

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0514.01 Yelana Love x2295

HOUSE BILL 20-1212

HOUSE SPONSORSHIP

Landgraf and Caraveo, Singer

SENATE SPONSORSHIP

Todd,

House Committees

Public Health Care & Human Services
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF**
102 **NATUROPATHIC DOCTORS, AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2019**
104 **SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**
105 **AGENCIES.**

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/>.)

Sunset Process - House Public Health Care and Human Services Committee. The bill implements recommendations of the

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

HOUSE
Amended 2nd Reading
March 6, 2020

department of regulatory agencies' sunset review and report on the regulation of naturopathic doctors by:

- Continuing the regulation of naturopathic doctors for 9 years, to 2029 (**sections 1 and 2** of the bill);
- Providing immunity from liability for the director of the division of professions and occupations, division staff, consultants, and complainants in any civil action brought against the individual for acts occurring while the individual is acting in the individual's capacity as director, board member, staff, consultant, or witness, respectively (**section 3**);
- Removing references to the North American Board of Naturopathic Examiners and the Council on Naturopathic Medical Education (**sections 4 and 6**); and
- Repealing the requirement that a naturopathic doctor develop and execute a collaborative agreement with a licensed physician before the naturopathic doctor can treat children under the age of 2 (**sections 5 and 7**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-250-121, **amend**
3 (1) as follows:

4 **12-250-121. Repeal of article - subject to review - definition.**

5 (1) This article 250 is repealed, effective September 1, ~~2020~~ 2029.
6 Before the repeal, the registration of naturopathic doctors is scheduled for
7 review in accordance with section 24-34-104.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
9 (19)(a)(XII); and **add** (30)(a)(III) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for repeal, continuation, or reestablishment - legislative**
12 **declaration - repeal.** (19) (a) The following agencies, functions, or both,
13 are scheduled for repeal on September 1, 2020:

14 (XII) The registration of naturopathic doctors in accordance with
15 article 250 of title 12;

1 (30) (a) The following agencies, functions, or both, are scheduled
2 for repeal on September 1, 2029:

3 (III) THE REGISTRATION OF NATUROPATHIC DOCTORS IN
4 ACCORDANCE WITH ARTICLE 250 OF TITLE 12.

5 **SECTION 3.** In Colorado Revised Statutes, 12-20-402, **amend**
6 (4) as follows:

7 **12-20-402. Immunity.** (4) This section does not apply to articles
8 125, 140, AND 150 ~~and 250~~ of this title 12 concerning fantasy contests,
9 nontransplant tissue banks, AND passenger tramways, ~~and naturopathic~~
10 ~~doctors~~, respectively.

11 **SECTION 4.** In Colorado Revised Statutes, 12-250-104, **amend**
12 (1)(b)(II) and (2) as follows:

13 **12-250-104. Naturopathic medicine advisory committee -**
14 **creation - membership - duties.** (1)(b) The advisory committee consists
15 of nine members appointed by the director as follows:

16 (II) Three members who are doctors of medicine or osteopathy
17 licensed pursuant to article 240 of this title 12, ONE OF WHOM IS A
18 PEDIATRICIAN AND ANOTHER OF WHOM IS A MEMBER OF A STATEWIDE
19 MULTISPECIALTY MEDICAL SOCIETY;

20 (2) The advisory committee shall MEET AT LEAST ONCE EACH
21 YEAR TO:

22 (a) Advise the director in the administration and enforcement of
23 this article 250 and rules adopted under this article 250;

24 (b) DISCUSS ISSUES OF IMPORTANCE TO NATUROPATHIC DOCTORS
25 AND THEIR PATIENTS; AND

26 (c) (I) REVIEW THE NATUROPATHIC FORMULARY SPECIFIED IN
27 SECTION 12-250-106 (1)(c)(I); AND

1 (II) MAKE RECOMMENDATIONS TO THE DIRECTOR ON WHETHER
2 THERE SHOULD BE ADDITIONS, OTHER THAN CONTROLLED SUBSTANCES, TO
3 THE NATUROPATHIC FORMULARY. POSSIBLE ADDITIONS MAY INCLUDE
4 ONLY BIOLOGICAL SUBSTANCES INCLUDING VITAMINS, MINERALS,
5 NUTRITIVE SUBSTANCES, EXTRACTS, AND THEIR PRODUCTS AND RESIDUES.

6 SECTION 5. In Colorado Revised Statutes, 12-250-106, amend
7 (1)(c)(I) and (5)(c) as follows:

8 12-250-106. Practice of naturopathic medicine by
9 naturopathic doctors - exclusions - protected activities - definition -
10 rules. (1) The practice of naturopathic medicine by a naturopathic doctor
11 includes the following:

12 (c) (I) Obtaining, dispensing, administering, ordering, or
13 prescribing, as specified, medicines listed in the naturopathic formulary,
14 which includes:

15 (A) ~~Obtaining, administering, or dispensing~~ Epinephrine to treat
16 anaphylaxis;

17 (B) ~~Obtaining and dispensing~~ Barrier contraceptives, excluding
18 intrauterine devices;

19 (C) ~~Obtaining and administering~~ Oxygen, but only for emergency
20 use;

21 (D) ~~Obtaining and administering~~ Vitamins B6 and B12;

22 (E) ~~Obtaining, administering, or dispensing~~ Substances that are
23 regulated by the federal food and drug administration but that do not
24 require a prescription order to be dispensed; and

25 (F) ~~Obtaining and administering~~ Vaccines, in accordance with the
26 ACIP guidelines, for patients who are at least eighteen years of age; AND

27 (G) ANY ADDITIONS TO THE NATUROPATHIC FORMULARY AS

1 DETERMINED BY THE DIRECTOR BY RULE, LIMITED TO BIOLOGICAL
2 SUBSTANCES INCLUDING VITAMINS, MINERALS, NUTRITIVE SUBSTANCES,
3 EXTRACTS, AND THEIR PRODUCTS AND RESIDUES.

4 (5) Except as provided in subsection (4) of this section, a person
5 who is not registered under this article 250 shall not:

6 (c) Use the title "naturopathic doctor", ~~or~~ "doctor of naturopathy",
7 ~~or~~ the abbreviation "N.D.", OR ANY OTHER TITLE THAT IMPLIES THE
8 PERSON IS REGISTERED OR LICENSED AS A NATUROPATHIC DOCTOR.

9 **SECTION 6. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2020 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.