

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

SB25-146 be amended as follows:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, 12-20-202, **amend**
4 **(5)** as follows:

5 **12-20-202. Licenses, certifications, and registrations - renewal**
6 **- reinstatement - fees - occupational credential portability program**
7 **- exceptions for military personnel, spouses, gold star military**
8 **spouses, and dependents - rules - consideration of criminal**
9 **convictions or driver's history - executive director authority -**
10 **definitions.** (5) **Criminal convictions.** (a) Unless there is a specific
11 statutory disqualification that prohibits an applicant from obtaining
12 licensure, certification, or registration based on a criminal conviction, if
13 a regulator determines that an applicant for licensure, certification, or
14 registration has a criminal record, the regulator is governed by sections
15 12-20-206 and 24-5-101 for purposes of granting or denying, or placing
16 any conditions on, licensure, certification, or registration.

17 (b) A REGULATOR MAY REQUIRE AN APPLICANT FOR A LICENSE,
18 CERTIFICATION, OR REGISTRATION ISSUED PURSUANT TO THE FOLLOWING
19 SECTIONS TO SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY
20 RECORD CHECK:

21 (I) A FUNERAL DIRECTOR LICENSED PURSUANT TO PARTS 5 AND 6
22 OF ARTICLE 135 OF THIS TITLE 12;

23 (II) A MORTUARY SCIENCE PRACTITIONER LICENSED PURSUANT TO
24 PARTS 5 AND 7 OF ARTICLE 135 OF THIS TITLE 12;

25 (III) AN EMBALMER LICENSED PURSUANT TO PARTS 5 AND 8 OF
26 ARTICLE 135 OF THIS TITLE 12;

27 (IV) A CREMATIONIST LICENSED PURSUANT TO PARTS 5 AND 9 OF
28 ARTICLE 135 OF THIS TITLE 12;

29 (V) A NATURAL REDUCTIONIST LICENSED PURSUANT TO PARTS 5
30 AND 9 OF ARTICLE 135 OF THIS TITLE 12;

31 (VI) AN AUDIOLOGIST LICENSED PURSUANT TO ARTICLE 210 OF
32 THIS TITLE 12;

33 (VII) A DENTAL HYGIENIST LICENSED PURSUANT TO SECTIONS
34 12-220-405 TO 12-220-407;

35 (VIII) A DENTIST LICENSED PURSUANT TO SECTIONS 12-220-401
36 TO 12-220-404;

37 (IX) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION
38 12-240-113;

39 (X) A SOCIAL WORKER LICENSED PURSUANT TO PART 4 OF ARTICLE
40 245 OF THIS TITLE 12;

(XI) A LICENSED PROFESSIONAL COUNSELOR LICENSED PURSUANT
TO PART 6 OF ARTICLE 245 OF THIS TITLE 12;

3 (XII) A CERTIFIED MIDWIFE LICENSED PURSUANT TO SECTION
4 12-255-111.5;

5 (XIII) AN OCCUPATIONAL THERAPIST LICENSED PURSUANT TO
6 SECTIONS 12-270-106 (1) AND 12-270-107;

7 (XIV) AN OCCUPATIONAL THERAPY ASSISTANT LICENSED
8 PURSUANT TO SECTIONS 12-270-106 (2) AND 12-270-108; OR

9 (XV) A SPEECH-LANGUAGE PATHOLOGIST CERTIFIED PURSUANT TO
10 ARTICLE 305 OF THIS TITLE 12.

11 (c) AN APPLICANT SUBMITTING TO A FINGERPRINT-BASED
12 CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (5)(b) OF
13 THIS SECTION MUST PAY THE COSTS ASSOCIATED WITH THE
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

15 (d) AFTER SUBMITTING AN APPLICATION FOR A LICENSE,
16 CERTIFICATION, OR REGISTRATION, IF THE APPLICANT SUBMITS TO A
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE APPLICANT
18 SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW
19 ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE COLORADO
20 BUREAU OF INVESTIGATION. THE APPLICANT SHALL AUTHORIZE THE
21 ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE
22 ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S
23 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
24 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
25 RECORD CHECK.

26 (e) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S
27 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
28 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
29 EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE APPLICANT'S
30 INFORMATION FOR MORE THAN THIRTY DAYS AFTER THE INFORMATION IS
31 COLLECTED.

32 (f) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
33 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
34 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
35 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
36 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
37 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
38 BUREAU OF INVESTIGATION, THE APPLICANT, THE DEPARTMENT, AND THE
39 ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU
40 OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
41 RECORD CHECK.

