

HOUSE JOURNAL
SIXTY-EIGHTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Sixty-second Legislative Day

Monday, March 12, 2012

1 The Speaker called the House to order at 10:00 a.m.

2

3 Prayer by Pastor Randle Loeb, Denver.

4

5 Pledge of Allegiance led by Girl Scouts, Chiara Degenhart, Ouray High
6 School; Estee Medberry, Mesa Middle School, Castle Rock;
7 Aspen Medberry and Blayn Masoner, Rock Ridge Elementary,
8 Castle Rock.

9

10 The roll was called with the following result:

11

12 Present--63.

13 Excused--Representative(s) Loooper, Pabon--2.

14 Present after roll call--Representative(s) Loooper, Pabon.

15

16 The Speaker declared a quorum present.

17

18

19 On motion of Representative Ramirez, the reading of the journal of
20 March 9, 2012, was declared dispensed with and approved as corrected
21 by the Chief Clerk.

22

23

24

25

26 **THIRD READING OF BILL(S)--FINAL PASSAGE**

27

28 The following bill(s) was(were) considered on Third Reading. The
29 title(s) was(were) publicly read. Reading of the bill at length was
30 dispensed with by unanimous consent.

31

32 **HB12-1146** by Representative(s) Nikkel, Todd, Massey, Beezley,
33 Murray, Solano, Summers; also Senator(s) Giron--
34 Concerning programs to allow students to enroll in
35 postsecondary institutions to complete high school
36 graduation requirements.

37

38 The question being "Shall the bill pass?".

39 A roll call vote was taken. As shown by the following recorded vote, a
40 majority of those elected to the House voted in the affirmative and the bill
41 was declared **passed**.

42

	YES	59	NO	4	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Fischer	Y	Looper	E	Solano	Y
3	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	N
4	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
5	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	Y
6	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
7	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	N
8	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
9	Brown	Y	Joshi	Y	Pabon	E	Szabo	Y
10	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
11	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
12	Coram	Y	Kerr A.	Y	Priola	N	Vaad	Y
13	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
14	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
15	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
16	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
17	Fields	Y	Liston	Y	Singer	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Barker, Brown, Casso, Duran, Fields,
20 Fischer, Gerou, Hamner, Hullinghorst, Kerr A., Kerr J., Labuda, Ryden,
21 Schafer S., Vigil, Young.

22
23 **HB12-1226** by Representative(s) Barker; also Senator(s) Aguilar--
24 Concerning a surcharge on persons convicted of crimes
25 against at-risk persons, and, in connection therewith,
26 making an appropriation.

27
28 The question being "Shall the bill pass?".

29 A roll call vote was taken. As shown by the following recorded vote, a
30 majority of those elected to the House voted in the affirmative and the bill
31 was declared **passed**.

	YES	40	NO	23	EXCUSED	2	ABSENT	0
34	Acree	N	Fischer	N	Looper	E	Solano	Y
35	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	N
36	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
37	Baumgardner	N	Hamner	Y	McKinley	N	Stephens	Y
38	Becker	N	Holbert	Y	Miklosi	N	Summers	Y
39	Beezley	N	Hullinghorst	N	Murray	N	Swalm	Y
40	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
41	Brown	N	Joshi	N	Pabon	E	Szabo	N
42	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
43	Conti	N	Kefalas	N	Peniston	Y	Tyler	N
44	Coram	N	Kerr A.	Y	Priola	N	Vaad	Y
45	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
46	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	N
47	Duran	Y	Lee	N	Schafer S.	Y	Williams A.	Y
48	Ferrandino	Y	Levy	N	Scott	Y	Wilson	N
49	Fields	Y	Liston	Y	Singer	Y	Young	Y
50							Speaker	Y

51 Co-sponsor(s) added: Representative(s) Fields, Gardner B., Holbert, Labuda,
52 Ryden.

53
54
55

1 **SB12-020** by Senator(s) Aguilar, Steadman; also Representative(s)
 2 Summers--Concerning immunity from certain criminal
 3 offenses when a person reports in good faith an emergency
 4 drug or alcohol overdose event.

5
 6 The question being "Shall the bill pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the bill
 9 was declared **passed**.

	YES	62	NO	1	EXCUSED	2	ABSENT	0
12	Acree	Y	Fischer	Y	Looper	E	Solano	Y
13	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
14	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
15	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
16	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
17	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
18	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
19	Brown	Y	Joshi	Y	Pabon	E	Szabo	Y
20	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
21	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
22	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	N
23	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
24	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
25	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
26	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
27	Fields	Y	Liston	Y	Singer	Y	Young	Y
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Court, Fields, Fischer, Hullinghorst,
 30 Kerr A., Labuda, Lee, Singer, Soper, Todd, Vigil.

31
 32 **HB12-1116** by Representative(s) Murray, Summers, Barker,
 33 Baumgardner, Brown, Casso, Holbert, McCann, Miklosi,
 34 Williams A.; also Senator(s) Nicholson--Concerning
 35 deceptive trade practices related to time share resale
 36 transactions.

37
 38 The question being "Shall the bill pass?".
 39 A roll call vote was taken. As shown by the following recorded vote, a
 40 majority of those elected to the House voted in the affirmative and the bill
 41 was declared **passed**.

	YES	42	NO	21	EXCUSED	2	ABSENT	0
44	Acree	Y	Fischer	Y	Looper	E	Solano	Y
45	Balmer	Y	Gardner B.	N	Massey	Y	Sonnenberg	N
46	Barker	Y	Gerou	Y	McCann	N	Soper	Y
47	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	N
48	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
49	Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	N
50	Bradford	N	Jones	Y	Nikkel	Y	Swerdfeger	Y
51	Brown	Y	Joshi	Y	Pabon	E	Szabo	Y
52	Casso	Y	Kagan	N	Pace	Y	Todd	Y
53	Conti	Y	Kefalas	Y	Peniston	N	Tyler	Y
54	Coram	Y	Kerr A.	N	Priola	Y	Vaad	Y
55	Court	Y	Kerr J.	Y	Ramirez	N	Vigil	N
56	DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y

1	Duran	N	Lee	N	Schafer S.	Y	Williams A.	Y
2	Ferrandino	N	Levy	N	Scott	N	Wilson	Y
3	Fields	N	Liston	Y	Singer	Y	Young	Y
4							Speaker	N

5 Co-sponsor(s) added: Representative(s) Kerr J., Liston, Nikkel.

6
7 On motion of Representative Stephens, the following bill on the Third
8 Reading Calendar was laid over until March 13, retaining place on
9 Calendar: **HB12-1150**.

10
11
12 On motion of Representative Waller, **HB12-1241, SB12-072, 079, 146,**
13 **HB12-1267, 1059, 1131, 1153, SB12-064, 096, HB12-1307, SB12-011,**
14 **HB12-1305, SB12-007** were made Special Orders on Monday,
15 March 12, 2012, at 10:19 a.m.

16
17
18 The hour of 10:19 a.m., having arrived, on motion of Representative
19 Murray, the House resolved itself into Committee of the Whole for
20 consideration of Special Orders and she was called to the Chair to act as
21 Chairman.

22 23 24 SPECIAL ORDERS--SECOND READING OF BILLS

25
26 The Committee of the Whole having risen, the Chairman reported the
27 titles of the following bills had been read (reading at length had been
28 dispensed with by unanimous consent), the bills considered and action
29 taken thereon as follows:

30
31 (Amendments to the committee amendment are to the printed committee
32 report which was printed and placed in the members' bill file.)

33
34 **HB12-1305** by Representative(s) Gardner B.--Concerning statutory
35 rates of interest.

36
37 Laid over until March 13, retaining place on Calendar.

38
39 **HB12-1241** by Representative(s) Ferrandino, Hullinghorst, Court,
40 Fischer, Labuda, Levy, Pabon, Singer; also Senator(s)
41 Heath--Concerning enterprise zone designations.

42
43 Amendment No. 1, Finance Report, dated February 29, 2012, and placed
44 in member's bill file; Report also printed in House Journal, March 1,
45 pages 499-502.

46
47 Amendment No. 2, by Representative(s) Ferrandino.

