

HB1077_L.004

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB19-1077 be amended as follows:

1 Amend reengrossed bill, page 2, line 11, strike "FEDERAL "FOOD," and
2 substitute ""FEDERAL FOOD,".

3 Page 4, line 21, strike "DISPENSED".

4 Page 5, after line 14 insert:

5 **"SECTION 4.** In Colorado Revised Statutes, 12-280-103, **amend**
6 **as relocated by House Bill 19-1172** (39)(b)(III) and (39)(c)(II)(C); and
7 **add** (9.5) and (39)(d) as follows:

8 **12-280-103. Definitions - rules.** As used in this article 280, unless
9 the context otherwise requires or the term is otherwise defined in another
10 part of this article 280:

11 (9.5) "CHRONIC MAINTENANCE DRUG" MEANS A DRUG THAT:

12 (a) IS NOT AN OPIOID OR IS NOT A CONTROLLED SUBSTANCE THAT
13 IS PROHIBITED FROM BEING DISPENSED WITHOUT A PRESCRIPTION UNDER
14 THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 301 ET
15 SEQ., AS AMENDED; AND

16 (b) IS PRESCRIBED TO A PATIENT TO TAKE ON A RECURRING BASIS
17 OR IS USED AS A LIFE-SAVING RESCUE DRUG FOR A CHRONIC CONDITION.

18 (39) "Practice of pharmacy" means:

19 (b) (III) The maintenance of proper records for the drugs and
20 devices; ~~and~~

21 (c) The provision of a therapeutic interchange selection or a
22 therapeutically equivalent selection to a patient if, during the patient's stay
23 at a nursing care facility or a long-term acute care hospital licensed under
24 part 1 of article 3 of title 25, the selection has been approved for the
25 patient:

26 (II) By one of the following health care providers:

27 (C) An advanced practice nurse prescriber licensed as a
28 professional nurse under section 12-255-110, registered as an advanced
29 practice nurse under section 12-255-111, and authorized to prescribe
30 controlled substances or prescription drugs pursuant to section
31 12-255-112, if the advanced practice nurse prescriber has developed an
32 articulated plan to maintain ongoing collaboration with physicians and
33 other health care professionals; AND

34 (d) THE DISPENSING OF CHRONIC MAINTENANCE DRUGS PURSUANT
35 TO SECTION 12-280-125.5 AND BOARD RULES ADOPTED IN ACCORDANCE
36 WITH THAT SECTION.

37 **SECTION 5.** In Colorado Revised Statutes, 12-280-123, **amend**

1 as relocated by House Bill 19-1172 (1) as follows:

2 **12-280-123. Prescription required - exception - dispensing**
3 **opiate antagonists.** (1) Except as provided in ~~section~~ SECTIONS
4 18-18-414 AND 12-280-125.5 and subsections (2) and (3) of this section,
5 an order is required prior to dispensing any prescription drug. Orders shall
6 be readily retrievable within the appropriate statute of limitations.

7 **SECTION 6.** In Colorado Revised Statutes, **add to article 280**
8 **as relocated by House Bill 19-1172** 12-280-125.5 as follows:

9 **12-280-125.5. Pharmacists' authority to dispense chronic**
10 **maintenance drugs - rules - liability.** (1) IN ACCORDANCE WITH BOARD
11 RULES ADOPTED UNDER SUBSECTION (2) OF THIS SECTION, ON AND AFTER
12 JANUARY 1, 2020, A PHARMACIST MAY DISPENSE AN EMERGENCY SUPPLY
13 OF A CHRONIC MAINTENANCE DRUG TO A PATIENT WITHOUT A CURRENT,
14 VALID PRESCRIPTION IF:

15 (a) THE PHARMACIST MAKES EVERY REASONABLE ATTEMPT BUT IS
16 UNABLE TO OBTAIN AUTHORIZATION TO REFILL THE PRESCRIPTION FROM
17 THE PRESCRIBING HEALTH CARE PROVIDER OR ANOTHER HEALTH CARE
18 PROVIDER RESPONSIBLE FOR THE PATIENT'S CARE;

19 (b) (I) THE PHARMACIST HAS A RECORD OF A PRESCRIPTION AT THE
20 PHARMACY OR HAS BEEN PRESENTED PROOF OF A RECENT PRESCRIPTION
21 FOR THE CHRONIC MAINTENANCE DRUG IN THE NAME OF THE PATIENT WHO
22 IS REQUESTING THE EMERGENCY SUPPLY; OR

23 (II) IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE REFUSAL
24 TO DISPENSE AN EMERGENCY SUPPLY OF THE CHRONIC MAINTENANCE
25 DRUG WILL ENDANGER THE PATIENT'S HEALTH OR DISRUPT ESSENTIAL
26 DRUG THERAPY FOR A CHRONIC CONDITION OF THE PATIENT;

27 (c) THE AMOUNT OF THE CHRONIC MAINTENANCE DRUG DISPENSED
28 DOES NOT EXCEED THE AMOUNT OF THE MOST RECENT PRESCRIPTION OR
29 THE STANDARD QUANTITY OR UNIT OF USE PACKAGE OF THE DRUG;

30 (d) THE PHARMACIST HAS NOT DISPENSED AN EMERGENCY SUPPLY
31 OF THE CHRONIC MAINTENANCE DRUG TO THE SAME PATIENT IN THE
32 PREVIOUS TWELVE-MONTH PERIOD; AND

33 (e) THE PRESCRIBER OF THE DRUG HAS NOT INDICATED THAT NO
34 EMERGENCY REFILLS ARE AUTHORIZED.

35 (2) THE BOARD SHALL ADOPT RULES, IN CONSULTATION WITH THE
36 COLORADO MEDICAL BOARD CREATED IN SECTION 12-240-105 AND THE
37 STATE BOARD OF NURSING CREATED IN SECTION 12-255-105, TO
38 ESTABLISH STANDARD PROCEDURES FOR PHARMACISTS TO FOLLOW IN
39 DISPENSING CHRONIC MAINTENANCE DRUGS PURSUANT TO THIS SECTION.
40 THE RULES ADOPTED UNDER THIS SUBSECTION (2) MUST INCLUDE
41 DOCUMENTATION REQUIREMENTS FOR A PHARMACIST TO COMPLETE WHEN
42 DISPENSING A CHRONIC MAINTENANCE DRUG WITHOUT A CURRENT
43 PRESCRIPTION.

44 (3) A PHARMACIST, THE PHARMACIST'S EMPLOYER, AND THE
45 ORIGINAL PRESCRIBER OF THE DRUG ARE NOT CIVILLY LIABLE FOR AN ACT

1 OR OMISSION IN CONNECTION WITH THE DISPENSING OF A CHRONIC
2 MAINTENANCE DRUG PURSUANT TO THIS SECTION UNLESS THE ACT OR
3 OMISSION CONSTITUTES NEGLIGENCE, RECKLESSNESS, OR WILLFUL OR
4 WANTON MISCONDUCT.

5 **SECTION 7. Effective date.** This act takes effect upon passage;
6 except that sections 4, 5, and 6 of this act take effect only if House Bill
7 19-1172 becomes law, in which case sections 4, 5, and 6 take effect on
8 October 1, 2019."

9 Renumber succeeding section accordingly.

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