

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 22-1399

BY REPRESENTATIVE(S) Ortiz and Boesenecker, Esgar, Bacon, Bernett, Caraveo, Cutter, Exum, Gonzales-Gutierrez, Herod, Jodeh, Kennedy, Kipp, Larson, Lindsay, McCormick, Ricks, Titone, Valdez D., Garnett; also SENATOR(S) Ginal, Buckner, Fields, Lee, Pettersen, Zenzinger.

CONCERNING CONSUMER PROTECTION RELATING TO MUSIC THERAPY SERVICES.

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

SECTION 1. Legislative declaration. Music therapy is the clinical, evidence-based use of music interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship with a credentialed professional who has completed an approved music therapy program. The general assembly hereby finds and declares that the use of the title "music therapist" affects consumers in choosing services and that the use of the title "music therapist" should be regulated for the purpose of protecting consumers.

SECTION 2. In Colorado Revised Statutes, 6-1-707, **add** (1)(f) as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

6-1-707. Use of title or degree - deceptive trade practice. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(f) (I) (A) CLAIMS EITHER ORALLY OR IN WRITING TO BE A "BOARD-CERTIFIED MUSIC THERAPIST" OR "MUSIC THERAPIST" OR USES THE ABBREVIATION "MT-BC" OR ANY OTHER WORDS, LETTERS, ABBREVIATIONS, OR INSIGNIA INDICATING OR IMPLYING THAT THE PERSON IS A MUSIC THERAPIST UNLESS THE PERSON HOLDS AN ACTIVE MUSIC THERAPIST BOARD-CERTIFIED CREDENTIAL ADMINISTERED BY THE CERTIFICATION BOARD FOR MUSIC THERAPISTS.

(B) NOTHING IN THIS SUBSECTION (1)(f) PROHIBITS A PERSON FROM PERFORMING WORK, INCLUDING THE USE OF MUSIC, INCIDENTAL TO THE PERSON'S PROFESSION OR OCCUPATION, IF THAT PERSON DOES NOT REPRESENT THAT THE PERSON IS A MUSIC THERAPIST.

(II) A PERSON WHO USES ANY OF THE TITLES, WORDS, LETTERS, ABBREVIATIONS, OR INSIGNIA SPECIFIED IN SUBSECTION (1)(f)(I)(A) OF THIS SECTION SHALL MAKE AVAILABLE FOR IMMEDIATE INSPECTION BY ANY CONSUMER OR AGENT OF THE STATE THE PERSON'S BOARD-CERTIFIED CREDENTIAL ADMINISTERED BY THE CERTIFICATION BOARD FOR MUSIC THERAPISTS.

(III) PRIOR TO CHARGING A PERSON WHO VIOLATES THIS SECTION WITH A CLASS 2 MISDEMEANOR PURSUANT TO SECTION 6-1-114, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY SEEK AN ASSURANCE OF DISCONTINUANCE OF THE DECEPTIVE TRADE PRACTICE FROM THE PERSON VIOLATING THIS SECTION OR INITIATE OTHER LAWFUL REMEDIES OR PENALTIES.

SECTION 3. In Colorado Revised Statutes, **amend** 6-1-114 as follows:

6-1-114. Criminal penalties. (1) Any person who promotes a pyramid promotional scheme in this state commits a class 1 misdemeanor, as defined in section 18-1.3-501.

(2) Any person who violates article 230 of title 12 or section 6-1-701, **6-1-707 (1)(f)**, or 6-1-717 commits a class 2 misdemeanor.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO