

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

PREAMENDED

This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading

LLS NO. 24-0097.01 Yelana Love x2295

HOUSE BILL 24-1171

HOUSE SPONSORSHIP

Boesenecker and Soper, Amabile, Brown, McLachlan, Velasco

SENATE SPONSORSHIP

Pelton R., Cutter, Michaelson Jenet, Rodriguez, Will

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE NATUROPATHIC DOCTOR FORMULARY.**

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>.)

The bill clarifies that the naturopathic doctor formulary (formulary) may include prescription classes of medicines and adds certain medicines to the formulary, including all legend drugs and, for a naturopathic doctor with a federal drug enforcement administration registration, all drugs listed on schedules III through V under the "Uniform Controlled Substances Act of 2013".

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-30-111, **amend**
3 (4)(a)(IV) and (4)(a)(V); and **add** (4)(a)(VI) as follows:

4 **12-30-111. Electronic prescribing of controlled substances -**
5 **exceptions - rules - definitions.** (4) As used in this section:

6 (a) "Prescriber" means:

7 (IV) An optometrist licensed pursuant to article 275 of this title
8 12; ~~or~~

9 (V) A podiatrist licensed pursuant to article 290 of this title 12; ~~OR~~

10 (VI) A NATUROPATHIC DOCTOR REGISTERED PURSUANT TO
11 ARTICLE 250 OF THIS TITLE 12.

12 **SECTION 2.** In Colorado Revised Statutes, 12-250-103, **amend**
13 (12) as follows:

14 **12-250-103. Definitions.** As used in this article 250, unless the
15 context otherwise requires:

16 (12) "Naturopathic formulary" means the list of PRESCRIPTION
17 AND nonprescription classes of medicines ~~AND DEVICES~~ determined by the
18 director that naturopathic doctors use in the practice of naturopathic
19 medicine. "Naturopathic formulary" ALSO includes any prescription ~~AND~~
20 ~~NONPRESCRIPTION~~ substance or device that is authorized under this article
21 250.

22 **SECTION 3.** In Colorado Revised Statutes, 12-250-104, **amend**
23 (2)(c)(II) as follows:

24 **12-250-104. Naturopathic medicine advisory committee -**
25 **creation - membership - duties.** (2) The advisory committee shall meet
26 at least once each year to:

27 (c) (II) Make recommendations to the director on whether there

1 should be additions TO THE NATUROPATHIC FORMULARY, other than ANY
2 SCHEDULE I OR II controlled substances ~~to the naturopathic formulary.~~
3 ~~Possible additions may include only biological substances including~~
4 ~~vitamins, minerals, nutritive substances, extracts, and their products and~~
5 ~~residues~~ OR DEVICES IDENTIFIED IN THE FEDERAL "CONTROLLED
6 SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET SEQ., AS AMENDED.

7 **SECTION 4.** In Colorado Revised Statutes, 12-250-105, **add**
8 (1)(f) as follows:

9 **12-250-105. Director powers and duties - rules.** (1) In addition
10 to any other powers and duties granted or imposed on the director under
11 this article 250 or articles 20 and 30 of this title 12, the director shall:

12 (f) CONSULT WITH THE ADVISORY COMMITTEE AT LEAST ONCE
13 EACH CALENDAR YEAR TO DISCUSS REVISIONS TO THE NATUROPATHIC
14 FORMULARY.

15 **SECTION 5.** In Colorado Revised Statutes, 12-250-106, **amend**
16 (1)(c)(I) and (2)(a); and **add (1)(c)(III)** as follows:

17 **12-250-106. Practice of naturopathic medicine by**
18 **naturopathic doctors - exclusions - protected activities - definition -**
19 **rules - repeal.** (1) The practice of naturopathic medicine by a
20 naturopathic doctor includes the following:

21 (c) (I) ~~SUBJECT TO THE REQUIREMENTS IN SUBSECTION (1)(c)(III)~~
22 ~~OF THIS SECTION, obtaining~~ dispensing, administering, INJECTING,
23 ordering, or ~~prescribing as specified,~~ medicines AND DEVICES listed in the
24 naturopathic formulary, which includes:

25 (A) ~~Epinephrine to treat anaphylaxis~~ ALL LEGEND DRUGS, OTHER
26 THAN ANY SCHEDULE I OR II CONTROLLED SUBSTANCES OR DEVICES
27 IDENTIFIED IN THE FEDERAL "CONTROLLED SUBSTANCES ACT", 21 U.S.C.

- 1 SEC. 801 ET SEQ., AS AMENDED;
- 2 (A.5) WITH A VALID REGISTRATION FROM THE FEDERAL DRUG
3 ENFORCEMENT ADMINISTRATION, ALL DRUGS IN SCHEDULES III THROUGH
4 V AS LISTED IN SECTIONS 18-18-205 TO 18-18-207, EXCLUDING ALL
5 BENZODIAZEPINES, OPIOIDS, AND OPIOID DERIVATIVES;
- 6 (B) Barrier contraceptives, excluding intrauterine devices;
- 7 (C) Oxygen; ~~but only for emergency use;~~
- 8 (D) Vitamins, ~~B6 and B12~~ MINERALS, TRACE MINERALS, ENZYMES,
9 AND FOOD;
- 10 (E) ~~Substances that are regulated by the federal food and drug~~
11 ~~administration but that do not require a prescription order to be dispensed~~
12 BIOLOGICAL SUBSTANCES, INCLUDING EXTRACTS AND THEIR PRODUCTS
13 AND RESIDUES;
- 14 (F) Vaccines, in accordance with the ACIP guidelines, for patients
15 who are at least eighteen years of age; ~~and~~
- 16 (G) ~~Any additions to the naturopathic formulary as determined by~~
17 ~~the director by rule, limited to biological substances including vitamins,~~
18 ~~minerals, nutritive substances, extracts, and their products and residues.~~
- 19 TOPICAL PREPARATIONS;
- 20 (H) CONTINUOUS POSITIVE AIRWAY PRESSURE DEVICES;
- 21 (I) CONTINUOUS GLUCOSE MONITORING DEVICES;
- 22 (J) HOMEOPATHIC PREPARATIONS;
- 23 (K) ALL AMINO ACIDS AND AMINO ACID COMBINATIONS;
- 24 (L) ALL BOTANICAL EXTRACTS AND THEIR DERIVATIVES;
- 25 (M) ELECTROLYTES AND FLUID REPLACEMENT;
- 26 (N) HORMONES; AND
- 27 (O) ANY ADDITIONS TO THE NATUROPATHIC FORMULARY AS

1 DETERMINED BY THE DIRECTOR BY RULE.

2 (III) (A) EFFECTIVE SEPTEMBER 30, 2024, A NATUROPATHIC
3 DOCTOR SHALL NOT OBTAIN, DISPENSE, ADMINISTER, INJECT, ORDER, OR
4 PRESCRIBE ANY OF THE MEDICINES OR DEVICES LISTED IN SUBSECTION
5 (1)(c)(I) OF THIS SECTION UNLESS THE NATUROPATHIC DOCTOR SHOWS
6 PROOF TO THE DIRECTOR, IN THE FORM AND MANNER DETERMINED BY THE
7 DIRECTOR, OF COMPLETION OF TEN HOURS OF PHARMACOLOGICAL
8 CONTINUING EDUCATION PERTINENT TO OR REFLECTIVE OF THE
9 NATUROPATHIC FORMULARY.

10 (B) A NATUROPATHIC DOCTOR SHALL NOT PRESCRIBE ANY
11 MEDICINE OR DEVICE TO A PERSON UNDER THE AGE OF EIGHTEEN UNLESS
12 RECOMMENDED BY THE ADVISORY COMMITTEE AND APPROVED BY THE
13 DIRECTOR.

14 (C) SUBSECTION (1)(c)(III)(A) OF THIS SECTION IS REPEALED,
15 EFFECTIVE JULY 1, 2025.

16 (2) A naturopathic doctor shall not:

17 (a) Prescribe, dispense, administer, or inject a ANY SCHEDULE I OR
18 II controlled substance or device identified in the federal "Controlled
19 Substances Act", 21 U.S.C. sec. 801 et seq., as amended;

20 **SECTION 6.** In Colorado Revised Statutes, 12-250-107, **amend**
21 (2)(d); and **add** (2)(d.5) as follows:

22 **12-250-107. Registration required - qualifications -**
23 **examination - registration by endorsement - rules.** (2) An applicant
24 for a registration to practice as a naturopathic doctor in this state shall
25 submit an application to the director in a form and manner determined by
26 the director by rule, accompanied by the fee required pursuant to section
27 12-20-105. The director shall issue a registration to practice as a

1 naturopathic doctor to an applicant upon receipt of satisfactory proof that
2 the applicant:

3 (d) Has successfully passed either a director-approved
4 examination or a comprehensive competency-based national naturopathic
5 licensing examination administered by the North American Board of
6 Naturopathic Examiners or a nationally recognized, director-approved
7 successor entity, as determined by the director by rule; and

8 (d.5) BEGINNING SEPTEMBER 1, 2024, HAS SUCCESSFULLY PASSED
9 A PHARMACOLOGY EXAMINATION ADMINISTERED BY THE NORTH
10 AMERICAN BOARD OF NATUROPATHIC EXAMINERS OR A NATIONALLY
11 RECOGNIZED, DIRECTOR-APPROVED SUCCESSOR ENTITY, AS DETERMINED
12 BY THE DIRECTOR BY RULE; AND

13 **SECTION 7.** In Colorado Revised Statutes, 12-250-109, amend
14 (1)(b)(II) and (1)(b)(III); and add (1)(b)(IV) as follows:

15 **12-250-109. Continuing professional competency - rules.**

16 (1) (b) The director shall adopt rules establishing a continuing
17 professional competency program that includes, at a minimum, the
18 following elements:

19 (II) Development, execution, and documentation of a learning
20 plan based on the assessment; and

21 (III) Periodic demonstration of knowledge and skills through
22 documentation of activities necessary to ensure continuing competency
23 in the profession; except that a naturopathic doctor need not retake any
24 examination required by section 12-250-107 (2)(d) for initial registration;
25 AND

26 (IV) FOR REGISTRATION RENEWAL ON OR AFTER JUNE 1, 2025, TEN
27 HOURS PER YEAR OF EDUCATION IN PHARMACOLOGY. THE DIRECTOR

1 SHALL NOT INCREASE THE TOTAL NUMBER OF HOURS OF CONTINUING
2 PROFESSIONAL COMPETENCY THAT A NATUROPATHIC DOCTOR MUST
3 COMPLETE PURSUANT TO THIS SECTION.

4 **SECTION 8. Act subject to petition - effective date.** This act
5 takes effect September 1, 2024; except that, if a referendum petition is
6 filed pursuant to section 1 (3) of article V of the state constitution against
7 this act or an item, section, or part of this act within the ninety-day period
8 after final adjournment of the general assembly, then the act, item,
9 section, or part will not take effect unless approved by the people at the
10 general election to be held in November 2024 and, in such case, will take
11 effect on the date of the official declaration of the vote thereon by the
12 governor.