

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0607.02 Christy Chase x2008

**SENATE BILL 19-079**

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**SENATE SPONSORSHIP**

**Todd and Priola**, Cooke, Coram, Court, Fenberg, Ginal, Moreno, Williams A., Winter, Zenzinger

**HOUSE SPONSORSHIP**

**Esgar and Landgraf**,

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A REQUIREMENT THAT CERTAIN PRACTITIONERS**  
102 **PRESCRIBE CONTROLLED SUBSTANCES ELECTRONICALLY.**

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**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>.)*

**Sections 1 to 14** of the bill require podiatrists, physicians, physician assistants, advanced practice nurses, and optometrists, starting July 1, 2021, and dentists and practitioners serving rural communities or in a solo practice, starting July 1, 2023, to prescribe schedule II, III, or IV controlled substances only via a prescription that is electronically transmitted to a pharmacy unless a specified exception applies.

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

Prescribers are required to indicate on license renewal questionnaires whether they have complied with the electronic prescribing requirement.

**Section 15** specifies that pharmacists need not verify the applicability of an exception to electronic prescribing when they receive an order for a controlled substance in writing, orally, or via facsimile transmission and may fill the order if otherwise valid under the law.

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

**SECTION 1.** In Colorado Revised Statutes, 12-32-107.5, **amend** (3)(c) as follows:

**12-32-107.5. Prescriptions - requirement to advise patients - limit on opioid prescriptions - repeal.** (3) (c) (I) A podiatrist licensed pursuant to this article 32 may prescribe opioids electronically.

(II) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE JULY 1, 2021.

**SECTION 2.** In Colorado Revised Statutes, **add** 12-32-107.7 as follows:

**12-32-107.7. Electronic prescribing of controlled substances - exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A PODIATRIST LICENSED UNDER THIS ARTICLE 32 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE;

(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT IS LOCATED OUTSIDE OF THIS STATE;

1 (III) THE PRESCRIBING PODIATRIST IS DISPENSING THE  
2 CONTROLLED SUBSTANCE TO THE PATIENT;

3 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT  
4 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL  
5 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

6 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES  
7 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO  
8 CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH  
9 ELECTRONIC PRESCRIBING;

10 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND  
11 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

12 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF  
13 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR  
14 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

15 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

16 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PODIATRIST  
17 TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

18 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER  
19 A RESEARCH PROTOCOL;

20 (VIII) THE PODIATRIST WRITES TWENTY-FOUR OR FEWER  
21 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

22 (IX) THE PODIATRIST IS PRESCRIBING A CONTROLLED SUBSTANCE  
23 TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE  
24 FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR  
25 ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF  
26 THE DEPARTMENT OF CORRECTIONS; ==

27 (X) THE PODIATRIST REASONABLY DETERMINES THAT THE PATIENT

1 WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED  
2 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD  
3 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

4 (XI) THE PODIATRIST DEMONSTRATES ECONOMIC HARDSHIP IN  
5 ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO  
6 SUBSECTION (2)(b) OF THIS SECTION.

7 (b) A PODIATRIST PRACTICING IN A RURAL AREA OF THE STATE OR  
8 IN A PRACTICE CONSISTING OF ONLY ONE PODIATRIST SHALL COMPLY WITH  
9 THIS SUBSECTION (1) ON OR AFTER JULY 1, 2023.

10 (2) THE BOARD SHALL ADOPT RULES:

11 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL  
12 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS  
13 SECTION; AND

14 (b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION  
15 (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

16 (I) THE PROCESS FOR A PODIATRIST TO DEMONSTRATE ECONOMIC  
17 HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO  
18 ALLOW THE BOARD TO MAKE A DETERMINATION;

19 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP  
20 EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR;

21 AND

22 (III) A PROCESS FOR A PODIATRIST TO APPLY TO RENEW AN  
23 ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED  
24 TO BE SUBMITTED THAT DEMONSTRATES THE PODIATRIST'S CONTINUING  
25 NEED FOR THE EXCEPTION.

26 (3) (a) THIS SECTION DOES NOT:

27 (I) CREATE A PRIVATE RIGHT OF ACTION;

1 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

2 (III) ESTABLISH A STANDARD OF CARE.

3 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE  
4 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

5 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY  
6 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

7 (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES  
8 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE  
9 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES  
10 CENSUS BUREAU; OR

11 (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A  
12 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF  
13 MANAGEMENT AND BUDGET.

14 **SECTION 3.** In Colorado Revised Statutes, 12-32-111, **amend**  
15 (1.5) as follows:

16 **12-32-111. Renewal of license.** (1.5) The board shall establish  
17 a questionnaire to accompany the renewal form. The BOARD MUST DESIGN  
18 THE questionnaire ~~shall be designed~~ to determine if the licensee has acted  
19 in violation of, or has been disciplined for actions that might be construed  
20 as violations of, this ~~article~~ ARTICLE 32 or that may make the licensee  
21 unfit to practice podiatry with reasonable care and safety. THE BOARD  
22 SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING  
23 WHETHER THE PODIATRIST HAS COMPLIED WITH SECTION 12-32-107.7. The  
24 failure of an applicant to answer the questionnaire accurately ~~shall~~  
25 ~~constitute~~ CONSTITUTES unprofessional conduct pursuant to section  
26 12-32-107.

27 **SECTION 4.** In Colorado Revised Statutes, **add** 12-35-114.5 as

1 follows:

2 **12-35-114.5. Electronic prescribing of controlled substances**

3 **- exceptions - rules.** (1) ON OR AFTER JULY 1, 2023, A DENTIST LICENSED  
4 UNDER THIS ARTICLE 35 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS  
5 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,  
6 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY  
7 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

8 (a) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC  
9 PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL  
10 OR ELECTRICAL FAILURE;

11 (b) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT  
12 IS LOCATED OUTSIDE OF THIS STATE;

13 (c) THE PRESCRIBING DENTIST IS DISPENSING THE CONTROLLED  
14 SUBSTANCE TO THE PATIENT;

15 (d) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT  
16 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL  
17 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

18 (e) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES THE  
19 PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN  
20 ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC  
21 PRESCRIBING;

22 (f) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND ALLOWS  
23 DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

24 (I) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF  
25 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR  
26 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

27 (II) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

1 (III) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE DENTIST TO  
2 ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

3 (g) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER  
4 A RESEARCH PROTOCOL;

5 (h) THE DENTIST WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS  
6 FOR CONTROLLED SUBSTANCES PER YEAR;

7 (i) THE DENTIST IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE  
8 ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY,  
9 HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED  
10 LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF THE  
11 DEPARTMENT OF CORRECTIONS;     

12 (j) THE DENTIST REASONABLY DETERMINES THAT THE PATIENT  
13 WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED  
14 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD  
15 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

16 (k) THE DENTIST DEMONSTRATES ECONOMIC HARDSHIP IN  
17 ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO  
18 SUBSECTION (2)(b) OF THIS SECTION.

19 (2) THE BOARD SHALL ADOPT RULES:

20 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL  
21 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a) OF THIS  
22 SECTION; AND

23 (b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION  
24 (1)(k) OF THIS SECTION AND ESTABLISHING:

25 (I) THE PROCESS FOR A DENTIST TO DEMONSTRATE ECONOMIC  
26 HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO  
27 ALLOW THE BOARD TO MAKE A DETERMINATION;

1           (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP  
2           EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR;

3           AND

4           (III) A PROCESS FOR A DENTIST TO APPLY TO RENEW AN ECONOMIC  
5           HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED TO BE  
6           SUBMITTED THAT DEMONSTRATES THE DENTIST'S CONTINUING NEED FOR  
7           THE EXCEPTION.

8           (3) ON AND AFTER JULY 1, 2023, THE BOARD SHALL REQUIRE A  
9           DENTIST WHO APPLIES FOR LICENSE RENEWAL IN ACCORDANCE WITH  
10          SECTION 12-35-121 TO COMPLETE A QUESTIONNAIRE THAT REQUIRES THE  
11          DENTIST TO INDICATE WHETHER THE DENTIST HAS COMPLIED WITH THIS  
12          SECTION. THE FAILURE OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE  
13          ACCURATELY CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO  
14          SECTION 12-35-129.

15          (4) (a) THIS SECTION DOES NOT:

16               (I) CREATE A PRIVATE RIGHT OF ACTION;

17               (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

18               (III) ESTABLISH A STANDARD OF CARE.

19          (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE  
20          NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

21          **SECTION 5.** In Colorado Revised Statutes, 12-35-129, **amend**  
22          (1)(nn) and (1)(oo); and **add** (1)(pp) as follows:

23               **12-35-129. Grounds for disciplinary action.** (1) The board may  
24          take disciplinary action against an applicant or licensee in accordance  
25          with section 12-35-129.1 for any of the following causes:

26               (nn) Failing to comply with section 12-35-128.5 regarding the  
27          placement of interim therapeutic restorations; ~~or~~

1 (oo) Failing to comply with section 12-35-128.8 regarding the  
2 application of silver diamine fluoride; OR

3 (pp) FAILING TO ACCURATELY COMPLETE AND SUBMIT THE  
4 QUESTIONNAIRE REQUIRED BY SECTION 12-35-114.5 (3).

5 **SECTION 6.** In Colorado Revised Statutes, 12-36-117.6, **amend**  
6 (2) as follows:

7 **12-36-117.6. Prescribing opiates - limitations - repeal.**

8 (2) (a) A physician or physician assistant licensed pursuant to this article  
9 36 may prescribe opioids electronically.

10 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2021.

11 **SECTION 7.** In Colorado Revised Statutes, **add** 12-36-117.9 as  
12 follows:

13 **12-36-117.9. Electronic prescribing of controlled substances**

14 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN  
15 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A  
16 PHYSICIAN LICENSED UNDER THIS ARTICLE 36 OR A PHYSICIAN ASSISTANT  
17 LICENSED UNDER THIS ARTICLE 36 WHO HAS BEEN DELEGATED THE  
18 AUTHORITY TO PRESCRIBE MEDICATION SHALL PRESCRIBE A CONTROLLED  
19 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN  
20 SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18,  
21 ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY  
22 UNLESS:

23 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC  
24 PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL  
25 OR ELECTRICAL FAILURE;

26 (II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT  
27 IS LOCATED OUTSIDE OF THIS STATE;

1 (III) THE PRESCRIBING PHYSICIAN OR PHYSICIAN ASSISTANT IS  
2 DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

3 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT  
4 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL  
5 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

6 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES  
7 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO  
8 CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH  
9 ELECTRONIC PRESCRIBING;

10 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND  
11 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

12 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF  
13 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR  
14 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

15 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

16 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PHYSICIAN  
17 OR PHYSICIAN ASSISTANT TO ISSUE A PRESCRIPTION THAT IS NOT  
18 PATIENT-SPECIFIC;

19 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER  
20 A RESEARCH PROTOCOL;

21 (VIII) THE PHYSICIAN OR PHYSICIAN ASSISTANT WRITES  
22 TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES  
23 PER YEAR;

24 (IX) THE PHYSICIAN OR PHYSICIAN ASSISTANT IS PRESCRIBING A  
25 CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A  
26 HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS  
27 TREATMENT CLINIC, ASSISTED LIVING RESIDENCE, OR LICENSED HOSPICE

1 HOME CARE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT  
2 OF CORRECTIONS;     

3 (X) THE PHYSICIAN OR PHYSICIAN ASSISTANT REASONABLY  
4 DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN THE  
5 CONTROLLED SUBSTANCE PRESCRIBED ELECTRONICALLY IN A TIMELY  
6 MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S  
7 MEDICAL CONDITION; OR

8 (XI) THE PHYSICIAN OR PHYSICIAN ASSISTANT DEMONSTRATES  
9 ECONOMIC HARDSHIP IN ACCORDANCE WITH RULES ADOPTED BY THE  
10 BOARD PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

11 (b) A PHYSICIAN OR PHYSICIAN ASSISTANT PRACTICING IN A RURAL  
12 AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE  
13 PHYSICIAN OR PHYSICIAN ASSISTANT SHALL COMPLY WITH THIS  
14 SUBSECTION (1) ON OR AFTER JULY 1, 2023.

