

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0910.01 Christy Chase x2008

HOUSE BILL 19-1242

HOUSE SPONSORSHIP

Jackson and Jaquez Lewis,

SENATE SPONSORSHIP

Winter and Tate,

House Committees

Health & Insurance
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PHARMACY TECHNICIANS BY THE**
102 **STATE BOARD OF PHARMACY.**

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>.)

The bill requires pharmacy technicians practicing in Colorado on or after June 15, 2020, to obtain a certification from the state board of pharmacy (board). An applicant for certification by the board must provide proof of certification by a board-approved, nationally recognized organization that certifies pharmacy technicians and must either submit to a criminal history record check or provide evidence of submitting to a

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

criminal history record check at the time of hire as a pharmacy technician. If an applicant is not certified by a national certifying organization at the time of application for state certification, the board may grant a provisional certification to the applicant to allow the applicant up to 18 months or, if granted a hardship extension, an additional period determined by the board, to obtain national certification. A provisional certification is not renewable, and if the provisional certificant fails to obtain the national certification within the 18-month period or extended period granted by the board, the provisional certification expires and the person cannot practice as a pharmacy technician until the person satisfies all requirements for certification by the board.

To renew a certification, in addition to board requirements for renewal, a pharmacy technician must satisfy renewal and continuing education requirements of the national accrediting organization that certified the pharmacy technician.

Similar to pharmacists and interns, a pharmacy technician certified by the board is subject to the jurisdiction of the board and to discipline by the board for engaging in unprofessional conduct.

The bill maintains the limitation on the number of interns and pharmacy technicians that a pharmacist may supervise but specifies that if the pharmacist is supervising 3 or more pharmacy technicians, a majority of the pharmacy technicians must be certified.

The bill replaces one nonpharmacist member of the board with a certified pharmacy technician member with 5 years of pharmacy technician experience.

The regulation of pharmacy technicians by the board is subject to the same sunset review that applies to the board and its functions in regulating the practice of pharmacy.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-280-103, **amend**
3 **as relocated by House Bill 19-1172** (38), (49), and (50)(a)(IV); and **add**
4 **as relocated by House Bill 19-1172** (8.5), (8.7), and (38.5) as follows:

5 **12-280-103. Definitions - rules.** As used in this article 280, unless
6 the context otherwise requires or the term is otherwise defined in another
7 part of this article 280:

8 (8.5) "CERTIFICATION" MEANS A CERTIFICATION TO PRACTICE AS
9 A PHARMACY TECHNICIAN ISSUED BY THE BOARD IN ACCORDANCE WITH

1 SECTION 12-280-115.5 (2) AND INCLUDES A PROVISIONAL CERTIFICATION
2 ISSUED IN ACCORDANCE WITH SECTION 12-280-115.5 (3).

3 (8.7) "CERTIFYING ORGANIZATION" MEANS A BOARD-APPROVED,
4 NATIONALLY RECOGNIZED ORGANIZATION THAT CERTIFIES PHARMACY
5 TECHNICIANS.

6 (38) "Pharmacy technician" OR "CERTIFICANT" means ~~an~~
7 ~~unlicensed~~ A person who ~~performs those functions set forth in subsection~~
8 ~~(39)(b) of this section under the supervision of a pharmacist~~ IS CERTIFIED
9 BY THE BOARD TO PRACTICE AS A PHARMACY TECHNICIAN AND INCLUDES
10 A PERSON ISSUED A PROVISIONAL CERTIFICATION PURSUANT TO SECTION
11 12-280-115.5 (3).

12 (38.5) "PRACTICE AS A PHARMACY TECHNICIAN" MEANS ENGAGING
13 IN ANY OF THE FOLLOWING ACTIVITIES INVOLVED IN THE PRACTICE OF
14 PHARMACY, UNDER THE SUPERVISION AND DELEGATION OF A SUPERVISING
15 PHARMACIST:

16 (a) RECEIVING AND INITIALLY INPUTTING NEW WRITTEN,
17 FACSIMILE, OR ELECTRONIC ORDERS;

18 (b) PREPARING, MIXING, ASSEMBLING, PACKAGING, OR LABELING
19 A DRUG OR DEVICE;

20 (c) PROPERLY AND SAFELY STORING DRUGS OR DEVICES;

21 (d) MAINTAINING PROPER RECORDS FOR DRUGS AND DEVICES;

22 (e) TRANSFERRING PRESCRIPTIONS; AND

23 (f) OTHER ACTIVITIES AS AUTHORIZED AND DEFINED BY THE
24 BOARD BY RULE.

25 (49) "Supervision" means that a licensed pharmacist is on the
26 location and readily available to consult with and assist ~~unlicensed~~
27 CERTIFICANTS PRACTICING AS PHARMACY TECHNICIANS AS DESCRIBED IN

1 SUBSECTION (38.5) OF THIS SECTION OR UNREGULATED personnel
2 performing tasks ~~described in subsection (39)(b) of this section~~ AT THE
3 DIRECTION OF THE LICENSED PHARMACIST. If the ~~unlicensed~~ person is a
4 pharmacy technician located at a registered telepharmacy outlet, the
5 licensed pharmacist need not be physically present at the telepharmacy
6 outlet as long as the licensed pharmacist is connected to the telepharmacy
7 outlet via computer link, video link, and audio link, or via other
8 telecommunication equipment of equivalent functionality, and is readily
9 available to consult with and assist the pharmacy technician in performing
10 tasks described in ~~subsection (39)(b)~~ SUBSECTION (38.5) of this section.

11 (50)(a) "Telepharmacy outlet" means a remote pharmacy site that:

12 (IV) Has a pharmacy technician on site who, under the remote
13 supervision of a licensed pharmacist located at the central pharmacy,
14 performs the tasks described in ~~subsection (39)(b)~~ SUBSECTION (38.5) of
15 this section.

16 **SECTION 2.** In Colorado Revised Statutes, 12-280-104, **amend**
17 **as relocated by House Bill 19-1172 (3)** as follows:

18 **12-280-104. State board of pharmacy - creation - subject to**
19 **termination - repeal of parts.** (3) Parts 1 to 3 of this article 280 are
20 repealed, effective September 1, 2021. Before the repeal, the board and
21 the regulation of the practice of pharmacy pursuant to parts 1 to 3 of this
22 article 280, INCLUDING THE REGULATION OF THE PRACTICE AS A
23 PHARMACY TECHNICIAN, are scheduled for review in accordance with
24 section 24-34-104.

25 **SECTION 3.** In Colorado Revised Statutes, 12-280-105, **amend**
26 **as relocated by House Bill 19-1172 (1)(a)** as follows:

27 **12-280-105. Membership of board - removal - compensation**

1 - **meetings.** (1) (a) The board is composed of:

2 (I) Five licensed pharmacists, each having at least five years'
3 experience in this state and actively engaged in the practice of pharmacy
4 in this state; and

5 (II) Two ~~nonpharmacists~~ MEMBERS WHO ARE NOT PHARMACISTS
6 AND who have no financial interest in the practice of pharmacy; EXCEPT
7 THAT, UPON THE EXPIRATION OF THE TERM OF OFFICE ONE OF THE
8 MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(a)(II), ON OR
9 AFTER OCTOBER 1, 2019, OR UPON A VACANCY IN A POSITION APPOINTED
10 UNDER THIS SUBSECTION (1)(a)(II) ON OR AFTER OCTOBER 1, 2019,
11 WHICHEVER OCCURS FIRST, THE GOVERNOR SHALL APPOINT ONE
12 PHARMACY TECHNICIAN CERTIFIED IN ACCORDANCE WITH SECTION
13 12-280-115.5 (2) WHO HAS AT LEAST FIVE YEARS OF EXPERIENCE
14 PRACTICING AS A PHARMACY TECHNICIAN TO SERVE ON THE BOARD, AND
15 THEREAFTER THE COMPOSITION OF THE BOARD MUST CONTINUE TO
16 REFLECT THIS CHANGE.

17 **SECTION 4.** In Colorado Revised Statutes, 12-280-108, **amend**
18 **as relocated by House Bill 19-1172** (1)(b), (1)(c), (1)(e), and (1)(f)(I) as
19 follows:

20 **12-280-108. Powers and duties.** (1) The board shall:

21 (b) Prescribe forms and receive applications for licensure,
22 CERTIFICATION, and registration and grant, renew, reactivate, and reinstate
23 licenses, CERTIFICATIONS, and registrations;

24 (c) Deny, suspend, or revoke licenses, CERTIFICATIONS, or
25 registrations;

26 (e) Administer examinations to, and determine the qualifications
27 and fitness of, applicants for licensure, CERTIFICATION, or registration;

1 (f) Keep a record of:

2 (I) All licenses, CERTIFICATIONS, registrations, and license,
3 CERTIFICATION, and registration renewals, reactivations, and
4 reinstatements for a reasonable period;

5 **SECTION 5.** In Colorado Revised Statutes, 12-280-112, **amend**
6 **as relocated by House Bill 19-1172** (1) introductory portion; and **add as**
7 **relocated by House Bill 19-1172** (1)(r), (1)(s), (1)(t), and (1)(u) as
8 follows:

9 **12-280-112. Fees.** (1) The director shall determine, and the board
10 shall collect, fees pursuant to section 12-20-105 for the following
11 licenses, CERTIFICATIONS, and registrations:

12 (r) FOR THE INITIAL CERTIFICATION OR PROVISIONAL
13 CERTIFICATION AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION
14 12-280-115.5;

15 (s) FOR THE RENEWAL OF A CERTIFICATION AS A PHARMACY
16 TECHNICIAN ISSUED PURSUANT TO SECTION 12-280-115.5 (2), AS
17 PROVIDED IN SECTION 12-280-116 (1);

18 (t) FOR REINSTATEMENT AS A PHARMACY TECHNICIAN, AS
19 PROVIDED IN SECTION 12-280-116 (2);

20 (u) FOR THE ISSUANCE OF A DUPLICATE CERTIFICATE TO A
21 PHARMACY TECHNICIAN.

22 **SECTION 6.** In Colorado Revised Statutes, 12-280-114, **amend**
23 **as relocated by House Bill 19-1172** (2)(a), (3), (6), and (7); and **add as**
24 **relocated by House Bill 19-1172** (2)(c) as follows:

25 **12-280-114. Licensure, certification, or registration -**
26 **applicability - applications - licensure and certification requirements**
27 **- rules.** (2) (a) Every applicant for a license OR CERTIFICATION under this

1 article 280 must read and write the English language, or if the applicant
2 is a partnership, each member of the partnership must read and write the
3 English language. If the applicant is a Colorado corporation, the
4 corporation must be in good standing, and if the applicant is a foreign
5 corporation, it must be qualified to do business in this state.

6 (c) THE BOARD SHALL ISSUE A CERTIFICATION TO AN APPLICANT TO
7 PRACTICE AS A PHARMACY TECHNICIAN WHO SATISFIES THE
8 REQUIREMENTS OF THIS ARTICLE 280, THIS SECTION, AND SECTION
9 12-280-115.5.

10 (3) Every applicant for a license, CERTIFICATION, or registration
11 under this article 280 shall make written application in the manner and
12 form prescribed by the board, setting forth the applicant's name and
13 address, the applicant's qualifications for the license, CERTIFICATION, or
14 registration, and other information required by the board. The applicant
15 shall submit with the application the required fee, and, if the applicant is
16 required to take an examination, the applicant shall appear for
17 examination at the time and place fixed by the board.

18 (6) No applicant shall exercise the privileges of licensure,
19 CERTIFICATION, or registration until the board grants the license,
20 CERTIFICATION, or registration.

21 (7) The board may require any applicant for licensure OR
22 CERTIFICATION to display written or oral competency in English. The
23 board may utilize a standardized test to determine language proficiency.

24 **SECTION 7.** In Colorado Revised Statutes, **add to article 280**
25 **as relocated by House Bill 19-1172** 12-280-115.5 as follows:

26 **12-280-115.5. Certification of pharmacy technicians -**
27 **requirements - provisional certification - criminal history record**

1 **check.** (1) ON OR AFTER JUNE 15, 2020, A PERSON SHALL NOT ENGAGE IN
2 THE PRACTICE AS A PHARMACY TECHNICIAN UNLESS THE PERSON HAS
3 OBTAINED A CERTIFICATION OR PROVISIONAL CERTIFICATION FROM THE
4 BOARD IN ACCORDANCE WITH THIS SECTION.

5 (2) IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN
6 SECTION 12-280-114 OR THIS ARTICLE 280, TO BE CERTIFIED AS A
7 PHARMACY TECHNICIAN, AN APPLICANT MUST:

8 (a) PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE
9 APPLICANT HAS OBTAINED AND MAINTAINS IN GOOD STANDING
10 CERTIFICATION AS A PHARMACY TECHNICIAN FROM A CERTIFYING
11 ORGANIZATION; AND

12 (b) SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM
13 AND MANNER AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION OR
14 PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE APPLICANT
15 SUBMITTED TO A CRIMINAL HISTORY RECORD CHECK AS A CONDITION OF
16 EMPLOYMENT AT A PHARMACY OR OTHER OUTLET OR AS REQUIRED BY THE
17 APPLICANT'S CURRENT EMPLOYER.

18 (3) (a) IF AN APPLICANT FOR CERTIFICATION AS A PHARMACY
19 TECHNICIAN HAS NOT SATISFIED THE REQUIREMENTS OF SUBSECTION (2)(a)
20 OF THIS SECTION AT THE TIME OF APPLICATION TO THE BOARD, THE BOARD
21 MAY GRANT THE APPLICANT A PROVISIONAL CERTIFICATION UPON
22 SATISFACTION OF ALL OTHER REQUIREMENTS FOR CERTIFICATION
23 SPECIFIED IN THIS SECTION AND SECTION 12-280-114.

24 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS
25 SECTION, A PROVISIONAL CERTIFICATION IS VALID FOR NOT MORE THAN
26 EIGHTEEN MONTHS AFTER THE DATE OF ISSUANCE AND IS NOT RENEWABLE.
27 IF A PERSON WHO IS GRANTED A PROVISIONAL CERTIFICATION PURSUANT

1 TO THIS SUBSECTION (3) FAILS TO SATISFY THE REQUIREMENTS OF
2 SUBSECTION (2)(a) OF THIS SECTION WITHIN EIGHTEEN MONTHS AFTER THE
3 DATE THE PROVISIONAL CERTIFICATION IS ISSUED OR WITHIN AN EXTENDED
4 PERIOD GRANTED BY THE BOARD PURSUANT TO SUBSECTION (3)(b)(II) OF
5 THIS SECTION, THE PROVISIONAL CERTIFICATION EXPIRES AND THE PERSON
6 SHALL NOT PRACTICE AS A PHARMACY TECHNICIAN UNTIL THE PERSON
7 APPLIES FOR AND RECEIVES A CERTIFICATION IN ACCORDANCE WITH
8 SUBSECTION (2) OF THIS SECTION.

9 (II) THE BOARD SHALL ADOPT RULES TO ESTABLISH A PROCESS FOR
10 A PROVISIONAL CERTIFICANT TO APPLY FOR A HARDSHIP EXTENSION TO
11 EXTEND THE VALIDITY OF THE PROVISIONAL CERTIFICATION BEYOND
12 EIGHTEEN MONTHS. THE BOARD SHALL ESTABLISH CRITERIA FOR
13 QUALIFYING FOR A HARDSHIP EXTENSION BASED ON:

14 (A) THE NEGATIVE EFFECTS ON ACCESS TO CARE IN THE
15 COMMUNITY SERVED BY THE PROVISIONAL CERTIFICANT OR THE
16 EMPLOYER OF THE PROVISIONAL CERTIFICANT;

17 (B) FINANCIAL HARDSHIP; OR

18 (C) HEALTH CIRCUMSTANCES.

19 (c) A PERSON WHOSE PROVISIONAL CERTIFICATION EXPIRES IS NOT
20 PRECLUDED FROM APPLYING TO THE BOARD FOR CERTIFICATION AS A
21 PHARMACY TECHNICIAN IN ACCORDANCE WITH SUBSECTION (2) OF THIS
22 SECTION.

23 (4) (a) AN APPLICANT FOR CERTIFICATION OR PROVISIONAL
24 CERTIFICATION PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION
25 MUST HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW
26 ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE
27 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING

1 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. IF AN
2 APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
3 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
4 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT.
5 THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION
6 FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE
7 APPLICANT. THE APPLICANT SHALL SUBMIT PAYMENT FOR THE
8 FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE
9 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF
10 INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE
11 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL
12 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
13 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF
14 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL
15 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE
16 BOARD.

17 (b) THE BOARD SHALL USE THE INFORMATION RESULTING FROM
18 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
19 INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO
20 HOLD A CERTIFICATION OR PROVISIONAL CERTIFICATION PURSUANT TO
21 THIS SECTION.

22 **SECTION 8.** In Colorado Revised Statutes, 12-280-116, **amend**
23 **as relocated by House Bill 19-1172** (1) and (2) as follows:

24 **12-280-116. Expiration and renewal of licenses, certifications,**
25 **or registrations.** (1) All licenses, CERTIFICATIONS, and registrations
26 issued pursuant to this article 280, EXCEPT PROVISIONAL CERTIFICATIONS
27 ISSUED PURSUANT TO SECTION 12-280-115.5 (3), are subject to the

1 renewal, expiration, reinstatement, and delinquency fee provisions
2 specified in section 12-20-202 (1) and (2). Any person whose license,
3 CERTIFICATION, or registration expires is subject to the penalties provided
4 in this article 280 or section 12-20-202 (1).

5 (2) A pharmacist who fails to renew his or her license OR A
6 PHARMACY TECHNICIAN WHO FAILS TO RENEW HIS OR HER CERTIFICATION
7 ISSUED PURSUANT TO SECTION 12-280-115.5 (2) on or before the
8 applicable renewal time may have ~~his or her~~ THE license OR
9 CERTIFICATION, AS APPLICABLE, reinstated in accordance with section
10 12-20-202 (2) for the remainder of the current renewal period by filing a
11 proper application, satisfying the board that the pharmacist OR PHARMACY
12 TECHNICIAN, AS APPLICABLE, is fully qualified to practice, and paying the
13 reinstatement fee as provided in section ~~12-280-112 (1)(e)~~ 12-280-112
14 (1)(e) AND (1)(t) and all delinquent fees.

15 **SECTION 9.** In Colorado Revised Statutes, **add to article 280**
16 **as relocated by House Bill 19-1172** 12-280-117.5 as follows:

17 **12-280-117.5. Continuing education for pharmacy technicians**
18 **- exceptions - inactive status.** (1) EXCEPT AS PERMITTED IN SUBSECTION
19 (2) OF THIS SECTION, THE BOARD SHALL NOT RENEW, REINSTATE, OR
20 REACTIVATE THE CERTIFICATION OF A PHARMACY TECHNICIAN THAT WAS
21 ISSUED PURSUANT TO SECTION 12-280-115.5 (2) UNTIL THE PHARMACY
22 TECHNICIAN PRESENTS EVIDENCE THAT THE PHARMACY TECHNICIAN HAS
23 SATISFACTORILY COMPLETED THE CONTINUING EDUCATION AND RENEWAL
24 REQUIREMENTS OF, AND MAINTAINS ACTIVE CERTIFICATION WITH, A
25 CERTIFYING ORGANIZATION. SUBJECT TO SUBSECTION (3) OF THIS SECTION,
26 THE EVIDENCE MAY BE PROVIDED BY AN ATTESTATION ON THE
27 CERTIFICATION RENEWAL APPLICATION.

1 (2) THE BOARD MAY RENEW THE CERTIFICATION FOR THE FIRST
2 RENEWAL PERIOD FOLLOWING THE ISSUANCE OF THE ORIGINAL
3 CERTIFICATION WITHOUT REQUIRING A PHARMACY TECHNICIAN TO
4 COMPLETE ANY CONTINUING PHARMACY TECHNICIAN EDUCATION IF THE
5 PHARMACY TECHNICIAN OBTAINS A CERTIFICATION WITHIN ONE YEAR
6 AFTER OBTAINING NATIONAL CERTIFICATION AS SPECIFIED IN SECTION
7 12-280-115.5 (2)(a).

8 (3) THE BOARD MAY ANNUALLY AUDIT UP TO FIVE PERCENT OF THE
9 PHARMACY TECHNICIANS CERTIFIED AND RESIDING IN COLORADO TO
10 DETERMINE COMPLIANCE WITH THIS SECTION.

11 (4) IF A PHARMACY TECHNICIAN FAILS TO COMPLETE THE
12 CONTINUING EDUCATION AND RENEWAL REQUIREMENTS OF, AND
13 MAINTAIN ACTIVE CERTIFICATION WITH, A CERTIFYING ORGANIZATION,
14 THE PHARMACY TECHNICIAN'S STATE CERTIFICATION BECOMES INACTIVE.
15 AN INACTIVE CERTIFICANT IS NOT REQUIRED TO COMPLY WITH ANY
16 CONTINUING PHARMACY TECHNICIAN EDUCATION REQUIREMENT SO LONG
17 AS THE CERTIFICANT REMAINS INACTIVE, BUT THE CERTIFICANT MUST
18 CONTINUE TO PAY APPLICABLE FEES, INCLUDING RENEWAL FEES. THE
19 BOARD SHALL NOTE "INACTIVE STATUS" ON THE FACE OF ANY
20 CERTIFICATION IT ISSUES TO A CERTIFICANT WHILE THE CERTIFICANT
21 REMAINS INACTIVE. BEFORE AN INACTIVE PHARMACY TECHNICIAN
22 RESUMES PRACTICE AS A PHARMACY TECHNICIAN AFTER BEING PLACED ON
23 AN INACTIVE LIST, THE PHARMACY TECHNICIAN MUST FILE AN
24 APPLICATION TO ACTIVATE THE CERTIFICATION, PAY THE CERTIFICATION
25 RENEWAL FEE, AND, SUBJECT TO SUBSECTION (2) OF THIS SECTION, MEET
26 THE CONTINUING EDUCATION REQUIREMENTS OF THIS SECTION. IF A
27 PHARMACY TECHNICIAN ENGAGES IN PRACTICE AS A PHARMACY

1 TECHNICIAN WHILE ON INACTIVE STATUS, THAT CONDUCT IS GROUNDS FOR
2 CERTIFICATION REVOCATION UNDER THIS ARTICLE 280.

3 **SECTION 10.** In Colorado Revised Statutes, 12-280-118, **amend**
4 **as relocated by House Bill 19-1172** (3)(b) and (5) as follows:

5 **12-280-118. Prescription drug outlet under charge of**
6 **pharmacist - rules.** (3) (b) An outlet as recognized in section
7 12-280-119 (1)(d) need not be under the direct charge of a pharmacist,
8 but a licensed pharmacist shall either initially interpret all prescription
9 orders compounded or dispensed from the outlet or provide written
10 protocols for compounding and dispensing by ~~unlicensed persons~~
11 PHARMACY TECHNICIANS. An outlet qualifying for registration under this
12 subsection (3)(b) may also apply to the board for a waiver of the
13 requirements concerning physical space, equipment, inventory, or
14 business hours as necessary and consistent with the outlet's limited public
15 welfare purpose. In determining the granting or denial of a waiver
16 application, the board shall ensure that the public interest criteria set forth
17 in section 12-280-101 are satisfied. All other provisions of this article
18 280, except as specifically waived by the board, apply to the outlet.

19 (5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS
20 SECTION, the pharmacist responsible for the prescription order or chart
21 order may delegate ~~certain specific tasks described in section 12-280-103~~
22 ~~(39)(b)~~ to a THE FOLLOWING TASKS TO THE FOLLOWING INDIVIDUALS IF, IN
23 THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE DELEGATION IS
24 APPROPRIATE:

25 (I) SPECIFIC TASKS SPECIFIED IN BOARD RULES TO AN
26 UNREGULATED person who is not a pharmacist or pharmacy intern ~~but~~
27 AND who is ~~an unlicensed assistant~~ under the pharmacist's supervision; if,

1 in the pharmacist's professional judgment, the delegation is appropriate;
2 except that OR

3 (II) SPECIFIC TASKS DESCRIBED IN SECTION 12-280-103 (38.5) OR
4 IN BOARD RULES ADOPTED PURSUANT TO SECTION 12-280-103 (38.5)(f) TO
5 A PHARMACY TECHNICIAN WHO IS UNDER THE PHARMACIST'S SUPERVISION.

6 (b) The pharmacist shall not make ~~the~~ A delegation DESCRIBED IN
7 SUBSECTION (5)(a) OF THIS SECTION if the delegation jeopardizes the
8 public health, safety, or welfare, is prohibited by rule of the board, or
9 violates section 12-280-129 (1).

10 **SECTION 11.** In Colorado Revised Statutes, 12-280-122, **amend**
11 **as relocated by House Bill 19-1172** (1) and (3) as follows:

12 **12-280-122. Limited authority to delegate activities**
13 **constituting practice of pharmacy to pharmacy interns or pharmacy**
14 **technicians.** (1) A pharmacist may supervise up to six persons who are
15 either pharmacy interns or pharmacy technicians, of whom no more than
16 two may be pharmacy interns. If three or more pharmacy technicians are
17 on duty, the majority must be certified by ~~a nationally recognized~~
18 ~~certification~~ THE board possess ~~a degree from an accredited pharmacy~~
19 ~~technician training program, or have completed five hundred hours of~~
20 ~~experiential training in duties described in section 12-280-103 (39)(b) at~~
21 ~~the pharmacy as certified by the pharmacist manager within eighteen~~
22 ~~months of hire~~ IN ACCORDANCE WITH SECTION 12-280-115.5 (2).

23 (3) The supervision ratio specified in subsection (1) of this section
24 does not include other ancillary personnel who may be in the prescription
25 drug outlet but who are not performing duties described in section
26 12-280-103 (39)(b) that are delegated to the interns or DUTIES DESCRIBED
27 IN SECTION 12-280-103 (38.5) THAT ARE DELEGATED TO THE pharmacy

1 technicians.

2 **SECTION 12.** In Colorado Revised Statutes, 12-280-126, **amend**
3 **as relocated by House Bill 19-1172** (1) introductory portion, (1)(a),
4 (1)(d), (1)(f), (1)(g), (1)(j), (1)(k), (1)(q), and (1)(r)(II) as follows:

5 **12-280-126. Unprofessional conduct - grounds for discipline.**

6 (1) The board may take disciplinary or other action as authorized in
7 section 12-20-404, after a hearing held in accordance with the provisions
8 of sections 12-20-403 and 12-280-127, upon proof that the licensee,
9 CERTIFICANT, or registrant:

10 (a) Is guilty of misrepresentation, fraud, or deceit in procuring,
11 attempting to procure, or renewing a license, CERTIFICATION, or
12 registration;

13 (d) Is unfit or incompetent by reason of negligence or habits, or
14 for any other cause, to practice pharmacy OR TO PRACTICE AS A
15 PHARMACY TECHNICIAN;

16 (f) Knowingly permits a person not:

17 (I) Licensed as a pharmacist or pharmacy intern to engage in the
18 practice of pharmacy; OR

19 (II) CERTIFIED AS A PHARMACY TECHNICIAN TO ENGAGE IN THE
20 PRACTICE AS A PHARMACY TECHNICIAN;

21 (g) Has had ~~his or her~~ A license to practice pharmacy OR A
22 CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE AS A PHARMACY
23 TECHNICIAN in another state revoked or suspended, or is otherwise
24 disciplined or has committed acts in any other state that would subject
25 ~~him or her~~ THE PERSON to disciplinary action in this state;

26 (j) Has engaged in the practice of pharmacy OR THE PRACTICE AS
27 A PHARMACY TECHNICIAN while on inactive status;

1 (k) Has failed to meet generally accepted standards of pharmacy
2 OR PHARMACY TECHNICIAN practice;

3 (q) Has failed to notify the board of any discipline, WITHIN THIRTY
4 DAYS AFTER THE DISCIPLINE, against: ~~his or her~~

5 (I) A license in another state; ~~within thirty days after the~~
6 ~~discipline~~; OR

7 (II) A CERTIFICATION OR OTHER AUTHORIZATION IN ANOTHER
8 STATE TO PRACTICE AS A PHARMACY TECHNICIAN;

9 (r) (II) Has failed to act within the limitations created by a
10 physical illness, physical condition, or behavioral, mental health, or
11 substance use disorder that renders the person unable to practice
12 pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill and
13 safety or that may endanger the health or safety of persons under his or
14 her care; or

15 **SECTION 13.** In Colorado Revised Statutes, 12-280-127, **amend**
16 **as relocated by House Bill 19-1172** (1)(a), (2)(a), (2)(b) introductory
17 portion, (2)(b)(I), (3), (4), (6), and (7)(a) as follows:

18 **12-280-127. Disciplinary actions.** (1) (a) The board may take
19 disciplinary or other action as authorized in section 12-20-404 when the
20 board determines that the applicant, licensee, CERTIFICANT, or registrant
21 has engaged in activities that are grounds for discipline under section
22 12-280-126.

23 (2) (a) Proceedings for the denial, suspension, or revocation of a
24 license, CERTIFICATION, or registration and any judicial review of a
25 suspension or revocation must be conducted in accordance with article 4
26 of title 24 and sections 12-20-403 and 12-20-408.

27 (b) Upon finding that grounds for discipline pursuant to section

1 12-280-126 exist, in addition to the disciplinary actions specified in
2 section 12-20-404 (1), the board may impose one or more of the
3 following penalties on a person who holds or is seeking a new or renewal
4 license, CERTIFICATION, or registration:

5 (I) Restriction of the offender's license, CERTIFICATION, or
6 registration to prohibit the offender from performing certain acts or from
7 practicing pharmacy OR AS A PHARMACY TECHNICIAN in a particular
8 manner for a period to be determined by the board;

9 (3) The board may also include in any disciplinary order that
10 allows the licensee, CERTIFICANT, or registrant to continue to practice
11 conditions that the board deems appropriate to assure that the licensee,
12 CERTIFICANT, or registrant is physically, mentally, morally, and otherwise
13 qualified to practice pharmacy OR AS A PHARMACY TECHNICIAN in
14 accordance with the generally accepted professional standards of practice,
15 including any or all of the following:

16 (a) Requiring the licensee, CERTIFICANT, or registrant to submit to
17 examinations that the board may order to determine the licensee's OR
18 CERTIFICANT'S physical or mental condition or professional qualifications;

19 (b) Requiring the licensee OR CERTIFICANT to take therapy courses
20 of training or education that the board deems necessary to correct
21 deficiencies found either in the hearing or by examinations required
22 pursuant to subsection (3)(a) of this section;

23 (c) Requiring the review or supervision of the licensee's OR
24 CERTIFICANT'S practice to determine the quality of and correct
25 deficiencies in the licensee's OR CERTIFICANT'S practice; and

26 (d) Imposing restrictions upon the nature of the licensee's OR
27 CERTIFICANT'S practice to assure that the licensee OR CERTIFICANT does

1 not practice beyond the limits of the licensee's OR CERTIFICANT'S
2 capabilities.

3 (4) Upon failure of the licensee, CERTIFICANT, or registrant to
4 comply with any conditions imposed by the board pursuant to subsection
5 (3) of this section, unless due to conditions beyond the licensee's,
6 CERTIFICANT'S, or registrant's control, the board may order suspension of
7 the license, CERTIFICATION, or registration in this state until the licensee,
8 CERTIFICANT, or registrant complies with the conditions.

9 (6) The board may send a letter of admonition by certified mail to
10 a licensee, CERTIFICANT, or registrant under the circumstances specified
11 in and in accordance with section 12-20-404 (4). In the case of a
12 complaint, the board may send a copy of the letter of admonition to the
13 person making the complaint.

14 (7) (a) The board may send a confidential letter of concern to a
15 licensee, CERTIFICANT, or registrant under the circumstances specified in
16 section 12-20-404 (5). If a complaint precipitated the investigation, the
17 board shall send a response to the person making the complaint.

18 **SECTION 14.** In Colorado Revised Statutes, 12-280-129, **amend**
19 **as relocated by House Bill 19-1172** (1)(d) and (2); and **add as relocated**
20 **by House Bill 19-1172** (1)(n) as follows:

21 **12-280-129. Unlawful acts - civil fines.** (1) It is unlawful:

22 (d) To falsely assume the title of or falsely represent that one is a
23 pharmacist, PHARMACY TECHNICIAN, practitioner, or registered outlet;

24 (n) TO PRACTICE AS A PHARMACY TECHNICIAN WITHOUT A
25 CERTIFICATION.

26 (2) (a) In addition to any other penalties that may be imposed
27 under this part 1, a person who engages in an unlawful act under this

1 section may be punished by a civil fine of not less than one thousand
2 dollars and not more than ten thousand dollars for each violation. Fines
3 imposed and paid under this section shall be deposited in the general fund
4 in accordance with section 12-20-404 (6).

5 (b) THIS SUBSECTION (2) DOES NOT APPLY TO A PHARMACY
6 TECHNICIAN.

7 **SECTION 15.** In Colorado Revised Statutes, **amend as relocated**
8 **by House Bill 19-1172** 12-280-130 as follows:

9 **12-280-130. Unauthorized practice - penalties.** (1) Any person
10 who practices or offers or attempts to practice pharmacy without an active
11 license issued under this article 280 is subject to penalties pursuant to
12 section 12-20-407 (1)(a).

13 (2) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO
14 PRACTICE AS A PHARMACY TECHNICIAN WITHOUT AN ACTIVE
15 CERTIFICATION ISSUED UNDER THIS ARTICLE 280 IS SUBJECT TO PENALTIES
16 PURSUANT TO SECTION 12-20-407 (1)(a).

17 **SECTION 16.** In Colorado Revised Statutes, 12-280-136, **amend**
18 **as relocated by House Bill 19-1172** (2) as follows:

19 **12-280-136. Confidential agreement to limit practice.** (2) This
20 section and section 12-30-108 do not apply to a pharmacist, PHARMACY
21 TECHNICIAN, or intern subject to discipline for prohibited activities as
22 described in section 12-280-126 (1)(e).

23 **SECTION 17.** In Colorado Revised Statutes, 12-20-407, **amend**
24 **as relocated by House Bill 19-1172** (1)(a)(V)(R) as follows:

25 **12-20-407. Unauthorized practice of profession or occupation**
26 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor
27 and shall be punished as provided in section 18-1.3-501 for the first

1 offense, and, for the second or any subsequent offense, commits a class
2 6 felony and shall be punished as provided in section 18-1.3-401, if the
3 person:

4 (V) Practices or offers or attempts to practice any of the following
5 professions or occupations without an active license, certification, or
6 registration issued under the part or article of this title 12 governing the
7 particular profession or occupation:

8 (R) Pharmacy OR AS A PHARMACY TECHNICIAN, as regulated under
9 article 280 of this title 12;

10 **SECTION 18.** In Colorado Revised Statutes, 24-34-104, **amend**
11 (21)(a)(II) as follows:

12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for repeal, continuation, or reestablishment - legislative**
14 **declaration - repeal.** (21) (a) The following agencies, functions, or both,
15 will repeal on September 1, 2021:

16 (II) The state board of pharmacy and the regulation of the practice
17 of pharmacy, INCLUDING THE REGULATION OF THE PRACTICE AS A
18 PHARMACY TECHNICIAN, by the department of regulatory agencies through
19 the division of professions and occupations in accordance with parts 1 to
20 3 of article 42.5 of title 12; ~~C.R.S.~~;

21 **SECTION 19.** In Colorado Revised Statutes, 12-42.5-102,
22 **amend** (30), (39), and (39.5)(a)(IV); and **add** (6.3), (6.4), and (30.5) as
23 follows:

24 **12-42.5-102. Definitions.** As used in this article 42.5, unless the
25 context otherwise requires or the term is otherwise defined in another part
26 of this article 42.5:

27 (6.3) "CERTIFICATION" MEANS A CERTIFICATION TO PRACTICE AS

1 A PHARMACY TECHNICIAN ISSUED BY THE BOARD IN ACCORDANCE WITH
2 SECTION 12-42.5-113.5 (2) AND INCLUDES A PROVISIONAL CERTIFICATION
3 ISSUED IN ACCORDANCE WITH SECTION 12-42.5-113.5 (3).

4 (6.4) "CERTIFYING ORGANIZATION" MEANS A BOARD-APPROVED,
5 NATIONALLY RECOGNIZED ORGANIZATION THAT CERTIFIES PHARMACY
6 TECHNICIANS.

7 (30) "Pharmacy technician" OR "CERTIFICANT" means ~~an~~
8 ~~unlicensed~~ A person who performs those functions set forth in paragraph
9 ~~(b) of subsection (31) of this section under the supervision of a~~
10 ~~pharmacist~~ IS CERTIFIED BY THE BOARD TO PRACTICE AS A PHARMACY
11 TECHNICIAN AND INCLUDES A PERSON ISSUED A PROVISIONAL
12 CERTIFICATION PURSUANT TO SECTION 12-42.5-113.5 (3).

13 (30.5) "PRACTICE AS A PHARMACY TECHNICIAN" MEANS ENGAGING
14 IN ANY OF THE FOLLOWING ACTIVITIES INVOLVED IN THE PRACTICE OF
15 PHARMACY, UNDER THE SUPERVISION AND DELEGATION OF A SUPERVISING
16 PHARMACIST:

17 (a) RECEIVING AND INITIALLY INPUTTING NEW WRITTEN,
18 FACSIMILE, OR ELECTRONIC ORDERS;

19 (b) PREPARING, MIXING, ASSEMBLING, PACKAGING, OR LABELING
20 A DRUG OR DEVICE;

21 (c) PROPERLY AND SAFELY STORING DRUGS OR DEVICES;

22 (d) MAINTAINING PROPER RECORDS FOR DRUGS AND DEVICES;

23 (e) TRANSFERRING PRESCRIPTIONS; AND

24 (f) OTHER ACTIVITIES AS AUTHORIZED AND DEFINED BY THE
25 BOARD BY RULE.

26 (39) "Supervision" means that a licensed pharmacist is on the
27 location and readily available to consult with and assist ~~unlicensed~~

1 CERTIFICANTS PRACTICING AS PHARMACY TECHNICIANS AS DESCRIBED IN
2 SUBSECTION (30.5) OF THIS SECTION OR UNREGULATED personnel
3 performing tasks ~~described in paragraph (b) of subsection (31) of this~~
4 ~~section~~ AT THE DIRECTION OF THE LICENSED PHARMACIST. If the
5 ~~unlicensed~~ person is a pharmacy technician located at a registered
6 telepharmacy outlet, the licensed pharmacist need not be physically
7 present at the telepharmacy outlet as long as the licensed pharmacist is
8 connected to the telepharmacy outlet via computer link, video link, and
9 audio link, or via other telecommunication equipment of equivalent
10 functionality, and is readily available to consult with and assist the
11 pharmacy technician in performing tasks described in ~~paragraph (b) of~~
12 ~~subsection (31)~~ SUBSECTION (30.5) of this section.

13 (39.5) (a) "Telepharmacy outlet" means a remote pharmacy site
14 that:

15 (IV) Has a pharmacy technician on site who, under the remote
16 supervision of a licensed pharmacist located at the central pharmacy,
17 performs the tasks described in ~~paragraph (b) of subsection (31)~~
18 SUBSECTION (30.5) of this section.

19 **SECTION 20.** In Colorado Revised Statutes, 12-42.5-103,
20 **amend** (3)(b) as follows:

21 **12-42.5-103. State board of pharmacy - creation - subject to**
22 **termination - repeal of parts.** (3) (b) Parts 1 to 3 of this ~~article~~ ARTICLE
23 42.5 are repealed, effective September 1, 2021. ~~Prior to~~ BEFORE the
24 repeal, ~~the department of regulatory agencies shall review~~ the board and
25 the regulation of the practice of pharmacy pursuant to parts 1 to 3 of this
26 ~~article as provided in~~ ARTICLE 42.5, INCLUDING THE REGULATION OF THE
27 PRACTICE AS A PHARMACY TECHNICIAN, ARE SCHEDULED FOR REVIEW IN

1 ACCORDANCE WITH section 24-34-104. C.R.S.

2 SECTION 21. In Colorado Revised Statutes, 12-42.5-104,
3 amend (1)(a) as follows:

4 12-42.5-104. Membership of board - removal - compensation
5 - meetings. (1) (a) The board is composed of:

6 (I) Five licensed pharmacists, each having at least five years'
7 experience in this state and actively engaged in the practice of pharmacy
8 in this state; and

9 (II) Two ~~nonpharmacists~~ MEMBERS WHO ARE NOT PHARMACISTS
10 AND who have no financial interest in the practice of pharmacy; EXCEPT
11 THAT, UPON THE EXPIRATION OF THE TERM OF OFFICE OF ONE OF THE
12 MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(a)(II) ON OR
13 AFTER OCTOBER 1, 2019, OR UPON A VACANCY IN A POSITION APPOINTED
14 UNDER THIS SUBSECTION (1)(a)(II) ON OR AFTER OCTOBER 1, 2019,
15 WHICHEVER OCCURS FIRST, THE GOVERNOR SHALL APPOINT ONE
16 PHARMACY TECHNICIAN CERTIFIED IN ACCORDANCE WITH SECTION
17 12-42.5-113.5 (2) WHO HAS AT LEAST FIVE YEARS OF EXPERIENCE
18 PRACTICING AS A PHARMACY TECHNICIAN TO SERVE ON THE BOARD, AND
19 THEREAFTER THE COMPOSITION OF THE BOARD MUST CONTINUE TO
20 REFLECT THIS CHANGE.

21 SECTION 22. In Colorado Revised Statutes, 12-42.5-106,
22 amend (1)(b), (1)(c), (1)(e), and (1)(f)(I) as follows:

23 12-42.5-106. Powers and duties. (1) The board shall:

24 (b) Prescribe forms and receive applications for licensure,
25 CERTIFICATION, and registration and grant, renew, reactivate, and reinstate
26 licenses and registrations;

27 (c) Deny, suspend, or revoke licenses, CERTIFICATIONS, or

1 registrations;

2 (e) Administer examinations to, and determine the qualifications
3 and fitness of, applicants for licensure, CERTIFICATION, or registration;

4 (f) Keep a record of:

5 (I) All licenses, CERTIFICATIONS, registrations, and license,
6 CERTIFICATION, and registration renewals, reactivations, and
7 reinstatements for a reasonable period;

8 **SECTION 23.** In Colorado Revised Statutes, 12-42.5-110,
9 **amend** (1) introductory portion; **add** (1)(r), (1)(s), (1)(t), and (1)(u) as
10 follows:

11 **12-42.5-110. Fees.** (1) The director of the division of professions
12 and occupations shall determine, and the board shall collect, fees pursuant
13 to section 24-34-105, ~~C.R.S.~~, for the following licenses, CERTIFICATIONS,
14 and registrations:

15 (r) FOR THE INITIAL CERTIFICATION OR PROVISIONAL
16 CERTIFICATION AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION
17 12-42.5-113.5;

18 (s) FOR THE RENEWAL OF A CERTIFICATION AS A PHARMACY
19 TECHNICIAN PURSUANT TO SECTION 12-42.5-113.5 (2), AS PROVIDED IN
20 SECTION 12-42.5-114 (1);

21 (t) FOR REINSTATEMENT AS A PHARMACY TECHNICIAN, AS
22 PROVIDED IN SECTION 12-42.5-114 (2);

23 (u) FOR THE ISSUANCE OF A DUPLICATE CERTIFICATE TO A
24 PHARMACY TECHNICIAN.

25 **SECTION 24.** In Colorado Revised Statutes, 12-42.5-112,
26 **amend** (2)(a), (3), (6), and (7); and **add** (2)(c) as follows:

27 **12-42.5-112. Licensure or registrations - applicability -**

1 **applications - licensure requirements - rules.** (2) (a) Every applicant
2 for a license OR CERTIFICATION under this ~~article~~ ARTICLE 42.5 must read
3 and write the English language, or if the applicant is a partnership, each
4 member of the partnership must read and write the English language. If
5 the applicant is a Colorado corporation, the corporation must be in good
6 standing, and if the applicant is a foreign corporation, it must be qualified
7 to do business in this state.

8 (c) THE BOARD SHALL ISSUE A CERTIFICATION TO AN APPLICANT TO
9 PRACTICE AS A PHARMACY TECHNICIAN WHO SATISFIES THE
10 REQUIREMENTS OF THIS ARTICLE 42.5, THIS SECTION, AND SECTION
11 12-42.5-113.5.

12 (3) Every applicant for a license, CERTIFICATION, or registration
13 under this ~~article~~ ARTICLE 42.5 shall make written application in the
14 manner and form prescribed by the board, setting forth the applicant's
15 name and address, the applicant's qualifications for the license,
16 CERTIFICATION, or registration, and other information required by the
17 board. The applicant shall submit with the application the required fee,
18 and, if the applicant is required to take an examination, the applicant shall
19 appear for examination at the time and place fixed by the board.

20 (6) No applicant shall exercise the privileges of licensure,
21 CERTIFICATION, or registration until the board grants the license,
22 CERTIFICATION, or registration.

23 (7) The board may require any applicant for licensure OR
24 CERTIFICATION to display written or oral competency in English. The
25 board may utilize a standardized test to determine language proficiency.

26 **SECTION 25.** In Colorado Revised Statutes, **add** 12-42.5-113.5
27 as follows:

1 **12-42.5-113.5. Certification of pharmacy technicians -**
2 **requirements - provisional certification - criminal history record**

3 **check.** (1) ON OR AFTER JUNE 15, 2020, A PERSON SHALL NOT ENGAGE IN
4 THE PRACTICE AS A PHARMACY TECHNICIAN UNLESS THE PERSON HAS
5 OBTAINED A CERTIFICATION OR PROVISIONAL CERTIFICATION FROM THE
6 BOARD IN ACCORDANCE WITH THIS SECTION.

7 (2) IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN
8 SECTION 12-42.5-112 OR THIS ARTICLE 42.5, TO BE CERTIFIED AS A
9 PHARMACY TECHNICIAN, AN APPLICANT MUST:

10 (a) PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE
11 APPLICANT HAS OBTAINED AND MAINTAINS IN GOOD STANDING
12 CERTIFICATION AS A PHARMACY TECHNICIAN FROM A CERTIFYING
13 ORGANIZATION; AND

14 (b) SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM
15 AND MANNER AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION OR
16 PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE APPLICANT
17 SUBMITTED TO A CRIMINAL HISTORY RECORD CHECK AS A CONDITION OF
18 EMPLOYMENT AT A PHARMACY OR OTHER OUTLET OR AS REQUIRED BY THE
19 APPLICANT'S CURRENT EMPLOYER.

20 (3) (a) IF AN APPLICANT FOR CERTIFICATION AS A PHARMACY
21 TECHNICIAN HAS NOT SATISFIED THE REQUIREMENTS OF SUBSECTION (2)(a)
22 OF THIS SECTION AT THE TIME OF APPLICATION TO THE BOARD, THE BOARD
23 MAY GRANT THE APPLICANT A PROVISIONAL CERTIFICATION UPON
24 SATISFACTION OF ALL OTHER REQUIREMENTS FOR CERTIFICATION
25 SPECIFIED IN THIS SECTION AND SECTION 12-42.5-112.

26 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS
27 SECTION, A PROVISIONAL CERTIFICATION IS VALID FOR NOT MORE THAN

1 EIGHTEEN MONTHS AFTER THE DATE OF ISSUANCE AND IS NOT RENEWABLE.
2 IF A PERSON WHO IS GRANTED A PROVISIONAL CERTIFICATION PURSUANT
3 TO THIS SUBSECTION (3) FAILS TO SATISFY THE REQUIREMENTS OF
4 SUBSECTION (2)(a) OF THIS SECTION WITHIN EIGHTEEN MONTHS AFTER THE
5 DATE THE PROVISIONAL CERTIFICATION IS ISSUED OR WITHIN AN EXTENDED
6 PERIOD GRANTED BY THE BOARD PURSUANT TO SUBSECTION (3)(b)(II) OF
7 THIS SECTION, THE PROVISIONAL CERTIFICATION EXPIRES AND THE PERSON
8 SHALL NOT PRACTICE AS A PHARMACY TECHNICIAN UNTIL THE PERSON
9 APPLIES FOR AND RECEIVES A CERTIFICATION IN ACCORDANCE WITH
10 SUBSECTION (2) OF THIS SECTION.

11 (II) THE BOARD SHALL ADOPT RULES TO ESTABLISH A PROCESS FOR
12 A PROVISIONAL CERTIFICANT TO APPLY FOR A HARDSHIP EXTENSION TO
13 EXTEND THE VALIDITY OF THE PROVISIONAL CERTIFICATION BEYOND
14 EIGHTEEN MONTHS. THE BOARD SHALL ESTABLISH CRITERIA FOR
15 QUALIFYING FOR A HARDSHIP EXTENSION BASED ON:

16 (A) THE NEGATIVE EFFECTS ON ACCESS TO CARE IN THE
17 COMMUNITY SERVED BY THE PROVISIONAL CERTIFICANT OR THE
18 EMPLOYER OF THE PROVISIONAL CERTIFICANT;

19 (B) FINANCIAL HARDSHIP; OR

20 (C) HEALTH CIRCUMSTANCES.

21 (c) A PERSON WHOSE PROVISIONAL CERTIFICATION EXPIRES IS NOT
22 PRECLUDED FROM APPLYING TO THE BOARD FOR CERTIFICATION AS A
23 PHARMACY TECHNICIAN IN ACCORDANCE WITH SUBSECTION (2) OF THIS
24 SECTION.

25 (4) (a) AN APPLICANT FOR CERTIFICATION OR PROVISIONAL
26 CERTIFICATION PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION
27 MUST HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW

1 ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE
2 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING
3 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. IF AN
4 APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
5 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
6 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT.
7 THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION
8 FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE
9 APPLICANT. THE APPLICANT SHALL SUBMIT PAYMENT FOR THE
10 FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE
11 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF
12 INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE
13 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL
14 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
15 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF
16 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL
17 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE
18 BOARD.

19 (b) THE BOARD SHALL USE THE INFORMATION RESULTING FROM
20 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
21 INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO
22 HOLD A CERTIFICATION OR PROVISIONAL CERTIFICATION PURSUANT TO
23 THIS SECTION.

24 **SECTION 26.** In Colorado Revised Statutes, 12-42.5-114,
25 **amend** (1) and (2) as follows:

26 **12-42.5-114. Expiration and renewal of licenses or**
27 **registrations.** (1) All licenses, CERTIFICATIONS, and registrations,

1 EXCEPT PROVISIONAL CERTIFICATIONS ISSUED PURSUANT TO SECTION
2 12-42.5-113.5 (3), expire pursuant to a schedule established by the
3 director of the division of professions and occupations within the
4 department of regulatory agencies and must be renewed or reinstated
5 pursuant to section 24-34-102 (8). ~~C.R.S.~~ The director of the division of
6 professions and occupations may establish renewal fees and delinquency
7 fees for reinstatement pursuant to section 24-34-105. ~~C.R.S.~~ If a person
8 fails to renew his or her license, CERTIFICATION, or registration pursuant
9 to the schedule established by the director of the division of professions
10 and occupations, the license, CERTIFICATION, or registration expires. Any
11 person whose license, CERTIFICATION, or registration expires is subject to
12 the penalties provided in this ~~article~~ ARTICLE 42.5 or section 24-34-102
13 (8). ~~C.R.S.~~

14 (2) A pharmacist who fails to renew his or her license OR A
15 PHARMACY TECHNICIAN WHO FAILS TO RENEW HIS OR HER CERTIFICATION
16 ISSUED PURSUANT TO SECTION 12-42.5-113.5 (2) on or before the
17 applicable renewal time may have his or her license OR CERTIFICATION,
18 AS APPLICABLE, reinstated for the remainder of the current renewal period
19 by filing a proper application, satisfying the board that the pharmacist OR
20 PHARMACY TECHNICIAN is fully qualified to practice, and paying the
21 reinstatement fee as provided in section 12-42.5-110 (1)(e) OR (1)(t), AS
22 APPLICABLE, and all delinquent fees.

23 **SECTION 27.** In Colorado Revised Statutes, **add** 12-42.5-115.5
24 as follows:

25 **12-42.5-115.5. Continuing education for pharmacy technicians**
26 **- exceptions - inactive status.** (1) EXCEPT AS PERMITTED IN SUBSECTION
27 (2) OF THIS SECTION, THE BOARD SHALL NOT RENEW, REINSTATE, OR

1 REACTIVATE THE CERTIFICATION OF A PHARMACY TECHNICIAN THAT WAS
2 ISSUED PURSUANT TO SECTION 12-42.5-113.5 (2) UNTIL THE PHARMACY
3 TECHNICIAN PRESENTS EVIDENCE THAT THE PHARMACY TECHNICIAN HAS
4 SATISFACTORILY COMPLETED THE CONTINUING EDUCATION AND RENEWAL
5 REQUIREMENTS OF, AND MAINTAINS ACTIVE CERTIFICATION WITH, A
6 CERTIFYING ORGANIZATION. SUBJECT TO SUBSECTION (3) OF THIS SECTION,
7 THE EVIDENCE MAY BE PROVIDED BY AN ATTESTATION ON THE
8 CERTIFICATION RENEWAL APPLICATION.

9 (2) THE BOARD MAY RENEW THE CERTIFICATION FOR THE FIRST
10 RENEWAL PERIOD FOLLOWING THE ISSUANCE OF THE ORIGINAL
11 CERTIFICATION WITHOUT REQUIRING A PHARMACY TECHNICIAN TO
12 COMPLETE ANY CONTINUING PHARMACY TECHNICIAN EDUCATION IF THE
13 PHARMACY TECHNICIAN OBTAINS A CERTIFICATION WITHIN ONE YEAR
14 AFTER OBTAINING NATIONAL CERTIFICATION AS SPECIFIED IN SECTION
15 12-42.5-113.5 (2)(a).

16 (3) THE BOARD MAY ANNUALLY AUDIT UP TO FIVE PERCENT OF THE
17 PHARMACY TECHNICIANS CERTIFIED AND RESIDING IN COLORADO TO
18 DETERMINE COMPLIANCE WITH THIS SECTION.

19 (4) IF A PHARMACY TECHNICIAN FAILS TO COMPLETE THE
20 CONTINUING EDUCATION AND RENEWAL REQUIREMENTS OF, AND
21 MAINTAIN ACTIVE CERTIFICATION WITH, A CERTIFYING ORGANIZATION,
22 THE PHARMACY TECHNICIAN'S STATE CERTIFICATION BECOMES INACTIVE.
23 AN INACTIVE CERTIFICANT IS NOT REQUIRED TO COMPLY WITH ANY
24 CONTINUING PHARMACY TECHNICIAN EDUCATION REQUIREMENT SO LONG
25 AS THE CERTIFICANT REMAINS INACTIVE, BUT THE CERTIFICANT MUST
26 CONTINUE TO PAY APPLICABLE FEES, INCLUDING RENEWAL FEES. THE
27 BOARD SHALL NOTE "INACTIVE STATUS" ON THE FACE OF ANY

1 CERTIFICATION IT ISSUES TO A CERTIFICANT WHILE THE CERTIFICANT
2 REMAINS INACTIVE. BEFORE AN INACTIVE PHARMACY TECHNICIAN
3 RESUMES PRACTICE AS A PHARMACY TECHNICIAN AFTER BEING PLACED ON
4 AN INACTIVE LIST, THE PHARMACY TECHNICIAN MUST FILE AN
5 APPLICATION TO ACTIVATE THE CERTIFICATION, PAY THE CERTIFICATION
6 RENEWAL FEE, AND, SUBJECT TO SUBSECTION (2) OF THIS SECTION, MEET
7 THE CONTINUING EDUCATION REQUIREMENTS OF THIS SECTION. IF A
8 PHARMACY TECHNICIAN ENGAGES IN PRACTICE AS A PHARMACY
9 TECHNICIAN WHILE ON INACTIVE STATUS, THAT CONDUCT IS GROUNDS FOR
10 CERTIFICATION REVOCATION UNDER THIS ARTICLE 42.5.

11 **SECTION 28.** In Colorado Revised Statutes, 12-42.5-116,
12 **amend** (3)(b) and (5) as follows:

13 **12-42.5-116. Prescription drug outlet under charge of**
14 **pharmacist.** (3) (b) An outlet as recognized in section 12-42.5-117
15 (1)(d) need not be under the direct charge of a pharmacist, but a licensed
16 pharmacist shall either initially interpret all prescription orders
17 compounded or dispensed from the outlet or provide written protocols for
18 compounding and dispensing by ~~unlicensed persons~~ PHARMACY
19 TECHNICIANS. An outlet qualifying for registration under this ~~paragraph~~
20 ~~(b)~~ SUBSECTION (3)(b) may also apply to the board for a waiver of the
21 requirements concerning physical space, equipment, inventory, or
22 business hours as necessary and consistent with the outlet's limited public
23 welfare purpose. In determining the granting or denial of a waiver
24 application, the board shall ensure that the public interest criteria set forth
25 in section 12-42.5-101 are satisfied. All other provisions of this ~~article~~
26 ARTICLE 42.5, except as specifically waived by the board, apply to the
27 outlet.

1 (5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS
2 SECTION, the pharmacist responsible for the prescription order or chart
3 order may delegate ~~certain specific tasks described in section 12-42.5-102~~
4 ~~(31)(b) to a~~ THE FOLLOWING TASKS TO THE FOLLOWING INDIVIDUALS IF, IN
5 THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE DELEGATION IS
6 APPROPRIATE:

7 (I) SPECIFIC TASKS SPECIFIED IN BOARD RULES TO AN
8 UNREGULATED person who is not a pharmacist or pharmacy intern ~~but~~
9 AND who is ~~an unlicensed assistant~~ under the pharmacist's supervision; ~~if,~~
10 ~~in the pharmacist's professional judgment, the delegation is appropriate;~~
11 ~~except that~~ OR

12 (II) SPECIFIC TASKS DESCRIBED IN SECTION 12-42.5-102 (30.5) OR
13 IN BOARD RULES ADOPTED PURSUANT TO SECTION 12-42.5-102 (30.5)(f)
14 TO A PHARMACY TECHNICIAN WHO IS UNDER THE PHARMACIST'S
15 SUPERVISION.

16 (b) The pharmacist shall not make ~~the~~ A delegation DESCRIBED IN
17 SUBSECTION (5)(a) OF THIS SECTION if the delegation jeopardizes the
18 public health, safety, or welfare, is prohibited by rule of the board, or
19 violates section 12-42.5-126 (1).

20 **SECTION 29.** In Colorado Revised Statutes, 12-42.5-119,
21 **amend** (1) and (3) as follows:

22 **12-42.5-119. Limited authority to delegate activities**
23 **constituting practice of pharmacy to pharmacy interns or pharmacy**
24 **technicians.** (1) A pharmacist may supervise up to six persons who are
25 either pharmacy interns or pharmacy technicians, of whom no more than
26 two may be pharmacy interns. If three or more pharmacy technicians are
27 on duty, the majority must be certified by ~~a nationally recognized~~

1 certification THE board possess a degree from an accredited pharmacy
2 technician training program, or have completed five hundred hours of
3 experiential training in duties described in section 12-42.5-102 (31)(b) at
4 the pharmacy as certified by the pharmacist manager within eighteen
5 months of hire IN ACCORDANCE WITH SECTION 12-42.5-113.5 (2).

6 (3) The supervision ratio specified in subsection (1) of this section
7 does not include other ancillary personnel who may be in the prescription
8 drug outlet but who are not performing duties described in section
9 12-42.5-102 (31)(b) that are delegated to the interns or DUTIES DESCRIBED
10 IN SECTION 12-42.5-102 (30.5) THAT ARE DELEGATED TO pharmacy
11 technicians.

12 **SECTION 30.** In Colorado Revised Statutes, 12-42.5-123,
13 **amend** (1) introductory portion, (1)(a), (1)(d), (1)(f), (1)(g), (1)(j), (1)(k),
14 (1)(q), and (1)(r)(II) as follows:

15 **12-42.5-123. Unprofessional conduct - grounds for discipline.**

16 (1) The board may suspend, revoke, refuse to renew, or otherwise
17 discipline any license or registration issued by it, after a hearing held in
18 accordance with the provisions of this section, upon proof that the
19 licensee, CERTIFICANT, or registrant:

20 (a) Is guilty of misrepresentation, fraud, or deceit in procuring,
21 attempting to procure, or renewing a license, CERTIFICATION, or
22 registration;

23 (d) Is unfit or incompetent by reason of negligence or habits, or
24 for any other cause, to practice pharmacy OR TO PRACTICE AS A
25 PHARMACY TECHNICIAN;

26 (f) Knowingly permits a person not:

27 (I) Licensed as a pharmacist or pharmacy intern to engage in the

- 1 practice of pharmacy; OR
- 2 (II) CERTIFIED AS A PHARMACY TECHNICIAN TO ENGAGE IN THE
- 3 PRACTICE AS A PHARMACY TECHNICIAN;
- 4 (g) Has had ~~his or her~~ A license to practice pharmacy OR A
- 5 CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE AS A PHARMACY
- 6 TECHNICIAN in another state revoked or suspended, or is otherwise
- 7 disciplined or has committed acts in any other state that would subject
- 8 ~~him or her~~ THE PERSON to disciplinary action in this state;
- 9 (j) Has engaged in the practice of pharmacy OR THE PRACTICE AS
- 10 A PHARMACY TECHNICIAN while on inactive status;
- 11 (k) Has failed to meet generally accepted standards of pharmacy
- 12 OR PHARMACY TECHNICIAN practice;
- 13 (q) Has failed to notify the board of any discipline, WITHIN THIRTY
- 14 DAYS AFTER THE DISCIPLINE, against: ~~his or her~~
- 15 (I) A license in another state; ~~within thirty days after the~~
- 16 ~~discipline~~; OR
- 17 (II) A CERTIFICATION OR OTHER AUTHORIZATION IN ANOTHER
- 18 STATE TO PRACTICE AS A PHARMACY TECHNICIAN;
- 19 (r) (II) Has failed to act within the limitations created by a
- 20 physical illness; a physical condition; or a behavioral, mental health, or
- 21 substance use disorder that renders the person unable to practice
- 22 pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill and
- 23 safety or that may endanger the health or safety of persons under his or
- 24 her care; or

25 **SECTION 31.** In Colorado Revised Statutes, 12-42.5-124,

26 **amend** (1)(a), (2)(a), (2)(b) introductory portion, (2)(b)(I), (2)(b)(II),

27 (2)(b)(III), (2)(b)(IV), (3), (4), (6), (7)(a), (9)(a), (10)(a), (10)(c)(III), and

1 (11) and as follows:

2 **12-42.5-124. Disciplinary actions.** (1) (a) The board may deny
3 or discipline an applicant, licensee, CERTIFICANT, or registrant when the
4 board determines that the applicant, licensee, CERTIFICANT, or registrant
5 has engaged in activities that are grounds for discipline.

6 (2) (a) Proceedings for the denial, suspension, or revocation of a
7 license, CERTIFICATION, or registration and any judicial review of a
8 suspension or revocation must be conducted in accordance with article 4
9 of title 24, ~~C.R.S.~~, and the board or, at the board's discretion, an
10 administrative law judge, shall conduct the hearing and opportunity for
11 review.

12 (b) Upon finding that grounds for discipline pursuant to section
13 12-42.5-123 exist, the board may impose one or more of the following
14 penalties on a person who holds or is seeking a new or renewal license,
15 CERTIFICATION, or registration:

16 (I) Suspension of the offender's license, CERTIFICATION, or
17 registration for a period to be determined by the board;

18 (II) Revocation of the offender's license, CERTIFICATION, or
19 registration;

20 (III) Restriction of the offender's license, CERTIFICATION, or
21 registration to prohibit the offender from performing certain acts or from
22 practicing pharmacy OR THE PRACTICE AS A PHARMACY TECHNICIAN in a
23 particular manner for a period to be determined by the board;

24 (IV) Refusal to renew the offender's license, CERTIFICATION, or
25 registration;

26 (3) The board may also include in any disciplinary order that
27 allows the licensee, CERTIFICANT, or registrant to continue to practice

1 conditions that the board deems appropriate to assure that the licensee,
2 CERTIFICANT, or registrant is physically, mentally, morally, and otherwise
3 qualified to practice pharmacy in accordance with the generally accepted
4 professional standards of practice, including any or all of the following:

5 (a) Requiring the licensee, CERTIFICANT, or registrant to submit to
6 examinations that the board may order to determine the licensee's OR
7 CERTIFICANT'S physical or mental condition or professional qualifications;

8 (b) Requiring the licensee OR CERTIFICANT to take therapy courses
9 of training or education that the board deems necessary to correct
10 deficiencies found either in the hearing or by examinations required
11 pursuant to ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS
12 SECTION;

13 (c) Requiring the review or supervision of the licensee's OR
14 CERTIFICANT'S practice to determine the quality of and correct
15 deficiencies in his or her practice; and

16 (d) Imposing restrictions upon the nature of the licensee's OR
17 CERTIFICANT'S practice to assure that he or she does not practice beyond
18 the limits of his or her capabilities.

19 (4) Upon failure of the licensee, CERTIFICANT, or registrant to
20 comply with any conditions imposed by the board pursuant to subsection
21 (3) of this section, unless due to conditions beyond the licensee's,
22 CERTIFICANT'S, or registrant's control, the board may order suspension of
23 the license, CERTIFICATION, or registration in this state until the licensee,
24 CERTIFICANT, or registrant complies with the conditions.

