

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 10, 2024  
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB24-061 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 12-280-135.5  
4 as follows:

5 **12-280-135.5. Colorado drug donation program - created -**  
6 **rules - records - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "COLORADO DRUG DONATION PROGRAM" OR "PROGRAM"  
9 MEANS THE COLORADO DRUG DONATION PROGRAM CREATED IN THIS  
10 SECTION.

11 (b) "CONTROLLED SUBSTANCE" HAS THE MEANING SET FORTH IN  
12 SECTION 18-18-102 (5).

13 (c) (I) "DONATION RECIPIENT" MEANS ANY ENTITY THAT:

14 (A) IS LEGALLY AUTHORIZED TO POSSESS MEDICINE;

15 (B) HAS A LICENSE OR REGISTRATION IN GOOD STANDING IN THE  
16 STATE IN WHICH THE ENTITY IS LOCATED; AND

17 (C) RECEIVES A DONATION OF MEDICINE.

18 (II) "DONATION RECIPIENT" INCLUDES THE DRUG REPOSITORY, A  
19 DISTRIBUTOR, A THIRD-PARTY LOGISTICS PROVIDER, A REVERSE  
20 DISTRIBUTOR, A REPACKAGER, A HOSPITAL, A PHARMACY, A CLINIC, A  
21 HEALTH-CARE PROVIDER, OR A PRESCRIBER OFFICE.

22 (d) (I) "DONOR" MEANS ANY PERSON LEGALLY AUTHORIZED TO  
23 POSSESS MEDICINE, INCLUDING AN INDIVIDUAL MEMBER OF THE PUBLIC,  
24 THE DRUG REPOSITORY, A DISTRIBUTOR, A THIRD-PARTY LOGISTICS  
25 PROVIDER, A PHARMACY, A DISPENSER, A CLINIC, A SURGICAL OR HEALTH  
26 CENTER, A DETENTION AND REHABILITATION CENTER, A JAIL, A PRISON, A  
27 LABORATORY, A PRESCRIBER OR OTHER HEALTH-CARE PROFESSIONAL, OR

1 A LONG-TERM CARE FACILITY OR HEALTH-CARE FACILITY, WHICH PERSON  
2 DONATES MEDICINE.

3 (II) "DONOR" INCLUDES GOVERNMENT AGENCIES AND ENTITIES  
4 THAT ARE FEDERALLY AUTHORIZED TO POSSESS MEDICINE, INCLUDING  
5 MANUFACTURERS, REPACKAGERS, RELABELERS, OUTSOURCING FACILITIES,  
6 VETERANS AFFAIRS HOSPITALS, AND FDA-AUTHORIZED IMPORTERS SUCH  
7 AS THOSE DESCRIBED UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC  
8 ACT", 21 U.S.C. SECS. 801 AND 804, AS AMENDED, OR SIMILAR  
9 PROVISIONS, AND FEDERAL PRISONS.

10 (e) "DRUG REPOSITORY" MEANS THE ENTITY PROVIDING DRUG  
11 REPOSITORY SERVICES FOR THE PROGRAM PURSUANT TO SECTION  
12 25-1.5-121.

13 (f) "ELIGIBLE PATIENT" MEANS A COLORADO RESIDENT WITH A  
14 NEED FOR DONATED MEDICINE WHO IS INDIGENT, UNINSURED,  
15 UNDERINSURED, OR ENROLLED IN A PUBLIC HEALTH BENEFITS PROGRAM.  
16 OTHER PATIENTS ARE CONSIDERED "ELIGIBLE PATIENTS" IF A NEED FOR A  
17 DONATED MEDICINE IS NOT IDENTIFIED AMONG COLORADO RESIDENTS  
18 WHO ARE INDIGENT, UNINSURED, UNDERINSURED, OR ENROLLED IN A  
19 PUBLIC HEALTH BENEFITS PROGRAM.

20 (g) "HEALTH-CARE PROFESSIONAL" MEANS A PERSON WHO IS  
21 LICENSED TO PRACTICE AS A PHYSICIAN, REGISTERED NURSE, PRACTICAL  
22 NURSE, OPTOMETRIST, OR PHARMACIST; A CERTIFIED MIDWIFE WITH  
23 PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-255-112; OR ANY  
24 OTHER PRACTITIONER AUTHORIZED TO DISPENSE OR ADMINISTER  
25 MEDICINE.

26 (h) (I) "MEDICINE" MEANS BOTH PRESCRIPTION AND  
27 NONPRESCRIPTION OR OVER-THE-COUNTER DRUGS, INCLUDING  
28 FDA-APPROVED DRUGS LABELED FOR INVESTIGATIONAL USE.

29 (II) "MEDICINE" INCLUDES:

30 (A) MEDICINE THAT REQUIRES REFRIGERATION, FREEZING, OR  
31 SPECIAL STORAGE IF THE MEDICINE IS DONATED DIRECTLY BY AN ENTITY  
32 REGULATED BY THE BOARD AND THE MEDICINE HAS BEEN CONTINUALLY  
33 MAINTAINED PURSUANT TO THE MANUFACTURER'S STORAGE  
34 REQUIREMENTS; AND

35 (B) PRESCRIPTION AND NONPRESCRIPTION SUPPLIES AND DEVICES.

36 (III) "MEDICINE" DOES NOT INCLUDE:

37 (A) COMPOUNDED MEDICINE; OR

38 (B) MEDICATIONS DISPENSED BY PHARMACIES OUTSIDE OF THE  
39 UNITED STATES.

40 (i) "PRESCRIBER" HAS THE MEANING SET FORTH IN SECTION  
41 12-280-125.7 (1)(f).

42 (j) "RETURNS PROCESSOR" HAS THE MEANING SET FORTH IN 21  
43 U.S.C. SEC. 360eee (18) AND INCLUDES A REVERSE DISTRIBUTOR.

1 (k) "UNOPENED TAMPER-EVIDENT PACKAGING" MEANS AN INTACT  
2 PACKAGING SYSTEM THAT RENDERS MEDICINE INACCESSIBLE WITHOUT  
3 OBVIOUS DESTRUCTION OF THE SEAL OR SOME PORTION OF THE PACKAGING  
4 SYSTEM. "UNOPENED TAMPER-EVIDENT PACKAGING" MAY INCLUDE  
5 UNOPENED UNIT-DOSE, MULTIPLE-DOSE, IMMEDIATE, SECONDARY, AND  
6 TERTIARY PACKAGING.

7 (2) (a) THERE IS CREATED THE COLORADO DRUG DONATION  
8 PROGRAM TO FACILITATE THE SAFE DONATION AND REDISPENSING OF  
9 UNUSED MEDICINE TO COLORADANS IN NEED OF THE MEDICINE.

10 (b) PURSUANT TO SECTION 25-1.5-121, THE DEPARTMENT OF  
11 PUBLIC HEALTH AND ENVIRONMENT CREATED IN SECTION 25-1-102 SHALL  
12 CONTRACT FOR DRUG REPOSITORY SERVICES, INCLUDING THE RECEIPT OF,  
13 SAFE STORAGE OF, DISTRIBUTION OF, AND DISPENSING OF MEDICINE; AN  
14 ELECTRONIC INVENTORY OF MEDICINE; A PUBLIC-FACING WEBSITE; AN  
15 OUTREACH AND MARKETING CAMPAIGN TO INFORM POTENTIAL DONORS,  
16 DONATION RECIPIENTS, HEALTH-CARE PROFESSIONALS, ELIGIBLE PATIENTS,  
17 AND THE GENERAL PUBLIC; AND OTHER SERVICES NECESSARY TO  
18 IMPLEMENT THE PROGRAM, AS DETERMINED BY THE DEPARTMENT OF  
19 PUBLIC HEALTH AND ENVIRONMENT, IN CONJUNCTION WITH THE BOARD.

20 (3) (a) NOTWITHSTANDING ANY OTHER LAW OR RULE TO THE  
21 CONTRARY, A DONOR MAY DONATE MEDICINE TO A DONATION RECIPIENT.  
22 A DONATION RECIPIENT MAY RECEIVE DONATED MEDICINE FROM DONORS.

23 (b) PRIOR TO THE FIRST DONATION FROM A NEW DONOR, A  
24 DONATION RECIPIENT SHALL RECORD THE DONOR'S NAME, ADDRESS,  
25 PHONE NUMBER, AND LICENSE NUMBER, IF APPLICABLE, AND, WITH  
26 RESPECT TO THE FOLLOWING:

27 (I) VERIFY THAT THE DONOR MEETS THE DEFINITION PROVIDED IN  
28 SUBSECTION (1)(d) OF THIS SECTION;

29 (II) CONFIRM THAT THE DONOR AGREES TO MAKE DONATIONS OF  
30 MEDICINE ONLY IN ACCORDANCE WITH THIS SECTION AND RULES  
31 PROMULGATED BY THE BOARD RELATING TO DONATED MEDICINE; AND

32 (III) IF APPLICABLE, CONFIRM THAT THE DONOR AGREES TO  
33 REMOVE OR REDACT ANY PATIENT NAMES AND PRESCRIPTION NUMBERS ON  
34 DONATED MEDICINE OR OTHERWISE MAINTAIN PATIENT CONFIDENTIALITY  
35 BY EXECUTING A CONFIDENTIALITY AGREEMENT WITH THE AUTHORIZED  
36 DONATION RECIPIENT.

37 (c) NO OTHER INFORMATION OR RECORDS ARE REQUIRED PRIOR TO  
38 RECEIVING THE FIRST DONATION FROM A NEW DONOR OTHER THAN AS  
39 DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION.

40 (4) A DONATION RECIPIENT SHALL MAINTAIN A WRITTEN OR  
41 ELECTRONIC RECORD OF DONATED MEDICINE CONSISTING OF THE NAME,  
42 STRENGTH, QUANTITY, AND LOT NUMBER, IF KNOWN, OF EACH ACCEPTED  
43 OR TRANSFERRED DRUG AND THE NAME, ADDRESS, AND PHONE NUMBER OF

1 THE DONOR OR TRANSFERRING ENTITY. NO OTHER RECORD OF DONATION  
2 IS REQUIRED.

3 (5) A DONATION RECIPIENT SHALL ENSURE THAT DONATED  
4 MEDICINE IS IDENTIFIED SEPARATELY FROM REGULAR STOCK.

5 (6) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, A  
6 DONATION RECIPIENT MAY:

7 (a) TRANSFER DONATED MEDICINE TO ANOTHER DONATION  
8 RECIPIENT OR TO AN ENTITY PARTICIPATING IN A DRUG DONATION  
9 PROGRAM OPERATED BY ANOTHER STATE;

10 (b) IF THE DONATION RECIPIENT IS A PRESCRIPTION DRUG OUTLET,  
11 REPACKAGE DONATED MEDICINE IN ACCORDANCE WITH SUBSECTION (8) OF  
12 THIS SECTION AS NECESSARY FOR STORAGE, DISPENSING, ADMINISTRATION,  
13 OR TRANSFER; OR

14 (c) IF THE DONATION RECIPIENT IS A PRESCRIPTION DRUG OUTLET,  
15 REPLENISH MEDICINE OF THE SAME DRUG NAME AND STRENGTH  
16 PREVIOUSLY DISPENSED OR ADMINISTERED TO ELIGIBLE PATIENTS IN  
17 ACCORDANCE WITH THE FEDERAL 340B DRUG PRICING PROGRAM CODIFIED  
18 AT 42 U.S.C. SEC. 256b, AS AMENDED.

19 (7) (a) DONATED MEDICINE THAT DOES NOT MEET THE  
20 REQUIREMENTS SPECIFIED IN THIS SECTION AND RULES PROMULGATED BY  
21 THE BOARD MUST BE DISPOSED OF BY:

22 (I) RETURNING THE DONATED MEDICINE TO THE DONOR;

23 (II) DESTROYING THE DONATED MEDICINE THROUGH AN  
24 INCINERATOR, A MEDICAL WASTE HAULER, A REVERSE DISTRIBUTOR, OR  
25 OTHER LAWFUL METHOD; OR

26 (III) TRANSFERRING THE DONATED MEDICINE TO A RETURNS  
27 PROCESSOR.

28 (b) A DONATION RECIPIENT SHALL MAINTAIN A WRITTEN OR  
29 ELECTRONIC RECORD OF DISPOSED MEDICINE CONSISTING OF THE DISPOSAL  
30 METHOD, AS DESCRIBED IN THIS SUBSECTION (7); THE DATE OF DISPOSAL;  
31 AND THE NAME, STRENGTH, AND QUANTITY OF EACH DISPOSED DRUG. NO  
32 OTHER RECORD OF DISPOSAL IS REQUIRED.

33 (8) REPACKAGED MEDICINE MUST BE LABELED WITH THE DRUG  
34 NAME, STRENGTH, AND EXPIRATION DATE, IF THE EXPIRATION DATE IS  
35 KNOWN, AND IDENTIFIED SEPARATELY FROM REGULAR STOCK UNTIL  
36 INSPECTED AND INITIALED BY A LICENSED PHARMACIST. IF MULTIPLE  
37 PACKAGED, DONATED MEDICINES WITH VARIED EXPIRATION DATES ARE  
38 REPACKAGED TOGETHER, THE EARLIEST EXPIRATION DATE MUST BE USED.

