

HOUSE COMMITTEE OF REFERENCE REPORT

May 3, 2022

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Chair of Committee

\_\_\_\_\_  
Date

Committee on Public & Behavioral Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB22-173 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend reengrossed bill, page 2, strike line 3 and substitute "(32)(a)(II),  
2 (32)(b)(II), (36), (43), and (50); and **repeal** (32)(c)".

3 Page 2, after line 7 insert:

4 "(32) "Other outlet" means:

5 (a) A hospital that does not operate a registered pharmacy, a rural  
6 health clinic, a federally qualified health center, as defined in the federal  
7 "Social Security Act", 42 U.S.C. sec. 1395x (aa)(4), a family planning  
8 clinic, an acute treatment unit licensed by the department of public health  
9 and environment, a school, a jail, a county or district public health  
10 agency, a community health clinic, a community mental health clinic, a  
11 behavioral health entity, an approved treatment facility, a university, or  
12 a college that:

13 (II) Engages in the compounding, dispensing, and delivery of  
14 drugs or devices; OR

15 (b) An ambulatory surgical center, a hospice, or a convalescent  
16 center, each of which is licensed pursuant to part 1 of article 3 of title 25,  
17 or a medical clinic operated by a hospital, each of which:

18 (II) Engages in the compounding, dispensing, and delivery of  
19 drugs or devices for administration to patients while being treated in the  
20 facility. **or**

21 (c) ~~A telepharmacy outlet.~~

22 (36) "Pharmacist manager" means an individual, licensed in this  
23 state as a pharmacist, who has direct control of the pharmaceutical affairs  
24 of a prescription drug outlet and who, EXCEPT AS PROVIDED IN SECTION  
25 12-280-118 (1)(a), is not the manager of any other prescription drug  
26 outlet.

27 (43) "Prescription drug outlet" or "pharmacy" means any

1 pharmacy outlet registered pursuant to this article 280 where prescriptions  
2 are compounded and dispensed. "Prescription drug outlet" includes,  
3 without limitation, a specialized prescription drug outlet registered  
4 pursuant to section 12-280-119 (11) AND A TELEPHARMACY OUTLET."

5 Page 2, after line 8 insert:

6 "(I) Is registered as ~~an other~~ A PRESCRIPTION DRUG outlet OR  
7 PHARMACY under this article 280;".

8 Page 2, strike lines 22 and 23 and substitute:

9 "(c) AS USED IN THIS SUBSECTION (50):  
10 (I) "AREA OF NEED" MEANS:".

11 Page 2, line 24, strike "(I)" and substitute "(A)".

12 Page 3, line 2, strike "(II)" and substitute "(B)".

13 Page 3, after line 3 insert:

14 "(II) "CENTRAL PHARMACY" MEANS A REGISTERED PHARMACY  
15 OUTLET RESPONSIBLE FOR OVERSEEING THE OPERATION OF A  
16 TELEPHARMACY OUTLET AND WHOSE PHARMACIST MANAGER IS THE  
17 PHARMACIST MANAGER FOR THE TELEPHARMACY OUTLET."

18 Page 3, strike lines 4 through 18.

19 Page 3, after line 19 insert:

20 "**SECTION 2.** In Colorado Revised Statutes, 12-280-118, **amend**  
21 (1)(a) and **add** (3)(c) as follows:

22 **12-280-118. Prescription drug outlet under charge of**  
23 **pharmacist - rules.** (1) (a) A prescription drug outlet must be under the  
24 direct charge of a pharmacist manager. A proprietor who is not a  
25 pharmacist shall comply with this requirement and shall provide a  
26 manager who is a pharmacist. UNLESS A PRESCRIPTION DRUG OUTLET IS  
27 A TELEPHARMACY OUTLET, THE PHARMACIST MANAGER SHALL NOT SERVE  
28 AS THE PHARMACIST MANAGER FOR MORE THAN ONE PRESCRIPTION DRUG  
29 OUTLET.

30 (3) (c) A TELEPHARMACY OUTLET IS REQUIRED TO HAVE A  
31 PHARMACIST MANAGER. A TELEPHARMACY OUTLET IS CONSIDERED TO BE  
32 UNDER THE DIRECT CONTROL OF THE PHARMACIST MANAGER, OR THE

1 LICENSED PHARMACIST DELEGATE, WHO PROVIDES REMOTE SUPERVISION  
2 TO THE TELEPHARMACY OUTLET.

3 **SECTION 3.** In Colorado Revised Statutes, 12-280-402, **amend**  
4 (3) as follows:

5 **12-280-402. Definitions.** As used in this part 4, unless the context  
6 otherwise requires:

7 (3) "Prescription drug outlet" or "pharmacy" means:

8 (a) Any resident or nonresident pharmacy outlet registered or  
9 licensed pursuant to this article 280 where prescriptions are compounded  
10 and dispensed; ~~and~~

11 (b) Any federally owned and operated pharmacy registered with  
12 the federal drug enforcement administration; AND

13 (c) A TELEPHARMACY OUTLET."

14 Renumber succeeding sections accordingly.

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