



**Legislative Council Staff**  
*Nonpartisan Services for Colorado's Legislature*

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# Fiscal Note

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**Drafting Number:** LLS 21-0001 **Date:** February 16, 2021  
**Prime Sponsors:** Sen. Holbert; Gonzales **Bill Status:** Senate Education  
Rep. Van Winkle; Gray **Fiscal Analyst:** Anna Gerstle | 303-866-4375  
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**Bill Topic:** **EXPAND CANNABIS-BASED MEDICINE AT SCHOOLS**

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**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.

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

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**Fiscal Note Status:** This fiscal note reflects the introduced bill.

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**Table 1**  
**State Fiscal Impacts Under SB 21-056**

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

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## **Summary of Legislation**

The bill modifies state law related to the administration of medical marijuana in schools. It requires that a public or private school 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.

**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 and prohibits retaliation or discipline against school personnel who volunteer.

**Nurses.** The bill clarifies that licensed nurses and nurse aides may not be disciplined for administering legally recommended medical marijuana to a student on school grounds or 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.

In addition, the bill clarifies the current provision that allows a district or charter school to be exempt from administering medical marijuana if it can prove that it lost federal funding as a result.

## **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 also increases workload for the Department of Regulatory Agencies by a minimal amount to update outreach materials and rules related to nurses and nurse aides. No change in appropriations is required.

## **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 takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **State Appropriations**

In FY 2021-22, the bill requires 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  
Public Health and Environment  
School Districts

Information Technology  
Regulatory Agencies