

HOUSE BILL REPORT

SHB 1095

As Amended by the Senate

Title: An act relating to the administration of marijuana to students for medical purposes.

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 Jinkins).

Brief History:

Committee Activity:

Health Care & Wellness: 1/25/19, 2/1/19 [DPS].

Floor Activity:

Passed House: 3/12/19, 77-19.

Senate Amended.

Passed Senate: 4/13/19, 41-4.

Brief Summary of Substitute Bill

- Requires school districts to allow students to consume marijuana concentrates 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 if requested by the parent or guardian of a student who is a qualifying patient.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Davis, Jinkins, Maycumber, Riccelli, Robinson, Stonier, Thai and Tharinger.

Minority Report: Do not pass. Signed by 3 members: Representatives Caldier, Assistant Ranking Minority Member; Chambers and Harris.

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.

Staff: Chris Blake (786-7392).

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.

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

Summary of Substitute Bill:

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 concentrates 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 concentrates 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 concentrates;
- 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 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 concentrates 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 concentrates 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 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 Attorney General finds that it has been reasonably demonstrated that implementation of the act would reasonably jeopardize future federal funding.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment applies the policies related to allowing the use of marijuana on school property to marijuana-infused products rather than marijuana concentrates.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Some children respond to cannabidiol therapy and under this bill the parent or guardian could make arrangements with the school to administer food with cannabidiol and then let the student return to class. This bill is about keeping these kids in school for the entire school day. These kids deserve to learn like other children. This is not about smokeable marijuana. This bill has the language that the Superintendent of Public Instruction wanted so that funding would not be at risk.

(Opposed) None.

(Other) This bill provides a unique challenge because the federal government has not legalized the use of marijuana for medical purposes. There is strong support for section 4 which would allow the Legislature to immediately cancel the bill if the federal government withdraws federal funds. As currently written, no kindergarten through twelfth grade staff can handle the marijuana and that is important.

Persons Testifying: (In support) Representative Blake, prime sponsor.

(Other) Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying: None.