

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 13-0900.01 Kristen Forrestal x4217

**SENATE BILL 13-207**

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**SENATE SPONSORSHIP**

**Giron,**

**HOUSE SPONSORSHIP**

**Levy,**

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**Senate Committees**  
Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE PERFORMANCE OF AURICULAR ACUDETOK BY**  
102 **TRAINED MENTAL HEALTH PROFESSIONALS, AND, IN**  
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**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>.)*

The bill allows a licensed, registered, or certified mental health care professional, who has been appropriately trained, to perform auricular acudetox. The auricular acudetox must be performed within the health care professional's current scope of practice.

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

SENATE  
Amended 3rd Reading  
April 19, 2013

SENATE  
Amended 2nd Reading  
April 18, 2013

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

2           **SECTION 1.** In Colorado Revised Statutes, 12-29.5-105, **add** (3)  
3 as follows:

4           **12-29.5-105. Unlawful acts - exceptions - definition.**

5 (3) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE  
6 CONTRARY, A MENTAL HEALTH CARE PROFESSIONAL WHO IS LICENSED  
7 PURSUANT TO ARTICLE 43 OF THIS TITLE AND A CERTIFIED ADDICTION  
8 COUNSELOR III WHO IS CERTIFIED PURSUANT TO ARTICLE 43 OF THIS TITLE  
9 AND WHO HAS PROVIDED DOCUMENTATION THAT HE OR SHE HAS BEEN  
10 TRAINED TO PERFORM AURICULAR ACUDETUX IN COMPLIANCE WITH  
11 PARAGRAPH (d) OF THIS SUBSECTION (3) MAY PERFORM AURICULAR  
12 ACUDETUX. THE AURICULAR ACUDETUX MUST BE PERFORMED UNDER THE  
13 MENTAL HEALTH CARE PROFESSIONAL'S CURRENT SCOPE OF PRACTICE.

14           (b) A MENTAL HEALTH PROFESSIONAL PERFORMING AURICULAR  
15 ACUDETUX PURSUANT TO THIS SUBSECTION (3) SHALL NOT USE THE TITLE  
16 "ACUPUNCTURIST" OR OTHERWISE CLAIM TO BE A PERSON QUALIFIED TO  
17 PERFORM ACUPUNCTURE BEYOND THE SCOPE OF THIS SUBSECTION (3).

18           (c) AS USED IN THIS SUBSECTION (3) "AURICULAR ACUDETUX"  
19 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE  
20 ACUPUNCTURE NEEDLES IN THE FOLLOWING FIVE CONSISTENT,  
21 PREDETERMINED BILATERAL LOCATIONS:

- 22           (I) SYMPATHETIC;
- 23           (II) SHEN MEN;
- 24           (III) KIDNEY;
- 25           (IV) LIVER; AND
- 26           (V) LUNG.

1           (d) IN ORDER TO PERFORM AURICULAR ACUDETUX PURSUANT TO  
2 THIS SUBSECTION (3), A MENTAL HEALTH CARE PROFESSIONAL MUST  
3 SUCCESSFULLY COMPLETE A TRAINING PROGRAM IN AURICULAR  
4 ACUDETUX FOR THE TREATMENT OF ALCOHOLISM, SUBSTANCE ABUSE, OR  
5 CHEMICAL DEPENDENCY THAT MEETS OR EXCEEDS STANDARDS OF  
6 TRAINING ESTABLISHED BY THE NATIONAL ACUPUNCTURE DETOXIFICATION  
7 ASSOCIATION OR ANOTHER ORGANIZATION APPROVED BY THE DIRECTOR.

8           **SECTION 2. In Colorado Revised Statutes, add 12-43-228.5 as**  
9 follows:

10           **12-43-228.5. Auricular detox by mental health professionals -**  
11 **training.** (1) A MENTAL HEALTH CARE PROFESSIONAL WHO IS LICENSED  
12 PURSUANT TO THIS ARTICLE AND A CERTIFIED ADDICTION COUNSELOR III  
13 WHO IS CERTIFIED PURSUANT TO THIS ARTICLE AND WHO HAS PROVIDED  
14 DOCUMENTATION THAT HE OR SHE HAS BEEN TRAINED TO PERFORM  
15 AURICULAR ACUDETUX IN ACCORDANCE WITH SUBSECTION (4) OF THIS  
16 SECTION MAY PERFORM AURICULAR ACUDETUX. THE AURICULAR  
17 ACUDETUX MUST BE PERFORMED UNDER THE MENTAL HEALTH CARE  
18 PROFESSIONAL'S CURRENT SCOPE OF PRACTICE.

19           (2) A MENTAL HEALTH CARE PROFESSIONAL PERFORMING  
20 AURICULAR ACUDETUX PURSUANT TO SUBSECTION (1) OF THIS SECTION  
21 SHALL NOT USE THE TITLE "ACUPUNCTURIST" OR OTHERWISE CLAIM TO BE  
22 A PERSON QUALIFIED TO PERFORM ACUPUNCTURE BEYOND THE SCOPE OF  
23 THIS SECTION.

24           (3) AS USED IN THIS SECTION "AURICULAR ACUDETUX" MEANS THE  
25 SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE ACUPUNCTURE  
26 NEEDLES IN THE FOLLOWING FIVE CONSISTENT, PREDETERMINED  
27 BILATERAL LOCATIONS:

- 1           (a) SYMPATHETIC;
- 2           (b) SHEN MEN;
- 3           (c) KIDNEY;
- 4           (d) LIVER; AND
- 5           (e) LUNG.

6           (4) IN ORDER TO PERFORM AURICULAR ACUDETUX PURSUANT TO  
7           SUBSECTION (1) OF THIS SECTION, A MENTAL HEALTH CARE PROFESSIONAL  
8           MUST SUCCESSFULLY COMPLETE A TRAINING PROGRAM IN AURICULAR  
9           ACUDETUX FOR THE TREATMENT OF ALCOHOLISM, SUBSTANCE ABUSE, OR  
10           CHEMICAL DEPENDENCY THAT MEETS OR EXCEEDS STANDARDS OF  
11           TRAINING ESTABLISHED BY THE NATIONAL ACUPUNCTURE DETOXIFICATION  
12           ASSOCIATION OR ANOTHER ORGANIZATION APPROVED BY THE DIRECTOR.

13           **SECTION 3. Appropriation.** (1) In addition to any other  
14           appropriation, there is hereby appropriated, out of any moneys in the  
15           division of professions and occupations cash fund created in section  
16           24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise  
17           appropriated, to the department of regulatory agencies, for the fiscal year  
18           beginning July 1, 2013, the sum of \$10,020, or so much thereof as may  
19           be necessary, to be allocated for the implementation of this act as follows:

- 20           (a) \$3,840 to the division of professions and occupations for  
21           expert consulting; and
- 22           (b) \$6,180 to the executive director's office and administrative  
23           services for the purchase of legal services.

24           (2) In addition to any other appropriation, there is hereby  
25           appropriated to the department of law, for the fiscal year beginning July  
26           1, 2013, the sum of \$6,180, or so much thereof as may be necessary, for  
27           the provision of legal services for the department of regulatory agencies

1 related to the implementation of this act. Said sum is from reappropriated  
2 funds received from the department of regulatory agencies out of the  
3 appropriation made in paragraph (b) of subsection (1) of this section.

4 **SECTION 4. Effective date.** This act takes effect July 1, 2013.

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