

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

INTRODUCED

LLS NO. 21-0639.01 Pierce Lively x2059

SENATE BILL 21-028

SENATE SPONSORSHIP

Kirkmeyer,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING COMPLIANCE WITH THE "STATE ADMINISTRATIVE**
102 **PROCEDURE ACT" BY CERTAIN STATE ENTITIES IN THE**
103 **PROMULGATION OF LEGAL STANDARDS AFFECTING PUBLIC**
104 **HEALTH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill clarifies that, whenever the state board of health or the Colorado department of public health and environment promulgates a rule, it shall do so by complying with the "State Administrative Procedure

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Act".

The bill also prohibits the state board of health and the Colorado department of public health and environment from issuing an order that has the general applicability of a rule unless the state board of health or the Colorado department of public health and environment issues the order in accordance with the requirements for promulgating a rule, as set forth in the "State Administrative Procedure Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1-108, **add** (6) as
3 follows:

4 **25-1-108. Powers and duties of state board of health -**
5 **definitions.** (6) (a) WHENEVER THE BOARD PROMULGATES ANY RULE, IT
6 SHALL DO SO IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24.

7 (b) THE BOARD MAY NOT ISSUE AN ORDER THAT HAS THE GENERAL
8 APPLICABILITY OF A RULE UNLESS THE BOARD ISSUES THE ORDER IN
9 ACCORDANCE WITH THE REQUIREMENTS FOR PROMULGATING A RULE, AS
10 SET FORTH IN ARTICLE 4 OF TITLE 24.

11 (c) AS USED IN THIS SUBSECTION (6), UNLESS THE CONTEXT
12 OTHERWISE REQUIRES:

13 (I) "ORDER" MEANS THE WHOLE OR ANY PART OF THE FINAL
14 DISPOSITION (WHETHER AFFIRMATIVE, NEGATIVE, INJUNCTIVE, OR
15 DECLARATORY IN FORM) BY ANY AGENCY IN ANY MATTER OTHER THAN
16 RULE-MAKING; AND

17 (II) "RULE" MEANS THE WHOLE OR ANY PART OF EVERY AGENCY
18 STATEMENT OF GENERAL APPLICABILITY AND FUTURE EFFECT
19 IMPLEMENTING, INTERPRETING, OR DECLARING LAW OR POLICY OR SETTING
20 FORTH THE PROCEDURE OR PRACTICE OF ANY AGENCY. "RULE" INCLUDES
21 "REGULATION".

22 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-101, **add** (2)

1 as follows:

2 **25-1.5-101. Powers and duties of department - laboratory cash**
3 **fund - report - definition - repeal.** (2) (a) WHENEVER THE DEPARTMENT
4 PROMULGATES ANY RULE, IT SHALL DO SO IN ACCORDANCE WITH ARTICLE
5 4 OF TITLE 24.

6 (b) THE DEPARTMENT MAY NOT ISSUE AN ORDER THAT HAS THE
7 GENERAL APPLICABILITY OF A RULE UNLESS THE DEPARTMENT ISSUES THE
8 ORDER IN ACCORDANCE WITH THE REQUIREMENTS FOR PROMULGATING
9 RULES, AS SET FORTH IN ARTICLE 4 OF TITLE 24.

10 (c) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT
11 OTHERWISE REQUIRES:

12 (I) "ORDER" MEANS THE WHOLE OR ANY PART OF THE FINAL
13 DISPOSITION (WHETHER AFFIRMATIVE, NEGATIVE, INJUNCTIVE, OR
14 DECLARATORY IN FORM) BY ANY AGENCY IN ANY MATTER OTHER THAN
15 RULE-MAKING; AND

16 (II) "RULE" MEANS THE WHOLE OR ANY PART OF EVERY AGENCY
17 STATEMENT OF GENERAL APPLICABILITY AND FUTURE EFFECT
18 IMPLEMENTING, INTERPRETING, OR DECLARING LAW OR POLICY OR SETTING
19 FORTH THE PROCEDURE OR PRACTICE REQUIREMENTS OF ANY AGENCY.
20 "RULE" INCLUDES "REGULATION".

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