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SENATE BILL 13-215

BY SENATOR(S) Jahn, Newell, Nicholson, Ulibarri, Todd, Giron, Tochtrop;
also REPRESENTATIVE(S) Ginal, Stephens, Schafer.

CONCERNING ALTERNATIVE HEALTH CARE PRACTITIONERS, AND, IN CONNECTION THEREWITH, ENACTING THE "COLORADO NATURAL HEALTH CONSUMER PROTECTION ACT" TO PROVIDE AN EXEMPTION FROM STATE REGULATION FOR UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS, REQUIRE A PERSON PROVIDING COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES TO DISCLOSE TO CLIENTS THE PERSON'S EDUCATIONAL BACKGROUND AND THE NATURE OF THE SERVICES TO BE PROVIDED, AND PROHIBIT COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS FROM ENGAGING IN SPECIFIED ACTIVITIES THAT ONLY STATE-REGULATED HEALTH CARE PROFESSIONALS MAY PERFORM.

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

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

6-1-724. Unlicensed alternative health care practitioners - deceptive trade practices - short title - legislative declaration -

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

definitions. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO NATURAL HEALTH CONSUMER PROTECTION ACT".

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

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

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

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

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

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

(d) ALTHOUGH COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS ARE NOT REGULATED BY THE STATE AND ARE NOT REQUIRED TO OBTAIN A STATE-ISSUED LICENSE, CERTIFICATION, OR REGISTRATION, THE PROVISION OF ALTERNATIVE HEALTH CARE SERVICES IN SOME CIRCUMSTANCES MAY BE INTERPRETED AS THE PROVISION OF A HEALTH CARE SERVICE THAT ONLY A PROFESSIONAL WHO IS LICENSED OR OTHERWISE REGULATED BY THE STATE MAY PERFORM, THEREBY SUBJECTING COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS TO POTENTIAL FINES, PENALTIES, AND RESTRICTIONS OF THEIR PRACTICES EVEN THOUGH THEIR PRACTICES DO NOT POSE AN IMMINENT AND DISCERNABLE RISK OF SIGNIFICANT HARM TO PUBLIC HEALTH AND SAFETY;

(e) BECAUSE THE STATE RECOGNIZES AND VALUES THE FREEDOM OF CONSUMERS TO CHOOSE THEIR HEALTH CARE PROVIDERS, INCLUDING THE

ABILITY TO CHOOSE A PERSON WHO IS NOT REGULATED BY THE STATE, THE INTENT OF THIS SECTION IS TO PROTECT CONSUMER CHOICE AND, IN CONSIDERATION OF THE PUBLIC'S HEALTH AND SAFETY, TO REMOVE TECHNICAL BARRIERS TO ACCESS TO UNREGULATED HEALTH CARE PRACTITIONERS AND INCLUDE APPROPRIATE CONSUMER PROTECTIONS AND DISCLOSURES AS REQUIRED IN THIS SECTION; AND

(f) NOTHING IN THIS SECTION:

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

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

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

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

(b) (I) "COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES" MEANS ADVICE AND SERVICES:

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

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

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

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

(B) STRESS REDUCTION HEALING PRACTICES; AND

(C) MIND-BODY AND ENERGETIC HEALING PRACTICES.

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

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

(5) (a) A PERSON WHO IS NOT LICENSED, CERTIFIED, OR REGISTERED BY THE STATE AS A HEALTH CARE PROFESSIONAL AND WHO IS PRACTICING COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES CONSISTENT WITH THIS SECTION DOES NOT VIOLATE ANY STATUTE RELATING TO A HEALTH CARE PROFESSION OR PROFESSIONAL PRACTICE ACT UNLESS THE PERSON:

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

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

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

CARE PROFESSION.

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

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

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

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

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

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

(e) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR THERAPEUTIC PURPOSES;

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

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

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

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

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

(h) PRACTICE MIDWIFERY;

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

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

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

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

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

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

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

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

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

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

(o) PROVIDE DENTAL PROCEDURES OR INTERVENTIONS THAT CONSTITUTE THE PRACTICE OF DENTISTRY, AS DEFINED IN ARTICLE 35 OF TITLE 12, C.R.S.;

(p) SET FRACTURES;

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

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

(II) EXCLUDES:

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

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

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

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

(t) HOLD ONESELF OUT AS, STATE, INDICATE, ADVERTISE, OR IMPLY TO A CLIENT OR PROSPECTIVE CLIENT THAT HE OR SHE IS A PHYSICIAN, SURGEON, OR BOTH, OR THAT HE OR SHE IS A HEALTH CARE PROFESSIONAL

WHO IS LICENSED, CERTIFIED, OR REGISTERED BY THE STATE.

(7)(a) ANY PERSON PROVIDING COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES IN THIS STATE WHO IS NOT LICENSED, CERTIFIED, OR REGISTERED BY THE STATE AS A HEALTH CARE PROFESSIONAL, IS NOT REGULATED BY A PROFESSIONAL BOARD OR THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO TITLE 12, C.R.S., AND IS ADVERTISING OR CHARGING A FEE FOR HEALTH CARE SERVICES SHALL PROVIDE TO EACH CLIENT DURING THE INITIAL CLIENT CONTACT THE FOLLOWING INFORMATION IN A PLAINLY WORDED WRITTEN STATEMENT:

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

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

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

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

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

(VI) A STATEMENT INDICATING WHETHER OR NOT THE COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER IS COVERED BY LIABILITY INSURANCE APPLICABLE TO ANY INJURY CAUSED BY AN ACT OR OMISSION OF THE COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER IN PROVIDING COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES PURSUANT TO THIS SECTION.

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

(c) A COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER SHALL NOT REPRESENT IN ANY ADVERTISEMENT FOR COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES THAT THE COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER IS LICENSED, CERTIFIED, OR REGISTERED BY THE STATE AS A HEALTH CARE PROFESSIONAL.

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

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

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

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

(9) (a) A COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER WHO RENDERS COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES CONSISTENT WITH THIS SECTION IS NOT ENGAGING IN THE PRACTICE OF MEDICINE, AS DEFINED IN ARTICLE 36 OF TITLE 12, C.R.S., AND

IS NOT VIOLATING THE "COLORADO MEDICAL PRACTICE ACT", ARTICLE 36 OF TITLE 12, C.R.S., AS LONG AS THE COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER DOES NOT ENGAGE IN AN ACT PROHIBITED IN SUBSECTION (6) OF THIS SECTION.

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

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

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

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

(c) A PERSON FROM SELLING DIETARY SUPPLEMENTS AS STIPULATED UNDER THE FEDERAL "DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994", PUB.L. 103-417, OR OTHER NATURAL HEALTH CARE PRODUCTS OR ADVISING, EDUCATING, OR COUNSELING ABOUT THE STRUCTURE AND FUNCTION OF THE HUMAN BODY AND THE USE OF NATURAL HEALTH CARE PRODUCTS TO SUPPORT HEALTH AND WELLNESS.

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

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

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

CONSUMER.

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

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

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

(ddd) VIOLATES SECTION 6-1-724.

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

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

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

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO