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## MEMORANDUM

TO: Committee on Legal Services

FROM: Brita Darling and Jennifer Berman, Office of Legislative Legal Services

DATE: March 9, 2023

SUBJECT: Rules from the Division of Professions and Occupations, Department of Regulatory Agencies, concerning the implementation of the Governor's Executive Order D 2022 032, titled "Directing State Agencies to Protect Access to Reproductive Health Care in Colorado":

4 CCR 726-1 (LLS Docket No. 220499; SoS Tracking No. [2022-00453](#))

3 CCR 707-1 (LLS Docket No. 220506; SoS Tracking No. [2022-00492](#))

4 CCR 744-1 (LLS Docket No. 220514; SoS Tracking No. [2022-00529](#))

3 CCR 719-1 (LLS Docket No. 220522; SoS Tracking No. [2022-00489](#))

4 CCR 739-1 (LLS Docket No. 220530; SoS Tracking No. [2022-00463](#))

4 CCR 749-1 (LLS Docket No. 220531; SoS Tracking No. [2022-00472](#))

3 CCR 722-1 (LLS Docket No. 220533; SoS Tracking No. [2022-00470](#))

4 CCR 735-1 (LLS Docket No. 220534; SoS Tracking No. [2022-00457](#))

3 CCR 711-1 (LLS Docket No. 220535; SoS Tracking No. [2022-00466](#))

3 CCR 711-2 (LLS Docket No. 220536; SoS Tracking No. [2022-00468](#))

3 CCR 721-1 (LLS Docket No. 220537; SoS Tracking No. [2022-00530](#))

4 CCR 748-1 (LLS Docket No. 220539; SoS Tracking No. [2022-00482](#))

4 CCR 745-1 (LLS Docket No. 220540; SoS Tracking No. [2022-00484](#))

- 4 CCR 741-1 (LLS Docket No. 220541; SoS Tracking No. [2022-00480](#))
- 3 CCR 715-1 (LLS Docket No. 220547; SoS Tracking No. [2022-00478](#))
- 4 CCR 738-1 (LLS Docket No. 220549; SoS Tracking No. [2022-00461](#))
- 4 CCR 732-1 (LLS Docket No. 220573; SoS Tracking No. [2022-00533](#))
- 4 CCR 727-1 (LLS Docket No. 220574; SoS Tracking No. [2022-00532](#))
- 3 CCR 716-1 (LLS Docket No. 220578; SoS Tracking No. [2022-00557](#))
- 4 CCR 734-1 (LLS Docket No. 220582; SoS Tracking No. [2022-00553](#))
- 4 CCR 736-1 (LLS Docket No. 220600; SoS Tracking No. [2022-00555](#))
- 4 CCR 737-1 (LLS Docket No. 230001; SoS Tracking No. [2022-00633](#))
- 3 CCR 709-1 (LLS Docket No. 230003; SoS Tracking No. [2022-00631](#))
- 3 CCR 713-51 (LLS Docket No. 230056; SoS Tracking No. [2022-00662](#))
- 4 CCR 728-1 (LLS Docket No. 230073; SoS Tracking No. [2022-00656](#))
- 3 CCR 712-1 (LLS Docket No. 230087; SoS Tracking No. [2022-00735](#))<sup>1</sup>

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<sup>1</sup> Under § 24-4-103, C.R.S., the Office of Legislative Legal Services reviews rules to determine whether they are within the promulgating agency's rule-making authority. Under § 24-4-103 (8)(c)(I)(A), C.R.S., 21 of the 26 rules discussed in this memorandum were adopted before November 1, 2022, and will expire on May 15, 2023, unless the General Assembly acts by bill to postpone such expiration. The remaining five rules were adopted on or after November 1, 2022, and will expire on May 15, 2024, unless the General Assembly acts by bill to repeal or postpone expiration of those rules before said date.

## Summary of Problems Identified and Recommendations

Section 12-20-202 (3), C.R.S., requires a regulator<sup>2</sup> to issue a Colorado credential<sup>3</sup> to an individual who holds a similar credential from another jurisdiction only if the credential from the other jurisdiction is in good standing and the individual meets other requirements. To be in good standing, the credential from the other jurisdiction must not have been revoked or suspended, and there must be no outstanding disciplinary or adverse actions against the credential in the other jurisdiction.<sup>4</sup> Under the rules listed in this memorandum (rules), if, as a result of having provided, assisted in providing, or received reproductive health care, an applicant's credential from another jurisdiction is not in good standing due to a criminal judgment or disciplinary action in the other jurisdiction, the regulator cannot deny the Colorado credential on that ground. The rules therefore conflict with section 12-20-202 (3), C.R.S.

Section 12-20-404, C.R.S., authorizes a regulator to take disciplinary action against a credential applicant or holder if the regulator finds that the applicant or holder has committed an act or engaged in conduct that, under the applicable practice act, constitutes grounds for discipline or unprofessional conduct. As shown in **Addendum A**, in all of the applicable practice acts, grounds for discipline or unprofessional conduct include having a criminal conviction. In seven of the applicable practice acts, the grounds for discipline or unprofessional conduct include being subject to

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<sup>2</sup> For purposes of this memorandum and the rules discussed in the memorandum, "regulator" refers collectively to the: Colorado Dental Board; Colorado Medical Board; Colorado Podiatry Board; State Board of Addiction Counselor Examiners; State Board of Chiropractic Examiners; State Board of Licensed Professional Counselor Examiners; State Board of Marriage and Family Therapist Examiners; State Board of Nursing; State Board of Optometry; State Board of Pharmacy; State Board of Psychologist Examiners; State Board of Social Work Examiners; State Board of Unlicensed Psychotherapists; State Board of Veterinary Medicine; and State Physical Therapy Board. "Regulator" also refers to the Director of the Division of Professions and Occupations in the Department of Regulatory Agencies with respect to the: Office of Acupuncture Licensure; Office of Athletic Trainer Licensure; Office of Audiology Licensure; Office of Direct-Entry Midwifery Registration; Office of Hearing Aid Provider Licensure; Office of Massage Therapy Licensure; Office of Naturopathic Doctor Registration; Office of Occupational Therapy Licensure; Office of Respiratory Therapy Licensure; Office of Speech-Language Pathology Certification; and Office of Surgical Assistant and Surgical Technologist Registration.

<sup>3</sup> For purposes of this memorandum and the rules discussed in this memorandum, "credential" includes the particular type of credential required for a particular profession, such as a license, certification, or registration, and "credential holder" includes a licensee, certificate holder, or registrant.

<sup>4</sup> § 12-20-202 (3)(b)(II), C.R.S.

professional discipline in another jurisdiction.<sup>5</sup> Because the rules create a blanket prohibition against disciplining a credential applicant or holder who, as a result of having provided, assisted in providing, or received reproductive health care, has a criminal judgment or has been subject to professional discipline rather than requiring the regulator to make a case-by-case determination as to whether disciplinary action is appropriate, several of the rules conflict with section 12-20-404, C.R.S., and the applicable grounds for discipline or unprofessional conduct listed in **Addendum A**.

In determining whether to issue a credential to an applicant who has a criminal record, sections 12-20-202 (5) and 24-5-101, C.R.S., require a regulator to evaluate the impact of the criminal record on the applicant's qualification for the credential. Several of the rules conflict with these statutes by prohibiting a regulator from considering the impact of having a criminal record on an applicant's qualification for a credential if the criminal record is based on having provided, assisted with providing, or received reproductive health care.

**Because the rules adopted before November 1, 2022, that are listed in subsection 1 of the recommendations on pages 12-13 of this memorandum conflict with statute, we recommend that the rules not be extended.**

**Because the rules adopted on or after November 1, 2022, that are listed in subsection 2 of the recommendations on page 13 of this memorandum conflict with statute, we recommend that the rules be repealed.**

## Analysis

- 1. The regulators adopted rules in furtherance of an executive order of the governor that could not, and did not, suspend the statutes governing the regulation of credential holders and the consideration of qualifications of credential applicants.**

The regulators adopted the rules as directed by an executive order issued by Governor Polis in July of 2022, EO D 2022 032, entitled "Directing State Agencies to Protect

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<sup>5</sup> See § 12-280-126 (1)(g), C.R.S. (State Board of Pharmacy); § 12-225-109 (3)(h) and (3)(i), C.R.S. (Office of Direct-Entry Midwifery Registration); § 12-250-113 (1)(f), C.R.S. (Office of Naturopathic Doctor Registration); § 12-300-109 (2)(d) (Office of Respiratory Therapy Licensure); §§ 12-315-107 (3)(c) and 12-315-207 (1)(f), C.R.S. (State Board of Veterinary Medicine); §§ 12-255-120 (1)(d), 12-255-121 (2)(a)(I), and 12-255-209 (1)(c), C.R.S. (State Board of Nursing); and § 12-275-120 (1)(o), C.R.S. (State Board of Optometry).

Access to Reproductive Health Care in Colorado".<sup>6</sup> The executive order directs the Department of Regulatory Agencies (DORA), through the programs and boards of professional licensure under its purview, to promulgate rules to ensure that individuals will not be subject to disciplinary action against a professional license or will not be disqualified from professional licensure:

for providing or assisting in the provision of reproductive health care or as a consequence of any civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state so long as the care as provided is lawful and consistent with professional conduct and standards of care within the State of Colorado.<sup>7</sup>

The governor may issue an executive order as a declaration or directive for the purpose of implementing the governor's powers, as those powers are set forth in the Colorado constitution or statute. An executive order that affects the public at large, however, must be "based upon the presence of some constitutional or statutory provision, which authorizes the executive order either specifically or by way of necessary implication."<sup>8</sup> No constitutional provision or statute authorizes the governor to issue an executive order like EO D 2022 032.<sup>9</sup>

The General Assembly has enacted numerous statutes governing the regulation of credential holders and the consideration of qualifications of credential applicants. Because no constitutional or statutory provision authorizes the Governor to issue an executive order that changes the considerations that apply in regulating credentials as set forth in these statutes, EO D 2022-032 cannot provide a legitimate legal basis for the adoption of executive branch agency rules that conflict with the statutes.<sup>10</sup>

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<sup>6</sup> The executive order is attached in **Addendum C**.

<sup>7</sup> EO D 2022 032, section II.C.

<sup>8</sup> *Shapp v. Butera*, 22 Pa. Cmwlth. 229, 235, 348 A.2d 910, 913 (1975).

<sup>9</sup> The General Assembly, in enacting the Colorado Disaster Emergency Act, has given the governor express authority to suspend state statutes in the narrow context of responding to a declared disaster emergency if the governor determines that "strict compliance with the provisions of any statute ... would in any way prevent, hinder, or delay necessary action in coping with the emergency." § 24-33.5-704 (7)(a), C.R.S. However, the governor did not issue EO D 2022 032 in response to a declared disaster emergency, and therefore the limited statutory authority granted the governor to suspend statutes as a means of coping with a declared disaster emergency does not exist with respect to this executive order.

<sup>10</sup> *Markham v. Wolf*, 647 Pa. 642, 656, 190 A.3d 1175, 1183 (Pa. 2018); *see also Communications Workers of America, AFL-CIO v. Christie*, 413 N.J. Super. 229, 259 (2010) ("An executive order is invalid if it usurps legislative authority by acting contrary to the express or implied will of the Legislature.")

In adopting rules, executive agencies must comply with section 24-4-103, C.R.S., of the State Administrative Procedure Act (APA). Under that provision of the APA, "[a]ny rule or amendment to an existing rule issued by an agency ... which conflicts with a statute shall be void."<sup>11</sup> In adopting rules pursuant to EO D 2022-032, the regulators have violated section 24-4-103, C.R.S., by adopting rules that conflict with statutes governing the regulation of credential holders and the consideration of qualifications of credential applicants.

**2. All the rules conflict with section 12-20-202 (3), C.R.S., because the rules prohibit a regulator from fully considering whether a credential applicant is "in good standing".**

Section 12-20-202 (3), C.R.S., creates the occupational credential portability program, which authorizes a regulator to approve an application for a credential by endorsement, reciprocity, or transfer rather than through the regular, more complicated, process for issuing credentials. Section 12-20-202 (3)(b)(I), C.R.S., provides, in pertinent part:

**12-20-202. Licenses, certifications, and registrations - renewal - reinstatement - fees - occupational credential portability program - temporary authority for military spouses - exceptions for military personnel - rules - consideration of criminal convictions or driver's history - executive director authority - definitions. (3) Occupational credential portability program. (b) (I) Except as specified in subsections (3)(c) and (3)(f) of this section, a person duly licensed, certified, registered, or enrolled in good standing in another state or United States territory or through the federal government to practice a particular profession or occupation, or who holds a military occupational specialty, as defined in section 24-4-201, is, upon application to the division for licensure, certification, registration, or enrollment in that profession or occupation in this state, entitled to the issuance of the applicable license, certification, registration, or enrollment if all of the following apply: (Emphases added).**

Subsection (3)(b)(II) of that section defines "in good standing" as follows:

**12-20-202. Licenses, certifications, and registrations - renewal - reinstatement - fees - occupational credential portability program - temporary authority for military spouses - exceptions for military**

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<sup>11</sup> § 24-4-103 (8)(a), C.R.S.; *Hanlen v. Gessler*, 2014 CO 24, ¶ 35 ("A rule that conflicts with a statute is void.").

**personnel - rules - consideration of criminal convictions or driver's history - executive director authority - definitions. (3) Occupational credential portability program.** (b) (II) For the purposes of this subsection (3)(b), "in good standing" means that a license, certification, registration, or enrollment has not been revoked or suspended and against which there are no outstanding disciplinary or adverse actions.

Thus, to determine whether an applicant is entitled to a credential under section 12-20-202 (3), C.R.S., a regulator must first determine whether the applicant's credential from another jurisdiction has been revoked or suspended or whether there are any outstanding disciplinary or adverse actions against the credential for any reason. If so, the applicant may not be issued a credential by endorsement, reciprocity, or transfer, although the applicant may obtain the credential through the regular credential issuance process.<sup>12</sup>

The text of each of the rules at issue in this memo is attached as **Addendum B**. The following language from Rules 1.26.C., 1.26.D., and 1.26.E. adopted by the State Board of Social Work Examiners is illustrative of the language used in all of the rules:

#### **1.26 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO**

This Rule is promulgated pursuant to Executive Order D 2022 032, and sections 25-6-401 et seq., 12-245-204(4)(a), and 12-20-204, C.R.S.

- C. 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 against the applicant,** registrant, or licensee **arising from the provision of, or assistance in the provision of reproductive health care** in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. The **regulator shall not deny licensure** or registration to an applicant **or impose disciplinary action** against an individual's license or registration

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<sup>12</sup> § 12-20-202 (3)(e), C.R.S., excludes dental therapists, direct-entry midwives, and surgical assistants and surgical technologists from credentialing through the occupational credential portability program. However, under § 12-20-202 (3)(f), C.R.S., which extends the portability program to enable military spouses to receive temporary credentials, these professions and occupations are not excluded, and applying military spouses must meet the same "in good standing" standard, as specified in § 12-20-202 (3)(f)(II)(A), C.R.S., for these professions and occupations. Therefore, with respect to any credential applicants who are military spouses, this argument applies to all the rules listed in this memorandum, including the rules regarding dental therapists, direct-entry midwives, and surgical assistants and surgical technologists.

**based solely on a professional disciplinary action or any other sanction** against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is **based solely on the applicant's, registrant's, or licensee's provision of, or assistance in the provision of, reproductive health care** and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

- E. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's or registrant's own personal effort to seek or obtain reproductive health care for themselves. **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 against the applicant, registrant, or licensee arising from the individual's own personal receipt of reproductive health care** in this state or any other state or U.S. territory. **(Emphases added).**

Thus, if an applicant for a credential has, as a result of providing, assisting in providing, or receiving reproductive health care, a criminal conviction or been subject to disciplinary action in another jurisdiction, then under the rules the regulator will not consider that conviction or disciplinary action in determining whether the applicant is in good standing. However, under the language of section 12-20-202 (3)(b)(II), C.R.S.,<sup>13</sup> the applicant may not meet the statutory definition of "in good standing" if the criminal conviction or disciplinary action is outstanding against the credential or is grounds for revoking or suspending the credential in the other jurisdiction. Because the rules allow the granting of a credential under the occupational credential portability program in circumstances prohibited by the statute, the rules conflict with the statute and either should not be extended or should be repealed, as applicable, based upon the date of adoption of the rules.

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<sup>13</sup> See § 12-20-202 (3)(f)(II)(A), C.R.S., for credential applicants who are military spouses.



3. **The rules conflict with section 12-20-404, C.R.S., and the statutory grounds for discipline or unprofessional conduct listed in Addendum A because the statutes require regulators to exercise discretion and determine on a case-by-case basis whether to take disciplinary action against a credential holder or applicant who has a criminal conviction or has been disciplined in another jurisdiction, but, under the rules, a regulator will not make this determination if the criminal conviction or disciplinary action is based on the credential holder or applicant having provided, assisted in providing, or received reproductive health care.<sup>14</sup>**

The introductory portion of section 12-20-404 (1), C.R.S., provides:

**12-20-404. Disciplinary actions - regulator powers - disposition of fines - mistreatment of at-risk adult. (1) General disciplinary authority.** If a regulator **determines** that an applicant, licensee, certificate holder, or registrant has committed an act or engaged in **conduct that constitutes grounds for discipline or unprofessional conduct under a part or article of this title 12** governing the particular profession or occupation, **the regulator may:** **(Emphases added).**

Thus, the statute authorizes a regulator to take disciplinary action<sup>15</sup> against a credential holder or applicant if the regulator makes a determination that the credential holder or applicant has committed an act that would constitute grounds for discipline under the practice act for the profession or occupation. The grounds for disciplinary action

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<sup>14</sup> As indicated in Addendum A, all the practice acts include a felony conviction as a ground for disciplinary action, and, therefore, with regard to a credential holder's or applicant's criminal conviction, this argument as it relates to consideration of a criminal conviction applies to rules of all the regulators listed in note 2. However, not all the practice acts include professional discipline in another jurisdiction as grounds for disciplinary action in this state. Therefore, this argument as it relates to consideration of professional discipline in another jurisdiction applies to the rules of all the regulators except: State Board of Social Work Examiners, Rule 1.26.D.; State Board of Chiropractic Examiners, Rule 1.38.D.; State Board of Addiction Counselor Examiners, Rule 1.24.D.; Director, Office of Massage Therapy Licensure, Rule 1.15.D.; Director, Office of Athletic Trainer Licensure, Rule 1.14.D.; Director, Office of Hearing Aid Provider Licensure, Rule 1.13.D.; Director, Office of Audiology Licensure, Rule 1.14.D.; State Board of Psychologist Examiners, Rule 1.23.D.; Director, Office of Speech-Language Pathology Certification, Rule 1.26.D.; Director, Office of Surgical Assistant and Surgical Technologist Registration, Rule 1.11.D.; Director, Office of Occupational Therapy Licensure, Rule 1.22.D.; Director, Office of Acupuncture Licensure, Rule 1.14.D.; State Physical Therapy Board, Rule 1.8.D.; State Board of Unlicensed Psychotherapists, Rule 1.18.D.; State Board of Marriage and Family Therapist Examiners, Rule 1.24.D.; State Board of Licensed Professional Counselor Examiners, Rule 1.24.D.; Colorado Dental Board, Rule 1.32.D.; Colorado Medical Board, Rule 51.2.D.; and Colorado Podiatry Board, Rule 1.20.D.

<sup>15</sup> Disciplinary action includes: Issuing a letter of admonition; imposing probation; assessing a fine; suspending, revoking, or refusing to renew a credential; and denying a credential. § 12-20-404, C.R.S.

specified in the applicable practice act for each of the regulators are attached as **Addendum A**. For each of the professions and occupations addressed by the rules, having a felony conviction is grounds for disciplinary action, and for seven of the professions and occupations, having been subject to professional discipline in another jurisdiction is grounds for disciplinary action.<sup>16</sup> If a credential applicant or holder has a felony conviction or is subject to professional discipline, the statute requires the regulator to exercise discretion and make a determination as to whether to take disciplinary action against the credential applicant or holder.

As quoted previously, the rules prohibit a regulator from denying a credential or taking disciplinary action against a credential if the credential applicant or holder has a criminal judgment or has been subject to professional discipline arising from providing, assisting in providing, or receiving reproductive health care. Therefore, even if a credential applicant or holder has a felony conviction or has been subject to such discipline, which would be grounds for discipline under the practice act, the regulator will be prohibited from exercising its discretion to make the determination required by statute as to whether to take disciplinary action against that credential applicant or holder. Instead, under the rules, no disciplinary action will be taken.

Several of the rules, therefore, conflict with section 12-20-404 (1), C.R.S., and the applicable grounds for discipline or unprofessional conduct because under the rules, the respective regulator will not make the case-by-case determination required by statute. Because these rules conflict with statute, they either should not be extended or should be repealed, as applicable, based on the date the rules were adopted.

**4. Some of the rules conflict with sections 12-20-202 (5) and 24-5-101 (2) and (4), C.R.S., because, under these rules, a regulator will not consider a credential applicant's criminal record when considering the applicant's qualifications for a credential if the criminal record is based solely on the credential applicant having provided, assisted in providing, or received reproductive health care.<sup>17</sup>**

Under section 12-20-202 (5), C.R.S., if a credential applicant has a criminal record, the regulator must consider the factors specified in section 24-5-101, C.R.S., in

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<sup>16</sup> See note 5.

<sup>17</sup> This argument applies only to those rules that prohibit a regulator from considering a credential holder's or applicant's criminal judgment. Therefore, this argument applies to all the rules except the rules listed in note 14 that are excluded from the argument in section 3 of this memorandum as it relates to the consideration of professional discipline and the following rules: State Board of Pharmacy, Rule 32.00.00.F.; Director, Office of Direct-Entry Midwifery Registration, Rule 1.26.D.; Director, Office of

determining whether to grant or deny the credential. Section 24-5-101, C.R.S., provides, in pertinent part:

**24-5-101. Effect of criminal conviction on employment rights - fee - determination.** (2) (a) **Whenever any state or local agency is required to make a finding that an applicant for a license, certification, permit, or registration is a person of good moral character as a condition to the issuance thereof, or evaluate the impact of an applicant's criminal record, the fact that such applicant has, at some time prior thereto, been convicted of a felony or other offense involving moral turpitude, and pertinent circumstances connected with such conviction, shall be given consideration in determining whether, in fact, the applicant is qualified.** The intent of this section is to expand employment opportunities for persons who, notwithstanding that fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

(4) Except as provided in subsection (6) of this section, when considering an applicant for a license, certification, permit, or registration pursuant to subsection (2) of this section ..., **the agency shall consider the following factors when determining whether the conviction disqualifies the applicant:**

(a) The nature of the conviction;

(b) Whether there is a direct relationship between the conviction and the position's duties and responsibilities and the bearing, if any, the conviction may have on the applicant's fitness or ability to perform one or more such duties and responsibilities...;

(c) Any information produced by the applicant or produced on his or her behalf regarding his or her rehabilitation and good conduct; and

(d) The time that has elapsed since the conviction. **(Emphases added).**

Thus, regardless of the nature of a criminal conviction, a regulator has a statutory duty to consider several factors in determining whether to grant a credential to an applicant who has a criminal conviction. The determination is required to decide whether the applicant is qualified, despite the conviction, to receive the credential.

As quoted previously, under the rules, a regulator will not consider a credential applicant's criminal judgment if the judgment arises from providing, assisting in

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Naturopathic Doctor Registration, Rule 1.20.D.; Director, Office of Respiratory Therapy Licensure, Rule 1.12.D.; State Board of Veterinary Medicine, Rule 1.21.D.; State Board of Nursing, Rule 1.33.D.; and State Board of Optometry, Rule 1.29.D.

providing, or receiving reproductive health care. The result of applying the rules is that a regulator will not consider whether a credential applicant's criminal conviction of this type may disqualify that applicant from receiving the credential.

Several of the rules, therefore, conflict with sections 12-20-202 (5) and 24-5-101, C.R.S., because these statutes require a regulator to apply specific criteria to evaluate the effect of an applicant's criminal conviction in determining whether the applicant qualifies for the credential. We therefore recommend that these rules not be extended or be repealed, as applicable, based on the date the rules were adopted.

## **Recommendations**

1. Therefore, because the following rules that concern protecting access to reproductive health care in Colorado, adopted by the regulators before November 1, 2022, conflict with statute, we recommend that they not be extended:

- **State Board of Social Work Examiners, Rules 1.26.C., 1.26.D., and 1.26.E.;**
- **State Board of Chiropractic Examiners, Rules 1.38.C., 1.38.D., and 1.38.E.;**
- **State Board of Addiction Counselor Examiners, Rules 1.24.C., 1.24.D., and 1.24.E.;**
- **State Board of Pharmacy, Rules 32.00.00.E, 32.00.00.F, and 32.00.00.G.;**
- **Director, Office of Direct-Entry Midwifery Registration, Rules 1.26.C., 1.26.D., and 1.26.E.;**
- **Director, Office of Naturopathic Doctor Registration, Rules 1.20.C., 1.20.D., and 1.20.E.;**
- **Director, Office of Massage Therapy Licensure, Rules 1.15.C., 1.15.D., and 1.15.E.;**
- **Director, Office of Athletic Trainer Licensure, Rules 1.14.C., 1.14.D., and 1.14.E.;**
- **Director, Office of Hearing Aid Provider Licensure, Rules 1.13.C., 1.13.D., and 1.13.E.;**
- **Director, Office of Audiology Licensure, Rules 1.14.C., 1.14.D., and 1.14.E.;**
- **State Board of Psychologist Examiners, Rules 1.23.C., 1.23.D., and 1.23.E.;**
- **Director, Office of Speech-Language Pathology Certification, Rules 1.26.C., 1.26.D., and 1.26.E.;**
- **Director, Office of Surgical Assistant and Surgical Technologist Registration, Rules 1.11.C., 1.11.D., and 1.11.E.;**

- **Director, Office of Respiratory Therapy Licensure, Rules 1.12.C., 1.12.D., and 1.12.E.;**
- **Director, Office of Occupational Therapy Licensure, Rules 1.22.C., 1.22.D., and 1.22.E.;**
- **Director, Office of Acupuncture Licensure, Rules 1.14.C., 1.14.D, and 1.14.E.;**
- **State Physical Therapy Board, Rules 1.8.C., 1.8.D., and 1.8.E.;**
- **State Board of Veterinary Medicine, Rules 1.21.C., 1.21.D., and 1.21.E.;**
- **State Board of Nursing, Rules 1.33.C., 1.33.D., and 1.33.E.;**
- **State Board of Unlicensed Psychotherapists, Rules 1.18.C., 1.18.D., and 1.18.E.; and**
- **State Board of Marriage and Family Therapist Examiners, Rules 1.24.C., 1.24.D., and 1.24.E.**

2. Further, because the following rules that concern protecting access to reproductive health care in Colorado, adopted by regulators on or after November 1, 2022, conflict with statute, we recommend that they be repealed:

- **State Board of Licensed Professional Counselor Examiners, Rules 1.24.C., 1.24.D., and 1.24.E.;**
- **Colorado Dental Board, Rules 1.32.C., 1.32.D., and 1.32.E.;**
- **Colorado Medical Board, Rules 51.2.C., 51.2.D., and 51.2.E.;**
- **State Board of Optometry, Rules 1.29.C., 1.29.D., and 1.29.E.; and**
- **Colorado Podiatry Board, Rules 1.20.C., 1.20.D., and 1.20.E.**

## ADDENDUM A

### **State Board of Social Work Examiners**

**12-245-224. Prohibited activities - related provisions - definition.** (1) A person licensed, registered, or certified under this article 245 violates this article 245 if the person:

(a) Has been convicted of or pled guilty or nolo contendere to a felony or to any crime related to the person's practice, or received a deferred sentence to a felony charge. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, each board is governed by sections 12-20-202 (5) and 24-5-101.

