

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

**INTRODUCED**

LLS NO. 26-0114.02 Jacob Baus x2173

**SENATE BILL 26-031**

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**SENATE SPONSORSHIP**

**Michaelson Jenet,**

**HOUSE SPONSORSHIP**

**Camacho and Soper,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE LAWFUL USE OF A PRESCRIPTION DRUG PRODUCT**  
102      **CONTAINING A SCHEDULE I CONTROLLED SUBSTANCE.**

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**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 exempts from schedule I a prescription drug product containing the schedule I controlled substance (product) if the product is:

- Approved for prescription use by the United States food and drug administration; and
- Designated or rescheduled by the United States drug enforcement agency (DEA).

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.

The exemption applies upon the DEA's designation or rescheduling.

The bill requires that the product be controlled in Colorado in the same manner as the product is controlled by the DEA.

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

2 **SECTION 1. Legislative declaration.** The general assembly  
3 declares that it is in the best interests of the people of Colorado that  
4 health-care professionals in Colorado are able to treat patients with  
5 medicine that is approved by the federal food and drug administration for  
6 prescription use.

7 **SECTION 2.** In Colorado Revised Statutes, 18-18-203, **add** (3)  
8 as follows:

9 **18-18-203. Schedule I.**

10 (3) (a) NOTWITHSTANDING SUBSECTION (1) OR (2) OF THIS  
11 SECTION, A CONTROLLED SUBSTANCE LISTED ON SCHEDULE I PURSUANT TO  
12 THIS SECTION DOES NOT INCLUDE A PRESCRIPTION DRUG PRODUCT  
13 CONTAINING THE SCHEDULE I CONTROLLED SUBSTANCE IF THE  
14 PRESCRIPTION DRUG PRODUCT IS APPROVED FOR PRESCRIPTION USE BY THE  
15 FEDERAL FOOD AND DRUG ADMINISTRATION AND DESIGNATED OR  
16 RESCHEDULED BY THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION ON  
17 A SCHEDULE OTHER THAN SCHEDULE I, PURSUANT TO 21 U.S.C. SEC. 812  
18 AND 21 CFR PART 1308, OR IS EXEMPT PURSUANT TO 21 CFR PART 1308.

19 (b) A PRESCRIPTION DRUG PRODUCT CONTAINING A SCHEDULE I  
20 CONTROLLED SUBSTANCE THAT IS APPROVED FOR PRESCRIPTION USE BY  
21 THE FEDERAL FOOD AND DRUG ADMINISTRATION MUST BE CONTROLLED IN  
22 COLORADO IN THE SAME MANNER AS THE PRODUCT IS CONTROLLED BY  
23 THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION PURSUANT TO 21

1 U.S.C. SEC. 812 AND 21 CFR PART 1308, OR IS EXEMPT PURSUANT TO 21  
2 CFR PART 1308.

3 (c) THE DESIGNATION OR RESCHEDULING OF A PRESCRIPTION DRUG  
4 PRODUCT IN COLORADO IS AUTOMATICALLY AND IMMEDIATELY EFFECTIVE  
5 UPON THE EFFECTIVE DATE OF THE FEDERAL DRUG ENFORCEMENT  
6 ADMINISTRATION'S DESIGNATION OR RESCHEDULING PURSUANT TO 21  
7 U.S.C. SEC. 812 AND 21 CFR PART 1308, OR IS EXEMPT PURSUANT TO 21  
8 CFR PART 1308.

9 **SECTION 3. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part will not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2026 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.