

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 21-0707.01 Yelana Love x2295

HOUSE BILL 21-1195

HOUSE SPONSORSHIP

Van Winkle and Michaelson Jenet, Bernett, Boesenecker, Caraveo, Cutter, Duran, Exum, Jodeh, Mullica, Ricks, Sirota, Snyder, Titone, Valdez A., Woodrow

SENATE SPONSORSHIP

Coram and Ginal,

House Committees

Public & Behavioral Health & Human Services
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF RADON PROFESSIONALS, AND, IN**
102 **CONNECTION THEREWITH, REQUIRING LICENSURE TO PRACTICE**
103 **AS A RADON MEASUREMENT PROFESSIONAL OR RADON**
104 **MITIGATION PROFESSIONAL, AND MAKING AN APPROPRIATION.**

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 creates a regulatory framework for individuals interested in practicing as a radon measurement professional or a radon mitigation professional. On and after July 1, 2022, an individual is prohibited from

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.

HOUSE
3rd Reading Unamended
April 29, 2021

HOUSE
Amended 2nd Reading
April 28, 2021

practicing as a radon measurement professional or radon mitigation professional unless the individual is licensed by the director of the division of professions and occupations in the department of regulatory agencies (director). The bill establishes the requirements to qualify for a license and the grounds upon which disciplinary action may be taken against a licensee.

The bill also creates the radon advisory committee (committee) in the department of public health and environment. The committee is created to advise the director concerning the administration and enforcement of the bill.

The regulation of radon professionals and the radon advisory committee are both scheduled to repeal on September 1, 2027. Before the repeal, each is scheduled for sunset review by the department of regulatory agencies.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 165 to
3 title 12 as follows:

4 **ARTICLE 165**

5 **Radon Professionals**

6 **12-165-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 165 IS
7 THE "RADON MEASUREMENT AND MITIGATION LICENSING ACT".

8 **12-165-102. Legislative declaration.** THE GENERAL ASSEMBLY
9 HEREBY FINDS AND DECLARES THAT THE PREVALENCE OF COLORADO
10 HOMES WITH EXCESSIVE LEVELS OF RADON HAS CREATED A MARKET IN
11 WHICH UNQUALIFIED INDIVIDUALS ARE REPRESENTING THEMSELVES AND
12 PRACTICING AS RADON PROFESSIONALS. RADON IS THE SECOND LEADING
13 CAUSE OF LUNG CANCER, CAUSING APPROXIMATELY TWENTY THOUSAND
14 DEATHS A YEAR IN THE UNITED STATES, INCLUDING FIVE HUNDRED
15 DEATHS IN COLORADO. THEREFORE, TO PROTECT THE PUBLIC, IT IS
16 NECESSARY TO ESTABLISH MINIMUM QUALIFICATIONS FOR RADON
17 PROFESSIONALS AND TO REQUIRE PROFESSIONALS WHO POSSESS SUCH

1 QUALIFICATIONS TO ACQUIRE A LICENSE BEFORE PERFORMING RADON
2 MEASUREMENT OR RADON MITIGATION.

3 **12-165-103. Applicability of common provisions.** ARTICLES 1
4 AND 20 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS
5 ARTICLE 165.

6 **12-165-104. Definitions.** AS USED IN THIS ARTICLE 165, UNLESS
7 THE CONTEXT OTHERWISE REQUIRES:

8 (1) "AARST" MEANS THE AMERICAN ASSOCIATION OF RADON
9 SCIENTISTS AND TECHNOLOGISTS OR ITS SUCCESSOR ORGANIZATION.

10

11 (2) "ANSI" MEANS THE AMERICAN NATIONAL STANDARDS
12 INSTITUTE OR ITS SUCCESSOR ORGANIZATION.

13 (3) "DIRECT SUPERVISION" MEANS SUPERVISION BY AN INDIVIDUAL
14 WHO IS PHYSICALLY PRESENT DURING ON-SITE ACTIVITIES AND
15 IMMEDIATELY AVAILABLE TO DIRECT, INSTRUCT, AND OVERSEE THE
16 ACTIVITIES OF OTHER INDIVIDUALS.

17 (4) "PROFICIENCY PROGRAM" MEANS THE NATIONAL RADON
18 PROFICIENCY PROGRAM, THE NATIONAL RADON SAFETY BOARD, OR A
19 SUCCESSOR ORGANIZATION OR ANY OTHER RADON PROFICIENCY PROGRAM
20 THAT IS RECOGNIZED BY THE FEDERAL ENVIRONMENTAL PROTECTION
21 AGENCY AND APPROVED BY THE DIRECTOR.

