

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

INTRODUCED

LLS NO. 23-0822.01 Brita Darling x2241

SENATE BILL 23-162

SENATE SPONSORSHIP

Will and Jaquez Lewis,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING ACCESS TO PHARMACY SERVICES.**

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:

- Authorizes a pharmacist to delegate to a pharmacy technician any task within the practice of pharmacy for which the pharmacy technician has been specifically trained, except for patient counseling, drug regimen review, and clinical conflict resolution;
- Removes the statutory supervision ratio for pharmacists supervising pharmacy technicians when the pharmacy is

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

- not a public-facing pharmacy and is acting as an agent of an originating pharmacy to fill or refill a prescription; and Authorizes reimbursement under the medical assistance program for dispensing or administering vaccines to children under 19 years of age.

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 (38.5)(a)(VII) and (38.5)(a)(VIII); and **add** (38.5)(a)(IX) 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 (38.5) (a) "Practice as a pharmacy technician" means engaging in
8 any of the following activities involved in the practice of pharmacy, under
9 the supervision and delegation of a supervising pharmacist:

10 (VII) Replenishing automated dispensing devices without the need
11 for pharmacist verification as long as the pharmacy technician uses bar
12 code technology that checks the accuracy of the medication or a second
13 pharmacy technician performs the verification; ~~and~~

14 ~~(VIII) Other activities as authorized and defined by the board by~~
15 ~~rule.~~ ANY TASK WITHIN THE PRACTICE OF PHARMACY DELEGATED TO A
16 PHARMACY TECHNICIAN BY A SUPERVISING PHARMACIST FOR WHICH THE
17 PHARMACY TECHNICIAN HAS BEEN SPECIFICALLY TRAINED, EXCEPT FOR
18 PATIENT COUNSELING, DRUG REGIMEN REVIEW, AND CLINICAL CONFLICT
19 RESOLUTION; AND

20 (IX) OTHER ACTIVITIES AS AUTHORIZED AND DEFINED BY THE
21 BOARD BY RULE.

22 **SECTION 2.** In Colorado Revised Statutes, 12-280-118, **amend**
23 (5)(a)(II) as follows:

1 **12-280-118. Prescription drug outlet under charge of**
2 **pharmacist - rules.** (5) (a) Except as specified in subsection (5)(b) of
3 this section, the pharmacist responsible for the prescription order or chart
4 order may delegate the following tasks to the following individuals if, in
5 the pharmacist's professional judgment, the delegation is appropriate:

6 (II) Specific tasks described in section 12-280-103 (38.5)(a) or in
7 board rules adopted pursuant to section 12-280-103 ~~(38.5)(a)(VIII)~~
8 (38.5)(a)(IX) to a pharmacy technician who is under the pharmacist's
9 supervision.

10 **SECTION 3.** In Colorado Revised Statutes, 12-280-122, **amend**
11 (3); and **add** (4) as follows:

12 **12-280-122. Limited authority to delegate activities**
13 **constituting practice of pharmacy to pharmacy interns or pharmacy**
14 **technicians.** (3) The supervision ratio specified in subsection (1) of this
15 section:

16 (a) Does not include other ancillary personnel who may be in the
17 prescription drug outlet but who are not performing duties described in
18 section 12-280-103 (39)(b) that are delegated to the interns or duties
19 described in section 12-280-103 (38.5)(a) that are delegated to the
20 pharmacy technicians; AND

21 (b) DOES NOT APPLY TO A PHARMACY THAT IS NOT A
22 PUBLIC-FACING PHARMACY AND THAT IS ACTING AS AN AGENT OF AN
23 ORIGINATING PHARMACY TO FILL OR REFILL A PRESCRIPTION.

24 (4) A PHARMACIST'S AUTHORITY TO DELEGATE ACTIVITIES
25 CONSTITUTING THE PRACTICE OF PHARMACY INCLUDES ANY TASK
26 DELEGATED TO A PHARMACY TECHNICIAN BY A SUPERVISING PHARMACIST
27 FOR WHICH THE PHARMACY TECHNICIAN HAS BEEN SPECIFICALLY TRAINED,

1 EXCEPT FOR PATIENT COUNSELING, DRUG REGIMEN REVIEW, AND CLINICAL
2 CONFLICT RESOLUTION.

3 **SECTION 4.** In Colorado Revised Statutes, **add** 25.5-5-514 as
4 follows:

5 **25.5-5-514. Pharmacy reimbursement - vaccine administration**
6 **to children - legislative declaration.** (1) (a) THE GENERAL ASSEMBLY
7 FINDS AND DECLARES THAT:

8 (I) PHARMACISTS ARE HIGHLY TRAINED AND EDUCATED,
9 DOCTORATE-LEVEL HEALTH-CARE PROFESSIONALS SPECIALIZING IN THE
10 EFFECTIVE USE OF MEDICATIONS AND THEIR OUTCOMES;

11 (II) PHARMACISTS PROVIDE HEALTH CARE THROUGHOUT THE
12 ENTIRE HEALTH-CARE SYSTEM, PRACTICING IN COMMUNITY PHARMACIES,
13 HOSPITALS, PROVIDER CLINIC OFFICES, AND SPECIALTY AREAS;

14 (III) AS PART OF AN INTEGRATED TEAM, PHARMACISTS HAVE BEEN
15 PROVEN TO LOWER THE OVERALL COST OF HEALTH CARE AND IMPROVE
16 LONG-TERM CHRONIC DISEASE OUTCOMES; HOWEVER, DESPITE THESE
17 RECOGNIZED BENEFITS, PHARMACISTS ARE NOT CONSIDERED
18 REIMBURSABLE MEDICAL PROVIDERS;

19 (IV) FURTHER, PHARMACISTS IN INTEGRATED MEDICAL HOMES
20 UNDER THE MEDICAL ASSISTANCE PROGRAM ARE NOT SUPPORTED BY THE
21 SAME FUNDING MECHANISMS AS OTHER PROVIDERS, INCLUDING RATE
22 SETTING FOR FEDERALLY QUALIFIED HEALTH CENTERS OR THROUGH
23 FEE-FOR-SERVICE BILLING;

24 (V) WITH NINETY PERCENT OF AMERICANS LIVING WITHIN FIVE
25 MILES OF A PHARMACY, PHARMACISTS ARE ABLE TO PROVIDE VALUABLE
26 PUBLIC HEALTH SERVICES TO COMMUNITIES AND TO PROVIDE THOSE
27 SERVICES IN NOVEL WAYS, INCLUDING DURING NONTRADITIONAL HOURS

1 AND WITHOUT APPOINTMENTS; AND

2 (VI) CONVENIENT ACCESS TO VACCINES THROUGH A
3 NEIGHBORHOOD PHARMACY CAN HELP ENSURE THAT MORE CHILDREN
4 RECEIVE THEIR CHILDHOOD VACCINATIONS ACCORDING TO FEDERAL
5 RECOMMENDED GUIDELINES.

6 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
7 ALLOWING REIMBURSEMENT UNDER THE MEDICAL ASSISTANCE PROGRAM
8 TO A PHARMACIST OR PHARMACY THAT DISPENSES OR ADMINISTERS
9 CHILDHOOD VACCINATIONS IS AN IMPORTANT TOOL IN ENSURING THE
10 HEALTH OF COLORADO CHILDREN THROUGH IMMUNIZATION.

11 (2) A PHARMACIST OR PHARMACY THAT DISPENSES OR
12 ADMINISTERS VACCINATIONS TO CHILDREN UNDER NINETEEN YEARS OF
13 AGE PURSUANT TO THE FEDERAL CENTERS FOR DISEASE CONTROL AND
14 PREVENTION'S GUIDELINES PERTAINING TO THE CHILDHOOD IMMUNIZATION
15 SCHEDULE MAY SEEK REIMBURSEMENT FOR THE DISPENSING OR
16 ADMINISTRATION OF VACCINES UNDER THE MEDICAL ASSISTANCE
17 PROGRAM EITHER AS A PHARMACY BENEFIT OR AS A MEDICAL BENEFIT, AS
18 APPLICABLE.

19 **SECTION 5. 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; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2024 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.