



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

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|-------------------------|---------------------------|------------------------|---|
| <b>Drafting Number:</b> | LLS 23-0797               | <b>Date:</b>           | June 30, 2023   |
| <b>Prime Sponsors:</b>  | Sen. Ginal<br>Rep. Mabrey | <b>Bill Status:</b>    | Signed into Law   |
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**Bill Topic:**                   **PRESCRIPTION DRUGS FOR CHRONIC PAIN**

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| <b>Summary of Fiscal Impact:</b> | <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 for the treatment of chronic pain. The bill minimally increases state workload beginning in FY 2023-24.

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**Appropriation Summary:**           No appropriation is required.

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**Fiscal Note Status:**                The fiscal note reflects the enacted bill.

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## 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 in accordance with legitimate medical purpose in the usual course of professional practice. 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 for 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**

This bill was signed into law by the Governor and took effect on May 4, 2023.

## **State and Local Government Contacts**

Corrections  
Human Services  
Regulatory Agencies

Health Care Policy and Financing  
Information Technology

Higher Education  
Public Health and Environment