

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 23-102

BY SENATOR(S) Gardner and Rodriguez, Buckner, Exum, Gonzales, Priola, Rich, Roberts, Smallwood;
also REPRESENTATIVE(S) Weissman and Soper, Snyder, Bacon, Dickson, Jodeh, Lindsay, McCluskie.

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

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

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

- (a) Department of agriculture;
- (b) Department of corrections;

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.

- (c) Department of early childhood;
- (d) Department of education;
- (e) Department of health care policy and financing;
- (f) Department of higher education;
- (g) Department of human services;
- (h) Department of labor and employment;

(i) Department of law; except that the following rule of the administrator for the uniform consumer credit code and commission on consumer credit concerning the Colorado Student Loan Equity Act (4 CCR 902-3) is not extended: Rule 5.A., which states in part "Private education lenders are not required to provide the information required in section 5-20-203 (2)(b)(I), ...";

- (j) Department of local affairs;
- (k) Department of military and veterans affairs;
- (l) Department of natural resources;
- (m) Department of personnel;
- (n) Department of public health and environment;
- (o) Department of public safety;

(p) Department of regulatory agencies; except that the following rules are not extended:

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

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

judgment ..."; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Rule 1.27 C., which states in part "The regulator shall not deny registration to an applicant or impose disciplinary action against an

individual's registration based solely on a professional disciplinary action ...";

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

(A) Rule 1.21 B., which states in part "The regulator shall not deny registration, certification, or licensure to an applicant or impose disciplinary action against an individual's registration, certificate, or license based solely on a civil or criminal judgment ..."; and

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

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

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

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

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

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

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

(XI) The following rules of the office of athletic trainer licensure

concerning athletic trainer licensure rules and regulations (4 CCR 735-1):

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

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

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

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

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

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

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

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

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

(A) Rule 1.24 B., which states in part "The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's license or registration based solely on a civil or criminal

judgment ..."; and

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

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

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

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

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

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

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

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

(A) Rule 1.13 B., which states in part "The regulator shall not deny licensure to an applicant or impose disciplinary action against an

individual's license based solely on a civil or criminal judgment ..."; and

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

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

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

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

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

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

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

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

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

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

...";

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(XXVIII) The following rules of the state board of unlicensed psychotherapists concerning unlicensed psychotherapists rules and regulations (4 CCR 734-1):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(XXXVI) The following rules of the Colorado podiatry board concerning podiatry rules and regulations (3 CCR 712-1):

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

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

(q) Department of revenue;

(r) Department of state;

(s) Department of transportation; and

(t) Department of the treasury.

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

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

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

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO