

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 10, 2024
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB24-061 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 12-280-135.5
4 as follows:

5 **12-280-135.5. Colorado drug donation program - created -**
6 **rules - records - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "COLORADO DRUG DONATION PROGRAM" OR "PROGRAM"
9 MEANS THE COLORADO DRUG DONATION PROGRAM CREATED IN THIS
10 SECTION.

11 (b) "CONTROLLED SUBSTANCE" HAS THE MEANING SET FORTH IN
12 SECTION 18-18-102 (5).

13 (c) (I) "DONATION RECIPIENT" MEANS ANY ENTITY THAT:

14 (A) IS LEGALLY AUTHORIZED TO POSSESS MEDICINE;

15 (B) HAS A LICENSE OR REGISTRATION IN GOOD STANDING IN THE
16 STATE IN WHICH THE ENTITY IS LOCATED; AND

17 (C) RECEIVES A DONATION OF MEDICINE.

18 (II) "DONATION RECIPIENT" INCLUDES THE DRUG REPOSITORY, A
19 DISTRIBUTOR, A THIRD-PARTY LOGISTICS PROVIDER, A REVERSE
20 DISTRIBUTOR, A REPACKAGER, A HOSPITAL, A PHARMACY, A CLINIC, A
21 HEALTH-CARE PROVIDER, OR A PRESCRIBER OFFICE.

22 (d) (I) "DONOR" MEANS ANY PERSON LEGALLY AUTHORIZED TO
23 POSSESS MEDICINE, INCLUDING AN INDIVIDUAL MEMBER OF THE PUBLIC,
24 THE DRUG REPOSITORY, A DISTRIBUTOR, A THIRD-PARTY LOGISTICS
25 PROVIDER, A PHARMACY, A DISPENSER, A CLINIC, A SURGICAL OR HEALTH
26 CENTER, A DETENTION AND REHABILITATION CENTER, A JAIL, A PRISON, A
27 LABORATORY, A PRESCRIBER OR OTHER HEALTH-CARE PROFESSIONAL, OR

1 A LONG-TERM CARE FACILITY OR HEALTH-CARE FACILITY, WHICH PERSON
2 DONATES MEDICINE.

3 (II) "DONOR" INCLUDES GOVERNMENT AGENCIES AND ENTITIES
4 THAT ARE FEDERALLY AUTHORIZED TO POSSESS MEDICINE, INCLUDING
5 MANUFACTURERS, REPACKAGERS, RELABELERS, OUTSOURCING FACILITIES,
6 VETERANS AFFAIRS HOSPITALS, AND FDA-AUTHORIZED IMPORTERS SUCH
7 AS THOSE DESCRIBED UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC
8 ACT", 21 U.S.C. SECS. 801 AND 804, AS AMENDED, OR SIMILAR
9 PROVISIONS, AND FEDERAL PRISONS.

10 (e) "DRUG REPOSITORY" MEANS THE ENTITY PROVIDING DRUG
11 REPOSITORY SERVICES FOR THE PROGRAM PURSUANT TO SECTION
12 25-1.5-121.

13 (f) "ELIGIBLE PATIENT" MEANS A COLORADO RESIDENT WITH A
14 NEED FOR DONATED MEDICINE WHO IS INDIGENT, UNINSURED,
15 UNDERINSURED, OR ENROLLED IN A PUBLIC HEALTH BENEFITS PROGRAM.
16 OTHER PATIENTS ARE CONSIDERED "ELIGIBLE PATIENTS" IF A NEED FOR A
17 DONATED MEDICINE IS NOT IDENTIFIED AMONG COLORADO RESIDENTS
18 WHO ARE INDIGENT, UNINSURED, UNDERINSURED, OR ENROLLED IN A
19 PUBLIC HEALTH BENEFITS PROGRAM.

20 (g) "HEALTH-CARE PROFESSIONAL" MEANS A PERSON WHO IS
21 LICENSED TO PRACTICE AS A PHYSICIAN, REGISTERED NURSE, PRACTICAL
22 NURSE, OPTOMETRIST, OR PHARMACIST; A CERTIFIED MIDWIFE WITH
23 PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-255-112; OR ANY
24 OTHER PRACTITIONER AUTHORIZED TO DISPENSE OR ADMINISTER
25 MEDICINE.

26 (h) (I) "MEDICINE" MEANS BOTH PRESCRIPTION AND
27 NONPRESCRIPTION OR OVER-THE-COUNTER DRUGS, INCLUDING
28 FDA-APPROVED DRUGS LABELED FOR INVESTIGATIONAL USE.

29 (II) "MEDICINE" INCLUDES:

30 (A) MEDICINE THAT REQUIRES REFRIGERATION, FREEZING, OR
31 SPECIAL STORAGE IF THE MEDICINE IS DONATED DIRECTLY BY AN ENTITY
32 REGULATED BY THE BOARD AND THE MEDICINE HAS BEEN CONTINUALLY
33 MAINTAINED PURSUANT TO THE MANUFACTURER'S STORAGE
34 REQUIREMENTS; AND

35 (B) PRESCRIPTION AND NONPRESCRIPTION SUPPLIES AND DEVICES.

36 (III) "MEDICINE" DOES NOT INCLUDE:

37 (A) COMPOUNDED MEDICINE; OR

38 (B) MEDICATIONS DISPENSED BY PHARMACIES OUTSIDE OF THE
39 UNITED STATES.

40 (i) "PRESCRIBER" HAS THE MEANING SET FORTH IN SECTION
41 12-280-125.7 (1)(f).

42 (j) "RETURNS PROCESSOR" HAS THE MEANING SET FORTH IN 21
43 U.S.C. SEC. 360eee (18) AND INCLUDES A REVERSE DISTRIBUTOR.

1 (k) "UNOPENED TAMPER-EVIDENT PACKAGING" MEANS AN INTACT
2 PACKAGING SYSTEM THAT RENDERS MEDICINE INACCESSIBLE WITHOUT
3 OBVIOUS DESTRUCTION OF THE SEAL OR SOME PORTION OF THE PACKAGING
4 SYSTEM. "UNOPENED TAMPER-EVIDENT PACKAGING" MAY INCLUDE
5 UNOPENED UNIT-DOSE, MULTIPLE-DOSE, IMMEDIATE, SECONDARY, AND
6 TERTIARY PACKAGING.

7 (2) (a) THERE IS CREATED THE COLORADO DRUG DONATION
8 PROGRAM TO FACILITATE THE SAFE DONATION AND REDISPENSING OF
9 UNUSED MEDICINE TO COLORADANS IN NEED OF THE MEDICINE.

10 (b) PURSUANT TO SECTION 25-1.5-121, THE DEPARTMENT OF
11 PUBLIC HEALTH AND ENVIRONMENT CREATED IN SECTION 25-1-102 SHALL
12 CONTRACT FOR DRUG REPOSITORY SERVICES, INCLUDING THE RECEIPT OF,
13 SAFE STORAGE OF, DISTRIBUTION OF, AND DISPENSING OF MEDICINE; AN
14 ELECTRONIC INVENTORY OF MEDICINE; A PUBLIC-FACING WEBSITE; AN
15 OUTREACH AND MARKETING CAMPAIGN TO INFORM POTENTIAL DONORS,
16 DONATION RECIPIENTS, HEALTH-CARE PROFESSIONALS, ELIGIBLE PATIENTS,
17 AND THE GENERAL PUBLIC; AND OTHER SERVICES NECESSARY TO
18 IMPLEMENT THE PROGRAM, AS DETERMINED BY THE DEPARTMENT OF
19 PUBLIC HEALTH AND ENVIRONMENT, IN CONJUNCTION WITH THE BOARD.

20 (3) (a) NOTWITHSTANDING ANY OTHER LAW OR RULE TO THE
21 CONTRARY, A DONOR MAY DONATE MEDICINE TO A DONATION RECIPIENT.
22 A DONATION RECIPIENT MAY RECEIVE DONATED MEDICINE FROM DONORS.

23 (b) PRIOR TO THE FIRST DONATION FROM A NEW DONOR, A
24 DONATION RECIPIENT SHALL RECORD THE DONOR'S NAME, ADDRESS,
25 PHONE NUMBER, AND LICENSE NUMBER, IF APPLICABLE, AND, WITH
26 RESPECT TO THE FOLLOWING:

27 (I) VERIFY THAT THE DONOR MEETS THE DEFINITION PROVIDED IN
28 SUBSECTION (1)(d) OF THIS SECTION;

29 (II) CONFIRM THAT THE DONOR AGREES TO MAKE DONATIONS OF
30 MEDICINE ONLY IN ACCORDANCE WITH THIS SECTION AND RULES
31 PROMULGATED BY THE BOARD RELATING TO DONATED MEDICINE; AND

32 (III) IF APPLICABLE, CONFIRM THAT THE DONOR AGREES TO
33 REMOVE OR REDACT ANY PATIENT NAMES AND PRESCRIPTION NUMBERS ON
34 DONATED MEDICINE OR OTHERWISE MAINTAIN PATIENT CONFIDENTIALITY
35 BY EXECUTING A CONFIDENTIALITY AGREEMENT WITH THE AUTHORIZED
36 DONATION RECIPIENT.

