

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0910.01 Christy Chase x2008

HOUSE BILL 19-1242

HOUSE SPONSORSHIP

Jackson and Jaquez Lewis,

SENATE SPONSORSHIP

Winter and Tate,

House Committees

Health & Insurance
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PHARMACY TECHNICIANS BY THE**
102 **STATE BOARD OF PHARMACY, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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

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

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.

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 **as relocated by House Bill 19-1172** (38), (49), and (50)(a)(IV); and **add**
4 **as relocated by House Bill 19-1172** (8.5), (8.7), and (38.5) 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 (8.5) "CERTIFICATION" MEANS A CERTIFICATION TO PRACTICE AS

1 A PHARMACY TECHNICIAN ISSUED BY THE BOARD IN ACCORDANCE WITH
2 SECTION 12-280-115.5 (2) AND INCLUDES A PROVISIONAL CERTIFICATION
3 ISSUED IN ACCORDANCE WITH SECTION 12-280-115.5 (3).

4 (8.7) "CERTIFYING ORGANIZATION" MEANS A BOARD-APPROVED,
5 NATIONALLY RECOGNIZED ORGANIZATION THAT CERTIFIES PHARMACY
6 TECHNICIANS.

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

13 (38.5) (a) "PRACTICE AS A PHARMACY TECHNICIAN" MEANS
14 ENGAGING IN ANY OF THE FOLLOWING ACTIVITIES INVOLVED IN THE
15 PRACTICE OF PHARMACY, UNDER THE SUPERVISION AND DELEGATION OF
16 A SUPERVISING PHARMACIST:

17 (I) RECEIVING AND INITIALLY INPUTTING NEW WRITTEN,
18 FACSIMILE, OR ELECTRONIC ORDERS;

19 (II) PREPARING, MIXING, ASSEMBLING, PACKAGING, LABELING, OR
20 DELIVERING A DRUG OR DEVICE;

21 (III) PROPERLY AND SAFELY STORING DRUGS OR DEVICES;

22 (IV) MAINTAINING PROPER RECORDS FOR DRUGS AND DEVICES;

23 (V) TRANSFERRING PRESCRIPTIONS; AND

24 (VI) OTHER ACTIVITIES AS AUTHORIZED AND DEFINED BY THE
25 BOARD BY RULE.

26 (b) "PRACTICE AS A PHARMACY TECHNICIAN" DOES NOT INCLUDE
27 ACTIVITIES OR SERVICES DESCRIBED IN SUBSECTION (38.5)(a) OF THIS

1 SECTION THAT ARE PERFORMED BY EMPLOYEES OR PERSONNEL OF A
2 PRACTITIONER DISPENSING DRUGS TO PATIENTS PURSUANT TO SECTION
3 12-42.5-118 (6) OR OF A REGISTERED OTHER OUTLET, WHICH
4 PRACTITIONER OR OTHER OUTLET DOES NOT STORE, COMPOUND, DISPENSE,
5 OR DELIVER CONTROLLED SUBSTANCES.

6 (49) "Supervision" means that a licensed pharmacist is on the
7 location and readily available to consult with and assist ~~unlicensed~~
8 CERTIFICANTS PRACTICING AS PHARMACY TECHNICIANS AS DESCRIBED IN
9 SUBSECTION (38.5) OF THIS SECTION OR ANCILLARY personnel performing
10 tasks ~~described in subsection (39)(b) of this section~~ AT THE DIRECTION OF
11 THE LICENSED PHARMACIST, EXCLUDING TASKS DESCRIBED IN SUBSECTION
12 (38.5)(a) OF THIS SECTION BUT WHICH TASKS MAY INCLUDE DELIVERY AND
13 PROPER AND SAFE STORAGE OF DRUGS OR DEVICES. If the ~~unlicensed~~
14 person is a pharmacy technician located at a registered telepharmacy
15 outlet, the licensed pharmacist need not be physically present at the
16 telepharmacy outlet as long as the licensed pharmacist is connected to the
17 telepharmacy outlet via computer link, video link, and audio link, or via
18 other telecommunication equipment of equivalent functionality, and is
19 readily available to consult with and assist the pharmacy technician in
20 performing tasks described in ~~subsection (39)(b)~~ SUBSECTION (38.5) of
21 this section.

22 (50) (a) "Telepharmacy outlet" means a remote pharmacy site that:
23 (IV) Has a pharmacy technician on site who, under the remote
24 supervision of a licensed pharmacist located at the central pharmacy,
25 performs the tasks described in ~~subsection (39)(b)~~ SUBSECTION (38.5) of
26 this section.

27 **SECTION 2.** In Colorado Revised Statutes, 12-280-104, **amend**

1 as relocated by House Bill 19-1172 (3) as follows:

2 **12-280-104. State board of pharmacy - creation - subject to**
3 **termination - repeal of parts.** (3) Parts 1 to 3 of this article 280 are
4 repealed, effective September 1, 2021. Before the repeal, the board and
5 the regulation of the practice of pharmacy pursuant to parts 1 to 3 of this
6 article 280, INCLUDING THE REGULATION OF THE PRACTICE AS A
7 PHARMACY TECHNICIAN, are scheduled for review in accordance with
8 section 24-34-104.

9

10 **SECTION 3.** In Colorado Revised Statutes, 12-280-108, **amend**
11 **as relocated by House Bill 19-1172** (1)(b), (1)(c), (1)(e), and (1)(f)(I) as
12 follows:

13 **12-280-108. Powers and duties.** (1) The board shall:

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

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

19 (e) Administer examinations to, and determine the qualifications
20 and fitness of, applicants for licensure, CERTIFICATION, or registration;

21 (f) Keep a record of:

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

25 **SECTION 4.** In Colorado Revised Statutes, 12-280-112, **amend**
26 **as relocated by House Bill 19-1172** (1) introductory portion; and **add as**
27 **relocated by House Bill 19-1172** (1)(r), (1)(s), (1)(t), and (1)(u) as

1 follows:

2 **12-280-112. Fees.** (1) The director shall determine, and the board
3 shall collect, fees pursuant to section 12-20-105 for the following
4 licenses, CERTIFICATIONS, and registrations:

5 (r) FOR THE INITIAL CERTIFICATION OR PROVISIONAL
6 CERTIFICATION AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION
7 12-280-115.5;

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

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

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

15 **SECTION 5.** In Colorado Revised Statutes, 12-280-114, **amend**
16 **as relocated by House Bill 19-1172 (2)(a), (3), (6), and (7); and add as**
17 **relocated by House Bill 19-1172 (2)(c)** as follows:

18 **12-280-114. Licensure, certification, or registration -**
19 **applicability - applications - licensure and certification requirements**
20 **- rules.** (2) (a) Every applicant for a license OR CERTIFICATION under this
21 article 280 must read and write the English language, or if the applicant
22 is a partnership, each member of the partnership must read and write the
23 English language. If the applicant is a Colorado corporation, the
24 corporation must be in good standing, and if the applicant is a foreign
25 corporation, it must be qualified to do business in this state.

26 (c) THE BOARD SHALL ISSUE A CERTIFICATION TO AN APPLICANT TO
27 PRACTICE AS A PHARMACY TECHNICIAN WHO SATISFIES THE

1 REQUIREMENTS OF THIS ARTICLE 280, THIS SECTION, AND SECTION
2 12-280-115.5.

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

11 (6) No applicant shall exercise the privileges of licensure,
12 CERTIFICATION, or registration until the board grants the license,
13 CERTIFICATION, or registration.

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

17 **SECTION 6.** In Colorado Revised Statutes, **add to article 280**
18 **as relocated by House Bill 19-1172** 12-280-115.5 as follows:

19 **12-280-115.5. Certification of pharmacy technicians -**
20 **requirements - provisional certification - criminal history record**

21 **check - rules.** (1) ON OR AFTER MARCH 30, 2020, A PERSON SHALL NOT
22 ENGAGE IN THE PRACTICE AS A PHARMACY TECHNICIAN UNLESS THE
23 PERSON HAS OBTAINED A CERTIFICATION OR PROVISIONAL CERTIFICATION
24 FROM THE BOARD IN ACCORDANCE WITH THIS SECTION.

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

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

5 (b) (I) SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE
6 FORM AND MANNER AS DETERMINED BY THE BOARD BY RULE; OR

7 (II) PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE
8 APPLICANT SUBMITTED TO A CRIMINAL HISTORY RECORD CHECK AS A
9 CONDITION OF EMPLOYMENT AT A PHARMACY OR OTHER OUTLET, AS
10 REQUIRED BY THE APPLICANT'S CURRENT EMPLOYER, AS A CONDITION OF
11 PARTICIPATING IN A COURSE OF STUDY FOR OR WITH A CERTIFYING
12 ORGANIZATION, OR IN CONNECTION WITH OBTAINING CERTIFICATION FROM
13 A CERTIFYING ORGANIZATION.

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

20 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS
21 SECTION, A PROVISIONAL CERTIFICATION IS VALID FOR NOT MORE THAN
22 EIGHTEEN MONTHS AFTER THE DATE OF ISSUANCE AND IS NOT RENEWABLE.
23 IF A PERSON WHO IS GRANTED A PROVISIONAL CERTIFICATION PURSUANT
24 TO THIS SUBSECTION (3) FAILS TO SATISFY THE REQUIREMENTS OF
25 SUBSECTION (2)(a) OF THIS SECTION WITHIN EIGHTEEN MONTHS AFTER THE
26 DATE THE PROVISIONAL CERTIFICATION IS ISSUED OR WITHIN AN EXTENDED
27 PERIOD GRANTED BY THE BOARD PURSUANT TO SUBSECTION (3)(b)(II) OF

1 THIS SECTION, THE PROVISIONAL CERTIFICATION EXPIRES AND THE PERSON
2 SHALL NOT PRACTICE AS A PHARMACY TECHNICIAN UNTIL THE PERSON
3 APPLIES FOR AND RECEIVES A CERTIFICATION IN ACCORDANCE WITH
4 SUBSECTION (2) OF THIS SECTION.

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

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

13 (B) FINANCIAL HARDSHIP; OR

14 (C) HEALTH CIRCUMSTANCES.

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

19

20 **SECTION 7.** In Colorado Revised Statutes, 12-280-116, **amend**
21 **as relocated by House Bill 19-1172** (1) and (2) as follows:

22 **12-280-116. Expiration and renewal of licenses, certifications,**
23 **or registrations.** (1) All licenses, CERTIFICATIONS, and registrations
24 issued pursuant to this article 280, EXCEPT PROVISIONAL CERTIFICATIONS
25 ISSUED PURSUANT TO SECTION 12-280-115.5 (3), are subject to the
26 renewal, expiration, reinstatement, and delinquency fee provisions
27 specified in section 12-20-202 (1) and (2). Any person whose license,

1 CERTIFICATION, or registration expires is subject to the penalties provided
2 in this article 280 or section 12-20-202 (1).

3 (2) A pharmacist who fails to renew his or her license OR A
4 PHARMACY TECHNICIAN WHO FAILS TO RENEW HIS OR HER CERTIFICATION
5 ISSUED PURSUANT TO SECTION 12-280-115.5 (2) on or before the
6 applicable renewal time may have ~~his or her~~ THE license OR
7 CERTIFICATION, AS APPLICABLE, reinstated in accordance with section
8 12-20-202 (2) for the remainder of the current renewal period by filing a
9 proper application, satisfying the board that the pharmacist OR PHARMACY
10 TECHNICIAN, AS APPLICABLE, is fully qualified to practice, and paying the
11 reinstatement fee as provided in section ~~12-280-112 (1)(e)~~ 12-280-112
12 (1)(e) AND (1)(t) and all delinquent fees.

13 **SECTION 8.** In Colorado Revised Statutes, **add to article 280**
14 **as relocated by House Bill 19-1172** 12-280-117.5 as follows:

15 **12-280-117.5. Continuing education for pharmacy technicians**
16 **- exceptions - inactive status.** (1) **THE** BOARD SHALL NOT RENEW,
17 REINSTATE, OR REACTIVATE THE CERTIFICATION OF A PHARMACY
18 TECHNICIAN THAT WAS ISSUED PURSUANT TO SECTION 12-280-115.5 (2)
19 UNTIL THE PHARMACY TECHNICIAN PRESENTS EVIDENCE THAT THE
20 PHARMACY TECHNICIAN **MAINTAINS ACTIVE CERTIFICATION WITH A**
21 **CERTIFYING ORGANIZATION. SUBJECT TO SUBSECTION (2) OF THIS SECTION,**
22 THE EVIDENCE MAY BE PROVIDED BY AN ATTESTATION ON THE
23 CERTIFICATION RENEWAL APPLICATION.

24 **(2)** THE BOARD MAY ANNUALLY AUDIT UP TO FIVE PERCENT OF THE
25 PHARMACY TECHNICIANS CERTIFIED AND RESIDING IN COLORADO TO
26 DETERMINE COMPLIANCE WITH THIS SECTION.
27

1 (3) IF A PHARMACY TECHNICIAN FAILS TO COMPLETE THE
2 CONTINUING EDUCATION AND RENEWAL REQUIREMENTS OF, AND
3 MAINTAIN ACTIVE CERTIFICATION WITH, A CERTIFYING ORGANIZATION,
4 THE PHARMACY TECHNICIAN'S STATE CERTIFICATION BECOMES INACTIVE.
5 AN INACTIVE CERTIFICANT IS NOT REQUIRED TO COMPLY WITH ANY
6 CONTINUING PHARMACY TECHNICIAN EDUCATION REQUIREMENT SO LONG
7 AS THE CERTIFICANT REMAINS INACTIVE, BUT THE CERTIFICANT MUST
8 CONTINUE TO PAY APPLICABLE FEES, INCLUDING RENEWAL FEES. THE
9 BOARD SHALL NOTE "INACTIVE STATUS" ON THE FACE OF ANY
10 CERTIFICATION IT ISSUES TO A CERTIFICANT WHILE THE CERTIFICANT
11 REMAINS INACTIVE. BEFORE AN INACTIVE PHARMACY TECHNICIAN
12 RESUMES PRACTICE AS A PHARMACY TECHNICIAN AFTER BEING PLACED ON
13 AN INACTIVE LIST, THE PHARMACY TECHNICIAN MUST FILE AN
14 APPLICATION TO ACTIVATE THE CERTIFICATION, PAY THE CERTIFICATION
15 RENEWAL FEE, AND MEET THE CONTINUING EDUCATION REQUIREMENTS OF
16 THIS SECTION. IF A PHARMACY TECHNICIAN ENGAGES IN PRACTICE AS A
17 PHARMACY TECHNICIAN WHILE ON INACTIVE STATUS, THAT CONDUCT IS
18 GROUNDS FOR CERTIFICATION REVOCATION UNDER THIS ARTICLE 280.

19 **SECTION 9.** In Colorado Revised Statutes, 12-280-118, **amend**
20 **as relocated by House Bill 19-1172** (3)(b) and (5) as follows:

21 **12-280-118. Prescription drug outlet under charge of**
22 **pharmacist - rules.** (3) (b) An outlet as recognized in section
23 12-280-119 (1)(d) need not be under the direct charge of a pharmacist,
24 but a licensed pharmacist shall either initially interpret all prescription
25 orders compounded or dispensed from the outlet or provide written
26 protocols for compounding and dispensing by ~~unlicensed persons~~
27 PHARMACY TECHNICIANS. An outlet qualifying for registration under this

1 subsection (3)(b) may also apply to the board for a waiver of the
2 requirements concerning physical space, equipment, inventory, or
3 business hours as necessary and consistent with the outlet's limited public
4 welfare purpose. In determining the granting or denial of a waiver
5 application, the board shall ensure that the public interest criteria set forth
6 in section 12-280-101 are satisfied. All other provisions of this article
7 280, except as specifically waived by the board, apply to the outlet.

8 (5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS
9 SECTION, the pharmacist responsible for the prescription order or chart
10 order may delegate ~~certain specific tasks described in section 12-280-103~~
11 ~~(39)(b) to a person who is not~~ THE FOLLOWING TASKS TO THE FOLLOWING
12 INDIVIDUALS IF, IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE
13 DELEGATION IS APPROPRIATE:

14 (I) SPECIFIC TASKS, EXCLUDING TASKS DESCRIBED IN SUBSECTION
15 (38.5)(a) OF THIS SECTION BUT WHICH TASKS MAY INCLUDE DELIVERY AND
16 PROPER AND SAFE STORAGE OF DRUGS OR DEVICES, TO ANCILLARY
17 PERSONNEL, OTHER THAN a pharmacist or pharmacy intern, ~~but who is an~~
18 ~~unlicensed assistant~~ ARE under the pharmacist's supervision; ~~if, in the~~
19 ~~pharmacist's professional judgment, the delegation is appropriate; except~~
20 ~~that~~ OR

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

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

1 **SECTION 10.** In Colorado Revised Statutes, 12-280-122, **amend**
2 **as relocated by House Bill 19-1172** (1) and (3) as follows:

3 **12-280-122. Limited authority to delegate activities**
4 **constituting practice of pharmacy to pharmacy interns or pharmacy**
5 **technicians.** (1) A pharmacist may supervise up to six persons who are
6 either pharmacy interns or pharmacy technicians, of whom no more than
7 two may be pharmacy interns. If three or more pharmacy technicians are
8 on duty, the majority must be certified by a ~~nationally recognized~~
9 ~~certification~~ THE board possess a degree from an accredited pharmacy
10 ~~technician training program, or have completed five hundred hours of~~
11 ~~experiential training in duties described in section 12-280-103 (39)(b) at~~
12 ~~the pharmacy as certified by the pharmacist manager within eighteen~~
13 ~~months of hire~~ IN ACCORDANCE WITH SECTION 12-280-115.5 (2), AND ANY
14 PHARMACY TECHNICIAN ON DUTY WHO IS NOT CERTIFIED PURSUANT TO
15 SECTION 12-280-115.5 (2) MUST HAVE A PROVISIONAL CERTIFICATION
16 ISSUED PURSUANT TO SECTION 12-280-115.5 (3).

17 (3) The supervision ratio specified in subsection (1) of this section
18 does not include other ancillary personnel who may be in the prescription
19 drug outlet but who are not performing duties described in section
20 12-280-103 (39)(b) that are delegated to the interns or DUTIES DESCRIBED
21 IN SECTION 12-280-103 (38.5) THAT ARE DELEGATED TO THE pharmacy
22 technicians.

23 **SECTION 11.** In Colorado Revised Statutes, 12-280-126, **amend**
24 **as relocated by House Bill 19-1172** (1) introductory portion, (1)(a),
25 (1)(d), (1)(f), (1)(g), (1)(j), (1)(k), (1)(q), and (1)(r)(II) as follows:

26 **12-280-126. Unprofessional conduct - grounds for discipline.**
27 (1) The board may take disciplinary or other action as authorized in

1 section 12-20-404, after a hearing held in accordance with the provisions
2 of sections 12-20-403 and 12-280-127, upon proof that the licensee,
3 CERTIFICANT, or registrant:

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

7 (d) Is unfit or incompetent by reason of negligence or habits, or
8 for any other cause, to practice pharmacy OR TO PRACTICE AS A
9 PHARMACY TECHNICIAN;

10 (f) Knowingly permits a person not:

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

13 (II) CERTIFIED AS A PHARMACY TECHNICIAN TO ENGAGE IN THE
14 PRACTICE AS A PHARMACY TECHNICIAN;

15 (g) Has had ~~his or her~~ A license to practice pharmacy OR A
16 CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE AS A PHARMACY
17 TECHNICIAN in another state revoked or suspended, or is otherwise
18 disciplined or has committed acts in any other state that would subject
19 ~~him or her~~ THE PERSON to disciplinary action in this state;

20 (j) Has engaged in the practice of pharmacy OR THE PRACTICE AS
21 A PHARMACY TECHNICIAN while on inactive status;

22 (k) Has failed to meet generally accepted standards of pharmacy
23 OR PHARMACY TECHNICIAN practice;

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

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

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

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

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

12 **12-280-127. Disciplinary actions.** (1) (a) The board may take
13 disciplinary or other action as authorized in section 12-20-404 when the
14 board determines that the applicant, licensee, CERTIFICANT, or registrant
15 has engaged in activities that are grounds for discipline under section
16 12-280-126.

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

21 (b) Upon finding that grounds for discipline pursuant to section
22 12-280-126 exist, in addition to the disciplinary actions specified in
23 section 12-20-404 (1), the board may impose one or more of the
24 following penalties on a person who holds or is seeking a new or renewal
25 license, CERTIFICATION, or registration:

26 (I) Restriction of the offender's license, CERTIFICATION, or
27 registration to prohibit the offender from performing certain acts or from

1 practicing pharmacy OR AS A PHARMACY TECHNICIAN in a particular
2 manner for a period to be determined by the board;

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

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

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

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

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

24 (4) Upon failure of the licensee, CERTIFICANT, or registrant to
25 comply with any conditions imposed by the board pursuant to subsection
26 (3) of this section, unless due to conditions beyond the licensee's,
27 CERTIFICANT'S, or registrant's control, the board may order suspension of

1 the license, CERTIFICATION, or registration in this state until the licensee,
2 CERTIFICANT, or registrant complies with the conditions.

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

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

12 **SECTION 13.** In Colorado Revised Statutes, 12-280-129, **amend**
13 **as relocated by House Bill 19-1172** (1)(d) and (2); and **add as relocated**
14 **by House Bill 19-1172** (1)(n) as follows:

15 **12-280-129. Unlawful acts - civil fines.** (1) It is unlawful:

16 (d) To falsely assume the title of or falsely represent that one is a
17 pharmacist, PHARMACY TECHNICIAN, practitioner, or registered outlet;

18 (n) TO PRACTICE AS A PHARMACY TECHNICIAN WITHOUT A
19 CERTIFICATION.

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

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

1 **SECTION 14.** In Colorado Revised Statutes, **amend as relocated**
2 **by House Bill 19-1172** 12-280-130 as follows:

3 **12-280-130. Unauthorized practice - penalties.** (1) Any person
4 who practices or offers or attempts to practice pharmacy without an active
5 license issued under this article 280 is subject to penalties pursuant to
6 section 12-20-407 (1)(a).

