JARED POLIS
GOVERNOR

136 STATE CAPITOL
DENVER, COLORADO 80203

TEL 303-866-2471
FAX 303-866-2003

D 2020 015

EXECUTIVE ORDER

Authorizing the Executive Directors of Certain State Agencies to Promulgate and Issue Emergency Rules Extending the Expiration Date of Licenses and Other Documents Due to the Presence of COVID-19

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order authorizing the Executive Directors of certain State agencies to promulgate and issue emergency rules extending the expiration date of licenses and other documents due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The economic impacts of COVID-19 are significant, and threaten to undermine the economic stability of many Coloradans and local businesses. The risk of contamination posed by COVID-19 has necessitated closure of multiple businesses. Employers and employees in virtually all sectors of the economy have been hard hit. We must take action to shore up economic security, employment, community cohesion, and community recovery.

This Executive Order authorizes the Executive Directors of certain State agencies to promulgate and issue emergency rules extending the expiration date of licenses and other documents due to the presence of COVID-19 in Colorado.

II. Directives

A. I authorize the Executive Director of the Department of Natural Resources, through the Director of the Division of Parks and Wildlife, to promulgate and issue emergency rules, if such authority does not already exist, extending the expiration date of the following license, pass, permit, certificate or registration issued by that Division and expiring during the next thirty (30) days:

1. Annual state park entrance passes, including the annual affixed and hangtag state parks pass, C.R.S. § 33-12-101(1)(a), aspen leaf annual pass, C.R.S. § 33-12-103(1)(a), and columbine annual pass, C.R.S. § 33-12-103.5(2)(a);
2. Vessel registration, C.R.S. § 33-13-103(2);
3. Aquatic nuisance species stamp, C.R.S. § 33-10.5-104.5(2); and,
4. Off-highway vehicle registration and permit, C.R.S. § 33-14.5-102.

B. I authorize the Executive Director of the Department of Higher Education to promulgate and issue emergency rules, if such authority does not already exist, extending the expiration date of the following certificates, approvals, or authorizations expiring during the next thirty (30) days:

1. Certificates of approval issued by the Division of Private Occupational Schools pursuant to C.R.S. § 23-64-115;
2. Approvals of educator preparation programs issued by the Colorado Commission on Higher Education pursuant to C.R.S. § 23-1-121; and,
3. Authorizations to operate for private degree granting institutions of higher education issued by the Colorado Commission on Higher Education pursuant to C.R.S. § 23-2-103.3.

C. I authorize the Executive Director of the Department of Human Services to promulgate and issue emergency rules, if such authority does not already exist, extending the expiration date of the following licenses, designations and certifications expiring during the next thirty (30) days:

1. Controlled Substance License, C.R.S. § 27-80-204;
2. Substance Use Disorder License, C.R.S. § 27-80-204;
3. Designations for seventy-two (72) hour mental treatment and evaluation, short-term mental health treatment, and long-term mental health treatment, C.R.S. § 27-65-101, *et. seq.*;
4. Residential Child Care Facility License, C.R.S.§ 26-6-102(33);
5. Secure Residential Treatment Center License, C.R.S. § 26-6-102(35);
6. Day Treatment Center License, C.R.S. § 26-6-102(10)(a)(I);
7. Child Placement Agency License, C.R.S.§ 26-6-102(7);
8. Homeless Youth Shelter License, C.R.S.§ 26-6-102(17);
9. Specialized Group Facility License, C.R.S.§ 26-6-102(36)(a);

10. Certifications of Cradle Care Home, Foster Care Home, Medical Foster Care, Therapeutic Foster Care, and Treatment Foster Care by County Departments or Child Placements Agencies, C.R.S.§ 26-6-106.3 and C.R.S.§ 26-6-102(9), (14), (24), (39), (40);
11. Provisional Licenses for family child care homes, foster care homes, or child care centers, C.R.S.§ 26-6-104(3); and,
12. Probationary Licenses for child care centers, preschools, children resident camps, family child care homes, neighborhood youth organizations, and school-age child care centers, C.R.S.§ 26-6-108(2).

D. I authorize the Commissioner of Agriculture of the Department of Agriculture to promulgate and issue emergency rules, if such authority does not already exist, extending the expiration date of chemigation permits under C.R.S. § 35-11-106, and licenses for pesticide applicators under C.R.S. § 35-10-116(2), expiring during the next thirty (30) days.

E. I authorize the Executive Director of the Department of Local Affairs to promulgate and issue emergency rules, extending the expiration date of certifications or registrations under C.R.S. §§ 24-32-3315(5) and -3323(3) and expiring during the next thirty (30) days.