39 (9) A DONATION RECIPIENT SHALL ONLY ADMINISTER OR  
40 REDISPENSE MEDICINE THAT:

41 (a) MEETS THE REQUIREMENTS SET FORTH IN THIS SECTION BASED  
42 ON INSPECTION BY A LICENSED PHARMACIST;

43 (b) IF DISPENSED TO AN ELIGIBLE PATIENT, IS REPACKAGED BY A

1 LICENSED PHARMACIST INTO A NEW CONTAINER OR A CONTAINER THAT  
2 HAS ALL PREVIOUS PATIENT INFORMATION ON THE DONATED CONTAINER  
3 REDACTED OR REMOVED;

4 (c) IS PROPERLY LABELED IN ACCORDANCE WITH THE RULES OF THE  
5 BOARD;

6 (d) HAS AN EXPIRATION OR BEYOND-USE DATE BROUGHT FORWARD  
7 FROM THE DONATED MEDICINE THAT WILL NOT EXPIRE BEFORE THE  
8 MEDICINE IS USED BY THE ELIGIBLE PATIENT BASED ON THE PRESCRIBER'S  
9 DIRECTIONS FOR USE OR, FOR OVER-THE-COUNTER MEDICINE, ON THE  
10 PACKAGE'S LABEL; AND

11 (e) IF THE MEDICINE REQUIRES REFRIGERATION, FREEZING, OR  
12 SPECIAL STORAGE, IS DONATED DIRECTLY BY AN ENTITY REGULATED BY  
13 THE BOARD AND HAS BEEN CONTINUALLY MAINTAINED PURSUANT TO THE  
14 MANUFACTURER'S STORAGE REQUIREMENTS.

15 (10) A DONATION RECIPIENT:

16 (a) MAY DISPENSE OR ADMINISTER PRESCRIPTION DRUGS TO AN  
17 ELIGIBLE PATIENT PURSUANT TO THIS SECTION ONLY IF OTHERWISE  
18 PERMITTED BY LAW PURSUANT TO A VALID PRESCRIPTION OR PRESCRIPTION  
19 DRUG ORDER; AND

20 (b) SHALL MAINTAIN ELIGIBLE PATIENT-SPECIFIC WRITTEN OR  
21 ELECTRONIC RECORDS IN ACCORDANCE WITH BOARD RULES.

22 (11) WHEN A PRESCRIBED MEDICINE DOES NOT USE A UNIQUE  
23 DELIVERY SYSTEM TECHNOLOGY, A DONATION RECIPIENT MAY SUBSTITUTE  
24 AN ORAL TABLET, CAPSULE, OR LIQUID FORM OF THE PRESCRIBED MEDICINE  
25 SO LONG AS THE FORM DISPENSED HAS THE SAME DOSE SCHEDULE AND IS  
26 A GENERIC EQUIVALENT TO THE PRESCRIBED MEDICINE.

27 (12) THE DONATION, TRANSFER, RECEIPT, OR FACILITATION OF  
28 DONATIONS, TRANSFERS, AND RECEIPT OF MEDICINE PURSUANT TO THIS  
29 SECTION IS NOT WHOLESALE DISTRIBUTION AND DOES NOT REQUIRE  
30 LICENSING AS A WHOLESALE DISTRIBUTOR. THE PROGRAM EXISTS UNDER  
31 A PRESCRIPTION DRUG OUTLET LICENSE AND IS SUBJECT TO THE  
32 REQUIREMENTS FOR THAT LICENSE TYPE.

33 (13) MEDICINE DONATED TO THE PROGRAM MUST NOT BE RESOLD  
34 AND IS CONSIDERED NONSALEABLE; EXCEPT THAT HANDLING, DISPENSING,  
35 OR USUAL AND CUSTOMARY CHARGES TO AN ELIGIBLE PATIENT, HEALTH  
36 PLAN, PHARMACY BENEFIT MANAGER, PHARMACY SERVICES  
37 ADMINISTRATIVE ORGANIZATION, GOVERNMENT AGENCY, OR OTHER  
38 ENTITY IS NOT CONSIDERED RESELLING. IF THE DONATION RECIPIENT IS A  
39 FOR-PROFIT ENTITY, THESE CHARGES MUST NOT EXCEED THE DONATION  
40 RECIPIENT'S COST OF PROVIDING THE MEDICINE, INCLUDING THE CURRENT  
41 AND ANTICIPATED COSTS OF EDUCATING ELIGIBLE DONORS, PROVIDING  
42 TECHNICAL SUPPORT TO PARTICIPATING DONORS, SHIPPING AND HANDLING,  
43 LABOR, STORAGE, LICENSING, UTILITIES, ADVERTISING, TECHNOLOGY,

1 SUPPLIES, AND EQUIPMENT. EXCEPT AS DESCRIBED IN THIS SUBSECTION  
2 (13), THE AMOUNT OF THESE CHARGES IS NOT SUBJECT TO ANY  
3 ADDITIONAL LIMITATIONS.

4 (14) WHEN PERFORMING ANY ACTION ASSOCIATED WITH THE  
5 PROGRAM OR OTHERWISE PROCESSING DONATED MEDICINE FOR TAX,  
6 MANUFACTURER, OR OTHER CREDIT, A DONATION RECIPIENT IS  
7 CONSIDERED TO BE ACTING AS A RETURNS PROCESSOR AND SHALL COMPLY  
8 WITH ALL RECORD-KEEPING REQUIREMENTS UNDER FEDERAL LAW FOR  
9 NONSALEABLE RETURNS.

10 (15) ALL REQUIRED RECORDS MUST BE RETAINED IN PHYSICAL OR  
11 ELECTRONIC FORMAT, ON OR OFF THE DONATION RECIPIENT'S PREMISES,  
12 FOR A PERIOD OF TWO YEARS. DONORS OR DONATION RECIPIENTS MAY  
13 CONTRACT WITH ONE ANOTHER OR WITH A THIRD PARTY TO CREATE OR  
14 MAINTAIN RECORDS. AN IDENTIFIER, SUCH AS A SERIAL NUMBER OR  
15 BARCODE, MAY BE USED IN PLACE OF INFORMATION IF IT ALLOWS FOR THE  
16 INFORMATION TO BE READILY RETRIEVABLE. UPON REQUEST BY A STATE  
17 OR FEDERAL REGULATOR, THE IDENTIFIER USED FOR A REQUESTED RECORD  
18 MUST BE REPLACED WITH THE ORIGINAL INFORMATION. AN IDENTIFIER  
19 MUST NOT BE USED ON LABELS WHEN DISPENSING OR ADMINISTERING A  
20 DRUG TO AN ELIGIBLE PATIENT.

21 (16) A DONATION OR OTHER TRANSFER OF POSSESSION OR  
22 CONTROL IS NOT A CHANGE OF OWNERSHIP UNLESS IT IS SPECIFIED AS SUCH  
23 BY THE DONATION RECIPIENT. IF A RECORD OF THE DONATION'S  
24 TRANSACTION INFORMATION OR HISTORY IS REQUIRED, THE HISTORY MUST  
25 BEGIN WITH THE DONOR, MUST INCLUDE ALL PRIOR DONATIONS, AND, IF  
26 THE MEDICINE WAS PREVIOUSLY DISPENSED, MUST INCLUDE ONLY DRUG  
27 INFORMATION THAT IS REQUIRED TO BE ON THE PATIENT LABEL IN  
28 ACCORDANCE WITH BOARD RULES.

29 (17) AN ENTITY PARTICIPATING IN A DRUG DONATION OR  
30 REPOSITORY PROGRAM OPERATED BY ANOTHER STATE MAY PARTICIPATE  
31 IN THE PROGRAM IF THE ENTITY IS REGISTERED WITH THIS STATE AND, IF  
32 THE REGISTERED ENTITY IS A PRESCRIPTION DRUG OUTLET, MAY DISPENSE  
33 DONATED DRUGS TO RESIDENTS OF THIS STATE. THE REGISTERED ENTITY  
34 IS REQUIRED TO COMPLY WITH ALL STATUTES AND RULES IN THIS STATE  
35 UNLESS THE STATUTES OR RULES DIFFER FROM OR CONFLICT WITH THE  
36 STATUTES OR RULES OF THE STATE IN WHICH THE ENTITY IS LOCATED.

37 (18) THE BOARD SHALL PROMULGATE ANY RULES NECESSARY TO  
38 IMPLEMENT THIS SECTION. THE RULES MUST REQUIRE THE LEAST AMOUNT  
39 OF RECORD KEEPING NECESSARY TO ENSURE PATIENT SAFETY AND MUST  
40 ALLOW FLEXIBILITY IN THE FORMAT FOR RECORD KEEPING.

41 (19) THE PROVISIONS OF THIS SECTION CONTROL THE PROGRAM  
42 AND SUPERSEDE ANY INCONSISTENT LAW.

43 (20) WHEN ACTING IN GOOD FAITH, WITHOUT NEGLIGENCE OR

1 WILLFUL OR WANTON MISCONDUCT, THE FOLLOWING INDIVIDUALS OR  
2 ENTITIES ARE NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR  
3 PROFESSIONAL DISCIPLINARY ACTION:

4 (a) AN INDIVIDUAL OR ENTITY INVOLVED IN THE SUPPLY CHAIN OF  
5 DONATED MEDICINE, INCLUDING THE DONOR, THE DRUG REPOSITORY, THE  
6 DONATION RECIPIENT, THE MANUFACTURER, THE REPACKAGER, THE  
7 PRESCRIPTION DRUG OUTLET OR OTHER ENTITY REGULATED BY THE  
8 BOARD, AND THE ELIGIBLE PATIENT;

