A BILL FOR AN ACT

CONCERNING THE REGULATION OF PHARMACY TECHNICIANS BY THE STATE BOARD OF PHARMACY.

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 requires pharmacy technicians practicing in Colorado on or after June 15, 2020, to obtain a certification from the state board of pharmacy (board). An applicant for certification by the board must provide proof of certification by a board-approved, nationally recognized organization that certifies pharmacy technicians and must either submit to a criminal history record check or provide evidence of submitting to a
criminal history record check at the time of hire as a pharmacy technician. If an applicant is not certified by a national certifying organization at the time of application for state certification, the board may grant a provisional certification to the applicant to allow the applicant up to 18 months or, if granted a hardship extension, an additional period determined by the board, to obtain national certification. A provisional certification is not renewable, and if the provisional certificant fails to obtain the national certification within the 18-month period or extended period granted by the board, the provisional certification expires and the person cannot practice as a pharmacy technician until the person satisfies all requirements for certification by the board.

To renew a certification, in addition to board requirements for renewal, a pharmacy technician must satisfy renewal and continuing education requirements of the national accrediting organization that certified the pharmacy technician.

Similar to pharmacists and interns, a pharmacy technician certified by the board is subject to the jurisdiction of the board and to discipline by the board for engaging in unprofessional conduct.

The bill maintains the limitation on the number of interns and pharmacy technicians that a pharmacist may supervise but specifies that if the pharmacist is supervising 3 or more pharmacy technicians, a majority of the pharmacy technicians must be certified.

The bill replaces one nonpharmacist member of the board with a certified pharmacy technician member with 5 years of pharmacy technician experience.

The regulation of pharmacy technicians by the board is subject to the same sunset review that applies to the board and its functions in regulating the practice of pharmacy.

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

SECTION 1. In Colorado Revised Statutes, 12-280-103, amend as relocated by House Bill 19-1172 (38), (49), and (50)(a)(IV); and add as relocated by House Bill 19-1172 (8.5), (8.7), and (38.5) as follows:

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

(8.5) "Certification" means a certification to practice as a pharmacy technician issued by the board in accordance with
SECTION 12-280-115.5 (2) AND INCLUDES A PROVISIONAL CERTIFICATION
ISSUED IN ACCORDANCE WITH SECTION 12-280-115.5 (3).

(8.7) "Certifying organization" means a board-approved,
nationally recognized organization that certifies pharmacy
technicians.

(38) "Pharmacy technician" or "certificant" means an
unlicensed person who performs those functions set forth in subsection
(39)(b) of this section under the supervision of a pharmacist IS CERTIFIED
BY THE BOARD TO PRACTICE AS A PHARMACY TECHNICIAN AND INCLUDES
A PERSON ISSUED A PROVISIONAL CERTIFICATION PURSUANT TO SECTION
12-280-115.5 (3).

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

(a) Receiving and initially inputting new written,
facsimile, or electronic orders;

(b) Preparing, mixing, assembling, packaging, or labeling
a drug or device;

(c) Properly and safely storing drugs or devices;

(d) Maintaining proper records for drugs and devices;

(e) Transferring prescriptions; and

(f) Other activities as authorized and defined by the
board by rule.

(49) "Supervision" means that a licensed pharmacist is on the
location and readily available to consult with and assist unlicensed
certificants practicing as pharmacy technicians as described in
SUBSECTION (38.5) OF THIS SECTION OR UNREGULATED personnel
performing tasks described in subsection (39)(b) of this section AT THE
DIRECTION OF THE LICENSED PHARMACIST. If the unlicensed person is a
pharmacy technician located at a registered telepharmacy outlet, the
licensed pharmacist need not be physically present at the telepharmacy
outlet as long as the licensed pharmacist is connected to the telepharmacy
outlet via computer link, video link, and audio link, or via other
telecommunication equipment of equivalent functionality, and is readily
available to consult with and assist the pharmacy technician in performing
tasks described in subsection (39)(b) SUBSECTION (38.5) of this section.

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

(IV) Has a pharmacy technician on site who, under the remote
supervision of a licensed pharmacist located at the central pharmacy,
performs the tasks described in subsection (39)(b) SUBSECTION (38.5) of
this section.

