

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

Seventy-eighth Legislative Day

Wednesday, March 26, 2014

1 Prayer by Dr. Louise Westfall, Central Presbyterian Church, Denver.  
2  
3 The Speaker called the House to order at 9:00 a.m.  
4  
5 Pledge of Allegiance led by Jordan Ashton, Dwan Claitt, Everest College,  
6 Denver.

7  
8 The roll was called with the following result:  
9

10 Present--65.

11  
12 The Speaker declared a quorum present.  
13  
14

15 On motion of Representative Singer, the reading of the journal of March  
16 25, 2014, was declared dispensed with and approved as corrected by the  
17 Chief Clerk.  
18  
19  
20

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

21  
22  
23 The following bill(s) were considered on Third Reading. The title(s)  
24 were publicly read. Reading of the bill at length was dispensed with by  
25 unanimous consent.  
26

27 **SB14-131** by Senator(s) King; also Representative(s) Wright--  
28 Concerning the removal of certain identifying information  
29 from a motor vehicle registration card.  
30

31 The question being "Shall the bill pass?".  
32 A roll call vote was taken. As shown by the following recorded vote, a  
33 majority of those elected to the House voted in the affirmative and the bill  
34 was declared **passed**.  
35

	YES	65	NO	0	EXCUSED	0	ABSENT	0
37	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
38	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
39	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
40	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
41	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
42	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
43	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y

1	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
2	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
3	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
4	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
5	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
6	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
7	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
8	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
9	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
10							Speaker	Y

11 Co-sponsor(s) added: Representative(s) Conti, Holbert, Labuda, Lawrence, Lee,  
12 Mitsch Bush, Schafer, Scott, Tyler

13  
14 **HB14-1187** by Representative(s) Swalm, Gardner, Waller, Pettersen,  
15 McLachlan, Vigil; also Senator(s) Todd--Concerning  
16 consumer protection from excess damages for repair of  
17 rental vehicles.

18  
19 The question being "Shall the bill pass?".

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

23	YES	65	NO	0	EXCUSED	0	ABSENT	0
24								
25	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
26	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
27	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
28	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
29	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
30	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
31	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
32	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
33	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
34	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
35	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
36	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
37	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
38	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
39	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
40	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
41							Speaker	Y

42 Co-sponsor(s) added: Representative(s) Fields, Kagan, Lebsock, Lee, Melton,  
43 Moreno, Murray, Ryden, Salazar, Singer, Williams

44  
45 **HB14-1289** by Representative(s) McNulty, Holbert, McLachlan,  
46 Moreno, Pabon, Williams; also Senator(s) Johnston,  
47 Hodge, Scheffel--Concerning the reinvestment of unused  
48 governmental moneys held by a financial institution that  
49 are in excess of the amount insured by the federal deposit  
50 insurance corporation in accounts of other financial  
51 institutions.

52  
53 The question being "Shall the bill pass?".

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

	YES	65	NO	0	EXCUSED	0	ABSENT	0
1								
2	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
3	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
4	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
5	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
6	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
7	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
8	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
9	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
10	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
11	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
12	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
13	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
14	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
15	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
16	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
17	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Court, Fields, Labuda, Lawrence,  
20 Pettersen, Salazar, Schafer, Swalm

## 21 22 23 CONSIDERATION OF RESOLUTION(S)

24  
25 **HJR14-1014** by Representative(s) Sonnenberg; also Senator(s) Brophy--  
26 Concerning the designation of March 26, 2014, as  
27 Agriculture Day in Colorado.

28  
29 (Printed and placed in members' file)

30  
31 On motion of Representative Sonnenberg, the resolution was read at  
32 length and **adopted** by **viva voce** vote.

33  
34 Current Roll Call added as co-sponsor(s): Representative(s) Becker, Buck,  
35 Buckner, Conti, Coram, Court, DelGrosso, Dore, Duran, Everett, Exum, Fields,  
36 Fischer, Foote, Garcia, Gardner, Gerou, Ginal, Hamner, Holbert, Hullinghorst,  
37 Humphrey, Joshi, Kagan, Kraft-Tharp, Labuda, Landgraf, Lawrence, Lebsock,  
38 Lee, May, McCann, McLachlan, McNulty, Melton, Mitsch Bush, Moreno,  
39 Murray, Navarro, Nordberg, Pabon, Peniston, Pettersen, Primavera, Priola,  
40 Rankin, Rosenthal, Ryden, Saine, Salazar, Schafer, Scott, Singer, Stephens,  
41 Swalm, Szabo, Tyler, Vigil, Waller, Williams, Wilson, Wright, Young, Speaker

42  
43  
44 House in recess. House reconvened.

## 45 46 47 REPORT(S) OF COMMITTEE(S) OF REFERENCE

### 48 49 **BUSINESS, LABOR, ECONOMIC, & WORKFORCE DEVELOPMENT** 50 **COMMITTEE**

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

53  
54 **HB14-1327** be amended as follows, and as so amended, be referred to  
55 the Committee on Finance with favorable  
56 recommendation:

1 Amend printed bill, page 8, after line 17 insert:

2

3 "(1.2) "BROADBAND FACILITY" MEANS ANY INFRASTRUCTURE  
4 USED TO DELIVER BROADBAND SERVICE OR FOR THE PROVISION OF  
5 BROADBAND SERVICE."

6

7 Page 11, line 23, strike "CONDUCTS." and substitute "CONDUCTS, BUT  
8 NOTICE IS NOT REQUIRED FOR EMERGENCY REPAIR PROJECTS."

9

10 Page 12, line 11, strike "BASIS," and insert "BASIS FOR THE PLACEMENT OF  
11 BROADBAND FACILITIES,".

12

13 Page 12, strike line 20 and substitute "FACILITIES OR IF IT IS NOT FEASIBLE  
14 BECAUSE IT WILL DELAY THE REPAIR OR CONSTRUCTION OF A WATER OR  
15 WASTEWATER LINE OR BECAUSE COLLOCATION WITH A WATER OR  
16 WASTEWATER LINE WILL HINDER OR OBSTRUCT THE MAINTENANCE OR  
17 OPERATIONS OF WATER OR WASTEWATER FACILITIES."

18

19

20 **HB14-1328** be amended as follows, and as so amended, be referred to  
21 the Committee on Appropriations with favorable  
22 recommendation:

23

24 Amend printed bill, page 2, line 3, after "(6.7)," insert "(9.5), (10.5),".

25

26 Page 3, line 5, strike "ACCESS," and substitute "ACCESS OR BROADBAND,".

27

28 Page 3, after line 21, insert:

29

30 "(9.5) "INCUMBENT PROVIDER" MEANS A PROVIDER OF BROADBAND  
31 INTERNET SERVICE THAT IS NOT PROVIDING A BROADBAND NETWORK IN AN  
32 UNSERVED AREA.

33 (10.5) "INFRASTRUCTURE" MEANS THE FACILITIES OR EQUIPMENT  
34 USED IN THE DEPLOYMENT OF BROADBAND SERVICE."

35

36 Page 4, line 27, strike "TO BUILD" and substitute "THROUGH".

37

38 Page 5, line 1, strike "AREAS." and substitute "AREAS PURSUANT TO  
39 SECTION 40-15-509.5 ONLY."

40

41 Page 8, line 3, strike "MEANS" and substitute "INCLUDES".

42

43 Page 8, line 5, strike "USE" and substitute "ALLOCATE".

44

45 Page 8, line 8, strike "STATE." and substitute "STATE PURSUANT TO THIS  
46 SECTION ONLY."

47

48 Page 8, strike line 12 and substitute "SECTION. PURSUANT TO SUBSECTION  
49 (4) OF THIS SECTION AND CONSISTENT WITH SECTION 40-15-208 (2) (a)  
50 (III), THE COMMISSION MAY TRANSFER TO THE BROADBAND DEPLOYMENT  
51 BOARD ONLY THE MONEYS THAT IT".

52

53 Page 8, line 15, after "DETERMINATION." insert "AFTER EACH TRANSFER  
54 TO THE BROADBAND DEPLOYMENT BOARD, THE COMMISSION SHALL USE  
55 THE MONEYS REMAINING IN THE HCSM TO SUPPORT BASIC SERVICE."

56

- 1 Page 8, line 20, strike "TO BUILD" and substitute "THROUGH".  
2  
3 Page 9, line 13, strike "ADVANCED AND".  
4  
5 Page 10, line 21, before "SATELLITE" insert "BROADBAND".  
6  
7 Page 11, line 23, strike "ADVANCED AND".  
8  
9 Page 12, strike line 14 and substitute "APPLICATION AND MAP TO THE  
10 BOARD; THE BOARD OF COUNTY".  
11  
12 Page 12, line 16, strike "SERVED." and substitute "SERVED; AND AN  
13 INCUMBENT PROVIDER."  
14  
15 Page 13, strike line 3 and substitute "FUND FOR INFRASTRUCTURE  
16 PURPOSES ONLY AND NOT FOR OPERATIONS;".  
17  
18 Page 13, line 17, strike "USER;" and substitute "USER THAT LACKS ACCESS  
19 TO BROADBAND SERVICE AT MEASURABLE SPEEDS GREATER THAN  
20 FIFTY-SIX KILOBITS PER SECOND;".  
21  
22 Page 15, strike line 6 and substitute:  
23  
24 "(IV) PROHIBIT AN APPLICANT FROM USING GRANT AWARD  
25 MONEYS TO OFFER, PROVIDE, OR SELL BROADBAND SERVICES IN AN AREA  
26 NOT MEETING THE DEFINITION OF UNSERVED AREA."  
27  
28  
29  
30 **HB14-1329** be amended as follows, and as so amended, be referred to  
31 the Committee on Appropriations with favorable  
32 recommendation:  
33  
34 Amend printed bill, page 5, line 3, strike "TOLL;" and substitute "TOLL,  
35 EXCEPT WITH RESPECT TO INTEREXCHANGE CARRIER REGISTRATION UNDER  
36 SECTION 40-15-302.5, COMPLAINTS OF UNAUTHORIZED CHARGES ON A  
37 SUBSCRIBER'S BILL, OR COMPLAINTS OF CHANGING A SUBSCRIBER'S  
38 SERVICE WITHOUT HIS OR HER CONSENT;".  
39  
40 Page 5, line 4, strike "TOLL." and substitute "TOLL, EXCEPT WITH RESPECT  
41 TO INTEREXCHANGE CARRIER REGISTRATION UNDER SECTION 40-15-302.5,  
42 COMPLAINTS OF UNAUTHORIZED CHARGES ON A SUBSCRIBER'S BILL, OR  
43 COMPLAINTS OF CHANGING A SUBSCRIBER'S SERVICE WITHOUT HIS OR HER  
44 CONSENT."  
45  
46  
47  
48 **HB14-1330** be referred to the Committee of the Whole with favorable  
49 recommendation.  
50  
51  
52 **HB14-1331** be amended as follows, and as so amended, be referred to  
53 the Committee on Appropriations with favorable  
54 recommendation:  
55  
56 Amend printed bill, page 11, line 25, strike "OR" and substitute "AND".

1 **HEALTH, INSURANCE & ENVIRONMENT**

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

4  
5 **HB14-1281** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

8  
9 Amend printed bill, strike everything below the enacting clause and  
10 substitute the following:

11  
12 **"SECTION 1.** In Colorado Revised Statutes, **add** article 45 to  
13 title 25 as follows:

14 **ARTICLE 45**

15 **Terminal Patients' Compassionate Care Act**

16 **25-45-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
17 BE CITED AS THE "RIGHT TO TRY ACT".

18 **25-45-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
19 FINDS AND DECLARES THAT:

20 (a) THE PROCESS OF APPROVAL FOR INVESTIGATIONAL DRUGS,  
21 BIOLOGICAL PRODUCTS, AND DEVICES IN THE UNITED STATES OFTEN  
22 TAKES MANY YEARS;

23 (b) PATIENTS WHO HAVE A TERMINAL ILLNESS DO NOT HAVE THE  
24 LUXURY OF WAITING UNTIL AN INVESTIGATIONAL DRUG, BIOLOGICAL  
25 PRODUCT, OR DEVICE RECEIVES FINAL APPROVAL FROM THE UNITED  
26 STATES FOOD AND DRUG ADMINISTRATION;

27 (c) PATIENTS WHO HAVE A TERMINAL ILLNESS HAVE A  
28 FUNDAMENTAL RIGHT TO ATTEMPT TO PURSUE THE PRESERVATION OF  
29 THEIR OWN LIVES BY ACCESSING AVAILABLE INVESTIGATIONAL DRUGS,  
30 BIOLOGICAL PRODUCTS, AND DEVICES;

31 (d) THE USE OF AVAILABLE INVESTIGATIONAL DRUGS, BIOLOGICAL  
32 PRODUCTS, AND DEVICES IS A DECISION THAT SHOULD BE MADE BY THE  
33 PATIENT WITH A TERMINAL ILLNESS IN CONSULTATION WITH THE PATIENT'S  
34 HEALTH CARE PROVIDER AND THE PATIENT'S HEALTH CARE TEAM, IF  
35 APPLICABLE; AND

36 (e) THE DECISION TO USE AN INVESTIGATIONAL DRUG, BIOLOGICAL  
37 PRODUCT, OR DEVICE SHOULD BE MADE WITH FULL AWARENESS OF THE  
38 POTENTIAL RISKS, BENEFITS, AND CONSEQUENCES TO THE PATIENT AND  
39 THE PATIENT'S FAMILY.

40 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ALLOW FOR  
41 TERMINALLY ILL PATIENTS TO USE POTENTIALLY LIFE-SAVING  
42 INVESTIGATIONAL DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.

43 **25-45-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
44 CONTEXT OTHERWISE REQUIRES:

45 (1) (a) "ELIGIBLE PATIENT" MEANS A PERSON WHO HAS:

46 (I) A TERMINAL ILLNESS, ATTESTED TO BY THE PATIENT'S  
47 TREATING PHYSICIAN;

48 (II) CONSIDERED ALL OTHER TREATMENT OPTIONS CURRENTLY  
49 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION;

50 (III) RECEIVED A RECOMMENDATION FROM HIS OR HER PHYSICIAN  
51 FOR AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE;

52 (IV) GIVEN WRITTEN, INFORMED CONSENT FOR THE USE OF THE  
53 INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE OR, IF THE  
54 PATIENT IS A MINOR OR LACKS THE MENTAL CAPACITY TO PROVIDE  
55 INFORMED CONSENT, A PARENT OR LEGAL GUARDIAN HAS GIVEN WRITTEN,  
56 INFORMED CONSENT ON THE PATIENT'S BEHALF; AND

1 (V) DOCUMENTATION FROM HIS OR HER PHYSICIAN THAT HE OR  
2 SHE MEETS THE REQUIREMENTS OF THIS PARAGRAPH (a).

3 (b) "ELIGIBLE PATIENT" DOES NOT INCLUDE A PERSON BEING  
4 TREATED AS AN INPATIENT IN A HOSPITAL LICENSED OR CERTIFIED  
5 PURSUANT TO SECTION 25-3-101.

6 (2) "INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE"  
7 MEANS A DRUG, BIOLOGICAL PRODUCT, OR DEVICE THAT HAS  
8 SUCCESSFULLY COMPLETED PHASE ONE OF A CLINICAL TRIAL BUT HAS NOT  
9 YET BEEN APPROVED FOR GENERAL USE BY THE UNITED STATES FOOD AND  
10 DRUG ADMINISTRATION AND REMAINS UNDER INVESTIGATION IN A UNITED  
11 STATES FOOD AND DRUG ADMINISTRATION-APPROVED CLINICAL TRIAL.

12 (3) "TERMINAL ILLNESS" MEANS A DISEASE THAT, WITHOUT  
13 LIFE-SUSTAINING PROCEDURES, WILL SOON RESULT IN DEATH OR A STATE  
14 OF PERMANENT UNCONSCIOUSNESS FROM WHICH RECOVERY IS UNLIKELY.

