

CHAPTER 231

HUMAN SERVICES - BEHAVIORAL HEALTH

HOUSE BILL 26-1214

BY REPRESENTATIVE(S) English and Jackson, Bacon, Brown, Clifford, Lindsay, Nguyen;
also SENATOR(S) Amabile, Kolker, Coleman.

AN ACT

CONCERNING THE CONTINUATION OF THE COLORADO LICENSING OF CONTROLLED SUBSTANCES ACT, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2025 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (27)(a)(XI); and **add** (39) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.

(27) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2026:

~~(XI) The record-keeping, licensing, and central registry functions of the behavioral health administration in the department of human services relating to substance use disorder treatment programs under which controlled substances are compounded, administered, or dispensed in accordance with part 2 of article 80 of title 27;~~

(39) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2041:

(I) THE RECORD-KEEPING, LICENSING, AND CENTRAL REGISTRY FUNCTIONS OF THE BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES RELATING TO SUBSTANCE USE DISORDER TREATMENT PROGRAMS UNDER WHICH CONTROLLED SUBSTANCES ARE COMPOUNDED, ADMINISTERED, OR DISPENSED IN ACCORDANCE WITH PART 2 OF ARTICLE 80 OF TITLE 27;

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.

(b) THIS SUBSECTION (42) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2043.

SECTION 2. In Colorado Revised Statutes, 27-80-203, **amend** (23.3) and (23.5); **repeal** (9), (14), (15), (16), (22), (24), and (25); and **add** (16.3) as follows:

27-80-203. Definitions.

As used in this part 2, unless the context otherwise requires:

(9) ~~"Detoxification treatment" means a program for a short term of not more than three weeks for the administering or dispensing, in decreasing doses, of a controlled substance to a person with a substance use disorder while he or she is receiving appropriate supportive medical treatment, with the immediate goal being to render the person no longer dependent on the intake of any amount of a controlled substance.~~

(14) ~~"Maintenance treatment" means a program of more than six months' duration for the administering or dispensing of a controlled substance, approved for such use by federal law or regulation, to a person with a substance use disorder for the purpose of continuing his or her dependence upon a controlled substance in the course of conducting an authorized rehabilitation program for persons with substance use disorders, with a long-term goal of decreasing the person's controlled substance dependency and leading to his or her possible withdrawal.~~

(15) ~~"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 that is incapable of germination, if these items exist apart from any other item defined as "marijuana" in this subsection (15). "Marijuana" does not include marijuana concentrate as defined in subsection (16) of this section.~~

(16) ~~"Marijuana concentrate" means hashish, tetrahydrocannabinols, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of tetrahydrocannabinols.~~

(16.3) "MEDICALLY MANAGED TREATMENT" MEANS A PROGRAM OF CARE DESIGNED TO PROMOTE THE MEDICAL AND PSYCHIATRIC STABILITY OF AN INDIVIDUAL WITH A SUBSTANCE USE DISORDER BY ADDRESSING ACUTE PHYSIOLOGICAL SIGNS AND SYMPTOMS OF SUBSTANCE WITHDRAWAL OR THE ONGOING MANAGEMENT OF ADDICTION-RELATED SYMPTOMS AND MAY INCLUDE THE ADMINISTRATION OR DISPENSING OF ANY FORMULATION OF A CONTROLLED SUBSTANCE MEDICATION APPROVED UNDER FEDERAL LAW OR REGULATION AS PART OF TREATMENT FOR A SUBSTANCE USE DISORDER, WHICH MAY RANGE FROM SHORT-TERM INTOXICATION OR TREATMENT FOCUSING ON STABILIZING AND REDUCING IMMEDIATE PHYSIOLOGICAL SYMPTOMS TO LONG-TERM MEDICATION MANAGEMENT INTENDED TO DECREASE ILLICIT SUBSTANCE USE AND SUPPORT SUSTAINED RECOVERY. SERVICES PROVIDED AS PART OF MEDICALLY MANAGED TREATMENT ARE INTENDED TO BE INTEGRATED WITH BEHAVIORAL HEALTH

INTERVENTIONS THAT ADDRESS THE UNDERLYING FACTORS CONTRIBUTING TO THE SUBSTANCE USE DISORDER.

~~(22) "Production" or "produces" means the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.~~

~~(23.3) "Substance use disorder" means a physical or psychological dependence on a controlled substance that develops following the use of the controlled substance on a periodic or continuing basis and is demonstrated by appropriate observation and tests by a person licensed to practice medicine pursuant to article 240 of title 12~~ CHRONIC RELAPSING BRAIN DISEASE THAT IS DIAGNOSED BY A LICENSED PRACTITIONER QUALIFIED TO DIAGNOSE SUBSTANCE USE DISORDERS. "SUBSTANCE USE DISORDER" IS CHARACTERIZED BY RECURRENT USE OF ALCOHOL, DRUGS, OR BOTH, CAUSING CLINICALLY SIGNIFICANT IMPAIRMENT, INCLUDING HEALTH PROBLEMS, DISABILITY, AND FAILURE TO MEET MAJOR RESPONSIBILITIES AT WORK, SCHOOL, OR HOME.

~~(23.5) "Substance use disorder treatment program" means a program licensed pursuant to this part 2 for the detoxification, withdrawal, or maintenance treatment~~ MEDICALLY MANAGED TREATMENT of a person with a substance use disorder. "Substance use disorder treatment program" includes an opioid treatment program.

~~(24) (a) "Tetrahydrocannabinols" means synthetic equivalents of the substances contained in the plant, or in the resinous extractives of, cannabis, sp., or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, such as the following:~~

- ~~(f) ⁺cis or trans tetrahydrocannabinol, and their optical isomers;~~
- ~~(ff) ^ecis or trans tetrahydrocannabinol, and their optical isomers;~~
- ~~(fff) ³⁺cis or trans tetrahydrocannabinol, and their optical isomers.~~

~~(b) Since the nomenclature of the substances listed in paragraph (a) of this subsection (24) is not internationally standardized, compounds of these structures, regardless of the numerical designation of atomic positions, are included in this definition.~~

~~(25) "Withdrawal treatment" means a program for an intermediate term, of more than three weeks but less than six months, for the administering or dispensing, in decreasing doses, of a controlled substance, approved for such use by federal law or regulation, to a person with a substance use disorder while receiving rehabilitative measures as indicated, with the immediate goal being to render the person with the substance use disorder no longer dependent on the intake of any amount of a controlled substance.~~

SECTION 3. In Colorado Revised Statutes, 27-80-204, **amend** (1)(b)(I) as follows:

27-80-204. License required - controlled substances - repeal.

(1) (b) (I) This subsection (1) is repealed, effective ~~September 1, 2026~~ SEPTEMBER 1, 2041.

SECTION 4. In Colorado Revised Statutes, 27-80-213, **amend** (2) as follows:

27-80-213. Rules - policies.

(2) The BHA shall ~~promulgate~~ ADOPT rules, in accordance with article 4 of title 24, for the conduct of ~~detoxification treatment, maintenance treatment, and withdrawal treatment programs for substance use disorders related to controlled substances~~ MEDICALLY MANAGED TREATMENT.

SECTION 5. In Colorado Revised Statutes, 27-80-215, **amend** (1)(a) and (3)(a) as follows:

27-80-215. Central registry - registration required - notice - repeal.

(1) (a) On or before July 1, 2020, the BHA shall develop or procure a secure online central registry, referred to in this section as the "registry", to register patients treated in a ~~substance use disorder~~ OPIOID treatment program.

(3) (a) This section is repealed, effective ~~September 1, 2026~~ SEPTEMBER 1, 2041.

SECTION 6. In Colorado Revised Statutes, **amend** 27-80-216 as follows:

27-80-216. Policy verifying identity.

The BHA shall establish a policy on how a ~~substance use disorder~~ AN OPIOID treatment program must verify the identity of individuals initiating into ~~detoxification, withdrawal, or maintenance treatment~~ MEDICALLY MANAGED TREATMENT for a substance use disorder. The BHA policy must include verification requirements for individuals without identification and individuals experiencing homelessness.

SECTION 7. In Colorado Revised Statutes, 12-280-119, **amend** (14) as follows:

12-280-119. Registration of facilities - rules.

(14) The board shall not issue a registration under this section to a manufacturer or distributor of marijuana or marijuana concentrate, as those terms are defined in ~~section 27-80-203 (15) and (16), respectively~~ SECTION 18-18-102.

SECTION 8. In Colorado Revised Statutes, 18-8-204, **amend** (2) introductory portion and (2)(q) as follows:

18-8-204. Introducing contraband in the second degree - definition.

(2) As used in this section, "contraband" means any of the following, but does not include ~~any~~ AN article or thing referred to in section 18-8-203:

(q) Marijuana or marijuana concentrate, as those terms are defined in ~~section 27-80-203 (15) and (16)~~ SECTION 18-18-102, EXCEPT THAT, FOR THE PURPOSES OF THIS SECTION 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 ARE "MARIJUANA".

SECTION 9. In Colorado Revised Statutes, 35-61-101, **amend** (5) as follows:

35-61-101. Definitions.

As used in this article 61, unless the context otherwise requires:

(5) "Delta-9 tetrahydrocannabinols" or "delta-9 THC" has the same meaning as "tetrahydrocannabinols" as set forth in ~~section 27-80-203 (24)~~ SECTION 18-18-102. Delta-9 THC is the primary psychoactive component of cannabis. ~~For purposes of~~ AS USED IN this article 61, the terms "delta-9 THC" and "THC" are interchangeable.

SECTION 10. 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: May 29, 2026