

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0659.01 Michael Dohr x4347

**HOUSE BILL 18-1187**

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**HOUSE SPONSORSHIP**

**Buckner and Landgraf,**

**SENATE SPONSORSHIP**

**Cooke and Moreno,**

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**House Committees**

Public Health Care & Human Services

**Senate Committees**

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**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.**

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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 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.

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

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

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

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

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

25 **18-18-102. Definitions.** As used in this ~~article~~ **ARTICLE 18:**

26 (18) (a) "Marijuana" means all parts of the plant *cannabis sativa*

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

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

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

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

21 **SECTION 3. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August  
24 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
25 referendum petition is filed pursuant to section 1 (3) of article V of the  
26 state constitution against this act or an item, section, or part of this act  
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in  
2 November 2018 and, in such case, will take effect on the date of the  
3 official declaration of the vote thereon by the governor.