

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 13-0834.01 Christy Chase x2008

SENATE BILL 13-215

SENATE SPONSORSHIP

Jahn, Newell, Nicholson, Ulibarri, Crowder, Marble, Todd

HOUSE SPONSORSHIP

Ginal, Stephens

Senate Committees
Health & Human Services

House Committees
Health, Insurance & Environment

A BILL FOR AN ACT

101 **CONCERNING ALTERNATIVE HEALTH CARE PRACTITIONERS, AND, IN**
102 **CONNECTION THEREWITH, ENACTING THE "COLORADO**
103 **NATURAL HEALTH CONSUMER PROTECTION ACT"** TO PROVIDE
104 **AN EXEMPTION FROM STATE REGULATION FOR UNLICENSED**
105 **COMPLEMENTARY AND ALTERNATIVE HEALTH CARE**
106 **PRACTITIONERS, REQUIRE A PERSON PROVIDING**
107 **COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES**
108 **TO DISCLOSE TO CLIENTS THE PERSON'S EDUCATIONAL**
109 **BACKGROUND AND THE NATURE OF THE SERVICES TO BE**
110 **PROVIDED, AND PROHIBIT COMPLEMENTARY AND ALTERNATIVE**
111 **HEALTH CARE PRACTITIONERS FROM ENGAGING IN SPECIFIED**
112 **ACTIVITIES THAT ONLY STATE-REGULATED HEALTH CARE**

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.

HOUSE
3rd Reading Unamended
May 7, 2013

HOUSE
Amended 2nd Reading
May 6, 2013

SENATE
3rd Reading Unamended
April 17, 2013

SENATE
Amended 2nd Reading
April 16, 2013

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://www.leg.state.co.us/billsummaries>.)

Existing law regulates the practice of certain health care professions, including the practice of medicine. These laws prohibit unlicensed persons from engaging in certain activities constituting, among other practice areas, the practice of medicine. Current law does not specifically address, prohibit, or permit the practices of persons who provide traditional, cultural, complementary, or alternative healing arts therapies and services.

The bill provides that a person engaging in traditional, cultural, complementary, or alternative healing arts and health care treatments who makes specified written disclosures to a client and who does not engage in specifically prohibited acts is not violating the practice acts regulating licensed, certified, or registered health care professionals. Failure to make the required disclosures to clients, or performing a prohibited act, constitutes a deceptive trade practice under the "Colorado Consumer Protection Act". Additionally, if a complementary and alternative health care practitioner engages in a prohibited act, he or she is subject to penalties for the unauthorized practice of a regulated profession.

The bill exempts from the definition of "practice of medicine" the rendering of complementary and alternative health care services if performed consistent with the requirements of the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 6-1-724 as
3 follows:

4 **6-1-724. Unlicensed alternative health care practitioners -**
5 **deceptive trade practices - short title - legislative declaration -**
6 **definitions.** (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS
7 THE "COLORADO NATURAL HEALTH CONSUMER PROTECTION ACT".

1 (2) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

2 (a) ACCORDING TO A JULY 2009 REPORT FROM THE NATIONAL
3 INSTITUTE OF HEALTH'S NATIONAL CENTER FOR COMPLEMENTARY AND
4 ALTERNATIVE MEDICINE, WHICH WAS BASED ON 2007 SURVEY DATA:

5 (I) THIRTY-EIGHT PERCENT OF AMERICANS USE COMPLEMENTARY
6 AND ALTERNATIVE MEDICINE; AND

7 (II) AMERICANS SPENT NEARLY THIRTY-FOUR BILLION DOLLARS IN
8 OUT-OF-POCKET COSTS IN A TWELVE-MONTH PERIOD FOR
9 COMPLEMENTARY AND ALTERNATIVE MEDICINE;

10 (b) IT IS ESTIMATED THAT MORE THAN ONE MILLION FIVE HUNDRED
11 THOUSAND COLORADANS CURRENTLY RECEIVE A SUBSTANTIAL VOLUME
12 OF HEALTH CARE SERVICES FROM COMPLEMENTARY AND ALTERNATIVE
13 HEALTH CARE PRACTITIONERS;

