

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0243.01 Kristen Forrestal x4217

SENATE BILL 17-032

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SENATE SPONSORSHIP

Merrifield,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING A CHANGE TO HOW CERTAIN QUALIFIED PERSONS MAY  
102 GAIN ACCESS TO THE PRESCRIPTION DRUG MONITORING  
103 PROGRAM.

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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>.)*

Current law gives law enforcement officials and state regulatory boards access to the prescription drug monitoring program with a request that is accompanied by an official court order or subpoena. The bill changes this requirement to an official court order or warrant issued upon a showing of probable cause.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1.** In Colorado Revised Statutes, 12-42.5-404, **amend**  
3 (3)(e) and (3)(g) as follows:

4           **12-42.5-404. Program operation - access - rules.** (3) The  
5 program is available for query only to the following persons or groups of  
6 persons:

7           (e) Law enforcement officials so long as the information released  
8 is specific to an individual patient, pharmacy, or practitioner and is part  
9 of a bona fide investigation, and the request for information is  
10 accompanied by an official court order or ~~subpoena~~ BY A WARRANT  
11 ISSUED BY A NEUTRAL MAGISTRATE OR JUDGE FOLLOWING A SHOWING OF  
12 PROBABLE CAUSE SUPPORTED BY SWORN TESTIMONY OR AN AFFIDAVIT;

13           (g) State regulatory boards within the division and the director of  
14 the division so long as the information released is specific to an  
15 individual practitioner and is part of a bona fide investigation, and the  
16 request for information is accompanied by an official court order or  
17 ~~subpoena~~ BY A WARRANT ISSUED BY A NEUTRAL MAGISTRATE OR JUDGE  
18 FOLLOWING A SHOWING OF PROBABLE CAUSE SUPPORTED BY SWORN  
19 TESTIMONY OR AN AFFIDAVIT;

20           **SECTION 2. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly (August  
23 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in  
2 November 2018 and, in such case, will take effect on the date of the  
3 official declaration of the vote thereon by the governor.