

CHAPTER 459

HEALTH AND ENVIRONMENT

SENATE BILL 22-098

BY SENATOR(S) Rodriguez, Buckner, Ginal, Gonzales, Liston, Winter;
 also REPRESENTATIVE(S) Roberts and Will, Bacon, Bennett, Bird, Bockenfeld, Boesenecker, Cutter, Gonzales-Gutierrez,
 Herod, Jodeh, Kipp, Lindsay, Lontine, Mullica, Ricks, Valdez A., Valdez D., Woodrow.

AN ACT

CONCERNING A TASK FORCE TO EXAMINE THE CREATION OF A PROGRAM ALLOWING FOR THE USE OF DONATED UNUSED DRUGS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add 25-1.5-119** as follows:

25-1.5-119. Drug repository task force - creation - report - definitions - repeal. (1) ~~THE DRUG REPOSITORY TASK FORCE IS HEREBY CREATED IN THE DEPARTMENT. THE PURPOSE OF THE TASK FORCE IS TO EXAMINE DRUG REPOSITORY PROGRAMS FOR UNUSED PRESCRIPTION DRUGS AND OVER-THE-COUNTER MEDICATIONS IN THE COUNTRY TO DETERMINE THE BEST MODEL FOR COLORADO TO IMPLEMENT A SAFE, EFFICIENT, AND EFFECTIVE DRUG REPOSITORY PROGRAM IN THE STATE.~~

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "MEDICINE" MEANS PRESCRIPTION DRUGS AND OVER-THE-COUNTER MEDICATIONS.

(b) "TASK FORCE" MEANS THE DRUG REPOSITORY TASK FORCE CREATED IN THIS SECTION.

(3) THE TASK FORCE CONSISTS OF AT LEAST THIRTEEN AND NO MORE THAN FIFTEEN VOTING MEMBERS, AS FOLLOWS:

(a) SIX MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, AS FOLLOWS:

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.

(I) ONE MEMBER REPRESENTING THE DEPARTMENT;

(II) ONE MEMBER REPRESENTING PATIENTS;

(III) ONE MEMBER FROM A STATEWIDE ADVOCACY GROUP REPRESENTING CHRONIC HEALTH CONDITIONS;

(IV) ONE MEMBER FROM A STATEWIDE ORGANIZATION OF HOSPITALS;

(V) ONE MEMBER FROM A SAFETY NET HOSPITAL; AND

(VI) ONE MEMBER FROM A STATEWIDE ASSOCIATION OF PLAINTIFF'S ATTORNEYS;

(b) SIX MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES, AS FOLLOWS:

(I) ONE MEMBER REPRESENTING THE DEPARTMENT OF REGULATORY AGENCIES;

(II) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF PHARMACISTS;

(III) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF COMMUNITY PHARMACIES;

(IV) ONE MEMBER REPRESENTING PHARMACEUTICAL MANUFACTURERS;

(V) ONE MEMBER REPRESENTING DRUG REPOSITORY PROGRAMS; AND

(VI) ONE MEMBER WHO IS A PHYSICIAN WITH PRESCRIBING AUTHORITY;

(c) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING REPRESENTING THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING; AND

(d) UP TO TWO ADDITIONAL MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, AS THE EXECUTIVE DIRECTOR DEEMS APPROPRIATE TO CARRY OUT THE TASK FORCE'S DUTIES.

(4) THE APPOINTING AUTHORITIES SPECIFIED IN SUBSECTION (3) OF THIS SECTION SHALL APPOINT MEMBERS OF THE TASK FORCE NO LATER THAN AUGUST 1, 2022. EACH TASK FORCE MEMBER SERVES AT THE PLEASURE OF THE APPOINTING AUTHORITY.

(5) EACH TASK FORCE MEMBER SERVES WITHOUT COMPENSATION AND IS NOT ENTITLED TO REIMBURSEMENT FOR ANY EXPENSES ASSOCIATED WITH SERVING ON THE TASK FORCE.

(6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL CONVENE THE FIRST MEETING OF THE TASK FORCE NO LATER THAN SEPTEMBER 15, 2022. THE TASK FORCE SHALL MEET AS NECESSARY TO COMPLETE ITS WORK, AS DETERMINED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

(7) THE TASK FORCE SHALL CONSIDER, AT A MINIMUM, THE FOLLOWING ISSUES:

(a) DRUG REPOSITORIES IN OTHER STATES, INCLUDING ILLINOIS AND IOWA, AS POSSIBLE MODELS FOR A COLORADO DRUG REPOSITORY PROGRAM;

(b) THE DRUG REPOSITORY MODEL THAT WILL BE THE SAFEST, MOST EFFICIENT, AND MOST EFFECTIVE FOR COLORADO;

(c) THE MEDICATIONS THAT WILL BE INCLUDED IN THE DRUG REPOSITORY PROGRAM;

(d) THE NECESSARY REQUIREMENTS FOR DONATING, RECEIVING, PACKAGING, AND REDISPENSING MEDICINE;

(e) ANY LEGAL OR REGULATORY BARRIERS TO IMPLEMENTING THE DRUG REPOSITORY PROGRAM AND HOW TO ELIMINATE THE BARRIERS;

(f) THE FEES OR OTHER COSTS ASSOCIATED WITH THE DRUG REPOSITORY PROGRAM;

(g) WHETHER AND HOW TO PRIORITIZE PATIENT ACCESS TO THE DRUG REPOSITORY PROGRAM;

(h) THE NECESSARY CHANGES TO EXISTING STATUTE OR RULES IN ORDER TO IMPLEMENT THE DRUG REPOSITORY PROGRAM;

(i) HOW THE DRUG REPOSITORY PROGRAM WILL INTERACT WITH EXISTING DRUG TAKE-BACK PROGRAMS AND DRUG DEPOSITORY PROGRAMS IN COLORADO; AND

(j) HOW TO MARKET THE DRUG REPOSITORY PROGRAM TO DONORS, CONSUMERS, MANUFACTURERS, AND PERSONS REDISPENSING MEDICINE.

(8) THE TASK FORCE MAY SOLICIT INFORMATION FROM AND CONSULT WITH ADDITIONAL STAKEHOLDERS AS NECESSARY TO DESIGN THE DRUG REPOSITORY PROGRAM.

(9) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE TO ASSIST THE TASK FORCE IN CARRYING OUT ITS DUTIES.

(10) NO LATER THAN DECEMBER 15, 2022, THE TASK FORCE SHALL SUBMIT ITS REPORT, INCLUDING ITS FINDINGS AND RECOMMENDATIONS ON ISSUES IDENTIFIED IN SUBSECTION (7) OF THIS SECTION, TO THE GOVERNOR AND THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE HEALTH AND INSURANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(11) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 2. Appropriation. For the 2022-23 state fiscal year, \$47,423 is appropriated to the department of public health and environment for use by the center for health and environmental information. This appropriation is from the

general fund and is based on an assumption that the center will require an additional 0.1 FTE. To implement this act, the center may use this appropriation for program costs.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 8, 2022