

CHAPTER 321

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 24-1115

BY REPRESENTATIVE(S) Young and Joseph, Amabile, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Duran, Epps, Hamrick, Hernandez, Herod, Jodeh, Kipp, Lieder, Lindsay, Lukens, Mabrey, Ortiz, Parenti, Ricks, Rutinel, Sirota, Story, Titone, Valdez, Velasco, Vigil, Willford, McCluskie, Catlin, English, Garcia, Marvin, McLachlan, Snyder;
also SENATOR(S) Fenberg, Bridges, Buckner, Cutter, Exum, Ginal, Jaquez Lewis, Michaelson Jenet, Priola, Will, Winter F.

AN ACT

CONCERNING ACCESS TO PRESCRIPTION DRUG LABEL INFORMATION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 12-280-124, **add** (4) as follows:

12-280-124. Labeling - rules - definitions. (4) (a) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "PATIENT" MEANS A PATIENT AND A PATIENT'S CARETAKER.

(II) "PATIENT'S EXTERNAL ACCESSIBLE DEVICE" MEANS A COMMERCIALY AVAILABLE COMPUTER, MOBILE PHONE, OR OTHER COMMUNICATIONS DEVICE THAT IS ABLE TO RECEIVE ELECTRONIC INFORMATION TRANSMITTED FROM AN EXTERNAL SOURCE AND PROVIDE THE ELECTRONIC INFORMATION IN A FORM AND FORMAT ACCESSIBLE TO A PATIENT.

(III) "PRESCRIPTION DRUG READER" MEANS AN ELECTRONIC DEVICE THAT IS ABLE TO OBTAIN INFORMATION FROM AN ELECTRONIC LABEL AFFIXED TO A CONTAINER OF A PRESCRIPTION DRUG AND PROVIDE THE INFORMATION IN AN AUDIO FORMAT ACCESSIBLE TO THE PATIENT.

(b) ON AND AFTER JULY 1, 2025, EXCEPT AS PROVIDED IN SUBSECTIONS (4)(c) AND (4)(d) OF THIS SECTION, WHEN DISPENSING A PRESCRIPTION DRUG TO A PATIENT WHO NOTIFIES A PHARMACY OF DIFFICULTY SEEING OR READING STANDARD PRINTED LABELS ON A PRESCRIPTION DRUG CONTAINER, THE PHARMACY SHALL PROVIDE THE

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.

PATIENT WITH A METHOD TO ACCESS THE PRESCRIPTION DRUG LABEL INFORMATION REQUIRED PURSUANT TO SUBSECTIONS (1) TO (3) OF THIS SECTION BY THE PATIENT'S CHOICE OF:

(I) AN ELECTRONIC LABEL AFFIXED TO THE PRESCRIPTION DRUG CONTAINER THAT TRANSMITS PRESCRIPTION DRUG LABEL INFORMATION, DIRECTIONS, AND WRITTEN INSTRUCTIONS TO A PATIENT'S EXTERNAL ACCESSIBLE DEVICE, INCLUDING A PATIENT'S COMPATIBLE PRESCRIPTION DRUG READER;

(II) A PRESCRIPTION DRUG READER PROVIDED TO THE PATIENT AT NO COST;

(III) A PRESCRIPTION DRUG LABEL IN BRAILLE OR LARGE PRINT; OR

(IV) ANY OTHER METHOD INCLUDED IN THE BEST PRACTICES FOR ACCESS TO PRESCRIPTION DRUG LABELING INFORMATION BY THE UNITED STATES ACCESS BOARD, OR ITS SUCCESSOR ORGANIZATION.

(c) A PHARMACY COMPLIES WITH SUBSECTION (4)(b) OF THIS SECTION IF:

(I) THE PHARMACY OFFERS A PATIENT AN ALTERNATIVE METHOD TO ACCESS A PRESCRIPTION DRUG LABEL OTHER THAN THE METHODS SPECIFIED IN SUBSECTIONS (4)(b)(I) TO (4)(b)(IV) OF THIS SECTION; AND

(II) THE STATE BOARD OF PHARMACY AFFIRMS THAT THE ALTERNATIVE METHOD OFFERED TO A PATIENT PURSUANT TO SUBSECTION (4)(e)(I) OF THIS SECTION IS SUBSTANTIALLY SIMILAR TO THE METHOD OF ACCESS THE PATIENT REQUESTED AND MEETS THE NEEDS OF THE PATIENT.

(d) IF A PATIENT REQUESTS A METHOD OF ACCESS THAT THE PHARMACY HAS NOT YET BEEN ASKED TO PROVIDE TO ANY OTHER PATIENT, THE PHARMACY MUST NOT TAKE MORE THAN TWENTY-EIGHT DAYS TO COMPLY WITH SUBSECTION (4)(b) OF THIS SECTION. THE PHARMACY SHALL MAKE REASONABLE EFFORTS TO ENSURE PATIENT SAFETY AND ACCESS DURING THE TIME IT TAKES TO PROVIDE THE REQUESTED METHOD OF ACCESSIBILITY.

(e) PHARMACIES SHALL MAKE GOOD FAITH, SUSTAINED, PERIODIC, AND REASONABLE EFFORTS TO INFORM THE PUBLIC THAT PRESCRIPTION DRUG LABEL INFORMATION IS AVAILABLE IN ACCESSIBLE FORMATS FOR INDIVIDUALS WHO HAVE DIFFICULTY SEEING OR READING STANDARD PRINTED LABELS ON PRESCRIPTION DRUG CONTAINERS.

(f) PHARMACIES SHALL OTHERWISE FOLLOW BEST PRACTICES AS RECOMMENDED BY THE UNITED STATES ACCESS BOARD, OR ITS SUCCESSOR ORGANIZATION, FOR PHARMACIES IN PROVIDING INDEPENDENT ACCESS TO PRESCRIPTION DRUG LABEL INFORMATION.

(g) BY JANUARY 1, 2025, THE BOARD SHALL ADOPT RULES NECESSARY TO IMPLEMENT THIS SUBSECTION (4).

SECTION 2. In Colorado Revised Statutes, **add** 25-1.5-122 as follows:

25-1.5-122. Pharmacy labels - prescription accessibility grant program - repeal. (1) THE PRESCRIPTION ACCESSIBILITY GRANT PROGRAM IS CREATED IN THE DEPARTMENT. THE PURPOSE OF THE GRANT PROGRAM IS TO PROVIDE HARDSHIP GRANTS TO PHARMACIES FOR THE PURCHASE OF EQUIPMENT USED TO CREATE ACCESSIBLE PRESCRIPTION LABELS.

(2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO PURCHASE EQUIPMENT USED TO CREATE ACCESSIBLE PRESCRIPTION LABELS.

(3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. GRANTS MUST BE PAID OUT OF MONEY APPROPRIATED FOR THE GRANT PROGRAM AS PROVIDED IN SUBSECTION (5) OF THIS SECTION.

(4)(a) TO RECEIVE A GRANT, A PHARMACY MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(b) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION.

(c) EACH GRANT RECIPIENT MAY BE AWARDED UP TO ONE THOUSAND FIVE HUNDRED DOLLARS.

(5) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE JULY 1, 2025, THE DEPARTMENT SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION.

(6) ON OR BEFORE JANUARY 1, 2026, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE GRANT PROGRAM. AT A MINIMUM, THE REPORT MUST INCLUDE THE NUMBER OF GRANTS AWARDED, THE AMOUNT OF EACH GRANT, AND THE GRANT RECIPIENTS.

(7) THE GENERAL ASSEMBLY SHALL APPROPRIATE EIGHTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT TO IMPLEMENT THE GRANT PROGRAM. THE DEPARTMENT MAY USE A PORTION OF THE MONEY APPROPRIATED FOR THE PROGRAM TO PAY THE DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS TO ADMINISTER THE GRANT PROGRAM. ANY MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (7) THAT IS NOT EXPENDED OR ENCUMBERED AT THE END OF THE 2024-25 STATE FISCAL YEAR REMAINS AVAILABLE FOR EXPENDITURE BY THE DEPARTMENT FOR THE PURPOSES OF THIS SECTION IN THE NEXT STATE FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 3. Appropriation. (1) For the 2024-25 state fiscal year, \$80,000 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.1 FTE. To

implement this act, the division may use this appropriation for the prescription accessibility grant program related to chronic disease prevention programs. Any money appropriated in this section not expended prior to July 1, 2025, is further appropriated to the division for the 2025-26 and 2026-27 state fiscal years for the same purpose.

(2) For the 2024-25 state fiscal year, \$3,650 is appropriated to the department of corrections for use by the institutions division. This appropriation is from the general fund. To implement this act, the division may use this appropriation for operating expenses related to the medical services subprogram.

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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 3, 2024