

S.B. 21-056

Concerning Administration of Medical Marijuana at School



Background

Since 2011, local school boards have been permitted to adopt policies allowing students to possess and self-administer medications prescribed by licensed health practitioners. The minimum requirements for these policies are set in statute. See C.R.S. 22-1-119.3. Students may not possess or self-administer medical marijuana on school grounds.

In 2016, the law was amended to allow a student to receive medical marijuana at school if the student's primary caregiver possesses and administers the marijuana to the student in a nonsmokeable form. The law was further amended in 2018 to also allow school personnel to possess and administer medical marijuana to a student in a nonsmokeable form, based on school policy and a signed agreement between a school principal and the student's parent or legal guardian.

Local School Board Policies

Senate Bill 21-056 changed the law to *require* local school boards to adopt and implement a policy for student possession and self-administration of medications prescribed by licensed health practitioners. The bill also requires that such policy include processes for the storage, possession and administration of medical marijuana in a nonsmokeable form to a student who holds a valid recommendation from a licensed physician.

Districts are not required to allow primary caregivers or school personnel to administer medical marijuana if any of the following apply:

- (1) The school district loses, or will lose, federal funding as a result of implementing the requirement.
- (2) The school district can demonstrate a reasonable, documented expectation of lost federal funding based on federal guidance or grant requirements directly as a result of implementing the requirement.
- (3) The school district posts a statement conspicuously on its website regarding its decision not to comply with the requirement, C.R.S. 22-1-119.3(3)(d)(V).

School Plans

Prior to S.B. 21-056, school leaders could permit staff to store, possess and administer medical marijuana to students with a proper recommendation and according to a written plan signed by the principal and the parent or legal guardian. Now, schools *must* permit staff to store, possess and administer medical marijuana. The law now clarifies that the written plan must be consistent with the local school board's adopted policy concerning administration of medical marijuana. The plan must be consistent with instructions from the student's physician, including dosing, timing and delivery.

Role of School Personnel



School personnel must be allowed to volunteer to possess or administer medical marijuana for a student with a valid recommendation. School boards or administration may not retaliate against personnel who volunteer to possess or administer medical marijuana nor against those who refuse to do so.

The Colorado Department of Education may not impose licensing discipline based on the possession, administration or assistance in the administration of medical marijuana to students under local board policy. School staff and volunteers acting in good faith are immune from criminal prosecution or civil suit for their actions taken under C.R.S. 22-1-119.3.

Role of State Board of Education

The state board of education has a very limited role in policies concerning administration of medical marijuana.

Before staff can administer medical marijuana to a student, the student's parent or legal guardian must complete and submit specific documentation, including:

- (1) A written medical marijuana recommendation signed by at least one of the recommending physicians. The recommendation should describe the purpose, recommended dosage, frequency and length of time between dosages.
- (2) A written release of liability from the student's parent or legal guardian.

The state board's Rules for Administration of Medication, 1 CCR 301-68, repeat these two documentation requirements from statute and do not require any additional documentation.