7 (2) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO
8 PRACTICE AS A PHARMACY TECHNICIAN WITHOUT AN ACTIVE
9 CERTIFICATION ISSUED UNDER THIS ARTICLE 280 IS SUBJECT TO PENALTIES
10 PURSUANT TO SECTION 12-20-407 (1)(a).

11 **SECTION 15.** In Colorado Revised Statutes, 12-280-136, **amend**
12 **as relocated by House Bill 19-1172** (2) as follows:

13 **12-280-136. Confidential agreement to limit practice.** (2) This
14 section and section 12-30-108 do not apply to a pharmacist, PHARMACY
15 TECHNICIAN, or intern subject to discipline for prohibited activities as
16 described in section 12-280-126 (1)(e).

17 **SECTION 16.** In Colorado Revised Statutes, 12-20-407, **amend**
18 **as relocated by House Bill 19-1172** (1)(a)(V)(R) as follows:

19 **12-20-407. Unauthorized practice of profession or occupation**
20 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor
21 and shall be punished as provided in section 18-1.3-501 for the first
22 offense, and, for the second or any subsequent offense, commits a class
23 6 felony and shall be punished as provided in section 18-1.3-401, if the
24 person:

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

1 particular profession or occupation:

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

4 **SECTION 17.** In Colorado Revised Statutes, 24-34-104, **amend**
5 (21)(a)(II) as follows:

6 **24-34-104. General assembly review of regulatory agencies**
7 **and functions for repeal, continuation, or reestablishment - legislative**
8 **declaration - repeal.** (21) (a) The following agencies, functions, or both,
9 will repeal on September 1, 2021:

10 (II) The state board of pharmacy and the regulation of the practice
11 of pharmacy, INCLUDING THE REGULATION OF THE PRACTICE AS A
12 PHARMACY TECHNICIAN, by the department of regulatory agencies through
13 the division of professions and occupations in accordance with parts 1 to
14 3 of article ~~42.5~~ 280 of title 12; ~~C.R.S.~~;

15 **SECTION 18.** In Colorado Revised Statutes, 12-42.5-102,
16 **amend** (30), (39), and (39.5)(a)(IV); and **add** (6.3), (6.4), and (30.5) as
17 follows:

18 **12-42.5-102. Definitions.** As used in this article 42.5, unless the
19 context otherwise requires or the term is otherwise defined in another part
20 of this article 42.5:

21 (6.3) "CERTIFICATION" MEANS A CERTIFICATION TO PRACTICE AS
22 A PHARMACY TECHNICIAN ISSUED BY THE BOARD IN ACCORDANCE WITH
23 SECTION 12-42.5-113.5 (2) AND INCLUDES A PROVISIONAL CERTIFICATION
24 ISSUED IN ACCORDANCE WITH SECTION 12-42.5-113.5 (3).

25 (6.4) "CERTIFYING ORGANIZATION" MEANS A BOARD-APPROVED,
26 NATIONALLY RECOGNIZED ORGANIZATION THAT CERTIFIES PHARMACY
27 TECHNICIANS.

1 (30) "Pharmacy technician" OR "CERTIFICANT" means an
2 unlicensed A person who performs those functions set forth in paragraph
3 (b) of subsection (31) of this section under the supervision of a
4 pharmacist IS CERTIFIED BY THE BOARD TO PRACTICE AS A PHARMACY
5 TECHNICIAN AND INCLUDES A PERSON ISSUED A PROVISIONAL
6 CERTIFICATION PURSUANT TO SECTION 12-42.5-113.5 (3).

7 (30.5) (a) "PRACTICE AS A PHARMACY TECHNICIAN" MEANS
8 ENGAGING IN ANY OF THE FOLLOWING ACTIVITIES INVOLVED IN THE
9 PRACTICE OF PHARMACY, UNDER THE SUPERVISION AND DELEGATION OF
10 A SUPERVISING PHARMACIST:

11 (I) RECEIVING AND INITIALLY INPUTTING NEW WRITTEN,
12 FACSIMILE, OR ELECTRONIC ORDERS;

13 (II) PREPARING, MIXING, ASSEMBLING, PACKAGING, LABELING, OR
14 DELIVERING A DRUG OR DEVICE;

15 (III) PROPERLY AND SAFELY STORING DRUGS OR DEVICES;

16 (IV) MAINTAINING PROPER RECORDS FOR DRUGS AND DEVICES;

17 (V) TRANSFERRING PRESCRIPTIONS; AND

18 (VI) OTHER ACTIVITIES AS AUTHORIZED AND DEFINED BY THE
19 BOARD BY RULE.

20 (b) "PRACTICE AS A PHARMACY TECHNICIAN" DOES NOT INCLUDE
21 ACTIVITIES OR SERVICES DESCRIBED IN SUBSECTION (30.5)(a) OF THIS
22 SECTION THAT ARE PERFORMED BY EMPLOYEES OR PERSONNEL OF A
23 PRACTITIONER DISPENSING DRUGS TO PATIENTS PURSUANT TO SECTION
24 12-280-120(6) OR OF A REGISTERED OTHER OUTLET, WHICH PRACTITIONER
25 OR OTHER OUTLET DOES NOT STORE, COMPOUND, DISPENSE, OR DELIVER
26 CONTROLLED SUBSTANCES.

27 (39) "Supervision" means that a licensed pharmacist is on the

1 location and readily available to consult with and assist ~~unlicensed~~
2 CERTIFICANTS PRACTICING AS PHARMACY TECHNICIANS AS DESCRIBED IN
3 SUBSECTION (30.5) OF THIS SECTION OR ANCILLARY personnel performing
4 tasks ~~described in paragraph (b) of subsection (31) of this section~~ AT THE
5 DIRECTION OF THE LICENSED PHARMACIST, EXCLUDING TASKS DESCRIBED
6 IN SUBSECTION (30.5)(a) OF THIS SECTION BUT WHICH TASKS MAY INCLUDE
7 DELIVERY AND PROPER AND SAFE STORAGE OF DRUGS OR DEVICES. If the
8 ~~unlicensed~~ person is a pharmacy technician located at a registered
9 telepharmacy outlet, the licensed pharmacist need not be physically
10 present at the telepharmacy outlet as long as the licensed pharmacist is
11 connected to the telepharmacy outlet via computer link, video link, and
12 audio link, or via other telecommunication equipment of equivalent
13 functionality, and is readily available to consult with and assist the
14 pharmacy technician in performing tasks described in ~~paragraph (b) of~~
15 ~~subsection (31)~~ SUBSECTION (30.5) of this section.

16 (39.5) (a) "Telepharmacy outlet" means a remote pharmacy site
17 that:

18 (IV) Has a pharmacy technician on site who, under the remote
19 supervision of a licensed pharmacist located at the central pharmacy,
20 performs the tasks described in ~~paragraph (b) of subsection (31)~~
21 SUBSECTION (30.5) of this section.

