

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

PREAMENDED

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

LLS NO. 21-0236.01 Kristen Forrestal x4217

HOUSE BILL 21-1012

HOUSE SPONSORSHIP

Rich and Mullica,

SENATE SPONSORSHIP

Pettersen and Coram,

House Committees

Health & Insurance
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EXPANSION OF THE PRESCRIPTION DRUG MONITORING**
102 **PROGRAM TO TRACK INFORMATION REGARDING ALL**
103 **PRESCRIPTION DRUGS PRESCRIBED IN COLORADO.**

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>.)

Current law requires the prescription drug monitoring program (program) to track all controlled substances prescribed in Colorado. The bill expands the program, effective February 1, 2023, to track all prescription drugs prescribed in this state. The bill extends the repeal of the program until September 1, 2028.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-280-403, **amend**
3 (1) introductory portion, (1)(c), and (3) as follows:

4 **12-280-403. Prescription drug use monitoring program -**
5 **registration required.** (1) The board shall develop or procure a
6 prescription ~~controlled-substance~~ DRUG electronic program to track
7 information regarding ~~prescriptions for controlled substances~~ ALL
8 PRESCRIPTION DRUGS dispensed in Colorado, including the following
9 information:

10 (c) The name and amount of the ~~controlled-substance~~
11 PRESCRIPTION DRUG;

12 (3) Each practitioner and each dispensing pharmacy shall disclose
13 to a patient receiving a ~~controlled-substance~~ PRESCRIPTION DRUG that ~~his~~
14 ~~or her~~ THE PATIENT'S identifying prescription information will be entered
15 into the program database and may be accessed for limited purposes by
16 specified individuals; EXCEPT THAT A VETERINARIAN LICENSED PURSUANT
17 TO ARTICLE 315 OF THIS TITLE 12 SHALL DISCLOSE SUCH INFORMATION
18 ONLY FOR CONTROLLED SUBSTANCES.

19 **SECTION 2.** In Colorado Revised Statutes, 12-280-404, **amend**
20 (3)(b), (3)(f), and (3)(h) as follows:

21 **12-280-404. Program operation - access - rules - definitions -**
22 **repeal.** (3) The program is available for query only to the following
23 persons or groups of persons:

24 (b) Any practitioner with the statutory authority to prescribe
25 ~~controlled-substances~~ PRESCRIPTION DRUGS, or an individual designated
26 by the practitioner to act on ~~his or her~~ THE PRACTITIONER'S behalf in

1 accordance with section 12-280-403 (2)(b), to the extent the query relates
2 to a current patient of the practitioner. The practitioner or ~~his or her~~ THE
3 PRACTITIONER'S designee shall identify ~~his or her~~ THE PRACTITIONER'S OR
4 DESIGNEE'S area of health care specialty or practice upon the initial query
5 of the program.

6 (f) A pharmacist, an individual designated by a pharmacist in
7 accordance with section 12-280-403 (2)(b) to act on his or her behalf, or
8 a pharmacist licensed in another state, to the extent the information
9 requested relates specifically to a current patient to whom the pharmacist
10 is dispensing or considering dispensing a ~~controlled substance or~~
11 prescription drug or a patient to whom the pharmacist is currently
12 providing clinical patient care services;

13 (h) The individual who is the recipient of a ~~controlled substance~~
14 prescription DRUG so long as the information released is specific to the
15 individual;

16 **SECTION 3.** In Colorado Revised Statutes, 12-280-405, **amend**
17 **(1) as follows:**

18 **12-280-405. Prescription drug monitoring fund - creation -**
19 **gifts, grants, and donations - report - fee.** (1) The board ~~may~~ SHALL
20 seek and accept money from any public or private entity for the purposes
21 of implementing and maintaining the program. The board shall transmit
22 any money it receives to the state treasurer, who shall credit the money to
23 the prescription drug monitoring fund, which fund is hereby created. The
24 money in the fund is subject to annual appropriation by the general
25 assembly for the sole purpose of implementing and maintaining the
26 program. The money in the fund must not be transferred to or revert to the
27 general fund at the end of any fiscal year.

1 **SECTION 4.** In Colorado Revised Statutes, **amend 12-280-407**
2 as follows: [REDACTED]

3 **12-280-407. Prescription drug outlets - prescribers -**
4 **responsibilities - liability.** (1) A prescription drug outlet shall submit
5 information in the manner required by the board. **THE BOARD SHALL NOT**
6 **REQUIRE A PRESCRIPTION DRUG OUTLET TO SUBMIT INFORMATION FOR**
7 **DRUGS PRESCRIBED BY A VETERINARIAN LICENSED PURSUANT TO ARTICLE**
8 **315 OF THIS TITLE 12 OTHER THAN INFORMATION CONCERNING**
9 **PRESCRIPTIONS FOR CONTROLLED SUBSTANCES.**

10 (2) A practitioner who has, in good faith, written a prescription for
11 a controlled substance OR OTHER PRESCRIPTION DRUG to a patient is not
12 liable for information submitted to the program. A practitioner or
13 prescription drug outlet who has, in good faith, submitted the required
14 information to the program is not liable for participation in the program.

15 [REDACTED]
16 **SECTION 5. Effective date.** (1) This act takes effect July 1,
17 2023, only if:

- 18 (a) Senate Bill 21-098 becomes law; and
19 (b) The executive director of the department of regulatory
20 agencies determines that there is sufficient money in the prescription drug
21 monitoring fund received pursuant to section 3 of this act from public and
22 private sources to fund the expansion of the electronic prescription drug
23 monitoring program to include all prescription drugs and the executive
24 director notifies the revisor of statutes of the receipt of such money by
25 e-mailing the notice to revisorofstatutes@state.co.us.

26 **SECTION 6. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.