

SB061_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB24-061 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, **add** 12-280-135.5
4 as follows:

5 **12-280-135.5. Colorado drug donation program - created -**
6 **rules - records - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "COLORADO DRUG DONATION PROGRAM" OR "PROGRAM"
9 MEANS THE COLORADO DRUG DONATION PROGRAM CREATED IN THIS
10 SECTION.

11 (b) "CONTROLLED SUBSTANCE" HAS THE MEANING SET FORTH IN
12 SECTION 18-18-102 (5).

13 (c) (I) "DONATION RECIPIENT" MEANS ANY ENTITY THAT:

14 (A) IS LEGALLY AUTHORIZED TO POSSESS MEDICINE;

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

17 (C) RECEIVES A DONATION OF MEDICINE.

18 (II) "DONATION RECIPIENT" INCLUDES THE DRUG REPOSITORY, A
19 DISTRIBUTOR, A THIRD-PARTY LOGISTICS PROVIDER, A REVERSE
20 DISTRIBUTOR, A REPACKAGER, A HOSPITAL, A PHARMACY, A CLINIC, A
21 HEALTH-CARE PROVIDER, OR A PRESCRIBER OFFICE.

22 (d) (I) "DONOR" MEANS ANY PERSON LEGALLY AUTHORIZED TO
23 POSSESS MEDICINE, INCLUDING AN INDIVIDUAL MEMBER OF THE PUBLIC,
24 THE DRUG REPOSITORY, A DISTRIBUTOR, A THIRD-PARTY LOGISTICS
25 PROVIDER, A PHARMACY, A DISPENSER, A CLINIC, A SURGICAL OR HEALTH
26 CENTER, A DETENTION AND REHABILITATION CENTER, A JAIL, A PRISON, A
27 LABORATORY, A PRESCRIBER OR OTHER HEALTH-CARE PROFESSIONAL, OR
28 A LONG-TERM CARE FACILITY OR HEALTH-CARE FACILITY, WHICH PERSON
29 DONATES MEDICINE.

30 (II) "DONOR" INCLUDES GOVERNMENT AGENCIES AND ENTITIES
31 THAT ARE FEDERALLY AUTHORIZED TO POSSESS MEDICINE, INCLUDING
32 MANUFACTURERS, REPACKAGERS, RELABELERS, OUTSOURCING FACILITIES,
33 VETERANS AFFAIRS HOSPITALS, AND FDA-AUTHORIZED IMPORTERS SUCH
34 AS THOSE DESCRIBED UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC
35 ACT", 21 U.S.C. SECS. 801 AND 804, AS AMENDED, OR SIMILAR
36 PROVISIONS, AND FEDERAL PRISONS.

37 (e) "DRUG REPOSITORY" MEANS THE ENTITY OR ENTITIES
38 PROVIDING DRUG REPOSITORY SERVICES FOR THE PROGRAM PURSUANT TO
39 SECTION 25-1.5-121.

40 (f) "ELIGIBLE PATIENT" MEANS A COLORADO RESIDENT WITH A

1 NEED FOR DONATED MEDICINE WHO IS INDIGENT, UNINSURED,
2 UNDERINSURED, OR ENROLLED IN A PUBLIC HEALTH BENEFITS PROGRAM.
3 OTHER PATIENTS ARE CONSIDERED "ELIGIBLE PATIENTS" IF A NEED FOR A
4 DONATED MEDICINE IS NOT IDENTIFIED AMONG COLORADO RESIDENTS
5 WHO ARE INDIGENT, UNINSURED, UNDERINSURED, OR ENROLLED IN A
6 PUBLIC HEALTH BENEFITS PROGRAM.

7 (g) "HEALTH-CARE PROFESSIONAL" MEANS A PERSON WHO IS
8 LICENSED TO PRACTICE AS A PHYSICIAN, REGISTERED NURSE, PRACTICAL
9 NURSE, OPTOMETRIST, OR PHARMACIST; A CERTIFIED MIDWIFE WITH
10 PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-255-112; OR ANY
11 OTHER PRACTITIONER AUTHORIZED TO DISPENSE OR ADMINISTER
12 MEDICINE.

13 (h) (I) "MEDICINE" MEANS BOTH PRESCRIPTION AND
14 NONPRESCRIPTION OR OVER-THE-COUNTER DRUGS, INCLUDING
15 FDA-APPROVED DRUGS LABELED FOR INVESTIGATIONAL USE.

16 (II) "MEDICINE" INCLUDES:

17 (A) MEDICINE THAT REQUIRES REFRIGERATION, FREEZING, OR
18 SPECIAL STORAGE IF THE MEDICINE IS DONATED DIRECTLY BY AN ENTITY
19 REGULATED BY THE BOARD AND THE MEDICINE HAS BEEN CONTINUALLY
20 MAINTAINED PURSUANT TO THE MANUFACTURER'S STORAGE
21 REQUIREMENTS; AND

22 (B) PRESCRIPTION AND NONPRESCRIPTION SUPPLIES AND DEVICES.

23 (III) "MEDICINE" DOES NOT INCLUDE:

24 (A) COMPOUNDED MEDICINE; OR

25 (B) MEDICATIONS DISPENSED BY PHARMACIES OUTSIDE OF THE
26 UNITED STATES.

27 (i) "PRESCRIBER" HAS THE MEANING SET FORTH IN SECTION
28 12-280-125.7 (1)(f).

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

31 (k) "UNOPENED TAMPER-EVIDENT PACKAGING" MEANS AN INTACT
32 PACKAGING SYSTEM THAT RENDERS MEDICINE INACCESSIBLE WITHOUT
33 OBVIOUS DESTRUCTION OF THE SEAL OR SOME PORTION OF THE PACKAGING
34 SYSTEM. "UNOPENED TAMPER-EVIDENT PACKAGING" MAY INCLUDE
35 UNOPENED UNIT-DOSE, MULTIPLE-DOSE, IMMEDIATE, SECONDARY, AND
36 TERTIARY PACKAGING.

37 (2) (a) THERE IS CREATED THE COLORADO DRUG DONATION
38 PROGRAM TO FACILITATE THE SAFE DONATION AND REDISPENSING OF
39 UNUSED MEDICINE TO COLORADANS IN NEED OF THE MEDICINE.

40 (b) PURSUANT TO SECTION 25-1.5-121, THE DEPARTMENT OF
41 PUBLIC HEALTH AND ENVIRONMENT CREATED IN SECTION 25-1-102 SHALL
42 CONTRACT FOR DRUG REPOSITORY SERVICES, INCLUDING THE RECEIPT OF,
43 SAFE STORAGE OF, DISTRIBUTION OF, AND DISPENSING OF MEDICINE; AN

1 ELECTRONIC INVENTORY OF MEDICINE; A PUBLIC-FACING WEBSITE; AN
2 OUTREACH AND MARKETING CAMPAIGN TO INFORM POTENTIAL DONORS,
3 DONATION RECIPIENTS, HEALTH-CARE PROFESSIONALS, ELIGIBLE PATIENTS,
4 AND THE GENERAL PUBLIC; AND OTHER SERVICES NECESSARY TO
5 IMPLEMENT THE PROGRAM, AS DETERMINED BY THE DEPARTMENT OF
6 PUBLIC HEALTH AND ENVIRONMENT, IN CONJUNCTION WITH THE BOARD.

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

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

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

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

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

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

27 (4) A DONATION RECIPIENT SHALL MAINTAIN A WRITTEN OR
28 ELECTRONIC RECORD OF DONATED MEDICINE CONSISTING OF THE NAME,
29 STRENGTH, QUANTITY, AND LOT NUMBER, IF KNOWN, OF EACH ACCEPTED
30 OR TRANSFERRED DRUG AND THE NAME, ADDRESS, AND PHONE NUMBER OF
31 THE DONOR OR TRANSFERRING ENTITY. NO OTHER RECORD OF DONATION
32 IS REQUIRED.

33 (5) A DONATION RECIPIENT SHALL ENSURE THAT DONATED
34 MEDICINE IS IDENTIFIED SEPARATELY FROM REGULAR STOCK.

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

37 (a) TRANSFER DONATED MEDICINE TO ANOTHER DONATION
38 RECIPIENT OR TO AN ENTITY PARTICIPATING IN A DRUG DONATION
39 PROGRAM OPERATED BY ANOTHER STATE;

40 (b) IF THE DONATION RECIPIENT IS A PRESCRIPTION DRUG OUTLET,
41 REPACKAGE DONATED MEDICINE IN ACCORDANCE WITH SUBSECTION (8) OF
42 THIS SECTION AS NECESSARY FOR STORAGE, DISPENSING, ADMINISTRATION,
43 OR TRANSFER; OR

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

6 (7) (a) DONATED MEDICINE THAT DOES NOT MEET THE
7 REQUIREMENTS SPECIFIED IN THIS SECTION AND RULES PROMULGATED BY
8 THE BOARD MUST BE DISPOSED OF BY:

9 (I) RETURNING THE DONATED MEDICINE TO THE DONOR;
10 (II) DESTROYING THE DONATED MEDICINE THROUGH AN
11 INCINERATOR, A MEDICAL WASTE HAULER, A REVERSE DISTRIBUTOR, OR
12 OTHER LAWFUL METHOD; OR
13 (III) TRANSFERRING THE DONATED MEDICINE TO A RETURNS
14 PROCESSOR.

15 (b) A DONATION RECIPIENT SHALL MAINTAIN A WRITTEN OR
16 ELECTRONIC RECORD OF DISPOSED MEDICINE CONSISTING OF THE DISPOSAL
17 METHOD, AS DESCRIBED IN THIS SUBSECTION (7); THE DATE OF DISPOSAL;
18 AND THE NAME, STRENGTH, AND QUANTITY OF EACH DISPOSED DRUG. NO
19 OTHER RECORD OF DISPOSAL IS REQUIRED.

20 (8) REPACKAGED MEDICINE MUST BE LABELED WITH THE DRUG
21 NAME, STRENGTH, AND EXPIRATION DATE, IF THE EXPIRATION DATE IS
22 KNOWN, AND IDENTIFIED SEPARATELY FROM REGULAR STOCK UNTIL
23 INSPECTED AND INITIALED BY A LICENSED PHARMACIST. IF MULTIPLE
24 PACKAGED, DONATED MEDICINES WITH VARIED EXPIRATION DATES ARE
25 REPACKAGED TOGETHER, THE EARLIEST EXPIRATION DATE MUST BE USED.

26 (9) A DONATION RECIPIENT SHALL ONLY ADMINISTER OR
27 REDISPENSE MEDICINE THAT:

28 (a) MEETS THE REQUIREMENTS SET FORTH IN THIS SECTION BASED
29 ON INSPECTION BY A LICENSED PHARMACIST;

30 (b) IF DISPENSED TO AN ELIGIBLE PATIENT, IS REPACKAGED BY A
31 LICENSED PHARMACIST INTO A NEW CONTAINER OR A CONTAINER THAT
32 HAS ALL PREVIOUS PATIENT INFORMATION ON THE DONATED CONTAINER
33 REDACTED OR REMOVED;

34 (c) IS PROPERLY LABELED IN ACCORDANCE WITH THE RULES OF THE
35 BOARD;

36 (d) HAS AN EXPIRATION OR BEYOND-USE DATE BROUGHT FORWARD
37 FROM THE DONATED MEDICINE THAT WILL NOT EXPIRE BEFORE THE
38 MEDICINE IS USED BY THE ELIGIBLE PATIENT BASED ON THE PRESCRIBER'S
39 DIRECTIONS FOR USE OR, FOR OVER-THE-COUNTER MEDICINE, ON THE
40 PACKAGE'S LABEL; AND

41 (e) IF THE MEDICINE REQUIRES REFRIGERATION, FREEZING, OR
42 SPECIAL STORAGE, IS DONATED DIRECTLY BY AN ENTITY REGULATED BY
43 THE BOARD AND HAS BEEN CONTINUALLY MAINTAINED PURSUANT TO THE

1 MANUFACTURER'S STORAGE REQUIREMENTS.

2 (10) A DONATION RECIPIENT:

3 (a) MAY DISPENSE OR ADMINISTER PRESCRIPTION DRUGS TO AN
4 ELIGIBLE PATIENT PURSUANT TO THIS SECTION ONLY IF OTHERWISE
5 PERMITTED BY LAW PURSUANT TO A VALID PRESCRIPTION OR PRESCRIPTION
6 DRUG ORDER; AND

7 (b) SHALL MAINTAIN ELIGIBLE PATIENT-SPECIFIC WRITTEN OR
8 ELECTRONIC RECORDS IN ACCORDANCE WITH BOARD RULES.

9 (11) WHEN A PRESCRIBED MEDICINE DOES NOT USE A UNIQUE
10 DELIVERY SYSTEM TECHNOLOGY, A DONATION RECIPIENT MAY SUBSTITUTE
11 AN ORAL TABLET, CAPSULE, OR LIQUID FORM OF THE PRESCRIBED MEDICINE
12 SO LONG AS THE FORM DISPENSED HAS THE SAME DOSE SCHEDULE AND IS
13 A GENERIC EQUIVALENT TO THE PRESCRIBED MEDICINE.

14 (12) THE DONATION, TRANSFER, RECEIPT, OR FACILITATION OF
15 DONATIONS, TRANSFERS, AND RECEIPT OF MEDICINE PURSUANT TO THIS
16 SECTION IS NOT WHOLESALE DISTRIBUTION AND DOES NOT REQUIRE
17 LICENSING AS A WHOLESALE DISTRIBUTOR. THE PROGRAM EXISTS UNDER
18 A PRESCRIPTION DRUG OUTLET LICENSE AND IS SUBJECT TO THE
19 REQUIREMENTS FOR THAT LICENSE TYPE.

20 (13) MEDICINE DONATED TO THE PROGRAM MUST NOT BE RESOLD
21 AND IS CONSIDERED NONSALEABLE; EXCEPT THAT HANDLING, DISPENSING,
22 OR USUAL AND CUSTOMARY CHARGES TO AN ELIGIBLE PATIENT, HEALTH
23 PLAN, PHARMACY BENEFIT MANAGER, PHARMACY SERVICES
24 ADMINISTRATIVE ORGANIZATION, GOVERNMENT AGENCY, OR OTHER
25 ENTITY IS NOT CONSIDERED RESELLING. IF THE DONATION RECIPIENT IS A
26 FOR-PROFIT ENTITY, THESE CHARGES MUST NOT EXCEED THE DONATION
27 RECIPIENT'S COST OF PROVIDING THE MEDICINE, INCLUDING THE CURRENT
28 AND ANTICIPATED COSTS OF EDUCATING ELIGIBLE DONORS, PROVIDING
29 TECHNICAL SUPPORT TO PARTICIPATING DONORS, SHIPPING AND HANDLING,
30 LABOR, STORAGE, LICENSING, UTILITIES, ADVERTISING, TECHNOLOGY,
31 SUPPLIES, AND EQUIPMENT. EXCEPT AS DESCRIBED IN THIS SUBSECTION
32 (13), THE AMOUNT OF THESE CHARGES IS NOT SUBJECT TO ANY
33 ADDITIONAL LIMITATIONS.

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

40 (15) ALL REQUIRED RECORDS MUST BE RETAINED IN PHYSICAL OR
41 ELECTRONIC FORMAT, ON OR OFF THE DONATION RECIPIENT'S PREMISES,
42 FOR A PERIOD OF TWO YEARS. DONORS OR DONATION RECIPIENTS MAY
43 CONTRACT WITH ONE ANOTHER OR WITH A THIRD PARTY TO CREATE OR

1 MAINTAIN RECORDS. AN IDENTIFIER, SUCH AS A SERIAL NUMBER OR
2 BARCODE, MAY BE USED IN PLACE OF INFORMATION IF IT ALLOWS FOR THE
3 INFORMATION TO BE READILY RETRIEVABLE. UPON REQUEST BY A STATE
4 OR FEDERAL REGULATOR, THE IDENTIFIER USED FOR A REQUESTED RECORD
5 MUST BE REPLACED WITH THE ORIGINAL INFORMATION. AN IDENTIFIER
6 MUST NOT BE USED ON LABELS WHEN DISPENSING OR ADMINISTERING A
7 DRUG TO AN ELIGIBLE PATIENT.

8 (16) A DONATION OR OTHER TRANSFER OF POSSESSION OR
9 CONTROL IS NOT A CHANGE OF OWNERSHIP UNLESS IT IS SPECIFIED AS SUCH
10 BY THE DONATION RECIPIENT. IF A RECORD OF THE DONATION'S
11 TRANSACTION INFORMATION OR HISTORY IS REQUIRED, THE HISTORY MUST
12 BEGIN WITH THE DONOR, MUST INCLUDE ALL PRIOR DONATIONS, AND, IF
13 THE MEDICINE WAS PREVIOUSLY DISPENSED, MUST INCLUDE ONLY DRUG
14 INFORMATION THAT IS REQUIRED TO BE ON THE PATIENT LABEL IN
15 ACCORDANCE WITH BOARD RULES.

16 (17) AN ENTITY PARTICIPATING IN A DRUG DONATION OR
17 REPOSITORY PROGRAM OPERATED BY ANOTHER STATE MAY PARTICIPATE
18 IN THE PROGRAM IF THE ENTITY IS REGISTERED WITH THIS STATE AND, IF
19 THE REGISTERED ENTITY IS A PRESCRIPTION DRUG OUTLET, MAY DISPENSE
20 DONATED DRUGS TO RESIDENTS OF THIS STATE. THE REGISTERED ENTITY
21 IS REQUIRED TO COMPLY WITH ALL STATUTES AND RULES IN THIS STATE
22 UNLESS THE STATUTES OR RULES DIFFER FROM OR CONFLICT WITH THE
23 STATUTES OR RULES OF THE STATE IN WHICH THE ENTITY IS LOCATED.

24 (18) THE BOARD SHALL PROMULGATE ANY RULES NECESSARY TO
25 IMPLEMENT THIS SECTION. THE RULES MUST REQUIRE THE LEAST AMOUNT
26 OF RECORD KEEPING NECESSARY TO ENSURE PATIENT SAFETY AND MUST
27 ALLOW FLEXIBILITY IN THE FORMAT FOR RECORD KEEPING.

28 (19) THE PROVISIONS OF THIS SECTION CONTROL THE PROGRAM
29 AND SUPERSEDE ANY INCONSISTENT LAW.

30 (20) WHEN ACTING IN GOOD FAITH, WITHOUT NEGLIGENCE OR
31 WILLFUL OR WANTON MISCONDUCT, THE FOLLOWING INDIVIDUALS OR
32 ENTITIES ARE NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR
33 PROFESSIONAL DISCIPLINARY ACTION:

34 (a) AN INDIVIDUAL OR ENTITY INVOLVED IN THE SUPPLY CHAIN OF
35 DONATED MEDICINE, INCLUDING THE DONOR, THE DRUG REPOSITORY, THE
36 DONATION RECIPIENT, THE MANUFACTURER, THE REPACKAGER, THE
37 PRESCRIPTION DRUG OUTLET OR OTHER ENTITY REGULATED BY THE
38 BOARD, AND THE ELIGIBLE PATIENT;

39 (b) AN INDIVIDUAL OR ENTITY, INCLUDING AN EMPLOYEE, AN
40 OFFICER, A VOLUNTEER, AN OWNER, A PARTNER, A MEMBER, A DIRECTOR,
41 A CONTRACTOR, OR OTHER INDIVIDUAL OR ENTITY ASSOCIATED WITH THE
42 INDIVIDUAL OR ENTITY THAT, IN COMPLIANCE WITH THIS SECTION,
43 PRESCRIBES, DONATES, RECEIVES DONATIONS OF, DISPENSES,

1 ADMINISTERS, TRANSFERS, REPLENISHES, OR REPACKAGES MEDICINE OR
2 FACILITATES ANY OF THE ACTIONS DESCRIBED IN THIS SECTION; AND

3 (c) THE BOARD.

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

8 **12-280-135. Unused medication - licensed facilities -**
9 **correctional facilities - reuse - definitions - rules.** (2) (a) (II) (C) A
10 person ~~or entity~~ is not subject to civil or criminal liability or professional
11 disciplinary action for donating, accepting, dispensing, or facilitating the
12 donation of materials in good faith, without negligence OR WILLFUL OR
13 WANTON MISCONDUCT, and in compliance with this section.

14 (b) Medications are only available to be dispensed to another
15 person or donated to a nonprofit entity under this section if the
16 medications are:

17 (II) Individually packaged and the packaging has not been
18 damaged; ~~or~~

19 (III) In the original, unopened, sealed, and tamper-evident
20 unit-dose packaging; OR

21 (IV) FOR MEDICATIONS THAT REQUIRE REFRIGERATION, FREEZING,
22 OR SPECIAL STORAGE, DONATED DIRECTLY BY AN ENTITY REGULATED BY
23 THE BOARD AND CONTINUALLY MAINTAINED PURSUANT TO THE
24 MANUFACTURER'S STORAGE REQUIREMENTS.

25 (c) The following medications ~~may not be donated~~ ARE NOT
26 ACCEPTABLE FOR DONATION:

27 (I) Medications THAT ARE NOT packaged in a traditional ~~brown or~~
28 ~~amber pill bottles~~ DISPENSING SYSTEM, AS DEFINED IN RULES
29 PROMULGATED BY THE BOARD;

30 (III) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(IV) OF THIS
31 SECTION, medications that require refrigeration, freezing, or special
32 storage;

33 (IV) ~~Medications that require special registration with the~~
34 ~~manufacturer; or~~

35 (VI) COMPOUNDED MEDICATIONS; AND

36 (VII) MEDICATIONS DISPENSED BY PHARMACIES OUTSIDE OF THE
37 UNITED STATES.

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

41 **SECTION 3.** In Colorado Revised Statutes, **add** 25-1.5-121 as
42 follows:

43 **25-1.5-121. Colorado drug donation program - contract for**

1 **drug repository services - electronic inventory - website - outreach**
2 **and marketing campaign - definitions.** (1) AS USED IN THIS SECTION,
3 UNLESS THE CONTEXT OTHERWISE REQUIRES:

4 (a) "BOARD OF PHARMACY" MEANS THE STATE BOARD OF
5 PHARMACY CREATED IN SECTION 12-280-104.

6 (b) "COLORADO DRUG DONATION PROGRAM" OR "CDDP" MEANS
7 THE COLORADO DRUG DONATION PROGRAM CREATED IN SECTION
8 12-280-135.5.

9 (c) "CONTRACTOR" MEANS THE ENTITY OR ENTITIES WITH WHICH
10 THE DEPARTMENT CONTRACTS PURSUANT TO SUBSECTION (2) OF THIS
11 SECTION.

12 (d) "DONATION RECIPIENT" HAS THE MEANING SET FORTH IN
13 SECTION 12-280-135.5.

14 (e) "DONOR" HAS THE MEANING SET FORTH IN SECTION
15 12-280-135.5.

16 (f) "DRUG REPOSITORY" MEANS THE ENTITY OR ENTITIES
17 CONTRACTED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS
18 SECTION TO PROVIDE REPOSITORY SERVICES FOR THE CDDP.

19 (g) "ELIGIBLE PATIENT" HAS THE MEANING SET FORTH IN SECTION
20 12-280-135.5.

21 (h) "MEDICINE" HAS THE MEANING SET FORTH IN SECTION
22 12-280-135.5.

23 (2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT,
24 IN CONSULTATION WITH THE BOARD OF PHARMACY, SHALL CONTRACT
25 WITH AN ENTITY OR ENTITIES TO IMPLEMENT THE COLORADO DRUG
26 DONATION PROGRAM CREATED IN SECTION 12-280-135.5. THE CDDP
27 EXISTS UNDER A PRESCRIPTION DRUG OUTLET LICENSE AND IS SUBJECT TO
28 THE REQUIREMENTS FOR THAT LICENSE TYPE AND ANY OTHER
29 REQUIREMENTS SPECIFIED BY THE BOARD OF PHARMACY OR THE
30 DEPARTMENT. THE CDDP CONTRACT MUST INCLUDE THE FOLLOWING:

31 (a) DRUG REPOSITORY SERVICES, INCLUDING THE RECEIPT OF, SAFE
32 STORAGE OF, DISTRIBUTION OF, AND DISPENSING OF MEDICINE TO
33 FACILITATE THE SAFE DONATION AND REDISPENSING OF UNUSED MEDICINE
34 TO COLORADANS AND OTHERS IN NEED OF THE MEDICINE;

35 (b) AN ELECTRONIC, SEARCHABLE INVENTORY OF CDDP
36 MEDICINE;

37 (c) THE CREATION OF A PUBLIC-FACING WEBSITE WITH
38 INFORMATION ON THE CDDP, INCLUDING THE MISSION OF THE CDDP, THE
39 REQUIREMENTS FOR MEDICINE TO BE ELIGIBLE FOR DONATION, THE
40 METHODS OF DONATING UNUSED MEDICINE, AND HOW AN ELIGIBLE
41 PATIENT MAY ACCESS UNUSED MEDICINE; AND

42 (d) THE CREATION AND IMPLEMENTATION OF AN OUTREACH AND
43 MARKETING CAMPAIGN TO INFORM POTENTIAL DONORS OF MEDICINE,

1 DONATION RECIPIENTS, HEALTH-CARE PROFESSIONALS, ELIGIBLE PATIENTS,
2 AND THE GENERAL PUBLIC ABOUT THE COLORADO DRUG DONATION
3 PROGRAM AND TO ENCOURAGE PARTICIPATION IN THE CDDP.

4 (3) (a) SUBJECT TO THE PROVISIONS SPECIFIED IN THE CONTRACT
5 AND THE AMOUNT OF THE CONTRACT, THE CDDP OUTREACH AND
6 MARKETING CAMPAIGN MUST INCLUDE OUTREACH AND MARKETING TO
7 POTENTIAL DONORS OF MEDICINE, DONATION RECIPIENTS, HEALTH-CARE
8 PROFESSIONALS, ELIGIBLE PATIENTS, AND THE GENERAL PUBLIC.

9 (b) (I) THE INITIAL PHASE OF THE CDDP OUTREACH AND
10 MARKETING CAMPAIGN MUST FOCUS ON BUILDING SUFFICIENT INVENTORY
11 OF DONATED MEDICINE, AS SPECIFIED IN THE CONTRACT.

12 (II) TO BUILD THE INVENTORY OF DONATED MEDICINE, THE
13 CONTRACTOR, IN CONSULTATION WITH THE DEPARTMENT AND THE BOARD
14 OF PHARMACY, MAY:

15 (A) BUILD RELATIONSHIPS WITH LARGE NURSING FACILITIES AND
16 THE PHARMACIES THAT SERVICE THOSE NURSING FACILITIES;

17 (B) BUILD RELATIONSHIPS WITH CORRECTIONAL FACILITIES;

18 (C) MEET WITH THE SCHOOLS OF PHARMACY IN COLORADO TO
19 CREATE AN AWARENESS PROGRAM FOR THE CDDP THAT PROVIDES
20 OPPORTUNITIES FOR PHARMACY STUDENTS TO ENGAGE IN CO-CURRICULAR
21 ACTIVITIES AND TO COMMUNICATE INFORMATION ABOUT CDDP WHEN
22 INTERACTING WITH PATIENTS, HEALTH-CARE PROFESSIONALS AND
23 PRESCRIBERS, AND HEALTH FACILITIES; AND

24 (D) ESTABLISH PARTNERSHIPS WITH PHARMACIES IN THE DENVER
25 METROPOLITAN AREA TO SERVE AS CONSUMER DONATION SITES AND
26 ESTABLISH PARTNERSHIPS FOR ADDITIONAL DONATION SITES IN OTHER
27 AREAS OF THE STATE.

28 (III) THE CONTRACTOR, IN CONSULTATION WITH THE DEPARTMENT
29 AND THE BOARD OF PHARMACY, MAY CREATE A SUPPLY OF
30 SELF-ADDRESSED, POSTAGE-PAID MAILING ENVELOPES FOR INDIVIDUAL
31 CONSUMERS TO USE TO MAIL UNUSED MEDICINE TO THE DRUG REPOSITORY.
32 THE DEPARTMENT AND THE BOARD OF PHARMACY SHALL ESTABLISH A
33 PROCESS TO MAKE MAILERS CREATED PURSUANT TO THIS SUBSECTION
34 (3)(b)(III) AVAILABLE TO INTERESTED PERSONS AND MAY DISTRIBUTE THE
35 MAILERS AT PHARMACY AND PUBLIC HEALTH CONFERENCES.

36 (c) THE SECOND PHASE OF THE CDDP OUTREACH AND MARKETING
37 PLAN MUST CREATE AWARENESS AMONG INDIVIDUALS WHO MAY BENEFIT
38 FROM RECEIVING DONATED MEDICINE. AS SPECIFIED IN THE CONTRACT,
39 ACTIVITIES TO INCREASE AWARENESS MAY INCLUDE:

40 (I) A GENERAL LISTING OF MEDICINE ON THE CDDP WEBSITE THAT
41 IS AVAILABLE FOR REUSE;

42 (II) OUTREACH TO SAFETY-NET AND PATIENT OUTREACH GROUPS
43 IN COLORADO, INCLUDING THE COLORADO COMMUNITY HEALTH

1 NETWORK, THE CHRONIC CARE COLLABORATIVE, LOCAL AREA AGENCIES
2 ON AGING, AND OTHER GROUPS;

3 (III) OUTREACH TO PHARMACY ORGANIZATIONS, SUCH AS RXPLUS
4 PHARMACIES, INC., THE COLORADO PHARMACISTS SOCIETY, AND OTHERS,
5 TO CREATE AWARENESS OF THE CDDP AND TO PROVIDE INFORMATION ON
6 HOW TO OBTAIN DONATED MEDICINE, AS WELL AS DISTRIBUTING ANY
7 POSTERS OR OTHER MARKETING MATERIAL CREATED FOR THE CDDP;

8 (IV) OUTREACH TO LEGISLATORS, IN CONSULTATION WITH THE
9 DEPARTMENT AND THE BOARD OF PHARMACY, TO INCREASE AWARENESS
10 AMONG CONSTITUENTS IN COLORADO'S LEGISLATIVE DISTRICTS;

11 (V) ONCE THE CDDP IS FULLY OPERATIONAL, OUTREACH TO
12 COLORADO MEDIA CONCERNING THE CDDP, AS WELL AS DISTRIBUTING
13 ANY RELEVANT MARKETING MATERIALS; AND

14 (VI) ANY OTHER OUTREACH AND MARKETING EFFORTS, AS
15 SPECIFIED IN THE CONTRACT.

16 (4) THE CONTRACTOR SHALL REPORT DATA AND INFORMATION
17 REGARDING THE DRUG REPOSITORY AND OTHER SERVICES PROVIDED BY
18 THE CONTRACTOR TO THE DEPARTMENT AND TO THE BOARD OF PHARMACY
19 IN THE MANNER AND FREQUENCY DETERMINED BY THE DEPARTMENT AND
20 THE BOARD OF PHARMACY.

21 **SECTION 4.** In Colorado Revised Statutes, 25-15-328, **amend**
22 (6)(a) as follows:

23 **25-15-328. Household medication take-back program -**
24 **creation - collection and disposal of medication injection devices -**
25 **liability - definitions - cash fund - rules.** (6) Nothing in this section:

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

28 **SECTION 5. Act subject to petition - effective date.** This act
29 takes effect at 12:01 a.m. on the day following the expiration of the
30 ninety-day period after final adjournment of the general assembly; except
31 that, if a referendum petition is filed pursuant to section 1 (3) of article V
32 of the state constitution against this act or an item, section, or part of this
33 act within such period, then the act, item, section, or part will not take
34 effect unless approved by the people at the general election to be held in
35 November 2024 and, in such case, will take effect on the date of the
36 official declaration of the vote thereon by the governor."

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