

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0357.01 Duane Gall x4335

HOUSE BILL 12-1297

HOUSE SPONSORSHIP

Gardner B., Barker, Ryden, Waller

SENATE SPONSORSHIP

Tochtrop,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE COMMITTEE ON ANTICOMPETITIVE CONDUCT, AND,**
102 **IN CONNECTION THEREWITH, CONTINUING THE COMMITTEE'S**
103 **STATUTORY AUTHORIZATION UNTIL SEPTEMBER 1, 2013.**

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>.)

Sunset Process - House Judiciary Committee. The bill implements the recommendations made by the department of regulatory agencies (DORA) pursuant to DORA's 2011 sunset review report of professional review committees and the committee on anticompetitive

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.

conduct by repealing the statute that creates the committee, effective July 1, 2012, and removing references to the committee from companion statutes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-36.5-106, **add**
3 (14) as follows:

4 **12-36.5-106. Committee on anticompetitive conduct - repeal**
5 **- legislative declaration.** (14) THIS SECTION IS REPEALED, EFFECTIVE
6 SEPTEMBER 1, 2013. PRIOR TO SUCH REPEAL, THE GENERAL ASSEMBLY
7 ANTICIPATES THAT THERE WILL BE, AND DECLARES ITS SUPPORT FOR,
8 CONSTRUCTIVE DISCUSSION AMONG LICENSED PROFESSIONALS AND OTHER
9 INTERESTED PARTIES TO CONSIDER THE PROPER ROLE, STRUCTURE, AND
10 FUNCTIONS OF THE COMMITTEE ON ANTICOMPETITIVE CONDUCT AND TO
11 RECOMMEND LEGISLATION ON THIS SUBJECT FOR CONSIDERATION DURING
12 THE 2013 REGULAR SESSION.

13 **SECTION 2.** In Colorado Revised Statutes, 12-36.5-104, **amend**
14 (10) (a) and (10) (b) introductory portion; and **repeal** (10) (b) (I) as
15 follows:

16 **12-36.5-104. Establishment of professional review committees**
17 **- function - rules.** (10) (a) The records of a professional review
18 committee OR a governing board ~~or the committee on anticompetitive~~
19 ~~conduct shall~~ ARE not be subject to subpoena or discovery and ~~shall~~ ARE
20 not be admissible in any civil suit brought against a physician who is the
21 subject of such records.

22 (b) Notwithstanding ~~the provisions of~~ paragraph (a) of this
23 subsection (10), such records ~~shall be~~ ARE subject to subpoena and
24 available for use:

1 (I) ~~By the committee on anticompetitive conduct;~~

2 **SECTION 3.** In Colorado Revised Statutes, **amend** 12-36.5-107
3 as follows:

4 **12-36.5-107. Repeal of article.** This article is repealed, effective
5 July 1, 2012. Prior to such repeal, the DEPARTMENT OF REGULATORY
6 AGENCIES SHALL REVIEW THE functions of professional review
7 committees ~~and the committee on anticompetitive conduct shall be~~
8 ~~reviewed~~ in accordance with section 24-34-104, C.R.S.

9 **SECTION 4.** In Colorado Revised Statutes, 13-4-102, **amend** (2)
10 (z) as follows:

11 **13-4-102. Jurisdiction.** (2) The court of appeals has initial
12 jurisdiction to:

13 (z) (I) Review final actions of the committee on anticompetitive
14 conduct established pursuant to section 12-36.5-106, C.R.S.

15 (II) ~~THIS PARAGRAPH (z) IS REPEALED, EFFECTIVE SEPTEMBER 1,~~
16 ~~2013.~~

17 **SECTION 5.** In Colorado Revised Statutes, 24-34-104, **amend**
18 (43) introductory portion; and **repeal** (43) (h) as follows:

19 **24-34-104. General assembly review of regulatory agencies**
20 **and functions for termination, continuation, or reestablishment.**

21 (43) The following agencies, functions, or both, ~~shall~~ terminate on July
22 1, 2012:

23 (h) ~~The functions of the committee on anticompetitive conduct~~
24 ~~pursuant to article 36.5 of title 12, C.R.S.~~

25 **SECTION 6. Effective date.** This act takes effect upon passage;
26 ~~except that section 2 of this act is effective September 1, 2013.~~

27 **SECTION 7. Safety clause.** The general assembly hereby finds,

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