

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL B

LLS NO. 18-0256.01 Kristen Forrestal x4217

SENATE BILL

SENATE SPONSORSHIP

Tate and Aguilar, Lambert

HOUSE SPONSORSHIP

Pettersen and Kennedy, Navarro, Singer

Senate Committees

House Committees

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, dentists, optometrists, podiatrists, and veterinarians, may prescribe for an initial prescription to a 7-day supply and one refill for a 7-day supply, with certain exceptions. The bill clarifies that a health care

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.

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 before prescribing the first refill prescription for an opioid except under specified circumstances, and requires the practitioner to indicate his or her specialty or practice area upon the initial query.

The bill requires the department of public health and environment to report to the general assembly its results from studies regarding the prescription drug monitoring program integration methods and health care provider report cards.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-32-107.5, **add** (3)
3 as follows:

4 **12-32-107.5. Prescriptions - requirement to advise patients -**
5 **limits on opioid prescriptions - repeal.** (3) (a) A PODIATRIST
6 PRESCRIBING AN INITIAL PRESCRIPTION FOR AN OPIOID SHALL NOT
7 PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF THE INITIAL
8 PRESCRIPTION TO A PATIENT WHO HAS NOT HAD AN OPIOID PRESCRIPTION
9 IN THE LAST TWELVE MONTHS, WHICH INITIAL PRESCRIPTION MAY
10 INCLUDE, AT THE DISCRETION OF THE PODIATRIST, A SECOND FILL BY THE
11 ORIGINAL PRESCRIBER FOR A SEVEN-DAY SUPPLY, UNLESS THE PATIENT:

12 (I) HAS CHRONIC PAIN THAT:

13 (A) TYPICALLY LASTS LONGER THAN NINETY DAYS OR PAST THE
14 TIME OF NORMAL HEALING AS DETERMINED BY THE PODIATRIST; OR

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

19 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING

1 CANCER-RELATED PAIN;

2 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT IS EXPECTED TO
3 LAST MORE THAN FOURTEEN DAYS; OR

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

6 (b) A PODIATRIST LICENSED PURSUANT TO THIS ARTICLE 32 MAY
7 PRESCRIBE OPIOIDS ELECTRONICALLY.

8 (c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,
9 2021.

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

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

26 (2) (a) A DENTIST PRESCRIBING AN INITIAL PRESCRIPTION FOR AN
27 OPIOID SHALL NOT PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF THE

1 INITIAL PRESCRIPTION TO A PATIENT WHO HAS NOT HAD AN OPIOID
2 PRESCRIPTION IN THE PAST TWELVE MONTHS, WHICH INITIAL PRESCRIPTION
3 MAY INCLUDE, AT THE DISCRETION OF THE DENTIST, A SECOND FILL FOR A
4 SEVEN-DAY SUPPLY, UNLESS THE PATIENT:

5 (I) HAS CHRONIC PAIN THAT:

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

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

12 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
13 CANCER-RELATED PAIN;

14 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT IS EXPECTED TO
15 LAST MORE THAN FOURTEEN DAYS; OR

16 (IV) IS PRESCRIBED A DRUG THAT IS MANUFACTURED AS A
17 COMBINATION DRUG WITH AN ADDED ABUSE DETERRENT.

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

20 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS
21 SUBSECTION (2) DOES NOT CREATE A CAUSE OF ACTION OR CREATE A
22 STANDARD OF CARE, OBLIGATION, OR DUTY THAT PROVIDES A BASIS FOR
23 A CAUSE OF ACTION.

24 (d) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
25 2021.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 12-36-117.6 as
27 follows:

1 COMBINATION DRUG WITH AN ADDED ABUSE DETERRENT.

2 (2) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO
3 THIS ARTICLE 36 MAY PRESCRIBE OPIOIDS ELECTRONICALLY.

4 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS
5 SECTION DOES NOT CREATE A CAUSE OF ACTION OR CREATE A STANDARD
6 OF CARE, OBLIGATION, OR DUTY THAT PROVIDES A BASIS FOR A CAUSE OF
7 ACTION.

8 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

9 **SECTION 4.** In Colorado Revised Statutes, 12-38-111.6, **add**
10 (7.5) as follows:

11 **12-38-111.6. Prescriptive authority - advanced practice nurses**
12 **- limits on opioid prescriptions - repeal.** (7.5) (a) AN ADVANCED
13 PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT TO THIS
14 SECTION WHO IS PRESCRIBING AN INITIAL PRESCRIPTION FOR AN OPIOID
15 SHALL NOT PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF THE INITIAL
16 PRESCRIPTION TO A PATIENT WHO HAS NOT HAD AN OPIOID PRESCRIPTION
17 IN THE PAST TWELVE MONTHS, WHICH INITIAL PRESCRIPTION MAY
18 INCLUDE, AT THE DISCRETION OF THE ADVANCED PRACTICE NURSE, A
19 SECOND FILL FOR A SEVEN-DAY SUPPLY, UNLESS THE PATIENT:

20 (I) HAS CHRONIC PAIN THAT:

21 (A) TYPICALLY LASTS LONGER THAN NINETY DAYS OR PAST THE
22 TIME OF NORMAL HEALING AS DETERMINED BY THE ADVANCED PRACTICE
23 NURSE; OR

24 (B) IS THE RESULT OF AN UNDERLYING MEDICAL CONDITION,
25 DISEASE, INJURY, MEDICAL TREATMENT, OR INFLAMMATION OR AN
26 UNKNOWN CAUSE, ANY OF WHICH MAY BECOME PROGRESSIVELY WORSE
27 OR REOCCUR INTERMITTENTLY;

1 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
2 CANCER-RELATED PAIN;

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

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

9 (V) IS RECEIVING MEDICATION-ASSISTED TREATMENT TO TREAT A
10 SUBSTANCE USE DISORDER; OR

11 (VI) IS PRESCRIBED A DRUG THAT IS MANUFACTURED AS A
12 COMBINATION DRUG WITH AN ADDED ABUSE DETERRENT.

13 (b) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE
14 AUTHORITY PURSUANT TO THIS SECTION MAY PRESCRIBE OPIOIDS
15 ELECTRONICALLY.

16 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS
17 SUBSECTION (7.5) DOES NOT CREATE A CAUSE OF ACTION OR CREATE A
18 STANDARD OF CARE, OBLIGATION, OR DUTY THAT PROVIDES A BASIS FOR
19 A CAUSE OF ACTION.

20 (d) THIS SUBSECTION (7.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
21 2021.

22 **SECTION 5.** In Colorado Revised Statutes, 12-40-109.5, **add** (4)
23 as follows:

24 **12-40-109.5. Use of prescription and nonprescription drugs -**
25 **limits on opioid prescriptions - repeal.** (4) (a) AN OPTOMETRIST
26 PRESCRIBING AN INITIAL PRESCRIPTION FOR AN OPIOID SHALL NOT
27 PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF THE INITIAL

1 PRESCRIPTION TO A PATIENT WHO HAS NOT HAD AN OPIOID PRESCRIPTION
2 IN THE LAST TWELVE MONTHS, WHICH INITIAL PRESCRIPTION MAY
3 INCLUDE, AT THE DISCRETION OF THE OPTOMETRIST, A SECOND FILL BY THE
4 ORIGINAL PRESCRIBER FOR A SEVEN-DAY SUPPLY, UNLESS THE PATIENT:

5 (I) HAS CHRONIC PAIN THAT:

6 (A) TYPICALLY LASTS LONGER THAN NINETY DAYS OR PAST THE
7 TIME OF NORMAL HEALING AS DETERMINED BY THE OPTOMETRIST; OR

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

12 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
13 CANCER-RELATED PAIN;

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

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

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

20 (b) AN OPTOMETRIST LICENSED PURSUANT TO THIS ARTICLE 40 MAY
21 PRESCRIBE OPIOIDS ELECTRONICALLY.

22 (c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1,
23 2021.

24 **SECTION 6.** In Colorado Revised Statutes, 12-42.5-404, **amend**
25 (3)(b); and **add** (3.6) as follows:

26 **12-42.5-404. Program operation - access - rules - definitions -**
27 **repeal.** (3) The program is available for query only to the following

1 persons or groups of persons:

2 (b) Any practitioner with the statutory authority to prescribe
3 controlled substances, or an individual designated by the practitioner to
4 act on his or her behalf in accordance with section 12-42.5-403 (1.5)(b),
5 to the extent the query relates to a current patient of the practitioner. THE
6 PRACTITIONER OR HIS OR HER DESIGNEE SHALL IDENTIFY HIS OR HER AREA
7 OF HEALTH CARE SPECIALTY OR PRACTICE UPON THE INITIAL QUERY OF THE
8 PROGRAM;

