

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB25-1075 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, 12-305-102, **amend**
4 (1) introductory portion and (2); and **add** (1)(c.5) as follows:

5 **12-305-102. Legislative declaration.** (1) The general assembly
6 **hereby** finds, determines, and declares that:

7 (c.5) SPEECH-LANGUAGE PATHOLOGY ASSISTANTS ENHANCE THE
8 EFFICIENCY AND EXTENT OF SPEECH-LANGUAGE PATHOLOGY SERVICES BY
9 PROVIDING SPEECH-LANGUAGE PATHOLOGY SERVICES IN COLLABORATION
10 WITH AND UNDER THE DIRECTION AND SUPERVISION OF SPEECH-LANGUAGE
11 PATHOLOGISTS AND WILL HELP ADDRESS THE CRITICAL SHORTAGE OF
12 SPEECH-LANGUAGE PATHOLOGY SERVICES IN THE STATE; AND

13 (2) The general assembly further determines that it is the purpose
14 of this article 305 to:

15 (a) Regulate ~~persons~~ INDIVIDUALS who are representing or holding
16 themselves out as speech-language pathologists or who are performing
17 services that constitute speech-language pathology; and

18 (b) Exclude from regulation under this article 305 those school
19 speech-language pathologists, INCLUDING SCHOOL SPEECH-LANGUAGE
20 PATHOLOGY ASSISTANTS, who are paid solely by an administrative unit or
21 state-operated program.

22 **SECTION 2.** In Colorado Revised Statutes, 12-305-104, **amend**
23 (2) and (3); and **add** (1.3), (1.4), (1.5), (2.5), (4.5), and (6) as follows:

24 **12-305-104. Definitions.** As used in this article 305, unless the
25 context otherwise requires:

26 (1.3) "CERTIFICATE HOLDER" MEANS A SPEECH-LANGUAGE
27 PATHOLOGIST CERTIFIED PURSUANT TO SECTION 12-305-107.

28 (1.4) "CERTIFIED" MEANS CERTIFIED BY THE DIRECTOR PURSUANT
29 TO THIS ARTICLE 305.

30 (1.5) "DIRECTION AND SUPERVISION" MEANS, WITH RESPECT TO A
31 SPEECH-LANGUAGE PATHOLOGY ASSISTANT, DIRECTION AND SUPERVISION
32 BY A SUPERVISING SPEECH LANGUAGE PATHOLOGIST IN ACCORDANCE WITH
33 THE REQUIREMENTS SET FORTH IN SECTION 12-305-111.5.

34 (2) "School speech-language pathologist" means ~~a person~~ AN
35 INDIVIDUAL licensed by the department of education to provide
36 speech-language pathology services that are paid for by an administrative
37 unit or a state-operated program. ~~"School speech-language pathologist"~~
38 ~~includes a school speech-language pathology assistant authorized by the~~
39 ~~department of education pursuant to section 22-60.5-111(10) to provide~~

1 ~~speech-language pathology services that are paid for by an administrative~~
2 ~~unit or a state-operated program.~~

3 (2.5) "SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANT"
4 MEANS AN INDIVIDUAL AUTHORIZED BY THE DEPARTMENT OF EDUCATION
5 PURSUANT TO SECTION 22-60.5-111 (10) TO ASSIST A SCHOOL
6 SPEECH-LANGUAGE PATHOLOGIST IN PROVIDING SPEECH-LANGUAGE
7 PATHOLOGY SERVICES THAT ARE PAID FOR BY AN ADMINISTRATIVE UNIT
8 OR A STATE-OPERATED PROGRAM.

9 (3) "Speech-language pathologist" or "certificate holder" means
10 ~~a person~~ AN INDIVIDUAL WHO IS certified to practice speech-language
11 pathology ~~under this article 305~~ PURSUANT TO SECTION 12-305-107 (1).

