



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 22-0590	Date:	April 1, 2022
Prime Sponsors:	Rep. Neville; Ortiz Sen. Cooke; Ginal	Bill Status:	House HHS
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Bill Topic: FDA-APPROVED PRESCRIPTION MDMA DRUG USE

Summary of Fiscal Impact:

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

The bill allows federally approved prescription drugs containing MDMA to be treated like other prescription drugs. It may reduce state and local revenue and expenditures in future years.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, 3,4-methylenedioxymethamphetamine (MDMA) is a schedule I controlled substance. The bill specifies that prescription drugs containing MDMA, approved by the federal Food and Drug Administration (FDA), and placed on a schedule other than schedule I are legal to prescribe, dispense, transport, possess, and use in Colorado.

Background

As of writing, no prescription drugs containing MDMA have been approved by the FDA. Recent studies have suggested MDMA as a treatment for post-traumatic stress disorder, which could lead to the development of new prescription drugs in future years.

State Revenue and Expenditures

If a prescription drug containing MDMA is federally approved, and barring other changes in state or federal policy, individuals who possess or consume it would not be subject to state drug laws under the bill. This would potentially decrease criminal fines and court fees, which are subject to TABOR, by a minimal amount. Similarly, any decrease in workload and costs for the Judicial Department,

including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, are assumed to be minimal. The Department of Regulatory Agencies may also be required to update materials and perform education and outreach efforts to pharmacists and prescription drug outlets. No change in appropriations is required for any agency.

Local Government

Similar to the state, it is expected that any workload or cost decreases for district attorneys to prosecute fewer offenses, for county jails to imprison fewer individuals, or for municipal courts hear fewer petty offenses under the bill will be minimal. District attorney offices and county jails are funded by counties, while municipal courts are funded by cities.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

District Attorneys

Judicial