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An Act

HOUSE BILL 26-1426

BY REPRESENTATIVE(S) Camacho and Zokaie, Bacon, Clifford, McCluskie, Lindsay;
also SENATOR(S) Roberts, Wallace, Coleman.

CONCERNING THE 2026 LEGISLATIVE REPORT SUBMITTED BY THE DEPARTMENT OF LAW TO THE JOINT JUDICIARY COMMITTEE OF THE GENERAL ASSEMBLY, AND, IN CONNECTION THEREWITH, IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE REPORT.

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

SECTION 1. In Colorado Revised Statutes, **add** 2-3-211 as follows:

2-3-211. Potential budgetary impact - litigation - executive session.

(1) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE, MAY NOTIFY THE JOINT BUDGET COMMITTEE THAT AN EXECUTIVE SESSION IS REQUESTED TO DISCUSS POTENTIAL BUDGETARY IMPACTS OF CURRENT LITIGATION.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) THE JOINT BUDGET COMMITTEE MAY MEET WITH THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE, IN AN EXECUTIVE SESSION TO DISCUSS POTENTIAL BUDGETARY IMPACTS OF CURRENT LITIGATION. THE PROVISIONS OF SECTION 24-6-402 APPLY TO THE EXECUTIVE SESSION, BUT THE COMMITTEE IS NOT REQUIRED TO IDENTIFY A CASE TO BE DISCUSSED IN THE ANNOUNCEMENT FOR THE EXECUTIVE SESSION.

(3) IN PREPARING INFORMATION IN ACCORDANCE WITH SUBSECTION (1) OR (2) OF THIS SECTION, THE DEPARTMENT OF LAW MAY CONSULT WITH LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES.

(4) A DOCUMENT PREPARED PURSUANT TO THIS SECTION IS NOT A PUBLIC RECORD FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

SECTION 2. In Colorado Revised Statutes, 2-3-1203, **add** (23.5)(a)(III), (23.5)(a)(IV), (23.5)(a)(V), and (23.5)(a)(VI) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal.

(23.5) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2032:

(III) THE ADVISORY COUNCIL FOR DEBT COLLECTION CREATED IN SECTION 5-16-134.7;

(IV) THE COLORADO CONSUMER PROTECTION ACT ADVISORY COUNCIL CREATED IN SECTION 6-1-117;

(V) THE COLORADO PRIVACY ACT ADVISORY COUNCIL CREATED IN SECTION 6-1-1315;

(VI) THE COUNCIL OF ADVISORS ON CONSUMER CREDIT CREATED IN SECTION 5-6-301.

SECTION 3. In Colorado Revised Statutes, **amend** 5-3-210 as follows:

5-3-210. Discrimination prohibited - exemption.

A consumer credit transaction regulated by this code shall not be denied any person, nor shall terms and conditions be made more stringent, on the basis of ~~discrimination, solely because of~~ disability, race, creed, religion, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, or ancestry. This section does not apply to any consumer credit transaction made or denied by a seller, lessor, or lender whose total original unpaid balances arising from consumer credit transactions for the previous calendar year are less than one million dollars.

SECTION 4. In Colorado Revised Statutes, **add** 5-6-303 as follows:

5-6-303. Repeal of part - subject to review.

THIS PART 3 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2032. BEFORE THE REPEAL, THE COUNCIL OF ADVISORS ON CONSUMER CREDIT IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

SECTION 5. In Colorado Revised Statutes, 5-12-102, **add** (5)(c) as follows:

5-12-102. Statutory interest - definition - rules.

(5) (c) ON OR BEFORE DECEMBER 31, 2026, THE ADMINISTRATOR DESIGNATED IN SECTION 5-6-103 SHALL ADOPT RULES OR ISSUE GUIDANCE CLARIFYING THE APPLICATION OF THIS SUBSECTION (5) TO CONSUMER CREDIT TRANSACTIONS FOR MEDICAL DEBT.

SECTION 6. In Colorado Revised Statutes, **add** 5-16-134.7 as follows:

5-16-134.7. Advisory council for debt collection - created - membership - duties - subject to review - repeal.

(1) THE ADVISORY COUNCIL FOR DEBT COLLECTION, REFERRED TO IN THIS SECTION AS THE "ADVISORY COUNCIL", IS CREATED IN THE DEPARTMENT OF LAW. THE ADVISORY COUNCIL CONSISTS OF THREE MEMBERS APPOINTED BY THE ATTORNEY GENERAL AS FOLLOWS:

(a) ONE MEMBER REPRESENTING A DEBT COLLECTION AGENCY OR A STATEWIDE ORGANIZATION REPRESENTING DEBT COLLECTORS;

(b) ONE MEMBER REPRESENTING A CONSUMER ADVOCACY ORGANIZATION RELATED TO DEBT COLLECTION OR LENDING; AND

(c) ONE MEMBER OF THE PUBLIC.

(2) THE MEMBERS OF THE ADVISORY COUNCIL SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG THE ADVISORY COUNCIL MEMBERS APPOINTED PURSUANT TO SUBSECTION (1) OF THIS SECTION, WHICH PRESIDING OFFICERS SHALL SERVE TERMS OF TWO YEARS. ADVISORY COUNCIL MEMBERS MAY REELECT A PRESIDING OFFICER.

(3) (a) EACH MEMBER OF THE ADVISORY COUNCIL SERVES AT THE PLEASURE OF THE ATTORNEY GENERAL FOR A TERM OF THREE YEARS; EXCEPT THAT:

(I) THE INITIAL MEMBER APPOINTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL SERVE A TERM OF ONE YEAR; AND

(II) THE INITIAL MEMBER APPOINTED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION SHALL SERVE A TERM OF TWO YEARS.

(b) THE ATTORNEY GENERAL MAY REAPPOINT A MEMBER TO SERVE NO MORE THAN THREE TERMS.

(c) MEMBERS OF THE ADVISORY COUNCIL MAY BE REIMBURSED BY THE DEPARTMENT OF LAW FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE CONDUCT OF OFFICIAL BUSINESS.

(4) THE ADVISORY COUNCIL SHALL MEET AT LEAST TWO TIMES EACH YEAR TO DISCUSS CURRENT ISSUES IN DEBT COLLECTION AND ANY ISSUES ASSIGNED TO THE ADVISORY COUNCIL BY THE ATTORNEY GENERAL FOR DISCUSSION.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2032. BEFORE THE REPEAL, THE ADVISORY COUNCIL IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

SECTION 7. In Colorado Revised Statutes, **amend** 6-1-102 as follows:

6-1-102. Definitions.

As used in this article 1, unless the context otherwise requires:

(1) "Advertisement" ~~includes the~~ MEANS AN attempt by publication, dissemination, solicitation, or circulation, WHETHER visual, oral, or written, to induce directly or indirectly ~~any~~ A person to enter into ~~any obligation~~ A TRANSACTION or to acquire ~~any~~ A title or AN interest in ~~any~~ property.

(2) (a) "Article" means a product. ~~as distinguished from~~

(b) "ARTICLE" DOES NOT MEAN a trademark, label, or distinctive dress in packaging.

~~(2.5)~~ (3) "Business day" means any calendar day except Sunday, New Year's day, the third Monday in January observed as the birthday of Dr. Martin Luther King, Jr., ~~Washington-Lincoln~~ PRESIDENTS' day, Memorial day, Juneteenth, Independence day, Labor day, Frances Xavier Cabrini day, Veterans' day, Thanksgiving, and Christmas.

~~(2.7)~~ (4) "Buyers' club" means ~~any~~ A person engaged in advertising or selling memberships that provide an exclusive right to members to purchase goods, food, services, or property at purported discount prices.

~~(3)~~ (5) "Certification mark" means a mark THAT IS used in connection with the goods or services of a person other than the certifier IN ORDER to indicate:

(a) Geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of the goods or services; or ~~to indicate~~

(b) That the work or labor on the goods or services was performed by members of a union or other organization.

~~(4)~~ (6) "Collective mark" means a mark used by members of a cooperative, association, or other collective group or organization to identify goods or services and distinguish them from ~~those~~ THE GOODS OR

SERVICES of others or to indicate membership in the collective group or organization.

~~(4.1)~~ (7) "Dance studio" means ~~any~~ A person engaged in the advertisement or sale of dance studio services.

~~(4.2)~~ (8) "Dance studio services" means instruction, training, or assistance in dancing; the use of dance studio facilities; membership in any group, club, or association formed by a dance studio; and participation in dance competitions, dance showcases, trips, tours, parties, and other organized events and related travel arrangements.

~~(4.3)~~ (9) (a) "Discount health plan" means a program evidenced by a membership agreement, contract, card, certificate, device, or mechanism, which PROGRAM offers health-care services, as defined in section 10-16-102 (33), ~~C.R.S.~~, or related products, including ~~but not limited to~~, prescription drugs and medical equipment, at purported discounted rates from health-care providers advertised as participating in the program.

(b) ~~A~~ "Discount health plan" does not include a program in which:

(I) A participating provider has agreed, as a condition of ~~his or her~~ THE PARTICIPATING PROVIDER'S participation in the program, to negotiate the prices to be charged for ~~his or her~~ THE PARTICIPATING PROVIDER'S services directly with consumers in the program; and

(II) The PARTICIPATING provider is not required to offer discounted prices for ~~his or her~~ THE PARTICIPATING PROVIDER'S services as part of the program.

~~(4.4)~~ (10) "Elderly person" means a person sixty years ~~of age~~ OLD or older.

~~(4.5)~~ (11) "Food" means any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or part for human consumption.

~~(4.6)~~ (12) (a) "Health club" means an establishment ~~which~~ THAT provides health club services or HEALTH CLUB facilities ~~which~~ THAT purport to improve or maintain ~~the~~ A user's physical condition or appearance

through exercise. ~~The term may include, but shall not be limited to,~~

(b) "HEALTH CLUB" INCLUDES a spa, AN exercise club, AN exercise gym, A health studio, ~~or playing courts~~ AND A PLAYING COURT.

(c) ~~The term shall not apply to any of the following~~ "HEALTH CLUB" DOES NOT INCLUDE:

~~(a)~~ (I) ~~Any~~ AN establishment operated by a nonprofit organization or public or private school, college, or university;

~~(b)~~ (II) ~~Any~~ AN establishment operated by the federal government, the state of Colorado, or any of the state's political subdivisions;

~~(c)~~ (III) ~~Any~~ AN establishment ~~which~~ THAT does not provide health club services or HEALTH CLUB facilities as its primary purpose or business; or

~~(d)~~ (IV) ~~Health-care facilities~~ A HEALTH-CARE FACILITY licensed or certified by the department of public health and environment pursuant to its authority under section 25-1.5-103. ~~C.R.S.~~

~~(4.7)~~ (13) "Health club facilities" means equipment, physical structures, and other tangible property ~~utilized~~ USED by a health club to conduct its business. ~~The term may include, but shall not be limited to,~~ "HEALTH CLUB FACILITIES" INCLUDES saunas, whirlpool baths, gymnasiums, running tracks, playing courts, swimming pools, shower areas, and exercise equipment.

~~(4.8)~~ (14) "Health club services" means services, privileges, or rights offered for sale or provided by a health club.

~~(4.9)~~ (15) "Manufactured home" ~~shall have~~ HAS the same meaning as set forth in section 42-1-102 (48.8).

~~(5)~~ (16) "Mark" means a word, name, symbol, device, or any combination thereof in any form or arrangement.

~~(5.5)~~ (17) "Motor vehicle" has the same meaning as set forth in section 44-20-102.

~~(6)~~ (18) "Person" means an individual, A corporation, A business trust, AN estate, A trust, A partnership, AN unincorporated association, or two or more thereof having a joint or common interest or any other legal or commercial entity.

~~(7)~~ (19) "Promoting a pyramid promotional scheme" means inducing OR ATTEMPTING TO INDUCE one or more ~~other~~ persons to become participants ~~or attempting to so induce~~ IN, or assisting another ~~in promoting~~ PERSON TO PROMOTE, a pyramid promotional scheme by means of references or otherwise.

~~(8)~~ (20) "Property" means: any

(a) Real or personal property; ~~or~~

(b) Both real and personal property;

(c) Intangible property; ~~or~~ AND

(d) Services.

~~(9)~~ (21) (a) "Pyramid promotional scheme" means any program ~~utilizing~~ USING a pyramid or chain process by which a participant in the program gives a valuable consideration in excess of fifty dollars for the opportunity or right to receive compensation or other things of value in return for inducing other persons to become participants for the purpose of gaining new participants in the program.

(b) "PYRAMID PROMOTIONAL SCHEME" DOES NOT INCLUDE ordinary sales of goods or services to persons ~~who~~ THAT are not purchasing in order to participate in such a scheme ~~are not within this definition~~ DESCRIBED IN SUBSECTION (21)(a) OF THIS SECTION.

~~(9.5)~~ (22) "Resale time share" means a time share, including all or substantially all ownership, rights, or interests associated with the time share:

(a) That has been acquired previously for personal, family, or household use; and

(b) (I) That is owned by a Colorado resident; or

(II) The accommodations and other facilities of which are available for use through the time share and are primarily located in Colorado.

~~(10)~~ (23) "Sale" means ~~any~~ A sale, AN offer for sale, or AN attempt to sell ~~any~~ A product, good, or property for ~~any~~ consideration.

~~(11)~~ (24) "Service mark" means a mark used by a person to identify services and ~~to~~ distinguish them from the services of others.

~~(11.2) Repealed.~~

~~(11.5)~~ (25) "Time share" means a time share estate, as defined in section 38-33-110 (5), a time share use, as defined in section 12-10-501 (4), or any campground or recreational membership that does not constitute the transfer of an interest in real property.

~~(11.7)(a)~~ (26) (a) "Time share resale entity" means ~~any~~ A person ~~who~~ THAT, either directly or indirectly, engages in a time share resale service.

(b) "Time share resale entity" does not include:

(I) The developer, association of time share owners, or other person responsible for managing or operating the plan or arrangement by which the rights or interests associated with a resale time share are utilized, but only to the extent the resale time share is part of an existing plan or arrangement managed by that developer, association, or person;

(II) ~~Attorneys, title agents, title companies, or escrow companies providing~~ AN ATTORNEY, A TITLE AGENT, A TITLE COMPANY, OR AN ESCROW COMPANY THAT PROVIDES closing, settlement, or other transaction services, ~~as~~ SO long as the services are provided in the normal course of business in supporting a conveyance of title or in issuing title insurance products in a time share resale transaction. To the extent the attorney, title agent, title company, or escrow company is engaged in providing services or products that are outside the normal course of business in supporting a conveyance of title or in issuing title insurance products or has an affiliated business arrangement with a party to a time share resale transaction, this exemption

does not apply.

(III) A real estate ~~brokers~~ BROKER operating within the scope of activities specified in section 12-10-201 (6) with respect to a time share resale transaction ~~as~~ SO long as the real estate broker does not collect a fee in advance. To the extent a real estate broker is engaged in activities outside the scope of activities specified in section 12-10-201 (6), collects an advance fee, or has an affiliated business arrangement with a party to a time share resale transaction, this exemption does not apply.

~~(11.8)~~ (27) "Time share resale service" means any of the following activities, engaged in directly or indirectly and for consideration, regardless of whether performed in person, by mail, by telephone, or by any other mode of internet or electronic communication, unless performed by a person ~~or entity~~ that, pursuant to ~~paragraph (b) of subsection (11.7)~~ SUBSECTION (26)(b) of this section, is exempted:

(a) The sale, rental, listing, or advertising of, or an offer to sell, rent, list, or advertise, any resale time share;

(b) The purchase or offer to purchase any resale time share;

(c) The transfer or offer to assist in the transfer of any resale time share; or

(d) The invalidation OF, or an offer to invalidate, the purchase or ownership of any resale time share or the purchase of any time share resale service.

~~(11.9)(a)~~ (28) (a) "Time share resale transfer agreement" means a contract between a time share resale entity and the owner of a resale time share in which the time share resale entity agrees to transfer, or offers to assist in the transfer of, all or substantially all of the rights or interests in a resale time share on behalf of the owner of the resale time share.

(b) (I) "Time share resale transfer agreement" does not include a contract to sell, rent, list, advertise, purchase, or transfer a resale time share if the owner of the resale time share:

(A) Upon entering the contract, reasonably expects to receive

consideration in exchange for the resale time share; and

(B) Upon the actual sale, rental, or transfer of the time share, receives consideration.

(II) For purposes of this ~~subsection (11.9)~~ SUBSECTION (28), a transfer of the resale time share does not, by itself, constitute consideration.

~~(12)~~ (29) "Trademark" means a mark used by a person to identify goods and to distinguish them from the goods of others.

~~(13)~~ (30) "Trade name" means a word, name, symbol, OR device, or any combination thereof, in any form or arrangement used by a person to identify his THE PERSON'S business, vocation, or occupation and to distinguish it from the business, vocation, or occupation of others.

~~(13.5)~~ "Unavoidable delay" means inclement weather and other events outside the control of the buyer or seller.

~~(14)~~ (31) "Used motor vehicle" shall have HAS the same meaning as set forth in section 42-6-201 (8). ~~C.R.S.~~

SECTION 8. In Colorado Revised Statutes, **amend** 6-1-104 as follows:

6-1-104. Cooperative reporting.

The district attorneys may cooperate in a statewide reporting system by receiving, on forms provided by the attorney general, complaints from persons concerning deceptive trade practices listed in ~~section 6-1-105 or part 7 or 13~~ of this article 1 and transmitting the complaints to the attorney general.

SECTION 9. In Colorado Revised Statutes, 6-1-105, **amend** (1) introductory portion, (1)(f), (1)(g), (1)(m), (1)(p), (1)(z), and (1)(cccc); and **repeal** (1)(x), (1)(cc), (1)(ll), (1)(mm), (1)(oo), (1)(rr), (1)(tt), (1)(ww), (1)(xx), (1)(zz), (1)(ccc), (1)(ddd), (1)(eee), (1)(fff), (1)(ggg), (1)(hhh), (1)(jjj), (1)(mmm), (1)(uuu), (1)(www), (1)(xxx), (1)(yyy), (1)(zzz), (1)(bbbb), (1)(dddd), and (1)(llll) as follows:

6-1-105. Unfair or deceptive trade practices - definitions.

(1) A person engages in ~~a~~ AN UNFAIR OR deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(f) Represents that goods are original or new if ~~he~~ THE PERSON knows or should know that they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;

(g) Represents that:

(I) Goods, food, services, or property ~~are~~ IS of a particular standard, quality, or grade IF THE PERSON KNOWS OR SHOULD KNOW THAT THEY ARE OF ANOTHER STANDARD, QUALITY, OR GRADE; or ~~that~~

(II) Goods are of a particular style or model if ~~he~~ THE PERSON knows or should know that they are of another STYLE OR MODEL;

(m) Fails to deliver to ~~the~~ A customer at the time of an installment sale of goods or services a written order, contract, or receipt setting forth the name and address of the seller, the name and address of the organization ~~which he~~ THAT THE PERSON represents, and all of the terms and conditions of the sale, including a description of the goods or services, stated in readable, clear, and unambiguous language;

(p) Solicits door-to-door as a seller, unless the seller, within thirty seconds after beginning the conversation, identifies ~~himself or herself~~ THEMSELF, whom ~~he or she represents~~ THEY REPRESENT, and the purpose of the ~~call~~ VISIT;

(x) ~~Violates sections 6-1-203 to 6-1-206 or part 7 of this article 1;~~

(z) (I) Refuses or fails to obtain all governmental licenses or permits required to perform the services or to sell the goods, food, services, or property as agreed to or contracted for with a consumer; OR

(II) ENGAGES IN A COMMERCIAL ACTIVITY OR PRACTICES A PROFESSION OR OCCUPATION IN THE STATE DESPITE FAILING TO OBTAIN THE QUALIFICATIONS REQUIRED BY LAW OR THE COLORADO CONSTITUTION;

~~(cc) Engages in any commercial telephone solicitation which constitutes an unlawful telemarketing practice as described in section 6-1-304;~~

~~(ll) Either knowingly or recklessly makes a false representation as to the results of a radon test or the need for radon mitigation;~~

~~(mm) Violates section 35-27-113 (3)(e), (3)(f), or (3)(i), C.R.S.;~~

~~(oo) Fails to comply with the provisions of section 35-80-108(1)(a); (1)(b), or (2)(f), C.R.S.;~~

~~(rr) Violates the provisions of part 8 of this article;~~

~~(tt) Violates any provision of part 9 of this article;~~

~~(ww) Violates any provision of section 6-1-702;~~

~~(xx) Violates any provision of part 11 of this article;~~

~~(zz) Violates any provision of section 6-1-717;~~

~~(ccc) Violates the provisions of section 6-1-722;~~

~~(ddd) Violates section 6-1-724;~~

~~(eee) Violates section 6-1-701;~~

~~(fff) Violates section 6-1-723;~~

~~(ggg) Violates section 6-1-725;~~

~~(hhh) Either knowingly or recklessly represents that hemp, hemp oil, or any derivative of a hemp plant constitutes retail marijuana or medical marijuana unless it fully satisfies the definition of such products pursuant to section 44-10-103 (34) or (57);~~

~~(jjj) Violates section 6-1-726;~~

~~(mmm) Violates section 12-30-112;~~

(uuu) ~~Violates section 12-10-403.5;~~

(www) ~~Violates section 25-18.9-104;~~

(xxx) ~~Violates section 12-30-112, 12-30-113, 25-3-121, or 25-3-122;~~

(yyy) ~~Violates section 25-49-106;~~

(zzz) ~~Fails to comply with the requirements of section 12-280-142;~~

(bbbb) ~~Violates section 25.5-1-904;~~

(cccc) ~~Sells or offers for sale a product or electronic smoking device that is age-restricted to a person who does not meet the age restriction;~~

(dddd) ~~Fails to register a mobile home park in violation of section 38-12-1106;~~

(llll) ~~Violates section 42-4-221 (12);~~

SECTION 10. In Colorado Revised Statutes, 6-1-107, **amend** (1) introductory portion, (1)(a), (1)(c), (1)(e), and (2) as follows:

6-1-107. Powers of attorney general and district attorneys.

(1) When the attorney general or a district attorney has reasonable cause to believe that ~~any~~ A person ~~whether~~ in this state or elsewhere has engaged in, ~~or~~ is engaging in, ~~any~~ OR OTHERWISE HAS INFORMATION RELEVANT TO AN UNFAIR OR deceptive trade practice ~~listed~~ DESCRIBED in ~~section 6-1-105 or part 7 or 13~~ of this article 1, the attorney general or district attorney may:

(a) Request ~~such~~ THE person to file a statement or report in writing under oath or otherwise, on forms prescribed by ~~him~~ THE ATTORNEY GENERAL OR DISTRICT ATTORNEY, as to all facts and circumstances concerning the sale or advertisement of property by ~~such~~ THE person and any other data and information ~~he~~ THE ATTORNEY GENERAL OR DISTRICT ATTORNEY deems necessary;

(c) Examine any property or sample thereof, record, book, document, account, or paper ~~he~~ THE ATTORNEY GENERAL OR DISTRICT ATTORNEY deems necessary;

(e) Pursuant to any order of any district court, impound any sample of property ~~which~~ THAT is material to ~~such~~ THE UNFAIR OR deceptive trade practice and retain the same in ~~his~~ THE ATTORNEY GENERAL'S OR DISTRICT ATTORNEY'S possession until completion of all proceedings undertaken under this ~~article~~ ARTICLE 1. An order shall not be issued pursuant to this ~~paragraph (e)~~ SUBSECTION (1)(e) without full opportunity given to the accused to be heard and unless the attorney general or district attorney has proven by clear and convincing evidence that the business activities of the person to whom an order is directed will not be impaired ~~thereby~~ BY THE ORDER.

(2) Nothing in subsection (1) of this section shall be construed to allow a district attorney to enforce ~~the provisions of this article~~ ARTICLE 1 beyond the territorial limits of ~~his~~ THE DISTRICT ATTORNEY'S judicial district unless:

(a) The alleged UNFAIR OR deceptive trade practice or any portion of a transaction involving an alleged UNFAIR OR deceptive trade practice occurred in ~~said~~ THE district attorney's judicial district; ~~or unless~~

(b) The principal place of business of ~~any~~ A defendant is located in ~~said~~ THE district attorney's district; ~~or unless~~

(c) ~~Any~~ A defendant resides in ~~said~~ THE district attorney's judicial district.

SECTION 11. In Colorado Revised Statutes, 6-1-108, **amend** (1), (3)(a) introductory portion, and (3)(a)(II) as follows:

6-1-108. Subpoenas - hearings - rules.

(1) When the attorney general or a district attorney has reasonable cause to believe that a person, whether in this state or elsewhere, has engaged in or is engaging in a deceptive trade practice ~~listed~~ DESCRIBED in ~~section 6-1-105 or part 7 or 13 of this article 1,~~ the attorney general or a district attorney, in addition to other powers conferred upon the attorney

general or a district attorney by this article 1, may issue subpoenas to require the attendance of witnesses or the production of documents, administer oaths, conduct hearings in aid of any investigation or inquiry, and prescribe such forms and ~~promulgate~~ ADOPT such rules as may be necessary to administer ~~the provisions of~~ this article 1.

(3) (a) If the records of a person ~~who~~ THAT has been issued a subpoena are located outside this state, the person shall either:

(II) Pay the reasonable and necessary expenses for the attorney general or district attorney, or ~~his or her~~ THE ATTORNEY GENERAL'S OR DISTRICT ATTORNEY'S designee, to examine the records at the place where they are maintained.

SECTION 12. In Colorado Revised Statutes, 6-1-110, **amend** (1) and (2) as follows:

6-1-110. Restraining orders - injunctions - assurances of discontinuance.

(1) Whenever the attorney general or a district attorney has cause to believe that a person has engaged in or is engaging in ~~any~~ A deceptive trade practice ~~listed DESCRIBED in section 6-1-105 or part 7 or 13 of this article 1,~~ the attorney general or district attorney may apply for and obtain, in an action in the appropriate district court of this state, a temporary restraining order or injunction, or both, pursuant to the Colorado rules of civil procedure, prohibiting the person from continuing the practices, or engaging therein, or doing any act in furtherance thereof. The court may make such orders or judgments as may be necessary to prevent the use or employment by the person of any such deceptive trade practice or that may be necessary to completely compensate or restore to the original position of any person injured by means of any such practice or to prevent any unjust enrichment by any person through the use or employment of ~~any~~ A deceptive trade practice.

(2) Where the attorney general or a district attorney has authority to institute a civil action or other proceeding pursuant to ~~the provisions of~~ this article 1, the attorney general or district attorney may accept, in lieu thereof or as a part thereof, an assurance of discontinuance of ~~any~~ A deceptive trade practice ~~listed DESCRIBED in section 6-1-105 or part 7 or 13 of this article~~

1. The assurance may include a stipulation for the voluntary payment by the alleged violator of the costs of investigation and any action or proceeding by the attorney general or a district attorney and any amount necessary to restore to any person any money or property that may have been acquired by the alleged violator by means of ~~any such~~ THE deceptive trade practice. ~~Any such~~ AN assurance of discontinuance accepted by the attorney general or a district attorney and ~~any such~~ A stipulation filed with the court as a part of ~~any such~~ AN action or proceeding is a matter of public record unless the attorney general or the district attorney determines, at the discretion of the attorney general or district attorney, that it will be confidential to the parties to the action or proceeding and to the court and its employees. Upon the filing of a civil action by the attorney general or a district attorney alleging that a confidential assurance of discontinuance or stipulation accepted pursuant to this subsection (2) has been violated, the assurance of discontinuance or stipulation becomes a public record and open to inspection by any person. Proof by a preponderance of the evidence of a violation of ~~any such~~ AN assurance or stipulation constitutes prima facie evidence of a deceptive trade practice for the purposes of any civil action or proceeding brought thereafter by the attorney general or a district attorney, whether a new action or a subsequent motion or petition in any pending action or proceeding.

SECTION 13. In Colorado Revised Statutes, 6-1-112, **amend** (1)(d), (1)(e), and (3) as follows:

6-1-112. Civil penalties - definition.

(1) The attorney general or a district attorney may bring a civil action on behalf of the state to seek the imposition of civil penalties as follows:

(d) ~~Any~~ A person ~~who~~ THAT violates or causes another to violate ~~the provisions of section 6-1-105 (1)(fff)~~ SECTION 6-1-723 by distributing, dispensing, displaying for sale, offering for sale, attempting to sell, or selling ~~any~~ A product that is labeled as a "bath salt" or any other trademark if the product contains any amount of any cathinones, as defined in section 18-18-102 (3.5), ~~C.R.S.~~, shall forfeit and pay to the general fund of the state a civil penalty of not less than ten thousand dollars and not more than five hundred thousand dollars for each such violation; except that the person shall forfeit and pay to the general fund of the state a civil penalty of not

less than twenty-five thousand dollars and not more than five hundred thousand dollars for each such violation if the person distributes, dispenses, displays for sale, offers for sale, attempts to sell, or sells the product to a minor under ~~the age of~~ eighteen YEARS OLD and the person is at least eighteen years ~~of age~~ OLD and at least two years older than the minor.

(e) ~~Any~~ A person ~~who~~ THAT violates or causes another to violate ~~the provisions of section 6-1-105 (1)(ggg)~~ SECTION 6-1-725 by distributing, dispensing, displaying for sale, offering for sale, attempting to sell, or selling ~~any~~ A product that contains any amount of any synthetic cannabinoid, as defined in section 18-18-102 (34.5), ~~C.R.S.~~, shall forfeit and pay to the general fund of the state a civil penalty of not less than ten thousand dollars and not more than five hundred thousand dollars for each violation; except that the person shall forfeit and pay to the general fund of the state a civil penalty of not less than twenty-five thousand dollars and not more than five hundred thousand dollars for each violation if the person distributes, dispenses, displays for sale, offers for sale, attempts to sell, or sells the product to a minor under ~~the age of~~ eighteen YEARS OLD and the person is at least eighteen years ~~of age~~ OLD and at least two years older than the minor.

(3) The attorney general or district attorney shall transmit any civil penalty collected in accordance with this section for a violation described in ~~section 6-1-105 (1)(dddd)~~ SECTION 38-12-1106 AND ENFORCED UNDER SECTION 6-1-105 (1)(z) to the state treasurer for deposit in the mobile home park water quality fund created in section 25-8-1006.

SECTION 14. In Colorado Revised Statutes, 6-1-116, **amend** (4) as follows:

6-1-116. Investigation of unfair business practices by regulated persons - district attorney requests for records from licensing authorities - interagency agreements with attorney general - legislative declaration - definitions.

(4) NOTWITHSTANDING ANY LAW TO THE CONTRARY, subject to approval by the head of an executive department, a state licensing authority within the department may enter into an interagency agreement with the attorney general or the attorney general's designee for the referral of any complaint that appears to allege a violation of this article 1 or article 2 or 4

of this title 6. The interagency agreement may provide for referrals of complaints, information sharing, confidentiality requirements, and other terms that facilitate the investigation and enforcement of complaints alleging violations of consumer protection or unfair trade laws.

SECTION 15. In Colorado Revised Statutes, **add** 6-1-117 as follows:

6-1-117. Colorado consumer protection act advisory council - created - membership - duties - subject to review - repeal.

