

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

**INTRODUCED**

LLS NO. 25-1042.01 Brita Darling x2241

**SENATE BILL 25-289**

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**SENATE SPONSORSHIP**

**Cutter,**

**HOUSE SPONSORSHIP**

**Brown,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF A DRUG DONATION PROGRAM.**

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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 amends statutory provisions relating to unused medication in facilities, including correctional facilities, nursing care facilities, assisted living residences, hospice, and other facilities, to change the defined term "medication" to "medicine" and to expand the types of unused medicines that may be redispensed to patients or donated to a nonprofit entity.

The bill creates the Colorado drug donation program (donation program). The donation program allows a person legally authorized to

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.

possess medicine, including an individual member of the public, a pharmacy, a long-term care facility, a surgical center, a prescriber or other health-care professional or facility, or others (donor) to donate unused medicine (donated medicine).

A donor may donate unused medicine to a donation recipient (donation recipient) that is authorized to possess medicine and that has a credential in good standing in the state in which the donation recipient is located. A donation recipient may include a wholesaler, distributor, third-party logistics provider, repackager, hospital, pharmacy, clinic, health-care provider, or prescriber's office.

The bill requires the donation recipient to:

- Keep a record of the donated medicine;
- Keep donated medicine separate from regular stock; and
- Have donated medicine inspected by a licensed pharmacist.

The donation recipient may transfer the donated medicine to another donation recipient or entity, repackage the donated medicine, or, if the donation recipient is a prescription drug outlet, replenish medicine.

The bill requires donated medicine to first be dispensed to an eligible patient who is an individual who is indigent, uninsured, underinsured, or enrolled in a public health benefits program. Donated medicine must not be resold; except that a donation recipient may charge a handling or dispensing fee for the donated medicine.

When acting in good faith, the participants in the donation program are not subject to criminal liability or professional disciplinary action.

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

2           **SECTION 1.** In Colorado Revised Statutes, 12-280-135, **amend**  
3 (1)(e), (2)(a), (2)(b) introductory portion, (2)(b)(II), (2)(b)(III), (2)(c)  
4 introductory portion, (2)(c)(I), (2)(c)(III), (2)(c)(V), (3), (4), and (6);  
5 **repeal** (2)(c)(IV) and (5); and **add** (2)(b)(IV), (2)(c)(VI), (2)(c)(VII), and  
6 (2)(c)(VIII) as follows:

7           **12-280-135. Unused medicine - licensed facilities - correctional**  
8 **facilities - reuse - definitions - rules.** (1) As used in this section, unless  
9 the context otherwise requires:

10           (e) (I) ~~"Medication" means a prescription that is not a controlled~~  
11 ~~substance~~ "MEDICINE" MEANS PRESCRIPTION DRUGS, INCLUDING

1 FDA-APPROVED DRUGS LABELED FOR INVESTIGATIONAL USE.

2 (II) "MEDICINE" INCLUDES:

3 (A) A PRESCRIPTION DRUG THAT REQUIRES REFRIGERATION,  
4 FREEZING, OR SPECIAL STORAGE IF THE PRESCRIPTION DRUG HAS BEEN  
5 CONTINUALLY MAINTAINED PURSUANT TO THE MANUFACTURER'S STORAGE  
6 REQUIREMENTS; AND

7 (B) PRESCRIPTION SUPPLIES AND DEVICES.

8 (III) "MEDICINE" DOES NOT INCLUDE:

9 (A) COMPOUNDED DRUGS;

10 (B) PRESCRIPTION DRUGS DISPENSED BY PHARMACIES OUTSIDE OF  
11 THE UNITED STATES;

12 (C) PRESCRIPTION DRUGS THAT ARE SUBJECT TO RISK EVALUATION  
13 AND MITIGATION UNDER 21 U.S.C. SEC. 355-1 (f)(3) UNLESS ALL OF THE  
14 REQUIRED GUIDELINES FOR THE MEDICINE ARE FOLLOWED; OR

15 (D) CONTROLLED SUBSTANCES.

16 (2) (a) (I) If donated by the patient, the resident, or the patient's or  
17 resident's next of kin, a licensed facility may return unused ~~medications~~  
18 MEDICINE or medical supplies and used or unused medical devices to a  
19 pharmacist within the licensed facility or a prescription drug outlet in  
20 order for the materials to be redispensed to another patient or donated to  
21 a nonprofit entity that has the legal authority to possess the materials or  
22 to a practitioner authorized by law to dispense the materials.

23 (II) (A) A licensed facility or a prescription drug outlet may  
24 donate materials to a nonprofit entity that has legal authority to possess  
25 the materials or to a person legally authorized to dispense the materials.  
26 A licensed pharmacist shall review the process of donating the unused  
27 ~~medications~~ MEDICINE to the nonprofit entity.

1 (B) Nothing in this subsection (2)(a)(II) creates or abrogates any  
2 liability on behalf of a prescription drug manufacturer for the storage,  
3 donation, acceptance, or dispensing of ~~a medication~~ MEDICINE or A  
4 product or creates any civil cause of action against a prescription drug  
5 manufacturer in addition to that which is available under applicable law.

6 (C) A person ~~or entity~~ is not subject to civil or criminal liability  
7 or professional disciplinary action for donating, accepting, dispensing, or  
8 facilitating the donation of materials in good faith, without negligence OR  
9 WILLFUL OR WANTON MISCONDUCT, and in compliance with this section.

10 (III) A correctional facility may return unused ~~medications~~  
11 MEDICINE or medical supplies and used or unused medical devices to the  
12 pharmacist within the correctional facility or a prescription drug outlet in  
13 order for the ~~medication~~ MEDICINE to be redispensed to another patient or  
14 donated to a nonprofit entity that has the legal authority to possess the  
15 materials or to a practitioner authorized by law to prescribe the materials.

16 (b) ~~Medications are~~ MEDICINE IS only available to be dispensed to  
17 another person or donated to a nonprofit entity under this section if the  
18 ~~medications are~~ MEDICINE IS:

19 (II) Individually packaged and the packaging has not been  
20 damaged; ~~or~~

21 (III) In ~~the original~~, unopened, ~~sealed~~, and tamper-evident unit  
22 ~~dose~~ packaging; OR

23 (IV) FOR MEDICINE THAT REQUIRES REFRIGERATION, FREEZING, OR  
24 SPECIAL STORAGE, CONTINUALLY MAINTAINED PURSUANT TO THE  
25 MANUFACTURER'S STORAGE REQUIREMENTS.

26 (c) The following ~~medications may not be donated~~ MEDICINE IS  
27 NOT ACCEPTABLE FOR DONATION:

1 (I) ~~Medications~~ MEDICINE THAT IS NOT packaged in A traditional  
2 ~~brown or amber pill bottles~~ DISPENSING SYSTEM, AS DEFINED BY THE  
3 BOARD BY RULE;

4 (III) ~~Medications~~ EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(IV)  
5 OF THIS SECTION, MEDICINE that ~~require~~ REQUIRES refrigeration, freezing,  
6 or special storage;

7 (IV) ~~Medications that require special registration with the~~  
8 ~~manufacturer; or~~

9 (V) ~~Medications~~ MEDICINE that ~~are~~ IS adulterated or misbranded,  
10 as determined by a person legally authorized to dispense the ~~medications~~  
11 MEDICINE on behalf of the nonprofit entity OR A PERSON LEGALLY  
12 AUTHORIZED TO DISPENSE THE MEDICINE;

13 (VI) COMPOUNDED MEDICINE;

14 (VII) MEDICINE DISPENSED BY PHARMACIES OUTSIDE OF THE  
15 UNITED STATES; OR

16 (VIII) MEDICINE THAT IS SUBJECT TO RISK EVALUATION AND  
17 MITIGATION UNDER 21 U.S.C. SEC. 355-1 (f)(3) UNLESS ALL OF THE  
18 REQUIRED GUIDELINES FOR THE MEDICINE ARE FOLLOWED.

19 (3) ~~Medication~~ MEDICINE dispensed or donated pursuant to this  
20 section must not be expired. A ~~medication shall not be dispensed~~  
21 PRESCRIBING PRACTITIONER SHALL NOT DISPENSE MEDICINE that will  
22 expire before the use by the patient based on the prescribing practitioner's  
23 directions for use.

24 (4) ~~Medication~~ MEDICINE, medical supplies, and medical devices  
25 donated pursuant to this section may not be resold for profit. The entity  
26 that receives the donated materials may charge the end user a handling  
27 fee, which fee ~~shall~~ MUST not exceed the amount specified by rule of the

1 board.

2 (5) ~~The board shall adopt rules that allow a pharmacist to~~  
3 ~~redispense medication pursuant to this section and section 25.5-5-502 and~~  
4 ~~to donate medication pursuant to this section.~~

5 (6) Nothing in this section or section 25.5-5-502 creates or  
6 abrogates any liability on behalf of a prescription drug manufacturer for  
7 the storage, donation, acceptance, or dispensing of ~~an~~ unused donated  
8 ~~medication~~ MEDICINE or creates any civil cause of action against a  
9 prescription drug manufacturer in addition to that which is available  
10 under applicable law.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 12-280-135.5 as  
12 follows:

13 **12-280-135.5. Colorado drug donation program - created -**  
14 **rules - records - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE  
15 CONTEXT OTHERWISE REQUIRES:

16 (a) "COLORADO DRUG DONATION PROGRAM" OR "PROGRAM"  
17 MEANS THE COLORADO DRUG DONATION PROGRAM CREATED IN THIS  
18 SECTION.

19 (b) "CONTROLLED SUBSTANCE" HAS THE MEANING SET FORTH IN  
20 SECTION 18-18-102.

21 (c) (I) "DONATION RECIPIENT" MEANS AN ENTITY THAT:

22 (A) IS LEGALLY AUTHORIZED TO POSSESS MEDICINE;

23 (B) HAS A LICENSE OR REGISTRATION IN GOOD STANDING IN THE  
24 STATE IN WHICH THE ENTITY IS LOCATED; AND

25 (C) RECEIVES A DONATION OF MEDICINE.

26 (II) "DONATION RECIPIENT" INCLUDES A WHOLESALER, A  
27 DISTRIBUTOR, A THIRD-PARTY LOGISTICS PROVIDER, A REVERSE

1 DISTRIBUTOR, A REPACKAGER, A HOSPITAL, A PHARMACY, A CLINIC, A  
2 HEALTH-CARE PROVIDER, OR A PRESCRIBER OFFICE.

3 (d) (I) "DONOR" MEANS ANY PERSON LEGALLY AUTHORIZED TO  
4 POSSESS MEDICINE, INCLUDING AN INDIVIDUAL MEMBER OF THE PUBLIC, A  
5 WHOLESALER, A DISTRIBUTOR, A THIRD-PARTY LOGISTICS PROVIDER, A  
6 PHARMACY, A DISPENSER, A CLINIC, A SURGICAL OR HEALTH CENTER, A  
7 REHABILITATION CENTER, A DETENTION CENTER, A JAIL, A PRISON, A  
8 LABORATORY, A PRESCRIBER OR OTHER HEALTH-CARE PROFESSIONAL, OR  
9 A LONG-TERM CARE FACILITY OR HEALTH-CARE FACILITY, WHICH PERSON  
10 DONATES MEDICINE.

11 (II) "DONOR" INCLUDES GOVERNMENT AGENCIES AND ENTITIES  
12 THAT ARE FEDERALLY AUTHORIZED TO POSSESS MEDICINE, INCLUDING  
13 MANUFACTURERS, REPACKAGERS, RELABELERS, OUTSOURCING FACILITIES,  
14 VETERANS AFFAIRS HOSPITALS, FDA-AUTHORIZED IMPORTERS SUCH AS  
15 THOSE DESCRIBED UNDER THE FEDERAL "FOOD, DRUG, AND COSMETIC  
16 ACT", 21 U.S.C. SECS. 801 AND 804, AS AMENDED, OR SIMILAR  
17 PROVISIONS, AND FEDERAL PRISONS.

18 (e) (I) "ELIGIBLE PATIENT" MEANS AN INDIVIDUAL WITH A NEED  
19 FOR DONATED MEDICINE WHO IS INDIGENT, UNINSURED, UNDERINSURED,  
20 OR ENROLLED IN A PUBLIC HEALTH BENEFITS PROGRAM.

21 (II) "ELIGIBLE PATIENT" INCLUDES OTHER INDIVIDUALS IF A NEED  
22 FOR DONATED MEDICINE IS NOT IDENTIFIED AMONG INDIVIDUALS WHO ARE  
23 INDIGENT, UNINSURED, UNDERINSURED, OR ENROLLED IN A PUBLIC HEALTH  
24 BENEFITS PROGRAM.

25 (f) "HEALTH-CARE PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS  
26 LICENSED TO PRACTICE AS A PHYSICIAN, REGISTERED NURSE, ADVANCED  
27 PRACTICE REGISTERED NURSE, PRACTICAL NURSE, OPTOMETRIST, OR

1 PHARMACIST; A CERTIFIED MIDWIFE WITH PRESCRIPTIVE AUTHORITY  
2 PURSUANT TO SECTION 12-255-112; OR ANY OTHER PRACTITIONER  
3 AUTHORIZED TO DISPENSE OR ADMINISTER MEDICINE.

4 (g) (I) "MEDICINE" MEANS PRESCRIPTION DRUGS, INCLUDING  
5 FDA-APPROVED DRUGS LABELED FOR INVESTIGATIONAL USE.

6 (II) "MEDICINE" INCLUDES:

7 (A) A PRESCRIPTION DRUG THAT REQUIRES REFRIGERATION,  
8 FREEZING, OR SPECIAL STORAGE IF THE MEDICINE HAS BEEN CONTINUALLY  
9 MAINTAINED PURSUANT TO THE MANUFACTURER'S STORAGE  
10 REQUIREMENTS; AND

11 (B) PRESCRIPTION SUPPLIES AND DEVICES.

12 (III) "MEDICINE" DOES NOT INCLUDE:

13 (A) COMPOUNDED DRUGS;

14 (B) PRESCRIPTION DRUGS DISPENSED BY PHARMACIES OUTSIDE OF  
15 THE UNITED STATES;

16 (C) PRESCRIPTION DRUGS THAT ARE SUBJECT TO RISK EVALUATION  
17 AND MITIGATION UNDER 21 U.S.C. SEC. 355-1 (f)(3) UNLESS ALL OF THE  
18 REQUIRED GUIDELINES FOR THE MEDICINE ARE FOLLOWED; OR

19 (D) CONTROLLED SUBSTANCES.

20 (h) "PRESCRIBER" HAS THE MEANING SET FORTH IN SECTION  
21 12-280-125.7 (1)(f).

22 (i) "RETURNS PROCESSOR" HAS THE MEANING SET FORTH IN 21  
23 U.S.C. SEC. 360eee (18) AND INCLUDES A REVERSE DISTRIBUTOR.

24 (j) (I) "UNOPENED, TAMPER-EVIDENT PACKAGING" MEANS AN  
25 INTACT PACKAGING SYSTEM THAT RENDERS MEDICINE INACCESSIBLE  
26 WITHOUT OBVIOUS DESTRUCTION OF THE SEAL OR SOME PORTION OF THE  
27 PACKAGING SYSTEM.



1           (II) "UNOPENED, TAMPER-EVIDENT PACKAGING" MAY INCLUDE  
2 UNOPENED UNIT-DOSE, MULTIPLE-DOSE, IMMEDIATE, SECONDARY, OR  
3 TERTIARY PACKAGING.

4           (2) THERE IS CREATED THE COLORADO DRUG DONATION PROGRAM  
5 TO FACILITATE THE SAFE DONATION AND REDISPENSING OF UNUSED  
6 MEDICINE TO COLORADANS IN NEED OF THE MEDICINE. PARTICIPATION IN  
7 THE PROGRAM IS VOLUNTARY.

8           (3) (a) NOTWITHSTANDING ANY OTHER LAW OR RULE TO THE  
9 CONTRARY, A DONOR MAY DONATE MEDICINE TO A DONATION RECIPIENT.  
10 A DONATION RECIPIENT MAY RECEIVE DONATED MEDICINE FROM DONORS.

11           (b) PRIOR TO THE FIRST DONATION FROM A PERSON, A DONATION  
12 RECIPIENT SHALL RECORD THE PERSON'S NAME, ADDRESS, PHONE NUMBER,  
13 AND LICENSE NUMBER, IF APPLICABLE, AND SHALL:

14           (I) VERIFY THAT THE PERSON MEETS THE DEFINITION PROVIDED IN  
15 SUBSECTION (1)(d) OF THIS SECTION;

16           (II) CONFIRM THAT THE PERSON AGREES TO MAKE DONATIONS OF  
17 MEDICINE ONLY IN ACCORDANCE WITH THIS SECTION AND RULES ADOPTED  
18 BY THE BOARD RELATING TO DONATED MEDICINE; AND

19           (III) IF APPLICABLE, CONFIRM THAT THE PERSON AGREES TO  
20 REMOVE OR REDACT ANY PATIENT NAMES AND PRESCRIPTION NUMBERS ON  
21 DONATED MEDICINE OR TO OTHERWISE MAINTAIN PATIENT  
22 CONFIDENTIALITY BY EXECUTING A CONFIDENTIALITY AGREEMENT WITH  
23 THE AUTHORIZED DONATION RECIPIENT.

24           (c) NO OTHER INFORMATION OR RECORDS ARE REQUIRED PRIOR TO  
25 THE FIRST DONATION FROM A NEW DONOR OTHER THAN AS DESCRIBED IN  
26 SUBSECTION (3)(b) OF THIS SECTION.

27           (4) A DONATION RECIPIENT SHALL MAINTAIN A WRITTEN OR AN

1 ELECTRONIC RECORD OF DONATED MEDICINE CONSISTING OF THE NAME,  
2 STRENGTH, QUANTITY, AND LOT NUMBER, IF KNOWN, OF EACH ACCEPTED  
3 OR TRANSFERRED DRUG AND THE NAME, ADDRESS, AND PHONE NUMBER OF  
4 THE DONOR OR TRANSFERRING ENTITY. NO OTHER RECORD OF DONATION  
5 IS REQUIRED.

6 (5) A DONATION RECIPIENT SHALL ENSURE THAT DONATED  
7 MEDICINE IS IDENTIFIED PHYSICALLY OR ELECTRONICALLY AS SEPARATE  
8 FROM REGULAR STOCK.

9 (6) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, A  
10 DONATION RECIPIENT MAY:

11 (a) TRANSFER DONATED MEDICINE TO ANOTHER DONATION  
12 RECIPIENT OR TO AN ENTITY PARTICIPATING IN A DRUG DONATION  
13 PROGRAM OPERATED BY ANOTHER STATE;

14 (b) REPACKAGE DONATED MEDICINE IN ACCORDANCE WITH  
15 SUBSECTION (8) OF THIS SECTION AS NECESSARY FOR STORAGE,  
16 DISPENSING, ADMINISTRATION, OR TRANSFER; OR

17 (c) IF THE DONATION RECIPIENT IS A PRESCRIPTION DRUG OUTLET  
18 OR OTHER OUTLET, REPLENISH MEDICINE OF THE SAME DRUG NAME AND  
19 STRENGTH PREVIOUSLY DISPENSED OR ADMINISTERED TO ELIGIBLE  
20 PATIENTS IN ACCORDANCE WITH THE FEDERAL 340B DRUG PRICING  
21 PROGRAM CODIFIED AT 42 U.S.C. SEC. 256b, AS AMENDED.

22 (7) (a) DONATED MEDICINE THAT DOES NOT MEET THE  
23 REQUIREMENTS SPECIFIED IN THIS SECTION AND THE RULES ADOPTED BY  
24 THE BOARD MUST BE DISPOSED OF BY:

25 (I) RETURNING THE DONATED MEDICINE TO THE DONOR;

26 (II) DESTROYING THE DONATED MEDICINE THROUGH AN  
27 INCINERATOR, A MEDICAL WASTE HAULER, A REVERSE DISTRIBUTOR, OR

1 OTHER LAWFUL METHOD; OR

2 (III) TRANSFERRING THE DONATED MEDICINE TO A RETURNS  
3 PROCESSOR.

4 (b) A DONATION RECIPIENT SHALL MAINTAIN A WRITTEN OR AN  
5 ELECTRONIC RECORD OF DISPOSED MEDICINE CONSISTING OF THE DISPOSAL  
6 METHOD, AS DESCRIBED IN SUBSECTION (7)(a) OF THIS SECTION; THE DATE  
7 OF DISPOSAL; AND THE NAME, STRENGTH, AND QUANTITY OF EACH  
8 DISPOSED DRUG. NO OTHER RECORD OF DISPOSAL IS REQUIRED.

9 (8) REPACKAGED MEDICINE MUST BE LABELED WITH THE DRUG  
10 NAME, STRENGTH, AND EXPIRATION DATE, IF THE EXPIRATION DATE IS  
11 KNOWN, AND IDENTIFIED SEPARATELY FROM REGULAR STOCK UNTIL  
12 INSPECTED AND INITIALED BY A LICENSED PHARMACIST. IF MULTIPLE  
13 PACKAGED, DONATED MEDICINES WITH VARIED EXPIRATION DATES ARE  
14 REPACKAGED TOGETHER, THE EARLIEST EXPIRATION DATE MUST BE USED.

15 (9) A DONATION RECIPIENT SHALL ONLY ADMINISTER OR  
16 REDISPENSE MEDICINE THAT:

17 (a) IS IN UNOPENED, TAMPER-EVIDENT PACKAGING OR HAS BEEN  
18 REPACKAGED UNDER THIS PROGRAM;

19 (b) MEETS THE REQUIREMENTS SET FORTH IN THIS SECTION BASED  
20 ON AN INSPECTION BY A LICENSED PHARMACIST;

21 (c) IF DISPENSED TO AN ELIGIBLE PATIENT, IS REPACKAGED BY A  
22 LICENSED PHARMACIST INTO A NEW CONTAINER OR, IF KEPT IN THE  
23 DONATED CONTAINER, IS IN A CONTAINER THAT HAS ALL PREVIOUS  
24 PATIENT INFORMATION REDACTED OR REMOVED;

25 (d) IS PROPERLY LABELED IN ACCORDANCE WITH THE RULES  
26 ADOPTED BY THE BOARD;

27 (e) HAS AN EXPIRATION OR BEYOND-USE DATE THAT WILL NOT

1 EXPIRE BEFORE THE MEDICINE IS USED BY THE ELIGIBLE PATIENT BASED ON  
2 THE PRESCRIBER'S DIRECTIONS FOR USE; AND

3 (f) IF THE MEDICINE REQUIRES REFRIGERATION, FREEZING, OR  
4 SPECIAL STORAGE, HAS BEEN CONTINUALLY MAINTAINED PURSUANT TO  
5 THE MANUFACTURER'S STORAGE REQUIREMENTS.

6 (10) A DONATION RECIPIENT:

7 (a) MAY DISPENSE OR ADMINISTER PRESCRIPTION DRUGS TO AN  
8 ELIGIBLE PATIENT PURSUANT TO THIS SECTION ONLY IF OTHERWISE  
9 PERMITTED BY LAW PURSUANT TO A VALID PRESCRIPTION OR PRESCRIPTION  
10 DRUG ORDER; AND

11 (b) SHALL MAINTAIN ELIGIBLE PATIENT-SPECIFIC WRITTEN OR  
12 ELECTRONIC RECORDS IN ACCORDANCE WITH RULES ADOPTED BY THE  
13 BOARD.

14 (11) A MANUFACTURER, REPACKAGER, DISPENSER, OR  
15 WHOLESALER, OTHER THAN A RETURNS PROCESSOR, PARTICIPATING IN THE  
16 PROGRAM SHALL COMPLY WITH THE REQUIREMENTS OF 21 U.S.C. SECS.  
17 360eee-1 TO 360eee-4 RELATING TO DRUG SUPPLY CHAIN SECURITY.

18 (12) THE DONATION, TRANSFER, OR RECEIPT OF MEDICINE OR THE  
19 FACILITATION OF A DONATION, TRANSFER, OR RECEIPT OF MEDICINE  
20 PURSUANT TO THIS SECTION IS NOT WHOLESALE DISTRIBUTION AND DOES  
21 NOT REQUIRE LICENSING AS A WHOLESALE DISTRIBUTOR.

22 (13) MEDICINE DONATED TO THE PROGRAM MUST NOT BE RESOLD  
23 AND IS CONSIDERED NONSALEABLE; EXCEPT THAT HANDLING, DISPENSING,  
24 OR USUAL AND CUSTOMARY CHARGES TO AN ELIGIBLE PATIENT, HEALTH  
25 PLAN, PHARMACY BENEFIT MANAGER, PHARMACY SERVICES  
26 ADMINISTRATIVE ORGANIZATION, GOVERNMENT AGENCY, OR OTHER  
27 ENTITY IS NOT CONSIDERED RESELLING. IF THE DONATION RECIPIENT IS A

1 FOR-PROFIT ENTITY, THESE CHARGES MUST NOT EXCEED THE DONATION  
2 RECIPIENT'S COST OF PROVIDING THE MEDICINE, INCLUDING THE CURRENT  
3 AND ANTICIPATED COSTS OF EDUCATING ELIGIBLE DONORS, PROVIDING  
4 TECHNICAL SUPPORT TO PARTICIPATING DONORS, SHIPPING AND HANDLING,  
5 LABOR, STORAGE, LICENSING, UTILITIES, ADVERTISING, TECHNOLOGY,  
6 SUPPLIES, AND EQUIPMENT. EXCEPT AS DESCRIBED IN THIS SUBSECTION  
7 (13), THE AMOUNT OF THESE CHARGES IS NOT SUBJECT TO ANY  
8 ADDITIONAL LIMITATIONS.

9 (14) WHEN PERFORMING ANY ACTION ASSOCIATED WITH THE  
10 PROGRAM OR OTHERWISE PROCESSING DONATED MEDICINE FOR TAX, A  
11 MANUFACTURER CREDIT, OR OTHER CREDIT, A DONATION RECIPIENT IS  
12 CONSIDERED TO BE ACTING AS A RETURNS PROCESSOR AND SHALL COMPLY  
13 WITH ALL RECORD-KEEPING REQUIREMENTS UNDER FEDERAL LAW FOR  
14 NONSALEABLE RETURNS.

15 (15) ALL REQUIRED RECORDS MUST BE RETAINED IN PHYSICAL OR  
16 ELECTRONIC FORMAT, ON OR OFF THE DONATION RECIPIENT'S PREMISES,  
17 FOR A PERIOD OF TWO YEARS. DONORS OR DONATION RECIPIENTS MAY  
18 CONTRACT WITH ONE ANOTHER OR WITH A THIRD PARTY TO CREATE OR  
19 MAINTAIN RECORDS. AN IDENTIFIER, SUCH AS A SERIAL NUMBER OR BAR  
20 CODE, MAY BE USED IN PLACE OF INFORMATION IF IT ALLOWS FOR THE  
21 INFORMATION TO BE READILY RETRIEVABLE. UPON REQUEST BY A STATE  
22 OR FEDERAL REGULATOR, THE IDENTIFIER USED FOR A REQUESTED RECORD  
23 MUST BE REPLACED WITH THE ORIGINAL INFORMATION. AN IDENTIFIER  
24 MUST NOT BE USED ON LABELS WHEN DISPENSING OR ADMINISTERING A  
25 DRUG TO AN ELIGIBLE PATIENT.

26 (16) A DONATION OR OTHER TRANSFER OF POSSESSION OR  
27 CONTROL IS NOT A CHANGE OF OWNERSHIP UNLESS IT IS SPECIFIED AS SUCH

1 BY THE DONATION RECIPIENT. IF A RECORD OF THE DONATION'S  
2 TRANSACTION INFORMATION OR HISTORY IS REQUIRED, THE HISTORY MUST  
3 BEGIN WITH THE DONOR, MUST INCLUDE ALL PRIOR DONATIONS, AND, IF  
4 THE MEDICINE WAS PREVIOUSLY DISPENSED, MUST INCLUDE ONLY DRUG  
5 INFORMATION THAT IS REQUIRED TO BE ON THE PATIENT LABEL IN  
6 ACCORDANCE WITH RULES ADOPTED BY THE BOARD.

7 (17) AN ENTITY PARTICIPATING IN A DRUG DONATION OR  
8 REPOSITORY PROGRAM OPERATED BY ANOTHER STATE MAY PARTICIPATE  
9 IN THE PROGRAM AND, IF THE REGISTERED ENTITY IS A PRESCRIPTION DRUG  
10 OUTLET, MAY DISPENSE DONATED DRUGS TO ELIGIBLE PATIENTS OF THIS  
11 STATE. THE REGISTERED ENTITY IS REQUIRED TO COMPLY WITH ALL  
12 STATUTES AND RULES IN THIS STATE UNLESS THE STATUTES OR RULES  
13 DIFFER FROM OR CONFLICT WITH THE STATUTES OR RULES OF THE STATE  
14 IN WHICH THE ENTITY IS LOCATED.

15 (18) THE BOARD SHALL ADOPT ANY RULES NECESSARY TO  
16 IMPLEMENT THIS SECTION. THE RULES MUST REQUIRE THE LEAST AMOUNT  
17 OF RECORD KEEPING NECESSARY TO ENSURE PATIENT SAFETY AND MUST  
18 ALLOW FLEXIBILITY IN THE FORMAT FOR RECORD KEEPING.

19 (19) THIS SECTION CONTROLS THE REQUIREMENTS FOR THE  
20 DONATION AND DISTRIBUTION OF MEDICINE UNDER THE PROGRAM AND  
21 SUPERSEDES ANY INCONSISTENT LAW.

22 (20) WHEN ACTING IN GOOD FAITH, WITHOUT NEGLIGENCE OR  
23 WILLFUL OR WANTON MISCONDUCT, THE FOLLOWING INDIVIDUALS OR  
24 ENTITIES ARE NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR  
25 PROFESSIONAL DISCIPLINARY ACTION:

26 (a) AN INDIVIDUAL OR ENTITY INVOLVED IN THE SUPPLY CHAIN OF  
27 DONATED MEDICINE, INCLUDING THE DONOR, THE DONATION RECIPIENT,

1 THE MANUFACTURER, THE REPACKAGER, THE PRESCRIPTION DRUG OUTLET  
2 OR OTHER ENTITY REGULATED BY THE BOARD, AND THE ELIGIBLE PATIENT;

3 (b) AN INDIVIDUAL OR ENTITY, INCLUDING AN EMPLOYEE, AN  
4 OFFICER, A VOLUNTEER, AN OWNER, A PARTNER, A MEMBER, A DIRECTOR,  
5 A CONTRACTOR, OR OTHER INDIVIDUAL OR ENTITY ASSOCIATED WITH THE  
6 INDIVIDUAL OR ENTITY THAT, IN COMPLIANCE WITH THIS SECTION,  
7 PRESCRIBES, DONATES, RECEIVES DONATIONS OF, DISPENSES,  
8 ADMINISTERS, TRANSFERS, REPLENISHES, OR REPACKAGES MEDICINE OR  
9 FACILITATES ANY OF THE ACTIONS DESCRIBED IN THIS SECTION; AND

10 (c) THE BOARD.

11 (21) A DONATION RECIPIENT OPERATING PRIMARILY FOR THE  
12 PURPOSE OF PARTICIPATING IN THIS PROGRAM SHALL NOT BE REQUIRED TO  
13 POSSESS A COMPREHENSIVE OR MINIMUM SUPPLY OF MEDICINE.

14 **SECTION 3.** In Colorado Revised Statutes, 25-15-328, **amend**  
15 (6)(a) as follows:

16 **25-15-328. Household medication take-back program -**  
17 **creation - collection and disposal of medication injection devices -**  
18 **liability - definitions - cash fund - rules.** (6) Nothing in this section:

19 (a) Affects the authority to collect and reuse ~~medications~~  
20 MEDICINE pursuant to section 12-280-135 OR 12-280-135.5; or

21 **SECTION 4. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly; except  
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
25 of the state constitution against this act or an item, section, or part of this  
26 act within such period, then the act, item, section, or part will not take  
27 effect unless approved by the people at the general election to be held in

- 1 November 2026 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.