

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 22-173

BY SENATOR(S) Rodriguez and Smallwood, Buckner, Coram, Ginal, Gonzales, Pettersen, Priola, Rankin, Simpson, Winter, Woodward;
also REPRESENTATIVE(S) Bird and McKean, Bernett, Bockenfeld, Hooton, Lindsay.

CONCERNING CRITERIA RELATING TO THE OPERATION OF TELEPHARMACY
OUTLETS.

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

SECTION 1. In Colorado Revised Statutes, 12-280-103, **amend** (32)(a)(II), (32)(b)(II), (36), (43), and (50); and **repeal** (32)(c) as follows:

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

(32) "Other outlet" means:

(a) A hospital that does not operate a registered pharmacy, a rural health clinic, a federally qualified health center, as defined in the federal "Social Security Act", 42 U.S.C. sec. 1395x (aa)(4), a family planning

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

clinic, an acute treatment unit licensed by the department of public health and environment, a school, a jail, a county or district public health agency, a community health clinic, a community mental health clinic, a behavioral health entity, an approved treatment facility, a university, or a college that:

(II) Engages in the compounding, dispensing, and delivery of drugs or devices; OR

(b) An ambulatory surgical center, a hospice, or a convalescent center, each of which is licensed pursuant to part 1 of article 3 of title 25, or a medical clinic operated by a hospital, each of which:

(II) Engages in the compounding, dispensing, and delivery of drugs or devices for administration to patients while being treated in the facility.
or

(c) ~~A telepharmacy outlet.~~

(36) "Pharmacist manager" means an individual, licensed in this state as a pharmacist, who has direct control of the pharmaceutical affairs of a prescription drug outlet and who, EXCEPT AS PROVIDED IN SECTION 12-280-118 (1)(a), is not the manager of any other prescription drug outlet.

(43) "Prescription drug outlet" or "pharmacy" means any pharmacy outlet registered pursuant to this article 280 where prescriptions are compounded and dispensed. "Prescription drug outlet" includes, without limitation, a specialized prescription drug outlet registered pursuant to section 12-280-119 (11) AND A TELEPHARMACY OUTLET.

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

(I) Is registered as ~~an other~~ A PRESCRIPTION DRUG outlet OR PHARMACY under this article 280;

(II) At the time of registration, is located ~~more than twenty miles from the nearest prescription drug outlet and from any other telepharmacy outlet registered under this article 280~~ IN AN AREA OF NEED;

(III) Is connected via computer link, video link, and audio link, or via other functionally equivalent telecommunication equipment, with a

central pharmacy LOCATED IN THIS STATE that is registered under this article 280; and

(IV) Has a pharmacy technician on site who, under the remote supervision of a licensed pharmacist located at the central pharmacy IN THIS STATE, performs the tasks described in subsection (38.5)(a) of this section.

~~(b) The board may adopt rules as necessary to specify additional criteria for a telepharmacy outlet that the board deems necessary.~~

(c) AS USED IN THIS SUBSECTION (50):

(I) "AREA OF NEED" MEANS:

(A) ANY HEALTH FACILITY LICENSED OR CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103 (1); OR

(B) ANY AREA WHERE A DEMONSTRATION OF NEED IS APPROVED BY THE BOARD.

(II) "CENTRAL PHARMACY" MEANS A REGISTERED PHARMACY OUTLET RESPONSIBLE FOR OVERSEEING THE OPERATION OF A TELEPHARMACY OUTLET.

SECTION 2. In Colorado Revised Statutes, 12-280-107, **add** (3) as follows:

12-280-107. Rules. (3) THE BOARD MAY ADOPT RULES TO SPECIFY ADDITIONAL CRITERIA NECESSARY TO FACILITATE THE OPERATION OF TELEPHARMACY OUTLETS. THE BOARD'S ADDITIONAL RULES FOR A TELEPHARMACY OUTLET ARE LIMITED TO RULES CONCERNING THE FOLLOWING:

(a) APPLICATION REQUIREMENTS;

(b) STRUCTURAL AND EQUIPMENT REQUIREMENTS;

(c) STAFFING AND TRAINING REQUIREMENTS;

(d) PHARMACIST MANAGER VISITATION REQUIREMENTS;

(e) INVENTORY RECORD-KEEPING AND STORAGE REQUIREMENTS;

(f) ESTABLISHING POLICIES AND PROCEDURES RELATING TO TELEPHARMACY OPERATIONS; AND

(g) THE NUMBER OF TELEPHARMACY OUTLETS THAT MAY BE OPERATED BY A CENTRAL PHARMACY.

SECTION 3. In Colorado Revised Statutes, 12-280-118, **amend** (1)(a) and **add** (3)(c) as follows:

12-280-118. Prescription drug outlet under charge of pharmacist - rules. (1) (a) A prescription drug outlet must be under the direct charge of a pharmacist manager. A proprietor who is not a pharmacist shall comply with this requirement and shall provide a manager who is a pharmacist. NOTHING IN THIS ARTICLE 280 OR RULES IMPLEMENTING THIS ARTICLE 280 SHALL PROHIBIT THE PHARMACIST MANAGER OF A CENTRAL PHARMACY FROM SIMULTANEOUSLY SERVING AS THE PHARMACIST MANAGER OF A TELEPHARMACY OUTLET.

(3) (c) A TELEPHARMACY OUTLET IS REQUIRED TO HAVE A PHARMACIST MANAGER. A TELEPHARMACY OUTLET IS CONSIDERED TO BE UNDER THE DIRECT CHARGE OR CONTROL OF THE PHARMACIST MANAGER, OR THE LICENSED PHARMACIST DELEGATE, WHO PROVIDES REMOTE SUPERVISION TO THE TELEPHARMACY OUTLET.

SECTION 4. In Colorado Revised Statutes, 12-280-402, **amend** (3) as follows:

12-280-402. Definitions. As used in this part 4, unless the context otherwise requires:

(3) "Prescription drug outlet" or "pharmacy" means:

(a) Any resident or nonresident pharmacy outlet registered or licensed pursuant to this article 280 where prescriptions are compounded and dispensed; ~~and~~

(b) Any federally owned and operated pharmacy registered with the federal drug enforcement administration; AND

(c) A TELEPHARMACY OUTLET.

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

November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Steve Fenberg
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO