

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

\_\_\_\_\_ April 8, 2019  
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB19-1242 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend the Health and Insurance Committee Report, dated March 26,
- 2 2019, page 1, strike line 1 and substitute:
  
- 3 "Amend printed bill, page 3, line 12, after "(38.5)" insert "(a)".
  
- 4 Page 3 of the bill, line 16, strike "(a)" and substitute "(I)".
  
- 5 Page 3 of the bill, line 18, strike "(b)" and substitute "(II)" and strike "OR
- 6 LABELING" and substitute "LABELING, OR DELIVERING".
  
- 7 Page 3 of the bill, line 20, strike "(c)" and substitute "(III)".
  
- 8 Page 3 of the bill, line 21, strike "(d)" and substitute "(IV)".
  
- 9 Page 3 of the bill, line 22, strike "(e)" and substitute "(V)".
  
- 10 Page 3 of the bill, line 23, strike "(f)" and substitute "(VI)".
  
- 11 Page 3 of the bill, after line 24 insert:
  
- 12 "(b) "PRACTICE AS A PHARMACY TECHNICIAN" DOES NOT INCLUDE
- 13 ACTIVITIES OR SERVICES DESCRIBED IN SUBSECTION (38.5)(a) OF THIS
- 14 SECTION THAT ARE PERFORMED BY EMPLOYEES OR PERSONNEL OF A
- 15 PRACTITIONER DISPENSING DRUGS TO PATIENTS PURSUANT TO SECTION

- 1 12-42.5-118 (6) OR OF A REGISTERED OTHER OUTLET, WHICH  
2 PRACTITIONER OR OTHER OUTLET DOES NOT STORE, COMPOUND, DISPENSE,  
3 OR DELIVER CONTROLLED SUBSTANCES."
- 4 Page 4 of the bill, line 1, strike "UNREGULATED" and substitute  
5 "ANCILLARY".
- 6 Page 4 of the bill, line 3, strike "PHARMACIST." and substitute  
7 "PHARMACIST, EXCLUDING TASKS DESCRIBED IN SUBSECTION (38.5)(a) OF  
8 THIS SECTION BUT WHICH TASKS MAY INCLUDE DELIVERY AND PROPER AND  
9 SAFE STORAGE OF DRUGS OR DEVICES."
- 10 Page 4 of the bill, strike lines 25 through 27.
- 11 Page 5 of the bill, strike lines 1 through 16.
- 12 Renumber succeeding sections accordingly.
- 13 Page 8 of the bill, line 1, strike "**check.**" and substitute "**check - rules.**"  
14 and strike "JUNE 15," and substitute "MARCH 30,".
- 15 Page 8 of the bill, line 12, after "(b)" insert "(I)".
- 16 Page 8 of the bill, strike line 13 and substitute "AND MANNER AS  
17 DETERMINED BY THE BOARD BY RULE; OR  
18 (II) PROVIDE".
- 19 Page 8 of the bill, line 14, strike "PROVIDE".
- 20 Page 8 of the bill, line 16, strike "OUTLET OR" and substitute "OUTLET,".
- 21 Page 8 of the bill, line 17, strike "EMPLOYER." and substitute "EMPLOYER,  
22 AS A CONDITION OF PARTICIPATING IN A COURSE OF STUDY FOR OR WITH A  
23 CERTIFYING ORGANIZATION, OR IN CONNECTION WITH OBTAINING  
24 CERTIFICATION FROM A CERTIFYING ORGANIZATION.".
- 25 Page 9 of the bill, strike lines 23 through 27.
- 26 Page 10 of the bill, strike lines 1 through 21.
- 27 Page 11 of the bill, lines 18 and 19, strike "EXCEPT AS PERMITTED IN

- 1 SUBSECTION (2) OF THIS SECTION, THE" and substitute "THE".
- 2 Page 11 of the bill, line 22, strike "HAS".
- 3 Page 11 of the bill, strike lines 23 and 24 and substitute "MAINTAINS  
4 ACTIVE CERTIFICATION WITH A".
- 5 Page 11 of the bill, line 25, strike "(3)" and substitute "(2)".
- 6 Page 12 of the bill, strike lines 1 through 7.
- 7 Renumber succeeding subsections accordingly.
- 8 Page 12 of the bill, strike line 25 and substitute "RENEWAL FEE, AND  
9 MEET".
- 10 Page 13 of the bill, line 22, after "a" insert "~~person who is not~~".
- 11 Page 13 of the bill, strike lines 25 and 26 and substitute:  
  
