

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0851.01 Kip Kolkmeier x4510 & Christy Chase x2008 **SENATE BILL 17-146**

SENATE SPONSORSHIP

Jahn,

HOUSE SPONSORSHIP

Ginal,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO THE ELECTRONIC PRESCRIPTION DRUG**
102 **MONITORING PROGRAM.**

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>.)

The bill modifies provisions relating to licensed health professionals' access to the electronic prescription drug monitoring program as follows:

- ! Allows a health care provider who has authority to prescribe controlled substances, or the provider's designee, to query the program regarding a current patient, regardless

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

- of whether the provider is prescribing or considering prescribing a controlled substance to that patient;
- ! Specifies that a veterinarian who is authorized to prescribe controlled substances may access the program to inquire about a current patient or client if the veterinarian suspects that the client has committed drug abuse or mistreated an animal; and
- ! Specifies that, in addition to accessing the program when dispensing or considering dispensing a controlled substance, a pharmacist or designee of the pharmacist may access the program regarding a current patient to whom the pharmacist is dispensing or considering dispensing a prescription drug.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-42.5-404, **amend**
3 (3)(b) and (3)(d); and **add** (3)(b.5) as follows:

4 **12-42.5-404. Program operation - access - rules - definitions.**

5 (3) The program is available for query only to the following persons or
6 groups of persons:

7 (b) Any practitioner with the statutory authority to prescribe
8 controlled substances, or an individual designated by the practitioner to
9 act on his or her behalf in accordance with section 12-42.5-403 (1.5)(b),
10 to the extent the query relates to a current patient of the practitioner; ~~to~~
11 ~~whom the practitioner is prescribing or considering prescribing any~~
12 ~~controlled substance;~~

13 (b.5) (I) ANY VETERINARIAN WITH STATUTORY AUTHORITY TO
14 PRESCRIBE CONTROLLED SUBSTANCES, TO THE EXTENT THE QUERY
15 RELATES TO A CURRENT PATIENT OR TO A CLIENT AND IF THE
16 VETERINARIAN, IN THE EXERCISE OF PROFESSIONAL JUDGMENT, HAS A
17 REASONABLE BASIS TO SUSPECT THE CLIENT HAS COMMITTED DRUG ABUSE
18 OR HAS MISTREATED AN ANIMAL.

1 (II) AS USED IN THIS SUBSECTION (3)(b.5):

2 (A) "CLIENT" HAS THE SAME MEANING AS SET FORTH IN SECTION
3 12-64-103 (4.3).

4 (B) "MISTREAT" HAS THE SAME MEANING AS SET FORTH IN
5 SECTION 35-42-103 (9).

6 (C) "PATIENT" HAS THE SAME MEANING AS SET FORTH IN SECTION
7 12-64-103 (9.7).

8 (d) A pharmacist, an individual designated by a pharmacist in
9 accordance with section 12-42.5-403 (1.5)(b) to act on his or her behalf,
10 or a pharmacist licensed in another state, to the extent the information
11 requested relates specifically to a current patient to whom the pharmacist
12 is dispensing or considering dispensing a controlled substance OR
13 PRESCRIPTION DRUG OR A PATIENT to whom the pharmacist is CURRENTLY
14 providing clinical patient care services;

15 **SECTION 2. Applicability.** This act applies to queries to the
16 electronic prescription drug monitoring program occurring on or after the
17 effective date of this act.

18 **SECTION 3. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.