

CHAPTER 62

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 11-012

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 also REPRESENTATIVE(S) Massey, Becker, Beezley, Brown, Conti, Fields, Gerou, Holbert, Kerr J., Labuda, Liston, Murray,
 Priola, Ramirez, Schafer S., Stephens, Todd, Williams A., Wilson.

AN ACT**CONCERNING A PUBLIC SCHOOL STUDENT'S AUTHORITY TO POSSESS PRESCRIPTION MEDICATIONS AT SCHOOL.**

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

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

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

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

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

22-1-119.3. Policy for student possession and administration of prescription

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

medication - rules. (1) A SCHOOL DISTRICT BOARD OF EDUCATION MAY ADOPT AND IMPLEMENT A POLICY WHEREBY, EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, A STUDENT ENROLLED IN A SCHOOL OF THE SCHOOL DISTRICT MAY POSSESS AND SELF-ADMINISTER ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT ANY SCHOOL-SPONSORED EVENT ANY MEDICATION THAT IS PRESCRIBED BY A LICENSED HEALTH CARE PRACTITIONER TO BE USED BY THE STUDENT.

(2) (a) IF A SCHOOL DISTRICT BOARD OF EDUCATION ADOPTS AND IMPLEMENTS A POLICY DESCRIBED BY SUBSECTION (1) OF THIS SECTION, A PARENT OR LEGAL GUARDIAN OF A STUDENT WHO IS ENROLLED IN A SCHOOL OF THE SCHOOL DISTRICT AND FOR WHOM MEDICATION IS PRESCRIBED BY A LICENSED HEALTH CARE PRACTITIONER SHALL NOTIFY THE SCHOOL'S ADMINISTRATION OF THE STUDENT'S MEDICAL NEEDS AND OF THE FACT THAT THE STUDENT MAY BE IN POSSESSION OF HIS OR HER PRESCRIBED MEDICATIONS AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE NOTIFICATION, WHEN APPROPRIATE, SHALL INCLUDE THE TREATMENT PLAN THAT HAS BEEN DEvised FOR THE STUDENT BY A LICENSED HEALTH CARE PRACTITIONER.

(b) IF A SCHOOL'S ADMINISTRATION RECEIVES NOTICE FROM A STUDENT'S PARENT OR LEGAL GUARDIAN THAT THE STUDENT MAY BE IN POSSESSION OF HIS OR HER PRESCRIBED MEDICATIONS, THE SCHOOL'S ADMINISTRATION SHALL ENSURE THAT SUCH NOTICE IS PROVIDED TO THE STUDENT'S TEACHERS AND THE SCHOOL NURSE OR OTHER PERSON WHO IS DESIGNATED TO PROVIDE HEALTH SERVICES TO STUDENTS AT THE SCHOOL.

(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE ABILITY OF A PUBLIC SCHOOL TO REQUIRE A PARENT OR LEGAL GUARDIAN OF A STUDENT WHO HAS MEDICATION PRESCRIBED FOR A LIFE-THREATENING CONDITION TO PROVIDE TO THE SCHOOL A SUFFICIENT SUPPLY OF THE MEDICATION TO BE STORED AT THE SCHOOL TO BE ADMINISTERED TO THE STUDENT IN THE EVENT OF A HEALTH EMERGENCY.

(3) (a) A POLICY ADOPTED BY A SCHOOL DISTRICT BOARD OF EDUCATION PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) A PROCESS BY WHICH A SCHOOL MAY RESTRICT A STUDENT FROM POSSESSING AND SELF-ADMINISTERING ON SCHOOL GROUNDS, ON A SCHOOL BUS, OR AT A SCHOOL-SPONSORED EVENT A MEDICATION THAT IS PRESCRIBED BY A LICENSED HEALTH CARE PRACTITIONER TO BE USED BY THE STUDENT. THE PROCESS SHALL REQUIRE THE SCHOOL ADMINISTRATION TO MAKE A DETERMINATION AS TO WHETHER A STUDENT'S POSSESSION OR SELF-ADMINISTRATION OF THE MEDICATION POSES A SIGNIFICANT RISK OF HARM TO THE STUDENT OR TO OTHER STUDENTS.

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

(b) A STUDENT WHO POSSESSES A PRESCRIBED MEDICATION ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT A SCHOOL-SPONSORED EVENT IN ACCORDANCE WITH A

POLICY ADOPTED BY A SCHOOL DISTRICT PURSUANT TO THIS SECTION MAY POSSESS ONLY ENOUGH OF HIS OR HER PRESCRIBED MEDICATION TO RENDER A SUFFICIENT DOSAGE TO THE STUDENT TO ADEQUATELY TREAT THE STUDENT'S CONDITION FOR A SINGLE DAY OR FOR THE DURATION OF THE EVENT, WHICHEVER IS APPROPRIATE; EXCEPT THAT, THIS PROVISION SHALL NOT APPLY TO A STUDENT WHO REQUIRES AND POSSESSES AN INSULIN PUMP OR OTHER MEDICAL DEVICE THAT DELIVERS DOSAGES OF PRESCRIBED MEDICATION TO THE STUDENT OVER A PERIOD OF TIME THAT EXCEEDS A SINGLE DAY OR THE DURATION OF THE EVENT.

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

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

(5) A SCHOOL DISTRICT BOARD OF EDUCATION THAT ADOPTS A POLICY PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE EXEMPT FROM RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO THE "COLORADO SCHOOLCHILDREN'S ASTHMA, FOOD ALLERGY, AND ANAPHYLAXIS HEALTH MANAGEMENT ACT", SECTION 22-1-119.5.

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

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

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

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

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

Approved: March 25, 2011