

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0582.03 Jane Ritter x4342

HOUSE BILL 17-1146

HOUSE SPONSORSHIP

Neville P., Humphrey, Williams D., McKean, Everett, Buck, Wist, Van Winkle, Wilson, Leonard, Nordberg, Ransom, Saine, Willett

SENATE SPONSORSHIP

(None),

House Committees

Health, Insurance, & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PARENTS' RIGHTS FOR CHILDREN.**

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://leg.colorado.gov>.)

The bill allows qualified, per school district policy, employees to dispense over-the-counter medications to a student if the student's parent or legal guardian provided the school district with written general authorization to dispense such over-the-counter medications during a specified academic year. The bill grants criminal and civil immunity to such school employees if they acted with written authorization from the student's parent or legal guardian. The same authority and immunity is granted to child care providers, including employees or relatives in

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.

nonlicensed facilities, provided the person dispensing the over-the-counter medication has written general authority for a specific time period from the child's parent or legal guardian.

The bill allows a parent or legal guardian to opt out of the collection and storage by a local education provider of any type of data related to his or her child.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 22-1-119 as
3 follows:

4 **22-1-119. Dispensing of drugs and over-the-counter**
5 **medications to students - liability.** ~~Any~~ A school employee who IS
6 QUALIFIED TO DISPENSE MEDICATION PER SCHOOL DISTRICT POLICY, AND
7 WHO dispenses any drug, as such term is defined in section 12-42.5-102
8 (13), ~~C.R.S.~~, to a student in accordance with written instructions from a
9 parent or legal guardian, ~~shall not be~~ AND IN ACCORDANCE WITH POLICIES
10 ADOPTED PURSUANT TO SECTION 22-1-119.3(1), IS NOT liable for damages
11 in any civil action or subject to prosecution in any criminal proceedings
12 for an adverse drug reaction suffered by the student as a result of
13 dispensing such drug. THIS SECTION APPLIES TO THE DISPENSING OF A
14 DRUG OR AN OVER-THE-COUNTER MEDICATION, SO LONG AS THE
15 STUDENT'S PARENT OR LEGAL GUARDIAN HAS PROVIDED THE SCHOOL OR
16 SCHOOL DISTRICT WITH AUTHORIZATION, INCLUDING GENERAL
17 AUTHORIZATION FOR DISPENSING OVER-THE-COUNTER MEDICATIONS.

18 **SECTION 2.** In Colorado Revised Statutes, 22-16-112, **add**
19 (1)(d) as follows:

20 **22-16-112. Parent rights - complaint policy.** (1) The parent of
21 a student enrolled by a local education provider has the right:

22 (d) TO OPT OUT OF THE COLLECTION AND STORAGE OF ANY TYPE

1 OF DATA RELATED TO HIS OR HER CHILD AS AUTHORIZED BY THIS TITLE 22.

2 **SECTION 3.** In Colorado Revised Statutes, **amend** 26-6-106.1
3 as follows:

4 **26-6-106.1. Administration or monitoring of medications.**

5 (1) The executive director has the power to direct the administration or
6 monitoring of medications to persons in facilities pursuant to section
7 25-1.5-301 (2)(e). ~~C.R.S.~~

8 (2) A CHILD CARE PROVIDER, AN EXEMPT FAMILY CHILD CARE
9 HOME PROVIDER, OR OTHER EMPLOYEE OR RELATIVE AUTHORIZED TO
10 PROVIDE CHILD CARE PURSUANT TO THIS PART 1 MAY DISPENSE AN
11 OVER-THE-COUNTER MEDICATION TO A CHILD IN HIS OR HER CARE, SO
12 LONG AS THE CHILD'S PARENT OR LEGAL GUARDIAN HAS PROVIDED THE
13 CHILD CARE PROVIDER OR ENTITY COVERED BY THE PROVISIONS OF THIS
14 PART 1 WITH WRITTEN GENERAL AUTHORIZATION FOR A SPECIFIED PERIOD
15 OF TIME TO ALLOW FOR THE DISPENSATION OF OVER-THE-COUNTER
16 MEDICATIONS. A PERSON WHO DISPENSES AN OVER-THE-COUNTER
17 MEDICATION IN COMPLIANCE WITH THE PROVISIONS OF THIS SUBSECTION
18 (2) IS NOT LIABLE FOR DAMAGES IN ANY CIVIL ACTION OR SUBJECT TO
19 PROSECUTION IN ANY CRIMINAL PROCEEDINGS FOR AN ADVERSE DRUG
20 REACTION SUFFERED BY THE CHILD AS A RESULT OF DISPENSING SUCH
21 OVER-THE-COUNTER MEDICATION.

22 **SECTION 4. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2018 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.