

CHAPTER 285

PROFESSIONS AND OCCUPATIONS

SENATE BILL 21-098

BY SENATOR(S) Jaquez Lewis and Pettersen, Fields, Ginal, Buckner, Gonzales, Moreno, Priola, Winter;
also REPRESENTATIVE(S) Mullica and Rich, Bennett, Bird, Caraveo, Duran, Esgar, Exum, Gray, Hooton, Jodeh, Lontine,
McCormick, Ricks, Tipper, Valdez A., Woodrow.

AN ACT**CONCERNING THE CONTINUATION OF THE PRESCRIPTION DRUG MONITORING PROGRAM.**

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

SECTION 1. In Colorado Revised Statutes, 12-280-403, **amend** (2)(a) as follows:

12-280-403. Prescription drug use monitoring program - registration required. (2) (a) ~~By January 1, 2015, or by an earlier date determined by the director, every~~ EACH practitioner in this state who holds a current registration issued by the federal drug enforcement administration and ~~every~~ EACH pharmacist shall register and maintain a user account with the program.

SECTION 2. In Colorado Revised Statutes, 12-280-404, **amend** (2), (3)(1) introductory portion, (3)(1)(I), (3)(1)(II), and (6); and **add** (3.5) as follows:

12-280-404. Program operation - access - rules - definitions - repeal. (2) (a) The board shall adopt all rules necessary to implement the program.

(b) THE RULES ADOPTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MAY:

(I) IDENTIFY PRESCRIPTION DRUGS AND SUBSTANCES BY USING EVIDENCE-BASED PRACTICES, IN ADDITION TO CONTROLLED SUBSTANCES, THAT HAVE A SUBSTANTIAL POTENTIAL FOR ABUSE AND MUST REQUIRE PHARMACISTS AND PRESCRIPTION DRUG OUTLETS TO REPORT THOSE PRESCRIPTION DRUGS AND SUBSTANCES TO THE PROGRAM WHEN THEY ARE DISPENSED TO A PATIENT; AND

(II) INCLUDE A DATA RETENTION SCHEDULE FOR THE INFORMATION OBTAINED

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.

AND STORED BY THE PROGRAM PURSUANT TO THIS PART 4 AND THE PROCESSES FOR THE PRESERVATION OF DE-IDENTIFIED, AGGREGATED DATA FOR A PERIOD OF TIME AS DETERMINED BY THE BOARD.

(3) The program is available for query only to the following persons or groups of persons:

(I) A medical examiner who is a physician licensed pursuant to article 240 of this title 12, whose license is in good standing, and who is located and employed in the state of Colorado; ~~or a coroner elected pursuant to section 30-10-601; OR A DEPUTY CORONER WHO IS AUTHORIZED BY THE CORONER TO ACT ON BEHALF OF THE CORONER IN ACCORDANCE WITH SUBSECTION (3.5) OF THIS SECTION, if:~~

(I) The information released is specific to an individual who is the subject of an autopsy OR DEATH INVESTIGATION conducted by the medical examiner, ~~or coroner,~~ OR DEPUTY CORONER;

(II) The medical examiner, ~~or the coroner,~~ OR DEPUTY CORONER has legitimate access to the individual's medical record; and

(3.5) A CORONER MAY AUTHORIZE A DEPUTY CORONER TO ACCESS THE PROGRAM ON BEHALF OF THE CORONER IF:

(a) THE CORONER TAKES REASONABLE STEPS TO ENSURE THAT THE DEPUTY CORONER IS SUFFICIENTLY COMPETENT TO USE THE PROGRAM; AND

(b) THE CORONER REMAINS RESPONSIBLE FOR:

(I) ENSURING THAT ACCESS TO THE PROGRAM IS LIMITED TO THE PURPOSES SPECIFIED IN SUBSECTION (3)(I) OF THE SECTION AND THAT THE ACCESS OCCURS IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF PROGRAM INFORMATION; AND

(II) ANY NEGLIGENT BREACH OF THE CONFIDENTIALITY OF INFORMATION OBTAINED FROM THE PROGRAM BY THE DEPUTY CORONER.

(6) The board OR the department of public health and environment, ~~or the department of health care policy and financing,~~ pursuant to a written agreement that ensures compliance with this part 4, may provide data to qualified personnel of a public or private entity for the purpose of bona fide research or education so long as the data does not identify a recipient of, a practitioner who prescribed, or a prescription drug outlet that dispensed, a prescription drug.

SECTION 3. In Colorado Revised Statutes, 12-280-405, **repeal** (2) as follows:

12-280-405. Prescription drug monitoring fund - creation - fee. (2) ~~After implementing the program, the board shall seek gifts, grants, and donations on an annual basis for the purpose of maintaining the program. The board shall report annually to the health and human services committee of the senate and the health and insurance committee of the house of representatives, or any successor committees, regarding the gifts, grants, and donations requested, of whom they were requested, and the amounts received.~~

SECTION 4. In Colorado Revised Statutes, **repeal** 12-280-410 as follows:

12-280-410. Repeal of part - review of functions. ~~This part 4 is repealed, effective July 1, 2021. Before the repeal, the functions of the board and the program under this part 4 are scheduled for review in accordance with section 24-34-104.~~

SECTION 5. In Colorado Revised Statutes, 24-34-104, **repeal** (20)(a)(II) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (20) (a) The following agencies, functions, or both, will repeal on July 1, 2021:

(II) ~~The electronic prescription drug monitoring program created in part 4 of article 280 of title 12.~~

SECTION 6. Effective date. This act takes effect July 1, 2021.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 22, 2021