

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

SECOND ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0046.01 Michael Dohr x4347

HOUSE BILL 19-1028

HOUSE SPONSORSHIP

Hooton and Ransom, Baisley, Van Winkle

SENATE SPONSORSHIP

Coram and Fenberg, Marble

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONDITIONS FOR MEDICAL MARIJUANA USE FOR**
102 **DISABLING MEDICAL CONDITIONS, AND, IN CONNECTION**
103 **THEREWITH, ADDING AUTISM SPECTRUM DISORDERS TO THE LIST**
104 **OF DISABLING MEDICAL CONDITIONS FOR MEDICAL MARIJUANA**
105 **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 autism spectrum disorders to the list of disabling medical conditions that authorize a person to use medical marijuana for

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.

HOUSE
2nd Reading Amended
February 6, 2019

HOUSE
2nd Reading Unamended
January 25, 2019

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.

The bill encourages the state board of health when awarding marijuana study grants to prioritize grants to gather objective scientific research regarding the efficacy and the safety of administering medical marijuana for pediatric conditions, including but not limited to autism spectrum disorder.

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) 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; AND

13 (II) AN AUTISM SPECTRUM DISORDER AS DIAGNOSED BY A PRIMARY
14 CARE PHYSICIAN, PHYSICIAN WITH EXPERIENCE IN AUTISM SPECTRUM
15 DISORDER, OR LICENSED MENTAL HEALTH PROVIDER ACTING WITHIN THEIR
16 SCOPE OF PRACTICE.

17 (2.5) (i) Notwithstanding the provisions of this subsection (2.5),

1 no patient with a disabling medical condition who is under eighteen years
2 of age shall engage in the medical use of marijuana unless:

3 (I) ~~Two physicians one of whom must be a board-certified~~
4 ~~pediatrician, a board-certified family physician, or a board-certified child~~
5 ~~and adolescent psychiatrist and attest that he or she is part of the patient's~~
6 ~~primary care provider team, have diagnosed the patient as having a~~
7 ~~disabling medical condition~~ HAVE DIAGNOSED THE PATIENT AS HAVING
8 A DISABLING MEDICAL CONDITION. IF THE RECOMMENDING PHYSICIAN IS
9 NOT THE PATIENT'S PRIMARY CARE PHYSICIAN, THE RECOMMENDING
10 PHYSICIAN SHALL REVIEW THE RECORDS OF A DIAGNOSING PHYSICIAN OR
11 A LICENSED MENTAL HEALTH PROVIDER ACTING WITHIN THEIR SCOPE OF
12 PRACTICE.

13 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-106.5, **amend**
14 (3)(b)(I) as follows:

15 **25-1.5-106.5. Medical marijuana health research grant**
16 **program. (3) Review of applications. (b) Grant approval. (I)** The
17 council shall submit recommendations for grants to the state board of
18 health. The state board of health shall approve or disapprove of grants
19 submitted by the council. THE STATE BOARD OF HEALTH IS ENCOURAGED
20 TO PRIORITIZE GRANTS TO GATHER OBJECTIVE SCIENTIFIC RESEARCH
21 REGARDING THE EFFICACY AND THE SAFETY OF ADMINISTERING MEDICAL
22 MARIJUANA FOR OVARIAN CANCER; DEMENTIA; PEDIATRIC CONDITIONS,
23 INCLUDING BUT NOT LIMITED TO AUTISM SPECTRUM DISORDER; AND OTHER
24 CONDITIONS THAT THE STATE BOARD DEEMS SUITABLE. If the state board
25 of health disapproves a recommendation, the council may submit a
26 replacement recommendation within thirty days.

27 **SECTION 3. 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, and safety.