

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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
Finance
Appropriations

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING PENALTIES FOR ACCESSING DRUGS IN A MANNER THAT**
102 **VIOLATES THE "COLORADO FOOD AND DRUG 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.*

SENATE
3rd Reading Unamended
April 10, 2017

SENATE
2nd Reading Unamended
April 7, 2017

HOUSE
3rd Reading Unamended
March 28, 2017

HOUSE
Amended 2nd Reading
March 27, 2017

! 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, **add**
3 (1)(m) and (2) as follows:

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

5
6 (m) (I) TO POSSESS, SELL, DISPENSE, GIVE, RECEIVE, OR
7 ADMINISTER A DRUG OR DEVICE THAT IS ADULTERATED OR MISBRANDED
8 WITHIN THE MEANING OF THE "COLORADO FOOD AND DRUG ACT", PART
9 4 OF ARTICLE 5 OF TITLE 25, OR IS A COUNTERFEIT DRUG.

10 (II) AS USED IN THIS SUBSECTION (1)(m), "COUNTERFEIT DRUG"
11 MEANS A DRUG, OR THE CONTAINER OR LABELING OF A DRUG, THAT,
12 WITHOUT AUTHORIZATION, BEARS THE TRADEMARK, TRADE NAME, OR
13 OTHER IDENTIFYING MARK, IMPRINT, OR DEVICE OR ANY LIKENESS
14 THEREOF OF A DRUG MANUFACTURER, PROCESSOR, PACKER, OR
15 DISTRIBUTOR OTHER THAN THE PERSON WHO IN FACT MANUFACTURED,
16 PROCESSED, PACKED, OR DISTRIBUTED THE DRUG AND THAT FALSELY
17 PURPORTS OR IS REPRESENTED TO BE THE PRODUCT OF, OR TO HAVE BEEN
18 PACKED OR DISTRIBUTED BY, THE DRUG MANUFACTURER, PROCESSOR,
19 PACKER, OR DISTRIBUTOR WHOSE TRADEMARK, TRADE NAME, OR OTHER
20 IDENTIFYING MARK, IMPRINT, OR DEVICE OR LIKENESS THEREOF APPEARS
21 ON THE DRUG OR ITS CONTAINER OR LABELING.

22 (2) IN ADDITION TO ANY OTHER PENALTIES THAT MAY BE IMPOSED
23 UNDER THIS PART 1, A PERSON WHO ENGAGES IN AN UNLAWFUL ACT UNDER

1 THIS SECTION MAY BE PUNISHED BY A CIVIL FINE OF NOT LESS THAN ONE
2 THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS FOR
3 EACH VIOLATION. FINES IMPOSED AND PAID UNDER THIS SECTION SHALL BE
4 DEPOSITED IN THE GENERAL FUND.

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