

Committee on Education
Bill 23-467
Committee Print
December 10, 2019

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to permit the administration of medical marijuana in a non-smokable form to a qualifying patient at the patient's school of enrollment; and to amend the Student Access to Treatment Act of 2007 to require District schools to allow a student who is a qualifying patient to administer medical marijuana at school in certain cases, and to exclude sunscreen from classification as medication.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Student Access to Treatment Amendment Act of 2019".

Sec. 2. Section 4(b) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.03(b)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "Medical marijuana shall" and inserting the phrase "Except as provided in paragraph (4) of this subsection, medical marijuana shall" in its place.

(b) A new paragraph (4) is added to read as follows:

"(4) Medical marijuana, in a non-smokable form, may be administered to a qualifying patient who is enrolled in school, at the school of enrollment, if a school has a policy in place for allowing administration of medication at school."

34 Sec. 3. The Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C.
35 Law 17-107; D.C. Official Code § 38-651.01 *et seq.*), is amended as follows:

36 (a) Section 2 (D.C. Official Code § 38-651.01) is amended as follows:

37 (1) Paragraph (2) is amended by striking the period and inserting the phrase “.
38 The term “medication” does not include sunscreen.” in its place.

39 (2) A new paragraph (5A) is added to read as follows:

40 “(5A) “Sunscreen” means a lotion, cream, spray, or gel regulated by the federal
41 Food and Drug Administration for purposes of absorbing, reflecting, or scattering ultraviolet
42 radiation and preventing sunburn.”.

43 (b) Section 4 (D.C. Official Code § 38-651.03) is amended by adding a new subsection
44 (a-1) to read as follows:

45 “(a-1)(1) If a student is a qualifying patient and failure to administer medical marijuana
46 during the school day would disrupt the student’s ability to participate in school instruction, a
47 medication action plan may include administration of medical marijuana, in a non-smokable
48 form, to the student.

49 “(2) The medication action plan of a student who seeks to administer medical
50 marijuana during the school day shall include a certification from an authorized practitioner, as
51 that term is defined in section 2(1C) of the Legalization of Marijuana for Medical Treatment
52 Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-
53 1671.01(1C)), that failure to administer medical marijuana during the school day would disrupt
54 the student’s ability to participate in school instruction.

55 “(3) A school shall adopt policies that permit a student who is a qualifying patient
56 to administer medical marijuana on campus during the school day as necessary based on the
57 terms of the student’s medical authorization.

58 “(4) A school may discontinue compliance with paragraphs (1) through (3) of this
59 subsection if, after the effective date of the Student Medical Marijuana Patient Fairness
60 Emergency Amendment Act of 2019, effective October 7, 2019 (Act 23-126; 66 DCR 13161),
61 the federal government issues a communication indicating that federal funding will be withheld
62 from the District or a school within the District if the school continues to authorize
63 administration of medical marijuana on its campus.

64 “(5) For the purposes of this subsection “qualifying patient” shall have the same
65 meaning as provided in section 2(19) of the Legalization of Marijuana for Medical Treatment
66 Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-
67 1671.01(19)).”.

68 Sec. 4. Fiscal impact statement.

69 The Council adopts the fiscal impact statement in the committee report as the fiscal
70 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
71 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

72 Sec. 5. Effective date.

73 This act shall take effect following approval by the Mayor (or in the event of veto by the
74 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
75 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
76 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
77 Columbia Register.