

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0659.01 Michael Dohr x4347

HOUSE BILL 18-1187

HOUSE SPONSORSHIP

Buckner and Landgraf,

SENATE SPONSORSHIP

Cooke and Moreno,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE LAWFUL USE OF A PRESCRIPTION DRUG THAT
102 CONTAINS CANNABIDIOL THAT IS APPROVED BY THE UNITED
103 STATES FOOD AND DRUG ADMINISTRATION.

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 makes it clear that if the United States food and drug administration approves a prescription medicine that contains cannabidiol, thereafter, prescribing, dispensing, transporting, possessing, and using that prescription drug is legal in Colorado.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers 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.** In Colorado Revised Statutes, **add** 18-18-413.5 as
3 follows:

4 **18-18-413.5. United States food and drug**
5 **administration-approved drugs containing cannabidiol.**

6 (1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF THE
7 UNITED STATES FOOD AND DRUG ADMINISTRATION APPROVES A
8 PRESCRIPTION DRUG CONTAINING CANNABIDIOL, AS IT RELATES TO THAT
9 PRESCRIPTION DRUG, AFTER SUCH APPROVAL THE FOLLOWING ACTIVITIES
10 ARE LAWFUL:

11 (a) PRESCRIBING A CLINICALLY APPROPRIATE DOSAGE OF THAT
12 PRESCRIPTION DRUG FOR A PATIENT BY A HEALTH CARE PROVIDER
13 LICENSED TO PRESCRIBE MEDICATION IN COLORADO AND ACTING WITHIN
14 HIS OR HER AUTHORIZED SCOPE OF PRACTICE;

15 (b) DISPENSING PURSUANT TO A VALID PRESCRIPTION THAT
16 PRESCRIPTION DRUG TO A PATIENT OR A PATIENT'S AUTHORIZED
17 REPRESENTATIVE BY A PHARMACIST OR BY ANOTHER HEALTH CARE
18 PROVIDER LICENSED TO DISPENSE MEDICATIONS IN COLORADO AND
19 ACTING WITHIN HIS OR HER AUTHORIZED SCOPE OF PRACTICE;

20 (c) POSSESSING AND TRANSPORTING THAT PRESCRIPTION DRUG BY
21 A PHARMACY OR WHOLESALER IN ORDER TO FACILITATE APPROPRIATE
22 DISPENSING AND USE OF THE DRUG;

23 (d) POSSESSING AND TRANSPORTING THAT PRESCRIPTION DRUG BY
24 A PATIENT TO WHOM A VALID PRESCRIPTION WAS ISSUED OR THE PATIENT'S
25 AUTHORIZED REPRESENTATIVE; AND

26 (e) USING THAT PRESCRIPTION DRUG BY A PATIENT TO WHOM A

1 VALID PRESCRIPTION WAS ISSUED WHEN THE PATIENT USES THE
2 PRESCRIPTION DRUG FOR LEGITIMATE MEDICAL REASONS IN CONFORMITY
3 WITH INSTRUCTIONS FROM THE PRESCRIBER AND DISPENSER.

4 (2) IF THE UNITED STATES FOOD AND DRUG ADMINISTRATION
5 APPROVES A PRESCRIPTION DRUG CONTAINING CANNABIDIOL, ANY
6 EXECUTIVE DEPARTMENT RULES MUST BE AMENDED TO CONFORM WITH
7 THE PROVISIONS OF THIS SECTION.

8 (3) NOTHING IN THIS SECTION SHALL RESTRICT OR OTHERWISE
9 AFFECT ACCESS TO:

10 (a) MARIJUANA THAT IS AUTHORIZED UNDER SECTIONS 14 AND 16
11 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION AND ARTICLES 43.3
12 AND 43.4 OF TITLE 12; OR

13 (b) INDUSTRIAL HEMP AND DERIVATIVES THEREFROM, AS
14 AUTHORIZED BY SECTION 16 OF ARTICLE XVIII OF THE COLORADO
15 CONSTITUTION AND ARTICLE 61 OF TITLE 35.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.