12 "(I) SPECIFIC TASKS, EXCLUDING TASKS DESCRIBED IN SUBSECTION  
13 (38.5)(a) OF THIS SECTION BUT WHICH TASKS MAY INCLUDE DELIVERY AND  
14 PROPER AND SAFE STORAGE OF DRUGS OR DEVICES, TO ANCILLARY  
15 PERSONNEL, OTHER THAN a pharmacist or pharmacy intern, ~~but~~".
- 16 Page 13 of the bill, line 27, strike "AND who is ~~an unlicensed assistant~~"  
17 and substitute "who is ~~an unlicensed assistant~~ ARE".
- 18 Page 14 of the bill, line 22, strike "12-280-115.5 (2)." and substitute  
19 "12-280-115.5(2), AND ANY PHARMACY TECHNICIAN ON DUTY WHO IS NOT  
20 CERTIFIED PURSUANT TO SECTION 12-280-115.5 (2) MUST HAVE A  
21 PROVISIONAL CERTIFICATION ISSUED PURSUANT TO SECTION 12-280-115.5  
22 (3).".
- 23 Page 20 of the bill, line 20, strike "42.5" and substitute "~~42.5~~ 280".
- 24 Page 20 of the bill, strike line 21 and substitute:".
- 25 Page 1 of the committee report, line 2, strike "**19.**" and substitute "**18.**"
- 26 Renumber succeeding sections accordingly.

- 1 Page 1 of the committee report, line 21, after "(30.5)" insert "(a)".
- 2 Page 2 of the committee report, line 1, strike "(a)" and substitute "(I)".
- 3 Page 2 of the committee report, line 3, strike "(b)" and substitute "(II)"
- 4 and strike "OR LABELING" and substitute "LABELING, OR DELIVERING".
- 5 Page 2 of the committee report, line 5, strike "(c)" and substitute "(III)".
- 6 Page 2 of the committee report, line 6, strike "(d)" and substitute "(IV)".
- 7 Page 2 of the committee report, line 7, strike "(e)" and substitute "(V)".
- 8 Page 2 of the committee report, line 8, strike "(f)" and substitute "(VI)".
- 9 Page 2 of the committee report, after line 9 insert:
- 10           "(b) "PRACTICE AS A PHARMACY TECHNICIAN" DOES NOT INCLUDE
- 11 ACTIVITIES OR SERVICES DESCRIBED IN SUBSECTION (30.5)(a) OF THIS
- 12 SECTION THAT ARE PERFORMED BY EMPLOYEES OR PERSONNEL OF A
- 13 PRACTITIONER DISPENSING DRUGS TO PATIENTS PURSUANT TO SECTION
- 14 12-280-120(6) OR OF A REGISTERED OTHER OUTLET, WHICH PRACTITIONER
- 15 OR OTHER OUTLET DOES NOT STORE, COMPOUND, DISPENSE, OR DELIVER
- 16 CONTROLLED SUBSTANCES."
- 17 Page 2 of the committee report, line 13, strike "UNREGULATED" and
- 18 substitute "ANCILLARY".
- 19 Page 2 of the committee report, line 15, strike "PHARMACIST." and
- 20 substitute "PHARMACIST, EXCLUDING TASKS DESCRIBED IN SUBSECTION
- 21 (30.5)(a) OF THIS SECTION BUT WHICH TASKS MAY INCLUDE DELIVERY AND
- 22 PROPER AND SAFE STORAGE OF DRUGS OR DEVICES."
- 23 Page 2 of the committee report, strike lines 40 and 41.
- 24 Page 3 of the committee report, strike lines 1 through 17.
- 25 Renumber succeeding sections accordingly.
- 26 Page 4 of the committee report, line 40, strike "**check.**" and substitute
- 27 "**check - rules.**" and strike "JUNE 15," and substitute "MARCH 30,".

- 1 Page 5 of the committee report, line 10, after "(b)" insert "(I)".
- 2 Page 5 of the committee report, strike line 11 and substitute "AND  
3 MANNER AS DETERMINED BY THE BOARD BY RULE; OR  
4 (II) PROVIDE".
- 5 Page 5 of the committee report, line 12, strike "PROVIDE".
- 6 Page 5 of the committee report, line 14, strike "OUTLET OR" and substitute  
7 "OUTLET,".
- 8 Page 5 of the committee report, line 15, strike "EMPLOYER." and substitute  
9 "EMPLOYER, AS A CONDITION OF PARTICIPATING IN A COURSE OF STUDY  
10 FOR OR WITH A CERTIFYING ORGANIZATION, OR IN CONNECTION WITH  
11 OBTAINING CERTIFICATION FROM A CERTIFYING ORGANIZATION.".
- 12 Page 6 of the committee report, strike lines 7 through 32.
- 13 Page 7 of the committee report, lines 21 and 22, strike "EXCEPT AS  
14 PERMITTED IN SUBSECTION (2) OF THIS SECTION, THE" and substitute  
15 "THE".
- 16 Page 7 of the committee report, line 25, strike "HAS".
- 17 Page 7 of the committee report, strike lines 26 and 27 and substitute  
18 "MAINTAINS ACTIVE CERTIFICATION WITH A".
- 19 Page 7 of the committee report, line 28, strike "(3)" and substitute "(2)".
- 20 Page 7 of the committee report, strike lines 31 through 37.
- 21 Renumber succeeding subsections accordingly.
- 22 Page 8 of the committee report, strike line 14 and substitute "RENEWAL  
23 FEE, AND MEET".
- 24 Page 8 of the committee report, line 39, after "a" insert "~~person who is~~  
25 ~~not~~".
- 26 Page 9 of the committee report, strike lines 1 and 2 and substitute:

1           "(I) SPECIFIC TASKS, EXCLUDING TASKS DESCRIBED IN SUBSECTION  
2 (30.5)(a) OF THIS SECTION BUT WHICH TASKS MAY INCLUDE DELIVERY AND  
3 PROPER AND SAFE STORAGE OF DRUGS OR DEVICES, TO ANCILLARY  
4 PERSONNEL, OTHER THAN a pharmacist or pharmacy intern, ~~but~~".

5 Page 9 of the committee report, line 3, strike "AND who is ~~an unlicensed~~  
6 ~~assistant~~" and substitute "who is ~~an unlicensed assistant~~ ARE".

7 Page 9 of the committee report, line 26, strike "12-42.5-113.5 (2)." and  
8 substitute "12-42.5-113.5 (2), AND ANY PHARMACY TECHNICIAN ON DUTY  
9 WHO IS NOT CERTIFIED PURSUANT TO SECTION 12-42.5-113.5 (2) MUST  
10 HAVE A PROVISIONAL CERTIFICATION ISSUED PURSUANT TO SECTION  
11 12-42.5-113.5 (3)."

12 Page 15 of the committee report, after line 14 insert:

13           "**SECTION 33.** In Colorado Revised Statutes, 24-34-104, **amend**  
14 (21)(a)(II) as follows:

15           **24-34-104. General assembly review of regulatory agencies**  
16 **and functions for repeal, continuation, or reestablishment - legislative**  
17 **declaration - repeal.** (21) (a) The following agencies, functions, or both,  
18 will repeal on September 1, 2021:

19           (II) The state board of pharmacy and the regulation of the practice  
20 of pharmacy, INCLUDING THE REGULATION OF THE PRACTICE AS A  
21 PHARMACY TECHNICIAN, by the department of regulatory agencies through  
22 the division of professions and occupations in accordance with parts 1 to  
23 3 of article 42.5 of title 12; ~~C.R.S.~~".

24 Page 15 of the committee report, line 15, strike "**date.**" and substitute  
25 "**date - applicability.**".

26 Page 15 of the committee report, line 19, strike "18" and substitute "17".

27 Page 15 of the committee report, line 21, strike "19 through 34" and  
28 substitute "18 through 33".

29 Page 15 of the committee report, strike line 22 and substitute "Bill  
30 19-1172 does not become law.

31           (3) This act applies to the practice as a pharmacy technician on or  
32 after March 30, 2020."."

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