15 (4) "WRITTEN, INFORMED CONSENT" MEANS A WRITTEN  
16 DOCUMENT SIGNED BY THE PATIENT AND ATTESTED TO BY THE PATIENT'S  
17 PHYSICIAN AND A WITNESS THAT, AT A MINIMUM:

18 (a) EXPLAINS THE CURRENTLY APPROVED PRODUCTS AND  
19 TREATMENTS FOR THE DISEASE OR CONDITION FROM WHICH THE PATIENT  
20 SUFFERS;

21 (b) ATTESTS TO THE FACT THAT THE PATIENT CONCURS WITH HIS  
22 OR HER PHYSICIAN IN BELIEVING THAT ALL CURRENTLY APPROVED AND  
23 CONVENTIONALLY RECOGNIZED TREATMENTS ARE UNLIKELY TO PROLONG  
24 THE PATIENT'S LIFE;

25 (c) CLEARLY IDENTIFIES THE SPECIFIC PROPOSED INVESTIGATIONAL  
26 DRUG, BIOLOGICAL PRODUCT, OR DEVICE THAT THE PATIENT IS SEEKING TO  
27 USE;

28 (d) DESCRIBES THE POTENTIALLY BEST AND WORST OUTCOMES OF  
29 USING THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE  
30 WITH A REALISTIC DESCRIPTION OF THE MOST LIKELY OUTCOME, BASED ON  
31 THE PHYSICIAN'S KNOWLEDGE OF THE PROPOSED TREATMENT IN  
32 CONJUNCTION WITH AN AWARENESS OF THE PATIENT'S CONDITION;

33 (e) MAKES CLEAR THAT THE PATIENT'S HEALTH INSURER AND  
34 PROVIDER ARE NOT OBLIGATED TO PAY FOR ANY CARE OR TREATMENTS  
35 CONSEQUENT TO THE USE OF THE INVESTIGATIONAL DRUG, BIOLOGICAL  
36 PRODUCT, OR DEVICE;

37 (f) MAKES CLEAR THAT THE PATIENT'S ELIGIBILITY FOR HOSPICE  
38 CARE MAY BE WITHDRAWN IF THE PATIENT BEGINS CURATIVE TREATMENT  
39 AND CARE MAY BE REINSTATED IF THE CURATIVE TREATMENT ENDS AND  
40 THE PATIENT MEETS HOSPICE ELIGIBILITY REQUIREMENTS;

41 (g) MAKES CLEAR THAT IN-HOME HEALTH CARE AND INPATIENT  
42 SERVICES MAY BE DENIED IF TREATMENT BEGINS; AND

43 (h) STATES THAT THE PATIENT UNDERSTANDS THAT HE OR SHE IS  
44 LIABLE FOR ALL EXPENSES CONSEQUENT TO THE USE OF THE  
45 INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE, AND THAT  
46 THIS LIABILITY EXTENDS TO THE PATIENT'S SUCCESSORS AND ESTATE.

47 **25-45-104. Drug manufacturers - availability of investigational**  
48 **drugs, biological products, or devices - costs - insurance coverage.**

49 (1) A MANUFACTURER OF AN INVESTIGATIONAL DRUG, BIOLOGICAL  
50 PRODUCT, OR DEVICE MAY MAKE AVAILABLE THE MANUFACTURER'S  
51 INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE TO ELIGIBLE  
52 PATIENTS PURSUANT TO THIS ARTICLE. THIS ARTICLE DOES NOT REQUIRE  
53 THAT A MANUFACTURER MAKE AVAILABLE AN INVESTIGATIONAL DRUG,  
54 BIOLOGICAL PRODUCT, OR DEVICE TO AN ELIGIBLE PATIENT.

55 (2) A MANUFACTURER MAY:

56 (a) PROVIDE AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT,

1 OR DEVICE TO AN ELIGIBLE PATIENT WITHOUT RECEIVING COMPENSATION;  
2 OR

3 (b) REQUIRE AN ELIGIBLE PATIENT TO PAY THE COSTS OF, OR THE  
4 COSTS ASSOCIATED WITH, THE MANUFACTURE OF THE INVESTIGATIONAL  
5 DRUG, BIOLOGICAL PRODUCT, OR DEVICE.

6 (3) A HEALTH INSURANCE CARRIER MAY, BUT IS NOT REQUIRED TO:

7 (a) PROVIDE COVERAGE FOR THE COST OF AN INVESTIGATIONAL  
8 DRUG, BIOLOGICAL PRODUCT, OR DEVICE;

9 (b) PAY FOR ANY CARE OR TREATMENT CONSEQUENT TO THE USE  
10 OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE THAT  
11 DIFFER FROM THE COSTS OF THE COURSE OF CARE OR TREATMENT THAT  
12 WOULD BE COVERED BY THE INSURED'S HEALTH CARE POLICY IN THE  
13 ABSENCE OF THE USE OF THE INVESTIGATIONAL DRUG, BIOLOGICAL  
14 PRODUCT, OR DEVICE.

15 **25-45-105. Action against health care provider's license or**  
16 **medicare certification prohibited.** NOTWITHSTANDING ANY OTHER LAW,  
17 A LICENSING BOARD MAY NOT REVOKE, FAIL TO RENEW, SUSPEND, OR TAKE  
18 ANY ACTION AGAINST A HEALTH CARE PROVIDER'S LICENSE ISSUED  
19 PURSUANT TO TITLE 12, C.R.S., BASED SOLELY ON THE HEALTH CARE  
20 PROVIDER'S RECOMMENDATIONS TO AN ELIGIBLE PATIENT REGARDING  
21 ACCESS TO OR TREATMENT WITH AN INVESTIGATIONAL DRUG, BIOLOGICAL  
22 PRODUCT, OR DEVICE. ACTION AGAINST A HEALTH CARE PROVIDER'S  
23 MEDICARE CERTIFICATION BASED SOLELY ON THE HEALTH CARE  
24 PROVIDER'S RECOMMENDATION THAT A PATIENT HAVE ACCESS TO AN  
25 INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE IS PROHIBITED.

26 **25-45-106. Access to investigational drugs, biological products,**  
27 **and devices.** AN OFFICIAL, EMPLOYEE, OR AGENT OF THIS STATE SHALL  
28 NOT BLOCK OR ATTEMPT TO BLOCK AN ELIGIBLE PATIENT'S ACCESS TO AN  
29 INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE. COUNSELING,  
30 ADVICE, OR A RECOMMENDATION FROM A LICENSED HEALTH CARE  
31 PROVIDER IS NOT A VIOLATION OF THIS SECTION.

32 **25-45-107. No cause of action created.** THIS ARTICLE DOES NOT  
33 CREATE A PRIVATE CAUSE OF ACTION AGAINST A MANUFACTURER OF AN  
34 INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE OR AGAINST  
35 ANY OTHER PERSON OR ENTITY INVOLVED IN THE CARE OF AN ELIGIBLE  
36 PATIENT USING THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR  
37 DEVICE, FOR ANY HARM DONE TO THE ELIGIBLE PATIENT RESULTING FROM  
38 THE INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE, SO LONG  
39 AS THE MANUFACTURER OR OTHER PERSON OR ENTITY IS COMPLYING IN  
40 GOOD FAITH WITH THE TERMS OF THIS PART 1.

41 **25-45-108. Affect on health care coverage.** NOTHING IN THIS  
42 SECTION AFFECTS THE MANDATORY HEALTH CARE COVERAGE FOR  
43 PARTICIPATION IN CLINICAL TRIALS PURSUANT TO SECTION 10-16-106 (20),  
44 C.R.S.