15 (2) THE BOARD SHALL ADOPT RULES:

16 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL  
17 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS  
18 SECTION; AND

19 (b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION  
20 (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

21 (I) THE PROCESS FOR A PHYSICIAN OR PHYSICIAN ASSISTANT TO  
22 DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION  
23 REQUIRED TO BE SUBMITTED TO ALLOW THE BOARD TO MAKE A  
24 DETERMINATION;

25 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP  
26 EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR;

27 AND

1           (III) A PROCESS FOR A PHYSICIAN OR PHYSICIAN ASSISTANT TO  
2           APPLY TO RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE  
3           INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE  
4           PHYSICIAN'S OR PHYSICIAN ASSISTANT'S CONTINUING NEED FOR THE  
5           EXCEPTION.

6           (3) (a) THIS SECTION DOES NOT:

7                   (I) CREATE A PRIVATE RIGHT OF ACTION;

8                   (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

9                   (III) ESTABLISH A STANDARD OF CARE.

10           (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE  
11 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

12           (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY  
13 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

14                   (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES  
15 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE  
16 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES  
17 CENSUS BUREAU; OR

18                   (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A  
19 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF  
20 MANAGEMENT AND BUDGET.

21           **SECTION 8.** In Colorado Revised Statutes, 12-36-123, **amend**  
22 (1)(b) as follows:

23           **12-36-123. Procedure - registration - fees.** (1) (b) The board  
24 shall design a questionnaire to accompany the renewal form for the  
25 purpose of determining whether a licensee has acted in violation of this  
26 ~~article~~ ARTICLE 36 or been disciplined for any action that might be  
27 considered a violation of this ~~article~~ ARTICLE 36 or might make the

1 licensee unfit to practice medicine with reasonable care and safety. THE  
2 BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING  
3 WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-36-117.9. If an  
4 applicant fails to answer the questionnaire accurately, ~~such~~ THE failure  
5 ~~shall constitute~~ CONSTITUTES unprofessional conduct under section  
6 12-36-117 (1)(aa).

7 **SECTION 9.** In Colorado Revised Statutes, 12-38-111.6, **amend**  
8 (7.5)(c) as follows:

9 **12-38-111.6. Prescriptive authority - advanced practice nurses**  
10 **- limits on opioid prescriptions - repeal.** (7.5) (c) (I) An advanced  
11 practice nurse with prescriptive authority pursuant to this section may  
12 prescribe opioids electronically.

13 (II) THIS SUBSECTION (7.5)(c) IS REPEALED, EFFECTIVE JULY 1,  
14 2021.

15 **SECTION 10.** In Colorado Revised Statutes, **add** 12-38-111.7 as  
16 follows:

17 **12-38-111.7. Electronic prescribing of controlled substances**  
18 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN  
19 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, AN  
20 ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT  
21 TO SECTION 12-38-111.6 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS  
22 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,  
23 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY  
24 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

25 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC  
26 PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL  
27 OR ELECTRICAL FAILURE;

1 (II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT  
2 IS LOCATED OUTSIDE OF THIS STATE;

3 (III) THE PRESCRIBING ADVANCED PRACTICE NURSE IS DISPENSING  
4 THE CONTROLLED SUBSTANCE TO THE PATIENT;

5 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT  
6 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL  
7 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

8 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES  
9 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO  
10 CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH  
11 ELECTRONIC PRESCRIBING;

12 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND  
13 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

14 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF  
15 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR  
16 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

17 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

18 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE ADVANCED  
19 PRACTICE NURSE TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

20 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER  
21 A RESEARCH PROTOCOL;

22 (VIII) THE ADVANCED PRACTICE NURSE WRITES TWENTY-FOUR OR  
23 FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

24 (IX) THE ADVANCED PRACTICE NURSE IS PRESCRIBING A  
25 CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A  
26 HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS  
27 TREATMENT CLINIC, ASSISTED LIVING RESIDENCE, OR LICENSED HOSPICE

1 HOME CARE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT  
2 OF CORRECTIONS;     

3 (X) THE ADVANCED PRACTICE NURSE REASONABLY DETERMINES  
4 THAT THE PATIENT WOULD BE UNABLE TO OBTAIN THE CONTROLLED  
5 SUBSTANCE PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND  
6 THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL  
7 CONDITION; OR

8 (XI) THE ADVANCED PRACTICE NURSE DEMONSTRATES ECONOMIC  
9 HARDSHIP IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD  
10 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

11 (b) AN ADVANCED PRACTICE NURSE PRACTICING IN A RURAL AREA  
12 OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE ADVANCED  
13 PRACTICE NURSE SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER  
14 JULY 1, 2023.

15 (2) THE BOARD SHALL ADOPT RULES:

16 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL  
17 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS  
18 SECTION; AND

19 (b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION  
20 (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

21 (I) THE PROCESS FOR AN ADVANCED PRACTICE NURSE TO  
22 DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION  
23 REQUIRED TO BE SUBMITTED TO ALLOW THE BOARD TO MAKE A  
24 DETERMINATION;

25 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP  
26 EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR;

27 AND

1           (III) A PROCESS FOR AN ADVANCED PRACTICE NURSE TO APPLY TO  
2           RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE  
3           INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE  
4           ADVANCED PRACTICE NURSE'S CONTINUING NEED FOR THE EXCEPTION.

5           (3) (a) THIS SECTION DOES NOT:

6           (I) CREATE A PRIVATE RIGHT OF ACTION;

7           (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

8           (III) ESTABLISH A STANDARD OF CARE.

9           (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE  
10          NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

11          (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY  
12          LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

13           (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES  
14          WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE  
15          MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES  
16          CENSUS BUREAU; OR

17           (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A  
18          RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF  
19          MANAGEMENT AND BUDGET.

20          **SECTION 11.** In Colorado Revised Statutes, 12-38-111, **amend**  
21          (3) as follows:

22           **12-38-111. Requirements for professional nurse licensure.**

23          (3) The board shall design a questionnaire to be sent to all licensees who  
24          apply for license renewal. Each applicant for license renewal shall  
25          complete the board-designed questionnaire. The purpose of the  
26          questionnaire is to determine whether a licensee has acted in violation of  
27          this ~~article~~ ARTICLE 38 or been disciplined for any action that might be

1 considered a violation of this ~~article~~ ARTICLE 38 or might make the  
2 licensee unfit to practice nursing with reasonable care and safety. THE  
3 BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING  
4 WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-38-111.7. If an  
5 applicant fails to answer the questionnaire accurately, ~~such~~ THE failure  
6 ~~shall constitute~~ CONSTITUTES grounds for discipline under section  
7 12-38-117 (1)(v). The board may include the cost of developing and  
8 reviewing the questionnaire in the fee paid under ~~paragraph (e) of~~  
9 ~~subsection (1)~~ SUBSECTION (1)(e) of this section. The board may refuse  
10 an application for license renewal that does not accompany an accurately  
11 completed questionnaire.

12 **SECTION 12.** In Colorado Revised Statutes, 12-40-109.5,  
13 **amend** (4)(c) as follows:

14 **12-40-109.5. Use of prescription and nonprescription drugs -**  
15 **limits on opioid prescriptions - repeal.** (4) (c) (I) An optometrist  
16 licensed pursuant to this article 40 may prescribe opioids electronically.

17 (II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE JULY 1, 2021.

18 **SECTION 13.** In Colorado Revised Statutes, **add** 12-40-109.9 as  
19 follows:

20 **12-40-109.9. Electronic prescribing of controlled substances**  
21 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN  
22 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, AN  
23 OPTOMETRIST LICENSED UNDER THIS ARTICLE 40 SHALL PRESCRIBE A  
24 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS  
25 INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18  
26 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A  
27 PHARMACY UNLESS:

1 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC  
2 PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL  
3 OR ELECTRICAL FAILURE;

4 (II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT  
5 IS LOCATED OUTSIDE OF THIS STATE;

6 (III) THE PRESCRIBING OPTOMETRIST IS DISPENSING THE  
7 CONTROLLED SUBSTANCE TO THE PATIENT;

8 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT  
9 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL  
10 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

11 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES  
12 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO  
13 CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH  
14 ELECTRONIC PRESCRIBING;

15 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND  
16 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

17 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF  
18 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR  
19 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

20 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

21 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE  
22 OPTOMETRIST TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

23 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER  
24 A RESEARCH PROTOCOL;

25 (VIII) THE OPTOMETRIST WRITES TWENTY-FOUR OR FEWER  
26 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

27 (IX) THE OPTOMETRIST IS PRESCRIBING A CONTROLLED

1 SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING  
2 CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR  
3 ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF  
4 THE DEPARTMENT OF CORRECTIONS;     

5 (X) THE OPTOMETRIST REASONABLY DETERMINES THAT THE  
6 PATIENT WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE  
7 PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY  
8 WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

9 (XI) THE OPTOMETRIST DEMONSTRATES ECONOMIC HARDSHIP IN  
10 ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO  
11 SUBSECTION (2)(b) OF THIS SECTION.

12 (b) AN OPTOMETRIST PRACTICING IN A RURAL AREA OF THE STATE  
13 OR IN A PRACTICE CONSISTING OF ONLY ONE OPTOMETRIST SHALL COMPLY  
14 WITH THIS SUBSECTION (1) ON OR AFTER JULY 1, 2023.

15 (2) THE BOARD SHALL ADOPT RULES:

16 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL  
17 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS  
18 SECTION; AND

19 (b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION  
20 (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

21 (I) THE PROCESS FOR AN OPTOMETRIST TO DEMONSTRATE  
22 ECONOMIC HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE  
23 SUBMITTED TO ALLOW THE BOARD TO MAKE A DETERMINATION;

24 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP  
25 EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR;

26 AND

27 (III) A PROCESS FOR AN OPTOMETRIST TO APPLY TO RENEW AN

1 ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED  
2 TO BE SUBMITTED THAT DEMONSTRATES THE OPTOMETRIST'S CONTINUING  
3 NEED FOR THE EXCEPTION.

4 (3) (a) THIS SECTION DOES NOT:

5 (I) CREATE A PRIVATE RIGHT OF ACTION;

6 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

7 (III) ESTABLISH A STANDARD OF CARE.

8 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE  
9 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

10 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY  
11 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

12 (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES  
13 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE  
14 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES  
15 CENSUS BUREAU; OR

16 (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A  
17 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF  
18 MANAGEMENT AND BUDGET.

19 **SECTION 14.** In Colorado Revised Statutes, 12-40-113, **amend**  
20 (1)(b) as follows:

21 **12-40-113. License renewal - requirements - fee - failure to**  
22 **pay.** (1) (b) The board shall establish a questionnaire to accompany the  
23 renewal form. ~~Said~~ THE BOARD MUST DESIGN THE questionnaire ~~shall be~~  
24 ~~designed~~ to determine if the licensee has acted in violation of or has been  
25 disciplined for actions that might be considered as violations of this  
26 ~~article~~ ARTICLE 40 or that might make the licensee unfit to practice  
27 optometry with reasonable care and safety. THE BOARD SHALL INCLUDE

1 ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE  
2 HAS COMPLIED WITH SECTION 12-40-109.9. Failure of the applicant to  
3 answer the questionnaire accurately ~~shall be~~ IS considered unprofessional  
4 conduct as specified in section 12-40-118.

5 **SECTION 15.** In Colorado Revised Statutes, 12-42.5-120,  
6 **amend** (1) as follows:

7 **12-42.5-120. Prescription required - exception - dispensing**  
8 **opiate antagonists - definitions.** (1) (a) Except as provided in section  
9 18-18-414 ~~C.R.S.~~, and subsections (2) and (3) of this section, an order is  
10 required prior to dispensing any prescription drug. Orders shall be readily  
11 retrievable within the appropriate statute of limitations.

12 (b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED  
13 SUBSTANCE THAT IS INCLUDED IN SCHEDULE II, III, OR IV FROM A  
14 PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED  
15 PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER IS NOT TRANSMITTED  
16 ELECTRONICALLY TO THE PHARMACIST, IS NOT REQUIRED TO VERIFY THE  
17 APPLICABILITY OF AN EXCEPTION TO ELECTRONIC PRESCRIBING OF  
18 CONTROLLED SUBSTANCES UNDER SECTION 12-32-107.7, 12-35-114.5,  
19 12-36-117.9, 12-38-111.7, OR 12-40-109.9 AND MAY DISPENSE THE  
20 CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN, ORAL, OR  
21 FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND  
22 CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.

23 **SECTION 16. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly (August  
26 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part will not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2020 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.