

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0766.01 Yelana Love x2295

HOUSE BILL 21-1202

HOUSE SPONSORSHIP

Luck,

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF CERTAIN HEALTH-CARE PROVIDERS TO
102 REPURPOSE THERAPEUTIC DRUGS THAT HAVE BEEN APPROVED
103 BY THE FOOD AND DRUG ADMINISTRATION FOR ANOTHER
104 PURPOSE TO PROVIDE TREATMENT TO INDIVIDUALS WITH
105 COVID-19.

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 specifies that:

- A physician, physician assistant, or advanced practice

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

registered nurse with prescriptive authority may prescribe and dispense, and a pharmacist may dispense, therapeutic drugs for off-label use, including hydroxychloroquine sulfate and ivermectin, to provide prophylaxis or outpatient (at-home) and inpatient (hospital) treatment to an individual with COVID-19; and

- This practice is not unprofessional conduct or otherwise grounds for discipline.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-30-116 as
3 follows:

4 **12-30-116. Prescribing or dispensing off-label use of**
5 **FDA-approved therapeutic drugs to treat COVID-19 - definitions.**

6 (1) A PRESCRIBER MAY PRESCRIBE OR DISPENSE, AND A PHARMACIST MAY
7 DISPENSE, PURSUANT TO A PRESCRIPTION DRUG ORDER AND WITH
8 INFORMED CONSENT OF THE PATIENT, AN FDA-APPROVED THERAPEUTIC
9 DRUG, INCLUDING HYDROXYCHLOROQUINE SULFATE AND IVERMECTIN, FOR
10 OFF-LABEL USE TO AN INDIVIDUAL FOR PROPHYLAXIS OR FOR AT-HOME
11 OUTPATIENT OR HOSPITAL INPATIENT TREATMENT OF COVID-19.
12 PROPHYLACTIC USE DOES NOT REQUIRE SUSPECTED EXPOSURE TO THE
13 VIRUS. AT-HOME EARLY-STAGE TREATMENT DOES NOT REQUIRE A
14 COVID-19 TEST.

15 (2) CONDUCT THAT COMPLIES WITH SUBSECTION (1) OF THIS
16 SECTION IS NOT UNPROFESSIONAL CONDUCT PURSUANT TO SECTION
17 12-240-121, 12-255-120, OR 12-280-126. A REGULATOR SHALL NOT
18 INITIATE AN INVESTIGATION, INQUIRY, OR ANY OTHER DISCIPLINARY
19 ACTION PURSUANT TO SECTION 12-240-125, 12-255-119, OR 12-280-126,
20 RESPECTIVELY, FOR CONDUCT THAT COMPLIES WITH SUBSECTION (1) OF
21 THIS SECTION.

1 (3) NOTHING IN THIS SECTION LIMITS OR OTHERWISE AFFECTS THE
2 PRESCRIPTIVE AUTHORITY OF A PRESCRIBER.

3 (4) AS USED IN THIS SECTION:

4 (a) "COVID-19" MEANS THE CORONAVIRUS DISEASE CAUSED BY
5 THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO
6 KNOWN AS SARS-CoV-2.

7 (b) "FDA" MEANS THE FOOD AND DRUG ADMINISTRATION IN THE
8 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

9 (c) "PHARMACIST" MEANS AN INDIVIDUAL LICENSED BY THE STATE
10 PURSUANT TO ARTICLE 280 OF THIS TITLE 12 TO ENGAGE IN THE PRACTICE
11 OF PHARMACY.

12 (d) "PRESCRIBER" MEANS:

13 (I) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO
14 ARTICLE 240 OF THIS TITLE 12; OR

15 (II) AN ADVANCED PRACTICE REGISTERED NURSE, AS DEFINED IN
16 SECTION 12-255-104 (1), WITH PRESCRIPTIVE AUTHORITY PURSUANT TO
17 SECTION 12-255-112.

18 **SECTION 2. Applicability.** This act applies to conduct occurring
19 on or after the effective date of this act.

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