A BILL FOR AN ACT

Concerning allowing a school nurse to give medical marijuana to a student with a medical marijuana 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
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.


Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-1-119.3, amend (3)(d)(I); and add (3)(d)(VII), (3)(d)(VIII), (3)(d)(IX), and (3)(d)(X) as follows:

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

(B) After the primary caregiver or a person listed in subsection (3)(d)(VII) of this section administers the medical marijuana in a nonsmokeable form, the primary caregiver or a person listed in subsection (3)(d)(VII) of this section shall remove any remaining medical marijuana in a nonsmokeable form from the grounds of the preschool or primary or secondary school, the school bus, or school-sponsored event or shall place the medical marijuana in a locked medical marijuana storage container designated by the school.

(C) It is an exception from the state's criminal laws for a person listed in subsection (3)(d)(VII) of this section to possess and administer medical marijuana in compliance with this subsection (3)(d)(I) to a student who holds a valid recommendation for medical marijuana, except as otherwise provided for in section 18-18-406.3.

(VII) The following persons may possess and administer medical marijuana pursuant to this subsection (3)(d):

(A) A school nurse, or the school nurse's designee, who may or may not be an employee of the school; and

(B) School personnel designated by a parent.

(VIII) The medical marijuana storage container or plan for administration must contain clearly labeled dosing, timing, and delivery route instructions from one of the student's recommending physicians. One of the student's recommending physicians shall send any changes to the required dosage, timing, or delivery route to the school nurse and person.
ADMINISTERING THE MEDICAL MARIJUANA, IF DIFFERENT.

(IX) The school principal or his or her designee and the student's parent shall agree to a written plan for administering medical marijuana prior to the student starting school.

(X) The student's parent or primary caregiver shall deliver the student's medical marijuana to the person designated by the school as the person who secures the medical marijuana before the student starts school and as necessary to replenish the supply. The person who secures the medical marijuana shall place the medical marijuana in a locked storage container. The person who secures the medical marijuana shall return any unused medical marijuana to the student's parent or primary caregiver upon request. The student shall not handle the medical marijuana on the grounds of the school, school bus, or school-sponsored event.

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