

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 20-0474.01 Kristen Forrestal x4217

HOUSE BILL 20-1050

HOUSE SPONSORSHIP

Hooton and Larson, Benavidez, Buckner, Esgar, Exum, Liston, Valdez A.

SENATE SPONSORSHIP

Ginal and Tate,

House Committees

Public Health Care & Human Services

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE DISTRIBUTION OF DRUGS BY OTHER OUTLET**
102 **PHARMACIES.**

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 allows ambulatory surgical center other outlets, hospice other outlets, and convalescent center other outlets to:

- ! Make a casual sale or loan of prescription drugs to another registered outlet or to a drug wholesaler;
- ! Sell or give a prescription drug to a practitioner authorized by law to prescribe the drug; and

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.

SENATE
2nd Reading Unamended
March 9, 2020

HOUSE
3rd Reading Unamended
February 6, 2020

HOUSE
Amended 2nd Reading
February 5, 2020

! Supply an emergency kit or starter dose of a prescription drug to specified entities.

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 (8) as follows:

4 **12-280-103. Definitions - rules.** As used in this article 280, unless
5 the context otherwise requires or the term is otherwise defined in another
6 part of this article 280:

7 (8) "Casual sale" means a transfer, delivery, or distribution to a
8 corporation, individual, or other entity, other than a consumer, entitled to
9 possess prescription drugs; except that the amount of drugs transferred,
10 delivered, or distributed in this manner by any registered prescription
11 drug outlet or ANY hospital REGISTERED other outlet shall not exceed ten
12 percent of the total number of dosage units of drugs dispensed and
13 distributed OR ORIGINALLY PROCURED IN ANY REGISTERED OTHER OUTLET
14 on an annual basis by the outlet.

15 **SECTION 2.** In Colorado Revised Statutes, 12-280-119, **amend**
16 (1)(d) as follows:

17 **12-280-119. Registration of facilities - rules.** (1) All outlets with
18 facilities in this state shall register with the board in one of the following
19 classifications:

20 (d) Any other outlet, as may be authorized by this article 280 or
21 that meets the definition of OTHER outlet as set forth in section
22 12-280-103 (32).

23 **SECTION 3.** In Colorado Revised Statutes, 12-280-120, **amend**
24 (5)(a) introductory portion, (5)(a)(I), and (5)(a)(II); and **repeal** (5)(b) as
25 follows:

1 **12-280-120. Compounding - dispensing - sale of drugs and**
2 **devices - rules - definition.** (5) (a) A registered prescription drug or
3 ~~OUTLET or licensed hospital other outlet~~ may:

4 (I) ~~Make a casual sale or loan of or give a drug~~ IN THE
5 ~~MANUFACTURER'S SEALED CONTAINER~~ to another registered outlet ~~or to a~~
6 ~~wholesaler of drugs;~~

7 (II) ~~Sell or give~~ MAKE A CASUAL SALE OF a drug IN THE
8 ~~MANUFACTURER'S SEALED CONTAINER~~ to a practitioner authorized by law
9 to prescribe the drug;

10 (b) ~~In the case of a county or district public health agency that~~
11 ~~operates registered other outlets, one registered other outlet may make a~~
12 ~~casual sale of a drug to another registered other outlet if:~~

13 (I) ~~The drug is sold in the original sealed container in which it was~~
14 ~~originally received from the wholesaler;~~

15 (II) ~~A casual sale is not made to a registered other outlet that is not~~
16 ~~owned or operated by that county or district public health agency; and~~

17 (III) ~~The amount sold does not exceed the ten percent limit~~
18 ~~established by section 12-280-103 (8).~~

19 **SECTION 4. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.