

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0822.01 Brita Darling x2241

SENATE BILL 23-162

SENATE SPONSORSHIP

Will and Jaquez Lewis, Buckner, Cutter, Danielson, Marchman, Moreno, Priola, Winter F.

HOUSE SPONSORSHIP

Lindsay and Titone,

Senate Committees
Health & Human Services

House Committees
Health & Insurance

A BILL FOR AN ACT

101 **CONCERNING INCREASING ACCESS TO PHARMACY SERVICES.**

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:

- Authorizes a pharmacist to delegate to a pharmacy technician any task within the practice of pharmacy for which the pharmacy technician has been specifically trained, except for patient counseling, drug regimen review, and clinical conflict resolution;
- Removes the statutory supervision ratio for pharmacists supervising pharmacy technicians when the pharmacy is

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

HOUSE
2nd Reading Unamended
April 12, 2023

SENATE
3rd Reading Unamended
March 15, 2023

SENATE
Amended 2nd Reading
March 14, 2023

- not a public-facing pharmacy and is acting as an agent of an originating pharmacy to fill or refill a prescription; and Authorizes reimbursement under the medical assistance program for dispensing or administering vaccines to children under 19 years of age.

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 (38.5)(a)(VII) and (38.5)(a)(VIII); and **add** (38.5)(a)(IX) 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 (38.5) (a) "Practice as a pharmacy technician" means engaging in
8 any of the following activities involved in the practice of pharmacy, under
9 the supervision and delegation of a supervising pharmacist:

10 (VII) Replenishing automated dispensing devices without the need
11 for pharmacist verification as long as the pharmacy technician uses bar
12 code technology that checks the accuracy of the medication or a second
13 pharmacy technician performs the verification; ~~and~~

14 ~~(VIII) Other activities as authorized and defined by the board by~~
15 rule: PERFORMING POINT-OF-CARE TESTING AND PATIENT CARE TECHNICAL
16 TASKS AS SPECIFICALLY TRAINED FOR AND DELEGATED BY A SUPERVISING
17 PHARMACIST; AND

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

20 **SECTION 2.** In Colorado Revised Statutes, 12-280-118, **amend**
21 (5)(a)(II) as follows:

22 **12-280-118. Prescription drug outlet under charge of**
23 **pharmacist - rules.** (5) (a) Except as specified in subsection (5)(b) of

1 this section, the pharmacist responsible for the prescription order or chart
2 order may delegate the following tasks to the following individuals if, in
3 the pharmacist's professional judgment, the delegation is appropriate:

4 (II) Specific tasks described in section 12-280-103 (38.5)(a) or in
5 board rules adopted pursuant to section 12-280-103 ~~(38.5)(a)(VIII)~~
6 (38.5)(a)(IX) to a pharmacy technician who is under the pharmacist's
7 supervision.

8 **SECTION 3.** In Colorado Revised Statutes, 12-280-122, amend
9 (1); and add (4) as follows:

10 **12-280-122. Limited authority to delegate activities**
11 **constituting practice of pharmacy to pharmacy interns or pharmacy**
12 **technicians.** (1) A pharmacist may supervise up to six persons who are
13 either pharmacy interns or pharmacy technicians, of whom no more than
14 two may be pharmacy interns. If three or more pharmacy technicians are
15 on duty, the majority must be FULLY certified by the board in accordance
16 with section 12-280-115.5 (2), and any pharmacy technician on duty who
17 is not certified pursuant to section 12-280-115.5 (2) must have a
18 provisional certification issued pursuant to section 12-280-115.5 (3).

19 (4) (a) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION APPLY
20 TO A CENTRAL FILL PHARMACY; EXCEPT THAT A PHARMACIST MAY
21 SUPERVISE UP TO EIGHT PERSONS WHO ARE EITHER PHARMACY INTERNS OR
22 PHARMACY TECHNICIANS, OF WHOM NO MORE THAN TWO MAY BE
23 PHARMACY INTERNS.

24 (b) AS USED IN THIS SUBSECTION (4), A "CENTRAL FILL PHARMACY"
25 MEANS A PHARMACY, OTHER THAN A PHARMACY LOCATED IN A HOSPITAL
26 LICENSED PURSUANT TO SECTION 25-1.5-103, THAT IS NOT A
27 PUBLIC-FACING PHARMACY AND THAT ONLY ACTS AS AN AGENT OF AN

1 ORIGINATING PHARMACY TO FILL OR REFILL A PRESCRIPTION.

2 **SECTION 4.** In Colorado Revised Statutes, **add 25.5-5-514** as
3 follows:

4 **25.5-5-514. Pharmacy reimbursement - vaccine administration**
5 **to children - legislative declaration.** (1) (a) THE GENERAL ASSEMBLY
6 FINDS AND DECLARES THAT:

7 (I) PHARMACISTS ARE HIGHLY TRAINED AND EDUCATED,
8 DOCTORATE-LEVEL HEALTH-CARE PROFESSIONALS SPECIALIZING IN THE
9 EFFECTIVE USE OF MEDICATIONS AND THEIR OUTCOMES;

10 (II) PHARMACISTS PROVIDE HEALTH CARE THROUGHOUT THE
11 ENTIRE HEALTH-CARE SYSTEM, PRACTICING IN COMMUNITY PHARMACIES,
12 HOSPITALS, PROVIDER CLINIC OFFICES, AND SPECIALTY AREAS;

13
14 (III) WITH NINETY PERCENT OF AMERICANS LIVING WITHIN FIVE
15 MILES OF A PHARMACY, PHARMACISTS ARE ABLE TO PROVIDE VALUABLE
16 PUBLIC HEALTH SERVICES TO COMMUNITIES AND TO PROVIDE THOSE
17 SERVICES IN NOVEL WAYS, INCLUDING DURING NONTRADITIONAL HOURS
18 AND WITHOUT APPOINTMENTS; AND

19 (IV) CONVENIENT ACCESS TO VACCINES THROUGH A
20 NEIGHBORHOOD PHARMACY CAN HELP ENSURE THAT MORE CHILDREN
21 RECEIVE THEIR CHILDHOOD VACCINATIONS ACCORDING TO FEDERAL
22 RECOMMENDED GUIDELINES.

23 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
24 ALLOWING REIMBURSEMENT UNDER THE MEDICAL ASSISTANCE PROGRAM
25 TO A PHARMACIST OR PHARMACY THAT DISPENSES OR ADMINISTERS
26 CHILDHOOD VACCINATIONS IS AN IMPORTANT TOOL IN ENSURING THE
27 HEALTH OF COLORADO CHILDREN THROUGH IMMUNIZATION.

1 (2) PURSUANT TO THE REQUIREMENTS SET FORTH IN SUBSECTION
2 (3) OF THIS SECTION, A PHARMACIST OR PHARMACY THAT DISPENSES OR
3 ADMINISTERS VACCINATIONS TO CHILDREN UNDER NINETEEN YEARS OF
4 AGE PURSUANT TO THE FEDERAL CENTERS FOR DISEASE CONTROL AND
5 PREVENTION'S GUIDELINES PERTAINING TO THE CHILDHOOD IMMUNIZATION
6 SCHEDULE MAY SEEK REIMBURSEMENT FOR THE DISPENSING OR
7 ADMINISTRATION OF VACCINES UNDER THE MEDICAL ASSISTANCE
8 PROGRAM EITHER AS A PHARMACY BENEFIT OR AS A MEDICAL BENEFIT, AS
9 APPLICABLE.

10 (3)(a) TO BE ELIGIBLE TO RECEIVE REIMBURSEMENT PURSUANT TO
11 SUBSECTION (2) OF THIS SECTION FOR ADMINISTERING VACCINES TO
12 CHILDREN, A PHARMACY OR PHARMACIST MUST BE ENROLLED IN GOOD
13 STANDING WITH THE VACCINES FOR CHILDREN PROGRAM ADMINISTERED
14 BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

15 (b) UNTIL THE DEPARTMENT OF PUBLIC HEALTH AND
16 ENVIRONMENT DETERMINES A FRAMEWORK FOR PARTICIPATION BY
17 PHARMACIES AND PHARMACISTS IN THE VACCINE FOR CHILDREN PROGRAM,
18 NOTHING IN THIS SECTION REQUIRES THE DEPARTMENT OF PUBLIC HEALTH
19 AND ENVIRONMENT TO ENROLL PHARMACIES RECEIVING REIMBURSEMENT
20 FOR THE ADMINISTRATION OF VACCINES THROUGH THE MEDICAL
21 ASSISTANCE PROGRAM AS VACCINES FOR CHILDREN PROVIDERS.

22 (c) AS USED IN THIS SUBSECTION (3), "VACCINES FOR CHILDREN
23 PROGRAM" MEANS THE FEDERAL CENTERS FOR DISEASE CONTROL AND
24 PREVENTION "VACCINES FOR CHILDREN PROGRAM" ADMINISTERED BY THE
25 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR ANY SUCCESSOR
26 PROGRAM.

27 **SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2024 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.