

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0742.01 Michael Dohr x4347

**HOUSE BILL 16-1373**

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**HOUSE SPONSORSHIP**

**Singer,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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://www.leg.state.co.us/bills summaries>.)*

Under current law, a student with a medical marijuana recommendation is not permitted to use medical marijuana on school grounds, on a school bus, or at a school activity unless the district has adopted a policy permitting the use. The bill allows a student to use medical marijuana on school grounds, on a school bus, or at a school

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

activity and requires each school district to adopt a policy allowing the medical marijuana use. If the department of education or a public school loses any federal funding as a result of adopting the policy, the general assembly shall appropriate state money sufficient to offset the loss of federal money.

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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) (c); and **add** (3) (d), (3) (e), and (3) (f) as follows:

4 **22-1-119.3. Policy for student possession and administration**  
5 **of prescription medication - rules.** (3) (c) A student shall not possess  
6 or self-administer medical marijuana on school grounds, upon a school  
7 bus, or at any school-sponsored event, ~~except that a school district may~~  
8 ~~adopt a policy, in accordance with the requirements of this section, that~~  
9 ~~authorizes a student's parent or a medical professional who accompanies~~  
10 ~~a student to school, on the school bus, or to any school-sponsored event~~  
11 ~~and assists the student with the administration of medical marijuana to~~  
12 ~~possess and administer medical marijuana to the student in an appropriate~~  
13 ~~location on school grounds, upon a school bus, or at any school-sponsored~~  
14 ~~event. A policy permitting a parent or medical professional to administer~~  
15 ~~medical marijuana to a student must require that the student hold a valid~~  
16 ~~recommendation for medical marijuana, that the administering parent be~~  
17 ~~the student's primary caregiver or that the administering medical~~  
18 ~~professional be employed specifically to assist the student in~~  
19 ~~administering medical marijuana, and that the location and method of~~  
20 ~~administration of medical marijuana does not create significant risk to~~  
21 ~~other students~~ AS PROVIDED FOR IN PARAGRAPH (d) OF THIS SUBSECTION  
22 (3).

23 (d) (I) A PRIMARY CAREGIVER MAY POSSESS, AND ADMINISTER TO

1 A STUDENT WHO HOLDS A VALID RECOMMENDATION FOR MEDICAL  
2 MARIJUANA, MEDICAL MARIJUANA IN A NONSMOKEABLE FORM UPON THE  
3 GROUNDS OF THE PRESCHOOL OR PRIMARY OR SECONDARY SCHOOL IN  
4 WHICH THE STUDENT IS ENROLLED, OR UPON A SCHOOL BUS OR AT A  
5 SCHOOL SPONSORED EVENT.

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

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

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

21 (f) A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT DENY  
22 ELIGIBILITY TO ATTEND SCHOOL TO A STUDENT WHO HOLDS A VALID  
23 RECOMMENDATION FOR MEDICAL MARIJUANA SOLELY BECAUSE THE  
24 STUDENT REQUIRES MEDICAL MARIJUANA IN A NONSMOKEABLE FORM AS  
25 A REASONABLE ACCOMMODATION NECESSARY FOR THE CHILD TO ATTEND  
26 SCHOOL.

27 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-106, **amend**

1 (12) (b) (IV) as follows:

2 **25-1.5-106. Medical marijuana program - powers and duties**  
3 **of state health agency - rules - medical review board - medical**  
4 **marijuana program cash fund - subaccount - created - repeal.**

5 (12) **Use of medical marijuana.** (b) A patient or primary caregiver shall  
6 not:

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

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