42 (g) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
43 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE

1 DEPARTMENT, AND THE DEPARTMENT IS AUTHORIZED TO RECEIVE THE
2 RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY
3 RECORD CHECK. THE DEPARTMENT SHALL USE THE INFORMATION
4 RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS TO
5 INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO
6 HOLD A LICENSE, CERTIFICATION, OR REGISTRATION PURSUANT TO THIS
7 SECTION AND THE FOLLOWING SECTION FOR THE FOLLOWING APPLICANT
8 OR LICENSEE:

9 (I) SECTION 12-135-503 FOR A CREMATIONIST, AN EMBALMER, A
10 FUNERAL DIRECTOR, A MORTUARY SCIENCE PRACTITIONER, OR A NATURAL
11 REDUCTIONIST;

12 (II) SECTION 12-210-108 FOR AN AUDIOLOGIST;

13 (III) SECTION 12-220-201 FOR A DENTIST OR A DENTAL HYGIENIST;

14 (IV) SECTION 12-240-121 FOR A PHYSICIAN ASSISTANT;

15 (V) SECTION 12-245-224 FOR A LICENSED PROFESSIONAL
16 COUNSELOR OR A SOCIAL WORKER;

17 (VI) SECTION 12-255-120 FOR A CERTIFIED MIDWIFE;

18 (VII) SECTION 12-270-114 FOR AN OCCUPATIONAL THERAPIST OR
19 AN OCCUPATIONAL THERAPY ASSISTANT; OR

20 (VIII) SECTION 12-305-112 FOR A SPEECH-LANGUAGE
21 PATHOLOGIST.

22 (h) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK
23 OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A
24 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL
25 REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD
26 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING
27 STATE JUDICIAL DEPARTMENT RECORDS.

28 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-424.5
29 as follows:

30 **24-33.5-424.5. Fingerprint-based criminal history record
31 checks - local government entities - state agencies - definitions.**

32 (1) (a) A LOCAL GOVERNMENT ENTITY THAT REQUIRES BY RULE,
33 ORDINANCE, OR REGULATION THAT AN APPLICANT OR LICENSEE SUBMIT TO
34 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK SHALL SUBMIT
35 THE APPLICANT'S OR LICENSEE'S FINGERPRINTS TO THE COLORADO BUREAU
36 OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING THE
37 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

38 (b) THE APPLICANT, LICENSEE, OR LOCAL GOVERNMENT ENTITY, AS
39 REQUIRED BY RULE, ORDINANCE, OR REGULATION, MUST PAY THE COSTS
40 ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
41 CHECK.

42 (c) AFTER SUBMITTING AN APPLICATION THAT REQUIRES A
43 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE APPLICANT

1 OR LICENSEE SHALL HAVE THE APPLICANT'S OR LICENSEE'S FINGERPRINTS
2 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR A THIRD PARTY
3 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE
4 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
5 CHECK. THE APPLICANT OR LICENSEE SHALL AUTHORIZE THE ENTITY
6 TAKING THE APPLICANT'S OR LICENSEE'S FINGERPRINTS TO SUBMIT, AND
7 THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S OR
8 LICENSEE'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION
9 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
10 HISTORY RECORD CHECK.

11 (d) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S OR
12 LICENSEE'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY
13 CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED
14 LIVESCAN EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE
15 APPLICANT'S OR LICENSEE'S INFORMATION FOR MORE THAN THIRTY DAYS
16 AFTER THE INFORMATION IS COLLECTED.

17 (e) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
18 APPLICANT'S OR LICENSEE'S FINGERPRINTS TO CONDUCT A CRIMINAL
19 HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE COLORADO
20 BUREAU OF INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO
21 THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF
22 CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
23 THE COLORADO BUREAU OF INVESTIGATION, APPLICANT, LICENSEE, LOCAL
24 GOVERNMENT ENTITY, AND ENTITY TAKING FINGERPRINTS SHALL COMPLY
25 WITH THE FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS TO
26 CONDUCT A CRIMINAL HISTORY RECORD CHECK.

27 (f) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE
28 RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE LOCAL
29 GOVERNMENT ENTITY, AND THE LOCAL GOVERNMENT ENTITY IS
30 AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF
31 INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE LOCAL
32 GOVERNMENT ENTITY SHALL USE THE INFORMATION RESULTING FROM THE
33 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE
34 WHETHER AN APPLICANT OR LICENSEE IS QUALIFIED.

35 (g) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
36 HISTORY RECORD CHECK OF AN APPLICANT OR LICENSEE PERFORMED
37 PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A
38 DISPOSITION, THE LOCAL GOVERNMENT ENTITY SHALL REQUIRE THE
39 APPLICANT OR LICENSEE TO SUBMIT TO A NAME-BASED JUDICIAL RECORD
40 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING
41 STATE JUDICIAL DEPARTMENT RECORDS.

