

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

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LLS NO. 17-0241.01 Jennifer Berman x3286

COMMITTEE BILL

Committee on Legal Services

BILL TOPIC: "Relocate Title 12 CDPHE "

A BILL FOR AN ACT

101 **CONCERNING THE NONSUBSTANTIVE RELOCATION OF THE LAWS**
102 **RELATED TO THE DEPARTMENT OF PUBLIC HEALTH AND**
103 **ENVIRONMENT FROM TITLE 12, COLORADO REVISED STATUTES,**
104 **AS PART OF THE ORGANIZATIONAL RECODIFICATION OF TITLE**
105 **12.**

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/>.)

Committee on Legal Services. Current law directs the office of legislative legal services to study the organizational recodification of title

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

12 of the Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study, the bill relocates the following laws:

- Article 29.3 of title 12, pursuant to which the department of public health and environment (department) regulates volunteer health practitioners and services provided by volunteer health practitioners during a declared emergency, to part 6 of article 1.5 of title 25 (**section 1 of the bill**); and
- Article 30 of title 12, pursuant to which the department regulates persons that represent that a drug, medicine, compound, or device is of value in the diagnosis, treatment, alleviation, or cure of cancer, and the drugs, medicines, compounds, or devices so represented, to article 48 of title 25 (**section 2**).

Section 3 repeals the articles where these laws were previously codified.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** part 6 to article 1.5 of title 25 as follows:

4 PART 6

5 UNIFORM EMERGENCY VOLUNTEER HEALTH

6 PRACTITIONERS ACT

7 **25-1.5-601. [Formerly 12-29.3-101] Short title.** ~~This article shall~~
8 ~~be known and may be cited as~~ THE SHORT TITLE OF THIS PART 6 IS the
9 "Uniform Emergency Volunteer Health Practitioners Act".

10 **25-1.5-602. [Formerly 12-29.3-102] Definitions.** In this article
11 PART 6:

12 (1) "Disaster management agency" means the department of
13 public health and environment.

14 (2) "Disaster relief organization" means an entity that provides
15 emergency or disaster relief services that include health or veterinary
16 services provided by volunteer health practitioners and that:

1 (A) Is designated or recognized as a provider of those services
2 pursuant to a disaster response and recovery plan adopted by an agency
3 of the federal government or the disaster management agency; or

4 (B) Regularly plans and conducts its activities in coordination
5 with an agency of the federal government or the disaster management
6 agency.

7 (3) "Emergency" means an event or condition that is an
8 emergency, disaster, incident of bioterrorism, emergency epidemic,
9 pandemic influenza, or other public health emergency under section
10 24-33.5-704. ~~C.R.S.~~

11 (4) "Emergency declaration" means a declaration of emergency
12 issued by the governor pursuant to section 24-33.5-704. ~~C.R.S.~~

13 (5) "Emergency management assistance compact" means the
14 interstate compact approved by congress by Pub.L. 104-321, 110 Stat.
15 3877, part 29 of article 60 of title 24. ~~C.R.S.~~

16 (6) "Entity" means a person other than an individual.

17 (7) "Health facility" means an entity licensed under the laws of
18 this or another state to provide health or veterinary services.

19 (8) "Health practitioner" means an individual licensed under the
20 laws of this or another state to provide health or veterinary services.

21 (9) "Health services" means the provision of treatment, care,
22 advice or guidance, or other services, or supplies, related to the health or
23 death of individuals or human populations, to the extent necessary to
24 respond to an emergency, including:

25 (A) The following, concerning the physical or mental condition
26 or functional status of an individual or affecting the structure or function
27 of the body:

1 (i) Preventive, diagnostic, therapeutic, rehabilitative, maintenance,
2 or palliative care; and

3 (ii) Counseling, assessment, procedures, or other services;

4 (B) Sale or dispensing of a drug, a device, equipment, or another
5 item to an individual in accordance with a prescription; and

6 (C) Funeral, cremation, cemetery, or other mortuary services.

7 (10) "Host entity" means an entity operating in this state ~~which~~
8 THAT uses volunteer health practitioners to respond to an emergency.

9 (11) "License" means authorization by a state to engage in health
10 or veterinary services that are unlawful without the authorization. The
11 term includes authorization under the laws of this state to an individual
12 to provide health or veterinary services based upon a national certification
13 issued by a public or private entity.

14 (12) "Person" means an individual, corporation, business trust,
15 trust, partnership, limited liability company, association, joint venture,
16 public corporation, government or governmental subdivision, agency, or
17 instrumentality, or any other legal or commercial entity.

18 (13) "Scope of practice" means the extent of the authorization to
19 provide health or veterinary services granted to a health practitioner by a
20 license issued to the practitioner in the state in which the principal part of
21 the practitioner's services are rendered, including any conditions imposed
22 by the licensing authority.

23 (14) "State" means a state of the United States, the District of
24 Columbia, Puerto Rico, the United States Virgin Islands, or any territory
25 or insular possession subject to the jurisdiction of the United States.

26 (15) "Veterinary services" means the provision of treatment, care,
27 advice or guidance, or other services, or supplies, related to the health or

1 death of an animal or to animal populations, to the extent necessary to
2 respond to an emergency, including:

3 (A) Diagnosis, treatment, or prevention of an animal disease,
4 injury, or other physical or mental condition by the prescription,
5 administration, or dispensing of vaccine, medicine, surgery, or therapy;

6 (B) Use of a procedure for reproductive management; and

7 (C) Monitoring and treatment of animal populations for diseases
8 that have spread or demonstrate the potential to spread to humans.

9 (16) "Volunteer health practitioner" means a health practitioner
10 who provides health or veterinary services, whether or not the practitioner
11 receives compensation for those services. The term does not include a
12 practitioner who receives compensation pursuant to a preexisting
13 employment relationship with a host entity or affiliate ~~which~~ THAT
14 requires the practitioner to provide health services in this state, unless the
15 practitioner is not a resident of this state and is employed by a disaster
16 relief organization providing services in this state while an emergency
17 declaration is in effect.

18 **25-1.5-603. [Formerly 12-29.3-103] Applicability to volunteer**
19 **health practitioners.** This ~~article~~ PART 6 applies to volunteer health
20 practitioners registered with a registration system that complies with
21 section ~~12-29.3-105~~ 25-1.5-605 and who provide health or veterinary
22 services in this state for a host entity while an emergency declaration is
23 in effect.

24 **25-1.5-604. [Formerly 12-29.3-104] Regulation of services**
25 **during emergency.** (a) While an emergency declaration is in effect, the
26 disaster management agency, in consultation with the department of
27 agriculture with regard to veterinary services, may limit, restrict, or

1 otherwise regulate:

2 (1) The duration of practice by volunteer health practitioners;

3 (2) The geographical areas in which volunteer health practitioners
4 may practice;

5 (3) The types of volunteer health practitioners who may practice;
6 and

7 (4) Any other matters necessary to coordinate effectively the
8 provision of health or veterinary services during the emergency.

9 (b) An order issued pursuant to subsection (a) of this section may
10 take effect immediately, without prior notice or comment, and is not a
11 rule within the meaning of the "State Administrative Procedure Act",
12 article 4 of title 24. ~~C.R.S.~~

13 (c) A host entity that uses volunteer health practitioners to provide
14 health or veterinary services in this state shall:

15 (1) Consult and coordinate its activities with the disaster
16 management agency and, with regard to veterinary services, the
17 department of agriculture, to the extent practicable to provide for the
18 efficient and effective use of volunteer health practitioners; and

19 (2) Comply with any laws other than this ~~article~~ PART 6 relating
20 to the management of emergency health or veterinary services, including
21 articles 29.1 to 43 of ~~this title~~ TITLE 12.

22 **25-1.5-605. [Formerly 12-29.3-105] Volunteer health**
23 **practitioner registration systems.** (a) To qualify as a volunteer health
24 practitioner registration system, a system must:

25 (1) Accept applications for the registration of volunteer health
26 practitioners before or during an emergency;

27 (2) Include information about the licensure and good standing of

1 health practitioners ~~which~~ THAT is accessible by authorized persons;

2 (3) Be capable of confirming the accuracy of information
3 concerning whether a health practitioner is licensed and in good standing
4 before health services or veterinary services are provided under this
5 ~~article~~ PART 6; and

6 (4) Meet one of the following conditions:

7 (A) Be an emergency system for advance registration of volunteer
8 health-care practitioners established by a state and funded through the
9 health resources services administration under section 319I of the "Public
10 Health Service Act", 42 U.S.C. sec. 247d-7b, as amended;

11 (B) Be a local unit consisting of trained and equipped emergency
12 response, public health, and medical personnel formed pursuant to section
13 2801 of the "Public Health Service Act", 42 U.S.C. sec. 300hh, as
14 amended;

15 (C) Be operated by a:

16 (i) Disaster relief organization;

17 (ii) Licensing board;

18 (iii) National or regional association of licensing boards or health
19 practitioners;

20 (iv) Health facility that provides comprehensive inpatient and
21 outpatient health-care services, including a tertiary care and teaching
22 hospital; or

23 (v) Governmental entity; or

24 (D) Be designated by the disaster management agency as a
25 registration system for purposes of this ~~article~~ PART 6.

26 (b) While an emergency declaration is in effect, the disaster
27 management agency, a person authorized to act on behalf of the disaster

1 management agency, or a host entity, may confirm whether volunteer
2 health practitioners utilized in this state are registered with a registration
3 system that complies with subsection (a) of this section. Confirmation is
4 limited to obtaining identities of the practitioners from the system and
5 determining whether the system indicates that the practitioners are
6 licensed and in good standing.

7 (c) Upon request of a person in this state authorized under
8 subsection (b) of this section, or a similarly authorized person in another
9 state, a registration system located in this state shall notify the person of
10 the identities of volunteer health practitioners and whether the
11 practitioners are licensed and in good standing.

12 (d) A host entity is not required to use the services of a volunteer
13 health practitioner even if the practitioner is registered with a registration
14 system that indicates that the practitioner is licensed and in good standing.

15 **25-1.5-606. [Formerly 12-29.3-106] Recognition of volunteer**
16 **health practitioners licensed in other states.** (a) While an emergency
17 declaration is in effect, a volunteer health practitioner, registered with a
18 registration system that complies with section ~~12-29.3-105~~ 25-1.5-605
19 and licensed and in good standing in the state upon which the
20 practitioner's registration is based, may practice in this state to the extent
21 authorized by this ~~article~~ PART 6 as if the practitioner were licensed in this
22 state.

23 (b) A volunteer health practitioner qualified under subsection (a)
24 of this section is not entitled to the protections of this ~~article~~ PART 6 if the
25 practitioner is licensed in more than one state and any license of the
26 practitioner is suspended, revoked, or subject to an agency order limiting
27 or restricting practice privileges, or has been voluntarily terminated under

1 threat of sanction.

2 **25-1.5-607. [Formerly 12-29.3-107] No effect on credentialing**
3 **and privileging.** (a) In this section:

4 (1) "Credentialing" means obtaining, verifying, and assessing the
5 qualifications of a health practitioner to provide treatment, care, or
6 services in or for a health facility.

7 (2) "Privileging" means the authorizing by an appropriate
8 authority, such as a governing body, of a health practitioner to provide
9 specific treatment, care, or services at a health facility subject to limits
10 based on factors that include license, education, training, experience,
11 competence, health status, and specialized skill.

12 (b) This ~~article~~ PART 6 does not affect credentialing or privileging
13 standards of a health facility and does not preclude a health facility from
14 waiving or modifying those standards while an emergency declaration is
15 in effect.

16 **25-1.5-608. [Formerly 12-29.3-108] Provision of volunteer**
17 **health or veterinary services - administrative sanctions.** (a) Subject
18 to subsections (b) and (c) of this section, a volunteer health practitioner
19 shall adhere to the scope of practice for a similarly licensed practitioner
20 established by the licensing provisions, practice acts, or other laws of this
21 state.

22 (b) Except as otherwise provided in subsection (c) of this section,
23 this ~~article~~ PART 6 does not authorize a volunteer health practitioner to
24 provide services that are outside the practitioner's scope of practice, even
25 if a similarly licensed practitioner in this state would be permitted to
26 provide the services.

27 (c) The disaster management agency may modify or restrict the

1 health or veterinary services that volunteer health practitioners may
2 provide pursuant to this ~~article~~ PART 6, and, with regard to emergencies
3 that require only veterinary services, the department of agriculture may
4 modify or restrict the veterinary services that volunteer health
5 practitioners may provide pursuant to this ~~article~~ PART 6. An order under
6 this subsection (c) may take effect immediately, without prior notice or
7 comment, and is not a rule within the meaning of the "State
8 Administrative Procedure Act", article 4 of title 24. ~~C.R.S.~~

9 (d) A host entity may restrict the health or veterinary services that
10 a volunteer health practitioner may provide pursuant to this ~~article~~ PART
11 6.

12 (e) A volunteer health practitioner does not engage in
13 unauthorized practice unless the practitioner has reason to know of any
14 limitation, modification, or restriction under this section or that a
15 similarly licensed practitioner in this state would not be permitted to
16 provide the services. A volunteer health practitioner has reason to know
17 of a limitation, modification, or restriction or that a similarly licensed
18 practitioner in this state would not be permitted to provide a service if:

19 (1) The practitioner knows the limitation, modification, or
20 restriction exists or that a similarly licensed practitioner in this state
21 would not be permitted to provide the service; or

22 (2) From all the facts and circumstances known to the practitioner
23 at the relevant time, a reasonable person would conclude that the
24 limitation, modification, or restriction exists or that a similarly licensed
25 practitioner in this state would not be permitted to provide the service.

26 (f) In addition to the authority granted by law of this state other
27 than this ~~article~~ PART 6 to regulate the conduct of health practitioners, a

1 licensing board or other disciplinary authority in this state:

2 (1) May impose administrative sanctions upon a health
3 practitioner licensed in this state for conduct outside of this state in
4 response to an out-of-state emergency;

5 (2) May impose administrative sanctions upon a practitioner not
6 licensed in this state for conduct in this state in response to an in-state
7 emergency; and

8 (3) Shall report any administrative sanctions imposed upon a
9 practitioner licensed in another state to the appropriate licensing board or
10 other disciplinary authority in any other state in which the practitioner is
11 known to be licensed.

12 (g) In determining whether to impose administrative sanctions
13 under subsection (f) of this section, a licensing board or other disciplinary
14 authority shall consider the circumstances in which the conduct took
15 place, including any exigent circumstances, and the practitioner's scope
16 of practice, education, training, experience, and specialized skill.

17 **25-1.5-609. [Formerly 12-29.3-109] Relation to other laws.**

18 (a) This ~~article~~ PART 6 does not limit rights, privileges, or immunities
19 provided to volunteer health practitioners by laws other than this ~~article~~
20 PART 6. Except as otherwise provided in subsection (b) of this section,
21 this ~~article~~ PART 6 does not affect requirements for the use of health
22 practitioners pursuant to the emergency management assistance compact.

23 (b) The office of emergency management created in section
24 24-33.5-705, ~~C.R.S.~~, pursuant to the emergency management assistance
25 compact, may incorporate into the emergency forces of this state
26 volunteer health practitioners who are not officers or employees of this
27 state, a political subdivision of this state, or a municipality or other local

1 government within this state.

2 **25-1.5-610. [Formerly 12-29.3-110] Rules.** The executive
3 director of the department of public health and environment may
4 promulgate rules to implement this ~~article~~ PART 6. In doing so, the
5 executive director shall consult with and consider the recommendations
6 of the department of agriculture with regard to veterinary services and the
7 entity established to coordinate the implementation of the emergency
8 management assistance compact and shall also consult with and consider
9 rules promulgated by similarly empowered agencies in other states to
10 promote uniformity of application of this ~~article~~ PART 6 and make the
11 emergency response systems in the various states reasonably compatible.

12 **25-1.5-611. [Formerly 12-29.3-111] Civil liability for volunteer**
13 **health practitioners - vicarious liability.** A volunteer health
14 practitioner's immunity from civil liability may be affected by section
15 13-21-115.5. ~~C.R.S.~~

16 **25-1.5-612. [Formerly 12-29.3-112] Workers' compensation**
17 **coverage.** (Reserved)

18 **25-1.5-613. [Formerly 12-29.3-113] Uniformity of application**
19 **and construction.** In applying and construing this ~~article~~ PART 6,
20 consideration must be given to the need to promote uniformity of the law
21 with respect to its subject matter among states that enact it.

22 **SECTION 2.** In Colorado Revised Statutes, **add with amended**
23 **and relocated provisions** article 48 to title 25 as follows:

24 **ARTICLE 48**

25 **Cancer Cure Control**

26 **25-48-101. [Formerly 12-30-101] Definitions.** As used in this
27 article, unless the context otherwise requires:

1 (1) "Cancer" means all malignant neoplasms regardless of the
2 tissue of origin including malignant lymphoma and leukemia.

3 ~~(2) Repealed.~~

4 ~~(3)~~ (2) "Department" means the department of public health and
5 environment.

6 ~~(4)~~ (3) "Licensed dentist" means a person licensed to practice
7 dentistry under article 35 of ~~this title~~ TITLE 12 by the Colorado dental
8 board or its successor.

9 ~~(5)~~ (4) "Licensed physician or osteopath" means a person licensed
10 to practice medicine under article 36 of ~~this title~~ TITLE 12 by the Colorado
11 medical board or its successor.

12 **25-48-102. [Formerly 12-30-102] Application of article.** The
13 provisions of this ~~article~~ ARTICLE 48 shall not be construed in any manner
14 to authorize any licensed physician, osteopath, or dentist to practice
15 medicine or dentistry beyond the limits imposed by the applicable statutes
16 of the state.

17 **25-48-103. [Formerly 12-30-103] Powers and duties of**
18 **department.** (1) The department shall:

19 (a) Prescribe reasonable rules ~~and regulations~~ with respect to the
20 administration of this ~~article~~ ARTICLE 48;

21 (b) Investigate violations of the provisions of this ~~article~~ ARTICLE
22 48 and report ~~such~~ THE violations to the appropriate enforcement
23 authority;

24 (c) Secure the investigation and testing of the content, method of
25 preparation, efficacy, or use of drugs, medicines, compounds, or devices,
26 held out by any individual, person, firm, association, or other entity in the
27 state as of value in the diagnosis, treatment, or cure of cancer, prescribe

1 reasonable regulations with respect to ~~such~~ THE investigation and testing,
2 and make findings of fact and recommendations upon completion of any
3 ~~such~~ investigation and testing;

4 (d) Hold hearings in respect to the investigations made under the
5 provisions of ~~paragraph (c) of this subsection (1)~~ SUBSECTION (1)(c) OF
6 THIS SECTION, and subpoena witnesses and documents. Prior to issuance
7 of a cease-and-desist order under section ~~12-30-108~~ 25-48-107, a hearing
8 shall be held by the department. The person furnishing a sample under
9 section ~~12-30-104~~ 25-48-104 shall be given due notice of ~~such~~ THE
10 hearing and an opportunity to be heard.

11 (e) Contract with independent scientific consultants for
12 specialized services and advice.

13 ~~(2) Repealed.~~

14 **25-48-104. [Formerly 12-30-104] Investigation by department.**

15 On written request by the department, delivered personally or by mail,
16 any individual, person, firm, association, or other entity ~~which~~ THAT holds
17 out either expressly or impliedly any drug, medicine, compound, or
18 device as being of a value in the diagnosis, treatment, alleviation, or cure
19 of cancer, shall furnish the department with ~~such~~ A sample as the
20 department may deem necessary for adequate testing of ~~any such~~ THE
21 drug, medicine, compound, or device and shall specify the formula of any
22 drug or compound and name all ingredients by their common or usual
23 names, and, upon like request by the department, shall furnish ~~such~~
24 further necessary information as it may request as to the composition and
25 method of preparation of and the manner in which ~~any such~~ THE drug,
26 compound, or device is of value in diagnosis, treatment, alleviation, or
27 cure of cancer.

1 **25-48-105. [Formerly 12-30-106] Failure to comply with**
2 **request of department.** (1) If there is failure to either provide the
3 sample, disclose the formula, or name the ingredients as required by this
4 ~~article~~ ARTICLE 48, it shall be conclusively presumed that the drug,
5 medicine, compound, or device ~~which~~ THAT is the subject of the
6 department's request has no value in the diagnosis, treatment, alleviation,
7 or cure of cancer.

8 (2) Any individual, person, firm, association, or other entity that
9 fails to comply with any of the provisions of this ~~article~~ ARTICLE 48, or
10 with any order of the department validly issued under this ~~article~~ ARTICLE
11 48, is guilty of a misdemeanor and, upon conviction thereof, shall be
12 punished as provided in section 18-1.3-505. ~~C.R.S.~~

13 **25-48-106. [Formerly 12-30-107] Unlawful acts.** (1) It is a
14 misdemeanor for an individual, person, firm, association, or other entity,
15 other than a licensed physician, licensed advanced practice nurse within
16 his or her scope of practice, licensed osteopath, or licensed dentist to
17 diagnose, treat, or prescribe for the treatment of cancer or to hold himself
18 or herself out to any person as being able to cure, diagnose, treat, or
19 prescribe for the treatment of the disease of cancer. A licensed
20 chiropractor shall not treat cancer or prescribe for the treatment of cancer.
21 ~~Such~~ A chiropractor may treat any person for human ailments within the
22 scope of his or her license even though the person has or may have cancer
23 at the time, but if a chiropractor knows or has reason to believe that any
24 patient has or may have cancer, he or she must refer the patient to a
25 medical doctor or an osteopath.

26 (2) It is a misdemeanor for any individual, person, firm,
27 association, or other entity willfully and falsely to represent a device,

1 substance, or treatment as being of a value in the treatment, alleviation,
2 or cure of cancer. Nothing in this section shall abridge the existent rights
3 of the press. Any person who is convicted of a third or any subsequent
4 violation of this ~~article~~ ARTICLE 48 commits a class 6 felony and shall be
5 punished as provided in section 18-1.3-401. ~~C.R.S.~~

6 **25-48-107. [Formerly 12-30-108] Findings - cease-and-desist**
7 **order.** (1) Following an investigation or testing of the content or
8 composition of any drug, medicine, compound, or device held out either
9 expressly or impliedly by any individual, person, firm, association, or
10 other entity to be of value in the diagnosis, treatment, alleviation, or cure
11 of cancer and after a hearing as provided in section ~~12-30-103~~ 25-48-103,
12 the department may direct that any such individual, person, firm,
13 association, or other entity shall cease and desist any further holding out,
14 either expressly or impliedly, that any such drug, medicine, compound, or
15 device, or any substantially similar drug, medicine, compound, or device,
16 is of value in the diagnosis or treatment of cancer.

17 (2) In the investigation or testing required by this ~~article~~ ARTICLE
18 48 to determine the value or lack of value of any drug, medicine,
19 compound, or device in the diagnosis, treatment, or cure of cancer, the
20 department, as it deems necessary or advisable, shall utilize the facilities
21 and findings of its own laboratories or other appropriate laboratories,
22 clinics, hospitals, and nonprofit cancer research institutes recognized by
23 the national cancer institute within this state or the facilities and findings
24 of the federal government or of the national cancer institute. The
25 department may arrange, by contract, for investigation by and submission
26 to it of findings, conclusions, or opinions of trained scientists in the
27 appropriate departments of universities, medical schools, clinics,

1 hospitals, and nonprofit cancer research institutes recognized by the
2 national cancer institute and the submission to it of findings, conclusions,
3 or opinions of other qualified scientists. Prior to the issuance of a
4 cease-and-desist order under this section, the department shall make a
5 written finding of fact based on ~~such~~ THE investigation that the drug,
6 medicine, compound, or device so investigated has been found to be
7 either definitely harmful or of no value in the diagnosis, treatment,
8 alleviation, or cure of cancer, and the department shall be satisfied
9 beyond a reasonable doubt that the written findings of fact are true.

10 **25-48-108. [Formerly 12-30-109] Injunction.** (1) If an
11 individual, person, firm, association, or other entity, after service upon
12 him, HER, or it of a cease-and-desist order issued by the department under
13 section ~~12-30-108~~ 25-48-107, persists in prescribing, recommending, or
14 using the drug, medicine, compound, or device described in ~~said~~ THE
15 cease-and-desist order, or a substantially similar drug, medicine,
16 compound, or device, the district court in any county, on application of
17 the department and when satisfied by a preponderance of the evidence
18 that the written findings of fact required of the department by section
19 ~~12-30-108~~ 25-48-107 are true, may issue an order to show cause why
20 there should not be issued an injunction or other appropriate order
21 restraining ~~such~~ THE individual, person, firm, association, or other entity
22 from holding out either expressly or impliedly ~~such~~ THE drug, medicine,
23 compound, or device, or any substantially similar drug, medicine,
24 compound, or device, as being of a value in the treatment, diagnosis,
25 alleviation, or cure of cancer. After a hearing on ~~such~~ THE order to show
26 cause, an injunction or other appropriate restraining order may be issued.

