

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 23-0822.01 Brita Darling x2241

**SENATE BILL 23-162**

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**SENATE SPONSORSHIP**

**Will and Jaquez Lewis**, Buckner, Cutter, Danielson, Marchman, Moreno, Priola, Winter F.

**HOUSE SPONSORSHIP**

**Lindsay and Titone**, Amabile, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, English, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindstedt, Mabrey, McCluskie, McCormick, Ortiz, Sharbini, Snyder, Willford, Woodrow

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**Senate Committees**  
Health & Human Services

**House Committees**  
Health & Insurance

HOUSE  
3rd Reading Unamended  
April 13, 2023

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**A BILL FOR AN ACT**

101 **CONCERNING INCREASING ACCESS TO PHARMACY SERVICES.**

HOUSE  
2nd Reading Unamended  
April 12, 2023

**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>.)*

SENATE  
3rd Reading Unamended  
March 15, 2023

The bill:

- Authorizes a pharmacist to delegate to a pharmacy technician any task within the practice of pharmacy for which the pharmacy technician has been specifically trained, except for patient counseling, drug regimen review, and clinical conflict resolution;
- Removes the statutory supervision ratio for pharmacists supervising pharmacy technicians when the pharmacy is

SENATE  
Amended 2nd Reading  
March 14, 2023

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

- not a public-facing pharmacy and is acting as an agent of an originating pharmacy to fill or refill a prescription; and Authorizes reimbursement under the medical assistance program for dispensing or administering vaccines to children under 19 years of age.

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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 (38.5)(a)(VII) and (38.5)(a)(VIII); and **add** (38.5)(a)(IX) 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 (38.5) (a) "Practice as a pharmacy technician" means engaging in  
8 any of the following activities involved in the practice of pharmacy, under  
9 the supervision and delegation of a supervising pharmacist:

10 (VII) Replenishing automated dispensing devices without the need  
11 for pharmacist verification as long as the pharmacy technician uses bar  
12 code technology that checks the accuracy of the medication or a second  
13 pharmacy technician performs the verification; ~~and~~

14 ~~(VIII) Other activities as authorized and defined by the board by~~  
15 rule: PERFORMING POINT-OF-CARE TESTING AND PATIENT CARE TECHNICAL  
16 TASKS AS SPECIFICALLY TRAINED FOR AND DELEGATED BY A SUPERVISING  
17 PHARMACIST; AND

18 (IX) OTHER ACTIVITIES AS AUTHORIZED AND DEFINED BY THE  
19 BOARD BY RULE.

20 **SECTION 2.** In Colorado Revised Statutes, 12-280-118, **amend**  
21 (5)(a)(II) as follows:

22 **12-280-118. Prescription drug outlet under charge of**  
23 **pharmacist - rules.** (5) (a) Except as specified in subsection (5)(b) of

1 this section, the pharmacist responsible for the prescription order or chart  
2 order may delegate the following tasks to the following individuals if, in  
3 the pharmacist's professional judgment, the delegation is appropriate:

4 (II) Specific tasks described in section 12-280-103 (38.5)(a) or in  
5 board rules adopted pursuant to section 12-280-103 ~~(38.5)(a)(VIII)~~  
6 (38.5)(a)(IX) to a pharmacy technician who is under the pharmacist's  
7 supervision.

8 **SECTION 3.** In Colorado Revised Statutes, 12-280-122, amend  
9 (1); and add (4) as follows:

10 **12-280-122. Limited authority to delegate activities**  
11 **constituting practice of pharmacy to pharmacy interns or pharmacy**  
12 **technicians.** (1) A pharmacist may supervise up to six persons who are  
13 either pharmacy interns or pharmacy technicians, of whom no more than  
14 two may be pharmacy interns. If three or more pharmacy technicians are  
15 on duty, the majority must be FULLY certified by the board in accordance  
16 with section 12-280-115.5 (2), and any pharmacy technician on duty who  
17 is not certified pursuant to section 12-280-115.5 (2) must have a  
18 provisional certification issued pursuant to section 12-280-115.5 (3).

19 (4) (a) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION APPLY  
20 TO A CENTRAL FILL PHARMACY; EXCEPT THAT A PHARMACIST MAY  
21 SUPERVISE UP TO EIGHT PERSONS WHO ARE EITHER PHARMACY INTERNS OR  
22 PHARMACY TECHNICIANS, OF WHOM NO MORE THAN TWO MAY BE  
23 PHARMACY INTERNS.

24 (b) AS USED IN THIS SUBSECTION (4), A "CENTRAL FILL PHARMACY"  
25 MEANS A PHARMACY, OTHER THAN A PHARMACY LOCATED IN A HOSPITAL  
26 LICENSED PURSUANT TO SECTION 25-1.5-103, THAT IS NOT A  
27 PUBLIC-FACING PHARMACY AND THAT ONLY ACTS AS AN AGENT OF AN

1 ORIGINATING PHARMACY TO FILL OR REFILL A PRESCRIPTION.

2 **SECTION 4.** In Colorado Revised Statutes, **add 25.5-5-514** as  
3 follows:

4 **25.5-5-514. Pharmacy reimbursement - vaccine administration**  
5 **to children - legislative declaration.** (1) (a) THE GENERAL ASSEMBLY  
6 FINDS AND DECLARES THAT:

7 (I) PHARMACISTS ARE HIGHLY TRAINED AND EDUCATED,  
8 DOCTORATE-LEVEL HEALTH-CARE PROFESSIONALS SPECIALIZING IN THE  
9 EFFECTIVE USE OF MEDICATIONS AND THEIR OUTCOMES;

10 (II) PHARMACISTS PROVIDE HEALTH CARE THROUGHOUT THE  
11 ENTIRE HEALTH-CARE SYSTEM, PRACTICING IN COMMUNITY PHARMACIES,  
12 HOSPITALS, PROVIDER CLINIC OFFICES, AND SPECIALTY AREAS;

13         
14 (III) WITH NINETY PERCENT OF AMERICANS LIVING WITHIN FIVE  
15 MILES OF A PHARMACY, PHARMACISTS ARE ABLE TO PROVIDE VALUABLE  
16 PUBLIC HEALTH SERVICES TO COMMUNITIES AND TO PROVIDE THOSE  
17 SERVICES IN NOVEL WAYS, INCLUDING DURING NONTRADITIONAL HOURS  
18 AND WITHOUT APPOINTMENTS; AND

19 (IV) CONVENIENT ACCESS TO VACCINES THROUGH A  
20 NEIGHBORHOOD PHARMACY CAN HELP ENSURE THAT MORE CHILDREN  
21 RECEIVE THEIR CHILDHOOD VACCINATIONS ACCORDING TO FEDERAL  
22 RECOMMENDED GUIDELINES.

23 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT  
24 ALLOWING REIMBURSEMENT UNDER THE MEDICAL ASSISTANCE PROGRAM  
25 TO A PHARMACIST OR PHARMACY THAT DISPENSES OR ADMINISTERS  
26 CHILDHOOD VACCINATIONS IS AN IMPORTANT TOOL IN ENSURING THE  
27 HEALTH OF COLORADO CHILDREN THROUGH IMMUNIZATION.

1           (2) PURSUANT TO THE REQUIREMENTS SET FORTH IN SUBSECTION  
2 (3) OF THIS SECTION, A PHARMACIST OR PHARMACY THAT DISPENSES OR  
3 ADMINISTERS VACCINATIONS TO CHILDREN UNDER NINETEEN YEARS OF  
4 AGE PURSUANT TO THE FEDERAL CENTERS FOR DISEASE CONTROL AND  
5 PREVENTION'S GUIDELINES PERTAINING TO THE CHILDHOOD IMMUNIZATION  
6 SCHEDULE MAY SEEK REIMBURSEMENT FOR THE DISPENSING OR  
7 ADMINISTRATION OF VACCINES UNDER THE MEDICAL ASSISTANCE  
8 PROGRAM EITHER AS A PHARMACY BENEFIT OR AS A MEDICAL BENEFIT, AS  
9 APPLICABLE.

10           (3)(a) TO BE ELIGIBLE TO RECEIVE REIMBURSEMENT PURSUANT TO  
11 SUBSECTION (2) OF THIS SECTION FOR ADMINISTERING VACCINES TO  
12 CHILDREN, A PHARMACY OR PHARMACIST MUST BE ENROLLED IN GOOD  
13 STANDING WITH THE VACCINES FOR CHILDREN PROGRAM ADMINISTERED  
14 BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

15           (b) UNTIL THE DEPARTMENT OF PUBLIC HEALTH AND  
16 ENVIRONMENT DETERMINES A FRAMEWORK FOR PARTICIPATION BY  
17 PHARMACIES AND PHARMACISTS IN THE VACCINE FOR CHILDREN PROGRAM,  
18 NOTHING IN THIS SECTION REQUIRES THE DEPARTMENT OF PUBLIC HEALTH  
19 AND ENVIRONMENT TO ENROLL PHARMACIES RECEIVING REIMBURSEMENT  
20 FOR THE ADMINISTRATION OF VACCINES THROUGH THE MEDICAL  
21 ASSISTANCE PROGRAM AS VACCINES FOR CHILDREN PROVIDERS.

22           (c) AS USED IN THIS SUBSECTION (3), "VACCINES FOR CHILDREN  
23 PROGRAM" MEANS THE FEDERAL CENTERS FOR DISEASE CONTROL AND  
24 PREVENTION "VACCINES FOR CHILDREN PROGRAM" ADMINISTERED BY THE  
25 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR ANY SUCCESSOR  
26 PROGRAM.

27           **SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly; except  
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
4 of the state constitution against this act or an item, section, or part of this  
5 act within such period, then the act, item, section, or part will not take  
6 effect unless approved by the people at the general election to be held in  
7 November 2024 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.