42 (2) AS USED IN THIS SECTION:

43 (a) "APPLICANT" MEANS AN INDIVIDUAL WHO A LOCAL

1 GOVERNMENT ENTITY REQUIRES BY RULE, ORDINANCE, OR REGULATION TO
2 SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS
3 PART OF AN APPLICATION FOR A LICENSE, CERTIFICATE, CERTIFICATION,
4 LETTER OF AUTHORIZATION, OR REGISTRATION.

5 (b) "LICENSEE" MEANS AN INDIVIDUAL WHO A LOCAL
6 GOVERNMENT ENTITY REQUIRES BY RULE, ORDINANCE, OR REGULATION TO
7 SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN
8 CONNECTION WITH A LICENSE, CERTIFICATE, CERTIFICATION, LETTER OF
9 AUTHORIZATION, OR REGISTRATION.

10 (c) "LOCAL GOVERNMENT ENTITY" INCLUDES A COUNTY,
11 MUNICIPALITY, AND CITY AND COUNTY.

12 **SECTION 3.** In Colorado Revised Statutes, 12-135-502, **add (7)**
13 as follows:

14 **12-135-502. Criminal history record checks - definition.**

15 (7) AS USED IN THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF THE
16 DIVISION OR THE DIRECTOR'S DESIGNEE. THE DIRECTOR'S DESIGNEE MUST
17 BE AN EMPLOYEE OF THE DIVISION.

18 **SECTION 4.** In Colorado Revised Statutes, 12-255-111.5, **add**
19 (6) as follows:

20 **12-255-111.5. Requirements for certified midwife licensure -**
21 **license by endorsement - questionnaire - fees - definition.** (6) AS USED
22 IN THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR
23 THE DIRECTOR'S DESIGNEE. THE DIRECTOR'S DESIGNEE MUST BE AN
24 EMPLOYEE OF THE DIVISION.

25 **SECTION 5.** In Colorado Revised Statutes, 26-6-705, **amend**
26 (2)(a)(I) as follows:

27 **26-6-705. Approval of temporary caregiver - background**
28 **check - training.** (2) (a) A child placement agency operating a temporary
29 care assistance program shall require an applicant to become an approved
30 temporary caregiver and any other person who resides in the applicant's
31 home and is eighteen years of age or older to submit to the following
32 background checks:

33 (I) A fingerprint-based criminal history record check through the
34 Colorado bureau of investigation and the federal bureau of investigation
35 in the same manner as described in section 26-6-912 (1)(a)(I)(B). THE
36 COLORADO BUREAU OF INVESTIGATION SHALL SEND RECORDS OBTAINED
37 AS A RESULT OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
38 ONLY TO THE STATE DEPARTMENT, AND THE USE AND HANDLING OF THE
39 INFORMATION MUST COMPLY WITH THE FEDERAL CRIMINAL JUSTICE
40 INFORMATION SERVICES SECURITY POLICY. INFORMATION REGARDING THE
41 RESULT OF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
42 RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION AND RELEASED
43 TO A FACILITY OR AGENCY MUST DISCLOSE ONLY WHETHER THE APPLICANT

1 IS ELIGIBLE OR INELIGIBLE OR THAT THE INVESTIGATION IS INCONCLUSIVE,
2 WITH A FURTHER REQUEST FOR THE APPLICANT TO CONTACT THE STATE
3 DEPARTMENT TO PROVIDE FURTHER INFORMATION TO DETERMINE FINAL
4 ELIGIBILITY STATUS.

5 **SECTION 6.** In Colorado Revised Statutes, 30-15-401.4, **amend**
6 (2)(a.5), (3.5), and (4)(c.5) as follows:

7 **30-15-401.4. Statewide policy to prevent the operation of illicit**
8 **massage businesses - local regulation authorized - background checks**
9 **required - legislative declaration - definitions.** (2) As used in this
10 section, unless the context otherwise requires:

11 (a.5) "Background check" means a fingerprint-based criminal
12 history record check conducted in accordance with subsection (4)(c.5) of
13 this section and SECTION 24-33.5-424.5. "BACKGROUND CHECK" also
14 includes, to the extent allowed or required, as applicable, by ~~subsection~~
15 ~~(4)(c.5)(VI) of this section~~ SECTION 24-33.5-424.5 (1)(g) when a
16 fingerprint-based criminal history record check cannot be completed or
17 reveals a record of arrest without disposition, a criminal history record
18 check using the Colorado bureau of investigation's records and a
19 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),
20 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

21 (3.5) Except as otherwise provided in subsection (3)(c) of this
22 section, a local government shall establish a process, which ~~may~~ MUST be
23 established by ~~resolution or ordinance or otherwise~~ RULE, ORDINANCE, OR
24 REGULATION, MUST MEET THE CRITERIA ESTABLISHED BY THE FEDERAL
25 BUREAU OF INVESTIGATION IN IMPLEMENTING 34 U.S.C. SEC. 41101, and
26 MUST BE PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5, to
27 require that, as a condition for a person remaining as or becoming an
28 operator, owner, or employee:

29 (a) ~~A person who is~~ An operator, owner, or employee on the
30 effective date of the resolution or ordinance submit to a background
31 check PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 on or
32 before the earlier of ~~October 1, 2025~~ JULY 1, 2026, or any other date
33 specified by a local government in its process;

34 (b) A prospective employee submit to a background check
35 PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 before
36 commencing employment with a massage facility; and

37 (c) A prospective operator or owner submit to a background check
38 PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 at least thirty
39 days before, as applicable, being granted a license to operate a massage
40 facility or assuming an ownership interest in a massage facility that would
41 make the prospective owner an owner.

42 (4) (c.5) (I) An applicant who holds a license or is applying for a
43 license, an owner or prospective owner, or an employee or prospective

1 employee shall submit to a fingerprint-based criminal history record
2 check AS REQUIRED BY A LOCAL GOVERNMENT'S RULE, ORDINANCE, OR
3 REGULATION AND PERFORMED IN ACCORDANCE WITH SECTION
4 24-33.5-424.5. The applicant, owner or prospective owner, or employee
5 or prospective employee shall pay the costs associated with the
6 fingerprint-based criminal history record check.

7 (II) ~~A person who is~~, As of the effective date of this subsection
8 (4)(c.5) AUGUST 7, 2024, an applicant who holds a license, an owner, or
9 an employee shall have the applicant's, owner's, or employee's
10 fingerprints taken by a local law enforcement agency or ~~any~~ A third party
11 approved by the Colorado bureau of investigation for the purpose of
12 obtaining a fingerprint-based criminal history record check AS REQUIRED
13 BY A LOCAL GOVERNMENT'S RULE, ORDINANCE, OR REGULATION AND
14 PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 no later than
15 October 1, 2025. An applicant for a new license, a prospective owner, or
16 a prospective employee shall have the applicant's fingerprints taken by a
17 local law enforcement agency or any third party approved by the
18 Colorado bureau of investigation for the purpose of obtaining a
19 fingerprint-based criminal history record check before, as applicable,
20 being granted a license, assuming an ownership interest in a massage
21 facility that would make the prospective owner an owner, or commencing
22 employment with a massage facility. The applicant, owner or prospective
23 owner, or employee or prospective employee shall authorize the entity
24 taking the applicant's fingerprints to submit, and the entity shall submit,
25 the complete set of the applicant's fingerprints to the Colorado bureau of
26 investigation for the purpose of conducting a fingerprint-based criminal
27 history record check JULY 1, 2026.

28 (III) ~~If an approved third party takes the applicant's, owner's or~~
29 ~~prospective owner's, or employee's or prospective employee's fingerprints,~~
30 ~~the fingerprints may be electronically captured using Colorado bureau of~~
31 ~~investigation-approved live scan equipment. Third-party vendors shall not~~
32 ~~keep the applicant's, owner's or prospective owner's, or employee's or~~
33 ~~prospective employee's information for more than thirty days.~~

34 (IV) ~~The Colorado bureau of investigation shall use the~~
35 ~~applicant's, owner's or prospective owner's, or employee's or prospective~~
36 ~~employee's fingerprints to conduct a criminal history record check using~~
37 ~~the bureau's records. The Colorado bureau of investigation shall also~~
38 ~~forward the fingerprints to the federal bureau of investigation for the~~
39 ~~purpose of conducting a national fingerprint-based criminal history record~~
40 ~~check. The Colorado bureau of investigation; the applicant, owner or~~
41 ~~prospective owner, or employee or prospective employee; the licensing~~
42 ~~authority; and the entity taking fingerprints shall comply with the federal~~
43 ~~bureau of investigation's requirements to conduct a fingerprint-based~~

1 criminal history record check.

2 (V) The Colorado bureau of investigation shall return the results
3 of its criminal history record check to the licensing authority, and the
4 licensing authority is authorized to receive the results of the federal
5 bureau of investigation's criminal history record check. The licensing
6 authority shall use the information resulting from the criminal history
7 record checks to investigate and determine whether an applicant is
8 qualified to hold a license or be an owner or employee pursuant to this
9 section.

10 (VI) When the results of a fingerprint-based criminal history
11 record check of an applicant performed pursuant to this section reveal a
12 record of arrest without a disposition, the local licensing authority shall
13 require the applicant to submit to a name-based judicial record check, as
14 defined in section 22-2-119.3 (6)(d).

