



COLORADO

**Department of
Regulatory Agencies**

Division of Professions and Occupations

STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for EMERGENCY RULE

On July 14, 2022, Colorado Governor Jared Polis (“Governor”) signed Executive Order D 2022 034, “Protecting Colorado’s Workforce and Expanding Licensing Opportunities.”

Basis

The basis for this rule is Executive Order D 2022 034.

Through Executive Order D 2022 034, Governor Jared Polis directed the Department of Regulatory Agencies to work with all programs and boards of professional licensure operating under its purview to 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 or threat imposed under the laws of another state as long as the actions are lawful and consistent with professional conduct and standards of care within the State of Colorado.

Purpose

The purpose of this emergency rule is to effectuate Executive Order D 2022 034.

As stated in Executive Order D 2022 034, 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.

Justification

As set forth in Executive Order D 2022 034, the Order ensures that all Coloradans are afforded protections and rights under Colorado law.

Pursuant to section 24-4-103(6)(a), C.R.S., a temporary or emergency rule may be adopted without compliance with section 24-4-103(4), C.R.S., which requires the agency to hold a public hearing “at which it shall afford interested persons an opportunity to submit written data, views, or arguments and to present the same orally”; and with less than the twenty days’ notice set forth in section 24-4-103(3), C.R.S., or without notice where circumstances imperatively require, only if the agency finds that “[i]mmediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for preservation of the public health, safety or welfare and compliance with the requirements of this section would be contrary to the public interest.” Such findings must be made on the record.

The Regulator, as defined in section 12-20-102(14), C.R.S., hereby finds the immediate adoption of this emergency rule is imperatively necessary to comply with Executive Order D

2022 034, to protect Colorado's Workforce and Expanding Licensing Opportunities. The adoption of this emergency rule is imperatively necessary for the preservation of the public welfare, and cannot wait the several months required for permanent rulemaking and therefore an emergency rule is appropriate pursuant to the Administrative Procedure Act.

The Regulator finds, as required by section 24-4-103(4)(b), C.R.S., that the need for the emergency rulemaking exists; the proper constitutional and/or statutory authority exists for the rule; to the extent practicable, the rule is clearly and simply stated so that their meaning will be understood by any required to comply with the rule; the rule does not conflict with other provisions of the law; and any duplication or overlapping of the rule, if any, has been explained.

This temporary/emergency rule take effect November 18, 2022, and remain in effect for up to a maximum of 120 days after adoption of these temporary/emergency rules.