

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 10-0864.01 Kristen Forrestal

SENATE BILL 10-115

SENATE SPONSORSHIP

Tochtrop, Bacon, Carroll M., Williams

HOUSE SPONSORSHIP

Primavera,

Senate Committees

Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF LICENSED HEALTH CARE FACILITIES**
102 **TO REDISPENSE UNUSED MEDICATIONS.**

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>.)

The bill deletes the requirement that medications be donated by a patient, resident, or the patient's or resident's next of kin before allowing a licensed health care facility to donate the unused medications to another patient in the facility or to a nonprofit entity. Currently, medications in the possession of a facility are destroyed when the patient dies or is

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.*

SENATE
3rd Reading Unamended
February 3, 2010

SENATE
Amended 2nd Reading
February 2, 2010

discharged if the facility is not able to get permission for the donation.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 finds and determines that the devastating earthquake that hit Haiti on
4 January 12, 2010, has left the country in dire need of medications to help
5 those injured in the earthquake and, no matter how much the United
6 States gives, there cannot be enough relief for the desperately needy
7 victims. Therefore, it is the intent of the general assembly to make it
8 easier for health care facilities to donate unused medications to nonprofit
9 entities that are giving their efforts to the relief effort in Haiti by allowing
10 the facilities to make the decision whether unused medications may be
11 donated to help the nonprofit entities with medical relief efforts.

12 **SECTION 2.** 12-22-133 (2), Colorado Revised Statutes, is
13 amended to read:

14 **12-22-133. Unused medication - licensed facilities - reuse -**
15 **rules.** (2) (a) (I) ~~If donated by the patient, resident, or the patient's or~~
16 ~~resident's next of kin~~ UPON THE DEATH OR DISCHARGE OF A PATIENT OR
17 A RESIDENT OR IF A PATIENT'S OR RESIDENT'S MEDICATION IS
18 DISCONTINUED, a licensed facility may return unused medication to a
19 pharmacist within the licensed facility in order for the medication to be
20 redispensed to another patient or resident of that licensed facility. A
21 pharmacist may redispense a returned medication that is prescribed to a
22 patient or resident of a licensed facility if the medication was originally
23 dispensed to another patient or resident of the licensed facility or may
24 donate a returned medication to a nonprofit entity that has the legal
25 authority to possess the medication.

1 (II) (A) A LICENSED FACILITY MAY DONATE UNUSED MEDICATIONS
2 TO A PERSON LEGALLY AUTHORIZED TO DISPENSE THE MEDICATIONS ON
3 BEHALF OF A NONPROFIT ENTITY THAT HAS THE EXPRESS PURPOSE OF
4 PROVIDING MEDICAL SUPPLIES FOR THE RELIEF OF VICTIMS WHO ARE IN
5 URGENT NEED AS A RESULT OF NATURAL OR OTHER TYPES OF DISASTERS.
6 THE PROCESS OF DONATING THE UNUSED MEDICATIONS TO THE NONPROFIT
7 ENTITY SHALL BE REVIEWED BY A LICENSED PHARMACIST.

8 (B) NOTHING IN THIS SUBPARAGRAPH (II) SHALL BE CONSTRUED
9 TO CREATE OR ABROGATE ANY LIABILITY ON BEHALF OF A PRESCRIPTION
10 DRUG MANUFACTURER FOR THE STORAGE, DONATION, ACCEPTANCE, OR
11 DISPENSING OF A MEDICATION OR TO CREATE ANY CIVIL CAUSE OF ACTION
12 AGAINST A PRESCRIPTION DRUG MANUFACTURER, IN ADDITION TO THAT
13 WHICH IS AVAILABLE UNDER APPLICABLE LAW.

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

17 (a) (I) Liquid and the vial is still sealed and properly stored;

18 (b) (II) Individually packaged and the packaging has not been
19 damaged; or

20 (c) (III) In the original, unopened, sealed, and tamper-evident unit
21 dose packaging.

22 **SECTION 3. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.