



STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for an EMERGENCY RULE

Office of Radon Professionals

On June 30, 2021, Governor Jared Polis signed Colorado House Bill 21-1195 (*Concerning the regulation of radon professionals, and, in connection therewith, requiring licensure to practice as a radon measurement professional or radon mitigation professional*). This bill takes effect on July 1, 2022, requiring radon measurement and radon mitigation professionals to become licensed, and grants the Director of the Division of Professions and Occupations' regulatory authority.

BASIS

The basis for these rules are to carry out the provisions of Colorado House Bill 21-1195, and the Radon Measurement and Mitigation Licensing Act at section 12-165-101, *et seq.*, C.R.S.

PURPOSE

The attached emergency rules are promulgated to implement Colorado House Bill 21-1195 in compliance with the bill's effective date.

JUSTIFICATION

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 specific statutory authorities that authorize this emergency rulemaking are pursuant to sections 12-20-204(1), 12-165-105(1), and 24-4-103(6)(a), C.R.S. The adoption of these rules on an emergency basis is imperatively necessary to comply with the requirements and effective date of state law. Therefore, I hereby adopt these rules as printed and amended, and incorporate by reference the statements of basis, purpose, and statutory authority, pursuant to section 24-4-103(4)(c), C.R.S. These temporary/emergency rules take effect on July 1, 2022, and remain in effect for no more than 120 days after adoption of these temporary/emergency rules.

Dated this 28th day of June 2022.



Karen McGovern, Deputy Division Director of Legal Affairs for *
Ronne Hines, Director
Division of Professions and Occupations

*Pursuant to delegated authority