

FINAL PROPOSAL
Injunctive Relief

1 **12-20-406. [Formerly 12-36-129 (6)] Injunctive relief.** (1) (a) EXCEPT AS SPECIFIED
2 IN SUBSECTION (1)(b) OF THIS SECTION:

3 (I) ~~The board may~~ A REGULATOR, in the name of the people of the state of Colorado
4 and through the attorney general of the state of Colorado, MAY apply for an injunction in any
5 court of competent jurisdiction to enjoin any person from committing any act prohibited by
6 ~~this article~~ A PART OR ARTICLE OF THIS TITLE 12.

7 ~~(b)~~ (II) If the ~~board~~ REGULATOR establishes that the defendant has been or is
8 committing an act prohibited by ~~this~~ THE PART OR article, the court shall enter a decree
9 perpetually enjoining the defendant from further committing the act.

10 ~~(c)~~ (III) An injunctive proceeding may be brought pursuant to this section in addition
11 to, and not in lieu of, all penalties and other remedies provided in ~~this~~ THE PART OR article.

12 (b) SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY TO THE FOLLOWING:

13 (I) ARTICLE 100 OF THIS TITLE 12 CONCERNING ACCOUNTANTS;

14 (II) ARTICLE 125 OF THIS TITLE 12 CONCERNING FANTASY CONTESTS;

15 (III) ARTICLE 130 OF THIS TITLE 12 CONCERNING LANDSCAPE ARCHITECTS;

16 (IV) ARTICLE 140 OF THIS TITLE 12 CONCERNING NONTRANSPLANT TISSUE BANKS;

17 (V) ARTICLE 220 OF THIS TITLE 12 CONCERNING DENTISTS AND DENTAL HYGIENISTS;

18 (VI) ARTICLE 245 OF THIS TITLE 12 CONCERNING MENTAL HEALTH;

19 (VII) ARTICLE 250 OF THIS TITLE 12 CONCERNING NATUROPATHIC DOCTORS;

20 (VIII) ARTICLE 255 OF THIS TITLE 12 CONCERNING NURSES;

21 (IX) ARTICLE 260 OF THIS TITLE 12 CONCERNING NURSE AIDES;

22 (X) ARTICLE 265 OF THIS TITLE 12 CONCERNING NURSING HOME ADMINISTRATORS;

23 (XI) ARTICLE 285 OF THIS TITLE 12 CONCERNING PHYSICAL THERAPISTS AND PHYSICAL
24 THERAPIST ASSISTANTS;

25 (XII) ARTICLE 290 OF THIS TITLE 12 CONCERNING PODIATRISTS; AND

26 (XIII) ARTICLE 295 OF THIS TITLE 12 CONCERNING PSYCHIATRIC TECHNICIANS.

27 (2) (a) EXCEPT AS SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION, WHEN SEEKING
28 AN INJUNCTION UNDER SUBSECTION (1)(a) OF THIS SECTION, A REGULATOR IS NOT REQUIRED
29 TO ALLEGE OR PROVE THE INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR
30 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED VIOLATION.

31 (b) SUBSECTION (2)(a) OF THIS SECTION DOES NOT APPLY TO THE FOLLOWING:

32 (I) ARTICLE 105 OF THIS TITLE 12 CONCERNING BARBERS AND COSMETOLOGISTS;

33 (II) ARTICLE 110 OF THIS TITLE 12 CONCERNING COMBATIVE SPORTS;

34 (III) PART 3 OF ARTICLE 120 OF THIS TITLE 12 CONCERNING ARCHITECTS;

35 (IV) ARTICLE 135 OF THIS TITLE 12 CONCERNING MORTUARIES AND CREMATORIES;

36 (V) ARTICLE 150 OF THIS TITLE 12 CONCERNING PASSENGER TRAMWAYS;

37 (VI) ARTICLE 210 OF THIS TITLE 12 CONCERNING AUDIOLOGISTS;

38 (VII) ARTICLE 230 OF THIS TITLE 12 CONCERNING HEARING AID PROVIDERS;

39 (VIII) ARTICLE 240 OF THIS TITLE 12 CONCERNING MEDICAL PRACTICE;

- 1 (IX) ARTICLE 275 OF THIS TITLE 12 CONCERNING OPTOMETRISTS;
2 (X) ARTICLE 280 OF THIS TITLE 12 CONCERNING PHARMACISTS, PHARMACY
3 BUSINESSES, AND PHARMACEUTICALS; AND
4 (XI) ARTICLE 315 OF THIS TITLE 12 CONCERNING VETERINARIANS.