(1) THE COLORADO CONSUMER PROTECTION ACT ADVISORY COUNCIL, REFERRED TO IN THIS SECTION AS THE "ADVISORY COUNCIL", IS CREATED IN THE DEPARTMENT OF LAW. THE ADVISORY COUNCIL CONSISTS OF THREE MEMBERS APPOINTED BY THE ATTORNEY GENERAL AS FOLLOWS:

(a) ONE MEMBER REPRESENTING THE BUSINESS COMMUNITY OR AN ASSOCIATION REPRESENTING BUSINESS INTERESTS;

(b) ONE MEMBER REPRESENTING A STATEWIDE CONSUMER ADVOCACY ORGANIZATION; AND

(c) ONE MEMBER OF THE PUBLIC.

(2) THE MEMBERS OF THE ADVISORY COUNCIL SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG THE ADVISORY COUNCIL MEMBERS APPOINTED PURSUANT TO SUBSECTION (1) OF THIS SECTION, WHICH PRESIDING OFFICERS SHALL SERVE TERMS OF TWO YEARS. ADVISORY COUNCIL MEMBERS MAY REELECT A PRESIDING OFFICER.

(3) (a) EACH MEMBER OF THE ADVISORY COUNCIL SERVES AT THE PLEASURE OF THE ATTORNEY GENERAL FOR A TERM OF THREE YEARS; EXCEPT THAT:

(I) THE INITIAL MEMBER APPOINTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL SERVE A TERM OF ONE YEAR; AND

(II) THE INITIAL MEMBER APPOINTED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION SHALL SERVE A TERM OF TWO YEARS.

(b) THE ATTORNEY GENERAL MAY REAPPOINT A MEMBER TO SERVE NO MORE THAN THREE TERMS.

(c) MEMBERS OF THE ADVISORY COUNCIL MAY BE REIMBURSED BY THE DEPARTMENT OF LAW FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE CONDUCT OF OFFICIAL BUSINESS.

(4) THE ADVISORY COUNCIL SHALL MEET AT LEAST TWO TIMES EACH YEAR TO DISCUSS EMERGING ISSUES IN CONSUMER PROTECTION AND ANY OTHER MATTERS REFERRED TO THE ADVISORY COUNCIL FOR DISCUSSION BY THE ATTORNEY GENERAL.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2032. BEFORE THE REPEAL, THE ADVISORY COUNCIL IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

SECTION 16. In Colorado Revised Statutes, **amend** 6-1-205 as follows:

6-1-205. Information to be disclosed in advertisements for rental agreements for rental motor vehicles.

In any advertisement to the public for a rental agreement for a rental motor vehicle that includes a rental rate, the lessor shall prominently disclose on the face of ~~any such~~ THE advertisement the daily charge of any collision damage waiver offered, a statement informing a prospective lessee that ~~he or she~~ THE PROSPECTIVE LESSEE should review ~~his or her~~ THE PROSPECTIVE LESSEE'S own automobile insurance coverage to determine if ~~such~~ THE coverage applies to the use of a rental motor vehicle, and a statement that a prospective lessee may also wish to determine whether ~~his or her~~ THE PROSPECTIVE LESSEE'S credit card or travel and entertainment card provides collision damage coverage for use of a rental motor vehicle or other ~~such~~ privilege of membership.

SECTION 17. In Colorado Revised Statutes, 6-1-702.5, **amend** (3)(c), (4)(a), (4)(b), (4)(e), (4)(f), (4)(g), and (5)(b) as follows:

6-1-702.5. Commercial electronic mail messages - unfair or deceptive trade practice - remedies - definitions - short title - legislative declaration.

(3) As used in this section:

(c) ~~"Electronic mail service provider"~~ "PROVIDER OF INTERNET ACCESS SERVICE" means a provider of internet access service, as defined in 47 U.S.C. sec. 231.

(4) (a) In the case of ~~any~~ A violation of this section, ~~an electronic mail service~~ A provider OF INTERNET ACCESS SERVICE whose network or facilities were used in the transmission or attempted transmission of a commercial electronic mail message may file a civil action in a court of competent jurisdiction and may, upon proof of such violation, recover such sums as are allowed under this subsection (4).

(b) (I) In any such action, if the ~~electronic mail service~~ provider OF INTERNET ACCESS SERVICE prevails, the provider ~~shall be~~ IS entitled to actual damages. Upon a showing that the sender of a commercial electronic mail message violated any provision of this section, whether or not the violation resulted in a financial loss or injury, the ~~electronic mail service~~ provider OF INTERNET ACCESS SERVICE may recover attorney fees and costs.

(II) In any such action, if the ~~electronic mail service~~ provider OF INTERNET ACCESS SERVICE prevails, the provider is also entitled to recover, as part of the judgment, statutory damages in the amount of one thousand dollars for each commercial electronic mail message transmitted in violation of this section; except that the total amount of statutory damages awarded against a single defendant based on one transaction or occurrence shall not exceed ten million dollars.

(e) ~~Electronic mail service~~ Providers OF INTERNET ACCESS SERVICE that adopt and implement terms, conditions, or technical measures in good faith to prevent or prohibit the origination or transmission of commercial electronic mail messages in violation of this section ~~shall be~~ ARE immune from civil liability for any such actions, and no provision of this section shall be construed to create any liability for such actions.

(f) ~~No electronic mail service~~ A provider ~~shall be~~ OF INTERNET ACCESS SERVICE IS NOT liable for the mere transmission of commercial electronic mail messages over the provider's computer network or facilities.

(g) This section shall not be construed to require ~~any electronic mail~~

~~service~~ A provider OF INTERNET ACCESS SERVICE to carry or deliver any electronic mail merely because a sender complies with ~~the provisions of this section.~~

(5) (b) The attorney general is encouraged to and may, in ~~his or her~~ THE ATTORNEY GENERAL'S discretion, cooperate with ~~an electronic mail service~~ A provider OF INTERNET ACCESS SERVICE in an action by ~~such~~ THE provider under 15 U.S.C. sec. 7706 (g).

SECTION 18. In Colorado Revised Statutes, 6-1-704, **amend** (1) introductory portion and (1)(c)(V) as follows:

6-1-704. Health clubs - deceptive trade practices.

(1) A person engages in a deceptive trade practice when, in the course of ~~such~~ THE person's business, vocation, or occupation, ~~such~~ THE person engages in one or more of the following activities in connection with the advertisement or sale of a membership in a health club:

(c) Fails to allow the buyer, or the estate of the buyer, to cancel the membership contract when:

(V) The seller permanently discontinues operation of the health club or sells the health club and the sale results in substantial alteration of the quality of health club services or HEALTH CLUB facilities or the nature of benefits so that they no longer conform to the provisions of the membership contract; ~~but there shall be~~ EXCEPT THAT THE HEALTH CLUB HAS a thirty-day "right to cure" during which the fees payable by the buyer under the membership contract ~~shall be~~ ARE suspended and the health club may bring the services, facilities, and benefits into conformance with the provisions of the membership contract;

SECTION 19. In Colorado Revised Statutes, 6-1-707, **amend** (1) introductory portion, (1)(a)(I) introductory portion, (1)(a)(I)(E), (1)(a)(II), (1)(a)(III), (1)(b) introductory portion, (1)(b)(I)(B), (1)(d)(I), (1)(d)(II) introductory portion, (1)(d)(III), (1)(e)(I) introductory portion, (1)(e)(II) introductory portion, and (1)(f); and **add** (2) as follows:

6-1-707. Use of title or degree - deceptive trade practice - subject to review - repeal.

(1) ~~A person~~ AN INDIVIDUAL engages in a deceptive trade practice when, in the course of the ~~person's~~ INDIVIDUAL'S business, vocation, or occupation, the ~~person~~ INDIVIDUAL:

(a) (I) Claims either orally or in writing to possess either an academic degree or an honorary degree or the title associated with ~~said~~ SUCH A degree, unless the ~~person~~ INDIVIDUAL has, in fact, been awarded ~~said~~ SUCH A degree from an institution that is:

(E) Authorized to grant degrees pursuant to article 2 of title 23. ~~C.R.S.~~

(II) This ~~paragraph (a) shall~~ SUBSECTION (1)(a) DOES not apply to ~~persons~~ INDIVIDUALS claiming degrees or certificates that were submitted as a requirement of the application process for licensure, certification, or registration pursuant to title 12. ~~C.R.S.~~

(III) ~~No person~~ AN INDIVIDUAL awarded a doctoral degree from an institution not listed in this subsection (1)(a) shall NOT claim in the state, either orally or in writing, the title "Dr." before the ~~person's~~ INDIVIDUAL'S name or any mark, appellation, or series of letters, numbers, or words such as ~~but not limited to~~, "Ph.D.", "Ed.D.", "D.N.", or "D.Th.", which signify, purport, or are generally taken to signify satisfactory completion of the requirements of a doctorate degree, after the ~~person's~~ INDIVIDUAL'S name.

(b) Claims either orally or in writing to be a "dietitian", "dietician", "certified dietitian", or "certified dietician" or uses the abbreviation "C.D." or "D." to indicate that ~~such person~~ THE INDIVIDUAL is a dietitian, unless ~~such person~~ THE INDIVIDUAL:

(I) Possesses a baccalaureate, master's, or doctoral degree in human nutrition, foods and nutrition, dietetics, nutrition education, food systems management, or public health nutrition from an institution that is:

(B) Authorized to grant degrees pursuant to article 2 of title 23; ~~C.R.S.~~; or

(d) (I) Claims either orally or in writing to be a "certified optician" or "certified opticien", unless ~~such person~~ THE INDIVIDUAL holds a current certificate of competence issued by the American Board of Opticianry. Each

certificate shall be prominently displayed or maintained in ~~such person's~~ THE INDIVIDUAL'S place of business and made available for immediate inspection and review by any consumer or agent of the state. ~~of Colorado.~~ ~~No person may~~ AN INDIVIDUAL SHALL NOT associate a service, product, or business name with the title "certified optician" unless ~~such person~~ THE INDIVIDUAL holds the required certificate of competence. This subsection (1)(d) ~~shall~~ DOES not apply to ~~persons~~ INDIVIDUALS authorized under article 240 or 275 of title 12 to practice medicine or optometry.

(II) Performs or claims orally or in writing to be able to perform the following procedures, and ~~such person~~ THE INDIVIDUAL is a certified optician:

(III) A certified optician does not engage in a deceptive trade practice under ~~subparagraph (II) of this paragraph (d)~~; SUBSECTION (1)(d)(II) OF THIS SECTION if ~~said~~ THE optician performs the described procedures under the direction and supervision of a ~~person~~ AN INDIVIDUAL who has statutory authority under title 12 ~~C.R.S.~~, to supervise the work of others within the scope of ~~his or her~~ THE INDIVIDUAL'S license.

(e)(I) Claims to be a "sign language interpreter", "interpreter for the deaf", "deaf interpreter", "ASL-English interpreter", "American sign language (ASL) interpreter", "translator" for sign language, "transliterator", "certified sign language interpreter", "certified translator" for sign language, "certified interpreter for the deaf", "certified deaf interpreter", "certified ASL-English interpreter", "certified American sign language (ASL) interpreter", or "certified transliterator", unless the ~~person~~ INDIVIDUAL holds:

(II) ~~A person~~ AN INDIVIDUAL who uses any of the titles listed in this subsection (1)(e) shall make available for immediate inspection by any consumer or agent of the state:

(f) Claims to be a verified instructor for a firearms safety course that satisfies the requirements for a concealed handgun training class described in section 18-12-202.5, unless the ~~person~~ INDIVIDUAL is verified as a firearms instructor by a sheriff pursuant to section 18-12-202.7.

(2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2034. BEFORE THE REPEAL, THE IMPLEMENTATION OF THIS SECTION IS SCHEDULED

FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 20. In Colorado Revised Statutes, 6-1-713, **amend** (2) introductory portion and (2)(a) as follows:

6-1-713. Disposal of personal identifying information - policy - definitions.

(2) ~~For the purposes of~~ AS USED IN this section and section 6-1-713.5:

(a) "Covered entity" means a person ~~as defined in section 6-1-102 (6)~~; that maintains, owns, or licenses personal identifying information in the course of the person's business, vocation, or occupation. "Covered entity" does not include a person acting as a third-party service provider as defined in section 6-1-713.5.

SECTION 21. In Colorado Revised Statutes, 6-1-715, **amend** (1) introductory portion, (1)(c), (1)(d), (2)(a) introductory portion, (2)(a)(II), and (2)(b) as follows:

6-1-715. Confidentiality of social security numbers.

(1) Except as provided in subsections (2) to (4) of this section, a person ~~or entity may~~ SHALL not: ~~do any of the following:~~

(c) Require an individual to transmit ~~his or her~~ THE INDIVIDUAL'S social security number over the internet, unless the connection is secure or the social security number is encrypted;

(d) Require an individual to use ~~his or her~~ THE INDIVIDUAL'S social security number to access an internet website, unless a password or unique personal identification number or other authentication device is also required to access the internet website; ~~and~~ OR

(2) (a) A person ~~or entity~~ that has used, prior to January 1, 2007, an individual's social security number in a manner inconsistent with subsection (1) of this section may continue using that individual's social security number in that manner on or after January 1, 2007, if all of the following conditions are met:

(II) The person ~~or entity~~ provides the individual with an annual disclosure that informs the individual that ~~he or she~~ THE INDIVIDUAL has the right to stop the use of ~~his or her~~ THE INDIVIDUAL'S social security number in a manner prohibited by subsection (1) of this section.

(b) The person ~~or entity~~ shall implement a written request by an individual to stop the use of ~~his or her~~ THE INDIVIDUAL'S social security number in a manner prohibited by subsection (1) of this section within thirty days after the receipt of the request. The person ~~or entity may~~ SHALL not impose a fee or charge for implementing the request.

SECTION 22. In Colorado Revised Statutes, 6-1-716, **amend** (1)(a), (1)(b), (2)(a.3) introductory portion, and (2)(a.3)(I) as follows:

6-1-716. Notification of security breach - definitions.

(1) **Definitions.** As used in this section, unless the context otherwise requires:

(a) "Biometric data" means unique biometric data generated from measurements or analysis of human body characteristics for the purpose of authenticating the individual when ~~he or she~~ THE INDIVIDUAL accesses an online account.

(b) "Covered entity" means a person ~~as defined in section 6-1-102 (6)~~; that maintains, owns, or licenses personal information in the course of the person's business, vocation, or occupation. "Covered entity" does not include a person acting as a third-party service provider. ~~as defined in subsection (1)(i) of this section.~~

(2) **Disclosure of breach.**

(a.3) If an investigation by ~~the~~ A covered entity pursuant to subsection (2)(a) of this section determines that the type of personal information described in subsection (1)(g)(I)(B) of this section has been misused or is reasonably likely to be misused, ~~then~~ the covered entity shall, in addition to the notice otherwise required by subsection (2)(a.2) of this section and ~~in the most expedient time possible and~~ without unreasonable delay, but not later than thirty days after the date of THE determination that a security breach occurred, consistent with the legitimate needs of law

enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system:

(I) Direct the ~~person~~ INDIVIDUAL whose personal information has been breached to promptly change ~~his or her~~ THE INDIVIDUAL'S password and security question or answer, as applicable, or to take other steps appropriate to protect the online account with the covered entity and all other online accounts for which the ~~person whose personal information has been breached~~ INDIVIDUAL uses the same username or email address and password or security question or answer.

SECTION 23. In Colorado Revised Statutes, 6-1-722, **amend** (4) as follows:

6-1-722. Gift certificates - validity - exemptions - definition.

(4) A violation of this section ~~shall be deemed a~~ IS AN UNFAIR OR deceptive trade practice as provided in ~~section 6-1-105 (1)(ccc)~~ THIS ARTICLE 1.

SECTION 24. In Colorado Revised Statutes, 6-1-723, **amend** (2) as follows:

6-1-723. Cathinone bath salts - unfair or deceptive trade practice.

(2) (a) A violation of this section ~~shall be deemed a~~ IS AN UNFAIR OR deceptive trade practice, ~~as provided in section 6-1-105 (1)(fff)~~, and ~~the~~ A violator ~~shall be~~ IS subject to a civil penalty as described in section 6-1-112 (1)(d) in addition to any applicable criminal penalty.

(b) For the purposes of this section, a person ~~shall be~~ IS deemed to have committed a violation for each individually packaged product that ~~he or she~~ THE PERSON distributed, dispensed, manufactured, displayed for sale, offered for sale, attempted to sell, or sold in violation of subsection (1) of this section.

SECTION 25. In Colorado Revised Statutes, 6-1-724, **amend** (6) introductory portion, (6)(g) introductory portion, (6)(g)(II), (6)(n)

introductory portion, (6)(n)(II), (6)(q), (6)(t), (7)(a) introductory portion, (7)(a)(IV), and (10)(a) as follows:

6-1-724. Unlicensed alternative health-care practitioners - unfair or deceptive trade practice - short title - legislative declaration - definitions.

(6) A complementary and alternative health-care practitioner providing complementary and alternative health-care services DESCRIBED under this section who is not licensed, certified, or registered by the state shall not:

(g) Perform ~~enemas~~ AN ENEMA or A colonic irrigation unless the complementary and alternative health-care practitioner:

(II) Discloses that ~~he or she~~ THE PRACTITIONER is not a physician licensed pursuant to article 240 of title 12; and

(n) Treat a child who is two years ~~of age~~ OLD or older but less than eight years ~~of age~~ OLD unless the complementary and alternative health-care practitioner:

(II) Discloses that ~~he or she~~ THE PRACTITIONER is not a physician licensed pursuant to article 240 of title 12;

(q) Practice or represent that ~~he or she~~ THE PRACTITIONER is practicing massage or massage therapy as defined in article 235 of title 12;

(t) Hold oneself out as, state, indicate, advertise, or imply to a client or prospective client that ~~he or she~~ THE PRACTITIONER is a physician, surgeon, or both or that ~~he or she~~ THE PRACTITIONER is a health-care professional who is licensed, certified, or registered by the state.

(7) (a) ~~Any person~~ AN INDIVIDUAL providing complementary and alternative health-care services in this state who is not licensed, certified, or registered by the state as a health-care professional; is not regulated by a professional board or the division of professions and occupations in the department of regulatory agencies pursuant to title 12; ~~C.R.S.~~, and is advertising or charging a fee for health-care services shall provide to each client during the initial client contact the following information in a plainly

worded written statement:

(IV) A listing of any degrees, training, experience, credentials, or other qualifications the ~~person~~ INDIVIDUAL holds regarding the complementary and alternative health-care services ~~he or she~~ THE INDIVIDUAL provides;

(10) This section does not apply to or prohibit:

(a) ~~Any~~ A licensed, certified, or registered health-care professional from practicing ~~his or her~~ THEIR regulated profession;

SECTION 26. In Colorado Revised Statutes, 6-1-725, **amend** (2) as follows:

6-1-725. Synthetic cannabinoids - incense - unfair or deceptive trade practice.

(2) (a) A violation of this section is ~~a~~ AN UNFAIR OR deceptive trade practice, ~~as provided in section 6-1-105 (1)(ggg), and the~~ A violator ~~shall be~~ IS subject to a civil penalty as described in section 6-1-112 (1)(e) in addition to any applicable criminal penalty.

(b) For the purposes of this section, a person ~~shall be~~ IS deemed to have committed a violation for each individually packaged product that ~~he or she~~ THE PERSON distributed, dispensed, manufactured, displayed for sale, offered for sale, attempted to sell, or sold in violation of subsection (1) of this section.

SECTION 27. In Colorado Revised Statutes 6-1-727, **amend** (3)(b) introductory portion, (3)(b)(III), (3)(c) introductory portion, and (3)(c)(I) as follows:

6-1-727. Immigration-related services provided by nonattorneys - unfair or deceptive trade practice - definitions.

(3) Prohibited practices - assistance with immigration matters - permitted practices.

(b) If a person other than a person listed in ~~subparagraph (I) or (II)~~

~~of paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a)(I) OR (3)(a)(II) OF THIS SECTION engages in or offers to engage in one or more of the following acts or practices in an immigration matter for compensation, the person engages in ~~a~~ AN UNFAIR OR deceptive trade practice AS DESCRIBED IN THIS ARTICLE 1:

(III) Selecting for another person, assisting another person in selecting, or advising another person in selecting ~~his or her~~ THE PERSON'S answers on a government agency form or document related to an immigration matter;

(c) With or without compensation or the expectation of compensation, a person other than a person listed in ~~subparagraph (F) or (H) of paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a)(I) OR (3)(a)(II) OF THIS SECTION engages in ~~a~~ AN UNFAIR OR deceptive trade practice in an immigration matter if ~~he or she~~ THE PERSON represents, in any language, either orally or in a document, letterhead, advertisement, stationery, business card, website, or other written material that ~~he or she~~ THE PERSON:

(I) Is a notario publico, notario, immigration assistant, immigration consultant, immigration specialist, or other designation or title that conveys or implies in any language that ~~he or she~~ THE PERSON possesses professional legal skills or expertise in the area of immigration law; or

SECTION 28. In Colorado Revised Statutes, 6-1-739, **repeal** (1)(b) as follows:

6-1-739. Veterans' benefits matters - compensation for services - written agreements - advertising - disclosures - deceptive trade practice - definitions.

(1) As used in this section, unless the context otherwise requires:

(b) ~~"Person" has the same meaning as set forth in section 6-1-102.~~

SECTION 29. In Colorado Revised Statutes, 6-1-803, **amend** (2) introductory portion as follows:

6-1-803. Prohibited practices and required disclosures.

(2) ~~No~~ A sponsor shall NOT represent that a person has won or unconditionally will be the winner of a prize or use language that may lead a person to believe ~~he or she~~ THE PERSON has won a prize, unless all of the following conditions are met:

SECTION 30. In Colorado Revised Statutes, 6-1-904, **amend** (1)(a) as follows:

6-1-904. Unlawful to make telephone solicitations to subscribers on the Colorado no-call list - requirements for telephone solicitations generally.

(1) (a) ~~No~~ A person ~~or entity~~ shall NOT make or cause to be made any telephone solicitation to the telephone of any residential subscriber or wireless telephone service subscriber in this state ~~who~~ THAT has added ~~his or her~~ THE SUBSCRIBER'S telephone number and zip code to the Colorado no-call list in accordance with rules ~~promulgated~~ ADOPTED under section 6-1-905.

SECTION 31. In Colorado Revised Statutes, 6-1-905, **amend** (3)(b) introductory portion and (3)(b)(III) as follows:

6-1-905. Establishment and operation of a Colorado no-call list - rules.

(3) (b) The public utilities commission shall establish, by rule, guidelines for the designated agent for the development and maintenance of the Colorado no-call list so that the no-call list can easily be accessed by persons ~~or entities~~ desiring to make telephone solicitations and by state and local law enforcement agencies. As soon as practicable after March 25, 2003, the public utilities commission shall ~~promulgate~~ ADOPT rules that:

(III) Specify that the method by which each residential subscriber and wireless telephone service subscriber may give notice to the designated agent of ~~his or her~~ THE SUBSCRIBER'S objection to receiving such solicitations, or may revoke such notice, ~~shall be~~ IS exclusively by entering the area code, phone number, and zip code of the subscriber directly into the database via the designated state internet website or by using a touch-tone phone to enter the area code, phone number, and zip code of the subscriber via a designated statewide, toll-free telephone number maintained by the

designated agent as a part of the Colorado no-call list;

SECTION 32. In Colorado Revised Statutes, 6-1-1103, **amend** (2) introductory portion and (7) as follows:

6-1-1103. Definitions.

As used in this part 11, unless the context otherwise requires:

(2) "Equity purchaser" means a person, other than a person who acquires a property for the purpose of using such property as ~~his or her personal~~ THE PERSON'S OWN residence, who acquires title to a residence in foreclosure; except that the term does not include a person who acquires such title:

(7) "Home owner" means the owner of a dwelling who occupies it as ~~his or her~~ A principal place of residence, including a vendee under a contract for deed to real property, as that term is defined in section 38-35-126 (1)(b). ~~C.R.S.~~

SECTION 33. In Colorado Revised Statutes, 6-1-1104, **amend** (5) as follows:

6-1-1104. Foreclosure consulting contract.

(5) A foreclosure consulting contract shall contain the following notice, AS DESCRIBED IN THIS SECTION OR AS ESTABLISHED UNDER SECTION 24-31-101 (1)(z)(III), which shall be printed in at least fourteen-point bold-faced type, completed with the name of the foreclosure consultant, and located in immediate proximity to the space reserved for the home owner's signature:

Notice Required by Colorado Law

_____ (Name) or (~~his/her/its~~ THEIR) associate cannot ask you to sign or have you sign any document that transfers any interest in your home or property to (~~him/her/it~~ THEM) or TO (~~his/her/its~~ THEIR) associate.

_____ (Name) or (~~his/her/its~~ THEIR) associate cannot guarantee you that they will be able to refinance your

home or arrange for you to keep your home.

You may, at any time, cancel this contract, without penalty of any kind.

If you want to cancel this contract, mail or deliver a signed and dated copy of this notice of cancellation, or any other written notice, indicating your intent to cancel to _____ (name and address of foreclosure consultant) at _____ (address of foreclosure consultant, including facsimile and electronic mail address).

As part of any cancellation, you (the home owner) must repay any money actually spent on your behalf by _____ (name of foreclosure consultant) prior to receipt of this notice and as a result of this agreement, within sixty days, along with interest at the prime rate published by the federal reserve plus two percentage points, with the total interest rate not to exceed eight percent per year.

This is an important legal contract and could result in the loss of your home. Contact an attorney or a housing counselor approved by the federal department of housing and urban development before signing.

SECTION 34. In Colorado Revised Statutes, add 6-1-1315 as follows:

6-1-1315. Colorado privacy act advisory council - created - membership - duties - subject to review - repeal.

(1) THE COLORADO PRIVACY ACT ADVISORY COUNCIL, REFERRED TO IN THIS SECTION AS THE "ADVISORY COUNCIL", IS CREATED IN THE DEPARTMENT OF LAW. THE ADVISORY COUNCIL CONSISTS OF THREE MEMBERS APPOINTED BY THE ATTORNEY GENERAL AS FOLLOWS:

(a) ONE MEMBER REPRESENTING A TECHNOLOGY COMPANY OR A STATEWIDE ORGANIZATION REPRESENTING TECHNOLOGY COMPANIES;

(b) ONE MEMBER REPRESENTING A STATEWIDE CONSUMER ADVOCACY ORGANIZATION THAT FOCUSES ON DATA PRIVACY AND TECHNOLOGY; AND

(c) ONE MEMBER OF THE PUBLIC.

(2) THE MEMBERS OF THE ADVISORY COUNCIL SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG THE ADVISORY COUNCIL MEMBERS APPOINTED PURSUANT TO SUBSECTION (1) OF THIS SECTION, WHICH PRESIDING OFFICERS SHALL SERVE TERMS OF TWO YEARS. ADVISORY COUNCIL MEMBERS MAY REELECT A PRESIDING OFFICER.

(3) (a) EACH MEMBER OF THE ADVISORY COUNCIL SERVES AT THE PLEASURE OF THE ATTORNEY GENERAL FOR A TERM OF THREE YEARS; EXCEPT THAT:

(I) THE INITIAL MEMBER APPOINTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL SERVE A TERM OF ONE YEAR; AND

(II) THE INITIAL MEMBER APPOINTED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION SHALL SERVE A TERM OF TWO YEARS.

(b) THE ATTORNEY GENERAL MAY REAPPOINT A MEMBER TO SERVE NO MORE THAN THREE TERMS.

(c) MEMBERS OF THE ADVISORY COUNCIL MAY BE REIMBURSED BY THE DEPARTMENT OF LAW FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE CONDUCT OF OFFICIAL BUSINESS.

(4) THE ADVISORY COUNCIL SHALL MEET AT LEAST TWO TIMES EACH YEAR TO DISCUSS EMERGING ISSUES IN DATA PRIVACY AND ANY MATTERS REFERRED TO THE ADVISORY COUNCIL BY THE ATTORNEY GENERAL FOR THE ADVISORY COUNCIL'S DISCUSSION.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2032. BEFORE THE REPEAL, THE ADVISORY COUNCIL IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

SECTION 35. In Colorado Revised Statutes, **amend** 6-2-104 as follows:

6-2-104. Personal responsibility.

(1) ~~Any~~ A person ~~who~~ THAT, either as director, officer, or agent of

any firm or corporation or as agent of any person violating ~~the provisions of this article~~ ARTICLE 2, assists or aids, directly or indirectly, in ~~such~~ THE violation ~~shall be~~ IS responsible equally with the person, firm, or corporation for which ~~he~~ THE PERSON acts.

(2) In the prosecution of ~~any~~ A person as officer, director, or agent, it ~~shall be~~ IS sufficient to allege and prove the unlawful intent of the person, firm, or corporation for which ~~he~~ THE PERSON acts.

SECTION 36. In Colorado Revised Statutes, **amend** 6-2-107 as follows:

6-2-107. Allegation and proof - evidence.

In ~~any~~ AN injunction proceeding or in the prosecution of ~~any~~ A person as officer, director, or agent, it ~~shall be~~ IS sufficient to allege and prove the unlawful intent of the person, firm, or corporation for which ~~he~~ THE PERSON acts. Where a particular trade or industry of which the person, firm, or corporation complained against is a member has an established cost survey for the locality and vicinity in which the offense is committed, the cost survey ~~shall be~~ IS deemed competent evidence to be used in proving the costs of the person, firm, or corporation complained against within ~~the provisions of this article~~ ARTICLE 2.

SECTION 37. In Colorado Revised Statutes, 6-2-110, **amend** (1) introductory portion and (1)(a) as follows:

6-2-110. When provisions not applicable.

(1) ~~The provisions of Sections 6-2-105 to 6-2-107 shall~~ DO not apply to any sale made:

(a) In closing out in good faith the owner's stock or any part thereof for the purpose of discontinuing ~~his~~ THE OWNER'S trade in any such stock or commodity and, in the case of the sale of seasonal goods or the bona fide sale of perishable goods, to prevent loss to the vendor by spoilage or depreciation, if notice is given to the public thereof;

SECTION 38. In Colorado Revised Statutes, 6-2-111, **amend** (2), (3), (4), and (6) as follows:

6-2-111. Unlawful acts - remedy - license - rules.

(2) Without prejudice to the rights of any person, firm, private corporation, municipal corporation, public corporation, or trade association to bring an action, the attorney general ~~of the state of Colorado, as an incident to and power of his or her office,~~ has like powers to those provided in subsection (1) of this section, and it is ~~his or her~~ THE ATTORNEY GENERAL'S duty, upon A showing by any person, firm, private corporation, municipal corporation, public corporation, or trade association that there is reason to believe that ~~any~~ A person subject to the terms of this ~~article~~ ARTICLE 2 is violating any term of sections 6-2-103 to 6-2-108 or section 6-2-110, to prosecute ~~actions for violation of any provisions of this article,~~ THE VIOLATION and to seek ~~injunctions or restraining orders~~ AN INJUNCTION OR RESTRAINING ORDER to enjoin the continuance ~~thereof by any defendant~~ OF THE VIOLATION.

