

An Act

SENATE BILL 26-007

BY SENATOR(S) Mullica, Cutter, Hinrichsen, Marchman, Coleman;
also REPRESENTATIVE(S) Lieder and Feret, Bacon, Boesenecker, Carter,
Duran, Froelich, Gonzalez R., Hamrick, Lindsay, Nguyen, Phillips, Rutinel.

CONCERNING THE USE OF MEDICAL MARIJUANA BY TERMINALLY ILL
PATIENTS IN HEALTH FACILITIES.

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

SECTION 1. In Colorado Revised Statutes, **add** 25-1.5-106.1 as follows:

25-1.5-106.1. Medical marijuana use in health facilities - short title - definitions.

(1) **Short title.** THE SHORT TITLE OF THIS SECTION IS "RYAN'S LAW".

(2) **Definitions.**

(a) IN ADDITION TO THE DEFINITIONS SET FORTH IN SECTION 14(1) OF ARTICLE XVIII OF THE STATE CONSTITUTION AND IN SECTION 25-1.5-106(2), AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) "HEALTH FACILITY" MEANS A FACILITY LICENSED OR CERTIFIED PURSUANT TO SECTION 25-1.5-103 (1) OR ARTICLE 3 OF THIS TITLE 25.

(II) "TERMINALLY ILL" OR "TERMINAL ILLNESS" HAS THE MEANING SET FORTH IN SECTION 25-45-103 (3).

(b) DEFINITIONS IN SECTION 25-1.5-106 (2) APPLY TO TERMS AS THEY ARE USED IN THIS SECTION.

(3) WHEN A PATIENT WHO IS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM, PURSUANT TO SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, HAS A TERMINAL ILLNESS AND IS CHECKED IN TO OR RESIDING AT A HEALTH FACILITY, THE HEALTH FACILITY MAY ALLOW THE PATIENT TO USE MEDICAL MARIJUANA IN A MANNER THAT:

(a) DOES NOT INVOLVE SMOKING OR VAPING;

(b) IS IN ACCORDANCE WITH THE PATIENT'S PRESCRIPTION OR PHYSICIAN RECOMMENDATION MADE PURSUANT TO SECTION 25-1.5-106 (5); AND

(c) IS IN ACCORDANCE WITH SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

(4) A HEALTH FACILITY THAT ALLOWS A PATIENT TO USE MEDICAL MARIJUANA PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL:

(a) REQUIRE THE PATIENT OR THE PATIENT'S CAREGIVER TO PROVIDE A COPY OF THE PATIENT'S VALID REGISTRY IDENTIFICATION CARD;

(b) DOCUMENT THE PATIENT'S MEDICAL MARIJUANA PROGRAM REGISTRATION AND MEDICAL MARIJUANA USAGE IN THE PATIENT'S MEDICAL RECORDS;

(c) DEVELOP AND DISSEMINATE WRITTEN GUIDELINES FOR THE POSSESSION, USE, ADMINISTRATION, AND STORAGE OF MEDICAL MARIJUANA WITHIN THE HEALTH FACILITY; AND

(d) REASONABLY RESTRICT THE MANNER IN WHICH A PATIENT MAY

POSSESS, USE, ADMINISTER, AND STORE MEDICAL MARIJUANA, INCLUDING REQUIRING MEDICAL MARIJUANA TO BE STORED IN A LOCKED CONTAINER, TO ENSURE:

(I) THE SAFETY OF THE HEALTH FACILITY'S OTHER PATIENTS, GUESTS, AND EMPLOYEES;

(II) THE SAFE OPERATIONS OF THE HEALTH FACILITY; AND

(III) COMPLIANCE WITH OTHER STATE LAWS.

(5) A HEALTH FACILITY IS NOT REQUIRED TO STORE, SECURE, INVENTORY, DISPENSE, LABEL, DOCUMENT, OR OTHERWISE HANDLE MEDICAL MARIJUANA FOR A PATIENT.

