

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 17-1224

BY REPRESENTATIVE(S) Kraft-Tharp, Becker K., Ginal, Gray, Herod, Lawrence, Lontine, Mitsch Bush;
also SENATOR(S) Gardner, Kefalas, Martinez Humenik, Priola, Smallwood.

CONCERNING PENALTIES FOR ACCESSING DRUGS IN A MANNER THAT VIOLATES THE "COLORADO FOOD AND DRUG ACT".

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

SECTION 1. In Colorado Revised Statutes, 12-42.5-126, **add** (1)(m) and (2) as follows:

12-42.5-126. Unlawful acts - civil fines. (1) It is unlawful:

(m) (I) TO POSSESS, SELL, DISPENSE, GIVE, RECEIVE, OR ADMINISTER A DRUG OR DEVICE THAT IS ADULTERATED OR MISBRANDED WITHIN THE MEANING OF THE "COLORADO FOOD AND DRUG ACT", PART 4 OF ARTICLE 5 OF TITLE 25, OR IS A COUNTERFEIT DRUG.

(II) AS USED IN THIS SUBSECTION (1)(m), "COUNTERFEIT DRUG" MEANS A DRUG, OR THE CONTAINER OR LABELING OF A DRUG, THAT, WITHOUT AUTHORIZATION, BEARS THE TRADEMARK, TRADE NAME, OR

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

OTHER IDENTIFYING MARK, IMPRINT, OR DEVICE OR ANY LIKENESS THEREOF OF A DRUG MANUFACTURER, PROCESSOR, PACKER, OR DISTRIBUTOR OTHER THAN THE PERSON WHO IN FACT MANUFACTURED, PROCESSED, PACKED, OR DISTRIBUTED THE DRUG AND THAT FALSELY PURPORTS OR IS REPRESENTED TO BE THE PRODUCT OF, OR TO HAVE BEEN PACKED OR DISTRIBUTED BY, THE DRUG MANUFACTURER, PROCESSOR, PACKER, OR DISTRIBUTOR WHOSE TRADEMARK, TRADE NAME, OR OTHER IDENTIFYING MARK, IMPRINT, OR DEVICE OR LIKENESS THEREOF APPEARS ON THE DRUG OR ITS CONTAINER OR LABELING.

(2) IN ADDITION TO ANY OTHER PENALTIES THAT MAY BE IMPOSED UNDER THIS PART 1, A PERSON WHO ENGAGES IN AN UNLAWFUL ACT UNDER THIS SECTION MAY BE PUNISHED BY A CIVIL FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH VIOLATION. FINES IMPOSED AND PAID UNDER THIS SECTION SHALL BE DEPOSITED IN THE GENERAL FUND.

SECTION 2. 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.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO