

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0947.01 Brita Darling x2241

**SENATE BILL 22-173**

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**SENATE SPONSORSHIP**

**Rodriguez and Smallwood,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**  
Business, Labor, & Technology  
Finance  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING CRITERIA RELATING TO THE OPERATION OF**  
102     **TELEPHARMACY OUTLETS, AND, IN CONNECTION THEREWITH,**  
103     **MAKING AN APPROPRIATION.**

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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>.)*

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.*

limited rules concerning telepharmacy outlets.

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

2           **SECTION 1.** In Colorado Revised Statutes, 12-280-103, **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.

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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.