

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 11, 2016
Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB16-1373 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

1 (3).

2 (d) (I) A PRIMARY CAREGIVER MAY POSSESS, AND ADMINISTER TO
3 A STUDENT WHO HOLDS A VALID RECOMMENDATION FOR MEDICAL
4 MARIJUANA, MEDICAL MARIJUANA IN A NONSMOKEABLE FORM UPON THE
5 GROUNDS OF THE PRESCHOOL OR PRIMARY OR SECONDARY SCHOOL IN
6 WHICH THE STUDENT IS ENROLLED, OR UPON A SCHOOL BUS OR AT A
7 SCHOOL SPONSORED EVENT.

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

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

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

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

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

31 **25-1.5-106. Medical marijuana program - powers and duties**
32 **of state health agency - rules - medical review board - medical**
33 **marijuana program cash fund - subaccount - created - repeal.**

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

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

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

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