

CHAPTER 232

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 16-1373

BY REPRESENTATIVE(S) Singer, Becker K., Esgar, Garnett, Ginal, Kraft-Tharp, Lebsock, Lontine, Rosenthal, Hullinghorst; also SENATOR(S) Holbert and Marble, Aguilar, Baumgardner, Carroll, Donovan, Garcia, Guzman, Heath, Hodge, Johnston, Jones, Kefalas, Kerr, Lambert, Lundberg, Merrifield, Neville T., Newell, Scheffel, Scott, Steadman, Tate, Todd, Ulibarri, Woods.

AN ACT

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

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

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

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

(d) (I) (A) A PRIMARY CAREGIVER MAY POSSESS, AND ADMINISTER TO A STUDENT WHO HOLDS A VALID RECOMMENDATION FOR MEDICAL MARIJUANA, MEDICAL MARIJUANA IN A NONSMOKEABLE FORM UPON THE GROUNDS OF THE PRESCHOOL OR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PRIMARY OR SECONDARY SCHOOL IN WHICH THE STUDENT IS ENROLLED, OR UPON A SCHOOL BUS OR AT A SCHOOL SPONSORED EVENT. THE PRIMARY CAREGIVER SHALL NOT ADMINISTER THE NONSMOKEABLE MEDICAL MARIJUANA IN A MANNER THAT CREATES DISRUPTION TO THE EDUCATIONAL ENVIRONMENT OR CAUSES EXPOSURE TO OTHER STUDENTS.

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

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

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

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

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

(B) THE SCHOOL DISTRICT OR CHARTER SCHOOL CAN REASONABLY DEMONSTRATE THAT IT LOST FEDERAL FUNDING AS A RESULT OF IMPLEMENTING THIS PARAGRAPH (d); AND

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

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

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

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

(f) A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT DENY ELIGIBILITY TO ATTEND SCHOOL TO A STUDENT WHO HOLDS A VALID RECOMMENDATION FOR MEDICAL MARIJUANA SOLELY BECAUSE THE STUDENT REQUIRES MEDICAL

MARIJUANA IN A NONSMOKEABLE FORM AS A REASONABLE ACCOMMODATION NECESSARY FOR THE CHILD TO ATTEND SCHOOL.

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

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal. (12) **Use of medical marijuana.** (b) A patient or primary caregiver shall not:

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

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

Approved: June 6, 2016