

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 22-0947.01 Brita Darling x2241

SENATE BILL 22-173

SENATE SPONSORSHIP

Rodriguez and Smallwood, Buckner, Coram, Ginal, Gonzales, Pettersen, Priola, Rankin, Simpson, Winter, Woodward

HOUSE SPONSORSHIP

Bird and McKean,

Senate Committees
Business, Labor, & Technology
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CRITERIA RELATING TO THE OPERATION OF**
102 **TELEPHARMACY OUTLETS, 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>.)

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

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.*

SENATE
3rd Reading Unamended
April 27, 2022

SENATE
Amended 2nd Reading
April 26, 2022

limited rules concerning telepharmacy outlets.

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)(II), (50)(a)(III), and (50)(a)(IV); repeal (50)(b); and add (50)(c)
4 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 (50)(a) "Telepharmacy outlet" means a remote pharmacy site that:

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

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

16 (IV) Has a pharmacy technician on site who, under the remote
17 supervision of a licensed pharmacist located at the central pharmacy IN
18 THIS STATE, performs the tasks described in subsection (38.5)(a) of this
19 section.

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

22 (c) AS USED IN SUBSECTION (50)(a)(II) OF THIS SECTION, "AREA OF
23 NEED" MEANS:

24 (I) ANY HEALTH FACILITY LICENSED OR CERTIFIED BY THE
25 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO

1 SECTION 25-1.5-103 (1); OR

2 (II) ANY AREA WHERE A DEMONSTRATION OF NEED IS APPROVED
3 BY THE BOARD.

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

6 **12-280-107. Rules.** (3) THE BOARD SHALL ADOPT RULES AS
7 NECESSARY TO SPECIFY ADDITIONAL CRITERIA FOR A TELEPHARMACY
8 OUTLET. THE BOARD'S RULES ARE LIMITED TO RULES CONCERNING THE
9 FOLLOWING:

- 10 (a) APPLICATION REQUIREMENTS;
- 11 (b) STRUCTURAL AND EQUIPMENT REQUIREMENTS;
- 12 (c) STAFFING AND TRAINING REQUIREMENTS;
- 13 (d) CONSULTANT PHARMACIST VISITATION REQUIREMENTS;
- 14 (e) INVENTORY RECORD-KEEPING AND STORAGE REQUIREMENTS;
- 15 (f) ESTABLISHING POLICIES AND PROCEDURES RELATING TO
16 TELEPHARMACY OPERATIONS; AND
- 17 (g) THE NUMBER OF TELEPHARMACY OUTLETS THAT MAY BE
18 OPERATED BY A CENTRAL PHARMACY.

19

20 **SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal
21 year, \$505,819 is appropriated to the department of regulatory agencies.
22 This appropriation is from the division of professions and occupations
23 cash fund created in section 12-20-105 (3), C.R.S. To implement this act,
24 the department may use this appropriation as follows:

- 25 (a) \$383,823 for use by the division of professions and
26 occupations for personal services, which amount is based on an
27 assumption that the division will require an additional 4.4 FTE;

1 **(b) \$43,140 for use by the division of professions and occupations**
2 **for operating expenses; and**

3 **(c) \$78,856 for the purchase of legal services.**

4 **(2) For the 2022-23 state fiscal year, \$78,856 is appropriated to**
5 **the department of law. This appropriation is from reappropriated funds**
6 **received from the department of regulatory agencies under subsection**
7 **(1)(c) of this section and is based on an assumption that the department**
8 **of law will require an additional 0.4 FTE. To implement this act, the**
9 **department of law may use this appropriation to provide legal services for**
10 **the department of regulatory agencies.**

11 **SECTION 4. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be held in
18 November 2022 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.