12 (4.5) "SPEECH-LANGUAGE PATHOLOGY ASSISTANT" MEANS AN
13 INDIVIDUAL WHO:

14 (a) HAS SUCCESSFULLY COMPLETED:

15 (I) A BACHELOR'S OR HIGHER DEGREE IN SPEECH-LANGUAGE
16 PATHOLOGY, COMMUNICATION DISORDERS AND SPEECH SCIENCES, OR ANY
17 OTHER FIELD THAT INCLUDES AT LEAST TWENTY-FOUR SEMESTER HOURS
18 IN SPEECH-LANGUAGE HEARING SCIENCES, GRANTED BY AN ACCREDITED
19 INSTITUTION OF HIGHER EDUCATION;

20 (II) A SPEECH-LANGUAGE PATHOLOGY ASSISTANT PROGRAM; AND

21 (III) A SUPERVISED CLINICAL PRACTICUM TOTALING AT LEAST ONE
22 HUNDRED DIRECT HOURS UNDER THE SUPERVISION OF A
23 SPEECH-LANGUAGE PATHOLOGIST; AND

24 (b) ASSISTS IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY
25 IN COLLABORATION WITH AND UNDER THE DIRECTION AND SUPERVISION
26 OF A SPEECH-LANGUAGE PATHOLOGIST PURSUANT TO SECTION
27 12-305-111.5.

28 (6) "SUPERVISING SPEECH-LANGUAGE PATHOLOGIST" OR
29 "SUPERVISOR" MEANS A SPEECH-LANGUAGE PATHOLOGIST WHO IS
30 RESPONSIBLE FOR THE DIRECTION AND SUPERVISION OF A
31 SPEECH-LANGUAGE PATHOLOGY ASSISTANT PURSUANT TO SECTION
32 12-305-111.5.

33 **SECTION 3.** In Colorado Revised Statutes, 12-305-105, **amend**
34 (1); and **add** (3) as follows:

35 **12-305-105. Use of titles restricted.** (1) Only ~~a person~~ AN
36 INDIVIDUAL WHO IS required to be and ~~who~~ is certified PURSUANT TO THIS
37 ARTICLE 305 as a speech-language pathologist ~~under this article 305~~ or IS
38 licensed by the ~~Colorado~~ department of education to provide
39 speech-language pathology services may advertise as or use the title
40 "speech-language pathologist", "speech pathologist", "speech therapist",
41 "speech correctionist", "speech clinician", "language pathologist", "voice
42 therapist", "voice pathologist", "aphasiologist", or any other generally
43 accepted terms, letters, or figures that indicate that the ~~person~~ INDIVIDUAL

1 is a certified speech-language pathologist OR A LICENSED
2 SPEECH-LANGUAGE PATHOLOGIST.

3 (3) ONLY AN INDIVIDUAL WHO PRACTICES IN ACCORDANCE WITH
4 THIS ARTICLE 305 AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT OR IS
5 AUTHORIZED BY THE DEPARTMENT OF EDUCATION AS A SCHOOL
6 SPEECH-LANGUAGE PATHOLOGY ASSISTANT MAY ADVERTISE AS OR USE
7 THE TITLE "SPEECH-LANGUAGE PATHOLOGY ASSISTANT" OR ANY OTHER
8 GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT INDICATE THAT
9 THE INDIVIDUAL IS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT OR AN
10 AUTHORIZED SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANT.

11 **SECTION 4.** In Colorado Revised Statutes, 12-305-110, **amend**
12 (1)(a) and (2)(a); and **add** (1)(c.3) and (1)(c.5) as follows:

13 **12-305-110. Scope of article - exclusions - rules.** (1) This article
14 305 does not prevent or restrict the practice, services, or activities of:

15 (a) A school speech-language pathologist OR AN AUTHORIZED
16 SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANT whose compensation
17 for speech-language pathology services is paid solely by an administrative
18 unit or state-operated program;

19 (c.3) A SPEECH-LANGUAGE PATHOLOGY ASSISTANT ASSISTING IN
20 THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY PURSUANT TO THIS
21 ARTICLE 305 IN COLLABORATION WITH AND UNDER THE DIRECTION AND
22 SUPERVISION OF A SPEECH-LANGUAGE PATHOLOGIST;

23 (c.5) AN INDIVIDUAL PARTICIPATING IN A SPEECH-LANGUAGE
24 PATHOLOGY ASSISTANT PROGRAM OR ITS EQUIVALENT, AS DETERMINED BY
25 THE DIRECTOR BY RULE, IF THE INDIVIDUAL IS DESIGNATED BY A TITLE
26 THAT CLEARLY INDICATES THE INDIVIDUAL'S STATUS AS A STUDENT AND
27 IF THE INDIVIDUAL ACTS UNDER APPROPRIATE INSTRUCTION AND
28 SUPERVISION;

29 (2) Nothing in this article 305 requires or allows the department
30 of education, the department of health care policy and financing, or any
31 other state department to adopt or apply the standards contained in this
32 article 305:

33 (a) As the standards for endorsing or otherwise authorizing school
34 speech-language pathologists OR SCHOOL SPEECH-LANGUAGE PATHOLOGY
35 ASSISTANTS to provide speech-language pathology services that are paid
36 for by an administrative unit or state-operated program; or

37 **SECTION 5.** In Colorado Revised Statutes, **amend** 12-305-111
38 as follows:

39 **12-305-111. Limitations on authority - limitations specific to**
40 **speech-language pathology assistants.** (1) Nothing in this article 305
41 authorizes a speech-language pathologist OR A SPEECH-LANGUAGE
42 PATHOLOGY ASSISTANT to engage in the practice of medicine, as defined
43 in section 12-240-107; dentistry, as defined in sections 12-220-104 (6)

1 and 12-220-305; or any other profession for which licensure, certification,
2 or registration is required, EXCEPT AS AUTHORIZED by this article 305.

3 (2) NOTHING IN THIS ARTICLE 305 AUTHORIZES A
4 SPEECH-LANGUAGE PATHOLOGY ASSISTANT TO PRACTICE
5 SPEECH-LANGUAGE PATHOLOGY UNLESS THE SPEECH-LANGUAGE
6 PATHOLOGY ASSISTANT PRACTICES UNDER THE DIRECTION AND
7 SUPERVISION OF A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST.

8 (3) A SPEECH-LANGUAGE PATHOLOGY ASSISTANT SHALL NOT:

9 (a) REPRESENT THEMSELF AS A SPEECH-LANGUAGE PATHOLOGIST;
10 (b) INTERPRET ASSESSMENT TOOLS FOR THE PURPOSE OF
11 DIAGNOSING DISABILITY OR DETERMINING ELIGIBILITY OR QUALIFICATION
12 FOR SERVICES;
13 (c) ADMINISTER OR INTERPRET FEEDING OR SWALLOWING
14 SCREENINGS, CHECKLISTS, OR ASSESSMENTS;
15 (d) DIAGNOSE COMMUNICATION AND FEEDING OR SWALLOWING
16 DISORDERS;
17 (e) DEVELOP OR DETERMINE THE FEEDING OR SWALLOWING
18 STRATEGIES OR PRECAUTIONS FOR PATIENTS;
19 (f) DISCLOSE CLINICAL OR CONFIDENTIAL INFORMATION,
20 INCLUDING DIAGNOSES, SERVICES PROVIDED, OR RESPONSE TO
21 TREATMENT, EITHER ORALLY OR IN WRITING, TO INDIVIDUALS WHO HAVE
22 NOT BEEN APPROVED BY THE SUPERVISING SPEECH-LANGUAGE
23 PATHOLOGIST TO RECEIVE INFORMATION, UNLESS MANDATED BY LAW;
24 (g) WRITE, DEVELOP, OR MODIFY A PATIENT'S PLAN OF CARE IN
25 ANY WAY;
26 (h) MAKE REFERRALS FOR ADDITIONAL SERVICES;
27 (i) SELECT AUGMENTATIVE AND ALTERNATIVE COMMUNICATION
28 SYSTEMS OR DEVICES;
29 (j) TREAT MEDICALLY FRAGILE PATIENTS WHO ARE ACUTELY ILL
30 AND IN AN UNSTABLE HEALTH CONDITION WITHOUT CONTINUOUS, DIRECT
31 SUPERVISION BY A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST, WHICH
32 MAY INCLUDE SYNCHRONOUS OR LIVE TELESUPERVISION;
33 (k) PERFORM PROCEDURES THAT REQUIRE SPECIALIZED
34 KNOWLEDGE AND TRAINING, INCLUDING VOCAL TRACT PROSTHESIS
35 SHAPING OR FITTING OR VOCAL TRACT IMAGING;
36 (l) PROVIDE INPUT IN CARE CONFERENCES, CASE CONFERENCES, OR
37 INTERDISCIPLINARY TEAM MEETINGS WITHOUT THE PRESENCE OR PRIOR
38 APPROVAL OF A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST OR OTHER
39 DESIGNATED SPEECH-LANGUAGE PATHOLOGIST;
40 (m) PROVIDE INTERPRETATIVE INFORMATION TO A PATIENT OR
41 OTHERS REGARDING THE PATIENT'S STATUS OR SERVICE; OR
42 (n) SIGN OR INITIAL ANY FORMAL DOCUMENTS, INCLUDING PLANS
43 OF CARE, REIMBURSEMENT FORMS, OR REPORTS, THAT ARE NOT ALSO

1 SIGNED BY A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST.

2 **SECTION 6.** In Colorado Revised Statutes, **add** 12-305-111.5 as
3 follows:

4 **12-305-111.5. Direction and supervision of speech-language**
5 **pathology assistants by speech-language pathologists - definitions.**

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

8 (a) "DIRECT SUPERVISION" MEANS IN-VIEW OBSERVATION AND
9 GUIDANCE BY A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST WHILE THE
10 SPEECH-LANGUAGE PATHOLOGY ASSISTANT IS PERFORMING A CLINICAL
11 ACTIVITY. "DIRECT SUPERVISION" MAY INCLUDE THE SUPERVISING
12 SPEECH-LANGUAGE PATHOLOGIST COMMUNICATING WITH THE
13 SPEECH-LANGUAGE PATHOLOGY ASSISTANT VIA TELECOMMUNICATION
14 TECHNOLOGY DURING THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S
15 PROVISION OF CLINICAL SERVICES.

16 (b) "INDIRECT SUPERVISION" MEANS SUPERVISION DURING WHICH
17 A SPEECH-LANGUAGE PATHOLOGIST IS NOT REQUIRED TO BE PHYSICALLY
18 PRESENT OR AVAILABLE VIA TELECOMMUNICATION TECHNOLOGY WHILE
19 THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT IS PROVIDING SERVICES.
20 "INDIRECT SUPERVISION" MAY INCLUDE:

21 (I) REVIEWING DEMONSTRATION VIDEOS;

22 (II) REVIEWING PATIENT FILES;

23 (III) REVIEWING AND EVALUATING AUDIO OR VIDEO RECORDED
24 SESSIONS; OR

25 (IV) CONDUCTING SUPERVISORY CONFERENCES EITHER IN PERSON
26 OR VIA TELEPHONE OR IN LIVE, SECURE VIRTUAL MEETINGS.

27 (2) A SPEECH-LANGUAGE PATHOLOGY ASSISTANT SHALL PRACTICE
28 SPEECH-LANGUAGE PATHOLOGY ONLY IN COLLABORATION WITH AND
29 UNDER THE DIRECTION AND SUPERVISION OF A SPEECH-LANGUAGE
30 PATHOLOGIST.

