

**NOTE: The governor signed this measure on 5/9/2014.**

# An Act

HOUSE BILL 14-1290

BY REPRESENTATIVE(S) Becker, Coram, Court, Sonnenberg, Vigil, Fischer, Ginal, Hulinghorst, Kraft-Tharp, Labuda, Mitsch Bush, Primavera, Schafer, Singer, Tyler, Young, McLachlan, Rosenthal, Ryden; also SENATOR(S) Roberts, Aguilar, Cadman, Crowder, Guzman, Heath, Herpin, Jahn, Jones, Kefalas, Kerr, King, Newell, Nicholson, Rivera, Schwartz, Tochtrop, Todd.

CONCERNING AN ADDITION TO THE DEFINITION OF "OTHER OUTLET" TO ENABLE THE OPERATION OF A REMOTELY LOCATED TELEPHARMACY OUTLET.

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

**SECTION 1.** In Colorado Revised Statutes, 12-42.5-102, **amend** (39); and **add** (25) (c) and (40.5) as follows:

**12-42.5-102. Definitions.** As used in this article, unless the context otherwise requires or the term is otherwise defined in another part of this article:

(25) "Other outlet" means:

(c) A TELEPHARMACY OUTLET.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(39) "Supervision" means that a licensed pharmacist is on the location and readily available to consult with and assist unlicensed personnel performing tasks described in paragraph (b) of subsection (31) of this section. IF THE UNLICENSED PERSON IS A PHARMACY TECHNICIAN LOCATED AT A REGISTERED TELEPHARMACY OUTLET, THE LICENSED PHARMACIST NEED NOT BE PHYSICALLY PRESENT AT THE TELEPHARMACY OUTLET AS LONG AS THE LICENSED PHARMACIST IS CONNECTED TO THE TELEPHARMACY OUTLET VIA COMPUTER LINK, VIDEOLINK, AND AUDIOLINK, OR VIA OTHER TELECOMMUNICATION EQUIPMENT OF EQUIVALENT FUNCTIONALITY, AND IS READILY AVAILABLE TO CONSULT WITH AND ASSIST THE PHARMACY TECHNICIAN IN PERFORMING TASKS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (31) OF THIS SECTION.

(40.5) (a) "TELEPHARMACY OUTLET" MEANS A REMOTE PHARMACY SITE THAT:

(I) IS REGISTERED AS AN OTHER OUTLET UNDER THIS ARTICLE;

(II) AT THE TIME OF REGISTRATION, IS LOCATED MORE THAN TWENTY MILES FROM THE NEAREST PRESCRIPTION DRUG OUTLET AND FROM ANY OTHER TELEPHARMACY OUTLET REGISTERED UNDER THIS ARTICLE;

(III) IS CONNECTED VIA COMPUTER LINK, VIDEOLINK, AND AUDIOLINK, OR VIA OTHER FUNCTIONALLY EQUIVALENT TELECOMMUNICATION EQUIPMENT, WITH A CENTRAL PHARMACY THAT IS REGISTERED UNDER THIS ARTICLE; AND

(IV) HAS A PHARMACY TECHNICIAN ON SITE WHO, UNDER THE REMOTE SUPERVISION OF A LICENSED PHARMACIST LOCATED AT THE CENTRAL PHARMACY, PERFORMS THE TASKS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (31) OF THIS SECTION.

(b) THE BOARD MAY ADOPT RULES AS NECESSARY TO SPECIFY ADDITIONAL CRITERIA FOR A TELEPHARMACY OUTLET THAT THE BOARD DEEMS NECESSARY.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August

6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO