
Health Care & Wellness Committee

HB 1060

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

Sponsors: Representatives Blake, J. Walsh, Appleton and Chapman.

Brief Summary of Bill

- Requires school districts to allow students to consume marijuana for medical purposes on school grounds, aboard a school bus, or while attending a school-sponsored event.
- Directs school districts to establish policies related to the consumption of marijuana by students for medical purposes.

Hearing Date: 1/17/17

Staff: Chris Blake (786-7392).

Background:

Marijuana is classified as a Schedule I substance under the Controlled Substances Act (CSA). Under federal law, the manufacture, possession, or distribution of Schedule I substances is a criminal offense.

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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 Department of Health's medical marijuana database.

Qualifying patients are protected from arrest or prosecution if they meet certain criteria. In addition, there are protections for qualifying patients in the context of organ transplants and parental rights. There are not, however, any requirements that employers accommodate the on-site use of marijuana and they may establish drug-free workplace policies. 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 marijuana on school grounds in accordance with policies regarding the use of medications at school.

Summary of Bill:

By September 1, 2017, school districts must adopt policies to allow parents, guardians, and primary caregivers to administer marijuana 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 by a minor;
- require that the parent, guardian or caregiver be the student's designated provider and assist the student with the consumption of the marijuana;
- establish protocols to verify that the student is entered in the Department of Health's medical marijuana authorization database;
- authorize parents, guardians, or caregivers to administer marijuana to a student while on school grounds, in a school bus, or at a school-sponsored event;
- identify locations on school grounds where marijuana 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 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, guardians, and caregivers who act in accordance with the school district's policy.

Appropriation: None.

Fiscal Note: Requested on January 16, 2017.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.