SECTION 2. In Colorado Revised Statutes, 12-280-104, amend
as relocated by House Bill 19-1172 (3) as follows:

12-280-104. State board of pharmacy - creation - subject to
termination - repeal of parts. (3) Parts 1 to 3 of this article 280 are
repealed, effective September 1, 2021. Before the repeal, the board and
the regulation of the practice of pharmacy pursuant to parts 1 to 3 of this
article 280, INCLUDING THE REGULATION OF THE PRACTICE AS A
PHARMACY TECHNICIAN, are scheduled for review in accordance with
section 24-34-104.

SECTION 3. In Colorado Revised Statutes, 12-280-105, amend
as relocated by House Bill 19-1172 (1)(a) as follows:

12-280-105. Membership of board - removal - compensation
- meetings. (1) (a) The board is composed of:

   (I) Five licensed pharmacists, each having at least five years' experience in this state and actively engaged in the practice of pharmacy in this state; and

   (II) Two nonpharmacists MEMBERS WHO ARE NOT PHARMACISTS AND who have no financial interest in the practice of pharmacy; EXCEPT THAT, UPON THE EXPIRATION OF THE TERM OF OFFICE ONE OF THE MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(a)(II), ON OR AFTER OCTOBER 1, 2019, OR UPON A VACANCY IN A POSITION APPOINTED UNDER THIS SUBSECTION (1)(a)(II) ON OR AFTER OCTOBER 1, 2019, WHICHEVER OCCURS FIRST, THE GOVERNOR SHALL APPOINT ONE PHARMACY TECHNICIAN CERTIFIED IN ACCORDANCE WITH SECTION 12-280-115.5 (2) WHO HAS AT LEAST FIVE YEARS OF EXPERIENCE PRACTICING AS A PHARMACY TECHNICIAN TO SERVE ON THE BOARD, AND THEREAFTER THE COMPOSITION OF THE BOARD MUST CONTINUE TO REFLECT THIS CHANGE.

   **SECTION 4.** In Colorado Revised Statutes, 12-280-108, amend as relocated by House Bill 19-1172 (1)(b), (1)(c), (1)(e), and (1)(f)(I) as follows:

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

   (b) Prescribe forms and receive applications for licensure, CERTIFICATION, and registration and grant, renew, reactivate, and reinstate licenses, CERTIFICATIONS, and registrations;

   (c) Deny, suspend, or revoke licenses, CERTIFICATIONS, or registrations;

   (e) Administer examinations to, and determine the qualifications and fitness of, applicants for licensure, CERTIFICATION, or registration;
(f) Keep a record of:

(I) All licenses, CERTIFICATIONS, registrations, and license, CERTIFICATION, and registration renewals, reactivations, and reinstatements for a reasonable period;

SECTION 5. In Colorado Revised Statutes, 12-280-112, amend as relocated by House Bill 19-1172 (1) introductory portion; and add as relocated by House Bill 19-1172 (1)(r), (1)(s), (1)(t), and (1)(u) as follows:

12-280-112. Fees. (1) The director shall determine, and the board shall collect, fees pursuant to section 12-20-105 for the following licenses, CERTIFICATIONS, and registrations:

(r) FOR THE INITIAL CERTIFICATION OR PROVISIONAL CERTIFICATION AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION 12-280-115.5;

(s) FOR THE RENEWAL OF A CERTIFICATION AS A PHARMACY TECHNICIAN ISSUED PURSUANT TO SECTION 12-280-115.5 (2), AS PROVIDED IN SECTION 12-280-116 (1);

(t) FOR REINSTATEMENT AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION 12-280-116 (2);

(u) FOR THE ISSUANCE OF A DUPLICATE CERTIFICATE TO A PHARMACY TECHNICIAN.

SECTION 6. In Colorado Revised Statutes, 12-280-114, amend as relocated by House Bill 19-1172 (2)(a), (3), (6), and (7); and add as relocated by House Bill 19-1172 (2)(c) as follows:

12-280-114. Licensure, certification, or registration - applicability - applications - licensure and certification requirements - rules. (2) (a) Every applicant for a license OR CERTIFICATION under this
article 280 must read and write the English language, or if the applicant is a partnership, each member of the partnership must read and write the English language. If the applicant is a Colorado corporation, the corporation must be in good standing, and if the applicant is a foreign corporation, it must be qualified to do business in this state.

(c) The board shall issue a certification to an applicant to practice as a pharmacy technician who satisfies the requirements of this article 280, this section, and section 12-280-115.5.

(3) Every applicant for a license, certification, or registration under this article 280 shall make written application in the manner and form prescribed by the board, setting forth the applicant's name and address, the applicant's qualifications for the license, certification, or registration, and other information required by the board. The applicant shall submit with the application the required fee, and, if the applicant is required to take an examination, the applicant shall appear for examination at the time and place fixed by the board.

(6) No applicant shall exercise the privileges of licensure, certification, or registration until the board grants the license, certification, or registration.

(7) The board may require any applicant for licensure or certification to display written or oral competency in English. The board may utilize a standardized test to determine language proficiency.

SECTION 7. In Colorado Revised Statutes, add to article 280 as relocated by House Bill 19-1172 12-280-115.5 as follows:

12-280-115.5. Certification of pharmacy technicians - requirements - provisional certification - criminal history record
check. (1) ON OR AFTER JUNE 15, 2020, A PERSON SHALL NOT ENGAGE IN
THE PRACTICE AS A PHARMACY TECHNICIAN UNLESS THE PERSON HAS
OBTAINED A CERTIFICATION OR PROVISIONAL CERTIFICATION FROM THE
BOARD IN ACCORDANCE WITH THIS SECTION.

(2) IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN
SECTION 12-280-114 OR THIS ARTICLE 280, TO BE CERTIFIED AS A
PHARMACY TECHNICIAN, AN APPLICANT MUST:

(a) PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE
APPLICANT HAS OBTAINED AND MAINTAINS IN GOOD STANDING
CERTIFICATION AS A PHARMACY TECHNICIAN FROM A CERTIFYING
ORGANIZATION; AND

(b) SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM
AND MANNER AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION OR
PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE APPLICANT
SUBMITTED TO A CRIMINAL HISTORY RECORD CHECK AS A CONDITION OF
EMPLOYMENT AT A PHARMACY OR OTHER OUTLET OR AS REQUIRED BY THE
APPLICANT’S CURRENT EMPLOYER.

(3) (a) IF AN APPLICANT FOR CERTIFICATION AS A PHARMACY
TECHNICIAN HAS NOT SATISFIED THE REQUIREMENTS OF SUBSECTION (2)(a)
OF THIS SECTION AT THE TIME OF APPLICATION TO THE BOARD, THE BOARD
MAY GRANT THE APPLICANT A PROVISIONAL CERTIFICATION UPON
SATISFACTION OF ALL OTHER REQUIREMENTS FOR CERTIFICATION
SPECIFIED IN THIS SECTION AND SECTION 12-280-114.

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS
SECTION, A PROVISIONAL CERTIFICATION IS VALID FOR NOT MORE THAN
EIGHTEEN MONTHS AFTER THE DATE OF ISSUANCE AND IS NOT RENEWABLE.
 IF A PERSON WHO IS GRANTED A PROVISIONAL CERTIFICATION PURSUANT
TO THIS SUBSECTION (3) FAILS TO SATISFY THE REQUIREMENTS OF
SUBSECTION (2)(a) OF THIS SECTION WITHIN EIGHTEEN MONTHS AFTER THE
DATE THE PROVISIONAL CERTIFICATION IS ISSUED OR WITHIN AN EXTENDED
PERIOD GRANTED BY THE BOARD PURSUANT TO SUBSECTION (3)(b)(II) OF
THIS SECTION, THE PROVISIONAL CERTIFICATION EXPIRES AND THE PERSON
SHALL NOT PRACTICE AS A PHARMACY TECHNICIAN UNTIL THE PERSON
APPLIES FOR AND RECEIVES A CERTIFICATION IN ACCORDANCE WITH
SUBSECTION (2) OF THIS SECTION.

(II) THE BOARD SHALL ADOPT RULES TO ESTABLISH A PROCESS FOR
A PROVISIONAL CERTIFICANT TO APPLY FOR A HARDSHIP EXTENSION TO
EXTEND THE VALIDITY OF THE PROVISIONAL CERTIFICATION BEYOND
EIGHTEEN MONTHS. THE BOARD SHALL ESTABLISH CRITERIA FOR
QUALIFYING FOR A HARDSHIP EXTENSION BASED ON:

(A) THE NEGATIVE EFFECTS ON ACCESS TO CARE IN THE
COMMUNITY SERVED BY THE PROVISIONAL CERTIFICANT OR THE
EMPLOYER OF THE PROVISIONAL CERTIFICANT;

(B) FINANCIAL HARDSHIP; OR

(C) HEALTH CIRCUMSTANCES.

(c) A PERSON WHOSE PROVISIONAL CERTIFICATION EXPIRES IS NOT
PRECLUDED FROM APPLYING TO THE BOARD FOR CERTIFICATION AS A
PHARMACY TECHNICIAN IN ACCORDANCE WITH SUBSECTION (2) OF THIS
SECTION.

(4) (a) AN APPLICANT FOR CERTIFICATION OR PROVISIONAL
CERTIFICATION PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION
MUST HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW
ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE
COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING

(b) The board shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a certification or provisional certification pursuant to this section.

SECTION 8. In Colorado Revised Statutes, 12-280-116, amend as relocated by House Bill 19-1172 (1) and (2) as follows:

12-280-116. Expiration and renewal of licenses, certifications, or registrations. (1) All licenses, certifications, and registrations issued pursuant to this article 280, except provisional certifications issued pursuant to section 12-280-115.5 (3), are subject to the
renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). Any person whose license, CERTIFICATION, or registration expires is subject to the penalties provided in this article 280 or section 12-20-202 (1).

(2) A pharmacist who fails to renew his or her license OR A PHARMACY TECHNICIAN WHO FAILS TO RENEW HIS OR HER CERTIFICATION ISSUED PURSUANT TO SECTION 12-280-115.5 (2) on or before the applicable renewal time may have his or her license OR CERTIFICATION, AS APPLICABLE, reinstated in accordance with section 12-20-202 (2) for the remainder of the current renewal period by filing a proper application, satisfying the board that the pharmacist OR PHARMACY TECHNICIAN, AS APPLICABLE, is fully qualified to practice, and paying the reinstatement fee as provided in section 12-280-112 (1)(e) and (1)(t) and all delinquent fees.

SECTION 9. In Colorado Revised Statutes, add to article 280 as relocated by House Bill 19-1172 12-280-117.5 as follows:

12-280-117.5. Continuing education for pharmacy technicians - exceptions - inactive status. (1) EXCEPT AS PERMITTED IN SUBSECTION (2) OF THIS SECTION, THE BOARD SHALL NOT RENEW, REINSTATE, OR REACTIVATE THE CERTIFICATION OF A PHARMACY TECHNICIAN THAT WAS ISSUED PURSUANT TO SECTION 12-280-115.5 (2) UNTIL THE PHARMACY TECHNICIAN PRESENTS EVIDENCE THAT THE PHARMACY TECHNICIAN HAS SATISFACTORILY COMPLETED THE CONTINUING EDUCATION AND RENEWAL REQUIREMENTS OF, AND MAINTAINS ACTIVE CERTIFICATION WITH, A CERTIFYING ORGANIZATION. SUBJECT TO SUBSECTION (3) OF THIS SECTION, THE EVIDENCE MAY BE PROVIDED BY AN ATTESTATION ON THE CERTIFICATION RENEWAL APPLICATION.
(2) The board may renew the certification for the first renewal period following the issuance of the original certification without requiring a pharmacy technician to complete any continuing pharmacy technician education if the pharmacy technician obtains a certification within one year after obtaining national certification as specified in section 12-280-115.5 (2)(a).

(3) The board may annually audit up to five percent of the pharmacy technicians certified and residing in Colorado to determine compliance with this section.

(4) If a pharmacy technician fails to complete the continuing education and renewal requirements of, and maintain active certification with, a certifying organization, the pharmacy technician's state certification becomes inactive. An inactive certificant is not required to comply with any continuing pharmacy technician education requirement so long as the certificant remains inactive, but the certificant must continue to pay applicable fees, including renewal fees. The board shall note "inactive status" on the face of any certification it issues to a certificant while the certificant remains inactive. Before an inactive pharmacy technician resumes practice as a pharmacy technician after being placed on an inactive list, the pharmacy technician must file an application to activate the certification, pay the certification renewal fee, and, subject to subsection (2) of this section, meet the continuing education requirements of this section. If a pharmacy technician engages in practice as a pharmacy
TECHNICIAN WHILE ON INACTIVE STATUS, THAT CONDUCT IS GROUNDS FOR CERTIFICATION REVOCATION UNDER THIS ARTICLE 280.

SECTION 10. In Colorado Revised Statutes, 12-280-118, amend as relocated by House Bill 19-1172 (3)(b) and (5) as follows:

12-280-118. Prescription drug outlet under charge of pharmacist - rules. (3) (b) An outlet as recognized in section 12-280-119 (1)(d) need not be under the direct charge of a pharmacist, but a licensed pharmacist shall either initially interpret all prescription orders compounded or dispensed from the outlet or provide written protocols for compounding and dispensing by unlicensed pharmacy technicians. An outlet qualifying for registration under this subsection (3)(b) may also apply to the board for a waiver of the requirements concerning physical space, equipment, inventory, or business hours as necessary and consistent with the outlet's limited public welfare purpose. In determining the granting or denial of a waiver application, the board shall ensure that the public interest criteria set forth in section 12-280-101 are satisfied. All other provisions of this article 280, except as specifically waived by the board, apply to the outlet.

(5) (a) Except as specified in subsection (5)(b) of this section, the pharmacist responsible for the prescription order or chart order may delegate certain specific tasks described in section 12-280-103 (3)(b) to the following tasks to the following individuals if, in the pharmacist's professional judgment, the delegation is appropriate:

(I) Specific tasks specified in board rules to an unregulated person who is not a pharmacist or pharmacy intern but AND who is an unlicensed assistant under the pharmacist's supervision; if,
in the pharmacist’s professional judgment, the delegation is appropriate; except that OR

(II) SPECIFIC TASKS DESCRIBED IN SECTION 12-280-103 (38.5) OR IN BOARD RULES ADOPTED PURSUANT TO SECTION 12-280-103 (38.5)(f) TO A PHARMACY TECHNICIAN WHO IS UNDER THE PHARMACIST’S SUPERVISION.

(b) The pharmacist shall not make the delegation DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION if the delegation jeopardizes the public health, safety, or welfare, is prohibited by rule of the board, or violates section 12-280-129 (1).

SECTION 11. In Colorado Revised Statutes, 12-280-122, amend as relocated by House Bill 19-1172 (1) and (3) as follows:

12-280-122. Limited authority to delegate activities constituting practice of pharmacy to pharmacy interns or pharmacy technicians. (1) A pharmacist may supervise up to six persons who are either pharmacy interns or pharmacy technicians, of whom no more than two may be pharmacy interns. If three or more pharmacy technicians are on duty, the majority must be certified by a nationally recognized certification THE board possess a degree from an accredited pharmacy technician training program, or have completed five hundred hours of experiential training in duties described in section 12-280-103 (39)(b) at the pharmacy as certified by the pharmacist manager within eighteen months of hire IN ACCORDANCE WITH SECTION 12-280-115.5 (2).

