



Legislative Council Staff
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Final Fiscal Note

Drafting Number: LLS 21-0001 **Date:** June 28, 2021
Prime Sponsors: Sen. Holbert; Gonzales **Bill Status:** Signed into Law
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Bill Topic: **EXPAND CANNABIS-BASED MEDICINE AT SCHOOLS**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> School District

The bill requires schools to treat nonsmokeable medical marijuana that is legally recommended by a licensed physician the same as a medication prescribed by a licensed health care practitioner. The bill increases state and school district expenditures on an ongoing basis.

Appropriation Summary: In FY 2021-22, the bill requires and includes an appropriation of \$15,419 to the Colorado Department of Education, to be reappropriated to the Department of Law.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under SB 21-056

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$15,419	-
	FTE	0.1 FTE	-
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill modifies state law related to the administration of medical marijuana in schools. It requires that all public schools treat nonsmokeable medical marijuana that is legally recommended by a licensed physician the same as any medication that prescribed by a licensed health care practitioner.

School district policies. Under current law, school districts may adopt a policy allowing a student to possess and self-administer medical marijuana on school grounds. The bill requires that school districts adopt such a policy, including processes for storage, possession, and administration.

Currently, a school principal has discretion whether to agree to a written medical marijuana administration plan for a student. The bill requires that a written plan for administration be agreed to by a principal and the student's parent or legal guardian, consistent with the school district's policy and instructions from the student's recommending physician.

Volunteers. Currently, a primary caregiver or designated school personnel may administer medical marijuana on school grounds. The bill allows school personnel to volunteer to administer medical marijuana to a student based on the physician instructions. It also prohibits retaliation or discipline against school personnel who volunteer to administer medical marijuana, or against personnel who refuse to administer it.

Nurses. The bill clarifies that licensed nurses and nurse aides, and people licensed under Title 12 (professions and occupations) or Title 22 (K12 education) may not be disciplined for administering legally recommended medical marijuana to a student on school grounds. Nurses and nurse aides may also not be disciplined for administering medical marijuana to themselves or their family, or for training school personnel on how to administer medical marijuana to a student.

Delivery and storage. The bill modifies parameters for the delivery and storage of medical marijuana on school grounds, including allowing it to be kept overnight in a locked container, if allowed by the treatment plan, and removes the requirement that any remaining medical marijuana be removed from school grounds after administration.

Exemptions. The bill clarifies the current provision that allows a district or charter school to be exempt from administering medical marijuana if it has a reasonable, documented expectation of losing federal funding as a result. The bill also exempts private schools, or schools on federal land, if prohibited by the federal government. In addition, the bill clarifies that school districts and its employees or volunteers acting in good faith are immune from civil suits and criminal prosecution.

State Expenditures

In FY 2021-22, the bill increases expenditures by \$15,419 annually in the Colorado Department of Education. The department will require 145 hours of legal services for rulemaking and to support state and school district implementation and compliance with federal laws and grant programs. In subsequent years, any additional legal services will be accomplished within the department's current annual allocation of legal services. Legal services are provided by the Department of Law at a rate of \$106.34 per hour; the required legal services represent 0.1 FTE.

The bill increases workload for the Department of Regulatory Agencies to update outreach materials and rules related to nurses and nurse aides, and the Department of Human Services to conduct rulemaking for child care and preschool programs operated by school districts. It may also decrease trial court workload by a minimal amount to the extent school personnel are currently subject to civil suits related administering medical marijuana on school grounds. No change in appropriations is required for these agencies.

School Districts

For districts that do not currently have a medical marijuana administration policy in place, the bill increases workload and costs for school districts and school principals to adopt policies allowing for the administration of medical marijuana on school grounds and to ensure that medication storage is consistent with the bill's requirements. One estimate suggests that costs could be up to \$4,200 per school, including secure and mobile storage, staff training, and staff time to complete treatment plans and policy changes; however, actual costs will depend on districts' current policies, related resources, and the number of students with recommendations for medical marijuana, among other factors.

Effective Date

The bill was signed into law by the Governor on May 5, 2021, and takes effect on September 7, 2021, assuming no referendum petition is filed.

State Appropriations

In FY 2021-22, the bill requires and includes a General Fund appropriation of \$15,419 to the Colorado Department of Education, to be reappropriated to the Department of Law with 0.1 FTE.

State and Local Government Contacts

Education
Law
School Districts

Information Technology
Public Health and Environment

Human Services
Regulatory Agencies