

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0996.01 Christy Chase x2008

HOUSE BILL 17-1224

HOUSE SPONSORSHIP

Kraft-Tharp,

SENATE SPONSORSHIP

Gardner,

House Committees

Business Affairs and Labor
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PENALTIES FOR ACCESSING DRUGS IN A MANNER THAT
102 VIOLATES THE "**COLORADO FOOD AND DRUG ACT**".

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 amends the pharmacy practice law to specify that it is unlawful to:

- ! Sell, compound, dispense, give, receive, or possess any drug or device unless done so in accordance with specific provisions of the pharmacy practice laws of the state and with the "Federal Food, Drug, and Cosmetic Act"; or

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

! Possess, sell, dispense, give, receive, or administer an adulterated or misbranded drug or device or a counterfeit drug.

A person who engages in an unlawful act is subject to a civil fine of between \$1,000 and \$10,000.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-42.5-126, **add**
3 (1)(m) and (2) as follows:

4 **12-42.5-126. Unlawful acts - civil fines.** (1) It is unlawful:

5
6 (m) TO POSSESS, SELL, DISPENSE, GIVE, RECEIVE, OR ADMINISTER
7 A DRUG OR DEVICE THAT IS ADULTERATED OR MISBRANDED WITHIN THE
8 MEANING OF THE "COLORADO FOOD AND DRUG ACT", PART 4 OF ARTICLE
9 5 OF TITLE 25.

10 (2) IN ADDITION TO ANY OTHER PENALTIES THAT MAY BE IMPOSED
11 UNDER THIS PART 1, A PERSON WHO ENGAGES IN AN UNLAWFUL ACT UNDER
12 THIS SECTION MAY BE PUNISHED BY A CIVIL FINE OF NOT LESS THAN ONE
13 THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS FOR
14 EACH VIOLATION. FINES IMPOSED AND PAID UNDER THIS SECTION SHALL BE
15 DEPOSITED IN THE GENERAL FUND.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.