

CHAPTER 59

CRIMINAL LAW AND PROCEDURE

SENATE BILL 26-031

BY SENATOR(S) Lindstedt and Rich, Bridges, Hinrichsen, Coleman;
 also REPRESENTATIVE(S) Camacho and Soper, Bacon, Boesenecker, Bradley, Brown, Duran, Lieder, Nguyen, Rutinel, Rydin,
 Stewart R.

AN ACT**CONCERNING THE LAWFUL USE OF A PRESCRIPTION DRUG PRODUCT CONTAINING A SCHEDULE I CONTROLLED SUBSTANCE.**

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

SECTION 1. Legislative declaration. The general assembly declares that it is in the best interests of the people of Colorado that health-care professionals in Colorado are able to treat patients with medicine that is approved by the federal food and drug administration for prescription use.

SECTION 2. In Colorado Revised Statutes, 18-18-203, **add** (3) as follows:

18-18-203. Schedule I - definitions.

(3) (a) NOTWITHSTANDING SUBSECTION (1) OR (2) OF THIS SECTION, A CONTROLLED SUBSTANCE LISTED ON SCHEDULE I PURSUANT TO THIS SECTION DOES NOT INCLUDE A PRESCRIPTION DRUG PRODUCT CONTAINING THE SCHEDULE I CONTROLLED SUBSTANCE IF THE PRESCRIPTION DRUG PRODUCT IS:

(I) APPROVED FOR PRESCRIPTION USE BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AND DESIGNATED OR RESCHEDULED BY THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION ON A SCHEDULE OTHER THAN SCHEDULE I, PURSUANT TO 21 U.S.C. SEC. 812 AND 21 CFR PART 1308, OR IS EXEMPT PURSUANT TO 21 CFR PART 1308;

(II) DISPENSED BY A PHARMACY OR PRESCRIPTION DRUG OUTLET REGISTERED BY THE STATE OF COLORADO, OR ADMINISTERED BY A PRACTITIONER, AS DEFINED IN SECTION 18-18-102 (29); AND

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

(III) POSSESSED ONLY BY A PERSON AUTHORIZED TO POSSESS A CONTROLLED SUBSTANCE PURSUANT TO SECTION 18-18-302.

(b) A PRESCRIPTION DRUG PRODUCT CONTAINING A SCHEDULE I CONTROLLED SUBSTANCE THAT IS APPROVED FOR PRESCRIPTION USE BY THE FEDERAL FOOD AND DRUG ADMINISTRATION MUST BE CONTROLLED IN COLORADO IN THE SAME MANNER AS THE PRODUCT IS CONTROLLED BY THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION PURSUANT TO 21 U.S.C. SEC. 812 AND 21 CFR PART 1308, OR IS EXEMPT PURSUANT TO 21 CFR PART 1308, THE PROVISIONS SET FORTH IN PART 1 OF ARTICLE 280 OF TITLE 12, AND PART 3 OF THIS ARTICLE 18. NOTHING IN THIS SECTION EXEMPTS A PERSON FROM ANY VIOLATION OF PART 4 OF THIS ARTICLE 18.

(c) THE DESIGNATION OR RESCHEDULING OF A PRESCRIPTION DRUG PRODUCT IN COLORADO IS AUTOMATICALLY AND IMMEDIATELY EFFECTIVE UPON THE EFFECTIVE DATE OF THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION'S DESIGNATION OR RESCHEDULING PURSUANT TO 21 U.S.C. SEC. 812 AND 21 CFR PART 1308, OR IS EXEMPT PURSUANT TO 21 CFR PART 1308.

(d) (I) THIS SUBSECTION (3) DOES NOT APPLY TO, OR AFFECT THE REGULATION OF OR LAWFUL ACTIONS OR CONDUCT CONCERNING:

(A) NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT;

(B) THE REGULATION OF OR LAWFUL ACTIONS OR CONDUCT PURSUANT TO ARTICLE 170 OF TITLE 12; OR

(C) THE REGULATION OF OR LAWFUL ACTIONS OR CONDUCT PURSUANT TO ARTICLE 50 OF TITLE 44.

(II) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "NATURAL MEDICINE" HAS THE MEANING SET FORTH IN SECTION 18-18-434 (12)(b).

(B) "NATURAL MEDICINE PRODUCT" HAS THE MEANING SET FORTH IN SECTION 18-18-434 (12)(c).

(e) (I) NOTHING IN THIS SUBSECTION (3) RESTRICTS OR OTHERWISE AFFECTS THE REGULATION OF OR ACCESS TO MARIJUANA OR MARIJUANA CONCENTRATE THAT IS AUTHORIZED PURSUANT TO SECTIONS 14 AND 16 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

(II) AS USED IN THIS SUBSECTION (3)(e), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "MARIJUANA" HAS THE MEANING SET FORTH IN SECTION 18-18-102 (18).

(B) "MARIJUANA CONCENTRATE" HAS THE MEANING SET FORTH IN SECTION 18-18-102 (19).

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 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 20, 2026