rules (4
13 CCR 744-1):

14 (A) Rule 1.25 B., which states in part "The regulator shall not
15 deny licensure, certification, or registration to an applicant or impose
16 disciplinary action against an individual's license, certification, or
17 registration based solely on a civil or criminal judgment ..."; and

18 (B) Rule 1.25 C., which states in part "The regulator shall not
19 deny licensure, certification, or registration to an applicant or impose
20 disciplinary action against an individual's license, certification, or
21 registration based solely on a professional disciplinary action";

22 (V) The following rules of the state electrical board concerning
23 state electrical board rules and regulations (3 CCR 710-1):

24 (A) Rule 1.14 B., which states in part "The regulator shall not
25 deny licensure or registration to an applicant or impose disciplinary action
26 against an individual's license or registration based solely on a civil or
27 criminal judgment ..."; and

1 (B) Rule 1.14 C., which states in part "The regulator shall not
2 deny licensure or registration to an applicant or impose disciplinary action
3 against an individual's license or registration based solely on a
4 professional disciplinary action ...";

5 (VI) The following rules of the state board of pharmacy
6 concerning state board of pharmacy rules and regulations (3 CCR 719-1):

7 (A) Rule 33.00.00 D., which states in part "The regulator shall not
8 deny licensure to an applicant or impose disciplinary action against an
9 individual's license based solely on a civil or criminal judgment ..."; and

10 (B) Rule 33.00.00 E., which states in part "The regulator shall not
11 deny licensure to an applicant or impose disciplinary action against an
12 individual's license based solely on a professional disciplinary action ...";

13 (VII) The following rules of the office of direct-entry midwifery
14 registration concerning midwives registration rules and regulations (4
15 CCR 739-1):

16 (A) Rule 1.27 B., which states in part "The regulator shall not
17 deny registration to an applicant or impose disciplinary action against an
18 individual's registration based solely on a civil or criminal judgment ...";
19 and

20 (B) Rule 1.27 C., which states in part "The regulator shall not
21 deny registration to an applicant or impose disciplinary action against an
22 individual's registration based solely on a professional disciplinary action
23 ...";

24 (VIII) The following rules of the office of naturopathic doctors
25 registration concerning naturopathic doctors rules and regulations (4 CCR
26 749-1):

27 (A) Rule 1.21 B., which states in part "The regulator shall not

1 deny registration, certification, or licensure to an applicant or impose
2 disciplinary action against an individual's registration, certificate or
3 license based solely on a civil or criminal judgment ..."; and

4 (B) Rule 1.21 C., which states in part "The regulator shall not
5 deny registration, certification, or licensure to an applicant or impose
6 disciplinary action against an individual's registration, certificate or
7 license based solely on a professional disciplinary action ...";

8 (IX) The following rules of the office of radon professionals
9 concerning radon professionals rules and regulations (4 CCR 754-1):

10 (A) Rule 1.14 B., which states in part "The regulator shall not
11 deny licensure to an applicant or impose disciplinary action against an
12 individual's license based solely on a civil or criminal judgment ..."; and

13 (B) Rule 1.14 C., which states in part "The regulator shall not
14 deny licensure to an applicant or impose disciplinary action against an
15 individual's license based solely on a professional disciplinary action ...";

16 (X) The following rules of the office of massage therapy licensure
17 concerning massage therapy licensure rules and regulations (3 CCR
18 722-1):

19 (A) Rule 1.16 B., which states in part "The regulator shall not
20 deny licensure to an applicant or impose disciplinary action against an
21 individual's license based solely on a civil or criminal judgment ..."; and

22 (B) Rule 1.16 C., which states in part "The regulator shall not
23 deny licensure to an applicant or impose disciplinary action against an
24 individual's license based solely on a professional disciplinary action;

25 (XI) The following rules of the office of athletic trainer licensure
26 concerning athletic trainer licensure rules and regulations (4 CCR 735-1):

27 (A) Rule 1.15 B., which states in part "The regulator shall not

1 deny licensure to an applicant or impose disciplinary action against an
2 individual's license based solely on a civil or criminal judgment ..."; and

3 (B) Rule 1.15 C., which states in part "The regulator shall not
4 deny licensure to an applicant or impose disciplinary action against an
5 individual's license based solely on a professional disciplinary action ...";

6 (XII) The following rules of the office of hearing aid provider
7 licensure concerning hearing aid provider rules and regulations (3 CCR
8 711-1):

9 (A) Rule 1.14 B., which states in part "The regulator shall not
10 deny licensure to an applicant or impose disciplinary action against an
11 individual's license based solely on a civil or criminal judgment ..."; and

12 (B) Rule 1.14 C., which states in part "The regulator shall not
13 deny licensure to an applicant or impose disciplinary action against an
14 individual's license based solely on a professional disciplinary action ...";

15 (XIII) The following rules of the office of audiology licensure
16 concerning audiology rules and regulations (3 CCR 711-2):

17 (A) Rule 1.15 B., which states in part "The regulator shall not
18 deny licensure to an applicant or impose disciplinary action against an
19 individual's license based solely on a civil or criminal judgment ..."; and

20 (B) Rule 1.15 C., which states in part "The regulator shall not
21 deny licensure to an applicant or impose disciplinary action against an
22 individual's license based solely on a professional disciplinary action ...";

23 (XIV) The following rules of the state board of psychologist
24 examiners concerning psychologist examiners rules and regulations (3
25 CCR 721-1):

26 (A) Rule 1.24 B., which states in part "The regulator shall not
27 deny licensure or registration to an applicant or impose disciplinary action

1 against an individual's license or registration based solely on a civil or
2 criminal judgment ..."; and

3 (B) Rule 1.24. C., which states in part "The regulator shall not
4 deny licensure or registration to an applicant or impose disciplinary action
5 against an individual's license or registration based solely on a
6 professional disciplinary action ...";

7 (XV) The following rules of the office of speech-language
8 pathology certification concerning speech-language pathologist rules and
9 regulations (4 CCR 748-1):

10 (A) Rule 1.27 B., which states in part "The regulator shall not
11 deny certification to an applicant or impose disciplinary action against an
12 individual's certificate based solely on a civil or criminal judgment ...";
13 and

14 (B) Rule 1.27 C., which states in part "The regulator shall not
15 deny certification to an applicant or impose disciplinary action against an
16 individual's certificate based solely on a professional disciplinary action
17 ...";

18 (XVI) The following rules of the office of surgical assistant and
19 surgical technologist registration concerning surgical assistant and
20 surgical technologist rules and regulations (4 CCR 745-1):

21 (A) Rule 1.12 B., which states in part "The regulator shall not
22 deny registration to an applicant or impose disciplinary action against an
23 individual's registration based solely on a civil or criminal judgment ...";
24 and

25 (B) Rule 1.12 C., which states in part "The regulator shall not
26 deny registration to an applicant or impose disciplinary action against an
27 individual's registration based solely on a professional disciplinary action

1 ...";

2 (XVII) The following rules of the office of respiratory therapy
3 licensure concerning respiratory therapy rules and regulations (4 CCR
4 741-1):

5 (A) Rule 1.13 B., which states in part "The regulator shall not
6 deny licensure to an applicant or impose disciplinary action against an
7 individual's license based solely on a civil or criminal judgment ..."; and

8 (B) Rule 1.13 C., which states in part "The regulator shall not
9 deny licensure to an applicant or impose disciplinary action against an
10 individual's license based solely on a professional disciplinary action ...";

11 (XVIII) The following rules of the office of occupational therapy
12 licensure concerning occupational therapy rules and regulations (3 CCR
13 715-1):

14 (A) Rule 1.23 B., which states in part "The regulator shall not
15 deny licensure to an applicant or impose disciplinary action against an
16 individual's license based solely on a civil or criminal judgment ..."; and

17 (B) Rule 1.23 C., which states in part "The regulator shall not
18 deny licensure to an applicant or impose disciplinary action against an
19 individual's license based solely on a professional disciplinary action ...";

20 (XIX) The following rules of the office of acupuncture licensure
21 concerning acupuncture licensure rules and regulations (4 CCR 738-1):

22 (A) Rule 1.15 B., which states in part "The regulator shall not
23 deny licensure to an applicant or impose disciplinary action against an
24 individual's license based solely on a civil or criminal judgment ..."; and

25 (B) Rule 1.15 C., which states in part "The regulator shall not
26 deny licensure to an applicant or impose disciplinary action against an
27 individual's license based solely on a professional disciplinary action ...";

1 (XX) The following rules of the office of outfitters registration
2 concerning outfitters registration rules and regulations (4 CCR 733-1):

3 (A) Rule 1.12 B., which states in part "The regulator shall not
4 deny registration to an applicant or impose disciplinary action against an
5 individual's registration based solely on a civil or criminal judgment ...";
6 and

7 (B) Rule 1.12 C., which states in part "The regulator shall not
8 deny registration to an applicant or impose disciplinary action against an
9 individual's registration based solely on a professional disciplinary action
10 ...";

11 (XXI) The following rules of the office of barber and cosmetology
12 licensure concerning barber and cosmetology licensure rules and
13 regulations (4 CCR 731-1):

14 (A) Rule 1.12 B., which states in part "The regulator shall not
15 deny licensure to an applicant or impose disciplinary action against an
16 individual's license based solely on a civil or criminal judgment ..."; and

17 (B) Rule 1.12 C., which states in part "The regulator shall not
18 deny licensure to an applicant or impose disciplinary action against an
19 individual's license based solely on a professional disciplinary action ...";

