

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0766.01 Yelana Love x2295

**HOUSE BILL 21-1202**

**HOUSE SPONSORSHIP**

**Luck,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Health & Insurance

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE ABILITY OF CERTAIN HEALTH-CARE PROVIDERS TO**  
102         **REPURPOSE THERAPEUTIC DRUGS THAT HAVE BEEN APPROVED**  
103         **BY THE FOOD AND DRUG ADMINISTRATION FOR ANOTHER**  
104         **PURPOSE TO PROVIDE TREATMENT TO INDIVIDUALS WITH**  
105         **COVID-19.**

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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>.)*

The bill specifies that:

- A physician, physician assistant, or advanced practice

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.*

registered nurse with prescriptive authority may prescribe and dispense, and a pharmacist may dispense, therapeutic drugs for off-label use, including hydroxychloroquine sulfate and ivermectin, to provide prophylaxis or outpatient (at-home) and inpatient (hospital) treatment to an individual with COVID-19; and

- This practice is not unprofessional conduct or otherwise grounds for discipline.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 12-30-116 as  
3 follows:

4           **12-30-116. Prescribing or dispensing off-label use of  
5 FDA-approved therapeutic drugs to treat COVID-19 - definitions.**

6           (1) A PRESCRIBER MAY PRESCRIBE OR DISPENSE, AND A PHARMACIST MAY  
7 DISPENSE, PURSUANT TO A PRESCRIPTION DRUG ORDER AND WITH  
8 INFORMED CONSENT OF THE PATIENT, AN FDA-APPROVED THERAPEUTIC  
9 DRUG, INCLUDING HYDROXYCHLOROQUINE SULFATE AND IVERMECTIN, FOR  
10 OFF-LABEL USE TO AN INDIVIDUAL FOR PROPHYLAXIS OR FOR AT-HOME  
11 OUTPATIENT OR HOSPITAL INPATIENT TREATMENT OF COVID-19.  
12 PROPHYLACTIC USE DOES NOT REQUIRE SUSPECTED EXPOSURE TO THE  
13 VIRUS. AT-HOME EARLY-STAGE TREATMENT DOES NOT REQUIRE A  
14 COVID-19 TEST.

15           (2) CONDUCT THAT COMPLIES WITH SUBSECTION (1) OF THIS  
16 SECTION IS NOT UNPROFESSIONAL CONDUCT PURSUANT TO SECTION  
17 12-240-121, 12-255-120, OR 12-280-126. A REGULATOR SHALL NOT  
18 INITIATE AN INVESTIGATION, INQUIRY, OR ANY OTHER DISCIPLINARY  
19 ACTION PURSUANT TO SECTION 12-240-125, 12-255-119, OR 12-280-126,  
20 RESPECTIVELY, FOR CONDUCT THAT COMPLIES WITH SUBSECTION (1) OF  
21 THIS SECTION.

(3) NOTHING IN THIS SECTION LIMITS OR OTHERWISE AFFECTS THE  
PRESCRIPTIVE AUTHORITY OF A PRESCRIBER.

(4) AS USED IN THIS SECTION:

(a) "COVID-19" MEANS THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2.

(b) "FDA" MEANS THE FOOD AND DRUG ADMINISTRATION IN THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

9 (c) "PHARMACIST" MEANS AN INDIVIDUAL LICENSED BY THE STATE  
10 PURSUANT TO ARTICLE 280 OF THIS TITLE 12 TO ENGAGE IN THE PRACTICE  
11 OF PHARMACY.

12 (d) "PRESCRIBER" MEANS:

13 (I) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO  
14 ARTICLE 240 OF THIS TITLE 12; OR

15 (II) AN ADVANCED PRACTICE REGISTERED NURSE, AS DEFINED IN  
16 SECTION 12-255-104 (1), WITH PRESCRIPTIVE AUTHORITY PURSUANT TO  
17 SECTION 12-255-112.

18                   **SECTION 2. Applicability.** This act applies to conduct occurring  
19                   on or after the effective date of this act.

20                   **SECTION 3. Safety clause.** The general assembly hereby finds,  
21                   determines, and declares that this act is necessary for the immediate  
22                   preservation of the public peace, health, or safety.