9 (3.6) (a) EACH PRACTITIONER OR HIS OR HER DESIGNEE SHALL
10 QUERY THE PROGRAM PRIOR TO PRESCRIBING THE FIRST REFILL
11 PRESCRIPTION FOR AN OPIOID UNLESS THE PERSON RECEIVING THE
12 PRESCRIPTION:

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

15 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
16 CANCER-RELATED PAIN;

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

18 (IV) IS EXPERIENCING POST-SURGICAL PAIN THAT IS EXPECTED TO
19 LAST MORE THAN FOURTEEN DAYS;

20 (V) IS RECEIVING TREATMENT DURING A NATURAL DISASTER OR
21 DURING AN INCIDENT WHERE MASS CASUALTIES HAVE TAKEN PLACE;

22 (VI) HAS RECEIVED ONLY A SINGLE DOSE TO RELIEVE PAIN FOR A
23 SINGLE TEST OR PROCEDURE; OR

24 (VII) IS RECEIVING A PRESCRIPTION LIMITED TO A FOURTEEN-DAY
25 SUPPLY OR LESS.

26 (b) A PRACTITIONER OR HIS OR HER DESIGNEE COMPLIES WITH THIS
27 SUBSECTION (3.6) IF HE OR SHE ATTEMPTS TO ACCESS THE PROGRAM PRIOR

1 TO PRESCRIBING THE FIRST REFILL PRESCRIPTION FOR AN OPIOID, AND THE
2 PROGRAM IS NOT AVAILABLE OR IS INACCESSIBLE DUE TO TECHNICAL
3 FAILURE.

4 (c) THIS SUBSECTION (3.6) IS REPEALED, EFFECTIVE SEPTEMBER 1,
5 2021.

6 **SECTION 7.** In Colorado Revised Statutes, **add** 12-64-127 as
7 follows:

8 **12-64-127. Prescription of opioids - limitations - repeal.** (1) A
9 VETERINARIAN PRESCRIBING AN INITIAL PRESCRIPTION FOR AN OPIOID
10 SHALL NOT PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF THE INITIAL
11 PRESCRIPTION, WHICH INITIAL PRESCRIPTION MAY INCLUDE, AT THE
12 DISCRETION OF THE VETERINARIAN, A SECOND FILL BY THE ORIGINAL
13 PRESCRIBER FOR A SEVEN-DAY SUPPLY, UNLESS THE ANIMAL:

14 (a) HAS CHRONIC PAIN THAT:

15 (I) TYPICALLY LASTS LONGER THAN NINETY DAYS OR PAST THE
16 TIME OF NORMAL HEALING AS DETERMINED BY THE VETERINARIAN; OR

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

23 (c) IS EXPERIENCING POST-SURGICAL PAIN THAT IS EXPECTED TO
24 LAST MORE THAN FOURTEEN DAYS.

25 (2) A VETERINARIAN LICENCED PURSUANT TO THIS ARTICLE 64
26 MAY PRESCRIBE OPIOIDS ELECTRONICALLY.

27 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

1 **SECTION 8.** In Colorado Revised Statutes, **add** 25-1-129 as
2 follows:

3 **25-1-129. Prescription drug monitoring program integration**
4 **methods - health care provider report cards - report - repeal.** (1) ON
5 OR BEFORE SEPTEMBER 1, 2019, THE DEPARTMENT SHALL REPORT TO THE
6 GENERAL ASSEMBLY THE FINDINGS FROM STUDIES THE DEPARTMENT
7 CONDUCTED PURSUANT TO THE FEDERAL GRANT TITLED THE
8 "PRESCRIPTION DRUG OVERDOSE PREVENTION FOR STATES COOPERATIVE
9 AGREEMENT" THAT THE DEPARTMENT RECEIVED CONCERNING:

10 (a) THE PRESCRIPTION DRUG MONITORING PROGRAM INTEGRATION
11 METHODS; AND

12 (b) HEALTH CARE PROVIDER REPORT CARDS.

13 (2) THE DEPARTMENT SHALL FORWARD THE FINDINGS FROM THIS
14 STUDY TO THE CENTER FOR RESEARCH INTO SUBSTANCE USE DISORDER
15 PREVENTION, TREATMENT, AND RECOVERY SUPPORT STRATEGIES AT THE
16 UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER, CREATED IN
17 SECTION 27-80-118 (3). THE CENTER SHALL USE THE INFORMATION TO
18 PROVIDE VOLUNTARY TRAINING FOR HEALTH CARE PROVIDERS IN
19 TARGETED AREAS.

20 (3) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2020.

21 **SECTION 9. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.