22 (5) "RADON MEASUREMENT" MEANS THE PRACTICE OF USING A
23 RADON MEASUREMENT DEVICE TO TEST AIR, WATER, OR SOIL FOR THE
24 PRESENCE OF RADON OR RADON PROGENY IN THE INDOOR ENVIRONMENT
25 OF A PREMISES.

26 (6) "RADON MEASUREMENT DEVICE" MEANS A DEVICE APPROVED
27 BY A PROFICIENCY PROGRAM AND USED FOR RADON MEASUREMENT.

1 (7) "RADON MITIGATION" MEANS THE PRACTICE OF INSTALLING,
2 REPAIRING, OR MODIFYING A RADON MITIGATION SYSTEM TO REDUCE THE
3 CONCENTRATION OF RADON OR RADON PROGENY IN THE INDOOR
4 ENVIRONMENT OF A BUILDING.

5 **12-165-105. Director powers and duties - rules.** (1) IN
6 ADDITION TO ANY OTHER POWERS AND DUTIES GRANTED OR IMPOSED ON
7 THE DIRECTOR UNDER THIS ARTICLE 165 OR BY ANY OTHER LAW, THE
8 DIRECTOR SHALL:

9 (a) ADOPT RULES PURSUANT TO SECTION 12-20-204, INCLUDING
10 RULES TO:

11 (I) ESTABLISH THE FORM AND MANNER FOR APPLYING FOR A NEW
12 LICENSE OR RENEWING A LICENSE UNDER THIS ARTICLE 165;

13 (II) ADOPT APPLICABLE ANSI/AARST STANDARDS FOR THE
14 PRACTICE OF RADON MEASUREMENT AND RADON MITIGATION; AND

15 (III) ADDRESS ANY OTHER MATTERS DETERMINED NECESSARY BY
16 THE DIRECTOR TO IMPLEMENT THIS ARTICLE 165;

17 (b) REVIEW APPLICATIONS FOR NEW LICENSES AND RENEWAL OF
18 LICENSES AND GRANT OR DENY SUCH LICENSES AND RENEWALS AS
19 PROVIDED IN THIS ARTICLE 165;

20 (c) ESTABLISH FEES FOR THE ISSUANCE OF A NEW LICENSE AND FOR
21 EACH LICENSE RENEWAL PURSUANT TO SECTIONS 12-20-105 AND
22 12-20-202 (1);

23 (d) CONDUCT INVESTIGATIONS, HOLD HEARINGS, TAKE EVIDENCE,
24 AND PURSUE DISCIPLINARY ACTIONS PURSUANT TO SECTIONS 12-20-403,
25 12-20-404, AND 12-165-111 WITH RESPECT TO COMPLAINTS AGAINST
26 RADON MEASUREMENT PROFESSIONALS AND RADON MITIGATION
27 PROFESSIONALS WHEN THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE

1 THAT AN INDIVIDUAL IS VIOLATING THIS ARTICLE 165 OR RULES ADOPTED
2 PURSUANT TO THIS ARTICLE 165; AND

3 (e) PERFORM OTHER FUNCTIONS AND DUTIES NECESSARY TO
4 ADMINISTER THIS ARTICLE 165.

5 **12-165-106. Licensure - title protection - unauthorized**
6 **practice - penalty.** (1) (a) ON AND AFTER JULY 1, 2022, AN INDIVIDUAL
7 CONDUCTING RADON MITIGATION OR RADON MEASUREMENT IN THIS STATE
8 SHALL MEET THE QUALIFICATIONS SET FORTH IN SECTION 12-165-108 AND
9 OBTAIN A LICENSE FROM THE DIRECTOR.

10 (b) ONLY AN INDIVIDUAL WHO OBTAINS A LICENSE PURSUANT TO
11 SECTION 12-165-108 MAY CLAIM TO BE A RADON MEASUREMENT
12 PROFESSIONAL OR RADON MITIGATION PROFESSIONAL OR USE THE TITLE
13 "RADON MEASUREMENT PROFESSIONAL" OR "RADON MITIGATION
14 PROFESSIONAL" OR ANY OTHER TITLE SUGGESTING THAT THE INDIVIDUAL
15 IS QUALIFIED TO PERFORM RADON MEASUREMENT OR RADON MITIGATION.

16 (2) AN INDIVIDUAL WHO CONDUCTS RADON MEASUREMENT OR
17 RADON MITIGATION, CLAIMS TO BE A RADON MEASUREMENT
18 PROFESSIONAL OR RADON MITIGATION PROFESSIONAL, OR USES THE TITLE
19 "RADON MEASUREMENT PROFESSIONAL" OR "RADON MITIGATION
20 PROFESSIONAL" OR ANY OTHER TITLE SUGGESTING THAT THE INDIVIDUAL
21 IS QUALIFIED TO PERFORM RADON MEASUREMENT OR RADON MITIGATION
22 WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE 165 IS SUBJECT
23 TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(b).

24 **12-165-107. Exemptions.** (1) THIS ARTICLE 165 DOES NOT APPLY
25 TO:

26 (a) AN INDIVIDUAL PERFORMING RADON MEASUREMENT OR RADON
27 MITIGATION ON A SINGLE-FAMILY RESIDENCE THAT THE INDIVIDUAL OWNS

1 AND OCCUPIES;

2 (b) AN INDIVIDUAL PERFORMING RADON MEASUREMENT WHO
3 ASSISTS AND IS UNDER THE DIRECT SUPERVISION OF A LICENSED RADON
4 MEASUREMENT PROFESSIONAL;

5 (c) AN INDIVIDUAL PERFORMING RADON MITIGATION WHO ASSISTS
6 AND IS UNDER THE DIRECT SUPERVISION OF A LICENSED RADON
7 MITIGATION PROFESSIONAL;

8 (d) AN AGENT OF A FEDERAL, STATE, OR LOCAL GOVERNMENT
9 AGENCY ACTING WITHIN THE SCOPE OF THE AGENT'S OFFICIAL CAPACITY;

10

11 (e) AN INDIVIDUAL PERFORMING RADON MEASUREMENT OR RADON
12 MITIGATION AS PART OF RADON TRAINING APPROVED BY A PROFICIENCY
13 PROGRAM; OR

14 (f) AN INDIVIDUAL ACTING WITHIN THE SCOPE OF PRACTICE FOR
15 WHICH THE INDIVIDUAL IS LICENSED, REGISTERED, OR CERTIFIED.

16 **12-165-108. Radon measurement and radon mitigation**
17 **licenses - qualifications - fees - renewal - rules.** (1) AN INDIVIDUAL
18 APPLYING FOR A LICENSE PURSUANT TO THIS SECTION MUST SATISFY THE
19 REQUIREMENTS OF THE PARTICULAR LICENSE FOR WHICH THE APPLICATION
20 IS MADE. THE DIRECTOR MAY ISSUE ONE OF THE FOLLOWING TYPES OF
21 LICENSES TO AN APPLICANT WHO, UPON APPLICATION IN THE FORM AND
22 MANNER DETERMINED BY THE DIRECTOR, PAYMENT OF THE REQUIRED FEE,
23 AND SATISFACTION OF THE REQUIREMENT SPECIFIED IN SUBSECTION (2) OF
24 THIS SECTION, PROVIDES EVIDENCE SATISFACTORY TO THE DIRECTOR THAT
25 THE APPLICANT SATISFIES THE QUALIFICATIONS FOR THE PARTICULAR
26 LICENSE AS FOLLOWS:

27 (a) **Radon measurement professional license.** AN APPLICANT

1 FOR A RADON MEASUREMENT PROFESSIONAL LICENSE MUST PRESENT
2 PROOF OF CERTIFICATION IN RADON MEASUREMENT FROM A PROFICIENCY
3 PROGRAM.

4 (b) **Radon mitigation professional license.** AN APPLICANT FOR
5 A RADON MITIGATION PROFESSIONAL LICENSE MUST PRESENT PROOF OF
6 CERTIFICATION IN RADON MITIGATION FROM A PROFICIENCY PROGRAM.

7 (2) (a) IN ADDITION TO SATISFYING THE REQUIREMENTS OF
8 SUBSECTION (1) OF THIS SECTION, EACH APPLICANT FOR A LICENSE UNDER
9 THIS SECTION MUST SUBMIT TO THE DIRECTOR AN ATTESTATION AS TO
10 WHETHER THE APPLICANT, WITHIN THE PRIOR FIVE YEARS, HAS BEEN
11 CONVICTED OF OR HAS ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE
12 TO:

13 (I) A FELONY;

14 (II) AN OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
15 BEEN FOUND BY THE COURT TO INVOLVE UNLAWFUL SEXUAL BEHAVIOR,
16 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), OR
17 STALKING, AS DEFINED IN SECTION 18-3-602; OR

18 (III) VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION
19 18-6-803.5.

20 (b) IN CONSIDERING AN APPLICANT'S CRIMINAL HISTORY, THE
21 DIRECTOR IS GOVERNED BY SECTIONS 12-20-202 (5) AND 24-5-101.

22 (3) LICENSES ISSUED PURSUANT TO THIS ARTICLE 165 ARE SUBJECT
23 TO THE PROVISIONS IN SECTION 12-20-102 (1) AND (2) CONCERNING
24 RENEWAL, EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEES. AN
25 INDIVIDUAL WHOSE LICENSE EXPIRES AND WHO CONTINUES TO DO
26 BUSINESS AS A RADON MEASUREMENT PROFESSIONAL OR RADON
27 MITIGATION PROFESSIONAL IS SUBJECT TO THE PENALTIES PROVIDED IN

1 THIS ARTICLE 165 AND SECTION 12-20-202 (1).

2 **12-165-109. Insurance required.** (1) A LICENSEE SHALL NOT
3 ENGAGE IN RADON MEASUREMENT OR RADON MITIGATION ACTIVITIES, AS
4 APPLICABLE, UNLESS THE LICENSEE MAINTAINS PROFESSIONAL LIABILITY
5 INSURANCE THAT:

6 (a) IS ISSUED BY AN INSURANCE COMPANY AUTHORIZED BY THE
7 DIVISION OF INSURANCE TO TRANSACT INSURANCE BUSINESS IN THIS
8 STATE;

9 (b) IS IN EFFECT AT ALL TIMES DURING THE LICENSE PERIOD;

10 (c) PROVIDES FOR GENERAL LIABILITY COVERAGE IN AN AMOUNT
11 OF AT LEAST:

12 (I) TWO HUNDRED FIFTY THOUSAND DOLLARS FOR RADON
13 MEASUREMENT PROFESSIONALS; AND

14 (II) FIVE HUNDRED THOUSAND DOLLARS FOR RADON MITIGATION
15 PROFESSIONALS; AND

16 (d) LISTS THE DIVISION OF INSURANCE AS A CERTIFICATE HOLDER.

17 **12-165-110. Duties of radon professionals - rules.** (1) A
18 LICENSED RADON MEASUREMENT PROFESSIONAL SHALL:

19 (a) CONDUCT ALL RADON MEASUREMENTS IN ACCORDANCE WITH
20 THE APPLICABLE ANSI/AARST RADON MEASUREMENT STANDARD OR
21 OTHER APPLICABLE NATIONAL CONSENSUS RADON MEASUREMENT
22 STANDARD APPROVED BY THE DIRECTOR;

23 (b) MAINTAIN A QUALITY CONTROL PROGRAM PLAN IN
24 ACCORDANCE WITH THE APPLICABLE ANSI/AARST STANDARD;

25 (c) ENSURE ALL RADON MEASUREMENTS ARE CONDUCTED BY, OR
26 UNDER THE DIRECT SUPERVISION OF, A LICENSED RADON MEASUREMENT
27 PROFESSIONAL;

1 (d) USE AND SELL ONLY RADON MEASUREMENT DEVICES
2 APPROVED BY THE PROFICIENCY PROGRAM THAT CERTIFIED THE LICENSEE;
3 AND

4 (e) PROCURE ALL LABORATORY ANALYSIS THROUGH A RADON
5 LABORATORY THAT IS APPROVED BY A PROFICIENCY PROGRAM.

6 (2) A LICENSED RADON MITIGATION PROFESSIONAL SHALL:

7 (a) CONDUCT ALL RADON MITIGATION IN ACCORDANCE WITH THE
8 APPLICABLE ANSI/AARST RADON MITIGATION STANDARD OR OTHER
9 APPLICABLE NATIONAL CONSENSUS RADON MITIGATION STANDARD
10 APPROVED BY THE DIRECTOR;

11 (b) MAINTAIN A QUALITY CONTROL PROGRAM PLAN IN
12 ACCORDANCE WITH THE APPLICABLE ANSI/AARST STANDARD;

13 (c) ENSURE ALL RADON MITIGATION IS CONDUCTED BY, OR UNDER
14 THE DIRECT SUPERVISION OF, A LICENSED RADON MITIGATION
15 PROFESSIONAL; AND

16 (d) MODIFY AND REPAIR ALL RADON MITIGATION SYSTEMS IN
17 ACCORDANCE WITH THE APPLICABLE ANSI/AARST RADON MITIGATION
18 STANDARD.

19 **12-165-111. Disciplinary actions - grounds for discipline -**
20 **rules - letters of admonition - cease-and-desist orders.** (1) THE
21 DIRECTOR MAY TAKE DISCIPLINARY ACTION OR OTHER ACTION AS
22 AUTHORIZED IN THIS SECTION AND SECTION 12-20-404 AGAINST AN
23 APPLICANT OR LICENSEE IF THE APPLICANT OR LICENSEE:

24 (a) VIOLATES AN ORDER OF THE DIRECTOR, A PROVISION OF THIS
25 ARTICLE 165, AN APPLICABLE PROVISION OF ARTICLE 20 OF THIS TITLE 12,
26 OR A RULE ADOPTED UNDER THIS ARTICLE 165;

27 (b) USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING

1 FOR OR ATTEMPTING TO APPLY FOR A LICENSE;

2 (c) WITHIN THE PRECEDING FIVE YEARS, WAS CONVICTED OF OR
3 HAS ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO A FELONY; TO
4 AN OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND
5 BY THE COURT TO INVOLVE UNLAWFUL SEXUAL BEHAVIOR, DOMESTIC
6 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), OR STALKING, AS
7 DEFINED IN SECTION 18-3-602; OR TO VIOLATION OF A PROTECTION ORDER,
8 AS DEFINED IN SECTION 18-6-803.5. IN CONSIDERING AN APPLICANT'S
9 CRIMINAL HISTORY, THE DIRECTOR IS GOVERNED BY SECTIONS 12-20-202
10 (5) AND 24-5-101.

11 (d) HAS FAILED TO REPORT TO THE DIRECTOR THE CONVICTION OF,
12 OR PLEA TO, A CRIME SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION;

13 (e) ADVERTISES OR CLAIMS TO BE A RADON MEASUREMENT
14 PROFESSIONAL OR RADON MITIGATION PROFESSIONAL WITHOUT HOLDING
15 AN ACTIVE LICENSE;

16 (f) HAS BEEN SUBJECT TO DISCIPLINE RELATED TO THE PRACTICE
17 OF RADON MEASUREMENT OR RADON MITIGATION IN ANOTHER
18 JURISDICTION. EVIDENCE OF DISCIPLINARY ACTION IN ANOTHER
19 JURISDICTION IS PRIMA FACIE EVIDENCE FOR DENIAL OF A LICENSE OR
20 OTHER DISCIPLINARY ACTION IF THE VIOLATION WOULD BE GROUNDS FOR
21 DISCIPLINARY ACTION IN THIS STATE.

22 (g) COMMITS AN ACT OR OMISSION THAT FAILS TO MEET THE
23 APPLICABLE STANDARD FOR RADON MEASUREMENT OR RADON
24 MITIGATION;

25 (h) FAILS TO COMPLY WITH THE PROFESSIONAL LIABILITY
26 INSURANCE REQUIREMENTS SPECIFIED IN SECTION 12-165-109;

27 (i) HAS FAILED TO NOTIFY THE DIRECTOR OF A CIVIL JUDGMENT OR

1 SETTLEMENT THAT AROSE FROM THE LICENSEE'S WORK PERFORMANCE
2 WITHIN FOURTEEN DAYS AFTER THE CIVIL JUDGMENT OR SETTLEMENT;

3 (j) HAS ENGAGED IN FALSE OR MISLEADING ADVERTISING; OR

4 (k) FAILS TO PROVIDE DIRECT SUPERVISION OF AN UNLICENSED
5 PERSON PERFORMING RADON MEASUREMENT OR RADON MITIGATION.

6 (2) THE DIRECTOR MAY ADOPT RULES ESTABLISHING FINES THAT
7 THE DIRECTOR MAY IMPOSE ON A LICENSEE. THE RULES MUST INCLUDE A
8 GRADUATED FINE STRUCTURE, WITH A MAXIMUM ALLOWABLE FINE OF NOT
9 MORE THAN THREE THOUSAND DOLLARS PER VIOLATION.

