

SENATE COMMITTEE OF REFERENCE REPORT

June 10, 2020

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Chair of Committee

\_\_\_\_\_  
Date

Committee on State, Veterans, & Military Affairs.

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

HB20-1065 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, lines 4 and 5, strike "**antagonists**  
2 **provided by a hospital - definition.**" and substitute "**antagonists -**  
3 **definition.**".

4 Page 2, after line 12 insert:

5 "(3) A CARRIER SHALL REIMBURSE A PHARMACIST EMPLOYED BY  
6 AN IN-NETWORK PHARMACY FOR PRESCRIBING AND DISPENSING AN OPIATE  
7 ANTAGONIST IN ACCORDANCE WITH SECTION 12-30-111 TO A COVERED  
8 PERSON. A CARRIER SHALL PROVIDE A PHARMACIST WHO PRESCRIBES AND  
9 DISPENSES AN OPIATE ANTAGONIST PURSUANT TO SECTION 12-30-111:

10 (a) IF MEDICAL BILLING IS AVAILABLE, AN ADEQUATE  
11 CONSULTATIVE FEE EQUIVALENT TO THE CONSULTATIVE FEE PROVIDED TO  
12 A PHYSICIAN LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12 OR AN  
13 ADVANCED PRACTICE NURSE LICENSED PURSUANT TO ARTICLE 255 OF  
14 TITLE 12; OR

15 (b) IF MEDICAL BILLING IS NOT AVAILABLE, AN ENHANCED  
16 DISPENSING FEE THAT IS EQUIVALENT TO THE CONSULTATIVE FEE  
17 SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION.

18 **SECTION 2.** In Colorado Revised Statutes, 12-30-110, **amend**  
19 (1)(a) introductory portion, (2)(a), (3) introductory portion, (4)(a), and  
20 (7)(h); and **repeal** (7)(g) as follows:

21 **12-30-110. Prescribing or dispensing opiate antagonists -**  
22 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe

1 or dispense, directly or in accordance with standing orders and protocols,  
2 and a pharmacist may dispense, pursuant to an order or standing orders  
3 and protocols, an opiate antagonist to:

4 (2) (a) A prescriber who prescribes or dispenses, or a pharmacist  
5 who dispenses, DISPENSES an opiate antagonist pursuant to this section is  
6 strongly encouraged to educate persons receiving the opiate antagonist on  
7 the use of an opiate antagonist for overdose, including instruction  
8 concerning risk factors for overdose, recognizing an overdose, calling  
9 emergency medical services, rescue breathing, and administering an  
10 opiate antagonist.

11 (3) Neither A prescriber described in subsection (7)(h)(I) of this  
12 section nor a pharmacist engages DOES NOT ENGAGE in unprofessional  
13 conduct pursuant to section 12-240-121, or 12-280-126, respectively, and  
14 a prescriber described in subsection (7)(h)(II) of this section does not  
15 engage in conduct that is grounds for discipline pursuant to section OR  
16 12-255-120, RESPECTIVELY, if the prescriber issues standing orders and  
17 protocols regarding opiate antagonists or prescribes or dispenses, or the  
18 pharmacist dispenses, pursuant to an order or standing orders and  
19 protocols, an opiate antagonist in a good-faith effort to assist:

20 (4) (a) A prescriber or pharmacist who prescribes or dispenses an  
21 opiate antagonist in accordance with this section is not subject to civil  
22 liability or criminal prosecution, as specified in sections 13-21-108.7 (4)  
23 and 18-1-712 (3), respectively.

24 (7) As used in this section:

25 (g) "~~Pharmacist~~" means ~~an individual licensed by the state~~  
26 ~~pursuant to article 280 of this title 12 to engage in the practice of~~  
27 ~~pharmacy.~~

28 (h) "Prescriber" means:

29 (I) A physician or physician assistant licensed pursuant to article  
30 240 of this title 12; or

31 (II) An advanced practice nurse, as defined in section 12-255-104  
32 (1), with prescriptive authority pursuant to section 12-255-112; OR

33 (III) A PHARMACIST LICENSED PURSUANT TO SECTION  
34 12-280-114."

35 Renumber succeeding sections accordingly.

36 Page 2, lines 13 and 14, strike "**add** (1)(c)" and substitute "**amend** (3);  
37 and **add** (1)(c) and (4)".

38 Page 3, strike lines 1 through 11 and substitute "**opiate antagonists -**

1 **selling nonprescription syringes and needles.** (1)(c)(I) A PHARMACIST  
2 WHO DISPENSES A PRESCRIPTION ORDER FOR A PRESCRIPTION DRUG THAT  
3 IS AN OPIOID SHALL INFORM THE INDIVIDUAL TO WHOM THE OPIOID IS  
4 BEING DISPENSED OF THE POTENTIAL DANGERS OF A HIGH DOSE OF OPIOID  
5 AND OFFER TO PRESCRIBE THE INDIVIDUAL, ON AT LEAST AN ANNUAL  
6 BASIS, AN OPIATE ANTAGONIST APPROVED BY THE FEDERAL FOOD AND  
7 DRUG ADMINISTRATION FOR THE REVERSAL OF AN OPIOID OVERDOSE IF:  
8 (A) IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE  
9 INDIVIDUAL WOULD BENEFIT FROM THE NOTIFICATION; OR  
10 (B) THE OPIOID PRESCRIPTION IS AT OR IN EXCESS OF NINETY  
11 MORPHINE MILLIGRAM EQUIVALENT, AS DESCRIBED IN THE GUIDELINES OF  
12 THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION.  
13 (II) IF AN INDIVIDUAL TO WHOM AN OPIOID IS BEING DISPENSED  
14 CHOOSES TO ACCEPT THE PHARMACIST'S PRESCRIPTION FOR AN OPIATE  
15 ANTAGONIST, THE PHARMACIST SHALL COUNSEL THE INDIVIDUAL ON HOW  
16 TO USE THE OPIATE ANTAGONIST IN THE EVENT OF AN OVERDOSE.  
17 (III) AN IN-NETWORK PHARMACIST WHO PRESCRIBES AN OPIOID  
18 ANTAGONIST TO AN INDIVIDUAL PURSUANT TO THIS SECTION IS ENTITLED  
19 TO AN ADEQUATE CONSULTATIVE FEE OR AN ENHANCED DISPENSING FEE  
20 AS SPECIFIED IN SECTION 10-16-152 (3).  
21 (3) A pharmacist may PRESCRIBE AND dispense an opiate  
22 antagonist in accordance with section 12-30-110.  
23 (4) A PHARMACIST OR PHARMACY TECHNICIAN MAY SELL A".

24 Renumber succeeding sections accordingly.

25 Page 5, strike lines 16 through 27.

26 Page 6, strike lines 1 through 12 and substitute:

27 **"SECTION 8. Act subject to petition - effective date.** This act  
28 takes effect at 12:01 a.m. on the day following the expiration of the  
29 ninety-day period after final adjournment of the general assembly; except  
30 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
31 of the state constitution against this act or an item, section, or part of this  
32 act within such period, then the act, item, section, or part will not take  
33 effect unless approved by the people at the general election to be held in  
34 November 2022 and, in such case, will take effect on the date of the  
35 official declaration of the vote thereon by the governor."

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