27 (2) Any person against whom an injunction has been issued, under

1 subsection (1) of this section, may not undertake to use in the diagnosis,
2 treatment, or cure of cancer any new, experimental, untested, or secret
3 drug, medicine, compound, or device without first submitting it to the
4 department for investigation and testing.

5 **25-48-109. [Formerly 12-30-110] Investigation by executive**
6 **director.** (1) The executive director shall investigate possible violations
7 of this ~~article~~ ARTICLE 48 and report violations to the appropriate
8 enforcement authority.

9 (2) County or district health officers, district attorneys, and the
10 attorney general shall cooperate with the executive director in the
11 enforcement of this ~~article~~ ARTICLE 48.

12 **25-48-110. [Formerly 12-30-111] Reports of investigation.** The
13 department, in accordance with the provisions of section 24-1-136,
14 ~~C.R.S.~~, may publish reports based on its investigation or testing of any
15 drug, medicine, compound, or device prescribed, recommended, or used
16 by any individual, person, firm, association, or other entity; and, when the
17 use of any drug, medicine, compound, or device constitutes an imminent
18 danger to health or a gross deception of the public, the department may
19 take appropriate steps to publicize the same.

20 **25-48-111. [Formerly 12-30-112] Investigation not an**
21 **endorsement.** The investigation or testing of any product shall not be
22 deemed to imply or indicate any endorsement of the qualifications or
23 value of ~~any such~~ THE product. No person shall make any representation
24 that investigation or testing under this ~~article~~ ARTICLE 48 constitutes any
25 approval or endorsement of his, HER, or its activities by the department.
26 The investigation or testing of any product shall not be deemed to imply
27 or indicate that ~~such~~ THE product is useless or harmful, and during testing

1 no person shall make any representation, except to the department, that
2 the product under test is discredited or that it has been found useless or
3 harmful.

4 **25-48-112. [Formerly 12-30-113] Exceptions.** (1) This ~~article~~
5 ARTICLE 48 shall not apply to the use of any drug, medicine, compound,
6 or device intended solely for legitimate and bona fide investigational
7 purposes by experts qualified by scientific training and experience to
8 investigate the safety and therapeutic value thereof unless the department
9 finds that ~~such~~ THE drug, medicine, compound, or device is being used in
10 diagnosis or treatment for compensation and profit.

11 (2) The provisions of this ~~article~~ ARTICLE 48 shall not apply to any
12 person who depends exclusively upon prayer for healing in accordance
13 with the teachings of a bona fide religious sect, denomination, or
14 organization, nor practitioner thereof.

15 (3) The provisions of this ~~article~~ ARTICLE 48 shall except any drug
16 ~~which~~ THAT is being clinically investigated as a cure, treatment, or as an
17 aid to the diagnosis of cancer according to the regulations of the "Federal
18 Food, Drug, and Cosmetic Act".

19 (4) (a) (I) The provisions of this ~~article~~ ARTICLE 48 shall not apply
20 to the compound known as laetrile when manufactured in Colorado and
21 prescribed by a licensed physician after fully disclosing to his OR HER
22 patient the known adverse effects and reactions and the known reliability
23 or unreliability in cancer treatment of ~~such~~ THE compound.

24 (II) In prescribing the use of laetrile, the licensed physician shall
25 do so only upon a request by the patient.

26 (III) In complying with a patient's request concerning the use of
27 laetrile, a licensed physician, pharmacist, hospital, or health care facility

1 shall be immune from any civil or criminal liability for prescribing or
2 administering laetrile as provided for in this subsection (4), but nothing
3 in this ~~subparagraph (H)~~ SUBSECTION (4)(a)(III) shall preclude any cause
4 of action brought by a patient against a licensed physician, pharmacist,
5 hospital, or health care facility ~~which~~ THAT does not arise from the
6 prescription or administration of laetrile in accordance with the provisions
7 of this subsection (4).

8 (b) It is the intent of the general assembly that the exception
9 granted by this subsection (4) does not constitute an endorsement of the
10 use of laetrile nor does it in any way encourage its use.

11 **SECTION 3. Repeal of relocated provisions in this act.** In
12 Colorado Revised Statutes, **repeal** articles 29.3 and 30 of title 12.

13 **SECTION 4. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2018 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.