

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0996.01 Christy Chase x2008

HOUSE BILL 17-1224

HOUSE SPONSORSHIP

Kraft-Tharp,

SENATE SPONSORSHIP

Gardner,

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PENALTIES FOR ACCESSING DRUGS IN A MANNER THAT
102 VIOLATES THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends the pharmacy practice law to specify that it is unlawful to:

- ! Sell, compound, dispense, give, receive, or possess any drug or device unless done so in accordance with specific provisions of the pharmacy practice laws of the state and with the "Federal Food, Drug, and Cosmetic Act"; or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

! Possess, sell, dispense, give, receive, or administer an adulterated or misbranded drug or device or a counterfeit drug.

A person who engages in an unlawful act is subject to a civil fine of between \$1,000 and \$10,000.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-42.5-126, **amend**
3 (1)(g); and **add** (1)(m) and (2) as follows:

4 **12-42.5-126. Unlawful acts - civil fines.** (1) It is unlawful:

5 (g) To sell, compound, dispense, give, receive, or possess any
6 drug or device unless it was sold, compounded, dispensed, given, or
7 received in accordance with sections 12-42.5-118 to 12-42.5-122 AND
8 THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 301 ET
9 SEQ.;

10 (m) TO POSSESS, SELL, DISPENSE, GIVE, RECEIVE, OR ADMINISTER
11 AN ADULTERATED DRUG OR DEVICE, AS DEFINED IN 21 U.S.C. SEC. 351, A
12 MISBRANDED DRUG OR DEVICE, AS DEFINED IN 21 U.S.C. SEC. 352, OR A
13 COUNTERFEIT DRUG, AS DEFINED IN 21 U.S.C. SEC. 321 (g)(2).

14 (2) IN ADDITION TO ANY OTHER PENALTIES THAT MAY BE IMPOSED
15 UNDER THIS PART 1, A PERSON WHO ENGAGES IN AN UNLAWFUL ACT UNDER
16 THIS SECTION SHALL BE PUNISHED BY A CIVIL FINE OF NOT LESS THAN ONE
17 THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS FOR
18 EACH VIOLATION. FINES IMPOSED AND PAID UNDER THIS SECTION SHALL BE
19 DEPOSITED IN THE GENERAL FUND.

20 **SECTION 2. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.