

CLSB226.004

DRAFT  
5.5.09

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB09-226

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THIS REPORT AMENDS THE  
REREVISED BILL

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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB09-226, concerning policies for the management of food allergies among school children, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

1. That the senate accede to the amendments made by the House, as the amendments appear in the rerevised version of the bill, and that the following changes be made:

Page 4 of the rerevised bill, strike lines 8 through 16 and substitute the following:

"(4) Now, therefore, the general assembly hereby declares that:

(a) The state board of education, in consultation with the department of public health and environment, should develop a statewide policy to manage the risks posed by food allergies and anaphylaxis in public schools; and

(b) Each school district of the state and the state charter school institute should develop a policy to manage the risks posed by food allergies and anaphylaxis to students, which policy, at a minimum, shall satisfy the statewide policy established by the state board of education.

**SECTION 2.** Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-2-135. Food allergy and anaphylaxis management policy - rules.** (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO SCHOOL CHILDREN'S";

strike lines 26 and 27 and substitute the following:

"(3) (a) ON OR BEFORE JANUARY 1, 2010, THE STATE BOARD OF EDUCATION, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL PROMULGATE RULES ESTABLISHING A STATEWIDE POLICY FOR THE".

Page 5, strike line 2 and substitute the following:

"ENROLLED IN THE PUBLIC SCHOOLS OF THE STATE. THE STATEWIDE POLICY SHALL";

line 5, strike "EACH SCHOOL OF THE SCHOOL DISTRICT" and substitute "SCHOOLS".

Page 6, line 2, strike "PARAGRAPH (a) OF THIS SUBSECTION (3)." and substitute "SECTION 22-32-139.".

Page 7, line 4, strike "OR SUBSECTION (4)";

line 5, strike "OF THIS SECTION";

strike lines 7 through 27.

Strike page 8.

Page 9, strike lines 1 through 21.

Page 10, line 6, strike "**required - approval of treatment**" and substitute "**required.**";

line 7, strike "**plans.**";

line 10, strike "BUT NEED" and substitute "AT A MINIMUM, MEASURES THAT SATISFY THE STATEWIDE POLICY ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-2-135.";

strike lines 11 through 13;

line 24, strike "22-32-139 (3) (b)." and substitute "22-2-135 (3) (b).".

Page 11, line 4, strike "OR SUBSECTION (3)";

line 5, strike "OF THIS SECTION";

strike lines 7 through 27.

Strike page 12.

Page 13, strike lines 1 through 16, and substitute the following:

**"SECTION 5.** Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-32-139. Food allergies and anaphylaxis policy required.**

ON OR BEFORE JULY 1, 2010, EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT AND IMPLEMENT A POLICY FOR THE MANAGEMENT OF FOOD ALLERGIES AND ANAPHYLAXIS AMONG STUDENTS ENROLLED IN THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT. THE POLICY SHALL INCLUDE, AT A MINIMUM, MEASURES THAT SATISFY THE STATEWIDE POLICY FOR THE MANAGEMENT OF FOOD ALLERGIES AND ANAPHYLAXIS AMONG STUDENTS ENROLLED IN PUBLIC SCHOOLS OF THE STATE, WHICH STATEWIDE POLICY IS ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-135."

Renumber succeeding sections accordingly.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 14, after line 4, insert the following:

**"SECTION 7.** 22-1-119.5 (1), (2) (a), (2) (b), and (4), Colorado Revised Statutes, are amended to read:

**22-1-119.5. Asthma, food allergy, and anaphylaxis health management - self-administered medication.** (1) This section shall be known and may be cited as the "Colorado Schoolchildren's Asthma, FOOD ALLERGY, and Anaphylaxis Health Management Act".

(2) (a) A student with asthma, A FOOD ALLERGY, OTHER severe allergies, or ~~other~~ A related, life-threatening condition may possess and self-administer medication to treat the student's asthma, FOOD OR OTHER ALLERGY, anaphylaxis, or other related, life-threatening condition if the student has a treatment plan approved pursuant to this subsection (2).

(b) A public school shall, and a nonpublic school is encouraged to, approve a treatment plan for a student enrolled in the school to possess and self-administer medication for asthma, A FOOD ALLERGY, or anaphylaxis if all of the following conditions are met:

(I) A health care practitioner has prescribed medication for use by the student during school hours, at school-sponsored activities, and while in transit to or from school or school-sponsored activities and has instructed the student in the correct and responsible use of the medication.

(II) The student demonstrates to the health care practitioner or the health care practitioner's designee and the school nurse OR A SCHOOL ADMINISTRATOR the skill level necessary to use the medication and any device that is necessary to administer the medication as prescribed.

(III) The school nurse ~~and the health care practitioner collaborate~~ OR A SCHOOL ADMINISTRATOR COLLABORATES WITH THE STUDENT'S HEALTH CARE PRACTITIONER to formulate a written treatment plan for managing asthma, FOOD ALLERGY, or anaphylaxis episodes of the student and for medication use by the student during school hours, at school-sponsored activities, and while in transit to or from school or school-sponsored activities.

(IV) The student's parent or legal guardian completes and submits to the public or nonpublic school the documentation required by rule of the state board of education, including but not limited to:

(A) A written medical authorization that includes the signature of the health care practitioner for the medication prescribed; the name,

purpose, prescribed dosage, frequency, and length of time between dosages of the medications to be self-administered; and confirmation from the health care practitioner that the student has been instructed and is capable of self-administration of the prescribed medications;

(B) A written statement from the student's parent or legal guardian releasing the school, school district, any associated entity, and employees and volunteers of the school, school district, and associated entity from liability, except in cases of willful or wanton conduct or disregard of the criteria of the treatment plan; and

(C) A written contract between the school nurse OR A SCHOOL ADMINISTRATOR, the student, and the student's parent or legal guardian assigning levels of responsibility to the parent or legal guardian, student, and school employees.

(4) With the approval of the parent or legal guardian of a student with a treatment plan approved pursuant to subsection (2) of this section, a school may maintain additional asthma, FOOD OR OTHER ALLERGY, or anaphylaxis medication to be kept at the school in a location to which the student has immediate access in the event of an asthma, FOOD OR OTHER ALLERGY, or anaphylaxis emergency."

Renumber succeeding sections accordingly.