10 (3) THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE
11 GROUNDS FOR DISCIPLINE WERE COMMITTED WILLFULLY, BUT THE
12 DIRECTOR MAY CONSIDER WHETHER THE ACTIONS WERE COMMITTED
13 WILLFULLY WHEN DETERMINING THE NATURE OF DISCIPLINARY SANCTIONS
14 TO IMPOSE.

15 (4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO
16 DISCIPLINE A LICENSEE WHEN THE DIRECTOR HAS REASONABLE GROUNDS
17 TO BELIEVE THAT THE LICENSEE HAS COMMITTED AN ACT OR OMISSION
18 DESCRIBED IN THIS SECTION.

19 (b) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE DIRECTOR
20 MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY
21 DISCIPLINARY ACTION TAKEN AGAINST A LICENSEE IN ANOTHER
22 JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY
23 ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS FOR
24 DISCIPLINARY ACTION UNDER THIS ARTICLE 165.

25 (5) SECTION 12-20-403 GOVERNS DISCIPLINARY PROCEEDINGS,
26 INVESTIGATIONS, HEARINGS, AND THE GATHERING OF EVIDENCE IN ALL
27 MATTERS RELATED TO THE DIRECTOR'S EXERCISE AND PERFORMANCE OF

1 THE DIRECTOR'S POWERS AND DUTIES UNDER THIS ARTICLE 165.

2 (6) THE DIRECTOR MAY SEEK AN INJUNCTION IN ACCORDANCE
3 WITH SECTION 12-20-406 TO ENJOIN A PERSON FROM COMMITTING AN ACT
4 PROHIBITED BY THIS ARTICLE 165.

5 (7) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL
6 REVIEW IN ACCORDANCE WITH SECTION 12-20-408. THE DIRECTOR MAY
7 INSTITUTE A JUDICIAL PROCEEDING IN ACCORDANCE WITH SECTION
8 24-4-106 TO ENFORCE AN ORDER OF THE DIRECTOR.

9 (8) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
10 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A LICENSEE IS
11 ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH OR
12 SAFETY OF THE PUBLIC, OR IF AN INDIVIDUAL IS CONDUCTING RADON
13 MEASUREMENT OR RADON MITIGATION OR CLAIMING TO BE A RADON
14 MEASUREMENT PROFESSIONAL OR RADON MITIGATION PROFESSIONAL
15 WITHOUT HAVING OBTAINED A LICENSE, THE DIRECTOR MAY ISSUE AN
16 ORDER TO CEASE AND DESIST THE ACTIVITY IN ACCORDANCE WITH THE
17 PROCEDURES SPECIFIED IN SECTION 12-20-405.

18 (9) THE DIRECTOR MAY ISSUE A LETTER OF ADMONITION TO A
19 LICENSEE UNDER THE CIRCUMSTANCES SPECIFIED IN AND IN ACCORDANCE
20 WITH SECTION 12-20-404 (4).

21 (10) THE DIRECTOR MAY SEND A CONFIDENTIAL LETTER OF
22 CONCERN TO A LICENSEE UNDER THE CIRCUMSTANCES DESCRIBED IN
23 SECTION 12-20-404 (5).

24 **12-165-112. Director's authority to examine, inspect, and test.**

25 (1) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE MAY INSPECT RADON
26 MEASUREMENT LOCATIONS AND RADON MITIGATION SYSTEM
27 INSTALLATIONS TO ENSURE THAT RADON MEASUREMENT AND RADON

1 MITIGATION ARE CONDUCTED IN ACCORDANCE WITH THIS ARTICLE 165.

2 (2) IN RESPONSE TO A COMPLAINT OR OTHER KNOWLEDGE, AND
3 WITH THE CONSENT OF THE OWNER AND OCCUPANT OF A PREMISES, THE
4 DIRECTOR OR THE DIRECTOR'S DESIGNEE MAY ENTER THE PREMISES AT A
5 REASONABLE TIME TO INSPECT THE PREMISES, QUESTION ALL PERSONS
6 WHO ARE PRESENT, AND REQUIRE THE PRODUCTION OF RADON MITIGATION
7 SYSTEM PLANS, SKETCHES, DIAGNOSTIC INFORMATION, AND OTHER
8 EVIDENCE.

