

2020 Second Extraordinary Session

HOUSE BILL NO. 56

BY REPRESENTATIVE BAGLEY

SCHOOLS: Authorizes administration of medical marijuana to a student by a parent, guardian, or authorized school employee at a public school (Item #42)

1 AN ACT

2 To enact R.S. 17:436.1(N), relative to the administration of medication in schools; to  
3 provide for the administration of medical marijuana to students with a  
4 recommendation from a licensed physician; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:436.1(N) is hereby enacted to read as follows:

7 §436.1. Administration of medication; definition; conditions; restrictions;  
8 exceptions

9 \* \* \*

10 N.(1) The governing authority of each public elementary and secondary  
11 school may adopt a policy authorizing the administration of medical marijuana, in  
12 forms permissible as defined in R.S. 40:1046, to students who have a  
13 recommendation or referral from a licensed physician for its use. Such a policy shall  
14 provide that a primary caregiver of the student may possess and administer medical  
15 marijuana to the student in addition to or in lieu of a school nurse or other authorized  
16 school personnel.

17 (2) A policy adopted pursuant to this Subsection is subject to the following:

18 (a) The school principal, primary caregiver, and school nurse or other  
19 authorized school personnel administering the medical marijuana shall enter into a  
20 contract for such administration.

1           (b) The primary caregiver shall bring the medical marijuana on and off  
2           school property every school day that it will be administered.

3           (c) The medical marijuana shall be stored in a locked box on school  
4           property.

5           (d) Students are prohibited from bringing medical marijuana on and off  
6           school property.

7           (3) The governing authority of any public elementary or secondary school  
8           that does not adopt a policy authorizing the administration of medical marijuana  
9           pursuant to this Subsection shall post on its website a statement that it does not have  
10          such a policy.

11          (4) Any school personnel authorized to administer medical marijuana  
12          pursuant to this Subsection shall be exempt from the provisions of R.S. 40:966. This  
13          Paragraph shall not prevent the arrest or prosecution of any person for diversion of  
14          marijuana or any of its derivatives or other conduct outside the scope of the state-  
15          sponsored medical marijuana program.

16          (5) Subsections B through I of this Section are applicable to the  
17          administration of medical marijuana.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 56 Engrossed

2020 Second Extraordinary Session

Bagley

**Abstract:** Provides relative to the administration of medical marijuana in public schools.

Present law provides for requirements and restrictions relative to the administration of medication to public school students and defines "medication" to mean all prescription and nonprescription drugs. Proposed law retains present law and makes it applicable to medical marijuana.

Proposed law authorizes the governing authority of each public elementary and secondary school to adopt a policy authorizing a primary caregiver, school nurse, or other authorized school personnel to administer medical marijuana, in a form permissible under present law, to a student with a recommendation or referral from a licensed physician.

If such policy is adopted, the policy shall require the following:

- (1) School administration and the person administering the medication shall enter into a contract.
- (2) The student's primary caregiver shall bring the medication on and off school property each day.
- (3) The medication shall be stored in a locked box on school property.

A school employee administering the medication is subject to written parental consent under present law. Proposed law exempts such employee from prosecution under present law.

(Adds R.S. 17:436.1(N))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Add requirements regarding the policies for the administration of medical marijuana to a public school student.
2. Add exemption from prosecution for authorized school personnel who administer the medication.