(6)(a) A HEALTH FACILITY AND ITS EMPLOYEES ARE NOT LIABLE FOR CONDUCT PERFORMED IN COMPLIANCE WITH THIS SECTION, SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, AND THE HEALTH FACILITY'S GUIDELINES UNLESS SUCH CONDUCT IS PERFORMED NEGLIGENTLY OR RECKLESSLY.

(b) A HEALTH FACILITY, ITS EMPLOYEES, AND ITS AGENTS ARE NOT SUBJECT TO CIVIL, CRIMINAL, ADMINISTRATIVE, OR EMPLOYMENT LIABILITY FOR PROHIBITING OR RESTRICTING THE POSSESSION, USE, ADMINISTRATION, OR STORAGE OF MEDICAL MARIJUANA IN ACCORDANCE WITH THE WRITTEN GUIDELINES DEVELOPED BY THE HEALTH FACILITY PURSUANT TO SUBSECTION (4)(c) OF THIS SECTION.

(7) THE DEPARTMENT SHALL NOT REQUIRE COMPLIANCE WITH THIS SECTION AS A CONDITION TO OBTAIN, RETAIN, OR RENEW A LICENSE OR CERTIFICATION THAT IS REQUIRED FOR A HEALTH FACILITY TO OPERATE PURSUANT TO SECTION 25-1.5-103.

(8)(a) A HEALTH FACILITY MAY SUSPEND COMPLIANCE WITH THIS SECTION IF A FEDERAL REGULATORY AGENCY, THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, OR THE UNITED STATES DEPARTMENT OF JUSTICE:

(I) INITIATES AN ENFORCEMENT ACTION AGAINST THE HEALTH FACILITY RELATED TO THE HEALTH FACILITY'S COMPLIANCE WITH THE

MEDICAL MARIJUANA PROGRAM;

(II) ISSUES A REGULATION OR OTHERWISE PROVIDES NOTIFICATION TO THE HEALTH FACILITY THAT EXPRESSLY PROHIBITS THE USE OF MEDICAL MARIJUANA IN HEALTH FACILITIES; OR

(III) AFFIRMATIVELY PROHIBITS COMPLIANCE WITH THE MEDICAL MARIJUANA PROGRAM.

(b) A HEALTH FACILITY THAT HAS SUSPENDED COMPLIANCE WITH THIS SECTION PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION SHALL RESUME COMPLIANCE WITH THIS SECTION UPON NOTIFICATION THAT IT MAY DO SO FROM THE FEDERAL ENTITY THAT CAUSED THE SUSPENSION.

(9) THE DEPARTMENT SHALL NOT REQUIRE A HEALTH FACILITY TO COMPLY WITH THIS SECTION IF SUCH COMPLIANCE WOULD RESULT IN:

(a) A VIOLATION OF STATE LAW;

(b) THE LOSS OF FEDERAL FUNDING TO THE STATE OR TO THE HEALTH FACILITY;

(c) NONCOMPLIANCE BY THE HEALTH FACILITY WITH CONDITIONS OF PARTICIPATION IN THE FEDERAL MEDICARE OR MEDICAID PROGRAMS; OR

(d) NONCOMPLIANCE BY THE HEALTH FACILITY WITH ANY ACCREDITATION OR LICENSING REQUIREMENTS.

(10) THIS SECTION DOES NOT REQUIRE A HEALTH FACILITY TO PERMIT THE POSSESSION, USE, ADMINISTRATION, OR STORAGE OF MEDICAL MARIJUANA ON THE PREMISES OF THE HEALTH FACILITY.

SECTION 2. In Colorado Revised Statutes, 25-1.5-106, **amend** (2) introductory portion as follows:

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - enforcement - fees - medical marijuana program cash fund - subaccount - "Ethan's Law" - definitions - repeal.

(2) **Definitions.** In addition to the definitions set forth in section 14

(1) of article XVIII of the state constitution, as used in this section AND IN SECTION 25-1.5-106.1, unless the context otherwise requires:

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO