

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0545.01 Brita Darling x2241

SENATE BILL 24-061

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A COLORADO DRUG DONATION
102 PROGRAM.

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 creates the Colorado drug donation program (program) to facilitate the safe donation and redispensing of medicine, including prescription and nonprescription or over-the-counter drugs, FDA-approved drugs labeled for investigational use, and medical devices.

Under the program, a donor donates medicine to a donation recipient for redispensing to eligible patients. Donated medicine is

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.

prioritized first for Colorado residents who are indigent, uninsured, underinsured, or enrolled in a public health benefits program (eligible patient). An eligible patient or the patient's health insurance is not charged for the medicine, other than handling or dispensing charges and other customary charges.

Donors may include individual members of the public as well as drug manufacturers and distributors, pharmacies, clinics, health centers, government agencies, and other donors described in the bill (donor). Donors may donate to a donation recipient, including a wholesaler or distributor, hospital, pharmacy, clinic, and health-care provider or prescriber's office, among other entities (donation recipient).

The donation recipient may:

- Transfer donated medicine to another donation recipient; and
- If the donation recipient is a prescription drug outlet, repackage donated medicine as necessary for storage, redispensing, administration, or transfer or replenish medicine previously dispensed to eligible patients.

The bill includes provisions relating to:

- Record-keeping requirements for donated medicine;
- The type, condition, and age of medicine that may be donated;
- The segregation of medicine and inspection by a licensed pharmacist before medicine is accepted into inventory;
- The disposal of medicine that does not meet donation standards; and
- The repackaging, labeling, and redispensing of medicine to eligible patients.

The state board of pharmacy is required to promulgate rules necessary to implement the program.

When acting in good faith, without willful or wanton misconduct, the state board of pharmacy, donors, donation recipients, and other individuals and entities involved in the program are not subject to civil or criminal liability or professional disciplinary action relating to their participation in the program.

The bill makes conforming amendments to existing law relating to the reuse of unused medications by other patients in correctional facilities and in certain licensed facilities, such as hospitals, hospices, and assisted living facilities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-280-135, **amend**

1 (2)(a)(II)(C), (2)(b)(II), (2)(c) introductory portion, (2)(c)(I), and
2 (2)(c)(III); **repeal** (2)(c)(IV) and (5); and **add** (2)(b)(IV), (2)(b)(V),
3 (2)(c)(VI), and (2)(c)(VII) as follows:

4 **12-280-135. Unused medication - licensed facilities -**
5 **correctional facilities - reuse - definitions - rules.** (2) (a) (II) (C) A
6 person ~~or entity~~ is not subject to civil or criminal liability or professional
7 disciplinary action for donating, accepting, dispensing, or facilitating the
8 donation of materials in good faith, without negligence OR WILLFUL OR
9 WANTON MISCONDUCT, and in compliance with this section.

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

13 (II) Individually packaged and the packaging has not been
14 damaged; ~~or~~

15 (IV) MEDICATIONS REQUIRING SPECIAL STORAGE CONDITIONS,
16 INCLUDING REFRIGERATION, AND THE DONATION IS DIRECTLY FROM THE
17 MANUFACTURER, WHOLESALER, OR A PRESCRIPTION DRUG OUTLET; OR

18 (V) OVER-THE-COUNTER MEDICATIONS.

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

21 (I) Medications packaged in traditional brown or amber pill
22 bottles, UNLESS THE PILL BOTTLES INCLUDE A TAMPER-EVIDENT SEAL OR
23 PACKAGING;

24 (III) Medications that require refrigeration, freezing, or special
25 storage, UNLESS DONATED DIRECTLY FROM A PRESCRIPTION DRUG OUTLET,
26 WHOLESALER, OR MANUFACTURER;

27 (IV) ~~Medications that require special registration with the~~

1 ~~manufacturer; or~~

2 (VI) COMPOUNDED MEDICATIONS; OR

3 (VII) MEDICATIONS ORIGINATING OUTSIDE OF DISPENSING
4 PHARMACIES IN THE UNITED STATES.

