

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-0742.01 Michael Dohr x4347

HOUSE BILL 16-1373

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Holbert and Marble,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

Education

A BILL FOR AN ACT

101 CONCERNING REQUIRING SCHOOL DISTRICTS TO ADOPT A POLICY
102 PERMITTING THE USE OF MEDICAL MARIJUANA BY STUDENTS
103 AUTHORIZED TO USE MEDICAL MARIJUANA.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Under current law, a student with a medical marijuana recommendation is not permitted to use medical marijuana on school grounds, on a school bus, or at a school activity unless the district has adopted a policy permitting the use. The bill allows a student to use medical marijuana on school grounds, on a school bus, or at a school

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
May 2, 2016

HOUSE
3rd Reading Unamended
April 21, 2016

HOUSE
Amended 2nd Reading
April 20, 2016

activity and requires each school district to adopt a policy allowing the medical marijuana use. If the department of education or a public school loses any federal funding as a result of adopting the policy, the general assembly shall appropriate state money sufficient to offset the loss of federal money.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-1-119.3, **amend**
3 (3) (c); and **add** (3) (d), (3) (e), and (3) (f) as follows:

4 **22-1-119.3. Policy for student possession and administration**
5 **of prescription medication - rules.** (3) (c) A student shall not possess
6 or self-administer medical marijuana on school grounds, upon a school
7 bus, or at any school-sponsored event, ~~except that a school district may~~
8 ~~adopt a policy, in accordance with the requirements of this section, that~~
9 ~~authorizes a student's parent or a medical professional who accompanies~~
10 ~~a student to school, on the school bus, or to any school-sponsored event~~
11 ~~and assists the student with the administration of medical marijuana to~~
12 ~~possess and administer medical marijuana to the student in an appropriate~~
13 ~~location on school grounds, upon a school bus, or at any school-sponsored~~
14 ~~event. A policy permitting a parent or medical professional to administer~~
15 ~~medical marijuana to a student must require that the student hold a valid~~
16 ~~recommendation for medical marijuana, that the administering parent be~~
17 ~~the student's primary caregiver or that the administering medical~~
18 ~~professional be employed specifically to assist the student in~~
19 ~~administering medical marijuana, and that the location and method of~~
20 ~~administration of medical marijuana does not create significant risk to~~
21 ~~other students~~ AS PROVIDED FOR IN PARAGRAPH (d) OF THIS SUBSECTION
22 (3).

23 (d) (I) (A) A PRIMARY CAREGIVER MAY POSSESS, AND ADMINISTER

1 TO A STUDENT WHO HOLDS A VALID RECOMMENDATION FOR MEDICAL
2 MARIJUANA, MEDICAL MARIJUANA IN A NONSMOKEABLE FORM UPON THE
3 GROUNDS OF THE PRESCHOOL OR PRIMARY OR SECONDARY SCHOOL IN
4 WHICH THE STUDENT IS ENROLLED, OR UPON A SCHOOL BUS OR AT A
5 SCHOOL SPONSORED EVENT. THE PRIMARY CAREGIVER SHALL NOT
6 ADMINISTER THE NONSMOKEABLE MEDICAL MARIJUANA IN A MANNER
7 THAT CREATES DISRUPTION TO THE EDUCATIONAL ENVIRONMENT OR
8 CAUSES EXPOSURE TO OTHER STUDENTS.

9 (B) AFTER THE PRIMARY CAREGIVER ADMINISTERS THE MEDICAL
10 MARIJUANA IN A NONSMOKEABLE FORM, THE PRIMARY CAREGIVER SHALL
11 REMOVE ANY REMAINING MEDICAL MARIJUANA IN A NONSMOKEABLE
12 FORM FROM THE GROUNDS OF THE PRESCHOOL OR PRIMARY OR
13 SECONDARY SCHOOL, THE SCHOOL BUS, OR SCHOOL SPONSORED EVENT.

