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**SENATE BILL 5442**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Takko, Rivers, and Rolfes

AN ACT Relating to the administration of marijuana to students for medical purposes; amending RCW 69.51A.060; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 69.51A RCW; and adding a new section to chapter 28A.300 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

(c) Expressly authorize parents or guardians of students who have been authorized to use marijuana for medical purposes to administer marijuana concentrates to the student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event;

(d) Identify locations on school grounds where medical marijuana concentrates may be administered; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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