

Petitioning to Add Debilitating Medical Conditions to the Medical Use of Marijuana Regulations

Adding debilitating medical conditions is authorized and controlled by the Medical Use of Marijuana Regulations, 5 CCR 1006-2, Regulation 6(D). Physicians or patients may submit a petition in the form of a letter addressed to:

Christopher E. Urbina, M.D., Chief Medical Officer
Colorado Department of Public Health and Environment
EDO-A5
4300 Cherry Creek Drive South
Denver, CO 80246-1530

The petition should state that:

1. You are petitioning the department in accordance with 5 CCR 1006-2, Regulation 6(D), shown below.
2. State the specific debilitating medical condition(s) you are petitioning to add.
3. Include any specific scientific evidence supporting the addition of the condition(s). Scientific evidence includes peer-reviewed articles published in reputable scientific and medical journals.

The Department will notify you within 180 days of receipt of the petition whether it will ask the Board to hold a hearing to consider adding the proposed debilitating conditions. If the Department does ask the Board to hold a hearing, a public notice of such hearing will be issued pursuant to the Administrative Procedures Act and the Open Meetings Law.

Regulation 6: Debilitating medical conditions and the process for adding new debilitating medical conditions

- D. The department shall accept physician or patient petitions to add debilitating medical conditions to the list provided in paragraphs A and B of this regulation, and shall follow the following procedures in reviewing such petitions.
 1. Receipt of petition; review of medical literature. Upon receipt of a petition, the executive director, or his or her designee, shall review the information submitted in support of the petition and shall also conduct a search of the medical literature for peer-reviewed published literature of randomized controlled trials in humans concerning the use of marijuana for the condition that is the subject of the petition using PUBMED, the official search program for the National Library of Medicine and the National Institutes of Health, and the Cochrane Central Register of Controlled Trials.
 2. Department denial of petitions. The department shall deny a petition to add a debilitating medical condition within (180) days of receipt of such petition without any hearing of the board in all of the following circumstances:
 - a. If there are no peer-reviewed published studies of randomized controlled studies showing efficacy in humans for use of medical marijuana for the condition that is the subject of the petition;

- b. If there are peer-reviewed published studies of randomized controlled trials showing efficacy in humans for the condition that is the subject of the petition, and if there are studies that show harm, other than harm associated with smoking such as obstructive lung disease or lung cancer, and there are alternative, conventional treatments available for the condition;
 - c. If the petition seeks the addition of an underlying condition for which the associated symptoms that are already listed as debilitating medical conditions for which the use of medical marijuana is allowed, such as severe pain, are the reason for which medical marijuana is requested, rather than for improvement of the underlying condition; or
 - d. If a majority of the ad hoc medical advisory panel recommends denial of the petition in accord with paragraph (3) of this section D.
3. Ad hoc medical advisory panel.
- a. The department shall establish an ad hoc medical advisory panel to review petitions if the conditions for denial set forth in paragraphs (2)(a),(b) and (c) of this section D are not met.
 - b. Composition of the ad hoc medical advisory panel shall be as follows:
 - i. One physician in the appropriate field for the condition requested to be added who is recommended by the petitioner who meets appropriate qualifications with no objective evidence of bias;
 - ii. One physician in the appropriate field for the condition requested to be added who is recommended by the department who meets appropriate qualifications with no objective evidence of bias;
 - iii. One physician who recommends medical marijuana in his or her practice, who may be recommended by the petitioner;
 - iv. One physician in addiction medicine; and
 - v. The executive director or his or her designee, or, if the executive director is not a physician, the state chief medical officer.
 - c. The ad hoc medical advisory panel shall review the petition information presented to the department and any further medical research related to the condition requested, and make recommendations to the executive director, or his or her designee, regarding the petition.
 - d. If the department is unable to recruit participants for the ad hoc medical advisory panel, the department shall seek informal consultation from individuals meeting the criteria listed in this paragraph (2)(a).
4. Department requests for rulemaking hearings on petitions to add debilitating medical conditions. Within (120) days of receipt of a petition to add a debilitating medical condition, the department shall petition the board for a rulemaking hearing to consider adding the condition to the list of debilitating medical conditions if the ad hoc medical advisory panel recommends approval of the petition to add the condition.
5. Final agency action. The following actions are final agency actions, subject to judicial review pursuant to C.R.S. § 24-4-106:
- a. Department denials of petitions to add debilitating medical conditions.
 - b. Board of health denials of rules proposed by the department to add a condition to the list of debilitating medical conditions for the medical marijuana program.