

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0117.01 Kristen Forrestal x4217

**HOUSE BILL 19-1070**

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**HOUSE SPONSORSHIP**

**Arndt**, Hooton, McKean

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**Tate**, Moreno, Zenzinger

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**House Committees**  
Public Health Care & Human Services

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**A BILL FOR AN ACT**

101     **CONCERNING THE REPEAL OF STATUTORY PROVISIONS REQUIRING THE**  
102         **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO TEST**  
103         **SUBSTANCES THAT ARE PURPORTED TO HAVE VALUE IN THE**  
104         **TREATMENT OF CANCER.**

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**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/>.)*

**Statutory Revision Committee.** The bill repeals language requiring the department of public health and environment to test substances that any individual, person, firm, association, or other entity

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

has held out to have value in the diagnosis, treatment, alleviation, or cure of cancer.

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

2                   **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of this act is to repeal obsolete statutory  
4 provisions relating to the Colorado department of public health and  
5 environment. The general assembly further declares that repealing these  
6 statutory provisions does not alter the scope or applicability of the  
7 remaining statutes.

8                   **SECTION 2.** In Colorado Revised Statutes, **repeal** article 50 of  
9 title 25 as follows:

## ARTICLE 50

## Cancer Cure Control

12                   **25-50-101. Definitions.** As used in this article 50, unless the  
13                   context otherwise requires:

14 (1) "Cancer" means all malignant neoplasms regardless of the  
15 tissue of origin including malignant lymphoma and leukemia.

16 (2) "Department" means the department of public health and  
17 environment

18 (3) "Licensed dentist" means a person licensed to practice  
19 dentistry under article 35 of title 12 by the Colorado dental board or its  
20 successor.

(4) "Licensed physician or osteopath" means a person licensed to practice medicine under article 36 of title 12 by the Colorado medical board or its successor.

24                   **25-50-102. Application of article.** The provisions of this article  
25        50 shall not be construed in any manner to authorize any licensed

1 physician, osteopath, or dentist to practice medicine or dentistry beyond  
2 the limits imposed by the applicable statutes of the state.

3 **25-50-103. Powers and duties of department.** (1) The  
4 department shall:

5 (a) Prescribe reasonable rules with respect to the administration  
6 of this article 50;

7 (b) Investigate violations of the provisions of this article 50 and  
8 report the violations to the appropriate enforcement authority;

9 (c) Secure the investigation and testing of the content, method of  
10 preparation, efficacy, or use of drugs, medicines, compounds, or devices,  
11 held out by any individual, person, firm, association, or other entity in the  
12 state as of value in the diagnosis, treatment, or cure of cancer, prescribe  
13 reasonable regulations with respect to the investigation and testing, and  
14 make findings of fact and recommendations upon completion of any  
15 investigation and testing;

16 (d) Hold hearings in respect to the investigations made under the  
17 provisions of subsection (1)(c) of this section, and subpoena witnesses  
18 and documents. Prior to issuance of a cease-and-desist order under  
19 section 25-50-107, a hearing shall be held by the department. The person  
20 furnishing a sample under section 25-50-104 shall be given due notice of  
21 the hearing and an opportunity to be heard.

22 (e) Contract with independent scientific consultants for  
23 specialized services and advice.

24 **25-50-104. Investigation by department.** On written request by  
25 the department, delivered personally or by mail, any individual, person,  
26 firm, association, or other entity that holds out either expressly or  
27 impliedly any drug, medicine, compound, or device as being of a value

1 in the diagnosis, treatment, alleviation, or cure of cancer, shall furnish the  
2 department with a sample as the department may deem necessary for  
3 adequate testing of the drug, medicine, compound, or device and shall  
4 specify the formula of any drug or compound and name all ingredients by  
5 their common or usual names, and, upon like request by the department,  
6 shall furnish further necessary information as it may request as to the  
7 composition and method of preparation of and the manner in which the  
8 drug, compound, or device is of value in diagnosis, treatment, alleviation,  
9 or cure of cancer.

10 **25-50-105. Failure to comply with request of department.**

11 (1) If there is failure to either provide the sample, disclose the formula,  
12 or name the ingredients as required by this article 50, it shall be  
13 conclusively presumed that the drug, medicine, compound, or device that  
14 is the subject of the department's request has no value in the diagnosis,  
15 treatment, alleviation, or cure of cancer.

16 (2) Any individual, person, firm, association, or other entity that  
17 fails to comply with any of the provisions of this article 50, or with any  
18 order of the department validly issued under this article 50, is guilty of a  
19 misdemeanor and, upon conviction thereof, shall be punished as provided  
20 in section 18-1.3-505.

21 **25-50-106. Unlawful acts.** (1) It is a misdemeanor for an  
22 individual, person, firm, association, or other entity, other than a licensed  
23 physician, licensed advanced practice nurse within his or her scope of  
24 practice, licensed osteopath, or licensed dentist to diagnose, treat, or  
25 prescribe for the treatment of cancer or to hold himself or herself out to  
26 any person as being able to cure, diagnose, treat, or prescribe for the  
27 treatment of the disease of cancer. A licensed chiropractor shall not treat

1       cancer or prescribe for the treatment of cancer. A chiropractor may treat  
2       any person for human ailments within the scope of his or her license even  
3       though the person has or may have cancer at the time, but if a chiropractor  
4       knows or has reason to believe that any patient has or may have cancer,  
5       he or she must refer the patient to a medical doctor or an osteopath.

6               (2) It is a misdemeanor for any individual, person, firm,  
7       association, or other entity willfully and falsely to represent a device,  
8       substance, or treatment as being of a value in the treatment, alleviation,  
9       or cure of cancer. Nothing in this section shall abridge the existent rights  
10      of the press. Any person who is convicted of a third or any subsequent  
11      violation of this article 50 commits a class 6 felony and shall be punished  
12      as provided in section 18-1.3-401.

13       **25-50-107. Findings - cease-and-desist order.** (1) Following an  
14       investigation or testing of the content or composition of any drug,  
15       medicine, compound, or device held out either expressly or impliedly by  
16       any individual, person, firm, association, or other entity to be of value in  
17       the diagnosis, treatment, alleviation, or cure of cancer and after a hearing  
18       as provided in section 25-50-103, the department may direct that any such  
19       individual, person, firm, association, or other entity shall cease and desist  
20       any further holding out, either expressly or impliedly, that any such drug,  
21       medicine, compound, or device, or any substantially similar drug,  
22       medicine, compound, or device, is of value in the diagnosis or treatment  
23       of cancer.

24               (2) In the investigation or testing required by this article 50 to  
25       determine the value or lack of value of any drug, medicine, compound, or  
26       device in the diagnosis, treatment, or cure of cancer, the department, as  
27       it deems necessary or advisable, shall utilize the facilities and findings of

1 its own laboratories or other appropriate laboratories, clinics, hospitals,  
2 and nonprofit cancer research institutes recognized by the national cancer  
3 institute within this state or the facilities and findings of the federal  
4 government or of the national cancer institute. The department may  
5 arrange, by contract, for investigation by and submission to it of findings,  
6 conclusions, or opinions of trained scientists in the appropriate  
7 departments of universities, medical schools, clinics, hospitals, and  
8 nonprofit cancer research institutes recognized by the national cancer  
9 institute and the submission to it of findings, conclusions, or opinions of  
10 other qualified scientists. Prior to the issuance of a cease-and-desist order  
11 under this section, the department shall make a written finding of fact  
12 based on the investigation that the drug, medicine, compound, or device  
13 so investigated has been found to be either definitely harmful or of no  
14 value in the diagnosis, treatment, alleviation, or cure of cancer, and the  
15 department shall be satisfied beyond a reasonable doubt that the written  
16 findings of fact are true.

17 **25-50-108. Injunction.** (1) If an individual, person, firm,  
18 association, or other entity, after service upon him, her, or it of a  
19 cease-and-desist order issued by the department under section 25-50-107,  
20 persists in prescribing, recommending, or using the drug, medicine,  
21 compound, or device described in the cease-and-desist order, or a  
22 substantially similar drug, medicine, compound, or device, the district  
23 court in any county, on application of the department and when satisfied  
24 by a preponderance of the evidence that the written findings of fact  
25 required of the department by section 25-50-107 are true, may issue an  
26 order to show cause why there should not be issued an injunction or other  
27 appropriate order restraining the individual, person, firm, association, or

1 other entity from holding out either expressly or impliedly the drug,  
2 medicine, compound, or device, or any substantially similar drug,  
3 medicine, compound, or device, as being of a value in the treatment,  
4 diagnosis, alleviation, or cure of cancer. After a hearing on the order to  
5 show cause, an injunction or other appropriate restraining order may be  
6 issued.

7 (2) Any person against whom an injunction has been issued, under  
8 subsection (1) of this section, may not undertake to use in the diagnosis,  
9 treatment, or cure of cancer any new, experimental, untested, or secret  
10 drug, medicine, compound, or device without first submitting it to the  
11 department for investigation and testing.

12 **25-50-109. Investigation by executive director.** (1) The  
13 executive director shall investigate possible violations of this article 50  
14 and report violations to the appropriate enforcement authority.

15 (2) County or district health officers, district attorneys, and the  
16 attorney general shall cooperate with the executive director in the  
17 enforcement of this article 50.

18 **25-50-110. Reports of investigation.** The department, in  
19 accordance with the provisions of section 24-1-136, may publish reports  
20 based on its investigation or testing of any drug, medicine, compound, or  
21 device prescribed, recommended, or used by any individual, person, firm,  
22 association, or other entity, and, when the use of any drug, medicine,  
23 compound, or device constitutes an imminent danger to health or a gross  
24 deception of the public, the department may take appropriate steps to  
25 publicize the same.

26 **25-50-111. Investigation not an endorsement.** The investigation  
27 or testing of any product shall not be deemed to imply or indicate any

1 endorsement of the qualifications or value of the product. No person shall  
2 make any representation that investigation or testing under this article 50  
3 constitutes any approval or endorsement of his, her, or its activities by the  
4 department. The investigation or testing of any product shall not be  
5 deemed to imply or indicate that the product is useless or harmful, and  
6 during testing no person shall make any representation, except to the  
7 department, that the product under test is discredited or that it has been  
8 found useless or harmful.

9 **25-50-112. Exceptions.** (1) This article 50 shall not apply to the  
10 use of any drug, medicine, compound, or device intended solely for  
11 legitimate and bona fide investigational purposes by experts qualified by  
12 scientific training and experience to investigate the safety and therapeutic  
13 value thereof unless the department finds that the drug, medicine,  
14 compound, or device is being used in diagnosis or treatment for  
15 compensation and profit.

16 (2) The provisions of this article 50 shall not apply to any person  
17 who depends exclusively upon prayer for healing in accordance with the  
18 teachings of a bona fide religious sect, denomination, or organization, nor  
19 practitioner thereof.

20 (3) The provisions of this article 50 shall except any drug that is  
21 being clinically investigated as a cure, treatment, or aid to the diagnosis  
22 of cancer according to the regulations of the "Federal Food, Drug, and  
23 Cosmetic Act".

24 (4) (a) (I) The provisions of this article 50 shall not apply to the  
25 compound known as laetrile when manufactured in Colorado and  
26 prescribed by a licensed physician after fully disclosing to his or her  
27 patient the known adverse effects and reactions and the known reliability

1 or unreliability in cancer treatment of the compound.

2 (H) In prescribing the use of laetrile, the licensed physician shall  
3 do so only upon a request by the patient.

4 (III) In complying with a patient's request concerning the use of  
5 laetrile, a licensed physician, pharmacist, hospital, or health care facility  
6 shall be immune from any civil or criminal liability for prescribing or  
7 administering laetrile as provided for in this subsection (4), but nothing  
8 in this subsection (4)(a)(III) shall preclude any cause of action brought by  
9 a patient against a licensed physician, pharmacist, hospital, or health care  
10 facility that does not arise from the prescription or administration of  
11 laetrile in accordance with the provisions of this subsection (4).

12 (b) It is the intent of the general assembly that the exception  
13 granted by this subsection (4) does not constitute an endorsement of the  
14 use of laetrile nor does it in any way encourage its use.

15 **SECTION 3. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2020 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.