(3) If ~~any~~ A person, firm, private corporation, municipal corporation, public corporation, or trade association, in writing and under oath, submits to the attorney general a statement setting forth facts sufficient to constitute a prima facie case of A violation of ~~any of the provisions of~~ sections 6-2-103 to 6-2-108 or any other ~~provisions~~ PROVISION of this ~~article,~~ it is ~~mandatory upon~~ ARTICLE 2, the attorney general ~~to~~ SHALL seek injunctive relief or A restraining ~~orders~~ ORDER to enjoin the continuance of ~~such~~ THE violation. ~~by any person, firm, private corporation, or other organization so charged;~~ and To this end, and for this purpose, the attorney general ~~has the power to~~ MAY appear in ~~his or her~~ THE ATTORNEY GENERAL'S official capacity TO SEEK RELIEF in any court in the state of ~~Colorado,~~ having jurisdiction. ~~in the premises, to seek relief.~~

(4) ~~It is the duty of any~~ A district attorney, ~~in and for each of the judicial districts of the state of Colorado,~~ when requested in writing by the attorney general to advise and consult with the attorney general concerning the institution and prosecution of ~~such actions, and to~~ AN ACTION DESCRIBED IN THIS ARTICLE 2, SHALL act for the attorney general in prosecution of ~~any such~~ THE action. ~~but~~ HOWEVER, the attorney general ~~has the power in his or her discretion to~~ MAY choose, select, appoint, and recompense from funds MONEY provided for the purposes of enforcement of ~~the provisions of this article~~ ARTICLE 2 any ~~attorney-at-law~~ ATTORNEY admitted to practice in the state of ~~Colorado~~ as a special prosecutor who has full and complete power to act for the attorney general.

(6) The attorney general may appoint such personnel as may reasonably be required to carry out the functions prescribed for ~~his or her~~ THE ATTORNEY GENERAL'S office.

SECTION 39. In Colorado Revised Statutes, **amend** 6-6-102 as follows:

6-6-102. Obligation of recipient.

(1) Unless otherwise agreed, where unsolicited goods are delivered to a person, ~~he has a right to~~ THE PERSON MAY refuse to accept delivery of the goods and is not bound to return ~~such~~ THE goods to the sender.

(2) If ~~such~~ unsolicited goods are either addressed to or intended for ~~the~~ A recipient, they ~~shall be~~ ARE deemed a gift to the recipient, who may use them or dispose of them in any manner ~~he~~ THE RECIPIENT sees fit without any obligation to the sender.

SECTION 40. In Colorado Revised Statutes, 6-6.5-101, **amend** (1) and (3) as follows:

6-6.5-101. Disclosure to purchaser - penalty.

(1) At least fourteen days prior to closing the sale of any new residence for human habitation, ~~every~~ A developer or builder or their ~~representatives~~ REPRESENTATIVE shall provide the purchaser with a copy of a summary report of the analysis and the site recommendations. For ~~sites in which~~ A SITE WHERE significant potential for expansive soils is recognized, the builder or ~~his~~ THE BUILDER'S representative shall supply each buyer with a copy of a publication detailing the problems associated with such soils, the building methods to address these problems during construction, and suggestions for care and maintenance to address such problems.

(3) The requirements of this section ~~shall~~ DO not apply to any individual constructing a residential structure for ~~his~~ THE INDIVIDUAL'S own residence.

SECTION 41. In Colorado Revised Statutes, **amend** 6-10-102 as follows:

6-10-102. General assignment.

Any person may make a general assignment for the benefit of ~~his~~ THE PERSON'S creditors by deed duly acknowledged. When filed for record in the office of the clerk and recorder of the county where the assignor resides or, if THE ASSIGNOR IS a nonresident, where ~~his~~ THE ASSIGNOR'S principal place of business is in this state, such deed ~~shall vest~~ VESTS in the assignee in trust for the use and benefit of such creditors all the property of the assignor, excepting only such PROPERTY as is by law not subject to levy and sale under execution, subject, however, to all valid and subsisting liens.

SECTION 42. In Colorado Revised Statutes, **amend** 6-10-103 as follows:

6-10-103. Inventory - list of creditors.

~~The~~ AN assignor shall render to ~~such~~ AN assignee within four days ~~from~~ AFTER the date of ~~said~~ THE assignment an inventory under oath of ~~his~~ THE ASSIGNOR'S property, to the best of ~~his~~ THE ASSIGNOR'S knowledge, ~~with~~ INCLUDING the estimated value ~~thereof, and also a~~ OF THE PROPERTY. THE ASSIGNOR SHALL ALSO RENDER A list of ~~his~~ THE ASSIGNOR'S creditors, ~~giving~~ INCLUDING their names, ~~residence and post-office address~~ RESIDENCES, AND POST-OFFICE ADDRESSES, if known, and the amount of their respective demands. ~~Such~~ THE ASSIGNOR'S inventory shall not be DEEMED TO BE conclusive of the amount of the assignor's estate, nor shall the omission of any property from ~~such~~ THE inventory defeat the assignment or conveyance of the ~~same~~ PROPERTY.

SECTION 43. In Colorado Revised Statutes, **amend** 6-10-104 as follows:

6-10-104. Assignment for all creditors.

~~No such~~ A deed of general assignment of property by an insolvent, or in contemplation of insolvency, for the benefit of creditors, ~~shall be~~ IS NOT valid unless by its terms it is made for the benefit of all ~~his~~ THE INSOLVENT'S creditors in proportion to the amount of their respective claims.

SECTION 44. In Colorado Revised Statutes, **amend** 6-10-106 as

follows:

6-10-106. Inventory filed where - bond.

~~The AN assignee shall file with the clerk of the district court of the county in which such THE deed of assignment is recorded a true and complete inventory and valuation of the property of the said assignor, under oath, so far as the same PROPERTY has come to his THE ASSIGNEE'S knowledge, within a period not to exceed six days from AFTER the date of the filing of the deed of assignment. and THE ASSIGNEE shall ALSO make and file a bond to the state of Colorado, for the use of the creditors in double the amount of the inventory and valuation, with sureties to be approved by such THE clerk for the faithful performance of said THE trust and for a full and complete accounting for and of all property that may come into his hands as such assignee. Such THE ASSIGNEE'S POSSESSION. THE assignee has no authority to SHALL NOT sell or dispose of, or convert to the purposes of the trust, any part of such THE estate until he THE ASSIGNEE has complied with the provisions of this section.~~

SECTION 45. In Colorado Revised Statutes, **amend** 6-10-107 as follows:

6-10-107. Assignee an officer of court.

~~An assignee named and qualified under this article shall be ARTICLE 10 IS deemed to be an officer of court. Any interference with the assignee in the discharge of his THE ASSIGNEE'S duties is contempt of court, and no A suit against the assignee in relation to or concerning the property assigned shall NOT be instituted against the assignee without first obtaining UNLESS THE PLAINTIFF FIRST OBTAINS permission of the court within and for the county in which the assignment is made.~~

SECTION 46. In Colorado Revised Statutes, **amend** 6-10-109 as follows:

6-10-109. Priority of claims - notice.

~~The AN assignee shall forthwith PROMPTLY give notice of such AN assignment by publication for four weeks in some A newspaper in the county, if any, and, if THERE IS none, then in the nearest county. thereto. The~~

assignee shall also ~~forthwith~~ PROMPTLY send a notice by mail to each creditor of whom ~~he shall be informed~~ THE ASSIGNEE IS AWARE, directed to ~~his~~ THE CREDITOR'S usual place of residence, stating the estimate of the aggregate value of all the property of the assignor, STATING the estimate of the amount of ~~his~~ THE ASSIGNOR'S liabilities, and notifying ~~each~~ THE creditor to present ~~his~~ THE CREDITOR'S claim, under oath, to the assignee within three months ~~from~~ AFTER the mailing of ~~such~~ THE notice. It is the duty of each creditor to present ~~his~~ THE CREDITOR'S claim in the manner and within the time mentioned in the notice. Claims filed within the first three months ~~shall~~ have priority over those filed thereafter, unless a creditor can show, to the satisfaction of the court, that ~~he~~ THE CREDITOR never received the notice. Proof of notice by mail shall be made by affidavit by the assignee giving a list of creditors and the name of the post office where notice was sent within ten days after the mailing of the same. Proof of the notice by publication shall be made by affidavit of the printer or publisher within ten days after the last publication or ~~no~~ fees shall NOT be allowed the assignee for such notice by mail or publication.

SECTION 47. In Colorado Revised Statutes, **amend** 6-10-110 as follows:

6-10-110. Report of assignee.

At the expiration of three months ~~from~~ AFTER the time of the first publication and the mailing of notice, ~~the~~ AN assignee shall report and file with the clerk of the court a true and complete list, under oath, of all the creditors of the assignor ~~who~~ THAT have filed their claims, the place of their residence, the amount claimed, and the amount and value, if any, of any security held by any such creditor. ~~He~~ THE ASSIGNEE shall also file a statement of all ~~his~~ THE ASSIGNEE'S proceedings with reference to the trust, showing what money has come into ~~his hands~~ THE ASSIGNEE'S POSSESSION and all the disbursements ~~thereof~~ OF SUCH MONEY.

SECTION 48. In Colorado Revised Statutes, **amend** 6-10-111 as follows:

6-10-111. Exceptions to claims - hearing.

Any INTERESTED person ~~interested~~ may appear before a dividend is made and file with the clerk ~~any exceptions~~ AN EXCEPTION to ~~the~~ A claim

or A demand of ~~any~~ A creditor. The clerk shall immediately cause notice ~~thereof~~ OF THE EXCEPTION OR DEMAND to be given to the creditor, which NOTICE shall be served and returned as in the case of a summons. Within the time allowed to answer in an action at law, the creditor shall file ~~his~~ THE CREDITOR'S reply. The court shall designate the time for the hearing and shall at such time hear the allegations and proof offered and ~~shall~~ render a just judgment. ~~thereon~~.

SECTION 49. In Colorado Revised Statutes, **amend** 6-10-112 as follows:

6-10-112. Judgment - fee of assignee.

If ~~no~~ AN exception is NOT made to a claim filed, or if ~~the~~ A claim has been favorably adjudicated, the court shall enter judgment in favor of the creditor and against the assignor for the amount claimed and found due and order the assignee to make from time to time fair and equal dividends among the creditors of the assets in ~~his hands~~ THE ASSIGNEE'S POSSESSION, in proportion to their respective claims, and, as soon as may be, to render a full account of ~~said~~ THE trust to the court. The court may allow such compensation or commissions, following as nearly as possible the compensation allowed executors for like services, as may be just and right.

SECTION 50. In Colorado Revised Statutes, **amend** 6-10-116 as follows:

6-10-116. Assignee under supervision of court.

~~The~~ AN assignee ~~shall be~~ IS subject to the order and supervision of the court at all times and, by citation or attachment, may be compelled, from time to time, to file reports of ~~his~~ THE ASSIGNEE'S proceedings and the situation and condition of the trust and to proceed in the faithful execution of the duties required by this ~~article~~, ARTICLE 10 to keep correct books of account open to ~~the~~ inspection ~~of~~ BY the court, ~~or~~ BY any person ~~or his~~ attorney interested in ~~said~~ THE estate, ~~All conveyances~~ OR BY SUCH PERSON'S ATTORNEY. A CONVEYANCE of real estate ~~and all sales~~ OR A SALE of personal property by the assignee THAT IS not in the usual course of business, as conducted by the assignor, ~~shall~~ MUST be approved by the court before ~~such~~ THE CONVEYANCE OR sale ~~shall be~~ IS valid.

SECTION 51. In Colorado Revised Statutes, **amend** 6-10-117 as follows:

6-10-117. Assignee appointed by court - when.

If ~~the~~ AN assignee named in the deed fails or neglects to file an inventory and valuation and give bond for the period of ten days after the making of ~~any~~ AN assignment, or if ~~he~~ THE ASSIGNEE dies before the closing of ~~his~~ THE ASSIGNEE'S trust or is removed from the execution of the trust, the court upon the application of any person interested may appoint an assignee to execute ~~such~~ THE trust. ~~Such appointee;~~ When ~~he~~ AN APPOINTED ASSIGNEE has qualified as provided in this ~~article shall have~~ ARTICLE 10, THE APPOINTED ASSIGNEE HAS all the rights, powers, and authority and ~~be~~ IS subject to the same restrictions and obligations as an original assignee.

SECTION 52. In Colorado Revised Statutes, **amend** 6-10-119 as follows:

6-10-119. Powers of assignee.

~~The~~ AN assignee has all the rights, power, and authority of the assignor necessary to fully execute ~~such~~ THE trust, to demand and sue for any property belonging to ~~such~~ THE estate, and to execute valid receipts. ~~and~~ THE ASSIGNEE, by deed duly acknowledged by ~~him~~ THE ASSIGNEE, in ~~his~~ THE ASSIGNEE'S own name, ~~as assignee;~~ may convey any of the estate, real and personal, subject to approval as stated in section 6-10-116. Where the assignee has been appointed by the court in place of an assignee removed, it ~~shall be his~~ IS THE ASSIGNEE'S duty to compel by suit, or the peremptory order of the court, the delivery of the trust estate and the property, or the value thereof, that has been wasted or misapplied by the previous assignee.

SECTION 53. In Colorado Revised Statutes, **amend** 6-10-121 as follows:

6-10-121. Additional security - when.

~~The~~ AN assignee, from time to time, shall file with the clerk of the court an inventory and valuation of any additional property ~~which may come~~ THAT COMES into ~~his hands~~ THE ASSIGNEE'S POSSESSION after the first inventory, and the judge, or, in ~~his~~ THE JUDGE'S absence, the clerk, may

thereupon require the assignee to give additional security.

SECTION 54. In Colorado Revised Statutes, **amend** 6-10-122 as follows:

6-10-122. Appearance compelled - when.

The court, upon the application of ~~the~~ AN assignee, or of any creditor, may compel the appearance in person of the debtor, or any other witness, before the court, or a commissioner appointed by the court, at any time designated, to answer under oath such matters as may be inquired of ~~him~~. ~~SUCH~~ THE DEBTOR OR OTHER WITNESS. THE debtor or other witness may then be fully examined under oath as to the amount and situation of ~~his~~ THE DEBTOR'S OR OTHER WITNESS'S property, the payments and conveyances made by ~~him~~ THE DEBTOR OR OTHER WITNESS, and the names and places of residence of creditors and the amounts due to each. The court, upon like application, may compel the debtor to deliver to the assignee any property or estate embraced in the assignment.

SECTION 55. In Colorado Revised Statutes, **amend** 6-10-123 as follows:

6-10-123. Misappropriation by debtor.

~~No~~ AN assignment ~~shall be~~ IS NOT invalid because of misappropriation of the property of the debtor by ~~him~~ THE DEBTOR prior to the assignment, but the assignee may recover ~~such~~ THE property if ~~so~~ IT WAS misappropriated in fraud of this ~~article~~ ARTICLE 10. Nothing in this ~~article~~ shall ~~invalidate~~ ARTICLE 10 INVALIDATES any conveyance or mortgage of property, real or personal, by the debtor before the assignment, made in good faith, for a valid and valuable consideration.

SECTION 56. In Colorado Revised Statutes, **amend** 6-10-125 as follows:

6-10-125. Creditors may appoint an attorney.

The majority in number and value of the creditors may appoint, in writing, an ~~attorney-at-law~~ ATTORNEY to represent the estate before the court. The attorney, if appointed, shall examine all reports and inventories

and books of the assignee and inquire fully as to the conduct of the assignee in the discharge of ~~his~~ THE ASSIGNEE'S trust. ~~He~~ THE ATTORNEY may appear for the assignee in all suits in behalf of the assignee in securing, preserving, or defending the estate, but THE ATTORNEY shall appear in behalf of the creditors in all suits, examinations, or inquiries as to the accounts or the conduct of the assignee concerning the estate. The court may allow such compensation to the attorney as may be just and reasonable.

