

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 25, 2018
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB18-1286 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:
- 3 "SECTION 1. In Colorado Revised Statutes, 22-1-119.3, add
4 (3)(d.5) as follows:
- 5 **22-1-119.3. Policy for student possession and administration**
6 **of prescription medication - rules - definition.** (3) (d.5) (I) MEDICAL
7 MARIJUANA IN A NONSMOKEABLE FORM SHALL NOT BE ADMINISTERED AT
8 A SCHOOL PURSUANT TO THIS SUBSECTION (3)(d.5) UNLESS A WRITTEN
9 PLAN FOR THE ADMINISTRATION OF MEDICAL MARIJUANA IN A
10 NONSMOKEABLE FORM IS AGREED TO AND SIGNED BY THE SCHOOL
11 PRINCIPAL OR HIS OR HER DESIGNEE AND A PARENT OR LEGAL GUARDIAN.
- 12 (II) PRIOR TO THE ADMINISTRATION OF MEDICAL MARIJUANA IN A
13 NONSMOKEABLE FORM AT SCHOOL, THE STUDENT'S PARENT OR LEGAL
14 GUARDIAN SHALL COMPLETE AND SUBMIT TO THE SCHOOL THE
15 DOCUMENTATION REQUIRED BY RULE OF THE STATE BOARD OF
16 EDUCATION, INCLUDING BUT NOT LIMITED TO:
- 17 (A) A WRITTEN MEDICAL MARIJUANA RECOMMENDATION THAT
18 INCLUDES THE SIGNATURE OF ONE OF THE RECOMMENDING PHYSICIANS
19 AND THE PURPOSE, RECOMMENDED DOSAGE, FREQUENCY, AND LENGTH OF
20 TIME BETWEEN DOSAGES OF THE MEDICAL MARIJUANA IN A
21 NONSMOKEABLE FORM TO BE ADMINISTERED; AND
- 22 (B) A WRITTEN STATEMENT FROM THE STUDENT'S PARENT OR
23 LEGAL GUARDIAN RELEASING THE SCHOOL, AND EMPLOYEES AND
24 VOLUNTEERS OF THE SCHOOL, FROM LIABILITY, EXCEPT IN CASES OF

1 WILLFUL OR WANTON CONDUCT OR DISREGARD OF THE CRITERIA OF THE
2 TREATMENT PLAN.

3 (III) (A) SUBJECT TO THE REQUIREMENTS SPECIFIED IN
4 SUBSECTIONS (3)(d.5)(I) AND (3)(d.5)(II) OF THIS SECTION, SCHOOL
5 PERSONNEL MAY POSSESS, AND ADMINISTER TO A STUDENT WHO HOLDS A
6 VALID RECOMMENDATION FOR MEDICAL MARIJUANA, MEDICAL MARIJUANA
7 IN A NONSMOKEABLE FORM UPON THE GROUNDS OF THE PRESCHOOL OR
8 PRIMARY OR SECONDARY SCHOOL IN WHICH THE STUDENT IS ENROLLED, OR
9 UPON A SCHOOL BUS OR AT A SCHOOL-SPONSORED EVENT. THE SCHOOL
10 PERSONNEL SHALL NOT ADMINISTER THE NONSMOKEABLE MEDICAL
11 MARIJUANA IN A MANNER THAT CREATES DISRUPTION TO THE
12 EDUCATIONAL ENVIRONMENT OR CAUSES EXPOSURE TO OTHER STUDENTS.
13 IF A STUDENT WHO IS SUBJECT TO THE PROVISIONS OF THIS SUBSECTION
14 (3)(d.5) TAKES A SCHOOL TRIP OUTSIDE OF THE STATE OF COLORADO OR
15 PARTICIPATES IN A SCHOOL ACTIVITY OUTSIDE OF THE STATE OF
16 COLORADO, THE PROVISIONS OF THIS SUBSECTION (3)(d.5) DO NOT APPLY
17 FOR THE TIME DURING WHICH THE STUDENT IS ENGAGED IN THE TRIP OR
18 ACTIVITY OUTSIDE OF THE STATE OF COLORADO.

19 (B) NOTHING IN THIS SUBSECTION (3)(d.5) REQUIRES ANY SCHOOL
20 PERSONNEL TO ADMINISTER MEDICAL MARIJUANA. ADMINISTRATION OF
21 MEDICAL MARIJUANA IN A NONSMOKEABLE FORM IS AT THE DISCRETION OF
22 THE PARENT OR LEGAL GUARDIAN, THE SCHOOL PRINCIPAL OR HIS OR HER
23 DESIGNEE, OR THE DESIGNATED SCHOOL PERSONNEL.

