

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0652.01 Yelana Love x2295

HOUSE BILL 22-1015

HOUSE SPONSORSHIP

Luck, Geitner, Pico, Ransom, Rich, Williams

SENATE SPONSORSHIP

Hisey and Sonnenberg, Woodward

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF CERTAIN HEALTH-CARE PROVIDERS TO
102 REPURPOSE THERAPEUTIC DRUGS THAT HAVE BEEN APPROVED
103 BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR
104 ANOTHER PURPOSE TO PROVIDE TREATMENT TO INDIVIDUALS
105 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

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

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-30-119 as
3 follows:

4 **12-30-119. Prescribing or dispensing off-label use of**
5 **FDA-approved therapeutic drugs to treat COVID-19 - definitions.**

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

15 (2) CONDUCT THAT COMPLIES WITH SUBSECTION (1) OF THIS
16 SECTION IS NOT UNPROFESSIONAL CONDUCT PURSUANT TO SECTION
17 12-240-121, 12-255-120, OR 12-280-126. A REGULATOR SHALL NOT
18 INITIATE AN INVESTIGATION, AN INQUIRY, OR ANY OTHER DISCIPLINARY
19 ACTION PURSUANT TO SECTION 12-240-125, 12-255-119, OR 12-280-126,
20 RESPECTIVELY, FOR CONDUCT THAT COMPLIES WITH SUBSECTION (1) OF
21 THIS SECTION.

1 (3) NOTHING IN THIS SECTION LIMITS OR OTHERWISE AFFECTS THE
2 PRESCRIPTIVE AUTHORITY OF A PRESCRIBER.

3 (4) AS USED IN THIS SECTION:

4 (a) "COVID-19" MEANS THE CORONAVIRUS DISEASE CAUSED BY
5 THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO
6 KNOWN AS SARS-CoV-2.

7 (b) "FDA" MEANS THE FOOD AND DRUG ADMINISTRATION IN THE
8 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

9 (c) "PHARMACIST" MEANS AN INDIVIDUAL LICENSED BY THE STATE
10 PURSUANT TO ARTICLE 280 OF THIS TITLE 12 TO ENGAGE IN THE PRACTICE
11 OF PHARMACY.

12 (d) "PRESCRIBER" MEANS:

13 (I) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO
14 ARTICLE 240 OF THIS TITLE 12; OR

15 (II) AN ADVANCED PRACTICE REGISTERED NURSE, AS DEFINED IN
16 SECTION 12-255-104 (1), WITH PRESCRIPTIVE AUTHORITY PURSUANT TO
17 SECTION 12-255-112.

18 **SECTION 2. Applicability.** This act applies to conduct occurring
19 on or after the effective date of this act.

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