9 (b) AN INDIVIDUAL OR ENTITY, INCLUDING AN EMPLOYEE, AN  
10 OFFICER, A VOLUNTEER, AN OWNER, A PARTNER, A MEMBER, A DIRECTOR,  
11 A CONTRACTOR, OR OTHER INDIVIDUAL OR ENTITY ASSOCIATED WITH THE  
12 INDIVIDUAL OR ENTITY THAT, IN COMPLIANCE WITH THIS SECTION,  
13 PRESCRIBES, DONATES, RECEIVES DONATIONS OF, DISPENSES,  
14 ADMINISTERS, TRANSFERS, REPLENISHES, OR REPACKAGES MEDICINE OR  
15 FACILITATES ANY OF THE ACTIONS DESCRIBED IN THIS SECTION; AND

16 (c) THE BOARD.

17 **SECTION 2.** In Colorado Revised Statutes, 12-280-135, **amend**  
18 (2)(a)(II)(C), (2)(b)(II), (2)(b)(III), (2)(c) introductory portion, (2)(c)(I),  
19 and (2)(c)(III); **repeal** (2)(c)(IV) and (5); and **add** (2)(b)(IV), (2)(c)(VI),  
20 and (2)(c)(VII) as follows:

21 **12-280-135. Unused medication - licensed facilities -**  
22 **correctional facilities - reuse - definitions - rules.** (2) (a) (II) (C) A  
23 person ~~or entity~~ is not subject to civil or criminal liability or professional  
24 disciplinary action for donating, accepting, dispensing, or facilitating the  
25 donation of materials in good faith, without negligence OR WILLFUL OR  
26 WANTON MISCONDUCT, and in compliance with this section.

27 (b) Medications are only available to be dispensed to another  
28 person or donated to a nonprofit entity under this section if the  
29 medications are:

30 (II) Individually packaged and the packaging has not been  
31 damaged; ~~or~~

32 (III) In the original, unopened, sealed, and tamper-evident  
33 unit-dose packaging; OR

34 (IV) FOR MEDICATIONS THAT REQUIRE REFRIGERATION, FREEZING,  
35 OR SPECIAL STORAGE, DONATED DIRECTLY BY AN ENTITY REGULATED BY  
36 THE BOARD AND CONTINUALLY MAINTAINED PURSUANT TO THE  
37 MANUFACTURER'S STORAGE REQUIREMENTS.

38 (c) The following medications ~~may not be donated~~ ARE NOT  
39 ACCEPTABLE FOR DONATION:

40 (I) Medications THAT ARE NOT packaged in A traditional ~~brown or~~  
41 ~~amber pill bottles~~ DISPENSING SYSTEM, AS DEFINED IN RULES  
42 PROMULGATED BY THE BOARD;

43 (III) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(IV) OF THIS

1 SECTION, medications that require refrigeration, freezing, or special  
2 storage;

3 (IV) ~~Medications that require special registration with the~~  
4 ~~manufacturer; or~~

5 (VI) COMPOUNDED MEDICATIONS; AND

6 (VII) MEDICATIONS DISPENSED BY PHARMACIES OUTSIDE OF THE  
7 UNITED STATES.

8 (5) ~~The board shall adopt rules that allow a pharmacist to~~  
9 ~~redispense medication pursuant to this section and section 25.5-5-502 and~~  
10 ~~to donate medication pursuant to this section.~~

11 **SECTION 3.** In Colorado Revised Statutes, **add 25-1.5-121** as  
12 follows:

13 **25-1.5-121. Colorado drug donation program - contract for**  
14 **drug repository services - electronic inventory - website - outreach**  
15 **and marketing campaign - definitions.** (1) AS USED IN THIS SECTION,  
16 UNLESS THE CONTEXT OTHERWISE REQUIRES:

17 (a) "BOARD OF PHARMACY" MEANS THE STATE BOARD OF  
18 PHARMACY CREATED IN SECTION 12-280-104.

19 (b) "COLORADO DRUG DONATION PROGRAM" OR "CDDP" MEANS  
20 THE COLORADO DRUG DONATION PROGRAM CREATED IN SECTION  
21 12-280-135.5.

22 (c) "CONTRACTOR" MEANS THE ENTITY OR ENTITIES WITH WHICH  
23 THE DEPARTMENT CONTRACTS PURSUANT TO SUBSECTION (2) OF THIS  
24 SECTION.

25 (d) "DONATION RECIPIENT" HAS THE MEANING SET FORTH IN  
26 SECTION 12-280-135.5.

27 (e) "DONOR" HAS THE MEANING SET FORTH IN SECTION  
28 12-280-135.5.

29 (f) "DRUG REPOSITORY" MEANS THE ENTITY CONTRACTED BY THE  
30 DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION TO PROVIDE  
31 REPOSITORY SERVICES FOR THE CDDP.

32 (g) "ELIGIBLE PATIENT" HAS THE MEANING SET FORTH IN SECTION  
33 12-280-135.5.

34 (h) "MEDICINE" HAS THE MEANING SET FORTH IN SECTION  
35 12-280-135.5.

36 (2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT,  
37 IN CONSULTATION WITH THE BOARD OF PHARMACY, SHALL CONTRACT  
38 WITH AN ENTITY OR ENTITIES TO IMPLEMENT THE COLORADO DRUG  
39 DONATION PROGRAM CREATED IN SECTION 12-280-135.5. THE CDDP  
40 EXISTS UNDER A PRESCRIPTION DRUG OUTLET LICENSE AND IS SUBJECT TO  
41 THE REQUIREMENTS FOR THAT LICENSE TYPE AND ANY OTHER  
42 REQUIREMENTS SPECIFIED BY THE BOARD OF PHARMACY OR THE  
43 DEPARTMENT. THE CDDP CONTRACT MUST INCLUDE THE FOLLOWING:



1 (a) DRUG REPOSITORY SERVICES AT ONE LOCATION IN COLORADO,  
2 INCLUDING THE RECEIPT OF, SAFE STORAGE OF, DISTRIBUTION OF, AND  
3 DISPENSING OF MEDICINE TO FACILITATE THE SAFE DONATION AND  
4 REDISPENSING OF UNUSED MEDICINE TO COLORADANS AND OTHERS IN  
5 NEED OF THE MEDICINE;

6 (b) AN ELECTRONIC, SEARCHABLE INVENTORY OF CDDP  
7 MEDICINE;

8 (c) THE CREATION OF A PUBLIC-FACING WEBSITE WITH  
9 INFORMATION ON THE CDDP, INCLUDING THE MISSION OF THE CDDP, THE  
10 REQUIREMENTS FOR MEDICINE TO BE ELIGIBLE FOR DONATION, THE  
11 METHODS OF DONATING UNUSED MEDICINE, AND HOW AN ELIGIBLE  
12 PATIENT MAY ACCESS UNUSED MEDICINE; AND

13 (d) THE CREATION AND IMPLEMENTATION OF AN OUTREACH AND  
14 MARKETING CAMPAIGN TO INFORM POTENTIAL DONORS OF MEDICINE,  
15 DONATION RECIPIENTS, HEALTH-CARE PROFESSIONALS, ELIGIBLE PATIENTS,  
16 AND THE GENERAL PUBLIC ABOUT THE COLORADO DRUG DONATION  
17 PROGRAM AND TO ENCOURAGE PARTICIPATION IN THE CDDP.

18 (3) (a) SUBJECT TO THE PROVISIONS SPECIFIED IN THE CONTRACT  
19 AND THE AMOUNT OF THE CONTRACT, THE CDDP OUTREACH AND  
20 MARKETING CAMPAIGN MUST INCLUDE OUTREACH AND MARKETING TO  
21 POTENTIAL DONORS OF MEDICINE, DONATION RECIPIENTS, HEALTH-CARE  
22 PROFESSIONALS, ELIGIBLE PATIENTS, AND THE GENERAL PUBLIC.

23 (b) (I) THE INITIAL PHASE OF THE CDDP OUTREACH AND  
24 MARKETING CAMPAIGN MUST FOCUS ON BUILDING SUFFICIENT INVENTORY  
25 OF DONATED MEDICINE, AS SPECIFIED IN THE CONTRACT.

26 (II) TO BUILD THE INVENTORY OF DONATED MEDICINE, THE  
27 CONTRACTOR, IN CONSULTATION WITH THE DEPARTMENT AND THE BOARD  
28 OF PHARMACY, MAY:

29 (A) BUILD RELATIONSHIPS WITH LARGE NURSING FACILITIES AND  
30 THE PHARMACIES THAT SERVICE THOSE NURSING FACILITIES;

31 (B) BUILD RELATIONSHIPS WITH CORRECTIONAL FACILITIES;

32 (C) MEET WITH THE SCHOOLS OF PHARMACY IN COLORADO TO  
33 CREATE AN AWARENESS PROGRAM FOR THE CDDP THAT PROVIDES  
34 OPPORTUNITIES FOR PHARMACY STUDENTS TO ENGAGE IN CO-CURRICULAR  
35 ACTIVITIES AND TO COMMUNICATE INFORMATION ABOUT CDDP WHEN  
36 INTERACTING WITH PATIENTS, HEALTH-CARE PROFESSIONALS AND  
37 PRESCRIBERS, AND HEALTH FACILITIES; AND

38 (D) ESTABLISH PARTNERSHIPS WITH PHARMACIES IN THE DENVER  
39 METROPOLITAN AREA TO SERVE AS CONSUMER DONATION SITES AND  
40 ESTABLISH PARTNERSHIPS FOR ADDITIONAL DONATION SITES IN OTHER  
41 AREAS OF THE STATE.

42 (III) THE CONTRACTOR, IN CONSULTATION WITH THE DEPARTMENT  
43 AND THE BOARD OF PHARMACY, MAY CREATE A SUPPLY OF

1 SELF-ADDRESSED, POSTAGE-PAID MAILING ENVELOPES FOR INDIVIDUAL  
2 CONSUMERS TO USE TO MAIL UNUSED MEDICINE TO THE DRUG REPOSITORY.  
3 THE DEPARTMENT AND THE BOARD OF PHARMACY SHALL ESTABLISH A  
4 PROCESS TO MAKE MAILERS CREATED PURSUANT TO THIS SUBSECTION  
5 (3)(b)(III) AVAILABLE TO INTERESTED PERSONS AND MAY DISTRIBUTE THE  
6 MAILERS AT PHARMACY AND PUBLIC HEALTH CONFERENCES.

7 (c) THE SECOND PHASE OF THE CDDP OUTREACH AND MARKETING  
8 PLAN MUST CREATE AWARENESS AMONG INDIVIDUALS WHO MAY BENEFIT  
9 FROM RECEIVING DONATED MEDICINE. AS SPECIFIED IN THE CONTRACT,  
10 ACTIVITIES TO INCREASE AWARENESS MAY INCLUDE:

11 (I) A GENERAL LISTING OF MEDICINE ON THE CDDP WEBSITE THAT  
12 IS AVAILABLE FOR REUSE;

13 (II) OUTREACH TO SAFETY-NET AND PATIENT OUTREACH GROUPS  
14 IN COLORADO, INCLUDING THE COLORADO COMMUNITY HEALTH  
15 NETWORK, THE CHRONIC CARE COLLABORATIVE, LOCAL AREA AGENCIES  
16 ON AGING, AND OTHER GROUPS;

17 (III) OUTREACH TO PHARMACY ORGANIZATIONS, SUCH AS RXPLUS  
18 PHARMACIES, INC., THE COLORADO PHARMACISTS SOCIETY, AND OTHERS,  
19 TO CREATE AWARENESS OF THE CDDP AND TO PROVIDE INFORMATION ON  
20 HOW TO OBTAIN DONATED MEDICINE, AS WELL AS DISTRIBUTING ANY  
21 POSTERS OR OTHER MARKETING MATERIAL CREATED FOR THE CDDP;

22 (IV) OUTREACH TO LEGISLATORS, IN CONSULTATION WITH THE  
23 DEPARTMENT AND THE BOARD OF PHARMACY, TO INCREASE AWARENESS  
24 AMONG CONSTITUENTS IN COLORADO'S LEGISLATIVE DISTRICTS;

25 (V) ONCE THE CDDP IS FULLY OPERATIONAL, OUTREACH TO  
26 COLORADO MEDIA CONCERNING THE CDDP, AS WELL AS DISTRIBUTING  
27 ANY RELEVANT MARKETING MATERIALS; AND

28 (VI) ANY OTHER OUTREACH AND MARKETING EFFORTS, AS  
29 SPECIFIED IN THE CONTRACT.

30 (4) THE CONTRACTOR SHALL REPORT DATA AND INFORMATION  
31 REGARDING THE DRUG REPOSITORY AND OTHER SERVICES PROVIDED BY  
32 THE CONTRACTOR TO THE DEPARTMENT AND TO THE BOARD OF PHARMACY  
33 IN THE MANNER AND FREQUENCY DETERMINED BY THE DEPARTMENT AND  
34 THE BOARD OF PHARMACY.

35 **SECTION 4.** In Colorado Revised Statutes, 25-15-328, **amend**  
36 (6)(a) as follows:

37 **25-15-328. Household medication take-back program -**  
38 **creation - collection and disposal of medication injection devices -**  
39 **liability - definitions - cash fund - rules.** (6) Nothing in this section:

40 (a) Affects the authority to collect and reuse medications pursuant  
41 to section ~~12-280-135~~ 12-280-135 OR 12-280-135.5; or

42 **SECTION 5. Act subject to petition - effective date.** This act  
43 takes effect at 12:01 a.m. on the day following the expiration of the

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

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