### **State Board of Accountancy**

**12-100-120. Grounds for disciplinary action - administrative penalties.** (1) After notice and hearing as provided in section 12-100-123, the board may take disciplinary or other action as authorized in section 12-20-404 and impose other conditions or limitations on a person for any of the following causes:

(e) Conviction of a felony or of a crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States. For the purposes of this subsection (1)(e), a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction.

(f) Discipline taken against the person's authority to practice as a certified public accountant or a public accountant in any jurisdiction;

### **State Board of Chiropractic Examiners**

**12-215-115. Discipline of licensees - suspension, revocation, denial, and probation - grounds - definitions.** (1) Upon any of the following grounds, the board may take disciplinary or other action as specified in section 12-20-404 or impose conditions on a licensee's license:

(c) Conviction of a felony or any crime that would constitute a violation of this article 215. For purposes of this subsection (1), "conviction" includes the acceptance of a guilty plea or a plea of nolo contendere or the imposition of a deferred sentence.

### **State Board of Addiction Counselor Examiners**

**12-245-224. Prohibited activities - related provisions - definition.** (1) A person licensed, registered, or certified under this article 245 violates this article 245 if the person:

(a) Has been convicted of or pled guilty or nolo contendere to a felony or to any crime related to the person's practice, or received a deferred sentence to a felony charge. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, each board is governed by sections 12-20-202 (5) and 24-5-101.

## **State Electrical Board**

### **12-115-122. Violations - citations - settlement agreements - hearings - fines - rules.**

(1) The board may take disciplinary or other action as authorized by section 12-20-404 in regard to any license or registration issued or applied for under the provisions of this article 115 or may issue a citation to a licensee, registrant, or applicant for licensure for any of the following reasons:

(g) Conviction of or acceptance of a plea of guilty or nolo contendere by a court to a felony. In considering the disciplinary action, the board shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101.

(l) Disciplinary action against an electrician's license or registration in another jurisdiction. Evidence of the disciplinary action shall be prima facie evidence for denial of licensure or registration or other disciplinary action if the violation would be grounds for disciplinary action in this state.

## **State Board of Pharmacy**

**12-280-126. Unprofessional conduct - grounds for discipline.** (1) The board may take disciplinary or other action as authorized in section 12-20-404, after a hearing held in accordance with the provisions of sections 12-20-403 and 12-280-127, upon proof that the licensee, certificant, or registrant:

(b) Is guilty of the commission of a felony or has had accepted by a court a plea of guilty or nolo contendere to a felony or has received a deferred judgment and sentence for a felony;

(g) Has had a license to practice pharmacy or a certification or other authorization to practice as a pharmacy technician in another state revoked or suspended, or is otherwise disciplined or has committed acts in any other state that would subject the person to disciplinary action in this state;

## **Office of Direct-Entry Midwifery Registration**

**12-225-109. Disciplinary action authorized - grounds for discipline - injunctions - rules.** (3) The director may take disciplinary action as authorized by section 12-20-404 (1)(a), (1)(b), or (1)(d) for any of the following acts or omissions:

(h) Having had a license or registration to practice direct-entry midwifery or any other health-care profession or occupation suspended or revoked in any jurisdiction;

(i) Violating any law or regulation governing the practice of direct-entry midwifery in another state or jurisdiction. A plea of nolo contendere or its equivalent accepted by any state agency of another state or jurisdiction may be considered to be the same as a finding of violation for purposes of a proceeding under this article 225.

(k) Conviction of a felony or acceptance by a court of a plea of guilty or nolo contendere to a felony. A certified copy of the judgment of a court of competent jurisdiction of a conviction or plea shall be prima facie evidence of the conviction.

### **Office of Naturopathic Doctor Registration**

**12-250-113. Grounds for discipline - disciplinary actions authorized - procedures - definitions.** (1) The director may take disciplinary or other action as specified in section 12-20-404 against a naturopathic doctor for any of the following acts or omissions:

(f) Violation of a law or regulation governing the practice of naturopathic medicine in another jurisdiction;

(h) Conviction of a felony, an offense of moral turpitude, or a crime that would constitute a violation of this article 250. For purposes of this subsection (1)(h), "conviction" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence or judgment.

### **Office of Radon Professionals**

**12-165-111. Disciplinary actions - grounds for discipline - rules - letters of admonition - cease-and-desist orders.** (1) The director may take disciplinary action or other action as authorized in this section and section 12-20-404 against an applicant or licensee if the applicant or licensee:

(c) Within the preceding five years, was convicted of or has entered a plea of guilty or nolo contendere to a felony; to an offense, the underlying factual basis of which has been found by the court to involve unlawful sexual behavior, domestic violence, as defined in section 18-6-800.3 (1), or stalking, as defined in section 18-3-602; or to violation of a protection order, as defined in section 18-6-803.5. In considering an applicant's criminal history, the director is governed by sections 12-20-202 (5) and 24-5-101.

(f) Has been subject to discipline related to the practice of radon measurement or radon mitigation in another jurisdiction. Evidence of disciplinary action in another jurisdiction is prima facie evidence for denial of a license or other disciplinary action if the violation would be grounds for disciplinary action in this state.

### **Office of Massage Therapy Licensure**

**12-235-111. Grounds for discipline - definitions.** (1) The director is authorized to take disciplinary action pursuant to section 12-235-112 against any person who has:

(j) Been convicted of, pled guilty or nolo contendere to, or received a deferred sentence for a felony or a crime for which the act giving rise to the crime was related to the practice of massage therapy or was perpetrated against a massage client during a therapeutic relationship, as defined in subsection (1)(b)(II) of this section; or committed any act specified in this section. A certified copy of a document from a court of competent jurisdiction documenting a conviction or entry of a plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, the director shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101.



### **Office of Athletic Trainer Licensure**

**12-205-111. Grounds for discipline - disciplinary proceedings - definitions.** (2) The director may take disciplinary or other action in accordance with section 12-20-404 or issue a cease-and-desist order in accordance with section 12-205-112 upon reasonable grounds that the licensee:

(f) Has been convicted of or pled guilty or nolo contendere to a felony or any crime defined in title 18. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is prima facie evidence of the conviction or plea. In considering the disciplinary action, the director is governed by sections 12-20-202 (5) and 24-5-101.

### **Office of Hearing Aid Provider Licensure**

**12-230-401. Grounds for discipline.** (1) The following acts constitute grounds for discipline:

(o) Being convicted of, accepting a plea of guilty or nolo contendere to, or receipt of a deferred sentence in any court for a felony or for any crime involving fraud, deception, false pretense, theft, misrepresentation, false advertising, or dishonest dealing;

### **Office of Audiology Licensure**

**12-210-108. Disciplinary actions - grounds for discipline.** (2) The following acts constitute grounds for discipline:

(u) In any court of competent jurisdiction, being convicted of, pleading guilty or nolo contendere to, or receiving a deferred sentence for a felony or a crime involving fraud, deception, false pretense, theft, misrepresentation, false advertising, or dishonest dealing; and

### **State Board of Psychologist Examiners**

**12-245-224. Prohibited activities - related provisions - definition.** (1) A person licensed, registered, or certified under this article 245 violates this article 245 if the person:

(a) Has been convicted of or pled guilty or nolo contendere to a felony or to any crime related to the person's practice, or received a deferred sentence to a felony charge. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, each board is governed by sections 12-20-202 (5) and 24-5-101.

### **Office of Speech-Language Pathology Certification**

**12-305-112. Grounds for discipline - definitions.** (2) The director may take disciplinary or other action specified in section 12-20-404 or 12-305-113 or issue a cease-and-desist order to a certificate holder in accordance with sections 12-20-405 and 12-305-113 (8) upon proof that the certificate holder:

(g) Has been convicted of or pled guilty or nolo contendere to a felony or any crime related to the certificate holder's practice of speech-language pathology or has committed an act specified in section 12-305-114. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, the director is governed by sections 12-20-202 (5) and 24-5-101.

### **Office of Surgical Assistant & Surgical Technologist Registration**

#### **12-310-106. Grounds for discipline - disciplinary proceedings - judicial review.**

(2) The director may take disciplinary or other action as authorized in section 12-20-404 against, or issue a cease-and-desist order in accordance with section 12-20-405 to, a registrant in accordance with this section and section 12-20-403, upon proof that the registrant:

(g) Has been convicted of or pled guilty or nolo contendere to a misdemeanor related to drugs or alcohol or a felony. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea shall be conclusive evidence of the conviction or plea. In considering the disciplinary action, the director shall be governed by sections 12-20-202 (5) and 24-5-101.

