

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0607.01 Yelana Love x2295

HOUSE BILL 24-1115

HOUSE SPONSORSHIP

Young and Joseph,

SENATE SPONSORSHIP

Fenberg,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ACCESS TO PRESCRIPTION DRUG LABEL INFORMATION.

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 requires a pharmacy to provide an individual who has difficulty seeing or reading standard printed labels on prescription drug containers with access to the prescription drug label information by:

- Including an electronic label affixed to the prescription drug container that transmits the prescription drug's label information, directions, and written instructions to an end user's external accessible device, including an individual's compatible prescription drug reader;

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.

- Providing a prescription drug reader at no cost to the individual;
- Providing a prescription drug label in braille or large print; or
- Providing the individual with a method recommended by the United States access board.

The state pharmacy board may exempt from the requirements of the bill a pharmacy that is a sole proprietorship with no more than 2 pharmacists for which, upon request of the pharmacy, the board determines compliance would create an undue burden.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-280-124, **add** (4)
3 as follows:

4 **12-280-124. Labeling - rules - definitions.** (4) (a) AS USED IN
5 THIS SUBSECTION (4), UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (I) "PATIENT'S EXTERNAL ACCESSIBLE DEVICE" MEANS A
7 COMMERCIALY AVAILABLE COMPUTER, MOBILE PHONE, OR OTHER
8 COMMUNICATIONS DEVICE THAT IS ABLE TO RECEIVE ELECTRONIC
9 INFORMATION TRANSMITTED FROM AN EXTERNAL SOURCE AND PROVIDE
10 THE ELECTRONIC INFORMATION IN A FORM AND FORMAT ACCESSIBLE TO A
11 PATIENT.

12 (II) "PRESCRIPTION DRUG READER" MEANS AN ELECTRONIC DEVICE
13 THAT IS ABLE TO OBTAIN INFORMATION FROM AN ELECTRONIC LABEL
14 AFFIXED TO A CONTAINER OF A PRESCRIPTION DRUG AND PROVIDE THE
15 INFORMATION IN AN AUDIO FORMAT ACCESSIBLE TO THE PATIENT.

16 (b) EXCEPT AS PROVIDED IN SUBSECTIONS (4)(e) AND (4)(f) OF
17 THIS SECTION, WHEN DISPENSING A PRESCRIPTION DRUG TO A PATIENT WHO
18 NOTIFIES A PHARMACY OF DIFFICULTY SEEING OR READING STANDARD
19 PRINTED LABELS ON A PRESCRIPTION DRUG CONTAINER, THE PHARMACY
20 SHALL PROVIDE THE PATIENT WITH A METHOD TO ACCESS THE

1 PRESCRIPTION DRUG LABEL INFORMATION REQUIRED PURSUANT TO
2 SUBSECTIONS (1) TO (3) OF THIS SECTION BY THE PATIENT'S CHOICE OF:

3 (I) AN ELECTRONIC LABEL AFFIXED TO THE PRESCRIPTION DRUG
4 CONTAINER THAT TRANSMITS PRESCRIPTION DRUG LABEL INFORMATION,
5 DIRECTIONS, AND WRITTEN INSTRUCTIONS TO A PATIENT'S EXTERNAL
6 ACCESSIBLE DEVICE, INCLUDING A PATIENT'S COMPATIBLE PRESCRIPTION
7 DRUG READER;

8 (II) A PRESCRIPTION DRUG READER PROVIDED TO THE PATIENT AT
9 NO COST;

10 (III) A PRESCRIPTION DRUG LABEL IN BRAILLE OR LARGE PRINT; OR

11 (IV) ANY OTHER METHOD INCLUDED IN THE BEST PRACTICES FOR
12 ACCESS TO PRESCRIPTION DRUG LABELING INFORMATION BY THE UNITED
13 STATES ACCESS BOARD, OR ITS SUCCESSOR ORGANIZATION.

14 (c) PHARMACIES SHALL MAKE SUSTAINED, PERIODIC, AND
15 REASONABLE EFFORTS TO INFORM THE PUBLIC THAT PRESCRIPTION DRUG
16 LABEL INFORMATION IS AVAILABLE IN ACCESSIBLE FORMATS FOR
17 INDIVIDUALS WHO HAVE DIFFICULTY SEEING OR READING STANDARD
18 PRINTED LABELS ON PRESCRIPTION DRUG CONTAINERS.

19 (d) PHARMACIES SHALL OTHERWISE FOLLOW BEST PRACTICES AS
20 RECOMMENDED BY THE UNITED STATES ACCESS BOARD, OR ITS
21 SUCCESSOR ORGANIZATION, FOR PHARMACIES IN PROVIDING INDEPENDENT
22 ACCESS TO PRESCRIPTION DRUG LABEL INFORMATION.

23 (e) A PHARMACY COMPLIES WITH SUBSECTION (4)(b) OF THIS
24 SECTION IF:

25 (I) THE PHARMACY OFFERS A PATIENT AN ALTERNATIVE METHOD
26 TO ACCESS A PRESCRIPTION DRUG LABEL OTHER THAN THE METHODS
27 SPECIFIED IN SUBSECTIONS (4)(b)(I) TO (4)(b)(IV) OF THIS SECTION; AND

1 (II) THE BOARD AFFIRMS THAT THE ALTERNATIVE METHOD
2 OFFERED TO A PATIENT PURSUANT TO SUBSECTION (4)(e)(I) OF THIS
3 SECTION IS SUBSTANTIALLY SIMILAR TO THE METHOD OF ACCESS THE
4 PATIENT REQUESTED AND MEETS THE NEEDS OF THE PATIENT.

5 (f) THE REQUIREMENTS OF SUBSECTION (4)(b) OF THIS SECTION DO
6 NOT APPLY TO A PHARMACY THAT:

7 (I) IS A SOLE PROPRIETORSHIP WITH NO MORE THAN TWO
8 PHARMACISTS; AND

9 (II) HAS REQUESTED AND BEEN GRANTED AN EXEMPTION FROM
10 THE REQUIREMENTS OF THIS SECTION AFTER A FINDING BY THE BOARD
11 THAT COMPLIANCE WOULD CREATE AN UNDUE BURDEN ON THE
12 PHARMACY.

13 (g) BY JANUARY 1, 2025, THE BOARD SHALL ADOPT RULES
14 NECESSARY TO IMPLEMENT THIS SUBSECTION (4).

15 (h) THE FAILURE OF A PHARMACY TO COMPLY WITH SUBSECTION
16 (4)(b) OF THIS SECTION IS DISCRIMINATION ON THE BASIS OF DISABILITY IN
17 VIOLATION OF SECTION 24-34-802. AN INDIVIDUAL SUBJECT TO A
18 VIOLATION OF SUBSECTION (4)(b) OF THIS SECTION MAY SEEK RELIEF AS
19 PROVIDED IN SECTION 24-34-802.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect July 1, 2025; except that, if a referendum petition is filed
22 pursuant to section 1 (3) of article V of the state constitution against this
23 act or an item, section, or part of this act within the ninety-day period
24 after final adjournment of the general assembly, then the act, item,
25 section, or part will not take effect unless approved by the people at the
26 general election to be held in November 2024 and, in such case, will take

- 1 effect July 1, 2025, or on the date of the official declaration of the vote
- 2 thereon by the governor, whichever is later.