

CHAPTER 45

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 96-1102

BY REPRESENTATIVES Nichol, Paschall, and Pfiffner;
also SENATOR Mutzebaugh.

AN ACT**CONCERNING THE REGULATION OF DRUG PRECURSORS.**

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

SECTION 1. Repeal. 12-22-303 (13.5), 12-22-304 (2.5), (5.5), and (5.6), 12-22-305 (1.5), and 12-22-321 (2) (a), Colorado Revised Statutes, 1991 Repl. Vol., as amended, are repealed.

SECTION 2. Part 3 of article 22 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

12-22-306.1. Fees - drug precursors - refund. ALL MONEYS COLLECTED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 12-22-305 FROM APPLICANTS AND LICENSEES WHO MANUFACTURE, TRANSFER, POSSESS, OR TRANSPORT DRUG PRECURSORS SHALL BE REFUNDED, BEFORE SEPTEMBER 30, 1996, TO THE PERSONS FROM WHOM SUCH MONEYS WERE COLLECTED.

SECTION 3. 12-22-308 (1) (b), (1) (c), (2), and (3), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-22-308. Denial, revocation, or suspension of license. (1) A license issued under this part 3 may be denied, suspended, or revoked by the department or by the board pursuant to article 4 of title 24, C.R.S., upon a finding that the licensee:

(b) Has been convicted of, or has had accepted by a court a plea of guilty or nolo contendere to, a felony under any state or federal law relating to a controlled substance; ~~or a drug precursor;~~

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

(c) Has had his OR HER federal registration to manufacture, conduct research on, distribute, or dispense a controlled substance ~~or a drug precursor~~ suspended or revoked; or

(2) The department or the board may limit revocation or suspension of a license to the particular controlled substance ~~or drug precursor~~ which was the basis for revocation or suspension.

(3) If the department or the board suspends or revokes a license, all controlled substances ~~or drug precursors~~ owned or possessed by the licensee at the time of the suspension or on the effective date of the revocation order may be placed under seal. No disposition may be made of substances ~~or precursors~~ under seal until the time for making an appeal has elapsed or until all appeals have been concluded unless a court orders otherwise or orders the sale of any perishable controlled substances ~~or drug precursors~~ and the deposit of the proceeds with the court. Upon a revocation order's becoming final, all controlled substances ~~and all drug precursors~~ may be forfeited to the state.

SECTION 4. 12-22-319 (2), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-22-319. Enforcement and cooperation. (2) The board shall make any inspections, investigations, and reports that may be necessary to determine compliance with the provisions of this part 3 as they pertain to pharmacies, pharmacists, and manufacturers and distributors of controlled substances. The department ~~shall make any inspections, investigations, and reports that may be necessary to determine compliance with this part 3 pertaining to persons who manufacture, possess, transfer, or transport drug precursors~~ and shall cooperate with all agencies charged with the enforcement of the laws of this state, all other states, and the United States relating to controlled substances.

SECTION 5. 18-18-414 (1) (o), (1) (p), (1) (s), and (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

18-18-414. Unlawful acts - licenses - penalties. (1) Except as otherwise provided in this article or in article 22 of title 12, C.R.S., the following acts are unlawful:

(o) Knowingly transferring drug precursors ~~except to an authorized licensee~~ TO ANY PERSON WHO USES THEM FOR AN UNLAWFUL ACTIVITY;

(p) ~~Knowingly using in the course of the manufacture or transfer of a drug precursor a license number which is fictitious, revoked, suspended, or issued to another person;~~

(s) ~~The knowing manufacture by a licensee of a drug precursor not authorized by his license, or the knowing transfer of a drug precursor not authorized by his license to another licensee or authorized person;~~

(5) Any person who violates paragraph (o), ~~(p)~~; (q), (r), ~~(s)~~; or (t) of subsection (1)

of this section commits a class 4 felony.

SECTION 6. 24-34-104, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (31.5) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL TERMINATE ON JULY 1, 2002: THE RECORDKEEPING FUNCTIONS OF THE DEPARTMENT OF HUMAN SERVICES RELATING TO CONTROLLED SUBSTANCES IN ACCORDANCE WITH PART 3 OF ARTICLE 22 OF TITLE 12, C.R.S.

SECTION 7. 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: April 8, 1996