

CHAPTER 23

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 15-1039

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also SENATOR(S) Neville T., Aguilar, Baumgardner, Cooke, Crowder, Garcia, Grantham, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Lundberg, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Scott, Todd, Woods, Cadman.

AN ACT**CONCERNING THE DONATION OF PRESCRIPTION MEDICATIONS BY LICENSED HEALTH CARE FACILITIES.**

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

SECTION 1. In Colorado Revised Statutes, 12-42.5-133, **amend** (1) (a.5), (2) (a) (I), (2) (a) (II) (A), (2) (a) (III), and (3); and **add** (2) (a) (II) (C) and (3.5) as follows:

12-42.5-133. Unused medication - licensed facilities - correctional facilities - reuse - rules. (1) As used in this section, unless the context otherwise requires:

(a.5) "Licensed facility" means a hospital, hospital unit, community mental health center, acute treatment unit, hospice, nursing care facility, ~~or~~ assisted living residence, ~~OR ANY OTHER FACILITY~~ that is required to be licensed pursuant to section 25-3-101, C.R.S., or a licensed long-term care facility as defined in section 25-1-124 (2.5) (b), C.R.S.

(2) (a) (I) If donated by the patient, resident, or the patient's or resident's next of kin, a licensed facility may return unused medications ~~OR~~ medical supplies, and ~~USED OR UNUSED~~ medical devices to a pharmacist within the licensed facility or a prescription drug outlet in order for the ~~medication~~ MATERIALS to be redispensed to another patient or donated to a nonprofit entity that has the legal authority to possess the ~~medication~~ MATERIALS or to a practitioner authorized by law to ~~prescribe~~ DISPENSE the ~~medication~~ MATERIALS.

(II) (A) A licensed facility ~~OR A PRESCRIPTION DRUG OUTLET~~ may donate ~~unused~~

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

~~medications~~ MATERIALS TO A NONPROFIT ENTITY THAT HAS LEGAL AUTHORITY TO POSSESS THE MATERIALS OR to a person legally authorized to dispense the ~~medications on behalf of a nonprofit entity that has the express purpose of providing medications, medical devices, or medical supplies for the relief of victims who are in urgent need as a result of natural or other types of disasters~~ MATERIALS. A licensed pharmacist shall review the process of donating the unused medications to the nonprofit entity.

(C) A PERSON OR ENTITY IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL DISCIPLINARY ACTION FOR DONATING, ACCEPTING, DISPENSING, OR FACILITATING THE DONATION OF MATERIALS IN GOOD FAITH, WITHOUT NEGLIGENCE, AND IN COMPLIANCE WITH THIS SECTION.

(III) A correctional facility may return unused medications OR medical supplies, and USED OR UNUSED medical devices to the pharmacist within the correctional facility or a prescription drug outlet in order for the medication to be redispensed to another patient or donated to a nonprofit entity that has the legal authority to possess the ~~medication~~ MATERIALS or to a practitioner authorized by law to prescribe the ~~medication~~ MATERIALS.

(3) Medication dispensed or donated pursuant to this section must ~~bear an expiration date that is later than six months after the date the drug was donated~~ NOT BE EXPIRED. A MEDICATION SHALL NOT BE DISPENSED THAT WILL EXPIRE BEFORE THE USE BY THE PATIENT BASED ON THE PRESCRIBING PRACTITIONER'S DIRECTIONS FOR USE.

(3.5) MEDICATION, MEDICAL SUPPLIES, AND MEDICAL DEVICES DONATED PURSUANT TO THIS SECTION MAY NOT BE RESOLD FOR PROFIT. THE ENTITY THAT RECEIVES THE DONATED MATERIALS MAY CHARGE THE END USER A HANDLING FEE, WHICH SHALL NOT EXCEED THE AMOUNT SPECIFIED BY RULE OF THE BOARD.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 13, 2015