

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

BILL 2

LLS NO. 18-0256.01 Kristen Forrestal x4217

INTERIM COMMITTEE BILL

**Opioid and Other Substance Use
Disorders Interim Study Committee**

A BILL FOR AN ACT

101 **CONCERNING CLINICAL PRACTICE MEASURES FOR SAFER OPIOID**
102 **PRESCRIBING.**

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/>.)

Opioid and Other Substance Use Disorders Interim Study Committee. The bill restricts the number of opioid pills that a health care practitioner, including physicians, physician assistants, advanced practice nurses, and dentists, may prescribe for an initial prescription to a 7-day supply and one refill for a 7-day supply, with certain exceptions. The bill

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

clarifies that a health care practitioner may electronically prescribe opioids.

Current law allows health care practitioners and other individuals to query the prescription drug monitoring program (program). The bill requires health care practitioners to query the program except under specified circumstances, and requires the practitioner to indicate his or her specialty or practice area upon the query.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-35-114 as
3 follows:

4 **12-35-114. Dentists may prescribe drugs - surgical operations**
5 **- anesthesia - limits on opioid prescriptions - repeal.** (1) A licensed
6 dentist is authorized to prescribe drugs or medicine; perform surgical
7 operations; administer, pursuant to board rules, local anesthesia, analgesia
8 including nitrous oxide/oxygen inhalation, medication prescribed or
9 administered for the relief of anxiety or apprehension, minimal sedation,
10 moderate sedation, deep sedation, or general anesthesia; and use
11 appliances as necessary to the proper practice of dentistry. A dentist shall
12 not prescribe, distribute, or give to any person, including himself or
13 herself, any habit-forming drug or any controlled substance, as defined in
14 section 18-18-102 (5) C.R.S., or as contained in schedule II of 21 U.S.C.
15 sec. 812, other than in the course of legitimate dental practice and
16 pursuant to the rules promulgated by the board regarding controlled
17 substance record keeping.

18 (2) (a) A DENTIST PRESCRIBING AN INITIAL PRESCRIPTION FOR AN
19 OPIOID SHALL NOT PRESCRIBE TO A PATIENT MORE THAN A SEVEN-DAY
20 SUPPLY OF PILLS IN THE INITIAL PRESCRIPTION, WHICH MAY INCLUDE, AT
21 THE DISCRETION OF THE PRACTITIONER, ONE REFILL FOR A SEVEN-DAY
22 SUPPLY, UNLESS THE PATIENT:

1 (I) HAS CHRONIC PAIN THAT:

2 (A) TYPICALLY LASTS LONGER THAN NINETY DAYS OR PAST THE
3 TIME OF NORMAL HEALING AS DETERMINED BY THE DENTIST; OR

4 (B) IS THE RESULT OF AN UNDERLYING MEDICAL CONDITION,
5 DISEASE, INJURY, MEDICAL TREATMENT, OR INFLAMMATION OR AN
6 UNKNOWN CAUSE, ANY OF WHICH MAY BECOME PROGRESSIVELY WORSE
7 OR REOCCUR INTERMITTENTLY;

8 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
9 CANCER-RELATED PAIN;

10 (III) IS UNDERGOING PALLIATIVE CARE OR HOSPICE CARE FOCUSED
11 ON PROVIDING THE PATIENT WITH RELIEF FROM SYMPTOMS, PAIN, AND
12 STRESS RESULTING FROM A SERIOUS ILLNESS IN ORDER TO IMPROVE
13 QUALITY OF LIFE;

14 (IV) IS UNDERGOING DIALYSIS;

15 (V) IS EXPERIENCING POST-SURGICAL PAIN THAT IS EXPECTED TO
16 LAST MORE THAN FOURTEEN DAYS;

17 (VI) IS RECEIVING MEDICATION-ASSISTED TREATMENT TO TREAT
18 A SUBSTANCE USE DISORDER; OR

19 (VII) IS PRESCRIBED A DRUG THAT IS MANUFACTURED AS A
20 COMBINATION DRUG WITH AN ADDED ABUSE DETERRENT.

21 (b) A DENTIST LICENCED PURSUANT TO THIS ARTICLE 35 MAY
22 PRESCRIBE OPIOIDS ELECTRONICALLY.

23 (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
24 2020.

25 **SECTION 2.** In Colorado Revised Statutes, **add** 12-36-117.6 as
26 follows:

27 **12-36-117.6. Prescribing opiates - limitations - repeal.** (1) A

1 PHYSICIAN OR PHYSICIAN ASSISTANT PRESCRIBING AN INITIAL
2 PRESCRIPTION FOR AN OPIOID SHALL NOT PRESCRIBE TO A PATIENT MORE
3 THAN A SEVEN-DAY SUPPLY OF PILLS IN THE INITIAL PRESCRIPTION, WHICH
4 MAY INCLUDE, AT THE DISCRETION OF THE PRACTITIONER, ONE REFILL FOR
5 A SEVEN-DAY SUPPLY, UNLESS THE PATIENT:

6 (a) HAS CHRONIC PAIN THAT:

7 (I) TYPICALLY LASTS LONGER THAN NINETY DAYS OR PAST THE
8 TIME OF NORMAL HEALING AS DETERMINED BY THE PHYSICIAN OR
9 PHYSICIAN ASSISTANT; OR

10 (II) IS THE RESULT OF AN UNDERLYING MEDICAL CONDITION,
11 DISEASE, INJURY, MEDICAL TREATMENT, OR INFLAMMATION OR AN
12 UNKNOWN CAUSE, ANY OF WHICH MAY BECOME PROGRESSIVELY WORSE
13 OR REOCCUR INTERMITTENTLY;

14 (b) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
15 CANCER-RELATED PAIN;

16 (c) IS UNDERGOING PALLIATIVE CARE OR HOSPICE CARE FOCUSED
17 ON PROVIDING THE PATIENT WITH RELIEF FROM SYMPTOMS, PAIN, AND
18 STRESS RESULTING FROM A SERIOUS ILLNESS IN ORDER TO IMPROVE
19 QUALITY OF LIFE;

20 (d) IS UNDERGOING DIALYSIS;

21 (e) IS EXPERIENCING POST-SURGICAL PAIN THAT IS EXPECTED TO
22 LAST MORE THAN FOURTEEN DAYS;

23 (f) IS RECEIVING MEDICATION-ASSISTED TREATMENT TO TREAT A
24 SUBSTANCE USE DISORDER; OR

25 (g) IS PRESCRIBED A DRUG THAT IS MANUFACTURED AS A
26 COMBINATION DRUG WITH AN ADDED ABUSE DETERRENT.

27 (2) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO

1 THIS ARTICLE 36 MAY PRESCRIBE OPIOIDS ELECTRONICALLY.

2 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2020.

3 **SECTION 3.** In Colorado Revised Statutes, 12-38-111.6, **add**
4 (7.5) as follows:

5 **12-38-111.6. Prescriptive authority - advanced practice nurses**
6 **- limits on opioid prescriptions - repeal.** (7.5) (a) AN ADVANCED
7 PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT TO THIS
8 SECTION WHO IS PRESCRIBING AN INITIAL PRESCRIPTION FOR AN OPIOID
9 SHALL NOT PRESCRIBE TO A PATIENT MORE THAN A SEVEN-DAY SUPPLY OF
10 PILLS IN THE INITIAL PRESCRIPTION, WHICH MAY INCLUDE, AT THE
11 DISCRETION OF THE PRACTITIONER, ONE REFILL FOR A SEVEN-DAY SUPPLY,
12 UNLESS THE PATIENT:

13 (I) HAS CHRONIC PAIN THAT:

14 (A) TYPICALLY LASTS LONGER THAN NINETY DAYS OR PAST THE
15 TIME OF NORMAL HEALING AS DETERMINED BY THE ADVANCED PRACTICE
16 NURSE; OR

17 (B) IS THE RESULT OF AN UNDERLYING MEDICAL CONDITION,
18 DISEASE, INJURY, MEDICAL TREATMENT, OR INFLAMMATION OR AN
19 UNKNOWN CAUSE, ANY OF WHICH MAY BECOME PROGRESSIVELY WORSE
20 OR REOCCUR INTERMITTENTLY;

21 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
22 CANCER-RELATED PAIN;

23 (III) IS UNDERGOING PALLIATIVE CARE OR HOSPICE CARE FOCUSED
24 ON PROVIDING THE PATIENT WITH RELIEF FROM SYMPTOMS, PAIN, AND
25 STRESS RESULTING FROM A SERIOUS ILLNESS IN ORDER TO IMPROVE
26 QUALITY OF LIFE;

27 (IV) IS UNDERGOING DIALYSIS;

1 (V) IS EXPERIENCING POST-SURGICAL PAIN THAT IS EXPECTED TO
2 LAST MORE THAN FOURTEEN DAYS;

3 (VI) IS RECEIVING MEDICATION-ASSISTED TREATMENT TO TREAT
4 A SUBSTANCE USE DISORDER; OR

5 (VII) IS PRESCRIBED A DRUG THAT IS MANUFACTURED AS A
6 COMBINATION DRUG WITH AN ADDED ABUSE DETERRENT.

7 (b) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE
8 AUTHORITY PURSUANT TO THIS SECTION MAY PRESCRIBE OPIOIDS
9 ELECTRONICALLY.

10 (c) THIS SUBSECTION (7.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
11 2020.

12 **SECTION 4.** In Colorado Revised Statutes, 12-42.5-404, **amend**
13 (3)(b); and **add** (3.6) as follows:

14 **12-42.5-404. Program operation - access - rules - definitions -**
15 **repeal.** (3) The program is available for query only to the following
16 persons or groups of persons:

17 (b) Any practitioner with the statutory authority to prescribe
18 controlled substances, or an individual designated by the practitioner to
19 act on his or her behalf in accordance with section 12-42.5-403 (1.5)(b),
20 to the extent the query relates to a current patient of the practitioner. THE
21 PRACTITIONER OR HIS OR HER DESIGNEE SHALL IDENTIFY HIS OR HER AREA
22 OF HEALTH CARE SPECIALTY OR PRACTICE UPON EACH QUERY OF THE
23 PROGRAM;

24 (3.6) (a) EACH PRACTITIONER OR HIS OR HER DESIGNEE SHALL
25 QUERY THE PROGRAM PRIOR TO PRESCRIBING THE FIRST REFILL
26 PRESCRIPTION FOR AN OPIOID UNLESS THE PERSON RECEIVING THE
27 PRESCRIPTION:

1 (I) IS RECEIVING THE OPIOID IN A HOSPITAL, SKILLED NURSING
2 FACILITY, RESIDENTIAL FACILITY, OR CORRECTIONAL FACILITY;

3 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
4 CANCER-RELATED PAIN;

5 (III) IS UNDERGOING PALLIATIVE CARE OR HOSPICE CARE;

6 (IV) IS UNDERGOING DIALYSIS;

7 (V) IS EXPERIENCING POST-SURGICAL PAIN THAT IS EXPECTED TO
8 LAST MORE THAN SEVEN DAYS;

9 (VI) IS RECEIVING TREATMENT DURING A NATURAL DISASTER OR
10 DURING AN INCIDENT WHERE MASS CASUALTIES HAVE TAKEN PLACE;

11 (VII) HAS RECEIVED ONLY A SINGLE DOSE TO RELIEVE PAIN FOR A
12 SINGLE TEST OR PROCEDURE; OR

13 (VIII) IS RECEIVING A PRESCRIPTION LIMITED TO A SEVEN-DAY
14 SUPPLY OR LESS.

15 (b) A PRACTITIONER OR HIS OR HER DESIGNEE COMPLIES WITH THIS
16 SUBSECTION (3.6) IF HE OR SHE ATTEMPTS TO ACCESS THE PROGRAM PRIOR
17 TO PRESCRIBING THE FIRST REFILL PRESCRIPTION FOR AN OPIOID, AND THE
18 PROGRAM IS NOT AVAILABLE OR IS INACCESSIBLE DUE TO TECHNICAL
19 FAILURE.

20 (c) THIS SUBSECTION (3.6) IS REPEALED, EFFECTIVE SEPTEMBER 1,
21 2020.

22 **SECTION 5. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.