

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 20-1050

BY REPRESENTATIVE(S) Hooton and Larson, Benavidez, Buckner, Esgar, Exum, Liston, Valdez A.;  
also SENATOR(S) Ginal and Tate, Bridges, Cooke, Crowder, Gonzales, Priola, Rankin, Rodriguez, Smallwood, Sonnenberg, Winter, Woodward, Garcia.

CONCERNING THE DISTRIBUTION OF DRUGS BY OTHER OUTLET PHARMACIES.

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

**SECTION 1.** In Colorado Revised Statutes, 12-280-103, **amend** (8) 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) "Casual sale" means a transfer, delivery, or distribution to a corporation, individual, or other entity, other than a consumer, entitled to possess prescription drugs; except that the amount of drugs transferred, delivered, or distributed in this manner by any registered prescription drug outlet or ~~ANY hospital~~ REGISTERED other outlet shall not exceed ten percent

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

of the total number of dosage units of drugs dispensed and distributed OR ORIGINALLY PROCURED IN ANY REGISTERED OTHER OUTLET on an annual basis by the outlet.

**SECTION 2.** In Colorado Revised Statutes, 12-280-119, **amend** (1)(d) as follows:

**12-280-119. Registration of facilities - rules.** (1) All outlets with facilities in this state shall register with the board in one of the following classifications:

(d) Any other outlet, as may be authorized by this article 280 or that meets the definition of OTHER outlet as set forth in section 12-280-103 (32).

**SECTION 3.** In Colorado Revised Statutes, 12-280-120, **amend** (5)(a) introductory portion, (5)(a)(I), and (5)(a)(II); and **repeal** (5)(b) as follows:

**12-280-120. Compounding - dispensing - sale of drugs and devices - rules - definition.** (5) (a) A registered prescription drug ~~OR~~ OUTLET or ~~licensed hospital~~ other outlet may:

(I) Make a casual sale ~~or loan~~ of ~~or give~~ a drug IN THE MANUFACTURER'S SEALED CONTAINER to another registered outlet; ~~or to a wholesaler of drugs;~~

(II) ~~Sell or give~~ MAKE A CASUAL SALE OF a drug IN THE MANUFACTURER'S SEALED CONTAINER to a practitioner authorized by law to prescribe the drug;

(b) ~~In the case of a county or district public health agency that operates registered other outlets, one registered other outlet may make a casual sale of a drug to another registered other outlet if:~~

(I) ~~The drug is sold in the original sealed container in which it was originally received from the wholesaler;~~

(II) ~~A casual sale is not made to a registered other outlet that is not owned or operated by that county or district public health agency; and~~

~~(HH) The amount sold does not exceed the ten percent limit established by section 12-280-103 (8).~~

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); 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 such period, 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.

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KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO