

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 25-0401.03 Kristen Forrestal x4217

SENATE BILL 25-194

SENATE SPONSORSHIP

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Senate Committees

Health & Human Services
Appropriations

House Committees

Health & Human Services
Appropriations

HOUSE
3rd Reading Unamended
April 25, 2025

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE "DENTAL PRACTICE ACT".**

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://leg.colorado.gov>.)

Sunset Process - Senate Health and Human Services Committee. The bill makes changes to the "Dental Practice Act" (act) by:

- Continuing the act for 9 years, until 2034;
- Updating and adding definitions;
- Changing the makeup of the Colorado dental board (board);
- Requiring the attorney general, in addition to counseling the board, to counsel and advise the board's consultants;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
2nd Reading Unamended
April 24, 2025

SENATE
Amended 3rd Reading
April 17, 2025

SENATE
Amended 2nd Reading
April 15, 2025

- Adding and updating the grounds for which the board may take disciplinary action against an applicant for licensure or a licensee;
- Allowing a licensee's submission to a mental or physical examination to satisfy the requirement to notify the board of a condition that would impair the licensee's ability to practice;
- Adding as exemptions to the act the volunteer practice of dentistry and dental hygiene under specific conditions;
- Repealing the exceptions that allow a dental therapist, dental hygienist, or dental assistant to perform certain dentistry practices and including additional tasks to the list of items included in the practice of dentistry;
- Clarifying that a dental assistant, dental hygienist, and dental therapist may perform tasks consistent with rules adopted by the board;
- Requiring providers who perform itinerant surgery to develop and maintain protocols for emergency follow-up care;
- Authorizing licensed dentists to prescribe orders electronically;
- Requiring a peer health assistance program selected as a designated provider for the dentist peer health assistance program to provide training and calibration to dentists who practice monitoring services;
- Authorizing dentists to self-refer to participate in a peer health assistance program or be referred by the board;
- Requiring an applicant for dental, dental hygienist, or dental therapy licensure to pass a jurisprudence examination that tests the applicant's knowledge of the act;
- Removing a requirement that dental education schools and programs must be accredited or approved by a specific entity;
- Requiring the board to adopt rules that allow for expedited, temporary licensure during a public health emergency;
- Repealing specific tasks that are currently authorized to be performed by a dental therapist;
- Updating procedures for the construction of dental devices by an unlicensed technician;
- Updating the list of practices that are considered to be the practice of unsupervised dental hygiene;
- Repealing the specific dosages of certain drugs that a dental hygienist may prescribe;
- Authorizing the board to adopt rules that identify safe prescribing alternatives to silver diamine fluoride as a

- treatment for strengthening teeth and preventing tooth decay;
- Identifying tasks that are deemed to be practicing supervised dental hygiene;
- Requiring a dental hygienist performing an interim therapeutic restoration to confirm a referral for follow-up care with a dentist;
- Limiting the number of dental hygienists that a dentist may supervise; and
- Authorizing a dental therapist to perform specific tasks.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-220-104, **amend**
 3 (1), (4), (9)(a), and (10)(a); **add** (5.2), (10.5), and (14.5); and **add with**
 4 **amended and relocated provisions** (5.3) as follows:

5 **12-220-104. Definitions - rules.** As used in this article 220, unless
 6 the context otherwise requires:

7 (1) "Accredited" means a program that is nationally recognized for
 8 specialized accrediting for dental, dental therapy, dental hygiene, and
 9 dental auxiliary programs by THE COMMISSION ON DENTAL
 10 ACCREDITATION OR A SPECIALTY ACCREDITING ORGANIZATION
 11 RECOGNIZED BY the United States department of education OR BY A
 12 SUCCESSOR ORGANIZATION OF THE COMMISSION.

13 (4) "Dental hygiene" means the delivery of preventive,
 14 educational, and clinical services supporting total health for the control
 15 of oral disease; THE IMPACT OF THE DISEASE, DISORDER, OR CONDITION ON
 16 THE HUMAN BODY; and the promotion of oral health provided by a dental
 17 hygienist within the scope of the dental hygienist's education, training,
 18 and experience and in accordance with applicable law.

19 (5.2) "DENTAL HYGIENE LABORATORY WORK ORDER" MEANS THE
 20 DOCUMENTED ORDER OF A DENTAL HYGIENIST LICENSED IN THIS STATE

1 AUTHORIZING ANOTHER PERSON TO CONSTRUCT, REPRODUCE, OR REPAIR
2 AN ORAL MEDICAMENT CARRIER.

3 (5.3) [Formerly 12-220-104 (11)] "DENTAL laboratory work _____
4 order" means the ~~written instructions~~ DOCUMENTED ORDER of a dentist
5 licensed in Colorado authorizing another person to construct, reproduce,
6 or repair any prosthetic denture, bridge, appliance, or other structure to
7 function in the oral cavity, maxillofacial area, or adjacent and associated
8 regions.

9 (9) (a) (I) "Indirect supervision" means the supervision of those
10 tasks or procedures that do not require the presence of the dentist in the
11 office or on the premises at the time the tasks or procedures are being
12 performed but do require that the tasks be performed with the prior
13 knowledge and consent of the dentist.

14 (II) FOR PROCEDURES PERFORMED UNDER INDIRECT SUPERVISION,
15 IF FOLLOW-UP CARE IS INDICATED, THE TREATING PROVIDER SHALL
16 PROVIDE AN APPROPRIATE REFERRAL FOR RECOMMENDED FOLLOW-UP
17 CARE.

18 (III) A DENTIST WHO PROVIDES INDIRECT SUPERVISION MUST HAVE
19 AN ACTIVE COLORADO LICENSE IN GOOD STANDING.

20 (10) (a) "Interim therapeutic restoration" or "ITR" means a direct
21 provisional restoration placed to stabilize a tooth until a licensed dentist
22 OR DENTAL THERAPIST can assess the need for further definitive treatment.

23 _____ (10.5) "ITINERANT SURGERY" MEANS THE PROVISION OF
24 ELECTIVE SURGICAL PROCEDURES BY A PROVIDER WHO TRAVELS BETWEEN
25 MULTIPLE TREATMENT FACILITIES RATHER THAN OPERATING FROM A
26 SINGLE, ESTABLISHED SURGICAL LOCATION WHERE THE PROVIDER IS NOT
27 EMPLOYED OR DOES NOT HOLD OWNERSHIP OR A LONG-TERM LEASE.

1 "ITINERANT SURGERY" INCLUDES SPECIALTY-LEVEL SURGICAL CARE
2 PERFORMED IN A FACILITY BY A PROVIDER WHO IS NOT A GRADUATE OF AN
3 ACCREDITED SURGICAL TRAINING PROGRAM FOR THAT SPECIALTY.

4 (14.5) "TELEDENTISTRY" MEANS TELEHEALTH METHODOLOGIES
5 AND SYSTEMS THAT ARE USED IN A MANNER THAT IS COMPLIANT WITH THE
6 FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
7 OF 1996", 42 U.S.C. SECS. 1320d TO 1320d-9, AS AMENDED, TO DELIVER
8 ORAL HEALTH SERVICES IN DENTISTRY, INCLUDING INFORMATIONAL AND
9 ELECTRONIC COMMUNICATION TECHNOLOGIES, REMOTE MONITORING
10 TECHNOLOGIES, AND STORE-AND-FORWARD TRANSFERS, TO FACILITATE
11 THE ASSESSMENT, DIAGNOSIS, CONSULTATION, COUNSELING, AND
12 EDUCATION OF, OR TREATMENT PLANNING FOR, A PATIENT WHILE THE
13 PATIENT IS LOCATED AT AN ORIGINATING SITE WITHOUT A DENTAL
14 PRACTITIONER, AND THE DENTAL PRACTITIONER PROVIDING THE SERVICE
15 IS AT A DISTANT SITE.

16 ==
17 **SECTION 2.** In Colorado Revised Statutes, 12-220-105, **amend**
18 == (1)(b)(II)(A) and (5) as follows:

19 **12-220-105. Colorado dental board - qualifications of board**
20 **members - quorum - panel - rules - review of functions - repeal of**
21 **article - repeal.** (1) (b) (II) (A) Effective July 1, 2031, the board consists
22 of seven dentist members, ~~two~~ ONE OF WHOM IS AN ORAL AND
23 MAXILLOFACIAL SURGEON UNLESS AN ORAL AND MAXILLOFACIAL
24 SURGEON IS NOT AVAILABLE; ONE dental therapist ~~members, two~~ MEMBER;
25 THREE dental hygienist members; and two members from the public at
26 large; EXCEPT THAT THE DENTAL THERAPIST SEAT SHALL REMAIN OPEN
27 AND A DENTAL THERAPIST MEMBER SHALL NOT BE APPOINTED UNTIL

1 THERE ARE AT LEAST ONE HUNDRED DENTAL THERAPISTS ACTIVELY
2 ENGAGED IN CLINICAL PRACTICE IN THIS STATE. The governor shall
3 appoint each member for a term of four years, and each member must
4 have the qualifications provided in this article 220. A member shall not
5 serve more than two consecutive terms of four years. Each board member
6 holds office until the member's term expires or until the governor
7 appoints a successor.

8 (5) ~~(a)~~ THIS ARTICLE 220 IS REPEALED, EFFECTIVE SEPTEMBER 1,
9 2034. Before the repeal, ~~of this article 220 pursuant to subsection (5)(b)~~
10 ~~of this section~~, all functions of the board are scheduled for review in
11 accordance with section 24-34-104.

12 ~~(b) This article 220 is repealed, effective September 1, 2025.~~

13 **SECTION 3.** In Colorado Revised Statutes, 12-220-106, **amend**
14 (1)(a) introductory portion and (2); and **add** (1)(a)(VI) and (1)(a)(VII) as
15 follows:

16 **12-220-106. Powers and duties of board - rules - limitation on**
17 **authority.** (1) The board shall exercise, in accordance with this article
18 220, the following powers and duties:

19 (a) ~~Make~~ ADOPT, publish, declare, and periodically review
20 reasonable rules pursuant to section 12-20-204, including rules regarding:

21 (VI) REQUIREMENTS FOR JURISPRUDENCE EDUCATION PRIOR TO
22 INITIAL LICENSURE;

23 (VII) DEFINITIONS FOR THE TERMS "IN GOOD STANDING" AND
24 "PATIENT REPRESENTATIVE" FOR THE PURPOSES OF THIS ARTICLE 220;

25 (2) The board may recognize those dental specialties defined by
26 the ~~American Dental Association~~ NATIONAL COMMISSION ON
27 RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS OR THE

1 UNITED STATES DEPARTMENT OF EDUCATION.

2 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-220-108
3 as follows:

4 **12-220-108. Attorney general shall represent board and**
5 **members. (1)** The attorney general of the state of Colorado shall counsel
6 with and advise the board in connection with ~~its~~ THE BOARD'S duties
7 and responsibilities ~~under~~ DESCRIBED IN this article 220. If litigation is
8 brought against the board or any of its individual members in
9 connection with actions taken by the board or any of its members under
10 this article 220 and the actions are free of malice, fraud, or willful neglect
11 of duty, the attorney general shall defend the litigation without cost to the
12 board or to any individual member of the board.

13 (2) A WITNESS OR CONSULTANT APPEARING OR TESTIFYING BEFORE
14 THE BOARD, OR PROVIDING EXPERT CONSULTATION TO THE BOARD, HAS
15 THE SAME IMMUNITY AND IS SUBJECT TO THE SAME CONDITIONS FOR
16 IMMUNITY AS SPECIFIED IN SECTION 12-20-402.

17 **SECTION 5.** In Colorado Revised Statutes, 12-220-201, **amend**
18 (1)(n), (1)(s), (1)(ii), and (1)(oo); and **add** (1)(qq) and (1)(rr) as follows:

19 **12-220-201. Grounds for disciplinary action - definition.**

20 (1) The board may take disciplinary action against an applicant or
21 licensee in accordance with sections 12-20-404 and 12-220-202 for any
22 of the following causes:

23 (n) Refusing to make patient records available to a patient,
24 PATIENT REPRESENTATIVE, OR PREVIOUS OR CURRENT TREATMENT
25 PROVIDER WITHIN SEVEN CALENDAR DAYS AFTER A WRITTEN REQUEST
26 pursuant to a written authorization request under section 25-1-802;

27 (s) Failing to furnish unlicensed persons with DENTAL laboratory

1 work orders pursuant to section 12-220-502;

2 (ii) Advertising or otherwise holding oneself out to the public as
3 practicing a dental specialty in which the dentist has not successfully
4 completed the education specified for the dental specialty as defined by
5 the ~~American Dental Association~~ NATIONAL COMMISSION ON
6 RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS OR THE
7 UNITED STATES DEPARTMENT OF EDUCATION;

8 (oo) Failing to comply with ~~sections 12-220-501 (1)(a)(H)(C) and~~
9 ~~12-220-503 (1)(g)~~ SECTION 12-220-503 (1)(g) and rules adopted pursuant
10 to ~~those sections~~ THAT SECTION regarding the application of silver
11 diamine fluoride; ~~or~~

12 (qq) PRACTICING OUTSIDE THE SCOPE OF AN ARTICULATED PLAN
13 DEVELOPED IN ACCORDANCE WITH SECTION 12-220-503 (1)(g)(V) OR
14 12-220-508 (1)(b), (1)(c)(VII), OR (2); OR

15 (rr) THE FAILURE OF THE PROVIDER PERFORMING ITINERANT
16 SURGERY TO PROVIDE NECESSARY FOLLOW-UP CARE, INCLUDING THE
17 FAILURE TO PROVIDE A POST-PROCEDURE CARE PLAN OUTLINING
18 FOLLOW-UP CARE IN A FACILITY OR TO BE PERFORMED BY A LICENSED
19 SURGICAL SPECIALIST WHO IS LOCATED WITHIN A REASONABLE DISTANCE
20 FROM THE OFFICE WHERE THE INITIAL CARE WAS PROVIDED IF THE
21 ORIGINAL ITINERANT CARE PROVIDER IS UNAVAILABLE TO PROVIDE THE
22 NECESSARY FOLLOW-UP CARE. THE POST-PROCEDURE CARE PLAN SHALL
23 NOT IDENTIFY AN URGENT CARE CENTER OR A HOSPITAL EMERGENCY
24 DEPARTMENT AS THE PROVIDER OR THE TREATMENT FACILITY FOR
25 FOLLOW-UP CARE.

26 **SECTION 6.** In Colorado Revised Statutes, 12-220-206, **add** (4)
27 and (5) as follows:

1 **12-220-206. Mental and physical examinations.** (4) A
2 LICENSEE'S VOLUNTARY SUBMISSION TO A MENTAL OR PHYSICAL
3 EXAMINATION AND COMPLETION OF ANY REQUIREMENTS GIVEN BY THE
4 QUALIFIED PROFESSIONAL DESIGNATED BY THE BOARD SATISFIES ANY
5 REQUIREMENT TO NOTIFY THE BOARD OF A PHYSICAL OR MENTAL HEALTH
6 CONDITION THAT MAY IMPACT THE LICENSEE'S ABILITY TO PRACTICE WITH
7 REASONABLE SKILL AND SAFETY PURSUANT TO SECTION 12-30-108 (1),
8 12-220-201 (1)(j)(I), OR 12-220-310 (3), UNLESS THE QUALIFIED
9 PROFESSIONAL NOTIFIES THE LICENSEE THAT THE LICENSEE MUST NOTIFY
10 THE BOARD OF THE CONDITION.

11 (5) NOTIFICATION REQUIREMENTS DESCRIBED IN SECTION
12 12-30-108 (1), 12-220-201 (1)(j)(I), OR 12-220-310 (3) BEGIN UPON
13 DISCHARGE OF A LICENSEE ENROLLED IN INPATIENT TREATMENT FOR A
14 SERIOUS MENTAL HEALTH OR PHYSICAL CONDITION.

15 **SECTION 7.** In Colorado Revised Statutes, 12-220-302, **amend**
16 (1)(b), (1)(f), (1)(g), and (1)(j); and **add** (1)(k) and (1)(l) as follows:

17 **12-220-302. Persons exempt from operation of this article.**

18 (1) This article 220 does not apply to the following practices, acts, and
19 operations:

20 (b) The administration of an anesthetic FOR A DENTAL OPERATION
21 by a qualified anesthetist LICENSED PURSUANT TO ARTICLE 240 OF THIS
22 TITLE 12 or ~~registered~~ A nurse ~~for a dental operation~~ LICENSED OR
23 REGISTERED PURSUANT TO ARTICLE 255 OF THIS TITLE 12;

24 (f) The practice of dentistry, dental therapy, or dental hygiene by
25 dentists, dental therapists, or dental hygienists licensed in good standing
26 by other states or countries while appearing in ACCREDITED OR
27 BOARD-APPROVED programs of dental education or research, at the

1 invitation of any group of licensed dentists, dental therapists, or dental
2 hygienists in this state who are in good standing, so long as the practice
3 is limited to five consecutive days in a twelve-month period and the name
4 of each person engaging in the practice is submitted to the board, in
5 ~~writing and on a form~~ A FORMAT approved by the board, at least ten days
6 before the person performs the practice;

7 (g) The filling of DENTAL laboratory work orders of a licensed
8 dentist, as provided by section 12-220-502, by any person, association,
9 corporation, or other entity for the construction, reproduction, or repair
10 of prosthetic dentures, bridges, plates, or appliances to be used or worn
11 as substitutes for natural teeth or for restoration of natural teeth, or
12 replacement of structures relating to the jaws, maxillofacial area, or
13 adjacent and associated structures;

14 (j) The practice of dentistry ~~dental therapy, or dental hygiene~~ by
15 dentists ~~dental therapists, or dental hygienists~~ licensed in good standing
16 by other states while providing care as a volunteer, at the invitation of any
17 group of licensed dentists, dental therapists, or dental hygienists in this
18 state who are in good standing, so long as the practice is limited to five
19 consecutive days in a twelve-month period and the name of each person
20 engaging in the practice is submitted to the board, in ~~writing and on a~~
21 ~~form~~ A FORMAT approved by the board, at least ten days before the person
22 performs the practice;