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

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

10 **12-280-135.5. Colorado drug donation program - created -**
11 **rules - records - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (a) "CONTROLLED SUBSTANCE" HAS THE MEANING SET FORTH IN
14 SECTION 18-18-102 (5).

15 (b) (I) "DONATION RECIPIENT" MEANS ANY ENTITY LEGALLY
16 AUTHORIZED TO POSSESS MEDICINE AND WITH A LICENSE OR REGISTRATION
17 IN GOOD STANDING IN THE STATE IN WHICH THE ENTITY IS LOCATED.

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

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

1 FACILITY OR HEALTH-CARE FACILITY.

2 (II) "DONOR" INCLUDES GOVERNMENT AGENCIES AND ENTITIES
3 THAT ARE FEDERALLY AUTHORIZED TO POSSESS MEDICINE, INCLUDING
4 MANUFACTURERS, REPACKAGERS, RELABELERS, OUTSOURCING FACILITIES,
5 VETERANS AFFAIRS HOSPITALS, AND FDA-AUTHORIZED IMPORTERS SUCH
6 AS THOSE UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21
7 U.S.C. SECS. 801 AND 804, OR SIMILAR PROVISIONS, AND FEDERAL
8 PRISONS.

9 (d) "ELIGIBLE PATIENT" MEANS A COLORADO RESIDENT WITH A
10 NEED FOR DONATED MEDICINE WHO IS INDIGENT, UNINSURED,
11 UNDERINSURED, OR ENROLLED IN A PUBLIC HEALTH BENEFITS PROGRAM.
12 OTHER PATIENTS ARE CONSIDERED "ELIGIBLE PATIENTS" IF A NEED FOR
13 THE DONATED MEDICINE IS NOT IDENTIFIED AMONG COLORADO RESIDENTS
14 WHO ARE INDIGENT, UNINSURED, UNDERINSURED, OR ENROLLED IN A
15 PUBLIC HEALTH BENEFITS PROGRAM.

16 (e) "HEALTH-CARE PROFESSIONAL" MEANS A PERSON WHO IS
17 LICENSED TO PRACTICE AS A PHYSICIAN, REGISTERED NURSE, PRACTICAL
18 NURSE, OPTOMETRIST, OR PHARMACIST; A CERTIFIED MIDWIFE WITH
19 PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-255-112; OR ANY
20 OTHER PRACTITIONER AUTHORIZED TO DISPENSE OR ADMINISTER
21 MEDICINE.

22 (f) (I) "MEDICINE" MEANS BOTH PRESCRIPTION AND
23 NONPRESCRIPTION OR OVER-THE-COUNTER DRUGS, INCLUDING
24 FDA-APPROVED DRUGS LABELED FOR INVESTIGATIONAL USE.

25 (II) "MEDICINE" INCLUDES PRESCRIPTION AND NONPRESCRIPTION
26 SUPPLIES AND DEVICES.

27 (g) "PRESCRIBER" HAS THE MEANING SET FORTH IN SECTION

1 12-280-125.7 (1)(f).

2 (h) "PROGRAM" MEANS THE COLORADO DRUG DONATION
3 PROGRAM CREATED IN THIS SECTION.

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

6 (j) "UNOPENED TAMPER-EVIDENT PACKAGING" MEANS AN INTACT
7 PACKAGING SYSTEM THAT IS NOT ACCESSIBLE WITHOUT OBVIOUS
8 DESTRUCTION OF THE SEAL OR SOME PORTION OF THE PACKAGING SYSTEM.
9 PACKAGING AND STORAGE REQUIREMENTS INCLUDE UNOPENED
10 UNIT-DOSE, MULTIPLE-DOSE, IMMEDIATE, SECONDARY, AND TERTIARY
11 PACKAGING.

12 (2) THERE IS CREATED THE COLORADO DRUG DONATION PROGRAM
13 TO FACILITATE THE SAFE DONATION AND REDISPENSING OF UNUSED
14 MEDICINE TO COLORADANS IN NEED OF THE MEDICINE.

