HOUSE BILL 20-1050

A BILL FOR AN ACT

ConCERNING THE DISTRIBUTION OF DRUGS BY OTHER OUTLET PHARMACIES.

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 allows ambulatory surgical center other outlets, hospice other outlets, and convalescent center other outlets to:

! Make a casual sale or loan of prescription drugs to another registered outlet or to a drug wholesaler;

! Sell or give a prescription drug to a practitioner authorized by law to prescribe the drug; and
Supply an emergency kit or starter dose of a prescription drug to specified entities.

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

SECTION 1. In Colorado Revised Statutes, 12-280-103, amend (8) as follows:

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

(8) "Casual sale" means a transfer, delivery, or distribution to a corporation, individual, or other entity, other than a consumer, entitled to possess prescription drugs; except that the amount of drugs transferred, delivered, or distributed in this manner by any registered prescription drug outlet or ANY hospital REGISTERED other outlet shall not exceed ten percent of the total number of dosage units of drugs dispensed and distributed ORIGINALLY PROCURED IN ANY REGISTERED OTHER OUTLET on an annual basis by the outlet.

SECTION 2. In Colorado Revised Statutes, 12-280-119, amend (1)(d) as follows:

12-280-119. Registration of facilities - rules. (1) All outlets with facilities in this state shall register with the board in one of the following classifications:

(d) Any other outlet, as may be authorized by this article 280 or that meets the definition of OTHER outlet as set forth in section 12-280-103 (32).

SECTION 3. In Colorado Revised Statutes, 12-280-120, amend (5)(a) introductory portion, (5)(a)(I), and (5)(a)(II); and repeal (5)(b) as follows:
12-280-120. Compounding - dispensing - sale of drugs and devices - rules - definition. (5) (a) A registered prescription drug or OUTLET or licensed hospital other outlet may:

(I) Make a casual sale or loan of or give a drug IN THE MANUFACTURER'S SEALED CONTAINER to another registered outlet or to a wholesaler of drugs;

(II) Sell or give MAKE A CASUAL SALE OF a drug IN THE MANUFACTURER'S SEALED CONTAINER to a practitioner authorized by law to prescribe the drug;

(b) In the case of a county or district public health agency that operates registered other outlets, one registered other outlet may make a casual sale of a drug to another registered other outlet if:

(I) The drug is sold in the original sealed container in which it was originally received from the wholesaler;

(II) A casual sale is not made to a registered other outlet that is not owned or operated by that county or district public health agency; and

(III) The amount sold does not exceed the ten percent limit established by section 12-280-103 (8):

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in
November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.