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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Legalization of Marijuana for Medical Treatment Initiative of 1998 and the Student Access to Treatment Act of 2007 to allow for administration of medical marijuana at a school in certain cases.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Student Medical Marijuana Patient Fairness Amendment Act of 2019”.

Sec. 2. Section 4(b) of the Legalization of Marijuana for Medical Treatment Initiative of 1998, effective February 25, 2010 (D.C. Law 13-315; 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.”.

33 Sec. 3. Section 4 of the Student Access to Treatment Act of 2007, effective February 2,
34 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.03), is amended by adding a new
35 subsection (a-1) to read as follows:

36 “(a-1)(1) If a student is a qualifying patient under section 3 of the Legalization of
37 Marijuana for Medical Treatment Initiative of 1998, effective February 25, 2010 (D.C. Law 13-
38 315; D.C. Official Code § 7-1671.02), and failure to administer medical marijuana during the
39 school day would disrupt the student’s ability to participate in school instruction, a medication
40 action plan may include administration of medical marijuana, in a non-smokable form, to the
41 student.

42 “(2) The medication action plan of a student who seeks to administer medical
43 marijuana during the school day shall include a certification from an authorized practitioner, as
44 that term is defined in section 2(1C) of the Legalization of Marijuana for Medical Treatment
45 Initiative of 1998, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-
46 1671.01(1C)), that failure to administer medical marijuana during the school day would disrupt
47 the student’s ability to participate in school instruction.

48 “(3) A school shall adopt policies that permit a student who is a qualifying patient
49 under the Legalization of Marijuana for Medical Treatment Initiative of 1998, effective February
50 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.02), to administer medical marijuana
51 on campus during the school day as necessary based on the terms of the student’s medical
52 authorization.”

53 “(4) A school may discontinue compliance with paragraphs (1) through (3) of this
54 subsection if, after the enacted date of the Student Medical Marijuana Patient Fairness
55 Emergency Amendment Act of 2019, passed on emergency basis on September 16, 2019 (Bill

56 23-425), the federal government issues a communication indicating that federal funding will be
57 withheld from the District or a school within the District if the school continues to authorize
58 administration of medical marijuana on its campus.”.

59 Sec. 4. Fiscal Impact.

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

63 Sec. 5. Effective date.

64 This act shall take effect following approval by the Mayor (or in the event of veto by the
65 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
66 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
67 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
68 Columbia Register.