

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB19-1077 be amended as follows:

1 Amend reengrossed bill, page 2, line 11, strike "FEDERAL "FOOD," and  
2 substitute ""FEDERAL FOOD,".

3 Page 4, line 21, strike "DISPENSED".

4 Page 5, after line 14 insert:

5       **"SECTION 4.** In Colorado Revised Statutes, 12-280-103, **amend**  
6 **as relocated by House Bill 19-1172** (39)(b)(III) and (39)(c)(II)(C); and  
7 **add** (9.5) and (39)(d) as follows:

8       **12-280-103. Definitions - rules.** As used in this article 280, unless  
9 the context otherwise requires or the term is otherwise defined in another  
10 part of this article 280:

11       (9.5) "CHRONIC MAINTENANCE DRUG" MEANS A DRUG THAT:

12       (a) IS NOT AN OPIOID OR IS NOT A CONTROLLED SUBSTANCE THAT  
13 IS PROHIBITED FROM BEING DISPENSED WITHOUT A PRESCRIPTION UNDER  
14 THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 301 ET  
15 SEQ., AS AMENDED; AND

16       (b) IS PRESCRIBED TO A PATIENT TO TAKE ON A RECURRING BASIS  
17 OR IS USED AS A LIFE-SAVING RESCUE DRUG FOR A CHRONIC CONDITION.

18       (39) "Practice of pharmacy" means:

19       (b) (III) The maintenance of proper records for the drugs and  
20 devices; and

21       (c) The provision of a therapeutic interchange selection or a  
22 therapeutically equivalent selection to a patient if, during the patient's stay  
23 at a nursing care facility or a long-term acute care hospital licensed under  
24 part 1 of article 3 of title 25, the selection has been approved for the  
25 patient:

26       (II) By one of the following health care providers:

27       (C) An advanced practice nurse prescriber licensed as a  
28 professional nurse under section 12-255-110, registered as an advanced  
29 practice nurse under section 12-255-111, and authorized to prescribe  
30 controlled substances or prescription drugs pursuant to section  
31 12-255-112, if the advanced practice nurse prescriber has developed an  
32 articulated plan to maintain ongoing collaboration with physicians and  
33 other health care professionals; AND

34       (d) THE DISPENSING OF CHRONIC MAINTENANCE DRUGS PURSUANT  
35 TO SECTION 12-280-125.5 AND BOARD RULES ADOPTED IN ACCORDANCE  
36 WITH THAT SECTION.

37       **SECTION 5.** In Colorado Revised Statutes, 12-280-123, **amend**

1 as relocated by House Bill 19-1172 (1) as follows:

2 **12-280-123. Prescription required - exception - dispensing**  
3 **opiate antagonists.** (1) Except as provided in ~~section~~ SECTIONS  
4 18-18-414 AND 12-280-125.5 and subsections (2) and (3) of this section,  
5 an order is required prior to dispensing any prescription drug. Orders shall  
6 be readily retrievable within the appropriate statute of limitations.

7 **SECTION 6.** In Colorado Revised Statutes, **add to article 280**  
8 **as relocated by House Bill 19-1172** 12-280-125.5 as follows:

9 **12-280-125.5. Pharmacists' authority to dispense chronic**  
10 **maintenance drugs - rules - liability.** (1) IN ACCORDANCE WITH ~~BOARD~~  
11 RULES ADOPTED UNDER SUBSECTION (2) OF THIS SECTION, ON AND AFTER  
12 JANUARY 1, 2020, A PHARMACIST MAY DISPENSE AN EMERGENCY SUPPLY  
13 OF A CHRONIC MAINTENANCE DRUG TO A PATIENT WITHOUT A CURRENT,  
14 VALID PRESCRIPTION IF:

15 (a) THE PHARMACIST MAKES EVERY REASONABLE ATTEMPT BUT IS  
16 UNABLE TO OBTAIN AUTHORIZATION TO REFILL THE PRESCRIPTION FROM  
17 THE PRESCRIBING HEALTH CARE PROVIDER OR ANOTHER HEALTH CARE  
18 PROVIDER RESPONSIBLE FOR THE PATIENT'S CARE;

19 (b) (I) THE PHARMACIST HAS A RECORD OF A PRESCRIPTION AT THE  
20 PHARMACY OR HAS BEEN PRESENTED PROOF OF A RECENT PRESCRIPTION  
21 FOR THE CHRONIC MAINTENANCE DRUG IN THE NAME OF THE PATIENT WHO  
22 IS REQUESTING THE EMERGENCY SUPPLY; OR

23 (II) IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE REFUSAL  
24 TO DISPENSE AN EMERGENCY SUPPLY OF THE CHRONIC MAINTENANCE  
25 DRUG WILL ENDANGER THE PATIENT'S HEALTH OR DISRUPT ESSENTIAL  
26 DRUG THERAPY FOR A CHRONIC CONDITION OF THE PATIENT;

27 (c) THE AMOUNT OF THE CHRONIC MAINTENANCE DRUG DISPENSED  
28 DOES NOT EXCEED THE AMOUNT OF THE MOST RECENT PRESCRIPTION OR  
29 THE STANDARD QUANTITY OR UNIT OF USE PACKAGE OF THE DRUG;

30 (d) THE PHARMACIST HAS NOT DISPENSED AN EMERGENCY SUPPLY  
31 OF THE CHRONIC MAINTENANCE DRUG TO THE SAME PATIENT IN THE  
32 PREVIOUS TWELVE-MONTH PERIOD; AND

33 (e) THE PRESCRIBER OF THE DRUG HAS NOT INDICATED THAT NO  
34 EMERGENCY REFILLS ARE AUTHORIZED.

35 (2) THE BOARD SHALL ADOPT RULES, IN CONSULTATION WITH THE  
36 COLORADO MEDICAL BOARD CREATED IN SECTION 12-240-105 AND THE  
37 STATE BOARD OF NURSING CREATED IN SECTION 12-255-105, TO  
38 ESTABLISH STANDARD PROCEDURES FOR PHARMACISTS TO FOLLOW IN  
39 DISPENSING CHRONIC MAINTENANCE DRUGS PURSUANT TO THIS SECTION.  
40 THE RULES ADOPTED UNDER THIS SUBSECTION (2) MUST INCLUDE  
41 DOCUMENTATION REQUIREMENTS FOR A PHARMACIST TO COMPLETE WHEN  
42 DISPENSING A CHRONIC MAINTENANCE DRUG WITHOUT A CURRENT  
43 PRESCRIPTION.

44 (3) A PHARMACIST, THE PHARMACIST'S EMPLOYER, AND THE  
45 ORIGINAL PRESCRIBER OF THE DRUG ARE NOT CIVILLY LIABLE FOR AN ACT

1 OR OMISSION IN CONNECTION WITH THE DISPENSING OF A CHRONIC  
2 MAINTENANCE DRUG PURSUANT TO THIS SECTION UNLESS THE ACT OR  
3 OMISSION CONSTITUTES NEGLIGENCE, RECKLESSNESS, OR WILLFUL OR  
4 WANTON MISCONDUCT.

5 **SECTION 7. Effective date.** This act takes effect upon passage;  
6 except that sections 4, 5, and 6 of this act take effect only if House Bill  
7 19-1172 becomes law, in which case sections 4, 5, and 6 take effect on  
8 October 1, 2019.".

9 Renumber succeeding section accordingly.

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