20 (XXII) The following rules of the office of funeral home and
21 crematory registration concerning funeral home and crematory
22 registration rules (4 CCR 742-1):

23 (A) Rule 1.10 B., which states in part "The regulator shall not
24 deny registration to an applicant or impose disciplinary action against an
25 individual's registration based solely on a civil or criminal judgment ...";
26 and

27 (B) Rule 1.10 C., which states in part "The regulator shall not

1 deny registration to an applicant or impose disciplinary action against an
2 individual's registration based solely on a professional disciplinary action
3 ...";

4 (XXIII) The following rules of the Colorado office of combative
5 sports and Colorado combative sports commission concerning combative
6 sports rules and regulations (4 CCR 740-1):

7 (A) Rule 1.18 B., which states in part "The regulator shall not
8 deny licensure to an applicant or impose disciplinary action against an
9 individual's license based solely on a civil or criminal judgment ..."; and

10 (B) Rule 1.18 C., which states in part "The regulator shall not
11 deny licensure to an applicant or impose disciplinary action against an
12 individual's license based solely on a professional disciplinary action ...";

13 (XXIV) The following rules of the state board of licensure for
14 architects, professional engineers, and professional land surveyors
15 concerning architects, professional engineers, and professional land
16 surveyors rules and regulations (4 CCR 730-1):

17 (A) Rule 1.9 B., which states in part "The regulator shall not deny
18 licensure to an applicant or impose disciplinary action against an
19 individual's license based solely on a civil or criminal judgment ..."; and

20 (B) Rule 1.9 C., which states in part "The regulator shall not deny
21 licensure to an applicant or impose disciplinary action against an
22 individual's license based solely on a professional disciplinary action ...";

23 (XXV) The following rules of the state physical therapy board
24 concerning physical therapy rules and regulations (4 CCR 732-1):

25 (A) Rule 1.9 B., which states in part "The regulator shall not deny
26 licensure or certification to an applicant or impose disciplinary action
27 against an individual's license or certification based solely on a civil or

1 criminal judgment ..."; and

2 (B) Rule 1.9 C., which states in part "The regulator shall not deny
3 licensure or certification to an applicant or impose disciplinary action
4 against an individual's license or certification based solely on a
5 professional disciplinary action ...";

6 (XXVI) The following rules of the state board of veterinary
7 medicine concerning veterinarian and veterinary technician rules and
8 regulations (4 CCR 727-1):

9 (A) Rule 1.22 B., which states in part "The regulator shall not
10 deny registration or licensure to an applicant or impose disciplinary action
11 against an individual's registration or license based solely on a civil or
12 criminal judgment ..."; and

13 (B) Rule 1.22 C., which states in part "The regulator shall not
14 deny registration or licensure to an applicant or impose disciplinary action
15 against an individual's registration or license based solely on a
16 professional disciplinary action ...";

17 (XXVII) The following rules of the state board of nursing
18 concerning nursing rules and regulations (3 CCR 716-1):

19 (A) Rule 1.34 B., which states in part "The regulator shall not
20 deny registration, certification, or licensure to an applicant or impose
21 disciplinary action against an individual's registration, certificate or
22 license based solely on a civil or criminal judgment ..."; and

23 (B) Rule 1.34 C., which states in part "The regulator shall not
24 deny registration, certification, or licensure to an applicant or impose
25 disciplinary action against an individual's registration, certificate or
26 license based solely on a professional disciplinary action ...";

27 (XXVIII) The following rules of the state board of unlicensed

1 psychotherapists concerning unlicensed psychotherapists rules and
2 regulations (4 CCR 734-1):

3 (A) Rule 1.19 B., which states in part "The regulator shall not
4 deny registration to an applicant or impose disciplinary action against an
5 individual's registration based solely on a civil or criminal judgment ...";
6 and

7 (B) Rule 1.19 C., which states in part "The regulator shall not
8 deny registration to an applicant or impose disciplinary action against an
9 individual's registration based solely on a professional disciplinary action
10 ...";

11 (XXIX) The following rules of the state plumbing board
12 concerning plumbing rules and regulations (3 CCR 720-1):

13 (A) Rule 1.10 B., which states in part "The regulator shall not
14 deny registration or licensure to an applicant or impose disciplinary action
15 against an individual's registration or license based solely on a civil or
16 criminal judgment ..."; and

17 (B) Rule 1.10 C., which states in part "The regulator shall not
18 deny registration or licensure to an applicant or impose disciplinary action
19 against an individual's registration or license based solely on a
20 professional disciplinary action ...";

21 (XXX) The following rules of the state board of marriage and
22 family therapist examiners concerning marriage and family therapist
23 examiners rules and regulations (4 CCR 736-1):

