

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

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/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.*

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. 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 PHYSICIAN 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 PHYSICIAN SHALL NOTIFY THE SCHOOL'S  
18 ADMINISTRATION OF THE STUDENT'S MEDICAL NEEDS AND OF THE FACT  
19 THAT THE STUDENT MAY BE IN POSSESSION OF HIS OR HER PRESCRIBED  
20 MEDICATIONS AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE  
21 NOTIFICATION, WHEN APPROPRIATE, SHALL INCLUDE THE TREATMENT PLAN  
22 THAT HAS BEEN DEvised FOR THE STUDENT BY A LICENSED HEALTH CARE  
23 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 PHYSICIAN TO BE USED BY THE STUDENT. IF A SCHOOL DISTRICT BOARD OF  
2 EDUCATION ADOPTS SUCH A POLICY, THE POLICY SHALL:

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

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

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

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

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

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

26 **22-2-135. Food allergy and anaphylaxis management - rules.**

27 (3) (c) The notice required by paragraph (b) of this subsection (3) shall

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

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

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

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