

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 3, 2011
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB11-012 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

3 "SECTION 1. 22-1-119.5 (2) (a) and (3), Colorado Revised
4 Statutes, are amended to read:

5 **22-1-119.5. Asthma, food allergy, and anaphylaxis health**
6 **management - self-administered medication.** (2) (a) A student with
7 asthma, a food allergy, other severe allergies, or a related, life-threatening
8 condition may possess and self-administer medication to treat the
9 student's asthma, food or other allergy, anaphylaxis, or other related,
10 life-threatening condition if the student has a treatment plan approved
11 pursuant to this subsection (2) OR THE STUDENT'S SCHOOL DISTRICT
12 BOARD OF EDUCATION HAS ADOPTED A POLICY FOR STUDENT POSSESSION
13 AND ADMINISTRATION OF PRESCRIPTION MEDICATION PURSUANT TO
14 SECTION 22-1-119.3.

15 (3) A student with a treatment plan approved pursuant to
16 subsection (2) of this section OR WHOSE SCHOOL DISTRICT BOARD OF
17 EDUCATION HAS ADOPTED A POLICY FOR STUDENT POSSESSION AND
18 ADMINISTRATION OF PRESCRIPTION MEDICATION PURSUANT TO SECTION
19 22-1-119.3 may possess and self-administer his or her medication while
20 in school, while at school-sponsored activities, and while in transit to or
21 from school or school-sponsored activities.

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

1 **22-1-119.3. Policy for student possession and administration**
2 **of prescription medication - rules.** (1) A SCHOOL DISTRICT BOARD OF
3 EDUCATION MAY ADOPT AND IMPLEMENT A POLICY WHEREBY, EXCEPT AS
4 DESCRIBED IN SUBSECTION (3) OF THIS SECTION, A STUDENT ENROLLED IN
5 A SCHOOL OF THE SCHOOL DISTRICT MAY POSSESS AND SELF-ADMINISTER
6 ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT ANY
7 SCHOOL-SPONSORED EVENT ANY MEDICATION THAT IS PRESCRIBED BY A
8 PHYSICIAN TO BE USED BY THE STUDENT.

9 (2) A PARENT OR LEGAL GUARDIAN OF A STUDENT WHO IS
10 ENROLLED IN A SCHOOL OF A SCHOOL DISTRICT AND FOR WHOM
11 MEDICATION IS PRESCRIBED BY A PHYSICIAN SHALL NOTIFY THE SCHOOL'S
12 ADMINISTRATION OF THE STUDENT'S MEDICAL NEEDS AND OF THE FACT
13 THAT THE STUDENT MAY BE IN POSSESSION OF HIS OR HER PRESCRIBED
14 MEDICATIONS AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE
15 NOTIFICATION, WHEN APPROPRIATE, SHALL INCLUDE THE TREATMENT PLAN
16 THAT HAS BEEN DEvised FOR THE STUDENT BY A LICENSED HEALTH CARE
17 PRACTITIONER.

18 (3)(a) A SCHOOL DISTRICT BOARD OF EDUCATION MAY ADOPT AND
19 IMPLEMENT A POLICY THAT RESTRICTS A STUDENT FROM POSSESSING AND
20 SELF-ADMINISTERING ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT
21 A SCHOOL-SPONSORED EVENT A MEDICATION THAT IS PRESCRIBED BY A
22 PHYSICIAN TO BE USED BY THE STUDENT. IF A SCHOOL DISTRICT BOARD OF
23 EDUCATION ADOPTS SUCH A POLICY, THE POLICY SHALL:

24 (I) REQUIRE THE SCHOOL DISTRICT BOARD OF EDUCATION TO MAKE
25 A DETERMINATION AS TO WHETHER A STUDENT'S POSSESSION OR
26 SELF-ADMINISTRATION OF A PRESCRIPTION MEDICATION POSES A
27 SIGNIFICANT RISK OF HARM TO THE STUDENT OR TO OTHER STUDENTS,
28 WHICH RISK OF HARM OUTWEIGHS THE RISK POSED TO THE STUDENT BY
29 THE ENFORCEMENT OF THE POLICY; AND

30 (II) ENSURE THAT IF A STUDENT HAS MEDICATION PRESCRIBED FOR
31 A LIFE-THREATENING CONDITION, A SUFFICIENT SUPPLY OF THE
32 MEDICATION IS PROVIDED TO THE SCHOOL BY THE STUDENT'S PARENT OR
33 LEGAL GUARDIAN, STORED SAFELY AT THE SCHOOL, AND KEPT READILY
34 AVAILABLE TO BE ADMINISTERED TO THE STUDENT IN A TIMELY FASHION
35 IN THE EVENT OF A HEALTH EMERGENCY.

36 (b) A STUDENT ATTENDING A SCHOOL-SPONSORED EVENT MAY
37 POSSESS ONLY ENOUGH OF HIS OR HER PRESCRIBED MEDICINE TO RENDER
38 A SUFFICIENT DOSAGE TO THE STUDENT TO ADEQUATELY TREAT THE
39 STUDENT'S CONDITION FOR THE LENGTH OF THE ENTIRE EVENT.

40 (c) A STUDENT SHALL NOT POSSESS OR SELF-ADMINISTER MEDICAL
41 MARIJUANA ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT ANY

1 SCHOOL-SPONSORED EVENT.

2 (4) THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES
3 FOR THE IMPLEMENTATION OF THIS SECTION.

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

6 **22-2-135. Food allergy and anaphylaxis management - rules.**
7 (3) (c) The notice required by paragraph (b) of this subsection (3) shall
8 include language that encourages parents and legal guardians of students
9 for whom medication has been prescribed for treatment of a food allergy
10 or anaphylaxis to give to the school nurse or other administrator of the
11 student's school a supply of the medication. ~~unless the student has an~~
12 ~~approved treatment plan pursuant to section 22-1-119.5 that authorizes~~
13 ~~the student to self-administer the medication.~~

14 **SECTION 4.** 22-30.5-518 (2) (b), Colorado Revised Statutes, is
15 amended to read:

16 **22-30.5-518. Institute charter school food allergy and**
17 **anaphylaxis management policy required.** (2) (b) The notice required
18 by paragraph (a) of this subsection (2) shall include language that
19 encourages parents and legal guardians of students for whom medication
20 has been prescribed for treatment of a food allergy or anaphylaxis to give
21 to the school nurse or other administrator of the student's school a supply
22 of the medication. ~~unless the student has an approved treatment plan~~
23 ~~pursuant to section 22-1-119.5 that authorizes the student to~~
24 ~~self-administer the medication.~~

25 **SECTION 5. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety."

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