

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-1123.02 Kristen Forrester x4217

HOUSE BILL 17-1350

HOUSE SPONSORSHIP

Pettersen and Liston,

SENATE SPONSORSHIP

Jahn and Smallwood,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF A PHARMACIST TO PARTIALLY FILL
102 PRESCRIPTIONS FOR OPIOIDS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill:

- ! Allows a pharmacist to dispense a schedule II opioid in a lesser amount than the prescribed amount if certain circumstances are met;
- ! Limits the time that the remaining portions of a partially filled prescription for a schedule II opioid drug may be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- filled; and
- ! Directs a pharmacist partially filling a prescription for a schedule II opioid to retain the original prescription at the pharmacy, report the partial fill to the prescription drug monitoring program, and notify the prescribing health care provider that the prescription was partially filled.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Overdose deaths from just one kind of opioid painkiller
5 outnumbered all homicides in Colorado in 2015;

6 (b) In 2015, two hundred fifty-nine people died from overdoses
7 of what health officials call natural prescription opioids like hydrocodone
8 and oxycodone; and

9 (c) It is important to limit the amount of opioids that are
10 prescribed to the amount necessary to a patient's treatment.

11 (2) It is the intent of the general assembly to enact legislation to
12 allow pharmacists to partially fill prescriptions for schedule II opioids.

13 **SECTION 2.** In Colorado Revised Statutes, 12-42.5-118, **add**
14 (19) as follows:

15 **12-42.5-118. Compounding - dispensing - sale of drugs and**
16 **devices - dispensing portions of opioid prescriptions - rules -**
17 **definition.** (19) (a) A PHARMACIST FILLING A PRESCRIPTION FOR A
18 SCHEDULE II OPIOID MAY DISPENSE THE PRESCRIPTION DRUG IN A LESSER
19 QUANTITY THAN THE RECOMMENDED FULL QUANTITY INDICATED ON THE
20 PRESCRIPTION IF:

21 (I) THE PARTIAL FILL WAS REQUESTED BY THE PATIENT OR THE
22 PRACTITIONER WHO WROTE THE PRESCRIPTION; AND

1 (II) THE TOTAL QUANTITY OF THE DISPENSED SCHEDULE II OPIOID
2 DRUG IN ALL PARTIAL FILLINGS DOES NOT EXCEED THE TOTAL QUANTITY
3 PRESCRIBED.

4 (b) THE REMAINING PORTION OF A PARTIALLY FILLED
5 PRESCRIPTION FOR A SCHEDULE II OPIOID DRUG:

6 (I) MAY BE FILLED NO LATER THAN THIRTY DAYS AFTER THE DATE
7 ON WHICH THE PRESCRIPTION WAS WRITTEN; AND

8 (II) MAY NOT BE FILLED SOONER THAN TWENTY-FOUR HOURS
9 AFTER THE INITIAL PORTION OF THE PRESCRIPTION IS FILLED.

10 (c) A PHARMACIST PARTIALLY FILLING A PRESCRIPTION FOR A
11 SCHEDULE II OPIOID SHALL:

12 (I) RETAIN THE ORIGINAL PRESCRIPTION AT THE PHARMACY WHERE
13 THE PRESCRIPTION WAS DISPENSED;

14 (II) RECORD IN THE PRESCRIPTION DRUG MONITORING PROGRAM
15 THE AMOUNT OF THE SCHEDULE II OPIOID THAT WAS DISPENSED INITIALLY
16 UNDER THE PRESCRIPTION AND THE AMOUNT SUBSEQUENTLY DISPENSED,
17 IF ANY; AND

18 (III) NOTIFY THE PRESCRIBING PRACTITIONER, THROUGH THE
19 PRESCRIPTION DRUG MONITORING PROGRAM OR OTHER ELECTRONIC
20 MEANS, THAT THE PRESCRIPTION WAS PARTIALLY FILLED BY THE
21 PHARMACIST.

22 (d) (I) A PATIENT WHO FILLS A PRESCRIPTION IN A LESSER
23 QUANTITY THAN RECOMMENDED IN THE PRESCRIPTION IS NOT SUBJECT TO
24 ANY COST SHARING OR COINSURANCE UNDER THE PATIENT'S HEALTH
25 BENEFIT PLAN IF THE PATIENT SUBSEQUENTLY FILLS THE REMAINING
26 PORTION OF THE PRESCRIPTION.

27 (II) A PATIENT MAY BE SUBJECT TO COST SHARING OR

1 COINSURANCE WHEN A PATIENT FILLS THE INITIAL PORTION OF A
2 PARTIALLY FILLED PRESCRIPTION.

3 **SECTION 3. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2018 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.