



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 19-1077**

## FISCAL NOTE

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**Drafting Number:** LLS 19-0420      **Date:** January 21, 2019  
**Prime Sponsors:** Rep. Roberts      **Bill Status:** House Health & Insurance  
Sen. Tate; Pettersen      **Fiscal Analyst:** Aaron Carpenter | 303-866-4918  
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**Bill Topic:** PHARMACIST DISPENSE DRUG WITHOUT PRESCRIPTION IN EMERGENCY

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**Summary of  
Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill allows pharmacist to dispense a chronic maintenance drug to a patient without a prescription if certain conditions are met. The bill will minimally increase state expenditures and workload on an ongoing basis.

**Appropriation  
Summary:** No appropriation is required.

**Fiscal Note  
Status:** This fiscal note reflects the introduced bill.

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### Summary of Legislation

This bill allows pharmacists to dispense to a patient an emergency supply of a chronic maintenance drug without a current valid prescription if:

- the pharmacist has made every reasonable attempt to obtain an authorization for a refill;
- the pharmacist has a record of the prescription or has been presented proof of a recent prescription or, in the pharmacist's professional judgement, refusal to dispense the drug would endanger the patient's health;
- the amount dispensed does not exceed the most recent prescription or the standard quantity of the drug;
- the pharmacist has not dispensed an emergency supply of the chronic maintenance drug to the same patient in the previous 12 months; and
- the prescriber has not indicated that no refills are authorized.

The bill defines a chronic maintenance drug as one that is prescribed to a patient to take on a recurring basis or is used as a life saving rescue drug for a chronic condition, but is not an opioid or controlled substance that is prohibited from being dispensed without a prescription under federal law.

The State Board of Pharmacy must adopt rules, in consultation with the Colorado Medical Board and the State Board of Nursing, to establish standard procedures for pharmacists. In addition, the bill makes the pharmacist, pharmacist's employer, or the original prescriber not civilly liable for an act or omission in connection with the dispensing of a chronic maintenance drug unless there is negligence, recklessness, or willful or wanton misconduct.

## **State Expenditures**

Starting in FY 2019-20, the bill will increase state expenditures and workload to various agencies as described below.

**Rulemaking.** In FY 2019-20, workload will increase for the Department of Law and the State Board of Pharmacy, under the Department of Regulatory Agencies, to adopt rules for the standard procedure for dispensing an emergency supply of chronic maintenance drugs. This increase in workload can be accomplished within existing appropriations.

**Health insurance.** To the extent someone on public health insurance or a state employee with state paid health insurance receives an emergency supply of medication that they would not have otherwise received, costs to the state may increase. However, any instances and associated costs to the state are expected to be minimal.

**Administrative courts.** To the extent that this bill increases the number of cases against a pharmacist or his/her employer that are filed with an administrative court, workload and costs to the Department of Personnel and Administration will increase. However, the fiscal note assumes that the increase will be minimal and can be accomplished within existing appropriations. Should an additional administrative law judge be required, it will be requested through the annual budget process.

## **Effective Date**

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

## **State and Local Government Contacts**

Corrections	Health Care Policy and Financing
Human Services	Information Technology
Law	Public Health and Environment
Personnel	Regulatory Agencies