SECTION 57. In Colorado Revised Statutes, **amend** 6-10-128 as follows:

6-10-128. Trust closed in one year.

~~The~~ AN assignee shall close ~~his~~ THE ASSIGNEE'S trust within one year ~~from~~ AFTER the filing of the deed of assignment unless the court, for good cause shown, extends the time.

SECTION 58. In Colorado Revised Statutes, **amend** 6-10-131 as follows:

6-10-131. Action on bond of assignee.

~~Any~~ A creditor may maintain an action on the bond of ~~the~~ AN assignee for any damages ~~such~~ THE creditor may have sustained by reason of THE assignee's acts or ~~his~~ THE ASSIGNEE'S failure to act.

SECTION 59. In Colorado Revised Statutes, **amend** 6-10-154 as follows:

6-10-154. Disposition of property when no market.

(1) When any difficulty is encountered by ~~the~~ AN assignee in converting the assigned property of ~~any~~ AN assignment, or any part thereof, into cash on account of there being no sufficient market ~~therefor~~ FOR THE PROPERTY, or for any other good reason, the court may direct by such order as described in section 6-10-153 the distribution of ~~such~~ THE property in kind among the creditors electing to take property. Creditors not electing to take property shall be paid an equal pro rata in cash, fixing by appraisalment or sworn evidence in courts such price or value upon each piece, parcel, or item of property as shall make it bear and pay its proportion of the entire

indebtedness of the estate, and as ~~shall be~~ IS just and equitable between the assignor and the creditors and all persons interested in the assigned estate.

(2) When the court authorizes the assignee to exchange ~~such~~ THE property in payment of the proved indebtedness of the estate at the prices ~~so~~ fixed AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, and when, in the opinion of the court, the best interests of the estate are promoted thereby, ~~it~~ THE COURT may order the assignee to first offer ~~such~~ THE property at public auction. ~~and, in that case, it~~ IN SUCH CASE, THE COURT shall provide by its order the kind and form of notice to be given of ~~such~~ THE sale. The assignee at ~~such~~ THE sale shall offer and sell the property to the highest and best bidder ~~therefor~~ in proved accounts against the estate, and ~~he~~ THE ASSIGNEE shall not accept any bid lower than the price fixed by the court on the property. ~~so offered.~~

SECTION 60. In Colorado Revised Statutes, 6-12-104, **amend** (2), (3), and (5) as follows:

6-12-104. Enforcement.

(2) If the attorney general has reasonable cause to believe that a person has engaged in an act that is subject to this ~~article~~ ARTICLE 12, the attorney general may make an investigation to determine if the act has been committed, and, to the extent necessary for this purpose, may administer oaths or affirmations, and, upon ~~his or her~~ THE ATTORNEY GENERAL'S own motion or upon request of any party, may subpoena witnesses and compel their attendance, adduce evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence. In any civil action brought by the attorney general as a result of such an investigation, the attorney general may recover the reasonable costs of making the investigation if the attorney general prevails in the action.

(3) If ~~the~~ A person's records are located outside this state, the person ~~at his or her option~~ shall either make them available to the attorney general at a convenient location within this state or pay the reasonable and necessary expenses for the attorney general or the attorney general's

representative to examine them at the place where they are maintained. The attorney general may designate representatives, including comparable officials of the state in which the records are located, to inspect them on the attorney general's behalf.

(5) The attorney general shall not make public the name or identity of a person whose acts or conduct ~~he or she~~ THE ATTORNEY GENERAL investigates pursuant to this section or the facts disclosed in the investigation, but this subsection (5) does not apply to disclosures in actions or enforcement proceedings pursuant to this ~~article~~ ARTICLE 12.

SECTION 61. In Colorado Revised Statutes, 6-13-104, **amend** (3) as follows:

6-13-104. Violations - penalties.

(3) A proprietor shall not bring a counterclaim against any party except the original complainant, and, if ~~such~~ A complainant is a performing rights society, A PROPRIETOR SHALL NOT BRING a counterclaim ~~shall not be brought~~ against any copyright owner in ~~his or her~~ THE COPYRIGHT OWNER'S individual capacity.

SECTION 62. In Colorado Revised Statutes, 6-15-102, **amend** (1) introductory portion, (2), and (4) as follows:

6-15-102. Art dealers and artists - consignment of works of fine art.

(1) Notwithstanding any custom, practice, or usage of the trade ~~and~~ OR any ~~of the provisions~~ PROVISION of section 4-2-326 ~~C.R.S.~~, to the contrary, whenever an artist delivers or causes to be delivered a work of fine art of ~~his~~ THE ARTIST'S own creation to an art dealer for the purpose of exhibition or sale on a commission, fee, or other basis of compensation, the delivery to and acceptance ~~thereof~~ OF THE WORK by the art dealer is deemed to place the work on consignment and:

(2) Notwithstanding the subsequent purchase of a work of fine art by ~~the~~ A consignee directly or indirectly for ~~his~~ THE CONSIGNEE'S own account, ~~the~~ A work initially received on consignment ~~shall be~~ IS deemed to remain trust property until the price is paid in full to the consignor. If ~~such~~

THE work is thereafter resold to a bona fide third party before the consignor has been paid in full, the proceeds of the resale are trust funds in the ~~hands~~ POSSESSION of the consignee for the benefit of the consignor to the extent necessary to pay any balance still due to the consignor, and ~~such~~ THE trusteeship ~~shall continue~~ CONTINUES until the fiduciary obligation of the consignee with respect to ~~such~~ THE transaction is discharged in full.

(4) An art dealer is strictly liable for the loss of or damage to a work of fine art while it is in ~~his~~ THE ART DEALER'S possession. The value of the work of fine art is, for the purposes of this subsection (4), the value established in a written agreement between the artist and the art dealer prior to the loss or damage of the work.

SECTION 63. In Colorado Revised Statutes, **amend** 6-15-208 as follows:

6-15-208. Right of action - damages.

In addition to any judicial relief, ~~any~~ A person ~~who~~ THAT suffers financial injury or damages by reason of ~~anything forbidden~~ ANY ACT OR OMISSION PROHIBITED in this part 2 may ~~sue in district court and may~~ FILE A CIVIL ACTION TO recover actual damages sustained by ~~him or her~~ THE PERSON and the cost of ~~suit~~ THE ACTION, including reasonable attorney fees.

SECTION 64. In Colorado Revised Statutes, 6-16-103, **amend** the introductory portion and (7) introductory portion as follows:

6-16-103. Definitions.

As used in this ~~article~~ ARTICLE 16, unless the context otherwise requires:

(7) "Paid solicitor" means a person who, for monetary compensation, performs any service in which contributions will be solicited in this state by ~~such~~ THE compensated person or by any ~~compensated~~ OTHER person ~~he or she~~ THAT THE COMPENSATED PERSON employs, procures, or engages to solicit for contributions IN EXCHANGE FOR COMPENSATION. The following persons are not "paid solicitors":

SECTION 65. In Colorado Revised Statutes, 6-16-104.6, **amend**

(7) introductory portion and (7)(i) as follows:

6-16-104.6. Paid solicitors - annual registration - filing of contracts - fees.

(7) No later than fifteen days before the commencement of a solicitation campaign, ~~the~~ A paid solicitor shall file with the secretary of state a completed solicitation notice, on forms prescribed by the secretary of state, containing the following information:

(i) A certification statement, signed and affirmed under penalty of perjury as defined in section 18-8-503 by an officer of the charitable organization on the behalf of whom the solicitation campaign is to occur, stating that the solicitation notice and accompanying material are true and complete to the best of ~~his or her~~ THE OFFICER'S knowledge.

SECTION 66. In Colorado Revised Statutes, 6-16-106, **amend** (1) introductory portion and (4) as follows:

6-16-106. Contributor's right to cancel.

(1) In addition to any right otherwise provided by law with respect to the binding nature of an agreement or pledge to make a charitable contribution, a contributor ~~shall have the right to~~ MAY cancel ~~his~~ THE CONTRIBUTOR'S agreement or pledge to contribute as follows:

(4) A particular form ~~shall~~ IS not ~~be~~ required for a notice of cancellation, and such A notice ~~shall be~~ IS sufficient if it indicates the intention of the contributor to cancel ~~his~~ THE CONTRIBUTOR'S pledge to contribute.

SECTION 67. In Colorado Revised Statutes, 6-16-111, **amend** (1) introductory portion, (1)(d), (1)(e), (1.5) introductory portion, (1.5)(a), and (1.5)(b) as follows:

6-16-111. Violations - rules.

(1) A person commits charitable fraud if ~~he or she~~ THE PERSON:

(d) With the intent to defraud, knowingly solicits contributions and,

in aid of such solicitation, assumes, or allows to be assumed, a false or fictitious identity or capacity, except for a trade name or trademark registered in this state by that person or ~~his~~ THE PERSON'S employer;

(e) Knowingly fails to create and maintain all records required by section 6-16-109 to be created and maintained or knowingly fails to make available ~~said~~ SUCH records for examination and photocopying at the office of the district attorney or at ~~his~~ THE PERSON'S own office in this state, with copying facilities furnished free of charge, within five days after a written demand for the production of ~~said~~ THE records by the district attorney or within twenty days with respect to records kept out of state;

(1.5) A person commits charitable fraud if, ~~he or she~~, in the course of or in furtherance of a solicitation, THE PERSON misrepresents to, misleads, makes false statements to, or uses a name other than the solicitor's legal name in communicating with a person being solicited in any manner that would lead a reasonable person to believe that:

(a) If the person being solicited makes a contribution, ~~he or she~~ THE PERSON will receive special benefits or favorable treatment from a police, sheriff, patrol, firefighting, or other law enforcement agency or department of government;

(b) If the person being solicited fails to make a contribution, ~~he or she~~ THE PERSON will receive unfavorable treatment from a police, sheriff, patrol, firefighting, or other law enforcement agency or department of government; or

SECTION 68. In Colorado Revised Statutes, 6-16-112, **amend** (1) as follows:

6-16-112. Address of record - service of process.

(1) ~~Any~~ A person required under this article 16 to register with the secretary of state shall, in ~~his or her~~ THE PERSON'S initial registration or application and in every renewal, provide an address of record. Unless the registrant designates an alternative address, the address of record is the registrant's principal place of business.

SECTION 69. In Colorado Revised Statutes, 6-19-203, **amend** (1)

and (2) introductory portion as follows:

6-19-203. Attorney general review and assessment.

(1) A covered transaction DESCRIBED under this part 2 that will not result in a material change in the charitable purposes, CHARITABLE MISSIONS, OR SERVICES to which the assets of the hospital have been dedicated, and will not result in a termination of the attorney general's jurisdiction over those assets caused by a transfer of a material amount of those assets outside of the state, ~~of Colorado~~, shall proceed without further review. In considering whether a material change results from the transaction, the attorney general shall consider, among other factors, reductions in the availability and accessibility of health-care services in the communities served by the hospital.

(2) When a transaction covered by this part 2 will result in a material change in the charitable purposes to which the assets of ~~the~~ A hospital have been dedicated or a termination of the attorney general's jurisdiction over the hospital assets caused by a transfer of a material amount of those assets outside the state of Colorado, the attorney general may exercise ~~his or her~~ THE ATTORNEY GENERAL'S common law authority to assess and review or challenge the transaction as deemed appropriate by the attorney general. If the attorney general decides to conduct an assessment or review, the following provisions ~~shall~~ apply to ~~such~~ actions of the attorney general:

SECTION 70. In Colorado Revised Statutes, 6-19-406, **amend** (1)(g) as follows:

6-19-406. Attorney general powers.

(1) The attorney general has the following powers:

(g) To hold a hearing after twenty days' notice to the affected parties if the attorney general receives information that the attorney general deems sufficient to indicate that ~~the~~ A nonprofit charitable organization or for-profit entity may not be fulfilling its obligations pursuant to section 6-19-403. If, after such A hearing, the attorney general determines that proof of the noncompliance is probable, ~~he or she~~ THE ATTORNEY GENERAL shall institute proceedings in district court to require corrective action. The attorney general shall retain oversight of the corrective action for as long as

necessary to ensure compliance. Nothing in this section shall be construed to limit the attorney general's power to enforce compliance with this section after the expiration of the five-year period contemplated by ~~paragraph (f) of this subsection (1)~~ SUBSECTION (1)(f) OF THIS SECTION.

SECTION 71. In Colorado Revised Statutes, **amend** 6-20-101 as follows:

6-20-101. Provider disclosure of average charge.

(1) Each hospital licensed or certified pursuant to section 25-1.5-103 (1)(a) ~~C.R.S.~~, shall disclose to ~~a person~~ AN INDIVIDUAL seeking care or treatment ~~his or her~~ THE INDIVIDUAL'S right to receive notice of the average facility charge for ~~such~~ treatment that is a frequently performed inpatient procedure prior to admission for such procedure; except that A HOSPITAL IS NOT REQUIRED TO DISCLOSE THE POTENTIAL COSTS FOR care or treatment for an emergency ~~need not be disclosed~~ prior to ~~such~~ emergency care or treatment. When ~~requested~~, AN INDIVIDUAL REQUESTS the average charge information ~~shall be made available to the person~~ prior to admission for ~~such~~ A procedure, THE HOSPITAL SHALL MAKE THE INFORMATION AVAILABLE TO THE INDIVIDUAL.

(2) Other health facilities licensed or certified pursuant to section 25-1.5-103 (1)(a) ~~C.R.S.~~, shall disclose to ~~a person~~ AN INDIVIDUAL seeking care or treatment ~~his or her~~ THE INDIVIDUAL'S right to receive notice of the average facility charge for ~~such~~ treatment that is a frequently performed procedure prior to ordering or scheduling such procedure; except that A HEALTH FACILITY IS NOT REQUIRED TO DISCLOSE THE POTENTIAL COSTS FOR care or treatment for an emergency ~~need not be disclosed~~ prior to ~~such~~ emergency care or treatment. When ~~requested~~, ~~such~~ AN INDIVIDUAL REQUESTS THE average charge information ~~shall be made available to the person~~ prior to ~~the~~ scheduling ~~of the~~ A procedure, THE HEALTH FACILITY SHALL MAKE THE INFORMATION AVAILABLE TO THE INDIVIDUAL.

SECTION 72. In Colorado Revised Statutes, 6-22-103, **amend** (1) introductory portion as follows:

6-22-103. Contracts for roofing services - writing required - required terms.

(1) Prior to engaging in any roofing work, a roofing contractor shall provide a written contract to the property owner, signed by both the roofing contractor or ~~his or her~~ THE ROOFING CONTRACTOR'S designee and the property owner, stating at least the following terms:

SECTION 73. In Colorado Revised Statutes, 6-22-104, **amend** (1)(b) introductory portion as follows:

6-22-104. Residential roofing contract - payment from insurance proceeds - right to rescind - return of payments.

(1) (b) The property owner shall give written notice of rescission of the contract to the roofing contractor at the physical address provided in the contract within seventy-two hours after ~~he or she~~ THE PROPERTY OWNER is notified of the denial. The property owner may give notice of rescission of the contract:

SECTION 74. In Colorado Revised Statutes, 6-23-101, **amend** (1)(a) as follows:

6-23-101. Definitions.

As used in this section:

(1) "Direct primary care agreement" means a written agreement that:

(a) Is between a patient, ~~his or her~~ THE PATIENT'S legal representative, a government entity, or a patient's employer and a direct primary health-care provider;

SECTION 75. In Colorado Revised Statutes, 6-24-106, **amend** (6) as follows:

6-24-106. Endowment care fund.

(6) The cemetery authority of an endowment care cemetery shall keep in its principal office a copy of the report referred to in section 6-24-107, ~~which~~ AND THE CEMETERY AUTHORITY shall ~~be~~ MAKE A COPY OF THE REPORT available to any grave space, niche, or crypt owner or ~~his or her~~ ANY SUCH PERSON'S duly authorized representative for inspection and study.

SECTION 76. In Colorado Revised Statutes, **amend** 6-25-101 as follows:

6-25-101. Definitions - evidence of intent.

(1) As used in this part 1, unless the context otherwise requires:

~~(1)~~(a) "Agreement with the public establishment" means any written or verbal agreement as to the price to be charged for, and the acceptance of, food, beverage, service, or accommodations where the price to be charged therefor is printed on a menu or schedule of rates shown to or made available by a public establishment to the patron and includes the acceptance of the food, beverage, service, or accommodations for which a reasonable charge is made.

~~(2) Repealed.~~

~~(3)~~(b) "Public establishment" means ~~any~~ AN establishment selling or offering for sale prepared food or beverages to the public generally or any establishment leasing or renting overnight sleeping accommodations to the public generally, including, but not exclusively, ~~restaurants, cafes, dining rooms, lunch counters, coffee shops, boarding houses, hotels, motor hotels, motels, and rooming houses~~ A RESTAURANT, CAFÉ, DINING ROOM, LUNCH COUNTER, COFFEE SHOP, BOARDING HOUSE, HOTEL, MOTOR HOTEL, MOTEL, OR ROOMING HOUSE, unless the rental ~~thereof~~ is on a month-to-month basis or a longer period of time.

~~(4)~~(2) It ~~shall be~~ IS evidence of an intent to defraud that food, service, or accommodations were given to ~~any~~ A person who gave false information concerning ~~his or her~~ THE PERSON'S name or address, or both, in obtaining the food, service, or accommodations or that the person removed or attempted to remove ~~his or her~~ THE PERSON'S baggage from the premises of the public establishment without giving notice of ~~his or her~~ THE PERSON'S intent to do so to the public establishment. ~~These provisions shall~~ THIS SUBSECTION (2) DOES not constitute the sole means of establishing evidence that a person accused under this part 1 had an intent to defraud. Proof of intent to defraud may be made by any facts or circumstances sufficient to establish the intent to defraud beyond a reasonable doubt as provided by law.

~~(5)~~ (3) If any person, partnership, or corporation ~~shall~~ by written or verbal complaint or otherwise ~~institute or cause~~ INSTITUTES OR CAUSES to be instituted ~~any~~ A prosecution for ~~any~~ A violation of this section and ~~shall~~ thereafter, REGARDLESS OF whether ~~or not~~ restitution is sought or received from the alleged offender, ~~fail~~ FAILS to cooperate in the full prosecution of the alleged offender without reasonable cause, the court having jurisdiction, on motion of the prosecuting attorney appearing therein and after notice to the person, partnership, or corporation and an opportunity to be heard, may give judgment against the person, partnership, or corporation and in favor of the county wherein prosecution was commenced for all costs of the prosecution, including a reasonable allowance for the time of the prosecuting attorney.

SECTION 77. In Colorado Revised Statutes, **amend** 6-25-106 as follows:

6-25-106. Safe for valuables - notice.

~~Every~~ A landlord or keeper of a hotel or public ~~inn~~ ESTABLISHMENT in this state who provides in the office of ~~his or her~~ THE hotel, ~~inn~~ ESTABLISHMENT, or other convenient place a safe, vault, or other suitable receptacle for the secure custody of money, jewelry, ornaments, or other valuable articles other than necessary baggage belonging to the guests or patrons of the hotel or public ~~inn~~ ESTABLISHMENT, and who keeps posted in a public and conspicuous place in the office, public room, and public parlors of the hotel or public ~~inn~~; ESTABLISHMENT and upon the inside entrance door of every public sleeping room in the hotel or public ~~inn~~ ESTABLISHMENT a notice printed in English stating the fact, ~~shall~~ IS not ~~be~~ liable for the loss of any money, jewelry, ornaments, or other valuable articles, other than necessary baggage, sustained by the guest or patron by theft or otherwise, unless the guest or patron delivers the money, jewelry, ornaments, or other valuable articles, other than necessary baggage, to the landlord or keeper of the hotel or public ~~inn~~ ESTABLISHMENT, or person in charge of the office of the hotel or public ~~inn~~ ESTABLISHMENT, for deposit in the safe, vault, or other receptacle. The liability shall not be greater than the amount at the time of deposit declared by the guest or patron to be the value of the article deposited.

SECTION 78. In Colorado Revised Statutes, **amend** 6-25-107 as follows:

6-25-107. Maximum amount landlord bound to receive.

~~No~~ A landlord or keeper of ~~any~~ A hotel or public ~~inn~~ ESTABLISHMENT is ~~obliged~~ NOT REQUIRED to receive property from ~~any~~ A guest or patron for custody under ~~the provisions of~~ section 6-25-106 exceeding in value the sum of five thousand dollars, nor is ~~he or she~~ THE LANDLORD OR KEEPER liable for any loss thereof by theft or otherwise in any sum exceeding the sum of five thousand dollars, unless the landlord or keeper of the hotel or public ~~inn~~ ESTABLISHMENT, or person in charge of the office, assumes in writing a greater liability.

SECTION 79. In Colorado Revised Statutes, **amend** 6-25-108 as follows:

6-25-108. Landlord not responsible - when.

(1) The landlord or keeper of ~~any~~ A hotel or public ~~inn~~ ~~shall~~ ESTABLISHMENT IS not ~~be~~ liable to ~~any~~ A guest or patron of the hotel or public ~~inn~~ ESTABLISHMENT for the loss within ~~his or her~~ THE hotel or public ~~inn~~ ESTABLISHMENT of any article of wearing apparel or ~~other necessary~~ baggage belonging to ~~any~~ THE guest or patron unless the ~~same had been~~ ARTICLE OR BAGGAGE WAS:

(a) Left within a room assigned to the guest or patron; or ~~had been~~

(b) Especially entrusted to the care or custody of the landlord or keeper ~~of the hotel or public inn~~, or to an employee ~~or servant thereof~~ entrusted with the duty of receiving or caring for the article OR BAGGAGE in the hotel or public ~~inn~~ ESTABLISHMENT.

SECTION 80. In Colorado Revised Statutes, **amend** 6-25-109 as follows:

6-25-109. Responsibility when key furnished.

(1) When the landlord or keeper of ~~any~~ A hotel or public ~~inn~~ ESTABLISHMENT provides the doors of the rooms or sleeping apartments in the hotel or public ~~inn~~ ESTABLISHMENT with locks and keys in good order and repair and the room or sleeping apartment is turned over to the possession of any guest or patron together with the ~~key~~ KEYS to the ~~door~~

~~thereof~~ DOORS, the landlord or keeper ~~of the hotel or public inn shall~~ IS not be liable to ~~any~~ A guest or patron ~~thereof~~ occupying the room or apartment for loss of ~~any~~ AN article of personal property left within the room or apartment by the guest or patron while in possession ~~thereof~~ OF THE KEYS, unless the ~~door in~~ DOORS TO the room or apartment ~~was~~ WERE left locked when unoccupied and ~~after being locked~~ THEREAFTER the ~~key thereto was~~ KEYS WERE delivered to the person in charge of the office of the hotel or public ~~inn~~ ESTABLISHMENT.

(2) If ~~any~~ AN article of personal property is taken by an employee or servant of the landlord or keeper of the hotel or public ~~inn~~ ESTABLISHMENT, then ~~the provisions of this section shall~~ DOES not prevent the guest or patron from recovering the value of the article, not to exceed the sum of two hundred dollars for all ~~the~~ SUCH articles.

SECTION 81. In Colorado Revised Statutes, **amend** 6-25-110 as follows:

6-25-110. Maximum liability for articles lost from rooms.

The landlord or keeper of ~~any~~ A hotel or public ~~inn shall~~ ESTABLISHMENT IS not be liable for the loss of ~~any~~ AN article left by ~~any~~ A guest or patron in ~~any~~ A room assigned to or occupied by the guest or patron, greater IN VALUE, in any event, than the sum of two hundred dollars for all articles that may be lost by the guest or patron, except by an agreement in writing made by the landlord or keeper of the hotel or public ~~inn~~ ESTABLISHMENT, or person in charge of the office, assuming a greater liability.

SECTION 82. In Colorado Revised Statutes, **amend** 6-25-111 as follows:

6-25-111. Liability for baggage left by guest.

~~In case any person~~ IF AN INDIVIDUAL who has been the guest or patron of ~~any~~ A hotel or public ~~inn~~ ESTABLISHMENT ceases to be a guest or patron and leaves with the landlord or keeper of the hotel or public ~~inn~~ ESTABLISHMENT any baggage or other personal property for safekeeping, and the landlord or keeper accepts and receives the same for safekeeping and makes no charge for services or storage in keeping the property, then

the landlord or keeper ~~of a hotel or public inn shall be~~ IS liable only as a gratuitous bailee and, as such, ~~shall be~~ IS liable for no sum greater than fifty dollars.

SECTION 83. In Colorado Revised Statutes, **amend** 6-25-112 as follows:

6-25-112. Liability in case of fire or accident.

The landlord or keeper of ~~any~~ A hotel or public ~~inn shall~~ ESTABLISHMENT IS not ~~be~~ liable for loss of or damage to the property of ~~any~~ A guest or patron of the hotel or public ~~inn~~ ESTABLISHMENT by fire or by any unforeseen ~~causes~~ CAUSE or ~~by~~ inevitable accident unless the loss or damage occurs on account of ~~his or her~~ THE LANDLORD'S OR KEEPER'S negligence or the negligence of ~~his or her servants or employees~~ THE LANDLORD'S OR KEEPER'S EMPLOYEE.

SECTION 84. In Colorado Revised Statutes, **amend** 6-25-113 as follows:

6-25-113. Liability limited to damages.

~~None of the provisions of~~ Sections 6-25-106 to 6-25-113 shall NOT be construed to render the landlord or keeper of a hotel or public ~~inn~~ ESTABLISHMENT in this state liable in a greater sum than the actual loss or damage sustained.

SECTION 85. In Colorado Revised Statutes, 6-25-201, **amend** (2) as follows:

6-25-201. Definitions.

As used in this part 2, unless the context otherwise requires:

(2) "Lodging establishment" means a bed and breakfast, as defined in section 44-3-103 (4), or a hotel, motel, resort, or public ~~inn~~ ESTABLISHMENT, as defined in ~~section 6-25-101 (3)~~ SECTION 6-25-101 (1)(b).

SECTION 86. In Colorado Revised Statutes, 6-25-202, **amend** (1)

introductory portion and (1)(b) as follows:

6-25-202. Innkeepers' right to refuse accommodations - exceptions.

(1) An innkeeper ~~has the right to~~ MAY refuse or deny accommodations, facilities, and the privileges of a lodging establishment to any person ~~who~~ THAT is not willing or able to pay for the accommodations, facilities, and services. ~~The~~ AN innkeeper ~~shall have the right to~~ MAY require a prospective guest to demonstrate ~~his or her~~ THE ability to pay by cash, valid credit card, or a validated check, and, if the prospective guest is a minor, the innkeeper may require a parent or legal guardian of the minor or other responsible adult:

(b) To provide an advance cash payment to cover the cost of the guest room for all nights reserved, including applicable taxes, plus a cash deposit to be held toward the payment of any charges made by the minor and any damages to the guest room or its furnishings. The cash deposit shall be refunded, unless applied to charges or damages, following a joint inspection of the room. It is the obligation of the guest to join the innkeeper during the inspection. ~~Should~~ IF the guest ~~fail~~ FAILS to join the innkeeper, the guest ~~thereby~~ waives ~~his or her~~ THE right to the joint inspection. The refund, if any, shall immediately be made to the extent it is not used to cover the described charges or damages.

SECTION 87. In Colorado Revised Statutes, 12-10-403, **amend** (2) as follows:

12-10-403. Relationships between brokers and the public - definition - rules.

(2) A broker shall ~~be considered a transaction-broker unless a single agency relationship is established~~ ESTABLISH EITHER A TRANSACTION-BROKER OR A SINGLE-AGENCY RELATIONSHIP through a written agreement between the broker and the party or parties to be represented by the broker. SUCH WRITTEN AGREEMENT MUST SPECIFY AND CONSPICUOUSLY DISCLOSE THE AMOUNT OR RATE OF ANY COMPENSATION TO BE PAID TO THE BROKER, AND THE BROKER SHALL COMPLETE SUCH WRITTEN AGREEMENT BEFORE PERFORMING ANY ACTIVITIES DESCRIBED IN SECTION 12-10-201 (6)(a).

SECTION 88. In Colorado Revised Statutes, 12-10-403.5, **amend** (3) as follows:

12-10-403.5. Broker engagement contracts - residential premises - prohibited terms - unfair or deceptive trade practice - definition.

(3) A person ~~who~~ THAT offers to a consumer a broker engagement contract that includes a provision in violation of subsection (2) of this section commits an unfair or deceptive trade practice, as provided in ~~section 6-1-105(1)(uuu)~~ SECTION 6-1-105 (1)(rrr).

SECTION 89. In Colorado Revised Statutes, **add** 12-10-408.5 as follows:

12-10-408.5. Non-commission-approved contracts to buy and sell - broker's duty to advise consumer to seek legal advice.

WHEN A BROKER IS REPRESENTING A CONSUMER IN A TRANSACTION FOR WHICH A PRINCIPAL TO THE TRANSACTION, INCLUDING A HOME BUILDER, A BANK, OR A BUYER, REQUIRES THE USE OF A PURCHASE CONTRACT THAT WAS CREATED BY THE PRINCIPAL, THE BROKER SHALL ADVISE THE CONSUMER TO SEEK LEGAL ADVICE FROM A LICENSED ATTORNEY BEFORE THE CONSUMER ENTERS INTO THE PURCHASE CONTRACT. IF A BROKER CONTRACT INCLUDES A UNILATERAL CANCELLATION CLAUSE IN FAVOR OF THE BROKER, THAT PROVISION MUST BE CLEARLY AND CONSPICUOUSLY DISCLOSED TO THE CONSUMER.

SECTION 90. In Colorado Revised Statutes, 12-30-112, **amend** (6) as follows:

12-30-112. Health-care providers - required disclosures - balance billing - unfair or deceptive trade practice - rules - definitions.

(6) A violation of this section is ~~a~~ AN UNFAIR OR deceptive trade practice pursuant to ~~section 6-1-105(1)(xxx)~~ ARTICLE 1 OF TITLE 6.

SECTION 91. In Colorado Revised Statutes, 12-30-113, **amend** (6) as follows:

12-30-113. Out-of-network health-care providers -

out-of-network services - billing - payment - unfair or deceptive trade practice.

(6) A violation of this section is ~~a~~ AN UNFAIR OR deceptive trade practice pursuant to ~~section 6-1-105 (1)(xxx)~~ ARTICLE 1 OF TITLE 6.

SECTION 92. In Colorado Revised Statutes, 12-280-142, **amend** (11)(a)(II) as follows:

12-280-142. Epinephrine auto-injector affordability program - record keeping - reimbursement - penalty - unfair or deceptive trade practice - definitions.

(11) (a) A manufacturer that fails to comply with the requirements of this section:

(II) Engages in ~~a~~ AN UNFAIR OR deceptive trade practice ~~under~~ ~~section 6-1-105 (1)(zzz)~~ IN VIOLATION OF ARTICLE 1 OF TITLE 6.

SECTION 93. In Colorado Revised Statutes, 18-18.5-103, **amend** (2)(b) introductory portion and (4)(i); and **repeal** (2)(b)(XIX), (6)(c.5), and (6)(d) as follows:

18-18.5-103. State substance abuse trend and response task force - creation - membership - duties.

(2) The task force consists of the following members:

(b) ~~Twenty-two~~ TWENTY-ONE members appointed by the task force chair and vice-chairs as follows:

(XIX) ~~An expert in environmental protection;~~

(4) The task force, in collaboration with state agencies charged with prevention, intervention, or treatment of substance abuse, shall:

(i) Develop a definition of a "drug-endangered child" to be used in the context of the definition of "child abuse or neglect" as set forth in section 19-1-103 (1). ~~C.R.S., and include the definition in its January 1, 2014, report to the judiciary committees of the senate and the house of~~

~~representatives, or any successor committees.~~

(6) In addition, the task force shall:

~~(c.5) Convene stakeholders for the purpose of:~~

~~(f) Reviewing progress on bills introduced by the opioid and other substance use disorders study committee created in section 10-22.3-101 and enacted by the general assembly; and~~

~~(H) Generating policy recommendations related to opioid and other substance use disorders, including prevention, harm reduction, treatment, criminal justice, and recovery;~~

~~(d) Notwithstanding section 24-1-136 (11)(a)(f), submit a written report to the judiciary committees, or any successor committees, of the senate and the house of representatives of the general assembly by January 1, 2014, and by each January 1 thereafter, at a minimum specifying the following:~~

~~(f) Issues to be studied in upcoming task force meetings and a prioritization of those issues;~~

~~(H) Findings and recommendations regarding issues of prior consideration by the task force;~~

~~(HH) Legislative proposals of the task force that identify the policy issues involved, the agencies responsible for the implementation of the changes, and the funding sources required for such implementation.~~

SECTION 94. In Colorado Revised Statutes, 24-6-402, **add** (3)(a)(IX) as follows:

24-6-402. Meetings - open to public - legislative declaration - definitions.

(3) (a) The members of a state public body subject to this part 4, upon the announcement by the state public body to the public of the topic for discussion in the executive session, including specific citation to the provision of this subsection (3) authorizing the body to meet in an executive

session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and the affirmative vote of two-thirds of the entire membership of the body after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the matters enumerated in subsection (3)(b) of this section or the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subsection (2)(d.5)(I) of this section, shall occur at any executive session that is not open to the public:

(IX) WITH RESPECT TO THE JOINT BUDGET COMMITTEE, A CONFERENCE WITH THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE, HELD PURSUANT TO SECTION 2-3-211.

SECTION 95. In Colorado Revised Statutes, 24-31-101, **amend** (1)(v); and **add** (1)(z), (1)(aa), and (6) as follows:

24-31-101. Powers and duties of attorney general - services related to supporting outside counsel - rules.

(1) The attorney general:

(v) May expend money, manage staff, and perform other administrative functions essential for the operation of a district attorney's office when appointed by executive order of the governor; ~~and~~

(z) (I) SHALL REVIEW PETITIONS RELATING TO A RULE ADOPTED BY THE DEPARTMENT OF LAW IN ORDER TO:

(A) ASSESS WHETHER THE RULE COMPORTS WITH ITS STATUTORY PURPOSE;

(B) UNDERSTAND THE IMPACT OF THE RULE, INCLUDING ECONOMIC COSTS RESULTING FROM COMPLIANCE WITH THE RULE;

(C) ASSESS THE OUTREACH PROCESS ASSOCIATED WITH THE RULE TO ENSURE STAKEHOLDERS ARE ENGAGED IN THE RULE-MAKING PROCESS;

(D) DETERMINE APPROPRIATE STAFFING; AND

(E) PERFORM A COST-BENEFIT ANALYSIS INCLUDING INDIRECT FACTORS THAT AFFECT HEALTH AND SAFETY.

(II) ON AND AFTER JANUARY 1, 2027, THE ATTORNEY GENERAL SHALL ACCEPT AND REVIEW PETITIONS REQUESTING THE ATTORNEY GENERAL TO REVIEW OR INITIATE A RULE-MAKING, SUBJECT TO THE RULE-MAKING AUTHORITY GRANTED TO THE ATTORNEY GENERAL OR THE DEPARTMENT.

(III) ON OR BEFORE JANUARY 1, 2028, THE ATTORNEY GENERAL SHALL ADOPT RULES THAT GOVERN THE PROCESS FOR RESPONDING TO OR ISSUING OPINION LETTERS. THE RULES MUST INCLUDE INTERPRETIVE GUIDANCE AND AN OPERATIONAL FRAMEWORK, WHICH FRAMEWORK INCLUDES A GOOD FAITH RELIANCE DEFENSE OF AN ACTION THAT MAY OTHERWISE CONSTITUTE A VIOLATION OF TITLE 6.

(aa) MAY MEET WITH THE JOINT BUDGET COMMITTEE IN AN EXECUTIVE SESSION TO DISCUSS POTENTIAL BUDGETARY IMPACTS OF CURRENT LITIGATION, AS DESCRIBED IN SECTION 2-3-211.

(6) SERVICES, SUPPORT, AND INFRASTRUCTURE PROCURED BY THE DEPARTMENT OF LAW TO SECURE OUTSIDE COUNSEL OR TO SUPPORT CIVIL OR CRIMINAL PROCEEDINGS, CIVIL OR CRIMINAL ENFORCEMENT, OR OTHER LEGAL OR LITIGATION-RELATED SERVICES, SUPPORT, AND INFRASTRUCTURE ARE NOT SUBJECT TO SECTION 24-30-202 (2) OR ARTICLES 101 TO 112 OF THIS TITLE 24.

SECTION 96. In Colorado Revised Statutes, **amend** 24-31-113 as follows:

24-31-113. Public integrity - patterns and practices.

(1) It is unlawful for ~~any~~ A governmental authority, ~~or any~~ AN agent ~~thereof~~ OF A GOVERNMENTAL AUTHORITY, ~~or any~~ A person acting on behalf of a governmental authority to engage in a pattern or practice of conduct by peace officers or by officials or employees of ~~any~~ A governmental agency that deprives persons of rights, privileges, or immunities secured or protected by the constitution or laws of the United States or the state of

Colorado.

(2) Whenever the attorney general has reasonable cause to believe that a violation of this section has occurred, the attorney general, for or in the name of the state, ~~of Colorado~~, may OBTAIN in a civil action ~~obtain any and all~~ appropriate relief to eliminate the pattern or practice. Before filing suit, the attorney general shall notify the ~~government~~ GOVERNMENTAL authority or any agent thereof and provide it THE AUTHORITY OR AGENT with the factual basis that supports ~~his or her~~ THE ATTORNEY GENERAL'S reasonable cause to believe a violation occurred. Upon receipt of the factual basis, the ~~government~~ GOVERNMENTAL authority, or any agent thereof, has sixty days to change or eliminate the identified pattern or practice. If the identified pattern or practice is not changed and permanently eliminated after sixty days, the attorney general may file a civil ~~lawsuit~~ ACTION. The attorney general may issue subpoenas for any purpose in conducting an investigation under this section.

(3) IF A GOVERNMENTAL AUTHORITY, AN AGENT THEREOF, OR A PERSON ACTING ON BEHALF OF A GOVERNMENTAL AUTHORITY FAILS TO OBEY A SUBPOENA ISSUED PURSUANT TO THIS SECTION, THE ATTORNEY GENERAL MAY APPLY TO THE APPROPRIATE DISTRICT COURT FOR AN APPROPRIATE ORDER TO EFFECT THE PURPOSES OF THIS SECTION. THE APPLICATION MUST STATE THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE ORDER IS NECESSARY TO INVESTIGATE A DEPRIVATION OF AN INDIVIDUAL'S RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE UNITED STATES CONSTITUTION, THE STATE CONSTITUTION, OR THE LAWS OF THE UNITED STATES OR THE STATE OF COLORADO. IF THE COURT IS SATISFIED THAT REASONABLE GROUNDS EXIST, THE COURT IN ITS ORDER MAY:

(a) REQUIRE THE ATTENDANCE OF THE PERSON, THE PRODUCTION OF DOCUMENTS BY THE PERSON, OR BOTH; AND

(b) GRANT SUCH OTHER RELIEF AS MAY BE NECESSARY TO OBTAIN THE PERSON'S COMPLIANCE.

SECTION 97. In Colorado Revised Statutes, 24-34-104, **add** (35)(a)(XI) as follows:

24-34-104. General assembly review of regulatory agencies and

functions for repeal, continuation, or reestablishment - legislative declaration - repeal.

(35) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2034:

(XI) THE USE OF TITLE OR DEGREE REQUIREMENTS DESCRIBED IN SECTION 6-1-707.

SECTION 98. In Colorado Revised Statutes, 24-75-402, **amend** (5)(mmm) and (5)(nnn); and **add** (5)(rrr) as follows:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in the amount of fees - exclusions - definitions.

(5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(mmm) The reentry services for justice-involved individuals reinvestment cash fund created in section 25.5-4-505.7; ~~and~~

(nnn) The health-related social needs reinvestment cash fund created in section 25.5-5-340; AND

(rrr) THE FALSE MEDICAID CLAIMS RECOVERY FUND CREATED IN SECTION 25.5-4-305 (3).

SECTION 99. In Colorado Revised Statutes, 25-3-121, **amend** (3.7) as follows:

25-3-121. Health-care facilities - emergency and nonemergency services - required disclosures - balance billing - unfair or deceptive trade practice - rules - definitions.

(3.7) A violation of this section is ~~a~~ AN UNFAIR OR deceptive trade practice pursuant to ~~section 6-1-105 (1)(xxx)~~ SECTION 6-1-105 (1)(rrr).

SECTION 100. In Colorado Revised Statutes, 25-3-122, **amend** (6) as follows:

25-3-122. Out-of-network facilities - emergency medical services - billing - payment - unfair or deceptive trade practice.

(6) A violation of this section is ~~a~~ AN UNFAIR OR deceptive trade practice pursuant to ~~section 6-1-105 (1)(xxx)~~ SECTION 6-1-105 (1)(rrr).

SECTION 101. In Colorado Revised Statutes, 25-8-1006, **amend** (1) as follows:

25-8-1006. Mobile home park water quality fund.

(1) The mobile home park water quality fund is created in the state treasury. The fund consists of money credited to the fund in accordance with section 25-8-1007 (3), MONEY CREDITED TO THE FUND PURSUANT TO SECTION 6-1-112 (3), and any other money that the general assembly may appropriate or transfer to the fund.

SECTION 102. In Colorado Revised Statutes, 25-49-106, **amend** (5) as follows:

25-49-106. Required disclosure to self-pay recipients - estimate of total cost of health-care services upon request - unfair or deceptive trade practice - definition.

(5) A violation of this section is ~~a~~ AN UNFAIR OR deceptive trade practice pursuant to ~~section 6-1-105 (1)(yyy)~~ IN VIOLATION OF ARTICLE 1 OF TITLE 6.

SECTION 103. In Colorado Revised Statutes, 25.5-4-305, **amend** (3) as follows:

25.5-4-305. False medicaid claims - liability for certain acts - false medicaid claims recovery fund.

(3)(a) IN ADDITION TO ANY OTHER LIABILITY, a person violating this section ~~shall also be~~ IS liable to the FEDERAL GOVERNMENT, state GOVERNMENT, AND AFFECTED AGENCIES AND POLITICAL SUBDIVISIONS THEREOF, INCLUDING THE DEPARTMENT OF LAW, for ~~the costs of~~ FULL REASONABLE EXPENSES INCURRED IN a civil action brought to recover ~~any penalty or damages~~ PENALTIES OR REMEDIES UNDER THE "COLORADO

MEDICAID FALSE CLAIMS ACT", SECTIONS 25.5-4-303.5 TO 25.5-4-310, INCLUDING THE COSTS OF INVESTIGATION AND LITIGATION, ATTORNEY FEES, COURT COSTS, WITNESS FEES, AND DEPOSITION COSTS. RECOVERED COSTS AND FEES SHALL BE TRANSFERRED TO THE STATE TREASURER FOR DEPOSIT IN THE FALSE MEDICAID CLAIMS RECOVERY FUND, WHICH FUND IS CREATED IN SUBSECTION (3)(b) OF THIS SECTION.

(b) (I) THE FALSE MEDICAID CLAIMS RECOVERY FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(II) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FALSE MEDICAID CLAIMS RECOVERY FUND TO THE FUND.

(III) ANY MONEY REMAINING IN THE FUND AT THE END OF A STATE FISCAL YEAR REMAINS IN THE FUND.

(IV) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE ATTORNEY GENERAL MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSE OF HIRING NECESSARY STAFF TO IMPLEMENT THE MEDICAID FRAUD CONTROL UNIT IN THE DEPARTMENT OF LAW AND TO DEFRAY THE COSTS OF INVESTIGATING AND LITIGATING ONGOING FALSE CLAIMS CASES BY THE UNIT.

(c) PROCEEDS RECOVERED AS A RESULT OF AN ACTION FILED PURSUANT TO THE "COLORADO MEDICAID FALSE CLAIMS ACT", SECTIONS 25.5-4-303.5 TO 25.5-4-310, SHALL BE DISTRIBUTED IN THE FOLLOWING ORDER:

(I) TO REFUND MONEY FALSELY OBTAINED FROM THE FEDERAL GOVERNMENT OR STATE GOVERNMENT OR A POLITICAL SUBDIVISION THEREOF; AND

(II) TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL FUND, EXCEPT AS DESCRIBED IN SUBSECTION (3)(e) OF THIS SECTION.

(d) A PORTION OF THE RECOVERY EQUAL TO THE AMOUNT OF MONEY

FALSELY OBTAINED FROM THE FEDERAL GOVERNMENT, THE STATE GOVERNMENT, AN AFFECTED POLITICAL SUBDIVISION THEREOF, OR STATE AGENCIES, OR A COMBINATION THEREOF, SHALL BE REMITTED TO THE ENTITY SHOWN TO BE DEFRAUDED, SUBJECT TO ANY FURTHER REQUIREMENTS ESTABLISHED BY FEDERAL OR STATE LAW.

(e) UPON RECEIPT OF A DISTRIBUTION DESCRIBED IN SUBSECTION (3)(c)(II) OF THIS SECTION, THE STATE TREASURER SHALL DEPOSIT THE ENTIRE AMOUNT IN THE GENERAL FUND; EXCEPT THAT, SUBJECT TO RELEVANT GUIDELINES OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES' OFFICE OF INSPECTOR GENERAL REGARDING REPAYMENT OF FEES OR RECOVERIES, THE STATE TREASURER SHALL CREDIT TWENTY PERCENT OF SUCH A DISTRIBUTION TO THE FALSE MEDICAID CLAIMS RECOVERY FUND CREATED IN SUBSECTION (3)(b) OF THIS SECTION.

SECTION 104. In Colorado Revised Statutes, 42-4-221, **amend** (12)(c) as follows:

42-4-221. Bicycle, electric scooter, and personal mobility device equipment - penalty - sale of electrical assisted bicycle equipment requirements - unfair or deceptive trade practice.

(12) (c) A person that violates this subsection (12) commits a AN UNFAIR OR deceptive trade practice ~~under the "Colorado Consumer Protection Act", article 1 of title 6~~ IN VIOLATION OF ARTICLE 1 OF TITLE 6.

SECTION 105. In Colorado Revised Statutes, 25-5-429, **amend as added by House Bill 26-1135** (5) as follows:

25-5-429. Chemicals used in hair relaxers and hair pieces - warning labels - deceptive trade practice - short title - definitions.

(5) A violation of this section by a manufacturer constitutes a deceptive trade practice under ~~section 6-1-105-13 (1)(rrrr)~~ ARTICLE 1 OF TITLE 6.

SECTION 106. Act subject to petition - effective date.
(1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August

12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 25-5-429 (5), Colorado Revised Statutes, as amended in section 105 of this act, takes effect only if House Bill 26-1135 becomes law, in which case section 25-5-429 (5), Colorado Revised Statutes, as amended

in section 105 of this act, takes effect on the effective date of this act or House Bill 26-1135, whichever is later.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO