

CHAPTER 139

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 12-1297

BY REPRESENTATIVE(S) Gardner B., Barker, Ryden, Waller, Brown, Labuda;
also SENATOR(S) Tochtrop, Aguilar.

AN ACT

**CONCERNING THE COMMITTEE ON ANTICOMPETITIVE CONDUCT, AND, IN CONNECTION THEREWITH,
CONTINUING THE COMMITTEE'S STATUTORY AUTHORIZATION UNTIL SEPTEMBER 1, 2013.**

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

SECTION 1. In Colorado Revised Statutes, 12-36.5-106, **add** (14) as follows:

12-36.5-106. Committee on anticompetitive conduct - repeal - legislative declaration. (14) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2013. PRIOR TO SUCH REPEAL, THE GENERAL ASSEMBLY ANTICIPATES THAT THERE WILL BE, AND DECLARES ITS SUPPORT FOR, CONSTRUCTIVE DISCUSSION AMONG LICENSED PROFESSIONALS AND OTHER INTERESTED PARTIES TO CONSIDER THE PROPER ROLE, STRUCTURE, AND FUNCTIONS OF THE COMMITTEE ON ANTICOMPETITIVE CONDUCT AND TO RECOMMEND LEGISLATION ON THIS SUBJECT FOR CONSIDERATION DURING THE 2013 REGULAR SESSION.

SECTION 2. In Colorado Revised Statutes, 12-36.5-104, **amend** (10) (a) and (10) (b) introductory portion; and **repeal** (10) (b) (I) as follows:

12-36.5-104. Establishment of professional review committees - function - rules. (10) (a) The records of a professional review committee AND a governing board ~~or the committee on anticompetitive conduct shall~~ ARE not ~~be~~ subject to subpoena or discovery and ~~shall~~ ARE not ~~be~~ admissible in any civil suit brought against a physician who is the subject of such records.

(b) Notwithstanding ~~the provisions of~~ paragraph (a) of this subsection (10), such records ~~shall be~~ ARE subject to subpoena and available for use:

(I) ~~By the committee on anticompetitive conduct;~~

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

SECTION 3. In Colorado Revised Statutes, **amend** 12-36.5-107 as follows:

12-36.5-107. Repeal of article. This article is repealed, effective ~~July 1, 2012~~ SEPTEMBER 1, 2013. Prior to such repeal, the DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE functions of professional review committees ~~and the committee on anticompetitive conduct shall be reviewed~~ in accordance with section 24-34-104, C.R.S.

SECTION 4. In Colorado Revised Statutes, 13-4-102, **amend** (2) (z) as follows:

13-4-102. Jurisdiction. (2) The court of appeals has initial jurisdiction to:

(z) (I) Review final actions of the committee on anticompetitive conduct established pursuant to section 12-36.5-106, C.R.S.

(II) THIS PARAGRAPH (z) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2013.

SECTION 5. In Colorado Revised Statutes, 24-34-104, **amend** (43) introductory portion; and **repeal** (43) (h) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (43) The following agencies, functions, or both, ~~shall~~ terminate on July 1, 2012:

(h) ~~The functions of the committee on anticompetitive conduct pursuant to article 36.5 of title 12, C.R.S.~~

SECTION 6. Effective date. This act takes effect upon passage; except that section 2 of this act is effective September 1, 2013, and section 3 of this act takes effect only if H.B. 12-1300 does not become law.

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 26, 2012