48
49 Amend the Finance Committee Report, dated February 29, 2012, page 1,
50 strike lines 14 through 21 and substitute:

51
52 "(a) An unemployment rate at least twenty-five percent above the
53 state average for the most recent period of twelve consecutive months for
54 which data is available from the ~~department of labor and employment~~
55 UNITED STATES CENSUS BUREAU OR THE DEPARTMENT OF LOCAL
56 AFFAIRS;"

1 Page 2 of the Committee Report, line 18, strike "THIRTEEN" and substitute
2 "FIFTEEN".
3

4 Page 2 of the Committee Report, after line 27 insert:
5

6 "(E) ONE PERSON REPRESENTING NONPROFIT ORGANIZATIONS;
7

8 (F) ONE PERSON FROM A HIGHER EDUCATION INSTITUTION WHO
9 HAS RESEARCHED THE URBAN AND RURAL ENTERPRISE ZONE ACT OR A
10 SIMILAR ECONOMIC DEVELOPMENT TOOL;".
11

12 Page 2 of the Committee Report, line 28, strike "(E)" and substitute "(G)".
13

14 Page 2 of the Committee Report, line 31, strike "(F)" and substitute "(H)".
15

16 Amendment No. 3, by Representative(s) DelGrosso.

17 Amend, Amendment No. 2 by Representative Ferrandino, page 617, after
18 line 2, insert:
19

20 "Page 2 of the Committee Report, line 23, strike "FOUR" and substitute
21 "FIVE".
22

23 Page 2 of the Committee Report, line 24, strike "DENSITIES;" and
24 substitute "DENSITIES, WITH AT LEAST ONE ZONE ADMINISTRATOR
25 REPRESENTING AN URBAN ENTERPRISE ZONE AND AT LEAST ONE ZONE
26 ADMINISTRATOR REPRESENTING A RURAL ENTERPRISE ZONE;".
27

28 Page 617 of Amendment No.2, by Representative Ferrandino strike
29 lines 6 through 10 and substitute:
30

31 ""(E) ONE PERSON REPRESENTING NONPROFIT ORGANIZATIONS;".
32

33 Page 617 of Amendment No. 2, by Representative Ferrandino, line 12,
34 strike ""(G)"" and substitute ""(F)"".

35 Page 617 of Amendment No. 2, by Representative Ferrandino, line 14,
36 strike ""(H)"" and substitute ""(G)"".

37
38 As amended, ordered engrossed and placed on the Calendar for Third
39 Reading and Final Passage.
40

41 **SB12-072** by Senator(s) Lambert, Newell, Grantham, Scheffel,
42 Cadman, Aguilar, King K., Lundberg, Neville, Renfroe;
43 also Representative(s) Stephens, Holbert, Joshi, Looper,
44 DelGrosso, Gerou--Concerning the Colorado mounted
45 rangers.
46

47 Ordered revised and placed on the Calendar for Third Reading and Final
48 Passage.
49

50 **SB12-079** by Senator(s) King S., Cadman, Morse; also
51 Representative(s) Stephens, Fields, Priola, Schafer S.--
52 Concerning revisions to the safe2tell program relating to
53 advances in communications technology.
54

55 Ordered revised and placed on the Calendar for Third Reading and Final
56 Passage.

1 **SB12-146** by Senator(s) Hodge; also Representative(s) Peniston--
2 Concerning limitations on the acceptance of certain
3 benefits by specified governmental actors who are in a
4 position to reward persons offering such benefits with
5 official action.
6

7 Amendment No. 1, Local Government Report, dated March 5, 2012, and
8 placed in member's bill file; Report also printed in House Journal,
9 March 6, page 569.

10
11 As amended, ordered revised and placed on the Calendar for Third
12 Reading and Final Passage.
13

14
15 **HB12-1131** by Representative(s) Labuda; also Senator(s) Tochtrop--
16 Concerning the creation of a child loss awareness license
17 plate.
18

19 Amendment No. 1, Appropriations Report, dated March 9, 2012, and
20 placed in member's bill file; Report also printed in House Journal,
21 March 9, page 603.
22

23 As amended, ordered engrossed and placed on the Calendar for Third
24 Reading and Final Passage.
25

26 **HB12-1153** by Representative(s) Soper; also Senator(s) Lambert--
27 Concerning the creation of a special license plate
28 commemorating recipients of the distinguished flying
29 cross.
30

31 Amendment No. 1, Appropriations Report, dated March 9, 2012, and
32 placed in member's bill file; Report also printed in House Journal,
33 March 9, pages 603-604.
34

35 As amended, ordered engrossed and placed on the Calendar for Third
36 Reading and Final Passage.
37

38
39 **SB12-064** by Senator(s) Nicholson; also Representative(s) Massey--
40 Concerning the Colorado children's trust fund.
41

42 Ordered revised and placed on the Calendar for Third Reading and Final
43 Passage.
44

45
46 **SB12-096** by Senator(s) Lambert, Hodge, Steadman; also
47 Representative(s) Levy, Becker, Gerou--Concerning the
48 continuation of the office of information technology's
49 authority to amend existing contracts for information
50 technology resources.
51

52 Ordered revised and placed on the Calendar for Third Reading and Final
53 Passage.
54

55
56

1 **HB12-1307** by Representative(s) Kerr J. and Summers; also Senator(s)
2 Roberts--Concerning the authority of a nonlawyer trustee
3 of a certain size trust to represent the trust before the board
4 of assessment appeals.
5

6 Ordered engrossed and placed on the Calendar for Third Reading and
7 Final Passage.
8

9 **SB12-011** by Senator(s) Spence; also Representative(s) Summers--
10 Concerning the differential response pilot program for
11 child abuse or neglect cases of low or moderate risk.
12

13 Ordered revised and placed on the Calendar for Third Reading and Final
14 Passage.
15

16 **SB12-007** by Senator(s) Hudak and Spence, Williams S.; also
17 Representative(s) Hamner--Concerning the standardization
18 of the procedural requirements for the issuance of special
19 license plates.
20

21 Amendment No. 1, by Representative(s) Hamner.
22

23 Strike the Transportation Committee Report, dated March 8, 2012, and
24 substitute:
25

26 "Amend reengrossed bill, page 2, line 3, strike "(5) and (6)" and substitute
27 "(5), (6), and (7)".
28

29 Page 3, before line 3, insert:
30

31 "(6) THE DEPARTMENT SHALL VERIFY THAT THE NONPROFIT
32 ORGANIZATION PROPOSING A GROUP SPECIAL LICENSE PLATE HAS
33 COLLECTED THE SIGNATURES OF AT LEAST THREE THOUSAND PERSONS
34 COMMITTED TO PURCHASING THE PROPOSED LICENSE PLATE."
35

36 Renumber succeeding subsection accordingly."
37

38 As amended, ordered revised and placed on the Calendar for Third
39 Reading and Final Passage.
40

41 On motion of Representative Waller, the following bills on the Special
42 Orders Calendar were laid over until March 13, retaining place on
43 Calendar: **HB12-1267, 1059**.
44

47 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

48

49 Passed Second Reading: **HB12-1241 amended, SB12-072, 079, 146**
50 **amended, HB12-1131 amended, 1153 amended, SB12-064, 096,**
51 **HB12-1307, SB12-011, 007 amended.**
52

53 Laid over until date indicated retaining place on Calendar: **HB12-1305,**
54 **1267, 1059**--March 13, 2012.
55

1 The Chairman moved the adoption of the Committee of the Whole
 2 Report. As shown by the following roll call vote, a majority of those
 3 elected to the House voted in the affirmative, and the Report was
 4 **adopted**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
7	Acree	Y	Fischer	Y	Looper	E	Solano	Y
8	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
9	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
10	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
11	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
12	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
13	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
14	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
15	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
16	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
17	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
18	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
19	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
20	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
21	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
22	Fields	Y	Liston	Y	Singer	Y	Young	Y
23							Speaker	Y

27 MESSAGE(S) FROM THE SENATE

29 The Senate has adopted and transmits herewith: SJR12- 015.

32 INTRODUCTION AND CONSIDERATION OF RESOLUTION

34 On motion of Representative Stephens, the rules were suspended and the
 35 following resolution was given immediate consideration.

37 **SJR12-015** by Senator(s) Boyd and Roberts; also Representative(s)
 38 Bradford and Hamner--Concerning celebration of the
 39 100th anniversary of Girl Scouts, and, in connection
 40 therewith, designating 2012 as the "Year of the Girl" in the
 41 state of Colorado.

43 (Printed and placed in member's file).

45 On motion of Representative Hamner, the resolution was read at length
 46 and **adopted** by **viva voce** vote.

48 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
 49 Barker, Baumgardner, Becker, Beezley, Brown, Casso, Conti, Coram, Court,
 50 DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou, Holbert,
 51 Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Levy,
 52 Liston, Massey, McCann, McKinley, Miklosi, Murray, Nikkel, Pabon, Pace,
 53 Peniston, Priola, Ramirez, Ryden, Schafer S., Scott, Singer, Solano,
 54 Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd,
 55 Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, Speaker.

1 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

2
3 **HEALTH & ENVIRONMENT**

4 After consideration on the merits, the Committee recommends the
5 following:

6
7 **SB12-033** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10
11 Amend reengrossed bill, page 2, after line 17 insert:

12
13 "(b) THERE IS A NEED FOR AGENCY TRANSPARENCY AND
14 ACCOUNTABILITY TO THE PUBLIC REGARDING AN INCIDENT OF EGREGIOUS
15 ABUSE OR NEGLECT AGAINST A CHILD, A NEAR FATALITY, OR A CHILD
16 FATALITY THAT INVOLVES A SUSPICION OF ABUSE OR NEGLECT WHEN THE
17 CHILD OR FAMILY HAS HAD PREVIOUS INVOLVEMENT WITH THE STATE OR
18 COUNTY THAT WAS DIRECTLY RELATED TO THE INCIDENT."

19
20 Page 2, line 18, strike "(b)" and substitute "~~(b)~~ (c)".

21
22 Page 3, line 10, strike "(c)" and substitute "~~(c)~~ (d)".

23
24 Page 3, line 18, strike "(d)" and substitute "(e)".

25
26 Page 3, line 27, strike "MULTIPLE VICTIMS,".

27
28 Page 8, after line 18 insert:

29
30 "(b) WITHIN THREE BUSINESS DAYS AFTER RECEIVING THE
31 INFORMATION PROVIDED UNDER PARAGRAPH (a) OF THIS SUBSECTION (5),
32 THE DEPARTMENT SHALL DISCLOSE TO THE PUBLIC THAT INFORMATION
33 HAS BEEN RECEIVED, WHETHER THE DEPARTMENT IS CONDUCTING A
34 REVIEW OF THE INCIDENT, WHETHER THE CHILD WAS IN HIS OR HER OWN
35 HOME OR IN FOSTER CARE, AS DEFINED IN SECTION 19-1-103 (51.3), C.R.S.,
36 AND THE CHILD'S GENDER AND AGE. THE DEPARTMENT MAY DISCLOSE THE
37 SCOPE OF THE REVIEW."

38
39 Page 8, line 19, strike "(b)" and substitute "~~(b)~~ (c)".

40
41 Page 8, strike line 24 and substitute "within ~~one hundred twenty calendar~~
42 ~~days after all necessary information~~".

43
44 Page 8, line 25, strike "is available to initiate review." and substitute "is
45 ~~available to initiate review~~ THIRTY CALENDAR DAYS AFTER THE REVIEW
46 TEAM MEETING."

47
48 Page 9, line 4, strike "(d)" and substitute "~~(d)~~ (e)".

49
50 Page 9, line 9, strike "(c)" and substitute "~~(c)~~ (d)".

51
52 Page 9, line 14, strike "(c)" and substitute "~~(c)~~ (d)".

53
54 Page 9, line 18, strike "(d)" and substitute "~~(d)~~ (e)".

55
56 Page 9, line 25, strike "(e)" and substitute "~~(e)~~ (f)" and strike "site" and

1 substitute "site, WITHIN SEVEN BUSINESS DAYS AFTER THE REPORT'S
2 FINALIZATION,".

3
4 Page 9, line 27, strike "information," and substitute "information AS
5 DESCRIBED IN PARAGRAPH (i) OF THIS SUBSECTION (5),".

6
7 Page 10, after line 2 insert:

8
9 "(g) THE CASE-SPECIFIC EXECUTIVE SUMMARY FOR A CHILD WHO
10 WAS IN HIS OR HER OWN HOME AT THE TIME OF THE INCIDENT SHALL
11 INCLUDE:

12
13 (I) THE AGE AND GENDER OF THE CHILD AND A DESCRIPTION OF
14 THE CHILD'S FAMILY;

15
16 (II) A STATEMENT OF WHETHER ANY CHILD WELFARE SERVICES, AS
17 DEFINED IN SECTION 26-5-101 (3), WERE BEING PROVIDED TO THE CHILD,
18 ANY MEMBER OF THE CHILD'S FAMILY, OR THE PERSON SUSPECTED OF THE
19 ABUSE OR NEGLECT;

20
21 (III) THE DATE OF THE LAST CONTACT BETWEEN THE AGENCY
22 PROVIDING ANY CHILD WELFARE SERVICE AND THE CHILD, THE CHILD'S
23 FAMILY, OR THE PERSON SUSPECTED OF THE ABUSE OR NEGLECT; AND

24
25 (IV) ANY OTHER INFORMATION REQUIRED BY RULES
26 PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (7)
27 OF THIS SECTION.

28
29 (h) THE CASE-SPECIFIC EXECUTIVE SUMMARY FOR A CHILD WHO
30 WAS IN FOSTER CARE, AS DEFINED IN SECTION 19-1-103 (51.3), C.R.S., AT
31 THE TIME OF THE INCIDENT SHALL INCLUDE:

32
33 (I) THE AGE, GENDER, AND RACE OR ETHNICITY OF THE CHILD;

34
35 (II) A DESCRIPTION OF THE FOSTER CARE PLACEMENT;

36
37 (III) THE LICENSING HISTORY OF THE FOSTER CARE PLACEMENT;

38 AND

39
40 (IV) ANY OTHER INFORMATION REQUIRED BY RULES
41 PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (7)
42 OF THIS SECTION.

43
44 (i) THE CASE-SPECIFIC EXECUTIVE SUMMARY OR OTHER RELEASE
45 OR DISCLOSURE OF INFORMATION PURSUANT TO THIS SECTION SHALL NOT
46 INCLUDE:

47
48 (I) ANY INFORMATION THAT WOULD REVEAL THE IDENTITY OF THE
49 CHILD WHO IS THE SUBJECT OF THE EXECUTIVE SUMMARY, ANY MEMBER
50 OF THE CHILD'S FAMILY, ANY MEMBER OF THE CHILD'S HOUSEHOLD WHO IS
51 A CHILD, OR ANY CAREGIVER OF THE CHILD;

52
53 (II) ANY INFORMATION THAT WOULD REVEAL THE IDENTITY OF THE
54 PERSON SUSPECTED OF THE ABUSE OR NEGLECT OR ANY EMPLOYEE OF ANY
55 AGENCY THAT PROVIDED CHILD WELFARE SERVICES, AS DEFINED IN
56 SECTION 26-5-101 (3), TO THE CHILD OR THAT PARTICIPATED IN THE

1 INVESTIGATION OF THE INCIDENT OF FATALITY, NEAR FATALITY, OR
2 EGREGIOUS ABUSE OR NEGLECT;

3

4 (III) ANY INFORMATION THAT WOULD REVEAL THE IDENTITY OF A
5 REPORTER OR OF ANY OTHER PERSON WHO PROVIDES INFORMATION
6 RELATING TO THE INCIDENT OF FATALITY, NEAR FATALITY, OR EGREGIOUS
7 ABUSE OR NEGLECT;

8

9 (IV) ANY INFORMATION WHICH, IF DISCLOSED, WOULD NOT BE IN
10 THE BEST INTERESTS OF THE CHILD WHO IS THE SUBJECT OF THE REPORT,
11 ANY MEMBER OF THE CHILD'S FAMILY, ANY MEMBER OF THE CHILD'S
12 HOUSEHOLD WHO IS A CHILD, OR ANY CAREGIVER OF THE CHILD, AS
13 DETERMINED BY THE STATE DEPARTMENT IN CONSULTATION WITH THE
14 COUNTY THAT REPORTED THE INCIDENT OF FATALITY, NEAR FATALITY, OR
15 EGREGIOUS ABUSE OR NEGLECT AND THE DISTRICT ATTORNEY OF THE
16 COUNTY IN WHICH THE INCIDENT OCCURRED, AND AFTER BALANCING THE
17 INTERESTS OF THE CHILD, FAMILY, HOUSEHOLD MEMBER, OR CAREGIVER
18 IN AVOIDING THE STIGMA THAT MIGHT RESULT FROM DISCLOSURE AGAINST
19 THE INTEREST OF THE PUBLIC IN OBTAINING THE INFORMATION.

20

21 (V) ANY INFORMATION FOR WHICH DISCLOSURE IS NOT
22 AUTHORIZED BY STATE LAW OR RULE OR FEDERAL LAW OR REGULATION.

23

24 (j) THE STATE DEPARTMENT MAY NOT RELEASE THE CASE-SPECIFIC
25 EXECUTIVE SUMMARY IF THE STATE DEPARTMENT, IN CONSULTATION WITH
26 THE COUNTY, DETERMINES THAT MAKING THE EXECUTIVE SUMMARY
27 AVAILABLE WOULD JEOPARDIZE ANY OF THE FOLLOWING:

28

29 (I) ANY ONGOING OR FUTURE CRIMINAL INVESTIGATION OR
30 PROSECUTION OR A DEFENDANT'S RIGHT TO A FAIR TRIAL; OR

31

32 (II) ANY ONGOING OR FUTURE CIVIL INVESTIGATION OR
33 PROCEEDING OR THE FAIRNESS OF SUCH PROCEEDING."

34

35 Page 10, line 3, strike "(f)" and substitute "(f) (k)".

36

37 Page 10, after line 6 insert:

38

39 "(l) THE STATE DEPARTMENT OR ANY COUNTY DEPARTMENT MAY
40 RELEASE TO THE PUBLIC ANY INFORMATION AT ANY TIME TO CORRECT ANY
41 INACCURATE INFORMATION REPORTED IN THE NEWS MEDIA, SO LONG AS
42 THE INFORMATION RELEASED BY THE STATE DEPARTMENT OR COUNTY
43 DEPARTMENT IS NOT EXPLICITLY IN CONFLICT WITH FEDERAL LAW."

44

45

46

47 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

48

49 The Speaker has signed: **HB12-1013, 1018, 1071, 1077, 1079, 1117,**
50 **1120, 1127, 1139, 1231.**

51

52

53

54

55

MESSAGE(S) FROM THE GOVERNOR1
2
3
4
5
6
7
8
9

I certify I received the following on the 9th day of March, 2012, at 1:45 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,
Chief Clerk of the House

10 March 9, 2012

11

To the Honorable House of Representatives
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

17

18 Ladies and Gentlemen:

19

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

22

HB12-1100 CONCERNING THE ADMISSIBILITY IN CRIMINAL PROCEEDINGS OF THE RESULT OF A PRENATAL SCREENING FOR ILLEGAL SUBSTANCES.

26

Approved March 9, 2012 at 11:50 am

28

HB12-1073 CONCERNING THE TRANSFER OF A JUDGESHIP FROM THE FIRST JUDICIAL DISTRICT TO THE SIXTH JUDICIAL DISTRICT.

32

Approved March 9, 2012 at 11:55 am

34

Sincerely,
(signed)
John W. Hickenlooper
Governor

39

40

House in recess. House reconvened.

42

43

44

REPORT(S) OF COMMITTEE(S) OF REFERENCE

46

HEALTH & ENVIRONMENT

After consideration on the merits, the Committee recommends the following:

50

HB12-1311 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

54

Amend printed bill, page 5, line 13, strike "part 1," and substitute "part 1 ARTICLE,".

56

1 Page 5, line 15, strike "part 1 shall be" and substitute "part 1 shall be
2 ARTICLE".

3

4 Page 6, after line 10 insert:

5

6 "(3.5) [Formerly 12-22-801 (1) (b)] "Authorized distributor of
7 record" means a wholesaler with whom a manufacturer has established an
8 ongoing relationship to distribute the manufacturer's prescription drug.
9 FOR PURPOSES OF THIS SUBSECTION (3.5), an ongoing relationship is
10 deemed to exist between a wholesaler and a manufacturer when the
11 wholesaler, including any affiliated group of the wholesaler as defined in
12 section 1504 of the federal "Internal Revenue Code of 1986", complies
13 with the following:

14

15 (⊕) (a) The wholesaler has a written agreement currently in effect
16 with the manufacturer evidencing such ongoing relationship; and

17

18 (⊕) (b) The wholesaler is listed on the manufacturer's current list
19 of authorized distributors of record, which list is updated by the
20 manufacturer on no less than a monthly basis."

21

22 Page 6, after line 21 insert:

23

24 "(6.5) [Formerly 12-22-801 (1) (d)] "Chain pharmacy
25 warehouse" means a physical location for prescription drugs that acts
26 SERVES as a central warehouse and performs intracompany sales or
27 transfers of such PRESCRIPTION drugs to a group of chain pharmacies or
28 other chain pharmacy warehouses that are under common ownership or
29 control. Notwithstanding any other provision of this ~~part 8~~ ARTICLE, a
30 chain pharmacy warehouse receiving distributions on behalf of, or
31 making distributions to, an intracompany pharmacy is ~~not required to~~
32 NEED NOT be an authorized distributor of record to be ~~considered~~ part of
33 the normal distribution channel."

34

35 Page 8, line 19, strike "'INPATIENT HOSPITAL" and substitute
36 "'HOSPITAL".

37

38 Page 8, line 20, strike "IS ELIGIBLE TO REGISTER" and substitute
39 "REGISTERS".

40

41 Page 8, strike line 21 and substitute "12-42.5-117 (10) FOR THE PURPOSE
42 OF ADMINISTRATION OF DRUGS TO PATIENTS WHILE BEING TREATED IN THE
43 FACILITY."

44

45 Page 8, line 22, strike "who is attending, or who is in" and substitute
46 "who is: ~~attending, or who is in~~".

47

48 Page 8, strike lines 23 through 25 and substitute "~~good standing with, an~~
49 ~~accredited school of pharmacy, who has graduated from an accredited~~
50 ~~school of pharmacy and is completing an internship to satisfy board~~
51 ~~requirements for licensure, or who is licensed~~

52

53 (a) (I) ENROLLED IN A PROFESSIONAL DEGREE PROGRAM OF A
54 SCHOOL OR COLLEGE OF PHARMACY THAT HAS BEEN APPROVED BY THE
55 BOARD;

56

1 (II) CURRENTLY LICENSED BY THE BOARD TO ENGAGE IN THE
2 PRACTICE OF PHARMACY; AND

3
4 (III) IS SATISFACTORILY PROGRESSING TOWARD MEETING THE
5 REQUIREMENTS FOR LICENSURE AS A PHARMACIST;

6
7 (b) LICENSED AS A PHARMACIST IN COLORADO OR ANOTHER STATE
8 OR TERRITORY OF THE UNITED STATES and in good".

9
10 Page 9, line 1, strike "board." and substitute "board;".

11
12 Page 9, after line 1 insert:

13
14 "(c) A GRADUATE OF AN APPROVED PROFESSIONAL DEGREE
15 PROGRAM OF A SCHOOL OR COLLEGE OF PHARMACY OR A GRADUATE WHO
16 HAS ESTABLISHED EDUCATION EQUIVALENCY BY OBTAINING A
17 BOARD-APPROVED FOREIGN PHARMACY GRADUATE CERTIFICATION AND
18 WHO IS CURRENTLY LICENSED BY THE BOARD FOR THE PURPOSE OF
19 OBTAINING PRACTICAL EXPERIENCE AS A REQUIREMENT FOR LICENSURE AS
20 A PHARMACIST; OR

21
22 (d) A QUALIFIED APPLICANT AWAITING EXAMINATION FOR
23 LICENSURE AS A PHARMACIST OR MEETING BOARD REQUIREMENTS FOR
24 LICENSURE."

25
26 Page 9, after line 8 insert:

27
28 "(19.5) "LONG-TERM CARE FACILITY" MEANS A NURSING FACILITY,
29 AS DEFINED IN SECTION 25.5-4-103 (14), C.R.S., THAT IS LICENSED
30 PURSUANT TO SECTION 25-1.5-103, C.R.S."

