

CHAPTER 282

REVENUE - ACTIVITIES REGULATION

SENATE BILL 19-013

BY SENATOR(S) Marble and Ginal, Coram, Crowder, Fenberg, Gonzales, Moreno, Tate, Todd;
also REPRESENTATIVE(S) Hooton and Ransom, Bird, Duran, Esgar, Gray, Herod, Jaquez Lewis, Kennedy, Kraft-Tharp, Melton,
Roberts, Singer, Snyder, Valdez A.

AN ACT

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

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

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

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal. (2) Definitions. In addition to the definitions set forth in section 14 (1) of article XVIII of the state constitution, as used in this section, unless the context otherwise requires:

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

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

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

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

(I) Two physicians ~~one of whom must be a board-certified pediatrician, a~~

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.

~~board-certified family physician, or a board-certified child and adolescent psychiatrist and attest that he or she is part of the patient's primary care provider team, have diagnosed the patient as having a disabling medical condition~~ HAVE DIAGNOSED THE PATIENT AS HAVING A DISABLING MEDICAL CONDITION. IF THE RECOMMENDING PHYSICIAN IS NOT THE PATIENT'S PRIMARY CARE PHYSICIAN, THE RECOMMENDING PHYSICIAN SHALL REVIEW THE RECORDS OF A DIAGNOSING PHYSICIAN OR A LICENSED MENTAL HEALTH PROVIDER ACTING WITHIN THEIR SCOPE OF PRACTICE.

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

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

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal. (2) Definitions. In addition to the definitions set forth in section 14 (1) of article XVIII of the state constitution, as used in this section, unless the context otherwise requires:

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

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

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

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 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 23, 2019