15 **SECTION 7.** In Colorado Revised Statutes, 25-3.5-203, **amend**
16 (4)(a) and (4)(g) as follows:

17 **25-3.5-203. Emergency medical service providers - licensure**
18 **- renewal of license - duties of department - rules - record checks -**
19 **definitions.** (4) (a) The department shall require a certification or
20 licensure applicant to submit to a federal bureau of investigation
21 fingerprint-based national criminal history record check from the
22 Colorado bureau of investigation to investigate the applicant for an
23 emergency medical service provider certificate or license. The department
24 may acquire a name-based judicial record check for a certificate or license
25 applicant, PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

26 (g) When the results of a fingerprint-based criminal history record
27 check of a person AN INDIVIDUAL performed pursuant to this subsection
28 (4) reveal a record of arrest without a disposition, the department
29 government entity, or private, not-for-profit, or for-profit organization
30 that required the fingerprint-based criminal history record check shall
31 require that person INDIVIDUAL to submit to a name-based judicial record
32 check, as defined in section 22-2-119.3 (6)(d), PERFORMED USING STATE
33 JUDICIAL DEPARTMENT RECORDS.

34 **SECTION 8.** In Colorado Revised Statutes, 25-3.5-317, **add**
35 (3)(a)(III) and (7) as follows:

36 **25-3.5-317. License - application - inspection - criminal history**
37 **record check - issuance - investigation - definitions.** (3) (a) (III) WHEN
38 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
39 OF AN INDIVIDUAL PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL
40 A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL
41 REQUIRE THAT INDIVIDUAL TO SUBMIT TO A NAME-BASED JUDICIAL
42 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED
43 USING STATE JUDICIAL DEPARTMENT RECORDS.

(7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "OPERATOR" MEANS AN INDIVIDUAL DESIGNATED BY AN AMBULANCE SERVICE AS RESPONSIBLE FOR THE DAY-TO-DAY OPERATIONS OF THE AMBULANCE SERVICE.

(b) "OWNER" MEANS AN OFFICER, DIRECTOR, GENERAL PARTNER, LIMITED PARTNER, OR OTHER INDIVIDUAL WITH A FINANCIAL OR EQUITY OWNERSHIP INTEREST OF FIFTY PERCENT OR MORE OF AN AMBULANCE SERVICE.

10 **SECTION 9.** In Colorado Revised Statutes, 25-3.5-1305, amend
11 (3)(a)(III) and (3)(a)(IV) as follows:

25-3.5-1305. License - application - inspection - record check

13 - **issuance.** (3) (a) (III) The department may acquire a name-based
14 judicial record check, **PERFORMED USING STATE JUDICIAL DEPARTMENT**
15 **RECORDS**, for an owner, manager, or administrator.

16 (IV) When the results of a fingerprint-based criminal history
17 record check of a person AN INDIVIDUAL performed pursuant to this
18 subsection (3) reveal a record of arrest without a disposition, the
19 department shall require that person INDIVIDUAL to submit to a
20 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),
21 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

22 **SECTION 10.** In Colorado Revised Statutes, 25-27-105, amend
23 (2.5)(a), (2.5)(a.5), and (2.5)(a.7); and **add** (5) as follows:

25-27-105. License - application - inspection - issuance -

definitions. (2.5) (a) On July 1, 2002, as part of an original application and on and after July 1, 2002, on the first renewal of an application for assisted living residences licensed before July 1, 2002, for a license, an owner, applicant, or licensee shall request from a criminal justice agency designated by the department criminal history record information regarding such owner, applicant, or licensee. The information, upon such request and subject to any restrictions imposed by such agency, shall be forwarded by the criminal justice agency directly to the department WHEN SUBMITTING AN APPLICATION FOR A LICENSE PURSUANT TO THIS SECTION, OR WITHIN TEN DAYS AFTER A CHANGE IN OWNERSHIP OR A CHANGE IN THE LICENSEE, EACH OWNER, APPLICANT, OR LICENSEE SHALL SUBMIT A COMPLETE SET OF THE OWNER'S, APPLICANT'S, OR LICENSEE'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS

1 TO THE DEPARTMENT.

2 (a.5) ~~On and after July 1, 2002, the department may require that~~
3 ~~an administrator request from a criminal justice agency designated by the~~
4 ~~department a criminal history record on such administrator. The~~
5 ~~information, upon such request and subject to any restrictions imposed by~~
6 ~~such agency, shall be forwarded by the criminal justice agency directly to~~
7 ~~the department~~ THE DEPARTMENT MAY REQUIRE THAT AN ADMINISTRATOR
8 SUBMIT A COMPLETE SET OF THE ADMINISTRATOR'S FINGERPRINTS TO THE
9 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
10 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
11 COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
12 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
13 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
14 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
15 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS TO
16 THE DEPARTMENT.

17 (a.7) When the results of a fingerprint-based criminal history
18 record check of an applicant performed pursuant to this section reveal a
19 record of arrest without a disposition, the department shall require that
20 applicant to submit to a name-based judicial record check, as defined in
21 section 22-2-119.3 (6)(d), PERFORMED USING STATE JUDICIAL
22 DEPARTMENT RECORDS.

23 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) "ADMINISTRATOR" MEANS AN INDIVIDUAL WHO CONTROLS AND
26 SUPERVISES OR ATTEMPTS TO CONTROL AND SUPERVISE THE DAY-TO-DAY
27 OPERATIONS OF AN ASSISTED LIVING RESIDENCE, INCLUDING AN
28 INDIVIDUAL CONSIDERED AN INTERIM ADMINISTRATOR FOR THE PURPOSES
29 OF SECTION 25-27-106 (4)(b).

30 (b) "APPLICANT" MEANS AN INDIVIDUAL WHO IS SEEKING A
31 LICENSE TO OPERATE AN ASSISTED LIVING RESIDENCE.

32 (c) (I) "OWNER" MEANS AN INDIVIDUAL WHO;

33 (A) IS A SOLE PROPRIETOR, A SHAREHOLDER IN A FOR-PROFIT OR
34 NONPROFIT CORPORATION, A PARTNER IN A PARTNERSHIP OR LIMITED
35 PARTNERSHIP, OR A MEMBER IN A LIMITED LIABILITY COMPANY; AND

36 (B) HAS A FINANCIAL OR EQUITY INTEREST OF FIFTY PERCENT OR
37 MORE IN THE ENTITY TO WHICH THE LICENSE TO OPERATE AN ASSISTED
38 LIVING RESIDENCE IS ISSUED.

39 (II) "OWNER" INCLUDES A LICENSEE.

40 SECTION 11. In Colorado Revised Statutes, 25-27.5-106,
41 amend (3)(a) and (3)(a.5) as follows:

42 **25-27.5-106. License or registration - application - inspection**
43 **- issuance - rules.** (3) (a) With the submission of an application for a

1 license or registration granted pursuant to this article 27.5, or within ten
2 days after a change in the owner, manager, or administrator, each owner
3 of a home care agency or home care placement agency and each manager
4 or administrator of a home care agency or home care placement agency
5 ~~must~~ SHALL submit a complete set of the ~~person's~~ INDIVIDUAL's
6 fingerprints to the Colorado bureau of investigation for the purpose of
7 conducting a state and national fingerprint-based criminal history record
8 check. ~~utilizing records of the Colorado bureau of investigation and the~~
9 ~~federal bureau of investigation~~ THE COLORADO BUREAU OF
10 INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL
11 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. Each owner and
13 each manager or administrator is responsible for paying the fee
14 established by the Colorado bureau of investigation for conducting the
15 fingerprint-based criminal history record check to the bureau. ~~Upon~~
16 ~~completion of the fingerprint-based criminal history record check, the~~
17 ~~bureau shall forward the results to the department.~~

18 (a.5) When the results of a fingerprint-based criminal history
19 record check of ~~a person~~ AN INDIVIDUAL performed pursuant to this
20 subsection (3) reveal a record of arrest without a disposition, the
21 department shall require that ~~person~~ INDIVIDUAL to submit to a
22 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),
23 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

24 **SECTION 12.** In Colorado Revised Statutes, 26-5.7-110, **amend**
25 (3)(f)(III); and **add** (1)(b.5) as follows:

26 **26-5.7-110. Host homes for youth - report - rules - definitions.**

27 (1) As used in this section, unless the context otherwise requires:

28 (b.5) "ORGANIZATION" MEANS A CHILD PLACEMENT AGENCY, A
29 COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR A
30 HOMELESS YOUTH SHELTER.

31 (3) To operate a host home program, an organization must:

32 (f) Maintain accurate and up-to-date records documenting the
33 following for each host home operating under the program:

34 (III) A copy of the ~~completed~~ DETERMINATION BY THE
35 DEPARTMENT OF HUMAN SERVICES AS TO WHETHER THE INDIVIDUAL
36 MEETS CRITERIA OR DOES NOT MEET CRITERIA FOR CERTIFICATION TO
37 OPERATE A HOST HOME IN RESPONSE TO THE FINGERPRINT-BASED criminal
38 history record check conducted pursuant to subsection (5) of this section
39 for the individual operating the host home and all other individuals
40 residing in the home who are eighteen years of age or older;

41 **SECTION 13.** In Colorado Revised Statutes, 44-30-1603, **amend**
42 (1) and (2); and **add** (1.5), (6.1), and (6.5) as follows:

43 **44-30-1603. Definitions.** As used in this part 16, unless the

1 context otherwise requires:

2 (1) "Confidential information" means information related to the
3 play of a fantasy contest by fantasy contest players obtained as a result of
4 or by virtue of a person's employment "APPLICANT" MEANS A PERSON
5 THAT HAS APPLIED FOR AN INITIAL LICENSE OR REGISTRATION OR A
6 RENEWAL LICENSE OR REGISTRATION TO OPERATE IN COLORADO AS A
7 FANTASY CONTEST OR A SMALL FANTASY CONTEST OPERATOR. AN
8 APPLICANT MUST BE THE INDIVIDUAL OR ENTITY THAT IS RESPONSIBLE FOR
9 THE FINANCIAL AND CONTRACTUAL OBLIGATIONS OF THE FANTASY
10 CONTEST PROVIDER.

11 (1.5) "CONFIDENTIAL INFORMATION" MEANS INFORMATION
12 RELATED TO THE PLAY OF A FANTASY CONTEST BY FANTASY CONTEST
13 PLAYERS OBTAINED AS A RESULT OF OR BY VIRTUE OF AN INDIVIDUAL'S
14 EMPLOYMENT.

15 (2) "Director" means the director of the division of gaming. ~~or the~~
16 ~~director's designee~~.

17 (6.1) "GENERAL PARTNER" MEANS AN INDIVIDUAL ENGAGED WITH
18 AT LEAST ONE OTHER INDIVIDUAL FOR THE PURPOSE OF JOINT PROFIT,
19 THEREBY CREATING A GENERAL PARTNERSHIP.

20 (6.5) "MANAGING OFFICER" MEANS AN INDIVIDUAL WHO MANAGES
21 THE DAY-TO-DAY OPERATIONS OF A FANTASY CONTEST AND IS
22 RESPONSIBLE FOR EXECUTING THE DECISIONS MADE BY THE BOARD OF
23 DIRECTORS OF THE FANTASY CONTEST, IF APPLICABLE.

24 **SECTION 14.** In Colorado Revised Statutes, 44-10-307, ~~amend~~
25 (4)(a) and (4)(c) as follows:

26 **44-10-307. Persons prohibited as licensees -**
27 **definition.** (4) (a) In investigating the qualifications of an applicant or a
28 licensee, the state ~~and local~~ licensing authorities AUTHORITY may have
29 access to criminal history record information furnished by a criminal
30 justice agency subject to any restrictions imposed by such agency. In the
31 event the state ~~or local~~ licensing authority considers the applicant's
32 criminal history record, the state ~~or local~~ licensing authority shall also
33 consider any information provided by the applicant regarding such
34 criminal history record, including but not limited to evidence of
35 rehabilitation, character references, and educational achievements,
36 especially those items pertaining to the period of time between the
37 applicant's last criminal conviction and the consideration of the
38 application for a state license.

39 (c) (I) At the time of filing an application for issuance or renewal
40 of a state medical marijuana business license, ~~or~~ A retail marijuana
41 business license, OR A REGULATED MARIJUANA LICENSE OR REGISTRATION,
42 INCLUDING AN OCCUPATIONAL LICENSE AND A LICENSE FOR A
43 CONTROLLING BENEFICIAL OWNER, AS DEFINED IN SECTION 44-10-103(13),

1 an applicant shall submit a set of his or her THEIR fingerprints and file
2 personal history information concerning the applicant's qualifications for
3 a state license on forms prepared by the state licensing authority.

4 (II) The state or local licensing authority or local jurisdiction shall
5 submit the APPLICANT's fingerprints to the Colorado bureau of
6 investigation for the purpose of conducting fingerprint-based criminal
7 history record checks. The Colorado bureau of investigation shall forward
8 SUBMIT the fingerprints to the federal bureau of investigation for the
9 purpose of conducting NATIONAL fingerprint-based criminal history
10 record checks.

11 (III) RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY
12 RECORD CHECK SUBMITTED TO THE FEDERAL BUREAU OF INVESTIGATION
13 IN ACCORDANCE WITH THIS SECTION SHALL BE SENT TO THE STATE
14 LICENSING AUTHORITY.

15 (IV) When the results of a fingerprint-based criminal history
16 record check reveal a record of arrest without a disposition, the state or
17 local licensing authority or local jurisdiction shall require an applicant or
18 a license holder to submit to a name-based judicial record check, as
19 defined in section 22-2-119.3 (6)(d). The state or local licensing authority
20 or local jurisdiction shall use the information resulting from the
21 fingerprint-based criminal history record check to investigate and
22 determine whether an applicant is qualified to hold a state or local license
23 pursuant to this article 10. The state or local licensing authority or local
24 jurisdiction may verify any of the information an applicant is required to
25 submit.

26 **SECTION 15.** In Colorado Revised Statutes, 44-20-118, amend
27 (2) as follows:

28 **44-20-118. Application - prelicensing education -**
29 **fingerprint-based criminal history record check - rules.**
30 (2) Application for distributor's, manufacturer representative's, or
31 manufacturer's, OR BUYER AGENT'S licenses shall MUST be made to the
32 executive director.

