A BILL FOR AN ACT
CONCERNING RESPONSIBILITIES OF A PHARMACIST RELATED TO OPIATE ANTAGONISTS, AND, IN CONNECTION THEREWITH, AUTHORIZING A PHARMACIST TO PRESCRIBE AN OPIATE ANTAGONIST AND REQUIRING A PHARMACIST WHO DISPENSES AN OPIOID TO OFFER TO PRESCRIBE OR DISPENSE AN OPIATE ANTAGONIST IN CERTAIN SITUATIONS.

Bill Summary

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

The bill authorizes a pharmacist to prescribe an opiate antagonist.
The bill requires a pharmacist who dispenses an opioid to an individual to inform the individual of the potential dangers of a high dose of opioid and offer to prescribe the individual an opiate antagonist if:

- In the pharmacist's professional judgment, the individual would benefit from the information;
- The individual has a history of prior opioid overdose or substance use disorder;
- The individual is, at the same time, prescribed a benzodiazepine, a sedative hypnotic drug, carisoprodol, tramadol, or gabapentin; or
- The opioid prescription being dispensed is at or in excess of 90 morphine milligram equivalent.

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

SECTION 1. In Colorado Revised Statutes, 12-280-123, amend (1)(c) and (3) as follows:

12-280-123. Prescription required - exception - dispensing opiate antagonists - selling nonprescription syringes and needles.

(1) (c) (I) A pharmacist who dispenses a prescription order for a prescription drug that is an opioid shall notify the individual to whom the opioid is being dispensed about the availability of an opiate antagonist at no charge to the individual when, in the pharmacist's professional judgment, the individual would benefit from the notification.

INFORM THE INDIVIDUAL OF THE POTENTIAL DANGERS OF A HIGH DOSE OF AN OPIOID, AS DESCRIBED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND OFFER TO PRESCRIBE OR DISPENSE TO THE INDIVIDUAL TO WHOM THE OPIOID IS BEING DISPENSED, ON AT LEAST AN ANNUAL BASIS, AN OPIATE ANTAGONIST APPROVED BY THE FDA FOR THE REVERSAL OF AN OPIOID OVERDOSE IF:

(A) IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE INDIVIDUAL WOULD BENEFIT FROM THE INFORMATION;
(B) The individual has a history of prior opioid overdose or substance use disorder;

(C) The individual is, at the same time, prescribed a benzodiazepine, a sedative hypnotic drug, carisoprodol, tramadol, or gabapentin; or

(D) The opioid prescription is at or in excess of ninety morphine milligram equivalent, as described in the guidelines of the federal centers for disease control and prevention.

(II) If an individual to whom an opioid is being dispensed chooses to accept the pharmacist's prescription for an opiate antagonist, the pharmacist shall counsel the individual on how to use the opiate antagonist in the event of an overdose.

(III) This subsection (1)(c) does not apply to a pharmacist dispensing a prescription medication to a patient who has a diagnosis of cancer, who is in sickle cell crisis, or who is in hospice or palliative care.

(3) A pharmacist may prescribe and dispense an opiate antagonist in accordance with section 12-30-110.

SECTION 2. In Colorado Revised Statutes, 12-30-110, amend (1)(a) introductory portion, (2)(a), (3) introductory portion, (4)(a), (7)(h)(I), and (7)(h)(II); and add (7)(h)(III) as follows:

12-30-110. Prescribing or dispensing opiate antagonists - authorized recipients - definitions. (1) (a) A prescriber may prescribe or dispense, directly or in accordance with standing orders and protocols, and a pharmacist may dispense, pursuant to an order or standing orders and protocols, an opiate antagonist to:

(2) (a) A prescriber who prescribes or dispenses or a pharmacist
who dispenses, an opiate antagonist pursuant to this section is strongly
encouraged to educate persons receiving the opiate antagonist on the use
of an opiate antagonist for overdose, including instruction concerning risk
factors for overdose, recognizing an overdose, calling emergency medical
services, rescue breathing, and administering an opiate antagonist.

(3) Neither A prescriber described in subsection (7)(h)(I)
SUBSECTION (7)(h) of this section nor a pharmacist engages
ENGAGE in unprofessional conduct OR IS NOT SUBJECT TO DISCIPLINE
pursuant to section 12-240-121, 12-255-120, or 12-280-126, respectively,
and a prescriber described in subsection (7)(h)(II) of this section does not
engage in conduct that is grounds for discipline pursuant to section
12-255-120 AS APPLICABLE, if the prescriber issues standing orders and
protocols regarding opiate antagonists or prescribes or dispenses, or the
pharmacist dispenses, pursuant to an order or standing orders and
protocols, an opiate antagonist in a good-faith effort to assist:

(4) (a) A prescriber or pharmacist who prescribes or dispenses an
opiate antagonist in accordance with this section is not subject to civil
liability or criminal prosecution, as specified in sections 13-21-108.7 (4)
and 18-1-712 (3), respectively.

(7) As used in this section:

(h) "Prescriber" means:

(I) A physician or physician assistant licensed pursuant to article
240 of this title 12; or

(II) An advanced practice registered nurse, as defined in section
12-255-104 (1), with prescriptive authority pursuant to section
12-255-112; or

(III) A PHARMACIST.
SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.