A BILL FOR AN ACT

CONCERNING THE ABILITY OF CERTAIN HEALTH-CARE PROVIDERS TO
REPURPOSE THERAPEUTIC DRUGS THAT HAVE BEEN APPROVED
BY THE FOOD AND DRUG ADMINISTRATION FOR ANOTHER
PURPOSE TO PROVIDE TREATMENT TO INDIVIDUALS WITH
COVID-19.

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 specifies that:

- A physician, physician assistant, or advanced practice
registered nurse with prescriptive authority may prescribe and dispense, and a pharmacist may dispense, therapeutic drugs for off-label use, including hydroxychloroquine sulfate and ivermectin, to provide prophylaxis or outpatient (at-home) and inpatient (hospital) treatment to an individual with COVID-19; and

This practice is not unprofessional conduct or otherwise grounds for discipline.

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

SECTION 1. In Colorado Revised Statutes, add 12-30-116 as follows:

12-30-116. Prescribing or dispensing off-label use of FDA-approved therapeutic drugs to treat COVID-19 - definitions.

(1) A PRESCRIBER MAY PRESCRIBE OR DISPENSE, AND A PHARMACIST MAY DISPENSE, PURSUANT TO A PRESCRIPTION DRUG ORDER AND WITH INFORMED CONSENT OF THE PATIENT, AN FDA-APPROVED THERAPEUTIC DRUG, INCLUDING HYDROXYCHLOROQUINE SULFATE AND IVERMECTIN, FOR OFF-LABEL USE TO AN INDIVIDUAL FOR PROPHYLAXIS OR FOR AT-HOME OUTPATIENT OR HOSPITAL INPATIENT TREATMENT OF COVID-19. PROPHYLACTIC USE DOES NOT REQUIRE SUSPECTED EXPOSURE TO THE VIRUS. AT-HOME EARLY-STAGE TREATMENT DOES NOT REQUIRE A COVID-19 TEST.

(2) CONDUCT THAT COMPLIES WITH SUBSECTION (1) OF THIS SECTION IS NOT UNPROFESSIONAL CONDUCT PURSUANT TO SECTION 12-240-121, 12-255-120, OR 12-280-126. A REGULATOR SHALL NOT INITIATE AN INVESTIGATION, INQUIRY, OR ANY OTHER DISCIPLINARY ACTION PURSUANT TO SECTION 12-240-125, 12-255-119, OR 12-280-126, RESPECTIVELY, FOR CONDUCT THAT COMPLIES WITH SUBSECTION (1) OF THIS SECTION.
(3) Nothing in this section limits or otherwise affects the prescriptive authority of a prescriber.

(4) As used in this section:

(a) "COVID-19" means the coronavirus disease caused by the severe acute respiratory syndrome coronavirus 2, also known as SARS-CoV-2.

(b) "FDA" means the Food and Drug Administration in the United States Department of Health and Human Services.

(c) "Pharmacist" means an individual licensed by the State pursuant to article 280 of this title 12 to engage in the practice of pharmacy.

(d) "Prescriber" means:

(I) A physician or physician assistant licensed pursuant to article 240 of this title 12; or

(II) An advanced practice registered nurse, as defined in section 12-255-104 (1), with prescriptive authority pursuant to section 12-255-112.

SECTION 2. Applicability. This act applies to conduct 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, or safety.