

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

REREVISED

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

LLS NO. 24-0607.01 Yelana Love x2295

HOUSE BILL 24-1115

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House Committees

Health & Human Services
Appropriations

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Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO PRESCRIPTION DRUG LABEL INFORMATION,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 requires a pharmacy to provide an individual who has difficulty seeing or reading standard printed labels on prescription drug containers with access to the prescription drug label information by:

- Including an electronic label affixed to the prescription drug container that transmits the prescription drug's label information, directions, and written instructions to an end

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.

SENATE
3rd Reading Unamended
May 3, 2024

SENATE
Amended 2nd Reading
May 2, 2024

HOUSE
3rd Reading Unamended
April 19, 2024

HOUSE
Amended 2nd Reading
April 18, 2024

user's external accessible device, including an individual's compatible prescription drug reader;

- Providing a prescription drug reader at no cost to the individual;
- Providing a prescription drug label in braille or large print; or
- Providing the individual with a method recommended by the United States access board.

The state pharmacy board may exempt from the requirements of the bill a pharmacy that is a sole proprietorship with no more than 2 pharmacists for which, upon request of the pharmacy, the board determines compliance would create an undue burden.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-280-124, **add** (4)
3 as follows:

4 **12-280-124. Labeling - rules - definitions.** (4) (a) AS USED IN
5 THIS SUBSECTION (4), UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (I) "PATIENT" MEANS A PATIENT AND A PATIENT'S CARETAKER.

7 (II) "PATIENT'S EXTERNAL ACCESSIBLE DEVICE" MEANS A
8 COMMERCIALY AVAILABLE COMPUTER, MOBILE PHONE, OR OTHER
9 COMMUNICATIONS DEVICE THAT IS ABLE TO RECEIVE ELECTRONIC
10 INFORMATION TRANSMITTED FROM AN EXTERNAL SOURCE AND PROVIDE
11 THE ELECTRONIC INFORMATION IN A FORM AND FORMAT ACCESSIBLE TO A
12 PATIENT.

13 (III) "PRESCRIPTION DRUG READER" MEANS AN ELECTRONIC
14 DEVICE THAT IS ABLE TO OBTAIN INFORMATION FROM AN ELECTRONIC
15 LABEL AFFIXED TO A CONTAINER OF A PRESCRIPTION DRUG AND PROVIDE
16 THE INFORMATION IN AN AUDIO FORMAT ACCESSIBLE TO THE PATIENT.

17 (b) ON AND AFTER JULY 1, 2025, EXCEPT AS PROVIDED IN
18 SUBSECTIONS (4)(c) AND (4)(d) OF THIS SECTION, WHEN DISPENSING A
19 PRESCRIPTION DRUG TO A PATIENT WHO NOTIFIES A PHARMACY OF

1 DIFFICULTY SEEING OR READING STANDARD PRINTED LABELS ON A
2 PRESCRIPTION DRUG CONTAINER, THE PHARMACY SHALL PROVIDE THE
3 PATIENT WITH A METHOD TO ACCESS THE PRESCRIPTION DRUG LABEL
4 INFORMATION REQUIRED PURSUANT TO SUBSECTIONS (1) TO (3) OF THIS
5 SECTION BY THE PATIENT'S CHOICE OF:

6 (I) AN ELECTRONIC LABEL AFFIXED TO THE PRESCRIPTION DRUG
7 CONTAINER THAT TRANSMITS PRESCRIPTION DRUG LABEL INFORMATION,
8 DIRECTIONS, AND WRITTEN INSTRUCTIONS TO A PATIENT'S EXTERNAL
9 ACCESSIBLE DEVICE, INCLUDING A PATIENT'S COMPATIBLE PRESCRIPTION
10 DRUG READER;

11 (II) A PRESCRIPTION DRUG READER PROVIDED TO THE PATIENT AT
12 NO COST;

13 (III) A PRESCRIPTION DRUG LABEL IN BRAILLE OR LARGE PRINT; OR

14 (IV) ANY OTHER METHOD INCLUDED IN THE BEST PRACTICES FOR
15 ACCESS TO PRESCRIPTION DRUG LABELING INFORMATION BY THE UNITED
16 STATES ACCESS BOARD, OR ITS SUCCESSOR ORGANIZATION.

17

18 (c) A PHARMACY COMPLIES WITH SUBSECTION (4)(b) OF THIS
19 SECTION IF:

20 (I) THE PHARMACY OFFERS A PATIENT AN ALTERNATIVE METHOD
21 TO ACCESS A PRESCRIPTION DRUG LABEL OTHER THAN THE METHODS
22 SPECIFIED IN SUBSECTIONS (4)(b)(I) TO (4)(b)(IV) OF THIS SECTION; AND

23 (II) THE STATE BOARD OF PHARMACY AFFIRMS THAT THE
24 ALTERNATIVE METHOD OFFERED TO A PATIENT PURSUANT TO SUBSECTION
25 (4)(e)(I) OF THIS SECTION IS SUBSTANTIALLY SIMILAR TO THE METHOD OF
26 ACCESS THE PATIENT REQUESTED AND MEETS THE NEEDS OF THE PATIENT.

27 (d) IF A PATIENT REQUESTS A METHOD OF ACCESS THAT THE

1 PHARMACY HAS NOT YET BEEN ASKED TO PROVIDE TO ANY OTHER
2 PATIENT, THE PHARMACY MUST NOT TAKE MORE THAN TWENTY-EIGHT
3 DAYS TO COMPLY WITH SUBSECTION (4)(b) OF THIS SECTION. THE
4 PHARMACY SHALL MAKE REASONABLE EFFORTS TO ENSURE PATIENT
5 SAFETY AND ACCESS DURING THE TIME IT TAKES TO PROVIDE THE
6 REQUESTED METHOD OF ACCESSIBILITY.

7 (e) PHARMACIES SHALL MAKE GOOD FAITH, SUSTAINED, PERIODIC,
8 AND REASONABLE EFFORTS TO INFORM THE PUBLIC THAT PRESCRIPTION
9 DRUG LABEL INFORMATION IS AVAILABLE IN ACCESSIBLE FORMATS FOR
10 INDIVIDUALS WHO HAVE DIFFICULTY SEEING OR READING STANDARD
11 PRINTED LABELS ON PRESCRIPTION DRUG CONTAINERS.

12 (f) PHARMACIES SHALL OTHERWISE FOLLOW BEST PRACTICES AS
13 RECOMMENDED BY THE UNITED STATES ACCESS BOARD, OR ITS
14 SUCCESSOR ORGANIZATION, FOR PHARMACIES IN PROVIDING INDEPENDENT
15 ACCESS TO PRESCRIPTION DRUG LABEL INFORMATION.

16 (g) BY JANUARY 1, 2025, THE BOARD SHALL ADOPT RULES
17 NECESSARY TO IMPLEMENT THIS SUBSECTION (4).

18 **SECTION 2.** In Colorado Revised Statutes, add 25-1.5-121
19 as follows:

20 **25-1.5-121. Pharmacy labels - prescription accessibility grant**
21 **program - repeal.** (1) THE PRESCRIPTION ACCESSIBILITY GRANT
22 PROGRAM IS CREATED IN THE DEPARTMENT. THE PURPOSE OF THE GRANT
23 PROGRAM IS TO PROVIDE HARDSHIP GRANTS TO PHARMACIES FOR THE
24 PURCHASE OF EQUIPMENT USED TO CREATE ACCESSIBLE PRESCRIPTION
25 LABELS.

26 (2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
27 THE GRANT PROGRAM TO PURCHASE EQUIPMENT USED TO CREATE

1 ACCESSIBLE PRESCRIPTION LABELS.

2 (3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
3 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
4 PROVIDED IN THIS SECTION. GRANTS MUST BE PAID OUT OF MONEY
5 APPROPRIATED FOR THE GRANT PROGRAM AS PROVIDED IN SUBSECTION (5)
6 OF THIS SECTION.

7 (4) (a) TO RECEIVE A GRANT, A PHARMACY MUST SUBMIT AN
8 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES
9 PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

10 (b) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED
11 PURSUANT TO THIS SECTION.

12 (c) EACH GRANT RECIPIENT MAY BE AWARDED UP TO ONE
13 THOUSAND FIVE HUNDRED DOLLARS.

14 (5) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE JULY
15 1, 2025, THE DEPARTMENT SHALL AWARD GRANTS AS PROVIDED IN THIS
16 SECTION.

17 (6) ON OR BEFORE JANUARY 1, 2026, THE DEPARTMENT SHALL
18 SUBMIT A SUMMARIZED REPORT TO THE HOUSE OF REPRESENTATIVES
19 HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND
20 HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE
21 GRANT PROGRAM. AT A MINIMUM, THE REPORT MUST INCLUDE THE
22 NUMBER OF GRANTS AWARDED, THE AMOUNT OF EACH GRANT, AND THE
23 GRANT RECIPIENTS.

24 (7) THE GENERAL ASSEMBLY SHALL APPROPRIATE EIGHTY
25 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT TO
26 IMPLEMENT THE GRANT PROGRAM. THE DEPARTMENT MAY USE A PORTION
27 OF THE MONEY APPROPRIATED FOR THE PROGRAM TO PAY THE DIRECT AND

1 INDIRECT COSTS THAT THE DEPARTMENT INCURS TO ADMINISTER THE
2 GRANT PROGRAM. ANY MONEY APPROPRIATED PURSUANT TO THIS
3 SUBSECTION (7) THAT IS NOT EXPENDED OR ENCUMBERED AT THE END OF
4 THE 2024-25 STATE FISCAL YEAR REMAINS AVAILABLE FOR EXPENDITURE
5 BY THE DEPARTMENT FOR THE PURPOSES OF THIS SECTION IN THE NEXT
6 STATE FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

7 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

8 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal
9 year, \$80,000 is appropriated to the department of public health and
10 environment for use by the prevention services division. This
11 appropriation is from the general fund and is based on an assumption that
12 the division will require an additional 0.1 FTE. To implement this act, the
13 division may use this appropriation for the prescription accessibility grant
14 program related to chronic disease prevention programs. Any money
15 appropriated in this section not expended prior to July 1, 2025, is further
16 appropriated to the division for the 2025-26 and 2026-27 state fiscal years
17 for the same purpose.

18 (2) For the 2024-25 state fiscal year, \$3,650 is appropriated to the
19 department of corrections for use by the institutions division. This
20 appropriation is from the general fund. To implement this act, the division
21 may use this appropriation for operating expenses related to the medical
22 services subprogram.

23 **SECTION 4. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly; except
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2024 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.