
SENATE BILL 5290

State of Washington

65th Legislature

2017 Regular Session

By Senators Hobbs, Takko, Palumbo, and Chase

Read first time 01/19/17. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the administration of marijuana to students
2 for medical purposes; amending RCW 69.51A.060; adding a new section
3 to chapter 28A.210 RCW; and adding a new section to chapter 69.51A
4 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210
7 RCW to read as follows:

8 (1) A school district must permit a student who meets the
9 requirements of RCW 69.51A.220 to consume marijuana for medical
10 purposes on school grounds, aboard a school bus, or while attending a
11 school-sponsored event in accordance with the school district's
12 policy adopted pursuant to this section.

13 (2) By September 1, 2017, the board of directors of each school
14 district shall adopt a policy to authorize parents, guardians, and
15 primary caregivers to administer marijuana to a student for medical
16 purposes while the student is on school grounds, aboard a school bus,
17 or attending a school-sponsored event. The policy must, at a minimum:

18 (a) Require that the student be authorized to use marijuana for
19 medical purposes pursuant to RCW 69.51A.220 and that the parent,
20 guardian, or caregiver acts as the designated provider for the
21 student and assists the student with the consumption of the marijuana

1 while on school grounds, aboard a school bus, or attending a school-
2 sponsored event;

3 (b) Establish protocols for verifying the inclusion of the
4 student in the medical marijuana authorization database under RCW
5 69.51A.230. The school may consider a student's valid recognition
6 card to be proof of inclusion in the medical marijuana authorization
7 database;

8 (c) Expressly authorize parents, guardians, and primary
9 caregivers of students who have been authorized to use marijuana for
10 medical purposes to administer marijuana to the student while the
11 student is on school grounds, aboard a school bus, or attending a
12 school-sponsored event;

13 (d) Identify locations on school grounds where medical marijuana
14 may be administered; and

15 (e) Prohibit the administration of medical marijuana to a student
16 by smoking or other methods involving inhalation while the student is
17 on school grounds, aboard a school bus, or attending a school-
18 sponsored event.

19 (3) School district officials, employees, volunteers, students,
20 parents, guardians, and primary caregivers acting in accordance with
21 the school district policy adopted under subsection (2) of this
22 section may not be arrested, prosecuted, or subject to other criminal
23 sanctions, or civil or professional consequences for possession,
24 manufacture, or delivery of, or for possession with intent to
25 manufacture or deliver marijuana under state law, or have real or
26 personal property seized or forfeited for possession, manufacture, or
27 delivery of, or possession with intent to manufacture or deliver
28 marijuana under state law.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 69.51A
30 RCW to read as follows:

31 A school district must permit a student who meets the
32 requirements of RCW 69.51A.220 to consume marijuana on school
33 grounds, aboard a school bus, or while attending a school-sponsored
34 event. The use must be in accordance with school policy relating to
35 medical marijuana use on school grounds, aboard a school bus, or
36 while attending a school-sponsored event, as adopted under section 1
37 of this act.

1 **Sec. 3.** RCW 69.51A.060 and 2015 c 70 s 31 are each amended to
2 read as follows:

3 (1) It shall be a class 3 civil infraction to use or display
4 medical marijuana in a manner or place which is open to the view of
5 the general public.

6 (2) Nothing in this chapter establishes a right of care as a
7 covered benefit or requires any state purchased health care as
8 defined in RCW 41.05.011 or other health carrier or health plan as
9 defined in Title 48 RCW to be liable for any claim for reimbursement
10 for the medical use of marijuana. Such entities may enact coverage or
11 noncoverage criteria or related policies for payment or nonpayment of
12 medical marijuana in their sole discretion.

13 (3) Nothing in this chapter requires any health care professional
14 to authorize the medical use of marijuana for a patient.

15 (4) Nothing in this chapter requires any accommodation of any on-
16 site medical use of marijuana in any place of employment, (~~in any~~
17 ~~school bus or on any school grounds,~~) in any youth center, in any
18 correctional facility, or smoking marijuana in any public place or
19 hotel or motel. (~~However, a school may permit a minor who meets the~~
20 ~~requirements of RCW 69.51A.220 to consume marijuana on school~~
21 ~~grounds. Such use must be in accordance with school policy relating~~
22 ~~to medication use on school grounds.))~~

23 (5) Nothing in this chapter authorizes the possession or use of
24 marijuana, marijuana concentrates, useable marijuana, or marijuana-
25 infused products on federal property.

26 (6) Nothing in this chapter authorizes the use of medical
27 marijuana by any person who is subject to the Washington code of
28 military justice in chapter 38.38 RCW.

29 (7) Employers may establish drug-free work policies. Nothing in
30 this chapter requires an accommodation for the medical use of
31 marijuana if an employer has a drug-free workplace.

32 (8) No person shall be entitled to claim the protection from
33 arrest and prosecution under RCW 69.51A.040 or the affirmative
34 defense under RCW 69.51A.043 for engaging in the medical use of
35 marijuana in a way that endangers the health or well-being of any
36 person through the use of a motorized vehicle on a street, road, or
37 highway, including violations of RCW 46.61.502 or 46.61.504, or
38 equivalent local ordinances.

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