37 (c) NO OTHER INFORMATION OR RECORDS ARE REQUIRED PRIOR TO
38 RECEIVING THE FIRST DONATION FROM A NEW DONOR OTHER THAN AS
39 DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION.

40 (4) A DONATION RECIPIENT SHALL MAINTAIN A WRITTEN OR
41 ELECTRONIC RECORD OF DONATED MEDICINE CONSISTING OF THE NAME,
42 STRENGTH, QUANTITY, AND LOT NUMBER, IF KNOWN, OF EACH ACCEPTED
43 OR TRANSFERRED DRUG AND THE NAME, ADDRESS, AND PHONE NUMBER OF

1 THE DONOR OR TRANSFERRING ENTITY. NO OTHER RECORD OF DONATION
2 IS REQUIRED.

3 (5) A DONATION RECIPIENT SHALL ENSURE THAT DONATED
4 MEDICINE IS IDENTIFIED SEPARATELY FROM REGULAR STOCK.

5 (6) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, A
6 DONATION RECIPIENT MAY:

7 (a) TRANSFER DONATED MEDICINE TO ANOTHER DONATION
8 RECIPIENT OR TO AN ENTITY PARTICIPATING IN A DRUG DONATION
9 PROGRAM OPERATED BY ANOTHER STATE;

10 (b) IF THE DONATION RECIPIENT IS A PRESCRIPTION DRUG OUTLET,
11 REPACKAGE DONATED MEDICINE IN ACCORDANCE WITH SUBSECTION (8) OF
12 THIS SECTION AS NECESSARY FOR STORAGE, DISPENSING, ADMINISTRATION,
13 OR TRANSFER; OR

14 (c) IF THE DONATION RECIPIENT IS A PRESCRIPTION DRUG OUTLET,
15 REPLENISH MEDICINE OF THE SAME DRUG NAME AND STRENGTH
16 PREVIOUSLY DISPENSED OR ADMINISTERED TO ELIGIBLE PATIENTS IN
17 ACCORDANCE WITH THE FEDERAL 340B DRUG PRICING PROGRAM CODIFIED
18 AT 42 U.S.C. SEC. 256b, AS AMENDED.

19 (7) (a) DONATED MEDICINE THAT DOES NOT MEET THE
20 REQUIREMENTS SPECIFIED IN THIS SECTION AND RULES PROMULGATED BY
21 THE BOARD MUST BE DISPOSED OF BY:

22 (I) RETURNING THE DONATED MEDICINE TO THE DONOR;

23 (II) DESTROYING THE DONATED MEDICINE THROUGH AN
24 INCINERATOR, A MEDICAL WASTE HAULER, A REVERSE DISTRIBUTOR, OR
25 OTHER LAWFUL METHOD; OR

26 (III) TRANSFERRING THE DONATED MEDICINE TO A RETURNS
27 PROCESSOR.

28 (b) A DONATION RECIPIENT SHALL MAINTAIN A WRITTEN OR
29 ELECTRONIC RECORD OF DISPOSED MEDICINE CONSISTING OF THE DISPOSAL
30 METHOD, AS DESCRIBED IN THIS SUBSECTION (7); THE DATE OF DISPOSAL;
31 AND THE NAME, STRENGTH, AND QUANTITY OF EACH DISPOSED DRUG. NO
32 OTHER RECORD OF DISPOSAL IS REQUIRED.

33 (8) REPACKAGED MEDICINE MUST BE LABELED WITH THE DRUG
34 NAME, STRENGTH, AND EXPIRATION DATE, IF THE EXPIRATION DATE IS
35 KNOWN, AND IDENTIFIED SEPARATELY FROM REGULAR STOCK UNTIL
36 INSPECTED AND INITIALED BY A LICENSED PHARMACIST. IF MULTIPLE
37 PACKAGED, DONATED MEDICINES WITH VARIED EXPIRATION DATES ARE
38 REPACKAGED TOGETHER, THE EARLIEST EXPIRATION DATE MUST BE USED.

39 (9) A DONATION RECIPIENT SHALL ONLY ADMINISTER OR
40 REDISPENSE MEDICINE THAT:

41 (a) MEETS THE REQUIREMENTS SET FORTH IN THIS SECTION BASED
42 ON INSPECTION BY A LICENSED PHARMACIST;

43 (b) IF DISPENSED TO AN ELIGIBLE PATIENT, IS REPACKAGED BY A

1 LICENSED PHARMACIST INTO A NEW CONTAINER OR A CONTAINER THAT
2 HAS ALL PREVIOUS PATIENT INFORMATION ON THE DONATED CONTAINER
3 REDACTED OR REMOVED;

4 (c) IS PROPERLY LABELED IN ACCORDANCE WITH THE RULES OF THE
5 BOARD;

6 (d) HAS AN EXPIRATION OR BEYOND-USE DATE BROUGHT FORWARD
7 FROM THE DONATED MEDICINE THAT WILL NOT EXPIRE BEFORE THE
8 MEDICINE IS USED BY THE ELIGIBLE PATIENT BASED ON THE PRESCRIBER'S
9 DIRECTIONS FOR USE OR, FOR OVER-THE-COUNTER MEDICINE, ON THE
10 PACKAGE'S LABEL; AND

11 (e) IF THE MEDICINE REQUIRES REFRIGERATION, FREEZING, OR
12 SPECIAL STORAGE, IS DONATED DIRECTLY BY AN ENTITY REGULATED BY
13 THE BOARD AND HAS BEEN CONTINUALLY MAINTAINED PURSUANT TO THE
14 MANUFACTURER'S STORAGE REQUIREMENTS.

15 (10) A DONATION RECIPIENT:

16 (a) MAY DISPENSE OR ADMINISTER PRESCRIPTION DRUGS TO AN
17 ELIGIBLE PATIENT PURSUANT TO THIS SECTION ONLY IF OTHERWISE
18 PERMITTED BY LAW PURSUANT TO A VALID PRESCRIPTION OR PRESCRIPTION
19 DRUG ORDER; AND

20 (b) SHALL MAINTAIN ELIGIBLE PATIENT-SPECIFIC WRITTEN OR
21 ELECTRONIC RECORDS IN ACCORDANCE WITH BOARD RULES.

22 (11) WHEN A PRESCRIBED MEDICINE DOES NOT USE A UNIQUE
23 DELIVERY SYSTEM TECHNOLOGY, A DONATION RECIPIENT MAY SUBSTITUTE
24 AN ORAL TABLET, CAPSULE, OR LIQUID FORM OF THE PRESCRIBED MEDICINE
25 SO LONG AS THE FORM DISPENSED HAS THE SAME DOSE SCHEDULE AND IS
26 A GENERIC EQUIVALENT TO THE PRESCRIBED MEDICINE.

27 (12) THE DONATION, TRANSFER, RECEIPT, OR FACILITATION OF
28 DONATIONS, TRANSFERS, AND RECEIPT OF MEDICINE PURSUANT TO THIS
29 SECTION IS NOT WHOLESALE DISTRIBUTION AND DOES NOT REQUIRE
30 LICENSING AS A WHOLESALE DISTRIBUTOR. THE PROGRAM EXISTS UNDER
31 A PRESCRIPTION DRUG OUTLET LICENSE AND IS SUBJECT TO THE
32 REQUIREMENTS FOR THAT LICENSE TYPE.

33 (13) MEDICINE DONATED TO THE PROGRAM MUST NOT BE RESOLD
34 AND IS CONSIDERED NONSALEABLE; EXCEPT THAT HANDLING, DISPENSING,
35 OR USUAL AND CUSTOMARY CHARGES TO AN ELIGIBLE PATIENT, HEALTH
36 PLAN, PHARMACY BENEFIT MANAGER, PHARMACY SERVICES
37 ADMINISTRATIVE ORGANIZATION, GOVERNMENT AGENCY, OR OTHER
38 ENTITY IS NOT CONSIDERED RESELLING. IF THE DONATION RECIPIENT IS A
39 FOR-PROFIT ENTITY, THESE CHARGES MUST NOT EXCEED THE DONATION
40 RECIPIENT'S COST OF PROVIDING THE MEDICINE, INCLUDING THE CURRENT
41 AND ANTICIPATED COSTS OF EDUCATING ELIGIBLE DONORS, PROVIDING
42 TECHNICAL SUPPORT TO PARTICIPATING DONORS, SHIPPING AND HANDLING,
43 LABOR, STORAGE, LICENSING, UTILITIES, ADVERTISING, TECHNOLOGY,

1 SUPPLIES, AND EQUIPMENT. EXCEPT AS DESCRIBED IN THIS SUBSECTION
2 (13), THE AMOUNT OF THESE CHARGES IS NOT SUBJECT TO ANY
3 ADDITIONAL LIMITATIONS.

4 (14) WHEN PERFORMING ANY ACTION ASSOCIATED WITH THE
5 PROGRAM OR OTHERWISE PROCESSING DONATED MEDICINE FOR TAX,
6 MANUFACTURER, OR OTHER CREDIT, A DONATION RECIPIENT IS
7 CONSIDERED TO BE ACTING AS A RETURNS PROCESSOR AND SHALL COMPLY
8 WITH ALL RECORD-KEEPING REQUIREMENTS UNDER FEDERAL LAW FOR
9 NONSALEABLE RETURNS.

10 (15) ALL REQUIRED RECORDS MUST BE RETAINED IN PHYSICAL OR
11 ELECTRONIC FORMAT, ON OR OFF THE DONATION RECIPIENT'S PREMISES,
12 FOR A PERIOD OF TWO YEARS. DONORS OR DONATION RECIPIENTS MAY
13 CONTRACT WITH ONE ANOTHER OR WITH A THIRD PARTY TO CREATE OR
14 MAINTAIN RECORDS. AN IDENTIFIER, SUCH AS A SERIAL NUMBER OR
15 BARCODE, MAY BE USED IN PLACE OF INFORMATION IF IT ALLOWS FOR THE
16 INFORMATION TO BE READILY RETRIEVABLE. UPON REQUEST BY A STATE
17 OR FEDERAL REGULATOR, THE IDENTIFIER USED FOR A REQUESTED RECORD
18 MUST BE REPLACED WITH THE ORIGINAL INFORMATION. AN IDENTIFIER
19 MUST NOT BE USED ON LABELS WHEN DISPENSING OR ADMINISTERING A
20 DRUG TO AN ELIGIBLE PATIENT.

21 (16) A DONATION OR OTHER TRANSFER OF POSSESSION OR
22 CONTROL IS NOT A CHANGE OF OWNERSHIP UNLESS IT IS SPECIFIED AS SUCH
23 BY THE DONATION RECIPIENT. IF A RECORD OF THE DONATION'S
24 TRANSACTION INFORMATION OR HISTORY IS REQUIRED, THE HISTORY MUST
25 BEGIN WITH THE DONOR, MUST INCLUDE ALL PRIOR DONATIONS, AND, IF
26 THE MEDICINE WAS PREVIOUSLY DISPENSED, MUST INCLUDE ONLY DRUG
27 INFORMATION THAT IS REQUIRED TO BE ON THE PATIENT LABEL IN
28 ACCORDANCE WITH BOARD RULES.

29 (17) AN ENTITY PARTICIPATING IN A DRUG DONATION OR
30 REPOSITORY PROGRAM OPERATED BY ANOTHER STATE MAY PARTICIPATE
31 IN THE PROGRAM IF THE ENTITY IS REGISTERED WITH THIS STATE AND, IF
32 THE REGISTERED ENTITY IS A PRESCRIPTION DRUG OUTLET, MAY DISPENSE
33 DONATED DRUGS TO RESIDENTS OF THIS STATE. THE REGISTERED ENTITY
34 IS REQUIRED TO COMPLY WITH ALL STATUTES AND RULES IN THIS STATE
35 UNLESS THE STATUTES OR RULES DIFFER FROM OR CONFLICT WITH THE
36 STATUTES OR RULES OF THE STATE IN WHICH THE ENTITY IS LOCATED.

37 (18) THE BOARD SHALL PROMULGATE ANY RULES NECESSARY TO
38 IMPLEMENT THIS SECTION. THE RULES MUST REQUIRE THE LEAST AMOUNT
39 OF RECORD KEEPING NECESSARY TO ENSURE PATIENT SAFETY AND MUST
40 ALLOW FLEXIBILITY IN THE FORMAT FOR RECORD KEEPING.

41 (19) THE PROVISIONS OF THIS SECTION CONTROL THE PROGRAM
42 AND SUPERSEDE ANY INCONSISTENT LAW.

43 (20) WHEN ACTING IN GOOD FAITH, WITHOUT NEGLIGENCE OR

1 WILLFUL OR WANTON MISCONDUCT, THE FOLLOWING INDIVIDUALS OR
2 ENTITIES ARE NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR
3 PROFESSIONAL DISCIPLINARY ACTION:

4 (a) AN INDIVIDUAL OR ENTITY INVOLVED IN THE SUPPLY CHAIN OF
5 DONATED MEDICINE, INCLUDING THE DONOR, THE DRUG REPOSITORY, THE
6 DONATION RECIPIENT, THE MANUFACTURER, THE REPACKAGER, THE
7 PRESCRIPTION DRUG OUTLET OR OTHER ENTITY REGULATED BY THE
8 BOARD, AND THE ELIGIBLE PATIENT;

9 (b) AN INDIVIDUAL OR ENTITY, INCLUDING AN EMPLOYEE, AN
10 OFFICER, A VOLUNTEER, AN OWNER, A PARTNER, A MEMBER, A DIRECTOR,
11 A CONTRACTOR, OR OTHER INDIVIDUAL OR ENTITY ASSOCIATED WITH THE
12 INDIVIDUAL OR ENTITY THAT, IN COMPLIANCE WITH THIS SECTION,
13 PRESCRIBES, DONATES, RECEIVES DONATIONS OF, DISPENSES,
14 ADMINISTERS, TRANSFERS, REPLENISHES, OR REPACKAGES MEDICINE OR
15 FACILITATES ANY OF THE ACTIONS DESCRIBED IN THIS SECTION; AND

16 (c) THE BOARD.

17 **SECTION 2.** In Colorado Revised Statutes, 12-280-135, **amend**
18 (2)(a)(II)(C), (2)(b)(II), (2)(b)(III), (2)(c) introductory portion, (2)(c)(I),
19 and (2)(c)(III); **repeal** (2)(c)(IV) and (5); and **add** (2)(b)(IV), (2)(c)(VI),
20 and (2)(c)(VII) as follows:

21 **12-280-135. Unused medication - licensed facilities -**
22 **correctional facilities - reuse - definitions - rules.** (2) (a) (II) (C) A
23 person ~~or entity~~ is not subject to civil or criminal liability or professional
24 disciplinary action for donating, accepting, dispensing, or facilitating the
25 donation of materials in good faith, without negligence OR WILLFUL OR
26 WANTON MISCONDUCT, and in compliance with this section.

27 (b) Medications are only available to be dispensed to another
28 person or donated to a nonprofit entity under this section if the
29 medications are:

30 (II) Individually packaged and the packaging has not been
31 damaged; ~~or~~

32 (III) In the original, unopened, sealed, and tamper-evident
33 unit-dose packaging; OR

34 (IV) FOR MEDICATIONS THAT REQUIRE REFRIGERATION, FREEZING,
35 OR SPECIAL STORAGE, DONATED DIRECTLY BY AN ENTITY REGULATED BY
36 THE BOARD AND CONTINUALLY MAINTAINED PURSUANT TO THE
37 MANUFACTURER'S STORAGE REQUIREMENTS.

38 (c) The following medications ~~may not be donated~~ ARE NOT
39 ACCEPTABLE FOR DONATION:

40 (I) Medications THAT ARE NOT packaged in A traditional ~~brown or~~
41 ~~amber pill bottles~~ DISPENSING SYSTEM, AS DEFINED IN RULES
42 PROMULGATED BY THE BOARD;

43 (III) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(IV) OF THIS

1 SECTION, medications that require refrigeration, freezing, or special
2 storage;

3 (IV) ~~Medications that require special registration with the~~
4 ~~manufacturer; or~~

5 (VI) COMPOUNDED MEDICATIONS; AND

6 (VII) MEDICATIONS DISPENSED BY PHARMACIES OUTSIDE OF THE
7 UNITED STATES.

8 (5) ~~The board shall adopt rules that allow a pharmacist to~~
9 ~~redispense medication pursuant to this section and section 25.5-5-502 and~~
10 ~~to donate medication pursuant to this section.~~

11 **SECTION 3.** In Colorado Revised Statutes, **add 25-1.5-121** as
12 follows:

13 **25-1.5-121. Colorado drug donation program - contract for**
14 **drug repository services - electronic inventory - website - outreach**
15 **and marketing campaign - definitions.** (1) AS USED IN THIS SECTION,
16 UNLESS THE CONTEXT OTHERWISE REQUIRES:

17 (a) "BOARD OF PHARMACY" MEANS THE STATE BOARD OF
18 PHARMACY CREATED IN SECTION 12-280-104.

19 (b) "COLORADO DRUG DONATION PROGRAM" OR "CDDP" MEANS
20 THE COLORADO DRUG DONATION PROGRAM CREATED IN SECTION
21 12-280-135.5.

22 (c) "CONTRACTOR" MEANS THE ENTITY OR ENTITIES WITH WHICH
23 THE DEPARTMENT CONTRACTS PURSUANT TO SUBSECTION (2) OF THIS
24 SECTION.

25 (d) "DONATION RECIPIENT" HAS THE MEANING SET FORTH IN
26 SECTION 12-280-135.5.

27 (e) "DONOR" HAS THE MEANING SET FORTH IN SECTION
28 12-280-135.5.

29 (f) "DRUG REPOSITORY" MEANS THE ENTITY CONTRACTED BY THE
30 DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION TO PROVIDE
31 REPOSITORY SERVICES FOR THE CDDP.

32 (g) "ELIGIBLE PATIENT" HAS THE MEANING SET FORTH IN SECTION
33 12-280-135.5.

34 (h) "MEDICINE" HAS THE MEANING SET FORTH IN SECTION
35 12-280-135.5.

36 (2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT,
37 IN CONSULTATION WITH THE BOARD OF PHARMACY, SHALL CONTRACT
38 WITH AN ENTITY OR ENTITIES TO IMPLEMENT THE COLORADO DRUG
39 DONATION PROGRAM CREATED IN SECTION 12-280-135.5. THE CDDP
40 EXISTS UNDER A PRESCRIPTION DRUG OUTLET LICENSE AND IS SUBJECT TO
41 THE REQUIREMENTS FOR THAT LICENSE TYPE AND ANY OTHER
42 REQUIREMENTS SPECIFIED BY THE BOARD OF PHARMACY OR THE
43 DEPARTMENT. THE CDDP CONTRACT MUST INCLUDE THE FOLLOWING:

1 (a) DRUG REPOSITORY SERVICES AT ONE LOCATION IN COLORADO,
2 INCLUDING THE RECEIPT OF, SAFE STORAGE OF, DISTRIBUTION OF, AND
3 DISPENSING OF MEDICINE TO FACILITATE THE SAFE DONATION AND
4 REDISPENSING OF UNUSED MEDICINE TO COLORADANS AND OTHERS IN
5 NEED OF THE MEDICINE;

6 (b) AN ELECTRONIC, SEARCHABLE INVENTORY OF CDDP
7 MEDICINE;

8 (c) THE CREATION OF A PUBLIC-FACING WEBSITE WITH
9 INFORMATION ON THE CDDP, INCLUDING THE MISSION OF THE CDDP, THE
10 REQUIREMENTS FOR MEDICINE TO BE ELIGIBLE FOR DONATION, THE
11 METHODS OF DONATING UNUSED MEDICINE, AND HOW AN ELIGIBLE
12 PATIENT MAY ACCESS UNUSED MEDICINE; AND

13 (d) THE CREATION AND IMPLEMENTATION OF AN OUTREACH AND
14 MARKETING CAMPAIGN TO INFORM POTENTIAL DONORS OF MEDICINE,
15 DONATION RECIPIENTS, HEALTH-CARE PROFESSIONALS, ELIGIBLE PATIENTS,
16 AND THE GENERAL PUBLIC ABOUT THE COLORADO DRUG DONATION
17 PROGRAM AND TO ENCOURAGE PARTICIPATION IN THE CDDP.

18 (3) (a) SUBJECT TO THE PROVISIONS SPECIFIED IN THE CONTRACT
19 AND THE AMOUNT OF THE CONTRACT, THE CDDP OUTREACH AND
20 MARKETING CAMPAIGN MUST INCLUDE OUTREACH AND MARKETING TO
21 POTENTIAL DONORS OF MEDICINE, DONATION RECIPIENTS, HEALTH-CARE
22 PROFESSIONALS, ELIGIBLE PATIENTS, AND THE GENERAL PUBLIC.

23 (b) (I) THE INITIAL PHASE OF THE CDDP OUTREACH AND
24 MARKETING CAMPAIGN MUST FOCUS ON BUILDING SUFFICIENT INVENTORY
25 OF DONATED MEDICINE, AS SPECIFIED IN THE CONTRACT.

26 (II) TO BUILD THE INVENTORY OF DONATED MEDICINE, THE
27 CONTRACTOR, IN CONSULTATION WITH THE DEPARTMENT AND THE BOARD
28 OF PHARMACY, MAY:

29 (A) BUILD RELATIONSHIPS WITH LARGE NURSING FACILITIES AND
30 THE PHARMACIES THAT SERVICE THOSE NURSING FACILITIES;

31 (B) BUILD RELATIONSHIPS WITH CORRECTIONAL FACILITIES;

32 (C) MEET WITH THE SCHOOLS OF PHARMACY IN COLORADO TO
33 CREATE AN AWARENESS PROGRAM FOR THE CDDP THAT PROVIDES
34 OPPORTUNITIES FOR PHARMACY STUDENTS TO ENGAGE IN CO-CURRICULAR
35 ACTIVITIES AND TO COMMUNICATE INFORMATION ABOUT CDDP WHEN
36 INTERACTING WITH PATIENTS, HEALTH-CARE PROFESSIONALS AND
37 PRESCRIBERS, AND HEALTH FACILITIES; AND

38 (D) ESTABLISH PARTNERSHIPS WITH PHARMACIES IN THE DENVER
39 METROPOLITAN AREA TO SERVE AS CONSUMER DONATION SITES AND
40 ESTABLISH PARTNERSHIPS FOR ADDITIONAL DONATION SITES IN OTHER
41 AREAS OF THE STATE.

42 (III) THE CONTRACTOR, IN CONSULTATION WITH THE DEPARTMENT
43 AND THE BOARD OF PHARMACY, MAY CREATE A SUPPLY OF

1 SELF-ADDRESSED, POSTAGE-PAID MAILING ENVELOPES FOR INDIVIDUAL
2 CONSUMERS TO USE TO MAIL UNUSED MEDICINE TO THE DRUG REPOSITORY.
3 THE DEPARTMENT AND THE BOARD OF PHARMACY SHALL ESTABLISH A
4 PROCESS TO MAKE MAILERS CREATED PURSUANT TO THIS SUBSECTION
5 (3)(b)(III) AVAILABLE TO INTERESTED PERSONS AND MAY DISTRIBUTE THE
6 MAILERS AT PHARMACY AND PUBLIC HEALTH CONFERENCES.

7 (c) THE SECOND PHASE OF THE CDDP OUTREACH AND MARKETING
8 PLAN MUST CREATE AWARENESS AMONG INDIVIDUALS WHO MAY BENEFIT
9 FROM RECEIVING DONATED MEDICINE. AS SPECIFIED IN THE CONTRACT,
10 ACTIVITIES TO INCREASE AWARENESS MAY INCLUDE:

11 (I) A GENERAL LISTING OF MEDICINE ON THE CDDP WEBSITE THAT
12 IS AVAILABLE FOR REUSE;

13 (II) OUTREACH TO SAFETY-NET AND PATIENT OUTREACH GROUPS
14 IN COLORADO, INCLUDING THE COLORADO COMMUNITY HEALTH
15 NETWORK, THE CHRONIC CARE COLLABORATIVE, LOCAL AREA AGENCIES
16 ON AGING, AND OTHER GROUPS;

17 (III) OUTREACH TO PHARMACY ORGANIZATIONS, SUCH AS RXPLUS
18 PHARMACIES, INC., THE COLORADO PHARMACISTS SOCIETY, AND OTHERS,
19 TO CREATE AWARENESS OF THE CDDP AND TO PROVIDE INFORMATION ON
20 HOW TO OBTAIN DONATED MEDICINE, AS WELL AS DISTRIBUTING ANY
21 POSTERS OR OTHER MARKETING MATERIAL CREATED FOR THE CDDP;

22 (IV) OUTREACH TO LEGISLATORS, IN CONSULTATION WITH THE
23 DEPARTMENT AND THE BOARD OF PHARMACY, TO INCREASE AWARENESS
24 AMONG CONSTITUENTS IN COLORADO'S LEGISLATIVE DISTRICTS;

25 (V) ONCE THE CDDP IS FULLY OPERATIONAL, OUTREACH TO
26 COLORADO MEDIA CONCERNING THE CDDP, AS WELL AS DISTRIBUTING
27 ANY RELEVANT MARKETING MATERIALS; AND

28 (VI) ANY OTHER OUTREACH AND MARKETING EFFORTS, AS
29 SPECIFIED IN THE CONTRACT.

30 (4) THE CONTRACTOR SHALL REPORT DATA AND INFORMATION
31 REGARDING THE DRUG REPOSITORY AND OTHER SERVICES PROVIDED BY
32 THE CONTRACTOR TO THE DEPARTMENT AND TO THE BOARD OF PHARMACY
33 IN THE MANNER AND FREQUENCY DETERMINED BY THE DEPARTMENT AND
34 THE BOARD OF PHARMACY.

35 **SECTION 4.** In Colorado Revised Statutes, 25-15-328, **amend**
36 (6)(a) as follows:

37 **25-15-328. Household medication take-back program -**
38 **creation - collection and disposal of medication injection devices -**
39 **liability - definitions - cash fund - rules.** (6) Nothing in this section:

40 (a) Affects the authority to collect and reuse medications pursuant
41 to section ~~12-280-135~~ 12-280-135 OR 12-280-135.5; or

42 **SECTION 5. Act subject to petition - effective date.** This act
43 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2024 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor."

** ** ** ** **