

## CHAPTER 434

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**PROFESSIONS AND OCCUPATIONS**

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**HOUSE BILL 19-1242**

BY REPRESENTATIVE(S) Jackson and Jaquez Lewis, Bird, Duran, Esgar, Exum, Galindo, Kipp, Lontine, Mullica, Tipper, Titone, Buckner, Garnett, Michaelson Jenet;  
also SENATOR(S) Winter and Tate, Bridges, Crowder, Ginal, Pettersen, Story, Todd.

**AN ACT**

**CONCERNING THE REGULATION OF PHARMACY TECHNICIANS BY THE STATE BOARD OF PHARMACY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 12-280-103, **amend as relocated by House Bill 19-1172 (38), (49), and (50)(a)(IV); and add as relocated by House Bill 19-1172 (8.5), (8.7), and (38.5) as follows:**

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

(8.5) "CERTIFICATION" MEANS A CERTIFICATION TO PRACTICE AS A PHARMACY TECHNICIAN ISSUED BY THE BOARD IN ACCORDANCE WITH SECTION 12-280-115.5(2) AND INCLUDES A PROVISIONAL CERTIFICATION ISSUED IN ACCORDANCE WITH SECTION 12-280-115.5 (3).

(8.7) "CERTIFYING ORGANIZATION" MEANS A BOARD-APPROVED, NATIONALLY RECOGNIZED ORGANIZATION THAT CERTIFIES PHARMACY TECHNICIANS.

(38) "Pharmacy technician" OR "CERTIFICANT" means ~~an unlicensed~~ a person who ~~performs those functions set forth in subsection (39)(b) of this section under the supervision of a pharmacist~~ IS CERTIFIED BY THE BOARD TO PRACTICE AS A PHARMACY TECHNICIAN AND INCLUDES A PERSON ISSUED A PROVISIONAL CERTIFICATION PURSUANT TO SECTION 12-280-115.5 (3).

(38.5) (a) "PRACTICE AS A PHARMACY TECHNICIAN" MEANS ENGAGING IN ANY OF

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*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.*

THE FOLLOWING ACTIVITIES INVOLVED IN THE PRACTICE OF PHARMACY, UNDER THE SUPERVISION AND DELEGATION OF A SUPERVISING PHARMACIST:

(I) RECEIVING AND INITIALLY INPUTTING NEW WRITTEN, FACSIMILE, OR ELECTRONIC ORDERS;

(II) PREPARING, MIXING, ASSEMBLING, PACKAGING, LABELING, OR DELIVERING A DRUG OR DEVICE;

(III) PROPERLY AND SAFELY STORING DRUGS OR DEVICES;

(IV) MAINTAINING PROPER RECORDS FOR DRUGS AND DEVICES;

(V) TRANSFERRING PRESCRIPTIONS; AND

(VI) OTHER ACTIVITIES AS AUTHORIZED AND DEFINED BY THE BOARD BY RULE.

(b) "PRACTICE AS A PHARMACY TECHNICIAN" DOES NOT INCLUDE ACTIVITIES OR SERVICES DESCRIBED IN SUBSECTION (38.5)(a) OF THIS SECTION THAT ARE PERFORMED BY EMPLOYEES OR PERSONNEL OF A PRACTITIONER DISPENSING DRUGS TO PATIENTS PURSUANT TO SECTION 12-280-120 (6) OR OF A REGISTERED OTHER OUTLET, WHICH PRACTITIONER OR OTHER OUTLET DOES NOT STORE, COMPOUND, DISPENSE, OR DELIVER CONTROLLED SUBSTANCES.

(49) "Supervision" means that a licensed pharmacist is on the location and readily available to consult with and assist ~~unlicensed~~ CERTIFICANTS PRACTICING AS PHARMACY TECHNICIANS AS DESCRIBED IN SUBSECTION (38.5) OF THIS SECTION OR ANCILLARY personnel performing tasks ~~described in subsection (39)(b) of this section~~ AT THE DIRECTION OF THE LICENSED PHARMACIST, EXCLUDING TASKS DESCRIBED IN SUBSECTION (38.5)(a) OF THIS SECTION BUT WHICH TASKS MAY INCLUDE DELIVERY AND PROPER AND SAFE STORAGE OF DRUGS OR DEVICES. If the ~~unlicensed~~ person is a pharmacy technician located at a registered telepharmacy outlet, the licensed pharmacist need not be physically present at the telepharmacy outlet as long as the licensed pharmacist is connected to the telepharmacy outlet via computer link, video link, and audio link, or via other telecommunication equipment of equivalent functionality, and is readily available to consult with and assist the pharmacy technician in performing tasks described in ~~subsection (39)(b)~~ SUBSECTION (38.5)(a) of this section.

(50) (a) "Telepharmacy outlet" means a remote pharmacy site that:

(IV) Has a pharmacy technician on site who, under the remote supervision of a licensed pharmacist located at the central pharmacy, performs the tasks described in ~~subsection (39)(b)~~ SUBSECTION (38.5)(a) of this section.

**SECTION 2.** In Colorado Revised Statutes, 12-280-104, **amend as relocated by House Bill 19-1172** (3) as follows:

**12-280-104. State board of pharmacy - creation - subject to termination - repeal of parts.** (3) Parts 1 to 3 of this article 280 are repealed, effective September 1, 2021. Before the repeal, the board and the regulation of the practice of pharmacy

pursuant to parts 1 to 3 of this article 280, INCLUDING THE REGULATION OF THE PRACTICE AS A PHARMACY TECHNICIAN, are scheduled for review in accordance with section 24-34-104.

**SECTION 3.** In Colorado Revised Statutes, 12-280-108, **amend as relocated by House Bill 19-1172** (1)(b), (1)(c), (1)(e), and (1)(f)(I) as follows:

**12-280-108. Powers and duties.** (1) The board shall:

(b) Prescribe forms and receive applications for licensure, CERTIFICATION, and registration and grant, renew, reactivate, and reinstate licenses, CERTIFICATIONS, and registrations;

(c) Deny, suspend, or revoke licenses, CERTIFICATIONS, or registrations;

(e) Administer examinations to, and determine the qualifications and fitness of, applicants for licensure, CERTIFICATION, or registration;

(f) Keep a record of:

(I) All licenses, CERTIFICATIONS, registrations, and license, CERTIFICATION, and registration renewals, reactivations, and reinstatements for a reasonable period;

**SECTION 4.** In Colorado Revised Statutes, 12-280-112, **amend as relocated by House Bill 19-1172** (1) introductory portion; and **add as relocated by House Bill 19-1172** (1)(r), (1)(s), (1)(t), and (1)(u) as follows:

**12-280-112. Fees.** (1) The director shall determine, and the board shall collect, fees pursuant to section 12-20-105 for the following licenses, CERTIFICATIONS, and registrations:

(r) FOR THE INITIAL CERTIFICATION OR PROVISIONAL CERTIFICATION AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION 12-280-115.5;

(s) FOR THE RENEWAL OF A CERTIFICATION AS A PHARMACY TECHNICIAN ISSUED PURSUANT TO SECTION 12-280-115.5 (2), AS PROVIDED IN SECTION 12-280-116 (1);

(t) FOR REINSTATEMENT AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION 12-280-116 (2);

(u) FOR THE ISSUANCE OF A DUPLICATE CERTIFICATE TO A PHARMACY TECHNICIAN.

**SECTION 5.** In Colorado Revised Statutes, 12-280-114, **amend as relocated by House Bill 19-1172** (2)(a), (3), (6), and (7); and **add as relocated by House Bill 19-1172** (2)(c) as follows:

**12-280-114. Licensure, certification, or registration - applicability - applications - licensure and certification requirements - rules.** (2) (a) Every applicant for a license OR CERTIFICATION under this article 280 must read and write the English language, or if the applicant is a partnership, each member of the

partnership must read and write the English language. If the applicant is a Colorado corporation, the corporation must be in good standing, and if the applicant is a foreign corporation, it must be qualified to do business in this state.