25 (6) (a) When a complaint or an investigation discloses an instance
26 of misconduct that, in the opinion of the board, does not warrant formal
27 action by the board but should not be dismissed as being without merit,

1 the board may send a letter of admonition by certified mail to the licensee,
2 CERTIFICANT, or registrant against whom the complaint was made or who
3 was the subject of investigation and, in the case of a complaint, may send
4 a copy of the letter of admonition to the person making the complaint.

5 (b) When the board sends a letter of admonition to a licensee or
6 registrant complained against, the board shall include in the letter a
7 statement advising the licensee, CERTIFICANT, or registrant that the
8 licensee, CERTIFICANT, or registrant has the right to request in writing,
9 within twenty days after receipt of the letter, that the board initiate formal
10 disciplinary proceedings to adjudicate the propriety of the conduct upon
11 which the letter of admonition is based.

12 (c) If the licensee, CERTIFICANT, or registrant timely requests
13 adjudication, the letter of admonition is vacated, and the board shall
14 process the matter by means of formal disciplinary proceedings.

15 (7) (a) When a complaint or an investigation discloses an instance
16 of conduct that does not warrant formal action by the board but the board
17 determines that the conduct could warrant action if continued, the board
18 may send a confidential letter of concern to the licensee, CERTIFICANT, or
19 registrant against whom the complaint was made or who was the subject
20 of investigation. If a complaint precipitated the investigation, the board
21 shall send a response to the person making the complaint.

22 (9) (a) If it appears to the board, based upon credible evidence as
23 presented in a written complaint by any person, that a licensee,
24 CERTIFICANT, or registrant is acting in a manner that is an imminent threat
25 to the health and safety of the public or a person is acting or has acted
26 without the required license, CERTIFICATION, or registration, the board
27 may issue an order to cease and desist the activity. The board shall set

1 forth in the order the statutes and rules alleged to have been violated, the
2 facts alleged to have constituted the violation, and the requirement that all
3 unlawful acts or unlicensed, UNCERTIFIED, or unregistered practices
4 immediately cease.

5 (10) (a) If it appears to the board, based upon credible evidence
6 as presented in a written complaint by any person, that a person has
7 violated any other portion of this ~~article~~ ARTICLE 42.5, then, in addition
8 to any specific powers granted pursuant to this ~~article~~ ARTICLE 42.5, the
9 board may issue to the person an order to show cause as to why the board
10 should not issue a final order directing the person to cease and desist from
11 the unlawful act or unlicensed, UNCERTIFIED, or unregistered practice.

12 (c) (III) If the board reasonably finds that the person against
13 whom the order to show cause was issued is acting or has acted without
14 the required license, CERTIFICATION, or registration or has or is about to
15 engage in acts or practices constituting violations of this ~~article~~ ARTICLE
16 42.5, the board may issue a final cease-and-desist order directing the
17 person to cease and desist from further unlawful acts or unlicensed,
18 UNCERTIFIED, or unregistered practices.

19 (11) If it appears to the board, based upon credible evidence
20 presented to the board, that a person has engaged in or is about to engage
21 in any unlicensed, UNCERTIFIED, or unregistered act or practice, any act
22 or practice constituting a violation of this ~~article~~ ARTICLE 42.5, any rule
23 promulgated pursuant to this ~~article~~ ARTICLE 42.5, ~~or~~ any order issued
24 pursuant to this ~~article~~ ARTICLE 42.5, or any act or practice constituting
25 grounds for administrative sanction pursuant to this ~~article~~ ARTICLE 42.5,
26 the board may enter into a stipulation with the person.

27 **SECTION 32.** In Colorado Revised Statutes, 12-42.5-126,

1 **amend** (1)(d) and (2); and **add** (1)(n) as follows:

2 **12-42.5-126. Unlawful acts - civil fines.** (1) It is unlawful:

3 (d) To falsely assume the title of or falsely represent that one is a
4 pharmacist, PHARMACY TECHNICIAN, practitioner, or registered outlet;

5 (n) TO PRACTICE AS A PHARMACY TECHNICIAN WITHOUT A
6 CERTIFICATION.

7 (2) (a) In addition to any other penalties that may be imposed
8 under this part 1, a person who engages in an unlawful act under this
9 section may be punished by a civil fine of not less than one thousand
10 dollars and not more than ten thousand dollars for each violation. Fines
11 imposed and paid under this section shall be deposited in the general
12 fund.

13 (b) THIS SUBSECTION (2) DOES NOT APPLY TO A PHARMACY
14 TECHNICIAN.

15 **SECTION 33.** In Colorado Revised Statutes, **amend** 12-42.5-127
16 as follows:

17 **12-42.5-127. Unauthorized practice - penalties.** (1) Any person
18 who practices or offers or attempts to practice pharmacy without an active
19 license issued under this ~~article~~ ARTICLE 42.5 commits a class 2
20 misdemeanor and shall be punished as provided in section 18-1.3-501
21 ~~C.R.S.~~, for the first offense, and any person committing a second or
22 subsequent offense commits a class 6 felony and shall be punished as
23 provided in section 18-1.3-401. ~~C.R.S.~~

24 (2) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO
25 PRACTICE AS A PHARMACY TECHNICIAN WITHOUT AN ACTIVE
26 CERTIFICATION ISSUED UNDER THIS ARTICLE 42.5 COMMITS A CLASS 2
27 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION

1 18-1.3-501 FOR THE FIRST OFFENSE, AND ANY PERSON COMMITTING A
2 SECOND OR SUBSEQUENT OFFENSE COMMITS A CLASS 6 FELONY AND SHALL
3 BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401.

4 **SECTION 34.** In Colorado Revised Statutes, **amend** 12-42.5-134
5 as follows:

6 **12-42.5-134. Confidential agreement to limit practice -**
7 **violation - grounds for discipline.** (1) If a pharmacist, ~~or~~ intern, OR
8 PHARMACY TECHNICIAN has a physical illness, a physical condition, or a
9 behavioral or mental health disorder that renders the person unable to
10 practice pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill
11 and safety to clients, the pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN
12 shall notify the board of the physical illness, ~~the~~ physical condition, or ~~the~~
13 behavioral or mental health disorder in a manner and within a period
14 determined by the board. The board may require the pharmacist, ~~or~~ intern,
15 OR PHARMACY TECHNICIAN to submit to an examination or refer the
16 pharmacist or intern to the pharmacy peer health assistance diversion
17 program established in part 2 of this article 42.5 to evaluate the extent of
18 the physical illness, ~~the~~ physical condition, or ~~the~~ behavioral or mental
19 health disorder and its impact on the pharmacist's, ~~or~~ intern's, OR
20 PHARMACY TECHNICIAN'S ability to practice pharmacy OR AS A PHARMACY
21 TECHNICIAN with reasonable skill and safety to clients.

22 (2) (a) Upon determining that a pharmacist, ~~or~~ intern, OR
23 PHARMACY TECHNICIAN with a physical illness, a physical condition or a
24 behavioral or mental health disorder is able to render limited services
25 with reasonable skill and safety to clients, the board may enter into a
26 confidential agreement with the pharmacist, ~~or~~ intern, OR PHARMACY
27 TECHNICIAN in which the pharmacist, ~~or~~ intern, OR PHARMACY

1 TECHNICIAN agrees to limit his or her practice based on the restrictions
2 imposed by the physical illness, the physical condition, or the behavioral
3 or mental health disorder, as determined by the board.

4 (b) As part of the agreement, the pharmacist, or intern, OR
5 PHARMACY TECHNICIAN is subject to periodic reevaluations or monitoring
6 as determined appropriate by the board. The board may refer the
7 pharmacist or intern to the pharmacy peer health assistance diversion
8 program for reevaluation or monitoring.

9 (c) The parties may modify or dissolve the agreement as necessary
10 based on the results of a reevaluation or of monitoring.

11 (3) By entering into an agreement with the board pursuant to this
12 section to limit his or her practice, a pharmacist, or intern, OR PHARMACY
13 TECHNICIAN is not engaging in activities prohibited pursuant to section
14 12-42.5-123. The agreement does not constitute a restriction or discipline
15 by the board. However, if the pharmacist, or intern, OR PHARMACY
16 TECHNICIAN fails to comply with the terms of an agreement entered into
17 pursuant to this section, the failure constitutes a prohibited activity
18 pursuant to section 12-42.5-123 (1)(r), and the pharmacist, or intern, OR
19 PHARMACY TECHNICIAN is subject to discipline in accordance with section
20 12-42.5-124.

21 (4) This section does not apply to a pharmacist, or intern, OR
22 PHARMACY TECHNICIAN subject to discipline for prohibited activities as
23 described in section 12-42.5-123 (1)(e).

24 **SECTION 35. Act subject to petition - effective date.**

25 (1) Except as otherwise provided in subsection (2) of this section, this act
26 takes effect October 1, 2019; except that, if a referendum petition is filed
27 pursuant to section 1 (3) of article V of the state constitution against this

1 act or an item, section, or part of this act within the ninety-day period
2 after final adjournment of the general assembly, then the act, item,
3 section, or part will not take effect unless approved by the people at the
4 general election to be held in November 2020 and, in such case, will take
5 effect on the date of the official declaration of the vote thereon by the
6 governor.

7 (2) (a) Sections 1 through 18 of this act take effect only if House
8 Bill 19-1172 becomes law.

9 (b) Sections 19 through 34 of this act take effect only if House
10 Bill 19-1172 does not become law.