



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 21, 2023)

Drafting Number:	LLS 23-0797	Date:	March 22, 2023
Prime Sponsors:	Sen. Ginal Rep. Mabrey	Bill Status:	House Health & Insurance
		Fiscal Analyst:	Shukria Maktabi 303-866-4720 shukria.maktabi@coleg.gov

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: This revised fiscal note reflects the reengrossed 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. If a provider decides to taper or maintain a medication, they must provide an assessment of the patient's condition and treatment plan, and discuss the decision with the patient.

The bill also prohibits policies at health facilities and pharmacies that allow providers to reject patients based on their required dosage of drug for chronic pain treatment, and pharmacists, health insurance carriers, and pharmacy benefit managers to refuse 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