22 **SECTION 19.** In Colorado Revised Statutes, 12-42.5-103,
23 **amend** (3)(b) as follows:

24 **12-42.5-103. State board of pharmacy - creation - subject to**
25 **termination - repeal of parts.** (3) (b) Parts 1 to 3 of this ~~article~~ ARTICLE
26 42.5 are repealed, effective September 1, 2021. ~~Prior to~~ BEFORE the
27 repeal, ~~the department of regulatory agencies shall review~~ the board and

1 the regulation of the practice of pharmacy pursuant to parts 1 to 3 of this
2 article as provided in ARTICLE 42.5, INCLUDING THE REGULATION OF THE
3 PRACTICE AS A PHARMACY TECHNICIAN, ARE SCHEDULED FOR REVIEW IN
4 ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

5 **SECTION 20.** In Colorado Revised Statutes, 12-42.5-106,
6 **amend** (1)(b), (1)(c), (1)(e), and (1)(f)(I) as follows:

7 **12-42.5-106. Powers and duties.** (1) The board shall:

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

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

13 (e) Administer examinations to, and determine the qualifications
14 and fitness of, applicants for licensure, CERTIFICATION, or registration;

15 (f) Keep a record of:

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

19 **SECTION 21.** In Colorado Revised Statutes, 12-42.5-110,
20 **amend** (1) introductory portion; **add** (1)(r), (1)(s), (1)(t), and (1)(u) as
21 follows:

22 **12-42.5-110. Fees.** (1) The director of the division of professions
23 and occupations shall determine, and the board shall collect, fees pursuant
24 to section 24-34-105, ~~C.R.S.~~, for the following licenses, CERTIFICATIONS,
25 and registrations:

26 (r) FOR THE INITIAL CERTIFICATION OR PROVISIONAL
27 CERTIFICATION AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION

1 12-42.5-113.5;

2 (s) FOR THE RENEWAL OF A CERTIFICATION AS A PHARMACY
3 TECHNICIAN PURSUANT TO SECTION 12-42.5-113.5 (2), AS PROVIDED IN
4 SECTION 12-42.5-114 (1);

5 (t) FOR REINSTATEMENT AS A PHARMACY TECHNICIAN, AS
6 PROVIDED IN SECTION 12-42.5-114 (2);

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

9 **SECTION 22.** In Colorado Revised Statutes, 12-42.5-112,
10 **amend** (2)(a), (3), (6), and (7); and **add** (2)(c) as follows:

11 **12-42.5-112. Licensure or registrations - applicability -**
12 **applications - licensure requirements - rules.** (2) (a) Every applicant
13 for a license OR CERTIFICATION under this ~~article~~ ARTICLE 42.5 must read
14 and write the English language, or if the applicant is a partnership, each
15 member of the partnership must read and write the English language. If
16 the applicant is a Colorado corporation, the corporation must be in good
17 standing, and if the applicant is a foreign corporation, it must be qualified
18 to do business in this state.

19 (c) THE BOARD SHALL ISSUE A CERTIFICATION TO AN APPLICANT TO
20 PRACTICE AS A PHARMACY TECHNICIAN WHO SATISFIES THE
21 REQUIREMENTS OF THIS ARTICLE 42.5, THIS SECTION, AND SECTION
22 12-42.5-113.5.

23 (3) Every applicant for a license, CERTIFICATION, or registration
24 under this ~~article~~ ARTICLE 42.5 shall make written application in the
25 manner and form prescribed by the board, setting forth the applicant's
26 name and address, the applicant's qualifications for the license,
27 CERTIFICATION, or registration, and other information required by the

1 board. The applicant shall submit with the application the required fee,
2 and, if the applicant is required to take an examination, the applicant shall
3 appear for examination at the time and place fixed by the board.

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

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

10 **SECTION 23.** In Colorado Revised Statutes, **add** 12-42.5-113.5
11 as follows:

12 **12-42.5-113.5. Certification of pharmacy technicians -**
13 **requirements - provisional certification - criminal history record**

14 **check - rules.** (1) ON OR AFTER MARCH 30, 2020, A PERSON SHALL NOT
15 ENGAGE IN THE PRACTICE AS A PHARMACY TECHNICIAN UNLESS THE
16 PERSON HAS OBTAINED A CERTIFICATION OR PROVISIONAL CERTIFICATION
17 FROM THE BOARD IN ACCORDANCE WITH THIS SECTION.

18 (2) IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN
19 SECTION 12-42.5-112 OR THIS ARTICLE 42.5, TO BE CERTIFIED AS A
20 PHARMACY TECHNICIAN, AN APPLICANT MUST:

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

25 (b) (I) SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE
26 FORM AND MANNER AS DETERMINED BY THE BOARD BY RULE; OR

27 (II) PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE

1 APPLICANT SUBMITTED TO A CRIMINAL HISTORY RECORD CHECK AS A
2 CONDITION OF EMPLOYMENT AT A PHARMACY OR OTHER OUTLET, AS
3 REQUIRED BY THE APPLICANT'S CURRENT EMPLOYER, AS A CONDITION OF
4 PARTICIPATING IN A COURSE OF STUDY FOR OR WITH A CERTIFYING
5 ORGANIZATION, OR IN CONNECTION WITH OBTAINING CERTIFICATION FROM
6 A CERTIFYING ORGANIZATION.

7 (3) (a) IF AN APPLICANT FOR CERTIFICATION AS A PHARMACY
8 TECHNICIAN HAS NOT SATISFIED THE REQUIREMENTS OF SUBSECTION (2)(a)
9 OF THIS SECTION AT THE TIME OF APPLICATION TO THE BOARD, THE BOARD
10 MAY GRANT THE APPLICANT A PROVISIONAL CERTIFICATION UPON
11 SATISFACTION OF ALL OTHER REQUIREMENTS FOR CERTIFICATION
12 SPECIFIED IN THIS SECTION AND SECTION 12-42.5-112.

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

25 (II) THE BOARD SHALL ADOPT RULES TO ESTABLISH A PROCESS FOR
26 A PROVISIONAL CERTIFICANT TO APPLY FOR A HARDSHIP EXTENSION TO
27 EXTEND THE VALIDITY OF THE PROVISIONAL CERTIFICATION BEYOND

1 EIGHTEEN MONTHS. THE BOARD SHALL ESTABLISH CRITERIA FOR
2 QUALIFYING FOR A HARDSHIP EXTENSION BASED ON:

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

6 (B) FINANCIAL HARDSHIP; OR

7 (C) HEALTH CIRCUMSTANCES.

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

12 **SECTION 24.** In Colorado Revised Statutes, 12-42.5-114,
13 **amend** (1) and (2) as follows:

14 **12-42.5-114. Expiration and renewal of licenses or**
15 **registrations.** (1) All licenses, CERTIFICATIONS, and registrations,
16 EXCEPT PROVISIONAL CERTIFICATIONS ISSUED PURSUANT TO SECTION
17 12-42.5-113.5 (3), expire pursuant to a schedule established by the
18 director of the division of professions and occupations within the
19 department of regulatory agencies and must be renewed or reinstated
20 pursuant to section 24-34-102 (8). ~~C.R.S.~~ The director of the division of
21 professions and occupations may establish renewal fees and delinquency
22 fees for reinstatement pursuant to section 24-34-105. ~~C.R.S.~~ If a person
23 fails to renew his or her license, CERTIFICATION, or registration pursuant
24 to the schedule established by the director of the division of professions
25 and occupations, the license, CERTIFICATION, or registration expires. Any
26 person whose license, CERTIFICATION, or registration expires is subject to
27 the penalties provided in this ~~article~~ ARTICLE 42.5 or section 24-34-102

1 ~~(8). C.R.S.~~

2 (2) A pharmacist who fails to renew his or her license OR A
3 PHARMACY TECHNICIAN WHO FAILS TO RENEW HIS OR HER CERTIFICATION
4 ISSUED PURSUANT TO SECTION 12-42.5-113.5 (2) on or before the
5 applicable renewal time may have his or her license OR CERTIFICATION,
6 AS APPLICABLE, reinstated for the remainder of the current renewal period
7 by filing a proper application, satisfying the board that the pharmacist OR
8 PHARMACY TECHNICIAN is fully qualified to practice, and paying the
9 reinstatement fee as provided in section 12-42.5-110 (1)(e) OR (1)(t), AS
10 APPLICABLE, and all delinquent fees.

11 **SECTION 25.** In Colorado Revised Statutes, **add** 12-42.5-115.5
12 as follows:

13 **12-42.5-115.5. Continuing education for pharmacy technicians**
14 **- exceptions - inactive status.** (1) THE BOARD SHALL NOT RENEW,
15 REINSTATE, OR REACTIVATE THE CERTIFICATION OF A PHARMACY
16 TECHNICIAN THAT WAS ISSUED PURSUANT TO SECTION 12-42.5-113.5 (2)
17 UNTIL THE PHARMACY TECHNICIAN PRESENTS EVIDENCE THAT THE
18 PHARMACY TECHNICIAN MAINTAINS ACTIVE CERTIFICATION WITH A
19 CERTIFYING ORGANIZATION. SUBJECT TO SUBSECTION (2) OF THIS SECTION,
20 THE EVIDENCE MAY BE PROVIDED BY AN ATTESTATION ON THE
21 CERTIFICATION RENEWAL APPLICATION.

22 (2) THE BOARD MAY ANNUALLY AUDIT UP TO FIVE PERCENT OF THE
23 PHARMACY TECHNICIANS CERTIFIED AND RESIDING IN COLORADO TO
24 DETERMINE COMPLIANCE WITH THIS SECTION.

25 (3) IF A PHARMACY TECHNICIAN FAILS TO COMPLETE THE
26 CONTINUING EDUCATION AND RENEWAL REQUIREMENTS OF, AND
27 MAINTAIN ACTIVE CERTIFICATION WITH, A CERTIFYING ORGANIZATION,

1 THE PHARMACY TECHNICIAN'S STATE CERTIFICATION BECOMES INACTIVE.
2 AN INACTIVE CERTIFICANT IS NOT REQUIRED TO COMPLY WITH ANY
3 CONTINUING PHARMACY TECHNICIAN EDUCATION REQUIREMENT SO LONG
4 AS THE CERTIFICANT REMAINS INACTIVE, BUT THE CERTIFICANT MUST
5 CONTINUE TO PAY APPLICABLE FEES, INCLUDING RENEWAL FEES. THE
6 BOARD SHALL NOTE "INACTIVE STATUS" ON THE FACE OF ANY
7 CERTIFICATION IT ISSUES TO A CERTIFICANT WHILE THE CERTIFICANT
8 REMAINS INACTIVE. BEFORE AN INACTIVE PHARMACY TECHNICIAN
9 RESUMES PRACTICE AS A PHARMACY TECHNICIAN AFTER BEING PLACED ON
10 AN INACTIVE LIST, THE PHARMACY TECHNICIAN MUST FILE AN
11 APPLICATION TO ACTIVATE THE CERTIFICATION, PAY THE CERTIFICATION
12 RENEWAL FEE, AND MEET THE CONTINUING EDUCATION REQUIREMENTS OF
13 THIS SECTION. IF A PHARMACY TECHNICIAN ENGAGES IN PRACTICE AS A
14 PHARMACY TECHNICIAN WHILE ON INACTIVE STATUS, THAT CONDUCT IS
15 GROUNDS FOR CERTIFICATION REVOCATION UNDER THIS ARTICLE 42.5.

16 **SECTION 26.** In Colorado Revised Statutes, 12-42.5-116,
17 **amend** (3)(b) and (5) as follows:

18 **12-42.5-116. Prescription drug outlet under charge of**
19 **pharmacist.** (3) (b) An outlet as recognized in section 12-42.5-117
20 (1)(d) need not be under the direct charge of a pharmacist, but a licensed
21 pharmacist shall either initially interpret all prescription orders
22 compounded or dispensed from the outlet or provide written protocols for
23 compounding and dispensing by ~~unlicensed persons~~ PHARMACY
24 TECHNICIANS. An outlet qualifying for registration under this ~~paragraph~~
25 ~~(b)~~ SUBSECTION (3)(b) may also apply to the board for a waiver of the
26 requirements concerning physical space, equipment, inventory, or
27 business hours as necessary and consistent with the outlet's limited public

1 welfare purpose. In determining the granting or denial of a waiver
2 application, the board shall ensure that the public interest criteria set forth
3 in section 12-42.5-101 are satisfied. All other provisions of this article
4 ARTICLE 42.5, except as specifically waived by the board, apply to the
5 outlet.

6 (5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS
7 SECTION, the pharmacist responsible for the prescription order or chart
8 order may delegate certain specific tasks described in section 12-42.5-102
9 (31)(b) to a person who is not THE FOLLOWING TASKS TO THE FOLLOWING
10 INDIVIDUALS IF, IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE
11 DELEGATION IS APPROPRIATE:

12 (I) SPECIFIC TASKS, EXCLUDING TASKS DESCRIBED IN SUBSECTION
13 (30.5)(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 who is an
16 unlicensed assistant ARE under the pharmacist's supervision; if, in the
17 pharmacist's professional judgment, the delegation is appropriate; except
18 that OR

19 (II) SPECIFIC TASKS DESCRIBED IN SECTION 12-42.5-102 (30.5) OR
20 IN BOARD RULES ADOPTED PURSUANT TO SECTION 12-42.5-102 (30.5)(f)
21 TO A PHARMACY TECHNICIAN WHO IS UNDER THE PHARMACIST'S
22 SUPERVISION.

23 (b) The pharmacist shall not make the A delegation DESCRIBED IN
24 SUBSECTION (5)(a) OF THIS SECTION if the delegation jeopardizes the
25 public health, safety, or welfare, is prohibited by rule of the board, or
26 violates section 12-42.5-126 (1).

27 **SECTION 27.** In Colorado Revised Statutes, 12-42.5-119,

1 **amend** (1) and (3) as follows:

2 **12-42.5-119. Limited authority to delegate activities**
3 **constituting practice of pharmacy to pharmacy interns or pharmacy**
4 **technicians.** (1) A pharmacist may supervise up to six persons who are
5 either pharmacy interns or pharmacy technicians, of whom no more than
6 two may be pharmacy interns. If three or more pharmacy technicians are
7 on duty, the majority must be certified by a ~~nationally recognized~~
8 ~~certification~~ THE board possess a degree from an accredited pharmacy
9 ~~technician training program, or have completed five hundred hours of~~
10 ~~experiential training in duties described in section 12-42.5-102 (31)(b) at~~
11 ~~the pharmacy as certified by the pharmacist manager within eighteen~~
12 ~~months of hire~~ IN ACCORDANCE WITH SECTION 12-42.5-113.5 (2), AND
13 ANY PHARMACY TECHNICIAN ON DUTY WHO IS NOT CERTIFIED PURSUANT
14 TO SECTION 12-42.5-113.5 (2) MUST HAVE A PROVISIONAL CERTIFICATION
15 ISSUED PURSUANT TO SECTION 12-42.5-113.5 (3).

16 (3) The supervision ratio specified in subsection (1) of this section
17 does not include other ancillary personnel who may be in the prescription
18 drug outlet but who are not performing duties described in section
19 12-42.5-102 (31)(b) that are delegated to the interns or DUTIES DESCRIBED
20 IN SECTION 12-42.5-102 (30.5) THAT ARE DELEGATED TO pharmacy
21 technicians.

22 **SECTION 28.** In Colorado Revised Statutes, 12-42.5-123,
23 **amend** (1) introductory portion, (1)(a), (1)(d), (1)(f), (1)(g), (1)(j), (1)(k),
24 (1)(q), and (1)(r)(II) as follows:

25 **12-42.5-123. Unprofessional conduct - grounds for discipline.**
26 (1) The board may suspend, revoke, refuse to renew, or otherwise
27 discipline any license or registration issued by it, after a hearing held in

1 accordance with the provisions of this section, upon proof that the
2 licensee, CERTIFICANT, or registrant:

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

6 (d) Is unfit or incompetent by reason of negligence or habits, or
7 for any other cause, to practice pharmacy OR TO PRACTICE AS A
8 PHARMACY TECHNICIAN;

9 (f) Knowingly permits a person not:

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

12 (II) CERTIFIED AS A PHARMACY TECHNICIAN TO ENGAGE IN THE
13 PRACTICE AS A PHARMACY TECHNICIAN;

14 (g) Has had ~~his or her~~ A license to practice pharmacy OR A
15 CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE AS A PHARMACY
16 TECHNICIAN in another state revoked or suspended, or is otherwise
17 disciplined or has committed acts in any other state that would subject
18 ~~him or her~~ THE PERSON to disciplinary action in this state;

19 (j) Has engaged in the practice of pharmacy OR THE PRACTICE AS
20 A PHARMACY TECHNICIAN while on inactive status;

21 (k) Has failed to meet generally accepted standards of pharmacy
22 OR PHARMACY TECHNICIAN practice;

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

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

27 (II) A CERTIFICATION OR OTHER AUTHORIZATION IN ANOTHER

1 STATE TO PRACTICE AS A PHARMACY TECHNICIAN;

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

8 **SECTION 29.** In Colorado Revised Statutes, 12-42.5-124,
9 **amend** (1)(a), (2)(a), (2)(b) introductory portion, (2)(b)(I), (2)(b)(II),
10 (2)(b)(III), (2)(b)(IV), (3), (4), (6), (7)(a), (9)(a), (10)(a), (10)(c)(III), and
11 (11) and as follows:

12 **12-42.5-124. Disciplinary actions.** (1) (a) The board may deny
13 or discipline an applicant, licensee, CERTIFICANT, or registrant when the
14 board determines that the applicant, licensee, CERTIFICANT, or registrant
15 has engaged in activities that are grounds for discipline.

16 (2) (a) Proceedings for the denial, suspension, or revocation of a
17 license, CERTIFICATION, or registration and any judicial review of a
18 suspension or revocation must be conducted in accordance with article 4
19 of title 24, C.R.S., and the board or, at the board's discretion, an
20 administrative law judge, shall conduct the hearing and opportunity for
21 review.

22 (b) Upon finding that grounds for discipline pursuant to section
23 12-42.5-123 exist, the board may impose one or more of the following
24 penalties on a person who holds or is seeking a new or renewal license,
25 CERTIFICATION, or registration:

26 (I) Suspension of the offender's license, CERTIFICATION, or
27 registration for a period to be determined by the board;

1 (II) Revocation of the offender's license, CERTIFICATION, or
2 registration;

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

7 (IV) Refusal to renew the offender's license, CERTIFICATION, or
8 registration;

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

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

18 (b) Requiring the licensee OR CERTIFICANT to take therapy courses
19 of training or education that the board deems necessary to correct
20 deficiencies found either in the hearing or by examinations required
21 pursuant to ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS
22 SECTION;

23 (c) Requiring the review or supervision of the licensee's OR
24 CERTIFICANT'S practice to determine the quality of and correct
25 deficiencies in his or her practice; and

26 (d) Imposing restrictions upon the nature of the licensee's OR
27 CERTIFICANT'S practice to assure that he or she does not practice beyond

1 the limits of his or her capabilities.

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

8 (6) (a) When a complaint or an investigation discloses an instance
9 of misconduct that, in the opinion of the board, does not warrant formal
10 action by the board but should not be dismissed as being without merit,
11 the board may send a letter of admonition by certified mail to the licensee,
12 CERTIFICANT, or registrant against whom the complaint was made or who
13 was the subject of investigation and, in the case of a complaint, may send
14 a copy of the letter of admonition to the person making the complaint.

15 (b) When the board sends a letter of admonition to a licensee or
16 registrant complained against, the board shall include in the letter a
17 statement advising the licensee, CERTIFICANT, or registrant that the
18 licensee, CERTIFICANT, or registrant has the right to request in writing,
19 within twenty days after receipt of the letter, that the board initiate formal
20 disciplinary proceedings to adjudicate the propriety of the conduct upon
21 which the letter of admonition is based.

22 (c) If the licensee, CERTIFICANT, or registrant timely requests
23 adjudication, the letter of admonition is vacated, and the board shall
24 process the matter by means of formal disciplinary proceedings.

25 (7) (a) When a complaint or an investigation discloses an instance
26 of conduct that does not warrant formal action by the board but the board
27 determines that the conduct could warrant action if continued, the board

1 may send a confidential letter of concern to the licensee, CERTIFICANT, or
2 registrant against whom the complaint was made or who was the subject
3 of investigation. If a complaint precipitated the investigation, the board
4 shall send a response to the person making the complaint.

5 (9) (a) If it appears to the board, based upon credible evidence as
6 presented in a written complaint by any person, that a licensee,
7 CERTIFICANT, or registrant is acting in a manner that is an imminent threat
8 to the health and safety of the public or a person is acting or has acted
9 without the required license, CERTIFICATION, or registration, the board
10 may issue an order to cease and desist the activity. The board shall set
11 forth in the order the statutes and rules alleged to have been violated, the
12 facts alleged to have constituted the violation, and the requirement that all
13 unlawful acts or unlicensed, UNCERTIFIED, or unregistered practices
14 immediately cease.

15 (10) (a) If it appears to the board, based upon credible evidence
16 as presented in a written complaint by any person, that a person has
17 violated any other portion of this ~~article~~ ARTICLE 42.5, then, in addition
18 to any specific powers granted pursuant to this ~~article~~ ARTICLE 42.5, the
19 board may issue to the person an order to show cause as to why the board
20 should not issue a final order directing the person to cease and desist from
21 the unlawful act or unlicensed, UNCERTIFIED, or unregistered practice.

22 (c) (III) If the board reasonably finds that the person against
23 whom the order to show cause was issued is acting or has acted without
24 the required license, CERTIFICATION, or registration or has or is about to
25 engage in acts or practices constituting violations of this ~~article~~ ARTICLE
26 42.5, the board may issue a final cease-and-desist order directing the
27 person to cease and desist from further unlawful acts or unlicensed,

1 UNCERTIFIED, or unregistered practices.

2 (11) If it appears to the board, based upon credible evidence
3 presented to the board, that a person has engaged in or is about to engage
4 in any unlicensed, UNCERTIFIED, or unregistered act or practice, any act
5 or practice constituting a violation of this ~~article~~ ARTICLE 42.5, any rule
6 promulgated pursuant to this ~~article~~ ARTICLE 42.5, ~~or~~ any order issued
7 pursuant to this ~~article~~ ARTICLE 42.5, or any act or practice constituting
8 grounds for administrative sanction pursuant to this ~~article~~ ARTICLE 42.5,
9 the board may enter into a stipulation with the person.

10 **SECTION 30.** In Colorado Revised Statutes, 12-42.5-126,
11 **amend** (1)(d) and (2); and **add** (1)(n) as follows:

12 **12-42.5-126. Unlawful acts - civil fines.** (1) It is unlawful:

13 (d) To falsely assume the title of or falsely represent that one is a
14 pharmacist, PHARMACY TECHNICIAN, practitioner, or registered outlet;

15 (n) TO PRACTICE AS A PHARMACY TECHNICIAN WITHOUT A
16 CERTIFICATION.

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

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

25 **SECTION 31.** In Colorado Revised Statutes, **amend** 12-42.5-127
26 as follows:

27 **12-42.5-127. Unauthorized practice - penalties.** (1) Any person

1 who practices or offers or attempts to practice pharmacy without an active
2 license issued under this ~~article~~ ARTICLE 42.5 commits a class 2
3 misdemeanor and shall be punished as provided in section 18-1.3-501
4 ~~C.R.S.~~, for the first offense, and any person committing a second or
5 subsequent offense commits a class 6 felony and shall be punished as
6 provided in section 18-1.3-401. ~~C.R.S.~~

7 (2) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO
8 PRACTICE AS A PHARMACY TECHNICIAN WITHOUT AN ACTIVE
9 CERTIFICATION ISSUED UNDER THIS ARTICLE 42.5 COMMITS A CLASS 2
10 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
11 18-1.3-501 FOR THE FIRST OFFENSE, AND ANY PERSON COMMITTING A
12 SECOND OR SUBSEQUENT OFFENSE COMMITS A CLASS 6 FELONY AND SHALL
13 BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401.

14 **SECTION 32.** In Colorado Revised Statutes, **amend** 12-42.5-134
15 as follows:

16 **12-42.5-134. Confidential agreement to limit practice -**
17 **violation - grounds for discipline.** (1) If a pharmacist, ~~or~~ intern, OR
18 PHARMACY TECHNICIAN has a physical illness, a physical condition, or a
19 behavioral or mental health disorder that renders the person unable to
20 practice pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill
21 and safety to clients, the pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN
22 shall notify the board of the physical illness, ~~the~~ physical condition, or ~~the~~
23 behavioral or mental health disorder in a manner and within a period
24 determined by the board. The board may require the pharmacist, ~~or~~ intern,
25 OR PHARMACY TECHNICIAN to submit to an examination or refer the
26 pharmacist or intern to the pharmacy peer health assistance diversion
27 program established in part 2 of this article 42.5 to evaluate the extent of

1 the physical illness, ~~the~~ physical condition, or ~~the~~ behavioral or mental
2 health disorder and its impact on the pharmacist's, ~~or~~ intern's, OR
3 PHARMACY TECHNICIAN'S ability to practice pharmacy OR AS A PHARMACY
4 TECHNICIAN with reasonable skill and safety to clients.

5 (2) (a) Upon determining that a pharmacist, ~~or~~ intern, OR
6 PHARMACY TECHNICIAN with a physical illness, a physical condition or a
7 behavioral or mental health disorder is able to render limited services
8 with reasonable skill and safety to clients, the board may enter into a
9 confidential agreement with the pharmacist, ~~or~~ intern, OR PHARMACY
10 TECHNICIAN in which the pharmacist, ~~or~~ intern, OR PHARMACY
11 TECHNICIAN agrees to limit his or her practice based on the restrictions
12 imposed by the physical illness, ~~the~~ physical condition, or ~~the~~ behavioral
13 or mental health disorder, as determined by the board.

14 (b) As part of the agreement, the pharmacist, ~~or~~ intern, OR
15 PHARMACY TECHNICIAN is subject to periodic reevaluations or monitoring
16 as determined appropriate by the board. The board may refer the
17 pharmacist or intern to the pharmacy peer health assistance diversion
18 program for reevaluation or monitoring.

19 (c) The parties may modify or dissolve the agreement as necessary
20 based on the results of a reevaluation or of monitoring.

21 (3) By entering into an agreement with the board pursuant to this
22 section to limit his or her practice, a pharmacist, ~~or~~ intern, OR PHARMACY
23 TECHNICIAN is not engaging in activities prohibited pursuant to section
24 12-42.5-123. The agreement does not constitute a restriction or discipline
25 by the board. However, if the pharmacist, ~~or~~ intern, OR PHARMACY
26 TECHNICIAN fails to comply with the terms of an agreement entered into
27 pursuant to this section, the failure constitutes a prohibited activity

1 pursuant to section 12-42.5-123 (1)(r), and the pharmacist, ~~or~~ intern, OR
2 PHARMACY TECHNICIAN is subject to discipline in accordance with section
3 12-42.5-124.

4 (4) This section does not apply to a pharmacist, ~~or~~ intern, OR
5 PHARMACY TECHNICIAN subject to discipline for prohibited activities as
6 described in section 12-42.5-123 (1)(e).

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

9 **24-34-104. General assembly review of regulatory agencies**
10 **and functions for repeal, continuation, or reestablishment - legislative**
11 **declaration - repeal.** (21) (a) The following agencies, functions, or both,
12 will repeal on September 1, 2021:

13 (II) The state board of pharmacy and the regulation of the practice
14 of pharmacy, INCLUDING THE REGULATION OF THE PRACTICE AS A
15 PHARMACY TECHNICIAN, by the department of regulatory agencies through
16 the division of professions and occupations in accordance with parts 1 to
17 3 of article 42.5 of title 12; ~~C.R.S.~~;

18 **SECTION 34. Appropriation.** (1) For the 2019-20 state fiscal
19 year, \$139,486 is appropriated to the department of regulatory agencies.
20 This appropriation is from the division of professions and occupations
21 cash fund created in section 24-34-105 (2)(b)(I), C.R.S. To implement
22 this act, the department may use this appropriation as follows:

23 (a) \$113,585 for use by the division of professions and occupations
24 for personal services, which amount is based on an assumption that the
25 division will require an additional 1.0 FTE;

26 (b) \$10,356 for use by the division of professions and occupations
27 for operating expenses; and

1 (c) \$15,545 for the purchase of legal services.

2 (2) For the 2019-20 state fiscal year, \$15,545 is appropriated to
3 the department of law. This appropriation is from reappropriated funds
4 received from the department of regulatory agencies under subsection
5 (1)(c) of this section. To implement this act, the department of law may
6 use this appropriation to provide legal services for the department of
7 regulatory agencies.

8 (3) For the 2019-20 state fiscal year, \$128,188 is appropriated to
9 the department of public safety for use by the biometric identification and
10 records unit. This appropriation is from the Colorado bureau of
11 investigation identification unit fund created in section 24-33.5-426,
12 C.R.S., and is based on an assumption that the department will require an
13 additional 0.7 FTE. To implement this act, the unit may use this
14 appropriation for criminal history record checks.

15 **SECTION 35. Act subject to petition - effective date -**
16 **applicability.** (1) Except as otherwise provided in subsection (2) of this
17 section, this act takes effect October 1, 2019; except that, if a referendum
18 petition is filed pursuant to section 1 (3) of article V of the state
19 constitution against this act or an item, section, or part of this act within
20 the ninety-day period after final adjournment of the general assembly,
21 then the act, item, section, or part will not take effect unless approved by
22 the people at the general election to be held in November 2020 and, in
23 such case, will take effect on the date of the official declaration of the
24 vote thereon by the governor.

25 (2) (a) Sections 1 through 17 of this act take effect only if House
26 Bill 19-1172 becomes law.

27 (b) Sections 18 through 33 of this act take effect only if House

1 Bill 19-1172 does not become law.

2 (3) This act applies to the practice as a pharmacy technician on or

3 after March 30, 2020.