

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

PREAMENDED

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

LLS NO. 26-0114.02 Jacob Baus x2173

SENATE BILL 26-031

SENATE SPONSORSHIP

Lindstedt and Rich,

HOUSE SPONSORSHIP

Camacho and Soper,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE LAWFUL USE OF A PRESCRIPTION DRUG PRODUCT**
102 **CONTAINING A SCHEDULE I CONTROLLED SUBSTANCE.**

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 exempts from schedule I a prescription drug product containing the schedule I controlled substance (product) if the product is:

- Approved for prescription use by the United States food and drug administration; and
- Designated or rescheduled by the United States drug enforcement agency (DEA).

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The exemption applies upon the DEA's designation or rescheduling.

The bill requires that the product be controlled in Colorado in the same manner as the product is controlled by the DEA.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that it is in the best interests of the people of Colorado that
4 health-care professionals in Colorado are able to treat patients with
5 medicine that is approved by the federal food and drug administration for
6 prescription use.

7 **SECTION 2.** In Colorado Revised Statutes, 18-18-203, **add** (3)
8 as follows:

9 **18-18-203. Schedule I.**

10 (3) (a) NOTWITHSTANDING SUBSECTION (1) OR (2) OF THIS
11 SECTION, A CONTROLLED SUBSTANCE LISTED ON SCHEDULE I PURSUANT TO
12 THIS SECTION DOES NOT INCLUDE A PRESCRIPTION DRUG PRODUCT
13 CONTAINING THE SCHEDULE I CONTROLLED SUBSTANCE IF THE
14 PRESCRIPTION DRUG PRODUCT IS:

15 (I) APPROVED FOR PRESCRIPTION USE BY THE FEDERAL FOOD AND
16 DRUG ADMINISTRATION AND DESIGNATED OR RESCHEDULED BY THE
17 FEDERAL DRUG ENFORCEMENT ADMINISTRATION ON A SCHEDULE OTHER
18 THAN SCHEDULE I, PURSUANT TO 21 U.S.C. SEC. 812 AND 21 CFR PART
19 1308, OR IS EXEMPT PURSUANT TO 21 CFR PART 1308;

20 (II) DISPENSED BY A PHARMACY OR PRESCRIPTION DRUG OUTLET
21 REGISTERED BY THE STATE OF COLORADO, OR ADMINISTERED BY A
22 PHYSICIAN LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12; AND

23 (III) POSSESSED ONLY BY A PERSON AUTHORIZED TO POSSESS A

1 CONTROLLED SUBSTANCE PURSUANT TO SECTION 18-18-302.

2 (b) A PRESCRIPTION DRUG PRODUCT CONTAINING A SCHEDULE I
3 CONTROLLED SUBSTANCE THAT IS APPROVED FOR PRESCRIPTION USE BY
4 THE FEDERAL FOOD AND DRUG ADMINISTRATION MUST BE CONTROLLED IN
5 COLORADO IN THE SAME MANNER AS THE PRODUCT IS CONTROLLED BY
6 THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION PURSUANT TO 21
7 U.S.C. SEC. 812 AND 21 CFR PART 1308, OR IS EXEMPT PURSUANT TO 21
8 CFR PART 1308, THE PROVISIONS SET FORTH IN PART 1 OF ARTICLE 280 OF
9 TITLE 12, AND PART 3 OF THIS ARTICLE 18. NOTHING IN THIS SECTION
10 EXEMPTS A PERSON FROM ANY VIOLATION OF PART 4 OF THIS ARTICLE 18.

11 (c) THE DESIGNATION OR RESCHEDULING OF A PRESCRIPTION DRUG
12 PRODUCT IN COLORADO IS AUTOMATICALLY AND IMMEDIATELY EFFECTIVE
13 UPON THE EFFECTIVE DATE OF THE FEDERAL DRUG ENFORCEMENT
14 ADMINISTRATION'S DESIGNATION OR RESCHEDULING PURSUANT TO 21
15 U.S.C. SEC. 812 AND 21 CFR PART 1308, OR IS EXEMPT PURSUANT TO 21
16 CFR PART 1308.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2026 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.