24 (C) IT IS AN EXCEPTION FROM THE STATE'S CRIMINAL LAWS FOR
25 SCHOOL PERSONNEL TO POSSESS AND ADMINISTER MEDICAL MARIJUANA
26 IN A NONSMOKEABLE FORM IN COMPLIANCE WITH THIS SUBSECTION
27 (3)(d.5) TO A STUDENT WHO HOLDS A VALID RECOMMENDATION FOR
28 MEDICAL MARIJUANA, EXCEPT AS OTHERWISE PROVIDED IN SECTION
29 18-18-406.3.

30 (IV) A SCHOOL MAY ADOPT POLICIES REGARDING WHO MAY ACT
31 AS SCHOOL PERSONNEL PURSUANT TO THIS SUBSECTION (3)(d.5) AND THE
32 REASONABLE PARAMETERS OF THE ADMINISTRATION AND USE OF MEDICAL
33 MARIJUANA IN A NONSMOKEABLE FORM UPON THE GROUNDS OF THE
34 PRESCHOOL OR PRIMARY OR SECONDARY SCHOOL IN WHICH THE STUDENT
35 IS ENROLLED, OR UPON A SCHOOL BUS OR AT A SCHOOL-SPONSORED EVENT.

36 (V) THIS SUBSECTION (3)(d.5) DOES NOT APPLY TO A SCHOOL IF:

37 (A) THE SCHOOL CAN REASONABLY DEMONSTRATE THAT IT LOST
38 FEDERAL FUNDING, OR IS AT RISK OF LOSING FEDERAL FUNDING, AS A
39 RESULT OF IMPLEMENTING THIS SUBSECTION (3)(d.5); AND

40 (B) THE SCHOOL POSTS ON ITS WEBSITE IN A CONSPICUOUS PLACE
41 A STATEMENT REGARDING ITS DECISION NOT TO COMPLY WITH THIS

1 SUBSECTION (3)(d.5).

2 (VI) STUDENT POSSESSION, USE, DISTRIBUTION, OR SALE, OR A
3 STUDENT BEING UNDER THE INFLUENCE, OF A CANNABINOID PRODUCT
4 INCONSISTENT WITH THIS SUBSECTION (3)(d.5) IS NOT PERMITTED.

5 (VII) THE STUDENT'S PARENT, GUARDIAN, OR DESIGNEE SHALL
6 DELIVER THE STUDENT'S MEDICAL MARIJUANA IN A NONSMOKEABLE FORM,
7 IN A CONTAINER THAT CONTAINS CLEARLY LABELED INSTRUCTIONS OR THE
8 PLAN FOR ADMINISTRATION MUST CLEARLY SPECIFY INSTRUCTIONS FOR
9 THE DOSING, TIMING, AND DELIVERY ROUTE INSTRUCTIONS FROM ONE OF
10 THE STUDENT'S RECOMMENDING PHYSICIANS, TO THE PERSON DESIGNATED
11 BY THE SCHOOL AS THE PERSON WHO SECURES THE MEDICAL MARIJUANA
12 BEFORE THE STUDENT ATTENDS SCHOOL FOR THE SCHOOL DAY. THE
13 PERSON WHO SECURES THE MEDICAL MARIJUANA IN A NONSMOKEABLE
14 FORM SHALL PLACE THE MEDICAL MARIJUANA IN A LOCKED STORAGE
15 CONTAINER. AFTER THE SCHOOL PERSONNEL ADMINISTERS THE MEDICAL
16 MARIJUANA IN A NONSMOKEABLE FORM, THE SCHOOL PERSONNEL SHALL
17 PLACE THE MEDICAL MARIJUANA IN A LOCKED MEDICAL MARIJUANA
18 STORAGE CONTAINER DESIGNATED BY THE SCHOOL. THE PERSON WHO
19 SECURES THE MEDICAL MARIJUANA IN A NONSMOKEABLE FORM SHALL
20 RETURN ANY UNUSED MEDICAL MARIJUANA TO THE STUDENT'S PARENT,
21 GUARDIAN, OR DESIGNEE AT THE END OF EACH SCHOOL DAY. THE STUDENT
22 SHALL NOT HANDLE THE MEDICAL MARIJUANA IN A NONSMOKEABLE FORM
23 ON THE GROUNDS OF THE SCHOOL, SCHOOL BUS, OR SCHOOL-SPONSORED
24 EVENT.

25 (VIII) FOR PURPOSES OF THIS SUBSECTION (3)(d.5), "SCHOOL
26 PERSONNEL" MEANS SCHOOL PERSONNEL DESIGNATED BY AGREEMENT
27 BETWEEN THE PRINCIPAL OR HIS OR HER DESIGNEE AND A PARENT OR
28 LEGAL GUARDIAN.

29 **SECTION 2. Safety clause.** The general assembly hereby finds,
30 determines, and declares that this act is necessary for the immediate
31 preservation of the public peace, health, and safety."

32 Page 1, line 101, strike "A SCHOOL NURSE" and substitute "SCHOOL
33 PERSONNEL".

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