

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

REVISED

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

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

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING ALLOWING SCHOOL PERSONNEL 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.

SENATE
Amended 2nd Reading
April 30, 2018

HOUSE
3rd Reading Unamended
April 12, 2018

HOUSE
Amended 2nd Reading
April 11, 2018

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, add**
3 **(3)(d.5) as follows:**

4 **22-1-119.3. Policy for student possession and administration**
5 **of prescription medication - rules - definition. (3) (d.5) (I) MEDICAL**
6 **MARIJUANA IN A NONSMOKEABLE FORM SHALL NOT BE ADMINISTERED AT**
7 **A SCHOOL PURSUANT TO THIS SUBSECTION (3)(d.5) UNLESS A WRITTEN**
8 **PLAN FOR THE ADMINISTRATION OF MEDICAL MARIJUANA IN A**
9 **NONSMOKEABLE FORM IS AGREED TO AND SIGNED BY THE SCHOOL**
10 **PRINCIPAL OR HIS OR HER DESIGNEE AND A PARENT OR LEGAL GUARDIAN.**

11 **(II) PRIOR TO THE ADMINISTRATION OF MEDICAL MARIJUANA IN A**
12 **NONSMOKEABLE FORM AT SCHOOL, THE STUDENT'S PARENT OR LEGAL**
13 **GUARDIAN SHALL COMPLETE AND SUBMIT TO THE SCHOOL THE**
14 **DOCUMENTATION REQUIRED BY RULE OF THE STATE BOARD OF**
15 **EDUCATION, INCLUDING BUT NOT LIMITED TO:**

16 **(A) A WRITTEN MEDICAL MARIJUANA RECOMMENDATION THAT**
17 **INCLUDES THE SIGNATURE OF ONE OF THE RECOMMENDING PHYSICIANS**
18 **AND THE PURPOSE, RECOMMENDED DOSAGE, FREQUENCY, AND LENGTH OF**
19 **TIME BETWEEN DOSAGES OF THE MEDICAL MARIJUANA IN A**
20 **NONSMOKEABLE FORM TO BE ADMINISTERED; AND**

21 **(B) A WRITTEN STATEMENT FROM THE STUDENT'S PARENT OR**
22 **LEGAL GUARDIAN RELEASING THE SCHOOL, AND EMPLOYEES AND**
23 **VOLUNTEERS OF THE SCHOOL, FROM LIABILITY, EXCEPT IN CASES OF**
24 **WILLFUL OR WANTON CONDUCT OR DISREGARD OF THE CRITERIA OF THE**

1 TREATMENT PLAN.

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

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

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

1 18-18-406.3.

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

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

9 (A) THE SCHOOL LOSES FEDERAL FUNDING AS A RESULT OF
10 IMPLEMENTING THIS SUBSECTION (3)(d.5);

11 (B) THE SCHOOL CAN REASONABLY DEMONSTRATE THAT IT LOST
12 FEDERAL FUNDING AS A RESULT OF IMPLEMENTING THIS SUBSECTION
13 (3)(d.5); AND

14 (C) THE SCHOOL POSTS ON ITS WEBSITE IN A CONSPICUOUS PLACE
15 A STATEMENT REGARDING ITS DECISION NOT TO COMPLY WITH THIS
16 SUBSECTION (3)(d.5).

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

20 (VII) THE STUDENT'S PARENT, GUARDIAN, OR DESIGNEE SHALL
21 DELIVER THE STUDENT'S MEDICAL MARIJUANA IN A NONSMOKEABLE FORM,
22 IN A CONTAINER THAT CONTAINS CLEARLY LABELED INSTRUCTIONS OR THE
23 PLAN FOR ADMINISTRATION MUST CLEARLY SPECIFY INSTRUCTIONS FOR
24 THE DOSING, TIMING, AND DELIVERY ROUTE INSTRUCTIONS FROM ONE OF
25 THE STUDENT'S RECOMMENDING PHYSICIANS, TO THE PERSON DESIGNATED
26 BY THE SCHOOL AS THE PERSON WHO SECURES THE MEDICAL MARIJUANA
27 BEFORE THE STUDENT ATTENDS SCHOOL FOR THE SCHOOL DAY. THE

1 PERSON WHO SECURES THE MEDICAL MARIJUANA IN A NONSMOKEABLE
2 FORM SHALL PLACE THE MEDICAL MARIJUANA IN A LOCKED STORAGE
3 CONTAINER. AFTER THE SCHOOL PERSONNEL ADMINISTERS THE MEDICAL
4 MARIJUANA IN A NONSMOKEABLE FORM, THE SCHOOL PERSONNEL SHALL
5 PLACE THE MEDICAL MARIJUANA IN A LOCKED MEDICAL MARIJUANA
6 STORAGE CONTAINER DESIGNATED BY THE SCHOOL. THE PERSON WHO
7 SECURES THE MEDICAL MARIJUANA IN A NONSMOKEABLE FORM SHALL
8 RETURN ANY UNUSED MEDICAL MARIJUANA TO THE STUDENT'S PARENT,
9 GUARDIAN, OR DESIGNEE AT THE END OF EACH SCHOOL DAY. THE STUDENT
10 SHALL NOT HANDLE THE MEDICAL MARIJUANA IN A NONSMOKEABLE FORM
11 ON THE GROUNDS OF THE SCHOOL, SCHOOL BUS, OR SCHOOL-SPONSORED
12 EVENT.

13 (VIII) NEITHER THIS SECTION NOR ANY OTHER STATE OR FEDERAL
14 LAW, INCLUDING WITHOUT LIMITATION THE "INDIVIDUALS WITH
15 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
16 AMENDED, AND SECTION 504 OF THE "REHABILITATION ACT OF 1973", 29
17 U.S.C. SEC. 794, AS AMENDED, MAY BE USED TO REQUIRE A SCHOOL OR
18 ANY EMPLOYEE OR VOLUNTEER THEREOF TO STORE MEDICAL MARIJUANA
19 ON THE GROUNDS OF A SCHOOL, SCHOOL BUS, OR SCHOOL-SPONSORED
20 EVENT OR TO ADMINISTER MEDICAL MARIJUANA.

21 (IX) FOR PURPOSES OF THIS SUBSECTION (3)(d.5), "SCHOOL
22 PERSONNEL" MEANS SCHOOL PERSONNEL DESIGNATED BY AGREEMENT
23 BETWEEN THE PRINCIPAL OR HIS OR HER DESIGNEE AND A PARENT OR
24 LEGAL GUARDIAN.

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