

HB1286\_L.011

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB18-1286 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, 22-1-119.3, add  
4 (3)(d.5) as follows:

5 **22-1-119.3. Policy for student possession and administration**  
6 **of prescription medication - rules - definition.** (3) (d.5) (I) MEDICAL  
7 MARIJUANA IN A NONSMOKEABLE FORM SHALL NOT BE ADMINISTERED AT  
8 A SCHOOL PURSUANT TO THIS SUBSECTION (3)(d.5) UNLESS A WRITTEN  
9 PLAN FOR THE ADMINISTRATION OF MEDICAL MARIJUANA IN A  
10 NONSMOKEABLE FORM IS AGREED TO AND SIGNED BY THE SCHOOL  
11 PRINCIPAL OR HIS OR HER DESIGNEE AND A PARENT OR LEGAL GUARDIAN.

12 (II) PRIOR TO THE ADMINISTRATION OF MEDICAL MARIJUANA IN A  
13 NONSMOKEABLE FORM AT SCHOOL, THE STUDENT'S PARENT OR LEGAL  
14 GUARDIAN SHALL COMPLETE AND SUBMIT TO THE SCHOOL THE  
15 DOCUMENTATION REQUIRED BY RULE OF THE STATE BOARD OF  
16 EDUCATION, INCLUDING BUT NOT LIMITED TO:

17 (A) A WRITTEN MEDICAL MARIJUANA RECOMMENDATION THAT  
18 INCLUDES THE SIGNATURE OF ONE OF THE RECOMMENDING PHYSICIANS  
19 AND THE PURPOSE, RECOMMENDED DOSAGE, FREQUENCY, AND LENGTH OF  
20 TIME BETWEEN DOSAGES OF THE MEDICAL MARIJUANA IN A  
21 NONSMOKEABLE FORM TO BE ADMINISTERED; AND

22 (B) A WRITTEN STATEMENT FROM THE STUDENT'S PARENT OR  
23 LEGAL GUARDIAN RELEASING THE SCHOOL, AND EMPLOYEES AND  
24 VOLUNTEERS OF THE SCHOOL, FROM LIABILITY, EXCEPT IN CASES OF  
25 WILLFUL OR WANTON CONDUCT OR DISREGARD OF THE CRITERIA OF THE  
26 TREATMENT PLAN.

27 (III) (A) SUBJECT TO THE REQUIREMENTS SPECIFIED IN  
28 SUBSECTIONS (3)(d.5)(I) AND (3)(d.5)(II) OF THIS SECTION, SCHOOL  
29 PERSONNEL MAY POSSESS, AND ADMINISTER TO A STUDENT WHO HOLDS A  
30 VALID RECOMMENDATION FOR MEDICAL MARIJUANA, MEDICAL MARIJUANA  
31 IN A NONSMOKEABLE FORM UPON THE GROUNDS OF THE PRESCHOOL OR  
32 PRIMARY OR SECONDARY SCHOOL IN WHICH THE STUDENT IS ENROLLED, OR  
33 UPON A SCHOOL BUS OR AT A SCHOOL-SPONSORED EVENT. THE SCHOOL  
34 PERSONNEL SHALL NOT ADMINISTER THE NONSMOKEABLE MEDICAL  
35 MARIJUANA IN A MANNER THAT CREATES DISRUPTION TO THE  
36 EDUCATIONAL ENVIRONMENT OR CAUSES EXPOSURE TO OTHER STUDENTS.  
37 IF A STUDENT WHO IS SUBJECT TO THE PROVISIONS OF THIS SUBSECTION  
38 (3)(d.5) TAKES A SCHOOL TRIP OUTSIDE OF THE STATE OF COLORADO OR  
39 PARTICIPATES IN A SCHOOL ACTIVITY OUTSIDE OF THE STATE OF  
40 COLORADO, THE PROVISIONS OF THIS SUBSECTION (3)(d.5) DO NOT APPLY  
41 FOR THE TIME DURING WHICH THE STUDENT IS ENGAGED IN THE TRIP OR

1 ACTIVITY OUTSIDE OF THE STATE OF COLORADO.

2 (B) NOTHING IN THIS SUBSECTION (3)(d.5) REQUIRES ANY SCHOOL  
3 PERSONNEL TO ADMINISTER MEDICAL MARIJUANA. ADMINISTRATION OF  
4 MEDICAL MARIJUANA IN A NONSMOKEABLE FORM IS AT THE DISCRETION OF  
5 THE PARENT OR LEGAL GUARDIAN, THE SCHOOL PRINCIPAL OR HIS OR HER  
6 DESIGNEE, OR THE DESIGNATED SCHOOL PERSONNEL.

7 (C) IT IS AN EXCEPTION FROM THE STATE'S CRIMINAL LAWS FOR  
8 SCHOOL PERSONNEL TO POSSESS AND ADMINISTER MEDICAL MARIJUANA  
9 IN A NONSMOKEABLE FORM IN COMPLIANCE WITH THIS SUBSECTION  
10 (3)(d.5) TO A STUDENT WHO HOLDS A VALID RECOMMENDATION FOR  
11 MEDICAL MARIJUANA, EXCEPT AS OTHERWISE PROVIDED IN SECTION  
12 18-18-406.3.

13 (IV) A SCHOOL MAY ADOPT POLICIES REGARDING WHO MAY ACT  
14 AS SCHOOL PERSONNEL PURSUANT TO THIS SUBSECTION (3)(d.5) AND THE  
15 REASONABLE PARAMETERS OF THE ADMINISTRATION AND USE OF MEDICAL  
16 MARIJUANA IN A NONSMOKEABLE FORM UPON THE GROUNDS OF THE  
17 PRESCHOOL OR PRIMARY OR SECONDARY SCHOOL IN WHICH THE STUDENT  
18 IS ENROLLED, OR UPON A SCHOOL BUS OR AT A SCHOOL-SPONSORED EVENT.

19 (V) THIS SUBSECTION (3)(d.5) DOES NOT APPLY TO A SCHOOL IF:  
20 (A) THE SCHOOL CAN REASONABLY DEMONSTRATE THAT IT LOST  
21 FEDERAL FUNDING, OR IS AT RISK OF LOSING FEDERAL FUNDING, AS A  
22 RESULT OF IMPLEMENTING THIS SUBSECTION (3)(d.5); AND  
23 (B) THE SCHOOL POSTS ON ITS WEBSITE IN A CONSPICUOUS PLACE  
24 A STATEMENT REGARDING ITS DECISION NOT TO COMPLY WITH THIS  
25 SUBSECTION (3)(d.5).

26 (VI) STUDENT POSSESSION, USE, DISTRIBUTION, OR SALE, OR A  
27 STUDENT BEING UNDER THE INFLUENCE, OF A CANNABINOID PRODUCT  
28 INCONSISTENT WITH THIS SUBSECTION (3)(d.5) IS NOT PERMITTED.

29 (VII) THE STUDENT'S PARENT, GUARDIAN, OR DESIGNEE SHALL  
30 DELIVER THE STUDENT'S MEDICAL MARIJUANA IN A NONSMOKEABLE FORM,  
31 IN A CONTAINER THAT CONTAINS CLEARLY LABELED INSTRUCTIONS OR THE  
32 PLAN FOR ADMINISTRATION MUST CLEARLY SPECIFY INSTRUCTIONS FOR  
33 THE DOSING, TIMING, AND DELIVERY ROUTE INSTRUCTIONS FROM ONE OF  
34 THE STUDENT'S RECOMMENDING PHYSICIANS, TO THE PERSON DESIGNATED  
35 BY THE SCHOOL AS THE PERSON WHO SECURES THE MEDICAL MARIJUANA  
36 BEFORE THE STUDENT ATTENDS SCHOOL FOR THE SCHOOL DAY. THE  
37 PERSON WHO SECURES THE MEDICAL MARIJUANA IN A NONSMOKEABLE  
38 FORM SHALL PLACE THE MEDICAL MARIJUANA IN A LOCKED STORAGE  
39 CONTAINER. AFTER THE SCHOOL PERSONNEL ADMINISTERS THE MEDICAL  
40 MARIJUANA IN A NONSMOKEABLE FORM, THE SCHOOL PERSONNEL SHALL  
41 PLACE THE MEDICAL MARIJUANA IN A LOCKED MEDICAL MARIJUANA  
42 STORAGE CONTAINER DESIGNATED BY THE SCHOOL. THE PERSON WHO  
43 SECURES THE MEDICAL MARIJUANA IN A NONSMOKEABLE FORM SHALL  
44 RETURN ANY UNUSED MEDICAL MARIJUANA TO THE STUDENT'S PARENT,  
45 GUARDIAN, OR DESIGNEE AT THE END OF EACH SCHOOL DAY. THE STUDENT

1 SHALL NOT HANDLE THE MEDICAL MARIJUANA IN A NONSMOKEABLE FORM  
2 ON THE GROUNDS OF THE SCHOOL, SCHOOL BUS, OR SCHOOL-SPONSORED  
3 EVENT.

4 (VIII) FOR PURPOSES OF THIS SUBSECTION (3)(d.5), "SCHOOL  
5 PERSONNEL" MEANS SCHOOL PERSONNEL DESIGNATED BY AGREEMENT  
6 BETWEEN THE PRINCIPAL OR HIS OR HER DESIGNEE AND A PARENT OR  
7 LEGAL GUARDIAN.

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

11 Page 1, line 101, strike "A SCHOOL NURSE" and substitute "SCHOOL  
12 PERSONNEL".

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