14 (c) THOSE STUDIES FURTHER INDICATE THAT INDIVIDUALS WHO
15 USE COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES
16 REPRESENT A WIDE VARIETY OF AGE, ETHNIC, SOCIOECONOMIC, AND
17 OTHER DEMOGRAPHIC CATEGORIES;

18 (d) ALTHOUGH COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
19 PRACTITIONERS ARE NOT REGULATED BY THE STATE AND ARE NOT
20 REQUIRED TO OBTAIN A STATE-ISSUED LICENSE, CERTIFICATION, OR
21 REGISTRATION, THE PROVISION OF ALTERNATIVE HEALTH CARE SERVICES
22 IN SOME CIRCUMSTANCES MAY BE INTERPRETED AS THE PROVISION OF A
23 HEALTH CARE SERVICE THAT ONLY A PROFESSIONAL WHO IS LICENSED OR
24 OTHERWISE REGULATED BY THE STATE MAY PERFORM, THEREBY
25 SUBJECTING COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
26 PRACTITIONERS TO POTENTIAL FINES, PENALTIES, AND RESTRICTIONS OF
27 THEIR PRACTICES EVEN THOUGH THEIR PRACTICES DO NOT POSE AN

1 IMMINENT AND DISCERNABLE RISK OF SIGNIFICANT HARM TO PUBLIC
2 HEALTH AND SAFETY;

3 (e) BECAUSE THE STATE RECOGNIZES AND VALUES THE FREEDOM
4 OF CONSUMERS TO CHOOSE THEIR HEALTH CARE PROVIDERS, INCLUDING
5 THE ABILITY TO CHOOSE A PERSON WHO IS NOT REGULATED BY THE STATE,
6 THE INTENT OF THIS SECTION IS TO PROTECT CONSUMER CHOICE AND, IN
7 CONSIDERATION OF THE PUBLIC'S HEALTH AND SAFETY, TO REMOVE
8 TECHNICAL BARRIERS TO ACCESS TO UNREGULATED HEALTH CARE
9 PRACTITIONERS AND INCLUDE APPROPRIATE CONSUMER PROTECTIONS AND
10 DISCLOSURES AS REQUIRED IN THIS SECTION; AND

11 (f) NOTHING IN THIS SECTION:

12 (I) REQUIRES A PERSON ENGAGED IN COMPLEMENTARY AND
13 ALTERNATIVE HEALTH CARE TO OBTAIN A LICENSE, CERTIFICATION, OR
14 REGISTRATION FROM THE STATE AS LONG AS THE PERSON PRACTICES
15 WITHIN THE PARAMETERS OF THIS SECTION;

16 (II) LIMITS THE PUBLIC'S RIGHT TO ACCESS COMPLEMENTARY
17 AND ALTERNATIVE HEALTH CARE PRACTITIONERS OR THE RIGHT OF AN
18 UNREGULATED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
19 PRACTITIONER TO PRACTICE.

20 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

22 (a) "COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
23 PRACTITIONER" MEANS A PERSON WHO PROVIDES COMPLEMENTARY AND
24 ALTERNATIVE HEALTH CARE SERVICES IN ACCORDANCE WITH THIS SECTION
25 AND WHO IS NOT LICENSED, CERTIFIED, OR REGISTERED BY THE STATE AS
26 A HEALTH CARE PROFESSIONAL.

27 (b) (I) "COMPLEMENTARY AND ALTERNATIVE HEALTH CARE

1 SERVICES" MEANS ADVICE AND SERVICES:

2 (A) WITHIN THE BROAD DOMAIN OF HEALTH CARE AND HEALING
3 ARTS THERAPIES AND METHODS THAT ARE BASED ON COMPLEMENTARY
4 AND ALTERNATIVE THEORIES OF HEALTH AND WELLNESS, INCLUDING
5 THOSE THAT ARE TRADITIONAL, CULTURAL, RELIGIOUS, OR INTEGRATIVE;
6 AND

7 (B) THAT ARE NOT PROHIBITED BY SUBSECTION (6) OF THIS
8 SECTION.

9 (II) "COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
10 SERVICES" INCLUDE:

11 (A) HEALING PRACTICES USING FOOD; FOOD EXTRACTS;
12 DIETARY SUPPLEMENTS, AS DEFINED IN THE FEDERAL "DIETARY
13 SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994", PUB.L. 103-417;
14 NUTRIENTS; HOMEOPATHIC REMEDIES AND PREPARATIONS; AND THE
15 PHYSICAL FORCES OF HEAT, COLD, WATER, TOUCH, SOUND, AND LIGHT;

16 (B) STRESS REDUCTION HEALING PRACTICES; AND

17 (C) MIND-BODY AND ENERGETIC HEALING PRACTICES.

18 (c) "HEALTH CARE PROFESSIONAL" MEANS A PERSON ENGAGED IN
19 A HEALTH CARE PROFESSION FOR WHICH THE STATE REQUIRES THE PERSON
20 TO OBTAIN A LICENSE, CERTIFICATION, OR REGISTRATION UNDER TITLE 12,
21 C.R.S., IN ORDER TO ENGAGE IN THE HEALTH CARE PROFESSION.

22 (4) THIS SECTION APPLIES TO ANY PERSON WHO IS NOT LICENSED,
23 CERTIFIED, OR REGISTERED BY THE STATE AS A HEALTH CARE
24 PROFESSIONAL AND WHO IS PRACTICING COMPLEMENTARY AND
25 ALTERNATIVE HEALTH CARE SERVICES.

26 (5) (a) A PERSON WHO IS NOT LICENSED, CERTIFIED, OR
27 REGISTERED BY THE STATE AS A HEALTH CARE PROFESSIONAL AND WHO IS

1 PRACTICING COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES
2 CONSISTENT WITH THIS SECTION DOES NOT VIOLATE ANY STATUTE
3 RELATING TO A HEALTH CARE PROFESSION OR PROFESSIONAL PRACTICE
4 ACT UNLESS THE PERSON:

5 (I) ENGAGES IN AN ACTIVITY PROHIBITED IN SUBSECTION (6) OF
6 THIS SECTION; OR

7 (II) FAILS TO FULFILL THE DISCLOSURE DUTIES SPECIFIED IN
8 SUBSECTION (7) OF THIS SECTION.

9 (b) A COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
10 PRACTITIONER WHO ENGAGES IN AN ACTIVITY PROHIBITED BY SUBSECTION
11 (6) OF THIS SECTION IS SUBJECT TO THE ENFORCEMENT PROVISIONS, CIVIL
12 PENALTIES, AND DAMAGES SPECIFIED IN PART 1 OF THIS ARTICLE, IS NO
13 LONGER EXEMPT FROM LAWS REGULATING THE PRACTICE OF HEALTH CARE
14 PROFESSIONALS UNDER TITLE 12, C.R.S., AND MAY BE SUBJECT TO
15 PENALTIES FOR UNAUTHORIZED PRACTICE OF A STATE-REGULATED HEALTH
16 CARE PROFESSION.

17 (c) A PERSON WHO FAILS TO COMPLY WITH SUBSECTION (7) OF THIS
18 SECTION IS SUBJECT TO THE ENFORCEMENT PROVISIONS, CIVIL PENALTIES,
19 AND DAMAGES SPECIFIED IN PART 1 OF THIS ARTICLE.

20 (6) A COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
21 PRACTITIONER PROVIDING COMPLEMENTARY AND ALTERNATIVE HEALTH
22 CARE SERVICES UNDER THIS SECTION WHO IS NOT LICENSED, CERTIFIED, OR
23 REGISTERED BY THE STATE SHALL NOT:

24 (a) PERFORM SURGERY OR ANY INVASIVE PROCEDURE, INCLUDING
25 A PROCEDURE THAT REQUIRES ENTRY INTO THE BODY THROUGH SKIN,
26 PUNCTURE, MUCOSA, INCISION, OR OTHER INTRUSIVE METHOD, EXCEPT AS
27 PERMITTED UNDER PARAGRAPH (g) OF THIS SUBSECTION (6):

1 (b) ADMINISTER OR PRESCRIBE X RAY RADIATION TO ANOTHER
2 PERSON;

3 (c) PRESCRIBE, ADMINISTER, INJECT, DISPENSE, SUGGEST, OR
4 RECOMMEND A PRESCRIPTION OR LEGEND DRUG OR A CONTROLLED
5 SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL "CONTROLLED
6 SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET SEQ., AS AMENDED;

7 (d) USE GENERAL OR SPINAL ANESTHETICS, OTHER THAN TOPICAL
8 ANESTHETICS;

9 (e) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR
10 THERAPEUTIC PURPOSES;

11 (f) USE A LASER DEVICE THAT PUNCTURES THE SKIN, INCISES THE
12 BODY, OR IS OTHERWISE USED AS AN INVASIVE INSTRUMENT. IF A
13 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER USES
14 ALASER DEVICE AS A NONINVASIVE INSTRUMENT, THE LASER DEVICE MUST
15 BE CLEARED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR
16 OVER-THE-COUNTER USE.

17 (g) PERFORM ENEMAS OR COLONIC IRRIGATION UNLESS THE
18 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER:

19 (I) MAINTAINS BOARD CERTIFICATION THROUGH THE
20 INTERNATIONAL ASSOCIATION OF COLON HYDROTHERAPY OR THE
21 NATIONAL BOARD FOR COLON HYDROTHERAPY OR THEIR SUCCESSOR
22 ENTITIES;

23 (II) DISCLOSES THAT HE OR SHE IS NOT A PHYSICIAN LICENSED
24 PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S.; AND

25 (III) RECOMMENDS THAT THE CLIENT HAVE A RELATIONSHIP WITH
26 A LICENSED PHYSICIAN;

27 (h) PRACTICE MIDWIFERY;

1 (i) PRACTICE PSYCHOTHERAPY, AS DEFINED IN SECTION 12-43-201
2 (9), C.R.S.;

3 (j) PERFORM SPINAL ADJUSTMENT, MANIPULATION, OR
4 MOBILIZATION;

5 (k) PROVIDE OPTOMETRIC PROCEDURES OR INTERVENTIONS THAT
6 CONSTITUTE THE PRACTICE OF OPTOMETRY, AS DEFINED IN ARTICLE 40 OF
7 TITLE 12, C.R.S.;

8 (l) DIRECTLY ADMINISTER MEDICAL PROTOCOLS TO A PREGNANT
9 WOMAN OR TO A CLIENT WHO HAS CANCER;

10 (m) TREAT A CHILD WHO IS UNDER TWO YEARS OF AGE;

11 (n) TREAT A CHILD WHO IS TWO YEARS OF AGE OR OLDER BUT LESS
12 THAN EIGHT YEARS OF AGE UNLESS THE COMPLEMENTARY AND
13 ALTERNATIVE HEALTH CARE PRACTITIONER;

14 (I) OBTAINS THE WRITTEN, SIGNED CONSENT OF THE CHILD'S
15 PARENT OR LEGAL GUARDIAN;

16 (II) DISCLOSES THAT HE OR SHE IS NOT A PHYSICIAN LICENSED
17 PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S.;

18 (III) RECOMMENDS THAT THE CHILD HAVE A RELATIONSHIP WITH
19 A LICENSED PEDIATRIC HEALTH CARE PROVIDER; AND

20 (IV) REQUESTS PERMISSION FROM THE PARENT OR LEGAL
21 GUARDIAN FOR THE COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
22 PRACTITIONER TO ATTEMPT TO DEVELOP AND MAINTAIN A
23 COLLABORATIVE RELATIONSHIP WITH THE CHILD'S LICENSED PEDIATRIC
24 HEALTH CARE PROVIDER, IF THE CHILD HAS A RELATIONSHIP WITH A
25 LICENSED PEDIATRIC HEALTH CARE PROVIDER;

26 (o) PROVIDE DENTAL PROCEDURES OR INTERVENTIONS THAT
27 CONSTITUTE THE PRACTICE OF DENTISTRY, AS DEFINED IN ARTICLE 35 OF

1 TITLE 12, C.R.S.:

2 ==

3 (p) SET FRACTURES;

4 (q) PRACTICE OR REPRESENT THAT HE OR SHE IS PRACTICING
5 MASSAGE THERAPY, WHICH, FOR PURPOSES OF THIS SECTION:

6 (I) INCLUDES PRACTICES WHERE THE PRIMARY PURPOSE IS TO
7 PROVIDE DEEP STROKING MUSCLE TISSUE MASSAGE OF THE HUMAN BODY;

8 AND

9 (II) EXCLUDES:

10 (A) STROKING OF THE HANDS, FEET, OR EARS; OR

11 (B) THE USE OF TOUCH, WORDS, AND DIRECTED MOVEMENT OF A
12 HEALING ART WITHIN THE BODYWORK COMMUNITY, INCLUDING HEALING
13 TOUCH, MIND-BODY CENTERING, ORTHOBIONOMY, REFLEXOLOGY,
14 ROLFING, REIKI, QIGONG, MUSCLE ACTIVATION TECHNIQUES, AND
15 PRACTICES WITH THE PRIMARY PURPOSE OF AFFECTING ENERGY SYSTEMS
16 OF THE HUMAN BODY;

17 (r) PROVIDE A CONVENTIONAL MEDICAL DISEASE DIAGNOSIS TO A
18 CLIENT;

19 (s) RECOMMEND THE DISCONTINUATION OF A COURSE OF CARE,
20 INCLUDING A PRESCRIPTION DRUG, THAT WAS RECOMMENDED OR
21 PRESCRIBED BY A HEALTH CARE PROFESSIONAL; OR

22 (t) HOLD ONESELF OUT AS, STATE, INDICATE, ADVERTISE, OR IMPLY
23 TO A CLIENT OR PROSPECTIVE CLIENT THAT HE OR SHE IS A PHYSICIAN,
24 SURGEON, OR BOTH, OR THAT HE OR SHE IS A HEALTH CARE PROFESSIONAL
25 WHO IS LICENSED, CERTIFIED, OR REGISTERED BY THE STATE.

26 (7) (a) ANY PERSON PROVIDING COMPLEMENTARY AND
27 ALTERNATIVE HEALTH CARE SERVICES IN THIS STATE WHO IS NOT

1 LICENSED, CERTIFIED, OR REGISTERED BY THE STATE AS A HEALTH CARE
2 PROFESSIONAL, IS NOT REGULATED BY A PROFESSIONAL BOARD OR THE
3 DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF
4 REGULATORY AGENCIES PURSUANT TO TITLE 12, C.R.S., AND IS
5 ADVERTISING OR CHARGING A FEE FOR HEALTH CARE SERVICES SHALL
6 PROVIDE TO EACH CLIENT DURING THE INITIAL CLIENT CONTACT THE
7 FOLLOWING INFORMATION IN A PLAINLY WORDED WRITTEN STATEMENT:

8 (I) THE COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
9 PRACTITIONER'S NAME, BUSINESS ADDRESS, TELEPHONE NUMBER, AND ANY
10 OTHER CONTACT INFORMATION FOR THE PRACTITIONER;

11 (II) THE FACT THAT THE COMPLEMENTARY AND ALTERNATIVE
12 HEALTH CARE PRACTITIONER IS NOT LICENSED, CERTIFIED, OR REGISTERED
13 BY THE STATE AS A HEALTH CARE PROFESSIONAL;

14 (III) THE NATURE OF THE COMPLEMENTARY AND ALTERNATIVE
15 HEALTH CARE SERVICES TO BE PROVIDED;

16 (IV) A LISTING OF ANY DEGREES, TRAINING, EXPERIENCE,
17 CREDENTIALS, OR OTHER QUALIFICATIONS THE PERSON HOLDS REGARDING
18 THE COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES HE OR
19 SHE PROVIDES;

20 (V) A STATEMENT THAT THE CLIENT SHOULD DISCUSS ANY
21 RECOMMENDATIONS MADE BY THE COMPLEMENTARY AND ALTERNATIVE
22 HEALTH CARE PRACTITIONER WITH THE CLIENT'S PRIMARY CARE
23 PHYSICIAN, OBSTETRICIAN, GYNECOLOGIST, ONCOLOGIST, CARDIOLOGIST,
24 PEDIATRICIAN, OR OTHER BOARD-CERTIFIED PHYSICIAN; AND

25 (VI) A STATEMENT INDICATING WHETHER OR NOT THE
26 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER IS
27 COVERED BY LIABILITY INSURANCE APPLICABLE TO ANY INJURY CAUSED

1 BY AN ACT OR OMISSION OF THE COMPLEMENTARY AND ALTERNATIVE
2 HEALTH CARE PRACTITIONER IN PROVIDING COMPLEMENTARY AND
3 ALTERNATIVE HEALTH CARE SERVICES PURSUANT TO THIS SECTION.

4 (b) BEFORE A COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
5 PRACTITIONER PROVIDES COMPLEMENTARY AND ALTERNATIVE HEALTH
6 CARE SERVICES FOR THE FIRST TIME TO A CLIENT, THE COMPLEMENTARY
7 AND ALTERNATIVE HEALTH CARE PRACTITIONER SHALL OBTAIN A
8 WRITTEN, SIGNED ACKNOWLEDGMENT FROM THE CLIENT STATING THAT
9 THE CLIENT HAS RECEIVED THE INFORMATION DESCRIBED IN PARAGRAPH
10 (a) OF THIS SUBSECTION (7). THE COMPLEMENTARY AND ALTERNATIVE
11 HEALTH CARE PRACTITIONER SHALL GIVE A COPY OF THE
12 ACKNOWLEDGMENT TO THE CLIENT AND SHALL RETAIN THE ORIGINAL OR
13 A COPY OF THE ACKNOWLEDGMENT FOR AT LEAST TWO YEARS AFTER THE
14 LAST DATE OF SERVICE.

15 ==
16 (c) A COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
17 PRACTITIONER SHALL NOT REPRESENT IN ANY ADVERTISEMENT FOR
18 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES THAT THE
19 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER IS
20 LICENSED, CERTIFIED, OR REGISTERED BY THE STATE AS A HEALTH CARE
21 PROFESSIONAL.

22 (8) THE FOLLOWING PERSONS SHALL NOT PROVIDE
23 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES PURSUANT
24 TO THIS SECTION:

25 (a) A HEALTH CARE PROFESSIONAL WHOSE STATE-ISSUED LICENSE,
26 CERTIFICATION, OR REGISTRATION HAS BEEN REVOKED OR SUSPENDED BY
27 THE STATE AND HAS NOT BEEN REINSTATED;

1 (b) A PERSON WHO HAS BEEN CONVICTED OF A FELONY FOR A
2 CRIME AGAINST A PERSON OR A FELONY RELATED TO HEALTH CARE AND
3 WHO HAS NOT SATISFIED THE TERMS OF THE SENTENCE IMPOSED FOR THE
4 CRIME. AS USED IN THIS PARAGRAPH (b), "CONVICTED" INCLUDES
5 ENTERING A PLEA OF GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF
6 A DEFERRED SENTENCE.

7 (c) A PERSON WHO HAS BEEN DEEMED MENTALLY INCOMPETENT
8 BY A COURT OF LAW.

9 (9) (a) A COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
10 PRACTITIONER WHO RENDERS COMPLEMENTARY AND ALTERNATIVE
11 HEALTH CARE SERVICES CONSISTENT WITH THIS SECTION IS NOT ENGAGING
12 IN THE PRACTICE OF MEDICINE, AS DEFINED IN ARTICLE 36 OF TITLE 12,
13 C.R.S., AND IS NOT VIOLATING THE "COLORADO MEDICAL PRACTICE
14 ACT", ARTICLE 36 OF TITLE 12, C.R.S., AS LONG AS THE COMPLEMENTARY
15 AND ALTERNATIVE HEALTH CARE PRACTITIONER DOES NOT ENGAGE IN AN
16 ACT PROHIBITED IN SUBSECTION (6) OF THIS SECTION.

