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## Recent Legislation May Allow Medical Marijuana Administration to School Children by School Personnel

*Contributed by Hanni Raley, Assistant Executive Director*

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This year the Colorado Legislature passed and Governor Hickenlooper signed a bill that expands a 2017 bill allowing medical marijuana to be administered on school grounds by parents or caregivers. This year's addition allows school personnel to administer medical marijuana to a student with a medical marijuana registry card while at school. This bill, [HB 18-1286](#), is fresh off the Governor's desk, and here are some quick details about it to know:

- A written plan for administration and assigned personnel must be agreed upon and signed by the school principal or his/her designee.
- Personnel to administer the medication can be defined as anyone agreed upon by the school principal/designee and the parent/legal guardian.
- Medical marijuana must be in a clearly labeled, non-smokeable form and will not be administered unless the individual holds a medical marijuana registry card.
- Prior to administration, the student's parent must submit information to the school including (but not limited to):
  - o A written recommendation by a recommending physician for the purpose, dose recommendation, frequency, and length of time between dosages.
  - o A written statement from the student's parent/guardian releasing the school, and employees and volunteers from liability, except in cases of willful or wanton conduct or disregard of the treatment plan.
- Administration of the medication may occur on school grounds where the student is enrolled, a school bus, or at an in-state school-sponsored event but shall not create a disruption to the educational environment or cause exposure to other students.
- The medication must be stored safely away from student access.

**While this legislation offers the flexibility that families need to enable them to work and engage in daily activities without being required to administer the medication to their child, it must be noted that this bill is considered a ‘permissible bill’ which allows schools to administer but does not require schools or school personnel to administer the medication.** Nothing in federal law, including the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act, can be used to require a school to store, possess, or administer medical marijuana.

Though school personnel have been exempted from Colorado’s State Criminal Laws in order for them to possess and administer this medication, the school may develop and adopt policies regarding which, if any, school personnel can administer. They may also adopt policies regarding a decision not to comply with this legislation.

If your child carries a Medical Marijuana Registry Card and would benefit from school administration, the best first step would be to contact your school principal to identify whether the school has a policy and/or procedure to identify school personnel to administer medical marijuana. Because this is new legislation, The Arc of Aurora expects schools and districts to be working on policies throughout the 2018-19 school year. If at any time you need assistance or guidance, please don’t hesitate to reach out your Arc of Aurora advocate for support.

### A related message



This legislation expands upon simple principles that all people should have the right to access all treatments, including those considered alternative, to address their symptoms in environments they frequent, something The Arc of Aurora certainly supports. While Colorado has become a clear leader in applying non-traditional treatment modalities, we know that the conversation on the role of cannabis in our lives has just begun to truly develop. We want YOU to be a part of the discussion and invite you to attend [Finding Health: The Intersection of Disability and Nutrition](#) conference intended to get YOU foundational information on good nutrition and the role cannabis compound cannabidiol (CBD) might play in your quest for good health. Knowledge is power and the first step to actively engage in an ever-expanding discussion.

Thanks to generous donors, your [Finding Health](#) registration fee *could* be discounted. Contact Jean Solis at 720-213-1420 or [jsolis@thearcofaurora.org](mailto:jsolis@thearcofaurora.org) to see whether you are able to register with a discount. We hope to see you there!