33 **SECTION 16.** In Colorado Revised Statutes, 44-20-118, amend
34 (8)(a) as follows:

35 **44-20-118. Application - prelicensing education -**
36 **fingerprint-based criminal history record check - rules.** (8) (a) With
37 the submission of an application for any A license issued under this part
38 1, each applicant shall submit a complete set of fingerprints to the
39 Colorado bureau of investigation or the auto industry division for the
40 purpose of conducting fingerprint-based criminal history record checks.
41 The Colorado bureau of investigation shall forward the fingerprints to the
42 federal bureau of investigation for the purpose of conducting
43 fingerprint-based criminal history record checks. The board or the

1 executive director AUTO INDUSTRY DIVISION shall use the information
2 resulting from the fingerprint-based criminal history record check to
3 investigate and determine whether an applicant. is qualified to be
4 licensed. The board or the executive director AUTO INDUSTRY DIVISION
5 may verify the information an applicant is required to submit. The
6 applicant shall MUST pay the costs associated with the fingerprint-based
7 criminal history record check to the Colorado bureau of investigation.

8 **SECTION 17.** In Colorado Revised Statutes, 44-20-417, **amend**
9 (8)(a) as follows:

10 **44-20-417. Application - fingerprint-based criminal history**
11 **record check - rules.** (8) (a) With the submission of an application for
12 any A license issued under this part 4, each applicant shall submit a
13 complete set of fingerprints to the Colorado bureau of investigation or the
14 auto industry division for the purpose of conducting fingerprint-based
15 criminal history record checks. The Colorado bureau of investigation
16 shall forward the fingerprints to the federal bureau of investigation for the
17 purpose of conducting fingerprint-based criminal history record checks.
18 The board or the executive director AUTO INDUSTRY DIVISION shall use the
19 information resulting from the fingerprint-based criminal history record
20 check to investigate and determine whether an applicant. is qualified to
21 be licensed. The board or the executive director AUTO INDUSTRY DIVISION
22 may verify the information an applicant is required to submit. The
23 applicant shall MUST pay the costs associated with the fingerprint-based
24 criminal history record check to the Colorado bureau of investigation.

25 **SECTION 18.** In Colorado Revised Statutes, 44-32-503, **amend**
26 (4)(a) as follows:

27 **44-32-503. Rules of commission - licensing - record check.**
28 (4) (a) With the submission of an application for a KEY OCCUPATIONAL
29 LICENSE OR A SUPPORT OCCUPATIONAL license granted pursuant to this
30 article 32, each applicant shall submit a set of fingerprints to the
31 commission. The commission shall forward SUBMIT the fingerprints to the
32 Colorado bureau of investigation for the purpose of conducting a state
33 and national fingerprint-based criminal history record check utilizing
34 records of the Colorado bureau of investigation and the federal bureau of
35 investigation. Only the actual costs of the record check must be borne by
36 the applicant. Nothing in this subsection (4) precludes the commission
37 from making further inquiries into the background of the applicant.

38 **SECTION 19.** In Colorado Revised Statutes, 44-32-102, **amend**
39 (1); and **add** (1.5), (13.3), (13.7), and (23.5) as follows:

40 **44-32-102. Definitions - rules.** As used in this article 32, unless
41 the context otherwise requires:

42 (1) "Breakage" means the odd cents by which the amount payable
43 on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten

1 cents "APPLICANT" MEANS AN INDIVIDUAL APPLYING FOR A LICENSE,
2 PERMIT, OR REGISTRATION OR THE RENEWAL OF A LICENSE, PERMIT, OR
3 REGISTRATION GRANTED BY THE DIVISION PURSUANT TO THIS ARTICLE 32.

4 (1.5) "BREAKAGE" MEANS THE ODD CENTS BY WHICH THE AMOUNT
5 PAYABLE ON EACH DOLLAR WAGERED IN A PARI-MUTUEL POOL EXCEEDS
6 A MULTIPLE OF TEN CENTS.

7 (13.3) "KEY OCCUPATIONAL LICENSE" MEANS A LICENSE ISSUED BY
8 THE DIVISION REQUIRED FOR AN INDIVIDUAL WHO EXERCISES SIGNIFICANT
9 INFLUENCE OVER DECISIONS AFFECTING A BUSINESS LICENSED WITH THE
10 COMMISSION PURSUANT TO SECTION 44-32-504.

11 (13.7) "LICENSE" MEANS A LICENSE GRANTED BY THE DIVISION
12 PURSUANT TO THIS ARTICLE 32.

13 (23.5) "SUPPORT OCCUPATIONAL LICENSE" MEANS A LICENSE
14 ISSUED BY THE DIVISION REQUIRED FOR AN INDIVIDUAL REGULATED BY
15 THE DIVISION WHO IS NOT SUBJECT TO A KEY OCCUPATIONAL LICENSE OR
16 AN OCCUPATIONAL REGISTRATION LICENSE.

17 **SECTION 20. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.".

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