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

18 (b) PRIOR TO THE FIRST DONATION FROM A NEW DONOR, A
19 DONATION RECIPIENT SHALL RECORD THE DONOR NAME, ADDRESS, PHONE
20 NUMBER, AND LICENSE NUMBER, IF APPLICABLE, AND, WITH RESPECT TO
21 THE FOLLOWING:

22 (I) VERIFY THAT THE DONOR MEETS THE DEFINITION PROVIDED IN
23 SUBSECTION (1)(c) OF THIS SECTION;

24 (II) CONFIRM THAT THE DONOR AGREES TO ONLY MAKE
25 DONATIONS OF MEDICINE IN ACCORDANCE WITH SUBSECTION (6) OF THIS
26 SECTION; AND

27 (III) IF APPLICABLE, CONFIRM THAT THE DONOR AGREES TO

1 REMOVE OR REDACT ANY PATIENT NAMES AND PRESCRIPTION NUMBERS ON
2 DONATED MEDICINE OR OTHERWISE MAINTAIN PATIENT CONFIDENTIALITY
3 BY EXECUTING A CONFIDENTIALITY AGREEMENT WITH THE AUTHORIZED
4 DONATION RECIPIENT.

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

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

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

13 (b) IF THE DONATION RECIPIENT IS A PRESCRIPTION DRUG OUTLET,
14 REPACKAGE DONATED MEDICINE AS NECESSARY FOR STORAGE,
15 DISPENSING, ADMINISTRATION, OR TRANSFER IN ACCORDANCE WITH
16 SUBSECTION (10) OF THIS SECTION; OR

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

22 (5) A MANUFACTURER, REPACKAGER, DISPENSER, OR
23 WHOLESALER, OTHER THAN A RETURNS PROCESSOR, PARTICIPATING IN THE
24 PROGRAM SHALL COMPLY WITH THE REQUIREMENTS OF 21 U.S.C. SECS.
25 360eee-1 TO 360eee-4 RELATING TO DRUG SUPPLY CHAIN SECURITY.

26 (6) A DONATION RECIPIENT SHALL ONLY ACCEPT INTO INVENTORY,
27 AND A DONOR MAY ONLY DONATE, MEDICINE THAT:

1 (a) IS IN UNOPENED, TAMPER-EVIDENT PACKAGING THAT IS STILL
2 SEALED AND PROPERLY STORED OR HAS BEEN REPACKAGED PURSUANT TO
3 SUBSECTION (10) OF THIS SECTION;

4 (b) IS NOT ADULTERATED, DAMAGED, OR MISBRANDED;

5 (c) IS NOT A CONTROLLED SUBSTANCE;

6 (d) HAS BEEN MAINTAINED IN ACCORDANCE WITH RISK
7 EVALUATION AND MITIGATION STRATEGIES PURSUANT TO THE "FEDERAL
8 FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 355-1, IF APPLICABLE;
9 AND

10 (e) HAS A UNITED STATES PHARMACOPEIA-RECOGNIZED METHOD
11 TO DETECT IMPROPER TEMPERATURE VARIATIONS IF THE MEDICINE
12 REQUIRES TEMPERATURE CONTROL OTHER THAN "ROOM TEMPERATURE
13 STORAGE", SO LONG AS THE MEDICINE WAS MAINTAINED BY A
14 WHOLESALE OR MANUFACTURER.

15 (7) (a) DONATED MEDICINE THAT DOES NOT MEET THE
16 REQUIREMENTS OF SUBSECTION (6) OF THIS SECTION MUST BE DISPOSED OF
17 BY:

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

19 (II) DESTROYING THE DONATED MEDICINE THROUGH AN
20 INCINERATOR, MEDICAL WASTE HAULER, REVERSE DISTRIBUTOR, OR OTHER
21 LAWFUL METHOD; OR

22 (III) TRANSFERRING THE DONATED MEDICINE TO A RETURNS
23 PROCESSOR.

24 (b) A DONATION RECIPIENT SHALL MAINTAIN A WRITTEN OR
25 ELECTRONIC RECORD OF DISPOSED MEDICINE CONSISTING OF THE DISPOSAL
26 METHOD, AS DESCRIBED IN THIS SUBSECTION (7); THE DATE OF DISPOSAL;
27 AND THE NAME, STRENGTH, AND QUANTITY OF EACH DISPOSED DRUG. NO

1 OTHER RECORD OF DISPOSAL IS REQUIRED.

2 (8) ALL MEDICINE RECEIVED BUT NOT YET ACCEPTED INTO
3 INVENTORY MUST BE KEPT IN A SEPARATE, DESIGNATED AREA. PRIOR TO
4 OR UPON ACCEPTING A DONATION OR TRANSFER INTO INVENTORY, A
5 DONATION RECIPIENT SHALL MAINTAIN A WRITTEN OR ELECTRONIC
6 RECORD OF THE DONATION CONSISTING OF THE NAME, STRENGTH, AND
7 QUANTITY OF EACH ACCEPTED OR TRANSFERRED DRUG AND THE NAME,
8 ADDRESS, AND PHONE NUMBER OF THE DONOR OR TRANSFERRING ENTITY.
9 NO OTHER RECORD OF DONATION IS REQUIRED.

10 (9) A DONATION RECIPIENT SHALL STORE AND MAINTAIN DONATED
11 MEDICINE IN AN AREA PHYSICALLY SEPARATE FROM OTHER INVENTORY
12 AND IN A SECURE AND TEMPERATURE-CONTROLLED ENVIRONMENT THAT
13 MEETS THE MANUFACTURERS' RECOMMENDATIONS AND UNITED STATES
14 PHARMACOPEIAL CONVENTION STANDARDS.

15 (10) REPACKAGED MEDICINE MUST BE LABELED WITH THE DRUG
16 NAME, STRENGTH, AND EXPIRATION DATE AND MUST BE KEPT IN A
17 SEPARATE, DESIGNATED AREA UNTIL INSPECTED AND INITIALED BY A
18 LICENSED PHARMACIST. IF MULTIPLE PACKAGED, DONATED MEDICINES
19 WITH VARIED EXPIRATION DATES ARE REPACKAGED TOGETHER, THE
20 EARLIEST EXPIRATION DATE MUST BE USED.

21 (11) A DONATION RECIPIENT SHALL ONLY ADMINISTER OR
22 DISPENSE MEDICINE THAT:

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

25 (b) IF DISPENSED TO AN ELIGIBLE PATIENT, IS REPACKAGED BY A
26 LICENSED PHARMACIST INTO A NEW CONTAINER OR THAT HAS ALL
27 PREVIOUS PATIENT INFORMATION ON THE DONATED CONTAINER REDACTED

1 OR REMOVED;

2 (c) IS PROPERLY LABELED IN ACCORDANCE WITH THE RULES OF THE
3 BOARD; AND

4 (d) HAS AN EXPIRATION OR BEYOND USE DATE BROUGHT FORWARD
5 FROM THE DONATED MEDICINE THAT WILL NOT EXPIRE BEFORE BEING USED
6 BY THE ELIGIBLE PATIENT BASED ON THE PRESCRIBER'S DIRECTIONS FOR
7 USE OR, FOR OVER-THE-COUNTER MEDICINE, ON THE PACKAGE'S LABEL.

8 (12) A DONATION RECIPIENT:

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

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

15 (13) WHEN A PRESCRIBED DRUG DOES NOT USE A UNIQUE
16 DELIVERY SYSTEM TECHNOLOGY, A DONATION RECIPIENT MAY SUBSTITUTE
17 AN ORAL TABLET, CAPSULE, OR LIQUID FORM OF THE PRESCRIBED DRUG SO
18 LONG AS THE FORM DISPENSED HAS THE SAME DOSE SCHEDULE AND IS A
19 GENERIC EQUIVALENT TO THE PRESCRIBED DRUG.

20 (14) THE DONATION, TRANSFER, RECEIPT, OR FACILITATION OF
21 DONATIONS, TRANSFERS, AND RECEIPT OF MEDICINE PURSUANT TO THIS
22 SECTION IS NOT WHOLESALE DISTRIBUTION AND DOES NOT REQUIRE
23 LICENSING AS A WHOLESALE DISTRIBUTOR. THE PROGRAM EXISTS UNDER
24 A PRESCRIPTION DRUG OUTLET LICENSE AND IS SUBJECT TO THE
25 REQUIREMENTS FOR THAT LICENSE TYPE.

26 (15) MEDICINE DONATED TO THE PROGRAM MUST NOT BE RESOLD
27 AND IS CONSIDERED NONSALEABLE; EXCEPT THAT HANDLING, DISPENSING,

1 OR USUAL AND CUSTOMARY CHARGES TO AN ELIGIBLE PATIENT, HEALTH
2 PLAN, PHARMACY BENEFIT MANAGER, PHARMACY SERVICES
3 ADMINISTRATIVE ORGANIZATION, GOVERNMENT AGENCY, OR OTHER
4 ENTITY IS NOT CONSIDERED RESELLING. IF THE DONATION RECIPIENT IS A
5 FOR-PROFIT ENTITY, THESE CHARGES MUST NOT EXCEED THE DONATION
6 RECIPIENT'S COST OF PROVIDING THE MEDICINE, INCLUDING THE CURRENT
7 AND ANTICIPATED COSTS OF EDUCATING ELIGIBLE DONORS, PROVIDING
8 TECHNICAL SUPPORT TO PARTICIPATING DONORS, SHIPPING AND HANDLING,
9 LABOR, STORAGE, LICENSING, UTILITIES, ADVERTISING, TECHNOLOGY,
10 SUPPLIES, AND EQUIPMENT. EXCEPT AS DESCRIBED IN THIS SUBSECTION
11 (15), THE AMOUNT OF THESE CHARGES IS NOT SUBJECT TO ANY
12 ADDITIONAL LIMITATIONS.

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

19 (17) ALL REQUIRED RECORDS MUST BE RETAINED IN PHYSICAL OR
20 ELECTRONIC FORMAT, ON OR OFF THE DONATION RECIPIENT'S PREMISES,
21 FOR A PERIOD OF TWO YEARS. DONORS OR DONATION RECIPIENTS MAY
22 CONTRACT WITH ONE ANOTHER OR WITH A THIRD PARTY TO CREATE OR
23 MAINTAIN RECORDS. AN IDENTIFIER, SUCH AS A SERIAL NUMBER OR
24 BARCODE, MAY BE USED IN PLACE OF INFORMATION IF IT ALLOWS FOR THE
25 INFORMATION TO BE READILY RETRIEVABLE. UPON REQUEST BY A STATE
26 OR FEDERAL REGULATOR, THE IDENTIFIER USED FOR A REQUESTED RECORD
27 MUST BE REPLACED WITH THE ORIGINAL INFORMATION. AN IDENTIFIER

1 MUST NOT BE USED ON LABELS WHEN DISPENSING OR ADMINISTERING A
2 DRUG TO AN ELIGIBLE PATIENT.

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

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

19 (20) THE BOARD SHALL PROMULGATE ANY RULES NECESSARY TO
20 IMPLEMENT THIS SECTION. IN PROMULGATING RULES CONSISTENT WITH
21 THIS SECTION, THE BOARD'S RULES MUST REQUIRE THE LEAST AMOUNT OF
22 RECORD KEEPING NECESSARY TO ENSURE PATIENT SAFETY AND MUST
23 ALLOW FLEXIBILITY IN THE FORMAT FOR RECORD KEEPING.

24 (21) THE PROVISIONS OF THIS STATUTE CONTROL THE PROGRAM
25 AND SUPERSEDE ANY INCONSISTENT LAW.

26 (22) WHEN ACTING IN GOOD FAITH, WITHOUT NEGLIGENCE OR
27 WILLFUL OR WANTON MISCONDUCT, THE FOLLOWING INDIVIDUALS OR

1 ENTITIES ARE NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR
2 PROFESSIONAL DISCIPLINARY ACTION:

3 (a) AN INDIVIDUAL OR ENTITY INVOLVED IN THE SUPPLY CHAIN OF
4 DONATED MEDICINE, INCLUDING THE DONOR, DONATION RECIPIENT,
5 MANUFACTURER, REPACKAGER, WHOLESALER, AND PHARMACY;

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

13 (c) THE BOARD.

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 pursuant
20 to section ~~12-280-135~~ 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 2024 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.