

**SHB 1095** - S COMM AMD

By Committee on Early Learning & K-12 Education

**ADOPTED 04/13/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

10 (2) Upon the request of a parent or guardian of a student who  
11 meets the requirements of RCW 69.51A.220, the board of directors of a  
12 school district shall adopt a policy to authorize parents or  
13 guardians to administer marijuana-infused products to a student for  
14 medical purposes while the student is on school grounds, aboard a  
15 school bus, or attending a school-sponsored event. The policy must,  
16 at a minimum:

17 (a) Require that the student be authorized to use marijuana-  
18 infused products for medical purposes pursuant to RCW 69.51A.220 and  
19 that the parent or guardian acts as the designated provider for the  
20 student and assists the student with the consumption of the marijuana  
21 while on school grounds, aboard a school bus, or attending a school-  
22 sponsored event;

23 (b) Establish protocols for verifying the student is authorized  
24 to use marijuana for medical purposes and the parent or guardian is  
25 acting as the designated provider for the student pursuant to RCW  
26 69.51A.220. The school may consider a student's and parent's or  
27 guardian's valid recognition cards to be proof of compliance with RCW  
28 69.51A.220;

29 (c) Expressly authorize parents or guardians of students who have  
30 been authorized to use marijuana for medical purposes to administer  
31 marijuana-infused products to the student while the student is on

1 school grounds at a location identified pursuant to (d) of this  
2 subsection (2), aboard a school bus, or attending a school-sponsored  
3 event;

4 (d) Identify locations on school grounds where marijuana-infused  
5 products may be administered; and

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

10 (3) School district officials, employees, volunteers, students,  
11 and parents and guardians acting in accordance with the school  
12 district policy adopted under subsection (2) of this section may not  
13 be arrested, prosecuted, or subject to other criminal sanctions, or  
14 civil or professional consequences for possession, manufacture, or  
15 delivery of, or for possession with intent to manufacture or deliver  
16 marijuana under state law, or have real or personal property seized  
17 or forfeited for possession, manufacture, or delivery of, or  
18 possession with intent to manufacture or deliver marijuana under  
19 state law.

20 (4) For the purposes of this section, "marijuana-infused  
21 products" has the meaning provided in RCW 69.50.101.

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

24 A school district must permit a student who meets the  
25 requirements of RCW 69.51A.220 to consume marijuana-infused products  
26 on school grounds, aboard a school bus, or while attending a school-  
27 sponsored event. The use must be in accordance with school policy  
28 relating to medical marijuana use on school grounds, aboard a school  
29 bus, or while attending a school-sponsored event, as adopted under  
30 section 1 of this act.

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

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

36 (2) Nothing in this chapter establishes a right of care as a  
37 covered benefit or requires any state purchased health care as  
38 defined in RCW 41.05.011 or other health carrier or health plan as

1 defined in Title 48 RCW to be liable for any claim for reimbursement  
2 for the medical use of marijuana. Such entities may enact coverage or  
3 noncoverage criteria or related policies for payment or nonpayment of  
4 medical marijuana in their sole discretion.

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

7 (4) Nothing in this chapter requires any accommodation of any on-  
8 site medical use of marijuana in any place of employment, (~~in any~~  
9 ~~school bus or on any school grounds,~~) in any youth center, in any  
10 correctional facility, or smoking marijuana in any public place or  
11 hotel or motel. (~~However, a school may permit a minor who meets the~~  
12 ~~requirements of RCW 69.51A.220 to consume marijuana on school~~  
13 ~~grounds. Such use must be in accordance with school policy relating~~  
14 ~~to medication use on school grounds.))~~

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

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

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

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

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.300  
32 RCW to read as follows:

33 (1) The superintendent of public instruction and school districts  
34 must suspend implementation of sections 1 and 2 of this act if:

35 (a) The federal government issues a communication after the  
36 effective date of this section that suggests that federal education  
37 funding will be withheld if the state continues to implement sections  
38 1 and 2 of this act;

1 (b) The superintendent of public instruction requests a formal  
2 opinion by the state attorney general on the federal communication;  
3 and

4 (c) The state attorney general provides a formal opinion that the  
5 federal communication has reasonably demonstrated that continued  
6 implementation of sections 1 and 2 of this act reasonably jeopardizes  
7 future federal funding.

8 (2) The office of the superintendent of public instruction must  
9 provide the state attorney general opinion to the education and  
10 fiscal committees of the legislature within thirty days of the  
11 issuance of the opinion."

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12 On page 1, line 2 of the title, after "purposes;" strike the  
13 remainder of the title and insert "amending RCW 69.51A.060; adding a  
14 new section to chapter 28A.210 RCW; adding a new section to chapter  
15 69.51A RCW; and adding a new section to chapter 28A.300 RCW."

EFFECT: Replaces the term "marijuana concentrates" with  
"marijuana-infused products."

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