

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0347.01 Richard Sweetman

SENATE BILL 11-012

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SENATE SPONSORSHIP

Brophy,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Education

House Committees

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A BILL FOR AN ACT

101 CONCERNING A PUBLIC SCHOOL STUDENT'S AUTHORITY TO POSSESS  
102 PRESCRIPTION MEDICATIONS 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://www.leg.state.co.us/billssummaries>.)*

The bill eliminates statutory language requiring a student to have a treatment plan before he or she may possess or self-administer medication to treat his or her asthma, food or other allergy, anaphylaxis, or other related, life-threatening condition.

A student may possess and self-administer on school grounds,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

upon a school bus, or at any school-sponsored event any medication that is prescribed by a physician to be used by the student (prescribed medication). A school district board of education (district board) may adopt a policy that restricts a student from possessing and self-administering a prescribed medication. In adopting such a policy, the district board shall comply with rules promulgated by the state board of education (state board).

On or before January 1, 2012, the state board shall promulgate rules for district boards that wish to adopt policies restricting students' possession and self-administration of prescription medication. The rules shall require that before adopting any such policy, a district board make a determination that a student's possession or self-administration of a prescription medication poses a significant risk of harm to the student or to other students, which risk of harm outweighs the risk posed to the student by the enforcement of the policy. The rules shall also describe factors that a district board shall consider before making such a determination.

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

2           **SECTION 1. Repeal.** 22-1-119.5, Colorado Revised Statutes, is  
3 repealed.

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

6           **22-1-119.3. Student possession and administration of**  
7 **prescription medication - rules.** (1) EXCEPT AS DESCRIBED IN  
8 SUBSECTION (2) OF THIS SECTION, A STUDENT MAY POSSESS AND  
9 SELF-ADMINISTER ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT ANY  
10 SCHOOL-SPONSORED EVENT ANY MEDICATION THAT IS PRESCRIBED BY A  
11 PHYSICIAN TO BE USED BY THE STUDENT.

12           (2) A SCHOOL DISTRICT BOARD OF EDUCATION MAY ADOPT A  
13 POLICY THAT RESTRICTS A STUDENT FROM POSSESSING AND  
14 SELF-ADMINISTERING ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT  
15 A SCHOOL-SPONSORED EVENT A MEDICATION THAT IS PRESCRIBED BY A  
16 PHYSICIAN TO BE USED BY THE STUDENT. IN ADOPTING SUCH A POLICY,

1 THE SCHOOL DISTRICT BOARD OF EDUCATION SHALL COMPLY WITH THE  
2 RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO  
3 SUBSECTION (3) OF THIS SECTION.

4 (3) ON OR BEFORE JANUARY 1, 2012, THE STATE BOARD OF  
5 EDUCATION SHALL PROMULGATE RULES FOR SCHOOL DISTRICT BOARDS OF  
6 EDUCATION THAT WISH TO ADOPT POLICIES RESTRICTING STUDENTS'  
7 POSSESSION AND SELF-ADMINISTRATION OF PRESCRIPTION MEDICATION.

8 THE RULES SHALL:

9 (a) REQUIRE THAT BEFORE ADOPTING ANY SUCH POLICY, A SCHOOL  
10 DISTRICT BOARD OF EDUCATION MAKE A DETERMINATION THAT A  
11 STUDENT'S POSSESSION OR SELF-ADMINISTRATION OF A PRESCRIPTION  
12 MEDICATION POSES A SIGNIFICANT RISK OF HARM TO THE STUDENT OR TO  
13 OTHER STUDENTS, WHICH RISK OF HARM OUTWEIGHS THE RISK POSED TO  
14 THE STUDENT BY THE ENFORCEMENT OF THE POLICY; AND

15 (b) DESCRIBE FACTORS THAT A SCHOOL DISTRICT BOARD OF  
16 EDUCATION SHALL CONSIDER BEFORE MAKING SUCH A DETERMINATION.

17 **SECTION 3.** 22-2-135 (3) (c), Colorado Revised Statutes, is  
18 amended to read:

19 **22-2-135. Food allergy and anaphylaxis management - rules.**

20 (3) (c) The notice required by paragraph (b) of this subsection (3) shall  
21 include language that encourages parents and legal guardians of students  
22 for whom medication has been prescribed for treatment of a food allergy  
23 or anaphylaxis to give to the school nurse or other administrator of the  
24 student's school a supply of the medication. ~~unless the student has an~~  
25 ~~approved treatment plan pursuant to section 22-1-119.5 that authorizes~~  
26 ~~the student to self-administer the medication.~~

27 **SECTION 4.** 22-30.5-518 (2) (b), Colorado Revised Statutes, is

1 amended to read:

2           **22-30.5-518. Institute charter school food allergy and**  
3 **anaphylaxis management policy required.** (2) (b) The notice required  
4 by paragraph (a) of this subsection (2) shall include language that  
5 encourages parents and legal guardians of students for whom medication  
6 has been prescribed for treatment of a food allergy or anaphylaxis to give  
7 to the school nurse or other administrator of the student's school a supply  
8 of the medication. ~~unless the student has an approved treatment plan~~  
9 ~~pursuant to section 22-1-119.5 that authorizes the student to~~  
10 ~~self-administer the medication.~~

11           **SECTION 5. Act subject to petition - effective date.** This act  
12 shall take effect July 1, 2012; except that, if a referendum petition is filed  
13 pursuant to section 1 (3) of article V of the state constitution against this  
14 act or an item, section, or part of this act within the ninety-day period  
15 after final adjournment of the general assembly, then the act, item,  
16 section, or part shall not take effect unless approved by the people at the  
17 general election to be held in November 2012 and shall take effect on  
18 January 1, 2013, or on the date of the official declaration of the vote  
19 thereon by the governor, whichever is later.