31 (3) A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST IS
32 RESPONSIBLE FOR THE DIRECTION AND SUPERVISION OF A
33 SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S PRACTICE OF
34 SPEECH-LANGUAGE PATHOLOGY. THE LEVEL OF SUPERVISION MUST BE
35 BASED ON THE NEEDS, COMPETENCIES, SKILLS, EXPECTATIONS,
36 PHILOSOPHIES, AND EXPERIENCE OF THE SPEECH-LANGUAGE PATHOLOGY
37 ASSISTANT AND THE SUPERVISOR; THE NEEDS OF THE PATIENT SERVED; THE
38 SERVICE SETTING; THE TASKS ASSIGNED; AND ANY OTHER RELEVANT
39 FACTORS. THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST IS
40 RESPONSIBLE FOR DESIGNING AND IMPLEMENTING A WRITTEN
41 SUPERVISORY PLAN TO OUTLINE THE PRACTICES OF THE SUPERVISING
42 SPEECH-LANGUAGE PATHOLOGIST AND TO DOCUMENT PROGRESS. A
43 SUPERVISOR SHALL NOT ASSIGN TASKS TO A SPEECH-LANGUAGE

1 PATHOLOGY ASSISTANT THAT ARE BEYOND THE LEVEL OF COMPETENCE OF
2 THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT OR THAT ARE BEYOND
3 THE SCOPE OF A SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S PRACTICE.
4 THE CARE OF THE PATIENT REMAINS THE SUPERVISING SPEECH-LANGUAGE
5 PATHOLOGIST'S RESPONSIBILITY.

6 (4) A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST SHALL
7 DETERMINE THE APPROPRIATE NUMBER OF SPEECH-LANGUAGE PATHOLOGY
8 ASSISTANTS WHOSE PRACTICE MAY BE SUPERVISED, WITH A
9 RECOMMENDED NUMBER FOR SUPERVISION OF NO MORE THAN THREE
10 FULL-TIME EQUIVALENT SPEECH-LANGUAGE PATHOLOGY ASSISTANTS PER
11 SPEECH-LANGUAGE PATHOLOGIST. THE FACTORS TO CONSIDER IN
12 DETERMINING SUPERVISION RATIOS INCLUDE CASELOAD
13 CHARACTERISTICS, THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S
14 EXPERIENCE, AND THE SPEECH-LANGUAGE PATHOLOGIST'S EXPERIENCE
15 AND WORKLOAD.

16 (5) BEFORE A SPEECH-LANGUAGE PATHOLOGY ASSISTANT BEGINS
17 TO PROVIDE INDEPENDENT SUPPORT TO A PATIENT, THE SUPERVISING
18 SPEECH-LANGUAGE PATHOLOGIST SHALL INITIATE FIRST CONTACT WITH
19 THE PATIENT AND PREPARE A PLAN OF CARE FOR THE PATIENT. AFTER THE
20 ESTABLISHMENT OF THE SUPERVISORY RELATIONSHIP, MINIMUM ONGOING
21 SUPERVISION MUST INCLUDE DOCUMENTATION OF DIRECT SUPERVISION
22 PROVIDED BY THE SUPERVISOR FOR EACH PATIENT AT LEAST EVERY THIRTY
23 TO SIXTY DAYS, DEPENDING ON THE FREQUENCY OF THE SESSIONS AND
24 SETTING, AND THE SUPERVISOR SHALL REVIEW PATIENT DATA. THE
25 SUPERVISOR SHALL ADJUST THE AMOUNT OF SUPERVISION BASED ON THE
26 SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S COMPETENCIES AND SKILL
27 LEVEL IN TREATING PATIENTS WHO HAVE A VARIETY OF COMMUNICATION
28 DISORDERS. THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST SHALL
29 ACCURATELY DOCUMENT AND REGULARLY RECORD ALL SUPERVISORY
30 ACTIVITIES, FOR BOTH DIRECT AND INDIRECT SUPERVISION. FOR
31 MEDICALLY FRAGILE PATIENTS WHO ARE ACUTELY ILL AND IN AN
32 UNSTABLE HEALTH CONDITION, THE SUPERVISOR SHALL PROVIDE ONE
33 HUNDRED PERCENT DIRECT SUPERVISION OF THE SPEECH-LANGUAGE
34 PATHOLOGY ASSISTANT, WHICH MAY BE THROUGH SYNCHRONOUS OR LIVE
35 TELESUPERVISION.

