

**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. 26-0411.01 Renee Leone x2695

SENATE BILL 26-007

SENATE SPONSORSHIP

Mullica,

HOUSE SPONSORSHIP

Lieder and Feret,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF MEDICAL MARIJUANA BY TERMINALLY ILL**
102 **PATIENTS IN HEALTH FACILITIES.**

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 mandates that a health facility allow patients who are terminally ill and who are registered in the state's medical marijuana program to use medical marijuana within the health facility, subject to certain parameters. The bill requires that a health facility develop guidelines for the use of medical marijuana and impose restrictions on the usage and storage of medical marijuana to ensure the safety of others,

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.

safe facility operations, and compliance with other laws.

The bill prohibits the department of public health and environment from requiring compliance with the bill as a condition for a health facility to obtain or renew a license or certification that it is required to carry to operate as a health facility. Lastly, the bill allows a health facility to suspend compliance with the bill's provisions in the event that, and only as long as, a listed federal entity takes an action that requires the health facility to suspend its compliance with the bill.

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

SECTION 1. In Colorado Revised Statutes, **add** 25-1.5-106.1 as follows:

25-1.5-106.1. Medical marijuana use in health facilities - short title - definitions.

(1) **Short title.** THE SHORT TITLE OF THIS SECTION IS "RYAN'S LAW".

(2) **Definitions.**

(a) IN ADDITION TO THE DEFINITIONS SET FORTH IN SECTION 14 (1) OF ARTICLE XVIII OF THE STATE CONSTITUTION AND IN SECTION 25-1.5-106 (2), AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "HEALTH FACILITY" MEANS A FACILITY LICENSED OR CERTIFIED PURSUANT TO SECTION 25-1.5-103 (1) OR ARTICLE 3 OF THIS TITLE 25.

(II) "TERMINALLY ILL" OR "TERMINAL ILLNESS" HAS THE MEANING SET FORTH IN SECTION 25-45-103 (3).

(b) DEFINITIONS IN SECTION 25-1.5-106 (2) APPLY TO TERMS AS THEY ARE USED IN THIS SECTION.

(3) WHEN A PATIENT WHO IS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM, PURSUANT TO SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, HAS A TERMINAL ILLNESS AND IS CHECKED IN

1 TO OR RESIDING AT A HEALTH FACILITY, THE HEALTH FACILITY MAY
2 ALLOW THE PATIENT TO USE MEDICAL MARIJUANA IN A MANNER THAT:

3 (a) DOES NOT INVOLVE SMOKING OR VAPING;
4 (b) IS IN ACCORDANCE WITH THE PATIENT'S PRESCRIPTION OR
5 PHYSICIAN RECOMMENDATION MADE PURSUANT TO SECTION 25-1.5-106
6 (5); AND

7 (c) IS IN ACCORDANCE WITH SECTION 14 OF ARTICLE XVIII OF THE
8 STATE CONSTITUTION.

9 (4) A HEALTH FACILITY THAT ALLOWS A PATIENT TO USE MEDICAL
10 MARIJUANA PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL:

11 (a) REQUIRE THE PATIENT OR THE PATIENT'S CAREGIVER TO
12 PROVIDE A COPY OF THE PATIENT'S VALID REGISTRY IDENTIFICATION CARD;

13 (b) DOCUMENT THE PATIENT'S MEDICAL MARIJUANA PROGRAM
14 REGISTRATION AND MEDICAL MARIJUANA USAGE IN THE PATIENT'S
15 MEDICAL RECORDS;

16 (c) DEVELOP AND DISSEMINATE WRITTEN GUIDELINES FOR THE
17 POSSESSION, USE, ADMINISTRATION, AND STORAGE OF MEDICAL
18 MARIJUANA WITHIN THE HEALTH FACILITY; AND

19 (d) REASONABLY RESTRICT THE MANNER IN WHICH A PATIENT MAY
20 POSSESS, USE, ADMINISTER, AND STORE MEDICAL MARIJUANA, INCLUDING
21 REQUIRING MEDICAL MARIJUANA TO BE STORED IN A LOCKED CONTAINER,
22 TO ENSURE:

23 (I) THE SAFETY OF THE HEALTH FACILITY'S OTHER PATIENTS,
24 GUESTS, AND EMPLOYEES;

25 (II) THE SAFE OPERATIONS OF THE HEALTH FACILITY; AND

26 (III) COMPLIANCE WITH OTHER STATE LAWS.

27 (5) A HEALTH FACILITY IS NOT REQUIRED TO STORE, SECURE,

1 INVENTORY, DISPENSE, LABEL, DOCUMENT, OR OTHERWISE HANDLE
2 MEDICAL MARIJUANA FOR A PATIENT.

3 (6) (a) A HEALTH FACILITY AND ITS EMPLOYEES ARE NOT LIABLE
4 FOR CONDUCT PERFORMED IN COMPLIANCE WITH THIS SECTION, SECTION
5 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, AND THE HEALTH
6 FACILITY'S GUIDELINES UNLESS SUCH CONDUCT IS PERFORMED
7 NEGLIGENTLY OR RECKLESSLY.

8 (b) A HEALTH FACILITY, ITS EMPLOYEES, AND ITS AGENTS ARE NOT
9 SUBJECT TO CIVIL, CRIMINAL, ADMINISTRATIVE, OR EMPLOYMENT
10 LIABILITY FOR PROHIBITING OR RESTRICTING THE POSSESSION, USE,
11 ADMINISTRATION, OR STORAGE OF MEDICAL MARIJUANA IN ACCORDANCE
12 WITH THE WRITTEN GUIDELINES DEVELOPED BY THE HEALTH FACILITY
13 PURSUANT TO SUBSECTION (4)(c) OF THIS SECTION.

14 (7) THE DEPARTMENT SHALL NOT REQUIRE COMPLIANCE WITH THIS
15 SECTION AS A CONDITION TO OBTAIN, RETAIN, OR RENEW A LICENSE OR
16 CERTIFICATION THAT IS REQUIRED FOR A HEALTH FACILITY TO OPERATE
17 PURSUANT TO SECTION 25-1.5-103.

18 (8) (a) A HEALTH FACILITY MAY SUSPEND COMPLIANCE WITH THIS
19 SECTION IF A FEDERAL REGULATORY AGENCY, THE FEDERAL CENTERS FOR
20 MEDICARE AND MEDICAID SERVICES, OR THE UNITED STATES DEPARTMENT
21 OF JUSTICE:

22 (I) INITIATES AN ENFORCEMENT ACTION AGAINST THE HEALTH
23 FACILITY RELATED TO THE HEALTH FACILITY'S COMPLIANCE WITH THE
24 MEDICAL MARIJUANA PROGRAM;

25 (II) ISSUES A REGULATION OR OTHERWISE PROVIDES NOTIFICATION
26 TO THE HEALTH FACILITY THAT EXPRESSLY PROHIBITS THE USE OF
27 MEDICAL MARIJUANA IN HEALTH FACILITIES; OR

1 (III) AFFIRMATIVELY PROHIBITS COMPLIANCE WITH THE MEDICAL
2 MARIJUANA PROGRAM.

3 (b) A HEALTH FACILITY THAT HAS SUSPENDED COMPLIANCE WITH
4 THIS SECTION PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION SHALL
5 RESUME COMPLIANCE WITH THIS SECTION UPON NOTIFICATION THAT IT
6 MAY DO SO FROM THE FEDERAL ENTITY THAT CAUSED THE SUSPENSION.

7 (9) THE DEPARTMENT SHALL NOT REQUIRE A HEALTH FACILITY TO
8 COMPLY WITH THIS SECTION IF SUCH COMPLIANCE WOULD RESULT IN:

9 (a) A VIOLATION OF STATE LAW;

10 (b) THE LOSS OF FEDERAL FUNDING TO THE STATE OR TO THE
11 HEALTH FACILITY;

12 (c) NONCOMPLIANCE BY THE HEALTH FACILITY WITH CONDITIONS
13 OF PARTICIPATION IN THE FEDERAL MEDICARE OR MEDICAID PROGRAMS;

14 OR

15 (d) NONCOMPLIANCE BY THE HEALTH FACILITY WITH ANY
16 ACCREDITATION OR LICENSING REQUIREMENTS.

17 (10) THIS SECTION DOES NOT REQUIRE A HEALTH FACILITY TO
18 PERMIT THE POSSESSION, USE, ADMINISTRATION, OR STORAGE OF MEDICAL
19 MARIJUANA ON THE PREMISES OF THE HEALTH FACILITY.

20 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-106, **amend**
21 (2) introductory portion as follows:

22 **25-1.5-106. Medical marijuana program - powers and duties**
23 **of state health agency - rules - enforcement - fees - medical marijuana**
24 **program cash fund - subaccount - "Ethan's Law" - definitions -**
25 **repeal.**

26 (2) **Definitions.** In addition to the definitions set forth in section
27 14 (1) of article XVIII of the state constitution, as used in this section

1 AND IN SECTION 25-1.5-106.1, unless the context otherwise requires:

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2026 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.