

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0865.02 Kristen Forrestal

SENATE BILL 11-192

SENATE SPONSORSHIP

Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.

HOUSE SPONSORSHIP

Massey, Casso, Priola, Riesberg, Soper

Senate Committees

Health and Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE PRESCRIPTION DRUG
102 MONITORING PROGRAM, AND, IN CONNECTION THEREWITH,
103 REPEALING THE PRESCRIPTION CONTROLLED SUBSTANCE ABUSE
104 MONITORING COMMITTEE.

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://www.leg.state.co.us/billsummaries>.)

Sections 1 and 2 of the bill continue the electronic prescription drug monitoring program until July 1, 2021. **Sections 3, 4, and 5** of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

bill repeal the prescription controlled substance abuse monitoring advisory committee. **Sections 6, 7, and 8** make conforming amendments.

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

2 **SECTION 1.** 24-34-104 (42) (i) and (52), Colorado Revised
3 Statutes, are amended to read:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for termination, continuation, or reestablishment.**

6 (42) The following agencies, functions, or both, shall terminate on July
7 1, 2011:

8 (i) ~~The electronic prescription drug monitoring program, created~~
9 ~~in part 7 of article 22 of title 12, C.R.S.;~~

10 (52) The following agencies, functions, or both, shall terminate on
11 July 1, 2021:

12 (a) The workers' compensation classification appeals board,
13 created in article 55 of title 8, C.R.S.

14 (b) THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM
15 CREATED IN PART 7 OF ARTICLE 22 OF TITLE 12, C.R.S.

16 **SECTION 2.** 12-22-710, Colorado Revised Statutes, is amended
17 to read:

18 **12-22-710. Repeal of part.** This part 7 is repealed, effective July
19 ~~1, 2011~~ JULY 1, 2021. Prior to such repeal, the functions under this part
20 ~~7 and the committee~~ shall be reviewed as provided in ~~sections 2-3-1203~~
21 ~~and~~ SECTION 24-34-104, C.R.S.

22 **SECTION 3. Repeal.** 2-3-1203 (3) (x) (IV), Colorado Revised
23 Statutes, is repealed as follows:

24 **2-3-1203. Sunset review of advisory committees.** (3) The
25 following dates are the dates for which the statutory authorization for the

1 designated advisory committees is scheduled for repeal:

2 (x) July 1, 2011:

3 (IV) ~~The prescription controlled substance abuse monitoring~~
4 ~~advisory committee created in section 12-22-703, C.R.S.;~~

5 **SECTION 4. Repeal.** 12-22-702 (2), Colorado Revised Statutes,
6 is repealed as follows:

7 **12-22-702. Definitions.** As used in this part 7, unless the context
8 otherwise requires:

9 (2) ~~"Committee" means the prescription controlled substance~~
10 ~~abuse monitoring advisory committee.~~

11 **SECTION 5. Repeal.** 12-22-703, Colorado Revised Statutes, is
12 repealed as follows:

13 **12-22-703. Advisory committee - duties - repeal.** ~~(1) There is~~
14 ~~hereby created within the division, the prescription controlled substance~~
15 ~~abuse monitoring advisory committee. The committee shall consist of the~~
16 ~~following eleven members:~~

17 ~~(a) The director of the division or his or her designee;~~

18 ~~(b) A pharmacist appointed by the board;~~

19 ~~(c) Three physicians appointed by the Colorado medical board,~~
20 ~~one of which is a pain specialist or addiction specialist;~~

21 ~~(d) A dentist appointed by the state board of dental examiners;~~

22 ~~(e) A veterinarian appointed by the state board of veterinary~~
23 ~~medicine;~~

24 ~~(f) The director of the division of alcohol and drug abuse in the~~
25 ~~department of human services or his or her designee; and~~

26 ~~(g) Three persons appointed by the committee, one of which is a~~
27 ~~representative of law enforcement.~~

1 ~~(2) The committee shall advise and assist the board with the~~
2 ~~development, operation, and maintenance of the electronic prescription~~
3 ~~drug monitoring program; and with the development of access and~~
4 ~~security protocols for the program. The committee shall advise the board~~
5 ~~regarding mandatory information to be reported for inclusion in the~~
6 ~~program.~~

7 ~~(3) Committee members shall not receive compensation or~~
8 ~~reimbursement for expenses associated with service on the committee.~~

9 ~~(4) This section is repealed, effective July 1, 2011. Prior to such~~
10 ~~repeal, the committee shall be reviewed as provided in section 2-3-1203,~~
11 ~~C.R.S.~~

12 **SECTION 6.** 12-22-704 (2), Colorado Revised Statutes, is
13 amended to read:

14 **12-22-704. Prescription drug use monitoring program.**

15 (2) The board ~~and the committee~~ shall establish a method and format for
16 prescription drug outlets to convey the necessary information to the board
17 or its designee. The method shall not require more than a one-time entry
18 of data per patient per prescription by a prescription drug outlet.

19 **SECTION 7.** 12-22-705 (1) and (2), Colorado Revised Statutes,
20 are amended to read:

21 **12-22-705. Program operation - access - rules.** (1) The board
22 shall operate and maintain the program. ~~The committee shall advise and~~
23 ~~assist the board. The committee shall meet at least quarterly during the~~
24 ~~first two years of the program.~~

25 (2) The board shall adopt all rules necessary to implement the
26 program. ~~The committee shall advise the board regarding proposed rules.~~

27 **SECTION 8.** 12-22-709 (2), Colorado Revised Statutes, is

1 amended to read:

2 **12-22-709. Exemption - waiver.** (2) A prescription drug outlet
3 that does not report controlled substance data to the program due to a lack
4 of electronic automation of the outlet's business may apply to the board
5 for a waiver from the reporting requirements. ~~The committee shall~~
6 ~~determine whether a waiver shall be granted.~~

7 **SECTION 9. Effective date - applicability.** This act shall take
8 effect July 1, 2011, and shall apply to conduct occurring on or after said
9 date.

10 **SECTION 10. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.