

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-1115.01 Kristen Forrestal x4217

SENATE BILL 24-209

SENATE SPONSORSHIP

Rodriguez and Smallwood,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING CHANGES TO THE PHARMACY PRACTICE ACT RELATING
102 TO THE DISPENSING OF PRESCRIPTION DRUGS.

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 makes changes to the pharmacy practice act regarding the dispensing of prescription drugs by pharmacists, pharmacy technicians, and pharmacy interns.

The bill allows prescription drugs dispensed through an automated pharmacy dispensing system to be redispensed if certain safety requirements are met.

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.

The bill also allows pharmacists certified in immunization, and pharmacy technicians and pharmacy interns working under the direct supervision of a pharmacist certified in immunization, to administer vaccines and other related emergency medications.

Current law defines the practice of pharmacy to allow pharmacists to exercise independent prescriptive authority under certain conditions for patients who are at least 12 years of age. The bill removes the age limitation.

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)(VIII), (39)(g)(IV) introductory portion, (39)(j), and (39)(k);
4 **repeal** (50)(a)(II) and (50)(c)(I); and **add** (17.5), (22.5), (38.5)(a)(X),
5 (38.5)(a)(XI), (38.5)(a)(XII), and (39)(l) as follows:

6 **12-280-103. Definitions - rules.** As used in this article 280, unless
7 the context otherwise requires or the term is otherwise defined in another
8 part of this article 280:

9 (17.5) "FINAL EVALUATION" MEANS:

10 (a) THE REVIEW OF THE FINAL PRESCRIPTION MAY INCLUDE THE
11 INVOLVEMENT OF A SUPERVISED, APPOINTED, AND CERTIFIED PHARMACY
12 TECHNICIAN OR PHARMACY INTERN OPERATING UNDER THE DIRECT
13 SUPERVISION OF AN ON-DUTY PHARMACIST TO ENSURE THAT THE
14 PRESCRIPTION MEDICATION IS PROPERLY PREPARED AND PLACED IN A
15 SUITABLE CONTAINER WITH APPROPRIATE LABELING;

16 (b) ENSURING THAT THE IDENTITY OF THE DRUG THAT APPEARS ON
17 THE PRESCRIPTION LABEL CORRESPONDS WITH THE DRUG IN THE
18 CONTAINER IN WHICH IT IS DISPENSED; AND

19 (c) A REVIEW IN COMPLIANCE WITH A POLICY MANUAL RELATED TO
20 PHARMACY TECHNICIAN AND PHARMACY INTERN SUPERVISION THAT IS
21 MAINTAINED, REVIEWED AND UPDATED ANNUALLY, IN COMPLIANCE WITH

1 APPLICABLE RULES, AND ENSURES THE ACCURACY AND SAFETY OF THE
2 PRESCRIPTION DRUG DISPENSING, INCLUDING A PROCEDURE FOR
3 MAINTAINING QUALITY ASSURANCE.

4 (22.5) "INVENTORY FUNCTION" MEANS ANY
5 NONDISPENSING-RELATED ACTIVITY THAT IS RELATED TO THE
6 MANAGEMENT OF INVENTORY AND THAT MAY BE PERFORMED BY
7 NONLICENSED PERSONNEL UNDER THE SUPERVISION OF A LICENSED
8 PHARMACIST.

9 (38.5) (a) "Practice as a pharmacy technician" means engaging in
10 any of the following activities involved in the practice of pharmacy, under
11 the supervision and delegation of a supervising pharmacist:

12 (VIII) Performing point-of-care testing and patient care technical
13 tasks as specifically trained for and delegated by a supervising
14 pharmacist; ~~and~~

15 (X) REDISPENSING A PRESCRIPTION DRUG PURSUANT TO SECTION
16 12-280-141 (9)(b) AND (9)(c); AND

17 (XI) ADMINISTERING A VACCINE AND OTHER RELATED
18 EMERGENCY MEDICATION IF ADMINISTERING THE VACCINE OR RELATED
19 MEDICATION IS UNDER THE DIRECT SUPERVISION OF A PHARMACIST
20 CERTIFIED IN IMMUNIZATION AND COMPLIES WITH STANDARDS
21 ESTABLISHED BY RULES PROMULGATED BY THE BOARD; AND

22 (XII) REQUESTING REFILL AUTHORIZATION FROM THE PRESCRIBER
23 OR PRESCRIBER'S AGENT AND RECEIVING NEW OR OMITTED PRESCRIPTION
24 INFORMATION FROM THE PRESCRIBER OR PRESCRIBER'S AGENT.

25 (39) "Practice of pharmacy" means:

26 (g) Exercising independent prescriptive authority:

27 (IV) For drugs that are not controlled substances, drug categories,

1 or devices that are prescribed TO PATIENTS in accordance with the
2 product's FDA-approved labeling ~~and to patients who are at least twelve~~
3 ~~years of age~~ and that are limited to conditions that:

- 4 (j) Performing other tasks delegated by a licensed physician; ~~and~~
- 5 (k) Providing treatment that is based on national, evidence-based,
6 published guidance; AND

7 (l) FOR A PHARMACIST CERTIFIED IN IMMUNIZATION, THE
8 ADMINISTRATION OF A VACCINE AND OTHER RELATED EMERGENCY
9 MEDICATION IF THE ADMINISTRATION OF THE VACCINE OR RELATED
10 MEDICATION COMPLIES WITH STANDARDS ESTABLISHED BY RULES
11 PROMULGATED BY THE BOARD.

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

13 (II) ~~At the time of registration, is located in an area of need;~~

14 (c) As used in this subsection (50):

15 (I) ~~"Area of need" means:~~

16 ~~(A) Any health facility licensed or certified by the department of~~
17 ~~public health and environment pursuant to section 25-1.5-103 (1); or~~

18 ~~(B) Any area where a demonstration of need is approved by the~~
19 ~~board.~~

20 **SECTION 2.** In Colorado Revised Statutes, 12-280-108, **amend**
21 (1)(k) as follows:

22 **12-280-108. Powers and duties - rules.** (1) The board shall:

23 (k) Send a quarterly electronic newsletter to all licensees by e-mail
24 that details changes in state law, INCLUDING CHANGES OUTSIDE OF THIS
25 ARTICLE 280, that affect or are pertinent to the practice of pharmacy.

26 **SECTION 3.** In Colorado Revised Statutes, 12-280-141, **amend**
27 (9); and **add** (3.5) as follows:

1 **12-280-141. Prescription drugs - automated pharmacy**
2 **dispensing system - rules - definition.** (3.5) A PHARMACIST, PHARMACY
3 TECHNICIAN, OR PHARMACY INTERN RESPONSIBLE FOR THE FINAL
4 EVALUATION OF A PRESCRIPTION DRUG DISPENSED THROUGH AN
5 AUTOMATED PHARMACY DISPENSING SYSTEM IS ACCOUNTABLE FOR THE
6 ACCURACY OF THE PRODUCT DISPENSED THROUGH THE SYSTEM.

7 (9) (a) All prescription drugs stored in an automated pharmacy
8 dispensing system are part of the inventory of the prescription drug outlet
9 operating the system, and all prescription drugs dispensed from the
10 system are considered to have been dispensed by the prescription drug
11 outlet that operates the system.

12 (b) A PRESCRIPTION DRUG THAT HAS BEEN DISPENSED BY AN
13 AUTOMATED DISPENSING SYSTEM MAY BE RETURNED TO AN AUTOMATED
14 PHARMACY DISPENSING SYSTEM FOR REDISPENSING AS LONG AS THE
15 INTEGRITY OF THE MEDICATION HAS NOT BEEN ALTERED, BAR CODE
16 SCANNING TECHNOLOGY IS USED FOR RETURNING THE DRUG,
17 QUALIFICATIONS FOR RETURNING THE DRUG ARE MAINTAINED, AND THE
18 EXPIRATION DATE OF THE DRUG HAS NOT PASSED. A PHARMACY
19 TECHNICIAN MAY CARRY OUT THE PROCESS OF REDISPENSING THE DRUG
20 ISSUED IN ACCORDANCE WITH RULES ESTABLISHED BY THE BOARD.

21 (c) A PRESCRIPTION DRUG THAT IS DISPENSED BUT NOT DELIVERED
22 TO A PATIENT MAY BE RETURNED TO STOCK AND REDISPENSED AS LONG AS
23 IT IS STORED IN THE CONTAINER IN WHICH IT WAS DISPENSED AND
24 MAINTAINS A LABEL THAT ACCURATELY IDENTIFIES ITS CONTENTS WITH
25 RESPECT TO THE ORIGINAL PRESCRIPTION LABEL.

26 **SECTION 4. Effective date - applicability.** This act takes effect
27 July 1, 2024, and applies to prescription drugs dispensed on or after said

1 date.

2 **SECTION 5. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.