

## CHAPTER 341

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**PROFESSIONS AND OCCUPATIONS**


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**HOUSE BILL 17-1224**

BY REPRESENTATIVE(S) Kraft-Tharp, Becker K., Ginal, Gray, Herod, Lawrence, Lontine, Mitsch Bush;  
also SENATOR(S) Gardner, Kefalas, Martinez Humenik, Priola, Smallwood.

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

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

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

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

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

(II) AS USED IN THIS SUBSECTION (1)(m), "COUNTERFEIT DRUG" MEANS A DRUG, OR THE CONTAINER OR LABELING OF A DRUG, THAT, WITHOUT AUTHORIZATION, BEARS THE TRADEMARK, TRADE NAME, OR OTHER IDENTIFYING MARK, IMPRINT, OR DEVICE OR ANY LIKENESS THEREOF OF A DRUG MANUFACTURER, PROCESSOR, PACKER, OR DISTRIBUTOR OTHER THAN THE PERSON WHO IN FACT MANUFACTURED, PROCESSED, PACKED, OR DISTRIBUTED THE DRUG AND THAT FALSELY PURPORTS OR IS REPRESENTED TO BE THE PRODUCT OF, OR TO HAVE BEEN PACKED OR DISTRIBUTED BY, THE DRUG MANUFACTURER, PROCESSOR, PACKER, OR DISTRIBUTOR WHOSE TRADEMARK, TRADE NAME, OR OTHER IDENTIFYING MARK, IMPRINT, OR DEVICE OR LIKENESS THEREOF APPEARS ON THE DRUG OR ITS CONTAINER OR LABELING.

(2) IN ADDITION TO ANY OTHER PENALTIES THAT MAY BE IMPOSED UNDER THIS PART 1, A PERSON WHO ENGAGES IN AN UNLAWFUL ACT UNDER THIS SECTION MAY BE PUNISHED BY A CIVIL FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

MORE THAN TEN THOUSAND DOLLARS FOR EACH VIOLATION. FINES IMPOSED AND PAID UNDER THIS SECTION SHALL BE DEPOSITED IN THE GENERAL FUND.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 2017