

CHAPTER 205

CORRECTIONS

SENATE BILL 12-161

BY SENATOR(S) Nicholson, King S., Aguilar, Boyd, Carroll, Foster, Giron, Guzman, Hodge, Newell, Schwartz, Tochtrop, White, Williams S.;

also REPRESENTATIVE(S) Bradford, Acree, Balmer, Barker, Baumgardner, Becker, Beezley, Brown, Casso, Conti, Coram, Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Miklosi, Murray, Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Ryden, Schafer S., Scott, Singer, Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, McNulty.

AN ACT**CONCERNING MEASURES TO REDUCE HEALTH CARE COSTS IN CORRECTIONAL FACILITIES.**

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

SECTION 1. In Colorado Revised Statutes, 12-22-133, **amend** (1) (a); and **add** (1) (a.5) and (2) (a) (III) as follows:

12-22-133. Unused medication - licensed facilities - correctional facilities - reuse - rules. (1) As used in this section and section 12-22-134, unless the context otherwise requires:

(a) ~~"Licensed facility" means a hospital, hospital unit, community mental health center, acute treatment unit, hospice, nursing care facility, or assisted living residence that is required to be licensed pursuant to section 25-3-101, C.R.S., or a licensed long-term care facility as defined in section 25-1-124 (2.5) (b), C.R.S.~~ "CORRECTIONAL FACILITY" MEANS A FACILITY UNDER THE SUPERVISION OF THE UNITED STATES, THE DEPARTMENT OF CORRECTIONS, OR A SIMILAR STATE AGENCY OR DEPARTMENT IN A STATE OTHER THAN COLORADO IN WHICH PERSONS ARE OR MAY BE LAWFULLY HELD IN CUSTODY AS A RESULT OF CONVICTION OF A CRIME; A JAIL OR AN ADULT DETENTION CENTER OF A COUNTY, CITY, OR CITY AND COUNTY; AND A PRIVATE CONTRACT PRISON OPERATED BY A STATE, COUNTY, CITY, OR CITY AND COUNTY.

(a.5) "LICENSED FACILITY" MEANS A HOSPITAL, HOSPITAL UNIT, COMMUNITY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

MENTAL HEALTH CENTER, ACUTE TREATMENT UNIT, HOSPICE, NURSING CARE FACILITY, OR ASSISTED LIVING RESIDENCE THAT IS REQUIRED TO BE LICENSED PURSUANT TO SECTION 25-3-101, C.R.S., OR A LICENSED LONG-TERM CARE FACILITY AS DEFINED IN SECTION 25-1-124 (2.5) (b), C.R.S.

(2) (a) (III) A CORRECTIONAL FACILITY MAY RETURN UNUSED MEDICATIONS, MEDICAL SUPPLIES, AND MEDICAL DEVICES TO THE PHARMACIST WITHIN THE CORRECTIONAL FACILITY OR A PRESCRIPTION DRUG OUTLET IN ORDER FOR THE MEDICATION TO BE REDISPENSED TO ANOTHER PATIENT OR DONATED TO A NONPROFIT ENTITY THAT HAS THE LEGAL AUTHORITY TO POSSESS THE MEDICATION OR TO A PRACTITIONER AUTHORIZED BY LAW TO PRESCRIBE THE MEDICATION.

SECTION 2. 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 8, 2012, if adjournment sine die is on May 9, 2012); 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 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 24, 2012