

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

PREAMENDED

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

LLS NO. 22-0947.01 Brita Darling x2241

SENATE BILL 22-173

SENATE SPONSORSHIP

Rodriguez and Smallwood,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING CRITERIA RELATING TO THE OPERATION OF**
102 **TELEPHARMACY OUTLETS.**

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>.)

Currently, a "telepharmacy outlet" must be located more than 20 miles from the nearest prescription drug outlet or other telepharmacy outlet. The bill removes this geographic restriction on the operation of telepharmacy outlets.

The bill authorizes the state board of pharmacy (board) to adopt limited rules concerning telepharmacy outlets.

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, 12-280-103, **amend**
3 (50)(a)(II), (50)(a)(III), and (50)(a)(IV); and repeal (50)(b) as follows:

4 **12-280-103. Definitions - rules.** As used in this article 280, unless
5 the context otherwise requires or the term is otherwise defined in another
6 part of this article 280:

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

8 (II) (A) At the time of registration, is located more than twenty
9 miles from the nearest prescription drug outlet and from any other
10 telepharmacy outlet registered under this article 280 IN AN AREA OF NEED.

11 (B) AS USED IN THIS SUBSECTION (50)(a)(II), "AREA OF NEED"
12 MEANS:

13 (I) ANY HEALTH FACILITY LICENSED OR CERTIFIED BY THE
14 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO
15 SECTION 25-1.5-103 (1); OR

16 (II) ANY AREA WHERE A DEMONSTRATION OF NEED IS APPROVED
17 BY THE BOARD.

18 (III) Is connected via computer link, video link, and audio link, or
19 via other functionally equivalent telecommunication equipment, with a
20 central pharmacy LOCATED IN THIS STATE that is registered under this
21 article 280; and

22 (IV) Has a pharmacy technician on site who, under the remote
23 supervision of a licensed pharmacist located at the central pharmacy IN
24 THIS STATE, performs the tasks described in subsection (38.5)(a) of this
25 section.

26 (b) ~~The board may adopt rules as necessary to specify additional~~

1 ~~criteria for a telepharmacy outlet that the board deems necessary.~~

2 **SECTION 2.** In Colorado Revised Statutes, 12-280-107, **add** (3)
3 as follows:

4 **12-280-107. Rules.** (3) THE BOARD SHALL ADOPT RULES AS
5 NECESSARY TO SPECIFY ADDITIONAL CRITERIA FOR A TELEPHARMACY
6 OUTLET. THE BOARD'S RULES ARE LIMITED TO RULES CONCERNING THE
7 FOLLOWING:

- 8 (a) APPLICATION REQUIREMENTS;
- 9 (b) STRUCTURAL AND EQUIPMENT REQUIREMENTS;
- 10 (c) STAFFING AND TRAINING REQUIREMENTS;
- 11 (d) CONSULTANT PHARMACIST VISITATION REQUIREMENTS;
- 12 (e) INVENTORY RECORD-KEEPING AND STORAGE REQUIREMENTS;
- 13 (f) ESTABLISHING POLICIES AND PROCEDURES RELATING TO
14 TELEPHARMACY OPERATIONS; AND
- 15 (g) THE NUMBER OF TELEPHARMACY OUTLETS THAT MAY BE
16 OPERATED BY A CENTRAL PHARMACY.

17

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