

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 2, 2023  
Date

Committee on Health & Human Services.

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

SB23-144 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill page 2, strike lines 9 through 13 and substitute:

2           "(b) (I) "CHRONIC PAIN" MEANS A PAIN THAT TYPICALLY LASTS  
3 THREE MONTHS OR LONGER AND MAY BE THE RESULT OF AN UNDERLYING  
4 MEDICAL DISEASE OR CONDITION, INJURY, MEDICAL TREATMENT,  
5 INFLAMMATION, OR UNKNOWN CAUSE. "CHRONIC PAIN" IS A PAIN STATE  
6 IN WHICH THE CAUSE OF THE PAIN OFTEN CANNOT BE REMOVED WITH  
7 REASONABLE MEDICAL EFFORTS AT THE CONSENT OF THE PATIENT, OR PAIN  
8 FOR WHICH NO CURE CAN BE FOUND AFTER REASONABLE MEDICAL  
9 EFFORTS. CHRONIC PAIN MAY RESTRICT THE ABILITY OF INDIVIDUALS TO  
10 WORK, CARE FOR THEMSELVES, AND ENGAGE IN BASIC LIFE, SOCIAL, AND  
11 PHYSICAL ACTIVITIES."

12 Page 3, strike lines 19 through 24.

13 Reletter succeeding paragraphs accordingly.

14 Page 5, line 4, strike "THE CURRENT STANDARD OF CARE." and substitute  
15 "LEGITIMATE MEDICAL PURPOSE IN THE USUAL COURSE OF PROFESSIONAL  
16 PRACTICE."

17 Page 5, strike lines 12 through 27.

18 Page 6, strike line 1 and substitute:

19           "(c) A HEALTH-CARE PROVIDER TREATING A PATIENT WITH  
20 CHRONIC PAIN BY PRESCRIBING, DISPENSING, OR ADMINISTERING ONE OR  
21 MORE SCHEDULE II, III, IV, OR V CONTROLLED SUBSTANCES THAT

1 INCLUDE, BUT ARE NOT LIMITED TO, OPIOID ANALGESICS SHALL NOT BE  
2 REQUIRED TO TAPER A PATIENT'S MEDICATION DOSAGE SOLELY TO MEET  
3 A PREDETERMINED MORPHINE MILLIGRAM EQUIVALENT DOSAGE  
4 RECOMMENDATION OR THRESHOLD IF THE PATIENT IS STABLE AND  
5 COMPLIANT WITH THE TREATMENT PLAN AND IS NOT EXPERIENCING  
6 SERIOUS HARM FROM THE LEVEL OF MEDICATION CURRENTLY BEING  
7 PRESCRIBED OR PREVIOUSLY PRESCRIBED. A DECISION TO TAPER OR  
8 MAINTAIN MEDICATION MUST INCLUDE AN INDIVIDUALIZED ASSESSMENT  
9 OF THE PATIENT'S CURRENT MEDICAL CONDITION AND TREATMENT PLAN,  
10 THE RISKS AND BENEFITS OF MAINTAINING OR TAPERING THE PATIENT'S  
11 MEDICATION, AND A DISCUSSION WITH THE PATIENT."

12 Reletter succeeding paragraphs accordingly.

13 Page 6, strike line 2 and substitute:

14 "(c) (I) A CARRIER".

15 Page 6, line 5, after "SOLELY" insert "BECAUSE THE PRESCRIPTION IS FOR  
16 AN OPIATE OR".

17 Page 6, after line 7, insert:

18 "(II) A HEALTH-CARE PRACTICE OR CLINIC IN WHICH A  
19 HEALTH-CARE PROVIDER IS AUTHORIZED TO PRESCRIBE SCHEDULE II, III,  
20 IV, OR V CONTROLLED SUBSTANCES SHALL NOT HAVE A POLICY IN PLACE  
21 THAT REQUIRES THE HEALTH-CARE PROVIDER TO REFUSE TO PRESCRIBE,  
22 ADMINISTER, OR DISPENSE A PRESCRIPTION FOR AN OPIATE SOLELY  
23 BECAUSE THE PRESCRIPTION EXCEEDS A PREDETERMINED MORPHINE  
24 MILLIGRAM EQUIVALENT DOSAGE RECOMMENDATION OR THRESHOLD."

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