

CHAPTER 186

PROFESSIONS AND OCCUPATIONS

SENATE BILL 21-077

BY SENATOR(S) Gonzales, Bridges, Buckner, Donovan, Fenberg, Ginal, Hansen, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Rodriguez, Story, Winter, Garcia;
 also REPRESENTATIVE(S) Benavidez and Kipp, Amabile, Bacon, Bennett, Caraveo, Daugherty, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Kennedy, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Sirota, Tipper, Weissman, Woodrow, Bird, Boesenecker, Titone.

AN ACT

CONCERNING THE ELIMINATION OF VERIFICATION OF AN INDIVIDUAL'S LAWFUL PRESENCE IN THE UNITED STATES AS A REQUIREMENT FOR INDIVIDUAL CREDENTIALING.

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

SECTION 1. In Colorado Revised Statutes, 22-60.5-119, **amend** (1) as follows:

22-60.5-119. Applications for licenses - authority to suspend licenses - rules.

(1) Every application by an individual for a license issued by the department of education or any authorized agent of such department shall require the applicant's name AND address, and EITHER THE APPLICANT'S social security number, THE APPLICANT'S INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, OR ANOTHER DOCUMENT VERIFYING THE APPLICANT'S IDENTITY AS DETERMINED BY THE STATE BOARD OF EDUCATION.

SECTION 2. In Colorado Revised Statutes, 24-34-107, **amend** (1) as follows:

24-34-107. Applications for licenses - authority to suspend licenses - rules.

(1) ~~(a)~~ Every application by an individual for a license issued pursuant to the authority set forth in titles 10, 11, and 12 C.R.S., by any division, board, or agency of the department of regulatory agencies shall require the applicant's name, address, and social security number. ~~Subject to the exemptions found in 8 U.S.C. sec. 1621 (c)(2), to the extent that any such license constitutes a professional license or commercial license regulated by 8 U.S.C. sec. 1621, such division, board, or agency may issue or renew any such license to an individual only if the individual is lawfully present in the United States, and shall immediately deny any such license~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

or renewal thereof upon determining that the individual is unlawfully present in the United States. The individual shall prove his or her identity with a secure and verifiable document, as that term is defined in section 24-72.1-102. The division, board, or agency shall not sell or utilize for any purpose other than those specified in law the information contained in the secure and verifiable document, and shall keep such information confidential unless disclosure is required by law, except that nothing in this paragraph (a) shall be construed to limit public access to records that are available for public inspection pursuant to article 72 of this title. IF THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER, THE DIVISION, BOARD, OR AGENCY SHALL REQUIRE THE APPLICANT'S INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, OR ANOTHER DOCUMENT VERIFYING THE APPLICANT'S IDENTITY, AS DETERMINED BY SUCH DIVISION, BOARD, OR AGENCY.

~~(b) For purposes of this subsection (1), an individual is unlawfully present in the United States if the individual is an alien who is not:~~

~~(i) A qualified alien as defined in 8 U.S.C. sec. 1641;~~

~~(ii) A nonimmigrant under the "Immigration and Nationality Act", federal Public Law 82-414, as amended; or~~

~~(iii) An alien who is paroled into the United States under 8 U.S.C. sec. 1182 (d)(5) for less than one year.~~

~~(c) This subsection (1) shall be enforced without regard to race, religion, gender, ethnicity, or national origin.~~

SECTION 3. In Colorado Revised Statutes, **amend** 24-76.5-102 as follows:

24-76.5-102. Definitions. As used in this ~~article~~ ARTICLE 76.5, unless the context otherwise requires:

~~(1) "Emergency medical condition" shall have the same meaning as provided in 42 U.S.C. sec. 1396b (v)(3)~~ "APPLICANT" MEANS A PERSON APPLYING, PURSUANT TO STATE OR LOCAL LAW, FOR A NEW LICENSE, CERTIFICATE, OR REGISTRATION OR TO RENEW, REINSTATE, OR REACTIVATE A LICENSE, CERTIFICATE, OR REGISTRATION THAT IS AUTHORIZED PURSUANT TO STATE OR LOCAL LAW.

~~(2) "Federal public benefits" shall have the same meaning as provided in 8 U.S.C. sec. 1611~~ "CERTIFICATE" OR "CERTIFICATION" MEANS A CREDENTIAL THAT DEMONSTRATES THAT A PERSON HAS THE QUALIFICATIONS REQUIRED BY STATE OR LOCAL LAW TO PRACTICE THE PROFESSION OR OCCUPATION REGULATED BY THAT APPLICABLE STATE OR LOCAL LAW.

~~(3) "State or local public benefits" shall have the same meaning as provided in 8 U.S.C. sec. 1621~~ "EMERGENCY MEDICAL CONDITION" HAS THE SAME MEANING AS PROVIDED IN 42 U.S.C. SEC. 1396b (v)(3).

(4) "FEDERAL PUBLIC BENEFITS" HAS THE SAME MEANING AS PROVIDED IN 8 U.S.C. SEC. 1611 (c).

(5) "REGISTER" MEANS TO RECORD THE INFORMATION REQUIRED BY STATE OR LOCAL LAW IN THE FORM AND MANNER DETERMINED BY THE REGULATOR THAT REGULATES THE PRACTICE OF A PROFESSION OR OCCUPATION PURSUANT TO THAT APPLICABLE STATE OR LOCAL LAW. "REGISTERED" AND "REGISTRATION" HAVE CORRESPONDING MEANINGS.

(6) "REGULATE" MEANS TO SUBJECT AN INDIVIDUAL TO A REQUIREMENT IN ORDER TO PRACTICE A PROFESSION OR OCCUPATION.

(7) "STATE OR LOCAL PUBLIC BENEFITS" HAS THE SAME MEANING AS PROVIDED IN 8 U.S.C. SEC. 1621.

SECTION 4. In Colorado Revised Statutes, 24-76.5-103, **amend** (3)(i); **repeal** (3)(h); and **add** (3)(k) and (3.5) as follows:

24-76.5-103. Verification of lawful presence - exceptions - reporting - rules.

(3) Verification of lawful presence in the United States is not required:

(h) ~~For renewing an educator license pursuant to article 60.5 of title 22, C.R.S.;~~
or

(i) For receipt of educational services or benefits from institutions of higher education, except as may be limited pursuant to section 23-7-110, including participation in the college opportunity fund program pursuant to part 2 of article 18 of title 23, college savings plans pursuant to ~~section 23-3.1-301~~ PART 3 OF ARTICLE 3.1 OF TITLE 23, state student financial assistance pursuant to article 3.3 of title 23, and any other financial benefit of the institution of higher education relating to attendance at the institution of higher education; OR

(k) FOR AN APPLICANT FOR A LICENSE, CERTIFICATE, OR REGISTRATION TO PRACTICE A REGULATED PROFESSION OR OCCUPATION, INCLUDING AN APPLICANT SEEKING LICENSURE AS A CHILD CARE CENTER, CHILD CARE PROVIDER, CHILDREN'S RESIDENT CAMP, FAMILY CHILD CARE HOME, GUEST CHILD CARE FACILITY, NEIGHBORHOOD YOUTH ORGANIZATION, SUBSTITUTE CHILD CARE PROVIDER, OR SUBSTITUTE PLACEMENT AGENCY, AS THOSE TERMS ARE DEFINED IN SECTION 26-6-102.

(3.5) SUBSECTION (3)(k) OF THIS SECTION IS A STATE LAW WITHIN THE MEANING OF 8 U.S.C. SEC. 1621 (d), AS THAT SECTION EXISTED ON JANUARY 1, 2021.

SECTION 5. In Colorado Revised Statutes, 30-15-401, **repeal** (10) as follows:

30-15-401. General regulations - definitions. (10) ~~(a) Subject to the exemptions found in 8 U.S.C. sec. 1621 (e)(2), to the extent that a license, permit, certificate, or other authorization to conduct business issued by a county constitutes a professional license or commercial license regulated by 8 U.S.C. sec. 1621, a county may issue such authorization to an individual only if the individual is lawfully present in the United States, and shall immediately deny any such authorization or renewal thereof upon determining that the individual is unlawfully present in the United States. The individual shall prove his or her identity with a secure and verifiable document, as that term is defined in section 24-72.1-102,~~

~~C.R.S. A county shall not sell or utilize for any purpose other than those specified in law the information contained in the secure and verifiable document, and shall keep such information confidential unless disclosure is required by law; except that nothing in this paragraph (a) shall be construed to limit public access to records that are available for public inspection pursuant to article 72 of title 24, C.R.S.~~

~~(b) For purposes of this subsection (10), an individual is unlawfully present in the United States if the individual is an alien who is not:~~

~~(I) A qualified alien as defined in 8 U.S.C. sec. 1641;~~

~~(II) A nonimmigrant under the "Immigration and Nationality Act", federal Public Law 82-414, as amended; or~~

~~(III) An alien who is paroled into the United States under 8 U.S.C. sec. 1182 (d)(5) for less than one year.~~

~~(c) This subsection (10) shall be enforced without regard to race, religion, gender, ethnicity, or national origin.~~

SECTION 6. In Colorado Revised Statutes, 31-15-501, **repeal** (2) as follows:

31-15-501. Powers to regulate businesses. (2) ~~(a) Subject to the exemptions found in 8 U.S.C. sec. 1621 (e)(2), to the extent that any license, permit, certificate, or other authorization to conduct business issued by a municipality constitutes a professional license or commercial license regulated by 8 U.S.C. sec. 1621, the governing body of a municipality may issue such authorization to an individual only if the individual is lawfully present in the United States, and shall immediately deny any such authorization or renewal thereof upon determining that the individual is unlawfully present in the United States. The individual shall prove his or her identity with a secure and verifiable document, as that term is defined in section 24-72.1-102, C.R.S. A municipality shall not sell or utilize for any purpose other than those specified in law the information contained in the secure and verifiable document, and shall keep such information confidential unless disclosure is required by law; except that nothing in this paragraph (a) shall be construed to limit public access to records that are available for public inspection pursuant to article 72 of title 24, C.R.S.~~

~~(b) For purposes of this subsection (2), an individual is unlawfully present in the United States if the individual is an alien who is not:~~

~~(I) A qualified alien as defined in 8 U.S.C. sec. 1641;~~

~~(II) A nonimmigrant under the "Immigration and Nationality Act", federal Public Law 82-414, as amended; or~~

~~(III) An alien who is paroled into the United States under 8 U.S.C. sec. 1182 (d)(5) for less than one year.~~

~~(c) This subsection (2) shall be enforced without regard to race, religion, gender, ethnicity, or national origin.~~

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

Approved: May 27, 2021