(3) The supervision ratio specified in subsection (1) of this section does not include other ancillary personnel who may be in the prescription drug outlet but who are not performing duties described in section 12-280-103 (39)(b) that are delegated to the interns or DUTIES DESCRIBED IN SECTION 12-280-103 (38.5) THAT ARE DELEGATED TO THE pharmacy
SECTION 12. In Colorado Revised Statutes, 12-280-126, amend
as relocated by House Bill 19-1172 (1) introductory portion, (1)(a),
(1)(d), (1)(f), (1)(g), (1)(j), (1)(k), (1)(q), and (1)(r)(II) as follows:


(1) The board may take disciplinary or other action as authorized in
section 12-20-404, after a hearing held in accordance with the provisions
of sections 12-20-403 and 12-280-127, upon proof that the licensee,
certificant, or registrant:

(a) Is guilty of misrepresentation, fraud, or deceit in procuring,
attempting to procure, or renewing a license, certification, or
registration;

(d) Is unfit or incompetent by reason of negligence or habits, or
for any other cause, to practice pharmacy or to practice as a
pharmacy technician;

(f) Knowingly permits a person not:

(I) Licensed as a pharmacist or pharmacy intern to engage in the
practice of pharmacy; or

(II) Certified as a pharmacy technician to engage in the
practice as a pharmacy technician;

(g) Has had his or her license to practice pharmacy or a
certification or other authorization to practice as a pharmacy
technician in another state revoked or suspended, or is otherwise
disciplined or has committed acts in any other state that would subject
him or her to disciplinary action in this state;

(j) Has engaged in the practice of pharmacy or the practice as
a pharmacy technician while on inactive status;
(k) Has failed to meet generally accepted standards of pharmacy OR PHARMACY TECHNICIAN practice;

(q) Has failed to notify the board of any discipline, WITHIN THIRTY DAYS AFTER THE DISCIPLINE, against: his or her

(I) A license in another state; within thirty days after the discipline; OR

(II) A CERTIFICATION OR OTHER AUTHORIZATION IN ANOTHER STATE TO PRACTICE AS A PHARMACY TECHNICIAN;

(r) (II) Has failed to act within the limitations created by a physical illness, physical condition, or behavioral, mental health, or substance use disorder that renders the person unable to practice pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill and safety or that may endanger the health or safety of persons under his or her care; or

SECTION 13. In Colorado Revised Statutes, 12-280-127, amend as relocated by House Bill 19-1172 (1)(a), (2)(a), (2)(b) introductory portion, (2)(b)(I), (3), (4), (6), and (7)(a) as follows:

12-280-127. Disciplinary actions. (1) (a) The board may take disciplinary or other action as authorized in section 12-20-404 when the board determines that the applicant, licensee, CERTIFICANT, or registrant has engaged in activities that are grounds for discipline under section 12-280-126.

(2) (a) Proceedings for the denial, suspension, or revocation of a license, CERTIFICATION, or registration and any judicial review of a suspension or revocation must be conducted in accordance with article 4 of title 24 and sections 12-20-403 and 12-20-408.

(b) Upon finding that grounds for discipline pursuant to section
12-280-126 exist, in addition to the disciplinary actions specified in
section 12-20-404 (1), the board may impose one or more of the
following penalties on a person who holds or is seeking a new or renewal
license, CERTIFICATION, or registration:

(I) Restriction of the offender's license, CERTIFICATION, or
registration to prohibit the offender from performing certain acts or from
practicing pharmacy OR AS A PHARMACY TECHNICIAN in a particular
manner for a period to be determined by the board;

(3) The board may also include in any disciplinary order that
allows the licensee, CERTIFICANT, or registrant to continue to practice
conditions that the board deems appropriate to assure that the licensee,
CERTIFICANT, or registrant is physically, mentally, morally, and otherwise
qualified to practice pharmacy OR AS A PHARMACY TECHNICIAN in
accordance with the generally accepted professional standards of practice,
including any or all of the following:

(a) Requiring the licensee, CERTIFICANT, or registrant to submit to
examinations that the board may order to determine the licensee's OR
CERTIFICANT's physical or mental condition or professional qualifications;

(b) Requiring the licensee OR CERTIFICANT to take therapy courses
of training or education that the board deems necessary to correct
deficiencies found either in the hearing or by examinations required
pursuant to subsection (3)(a) of this section;

(c) Requiring the review or supervision of the licensee's OR
CERTIFICANT's practice to determine the quality of and correct
deficiencies in the licensee's OR CERTIFICANT's practice; and

(d) Imposing restrictions upon the nature of the licensee's OR
CERTIFICANT's practice to assure that the licensee OR CERTIFICANT does
not practice beyond the limits of the licensee's OR CERTIFICANT'S capabilities.

(4) Upon failure of the licensee, CERTIFICANT, or registrant to comply with any conditions imposed by the board pursuant to subsection (3) of this section, unless due to conditions beyond the licensee's, CERTIFICANT'S, or registrant's control, the board may order suspension of the license, CERTIFICATION, or registration in this state until the licensee, CERTIFICANT, or registrant complies with the conditions.

(6) The board may send a letter of admonition by certified mail to a licensee, CERTIFICANT, or registrant under the circumstances specified in and in accordance with section 12-20-404 (4). In the case of a complaint, the board may send a copy of the letter of admonition to the person making the complaint.

(7) (a) The board may send a confidential letter of concern to a licensee, CERTIFICANT, or registrant under the circumstances specified in section 12-20-404 (5). If a complaint precipitated the investigation, the board shall send a response to the person making the complaint.

SECTION 14. In Colorado Revised Statutes, 12-280-129, amend as relocated by House Bill 19-1172 (1)(d) and (2); and add as relocated by House Bill 19-1172 (1)(n) as follows:

12-280-129. Unlawful acts - civil fines. (1) It is unlawful:
   (d) To falsely assume the title of or falsely represent that one is a pharmacist, PHARMACY TECHNICIAN, practitioner, or registered outlet;
   (n) TO PRACTICE AS A PHARMACY TECHNICIAN WITHOUT A CERTIFICATION.

(2) (a) In addition to any other penalties that may be imposed under this part 1, a person who engages in an unlawful act under this
section may be punished by a civil fine of not less than one thousand
dollars and not more than ten thousand dollars for each violation. Fines
imposed and paid under this section shall be deposited in the general fund
in accordance with section 12-20-404 (6).

(b) THIS SUBSECTION (2) DOES NOT APPLY TO A PHARMACY
TECHNICIAN.

SECTION 15. In Colorado Revised Statutes, amend as relocated
by House Bill 19-1172 12-280-130 as follows:

12-280-130. Unauthorized practice - penalties. (1) Any person
who practices or offers or attempts to practice pharmacy without an active
license issued under this article 280 is subject to penalties pursuant to
section 12-20-407 (1)(a).

(2) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO
PRACTICE AS A PHARMACY TECHNICIAN WITHOUT AN ACTIVE
CERTIFICATION ISSUED UNDER THIS ARTICLE 280 IS SUBJECT TO PENALTIES
Pursuant to section 12-20-407 (1)(a).

SECTION 16. In Colorado Revised Statutes, 12-280-136, amend
as relocated by House Bill 19-1172 (2) as follows:

12-280-136. Confidential agreement to limit practice. (2) This
section and section 12-30-108 do not apply to a pharmacist, PHARMACY
TECHNICIAN, or intern subject to discipline for prohibited activities as
described in section 12-280-126 (1)(e).

SECTION 17. In Colorado Revised Statutes, 12-20-407, amend
as relocated by House Bill 19-1172 (1)(a)(V)(R) as follows:

12-20-407. Unauthorized practice of profession or occupation
- penalties - exclusions. (1)(a) A person commits a class 2 misdemeanor
and shall be punished as provided in section 18-1.3-501 for the first
offense, and, for the second or any subsequent offense, commits a class 6 felony and shall be punished as provided in section 18-1.3-401, if the person:

(V) Practices or offers or attempts to practice any of the following professions or occupations without an active license, certification, or registration issued under the part or article of this title 12 governing the particular profession or occupation:

(R) Pharmacy OR AS A PHARMACY TECHNICIAN, as regulated under article 280 of this title 12;

SECTION 18. In Colorado Revised Statutes, 24-34-104, amend (21)(a)(II) as follows:

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

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

SECTION 19. Act subject to petition - effective date. This act takes effect October 1, 2019; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the
general election to be held in November 2020 and, in such case, will take
effect on the date of the official declaration of the vote thereon by the
governor.