

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

ENGROSSED

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

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.

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, **amend**
3 **(3)(d)(I); and add (3)(d)(VII), (3)(d)(VIII), (3)(d)(IX), and (3)(d)(X) as**
4 **follows:**

5 **22-1-119.3. Policy for student possession and administration**
6 **of prescription medication - rules.** (3) (d) (I) (A) A primary caregiver
7 **OR A PERSON LISTED IN SUBSECTION (3)(d)(VII) OF THIS SECTION** may
8 possess, and administer to a student who holds a valid recommendation
9 for medical marijuana, medical marijuana in a nonsmokeable form upon
10 the grounds of the preschool or primary or secondary school in which the
11 student is enrolled, or upon a school bus or at a school-sponsored event.
12 The primary caregiver **OR A PERSON LISTED IN SUBSECTION (3)(d)(VII) OF**
13 **THIS SECTION** shall not administer the nonsmokeable medical marijuana
14 in a manner that creates disruption to the educational environment or
15 causes exposure to other students. **A SCHOOL NURSE OR SCHOOL**
16 **PERSONNEL SHALL NOT BE REQUIRED TO ADMINISTER MEDICAL**
17 **MARIJUANA. ADMINISTRATION OF MEDICAL MARIJUANA IS AT THE**
18 **DISCRETION OF THE PARENT OR LEGAL GUARDIAN, THE SCHOOL NURSE OR**
19 **HIS OR HER DESIGNEE, OR THE DESIGNATED SCHOOL PERSONNEL. IF A**
20 **STUDENT SUBJECT TO THE PROVISIONS OF THIS SUBSECTION (3)(d) TAKES**
21 **A SCHOOL TRIP OUTSIDE OF THE STATE OF COLORADO OR PARTICIPATES IN**
22 **A SCHOOL ACTIVITY OUTSIDE OF THE STATE OF COLORADO, THE**
23 **PROVISIONS OF THIS SUBSECTION (3)(d) DO NOT APPLY FOR THE DURATION**
24 **THAT THE STUDENT IS ENGAGED IN THE TRIP OR ACTIVITY OUTSIDE OF THE**

1 STATE OF COLORADO.

2 (B) After the primary caregiver OR A PERSON LISTED IN
3 SUBSECTION (3)(d)(VII) OF THIS SECTION administers the medical
4 marijuana in a nonsmokeable form, the primary caregiver OR A PERSON
5 LISTED IN SUBSECTION (3)(d)(VII) OF THIS SECTION shall remove any
6 remaining medical marijuana in a nonsmokeable form from the grounds
7 of the preschool or primary or secondary school, the school bus, or
8 school-sponsored event OR SHALL PLACE THE MEDICAL MARIJUANA IN A
9 LOCKED MEDICAL MARIJUANA STORAGE CONTAINER DESIGNATED BY THE
10 SCHOOL.

11 (C) IT IS AN EXCEPTION FROM THE STATE'S CRIMINAL LAWS FOR
12 A PERSON LISTED IN SUBSECTION (3)(d)(VII) OF THIS SECTION TO POSSESS
13 AND ADMINISTER MEDICAL MARIJUANA IN COMPLIANCE WITH THIS
14 SUBSECTION (3)(d)(I) TO A STUDENT WHO HOLDS A VALID
15 RECOMMENDATION FOR MEDICAL MARIJUANA, EXCEPT AS OTHERWISE
16 PROVIDED FOR IN SECTION 18-18-406.3.

17 (VII) THE FOLLOWING PERSONS MAY POSSESS AND ADMINISTER
18 MEDICAL MARIJUANA PURSUANT TO THIS SUBSECTION (3)(d):

19 (A) A SCHOOL NURSE, OR THE SCHOOL NURSE'S DESIGNEE, WHO
20 MAY OR MAY NOT BE AN EMPLOYEE OF THE SCHOOL; AND

21 (B) SCHOOL PERSONNEL DESIGNATED BY A PARENT.

22 (VIII) THE MEDICAL MARIJUANA STORAGE CONTAINER OR PLAN
23 FOR ADMINISTRATION MUST CONTAIN CLEARLY LABELED DOSING, TIMING,
24 AND DELIVERY ROUTE INSTRUCTIONS FROM ONE OF THE STUDENT'S
25 RECOMMENDING PHYSICIANS. ONE OF THE STUDENT'S RECOMMENDING
26 PHYSICIANS SHALL SEND ANY CHANGES TO THE REQUIRED DOSAGE,
27 TIMING, OR DELIVERY ROUTE TO THE SCHOOL NURSE AND PERSON

1 ADMINISTERING THE MEDICAL MARIJUANA, IF DIFFERENT.

2 (IX) THE SCHOOL PRINCIPAL OR HIS OR HER DESIGNEE AND THE
3 STUDENT'S PARENT SHALL AGREE TO A WRITTEN PLAN FOR ADMINISTERING
4 MEDICAL MARIJUANA PRIOR TO THE STUDENT STARTING SCHOOL.

5 (X) THE STUDENT'S PARENT OR PRIMARY CAREGIVER SHALL
6 DELIVER THE STUDENT'S MEDICAL MARIJUANA TO THE PERSON
7 DESIGNATED BY THE SCHOOL AS THE PERSON WHO SECURES THE MEDICAL
8 MARIJUANA BEFORE THE STUDENT STARTS SCHOOL AND AS NECESSARY TO
9 REPLENISH THE SUPPLY. THE PERSON WHO SECURES THE MEDICAL
10 MARIJUANA SHALL PLACE THE MEDICAL MARIJUANA IN A LOCKED STORAGE
11 CONTAINER. THE PERSON WHO SECURES THE MEDICAL MARIJUANA SHALL
12 RETURN ANY UNUSED MEDICAL MARIJUANA TO THE STUDENT'S PARENT OR
13 PRIMARY CAREGIVER UPON REQUEST. THE STUDENT SHALL NOT HANDLE
14 THE MEDICAL MARIJUANA ON THE GROUNDS OF THE SCHOOL, SCHOOL BUS,
15 OR SCHOOL-SPONSORED EVENT.

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