

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

REREVISED

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

LLS NO. 24-1115.01 Kristen Forrestal x4217

SENATE BILL 24-209

SENATE SPONSORSHIP

Rodriguez and Smallwood, Ginal, Hinrichsen, Kolker, Priola, Winter F.

HOUSE SPONSORSHIP

Lindsay and Bird, Bacon, Boesenecker, Duran, Jodeh, Snyder, Titone, Valdez

Senate Committees
Health & Human Services

House Committees
Health & Human Services

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.

HOUSE
3rd Reading Unamended
May 5, 2024

HOUSE
Amended 2nd Reading
May 4, 2024

SENATE
3rd Reading Unamended
May 1, 2024

SENATE
Amended 2nd Reading
April 30, 2024

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); repeal (50)(a)(II) and (50)(c)(I); and add (22.5),
4 (38.5)(a)(X), and (38.5)(a)(XI) as follows:

5 **12-280-103. Definitions - rules.** As used in this article 280, unless
6 the context otherwise requires or the term is otherwise defined in another
7 part of this article 280:

8 ==
9 (22.5) "INVENTORY FUNCTION" MEANS ANY
10 NONDISPENSING-RELATED ACTIVITY THAT IS RELATED TO THE
11 MANAGEMENT OF INVENTORY AND THAT MAY BE PERFORMED BY
12 NONLICENSED PERSONNEL UNDER THE SUPERVISION OF A LICENSED
13 PHARMACIST.

14 (38.5) (a) "Practice as a pharmacy technician" means engaging in
15 any of the following activities involved in the practice of pharmacy, under
16 the supervision and delegation of a supervising pharmacist:

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

20 (X) REDISPENSING A PRESCRIPTION DRUG PURSUANT TO SECTION
21 12-280-141 (9)(b) AND (9)(c); AND

1 ==
2 (XI) REQUESTING REFILL AUTHORIZATION FROM THE PRESCRIBER
3 OR PRESCRIBER'S AGENT AND RECEIVING CLARIFYING PRESCRIPTION
4 INFORMATION FROM THE PRESCRIBER OR PRESCRIBER'S AGENT.

5 == ==
6 (50) (a) "Telepharmacy outlet" means a remote pharmacy site that:
7 (II) ~~At the time of registration, is located in an area of need;~~
8 (c) As used in this subsection (50):
9 (I) ~~"Area of need" means:~~
10 ~~(A) Any health facility licensed or certified by the department of~~
11 ~~public health and environment pursuant to section 25-1.5-103 (1); or~~
12 ~~(B) Any area where a demonstration of need is approved by the~~
13 ~~board.~~

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

16 **12-280-108. Powers and duties - rules.** (1) The board shall:
17 (k) Send a quarterly electronic newsletter to all licensees by e-mail
18 that details changes in state law, INCLUDING CHANGES OUTSIDE OF THIS
19 ARTICLE 280, that affect or are pertinent to the practice of pharmacy.

20 ==
21 **SECTION 3.** In Colorado Revised Statutes, **add** 12-280-143 as
22 follows:

23 **12-280-143. Automated cassette - prescription drugs.**
24 (1) UNDER THE SUPERVISION OF A PHARMACIST, A PHARMACY TECHNICIAN
25 OR PHARMACY INTERN MAY REPLENISH MEDICATION IN A CASSETTE
26 DEVICE USED FOR THE AUTOMATIC PACKAGING OF MEDICATION.

27 (2) (a) A PRESCRIPTION DRUG THAT HAS BEEN DISPENSED BY AN

1 AUTOMATED CASSETTE DEVICE MAY BE RETURNED TO THE CASSETTE
2 DEVICE FOR REDISPENSING AS LONG AS THE INTEGRITY OF THE
3 MEDICATION HAS NOT BEEN ALTERED, BAR CODE SCANNING TECHNOLOGY
4 IS USED FOR RETURNING THE DRUG, QUALIFICATIONS FOR RETURNING THE
5 DRUG ARE MAINTAINED, AND THE EXPIRATION DATE OF THE DRUG HAS NOT
6 PASSED. A PHARMACY TECHNICIAN MAY CARRY OUT THE PROCESS OF
7 REDISPENSING THE DRUG ISSUED IN ACCORDANCE WITH RULES
8 ESTABLISHED BY THE BOARD.

9 **(b)** A PRESCRIPTION DRUG THAT IS DISPENSED BUT NOT DELIVERED
10 TO A PATIENT MAY BE RETURNED TO STOCK AND REDISPENSED AS LONG AS
11 IT IS STORED IN THE CONTAINER IN WHICH IT WAS DISPENSED AND
12 MAINTAINS A LABEL THAT ACCURATELY IDENTIFIES ITS CONTENTS WITH
13 RESPECT TO THE ORIGINAL PRESCRIPTION LABEL.

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

17 **SECTION 5. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.