

## CHAPTER 367

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 18-1187**

BY REPRESENTATIVE(S) Buckner and Landgraf, Beckman, Exum, Lee, Melton, Rosenthal, Winkler, Young, Duran;  
 also SENATOR(S) Cooke and Moreno, Baumgardner, Crowder, Fenberg, Fields, Garcia, Gardner, Hill, Jahn, Jones, Kagan,  
 Kefalas, Kerr, Lambert, Marble, Martinez Humenik, Merrifield, Neville T., Priola, Scott, Smallwood, Tate, Todd, Williams A.,  
 Zenzinger.

**AN ACT**

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

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

**SECTION 1. Legislative declaration.** (1) The general assembly finds and declares that:

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

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

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2.** In Colorado Revised Statutes, 18-18-102, **amend** the introductory portion and (18) as follows:

**18-18-102. Definitions.** As used in this ~~article~~ ARTICLE 18:

(18) (a) "Marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin. It does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, or sterilized seed of the plant which is incapable of germination if these items exist apart from any other item defined as "marijuana" in this subsection (18). "Marijuana" does not include marijuana concentrate as defined in subsection (19) of this section OR PRESCRIPTION DRUG PRODUCTS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AND DISPENSED BY A PHARMACY OR PRESCRIPTION DRUG OUTLET REGISTERED BY THE STATE OF COLORADO.

(b) NOTHING IN THIS SUBSECTION (18) OR ANY OTHER PROVISION OF LAW SHALL RESTRICT OR OTHERWISE AFFECT REGULATION OF OR ACCESS TO:

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

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

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

Approved: June 4, 2018