

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 23-162

BY SENATOR(S) Will and Jaquez Lewis, Buckner, Cutter, Danielson, Marchman, Moreno, Priola, Winter F.;
also REPRESENTATIVE(S) Lindsay and Titone, Amabile, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, English, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindstedt, Mabrey, McCormick, Ortiz, Sharbini, Snyder, Willford, Woodrow, McCluskie.

CONCERNING INCREASING ACCESS TO PHARMACY SERVICES.

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

SECTION 1. In Colorado Revised Statutes, 12-280-103, **amend** (38.5)(a)(VII) and (38.5)(a)(VIII); and **add** (38.5)(a)(IX) 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:

(38.5) (a) "Practice as a pharmacy technician" means engaging in any of the following activities involved in the practice of pharmacy, under the supervision and delegation of a supervising pharmacist:

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.

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

~~(VIII) Other activities as authorized and defined by the board by rule.~~ PERFORMING POINT-OF-CARE TESTING AND PATIENT CARE TECHNICAL TASKS AS SPECIFICALLY TRAINED FOR AND DELEGATED BY A SUPERVISING PHARMACIST; AND

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

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

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

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

SECTION 3. In Colorado Revised Statutes, 12-280-122, **amend** (1); and **add** (4) as follows:

12-280-122. Limited authority to delegate activities constituting practice of pharmacy to pharmacy interns or pharmacy technicians.

(1) A pharmacist may supervise up to six persons who are either pharmacy interns or pharmacy technicians, of whom no more than two may be pharmacy interns. If three or more pharmacy technicians are on duty, the majority must be FULLY certified by the board in accordance with section 12-280-115.5 (2), and any pharmacy technician on duty who is not certified pursuant to section 12-280-115.5 (2) must have a provisional certification issued pursuant to section 12-280-115.5 (3).

(4) (a) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION APPLY TO A CENTRAL FILL PHARMACY; EXCEPT THAT A PHARMACIST MAY SUPERVISE UP TO EIGHT PERSONS WHO ARE EITHER PHARMACY INTERNS OR PHARMACY TECHNICIANS, OF WHOM NO MORE THAN TWO MAY BE PHARMACY INTERNS.

(b) AS USED IN THIS SUBSECTION (4), "CENTRAL FILL PHARMACY" MEANS A PHARMACY, OTHER THAN A PHARMACY LOCATED IN A HOSPITAL LICENSED PURSUANT TO SECTION 25-1.5-103, THAT IS NOT A PUBLIC-FACING PHARMACY AND THAT ONLY ACTS AS AN AGENT OF AN ORIGINATING PHARMACY TO FILL OR REFILL A PRESCRIPTION.

SECTION 4. In Colorado Revised Statutes, **add 25.5-5-515** as follows:

25.5-5-515. Pharmacy reimbursement - vaccine administration to children - legislative declaration. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

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

(III) WITH NINETY PERCENT OF AMERICANS LIVING WITHIN FIVE MILES OF A PHARMACY, PHARMACISTS ARE ABLE TO PROVIDE VALUABLE PUBLIC HEALTH SERVICES TO COMMUNITIES AND TO PROVIDE THOSE SERVICES IN NOVEL WAYS, INCLUDING DURING NONTRADITIONAL HOURS AND WITHOUT APPOINTMENTS; AND

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

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT ALLOWING REIMBURSEMENT UNDER THE MEDICAL ASSISTANCE PROGRAM TO

A PHARMACIST OR PHARMACY THAT DISPENSES OR ADMINISTERS CHILDHOOD VACCINATIONS IS AN IMPORTANT TOOL IN ENSURING THE HEALTH OF COLORADO CHILDREN THROUGH IMMUNIZATION.

(2) PURSUANT TO THE REQUIREMENTS SET FORTH IN SUBSECTION (3) OF THIS SECTION, A PHARMACIST OR PHARMACY THAT DISPENSES OR ADMINISTERS VACCINATIONS TO CHILDREN UNDER NINETEEN YEARS OF AGE PURSUANT TO THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES PERTAINING TO THE CHILDHOOD IMMUNIZATION SCHEDULE MAY SEEK REIMBURSEMENT FOR THE DISPENSING OR ADMINISTRATION OF VACCINES UNDER THE MEDICAL ASSISTANCE PROGRAM EITHER AS A PHARMACY BENEFIT OR AS A MEDICAL BENEFIT, AS APPLICABLE.

(3) (a) TO BE ELIGIBLE TO RECEIVE REIMBURSEMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION FOR ADMINISTERING VACCINES TO CHILDREN, A PHARMACY OR PHARMACIST MUST BE ENROLLED IN GOOD STANDING WITH THE VACCINES FOR CHILDREN PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(b) UNTIL THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT DETERMINES A FRAMEWORK FOR PARTICIPATION BY PHARMACIES AND PHARMACISTS IN THE VACCINE FOR CHILDREN PROGRAM, NOTHING IN THIS SECTION REQUIRES THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO ENROLL PHARMACIES RECEIVING REIMBURSEMENT FOR THE ADMINISTRATION OF VACCINES THROUGH THE MEDICAL ASSISTANCE PROGRAM AS VACCINES FOR CHILDREN PROVIDERS.

(c) AS USED IN THIS SUBSECTION (3), "VACCINES FOR CHILDREN PROGRAM" MEANS THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION "VACCINES FOR CHILDREN PROGRAM" ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR ANY SUCCESSOR PROGRAM.

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 2024 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

Julie McCluskie
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