

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

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

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**SENATE SPONSORSHIP**

**Jahn,**

**HOUSE SPONSORSHIP**

**Ginal,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

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

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**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.*

SENATE  
2nd Reading Unamended  
February 27, 2017

- 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.

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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.