Written Testimony in Opposition to House Bill 1199
Submitted by Emily Roberts, Vice President, Colorado BioScience Association
House Business Affairs & Labor Committee
March 25, 2021

On behalf of the Colorado BioScience Association (CBSA), thank you for the opportunity to submit written testimony on House Bill 1199.

CBSA represents over 720 life sciences organizations and 32,000 employees across the state that develop and deliver innovative products and solutions to improve and save lives. Our members play a crucial role in the development of breakthrough technologies and therapies that are leading to improved patient outcomes and reduced health care costs. Many of our members are also supporting the response to COVID-19, researching and developing new treatments and adapting technologies to address urgent needs during the pandemic.

CBSA respectfully opposes House Bill 1199, which would require original equipment manufacturers (OEMs) of digital electronic equipment to share diagnostic and repair information with unqualified repair technicians.

This bill mandates the disclosure of proprietary information without any contractual safeguards, which is a huge problem for the innovators in our state. Strong intellectual property protections are the foundation of the life sciences industry. Our members make significant investments in the research, development and commercialization of new products, and they also invest heavily in the development of servicing tools, training and protocols. This bill is requiring regulated manufacturers who have made investments in regulatory compliance and the development of servicing processes to provide confidential information to unregulated competitors. It would be devastating for innovation and competition in the technology industry.

We are also concerned that this bill specifically targets electric wheelchairs, which are categorized as a Class II medical device and highly regulated by the U.S. Food & Drug Administration (FDA). Federal regulatory requirements have been put in place to ensure medical devices such as wheelchairs are designed, manufactured and serviced according to specifications that support device quality, patient safety, and system security. This legislation undermines those regulatory requirements, and in doing so, creates unnecessary patient safety risks.

We know that this legislation is well intended, but requiring technology manufacturers to disclose proprietary information and work with unregulated third-party servicers will undermine the innovation ecosystem and jeopardize patient safety.

For these reasons, we ask you to vote no on House Bill 1199. Thank you.