31
32 Page 9, after line 14 insert:

33
34 "(20.5) [Formerly 12-22-801 (1) (h)] "Manufacturer's exclusive
35 distributor" means ~~anyone~~ A PERSON who contracts with a manufacturer
36 to provide or coordinate warehousing, distribution, or other services on
37 behalf of a manufacturer and who takes title to the manufacturer's
38 prescription drug but who does not have general responsibility to direct
39 the sale or disposition of the manufacturer's prescription drug. ~~Such~~
40 ~~manufacturer's exclusive distributor shall be licensed as a wholesaler~~
41 ~~under this part 8 and~~; To be considered part of the normal distribution
42 channel, AS DEFINED IN SECTION 12-42.5-301 (6), A MANUFACTURER'S
43 EXCLUSIVE DISTRIBUTOR shall also be an authorized distributor of
44 record."

45
46 Page 10, line 11, strike "hospital" and substitute "hospital, MEDICAL
47 CLINIC OPERATED BY A HOSPITAL, AMBULATORY SURGICAL CENTER,
48 HOSPICE,".

49
50 Page 10, line 17, strike "pharmacy;" and substitute "pharmacy,".

51
52 Page 10, strike lines 18 and 19 and substitute "any rural health clinic,
53 FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN SECTION 1861 (aa)
54 (4) OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)
55 (4), family planning clinic, school, jail,".

56

1 Page 10, strike lines 21 through 24 and substitute "university, or college
2 that:"

3
4 Page 10, strike line 27 and substitute "drugs or devices; OR

5
6 (b) AN AMBULATORY SURGICAL CENTER LICENSED PURSUANT TO
7 PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S., A MEDICAL CLINIC OPERATED BY
8 A HOSPITAL, OR A HOSPICE LICENSED PURSUANT TO PART 1 OF ARTICLE 3
9 OF TITLE 25, C.R.S., THAT:

10
11 (I) HAS FACILITIES IN THIS STATE REGISTERED PURSUANT TO THIS
12 ARTICLE; AND

13
14 (II) ENGAGES IN THE COMPOUNDING, DISPENSING, AND DELIVERY
15 OF DRUGS OR DEVICES FOR ADMINISTRATION TO PATIENTS WHILE BEING
16 TREATED IN THE FACILITY."

17
18 Page 11, after line 24 insert:

19
20 "(29.5) **[Formerly 12-22-801 (1) (k)]** "Pharmacy buying
21 cooperative warehouse" means a permanent physical location that acts as
22 a central warehouse for prescription drugs and from which sales of such
23 PRESCRIPTION drugs are made to an exclusive group of pharmacies that
24 are members or member owners of the buying cooperative operating the
25 warehouse. ~~that shall be licensed as a wholesaler."~~

26
27 Page 12, line 21, strike "that, prior" and substitute "that:

28
29 (a) IS REQUIRED BY ANY APPLICABLE FEDERAL OR STATE LAW OR
30 RULE TO BE DISPENSED ONLY PURSUANT TO AN ORDER;

31
32 (b) IS RESTRICTED BY ANY APPLICABLE FEDERAL OR STATE LAW OR
33 RULE TO USE BY PRACTITIONERS ONLY; OR

34
35 (c) Prior".

36
37 Page 12, line 22, after "required" insert "UNDER FEDERAL LAW" and after
38 "with" insert "ONE OF".

39
40 Page 12, strike lines 23 and 24 and substitute "~~statement: "Caution:
41 Federal law prohibits dispensing without a prescription."~~; STATEMENTS:

42
43 (I) "Rx only"; or

44
45 (II) "Caution: Federal law restricts this drug to".

46
47 Page 13, line 3, strike "12-42.5-118 (9)." and substitute "12-42.5-117 (9)
48 OR SPECIALIZED PRESCRIPTION DRUG OUTLET REGISTERED PURSUANT TO
49 SECTION 12-42.5-117 (11)."

50
51 Page 13, after line 6 insert:

52
53 "(36.3) **[Formerly 12-22-801 (1) (m)]** "Repackage" means
54 repackaging or otherwise changing the container, wrapper, or labeling to
55 further the distribution of a prescription drug, excluding ~~that~~
56 REPACKAGING OR LABELING completed by the pharmacist responsible for

1 dispensing product to the patient.

2

3 (36.5) [Formerly 12-22-801 (1) (n)] "Repackager" means a
4 person who repackages prescription drugs."

5

6 Page 14, strike lines 2 through 5 and substitute:

7

8 "(42) [Formerly 12-22-801 (2)] (a) ~~For the purposes of this part~~
9 8, "Wholesale distribution" means distribution of prescription drugs to
10 persons or entities other than a consumer or patient.

11

12 (b) "Wholesale distribution" does not include:

13

14 (a) (I) Intracompany sales or transfers of prescription drugs,
15 including a transaction or transfer between a division, subsidiary, parent,
16 or affiliated or related company under common ownership or control of
17 an entity;

18

19 (b) (II) The sale, purchase, distribution, trade, or transfer of a
20 prescription drug or offer to sell, purchase, distribute, trade, or transfer a
21 prescription drug for emergency medical reasons or during a state or
22 national declaration of emergency;

23

24 (c) (III) The sale or transfer of a drug for medical reasons by a
25 retail pharmacy to another retail pharmacy to alleviate a temporary
26 shortage; ~~pursuant to Colorado law;~~

27

28 (d) (IV) The distribution of prescription drug samples by a
29 manufacturer's representative;

30

31 (e) (V) Drug returns, when conducted by a hospital, health care
32 entity, or charitable institution in accordance with 21 CFR 203.23;

33

34 (f) (VI) The sale of minimal quantities of prescription drugs by
35 retail pharmacies to licensed practitioners for office use;

36

37 (g) (VII) A retail pharmacy's delivery of prescription drugs to a
38 patient or patient's agent pursuant to the lawful order of a licensed
39 practitioner;

40

41 (h) (VIII) The sale, transfer, merger, or consolidation of all or part
42 of the business of a pharmacy or pharmacies from or with another
43 pharmacy or pharmacies, whether accomplished as a purchase and sale of
44 stock or business assets;

45

46 (i) (IX) The direct sale, purchase, distribution, trade, or transfer
47 of a prescription drug from a manufacturer to an authorized distributor of
48 record to one additional authorized distributor of record but only if an
49 authorized distributor of record that purchases a prescription drug from
50 an authorized distributor of record that purchased the prescription drug
51 directly from the manufacturer;

52

53 (j) (A) Provides the supplying authorized distributor of record
54 with a verifiable statement that the product is unavailable from the
55 manufacturer; and

56

1 ~~(H)~~ (B) Receives a verifiable statement from the supplying
2 authorized distributor of record that the product was purchased directly
3 from the manufacturer;

4
5 ~~(j)~~ ~~(Deleted by amendment, L. 2007, p. 1246, § 1, effective~~
6 ~~August 3, 2007.)~~

7
8 ~~(k)~~ (X) The delivery of, or offer to deliver, a prescription drug by
9 a common carrier solely in the common carrier's usual course of business
10 of transporting prescription drugs where the common carrier does not
11 store, warehouse, or take legal ownership of the prescription drug;

12
13 ~~(l)~~ (XI) The sale or transfer from a retail pharmacy or chain
14 pharmacy warehouse of expired, damaged, returned, or recalled
15 prescription drugs to the original manufacturer or to a third-party returns
16 processor;

17
18 ~~(m)~~ (XII) The sale or transfer of compounded drugs compounded
19 by a retail pharmacy as defined in ~~section 12-22-102(6)~~ SUBSECTION (7)
20 OF THIS SECTION and as authorized by section ~~12-22-121~~ 12-42.5-119 (6)
21 (b);

22
23 ~~(n)~~ (XIII) The transfer of prescription drugs within Colorado
24 purchased with public funds by the department of public health and
25 environment, created in section 25-1-102, C.R.S., or a district or county
26 public health agency, created pursuant to section 25-1-506, C.R.S., and
27 procured by a physician licensed in Colorado who is either the executive
28 director or the chief medical officer appointed pursuant to section
29 25-1-105, C.R.S., or a public health director or medical officer of a
30 county or district public health agency selected pursuant to section
31 25-1-508 (5) (c) (I), C.R.S. The transfers may only be made to the
32 department of public health and environment pursuant to the Colorado
33 medical license of the executive director or chief medical officer, a
34 district or county public health agency pursuant to the Colorado medical
35 license of the public health director or medical officer, or a physician
36 licensed in Colorado.

37
38 ~~(34)~~ (43) "Wholesaler" means a ~~corporation, individual, or other~~
39 ~~entity with facilities in this state that buys drugs or devices for resale or~~
40 ~~distributes drugs or devices to corporations, individuals, or entities~~
41 ~~entitled to possess such drugs or devices, other than consumers~~ PERSON
42 ENGAGED IN THE WHOLESALE DISTRIBUTION OF PRESCRIPTION DRUGS TO
43 PERSONS, OTHER THAN CONSUMERS, WHO ARE ENTITLED TO POSSESS
44 PRESCRIPTION DRUGS, INCLUDING: REPACKAGERS; OWN-LABEL
45 DISTRIBUTORS; PRIVATE-LABEL DISTRIBUTORS; JOBBERS; BROKERS;
46 WAREHOUSES, INCLUDING MANUFACTURERS' AND DISTRIBUTORS'
47 WAREHOUSES; MANUFACTURERS' EXCLUSIVE DISTRIBUTORS; AUTHORIZED
48 DISTRIBUTORS OF RECORD; DRUG WHOLESALERS OR DISTRIBUTORS;
49 INDEPENDENT WHOLESALE DRUG TRADERS; PHARMACY BUYING
50 COOPERATIVE WAREHOUSES; RETAIL PHARMACIES THAT CONDUCT
51 WHOLESALE DISTRIBUTION; AND CHAIN PHARMACY WAREHOUSES THAT
52 CONDUCT WHOLESALE DISTRIBUTION."

53
54 Page 14, line 8, strike "part 1" and substitute "~~part 1~~ ARTICLE".

55
56 Page 14, line 11, strike "part 1," and substitute "~~part 1~~ ARTICLE,".

- 1 Page 14, line 17, strike "part 1" and substitute "~~part 1~~ ARTICLE".
- 2
- 3 Page 17, line 8, strike "grant and renew" and substitute "grant, ~~and~~ renew,
- 4 REACTIVATE, AND REINSTATE".
- 5
- 6 Page 17, line 17, strike "renewals" and substitute "renewals,
- 7 REACTIVATIONS, AND REINSTATEMENTS".
- 8
- 9 Page 21, strike lines 19 through 27.
- 10
- 11 Strike page 22.
- 12
- 13 Page 23, strike lines 1 through 15.
- 14
- 15 Renumber succeeding C.R.S. sections accordingly.
- 16
- 17 Page 24, line 8, strike "pharmacists," and substitute "pharmacists AND
- 18 PHARMACIES,".
- 19
- 20 Page 25, line 4, strike "12-42.5-113" and substitute "12-42.5-112".
- 21
- 22 Page 25, line 7, strike "12-42.5-113" and substitute "12-42.5-112".
- 23
- 24 Page 25, line 9, strike "12-42.5-115" and substitute "12-42.5-114".
- 25
- 26 Page 25, line 11, strike "12-42.5-115" and substitute "12-42.5-114".
- 27
- 28 Page 25, line 13, strike "12-42.5-117" and substitute "12-42.5-116".
- 29
- 30 Page 25, line 15, strike "12-42.5-117" and substitute "12-42.5-116".
- 31
- 32 Page 25, line 22, strike "12-42.5-117" and substitute "12-42.5-116".
- 33
- 34 Page 25, line 25, strike "12-42.5-117" and substitute "12-42.5-116".
- 35
- 36 Page 26, line 1, strike "12-42.5-117" and substitute "12-42.5-116".
- 37
- 38 Page 26, line 5, strike "12-42.5-118" and substitute "12-42.5-117".
- 39
- 40 Page 26, line 7, strike "12-42.5-131;" and substitute "12-42.5-130;".
- 41
- 42 Page 26, line 10, strike "12-42.5-118 (11)." and substitute "12-42.5-117
- 43 (12).".
- 44
- 45 Page 26, line 13, strike "part 1 ~~but shall be~~" and substitute "~~part 1 but~~
- 46 ~~shall be~~ ARTICLE".
- 47
- 48 Page 27, line 1, strike "part 1 ~~shall apply~~" and substitute "~~part 1 shall~~
- 49 ~~apply~~ ARTICLE".
- 50
- 51 Page 27, line 3, after "manufacture," insert "DISPENSING,".
- 52
- 53 Page 27, line 6, strike "part 1" and substitute "~~part 1~~".
- 54
- 55 Page 27, line 7, after "~~to~~" insert "ARTICLE".
- 56

- 1 Page 27, line 17, strike "part 3 1" and substitute "~~part 3~~ ARTICLE".
2
3 Page 28, line 10, strike "part 1" and substitute "~~part 1~~ ARTICLE".
4
5 Page 29, line 6, after "license," insert "REACTIVATION,".
6
7 Page 29, strike lines 23 and 24 and substitute "manufactures drugs as
8 ~~defined in section 12-22-102 (17)~~, and any wholesaler of drugs as ~~defined~~
9 ~~in section 12-22-102 (34)~~,".
10
11 Page 29, line 25, strike "12-42.5-102 (42),".
12
13 Page 30, line 6, strike "12-42.5-118" and substitute "12-42.5-117".
14
15 Page 30, line 16, strike "part 1" and substitute "~~part 1~~ ARTICLE".
16
17 Page 31, line 24, strike "PART 1." and substitute "ARTICLE."
18
19 Page 32, line 18, strike "12-42.5-111" and substitute "12-42.5-110".
20
21 Page 32, line 26, strike "renew" and substitute "renew, REINSTATE,".
22
23 Page 37, line 9, strike "part 1" and substitute "~~part 1~~ ARTICLE".
24
25 Page 37, line 13, strike "12-42.5-118" and substitute "12-42.5-117".
26
27 Page 37, line 24, strike "part 1," and substitute "~~part 1~~ ARTICLE,".
28
29 Page 38, line 13, strike "12-42.5-127" and substitute "12-42.5-126".
30
31 Page 38, line 26, strike "12-42.5-113" and substitute "12-42.5-112".
32
33 Page 39, line 5, strike "specification of forms for use in applying" and
34 substitute "~~specification of forms~~ SPECIFICATIONS for use in applying
35 APPLICATION".
36
37 Page 39, line 14, strike "part 1 which" and substitute "~~part 1 which~~
38 ARTICLE".
39
40 Page 40, line 20, strike "AN INPATIENT" and substitute "A".
41
42 Page 40, line 22, strike "BUILDING" and substitute "FACILITY".
43
44 Page 40, line 23, strike "OWNERSHIP" and substitute "MANAGEMENT".
45
46 Page 41, line 2, strike "AN INPATIENT" and substitute "A".
47
48 Page 41, after line 4 insert:
49
50 "(11) ON OR AFTER JANUARY 1, 2013, A PRESCRIPTION DRUG
51 OUTLET MAY REGISTER AS A SPECIALIZED PRESCRIPTION DRUG OUTLET IF
52 IT ENGAGES IN THE COMPOUNDING, DISPENSING, AND DELIVERY OF DRUGS
53 AND DEVICES TO, OR THE PROVISION OF PHARMACEUTICAL CARE TO
54 RESIDENTS OF, A LONG-TERM CARE FACILITY. THE BOARD SHALL ADOPT
55 RULES AS NECESSARY TO IMPLEMENT THIS SUBSECTION (11)."
56

- 1 Renumber succeeding subsections accordingly.
- 2
- 3 Page 42, line 6, strike "12-42.5-119" and substitute "12-42.5-118".
- 4
- 5 Page 42, line 8, strike "(11)" and substitute "(12)".
- 6
- 7 Page 42, line 9, strike "12-42.5-119" and substitute "12-42.5-118".
- 8
- 9 Page 42, line 15, strike "(11)" and substitute "(12)".
- 10
- 11 Page 43, line 25, strike "OR AN ORAL".
- 12
- 13 Page 43, line 27, strike "(15.5)." and substitute "(15.5); EXCEPT THAT, IF
- 14 THE PRESCRIPTION ORDER IS FOR A DRUG THAT IS NOT A CONTROLLED
- 15 SUBSTANCE OR IS A CONTROLLED SUBSTANCE LISTED ON SCHEDULE III, IV,
- 16 OR V, THE LICENSED VETERINARIAN MAY ISSUE AN ORAL PRESCRIPTION
- 17 ORDER FOR THAT DRUG.".
- 18
- 19 Page 44, line 1, strike "ORDER," and substitute "ORDER FOR A
- 20 CONTROLLED SUBSTANCE LISTED ON SCHEDULE III, IV, OR V,".
- 21
- 22 Page 44, line 6, strike "12-42.5-118" and substitute "12-42.5-117".
- 23
- 24 Page 44, line 8, after "~~12-22-120(1)(e).~~" add "INITIAL INTERPRETATION
- 25 AND FINAL EVALUATION, AS DEFINED BY THE BOARD, MAY BE CONDUCTED
- 26 AT A LOCATION OTHER THAN A REGISTERED PRESCRIPTION DRUG OUTLET
- 27 OR OTHER OUTLET REGISTERED PURSUANT TO THIS ARTICLE IN
- 28 ACCORDANCE WITH RULES ADOPTED BY THE BOARD.".
- 29
- 30 Page 44, line 15, after "kit" insert "OR STARTER DOSE, AS DEFINED BY THE
- 31 BOARD BY RULE,".
- 32
- 33 Page 44, line 18, strike "certified" and substitute "~~certified~~ LICENSED".
- 34
- 35 Page 45, line 20, strike "part 1" and substitute "~~part 1~~ ARTICLE".
- 36
- 37 Page 45, strike line 21 and substitute "12-42.5-126.".
- 38
- 39 Page 47, strike lines 18 through 20 and substitute "supervision of a
- 40 pharmacist".
- 41
- 42 Page 47, line 21, strike "BOARD," and after "pharmacy." add "AN INTERN,
- 43 AS DEFINED IN SECTION 12-42.5-102 (17) (a), ENGAGED IN THE PRACTICE
- 44 OF PHARMACY WITHIN THE CURRICULUM OF A SCHOOL OR COLLEGE OF
- 45 PHARMACY IN ACCORDANCE WITH SECTION 12-42.5-102 (17) (a), MAY BE
- 46 SUPERVISED BY A MANUFACTURER REGISTERED PURSUANT TO SECTION
- 47 12-42.5-112 OR BY ANOTHER REGULATED INDIVIDUAL AS PROVIDED FOR
- 48 IN RULES ADOPTED BY THE BOARD.".
- 49
- 50 Page 48, line 5, strike "12-42.5-118" and substitute "12-42.5-117".
- 51
- 52 Page 49, line 13, strike "12-42.5-118 (11)" and substitute "12-42.5-117
- 53 (12)".
- 54
- 55 Page 49, line 23, strike "12-42.5-118 (11)" and substitute "12-42.5-117
- 56 (12)".

- 1 Page 55, line 22, strike "part 1," and substitute "~~part 1~~ ARTICLE,".
2
3 Page 55, line 24, strike "12-42.5-127;" and substitute "12-42.5-126;"
4
5 Page 57, line 17, strike "12-42.5-135;" and substitute "12-42.5-134;"
6
7 Page 58, line 3, strike "12-42.5-118 (11)" and substitute "12-42.5-117
8 (12)".
9
10 Page 58, line 6, strike "12-42.5-118(11) AND 12-42.5-119" and substitute
11 "12-42.5-117 (12) AND 12-42.5-118".
12
13 Page 58, line 18, strike "12-42.5-124" and substitute "12-42.5-123".
14
15 Page 65, line 14, strike "12-42.5-126." and substitute "12-42.5-125."
16
17 Page 66, line 10, strike "12-42.5-119" and substitute "12-42.5-118".
18
19 Page 66, line 11, strike "12-42.5-123;" and substitute "12-42.5-122;"
20
21 Page 66, line 12, strike "12-42.5-123," and substitute "12-42.5-122,"
22
23 Page 67, line 6, strike "12-42.5-117" and substitute "12-42.5-116".
24
25 Page 69, line 20, strike "PART 1" and substitute "ARTICLE".
26
27 Page 71, line 23, strike "PART 1" and substitute "ARTICLE".
28
29 Page 72, line 17, strike "part 1," and substitute "~~part 1~~ ARTICLE,".
30
31 Page 72, line 18, strike "part 1 shall be" and substitute "~~part 1 shall be~~
32 ARTICLE".
33
34 Page 72, line 26, strike "part 1 shall be" and substitute "~~part 1 shall be~~
35 ARTICLE".
36
37 Page 76, line 20, strike "12-42.5-124." and substitute "12-42.5-123."
38
39 Page 76, line 24, strike "12-42.5-124" and substitute "12-42.5-123".
40
41 Page 76, line 26, strike "12-42.5-125." and substitute "12-42.5-124."
42
43 Page 77, line 2, strike "12-42.5-124" and substitute "12-42.5-123".
44
45 Page 84, strike lines 5 through 16 and substitute:
46
47 ~~"(b) "Authorized distributor of record" means a wholesaler with~~
48 ~~whom a manufacturer has established an ongoing relationship to~~
49 ~~distribute the manufacturer's prescription drug. An ongoing relationship~~
50 ~~is deemed to exist between a wholesaler and a manufacturer when the~~
51 ~~wholesaler, including any affiliated group of the wholesaler as defined in~~
52 ~~section 1504 of the federal "Internal Revenue Code of 1986", complies~~
53 ~~with the following:~~
54
55 ~~(I) The wholesaler has a written agreement currently in effect with~~
56 ~~the manufacturer evidencing such ongoing relationship; and~~

1 ~~(H) The wholesaler is listed on the manufacturer's current list of~~
2 ~~authorized distributors of record, which list is updated by the~~
3 ~~manufacturer on no less than a monthly basis."~~

4
5 Renumber succeeding subsections accordingly.

6
7 Page 84, strike lines 21 through 27.

8
9 Page 85, strike lines 1 and 2 and substitute:

10
11 ~~"(d) "Chain pharmacy warehouse" means a physical location for~~
12 ~~prescription drugs that acts as a central warehouse and performs~~
13 ~~intracompany sales or transfers of such drugs to a group of chain~~
14 ~~pharmacies or other chain pharmacy warehouses that are under common~~
15 ~~ownership or control. Notwithstanding any other provision of this part 8,~~
16 ~~a chain pharmacy warehouse receiving distributions on behalf of, or~~
17 ~~making distributions to, an intracompany pharmacy is not required to be~~
18 ~~an authorized distributor of record to be considered part of the normal~~
19 ~~distribution channel."~~

20
21 Renumber succeeding subsections accordingly.

22
23 Page 85, strike lines 17 through 25 and substitute:

24
25 ~~"(h) "Manufacturer's exclusive distributor" means anyone who~~
26 ~~contracts with a manufacturer to provide or coordinate warehousing,~~
27 ~~distribution, or other services on behalf of a manufacturer and who takes~~
28 ~~title to the manufacturer's prescription drug but who does not have~~
29 ~~general responsibility to direct the sale or disposition of the~~
30 ~~manufacturer's prescription drug. Such manufacturer's exclusive~~
31 ~~distributor shall be licensed as a wholesaler under this part 8 and, to be~~
32 ~~considered part of the normal distribution channel, shall also be an~~
33 ~~authorized distributor of record."~~

34
35 Renumber succeeding subsections accordingly.

36
37 Page 87, strike lines 2 through 20 and substitute:

38
39 ~~"(k) "Pharmacy buying cooperative warehouse" means a~~
40 ~~permanent physical location that acts as a central warehouse for~~
41 ~~prescription drugs and from which sales of such drugs are made to an~~
42 ~~exclusive group of pharmacies that are members or member owners of the~~
43 ~~buying cooperative operating the warehouse that shall be licensed as a~~
44 ~~wholesaler.~~

45
46 ~~(l) "Prescription drug" means any drug, including any biological~~
47 ~~product, except for blood and blood components, including factor,~~
48 ~~intended for transfusion or biological products that are also medical~~
49 ~~devices, required by federal law or regulation to be dispensed only by a~~
50 ~~prescription, including finished dosage forms and bulk drug substances~~
51 ~~subject to section 503(b) of the "Federal Food, Drug, and Cosmetic Act".~~

52
53 ~~(m) "Repackage" means repackaging or otherwise changing the~~
54 ~~container, wrapper, or labeling to further the distribution of a prescription~~
55 ~~drug, excluding that completed by the pharmacist responsible for~~
56 ~~dispensing product to the patient.~~

- 1 ~~(n) "Repackager" means a person who repackages prescription~~
2 ~~drugs."~~
3
4 Renumber succeeding subsections accordingly.
5
6 Page 88, strike lines 16 through 27.
7
8 Strike page 89 and 90.
9
10 Page 91, strike lines 1 through 9 and substitute:
11
12 ~~"(2) For the purposes of this part 8, "wholesale distribution"~~
13 ~~means distribution of prescription drugs to persons or entities other than~~
14 ~~a consumer or patient. "Wholesale distribution" does not include:~~
15
16 ~~(a) Intracompany sales or transfers of prescription drugs,~~
17 ~~including a transaction or transfer between a division, subsidiary, parent,~~
18 ~~or affiliated or related company under common ownership or control of~~
19 ~~an entity;~~
20
21 ~~(b) The sale, purchase, distribution, trade, or transfer of a~~
22 ~~prescription drug or offer to sell, purchase, distribute, trade, or transfer a~~
23 ~~prescription drug for emergency medical reasons or during a state or~~
24 ~~national declaration of emergency;~~
25
26 ~~(c) The sale or transfer of a drug for medical reasons by a retail~~
27 ~~pharmacy to another retail pharmacy to alleviate a temporary shortage~~
28 ~~pursuant to Colorado law;~~
29
30 ~~(d) The distribution of prescription drug samples by a~~
31 ~~manufacturer's representative;~~
32
33 ~~(e) Drug returns, when conducted by a hospital, health care entity,~~
34 ~~or charitable institution in accordance with 21 CFR 203.23;~~
35
36 ~~(f) The sale of minimal quantities of prescription drugs by retail~~
37 ~~pharmacies to licensed practitioners for office use;~~
38
39 ~~(g) A retail pharmacy's delivery of prescription drugs to a patient~~
40 ~~or patient's agent pursuant to the lawful order of a licensed practitioner;~~
41
42 ~~(h) The sale, transfer, merger, or consolidation of all or part of the~~
43 ~~business of a pharmacy or pharmacies from or with another pharmacy or~~
44 ~~pharmacies, whether accomplished as a purchase and sale of stock or~~
45 ~~business assets;~~
46
47 ~~(i) The direct sale, purchase, distribution, trade, or transfer of a~~
48 ~~prescription drug from a manufacturer to an authorized distributor of~~
49 ~~record to one additional authorized distributor of record but only if an~~
50 ~~authorized distributor of record that purchases a prescription drug from~~
51 ~~an authorized distributor of record that purchased the prescription drug~~
52 ~~directly from the manufacturer;~~
53
54 ~~(I) Provides the supplying authorized distributor of record with a~~
55 ~~verifiable statement that the product is unavailable from the~~
56 ~~manufacturer; and~~

1 ~~(H) Receives a verifiable statement from the supplying authorized~~
2 ~~distributor of record that the product was purchased directly from the~~
3 ~~manufacturer;~~

4
5 ~~(j) (Deleted by amendment, L. 2007, p. 1246, § 1, effective~~
6 ~~August 3, 2007.)~~

7
8 ~~(k) The delivery of, or offer to deliver, a prescription drug by a~~
9 ~~common carrier solely in the common carrier's usual course of business~~
10 ~~of transporting prescription drugs where the common carrier does not~~
11 ~~store, warehouse, or take legal ownership of the prescription drug;~~

12
13 ~~(l) The sale or transfer from a retail pharmacy or chain pharmacy~~
14 ~~warehouse of expired, damaged, returned, or recalled prescription drugs~~
15 ~~to the original manufacturer or to a third-party returns processor;~~

16
17 ~~(m) The sale or transfer of compounded drugs compounded by a~~
18 ~~retail pharmacy as defined in section 12-22-102 (6) and as authorized by~~
19 ~~section 12-22-121 (6) (b);~~

20
21 ~~(n) The transfer of prescription drugs within Colorado purchased~~
22 ~~with public funds by the department of public health and environment,~~
23 ~~created in section 25-1-102, C.R.S., or a district or county public health~~
24 ~~agency, created pursuant to section 25-1-506, C.R.S., and procured by a~~
25 ~~physician licensed in Colorado who is either the executive director or the~~
26 ~~chief medical officer appointed pursuant to section 25-1-105, C.R.S., or~~
27 ~~a public health director or medical officer of a county or district public~~
28 ~~health agency selected pursuant to section 25-1-508 (5) (c) (I), C.R.S. The~~
29 ~~transfers may only be made to the department of public health and~~
30 ~~environment pursuant to the Colorado medical license of the executive~~
31 ~~director or chief medical officer, a district or county public health agency~~
32 ~~pursuant to the Colorado medical license of the public health director or~~
33 ~~medical officer, or a physician licensed in Colorado."~~

34
35 Page 91, line 10, strike "**Exemption for**" and substitute "**Exemptions.**".

36
37 Page 91, line 11, strike "**pharmacy benefits entity.**".

38
39 Page 107, line 1, strike "12-42.5-113" and substitute "12-42.5-112".

40
41 Page 107, line 15, strike "12-22-306.1" and substitute "12-22-111,
42 12-22-306.1,".

43
44 Page 109, line 10, strike "12-42.5-119" and substitute "12-42.5-118".

45
46 Page 135, line 25, strike "12-42.5-119" and substitute "12-42.5-118".

47
48 Page 136, line 16, strike "12-42.5-119" and substitute "12-42.5-118".

49
50 Page 140, line 22, strike "12-42.5-119," and substitute "12-42.5-118,".

51
52 Page 141, line 10, strike "12-42.5-119," and substitute "12-42.5-118,".

53
54 Page 142, line 12, strike "12-42.5-119" and substitute "12-42.5-118".

55
56 Page 145, line 16, strike "12-42.5-126," and substitute "12-42.5-125,".

- 1 Page 151, line 16, strike "12-42.5-118(11)," and substitute "12-42.5-117
2 (12),".
3
4 Page 152, line 27, strike "~~parts~~ PART 1" and substitute "~~parts~~†".
5
6 Page 153, line 1, strike the first "of" and substitute "~~of~~".
7
8 Page 153, line 21, strike "part 1 of" and substitute "~~part~~† of".
9
10 Page 156, line 11, strike "12-42.5-132," and substitute "12-42.5-131,".
11
12 Page 156, line 13, strike "12-42.5-132" and substitute "12-42.5-131".
13
14 Page 157, line 22, strike "12-42.5-132" and substitute "12-42.5-131".
15
16 Page 164, line 2, strike "part 1 of" and substitute "~~part~~† of".
17
18 Page 166, line 3, strike "12-42.5-134" and substitute "12-42.5-133".
19
20

MESSAGE(S) FROM THE SENATE

21
22
23
24 The Senate has passed on Third Reading and transmits to the Revisor of
25 Statutes:

- 26
27 SB12-128 amended as printed in Senate Journal, March 9, 2012,
28 page 436.
29 HB12-1008 amended as printed in Senate Journal, March 9, 2012,
30 page 436.
31

32 The Senate has passed on Third Reading and returns herewith
33 HB12-1047.
34

MESSAGE(S) FROM THE REVISOR

35
36
37
38
39 We herewith transmit:
40 Without comment, as amended, HB12-1008.
41 Without comment, as amended, SB12-128.
42

LAY OVER OF CALENDAR ITEM(S)

43
44
45
46
47 On motion of Representative Becker, the following item(s) on the
48 Calendar was (were) laid over until March 13, retaining place on
49 Calendar:

- 50
51 Consideration of General Orders--**HB12-1121, 1103, SB12-030.**
52 Consideration of Senate Amendment(s)--**HJR12-1010, HB12-1058,**
53 **1249, 1031, 1032, 1089.**
54
55
56
-

1 On motion of Representative Becker, the House adjourned until
2 9:00 a.m., March 13, 2012.

3

4

5

6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:
FRANK McNULTY,
Speaker