

CHAPTER 111

PROFESSIONS AND OCCUPATIONS

SENATE BILL 17-146

BY SENATOR(S) Jahn, Aguilar, Court, Donovan, Fenberg, Fields, Garcia, Guzman, Jones, Kefalas, Kerr, Merrifield, Todd, Williams A.;
also REPRESENTATIVE(S) Ginal, Buckner, Esgar, Herod, Kennedy, Michaelson Jenet, Pettersen, Singer, Young, Duran.

AN ACT**CONCERNING ACCESS TO THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM.**

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

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

12-42.5-404. Program operation - access - rules - definitions. (3) The program is available for query only to the following persons or groups of persons:

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

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

Approved: April 6, 2017