

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0947.01 Brita Darling x2241

SENATE BILL 22-173

SENATE SPONSORSHIP

Rodriguez and Smallwood,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING CRITERIA RELATING TO THE OPERATION OF
102 TELEPHARMACY OUTLETS.

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>.)

Currently, a "telepharmacy outlet" must be located more than 20 miles from the nearest prescription drug outlet or other telepharmacy outlet. The bill removes this geographic restriction on the operation of telepharmacy outlets.

The bill authorizes the state board of pharmacy (board) to adopt limited rules concerning telepharmacy outlets.

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.

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 (50)(a)(III); and **repeal** (50)(a)(II) and (50)(b) as follows:

4 **12-280-103. Definitions - rules.** As used in this article 280, unless
5 the context otherwise requires or the term is otherwise defined in another
6 part of this article 280:

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

8 (II) ~~At the time of registration, is located more than twenty miles~~
9 ~~from the nearest prescription drug outlet and from any other telepharmacy~~
10 ~~outlet registered under this article 280;~~

11 (III) Is connected via computer link, video link, and audio link, or
12 via other functionally equivalent telecommunication equipment, with a
13 central pharmacy LOCATED IN THIS STATE that is registered under this
14 article 280; and

15 (b) ~~The board may adopt rules as necessary to specify additional~~
16 ~~criteria for a telepharmacy outlet that the board deems necessary.~~

17 **SECTION 2.** In Colorado Revised Statutes, 12-280-107, **add** (3)
18 as follows:

19 **12-280-107. Rules.** (3) THE BOARD MAY ADOPT RULES AS
20 NECESSARY TO SPECIFY ADDITIONAL CRITERIA FOR A TELEPHARMACY
21 OUTLET. IF THE BOARD ADOPTS RULES, THE BOARD'S RULES ARE LIMITED
22 TO RULES CONCERNING THE FOLLOWING:

23 (a) APPLICATION REQUIREMENTS;

24 (b) STRUCTURAL AND EQUIPMENT REQUIREMENTS;

25 (c) STAFFING AND TRAINING REQUIREMENTS;

26 (d) CONSULTANT PHARMACIST VISITATION REQUIREMENTS;

- 1 (e) INVENTORY RECORD-KEEPING AND STORAGE REQUIREMENTS;
- 2 (f) ESTABLISHING POLICIES AND PROCEDURES RELATING TO
- 3 TELEPHARMACY OPERATIONS;
- 4 (g) THE NUMBER OF TELEPHARMACY OUTLETS THAT MAY BE
- 5 OPERATED BY A CENTRAL PHARMACY;
- 6 (h) PRESCRIPTION VOLUME; AND
- 7 (i) CRITERIA FOR REQUESTING EXEMPTIONS OR WAIVERS FROM THE
- 8 REQUIREMENTS SET FORTH IN RULES ADOPTED PURSUANT TO THIS
- 9 SUBSECTION (3).

10 **SECTION 3. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2022 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.