

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0171.01 Kristen Forrestal x4217

SENATE BILL 23-009

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SENATE SPONSORSHIP

Ginal,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Health & Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING A PER DAY LIMIT ON THE AMOUNT OF AN OPIOID THAT A  
102 PRESCRIBER MAY PRESCRIBE TO A PATIENT, AND, IN  
103 CONNECTION THEREWITH, CREATING AN EXCEPTION FOR A  
104 PATIENT WITH INTRACTABLE PAIN.

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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 prohibits a prescriber from issuing to a patient a prescription for an opioid that will be dispensed or administered outside of a health-care facility or the prescriber's practice location if the amount

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.

of the opioid exceeds 90 morphine milligram equivalents per day, unless the patient suffers from intractable pain.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-30-109, **amend**  
3 (1)(a) and (4) as follows:

4 **12-30-109. Prescriptions - limitations - definition - rules.**

5 (1) (a) A prescriber shall not:

6 (I) Prescribe more than a seven-day supply of an opioid to a  
7 patient who has not obtained an opioid prescription from that prescriber  
8 within the last twelve months and may exercise discretion to include a  
9 second fill for a seven-day supply. The limits on initial prescribing do not  
10 apply if, in the judgment of the prescriber, the patient:

11 (⊕)(A) Has chronic pain that typically lasts longer than ninety days  
12 or past the time of normal healing, as determined by the prescriber, or  
13 following transfer of care from another prescriber who practices the same  
14 profession and who prescribed an opioid to the patient;

15 (⊕)(B) Has been diagnosed with cancer and is experiencing  
16 cancer-related pain;

17 (⊕)(C) Is experiencing post-surgical pain that, because of the  
18 nature of the procedure, is expected to last more than fourteen days; or

19 (⊕)(D) Is undergoing palliative care or hospice care focused on  
20 providing the patient with relief from symptoms, pain, and stress resulting  
21 from a serious illness in order to improve quality of life; except that this  
22 ~~subsection (1)(a)(IV)~~ SUBSECTION (1)(a)(I)(D) applies only if the  
23 prescriber is a physician, a physician assistant, or an advanced practice  
24 registered nurse; OR

25 (II) ISSUE TO A PATIENT A PRESCRIPTION FOR AN OPIOID THAT WILL

1 BE DISPENSED OR ADMINISTERED OUTSIDE OF A HEALTH-CARE FACILITY OR  
2 THE PRESCRIBER'S PRACTICE LOCATION IF THE PRESCRIPTION IS FOR AN  
3 AMOUNT THAT EXCEEDS NINETY MORPHINE MILLIGRAM EQUIVALENTS PER  
4 DAY. THE NINETY MORPHINE MILLIGRAM EQUIVALENTS PER DAY LIMIT  
5 DOES NOT APPLY TO A PATIENT WHO HAS INTRACTABLE PAIN.

6 (4) As used in this section:

7 (a) "HEALTH-CARE FACILITY" MEANS A FACILITY LICENSED OR  
8 CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
9 PURSUANT TO SECTION 25-1.5-103.

10 (b) "INTRACTABLE PAIN" MEANS PAIN THAT:

11 (I) IS EXCRUCIATING, CONSTANT, INCURABLE, AND OF SUCH  
12 SEVERITY THAT IT DOMINATES VIRTUALLY EVERY CONSCIOUS MOMENT;  
13 AND

14 (II) PRODUCES MENTAL AND PHYSICAL DEBILITATION.

15 (c) "Prescriber" means:

16 ~~(a)~~ (I) A dentist licensed pursuant to article 220 of this title 12;

17 ~~(b)~~ (II) A physician or physician assistant licensed pursuant to  
18 article 240 of this title 12;

19 ~~(c)~~ (III) An advanced practice registered nurse with prescriptive  
20 authority pursuant to section 12-255-112;

21 ~~(d)~~ (IV) An optometrist licensed pursuant to article 275 of this  
22 title 12;

23 ~~(e)~~ (V) A podiatrist licensed pursuant to article 290 of this title 12;

24 or

25 ~~(f)~~ (VI) A veterinarian licensed pursuant to part 1 of article 315  
26 of this title 12.

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.