17 (b) NOTHING OTHERWISE AUTHORIZES A COMPLEMENTARY AND
18 ALTERNATIVE HEALTH CARE PRACTITIONER PRACTICING WITHIN THE SCOPE
19 OF PRACTICE IN THIS SECTION TO ENGAGE IN THE PRACTICE OF MEDICINE.

20 (10) THIS SECTION DOES NOT APPLY TO OR PROHIBIT:

21 (a) ANY LICENSED, CERTIFIED, OR REGISTERED HEALTH CARE
22 PROFESSIONAL FROM PRACTICING HIS OR HER REGULATED PROFESSION;

23 (b) THE PRACTICE OF HEALTH CARE SERVICES THAT ARE EXEMPT
24 FROM STATE REGULATION OR THE PROVISION OF HEALTH CARE SERVICES
25 BY A PERSON WHO IS EXEMPT FROM STATE REGULATION; OR

26 (c) A PERSON FROM SELLING DIETARY SUPPLEMENTS AS
27 STIPULATED UNDER THE FEDERAL "DIETARY SUPPLEMENT HEALTH AND

1 EDUCATION ACT OF 1994", PUB.L. 103-417, OR OTHER NATURAL HEALTH
2 CARE PRODUCTS OR ADVISING, EDUCATING, OR COUNSELING ABOUT THE
3 STRUCTURE AND FUNCTION OF THE HUMAN BODY AND THE USE OF
4 NATURAL HEALTH CARE PRODUCTS TO SUPPORT HEALTH AND WELLNESS.

5 (11) THIS SECTION DOES NOT LIMIT THE RIGHT OF ANY PERSON TO
6 SEEK RELIEF UNDER THIS ARTICLE OR ANY OTHER AVAILABLE CIVIL OR
7 COMMON LAW REMEDY FOR DAMAGES RESULTING FROM THE NEGLIGENCE
8 OF A PERSON PROVIDING COMPLEMENTARY AND ALTERNATIVE HEALTH
9 CARE SERVICES.

10 (12) NOTHING IN THIS SECTION RELIEVES A LICENSED, CERTIFIED,
11 OR REGISTERED HEALTH CARE PROFESSIONAL FROM LIABILITY ARISING
12 FROM ANY INJURY CAUSED BY THE HEALTH CARE PROFESSIONAL IN THE
13 COURSE OF PROVIDING COMPLEMENTARY OR ALTERNATIVE HEALTH CARE
14 SERVICES.

15 (13) NOTHING IN THIS SECTION PREVENTS A CONSUMER FROM
16 OBTAINING NUTRITIONAL INFORMATION FROM A NUTRITIONIST EMPLOYED
17 BY OR UNDER CONTRACT WITH A HEALTH FOOD STORE OR WELLNESS
18 CENTER OR THE NUTRITIONIST FROM PROVIDING NUTRITIONAL
19 INFORMATION TO THE CONSUMER.

20 (14) A VIOLATION OF THIS SECTION CONSTITUTES A DECEPTIVE
21 TRADE PRACTICE UNDER THIS ARTICLE.

22 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **amend** (1)
23 introductory portion; and **add** (1) (ddd) as follows:

24 **6-1-105. Deceptive trade practices.** (1) A person engages in a
25 deceptive trade practice when, in the course of ~~such~~ THE person's
26 business, vocation, or occupation, ~~such~~ THE person:

27 (ddd) VIOLATES SECTION 6-1-724.

1 **SECTION 3.** In Colorado Revised Statutes, 12-36-106, **add** (3)
2 (z) as follows:

3 **12-36-106. Practice of medicine defined - exemptions from**
4 **licensing requirements - unauthorized practice by physician**
5 **assistants and anesthesiologist assistants - penalties - rules.** (3) A
6 person may engage in, and is not required to obtain a license or a
7 physician training license under this article with respect to, any of the
8 following acts:

9 (z) RENDERING COMPLEMENTARY AND ALTERNATIVE HEALTH
10 CARE SERVICES CONSISTENT WITH SECTION 6-1-724, C.R.S.

11 **SECTION 4. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.