

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 11-0347.01 Richard Sweetman

SENATE BILL 11-012

SENATE SPONSORSHIP

Brophy,

HOUSE SPONSORSHIP

Massey,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING A PUBLIC SCHOOL STUDENT'S AUTHORITY TO POSSESS**
102 **PRESCRIPTION MEDICATIONS AT SCHOOL.**

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/billsummaries>.)

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.

SENATE
Amended 3rd Reading
February 21, 2011

SENATE
Amended 2nd Reading
February 18, 2011

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.

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

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

4 22-1-119.5. Asthma, food allergy, and anaphylaxis health
5 management - self-administered medication. (2) (a) A student with
6 asthma, a food allergy, other severe allergies, or a related, life-threatening
7 condition may possess and self-administer medication to treat the
8 student's asthma, food or other allergy, anaphylaxis, or other related,
9 life-threatening condition if the student has a treatment plan approved
10 pursuant to this subsection (2) OR THE STUDENT'S SCHOOL DISTRICT
11 BOARD OF EDUCATION HAS ADOPTED A POLICY FOR STUDENT POSSESSION
12 AND ADMINISTRATION OF PRESCRIPTION MEDICATION PURSUANT TO
13 SECTION 22-1-119.3.

14 (3) A student with a treatment plan approved pursuant to
15 subsection (2) of this section OR WHOSE SCHOOL DISTRICT BOARD OF
16 EDUCATION HAS ADOPTED A POLICY FOR STUDENT POSSESSION AND

1 ADMINISTRATION OF PRESCRIPTION MEDICATION PURSUANT TO SECTION
2 22-1-119.3 may possess and self-administer his or her medication while
3 in school, while at school-sponsored activities, and while in transit to or
4 from school or school-sponsored activities.

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

7 22-1-119.3. Policy for student possession and administration
8 of prescription medication - rules. (1) A SCHOOL DISTRICT BOARD OF
9 EDUCATION MAY ADOPT AND IMPLEMENT A POLICY WHEREBY, EXCEPT AS
10 DESCRIBED IN SUBSECTION (3) OF THIS SECTION, A STUDENT ENROLLED IN
11 A SCHOOL OF THE SCHOOL DISTRICT MAY POSSESS AND SELF-ADMINISTER
12 ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT ANY
13 SCHOOL-SPONSORED EVENT ANY MEDICATION THAT IS PRESCRIBED BY A
14 LICENSED HEALTH CARE PRACTITIONER TO BE USED BY THE STUDENT.

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

24 (3)(a) A SCHOOL DISTRICT BOARD OF EDUCATION MAY ADOPT AND
25 IMPLEMENT A POLICY THAT RESTRICTS A STUDENT FROM POSSESSING AND
26 SELF-ADMINISTERING ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT
27 A SCHOOL-SPONSORED EVENT A MEDICATION THAT IS PRESCRIBED BY A

1 LICENSED HEALTH CARE PRACTITIONER TO BE USED BY THE STUDENT. IF
2 A SCHOOL DISTRICT BOARD OF EDUCATION ADOPTS SUCH A POLICY, THE
3 POLICY SHALL:

4 (I) REQUIRE A PROCESS BY WHICH THE ADMINISTRATORS OF A
5 STUDENT'S SCHOOL MAKE A DETERMINATION AS TO WHETHER A STUDENT'S
6 POSSESSION OR SELF-ADMINISTRATION OF A PRESCRIPTION MEDICATION
7 POSES A SIGNIFICANT RISK OF HARM TO THE STUDENT OR TO OTHER
8 STUDENTS, WHICH RISK OF HARM OUTWEIGHS THE RISK POSED TO THE
9 STUDENT BY THE ENFORCEMENT OF THE POLICY; AND

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

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

20 (c) A STUDENT SHALL NOT POSSESS OR SELF-ADMINISTER MEDICAL
21 MARIJUANA ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT ANY
22 SCHOOL-SPONSORED EVENT.

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

25 SECTION 3. 22-2-135 (3) (c), Colorado Revised Statutes, is
26 amended to read:

27 **22-2-135. Food allergy and anaphylaxis management - rules.**

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

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

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

19 SECTION 5. Safety clause. The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.