### **Office of Respiratory Therapy Licensure**

**12-300-109. Grounds for action - disciplinary proceedings.** (2) The director has the power to take disciplinary or other action as authorized in section 12-20-404 against a licensee in accordance with subsections (4), (5), (6), and (8) of this section upon proof that the person:

(b) (I) Has been convicted of or has entered and had accepted by a court a plea of guilty or nolo contendere to:

(A) A felony pursuant to section 18-1.3-401; or

(B) Any crime as defined in title 18 that relates to the person's employment as a respiratory therapist.

(II) A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea shall be prima facie evidence of the conviction. In conjunction with any disciplinary proceeding pertaining to this subsection (2)(b), the director shall be governed by sections 12-20-202 (5) and 24-5-101.

(d) Has had a license to practice respiratory therapy or any other health-care occupation suspended, revoked, or otherwise subjected to discipline in any jurisdiction. A certified copy of the order of suspension, revocation, or discipline shall be prima facie evidence of the suspension, revocation, or discipline.

### **Office of Occupational Therapy**

**12-270-114. Grounds for discipline - disciplinary proceedings - definitions - judicial review.** (2) The director may take disciplinary or other action as authorized in section 12-20-404 against, or issue a cease-and-desist order under the circumstances and in accordance

with the procedures specified in section 12-20-405 to, a licensee in accordance with this section, upon proof that the licensee:

(g) Has been convicted of or pled guilty or nolo contendere to a felony or committed an act specified in section 12-270-115. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, the director shall be governed by sections 12-20-202 (5) and 24-5-101.

### **Office of Acupuncture Licensure**

**12-200-109. Grounds for disciplinary action.** (1) The director may deny licensure to or take disciplinary action against an acupuncturist pursuant to sections 12-20-403, 12-20-404, and 24-4-105 if the director finds that the acupuncturist has committed any of the following acts:

(n) Committed and been convicted of a felony or entered a plea of guilty or nolo contendere to a felony;

### **Office of Outfitters Registration**

**12-145-109. Disciplinary actions - grounds for discipline.** (1) The director may take disciplinary or other action as authorized in section 12-20-404 if an applicant for or a holder of an outfitter's registration:

(d) Is convicted of or has entered a plea of nolo contendere or guilty to a felony; except that the director shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101 in considering the conviction or plea;

(h) Has incurred disciplinary action related to the practice of outfitting in another jurisdiction. Evidence of such disciplinary action shall be prima facie evidence for denial of registration or other disciplinary action if the violation would be grounds for disciplinary action in this state.

### **Office of Barber & Cosmetology Licensure**

**12-105-125. Grounds for discipline.** (1) The director may take disciplinary or other action as authorized in section 12-20-404 upon proof that the licensee:

(a) Has been convicted of or has entered a plea of nolo contendere to a felony. In considering the conviction of or the plea to any such crime, the director shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101.

### **Office of Funeral Home and Crematory Registration**

[there are no statutory provisions relevant to the purposes of this compilation]

### **Colorado Office of Combative Sports and Colorado Combative Sports Commission**

**12-110-111. Grounds for discipline.** (1) The director may take disciplinary or other action as authorized in section 12-20-404 against a license or an application for a license if the applicant or licensee:

(c) Is convicted of or has entered a plea of nolo contendere or guilty to a felony; except that the director shall be governed by the provisions of section 24-5-101 in considering the conviction or plea;

(e) Has incurred disciplinary action related to professional boxing in another jurisdiction. Evidence of disciplinary action is prima facie evidence for denial of a license or other disciplinary action if the violation would be grounds for disciplinary action in this state.

### **State Board of Licensure for Architects, Professional Engineers, and Land Surveyors (in reference to Engineers)**

**12-120-206. Disciplinary actions - grounds for discipline.** (1) The board may take disciplinary or other action as authorized by section 12-20-404 against, or limit the scope of practice of, any professional engineer or engineer-intern for:

(c) A felony that is related to the ability to practice engineering; except that the board shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101 in considering the conviction or plea. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea shall be presumptive evidence of the conviction or plea for the purposes of any hearing under this part 2. A plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction.

(l) Violating any law or regulation governing the practice of engineering in another state or jurisdiction. A plea of nolo contendere or its equivalent accepted by the board of another state or jurisdiction may be considered to be the same as a finding of guilty for purposes of any hearing under this part 2.

### **State Board of Licensure for Architects, Professional Engineers, and Land Surveyors (in reference to Land Surveyors)**

**12-120-306. Disciplinary actions - grounds for discipline.** (1) The board may take disciplinary or other action as authorized by section 12-20-404, limit the scope of practice of, or require additional training of any professional land surveyor or land surveyor-intern for:

(c) A felony that is related to the ability to practice land surveying. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea shall be presumptive evidence of the conviction or plea for the purposes of any hearing under this part 3. A plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction.

(l) Violating any law or regulation governing the practice of professional land surveying in another state or jurisdiction. A plea of nolo contendere or its equivalent accepted by the board of another state or jurisdiction may be considered to be the same as a finding of guilty for purposes of any hearing under this part 3.

## **State Board of Licensure for Architects, Professional Engineers, and Land Surveyors (in reference to Architects)**

**12-120-406. Disciplinary actions - grounds for discipline.** (1) The board may take disciplinary or other action as authorized by section 12-20-404 against, or limit the scope of practice of, a licensee for the following:

(c) Conviction of, or pleading guilty or nolo contendere to, a felony in Colorado concerning the practice of architecture or an equivalent crime outside Colorado. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea shall be presumptive evidence of the conviction or plea in any hearing under this part 4. The board shall be governed by sections 12-20-202 (5) and 24-5-101 in considering the conviction or plea.

## ***Colorado State Physical Therapy Board***

**12-285-120. Grounds for disciplinary action - definitions.** (1) The board may take disciplinary action in accordance with sections 12-20-404 and 12-285-122 against a person who has:

(q) Been convicted of, pled guilty, or pled nolo contendere to any crime related to the licensee's practice of physical therapy or a felony or committed an act specified in section 12-285-128. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, the board is governed by sections 12-20-202 (5) and 24-5-101.

**12-285-211. Grounds for disciplinary action.** (1) The board may take disciplinary action in accordance with sections 12-20-404 and 12-285-212 against a person who has:

(m) Been convicted of, pled guilty, or pled nolo contendere to a crime related to the certified physical therapist assistant's practice or a felony or committed an act specified in section 12-285-217. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, the board is governed by sections 12-20-202 (5) and 24-5-101.

## **State Board of Veterinary Medicine**

**12-315-112. Discipline of licensees.** (1) Upon receipt of a signed complaint by a complainant or upon its own motion, the board may proceed to a hearing in accordance with section 12-315-113. After a hearing, and by a concurrence of a majority of members, the board may take disciplinary or other action as authorized in section 12-20-404 against an applicant for a license or a licensed veterinarian for any of the following reasons:

(o) Conviction of a violation of the "Uniform Controlled Substances Act of 2013", article 18 of title 18, the federal "Controlled Substances Act", 21 U.S.C. sec. 801 et seq., as amended, or the federal "Controlled Substances Import and Export Act", 21 U.S.C. sec. 951 et seq., as amended, or any of them;

(p) Conviction of a crime in the courts of this state or of a crime in any other state, any territory, or any other country for an offense related to the conduct regulated by this part 1, regardless of whether the sentence is deferred. As used in this subsection (1)(p), "conviction" includes a plea of guilty or a plea of nolo contendere accepted by the court.

**12-315-107. Application for license - qualifications - rules.** (3) The board may deny a license or may grant a license subject to terms of probation if the board determines that an applicant for a license:

(c) Has been disciplined in another state or jurisdiction with respect to the applicant's license to practice veterinary medicine in that state or jurisdiction; or

**12-315-207. Discipline of a registered veterinary technician - repeal.** (1) Upon receipt of a signed complaint by a complainant or upon its own motion, the board may proceed to a hearing in accordance with section 12-315-113. After a hearing, and by a concurrence of a majority of members, the board may take disciplinary action as authorized in section 12-20-404 against an applicant for a registration or a registered veterinary technician for any of the following reasons:

(f) The veterinary technician:

(I) Has a registration or credential as a veterinary technician in another state revoked or suspended;

(II) Is otherwise disciplined by another state; or

(i) Conviction of a violation of the "Uniform Controlled Substances Act of 2013", article 18 of title 18; the federal "Controlled Substances Act", 21 U.S.C. sec. 801 et seq., as amended; or the federal "Controlled Substances Import and Export Act", 21 U.S.C. sec. 951 et seq., as amended;

(j) Conviction of a crime in the courts of this state or of a crime in any other state, any territory, or any other country for an offense related to the conduct regulated by this part 2, regardless of whether the sentence is deferred. As used in this subsection (1)(j), "conviction" includes a plea of guilty or a plea of nolo contendere accepted by the court.

(4) The record of conviction of a felony in a court of competent jurisdiction is sufficient evidence for the board to take disciplinary action against the registrant as deemed proper by the board. For the purposes of this part 2, a conviction is deemed to be a conviction that has been upheld by the highest appellate court having jurisdiction or a conviction upon which the time for filing an appeal has passed.

