

# COLORADO

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## Colorado State Statutes

### Title 18: Criminal Code

#### Article 18: Uniform Controlled Substances Act

#### Part 3: Regulation of Manufacture, Distribution, and Dispensing of Controlled Substances

#### Section 18-18-308

- (1) As used in this section, "medical treatment" includes dispensing or administering a narcotic drug for pain, including intractable pain.
- (2) A person may dispense a controlled substance only as provided in this section.
- (3) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a substance included in schedule II may not be dispensed without the written prescription of a practitioner.
- (4) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a substance included in schedule III, IV, or V may not be dispensed without a written or oral prescription order of a practitioner. The prescription order must not be filled or refilled more than six months after the date thereof or be refilled more than five times.
- (5) A practitioner may dispense or deliver a controlled substance to or for an individual or animal only for medical treatment or authorized research in the ordinary course of that practitioner's profession.
- (6) No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

Source: L. 92: Entire article R&RE, p. 353, § 1, effective July 1. L.96 amended, p. 1427, § 17, effective July 1.

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## HOUSE BILL 97-1188

### An Act

BY REPRESENTATIVES Dean, Faatz, Morrison, Bacon, Clarke, Epps, Keller, Kreutz, Lamborn, Leyba, Mace, Paschall, Tucker, Tupa, Udall, and Veiga; also SENATORS Wattenberg, Bishop, Chlouber, Hernandez, J. Johnson, Linkhart, Martinez, Pascoe, Phillips, Rupert, and Wham.

CONCERNING THE PROHIBITION OF DISCIPLINING A PHYSICIAN SOLELY FOR THE

PRESCRIPTION OF MEDICATIONS TO TREAT INTRACTABLE PAIN.

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

**SECTION 1.** 12-36-117, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-36-117. Unprofessional conduct.** (1.5) (a) A physician shall not be subject to disciplinary action by the Board solely for prescribing controlled substances for the relief of intractable pain.

(b) For the purposes of this subsection (1.5), "intractable pain" means a pain state in which the cause of the pain cannot be removed and which in the generally accepted course of medical practice no relief or cure of the cause of the pain is possible or none has been found after reasonable efforts including, but not limited to, evaluation by the attending physician and one or more physicians specializing in the treatment of the area, system, or organ of the body perceived as the source of the pain.

**SECTION 2. Effective date - applicability.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people shall take effect of the date of the official declaration of the vote thereon by proclamation of the governor. This act shall apply to disciplinary actions originating on or after the effective date of this act.

Approved April 21, 1997.

Effective August 6, 1997.