36 (6) A SUPERVISOR SHALL PROVIDE FEEDBACK REGARDING THE
37 QUALITY OF A SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S PERFORMANCE
38 OF ASSIGNED TASKS. INFORMATION OBTAINED DURING DIRECT
39 SUPERVISION MAY INCLUDE DATA RELATIVE TO THE RELIABILITY BETWEEN
40 THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT AND THE SUPERVISOR ON
41 CORRECT OR INCORRECT RECORDING OF TARGET BEHAVIOR, ACCURACY IN
42 IMPLEMENTING ASSIGNED TREATMENT PROCEDURES AND IN RECORDING
43 DATA, AND THE ABILITY TO INTERACT EFFECTIVELY WITH THE PATIENT

1 DURING THE PRESENTATION AND IMPLEMENTATION OF ASSIGNED
2 PROCEDURES AND ACTIVITIES.

3 (7) A SPEECH-LANGUAGE PATHOLOGY ASSISTANT SHALL NOT
4 PERFORM TASKS WHEN A SUPERVISOR CANNOT BE REACHED BY PERSONAL
5 CONTACT, VIA PHONE, OR BY OTHER IMMEDIATE ELECTRONIC MEANS. IF
6 FOR SOME REASON A SUPERVISOR BECOMES UNABLE TO CONTINUE
7 SUPERVISION, THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT SHALL NOT
8 PERFORM SPEECH-LANGUAGE PATHOLOGY TASKS UNTIL ANOTHER
9 QUALIFIED SUPERVISOR IS AVAILABLE TO SUPERVISE.

10 **SECTION 7.** In Colorado Revised Statutes, 12-305-112, **amend**
11 (2)(r) and (2)(s)(II); and **add** (2)(t) as follows:

12 **12-305-112. Grounds for discipline - definitions.** (2) The
13 director may take disciplinary or other action specified in section
14 12-20-404 or 12-305-113 or issue a cease-and-desist order to a certificate
15 holder in accordance with sections 12-20-405 and 12-305-113 (8) upon
16 proof that the certificate holder:

17 (r) Has otherwise violated ~~any~~ A provision of this article 305 or
18 lawful order or rule of the director; ~~or~~

19 (s) Has committed:

20 (II) An abuse of health insurance, as set forth in section
21 18-13-119; OR

22 (t) HAS FAILED TO PROPERLY DIRECT AND SUPERVISE A
23 SPEECH-LANGUAGE PATHOLOGY ASSISTANT WHO IS UNDER THE
24 SPEECH-LANGUAGE PATHOLOGIST'S DIRECTION AND SUPERVISION
25 PURSUANT TO SECTION 12-305-111.5.

26 **SECTION 8.** In Colorado Revised Statutes, 24-34-104, **amend**
27 (34)(a)(III) as follows:

28 **24-34-104. General assembly review of regulatory agencies**
29 **and functions for repeal, continuation, or reestablishment - legislative**
30 **declaration - repeal.** (34) (a) The following agencies, functions, or both,
31 are scheduled for repeal on September 1, 2033:

32 (III) The regulation of speech-language pathologists AND
33 SPEECH-LANGUAGE PATHOLOGY ASSISTANTS by the director of the
34 division of professions and occupations in accordance with article 305 of
35 title 12;

36 **SECTION 9. Act subject to petition - effective date.** This act
37 takes effect at 12:01 a.m. on the day following the expiration of the
38 ninety-day period after final adjournment of the general assembly; except
39 that, if a referendum petition is filed pursuant to section 1 (3) of article V
40 of the state constitution against this act or an item, section, or part of this
41 act within such period, then the act, item, section, or part will not take
42 effect unless approved by the people at the general election to be held in

- 1 November 2026 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.".

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