

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0535.01 Yelana Love x2295

SENATE BILL 21-011

SENATE SPONSORSHIP

Fields, Priola

HOUSE SPONSORSHIP

Mullica and Pelton,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING RESPONSIBILITIES OF A PHARMACIST RELATED TO
102 OPIATE ANTAGONISTS, AND, IN CONNECTION THEREWITH,
103 AUTHORIZING A PHARMACIST TO PRESCRIBE AN OPIATE
104 ANTAGONIST AND REQUIRING A PHARMACIST WHO DISPENSES AN
105 OPIOID TO OFFER TO PRESCRIBE OR DISPENSE AN OPIATE
106 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.

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.

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.

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

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

4 **12-280-123. Prescription required - exception - dispensing**
5 **opiate antagonists - selling nonprescription syringes and needles.**

6 (1) (c) (I) A pharmacist who dispenses a prescription order for a
7 prescription drug that is an opioid shall ~~notify the individual to whom the~~
8 ~~opiod is being dispensed about the availability of an opiate antagonist at~~
9 ~~no charge to the individual when, in the pharmacist's professional~~
10 ~~judgment, the individual would benefit from the notification~~ INFORM THE
11 INDIVIDUAL OF THE POTENTIAL DANGERS OF A HIGH DOSE OF AN OPIOID, AS
12 DESCRIBED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND
13 PREVENTION IN THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
14 SERVICES, AND OFFER TO PRESCRIBE OR DISPENSE TO THE INDIVIDUAL TO
15 WHOM THE OPIOID IS BEING DISPENSED, ON AT LEAST AN ANNUAL BASIS,
16 AN OPIATE ANTAGONIST APPROVED BY THE FDA FOR THE REVERSAL OF AN
17 OPIOID OVERDOSE IF:

18 (A) IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE
19 INDIVIDUAL WOULD BENEFIT FROM THE INFORMATION;

1 (B) THE INDIVIDUAL HAS A HISTORY OF PRIOR OPIOID OVERDOSE
2 OR SUBSTANCE USE DISORDER;

3 (C) THE INDIVIDUAL IS, AT THE SAME TIME, PRESCRIBED A
4 BENZODIAZEPINE, A SEDATIVE HYPNOTIC DRUG, CARISOPRODOL,
5 TRAMADOL, OR GABAPENTIN; OR

6 (D) THE OPIOID PRESCRIPTION IS AT OR IN EXCESS OF NINETY
7 MORPHINE MILLIGRAM EQUIVALENT, AS DESCRIBED IN THE GUIDELINES OF
8 THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION.

9 (II) IF AN INDIVIDUAL TO WHOM AN OPIOID IS BEING DISPENSED
10 CHOOSES TO ACCEPT THE PHARMACIST'S PRESCRIPTION FOR AN OPIATE
11 ANTAGONIST, THE PHARMACIST SHALL COUNSEL THE INDIVIDUAL ON HOW
12 TO USE THE OPIATE ANTAGONIST IN THE EVENT OF AN OVERDOSE.

13 (III) THIS SUBSECTION (1)(c) DOES NOT APPLY TO A PHARMACIST
14 DISPENSING A PRESCRIPTION MEDICATION TO A PATIENT WHO HAS A
15 DIAGNOSIS OF CANCER, WHO IS IN SICKLE CELL CRISIS, OR WHO IS IN
16 HOSPICE OR PALLIATIVE CARE.

17 (3) A pharmacist may PRESCRIBE AND dispense an opiate
18 antagonist in accordance with section 12-30-110.

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

22 **12-30-110. Prescribing or dispensing opiate antagonists -**
23 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
24 or dispense, directly or in accordance with standing orders and protocols,
25 ~~and a pharmacist may dispense, pursuant to an order or standing orders~~
26 ~~and protocols,~~ an opiate antagonist to:

27 (2) (a) A prescriber who prescribes or dispenses ~~or a pharmacist~~

1 ~~who dispenses~~, an opiate antagonist pursuant to this section is strongly
2 encouraged to educate persons receiving the opiate antagonist on the use
3 of an opiate antagonist for overdose, including instruction concerning risk
4 factors for overdose, recognizing an overdose, calling emergency medical
5 services, rescue breathing, and administering an opiate antagonist.

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

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

20 (7) As used in this section:

21 (h) "Prescriber" means:

22 (I) A physician or physician assistant licensed pursuant to article
23 240 of this title 12; ~~or~~

24 (II) An advanced practice registered nurse, as defined in section
25 12-255-104 (1), with prescriptive authority pursuant to section
26 12-255-112; OR

27 (III) A PHARMACIST.

1 **SECTION 3. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2022 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.