(c) THE BOARD SHALL ISSUE A CERTIFICATION TO AN APPLICANT TO PRACTICE AS A PHARMACY TECHNICIAN WHO SATISFIES THE REQUIREMENTS OF THIS ARTICLE 280, THIS SECTION, AND SECTION 12-280-115.5.

(3) Every applicant for a license, CERTIFICATION, or registration under this article 280 shall make written application in the manner and form prescribed by the board, setting forth the applicant's name and address, the applicant's qualifications for the license, CERTIFICATION, or registration, and other information required by the board. The applicant shall submit with the application the required fee, and, if the applicant is required to take an examination, the applicant shall appear for examination at the time and place fixed by the board.

(6) No applicant shall exercise the privileges of licensure, CERTIFICATION, or registration until the board grants the license, CERTIFICATION, or registration.

(7) The board may require any applicant for licensure OR CERTIFICATION to display written or oral competency in English. The board may utilize a standardized test to determine language proficiency.

**SECTION 6.** In Colorado Revised Statutes, **add to article 280 as relocated by House Bill 19-1172** 12-280-115.5 as follows:

**12-280-115.5. Certification of pharmacy technicians - requirements - provisional certification - criminal history record check - rules.** (1) ON OR AFTER MARCH 30, 2020, A PERSON SHALL NOT ENGAGE IN THE PRACTICE AS A PHARMACY TECHNICIAN UNLESS THE PERSON HAS OBTAINED A CERTIFICATION OR PROVISIONAL CERTIFICATION FROM THE BOARD IN ACCORDANCE WITH THIS SECTION.

(2) IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN SECTION 12-280-114 OR THIS ARTICLE 280, TO BE CERTIFIED AS A PHARMACY TECHNICIAN, AN APPLICANT MUST:

(a) PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE APPLICANT HAS OBTAINED AND MAINTAINS IN GOOD STANDING CERTIFICATION AS A PHARMACY TECHNICIAN FROM A CERTIFYING ORGANIZATION; AND

(b) (I) SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND MANNER AS DETERMINED BY THE BOARD BY RULE; OR

(II) PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE APPLICANT SUBMITTED TO A CRIMINAL HISTORY RECORD CHECK AS A CONDITION OF EMPLOYMENT AT A PHARMACY OR OTHER OUTLET, AS REQUIRED BY THE APPLICANT'S CURRENT EMPLOYER, AS A CONDITION OF PARTICIPATING IN A COURSE OF STUDY FOR OR WITH A CERTIFYING ORGANIZATION, OR IN CONNECTION WITH OBTAINING CERTIFICATION FROM A CERTIFYING ORGANIZATION.

(3) (a) IF AN APPLICANT FOR CERTIFICATION AS A PHARMACY TECHNICIAN HAS

NOT SATISFIED THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION AT THE TIME OF APPLICATION TO THE BOARD, THE BOARD MAY GRANT THE APPLICANT A PROVISIONAL CERTIFICATION UPON SATISFACTION OF ALL OTHER REQUIREMENTS FOR CERTIFICATION SPECIFIED IN THIS SECTION AND SECTION 12-280-114.

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS SECTION, A PROVISIONAL CERTIFICATION IS VALID FOR NOT MORE THAN EIGHTEEN MONTHS AFTER THE DATE OF ISSUANCE AND IS NOT RENEWABLE. IF A PERSON WHO IS GRANTED A PROVISIONAL CERTIFICATION PURSUANT TO THIS SUBSECTION (3) FAILS TO SATISFY THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION WITHIN EIGHTEEN MONTHS AFTER THE DATE THE PROVISIONAL CERTIFICATION IS ISSUED OR WITHIN AN EXTENDED PERIOD GRANTED BY THE BOARD PURSUANT TO SUBSECTION (3)(b)(II) OF THIS SECTION, THE PROVISIONAL CERTIFICATION EXPIRES AND THE PERSON SHALL NOT PRACTICE AS A PHARMACY TECHNICIAN UNTIL THE PERSON APPLIES FOR AND RECEIVES A CERTIFICATION IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(II) THE BOARD SHALL ADOPT RULES TO ESTABLISH A PROCESS FOR A PROVISIONAL CERTIFICANT TO APPLY FOR A HARDSHIP EXTENSION TO EXTEND THE VALIDITY OF THE PROVISIONAL CERTIFICATION BEYOND EIGHTEEN MONTHS. THE BOARD SHALL ESTABLISH CRITERIA FOR QUALIFYING FOR A HARDSHIP EXTENSION BASED ON:

(A) THE NEGATIVE EFFECTS ON ACCESS TO CARE IN THE COMMUNITY SERVED BY THE PROVISIONAL CERTIFICANT OR THE EMPLOYER OF THE PROVISIONAL CERTIFICANT;

(B) FINANCIAL HARDSHIP; OR

(C) HEALTH CIRCUMSTANCES.

(c) A PERSON WHOSE PROVISIONAL CERTIFICATION EXPIRES IS NOT PRECLUDED FROM APPLYING TO THE BOARD FOR CERTIFICATION AS A PHARMACY TECHNICIAN IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

**SECTION 7.** In Colorado Revised Statutes, 12-280-116, **amend as relocated by House Bill 19-1172** (1) and (2) as follows:

**12-280-116. Expiration and renewal of licenses, certifications, or registrations.** (1) All licenses, CERTIFICATIONS, and registrations issued pursuant to this article 280, EXCEPT PROVISIONAL CERTIFICATIONS ISSUED PURSUANT TO SECTION 12-280-115.5 (3), are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). Any person whose license, CERTIFICATION, or registration expires is subject to the penalties provided in this article 280 or section 12-20-202 (1).

(2) A pharmacist who fails to renew his or her license OR A PHARMACY TECHNICIAN WHO FAILS TO RENEW HIS OR HER CERTIFICATION ISSUED PURSUANT TO SECTION 12-280-115.5 (2) on or before the applicable renewal time may have ~~his or her~~ THE license OR CERTIFICATION, AS APPLICABLE, reinstated in accordance with section 12-20-202 (2) for the remainder of the current renewal period by filing a

proper application, satisfying the board that the pharmacist OR PHARMACY TECHNICIAN, AS APPLICABLE, is fully qualified to practice, and paying the reinstatement fee as provided in section ~~12-280-112(1)(e)~~ 12-280-112 (1)(e) AND (1)(t) and all delinquent fees.

**SECTION 8.** In Colorado Revised Statutes, **add to article 280 as relocated by House Bill 19-1172** 12-280-117.5 as follows:

**12-280-117.5. Continuing education for pharmacy technicians - exceptions - inactive status.** (1) THE BOARD SHALL NOT RENEW, REINSTATE, OR REACTIVATE THE CERTIFICATION OF A PHARMACY TECHNICIAN THAT WAS ISSUED PURSUANT TO SECTION 12-280-115.5 (2) UNTIL THE PHARMACY TECHNICIAN PRESENTS EVIDENCE THAT THE PHARMACY TECHNICIAN MAINTAINS ACTIVE CERTIFICATION WITH A CERTIFYING ORGANIZATION. SUBJECT TO SUBSECTION (2) OF THIS SECTION, THE EVIDENCE MAY BE PROVIDED BY AN ATTESTATION ON THE CERTIFICATION RENEWAL APPLICATION.

(2) THE BOARD MAY ANNUALLY AUDIT UP TO FIVE PERCENT OF THE PHARMACY TECHNICIANS CERTIFIED AND RESIDING IN COLORADO TO DETERMINE COMPLIANCE WITH THIS SECTION.

(3) IF A PHARMACY TECHNICIAN FAILS TO COMPLETE THE CONTINUING EDUCATION AND RENEWAL REQUIREMENTS OF, AND MAINTAIN ACTIVE CERTIFICATION WITH, A CERTIFYING ORGANIZATION, THE PHARMACY TECHNICIAN'S STATE CERTIFICATION BECOMES INACTIVE. AN INACTIVE CERTIFICANT IS NOT REQUIRED TO COMPLY WITH ANY CONTINUING PHARMACY TECHNICIAN EDUCATION REQUIREMENT SO LONG AS THE CERTIFICANT REMAINS INACTIVE, BUT THE CERTIFICANT MUST CONTINUE TO PAY APPLICABLE FEES, INCLUDING RENEWAL FEES. THE BOARD SHALL NOTE "INACTIVE STATUS" ON THE FACE OF ANY CERTIFICATION IT ISSUES TO A CERTIFICANT WHILE THE CERTIFICANT REMAINS INACTIVE. BEFORE AN INACTIVE PHARMACY TECHNICIAN RESUMES PRACTICE AS A PHARMACY TECHNICIAN AFTER BEING PLACED ON AN INACTIVE LIST, THE PHARMACY TECHNICIAN MUST FILE AN APPLICATION TO ACTIVATE THE CERTIFICATION, PAY THE CERTIFICATION RENEWAL FEE, AND MEET THE CONTINUING EDUCATION REQUIREMENTS OF THIS SECTION. IF A PHARMACY TECHNICIAN ENGAGES IN PRACTICE AS A PHARMACY TECHNICIAN WHILE ON INACTIVE STATUS, THAT CONDUCT IS GROUNDS FOR CERTIFICATION REVOCATION UNDER THIS ARTICLE 280.

**SECTION 9.** In Colorado Revised Statutes, 12-280-118, **amend as relocated by House Bill 19-1172** (3)(b) and (5) as follows:

**12-280-118. Prescription drug outlet under charge of pharmacist - rules.** (3) (b) An outlet as recognized in section 12-280-119 (1)(d) need not be under the direct charge of a pharmacist, but a licensed pharmacist shall either initially interpret all prescription orders compounded or dispensed from the outlet or provide written protocols for compounding and dispensing by ~~unlicensed persons~~ PHARMACY TECHNICIANS. An outlet qualifying for registration under this subsection (3)(b) may also apply to the board for a waiver of the requirements concerning physical space, equipment, inventory, or business hours as necessary and consistent with the outlet's limited public welfare purpose. In determining the granting or denial of a waiver application, the board shall ensure that the public interest criteria set forth in section

12-280-101 are satisfied. All other provisions of this article 280, except as specifically waived by the board, apply to the outlet.

(5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS SECTION, the pharmacist responsible for the prescription order or chart order may delegate ~~certain specific tasks described in section 12-280-103 (39)(b) to a person who is not~~ THE FOLLOWING TASKS TO THE FOLLOWING INDIVIDUALS IF, IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE DELEGATION IS APPROPRIATE:

(I) SPECIFIC TASKS, EXCLUDING TASKS DESCRIBED IN SECTION 12-280-103 (38.5)(a) BUT WHICH TASKS MAY INCLUDE DELIVERY AND PROPER AND SAFE STORAGE OF DRUGS OR DEVICES, TO ANCILLARY PERSONNEL, OTHER THAN a pharmacist or pharmacy intern, ~~but who is an unlicensed assistant~~ ARE under the pharmacist's supervision; ~~if, in the pharmacist's professional judgment, the delegation is appropriate; except that~~ OR

(II) SPECIFIC TASKS DESCRIBED IN SECTION 12-280-103 (38.5)(a) OR IN BOARD RULES ADOPTED PURSUANT TO SECTION 12-280-103 (38.5)(a)(VI) TO A PHARMACY TECHNICIAN WHO IS UNDER THE PHARMACIST'S SUPERVISION.

(b) The pharmacist shall not make ~~the~~ A delegation DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION if the delegation jeopardizes the public health, safety, or welfare, is prohibited by rule of the board, or violates section 12-280-129 (1).

**SECTION 10.** In Colorado Revised Statutes, 12-280-122, **amend as relocated by House Bill 19-1172** (1) and (3) as follows:

**12-280-122. Limited authority to delegate activities constituting practice of pharmacy to pharmacy interns or pharmacy technicians.** (1) A pharmacist may supervise up to six persons who are either pharmacy interns or pharmacy technicians, of whom no more than two may be pharmacy interns. If three or more pharmacy technicians are on duty, the majority must be certified by a ~~nationally recognized certification~~ THE board possess a degree from an accredited pharmacy technician training program, ~~or have completed five hundred hours of experiential training in duties described in section 12-280-103 (39)(b) at the pharmacy as certified by the pharmacist manager within eighteen months of hire~~ IN ACCORDANCE WITH SECTION 12-280-115.5 (2), AND ANY PHARMACY TECHNICIAN ON DUTY WHO IS NOT CERTIFIED PURSUANT TO SECTION 12-280-115.5 (2) MUST HAVE A PROVISIONAL CERTIFICATION ISSUED PURSUANT TO SECTION 12-280-115.5 (3).

(3) The supervision ratio specified in subsection (1) of this section does not include other ancillary personnel who may be in the prescription drug outlet but who are not performing duties described in section 12-280-103 (39)(b) that are delegated to the interns or DUTIES DESCRIBED IN SECTION 12-280-103 (38.5)(a) THAT ARE DELEGATED TO THE pharmacy technicians.

**SECTION 11.** In Colorado Revised Statutes, 12-280-126, **amend as relocated by House Bill 19-1172** (1) introductory portion, (1)(a), (1)(d), (1)(f), (1)(g), (1)(j), (1)(k), (1)(q), and (1)(r)(II) as follows:

**12-280-126. Unprofessional conduct - grounds for discipline.** (1) The board

may take disciplinary or other action as authorized in section 12-20-404, after a hearing held in accordance with the provisions of sections 12-20-403 and 12-280-127, upon proof that the licensee, CERTIFICANT, or registrant:

(a) Is guilty of misrepresentation, fraud, or deceit in procuring, attempting to procure, or renewing a license, CERTIFICATION, or registration;

(d) Is unfit or incompetent by reason of negligence or habits, or for any other cause, to practice pharmacy OR TO PRACTICE AS A PHARMACY TECHNICIAN;

(f) Knowingly permits a person not:

(I) Licensed as a pharmacist or pharmacy intern to engage in the practice of pharmacy; OR

(II) CERTIFIED AS A PHARMACY TECHNICIAN TO ENGAGE IN THE PRACTICE AS A PHARMACY TECHNICIAN;

(g) Has had ~~his or her~~ a license to practice pharmacy OR A CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE AS A PHARMACY TECHNICIAN in another state revoked or suspended, or is otherwise disciplined or has committed acts in any other state that would subject ~~him or her~~ THE PERSON to disciplinary action in this state;

(j) Has engaged in the practice of pharmacy OR THE PRACTICE AS A PHARMACY TECHNICIAN while on inactive status;

(k) Has failed to meet generally accepted standards of pharmacy OR PHARMACY TECHNICIAN practice;

(q) Has failed to notify the board of any discipline, WITHIN THIRTY DAYS AFTER THE DISCIPLINE, against: ~~his or her~~

(I) A license in another state; ~~within thirty days after the discipline~~; OR

(II) A CERTIFICATION OR OTHER AUTHORIZATION IN ANOTHER STATE TO PRACTICE AS A PHARMACY TECHNICIAN;

(r) (II) Has failed to act within the limitations created by a physical illness, physical condition, or behavioral, mental health, or substance use disorder that renders the person unable to practice pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill and safety or that may endanger the health or safety of persons under his or her care; or

**SECTION 12.** In Colorado Revised Statutes, 12-280-127, **amend as relocated by House Bill 19-1172** (1)(a), (2)(a), (2)(b) introductory portion, (2)(b)(I), (3), (4), (6), and (7)(a) as follows:

**12-280-127. Disciplinary actions.** (1) (a) The board may take disciplinary or other action as authorized in section 12-20-404 when the board determines that the applicant, licensee, CERTIFICANT, or registrant has engaged in activities that are grounds for discipline under section 12-280-126.



(2) (a) Proceedings for the denial, suspension, or revocation of a license, CERTIFICATION, or registration and any judicial review of a suspension or revocation must be conducted in accordance with article 4 of title 24 and sections 12-20-403 and 12-20-408.