23 (k) THE PRACTICE OF DENTAL THERAPY BY DENTAL THERAPISTS
24 LICENSED IN GOOD STANDING BY OTHER STATES WHILE PROVIDING CARE
25 AS A VOLUNTEER, AT THE INVITATION OF ANY GROUP OF LICENSED
26 DENTISTS, DENTAL THERAPISTS, OR DENTAL HYGIENISTS IN THIS STATE
27 WHO ARE IN GOOD STANDING, SO LONG AS THE PRACTICE IS LIMITED TO

1 FIVE CONSECUTIVE DAYS IN A TWELVE-MONTH PERIOD AND THE NAME OF
2 EACH PERSON ENGAGING IN THE PRACTICE IS SUBMITTED TO THE BOARD,
3 IN A FORMAT APPROVED BY THE BOARD, AT LEAST TEN DAYS BEFORE THE
4 PERSON PERFORMS THE PRACTICE, AND THE DENTAL THERAPISTS TREAT
5 PATIENTS ONLY UNDER DIRECT SUPERVISION OF A LICENSED DENTIST IN
6 COMPLIANCE WITH SECTION 12-220-508; OR

7 (l) THE PRACTICE OF DENTAL HYGIENE BY DENTAL HYGIENISTS
8 LICENSED IN GOOD STANDING BY OTHER STATES WHILE PROVIDING CARE
9 AS A VOLUNTEER, AT THE INVITATION OF ANY GROUP OF LICENSED
10 DENTISTS, DENTAL THERAPISTS, OR DENTAL HYGIENISTS IN THIS STATE
11 WHO ARE IN GOOD STANDING, SO LONG AS THE PRACTICE IS LIMITED TO
12 FIVE CONSECUTIVE DAYS IN A TWELVE-MONTH PERIOD AND THE NAME OF
13 EACH PERSON ENGAGING IN THE PRACTICE IS SUBMITTED TO THE BOARD,
14 IN A FORMAT APPROVED BY THE BOARD, AT LEAST TEN DAYS BEFORE THE
15 PERSON PERFORMS THE PRACTICE, AND THE DENTAL HYGIENISTS TREAT
16 PATIENTS ONLY UNDER DIRECT SUPERVISION OF A LICENSED DENTIST.

17 **SECTION 8.** In Colorado Revised Statutes, 12-220-303, **amend**
18 (2)(a) and (3)(d) as follows:

19 **12-220-303. Ownership of dental or dental hygiene practice -**
20 **information to be posted - heir to serve as temporary proprietor -**
21 **limitations - definitions.** (2) (a) The name, license number, ownership
22 percentage, and other information, as required by the board, of each
23 proprietor of a dental or dental hygiene practice, including an unlicensed
24 heir who is the temporary proprietor of the practice, as specified in
25 subsection (3) of this section, must be IMMEDIATELY AND PUBLICLY
26 available at the ~~reception desk of the~~ dental or dental hygiene practice
27 during the practice's hours of operation. The information required by this

1 subsection (2)(a) must be available in a format approved by the board.

2 (3) (d) The temporary proprietorship of a dental or dental hygiene
3 practice by an unlicensed heir ~~does~~ MUST not affect the exercise of the
4 independent professional judgment of the licensed dentist or dental
5 hygienist providing care to patients on behalf of the practice.

6 **SECTION 9.** In Colorado Revised Statutes, 12-220-304, **amend**
7 (3) as follows:

8 **12-220-304. Names and status under which dental practice**
9 **may be conducted.** (3) The practice of dentistry, dental therapy, or
10 dental hygiene by a PROFESSIONAL SERVICE CORPORATION, limited
11 liability company of licensees, or ~~by a~~ limited liability partnership of
12 licensees is permitted subject to the limitations and requirements, insofar
13 as are applicable, set forth in section 12-240-138 relating to a
14 PROFESSIONAL SERVICE CORPORATION, limited liability company, or
15 limited liability partnership for the practice of medicine.

16 **SECTION 10.** In Colorado Revised Statutes, 12-220-305, **amend**
17 (1)(a), (1)(b), (1)(c), (1)(d), (1)(j), (1)(k), (1)(l), (1)(m), (1)(n), (1)(p),
18 (1)(q), (1)(r), and (2); and **add** (1)(s), (1)(t), (1)(u), and (3) as follows:

19 **12-220-305. What constitutes practicing dentistry - rules.**

20 (1) A person is practicing dentistry if the person:

21 (a) Performs or attempts or professes to perform any dental
22 operation, oral surgery, or dental diagnostic or therapeutic services of any
23 kind; ~~except that nothing in this subsection (1)(a) prohibits a dental~~
24 ~~therapist, dental hygienist, or dental assistant from providing preventive~~
25 ~~dental or nutritional counseling, education, or instruction services;~~

26 (b) Is a proprietor of a place where dental operation, oral surgery,
27 or dental diagnostic or therapeutic services are performed; ~~except that~~

1 ~~nothing in this subsection (1)(b) prohibits a dental therapist, dental~~
2 ~~hygienist, or dental assistant from performing those tasks and procedures~~
3 ~~consistent with section 12-220-501;~~

4 (c) Directly or indirectly, by any means or method, takes A
5 PHYSICAL OR DIGITAL impression OR SCAN of the human tooth, teeth,
6 jaws, maxillofacial area, or adjacent and associated structures; performs
7 any phase of any operation incident to the replacement of a part of a
8 tooth; or supplies artificial substitutes for the natural teeth, jaws, or
9 adjacent and associated structures; ~~except that nothing in this subsection~~
10 ~~(1)(c) prohibits a dental therapist, dental hygienist, or dental assistant~~
11 ~~from performing tasks and procedures consistent with sections~~
12 ~~12-220-501 (3)(b)(III), 12-220-503 (1)(d), and 12-220-508;~~

13 (d) Furnishes, supplies, constructs, reproduces, or repairs any A
14 prosthetic denture, bridge, appliance, or other structure to be worn in the
15 human mouth or upon the jaws, maxillofacial area, or adjacent and
16 associated structures other than on the written DENTAL laboratory work
17 order of a duly licensed and practicing dentist;

18 (j) Extracts or attempts to extract human teeth or corrects, or
19 attempts to correct, malformations of human teeth or jaws; ~~except that~~
20 ~~this subsection (1)(j) does not prohibit a dental therapist from performing~~
21 ~~tasks and procedures consistent with section 12-220-508;~~

22 (k) Repairs or fills cavities in human teeth; ~~except that this~~
23 ~~subsection (1)(k) does not prohibit a dental therapist from performing~~
24 ~~tasks and procedures consistent with section 12-220-508;~~

25 (l) Prescribes ionizing radiation or the use of an X ray for the
26 purpose of taking dental X rays; ~~or roentgenograms; except that nothing~~
27 ~~in this subsection (1)(l) prohibits these procedures from being delegated~~

1 to appropriately trained personnel in accordance with this article 220 and
2 rules of the board;

3 (m) Gives or professes to give interpretations or readings of dental
4 X rays, ~~or roentgenograms~~, CT scans, or other diagnostic methodologies;
5 ~~except that nothing in this subsection (1)(m) prohibits a dental hygienist~~
6 ~~from performing tasks and procedures consistent with sections~~
7 ~~12-220-503 and 12-220-504 or a dental therapist from performing tasks~~
8 ~~consistent with section 12-220-508;~~

9 (n) Represents ~~himself or herself~~ THEMSELF to an individual or the
10 general public as practicing dentistry by using the words "dentist" or
11 "dental surgeon" or by using the letters "D.D.S.", "D.M.D.",
12 "D.D.S./M.D.", or "D.M.D./M.D."; ~~Nothing in this subsection (1)(n)~~
13 ~~prohibits a dental therapist, dental hygienist, or dental assistant from~~
14 ~~performing tasks and procedures consistent with section 12-220-501 (2);~~
15 ~~(2.5), or (3)(b).~~

16 (p) Prescribes drugs or medications and administers local
17 anesthesia, analgesia including nitrous oxide/oxygen inhalation,
18 medication prescribed or administered for the relief of anxiety or
19 apprehension, minimal sedation, moderate sedation, deep sedation, or
20 general anesthesia as necessary for the proper practice of dentistry; ~~except~~
21 ~~that nothing in this subsection (1)(p) prohibits:~~

22 (I) ~~A dental hygienist from performing those tasks and procedures~~
23 ~~consistent with sections 12-220-501, 12-220-503 (1)(c) and (1)(g), and~~
24 ~~12-220-504 (1)(c), and in accordance with rules promulgated by the~~
25 ~~board; or~~

26 (II) ~~A dental therapist from performing those tasks and procedures~~
27 ~~consistent with sections 12-220-501 (2.5) and 12-220-508 and in~~

1 ~~accordance with rules promulgated by the board.~~

2 (q) Prescribes, induces, and sets dosage levels for inhalation
3 anesthesia; except that nothing in this subsection (1)(q) prohibits the
4 delegation of monitoring and administration to DENTAL HYGIENISTS AND
5 appropriately trained UNLICENSED personnel in accordance with this
6 article 220 and rules of the board, INCLUDING REQUIRING TRAINING;

7 (r) Gives or professes to give interpretations or readings of dental
8 charts or records or gives treatment plans or interpretations of treatment
9 plans derived from examinations, patient records, OR dental X rays; ~~or~~
10 ~~roentgenograms~~; except that nothing in this subsection (1)(r) prohibits a
11 dental therapist, dental hygienist, or dental assistant from performing
12 tasks and procedures consistent with sections 12-220-501 ~~(2)~~, (2.5) and
13 (3), 12-220-503, 12-220-504, and 12-220-508;

14 (s) MAINTAINS PATIENT CLINICAL RECORDS, DENTAL CHARTS,
15 IMAGES, TREATMENT PLANS, INTERPRETATIONS, OR OTHER
16 DOCUMENTATION, EXCEPT WHEN UNDERGOING A TRANSITION IN PRACTICE
17 OWNERSHIP AS PERMITTED IN SECTION 12-220-303 (2);

18 (t) (I) PURSUANT TO RULES ADOPTED BY THE BOARD, ORDERS AND
19 ADMINISTERS IMMUNIZATIONS TO PATIENTS SIX YEARS OF AGE OR OLDER.
20 THE BOARD SHALL ADOPT RULES REGARDING DELEGATION OF
21 IMMUNIZATION ADMINISTRATION BY A LICENSED DENTIST TO A DENTAL
22 THERAPIST OR DENTAL HYGIENIST AND MAY ADOPT RULES SPECIFYING THE
23 MINIMUM TRAINING REQUIREMENTS FOR DENTISTS TO ADMINISTER
24 IMMUNIZATIONS.

