

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, 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..

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Student Medical Marijuana Patient Fairness Congressional Review Emergency 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 the school has a policy in place for allowing administration of medication at school.”.

Sec. 3. Section 4 of the Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; 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, as that term is defined 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 § 7-1671.02), and 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 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 under the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.02), 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 the effective date of the Student Medical Marijuana Patient Fairness Emergency Amendment Act of 2019, effective October 7, 2019 (D.C. Act 23-126; 66 DCR 13161), 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.”

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia