

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 19-0042.01 Michael Dohr x4347

SENATE BILL 19-013

SENATE SPONSORSHIP

Marble and Ginal, Coram, Crowder, Fenberg, Gonzales, Moreno, Tate, Todd

HOUSE SPONSORSHIP

Hooton and Ransom,

Senate Committees
Health & Human Services

House Committees
Health & Insurance

A BILL FOR AN ACT

101 **CONCERNING THE CONDITIONS FOR MEDICAL MARIJUANA USE FOR**
102 **DISABLING MEDICAL CONDITIONS, AND, IN CONNECTION**
103 **THEREWITH, ADDING A CONDITION FOR WHICH A PHYSICIAN**
104 **COULD PRESCRIBE AN OPIOID TO THE LIST OF DISABLING**
105 **MEDICAL CONDITIONS FOR MEDICAL MARIJUANA USE.**

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 adds a condition for which a physician could prescribe an opiate to the list of disabling medical conditions that authorize a person

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.

SENATE
3rd Reading Unamended
February 12, 2019

SENATE
Amended 2nd Reading
February 11, 2019

to use medical marijuana for his or her condition. Under current law, a child under 18 years of age who wants to be added to the medical marijuana registry for a disabling medical condition must be diagnosed as having a disabling medical condition by 2 physicians, one of whom must be a board-certified pediatrician, a board-certified family physician, or a board-certified child and adolescent psychiatrist who attests that he or she is part of the patient's primary care provider team. The bill removes the additional requirements on specific physicians to align with the constitutional provisions for a debilitating medical condition.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-106, **amend**
3 (2)(a.7) and (2.5)(i)(I); and **add (2.5)(j)** as follows:

4 **25-1.5-106. Medical marijuana program - powers and duties**
5 **of state health agency - rules - medical review board - medical**
6 **marijuana program cash fund - subaccount - created - repeal.**

7 (2) **Definitions.** In addition to the definitions set forth in section 14 (1)
8 of article XVIII of the state constitution, as used in this section, unless the
9 context otherwise requires:

10 (a.7) "Disabling medical condition" means:

11 (I) Post-traumatic stress disorder as diagnosed by a licensed
12 mental health provider or physician; **OR**

13 (II) A CONDITION FOR WHICH A PHYSICIAN COULD PRESCRIBE AN
14 **OPIOID.**

15 (2.5) (i) Notwithstanding the provisions of this subsection (2.5),
16 no patient with a disabling medical condition who is under eighteen years
17 of age shall engage in the medical use of marijuana unless:

18 (I) Two physicians ~~one of whom must be a board-certified~~
19 ~~pediatrician, a board-certified family physician, or a board-certified child~~
20 ~~and adolescent psychiatrist and attest that he or she is part of the patient's~~

1 ~~primary care provider team, have diagnosed the patient as having a~~
2 ~~disabling medical condition~~ HAVE DIAGNOSED THE PATIENT AS HAVING A
3 DISABLING MEDICAL CONDITION. IF THE RECOMMENDING PHYSICIAN IS NOT
4 THE PATIENT'S PRIMARY CARE PHYSICIAN, THE RECOMMENDING PHYSICIAN
5 SHALL REVIEW THE RECORDS OF A DIAGNOSING PHYSICIAN OR A LICENSED
6 MENTAL HEALTH PROVIDER ACTING WITHIN THEIR SCOPE OF PRACTICE.

7 (j) A PATIENT WITH A DISABLING MEDICAL CONDITION WHO IS
8 UNDER EIGHTEEN YEARS OF AGE SHALL USE MEDICAL MARIJUANA ONLY IN
9 A NONSMOKEABLE FORM WHEN USING MEDICAL MARIJUANA UPON THE
10 GROUND OF THE PRESCHOOL OR PRIMARY OR SECONDARY SCHOOL IN
11 WHICH THE STUDENT IS ENROLLED, OR UPON A SCHOOL BUS OR AT A
12 SCHOOL-SPONSORED EVENT.

13 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-106, **amend**
14 **as amended by House Bill 19-1028 (2)(a.7)** as follows:

15 **25-1.5-106. Medical marijuana program - powers and duties**
16 **of state health agency - rules - medical review board - medical**
17 **marijuana program cash fund - subaccount - created - repeal.**

18 **(2) Definitions.** In addition to the definitions set forth in section 14 (1)
19 of article XVIII of the state constitution, as used in this section, unless the
20 context otherwise requires:

21 (a.7) "Disabling medical condition" means:

22 (I) Post-traumatic stress disorder as diagnosed by a licensed
23 mental health provider or physician; ~~and~~ OR

24 (II) An autism spectrum disorder as diagnosed by a primary care
25 physician, physician with experience in autism spectrum disorder, or
26 licensed mental health provider acting within their scope of practice.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2020 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.