



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 23-0797
Prime Sponsors: Sen. Ginal

Date: February 21, 2023
Bill Status: Senate Health & Human Services
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Bill Topic: **PRESCRIPTION DRUGS FOR CHRONIC PAIN**

Summary of Fiscal Impact:

- | | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill allows health care providers to prescribe certain controlled substances to patients for the treatment of chronic pain. The bill minimally increases state workload beginning in FY 2023-24.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill allows a health care provider to prescribe, dispense, or administer certain controlled substances to patients with chronic pain caused by a diagnosed condition, with a few exceptions. A prescribing provider is not subject to disciplinary action by their regulator for prescribing medication, including in doses that exceed the recommended morphine milligram equivalent dosage or state or federal opioid prescribing guidelines.

The provider must keep records of the controlled substance, write accurate prescriptions, and prescribe according to the current standard of care. Before prescribing, providers must discuss the risks of using a controlled substance with the patient or their guardian. Providers also cannot taper a dosage to meet a predetermined dosage recommendation if the patient is stable, compliant with the treatment plan, and not experiencing harm from the current prescribed dosage.

The bill also prohibits providers from rejecting patients based on their required dosage of drug for chronic pain treatment, and pharmacists, health insurance carriers, and pharmacy benefit managers from refusing to fill a patient's required dosage.

State Expenditures

Beginning in FY 2023-24, workload for the Division of Professions and Occupations in the Department of Regulatory Agencies will increase to update policies, conduct rulemaking, and address complaints. Workload for state pharmacies and health care facilities may also increase to perform outreach and train staff on policy changes and additional record keeping responsibilities. These workload impacts are expected to be minimal and can be accomplished within existing appropriations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections
Human Services
Regulatory Agencies

Health Care Policy and Financing
Information Technology

Higher Education
Public Health and Environment