

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0968.01 Michael Dohr x4347

HOUSE BILL 18-1286

HOUSE SPONSORSHIP

Roberts, Hooton, Singer, Van Winkle

SENATE SPONSORSHIP

Aguilar and Marble, Guzman

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING A SCHOOL NURSE TO GIVE MEDICAL**
102 **MARIJUANA TO A STUDENT WITH A MEDICAL MARIJUANA**
103 **REGISTRY CARD WHILE AT SCHOOL.**

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>.)

Under current law, a primary caregiver may possess and administer medical marijuana in a nonsmokeable form to a student while the student is at school. The bill allows a school nurse or the school nurse's designee, who may or may not be an employee of the school, to also possess and administer medical marijuana to a student at school. The bill provides a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

school nurse or the school nurse's designee protection from criminal prosecution if he or she possesses and administers medical marijuana to a student at school.

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)(d)(I) as follows:

4 **22-1-119.3. Policy for student possession and administration**
5 **of prescription medication - rules.** (3) (d) (I) (A) A primary caregiver,
6 SCHOOL NURSE OR THE SCHOOL NURSE'S DESIGNEE, WHO MAY OR MAY
7 NOT BE AN EMPLOYEE OF THE SCHOOL, OR SCHOOL PERSONNEL
8 DESIGNATED BY A PARENT, AFTER RECEIVING AUTHORITY FROM THE
9 SCHOOL DISTRICT'S PRESCRIBER OR USE PROVIDER WITH PRESCRIPTIVE
10 AUTHORITY, may possess, and administer to a student who holds a valid
11 recommendation for medical marijuana, medical marijuana in a
12 nonsmokeable form upon the grounds of the preschool or primary or
13 secondary school in which the student is enrolled, or upon a school bus
14 or at a school-sponsored event. The primary caregiver, SCHOOL NURSE OR
15 THE SCHOOL NURSE'S DESIGNEE, OR SCHOOL PERSONNEL DESIGNATED BY
16 A PARENT shall not administer the nonsmokeable medical marijuana in a
17 manner that creates disruption to the educational environment or causes
18 exposure to other students.

19 (B) After the primary caregiver, SCHOOL NURSE OR THE SCHOOL
20 NURSE'S DESIGNEE, OR SCHOOL PERSONNEL DESIGNATED BY A PARENT
21 administers the medical marijuana in a nonsmokeable form, the primary
22 caregiver, SCHOOL NURSE OR THE SCHOOL NURSE'S DESIGNEE, OR SCHOOL
23 PERSONNEL DESIGNATED BY A PARENT shall remove any remaining
24 medical marijuana in a nonsmokeable form from the grounds of the

1 preschool or primary or secondary school, the school bus, or
2 school-sponsored event OR SHALL PLACE THE MEDICAL MARIJUANA IN A
3 LOCKED STORAGE CONTAINER DESIGNATED BY THE SCHOOL.

4 (C) IT IS AN EXCEPTION FROM THE STATE'S CRIMINAL LAWS FOR A
5 SCHOOL NURSE OR THE SCHOOL NURSE'S DESIGNEE OR SCHOOL PERSONNEL
6 DESIGNATED BY A PARENT TO POSSESS AND ADMINISTER MEDICAL
7 MARIJUANA IN COMPLIANCE WITH THIS SUBSECTION (3)(d)(I) TO A
8 STUDENT WHO HOLDS A VALID RECOMMENDATION FOR MEDICAL
9 MARIJUANA, EXCEPT AS OTHERWISE PROVIDED FOR IN SECTION
10 18-18-406.3.

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