

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 18-0968.01 Michael Dohr x4347

**HOUSE BILL 18-1286**

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**HOUSE SPONSORSHIP**

**Roberts, Hooton, Singer, Van Winkle**

**SENATE SPONSORSHIP**

**Aguilar and Marble, Guzman**

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**House Committees**

Health, Insurance, & Environment

**Senate Committees**

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**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.**

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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://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  
3rd Reading Unamended  
April 12, 2018

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.

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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)(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.