9 (3) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE MAY INSPECT AND
10 TEST ANY EQUIPMENT USED FOR RADON MEASUREMENT OR RADON
11 MITIGATION.

12 (4) IT IS UNLAWFUL TO INTERFERE WITH AN INSPECTION
13 CONDUCTED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

14 **12-165-113. Repeal of article - review of functions.** THIS
15 ARTICLE 165 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027. BEFORE THE
16 REPEAL, THIS ARTICLE 165 IS SCHEDULED FOR REVIEW IN ACCORDANCE
17 WITH SECTION 24-34-104.

18 

19 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**
20 (28)(a)(V) as follows:

21 **24-34-104. General assembly review of regulatory agencies**
22 **and functions for repeal, continuation, or reestablishment - legislative**
23 **declaration - repeal.** (28) (a) The following agencies, functions, or both,
24 are scheduled for repeal on September 1, 2027:

25 (V) THE REGULATION OF RADON PROFESSIONALS LICENSED IN
26 ACCORDANCE WITH ARTICLE 165 OF TITLE 12.

27 **SECTION 3.** In Colorado Revised Statutes, 12-20-404, **add**

1 (3)(a)(II)(C.5) as follows:

2 **12-20-404. Disciplinary actions - regulator powers -**
3 **disposition of fines. (3) Waiting period after revocation or surrender.**

4 (a) (II) In addition, the waiting period specified in subsection (3)(a)(I) of
5 this section applies when a person regulated under any of the following
6 articles surrenders a license, certification, or registration to avoid
7 discipline:

8 (C.5) ARTICLE 165 OF THIS TITLE 12 CONCERNING RADON
9 PROFESSIONALS;

10 **SECTION 4.** In Colorado Revised Statutes, 12-20-407, **amend**
11 (1)(b)(V) and (1)(b)(VI); and **add** (1)(b)(VII) as follows:

12 **12-20-407. Unauthorized practice of profession or occupation**
13 **- penalties - exclusions.** (1) (b) A person commits a class 2 misdemeanor
14 and shall be punished as provided in section 18-1.3-501 for the first
15 offense and, for the second or any subsequent offense, commits a class 1
16 misdemeanor and shall be punished as provided in section 18-1.3-501, if
17 the person engages in any of the following activities:

18 (V) Practices or offers or attempts to practice speech-language
19 pathology without an active certification issued under article 305 of this
20 title 12; ~~or~~

21 (VI) Performs the duties of a surgical assistant or surgical
22 technologist without being registered under article 310 of this title 12; OR

23 (VII) CONDUCTS RADON MEASUREMENT OR RADON MITIGATION,
24 CLAIMS TO BE A RADON MEASUREMENT PROFESSIONAL OR RADON
25 MITIGATION PROFESSIONAL, OR USES THE TITLE "RADON MEASUREMENT
26 PROFESSIONAL" OR "RADON MITIGATION PROFESSIONAL" OR ANY OTHER
27 TITLE SUGGESTING THAT THE INDIVIDUAL IS QUALIFIED TO PERFORM

1 RADON MEASUREMENT OR RADON MITIGATION WITHOUT AN ACTIVE
2 LICENSE ISSUED UNDER ARTICLE 165 OF THIS TITLE 12.

3 **SECTION 5. Appropriation.** (1) For the 2021-22 state fiscal
4 year, \$63,134 is appropriated to the department of regulatory agencies.
5 This appropriation is from the division of professions and occupations
6 cash fund created in section 12-20-105 (3), C.R.S. To implement this act,
7 the department may use this appropriation as follows:

8 (a) \$40,308 for use by the division of professions and occupations
9 for personal services, which amount is based on an assumption that the
10 division will require an additional 0.5 FTE;

11 (b) \$6,875 for use by the division of professions and occupations
12 for operating expenses; and

13 (c) \$15,951 for the purchase of legal services.

14 (2) For the 2021-22 state fiscal year, \$15,951 is appropriated to
15 the department of law. This appropriation is from reappropriated funds
16 received from the department of regulatory agencies under subsection
17 (1)(c) of this section and is based on an assumption that the department
18 of law will require an additional 0.1 FTE. To implement this act, the
19 department of law may use this appropriation to provide legal services for
20 the department of regulatory agencies.

21 **SECTION 6. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

1 November 2022 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.
3