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### Amending Chapter 56, Session Laws of Colorado 1968, Concerning Dangerous Drugs.

Colorado General Assembly

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## CHAPTER 130

**DRUGS AND DRUGGISTS****DANGEROUS DRUGS**

[Tentative placement, 48-8-1 (4), (9) et seq.]

(Senate Bill No. 109. By Senator Birmingham; also Representatives Bastien, Braden, DeMoulin, Edmonds, Friedman, Grant, Hamilton, Knox, Kogovsek, Rose, Safran, Sanchez, and Singer.)

**A N A C T****AMENDING CHAPTER 56, SESSION LAWS OF COLORADO 1968, CONCERNING DANGEROUS DRUGS.**

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

Section 1. Sections 1 (4) and (9) of chapter 56, Session Laws of Colorado 1968, are amended to read:

Section 1. **Definitions.**—(4) “Hallucinogenic drugs” means lysergic acid, and its salts; D-lysergic acid diethylamide and its salts, or any other derivative of lysergic acid and its salts; diethyltryptamine and its salts; dimethyltryptamine; bufotenine and its salts; alpha methyl 3, 4-methylenedioxphenylethylamine; 4-methyl 2, 5-dimethoxy-alpha-methyl-phenylethylamine; mescaline and its salts or any derivative of mescaline and its salts; psilocybin; psilocyn; peyote; and ibogaine and its salts; AND PHENCYCLIDINE AND ITS SALTS.

(9) “Wholesaler” means any person WITHIN OR OUTSIDE THIS STATE who dispenses dangerous drugs without prescription to any person IN THIS STATE, other than to or for the ultimate user, but does not include a practitioner acting in the course of his professional practice.

Section 2. Section 2 (5) of chapter 56, Session Laws of Colorado 1968, is REPEALED AND RE-ENACTED, WITH AMENDMENTS to read:

Section 2. **Unlawful acts.**—(5) The possession or use of any dangerous drug.

Section 3. Sections 3 (1) (f) and (2) of chapter 56, Session Laws of Colorado 1968, are amended to read, and the said section 3 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

Section 3. **Exemptions.**—(1) (f) Persons licensed under section 6 of this act, BUT ONLY WHILE ACTING PURSUANT TO AND WITHIN THE SCOPE OF THEIR LICENSES.

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

(2) All combination drugs that are exempted by regulation of the secretary ATTORNEY GENERAL of the United States department of health, education and welfare JUSTICE, pursuant to section 511 (f) of P.L. 89-74 (79 Stat. 226), known as the "Drug Abuse Control Amendments of 1965", on March 1, 1968, and any subsequent exemption by said secretary ATTORNEY GENERAL pursuant to said section 511 (f) are exempted from the provisions of this act.

(7) Section 2 (5) of this act shall not apply to the possession and use of a dangerous drug obtained from a pharmacist on prescription of a practitioner or in accordance with section 2 (2) (c) of this act.

(8) The exemptions set forth in this section shall be available as a defense to any person accused of violating the provisions of section 2 of this act.

Section 4. Section (7) (1) of chapter 56, Session Laws of Colorado 1968, is amended to read:

Section 7. **Qualifications for licenses.**—(1) An applicant for a license under this act SHALL HAVE REGISTERED WITH AN AGENCY OF THE FEDERAL GOVERNMENT UNDER APPROPRIATE PROVISIONS OF THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT" AND shall have adequate and proper facilities for the handling and storage of such applicant's dangerous drugs located within this state and proper control over such dangerous drugs as to insure against their being illegally dispensed.

Section 5. Chapter 56, Session Laws of Colorado 1968, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

Section 19. **Legislative declaration.**—The general assembly finds, determines, and declares that strict accounting and control of the flow of dangerous drugs into and within this state are necessary for the immediate and future preservation of the public peace, health, and safety, and that the licensing and reporting provisions contained in this act are necessary for the achievement of such accounting and control.

Section 20. **Short title.**—This shall be known and may be cited as the "Colorado Dangerous Drug Act".

Section 6. **Severability clause.**—If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 7. **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.

Approved: June 1, 1969