

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0174.01 Nancy Dalien

**HOUSE BILL 09-1032**

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**HOUSE SPONSORSHIP**

**Liston,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Health and Human Services

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING A REQUIREMENT FOR PHOTO IDENTIFICATION IN ORDER**  
102             **TO RECEIVE DELIVERY OF A CONTROLLED SUBSTANCE**  
103             **PRESCRIPTION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Directs a pharmacist to require a photo identification from a person seeking to fill a prescription for a schedule II through IV controlled substance.

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

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds that:

4 (a) There has been an increase across the nation in acquiring  
5 legally obtainable drugs through illegal channels, including prescription  
6 fraud, and numerous studies show an increase in prescription drug abuse  
7 by juveniles;

8 (b) In 2008, the United States Drug Enforcement Administration  
9 (DEA) reported that:

10 (I) Nearly seven million Americans were abusing prescription  
11 drugs, which is more than the number who were abusing cocaine, heroin,  
12 hallucinogens, ecstasy, and inhalants combined, and is an eighty percent  
13 increase since the year 2000;

14 (II) Prescription pain relievers were new drug users' drugs of  
15 choice versus marijuana or cocaine, and opioid pain relievers caused  
16 more drug overdose deaths than cocaine and heroin combined;

17 (III) Nearly one in ten high school seniors admitted to abusing  
18 powerful prescription pain relievers, and about forty percent of teens and  
19 their parents surveyed thought abusing prescription pain relievers was  
20 safer than abusing illegal drugs;

21 (IV) Misuse of pain relievers represented three-fourths of the  
22 overall problem of prescription drug abuse, with hydrocodone being the  
23 most commonly diverted and abused prescription drug in the United  
24 States;

25 (V) Twenty-five percent of drug-related emergency room visits  
26 were associated with abuse of prescription drugs; and

27 (VI) Methods of acquiring prescription drugs for abuse included

1 traditional drug dealing, theft from pharmacies or homes, illicit purchase  
2 via the internet, enlisting the aid of friends or relatives, and "doctor  
3 shopping" through which an individual sees multiple doctors to obtain  
4 multiple prescriptions of a controlled narcotic;

5 (c) The DEA works closely with individuals working in the  
6 medical community to help them recognize drug abuse and signs of  
7 diversion and relies on their input and due diligence to combat diversion;

8 (d) Doctor involvement in illegal drug activity is rare. Less than  
9 one-tenth of one percent of more than seven hundred fifty thousand  
10 doctors are the subjects of DEA investigations each year. Egregious drug  
11 violations by practitioners unfortunately do occur, and the DEA pursues  
12 criminal actions against such practitioners.

13 (e) DEA internet drug trafficking initiatives over the past three  
14 years have identified and dismantled organizations based both in the  
15 United States and overseas, arrested dozens of conspirators, and seized  
16 tens of millions of dosage units of prescription drugs and tens of millions  
17 of dollars in assets;

18 (f) The Colorado Springs Police Department Metro Vice,  
19 Narcotics and Intelligence Division (CSPD Metro VNI) initiated one  
20 hundred prescription fraud cases in 2007 and sixty-four prescription fraud  
21 cases in 2008;

22 (g) In 2007, CSPD Metro VNI also started giving verbal warnings  
23 for first-time "doctor-shopping" offenses, lowering the number of  
24 initiated cases; and

25 (h) CSPD Metro VNI cases of prescription fraud have shown that  
26 a suspect will often call in a fraudulent prescription to a pharmacy using  
27 a false name or use a false name on a written prescription he or she has

1 stolen from a doctor's office or created on a computer.

2 (2) The general assembly therefore concludes that requiring  
3 individuals to show photo identification for the delivery of certain  
4 controlled narcotic prescriptions will help to prevent the acquisition of  
5 legally obtainable drugs through illegal channels, thus benefitting law  
6 enforcement across the state.

7 **SECTION 2.** 12-22-122, Colorado Revised Statutes, is amended  
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **12-22-122. Prescription required - exception.** (1.5) (a) EXCEPT  
10 AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1.5), BEFORE  
11 DELIVERING A SCHEDULE II THROUGH IV CONTROLLED SUBSTANCE, AS  
12 DESCRIBED IN PART 2 OF ARTICLE 18 OF TITLE 18, C.R.S., A PHARMACIST  
13 SHALL REQUIRE THE PERSON PURCHASING THE CONTROLLED SUBSTANCE  
14 TO SHOW PICTURE IDENTIFICATION. THE PHARMACIST SHALL:

15 (I) IN THE CASE OF A WRITTEN PRESCRIPTION, DOCUMENT IN INK ON  
16 THE BACK OF THE PRESCRIPTION THE PERSON'S FULL NAME, ADDRESS, AND  
17 TELEPHONE NUMBER AND RETAIN THE INFORMATION FOR THE PERIOD  
18 REQUIRED BY UNITED STATES DRUG ENFORCEMENT ADMINISTRATION  
19 RULES AND REGULATIONS; OR

20 (II) IN THE CASE OF A PHONED-IN OR COMPUTER-GENERATED  
21 PRESCRIPTION, DOCUMENT IN INK ON THE FORM GENERATED FOR THE  
22 PHONED-IN OR COMPUTER-GENERATED PRESCRIPTION THE PERSON'S FULL  
23 NAME, ADDRESS, AND TELEPHONE NUMBER AND RETAIN THE INFORMATION  
24 FOR THE PERIOD REQUIRED BY UNITED STATES DRUG ENFORCEMENT  
25 ADMINISTRATION RULES AND REGULATIONS.

26 (b) IF THE PERSON TO WHOM THE CONTROLLED SUBSTANCE IS  
27 DELIVERED HAS NO PICTURE IDENTIFICATION AND THE PHARMACIST

1 DETERMINES THAT AN EMERGENCY EXISTS AND THE CONTROLLED  
2 SUBSTANCE IS NEEDED FOR THE IMMEDIATE WELL-BEING OF THE PATIENT  
3 FOR WHOM THE CONTROLLED SUBSTANCE IS PRESCRIBED, A PHARMACIST  
4 MAY DELIVER THE CONTROLLED SUBSTANCE. HOWEVER, A PHARMACIST  
5 SHALL COMPLY WITH THE DOCUMENTATION REQUIREMENTS SPECIFIED IN  
6 PARAGRAPH (a) OF THIS SUBSECTION (1.5).

7           **SECTION 3. Applicability.** This act shall apply to schedule II  
8 through IV controlled substance prescriptions delivered on or after the  
9 effective date of this act.

10           **SECTION 4. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.