

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 20, 2018
Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB18-1187 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. Legislative declaration. (1) The general
4 assembly finds and declares that:

5 (a) If the United States food and drug administration approves a
6 prescription medicine that contains cannabidiol that is derived from
7 marijuana, thereafter prescribing, dispensing, transporting, or possessing
8 that prescription drug is legal in Colorado and shall not be precluded by
9 section 18-18-414 (1)(d), Colorado Revised Statutes; and

10 (b) Notwithstanding the foregoing, the general assembly does not
11 intend for this legislation to be construed so as to require any additional
12 licensure for, or to prohibit, preclude, or otherwise affect, those activities
13 previously authorized by the legislature in relation to marijuana, as
14 authorized under sections 14 and 16 of article XVIII of the Colorado
15 constitution and articles 43.3 and 43.4 of title 12, Colorado Revised
16 Statutes, or industrial hemp, as authorized under section 16 of article
17 XVIII of the Colorado constitution and article 61 of title 35, Colorado
18 Revised Statutes. Specifically, the general assembly does not intend for
19 this legislation to be construed so as to prohibit, preclude, or otherwise
20 affect previously authorized activities concerning products derived from
21 marijuana, industrial hemp, or other lawful sources which contain
22 cannabinoids but which are not a prescription medicine approved by the
23 United States food and drug administration.

24 SECTION 2. In Colorado Revised Statutes, 18-18-102, amend

1 the introductory portion and (18) as follows:
2 **18-18-102. Definitions.** As used in this ~~article~~ ARTICLE 18:
3 (18) (a) "Marijuana" means all parts of the plant cannabis sativa
4 L., whether growing or not, the seeds thereof, the resin extracted from any
5 part of the plant, and every compound, manufacture, salt, derivative,
6 mixture, or preparation of the plant, its seeds, or its resin. It does not
7 include fiber produced from the stalks, oil, or cake made from the seeds
8 of the plant, or sterilized seed of the plant which is incapable of
9 germination if these items exist apart from any other item defined as
10 "marijuana" in this subsection (18). "Marijuana" does not include
11 marijuana concentrate as defined in subsection (19) of this section OR
12 PRESCRIPTION DRUG PRODUCTS APPROVED BY THE FEDERAL FOOD AND
13 DRUG ADMINISTRATION AND DISPENSED BY A PHARMACY OR PRESCRIPTION
14 DRUG OUTLET REGISTERED BY THE STATE OF COLORADO.
15 (b) NOTHING IN THIS SUBSECTION (18) OR ANY OTHER PROVISION
16 OF LAW SHALL RESTRICT OR OTHERWISE AFFECT REGULATION OF OR
17 ACCESS TO:
18 (I) MARIJUANA THAT IS AUTHORIZED UNDER SECTIONS 14 AND 16
19 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION AND ARTICLES 43.3
20 AND 43.4 OF TITLE 12; OR
21 (II) INDUSTRIAL HEMP AND DERIVATIVES THEREFROM, AS
22 AUTHORIZED BY SECTION 16 OF ARTICLE XVIII OF THE COLORADO
23 CONSTITUTION AND ARTICLE 61 OF TITLE 35.
24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
28 referendum petition is filed pursuant to section 1 (3) of article V of the
29 state constitution against this act or an item, section, or part of this act
30 within such period, then the act, item, section, or part will not take effect
31 unless approved by the people at the general election to be held in
32 November 2018 and, in such case, will take effect on the date of the
33 official declaration of the vote thereon by the governor."

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