

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 24-0403.01 Kristen Forrestal x4217

SENATE BILL 24-087

SENATE SPONSORSHIP

Mullica and Will, Bridges, Coleman, Cutter, Fields, Gardner, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Lundeen, Marchman, Michaelson Jenet, Priola, Rich, Rodriguez, Smallwood, Van Winkle, Winter F.

HOUSE SPONSORSHIP

Daugherty and Bradfield,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF A FACILITY-PROVIDED TOPICAL**
102 **MEDICATION TO A PATIENT FOR THE CONTINUITY OF THE**
103 **PATIENT'S TREATMENT AFTER A SURGICAL PROCEDURE.**

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 allows a health-care provider and a health facility to provide a patient with certain topical medications for the patient's continuity of treatment after discharge from or leaving the health facility, if the medications were used at the health facility by the patient for a surgical procedure or for a visit to a physician's office or medical practice.

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.

SENATE
3rd Reading Unamended
February 15, 2024

SENATE
Amended 2nd Reading
February 12, 2024

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 25-1-138** as
3 follows:

4 **25-1-138. Health facilities - health-care providers - on-site**
5 **administered topical medication - use for continued treatment -**

6 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (a) "FACILITY-PROVIDED MEDICATION" OR "MEDICATION" MEANS
9 A TOPICAL MEDICATION THAT A HEALTH FACILITY HAS ON HAND OR IS
10 RETRIEVED FROM A DISPENSING SYSTEM FOR A SPECIFIED PATIENT FOR USE
11 DURING A SURGICAL PROCEDURE OR A VISIT TO A HEALTH FACILITY.

12 (b) "HEALTH FACILITY" MEANS A HOSPITAL LICENSED PURSUANT
13 TO SECTION 25-1.5-103, AN AMBULATORY SURGICAL CENTER LICENSED
14 PURSUANT TO ARTICLE 3 OF TITLE 25, AND A PHYSICIAN'S OFFICE OR
15 MEDICAL PRACTICE.

16 (2) (a) A HEALTH FACILITY OR HEALTH-CARE PROVIDER MAY
17 OFFER ANY UNUSED PORTION OF A FACILITY-PROVIDED MEDICATION TO A
18 PATIENT UPON THE PATIENT'S DISCHARGE FROM THE HEALTH FACILITY IF
19 THE MEDICATION IS REQUIRED FOR CONTINUED TREATMENT, THE
20 MEDICATION DOES NOT CONTAIN A CONTROLLED SUBSTANCE, AND THE
21 MEDICATION WAS ADMINISTERED TO A PATIENT DURING A PATIENT'S VISIT
22 TO THE HEALTH FACILITY. A HEALTH-CARE PROVIDER SHALL DOCUMENT
23 WITHIN THE PATIENT'S MEDICAL RECORD THAT THE PATIENT MUST
24 CONTINUE THE MEDICATION AT HOME, INCLUDING THE PATIENT'S DOSAGE
25 AND DIRECTIONS FOR USE.

26 (b) A HEALTH FACILITY OR HEALTH-CARE PROVIDER SHALL LABEL

1 A FACILITY-PROVIDED MEDICATION AS REQUIRED PURSUANT TO ARTICLE
2 280 OF TITLE 12.

3 (3) IF A FACILITY-PROVIDED MEDICATION IS USED FOR A PATIENT
4 IN AN OPERATING ROOM OR EMERGENCY DEPARTMENT SETTING OR FOR A
5 VISIT TO A HEALTH FACILITY AND THE FACILITY-PROVIDED MEDICATION IS
6 PROVIDED TO A PATIENT FOR CONTINUITY OF TREATMENT, THE HEALTH
7 FACILITY OR HEALTH-CARE PROVIDER, WHICHEVER PROVIDES THE
8 MEDICATION, IS RESPONSIBLE FOR COUNSELING THE PATIENT ON THE
9 PROPER USE OF THE MEDICATION, AND A PHARMACIST'S REQUIREMENT TO
10 COUNSEL THE PATIENT CONCERNING THE MEDICATION PURSUANT TO
11 SECTION 12-280-138 IS WAIVED.

12 **SECTION 2. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.