

CHAPTER 265

HEALTH AND ENVIRONMENT

SENATE BILL 22-027

BY SENATOR(S) Smallwood and Rodriguez, Buckner, Cooke, Coram, Donovan, Fields, Gardner, Ginal, Gonzales, Hisey, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Scott, Simpson, Sonnenberg, Story, Winter, Woodward, Garcia;
also REPRESENTATIVE(S) Michaelson Jenet and Larson, Bernett, Bird, Boesenecker, Exum, Lindsay, McCluskie, Ricks.

AN ACT**CONCERNING CHANGES TO THE PRESCRIPTION DRUG MONITORING PROGRAM PURSUANT TO THE MARCH 2021 AUDIT REPORT ISSUED BY THE OFFICE OF THE STATE AUDITOR.**

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

SECTION 1. In Colorado Revised Statutes, 12-30-109, **amend** (1)(b); and **add** (7) as follows:

12-30-109. Prescriptions - limitations - definition - rules. (1) (b) Prior to prescribing ~~the second fill of~~ any opioid or benzodiazepine prescription pursuant to this section, a prescriber must comply with the requirements of section 12-280-404 (4). Failure to comply with section 12-280-404 (4) constitutes unprofessional conduct or grounds for discipline, as applicable, under section 12-220-201, 12-240-121, 12-255-120, 12-275-120, 12-290-108, or 12-315-112, as applicable to the particular prescriber, only if the prescriber repeatedly fails to comply.

(7) EACH PRESCRIBER LICENSED IN THIS STATE WHO HOLDS A CURRENT REGISTRATION ISSUED BY THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION SHALL REGISTER AND MAINTAIN A USER ACCOUNT AS SPECIFIED IN SECTION 12-280-403.

SECTION 2. In Colorado Revised Statutes, 12-280-403, **amend** (2)(a) as follows:

12-280-403. Prescription drug use monitoring program - registration required. (2) (a) Each practitioner LICENSED in this state who holds a current registration issued by the federal drug enforcement administration and each

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

pharmacist LICENSED IN THIS STATE shall register and maintain a user account with the program.

SECTION 3. In Colorado Revised Statutes, 12-280-409, **amend** (1) as follows:

12-280-409. Examination and analysis of prescription drug monitoring program - recommendations to executive director. (1) The executive director shall create a prescription drug monitoring program task force or consult with and request assistance from the Colorado team assembled by the governor's office to develop a strategic plan to reduce prescription drug misuse, or its successor group, in order to:

(a) Examine issues, opportunities, and weaknesses of the program, including how personal information is secured in the program and whether inclusion of personal identifying information in the program and access to that information is necessary; **and**

(b) Make recommendations to the executive director on ways to make the program a more effective tool for practitioners and pharmacists in order to reduce prescription drug misuse in this state; **AND**

(c) **EVALUATE AND MAKE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR, AFTER ENGAGING IN A STAKEHOLDER PROCESS, REGARDING BALANCING THE PROGRAM AS A HEALTH-CARE TOOL WITH THE ENFORCEMENT OF THIS ARTICLE 280.**

SECTION 4. 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.

Approved: May 27, 2022