

## CHAPTER 7

---

**PROFESSIONS AND OCCUPATIONS**

---

**SENATE BILL 16-009**

BY SENATOR(S) Grantham, Aguilar, Crowder, Kefalas, Scott;  
also REPRESENTATIVE(S) Primavera, Ginal, Lontine, Vigil, Young.

**AN ACT****CONCERNING THE SHARING OF PROFESSIONAL DENTAL FEES.**

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

**SECTION 1.** In Colorado Revised Statutes, 12-35-129, **amend** (1) (v) as follows:

**12-35-129. Grounds for disciplinary action.** (1) The board may take disciplinary action against an applicant or licensee in accordance with section 12-35-129.1 for any of the following causes:

(v) Sharing any professional fees with anyone except those with whom the dentist or dental hygienist is lawfully associated in the practice of dentistry or dental hygiene; except that:

(I) A licensed dentist or dental hygienist may pay an independent advertising or marketing agent compensation for advertising or marketing services rendered by the agent for the benefit of the licensed dentist or dental hygienist, including compensation that is based on the results or performance of the services on a per-patient basis; AND

(II) NOTHING IN THIS SECTION PROHIBITS A DENTIST OR DENTAL HYGIENIST PRACTICE OWNED OR OPERATED BY A PROPRIETOR AUTHORIZED UNDER SECTION 12-35-116.5 FROM CONTRACTING WITH ANY PERSON OR ENTITY FOR BUSINESS MANAGEMENT SERVICES OR PAYING A ROYALTY IN ACCORDANCE WITH A FRANCHISE AGREEMENT IF THE TERMS OF THE CONTRACT OR FRANCHISE AGREEMENT DO NOT AFFECT THE EXERCISE OF THE INDEPENDENT PROFESSIONAL JUDGMENT OF THE DENTIST OR DENTAL HYGIENIST.

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: March 9, 2016