

12-22-133. Unused medication - licensed facilities - reuse - rules.

(1) As used in this section and section [12-22-134](#), unless the context otherwise requires:

(a) "Licensed facility" means a hospital, hospital unit, community mental health center, acute treatment unit, hospice, nursing care facility, or assisted living residence that is required to be licensed pursuant to section [25-3-101](#), C.R.S., or a licensed long-term care facility as defined in section [25-1-124](#) (2.5) (b), C.R.S.

(b) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, or similar or related article that is required to be labeled pursuant to 21 CFR part 801.

(c) "Medical supply" means a consumable supply item that is disposable and not intended for reuse.

(d) "Medication" means a prescription that is not a controlled substance.

(2) (a) (I) If donated by the patient, resident, or the patient's or resident's next of kin, a licensed facility may return unused medications, medical supplies, and medical devices to a pharmacist within the licensed facility or a prescription drug outlet in order for the medication to be redispensed to another patient or donated to a nonprofit entity that has the legal authority to possess the medication or to a practitioner authorized by law to prescribe the medication.

(II) (A) A licensed facility may donate unused medications to a person legally authorized to dispense the medications on behalf of a nonprofit entity that has the express purpose of providing medications, medical devices, or medical supplies for the relief of victims who are in urgent need as a result of natural or other types of disasters. The process of donating the unused medications to the nonprofit entity shall be reviewed by a licensed pharmacist.

(B) Nothing in this subparagraph (II) shall be construed to create or abrogate any liability on behalf of a prescription drug manufacturer for the storage, donation, acceptance, or dispensing of a medication or product or to create any civil cause of action against a prescription drug manufacturer, in addition to that which is available under applicable law.

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

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

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

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

(c) The following medications may not be donated:

(I) Medications packaged in traditional brown or amber pill bottles;

(II) Controlled substances;

(III) Medications that require refrigeration, freezing, or special storage;

(IV) Medications that require special registration with the manufacturer; or

(V) Medications that are adulterated or misbranded, as determined by a person legally authorized to dispense the medications on behalf of the nonprofit entity.

(3) Medication dispensed or donated pursuant to this section shall bear an expiration date that is later than six months after the date the drug was donated.

(4) The board shall adopt rules that allow a pharmacist to redispense medication pursuant to this section and section [25.5-5-502](#), C.R.S., and to donate medication pursuant to this section.

Source: **L. 2005:** Entire section added, p. 1196, § 1, effective August 8. **L. 2006:** (4) amended, p. 2000, § 41, effective July 1. **L. 2010:** (1) and (2) amended, ([SB 10-115](#)), ch. 83, p. 277, § 2, effective April 13.

Cross references: For the legislative declaration in the 2010 act amending subsections (1) and (2), see section 1 of chapter 83, Session Laws of Colorado 2010.