

SHB 1060 - S COMM AMD

By Committee on Early Learning & K-12 Education

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

3 "Sec. 1. RCW 28A.210.260 and 2017 c 186 s 2 are each amended to  
4 read as follows:

5 (1) Public school districts and private schools which conduct any  
6 of grades kindergarten through the twelfth grade may provide for the  
7 administration of oral medication, topical medication, eye drops, ear  
8 drops, or nasal spray, of any nature to students who are in the  
9 custody of the school district or school at the time of  
10 administration, but are not required to do so by this section,  
11 subject to the following conditions:

12 ~~((1))~~ (a) The board of directors of the public school district  
13 or the governing board of the private school or, if none, the chief  
14 administrator of the private school shall adopt policies which  
15 address the designation of employees who may administer oral  
16 medications, topical medications, eye drops, ear drops, or nasal  
17 spray to students, the acquisition of parent requests and  
18 instructions, and the acquisition of requests from licensed health  
19 professionals prescribing within the scope of their prescriptive  
20 authority and instructions regarding students who require medication  
21 for more than fifteen consecutive school days, the identification of  
22 the medication to be administered, the means of safekeeping  
23 medications with special attention given to the safeguarding of  
24 legend drugs as defined in chapter 69.41 RCW, and the means of  
25 maintaining a record of the administration of such medication;

26 ~~((2))~~ (b) The board of directors shall seek advice from one or  
27 more licensed physicians or nurses in the course of developing the  
28 foregoing policies;

29 ~~((3))~~ (c) The public school district or private school is in  
30 receipt of a written, current and unexpired request from a parent, or  
31 a legal guardian, or other person having legal control over the  
32 student to administer the medication to the student;

1        ~~((4))~~ (d) The public school district or the private school is  
2 in receipt of ~~((a))~~: (i) A written, current and unexpired request  
3 from a licensed health professional prescribing within the scope of  
4 his or her prescriptive authority for administration of the  
5 medication, as there exists a valid health reason which makes  
6 administration of such medication advisable during the hours when  
7 school is in session or the hours in which the student is under the  
8 supervision of school officials~~(, and (b))~~; and (ii) written,  
9 current and unexpired instructions from such licensed health  
10 professional prescribing within the scope of his or her prescriptive  
11 authority regarding the administration of prescribed medication to  
12 students who require medication for more than fifteen consecutive  
13 workdays;

14        ~~((5))~~ (e) The medication is administered by an employee  
15 designated by or pursuant to the policies adopted pursuant to (a) of  
16 this subsection ~~((1) of this section)~~ and in substantial compliance  
17 with the prescription of a licensed health professional prescribing  
18 within the scope of his or her prescriptive authority or the written  
19 instructions provided pursuant to (d) of this subsection ~~((4) of  
20 this section)~~. If a school nurse is on the premises, a nasal spray  
21 that is a legend drug or a controlled substance must be administered  
22 by the school nurse. If no school nurse is on the premises, a nasal  
23 spray that is a legend drug or a controlled substance may be  
24 administered by a trained school employee or parent-designated adult  
25 who is not a school nurse. The board of directors shall allow school  
26 personnel, who have received appropriate training and volunteered for  
27 such training, to administer a nasal spray that is a legend drug or a  
28 controlled substance. After a school employee who is not a school  
29 nurse administers a nasal spray that is a legend drug or a controlled  
30 substance, the employee shall summon emergency medical assistance as  
31 soon as practicable;

32        ~~((6))~~ (f) The medication is first examined by the employee  
33 administering the same to determine in his or her judgment that it  
34 appears to be in the original container and to be properly labeled;  
35 and

36        ~~((7))~~ (g) The board of directors shall designate a professional  
37 person licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as  
38 it applies to registered nurses and advanced registered nurse  
39 practitioners, to delegate to, train, and supervise the designated  
40 school district personnel in proper medication procedures~~((7))~~.

1       ~~((8))~~ (2)(a) For the purposes of this section, "parent-  
2 designated adult" means a volunteer, who may be a school district  
3 employee, who receives additional training from a health care  
4 professional or expert in epileptic seizure care selected by the  
5 parents, and who provides care for the child consistent with the  
6 individual health plan.

7       (b) To be eligible to be a parent-designated adult, a school  
8 district employee not licensed under chapter 18.79 RCW must file,  
9 without coercion by the employer, a voluntary written, current, and  
10 unexpired letter of intent stating the employee's willingness to be a  
11 parent-designated adult. If a school employee who is not licensed  
12 under chapter 18.79 RCW chooses not to file a letter under this  
13 section, the employee shall not be subject to any employer reprisal  
14 or disciplinary action for refusing to file a letter~~((+))~~.