14 (II) NOTHING IN THIS SECTION REQUIRES THE SCHOOL DISTRICT
15 STAFF TO ADMINISTER MEDICAL MARIJUANA.

16 (III) A SCHOOL DISTRICT BOARD OF EDUCATION OR CHARTER
17 SCHOOL MAY ADOPT POLICIES REGARDING WHO MAY ACT AS A PRIMARY
18 CAREGIVER PURSUANT TO THIS PARAGRAPH (d) AND THE REASONABLE
19 PARAMETERS OF THE ADMINISTRATION AND USE OF MEDICAL MARIJUANA
20 IN A NONSMOKEABLE FORM UPON THE GROUNDS OF THE PRESCHOOL OR
21 PRIMARY OR SECONDARY SCHOOL IN WHICH THE STUDENT IS ENROLLED, OR
22 UPON A SCHOOL BUS OR AT A SCHOOL SPONSORED EVENT.

23 (IV) THIS PARAGRAPH (d) DOES NOT APPLY TO A SCHOOL DISTRICT
24 OR CHARTER SCHOOL IF:

25 (A) THE SCHOOL DISTRICT OR CHARTER SCHOOL LOSES FEDERAL
26 FUNDING AS A RESULT OF IMPLEMENTING THIS PARAGRAPH (d);

27 (B) THE SCHOOL DISTRICT OR CHARTER SCHOOL CAN REASONABLY

1 DEMONSTRATE THAT IT LOST FEDERAL FUNDING AS A RESULT OF
2 IMPLEMENTING THIS PARAGRAPH (d); AND

3 (C) THE SCHOOL DISTRICT OR CHARTER SCHOOL POSTS ON ITS
4 WEBSITE IN A CONSPICUOUS PLACE A STATEMENT REGARDING ITS DECISION
5 NOT TO COMPLY WITH THIS PARAGRAPH (d).

6 (V) STUDENT POSSESSION, USE, DISTRIBUTION, OR SALE OR BEING
7 UNDER THE INFLUENCE OF A CANNABINOID PRODUCT INCONSISTENT WITH
8 THIS PARAGRAPH (d) IS NOT PERMITTED.

9 (VI) THIS PARAGRAPH (d) SHALL BE KNOWN AS "JACK'S LAW".

10 (e) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-33-106(1)
11 (d) (II), A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT DISCIPLINE A
12 STUDENT WHO HOLDS A VALID RECOMMENDATION FOR MEDICAL
13 MARIJUANA SOLELY BECAUSE THE STUDENT REQUIRES MEDICAL
14 MARIJUANA IN A NONSMOKEABLE FORM AS A REASONABLE
15 ACCOMMODATION NECESSARY FOR THE CHILD TO ATTEND SCHOOL.

16 (f) A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT DENY
17 ELIGIBILITY TO ATTEND SCHOOL TO A STUDENT WHO HOLDS A VALID
18 RECOMMENDATION FOR MEDICAL MARIJUANA SOLELY BECAUSE THE
19 STUDENT REQUIRES MEDICAL MARIJUANA IN A NONSMOKEABLE FORM AS
20 A REASONABLE ACCOMMODATION NECESSARY FOR THE CHILD TO ATTEND
21 SCHOOL.

22 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-106, **amend**
23 (12) (b) (IV) as follows:

24 **25-1.5-106. Medical marijuana program - powers and duties**
25 **of state health agency - rules - medical review board - medical**
26 **marijuana program cash fund - subaccount - created - repeal.**

27 (12) **Use of medical marijuana.** (b) A patient or primary caregiver shall

1 not:

2 (IV) Possess medical marijuana or otherwise engage in the use of
3 medical marijuana in or on the grounds of a school, ~~or~~ in a school bus, OR
4 AT A SCHOOL SPONSORED EVENT except when the possession or use occurs
5 in accordance with a school district board policy established pursuant to
6 section 22-1-119.3, C.R.S.;

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.