(5) With respect to denying the issuance of a veterinary technician registration or taking disciplinary action against a veterinary technician, the board may accept as prima facie evidence of grounds for the action any federal or state action taken against a veterinary technician in another jurisdiction if the violation that prompted the disciplinary action in the jurisdiction would constitute grounds for disciplinary action under this section.

## **State Board of Nursing**

**12-255-120. Grounds for discipline - definitions.** (1) "Grounds for discipline", as used in this part 1, means any action by any person who:

(b) (I) Has been convicted of a felony or any crime that would constitute a violation of this part 1.

(II) (A) For purposes of this subsection (1)(b), "convicted" includes entering a plea of guilty or nolo contendere or imposing a deferred sentence.

(B) A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea shall be prima facie evidence of the conviction.

(d) Has had a license to practice nursing or any other health-care occupation suspended or revoked in any jurisdiction. A certified copy of the order of suspension or revocation shall be prima facie evidence of the suspension or revocation.

**12-255-209. Grounds for discipline.** (1) The board may suspend, revoke, or deny any person's certification to practice as a nurse aide or authority to practice as a medication aide in accordance with section 12-20-404 (1)(d) or may issue to the person a letter of admonition under the circumstances specified in and in accordance with section 12-20-404 (4), upon proof that a person:

(b) Has been convicted of a felony or has had a court accept a plea of guilty or nolo contendere to a felony. A certified copy of the conviction or plea from a court of competent jurisdiction is prima facie evidence of the conviction or plea. In considering discipline based on the grounds specified in this subsection (1)(b), the board shall be governed by sections 12-20-202 (5) and 24-5-101.

(c) Has had a certification to practice as a nurse aide or to practice any other health-care occupation suspended or revoked in any jurisdiction. A certified copy of the order of suspension or revocation shall be prima facie evidence of the suspension or revocation.

**12-255-121. Withholding or denial of license - hearing - definitions.** (2) (a) (I) If the board determines that an applicant does not possess the qualifications for licensure required by this part 1, that probable cause exists to believe that an applicant for a license or temporary license has done any of the acts set forth in section 12-255-120, or that an applicant for a license or temporary license has had a nursing or other health-care occupation license revoked by another legally authorized board, the board may withhold or deny the applicant a license under this part 1.

### **State Board of Unlicensed Psychotherapists**

**12-245-224. Prohibited activities - related provisions - definition.** (1) A person licensed, registered, or certified under this article 245 violates this article 245 if the person:

(a) Has been convicted of or pled guilty or nolo contendere to a felony or to any crime related to the person's practice, or received a deferred sentence to a felony charge. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, each board is governed by sections 12-20-202 (5) and 24-5-101.

### **State Plumbing Board**

**12-155-113. Disciplinary action by board - procedures - cease-and-desist orders.** (1) The board may take disciplinary or other action as authorized by section 12-20-404 for any of the following reasons:

(f) Conviction of or acceptance of a plea of guilty or nolo contendere by a court to a felony. In considering the disciplinary action, the board shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101.

(n) Disciplinary action against a license or registration in another jurisdiction. Evidence of the disciplinary action is prima facie evidence for denial of licensure or registration or other disciplinary action if the violation would be grounds for disciplinary action in this state.

### **State Board of Marriage and Family Therapist Examiners**

**12-245-224. Prohibited activities - related provisions - definition.** (1) A person licensed, registered, or certified under this article 245 violates this article 245 if the person:

(a) Has been convicted of or pled guilty or nolo contendere to a felony or to any crime related to the person's practice, or received a deferred sentence to a felony charge. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, each board is governed by sections 12-20-202 (5) and 24-5-101.

### **Colorado Dental Board**

**12-220-201. Grounds for disciplinary action - definition.** (1) The board may take disciplinary action against an applicant or licensee in accordance with sections 12-20-404 and 12-220-202 for any of the following causes:

(b) Conviction of a felony or any crime that constitutes a violation of this article 220. For purposes of this subsection (1)(b), "conviction" includes the entry of a plea of guilty or nolo contendere or a deferred sentence.

### **State Board of Professional Counselor Examiners**

**12-245-224. Prohibited activities - related provisions - definition.** (1) A person licensed, registered, or certified under this article 245 violates this article 245 if the person:

(a) Has been convicted of or pled guilty or nolo contendere to a felony or to any crime related to the person's practice, or received a deferred sentence to a felony charge. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, each board is governed by sections 12-20-202 (5) and 24-5-101.

### **State Board of Landscape Architects**

**12-130-112. Grounds for disciplinary action.** (2) Grounds for disciplinary action shall include:

(f) Being convicted of or pleading nolo contendere to a felony in Colorado or to any crime outside Colorado that would constitute a felony in Colorado, if the felony or other crime concerns the practice of landscape architecture. A certified copy of the judgment of a court of competent jurisdiction of a conviction or plea shall be presumptive evidence of the conviction or plea in any hearing under this article 130. The board shall be governed by sections 12-20-202 (5) and 24-5-101 when considering the conviction or plea.

(3) A disciplinary action in another state or jurisdiction taken on grounds that would constitute a violation under this article 130 shall be prima facie evidence of grounds for disciplinary action under this section.



### **Colorado Medical Board**

**12-240-121. Unprofessional conduct - definitions.** (1) "Unprofessional conduct" as used in this article 240 means:

(b) Any conviction of an offense of moral turpitude, a felony, or a crime that would constitute a violation of this article 240. For purposes of this subsection (1)(b), "conviction" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence.

(d) Any conviction of violation of any federal or state law regulating the possession, distribution, or use of any controlled substance, as defined in section 18-18-102 (5), and, in determining if a license should be denied, revoked, or suspended, or if the licensee should be placed on probation, the board shall be governed by sections 12-20-202 (5) and 24-5-101. For purposes of this subsection (1)(d), "conviction" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence.

### **State Board of Optometry**

**12-275-120. Unprofessional conduct - definitions.** (1) The term "unprofessional conduct", as used in this article 275, means:

(o) Any disciplinary action against a licensee to practice optometry in another state or country, which action shall be deemed to be prima facie evidence of unprofessional conduct if the grounds for the disciplinary action would be unprofessional conduct or otherwise constitute a violation of any provision of this article 275;

(r) Conviction of a felony or the acceptance of a plea of guilty or nolo contendere, or a plea resulting in a deferred sentence to a felony;

### **Colorado Podiatry Board**

**12-290-108. Issuance, revocation, or suspension of license - probation - unprofessional conduct - definitions - immunity in professional review.** (3) "Unprofessional conduct" as used in this article 290 means:

(b) Conviction of a felony or any crime that would constitute a violation of this article 290. For purposes of this subsection (3)(b), "conviction" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence.

(i) Conviction of violation of any federal or state law regulating the possession, distribution, or use of any controlled substance, as defined in section 18-18-102 (5). For the purposes of this subsection (3)(i), a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction.

## ADDENDUM B

### Rules of the State Board of Social Work Examiners, LLS Docket 220499/SoS Tracking No. [2022-00453](#)

4 CCR 726-1

#### 1.26 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 against the applicant, registrant, or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's or registrant's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant, registrant, or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

#### 1.27 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant, registrant, or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

- C. 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 against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the State Board of Accountancy,  
LLS Docket 220502/SoS Tracking No. [2022-00490](#)**

3 CCR 705-1

1.16 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant or certificate holder regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or certificate holder's professional certification in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or certificate holder's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Board of Chiropractic Examiners,  
LLS Docket 220506/SoS Tracking No. [2022-00492](#)**

3 CCR 707-1

1.38 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE  
IN COLORADO

- C. 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 the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.39 PROTECTING COLORADO'S WORKFORCE AND EXPANDING  
LICENSING OPPORTUNITIES

- B. 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 the applicant or licensee regarding the consumption,

possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

- C. 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 against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Board of Addiction Counselor Examiners,  
LLS Docket 220514/SoS Tracking No. [2022-00529](#)**

4 CCR 744-1

1.24 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 against the applicant, certificant, registrant, or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's, certificant's, registrant's, or licensee's professional licensure, certification, or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, certificant's, registrant's, or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure, certification, or registration to an applicant or impose disciplinary action against an individual's registration, certificate, or license based solely on the licensee's, certificant's, or registrant's

own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant, certificant, registrant, or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.25 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant, certificant, registrant, or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's, certificant's, registrant's, or licensee's professional licensure, certification, or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, certificant's, registrant's, or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the State Electrical Board,  
LLS Docket 220521/SoS Tracking No. [2022-00491](#)**

3 CCR 710-1

1.14 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant, registrant, or licensee

regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

- C. 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 against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the State Board of Pharmacy,  
LLS Docket 220522/SoS Tracking No. [2022-00489](#)**

3 CCR 719-1

32.00.00 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- E. 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 the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- F. 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 or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- G. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

33.00.00 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- D. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- E. 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 against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Direct-Entry Midwifery Registration,  
LLS Docket 220530/SoS Tracking No. [2022-00463](#)**

4 CCR 739-1

1.26 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 against the applicant or registrant arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or registrant's professional registration in this, or any other state or U.S. territory so long as



the professional disciplinary action is based solely on the applicant's or registrant's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

- E. The regulator shall not deny registration to an applicant or impose disciplinary action against an individual's registration based solely on the registrant's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant or registrant arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.27 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant or registrant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or registrant's professional registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Naturopathic Doctor Registration,  
LLS Docket 220531/SoS Tracking No. [2022-00472](#)**

4 CCR 749-1

1.20 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 against the applicant or registrant arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or registrant's professional registration, certification or licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. 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 the applicant/licensee/registant's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant or registrant arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.21 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant or registrant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or registrant's professional registration, certification or licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Radon Professionals,  
LLS Docket 220532/SoS Tracking No. [2022-00474](#)**

4 CCR 754-1

1.14 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Massage Therapy Licensure,  
LLS Docket 220533/SoS Tracking No. [2022-00470](#)**

3 CCR 722-1

1.15 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 the applicant or licensee arising from the provision of, or

assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

D. 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 or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

#### 1.16 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

B. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

C. 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 against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Athletic Trainer Licensure,  
LLS Docket 220534/SoS Tracking No. [2022-00457](#)**

4 CCR 735-1

1.14 PROTECTIONS FOR PROVISIONS OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.15 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

- C. 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 against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Hearing Aid Provider Licensure,  
LLS Docket 220535/SoS Tracking No. [2022-00466](#)**

3 CCR 711-1

1.13 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE  
IN COLORADO

- C. 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 the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.14 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or licensee's professional licensure in this, or any other state or US territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Audiology Licensure,  
LLS Docket 220536/SoS Tracking No. [2022-00468](#)**

3 CCR 711-2

1.14 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.15 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

B. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

C. 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 against the applicant's or licensee's professional licensure in this, or any other state or US territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Board of Psychologist Examiners,  
LLS Docket 220537/SoS Tracking No. [2022-00530](#)**

3 CCR 721-1

1.23 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

C. 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 against the applicant, registrant, or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.



- D. 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 or any other sanction against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's registration or license based solely on the licensee's or registrant's own personal effort to seek or obtain reproductive health care for themselves. The regulator shall not deny licensure or registration to an applicant, registrant, or licensee, or impose disciplinary action against an individual's license or registration based solely on a civil or criminal judgment against the applicant, registrant, or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.24 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant, registrant, or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Speech-Language Pathology Certification,  
LLS Docket 220539/SoS Tracking No. [2022-00482](#)**

4 CCR 748-1

1.26 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE  
IN COLORADO

- C. 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 against the applicant or certificate holder arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or certificate holder's professional certification in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or certificate holder's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny certification to an applicant or impose disciplinary action against an individual's certificate based solely on the applicant or certificate holder's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant or certificate holder arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.27 PROTECTING COLORADO'S WORKFORCE AND EXPANDING  
LICENSING OPPORTUNITIES

- B. 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 against the applicant or certificate holder regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are

lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

- C. 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 against the applicant's or certificate holder's professional certification in this, or any other state or US territory so long as the professional disciplinary action is based solely on the applicant's or certificate holder's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Surgical Assistant and Surgical Technologist Registration,  
LLS Docket 220540/SoS Tracking No. [2022-00484](#)**

4 CCR 745-1

1.11 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE  
IN COLORADO

- C. 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 against the applicant or registrant arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or registrant's professional registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny registration to an applicant or impose disciplinary action against an individual's registration based solely on the registrant's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant or registrant arising from the individual's own

personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.12 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant or registrant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or registrant's professional registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Respiratory Therapy Licensure,  
LLS Docket 220541/SoS Tracking No. [2022-00480](#)**

4 CCR 741-1

1.12 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided

was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.13 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Occupational Therapy Licensure,  
LLS Docket 220547/SoS Tracking No. [2022-00478](#)**

3 CCR 715-1

1.22 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other

state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

D. 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 or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

#### 1.23 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

B. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

C. 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 against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Acupuncture Licensure,  
LLS Docket 220549/SoS Tracking No. [2022-00461](#)**

4 CCR 738-1

1.14 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE  
IN COLORADO

- C. 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 the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.15 PROTECTING COLORADO'S WORKFORCE AND EXPANDING  
LICENSING OPPORTUNITIES

- B. 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 the applicant or licensee regarding the consumption,

possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

- C. 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 against the applicant's or licensee's professional licensure in this, or any other state or US territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Outfitters Registration,  
LLS Docket 220552/SoS Tracking No. [2022-00476](#)**

4 CCR 733-1

1.12 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant or registrant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or registrant's professional registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.



**Rules of the Office of Barber & Cosmetology Licensure,  
LLS Docket 220553/SoS Tracking No. [2022-00486](#)**

4 CCR 731-1

1.12 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Office of Funeral Home and Crematory Registration  
LLS Docket 220554/ Sos Tracking [2022-00488](#)**

4 CCR 742-1

1.10 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant or registrant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or registrant's professional

registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Colorado Office of Combative Sports,  
LLS Docket 220556/SoS Tracking No. [2022-00531](#)**

4 CCR 740-1

1.18 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Board of Architects, Professional Engineers,  
& Professional Land Surveyors,  
LLS Docket 220557/SoS Tracking No. [2022-00534](#)**

4 CCR 730-1

1.9 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 the licensee regarding the consumption, possession,

cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

- C. 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 against the applicant's or licensee's professional license in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the State Physical Therapy Board,  
LLS Docket 220573/SoS Tracking No. [2022-00533](#)**

4 CCR 732-1

1.8 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 against the applicant, certificant, or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's, certificant's, or licensee's professional licensure or certification in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant, certificant, or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure or certification to an applicant or impose disciplinary action against an individual's certificate or license based solely on the certificant's or licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant, certificant, or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.9 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant, certificant, or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's, certificant's, or licensee's professional licensure or certification in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, certificant's, or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Board of Veterinary Medicine,  
LLS Docket 220574/SoS Tracking No. [2022-00532](#)**

4 CCR 727-1

1.21 PROTECTIONS FOR PROVISION OF HUMAN REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 against the applicant, registrant, or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's, registrant's, or licensee's professional registration or licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

- E. 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 the applicant/licensee/registant's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant, registrant, or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

#### 1.22 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant, registrant, or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's, registrant's, or licensee's professional registration or licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the State board of Nursing,  
LLS Docket 220578/SoS Tracking No. [2022-00557](#)**

3 CCR 716-1

1.33 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE  
IN COLORADO

- C. 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 against the applicant or registrant arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or registrant's professional registration, certification or licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. 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 the applicant/licensee/registant's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant or registrant arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.34 PROTECTING COLORADO'S WORKFORCE AND EXPANDING  
LICENSING OPPORTUNITIES

- B. 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 against the

applicant or registrant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

- C. 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 against the applicant's or registrant's professional registration, certification or licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the State Board of Unlicensed Psychotherapists,  
LLS Docket 220582/SoS Tracking No. [2022-00553](#)**

4 CCR 734-1

1.18 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 against the applicant or registration arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or registrant's professional registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or registrant's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny registration to an applicant or impose disciplinary action against an individual's registration based solely on the registrant's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant or registration arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.19 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant or registrant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or registrant's professional registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the State Plumbing Board,  
LLS Docket 220588/SoS Tracking No. [2022-00554](#)**

3 CCR 720-1

1.10 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the registrant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's, registrant's, or



licensee's professional registration or license in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Board of Marriage and Family Therapist Examiners,  
LLS Docket 220600/SoS Tracking No. [2022-00555](#)**

4 CCR 736-1

1.24 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 against the applicant, registrant, or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's registration or license based solely on the licensee's or registrant's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant, registrant, or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.25 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant, registrant, or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. The regulator shall not deny licensure registration to an applicant or impose disciplinary action against an individual's license or registration based solely on a professional disciplinary action against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Board of Licensed Professional Counselor Examiners,  
LLS Docket 230001; SoS Tracking No. [2022-00633](#)**

4 CCR 737-1

1.24 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 against the applicant, registrant, or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

- E. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's registration or license based solely on the licensee's or registrant's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant, registrant, or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.25 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 against the applicant, registrant, or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Colorado Dental Board,**

**LLS Docket 230003/SoS Tracking No. [2022-00631](#)**

**[3 CCR 709-1](#)**

**[1.32 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO](#)**

- C. 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 the applicant arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S.

territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

- D. 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 or any other sanction against the applicant's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on the applicant or licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

### 1.33 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 the applicant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Board of Landscape Architects,  
LLS Docket 230033/SoS Tracking No. [2022-00655](#)**

[4 CCR 729-1](#)

- 1.9 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES
- B. 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 the licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or licensee's professional license in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Colorado Medical Board,  
LLS Docket 230056/SoS Tracking No. [2022-00662](#)**

[3 CCR 713-51](#)

[51.2 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE  
IN COLORADO](#)

- C. 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 the applicant arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on the applicant's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

**Rules of the Colorado Medical Board,**  
**LLS Docket/SoS Tracking No. 2022-00663**

[3 CCR 713-52](#)

[52.2 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES](#)

- B. 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 the applicant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Board of Optometry,**  
**LLS Docket 230073/SoS Tracking No. 2022-00656**

4 CCR 728-1

1.29 PROTECTIONS FOR PROVISION OF REPRODUCTIVE HEALTH CARE  
IN COLORADO

- C. 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 against the applicant or registrant arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or registrant's professional registration, certification or licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. 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 the applicant/licensee/registant's own personal effort to seek or obtain reproductive health care for themselves. 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 against the applicant or registrant arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

1.30 PROTECTING COLORADO'S WORKFORCE AND EXPANDING  
LICENSING OPPORTUNITIES

- B. 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 against the applicant or registrant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or registrant's professional registration, certification or licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or registrant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**Rules of the Colorado Podiatry Board,  
LLS Docket 230087/SoS Tracking No. [2022-00735](#)**

3 CCR 712-1

1.20 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

- C. 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 the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. 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 or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided



was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. 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 the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

#### 1.21 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES

- B. 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 the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. 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 against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

# **ADDENDUM C**

## **Executive Orders**

**D 2022 032**

### **EXECUTIVE ORDER**

#### **Directing State Agencies to Protect Access to Reproductive Health Care in Colorado**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order directing State agencies to protect access to reproductive health care in Colorado.

#### **I. Background and Purpose**

All people in Colorado have the right to make personal choices about their reproductive health care. The recent United States Supreme Court decision in *Dobbs v. Jackson Women’s Health Organization* does not alter or negatively impact anyone’s rights under Colorado law.

In 1973, the United States Supreme Court decided *Roe v. Wade*, a landmark case in American history that held the U.S. Constitution protects a pregnant person’s right to choose to have an abortion. This case was affirmed in 1992 by *Planned Parenthood of Southeastern Pennsylvania v. Casey*, where the Supreme Court held that a legal restriction on abortion could not pose an undue burden on the constitutional right to abortion.

On June 24, 2022, the Supreme Court issued its decision in *Dobbs*, reversing almost 50 years of precedent by overturning *Roe* and *Casey* and holding that the U.S. Constitution does not confer a right to abortion. This decision strips away freedoms granted to millions of Americans and endangers the rights and health of future generations.

Colorado was the first state to remove criminal penalties for terminating pregnancies, with Republican Governor John Love signing the law overturning a prior abortion ban in 1967. This past April, continuing Colorado’s legacy of safeguarding fundamental personal healthcare decisions, I signed the Reproductive Health Equity Act, House Bill 22-1279, which codifies protections in State law to ensure that choice remains legal in Colorado.

In the wake of the wrong and misguided decision in Dobbs, numerous states have moved and will move to ban abortion outright, and many other states already have “trigger laws” that will ban abortion within 30 days of the Dobbs decision. This impending loss of freedom for people around the country poses a threat to the people of Colorado to the extent that other states may seek to infringe on essential rights protected by Colorado law, and impose criminal penalties or civil liability for conduct that is now outlawed in other states, but remains legal in Colorado.

Colorado is experiencing a workforce shortage in many professions, and disqualifying people because they were prosecuted for taking actions in other states that are fully legal under Colorado law would hurt our economy and our State.

Colorado is committed to protecting access to reproductive health care. No one who is lawfully providing, assisting, seeking, or obtaining reproductive health care in Colorado should be subject to legal liability or professional sanctions in Colorado or any other state, nor will Colorado cooperate with criminal or civil investigations for actions that are fully legal in our State. This Executive Order ensures that all Coloradans are afforded protections and rights under Colorado law and directs state agencies and departments managed by Governor-appointed executives to protect access to reproductive health care in Colorado within their authority under the law.

## **II. Declarations and Directives**

- A. All state agencies and principal departments shall not, unless pursuant to a court order, provide information or data, including patient medical records, patient-level data, or related billing information, or expend time, money, facilities, property, equipment, personnel, or other resources to assist or further any investigation or proceeding initiated in or by another state that seeks to impose criminal or civil liability or professional sanction upon a person or entity for conduct that would be legal in Colorado related to providing, assisting, seeking, or obtaining reproductive health care. This limitation does not apply to any investigation or proceeding in which the conduct that is subject to potential liability under the investigation or proceeding would be subject to civil or criminal liability or professional sanction under Colorado law if committed in Colorado. Notwithstanding the general prohibition of this section, agencies and departments may provide information or assistance in connection with such an investigation or proceeding in response to a written request from the subject of such an investigation or proceeding.
- B. All state agencies and principal departments shall, to the full extent of their lawful authority, pursue opportunities and coordinate with each other to protect

people and entities who are providing, assisting, seeking, or obtaining reproductive health care in Colorado.

- C. I direct the Department of Regulatory Agencies (DORA) to work with all programs and boards of professional licensure operating under its purview to promulgate and issue necessary rules that will ensure that no person shall be subject to disciplinary action against a professional license or disqualified from professional licensure for providing or assisting in the provision of reproductive health care or as a consequence of any civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state so long as the care as provided is lawful and consistent with professional conduct and standards of care within the State of Colorado. DORA shall report to me on the measures implemented by all programs and boards under DORA purview within ninety (90) days of the date of this Executive Order.
  
- D. I will exercise the full extent of my discretion to decline requests for the arrest, surrender, or extradition of any person charged with a criminal violation of a law of another state where the violation alleged involves the provision of, assistance with, securing of, or receipt of reproductive health care, unless the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under Colorado law.
  
- E. For the purposes of this Executive Order, the following definitions apply:
  - i. “Reproductive health care” shall have the same meaning as in C.R.S. § 25-6-402(4).
  
  - ii. “Agencies and principal departments” means state agencies and principal departments under the authority of the Governor and includes employees, appointees, officers, or other people acting on behalf of a state agency or principal department.

### **III. Duration**

This Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor.

GIVEN under my hand and the Executive Seal of the State of Colorado, this sixth day of July 2022.

**EXECUTIVE ORDER**

**Protecting Colorado’s Workforce and Expanding Licensing Opportunities**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order directing the Colorado Department of Regulatory Agencies and the Colorado Department of Revenue to protect Colorado’s workforce and expand licensing opportunities.

**I. Background and Purpose**

Colorado was the first state to legalize recreational marijuana use. On November 6, 2012, the people of Colorado voted to amend the Colorado constitution to regulate marijuana like alcohol, allowing the use and possession of marijuana by adults in the State. On May 28, 2013, Governor Hickenlooper signed a series of bills implementing the regulatory framework that led to a statewide marijuana industry creating over 40,000 jobs and over 2 billion dollars in state tax revenue to date.

There is a workforce shortage in Colorado. Employers are having difficulty recruiting and retaining qualified employees, many of whom need professional licenses. The exclusion of people from the workforce because of marijuana-related activities that are lawful in Colorado, but illegal in other states, hinders our economy and our State.

No one who lawfully consumes, possesses, cultivates or processes marijuana pursuant to Colorado law should be subject to professional sanctions or denied a professional license in Colorado. This includes individuals who consume, possess, cultivate or process marijuana in another state in a manner that would be legal in Colorado.

Colorado will not cooperate with out-of-state investigations related to disciplinary action against a professional license, certification, or credential for marijuana-related actions that are lawful in our State.

This Executive Order ensures that all Coloradans are afforded protections and rights under Colorado law and directs the Colorado Department of Regulatory Agencies (DORA) and the Colorado Department of Revenue’s Specialized Business Group and Marijuana Enforcement Division (DOR) to protect Colorado’s workforce by ensuring Coloradans’ professions are not in jeopardy as a result of lawful marijuana-related conduct.

## **II. Declarations and Directives**

- A. I direct the Department of Regulatory Agencies (DORA) to work with all programs and boards of professional licensure operating under its purview to establish policies and promulgate and issue rules as necessary to ensure that no person shall be subject to disciplinary action against a professional license or disqualified from professional licensure for any civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state regarding consumption, possession, cultivation or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within the State of Colorado. DORA shall report to me on the measures implemented under its purview within ninety (90) days of the date of this Executive Order.
- B. I direct the Colorado Department of Revenue's Specialized Business Group to work with all programs and boards of professional licensure operating under its purview to establish policies and promulgate and issue rules as necessary to ensure that no person shall be subject to disciplinary action against a professional license or disqualified from professional licensure for any civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state regarding consumption, possession, cultivation or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within the State of Colorado. DOR shall report to me on the measures implemented under its purview within ninety (90) days of the date of this Executive Order.
- C. I direct the Colorado Department of Revenue's Marijuana Enforcement Division to establish policies and promulgate and issue rules as necessary to ensure that no person shall be subject to disciplinary action against a professional license or disqualified from professional licensure for any civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state regarding consumption, possession, cultivation or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within the State of Colorado. DOR shall report to me on the measures implemented under its purview within ninety (90) days of the date of this Executive Order.
- D. The Colorado Department of Regulatory Agencies and the Colorado Department of Revenue's Specialized Business Group and Marijuana

Enforcement Division shall not, unless pursuant to a court order, provide information or data, or expend Executive Order D 2022 034 July 14, 2022 Page 3 of 3 time, money, facilities, property, equipment, personnel or other resources to assist or further any investigation or proceeding initiated in or by another state that seeks to impose sanctions upon a person's professional license for the lawful consumption, possession, cultivation or processing of marijuana in Colorado.

### **III. Duration**

This Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor.

GIVEN under my hand and the Executive Seal of the State of Colorado, this fourteenth day of July 2022.