15       ~~((9))~~ (3) The board of directors shall designate a professional  
16 person licensed under chapter 18.71, 18.57, or 18.79 RCW as it  
17 applies to registered nurses and advanced registered nurse  
18 practitioners, to consult and coordinate with the student's parents  
19 and health care provider, and train and supervise the appropriate  
20 school district personnel in proper procedures for care for students  
21 with epilepsy to ensure a safe, therapeutic learning environment.  
22 Training may also be provided by an epilepsy educator who is  
23 nationally certified. Parent-designated adults who are school  
24 employees are required to receive the training provided under this  
25 subsection. Parent-designated adults who are not school employees  
26 must show evidence of comparable training. The parent-designated  
27 adult must also receive additional training as established in  
28 subsection ~~((8))~~ (2)(a) of this section for the additional care the  
29 parents have authorized the parent-designated adult to provide. The  
30 professional person designated under this subsection is not  
31 responsible for the supervision of the parent-designated adult for  
32 those procedures that are authorized by the parents~~((+~~

33       ~~(10))~~.

34       (4) This section does not apply to topical sunscreen products  
35 regulated by the United States food and drug administration for over-  
36 the-counter use. Provisions related to possession and application of  
37 topical sunscreen products are in RCW 28A.210.278.

38       (5) School districts may not inquire into the type of medication  
39 or product that parents or guardians administer to their children, in  
40 accordance with state law, while on school grounds, aboard a school

1 bus, or attending a school-sponsored event and school districts may  
2 not deny parents or guardians access to their children for this  
3 purpose.

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

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

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

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

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

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

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

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

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

1 highway, including violations of RCW 46.61.502 or 46.61.504, or  
2 equivalent local ordinances.

3 **Sec. 3.** RCW 69.51A.220 and 2015 c 70 s 20 are each amended to  
4 read as follows:

5 (1) Health care professionals may authorize the medical use of  
6 marijuana for qualifying patients who are under the age of eighteen  
7 if:

8 (a) The minor's parent or guardian participates in the minor's  
9 treatment and agrees to the medical use of marijuana by the minor;  
10 and

11 (b) The parent or guardian acts as the designated provider for  
12 the minor and has sole control over the minor's marijuana.

13 (2) The minor may not grow plants or purchase marijuana-infused  
14 products, useable marijuana, or marijuana concentrates from a  
15 marijuana retailer with a medical marijuana endorsement.

16 (3) Both the minor and the minor's parent or guardian who is  
17 acting as the designated provider must be entered in the medical  
18 marijuana authorization database and hold a recognition card.

19 (4) A health care professional who authorizes the medical use of  
20 marijuana by a minor must do so as part of the course of treatment of  
21 the minor's terminal or debilitating medical condition. If  
22 authorizing a minor for the medical use of marijuana, the health care  
23 professional must:

24 (a) Consult with other health care providers involved in the  
25 minor's treatment, as medically indicated, before authorization or  
26 reauthorization of the medical use of marijuana; and

27 (b) Reexamine the minor at least once every six months or more  
28 frequently as medically indicated. The reexamination must:

29 (i) Determine that the minor continues to have a terminal or  
30 debilitating medical condition and that the condition benefits from  
31 the medical use of marijuana; and

32 (ii) Include a follow-up discussion with the minor's parent or  
33 guardian to ensure the parent or guardian continues to participate in  
34 the treatment of the minor.

35 (5) A parent or guardian may administer marijuana for the medical  
36 use of the minor, who meets the requirements of this section, on  
37 school grounds, aboard a school bus, or while attending a school-  
38 sponsored event so long as it is not open to the view of the general

1 public and the administration is not by smoking or other methods  
2 involving inhalation.

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

5 (1) The office of the superintendent of public instruction and  
6 school districts shall suspend implementation of RCW 28A.210.260(5)  
7 and 69.51A.220(5) if the following conditions are met:

8 (a) The federal government issues a communication after the  
9 effective date of this section that suggests that federal education  
10 funding will be withheld if the state continues to implement RCW  
11 28A.210.260(5) and 69.51A.220(5);

12 (b) The office of the superintendent of public instruction  
13 requests a formal opinion by the state attorney general on the  
14 communication; and

15 (c) The state attorney general provides a formal opinion that the  
16 federal communication has reasonably demonstrated that continued  
17 implementation of RCW 28A.210.260(5) and 69.51A.220(5) will  
18 reasonably jeopardize future federal funding.

19 (2) The office of the superintendent of public instruction shall  
20 provide the state attorney general opinion to the education and  
21 fiscal committees of the legislature within thirty days of the  
22 issuance of the opinion."

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23 On page 1, line 2 of the title, after "purposes;" strike the  
24 remainder of the title and insert "amending RCW 28A.210.260,  
25 69.51A.060, and 69.51A.220; and adding a new section to chapter  
26 28A.300 RCW."

EFFECT: (1) Removes sections that require school districts to  
adopt a policy to authorize parents or guardians to administer  
marijuana to a student for medical use while the student is on school  
grounds, aboard a school bus, or attending a school-sponsored event  
and requiring school districts to permit such action.

(2) Provides that school districts shall not inquire into the  
type of medicine or product used in accordance with state law that  
parents or guardians administer to their children while on school  
grounds, aboard a school bus, or attending a school-sponsored event

and school districts may not deny access to their children for this purpose.

(3) Provides that parents or guardians may administer marijuana for the medical use of a minor on school grounds, aboard a school bus, or while attending a school-sponsored event so long as the general public does not see it and the administration is not by smoking or inhalation.

(4) Provides that the Office of the Superintendent of Public Instruction and school districts must suspend implementation of sections one and three of this act if certain conditions are met.

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