F. I authorize the Executive Director of the Department of Regulatory Agencies to promulgate and issue emergency rules, if such authority does not already exist, extending the expiration date of licenses issued by the Division of Banking for money transmitters under C.R.S. § 11-110-110(1), and licenses issued by the Division of Real Estate for real estate brokers under C.R.S. § 12-10-212(4)(a), expiring during the next thirty (30) days.

G. I hereby authorize the Executive Director of the Department of Transportation to promulgate and issue emergency rules, if such authority does not already exist, extending the expiration date of the following certifications expiring during the next thirty (30) days:

1. Certification of entities that provide flagperson certification training, under C.R.S. § 43-5-308(2)(b), and
2. Pilot escort driver certification under 2 CCR 601-4 (500), in connection with C.R.S. §§ 42-4-510(1)(b) and -511(1).

H. I authorize the Executive Director of the Department of Public Health and Environment to promulgate and issue emergency rules, if such authority does not already exist, extending the expiration date of the following licenses, endorsements, registrations, and certifications expiring in the next thirty (30) days:

1. Community paramedic endorsement, C.R.S.§ 25-3.5-203.5(1)(b);
2. Health care facilities as listed in C.R.S. § 25-3-101, C.R.S. § 25-3-102;

3. Air ambulance license, C.R.S. § 25-3.5-307;
4. Community Integrated Health Care Service agency license, C.R.S. § 25-3.5-1305(1);
5. EMS provider certification, C.R.S. § 25-3.5-203;
6. Critical care paramedic endorsement, C.R.S. § 25-3.5-206(4)(a)(V)(A);
7. Assisted Living Residence license, C.R.S. § 25-27-105(2.5);
8. Home Care Agency/Home Care Placement Agency license, C.R.S. § 25-27.5-106(3);
9. Vehicle registration requiring emissions test, C.R.S. § 42-4-310;
10. Certification for the asbestos disciplines of Worker, Supervisor, Inspector, Management Planner, Air Monitoring Specialist and Project Designer, C.R.S. §§ 25-7-505, -505.5, -506, -506.5, -507, and -507.5;
11. Certification for the lead-based paint disciplines of Worker, Supervisor, Inspector, Risk Assessor and Project Designer, C.R.S. § 25-7-1104; and,
12. Certification for workers who perform environmental cleanup of illegal drug laboratories, such as Methamphetamine-affected properties, C.R.S. §§ 25-18.5-101 through -109.

I. I authorize the Executive Director of the Department of Health Care Policy and Financing to promulgate and issue emergency rules, if such authority does not already exist, ensuring that any physician or other provider of services in the state's Medicaid, Children's Health Insurance Program (CHIP), or other social safety net services may continue to provide services for such programs under Title 25.5 of the Colorado Revised Statutes, in the event such physician or other provider's professional license expired on the basis of a lack of renewal during the next thirty (30) days.

J. I authorize the Executive Director of the Department of Revenue, as determined to be necessary, to promulgate and issue emergency rules, if such authority does not already exist, extending the expiration date of the licenses or permits issued by the Executive Director as the State Licensing Authority, for such licenses or permits that expire during the next thirty (30) days, and to waive penalties and interest that would accrue upon any such expiration, for the following:

Commercial Driver Licenses-

1. Commercial driver licenses, issued by the Division of Motor Vehicles, pursuant to C.R.S. § 42-2-403;

Liquor Licenses-

2. Manufacturer's license, pursuant to C.R.S. §§ 44-3-401(1)(a) and 44-3-402;
3. Limited winery license, pursuant to C.R.S. §§ 44-3-401(1)(b) and 44-3-403;
4. Wine festival permit, pursuant to C.R.S. § 44-3-404;
5. Importer's license, pursuant to C.R.S. §§ 44-3-401(1)(d) and 44-3-405;

6. Nonresident manufacturers license, pursuant to C.R.S. §§ 44-3-401(1)(c) and 44-3-406;
7. Malt liquor importer's license, pursuant to C.R.S. §§ 44-3-401(1)(e) and 44-3-406;
8. Wholesaler license, pursuant to C.R.S. §§ 44-3-401(1)(f) and 44-3-407;
9. Retail liquor store license, pursuant to C.R.S. §§ 44-3-401(1)(h) and 44-3-409;
10. Liquor-licensed drugstore license, pursuant to C.R.S. §§ 44-3-401(1)(i) and 44-3-410;
11. Beer and wine license, pursuant to C.R.S. §§ 44-3-401(1)(j) and 44-3-411;
12. Bed and breakfast permit, pursuant to C.R.S. § 44-3-412;
13. Hotel and restaurant license, pursuant to C.R.S. §§ 44-3-401(1)(k) and 44-3-413;
14. Tavern license, pursuant to C.R.S. §§ 44-3-401(1)(l) and 44-3-414;
15. Optional premises license, pursuant to C.R.S. §§ 44-3-401(1)(r) and 44-3-415;
16. Retail gaming tavern license, pursuant to C.R.S. §§ 44-3-401(1)(s) and 44-3-416;
17. Brew pub license, pursuant to C.R.S. §§ 44-3-401(1)(m) and 44-3-417;
18. Club license, pursuant to C.R.S. §§ 44-3-401(1)(n) and 44-3-418;
19. Arts license, pursuant to C.R.S. §§ 44-3-401(1)(o) and 44-3-419;
20. Racetrack license, pursuant to C.R.S. §§ 44-3-401(1)(p) and 44-3-420;
21. Public transportation system license, pursuant to C.R.S. §§ 44-3-401(1)(q) and 44-3-421;
22. Vintner's restaurant license, pursuant to C.R.S. §§ 44-3-401(1)(t) and 44-3-422;
23. Art gallery permit, pursuant to C.R.S. § 44-3-424;
24. Wine packaging permit, pursuant to C.R.S. § 44-3-401(u) and 44-3-425;
25. Distillery pub license, pursuant to C.R.S. §§ 44-3-401(1)(v) and 44-3-426;
26. Liquor-licensed drugstore manager's permit, pursuant to C.R.S. § 44-3-427;
27. Lodging and entertainment license, pursuant to C.R.S. §§ 4-3-401(1)(w) and 44-3-428;
28. Fermented malt beverage retailer's license, pursuant to C.R.S. § 44-4-104;

Medical Marijuana Licenses-

29. Medical marijuana store license, pursuant to C.R.S. §§ 44-10-401(2)(a)(I) and 44-10-501;
30. Medical marijuana cultivation facility license, pursuant to C.R.S. §§ 44-10-401(2)(a)(II) and 44-10-502;
31. Medical marijuana products manufacturer license, pursuant to C.R.S. §§ 44-10-401(2)(a)(III) and 44-10-503;
32. Medical marijuana testing facility license, pursuant to C.R.S. §§ 44-10-401(2)(a)(IV) and 44-10-504;

33. Medical marijuana transporter license, pursuant to C.R.S. §§ 44-10-401(2)(a)(V) and 44-10-505;
34. Medical marijuana business operator license, pursuant to C.R.S. §§ 44-10-401(2)(a)(VI) and 44-10-506;
35. Marijuana research and development license, pursuant to C.R.S. §§ 44-10-401(2)(a)(VII) and 44-10-507;

Retail Marijuana Licenses-

36. Retail marijuana store license, pursuant to C.R.S. §§ 44-10-401(2)(b)(I) and 44-10-601;
37. Retail marijuana cultivation facility license, pursuant to C.R.S. §§ 44-10-401(2)(b)(II) and 44-10-602;
38. Retail marijuana products manufacturer license, pursuant to C.R.S. §§ 44-10-401(2)(b)(III) and 44-10-603;
39. Retail marijuana testing facility license, pursuant to C.R.S. §§ 44-10-401(2)(b)(IV) and 44-10-604;
40. Retail marijuana transporter license, pursuant to C.R.S. §§ 44-10-401(2)(b)(V) and 44-10-605; and,
41. Retail marijuana business operator license, pursuant to C.R.S. §§ 44-10-401(2)(b)(VI) and 44-10-606.

K. I direct that if all of the requirements for renewal of any of the licenses and other documents subject to directives II.A-II.J. may be completed online, the relevant Executive Director shall not extend the expiration date pursuant to an emergency rule and all individuals must complete the requirements for renewal of any licenses and other documents online. In promulgating any emergency rules concerning the matters addressed herein, the relevant Executive Director shall be cognizant of and allow for accommodation where the renewal of any license or other document is contingent on action by federal or other states' agencies whose activities have been suspended or delayed as a result of the COVID-19 pandemic.

L. I direct that for all emergency rules promulgated pursuant to the authority set out in this Executive Order, the relevant Executive Director shall promptly convey to the Governor's Office a summary of the rule and its promulgation.

III. Duration

This Executive Order shall expire thirty (30) days from March 25, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-fifth day of March, 2020

Jared Polis
Governor