

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0659.01 Michael Dohr x4347

HOUSE BILL 18-1187

HOUSE SPONSORSHIP

Buckner and Landgraf,

SENATE SPONSORSHIP

Cooke and Moreno,

House Committees

Public Health Care & Human Services

Senate Committees

Business, Labor, & Technology

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.**

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.

SENATE
3rd Reading Unamended
April 24, 2018

SENATE
2nd Reading Unamended
April 23, 2018

HOUSE
3rd Reading Unamended
April 5, 2018

HOUSE
Amended 2nd Reading
April 4, 2018

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.