

CHAPTER 206

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 05-1209

BY REPRESENTATIVE(S) McFadyen, Boyd, Buescher, Coleman, and Vigil;
also SENATOR(S) Johnson, Groff, Hanna, Kester, Tapia, Taylor, Tochtrop, and Williams.

AN ACT

CONCERNING A PHARMACIST WHO COMPOUNDS DRUGS ADMINISTERED TO A PATIENT IN A PRACTITIONER'S OFFICE.

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

SECTION 1. 12-22-102 (5), Colorado Revised Statutes, is amended to read:

12-22-102. Definitions. As used in this part 1, unless the context otherwise requires:

(5) "Casual sale" means a transfer, delivery, or distribution to a corporation, individual, or other entity, other than a consumer, entitled to possess prescription drugs; except that the amount of drugs transferred, delivered, or distributed in such manner by any registered prescription drug outlet or hospital other outlet shall not exceed ~~five~~ TEN percent of the total number of dosage units of drugs dispensed and distributed on an annual basis by such outlet.

SECTION 2. 12-22-121 (6), Colorado Revised Statutes, is amended, and the said 12-22-121 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-22-121. Compounding - dispensing - sale of drugs and devices. (6) (a) A practitioner may personally compound and dispense for any patient under ~~his~~ THE PRACTITIONER'S care any drug ~~which he~~ THAT THE PRACTITIONER is authorized to prescribe and ~~which he~~ THAT THE PRACTITIONER deems desirable or necessary in the treatment of any condition being treated by ~~him~~ THE PRACTITIONER, and such practitioner shall be exempt from all provisions of this part 1 except for the provisions of section 12-22-126.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) THE BOARD SHALL PROMULGATE RULES AUTHORIZING A PHARMACIST TO COMPOUND DRUGS FOR OFFICE USE BY A PRACTITIONER. SUCH RULES SHALL LIMIT THE AMOUNT OF DRUGS A PHARMACIST MAY COMPOUND TO NO MORE THAN TEN PERCENT OF THE TOTAL NUMBER OF DRUG DOSAGE UNITS DISPENSED AND DISTRIBUTED ON AN ANNUAL BASIS BY SUCH OUTLET.

(17) THE DIRECTOR OF THE DIVISION OF REGISTRATIONS SHALL CREATE A TASK FORCE TO STUDY THE COMPOUNDING OF DRUGS BY PHARMACISTS. THE TASK FORCE SHALL INCLUDE EQUAL REPRESENTATION FROM THE BOARD OF PHARMACY, PRACTITIONERS, AND PHARMACISTS WHO COMPOUND DRUGS. BY JANUARY 1, 2007, THE TASK FORCE SHALL REPORT AND MAKE RECOMMENDATIONS TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE WITH OVERSIGHT OF THE DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO SECTION 2-7-102, C.R.S.

SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2005