

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

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 OR SCHOOL NURSE OR THE SCHOOL NURSE'S DESIGNEE, WHO MAY OR MAY
7 NOT BE AN EMPLOYEE OF THE SCHOOL, may possess, and administer to a
8 student who holds a valid recommendation for medical marijuana,
9 medical marijuana in a nonsmokeable form upon the grounds of the
10 preschool or primary or secondary school in which the student is enrolled,
11 or upon a school bus or at a school-sponsored event. The primary
12 caregiver OR SCHOOL NURSE OR THE SCHOOL NURSE'S DESIGNEE shall not
13 administer the nonsmokeable medical marijuana in a manner that creates
14 disruption to the educational environment or causes exposure to other
15 students.

16 (B) After the primary caregiver OR SCHOOL NURSE OR THE SCHOOL
17 NURSE'S DESIGNEE administers the medical marijuana in a nonsmokeable
18 form, the primary caregiver OR SCHOOL NURSE OR THE SCHOOL NURSE'S
19 DESIGNEE shall remove any remaining medical marijuana in a
20 nonsmokeable form from the grounds of the preschool or primary or
21 secondary school, the school bus, or school-sponsored event.

22 (C) IT IS AN EXCEPTION FROM THE STATE'S CRIMINAL LAWS FOR A
23 SCHOOL NURSE OR THE SCHOOL NURSE'S DESIGNEE TO POSSESS AND
24 ADMINISTER MEDICAL MARIJUANA IN COMPLIANCE WITH THIS SUBSECTION

1 (3)(d)(I) TO A STUDENT WHO HOLDS A VALID RECOMMENDATION FOR
2 MEDICAL MARIJUANA, EXCEPT AS OTHERWISE PROVIDED FOR IN SECTION
3 18-18-406.3.

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