(b) Upon finding that grounds for discipline pursuant to section 12-280-126 exist, in addition to the disciplinary actions specified in section 12-20-404 (1), the board may impose one or more of the following penalties on a person who holds or is seeking a new or renewal license, CERTIFICATION, or registration:

(1) Restriction of the offender's license, CERTIFICATION, or registration to prohibit the offender from performing certain acts or from practicing pharmacy OR AS A PHARMACY TECHNICIAN in a particular manner for a period to be determined by the board;

(3) The board may also include in any disciplinary order that allows the licensee, CERTIFICANT, or registrant to continue to practice conditions that the board deems appropriate to assure that the licensee, CERTIFICANT, or registrant is physically, mentally, morally, and otherwise qualified to practice pharmacy OR AS A PHARMACY TECHNICIAN in accordance with the generally accepted professional standards of practice, including any or all of the following:

(a) Requiring the licensee, CERTIFICANT, or registrant to submit to examinations that the board may order to determine the licensee's OR CERTIFICANT'S physical or mental condition or professional qualifications;

(b) Requiring the licensee OR CERTIFICANT to take therapy courses of training or education that the board deems necessary to correct deficiencies found either in the hearing or by examinations required pursuant to subsection (3)(a) of this section;

(c) Requiring the review or supervision of the licensee's OR CERTIFICANT'S practice to determine the quality of and correct deficiencies in the licensee's OR CERTIFICANT'S practice; and

(d) Imposing restrictions upon the nature of the licensee's OR CERTIFICANT'S practice to assure that the licensee OR CERTIFICANT does not practice beyond the limits of the licensee's OR CERTIFICANT'S capabilities.

(4) Upon failure of the licensee, CERTIFICANT, or registrant to comply with any conditions imposed by the board pursuant to subsection (3) of this section, unless due to conditions beyond the licensee's, CERTIFICANT'S, or registrant's control, the board may order suspension of the license, CERTIFICATION, or registration in this state until the licensee, CERTIFICANT, or registrant complies with the conditions.

(6) The board may send a letter of admonition by certified mail to a licensee, CERTIFICANT, or registrant under the circumstances specified in and in accordance with section 12-20-404 (4). In the case of a complaint, the board may send a copy of the letter of admonition to the person making the complaint.

(7) (a) The board may send a confidential letter of concern to a licensee, CERTIFICANT, or registrant under the circumstances specified in section 12-20-404

(5). If a complaint precipitated the investigation, the board shall send a response to the person making the complaint.

**SECTION 13.** In Colorado Revised Statutes, 12-280-129, **amend as relocated by House Bill 19-1172** (1)(d) and (2); and **add as relocated by House Bill 19-1172** (1)(n) as follows:

**12-280-129. Unlawful acts - civil fines.** (1) It is unlawful:

(d) To falsely assume the title of or falsely represent that one is a pharmacist, PHARMACY TECHNICIAN, practitioner, or registered outlet;

(n) TO PRACTICE AS A PHARMACY TECHNICIAN WITHOUT A CERTIFICATION.

(2) (a) In addition to any other penalties that may be imposed under this part 1, a person who engages in an unlawful act under this section may be punished by a civil fine of not less than one thousand dollars and not more than ten thousand dollars for each violation. Fines imposed and paid under this section shall be deposited in the general fund in accordance with section 12-20-404 (6).

(b) THIS SUBSECTION (2) DOES NOT APPLY TO A PHARMACY TECHNICIAN.

**SECTION 14.** In Colorado Revised Statutes, **amend as relocated by House Bill 19-1172** 12-280-130 as follows:

**12-280-130. Unauthorized practice - penalties.** (1) Any person who practices or offers or attempts to practice pharmacy without an active license issued under this article 280 is subject to penalties pursuant to section 12-20-407 (1)(a).

(2) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A PHARMACY TECHNICIAN WITHOUT AN ACTIVE CERTIFICATION ISSUED UNDER THIS ARTICLE 280 IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a).

**SECTION 15.** In Colorado Revised Statutes, 12-280-136, **amend as relocated by House Bill 19-1172** (2) as follows:

**12-280-136. Confidential agreement to limit practice.** (2) This section and section 12-30-108 do not apply to a pharmacist, PHARMACY TECHNICIAN, or intern subject to discipline for prohibited activities as described in section 12-280-126 (1)(e).

**SECTION 16.** In Colorado Revised Statutes, 12-20-407, **amend as relocated by House Bill 19-1172** (1)(a)(V)(R) as follows:

**12-20-407. Unauthorized practice of profession or occupation - penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 for the first offense, and, for the second or any subsequent offense, commits a class 6 felony and shall be punished as provided in section 18-1.3-401, if the person:

(V) Practices or offers or attempts to practice any of the following professions or

occupations without an active license, certification, or registration issued under the part or article of this title 12 governing the particular profession or occupation:

(R) Pharmacy OR AS A PHARMACY TECHNICIAN, as regulated under article 280 of this title 12;

**SECTION 17.** In Colorado Revised Statutes, 24-34-104, **amend** (21)(a)(II) as follows:

**24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.** (21) (a) The following agencies, functions, or both, will repeal on September 1, 2021:

(II) The state board of pharmacy and the regulation of the practice of pharmacy, INCLUDING THE REGULATION OF THE PRACTICE AS A PHARMACY TECHNICIAN, by the department of regulatory agencies through the division of professions and occupations in accordance with parts 1 to 3 of article 42.5 280 of title 12; ~~C.R.S.;~~

**SECTION 18.** In Colorado Revised Statutes, 12-42.5-102, **amend** (30), (39), and (39.5)(a)(IV); and **add** (6.3), (6.4), and (30.5) as follows:

**12-42.5-102. Definitions.** As used in this article 42.5, unless the context otherwise requires or the term is otherwise defined in another part of this article 42.5:

(6.3) "CERTIFICATION" MEANS A CERTIFICATION TO PRACTICE AS A PHARMACY TECHNICIAN ISSUED BY THE BOARD IN ACCORDANCE WITH SECTION 12-42.5-113.5 (2) AND INCLUDES A PROVISIONAL CERTIFICATION ISSUED IN ACCORDANCE WITH SECTION 12-42.5-113.5 (3).

(6.4) "CERTIFYING ORGANIZATION" MEANS A BOARD-APPROVED, NATIONALLY RECOGNIZED ORGANIZATION THAT CERTIFIES PHARMACY TECHNICIANS.

(30) "Pharmacy technician" or "CERTIFICANT" means ~~an unlicensed~~ a person who ~~performs those functions set forth in paragraph (b) of subsection (31) of this section under the supervision of a pharmacist~~ IS CERTIFIED BY THE BOARD TO PRACTICE AS A PHARMACY TECHNICIAN AND INCLUDES A PERSON ISSUED A PROVISIONAL CERTIFICATION PURSUANT TO SECTION 12-42.5-113.5 (3).

(30.5) (a) "PRACTICE AS A PHARMACY TECHNICIAN" MEANS ENGAGING IN ANY OF THE FOLLOWING ACTIVITIES INVOLVED IN THE PRACTICE OF PHARMACY, UNDER THE SUPERVISION AND DELEGATION OF A SUPERVISING PHARMACIST:

(I) RECEIVING AND INITIALLY INPUTTING NEW WRITTEN, FACSIMILE, OR ELECTRONIC ORDERS;

(II) PREPARING, MIXING, ASSEMBLING, PACKAGING, LABELING, OR DELIVERING A DRUG OR DEVICE;

(III) PROPERLY AND SAFELY STORING DRUGS OR DEVICES;

(IV) MAINTAINING PROPER RECORDS FOR DRUGS AND DEVICES;

(V) TRANSFERRING PRESCRIPTIONS; AND

(VI) OTHER ACTIVITIES AS AUTHORIZED AND DEFINED BY THE BOARD BY RULE.

(b) "PRACTICE AS A PHARMACY TECHNICIAN" DOES NOT INCLUDE ACTIVITIES OR SERVICES DESCRIBED IN SUBSECTION (30.5)(a) OF THIS SECTION THAT ARE PERFORMED BY EMPLOYEES OR PERSONNEL OF A PRACTITIONER DISPENSING DRUGS TO PATIENTS PURSUANT TO SECTION 12-42.5-118 (6) OR OF A REGISTERED OTHER OUTLET, WHICH PRACTITIONER OR OTHER OUTLET DOES NOT STORE, COMPOUND, DISPENSE, OR DELIVER CONTROLLED SUBSTANCES.

(39) "Supervision" means that a licensed pharmacist is on the location and readily available to consult with and assist ~~unlicensed~~ CERTIFICANTS PRACTICING AS PHARMACY TECHNICIANS AS DESCRIBED IN SUBSECTION (30.5) OF THIS SECTION OR ANCILLARY personnel performing tasks ~~described in paragraph (b) of subsection (31) of this section~~ AT THE DIRECTION OF THE LICENSED PHARMACIST, EXCLUDING TASKS DESCRIBED IN SUBSECTION (30.5)(a) OF THIS SECTION BUT WHICH TASKS MAY INCLUDE DELIVERY AND PROPER AND SAFE STORAGE OF DRUGS OR DEVICES. If the ~~unlicensed~~ person is a pharmacy technician located at a registered telepharmacy outlet, the licensed pharmacist need not be physically present at the telepharmacy outlet as long as the licensed pharmacist is connected to the telepharmacy outlet via computer link, video link, and audio link, or via other telecommunication equipment of equivalent functionality, and is readily available to consult with and assist the pharmacy technician in performing tasks described in ~~paragraph (b) of subsection (31)~~ SUBSECTION (30.5)(a) of this section.

(39.5) (a) "Telepharmacy outlet" means a remote pharmacy site that:

(IV) Has a pharmacy technician on site who, under the remote supervision of a licensed pharmacist located at the central pharmacy, performs the tasks described in ~~paragraph (b) of subsection (31)~~ SUBSECTION (30.5)(a) of this section.

**SECTION 19.** In Colorado Revised Statutes, 12-42.5-103, **amend** (3)(b) as follows:

**12-42.5-103. State board of pharmacy - creation - subject to termination - repeal of parts.** (3) (b) Parts 1 to 3 of this ~~article~~ ARTICLE 42.5 are repealed, effective September 1, 2021. ~~Prior to~~ BEFORE the repeal, ~~the department of regulatory agencies shall review~~ the board and the regulation of the practice of pharmacy pursuant to parts 1 to 3 of this ~~article as provided in~~ ARTICLE 42.5, INCLUDING THE REGULATION OF THE PRACTICE AS A PHARMACY TECHNICIAN, ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

**SECTION 20.** In Colorado Revised Statutes, 12-42.5-106, **amend** (1)(b), (1)(c), (1)(e), and (1)(f)(I) as follows:

**12-42.5-106. Powers and duties.** (1) The board shall:

(b) Prescribe forms and receive applications for licensure, CERTIFICATION, and

registration and grant, renew, reactivate, and reinstate licenses and registrations;

(c) Deny, suspend, or revoke licenses, CERTIFICATIONS, or registrations;

(e) Administer examinations to, and determine the qualifications and fitness of, applicants for licensure, CERTIFICATION, or registration;

(f) Keep a record of:

(l) All licenses, CERTIFICATIONS, registrations, and license, CERTIFICATION, and registration renewals, reactivations, and reinstatements for a reasonable period;

**SECTION 21.** In Colorado Revised Statutes, 12-42.5-110, **amend** (1) introductory portion; and **add** (1)(r), (1)(s), (1)(t), and (1)(u) as follows:

**12-42.5-110. Fees.** (1) The director of the division of professions and occupations shall determine, and the board shall collect, fees pursuant to section 24-34-105, ~~C.R.S.~~; for the following licenses, CERTIFICATIONS, and registrations:

(r) FOR THE INITIAL CERTIFICATION OR PROVISIONAL CERTIFICATION AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION 12-42.5-113.5;

(s) FOR THE RENEWAL OF A CERTIFICATION AS A PHARMACY TECHNICIAN PURSUANT TO SECTION 12-42.5-113.5 (2), AS PROVIDED IN SECTION 12-42.5-114 (1);

(t) FOR REINSTATEMENT AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION 12-42.5-114 (2);

(u) FOR THE ISSUANCE OF A DUPLICATE CERTIFICATE TO A PHARMACY TECHNICIAN.

**SECTION 22.** In Colorado Revised Statutes, 12-42.5-112, **amend** (2)(a), (3), (6), and (7); and **add** (2)(c) as follows:

**12-42.5-112. Licensure or registrations - applicability - applications - licensure requirements - rules.** (2) (a) Every applicant for a license OR CERTIFICATION under this ~~article~~ ARTICLE 42.5 must read and write the English language, or if the applicant is a partnership, each member of the partnership must read and write the English language. If the applicant is a Colorado corporation, the corporation must be in good standing, and if the applicant is a foreign corporation, it must be qualified to do business in this state.

(c) THE BOARD SHALL ISSUE A CERTIFICATION TO AN APPLICANT TO PRACTICE AS A PHARMACY TECHNICIAN WHO SATISFIES THE REQUIREMENTS OF THIS ARTICLE 42.5, THIS SECTION, AND SECTION 12-42.5-113.5.

(3) Every applicant for a license, CERTIFICATION, or registration under this ~~article~~ ARTICLE 42.5 shall make written application in the manner and form prescribed by the board, setting forth the applicant's name and address, the applicant's qualifications for the license, CERTIFICATION, or registration, and other information required by the board. The applicant shall submit with the application the required

fee, and, if the applicant is required to take an examination, the applicant shall appear for examination at the time and place fixed by the board.

(6) No applicant shall exercise the privileges of licensure, CERTIFICATION, or registration until the board grants the license, CERTIFICATION, or registration.

(7) The board may require any applicant for licensure OR CERTIFICATION to display written or oral competency in English. The board may utilize a standardized test to determine language proficiency.

**SECTION 23.** In Colorado Revised Statutes, **add** 12-42.5-113.5 as follows:

**12-42.5-113.5. Certification of pharmacy technicians - requirements - provisional certification - criminal history record check - rules.** (1) ON OR AFTER MARCH 30, 2020, A PERSON SHALL NOT ENGAGE IN THE PRACTICE AS A PHARMACY TECHNICIAN UNLESS THE PERSON HAS OBTAINED A CERTIFICATION OR PROVISIONAL CERTIFICATION FROM THE BOARD IN ACCORDANCE WITH THIS SECTION.

(2) IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN SECTION 12-42.5-112 OR THIS ARTICLE 42.5, TO BE CERTIFIED AS A PHARMACY TECHNICIAN, AN APPLICANT MUST:

(a) PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE APPLICANT HAS OBTAINED AND MAINTAINS IN GOOD STANDING CERTIFICATION AS A PHARMACY TECHNICIAN FROM A CERTIFYING ORGANIZATION; AND

(b) (I) SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND MANNER AS DETERMINED BY THE BOARD BY RULE; OR

(II) PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE APPLICANT SUBMITTED TO A CRIMINAL HISTORY RECORD CHECK AS A CONDITION OF EMPLOYMENT AT A PHARMACY OR OTHER OUTLET, AS REQUIRED BY THE APPLICANT'S CURRENT EMPLOYER, AS A CONDITION OF PARTICIPATING IN A COURSE OF STUDY FOR OR WITH A CERTIFYING ORGANIZATION, OR IN CONNECTION WITH OBTAINING CERTIFICATION FROM A CERTIFYING ORGANIZATION.

(3) (a) IF AN APPLICANT FOR CERTIFICATION AS A PHARMACY TECHNICIAN HAS NOT SATISFIED THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION AT THE TIME OF APPLICATION TO THE BOARD, THE BOARD MAY GRANT THE APPLICANT A PROVISIONAL CERTIFICATION UPON SATISFACTION OF ALL OTHER REQUIREMENTS FOR CERTIFICATION SPECIFIED IN THIS SECTION AND SECTION 12-42.5-112.

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS SECTION, A PROVISIONAL CERTIFICATION IS VALID FOR NOT MORE THAN EIGHTEEN MONTHS AFTER THE DATE OF ISSUANCE AND IS NOT RENEWABLE. IF A PERSON WHO IS GRANTED A PROVISIONAL CERTIFICATION PURSUANT TO THIS SUBSECTION (3) FAILS TO SATISFY THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION WITHIN EIGHTEEN MONTHS AFTER THE DATE THE PROVISIONAL CERTIFICATION IS ISSUED OR WITHIN AN EXTENDED PERIOD GRANTED BY THE BOARD PURSUANT TO SUBSECTION (3)(b)(II) OF THIS SECTION, THE PROVISIONAL CERTIFICATION EXPIRES AND THE PERSON SHALL NOT PRACTICE AS A PHARMACY TECHNICIAN UNTIL THE PERSON

APPLIES FOR AND RECEIVES A CERTIFICATION IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(II) THE BOARD SHALL ADOPT RULES TO ESTABLISH A PROCESS FOR A PROVISIONAL CERTIFICANT TO APPLY FOR A HARDSHIP EXTENSION TO EXTEND THE VALIDITY OF THE PROVISIONAL CERTIFICATION BEYOND EIGHTEEN MONTHS. THE BOARD SHALL ESTABLISH CRITERIA FOR QUALIFYING FOR A HARDSHIP EXTENSION BASED ON:

(A) THE NEGATIVE EFFECTS ON ACCESS TO CARE IN THE COMMUNITY SERVED BY THE PROVISIONAL CERTIFICANT OR THE EMPLOYER OF THE PROVISIONAL CERTIFICANT;

(B) FINANCIAL HARDSHIP; OR

(C) HEALTH CIRCUMSTANCES.

(c) A PERSON WHOSE PROVISIONAL CERTIFICATION EXPIRES IS NOT PRECLUDED FROM APPLYING TO THE BOARD FOR CERTIFICATION AS A PHARMACY TECHNICIAN IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

**SECTION 24.** In Colorado Revised Statutes, 12-42.5-114, **amend** (1) and (2) as follows:

**12-42.5-114. Expiration and renewal of licenses or registrations.** (1) All licenses, CERTIFICATIONS, and registrations, EXCEPT PROVISIONAL CERTIFICATIONS ISSUED PURSUANT TO SECTION 12-42.5-113.5 (3), expire pursuant to a schedule established by the director of the division of professions and occupations within the department of regulatory agencies and must be renewed or reinstated pursuant to section 24-34-102 (8). ~~C.R.S.~~ The director of the division of professions and occupations may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105. ~~C.R.S.~~ If a person fails to renew his or her license, CERTIFICATION, or registration pursuant to the schedule established by the director of the division of professions and occupations, the license, CERTIFICATION, or registration expires. Any person whose license, CERTIFICATION, or registration expires is subject to the penalties provided in this ~~article~~ ARTICLE 42.5 or section 24-34-102 (8). ~~C.R.S.~~

(2) A pharmacist who fails to renew his or her license OR A PHARMACY TECHNICIAN WHO FAILS TO RENEW HIS OR HER CERTIFICATION ISSUED PURSUANT TO SECTION 12-42.5-113.5 (2) on or before the applicable renewal time may have his or her license OR CERTIFICATION, AS APPLICABLE, reinstated for the remainder of the current renewal period by filing a proper application, satisfying the board that the pharmacist OR PHARMACY TECHNICIAN is fully qualified to practice, and paying the reinstatement fee as provided in section 12-42.5-110 (1)(e) OR (1)(t), AS APPLICABLE, and all delinquent fees.

**SECTION 25.** In Colorado Revised Statutes, **add** 12-42.5-115.5 as follows:

**12-42.5-115.5. Continuing education for pharmacy technicians - exceptions - inactive status.** (1) THE BOARD SHALL NOT RENEW, REINSTATE, OR REACTIVATE

THE CERTIFICATION OF A PHARMACY TECHNICIAN THAT WAS ISSUED PURSUANT TO SECTION 12-42.5-113.5(2) UNTIL THE PHARMACY TECHNICIAN PRESENTS EVIDENCE THAT THE PHARMACY TECHNICIAN MAINTAINS ACTIVE CERTIFICATION WITH A CERTIFYING ORGANIZATION. SUBJECT TO SUBSECTION (2) OF THIS SECTION, THE EVIDENCE MAY BE PROVIDED BY AN ATTESTATION ON THE CERTIFICATION RENEWAL APPLICATION.

(2) THE BOARD MAY ANNUALLY AUDIT UP TO FIVE PERCENT OF THE PHARMACY TECHNICIANS CERTIFIED AND RESIDING IN COLORADO TO DETERMINE COMPLIANCE WITH THIS SECTION.

(3) IF A PHARMACY TECHNICIAN FAILS TO COMPLETE THE CONTINUING EDUCATION AND RENEWAL REQUIREMENTS OF, AND MAINTAIN ACTIVE CERTIFICATION WITH, A CERTIFYING ORGANIZATION, THE PHARMACY TECHNICIAN'S STATE CERTIFICATION BECOMES INACTIVE. AN INACTIVE CERTIFICANT IS NOT REQUIRED TO COMPLY WITH ANY CONTINUING PHARMACY TECHNICIAN EDUCATION REQUIREMENT SO LONG AS THE CERTIFICANT REMAINS INACTIVE, BUT THE CERTIFICANT MUST CONTINUE TO PAY APPLICABLE FEES, INCLUDING RENEWAL FEES. THE BOARD SHALL NOTE "INACTIVE STATUS" ON THE FACE OF ANY CERTIFICATION IT ISSUES TO A CERTIFICANT WHILE THE CERTIFICANT REMAINS INACTIVE. BEFORE AN INACTIVE PHARMACY TECHNICIAN RESUMES PRACTICE AS A PHARMACY TECHNICIAN AFTER BEING PLACED ON AN INACTIVE LIST, THE PHARMACY TECHNICIAN MUST FILE AN APPLICATION TO ACTIVATE THE CERTIFICATION, PAY THE CERTIFICATION RENEWAL FEE, AND MEET THE CONTINUING EDUCATION REQUIREMENTS OF THIS SECTION. IF A PHARMACY TECHNICIAN ENGAGES IN PRACTICE AS A PHARMACY TECHNICIAN WHILE ON INACTIVE STATUS, THAT CONDUCT IS GROUNDS FOR CERTIFICATION REVOCATION UNDER THIS ARTICLE 42.5.

**SECTION 26.** In Colorado Revised Statutes, 12-42.5-116, **amend** (3)(b) and (5) as follows:

**12-42.5-116. Prescription drug outlet under charge of pharmacist.** (3)(b) An outlet as recognized in section 12-42.5-117 (1)(d) need not be under the direct charge of a pharmacist, but a licensed pharmacist shall either initially interpret all prescription orders compounded or dispensed from the outlet or provide written protocols for compounding and dispensing by ~~unlicensed persons~~ PHARMACY TECHNICIANS. An outlet qualifying for registration under this ~~paragraph (b)~~ SUBSECTION (3)(b) may also apply to the board for a waiver of the requirements concerning physical space, equipment, inventory, or business hours as necessary and consistent with the outlet's limited public welfare purpose. In determining the granting or denial of a waiver application, the board shall ensure that the public interest criteria set forth in section 12-42.5-101 are satisfied. All other provisions of this ~~article~~ ARTICLE 42.5, except as specifically waived by the board, apply to the outlet.

(5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS SECTION, the pharmacist responsible for the prescription order or chart order may delegate ~~certain specific tasks described in section 12-42.5-102 (31)(b) to a person who is not~~ THE FOLLOWING TASKS TO THE FOLLOWING INDIVIDUALS IF, IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE DELEGATION IS APPROPRIATE:



(I) SPECIFIC TASKS, EXCLUDING TASKS DESCRIBED IN SECTION 12-42.5-102 (30.5)(a) BUT WHICH TASKS MAY INCLUDE DELIVERY AND PROPER AND SAFE STORAGE OF DRUGS OR DEVICES, TO ANCILLARY PERSONNEL, OTHER THAN A pharmacist or pharmacy intern, ~~but who is an unlicensed assistant~~ ARE under the pharmacist's supervision; ~~if, in the pharmacist's professional judgment, the delegation is appropriate; except that~~ OR

(II) SPECIFIC TASKS DESCRIBED IN SECTION 12-42.5-102 (30.5)(a) OR IN BOARD RULES ADOPTED PURSUANT TO SECTION 12-42.5-102 (30.5)(a)(VI) TO A PHARMACY TECHNICIAN WHO IS UNDER THE PHARMACIST'S SUPERVISION.

(b) The pharmacist shall not make ~~the~~ A delegation DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION if the delegation jeopardizes the public health, safety, or welfare, is prohibited by rule of the board, or violates section 12-42.5-126 (1).

**SECTION 27.** In Colorado Revised Statutes, 12-42.5-119, **amend** (1) and (3) as follows:

**12-42.5-119. Limited authority to delegate activities constituting practice of pharmacy to pharmacy interns or pharmacy technicians.** (1) A pharmacist may supervise up to six persons who are either pharmacy interns or pharmacy technicians, of whom no more than two may be pharmacy interns. If three or more pharmacy technicians are on duty, the majority must be certified by a ~~nationally recognized certification~~ THE board possess a degree from an accredited pharmacy technician training program, ~~or have completed five hundred hours of experiential training in duties described in section 12-42.5-102 (31)(b) at the pharmacy as certified by the pharmacist manager within eighteen months of hire~~ IN ACCORDANCE WITH SECTION 12-42.5-113.5 (2), AND ANY PHARMACY TECHNICIAN ON DUTY WHO IS NOT CERTIFIED PURSUANT TO SECTION 12-42.5-113.5 (2) MUST HAVE A PROVISIONAL CERTIFICATION ISSUED PURSUANT TO SECTION 12-42.5-113.5 (3).

(3) The supervision ratio specified in subsection (1) of this section does not include other ancillary personnel who may be in the prescription drug outlet but who are not performing duties described in section 12-42.5-102 (31)(b) that are delegated to the interns or DUTIES DESCRIBED IN SECTION 12-42.5-102 (30.5)(a) THAT ARE DELEGATED TO pharmacy technicians.

**SECTION 28.** In Colorado Revised Statutes, 12-42.5-123, **amend** (1) introductory portion, (1)(a), (1)(d), (1)(f), (1)(g), (1)(j), (1)(k), (1)(q), and (1)(r)(II) as follows:

**12-42.5-123. Unprofessional conduct - grounds for discipline.** (1) The board may suspend, revoke, refuse to renew, or otherwise discipline any license or registration issued by it, after a hearing held in accordance with the provisions of this section, upon proof that the licensee, CERTIFICANT, or registrant:

(a) Is guilty of misrepresentation, fraud, or deceit in procuring, attempting to procure, or renewing a license, CERTIFICATION, or registration;

(d) Is unfit or incompetent by reason of negligence or habits, or for any other cause, to practice pharmacy OR TO PRACTICE AS A PHARMACY TECHNICIAN;

(f) Knowingly permits a person not:

(I) Licensed as a pharmacist or pharmacy intern to engage in the practice of pharmacy; OR

(II) CERTIFIED AS A PHARMACY TECHNICIAN TO ENGAGE IN THE PRACTICE AS A PHARMACY TECHNICIAN;

(g) Has had ~~his or her~~ a license to practice pharmacy OR A CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE AS A PHARMACY TECHNICIAN in another state revoked or suspended, or is otherwise disciplined or has committed acts in any other state that would subject ~~him or her~~ THE PERSON to disciplinary action in this state;

(j) Has engaged in the practice of pharmacy OR THE PRACTICE AS A PHARMACY TECHNICIAN while on inactive status;

(k) Has failed to meet generally accepted standards of pharmacy OR PHARMACY TECHNICIAN practice;

(q) Has failed to notify the board of any discipline, WITHIN THIRTY DAYS AFTER THE DISCIPLINE, against: ~~his or her~~

(I) A license in another state; ~~within thirty days after the discipline~~; OR

(II) A CERTIFICATION OR OTHER AUTHORIZATION IN ANOTHER STATE TO PRACTICE AS A PHARMACY TECHNICIAN;

(r) (II) Has failed to act within the limitations created by a physical illness; a physical condition; or a behavioral, mental health, or substance use disorder that renders the person unable to practice pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill and safety or that may endanger the health or safety of persons under his or her care; or

**SECTION 29.** In Colorado Revised Statutes, 12-42.5-124, **amend** (1)(a), (2)(a), (2)(b) introductory portion, (2)(b)(I), (2)(b)(II), (2)(b)(III), (2)(b)(IV), (3), (4), (6), (7)(a), (9)(a), (10)(a), (10)(c)(III), and (11) as follows:

**12-42.5-124. Disciplinary actions.** (1) (a) The board may deny or discipline an applicant, licensee, CERTIFICANT, or registrant when the board determines that the applicant, licensee, CERTIFICANT, or registrant has engaged in activities that are grounds for discipline.

(2) (a) Proceedings for the denial, suspension, or revocation of a license, CERTIFICATION, or registration and any judicial review of a suspension or revocation must be conducted in accordance with article 4 of title 24, ~~C.R.S.~~, and the board or, at the board's discretion, an administrative law judge, shall conduct the hearing and opportunity for review.

(b) Upon finding that grounds for discipline pursuant to section 12-42.5-123 exist, the board may impose one or more of the following penalties on a person who holds or is seeking a new or renewal license, CERTIFICATION, or registration:

(I) Suspension of the offender's license, CERTIFICATION, or registration for a period to be determined by the board;

(II) Revocation of the offender's license, CERTIFICATION, or registration;

(III) Restriction of the offender's license, CERTIFICATION, or registration to prohibit the offender from performing certain acts or from practicing pharmacy OR THE PRACTICE AS A PHARMACY TECHNICIAN in a particular manner for a period to be determined by the board;

(IV) Refusal to renew the offender's license, CERTIFICATION, or registration;

(3) The board may also include in any disciplinary order that allows the licensee, CERTIFICANT, or registrant to continue to practice conditions that the board deems appropriate to assure that the licensee, CERTIFICANT, or registrant is physically, mentally, morally, and otherwise qualified to practice pharmacy in accordance with the generally accepted professional standards of practice, including any or all of the following:

(a) Requiring the licensee, CERTIFICANT, or registrant to submit to examinations that the board may order to determine the licensee's OR CERTIFICANT'S physical or mental condition or professional qualifications;

(b) Requiring the licensee OR CERTIFICANT to take therapy courses of training or education that the board deems necessary to correct deficiencies found either in the hearing or by examinations required pursuant to ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION;

(c) Requiring the review or supervision of the licensee's OR CERTIFICANT'S practice to determine the quality of and correct deficiencies in his or her practice; and

(d) Imposing restrictions upon the nature of the licensee's OR CERTIFICANT'S practice to assure that he or she does not practice beyond the limits of his or her capabilities.

(4) Upon failure of the licensee, CERTIFICANT, or registrant to comply with any conditions imposed by the board pursuant to subsection (3) of this section, unless due to conditions beyond the licensee's, CERTIFICANT'S, or registrant's control, the board may order suspension of the license, CERTIFICATION, or registration in this state until the licensee, CERTIFICANT, or registrant complies with the conditions.

(6)(a) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but should not be dismissed as being without merit, the board may send a letter of admonition by certified mail to the licensee, CERTIFICANT, or registrant against whom the complaint was made or who was the subject of investigation and, in the case of a complaint, may send a copy of the letter of admonition to the person making the complaint.

(b) When the board sends a letter of admonition to a licensee or registrant

complained against, the board shall include in the letter a statement advising the licensee, CERTIFICANT, or registrant that the licensee, CERTIFICANT, or registrant has the right to request in writing, within twenty days after receipt of the letter, that the board initiate formal disciplinary proceedings to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the licensee, CERTIFICANT, or registrant timely requests adjudication, the letter of admonition is vacated, and the board shall process the matter by means of formal disciplinary proceedings.

(7)(a) When a complaint or an investigation discloses an instance of conduct that does not warrant formal action by the board but the board determines that the conduct could warrant action if continued, the board may send a confidential letter of concern to the licensee, CERTIFICANT, or registrant against whom the complaint was made or who was the subject of investigation. If a complaint precipitated the investigation, the board shall send a response to the person making the complaint.

(9)(a) If it appears to the board, based upon credible evidence as presented in a written complaint by any person, that a licensee, CERTIFICANT, or registrant is acting in a manner that is an imminent threat to the health and safety of the public or a person is acting or has acted without the required license, CERTIFICATION, or registration, the board may issue an order to cease and desist the activity. The board shall set forth in the order the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or unlicensed, UNCERTIFIED, or unregistered practices immediately cease.

(10)(a) If it appears to the board, based upon credible evidence as presented in a written complaint by any person, that a person has violated any other portion of this ~~article~~ ARTICLE 42.5, then, in addition to any specific powers granted pursuant to this ~~article~~ ARTICLE 42.5, the board may issue to the person an order to show cause as to why the board should not issue a final order directing the person to cease and desist from the unlawful act or unlicensed, UNCERTIFIED, or unregistered practice.

(c)(III) If the board reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required license, CERTIFICATION, or registration or has or is about to engage in acts or practices constituting violations of this ~~article~~ ARTICLE 42.5, the board may issue a final cease-and-desist order directing the person to cease and desist from further unlawful acts or unlicensed, UNCERTIFIED, or unregistered practices.

(11) If it appears to the board, based upon credible evidence presented to the board, that a person has engaged in or is about to engage in any unlicensed, UNCERTIFIED, or unregistered act or practice, any act or practice constituting a violation of this ~~article~~ ARTICLE 42.5, any rule promulgated pursuant to this ~~article~~ ARTICLE 42.5, or any order issued pursuant to this ~~article~~ ARTICLE 42.5, or any act or practice constituting grounds for administrative sanction pursuant to this ~~article~~ ARTICLE 42.5, the board may enter into a stipulation with the person.

**SECTION 30.** In Colorado Revised Statutes, 12-42.5-126, **amend** (1)(d) and (2); and **add** (1)(n) as follows:

**12-42.5-126. Unlawful acts - civil fines.** (1) It is unlawful:

(d) To falsely assume the title of or falsely represent that one is a pharmacist, PHARMACY TECHNICIAN, practitioner, or registered outlet;

(n) TO PRACTICE AS A PHARMACY TECHNICIAN WITHOUT A CERTIFICATION.

(2) (a) In addition to any other penalties that may be imposed under this part 1, a person who engages in an unlawful act under this section may be punished by a civil fine of not less than one thousand dollars and not more than ten thousand dollars for each violation. Fines imposed and paid under this section shall be deposited in the general fund.

(b) THIS SUBSECTION (2) DOES NOT APPLY TO A PHARMACY TECHNICIAN.

**SECTION 31.** In Colorado Revised Statutes, **amend** 12-42.5-127 as follows:

**12-42.5-127. Unauthorized practice - penalties.** (1) Any person who practices or offers or attempts to practice pharmacy without an active license issued under this ~~article~~ ARTICLE 42.5 commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 ~~C.R.S.~~, for the first offense, and any person committing a second or subsequent offense commits a class 6 felony and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

(2) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A PHARMACY TECHNICIAN WITHOUT AN ACTIVE CERTIFICATION ISSUED UNDER THIS ARTICLE 42.5 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501 FOR THE FIRST OFFENSE, AND ANY PERSON COMMITTING A SECOND OR SUBSEQUENT OFFENSE COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401.

**SECTION 32.** In Colorado Revised Statutes, **amend** 12-42.5-134 as follows:

**12-42.5-134. Confidential agreement to limit practice - violation - grounds for discipline.** (1) If a pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN has a physical illness, ~~a~~ physical condition, or ~~a~~ behavioral or mental health disorder that renders the person unable to practice pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill and safety to clients, the pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN shall notify the board of the physical illness, ~~the~~ physical condition, or ~~the~~ behavioral or mental health disorder in a manner and within a period determined by the board. The board may require the pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN to submit to an examination or refer the pharmacist or intern to the pharmacy peer health assistance diversion program established in part 2 of this article 42.5 to evaluate the extent of the physical illness, ~~the~~ physical condition, or ~~the~~ behavioral or mental health disorder and its impact on the pharmacist's, ~~or~~ intern's, OR PHARMACY TECHNICIAN'S ability to practice pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill and safety to clients.

(2) (a) Upon determining that a pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN with a physical illness, ~~a~~ physical condition or ~~a~~ behavioral or mental health disorder is able to render limited services with reasonable skill and safety to clients, the

board may enter into a confidential agreement with the pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN in which the pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN agrees to limit his or her practice based on the restrictions imposed by the physical illness, ~~the~~ physical condition, or ~~the~~ behavioral or mental health disorder, as determined by the board.

(b) As part of the agreement, the pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN is subject to periodic reevaluations or monitoring as determined appropriate by the board. The board may refer the pharmacist or intern to the pharmacy peer health assistance diversion program for reevaluation or monitoring.

(c) The parties may modify or dissolve the agreement as necessary based on the results of a reevaluation or of monitoring.

(3) By entering into an agreement with the board pursuant to this section to limit his or her practice, a pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN is not engaging in activities prohibited pursuant to section 12-42.5-123. The agreement does not constitute a restriction or discipline by the board. However, if the pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN fails to comply with the terms of an agreement entered into pursuant to this section, the failure constitutes a prohibited activity pursuant to section 12-42.5-123 (1)(r), and the pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN is subject to discipline in accordance with section 12-42.5-124.

(4) This section does not apply to a pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN subject to discipline for prohibited activities as described in section 12-42.5-123 (1)(e).

**SECTION 33.** In Colorado Revised Statutes, 24-34-104, **amend** (21)(a)(II) as follows:

**24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.** (21) (a) The following agencies, functions, or both, will repeal on September 1, 2021:

(II) The state board of pharmacy and the regulation of the practice of pharmacy, INCLUDING THE REGULATION OF THE PRACTICE AS A PHARMACY TECHNICIAN, by the department of regulatory agencies through the division of professions and occupations in accordance with parts 1 to 3 of article 42.5 of title 12; ~~C.R.S.;~~

**SECTION 34. Appropriation.** (1) For the 2019-20 state fiscal year, \$183,063 is appropriated to the department of regulatory agencies. This appropriation is from the division of professions and occupations cash fund created in section 24-34-105 (2)(b)(I), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$156,972 for use by the division of professions and occupations for personal services, which amount is based on an assumption that the division will require an additional 1.2 FTE;

(b) \$10,546 for use by the division of professions and occupations for operating expenses; and

(c) \$15,545 for the purchase of legal services.

(2) For the 2019-20 state fiscal year, \$15,545 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of regulatory agencies under subsection (1)(c) of this section. To implement this act, the department of law may use this appropriation to provide legal services for the department of regulatory agencies.

(3) For the 2019-20 state fiscal year, \$128,188 is appropriated to the department of public safety for use by the biometric identification and records unit. This appropriation is from the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, C.R.S., and is based on an assumption that the department will require an additional 0.7 FTE. To implement this act, the unit may use this appropriation for criminal history record checks.

**SECTION 35. Act subject to petition - effective date - applicability.**

(1) Except as otherwise provided in subsection (2) of this section, this act takes effect October 1, 2019; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) (a) Sections 1 through 17 of this act take effect only if House Bill 19-1172 becomes law.

(b) Sections 18 through 33 of this act take effect only if House Bill 19-1172 does not become law.

(3) This act applies to the practice as a pharmacy technician on or after March 30, 2020.

Approved: June 3, 2019