

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

**INTRODUCED**

LLS NO. 21-0236.01 Kristen Forrestal x4217

**HOUSE BILL 21-1012**

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**HOUSE SPONSORSHIP**

**Rich and Mullica,**

**SENATE SPONSORSHIP**

**Pettersen and Coram,**

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**House Committees**  
Health & Insurance

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING EXPANSION OF THE PRESCRIPTION DRUG MONITORING**  
102              **PROGRAM TO TRACK INFORMATION REGARDING ALL**  
103              **PRESCRIPTION DRUGS PRESCRIBED IN COLORADO.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Current law requires the prescription drug monitoring program (program) to track all controlled substances prescribed in Colorado. The bill expands the program, effective February 1, 2023, to track all prescription drugs prescribed in this state. The bill extends the repeal of the program until September 1, 2028.

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.

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

2           **SECTION 1.** In Colorado Revised Statutes, 12-280-403, **amend**  
3 (1) introductory portion, (1)(c), and (3) as follows:

4           **12-280-403. Prescription drug use monitoring program -**  
5 **registration required.** (1) The board shall develop or procure a  
6 prescription ~~controlled-substance~~ DRUG electronic program to track  
7 information regarding ~~prescriptions for controlled substances~~ ALL  
8 PRESCRIPTION DRUGS dispensed in Colorado, including the following  
9 information:

10           (c) The name and amount of the ~~controlled-substance~~  
11 PRESCRIPTION DRUG;

12           (3) Each practitioner and each dispensing pharmacy shall disclose  
13 to a patient receiving a ~~controlled-substance~~ PRESCRIPTION DRUG that ~~his~~  
14 ~~or her~~ THE PATIENT'S identifying prescription information will be entered  
15 into the program database and may be accessed for limited purposes by  
16 specified individuals.

17           **SECTION 2.** In Colorado Revised Statutes, 12-280-404, **amend**  
18 (3)(b), (3)(f), and (3)(h) as follows:

19           **12-280-404. Program operation - access - rules - definitions -**  
20 **repeal.** (3) The program is available for query only to the following  
21 persons or groups of persons:

22           (b) Any practitioner with the statutory authority to prescribe  
23 ~~controlled-substances~~ PRESCRIPTION DRUGS, or an individual designated  
24 by the practitioner to act on ~~his or her~~ THE PRACTITIONER'S behalf in  
25 accordance with section 12-280-403 (2)(b), to the extent the query relates  
26 to a current patient of the practitioner. The practitioner or ~~his or her~~ THE

1 PRACTITIONER'S designee shall identify ~~his or her~~ THE PRACTITIONER'S OR  
2 DESIGNEE'S area of health care specialty or practice upon the initial query  
3 of the program.

4 (f) A pharmacist, an individual designated by a pharmacist in  
5 accordance with section 12-280-403 (2)(b) to act on his or her behalf, or  
6 a pharmacist licensed in another state, to the extent the information  
7 requested relates specifically to a current patient to whom the pharmacist  
8 is dispensing or considering dispensing a ~~controlled substance or~~  
9 prescription drug or a patient to whom the pharmacist is currently  
10 providing clinical patient care services;

11 (h) The individual who is the recipient of a ~~controlled substance~~  
12 prescription DRUG so long as the information released is specific to the  
13 individual;

14 **SECTION 3.** In Colorado Revised Statutes, 12-280-405, **amend**  
15 (3) as follows:

16 **12-280-405. Prescription drug monitoring fund - creation -**  
17 **gifts, grants, and donations - report - fee.** (3) If, based upon the  
18 appropriations for the direct and indirect costs of the program, there is  
19 insufficient money to maintain the program, the division may collect an  
20 annual fee of no more than seventeen dollars and fifty cents for the fiscal  
21 years 2011-12 and 2012-13, twenty dollars for the fiscal years 2013-14  
22 and 2014-15, and twenty-five dollars for each fiscal year thereafter, from  
23 ~~an individual who holds a license from the division that authorizes him~~  
24 ~~or her to prescribe a controlled substance, as defined in section 18-18-102~~  
25 ~~(5)~~ A PRACTITIONER LICENSED PURSUANT TO THIS TITLE 12. The division  
26 shall set the fee pursuant to section 12-20-105 and shall collect the fee in  
27 conjunction with the license renewal fees collected pursuant to section

1 12-20-105. Money collected pursuant to this subsection (3) is credited to  
2 the prescription drug monitoring fund created in subsection (1) of this  
3 section.

4 **SECTION 4.** In Colorado Revised Statutes, 12-280-407, **amend**  
5 (2) as follows:

6 **12-280-407. Prescription drug outlets - prescribers -**  
7 **responsibilities - liability.** (2) A practitioner who has, in good faith,  
8 written a prescription for a controlled substance OR OTHER PRESCRIPTION  
9 DRUG to a patient is not liable for information submitted to the program.  
10 A practitioner or prescription drug outlet who has, in good faith,  
11 submitted the required information to the program is not liable for  
12 participation in the program.

13 **SECTION 5.** In Colorado Revised Statutes, **amend** 12-280-410  
14 as follows:

15 **12-280-410. Repeal of part - review of functions.** This part 4 is  
16 repealed, effective ~~July 1, 2021~~ SEPTEMBER 1, 2028. Before the repeal,  
17 the functions of the board and the program under this part 4 are scheduled  
18 for review in accordance with section 24-34-104.

19 **SECTION 6.** In Colorado Revised Statutes, 24-34-104, **repeal**  
20 (20)(a)(II); and **add** (29)(a)(XIII) as follows:

21 **24-34-104. General assembly review of regulatory agencies**  
22 **and functions for repeal, continuation, or reestablishment - legislative**  
23 **declaration - repeal.** (20) (a) The following agencies, functions, or both,  
24 will repeal on July 1, 2021:

25 (II) ~~The electronic prescription drug monitoring program created~~  
26 ~~in part 4 of article 280 of title 12.~~

27 (29) (a) The following agencies, functions, or both, are scheduled

1 for repeal on September 1, 2028:

2 (XIII) THE ELECTRONIC PRESCRIPTION DRUG MONITORING  
3 PROGRAM CREATED IN PART 4 OF ARTICLE 280 OF TITLE 12.

4 **SECTION 7. Effective date.** This act takes effect July 1, 2021;  
5 except that sections 1 through 4 of this act take effect February 1, 2023.

6 **SECTION 8. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, or safety.