

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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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 2020".

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."

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

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

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

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

"(5A) "Sunscreen" means a lotion, cream, spray, or gel regulated by the federal Food and Drug Administration that is used for purposes of absorbing, reflecting, or scattering ultraviolet radiation and preventing sunburn."

(b) Section 3 (DC. Official Code § 38-651.02) is amendment as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b)(1) A student may possess and self-administer sunscreen at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation to protect against ultraviolet radiation and sunburn without the submission of a medication action plan; provided, that the responsible person has not provided written notice to the school principal or school nurse that the student may not possess or self-administer sunscreen.

“(2) School staff may administer sunscreen to a student at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation to protect against ultraviolet radiation and sunburn without the school possessing a medication action plan for that student; provided, that the student or responsible person has provided sunscreen for that purpose and the responsible person has not provided written notice to the school principal or school nurse that the student may not use sunscreen.”.

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

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

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

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

“(4) A school may discontinue compliance with paragraphs (1) through (3) of this subsection if, after October 7, 2019, the federal government issues a communication indicating that federal funding will be withheld from the District or a school within the District if the school continues to authorize administration of medical marijuana on its campus.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia