

1 *Be it enacted by the People of the State of Colorado:*

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3 **SECTION 1.** 12-36.5-104 (10), Colorado Revised Statutes, is amended to read:

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5 (10) (a) The records of a professional review committee, a governing board, or the committee on
6 anticompetitive conduct shall ~~not~~ be subject to subpoena ~~or~~ AND discovery and shall ~~not~~ be
7 admissible in any civil suit brought against a physician who is the subject of such records.

8
9 (b) ~~Notwithstanding~~ IN ADDITION TO the provisions of paragraph (a) of this subsection (10), such
10 records shall be subject to subpoena and available for use:

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12 (I) By the committee on anticompetitive conduct;

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14 (II) By either party in any appeal or de novo proceeding brought pursuant to this part 1;

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16 (III) By a physician in a suit seeking judicial review of any action by the governing board;

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18 (IV) By a governing board seeking judicial review.

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20 **SECTION 2. Effective date.** If approved by a majority of the votes cast thereon, this initiative
21 shall take effect upon proclamation of the governor.

Proponents:

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