

# An Act

SENATE BILL 24-087

BY SENATOR(S) Mullica and Will, Bridges, Coleman, Cutter, Fields, Gardner, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Lundeen, Marchman, Michaelson Jenet, Priola, Rich, Rodriguez, Smallwood, Van Winkle, Winter F.;  
also REPRESENTATIVE(S) Daugherty and Bradfield, Boesenecker, Brown, Catlin, Duran, Hamrick, Herod, Jodeh, Kipp, Marvin, McCormick, Woodrow, Young.

CONCERNING THE PROVISION OF A FACILITY-PROVIDED TOPICAL MEDICATION  
TO A PATIENT FOR THE CONTINUITY OF THE PATIENT'S TREATMENT  
AFTER A SURGICAL PROCEDURE.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 12-30-123 as follows:

**12-30-123. Health-care providers - on-site administered topical medication - use for continued treatment - definition.** (1) AS USED IN THIS SECTION, "FACILITY-PROVIDED MEDICATION" OR "MEDICATION" MEANS A TOPICAL MEDICATION THAT A HEALTH-CARE PROVIDER OR MEDICAL OFFICE HAS ON HAND OR THAT IS RETRIEVED FROM A DISPENSING SYSTEM FOR A

*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.*

SPECIFIED PATIENT FOR USE DURING A SURGICAL PROCEDURE OR A VISIT TO A HEALTH-CARE PROVIDER.

(2)(a) A HEALTH-CARE PROVIDER MAY OFFER ANY UNUSED PORTION OF A FACILITY-PROVIDED MEDICATION TO A PATIENT IF THE MEDICATION IS REQUIRED FOR CONTINUED TREATMENT, THE MEDICATION DOES NOT CONTAIN A CONTROLLED SUBSTANCE, AND THE MEDICATION WAS ADMINISTERED TO THE PATIENT DURING THE PATIENT'S VISIT TO THE HEALTH-CARE PROVIDER. THE HEALTH-CARE PROVIDER SHALL DOCUMENT WITHIN THE PATIENT'S MEDICAL RECORD THAT THE PATIENT MUST CONTINUE THE MEDICATION AT HOME, INCLUDING THE PATIENT'S DOSAGE AND DIRECTIONS FOR USE.

(b) A HEALTH-CARE PROVIDER SHALL LABEL A FACILITY-PROVIDED MEDICATION AS REQUIRED PURSUANT TO ARTICLE 280 OF THIS TITLE 12.

(3) IF A FACILITY-PROVIDED MEDICATION IS USED FOR A PATIENT DURING A VISIT TO A HEALTH-CARE PROVIDER AND THE FACILITY-PROVIDED MEDICATION IS PROVIDED TO THE PATIENT FOR CONTINUITY OF TREATMENT, THE HEALTH-CARE PROVIDER IS RESPONSIBLE FOR COUNSELING THE PATIENT ON THE PROPER USE OF THE MEDICATION, AND A PHARMACIST'S REQUIREMENT TO COUNSEL THE PATIENT CONCERNING THE MEDICATION PURSUANT TO SECTION 12-280-138 IS WAIVED.

**SECTION 2.** In Colorado Revised Statutes, **add 25-1-138** as follows:

**25-1-138. Health facilities - on-site administered topical medication - use for continued treatment - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FACILITY-PROVIDED MEDICATION" OR "MEDICATION" MEANS A TOPICAL MEDICATION THAT A HEALTH FACILITY HAS ON HAND OR IS RETRIEVED FROM A DISPENSING SYSTEM FOR A SPECIFIED PATIENT FOR USE DURING A SURGICAL PROCEDURE OR A VISIT TO A HEALTH FACILITY.

(b) "HEALTH FACILITY" MEANS A HOSPITAL LICENSED PURSUANT TO SECTION 25-1.5-103 AND AN AMBULATORY SURGICAL CENTER LICENSED PURSUANT TO ARTICLE 3 OF THIS TITLE 25.

(2)(a) A HEALTH FACILITY OR HOSPITAL PHARMACY MAY OFFER ANY UNUSED PORTION OF A FACILITY-PROVIDED MEDICATION TO A PATIENT UPON THE PATIENT'S DISCHARGE FROM THE HEALTH FACILITY IF THE MEDICATION IS REQUIRED FOR CONTINUED TREATMENT, THE MEDICATION DOES NOT CONTAIN A CONTROLLED SUBSTANCE, AND THE MEDICATION WAS ADMINISTERED TO THE PATIENT DURING THE PATIENT'S VISIT TO THE HEALTH FACILITY. A HEALTH FACILITY SHALL DOCUMENT WITHIN THE PATIENT'S MEDICAL RECORD THAT THE PATIENT MUST CONTINUE THE MEDICATION AT HOME, INCLUDING THE PATIENT'S DOSAGE AND DIRECTIONS FOR USE.

(b) A HEALTH FACILITY OR HOSPITAL PHARMACY SHALL:

(I) LABEL A FACILITY-PROVIDED MEDICATION WITH, AT A MINIMUM, THE FACILITY NAME, THE PRESCRIBING HEALTH-CARE PROVIDER'S NAME, THE PATIENT'S NAME, THE DRUG IDENTIFICATION, AND THE DIRECTIONS FOR USE IF THE INSTRUCTIONS ARE NOT PROVIDED TO THE PATIENT AT THE TIME OF DISCHARGE FROM THE FACILITY; OR

(II) IF THE FACILITY-PROVIDED MEDICATION'S CONTAINER INCLUDES ONLY THE NAME AND STRENGTH OF THE MEDICATION, INCLUDE THE FACILITY NAME, THE PRESCRIBING HEALTH-CARE PROVIDER'S NAME, THE PATIENT'S NAME, AND THE DIRECTIONS FOR USE WITH EDUCATION MATERIALS PROVIDED TO THE PATIENT AT THE TIME OF DISCHARGE FROM THE FACILITY.

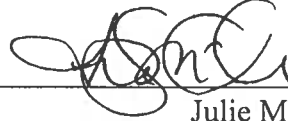
(3) IF A FACILITY-PROVIDED MEDICATION IS USED FOR A PATIENT IN AN OPERATING ROOM OR EMERGENCY DEPARTMENT SETTING OR FOR A VISIT TO A HEALTH FACILITY AND THE FACILITY-PROVIDED MEDICATION IS PROVIDED TO THE PATIENT FOR CONTINUITY OF TREATMENT, THE HEALTH FACILITY OR HOSPITAL PHARMACY, WHICHEVER PROVIDES THE MEDICATION, IS RESPONSIBLE FOR COUNSELING THE PATIENT ON THE PROPER USE OF THE MEDICATION, AND A PHARMACIST'S REQUIREMENT TO COUNSEL THE PATIENT CONCERNING THE MEDICATION PURSUANT TO SECTION 12-280-138 IS WAIVED.

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

the support and maintenance of the departments of the state and state institutions.



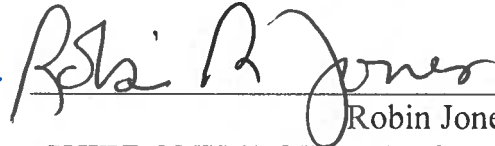
Steve Fenberg  
PRESIDENT OF  
THE SENATE



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED Monday April 22<sup>nd</sup> 2024 at 6:30 pm  
(Date and Time)



~~Jared S. Polis~~  
~~GOVERNOR OF THE STATE OF COLORADO~~

Dianne Primavera

Lt. Governor, acting on behalf  
of the state while Governor  
Jared Polis is absent from  
the state.