24 (A) Rule 1.25 B., which states in part "The regulator shall not
25 deny licensure or registration to an applicant or impose disciplinary action
26 against an individual's license or registration based solely on a civil or
27 criminal judgment ..."; and

1 (B) Rule 1.25 C., which states in part "The regulator shall not
2 deny licensure or registration to an applicant or impose disciplinary action
3 against an individual's license or registration based solely on a
4 professional disciplinary action ...";

5 (XXXI) The following rules of the Colorado dental board
6 concerning dentists, dental therapists and dental hygienists rules and
7 regulations (3 CCR 709-1):

8 (A) Rule 1.33 B., which states in part "The regulator shall not
9 deny licensure to an applicant or impose disciplinary action against an
10 individual's license based solely on a civil or criminal judgment ..."; and

11 (B) Rule 1.33 C., which states in part "The regulator shall not
12 deny licensure to an applicant or impose disciplinary action against an
13 individual's license based solely on a professional disciplinary action ...";

14 (XXXII) The following rules of the state board of licensed
15 professional counselor examiners concerning licensed professional
16 counselor examiners rules and regulations (4 CCR 737-1):

17 (A) Rule 1.25 B., which states in part "The regulator shall not
18 deny licensure or registration to an applicant or impose disciplinary action
19 against an individual's license or registration based solely on a civil or
20 criminal judgment ..."; and

21 (B) Rule 1.25 C., which states in part "The regulator shall not
22 deny licensure or registration to an applicant or impose disciplinary action
23 against an individual's license or registration based solely on a
24 professional disciplinary action ...";

25 (XXXIII) The following rules of the state board of landscape
26 architects concerning landscape architects rules and regulations (4 CCR
27 729-1):

1 (A) Rule 1.9 B., which states in part "The regulator shall not deny
2 licensure to an applicant or impose disciplinary action against an
3 individual's license based solely on a civil or criminal judgment ..."; and

4 (B) Rule 1.9 C., which states in part "The regulator shall not deny
5 licensure to an applicant or impose disciplinary action against an
6 individual's license based solely on a professional disciplinary action ...";

7 (XXXIV) The following rules of the Colorado medical board
8 concerning protecting Colorado's workforce and expanding licensing
9 opportunities (3 CCR 713-52):

10 (A) Rule 52.2 B., which states in part "The regulator shall not
11 deny licensure to an applicant or impose disciplinary action against an
12 individual's license based solely on a civil or criminal judgment against
13 ..."; and

14 (B) Rule 52.2 C., which states in part "The regulator shall not
15 deny licensure to an applicant or impose disciplinary action against an
16 individual's license based solely on a professional disciplinary action ...";

17 (XXXV) The following rules of the state board of optometry
18 concerning state board of optometry rules and regulations (4 CCR 728-1):

19 (A) Rule 1.30 B., which states in part "The regulator shall not
20 deny registration, certification, or licensure to an applicant or impose
21 disciplinary action against an individual's registration, certificate or
22 license based solely on a civil or criminal judgment ..."; and

23 (B) Rule 1.30 C., which states in part "The regulator shall not
24 deny registration, certification, or licensure to an applicant or impose
25 disciplinary action against an individual's registration, certificate or
26 license based solely on a professional disciplinary action ..."; and

27 (XXXVI) The following rules of the Colorado podiatry board

1 concerning podiatry rules and regulations (3 CCR 712-1):

2 (A) Rule 121 B., which states in part "The regulator shall not deny
3 licensure to an applicant or impose disciplinary action against an
4 individual's license based solely on a civil or criminal judgment ..."; and

5 (B) Rule 1.21 C., which states in part "The regulator shall not
6 deny licensure to an applicant or impose disciplinary action against an
7 individual's license based solely on a professional disciplinary action ...".

8 (q) Department of revenue;

9 (r) Department of state;

10 (s) Department of transportation; and

11 (t) Department of the treasury.

12 (2) The expiration of all rules of the public employees' retirement
13 association, which rules were adopted or amended on or after November
14 1, 2021, and before November 1, 2022, and which are therefore scheduled
15 for expiration May 15, 2023, is postponed.

16 (3) The expiration of all rules of the board of equalization, which
17 rules were adopted or amended on or after November 1, 2021, and before
18 November 1, 2022, and which are therefore scheduled for expiration May
19 15, 2023, is postponed.

20 (4) The recommendations of the committee on legal services as
21 reflected in this act apply to the specified rules in the form in which the
22 rules were considered and acted upon by the committee. Any amendments
23 or other changes in the specified rules that became effective before
24 November 1, 2022, that comply with the recommendations of the
25 committee on legal services are not affected by this act. Any subsequent
26 amendments or other changes in the specified rules that became effective
27 on or after November 1, 2022, are not affected by this act.

1 **SECTION 2. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.