25 (II) A DENTIST WHO ADMINISTERS IMMUNIZATIONS SHALL:

26 (A) NOT PROVIDE MEDICAL OR NONMEDICAL EXEMPTIONS FOR ANY
27 REQUIRED IMMUNIZATIONS;

1 (B) ENTER ALL IMMUNIZATION-RELATED ADMINISTRATION
2 INFORMATION INTO THE COLORADO IMMUNIZATION INFORMATION SYSTEM
3 CREATED PURSUANT TO PART 24 OF ARTICLE 4 OF TITLE 25;

4 (C) DISCLOSE THEIR MEDICAL TRAINING RELATED TO PEDIATRIC
5 ADMINISTRATION, INCLUDING THE ABILITY TO MANAGE SIDE EFFECTS OR
6 ADVERSE OUTCOMES, TO PATIENTS AS PART OF THE PATIENT CONSENT
7 PROCESS;

8 (D) ADMINISTER ONLY RESPIRATORY AND ORAL HEALTH,
9 INCLUDING HUMAN PAPILLOMAVIRUS, IMMUNIZATIONS; AND

10 (E) DISTRIBUTE IMMUNIZATION EDUCATIONAL MATERIALS AND
11 RECOMMENDATIONS DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH
12 AND ENVIRONMENT TO THEIR PATIENTS.

13 (u) ORDERS AND ADMINISTERS NEUROMODULATORS AND DERMAL
14 FILLERS TO DENTAL PATIENTS OF RECORD FOR THERAPEUTIC AND
15 COSMETIC PURPOSES PURSUANT TO RULES ADOPTED BY THE BOARD
16 REGARDING REQUIRED TRAINING, ONGOING COMPETENCY, RECORD
17 KEEPING, AND DELEGATION TO DENTAL HYGIENISTS.

18 (2) ~~A licensed dentist may prescribe orders electronically.~~ THIS
19 SECTION DOES NOT PROHIBIT:

20 (a) A DENTAL ASSISTANT FROM PERFORMING TASKS AND
21 PROCEDURES CONSISTENT WITH SECTION 12-220-501 AND IN ACCORDANCE
22 WITH RULES ADOPTED BY THE BOARD;

23 (b) A DENTAL HYGIENIST FROM PERFORMING TASKS AND
24 PROCEDURES CONSISTENT WITH SECTIONS 12-220-501, 12-220-503, AND
25 12-220-504 AND IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD;

26 OR

27 (c) A DENTAL THERAPIST FROM PERFORMING TASKS AND

1 PROCEDURES CONSISTENT WITH SECTIONS 12-220-501 AND 12-220-508
2 AND IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD.

3 (3) A PROVIDER PERFORMING ITINERANT SURGERY SHALL DEVELOP
4 AND MAINTAIN A WRITTEN PROTOCOL FOR EMERGENCY FOLLOW-UP CARE
5 WITH APPROPRIATELY TRAINED PRACTITIONERS FOR ALL PATIENTS
6 TREATED. THE PLAN SHALL BE PROVIDED TO EACH PATIENT UNDERGOING
7 TREATMENT AND MUST BE AVAILABLE IMMEDIATELY AT THE REQUEST OF
8 THE BOARD. THE WRITTEN PROTOCOL MUST INCLUDE A PROVISION THAT
9 REQUIRES THE PROVIDER TO INCLUDE IN A PLAN OF CARE FOLLOW-UP
10 TREATMENT IN A PERMANENTLY ESTABLISHED TREATMENT FACILITY
11 WITHIN A REASONABLE PROXIMITY OF THE LOCATION WHERE ITINERANT
12 SURGICAL TREATMENT WAS PERFORMED. THIS FOLLOW-UP TREATMENT
13 SHALL BE PROVIDED BY THE ITINERANT SURGICAL TREATMENT OPERATOR
14 OR AN APPROPRIATELY TRAINED PRACTITIONER WHO HAS AGREED IN
15 WRITING TO PARTICIPATE IN THE EMERGENCY FOLLOW-UP CARE PLAN FOR
16 THE ITINERANT SURGICAL TREATMENT OPERATOR. THE APPROPRIATELY
17 TRAINED PRACTITIONER MUST BE AVAILABLE WHEN THE ITINERANT
18 SURGICAL OPERATOR IS NOT AVAILABLE.

19 **SECTION 11.** In Colorado Revised Statutes, 12-220-306, **amend**
20 (1)(a)(III) and (1)(b); and **add** (3) and (4) as follows:

21 **12-220-306. Dentists may prescribe drugs - surgical operations**
22 **- anesthesia - limits on prescriptions - rules.** (1) (a) A licensed dentist
23 is authorized to:

24 (III) Administer, pursuant to A PERMIT REQUIRED BY SECTION
25 12-220-411 AND PURSUANT TO board rules, local anesthesia, analgesia
26 including nitrous oxide/oxygen inhalation, medication prescribed or
27 administered for the relief of anxiety or apprehension, minimal sedation,

1 moderate sedation, deep sedation, or general anesthesia; and

2 (b) A dentist shall not prescribe, distribute, or give to any person,
3 including ~~the dentist~~ THEMSELF, any habit-forming drug or any controlled
4 substance, as defined in section 18-18-102 (5) or as contained in schedule
5 II of 21 U.S.C. sec. 812, other than in the course of legitimate dental
6 practice and pursuant to the rules ~~promulgated~~ ADOPTED by the board
7 regarding controlled substance record keeping AND IN COMPLIANCE WITH
8 THE ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES AS REQUIRED
9 BY SECTION 12-30-111.

10 (3) A LICENSED DENTIST MAY PRESCRIBE ORDERS
11 ELECTRONICALLY.

12 (4) A LICENSED DENTIST IS STRONGLY ENCOURAGED TO PURCHASE
13 OR UTILIZE AN ELECTRONIC HEALTH PRODUCT THAT INCLUDES
14 INTEGRATION OF A TOOL THAT FACILITATES DENTISTS' COMPLIANCE WITH
15 PRESCRIPTION DRUG MONITORING STANDARDS REQUIRED BY SECTION
16 12-30-114 (1)(a)(IV).

17 **SECTION 12.** In Colorado Revised Statutes, 12-220-310, **amend**
18 (1)(a), (1)(b) introductory portion, (1)(b)(IV), (2)(b), and (5); and **add**
19 (2)(d) as follows:

20 **12-220-310. Dentist peer health assistance program - fees -**
21 **rules.** (1) (a) ~~Effective July 1, 2004, as a condition of renewal in this~~
22 ~~state, every~~ AN APPLICANT FOR A DENTIST LICENSE OR A dentist applying
23 to renew OR REINSTATE the dentist's license must, AT THE TIME OF
24 APPLICATION, pay to the administering entity that has been selected by the
25 board pursuant to subsection (1)(b) of this section ~~an amount~~ A FEE not to
26 exceed fifty-nine dollars per year, which maximum amount may be
27 adjusted on January 1, 2005, and annually thereafter by the board to

1 reflect changes in the United States department of ~~labor~~, LABOR'S bureau
2 of labor statistics consumer price index, OR A SUCCESSOR INDEX, for
3 Denver-Aurora-Lakewood for all urban consumers or goods. ~~or its~~
4 ~~successor index~~. The fee shall be used to support designated providers
5 that have been selected by the board to provide assistance to dentists
6 needing help in dealing with physical, emotional, or psychological
7 problems that may be detrimental to their ability to practice dentistry. The
8 fee ~~shall~~ MUST not exceed one hundred dollars per year per licensee.

9 (b) The board shall select one or more peer health assistance
10 programs as designated providers. THE BOARD OR THE DEPARTMENT MUST
11 PROVIDE PUBLIC NOTICE WHEN A PEER HEALTH ASSISTANCE PROGRAM IS
12 BEING CONSIDERED FOR SELECTION AS A DESIGNATED PROVIDER AND
13 SHALL PROVIDE A PROCESS FOR STAKEHOLDERS AND THE PUBLIC TO
14 PROVIDE INPUT TO THE BOARD REGARDING THE SELECTION OF A
15 DESIGNATED PROVIDER. To be eligible for designation by the board, a peer
16 health assistance program must:

17 (IV) Monitor the status of a dentist who has been referred for
18 treatment, INCLUDING PROVIDING TRAINING ____ TO DENTISTS PROVIDING
19 PRACTICE MONITORING SERVICES;

20 (2) (b) Notwithstanding sections 12-220-201 and 24-4-104, the
21 board may immediately suspend the license of ~~any~~ A dentist who is
22 referred to a peer health assistance program by the board and who fails to
23 attend or complete the program. If the dentist objects to the suspension,
24 the dentist may submit a ~~written~~ request to the board, IN A FORMAT
25 APPROVED BY THE BOARD, for a formal hearing on the suspension within
26 ten days after receiving notice of the suspension, and the board shall grant
27 the request. In the hearing, the dentist bears the burden of proving that the

1 dentist's license should not be suspended.

2 (d) A DENTIST MAY SELF-REFER TO PARTICIPATE IN THE PEER
3 HEALTH ASSISTANCE PROGRAM OR MAY BE REFERRED BY THE BOARD. A
4 DENTIST WHO SELF-REFERS TO THE PEER HEALTH ASSISTANCE PROGRAM
5 MAY DO SO CONFIDENTIALLY AND WITHOUT DIRECT NOTIFICATION TO THE
6 BOARD. SUCH SELF-REFERRAL TO THE PEER HEALTH ASSISTANCE PROGRAM
7 SATISFIES BOARD NOTIFICATION REQUIREMENTS SET FORTH IN SECTION
8 12-220-207 AND SUBSECTION (3) OF THIS SECTION; EXCEPT THAT THE PEER
9 HEALTH ASSISTANCE PROGRAM SHALL REPORT KNOWLEDGE OF A
10 DENTIST'S VIOLATION OF THIS ARTICLE 220 OR RULES OF THE BOARD,
11 EXCLUDING KNOWLEDGE OF VIOLATIONS OF SECTION 12-220-201 (1)(e) OR
12 (1)(f).

13 ==

14 (5) The board ~~is authorized to promulgate~~ MAY ADOPT rules
15 necessary to implement this section.

16 **SECTION 13.** In Colorado Revised Statutes, 12-220-402, **amend**
17 (1)(a) as follows:

18 **12-220-402. Dentist academic license.** (1) (a) A dentist who is
19 employed at an accredited school or college of dentistry in this state and
20 who practices dentistry in the course of the dentist's employment
21 responsibilities must either ~~make written~~ FILE AN application to the board
22 for an academic license in accordance with this section, IN A FORMAT
23 APPROVED BY THE BOARD, or otherwise become licensed pursuant to
24 sections 12-220-401 and 12-220-403, as applicable.

25 == ==

26 **SECTION 14.** In Colorado Revised Statutes, 12-220-405, **amend**
27 (1)(a) introductory portion as follows:

1 **12-220-405. Application for dental hygienist license - fee.**

2 (1) Every person who desires to qualify for practice as a dental hygienist
3 within this state must file with the board:

4 (a) ~~A written~~ AN application for a license, IN A FORMAT APPROVED
5 BY THE BOARD, on which application the applicant shall list:

6 ==

7 **SECTION 15.** In Colorado Revised Statutes, 12-220-407.2,
8 **amend** (1)(a) introductory portion and (1)(b) as follows:

9 **12-220-407.2. Application for dental therapist license - fee -**
10 **rules.** (1) Effective May 1, 2023, every person who desires to qualify for
11 practice as a dental therapist within this state must file with the board:

12 (a) ~~A written~~ AN application for a license, IN A FORMAT APPROVED
13 BY THE BOARD, on which ~~application~~ the applicant must list:

14 (b) Satisfactory proof that the applicant:

15 (I) Graduated from a school of dental therapy that, at the time of
16 the applicant's graduation, was accredited; ~~by the American Dental~~
17 ~~Association's commission on dental accreditation or its successor~~
18 ~~organization;~~ or

19 (II) Graduated from a dental therapy education program developed
20 prior to February 6, 2015, that, at the time of the applicant's graduation,
21 was ~~accredited~~ RECOGNIZED by the Minnesota board of dentistry or
22 certified by the Alaska community health aide program certification
23 board.

24 ==

25 **SECTION 16.** In Colorado Revised Statutes, 12-220-409, **add** (6)
26 as follows:

27 **12-220-409. Inactive dental, dental therapist, or dental**

1 **hygienist license - rules.** (6) THE BOARD SHALL ADOPT RULES THAT
2 ALLOW EXPEDITED, TEMPORARY LICENSURE DURING A DISASTER
3 EMERGENCY DECLARED PURSUANT TO SECTION 24-33.5-704 (4) FOR A
4 DENTIST, DENTAL HYGIENIST, OR DENTAL THERAPIST WHO HAS
5 MAINTAINED A LICENSE IN GOOD STANDING WITH NO PAST DISCIPLINARY
6 HISTORY PRIOR TO OBTAINING AN INACTIVE LICENSE. THE RULES MUST
7 ADDRESS:

- 8 (a) SUPERVISION OR PRACTICE MONITORING REQUIREMENTS;
- 9 (b) LIABILITY COVERAGE REQUIREMENTS;
- 10 (c) OTHER CONDITIONS OF OR LIMITATION ON PRACTICE; AND
- 11 (d) TEMPORARY LICENSE TERMS, ADMINISTRATIVE APPROVALS,
- 12 TIMELINES, AND RENEWAL OPTIONS.

13 **SECTION 17.** In Colorado Revised Statutes, 12-220-410, **add** (7)
14 as follows:

15 **12-220-410. Retired dental, dental therapist, and dental**
16 **hygienist licenses - rules.** (7) THE BOARD SHALL ADOPT RULES THAT
17 ALLOW EXPEDITED, TEMPORARY LICENSURE DURING A DISASTER
18 EMERGENCY DECLARED PURSUANT TO SECTION 24-33.5-704 (4) FOR A
19 DENTIST, DENTAL HYGIENIST, OR DENTAL THERAPIST WHO HAS
20 MAINTAINED A LICENSE IN GOOD STANDING WITH NO PAST DISCIPLINARY
21 HISTORY PRIOR TO OBTAINING AN INACTIVE LICENSE. THE RULES MUST
22 ADDRESS:

- 23 (a) SUPERVISION OR PRACTICE MONITORING REQUIREMENTS;
- 24 (b) LIABILITY COVERAGE REQUIREMENTS;
- 25 (c) OTHER CONDITIONS OF OR LIMITATION ON PRACTICE; AND
- 26 (d) TEMPORARY LICENSE TERMS, ADMINISTRATIVE APPROVALS,
- 27 TIMELINES, AND RENEWAL OPTIONS.

1 **SECTION 18. In Colorado Revised Statutes, 12-220-411, amend**
2 (1) and (5)(a) as follows:

3 **12-220-411. Anesthesia and sedation permits - dentists, dental**
4 **therapists, and dental hygienists - training and experience**
5 **requirements - office inspections - rules.** (1) (a) Upon application in a
6 form and manner determined by the board and payment of the applicable
7 fees established by the board, the board may issue an anesthesia or
8 sedation permit to a licensed dentist or a local anesthesia permit to a
9 dental therapist or dental hygienist in accordance with this section.

10 (b) THE BOARD SHALL DESIGN AND IMPLEMENT AN EXPEDITED
11 APPLICATION AND PERMITTING PROCESS FOR A DENTIST WHO HAS
12 COMPLETED AN ACCREDITED RESIDENCY PROGRAM IN GENERAL
13 ANESTHESIA OR A POSTDOCTORAL TRAINING PROGRAM THAT PROVIDES
14 COMPREHENSIVE AND APPROPRIATE TRAINING NECESSARY TO ADMINISTER
15 AND MANAGE MODERATE SEDATION OR DEEP SEDATION AND GENERAL
16 ANESTHESIA ACCORDING TO INDUSTRY-ACCEPTED STANDARDS.

17 (5) The board shall establish, by rule, criteria and procedures for
18 an office inspection program to be completed upon application and
19 renewal of anesthesia or sedation permits, which must include:

20 (a) Designation of qualified ANESTHESIA inspectors who ~~are~~
21 ~~experts in dental outpatient deep sedation/general anesthesia and~~
22 ~~moderate sedation;~~ HAVE MORE THAN FIVE YEARS OF EXPERIENCE
23 PROVIDING ANESTHESIA SERVICES AND HOLD AN ACTIVE ANESTHESIA
24 PERMIT TO PROVIDE EITHER DENTAL OUTPATIENT DEEP
25 SEDATION/GENERAL ANESTHESIA OR MODERATE SEDATION. AN
26 ANESTHESIA INSPECTOR WHO HOLDS AN ACTIVE ANESTHESIA PERMIT TO
27 PROVIDE MODERATE SEDATION MAY ONLY PROVIDE OFFICE ANESTHESIA

1 INSPECTIONS FOR PROVIDERS WHO REQUEST MODERATE SEDATION
2 PRIVILEGES FOR BOTH INITIAL AND RENEWAL PERMIT APPLICATIONS. AN
3 ANESTHESIA INSPECTOR WHO HOLDS AN ACTIVE ANESTHESIA PERMIT TO
4 PROVIDE DEEP SEDATION/GENERAL ANESTHESIA MAY PROVIDE OFFICE
5 ANESTHESIA INSPECTIONS FOR ANY LEVEL OF SEDATION FOR BOTH INITIAL
6 AND RENEWAL PERMIT APPLICATIONS. AN ANESTHESIA INSPECTOR SHALL
7 COMPLETE AN ANESTHESIA INSPECTOR CALIBRATION PROGRAM CREATED
8 AND UPDATED BY THE BOARD ONCE EVERY FIVE YEARS. THE ANESTHESIA
9 INSPECTOR RECERTIFICATION MAY BE COMPLETED IN CONJUNCTION WITH
10 AN ANESTHESIA PERMIT RENEWAL.

11 **SECTION 19.** In Colorado Revised Statutes, 12-220-412, **amend**
12 (1) as follows:

13 **12-220-412. Change of address - duplicate licenses and**
14 **certificates.** (1) ~~Every~~ A person licensed under this article 220, upon
15 changing the licensee's place of business OR CONTACT INFORMATION, shall
16 furnish to the board the licensee's new mailing address AND EMAIL
17 ADDRESS within thirty days after the change.

18 **SECTION 20.** In Colorado Revised Statutes, 12-220-501, **amend**
19 (1)(a), (3)(a)(VI), (3)(b) introductory portion, and (3)(b)(III); and **repeal**
20 (2) as follows:

21 **12-220-501. Tasks authorized to be performed by dental**
22 **therapists, dental hygienists, or dental assistants - rules.**
23 (1) (a) ~~(f) Except as provided in subsection (1)(a)(II) of this section,~~ The
24 responsibility for dental diagnosis, dental treatment planning, or the
25 prescription of therapeutic measures in the practice of dentistry remains
26 with a licensed dentist and may not be assigned to ~~any~~ A dental therapist,
27 ~~or~~ dental hygienist, OR DENTAL ASSISTANT.

1 (H) ~~A dental hygienist may:~~

2 (A) ~~Perform dental hygiene assessment, dental hygiene diagnosis,~~

3 ~~and dental hygiene treatment planning for dental hygiene services~~

4 ~~pursuant to section 12-220-503 (1)(f);~~

5 (B) ~~Identify dental abnormalities for immediate referral to a~~

6 ~~dentist as described in section 12-220-503 (1)(f); and~~

7 (C) ~~In collaboration with a licensed dentist, prescribe, administer,~~

8 ~~and dispense, as described in section 12-220-503 (1)(g): Fluoride,~~

9 ~~fluoride varnish, silver diamine fluoride, antimicrobial solutions for~~

10 ~~mouth rinsing, other nonsystemic antimicrobial agents, and resorbable~~

11 ~~antimicrobial agents pursuant to rules of the board.~~

12 (D) ~~Repealed.~~

13 (2) ~~Except as provided in subsection (1) of this section, a dental~~

14 ~~hygienist may perform any dental task or procedure assigned to the~~

15 ~~hygienist by a licensed dentist that does not require the professional skill~~

16 ~~of a licensed dentist; except that the dental hygienist may perform the task~~

17 ~~or procedure only under the indirect supervision of a licensed dentist or~~

18 ~~as authorized in sections 12-220-503 and 12-220-504.~~

19 (3) (a) A dental assistant shall not perform the following tasks:

20 (VI) ~~Scaling (supra and sub-gingival); as it pertains to the practice~~

21 ~~of dental hygiene;~~

22 (b) A dental assistant may perform the following tasks under the

23 indirect supervision of a licensed dentist OR THE DIRECT SUPERVISION OF

24 A LICENSED DENTAL THERAPIST OR A LICENSED DENTAL HYGIENIST:

25 (III) Gathering and assembling information, including but not

26 limited to fact-finding and patient history, oral inspection, and

27 RECORDING OF dental and periodontal charting AS DICTATED BY A

1 LICENSEE;

2 **SECTION 21.** In Colorado Revised Statutes, **amend** 12-220-502
3 as follows:

4 **12-220-502. Construction of dental devices by unlicensed**
5 **technician.** (1) (a) A licensed dentist who uses the services of an
6 unlicensed technician for the purpose of constructing, altering, repairing,
7 or duplicating ~~any denture, bridge, splint, or orthodontic or prosthetic~~
8 ~~appliance~~ A LABORATORY-FABRICATED INTRAORAL OR MAXILLOFACIAL
9 DENTAL PROSTHESIS, PRODUCT, OR APPLIANCE shall furnish the unlicensed
10 technician with a ~~written or electronic~~ DENTAL laboratory work order in
11 a form ~~approved by~~ THAT COMPLIES WITH RULES OF the board, which form
12 shall be dated and signed by the dentist for each separate and individual
13 piece of work. The dentist shall make the DENTAL laboratory work order
14 in a ~~reproducible~~ DOCUMENTED form, and the dentist and the unlicensed
15 technician shall each retain a copy ~~in a permanent file for two years~~ AS A
16 PERMANENT PART OF THE PATIENT RECORD. THE LABORATORY
17 TECHNICIAN SHALL RETAIN A COPY OF THE DENTAL LABORATORY WORK
18 ORDER IN A FILE FOR A MINIMUM OF TWO YEARS. The permanent files of
19 the licensed dentist and the unlicensed technician must be open to
20 inspection at any reasonable time by the board or its duly constituted
21 agent. The licensed dentist that furnishes the DENTAL laboratory work
22 order must have appropriate training, education, and experience related
23 to the prescribed treatment and is responsible for directly supervising all
24 intraoral treatment rendered to the patient.

25 (b) IF A PATIENT'S CARE REQUIRES THAT MULTIPLE
26 LABORATORY-FABRICATED INTRAORAL OR MAXILLOFACIAL DENTAL
27 PROSTHESES OR APPLIANCES BE FABRICATED AT THE SAME TIME, IT IS

1 PERMISSIBLE TO INCORPORATE THOSE PRODUCTS OR APPLIANCES INTO A
2 SINGLE DENTAL LABORATORY WORK ORDER.

3 ~~(b)~~ (c) An unlicensed technician that possesses a valid DENTAL
4 laboratory work order may provide extraoral construction, manufacture,
5 fabrication, supply, or repair of identified dental and orthodontic devices
6 but shall not provide intraoral service in a human mouth except under the
7 direct supervision of a licensed dentist in accordance with section
8 12-220-501 (3)(d).

9 (2) If the dentist fails to keep permanent records of DENTAL
10 laboratory work orders as required in subsection (1)(a) of this section, the
11 dentist is subject to disciplinary action as deemed appropriate by the
12 board.

13 (3) If an unlicensed technician fails to have in the technician's
14 possession a DENTAL laboratory work order signed by a licensed dentist
15 with each denture, bridge, splint, or orthodontic or prosthetic appliance
16 in the technician's possession, the absence of the DENTAL laboratory work
17 order is prima facie evidence of a violation of this section and constitutes
18 the practice of dentistry without an active license in violation of, and
19 subject to the penalties specified in, section 12-220-211.

20 **SECTION 22.** In Colorado Revised Statutes, 12-220-503, **amend**
21 (1) introductory portion, (1)(d)(II), (1)(d)(IV), (1)(d)(V), (1)(f), (1)(g)(I),
22 (1)(g)(III)(A), (1)(g)(III)(B), (1)(g)(III)(C), (1)(g)(IV) introductory
23 portion, (2), and (4); **repeal** (1)(g)(II)(A); and **add** (1)(d)(VI), (1)(e.5),
24 (1)(g)(V), and (1)(h) as follows:

25 **12-220-503. What constitutes practicing unsupervised dental**
26 **hygiene - rules.** (1) NOTWITHSTANDING SUBSECTION (3) OF THIS
27 SECTION, unless licensed to practice dentistry, ~~a person~~ AN INDIVIDUAL is

1 deemed to be practicing unsupervised dental hygiene when the person
2 INDIVIDUAL, within the scope of the person's INDIVIDUAL'S education,
3 training, and experience:

4 (d) Gathers and assembles information, including but not limited
5 to:

6 (II) ~~Preparation~~ PROVISION of study casts ~~for the purpose of~~
7 ~~fabricating a permanent record of the patient's present condition; as a~~
8 ~~visual aid for patient education, dental hygiene diagnosis, and dental~~
9 ~~hygiene treatment planning; and to provide assistance during forensic~~
10 ~~examination~~ OR DIGITAL SCANS;

11 (IV) Dental CHARTING and periodontal PROBING AND charting; and

12 (V) Radiographic and X-ray survey for the purpose of assessing
13 and diagnosing dental hygiene-related conditions for treatment planning
14 for dental hygiene services as described in this section and identifying
15 dental HARD AND SOFT TISSUE abnormalities for immediate referral to a
16 dentist OR APPROPRIATE SPECIALIST; AND

17 (VI) ADDITIONAL SCREENING OR SCREENING TESTS FOR FURTHER
18 INVESTIGATION OF ANY ORAL OR SYSTEMIC HEALTH-RELATED CONCERN
19 PERTINENT TO THE SCOPE OF PRACTICE FOR DENTAL HYGIENE; AND

20 (e.5) ADMINISTERS LOCAL ANESTHESIA IN COMPLIANCE WITH
21 SECTION 12-220-411 AND RULES ADOPTED BY THE BOARD, INCLUDING
22 MINIMUM EDUCATION REQUIREMENTS AND PROCEDURES FOR LOCAL
23 ANESTHESIA ADMINISTRATION;

24 (f) Performs dental hygiene assessment, dental hygiene diagnosis,
25 and dental hygiene treatment planning FOR HARD AND SOFT TISSUE for
26 dental hygiene services as described in this section and identifies dental
27 abnormalities for immediate referral to a dentist OR APPROPRIATE

1 SPECIALIST; or

2 (g) (I) Prescribes, administers, and dispenses fluoride, fluoride
3 varnish, silver ~~diamine fluoride~~ FLUORIDES in accordance with subsection
4 (1)(g)(IV) of this section, antimicrobial solutions for mouth rinsing, ~~other~~
5 nonsystemic antimicrobial agents, and related emergency drugs and
6 reversal agents. ~~in collaboration with a licensed dentist.~~ The board, by
7 rule, may further define the permissible and appropriate emergency drugs
8 and reversal agents. ~~An articulated plan with a collaborating dentist for~~
9 ~~dental hygiene prescribing must describe any protocols, restrictions or~~
10 ~~limitations, follow-up and referral mechanisms, notification and~~
11 ~~disclosure requirements, and any other requirements established by the~~
12 ~~board by rule.~~ Dental hygienists shall maintain clear documentation in the
13 patient record of the drug or agent prescribed, administered, or dispensed;
14 the date of the action; and the rationale for prescribing, administering, or
15 dispensing the drug or agent.

16 (II) A dental hygienist shall not prescribe, administer, or dispense
17 the following:

18 (A) ~~Drugs whose primary effect is systemic, with the exception of~~
19 ~~fluoride supplements permitted under subsection (1)(g)(III)(A) of this~~
20 ~~section; and~~

21 (III) A dental hygienist may prescribe the following:

22 (A) Fluoride supplements; ~~as follows, all using sodium fluoride:~~
23 ~~Tablets: 0.5 mg, 1.1 mg, or 2.2 mg; lozenges: 2.21 mg; and drops: 1.1~~
24 ~~mL;~~

25 (B) Topical anti-carries treatments, ~~as follows, all using sodium~~
26 ~~fluoride unless otherwise indicated: Toothpastes: 1.1% or less (or~~
27 ~~stannous fluoride 0.4%); topical gels: 1.1% or less (or stannous fluoride~~

~~0.4%); oral rinses: 0.05%, 0.2%, 0.44%, or 0.5%; oral rinse concentrate used in periodontal disease: 0.63% stannous fluoride; fluoride varnish: 5%; silver diamine fluoride: 38%; and prophy pastes containing approximately 1.23% sodium fluoride and used for polishing procedures as part of professional dental prophylaxis treatment~~ INCLUDING SODIUM FLUORIDE, STANNOUS FLUORIDE, SILVER DIAMINE FLUORIDE, OTHER SILVER FLUORIDES, HYDROXYAPATITE REGENERATION MEDICAMENTS USED FOR REPAIRING CAVITIES, AND ALTERNATIVES FOR STRENGTHENING TEETH AND PREVENTING AND ARRESTING TOOTH DECAY. THE BOARD MAY ADOPT RULES THAT IDENTIFY SAFE PRESCRIBING ALTERNATIVES TO SILVER DIAMINE FLUORIDE AS A TREATMENT FOR STRENGTHENING TEETH AND PREVENTING TOOTH DECAY.

(C) Topical anti-infectives, ~~as follows: Chlorhexidine gluconate rinses: 0.12%; chlorhexidine gluconate periodontal chips for subgingival insertion into a periodontal pocket/sulcus; tetracycline impregnated fibers, inserted subgingivally into a periodontal pocket/sulcus; doxycycline hyclate periodontal gel, inserted subgingivally into a periodontal pocket/sulcus; and minocycline hydrochloride periodontal powder, inserted subgingivally into a periodontal pocket/sulcus~~ INCLUDING CHLORHEXIDINE GLUCONATE RINSE, PERIODONTAL CHIPS, PERIODONTAL GELS, PERIODONTAL POWDERS, AND IMPREGNATED FIBERS FOR PERIODONTAL TREATMENT; and

(IV) A dental hygienist may prescribe and apply silver diamine fluoride AND OTHER SILVER FLUORIDES upon completion of a postsecondary course or continuing education course developed at the postsecondary level that satisfies the requirements established by the board and provides instructions on the use and limitations of applying

1 silver diamine fluoride. A dental hygienist may complete the course
2 described in this subsection (1)(g)(IV) through:

3 (V) A DENTAL HYGIENIST MAY PRESCRIBE, DISPENSE, AND
4 ADMINISTER NONNARCOTIC ANALGESICS, ANTI-INFLAMMATORIES, AND
5 ANTIBIOTICS WITHIN THE PARAMETERS OF A WRITTEN ARTICULATED PLAN,
6 WITH THE AUTHORIZATION OF THE SUPERVISING DENTIST, AND UPON
7 COMPLETION OF A POSTSECONDARY COURSE OR CONTINUING EDUCATION
8 COURSE DEVELOPED AT THE POSTSECONDARY LEVEL THAT SATISFIES THE
9 REQUIREMENTS ESTABLISHED BY THE BOARD AND THAT PROVIDES
10 INSTRUCTION ON THE USE AND LIMITATIONS OF NONNARCOTIC
11 ANALGESICS, ANTI-INFLAMMATORIES, AND ANTIBIOTICS.

12 (h) DIRECTS DENTAL ASSISTANTS TO ASSIST IN ACTIVITIES THAT
13 ARE WITHIN THE SCOPE OF PRACTICE FOR A DENTAL HYGIENIST UNDER
14 DIRECT SUPERVISION OF A DENTAL HYGIENIST ONLY; EXCEPT THAT DENTAL
15 ASSISTANTS SHALL NOT PERFORM ACTIVITIES DISALLOWED UNDER SECTION
16 12-220-501 (3)(a).

17 (2) A dental hygienist shall state in writing and require a patient
18 to acknowledge by signature that any diagnosis or assessment is for the
19 purpose of determining necessary dental hygiene services only. ~~and that~~
20 ~~it is recommended by the American Dental Association, or any successor~~
21 ~~organizations, that a thorough dental examination be performed by a~~
22 ~~dentist twice each year.~~

23 (4) (a) Notwithstanding section 12-220-104 (13) or 12-220-305
24 (1)(b), AND CONSISTENT WITH SECTION 12-220-303, a dental hygienist
25 may be the proprietor of a place where supervised or unsupervised dental
26 hygiene is performed and may purchase, own, or lease equipment,
27 DENTAL MATERIALS, AND SUPPLIES necessary to perform supervised or

1 unsupervised dental hygiene.

2 (b) A dental hygienist proprietor, or a professional corporation,
3 LIMITED LIABILITY PARTNERSHIP, or professional limited liability
4 corporation of dental hygienists, in addition to providing dental hygiene
5 services, may enter into an agreement with one or more dentists for the
6 lease or rental of equipment or office space in the same physical location
7 as the dental hygiene practice, but only if the determination of necessary
8 dental services provided by the dentist and professional responsibility for
9 those services, including but not limited to dental records, appropriate
10 medication, and patient payment, remain with the treating dentist. It is the
11 responsibility of the dental hygienist to inform the patient as to whether
12 there is a supervisory relationship between the dentist and the dental
13 hygienist. An agreement under this subsection (4)(b) does not constitute
14 employment and does not constitute cause for discipline pursuant to
15 section 12-220-201 (1)(h).

16 **SECTION 23.** In Colorado Revised Statutes, **amend** 12-220-504,
17 as follows:

18 **12-220-504. What constitutes practicing supervised dental**
19 **hygiene - rules.** (1) NOTWITHSTANDING SECTION 12-220-501 (3), unless
20 licensed to practice dentistry, a person who performs any of the following
21 tasks under the supervision of a licensed dentist is deemed to be
22 practicing supervised dental hygiene:

23 (a) Performing a task described in section 12-220-503 (1);

24 ~~(b) Preparing study casts;~~

25 ~~(c) Administering local anesthesia under the indirect supervision~~
26 ~~of a licensed dentist pursuant to rules of the board, including minimum~~
27 ~~education requirements and procedures for local anesthesia~~

1 administration; or

2 (d) ~~Placing interim therapeutic restorations pursuant to section~~

3 ~~12-220-505.~~

4 (e) ~~Repealed.~~

5 (b) ADMINISTERING AND MONITORING INHALATION ANESTHESIA

6 UNDER THE INDIRECT SUPERVISION OF A DENTIST CONSISTENT WITH

7 SECTION 12-220-305 (1)(q) AND PURSUANT TO THE RULES OF THE BOARD

8 REGARDING TRAINING AND MINIMUM EDUCATION REQUIREMENTS;

9 (c) UTILIZING A LASER FOR DENTAL HYGIENE PURPOSES WITHIN

10 DEFINED SCOPES OF PRACTICE IN ACCORDANCE WITH RULES OF THE BOARD;

11 (d) (I) PURSUANT TO RULES ADOPTED BY THE BOARD,

12 ADMINISTERING IMMUNIZATIONS, UNDER THE DIRECT SUPERVISION OF A

13 LICENSED DENTIST OR THE DELEGATION OF A LICENSED PROFESSIONAL

14 WHO IS AUTHORIZED TO ADMINISTER IMMUNIZATIONS AND DELEGATE

15 TASKS UNDER THIS TITLE 12, TO PATIENTS SIX YEARS OF AGE OR OLDER.

16 THE BOARD MAY ADOPT RULES SPECIFYING THE MINIMUM TRAINING

17 REQUIREMENTS FOR DENTAL HYGIENISTS TO ADMINISTER IMMUNIZATIONS.

18 (II) A DENTAL HYGIENIST WHO ADMINISTERS IMMUNIZATIONS

19 SHALL:

20 (A) NOT PROVIDE MEDICAL OR NONMEDICAL EXEMPTIONS FOR ANY

21 REQUIRED IMMUNIZATIONS;

22 (B) ENTER ALL IMMUNIZATION-RELATED ADMINISTRATION

23 INFORMATION INTO THE COLORADO IMMUNIZATION INFORMATION SYSTEM

24 CREATED PURSUANT TO PART 24 OF ARTICLE 4 OF TITLE 25;

25 (C) DISCLOSE THEIR MEDICAL TRAINING RELATED TO PEDIATRIC

26 ADMINISTRATION, INCLUDING THE ABILITY TO MANAGE SIDE EFFECTS OR

27 ADVERSE OUTCOMES, TO PATIENTS AS PART OF THE PATIENT CONSENT

1 PROCESS;
2 (D) ADMINISTER ONLY RESPIRATORY AND ORAL HEALTH,
3 INCLUDING HUMAN PAPILLOMAVIRUS, IMMUNIZATIONS; AND
4 (E) DISTRIBUTE IMMUNIZATION EDUCATIONAL MATERIALS AND
5 RECOMMENDATIONS DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH
6 AND ENVIRONMENT TO THEIR PATIENTS.
7 (e) ADMINISTERING NEUROMODULATORS AND DERMAL FILLERS
8 FOR THERAPEUTIC AND COSMETIC PURPOSES UNDER THE DIRECT
9 SUPERVISION OF A LICENSED DENTIST, OR THE DELEGATION OF A LICENSED
10 PHYSICIAN OR OTHER DELEGATED PROFESSIONAL, PURSUANT TO RULES
11 ADOPTED BY THE BOARD. THE BOARD SHALL ADOPT RULES REGARDING
12 THE APPROPRIATE EDUCATION AND TRAINING, AS APPLICABLE.
13 ==
14 (f) PLACING INTERIM THERAPEUTIC RESTORATIONS PURSUANT TO
15 SECTION 12-220-505.
16 (2) A DENTAL HYGIENIST MAY PERFORM ANY DENTAL TASK OR
17 PROCEDURE ASSIGNED TO THE DENTAL HYGIENIST BY A LICENSED DENTIST
18 THAT DOES NOT REQUIRE THE PROFESSIONAL SKILL OF A LICENSED
19 DENTIST; EXCEPT THAT THE DENTAL HYGIENIST MAY PERFORM THE TASK
20 OR PROCEDURE ONLY UNDER THE INDIRECT SUPERVISION OF A LICENSED
21 DENTIST OR AS AUTHORIZED IN SECTIONS 12-220-503 AND 12-220-504.
22 **SECTION 24.** In Colorado Revised Statutes, 12-220-505, **amend**
23 (1)(b), (1)(d), and (6)(a); and **add** (6)(c) as follows:
24 **12-220-505. Interim therapeutic restorations by dental**
25 **hygienists - permitting process - rules - subject to review.** (1) Upon
26 application, accompanied by a fee in an amount determined by the
27 director, the board shall grant a permit to place interim therapeutic

1 restorations to any dental hygienist applicant who:

2 (b) Has completed a course developed at the postsecondary
3 educational level that complies with the rules adopted by the board. The
4 course must be offered under the direct supervision of a member of the
5 faculty of a AN ACCREDITED Colorado dental or dental hygiene school.
6 ~~accredited by the Commission on Dental Accreditation or its successor~~
7 ~~agency.~~ All faculty responsible for clinical evaluation of students must be
8 dentists with a faculty appointment at an accredited Colorado dental or
9 dental hygiene school.

10 (d) Furnishes, supplies, constructs, reproduces, or repairs any
11 prosthetic denture, bridge, appliance, or other structure to be worn in the
12 human mouth or upon the jaws, maxillofacial area, or adjacent and
13 associated structures other than on the written DENTAL laboratory work
14 order of a duly licensed and practicing dentist;

15 (6) (a) A dentist shall not supervise more than five full-time
16 equivalent dental hygienists who place interim therapeutic restorations
17 under telehealth supervision unless granted a waiver by the board
18 pursuant to subsection (6)(b) of this section. ~~For purposes of patient~~
19 ~~referral for follow-up care,~~ A dentist who supervises a dental hygienist
20 who provides interim therapeutic restorations under telehealth supervision
21 must have an active license in good standing issued by the board. ~~and a~~
22 ~~physical practice location in Colorado or within reasonable proximity of~~
23 ~~the location where the interim therapeutic restoration is placed~~ BEFORE
24 PROVIDING INTERIM THERAPEUTIC RESTORATIONS, A DENTAL HYGIENIST
25 SHALL CONFIRM IN COMMUNICATION TO THE SUPERVISING DENTIST A
26 REFERRAL FOR FOLLOW-UP CARE TO A LICENSED DENTIST WITHIN
27 REASONABLE PHYSICAL PROXIMITY TO THE LOCATION WHERE THE INTERIM

1 THERAPEUTIC RESTORATION IS PLACED.

2 (c) A DENTIST SHALL NOT SUPERVISE, IN AGGREGATE, MORE THAN
3 FIVE FULL-TIME EQUIVALENT DENTAL HYGIENISTS OR DENTAL THERAPISTS
4 PERFORMING PROCEDURES PURSUANT TO SUBSECTION (6)(a) OF THIS
5 SECTION AND SECTION 12-220-508, AND LIMITS ON SUPERVISION OF
6 DENTAL THERAPISTS MUST REMAIN CONSISTENT WITH SECTION 12-220-508
7 (3).

8 **SECTION 25.** In Colorado Revised Statutes, 12-220-508, **amend**
9 (1)(a) introductory portion, (1)(a)(VIII), (2)(a)(VI), and (3)(a); and **add**
10 (1)(c)(IX) and (3)(d) as follows:

11 **12-220-508. Practice of dental therapy - supervision**
12 **requirement - rules.** (1) (a) A dental therapist may perform the
13 following tasks and procedures under the direct supervision of a ~~licensed~~
14 dentist WITH AN ACTIVE LICENSE IN GOOD STANDING:

15 (VIII) Repair ~~defective~~ prosthetic devices.

16 (c) A dental therapist licensed pursuant to this article 220 may
17 perform the following tasks under the indirect supervision of a licensed
18 dentist, regardless of the number of hours the dental therapist has
19 practiced:

20 (IX) DIRECTING DENTAL ASSISTANTS TO ASSIST IN ACTIVITIES
21 THAT ARE WITHIN THE SCOPE OF PRACTICE FOR A DENTAL THERAPIST
22 UNDER DIRECT AND INDIRECT SUPERVISION OF THE DENTAL THERAPIST
23 ONLY; EXCEPT THAT DENTAL ASSISTANTS SHALL NOT PERFORM ACTIVITIES
24 DISALLOWED UNDER SECTION 12-220-501 (3)(a).

25 (2) (a) An articulated plan between a dental therapist and a dentist
26 must include:

27 (VI) CONSISTENT WITH DENTAL ASSISTANTS' SCOPE OF PRACTICE,

1 policies for supervising dental assistants and working with dental
2 hygienists and other dental practitioners and staff.

3 (3) (a) Except as provided in subsection (3)(b), ~~or~~ (3)(c), OR (3)(d)
4 of this section, a dentist may not simultaneously supervise more than
5 three full-time or full-time-equivalent dental therapists.

6 (d) A DENTIST SHALL NOT SUPERVISE IN AGGREGATE MORE THAN
7 FIVE FULL-TIME EQUIVALENT DENTAL HYGIENISTS OR DENTAL THERAPISTS
8 PURSUANT TO THIS SECTION AND SECTION 12-220-505 (6)(a), AND LIMITS
9 ON SUPERVISION OF DENTAL THERAPISTS MUST REMAIN CONSISTENT WITH
10 THIS SUBSECTION (3).

11 **SECTION 26.** In Colorado Revised Statutes, 24-34-104, **repeal**
12 (26)(a)(I); and **add** (35)(a)(VI) as follows:

13 **24-34-104. General assembly review of regulatory agencies**
14 **and functions for repeal, continuation, or reestablishment - legislative**
15 **declaration - repeal.** (26) (a) The following agencies, functions, or both,
16 are scheduled for repeal on September 1, 2025:

17 (I) ~~The Colorado dental board created in article 220 of title 12;~~

18 (35) (a) The following agencies, functions, or both, are scheduled
19 for repeal on September 1, 2034:

20 (VI) THE COLORADO DENTAL BOARD CREATED IN ARTICLE 220 OF
21 TITLE 12.

22 **SECTION 27.** **Repeal of relocated provisions.** In Colorado
23 Revised Statutes, **repeal** 12-220-104 (11).

24 **SECTION 28.** **Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2026 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.