

FINAL BILL REPORT

SHB 1095

C 204 L 19
Synopsis as Enacted

Brief Description: Concerning the administration of marijuana to students for medical purposes.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Blake, Walsh and Jenkins).

House Committee on Health Care & Wellness
Senate Committee on Early Learning & K-12 Education

Background:

Marijuana is classified as a Schedule I substance under the Controlled Substances Act. Under federal law, the manufacture, possession, or distribution of Schedule I substances is a criminal offense. To receive federal funding, school districts must be compliant with federal requirements to have a drug and tobacco-free workplace and a similar student policy.

Since 1998 Washington law has allowed qualifying patients to use limited amounts of marijuana for medicinal purposes. A qualifying patient is a person who is the patient of a health care professional who has diagnosed the patient as having a terminal or debilitating medical condition. The health care professional must have advised the patient about the risks and benefits of using marijuana for medical purposes and advised the patient that he or she may benefit from the medical use of marijuana. In addition, a qualifying patient must either have an authorization from the health care professional or be entered in the Department of Health's Medical Marijuana Authorization Database (Authorization Database).

In the case of a qualifying patient who is under 18 years old, the minor's parent or guardian must participate in the minor's treatment and agree to the minor's use of marijuana. In addition, the parent or guardian must act as the minor's designated provider and maintain sole control over the minor's marijuana. Prior to authorizing the use of marijuana for a minor, the health care professional must consult with other health care providers involved in the minor's treatment and reexamine the minor at least every six months. A minor who is a qualifying patient must be entered in the Authorization Database.

Schools are not required to accommodate the use of marijuana on school grounds or in a school bus, however, they may permit a student who is a qualifying patient to consume

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marijuana on school grounds in accordance with policies regarding the use of medications at school.

Summary:

Upon the request of a parent or guardian of a student who is a qualifying patient, school districts must adopt policies to allow parents and guardians to administer marijuana-infused products to a student for medical purposes while the student is on school grounds, on a school bus, or at a school-sponsored activity. The policy must:

- require that the student meet the requirements related to the medical use of marijuana-infused products by a minor;
- require that the parent or guardian be the student's designated provider and assist the student with the consumption of the marijuana-infused products;
- establish protocols to verify that the student is authorized to use marijuana for medical purposes and the parent or guardian is the student's designated provider;
- authorize parents or guardians to administer marijuana-infused products to a student while on school grounds at an identified location, in a school bus, or at a school-sponsored event;
- identify locations on school grounds where marijuana-infused products may be administered for medical purposes; and
- prohibit the administration of marijuana to a student by means of smoking or inhalation.

Schools must permit students who are in compliance with the requirements for minors who are qualifying patients to consume marijuana-infused products for medical purposes while on school grounds, in a school bus, or at a school-sponsored event.

Civil, criminal, and professional protections are established for school district officials, employees, volunteers, students, parents, and guardians who act in accordance with the school district's policy.

The Superintendent of Public Instruction and school districts must suspend implementation of the act if the federal government issues a communication that suggests that implementation will result in the withholding of federal education funds and the Washington State Attorney General finds that it has been reasonably demonstrated that implementation of the act would reasonably jeopardize future federal funding.

Votes on Final Passage:

House	77	19	
Senate	41	4	(Senate amended)
House	79	16	(House concurred)

Effective: July 28, 2019