45 **SECTION 2. Safety clause.** The general assembly hereby finds,  
46 determines, and declares that this act is necessary for the immediate  
47 preservation of the public peace, health, and safety."  
48

49 Page 1, line 101, after "TO" insert "HAVE ACCESS TO INVESTIGATIONAL  
50 PRODUCTS THAT HAVE NOT BEEN APPROVED BY THE FEDERAL FOOD  
51 AND DRUG ADMINISTRATION THAT OTHER PATIENTS HAVE ACCESS TO  
52 WHEN THEY".  
53

54 Page 1, lines 102 and 103, strike "TRIALS USING INVESTIGATIONAL  
55 PRODUCTS." and substitute "TRIALS."  
56



1 **JUDICIARY**

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

4  
5 **HB14-1158** be amended as follows, and as so amended, be referred to  
6 the Committee on Appropriations with favorable  
7 recommendation:

8  
9 Amend printed bill, page 2, strike lines 6 through 18 and substitute:

10 "(II) Vehicular homicide, in violation of paragraph (b) of this  
11 subsection (1), is a class 3 felony. A COURT SHALL SENTENCE A  
12 DEFENDANT IN ACCORDANCE WITH SECTION 18-1.3-401 (8) (g)."

13  
14 Page 2, strike lines 23 and 24 and substitute:

15 "(II) Vehicular assault, in violation of paragraph (b) of this  
16 subsection (1), is a class 4 felony. A COURT SHALL SENTENCE A  
17 DEFENDANT IN ACCORDANCE WITH SECTION 18-1.3-401 (8) (g)."

18  
19 Page 3, strike lines 1 through 11.

20  
21 Page 3, before line 12 insert:

22 "**SECTION 3.** In Colorado Revised Statutes, 18-1.3-401, **amend**  
23 (8) (g) as follows:

24 **18-1.3-401. Felonies classified - presumptive penalties.** (8) (g)

25 (I) If the defendant is convicted of class 4 or class 3 felony vehicular  
26 homicide under section 18-3-106 (1) (a) or (1) (b), and while committing  
27 vehicular homicide the defendant was in immediate flight from the  
28 commission of another felony, the court shall be required to sentence the  
29 defendant to the department of corrections for a term of at least the  
30 midpoint in the presumptive range but not more than twice the maximum  
31 term authorized in the presumptive range for the punishment of the class  
32 of felony vehicular homicide of which the defendant is convicted.

33 (II) IF A DEFENDANT IS CONVICTED OF CLASS 3 FELONY VEHICULAR  
34 HOMICIDE UNDER SECTION 18-3-106 (1) (b), COMMITTED ON OR AFTER  
35 JULY 1, 2014, THE COURT SHALL SENTENCE THE DEFENDANT TO THE  
36 DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM IN  
37 THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY. THIS SUBPARAGRAPH  
38 (II) DOES NOT AFFECT THE APPLICABILITY OF ANY LAW THAT REQUIRES  
39 THE IMPOSITION OF A GREATER SENTENCE THAN THIS SUBPARAGRAPH (II)  
40 REQUIRES.

41 (III) IF A DEFENDANT IS CONVICTED OF CLASS 4 FELONY  
42 VEHICULAR ASSAULT UNDER SECTION 18-3-205 (1) (b), COMMITTED ON OR  
43 AFTER JULY 1, 2014, THE COURT SHALL SENTENCE THE DEFENDANT TO THE  
44 DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM IN  
45 THE PRESUMPTIVE RANGE FOR A CLASS 4 FELONY. THIS SUBPARAGRAPH  
46 (III) DOES NOT AFFECT THE APPLICABILITY OF ANY LAW THAT REQUIRES  
47 THE IMPOSITION OF A GREATER SENTENCE THAN THIS SUBPARAGRAPH (III)  
48 REQUIRES."

49  
50 Renumber succeeding sections accordingly.

51  
52  
53  
54 **HB14-1302** be amended as follows, and as so amended, be referred to  
55 the Committee of the Whole with favorable  
56 recommendation:

1 Amend printed bill, page 2, strike lines 12 through 20 and substitute:

2  
3           "(c) WITH RESPECT TO A TRANSFER MADE OR OBLIGATION  
4 INCURRED THAT IS FRAUDULENT UNDER SECTION 38-8-105 (1) (a), A  
5 JUDGMENT FOR ONE AND ONE-HALF THE VALUE OF THE ASSET  
6 TRANSFERRED OR FOR ONE AND ONE-HALF THE AMOUNT NECESSARY TO  
7 SATISFY THE CREDITOR'S CLAIM, WHICHEVER IS LESS, TOGETHER WITH THE  
8 CREDITOR'S ACTUAL COSTS; EXCEPT THAT ANY JUDGMENT ENTERED  
9 AGAINST A PERSON UNDER THIS PARAGRAPH (c) IS IN LIEU OF, NOT IN  
10 ADDITION TO, A JUDGMENT AGAINST THE SAME PERSON UNDER SECTION  
11 38-8-109 (2). NO JUDGMENT MAY BE ENTERED PURSUANT TO THIS  
12 PARAGRAPH (c) AGAINST A PERSON OTHER THAN THE DEBTOR UNLESS  
13 THAT PERSON ALSO ACTS WITH WRONGFUL INTENT AS DEFINED IN SECTION  
14 38-8-105 (1) (a); OTHERWISE, JUDGMENT FOR MONEY DAMAGES AGAINST  
15 A PERSON OTHER THAN THE DEBTOR MAY BE ENTERED ONLY AS PROVIDED  
16 IN SECTION 38-8-109. NO JUDGMENT MAY BE ENTERED UNDER THIS  
17 PARAGRAPH (c) UNLESS A COURT OF COMPETENT JURISDICTION ENTERS OR  
18 HAS ENTERED A JUDGMENT OR ORDER ESTABLISHING THE VALIDITY OF THE  
19 CREDITOR'S CLAIM AGAINST THE DEBTOR."

20

21

22

23 **SB14-123** be referred favorably to the Committee on Finance.

24

25

26

27

28 **PUBLIC HEALTH CARE & HUMAN SERVICES COMMITTEE**

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

31

32 **HB14-1306** be referred favorably to the Committee on Appropriations.

33

34

35 **HB14-1309** be amended as follows, and as so amended, be referred to  
36 the Committee on Appropriations with favorable  
37 recommendation:

38

39 Amend printed bill, page 2, lines 9 and 10, strike "constructed, but not yet  
40 licensed;" and substitute "constructed; and".

41

42 Page 2, line 13, strike "facility; and" and substitute "facility".

43

44 Page 2, strike lines 14 through 16.

45

46 Page 3, strike lines 8 through 11 and substitute:

47

48           "(3) The department of corrections may make payments on the  
49 lease-purchase agreement for the day surgery center from moneys for  
50 clinical services or from other moneys appropriated by the general  
51 assembly."

52

53

54

55 **SB14-051** be referred favorably to the Committee on Finance.

56

1 **PRINTING REPORT**

2  
3 The Chief Clerk reports the following bills have been correctly printed:  
4 **HB14-1345, 1346.**

5  
6  
7  
8 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

9  
10 The Speaker has signed: **HB14-1108, 1152, 1160, 1184, 1265;**  
11 **SJR14-011, 020.**

12  
13  
14 **MESSAGE FROM THE SENATE**

15  
16 Mr. Speaker:

17  
18 The Senate has passed on Third Reading and returns herewith:  
19 **HB14-1136 and HB14-1271.**

20  
21  
22  
23 On motion of Representative Hullinghorst, the following bill(s)  
24 calendared for General Orders, March 27, will be moved to the top of the  
25 calendar: **HB14-1337, 1339, 1340, 1341, 1342, 1336.**

26  
27  
28 **LAY OVER OF CALENDAR ITEM(S)**

29  
30 On motion of Representative Hullinghorst, the following item(s) on the  
31 Calendar were laid over until March 27, retaining place on Calendar:

32  
33 Consideration of General Orders--**HB14-1315, SB14-135.**  
34 Consideration of Senate Amendment(s)--**HB14-1142, 1254, 1047, 1080,**  
35 **1193, 1210.**

36  
37  
38  
39 On motion of Representative Hullinghorst, the House adjourned until  
40 9:00 a.m., March 27, 2014.

41  
42 Approved:  
43 **MARK FERRANDINO,**  
44 Speaker

45 Attest:  
46 **MARILYN EDDINS,**  
47 Chief Clerk

48  
49  
50

