

HOUSE BILL NO. 4796

May 06, 2021, Introduced by Reps. Garza, Steckloff, Rabhi, Coleman, Aiyash, Hood and Cynthia Johnson and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1182.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1182. (1) Subject to subsections (3) to (11), a public**
2 **school or nonpublic school shall do all of the following:**

3 **(a) Authorize a qualified guardian of a qualified pupil to**
4 **administer a marihuana-infused product or CBD product to the**
5 **qualified pupil on the school premises, on a school bus, or at a**

1 school-sponsored activity in a location off of the school premises
2 at which the use of a marihuana-infused product or CBD product is
3 not prohibited.

4 (b) Authorize a designated staff member to administer a
5 marihuana-infused product or CBD product to a qualified pupil as
6 described in subsection (2).

7 (c) Authorize a qualified pupil to use a marihuana-infused
8 product or CBD product under the direct supervision of a designated
9 staff member as described in subsection (2).

10 (2) Subject to subsections (3) to (11), a designated staff
11 member of a public school or nonpublic school in which a qualified
12 pupil is enrolled must do 1 of the following, pursuant to a written
13 permission provided under subsection (3) or (4):

14 (a) Administer a marihuana-infused product or CBD product to a
15 qualified pupil under each of the following circumstances:

16 (i) The qualified pupil is on the school premises.

17 (ii) The qualified pupil is engaged in a school-sponsored
18 activity in a location off of the school premises at which the use
19 of a marihuana-infused product or CBD product is not prohibited.

20 (iii) The qualified pupil is engaged in before-school or after-
21 school activities including, but not limited to, before-school or
22 after-school care on a school premises or while the qualified pupil
23 is being transported on a school bus.

24 (b) As an alternative to administering a marihuana-infused
25 product or CBD product to a qualified pupil under the circumstances
26 described in subdivision (a), supervise a qualified pupil while the
27 qualified pupil uses a marihuana-infused product or CBD product
28 under the circumstances described in subdivision (a).

29 (3) A public school or nonpublic school must not authorize a

1 designated staff member to administer or supervise the use of a
2 marijuana-infused product under this section unless a qualified
3 guardian of the qualified pupil provides the school with all of the
4 following:

5 (a) A copy of the qualified pupil's written certification for
6 the use of the marijuana-infused product.

7 (b) Written permission for administering or using the
8 marijuana-infused product. A written permission under this
9 subdivision must specify when the marijuana-infused product must be
10 administered to or be made available to be used by the qualified
11 pupil, including, but not limited to, use as a rescue medication
12 taken to immediately relieve or prevent the onset of symptoms. A
13 written permission under this subdivision is effective for the
14 school year in which it is given and must be renewed each
15 subsequent school year by a qualified guardian.

16 (c) A copy of the registry identification card of either the
17 qualified guardian or the qualified pupil.

18 (4) A public school or nonpublic school must not authorize a
19 designated staff member to administer or supervise the use of a CBD
20 product under this section unless a qualified guardian of the
21 qualified pupil provides the school with written permission for
22 administering or using the CBD product. A written permission under
23 this subsection must specify when the CBD product must be
24 administered to or be made available to be used by the qualified
25 pupil, including, but not limited to, use as a rescue medication
26 taken to immediately relieve or prevent the onset of symptoms. A
27 written permission under this subsection is effective for the
28 school year in which it is given and must be renewed each
29 subsequent school year by a qualified guardian.

1 (5) The documents described in subsections (3) and (4) must be
2 kept in a file in the office of the licensed registered
3 professional nurse of the school in which the qualified pupil is
4 enrolled or, if a licensed registered professional nurse is not on
5 staff, the office of the school administrator of the school in
6 which the qualified pupil is enrolled.

7 (6) A marihuana-infused product or CBD product that is to be
8 administered to or used by a qualified pupil under subsection (2)
9 must be provided by a qualified guardian to a designated staff
10 member of the school in which the qualified pupil is enrolled, for
11 transporting or storing in a manner that is consistent with the
12 transporting or storing of other pupils' medication at the school.
13 The marihuana-infused product or CBD product must be accessible
14 only by a designated staff member after it is transported or stored
15 under this subsection.

16 (7) The board of a school district or intermediate school
17 district, board of directors of a public school academy, or a
18 governing body, as applicable, that operates a public school or
19 nonpublic school, shall adopt reasonable guidelines for
20 administering or using a marihuana-infused product or CBD product
21 under this section. Guidelines adopted under this subsection may
22 only limit administering or using a marihuana-infused product or
23 CBD product under this section so as to avoid disruption to the
24 school's educational environment.

25 (8) A public school or nonpublic school shall not do either of
26 the following:

27 (a) Discipline a qualified pupil solely because the qualified
28 pupil engages in an activity authorized under this section.

29 (b) Deny a qualified pupil's eligibility to attend school

1 solely because the qualified pupil requires the administration or
2 use of a marihuana-infused product or CBD product under this
3 section.

4 (9) A designated staff member may object and refuse to
5 administer or supervise the use of a marihuana-infused product or
6 CBD product under this section. However, this subsection does not
7 limit a qualified pupil's access to a marihuana-infused product or
8 CBD product as otherwise required under this section. If a
9 designated staff member objects and refuses to administer or
10 supervise the use of a marihuana-infused product or CBD product, a
11 public school or nonpublic school shall provide an alternative
12 designated staff member to administer or supervise the use of a
13 marihuana-infused product or CBD product.

14 (10) A public school or nonpublic school may revoke an
15 authorization to administer or use a marihuana-infused product or
16 CBD product given under this section if the public school or
17 nonpublic school receives a notice from a federal department that
18 the public school or nonpublic school will lose federal funding as
19 a result of the authorization.

20 (11) The state board, in consultation with the marijuana
21 regulatory agency and 1 or more marihuana-infused product or CBD
22 product education-related nonprofit corporations organized in this
23 state that have tax-exempt status under section 501(c)(3) of the
24 internal revenue code, 26 USC 501, shall develop a training
25 curriculum to train designated staff members to administer
26 marihuana-infused products and CBD products. A designated staff
27 member shall annually complete the training curriculum developed
28 under this subsection. A designated staff member must submit proof
29 that he or she completed the training curriculum to the

1 administration of the public school or nonpublic school at which he
2 or she is employed before administering a marihuana-infused product
3 or CBD product under this section. A public school or nonpublic
4 school shall maintain a record of its designated staff members who
5 have completed the training curriculum.

6 (12) A public school or nonpublic school shall adopt a policy
7 to implement this section. A public school or nonpublic school
8 shall not adopt or enforce a policy contrary to this section.

9 (13) Section 4 of the Michigan Medical Marihuana Act, 2008 IL
10 1, MCL 333.26424, applies to a designated staff member who acts in
11 compliance with this section.

12 (14) As used in this section:

13 (a) "CBD product" means a topical formulation, tincture,
14 beverage, edible substance, or similar product containing
15 cannabidiol that is intended for human consumption in a manner
16 other than smoke inhalation, and that has a delta-9-
17 tetrahydrocannabinol concentration of not more than 0.3% on a dry
18 weight basis.

19 (b) "Designated staff member" means an employee or independent
20 contractor of a public school or nonpublic school responsible for
21 administering or supervising the use of a marihuana-infused product
22 or CBD product. A designated staff member includes, but is not
23 limited to, an individual who is any of the following:

24 (i) A licensed registered professional nurse.

25 (ii) A school administrator.

26 (iii) A teacher.

27 (iv) A teacher's assistant, who is employed by or engaged as a
28 volunteer or contractor by the public school or nonpublic school.

29 (v) A bus driver.

1 (c) "Guardian" means a parent, legal guardian, or custodian of
2 a qualified pupil.

3 (d) "Marihuana-infused product" means that term as defined in
4 section 3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL
5 333.26423.

6 (e) "Primary caregiver" means that term as defined in section
7 3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26423.

8 (f) "Qualified guardian" means a guardian who is either or
9 both of the following:

10 (i) A primary caregiver of a qualified pupil who uses a
11 marihuana-infused product and is a qualifying patient.

12 (ii) A guardian of a qualified pupil who uses a CBD product.

13 (g) "Qualified pupil" means a pupil who meets either or both
14 of the following conditions:

15 (i) For a pupil who uses a marihuana-infused product, the pupil
16 is a qualifying patient.

17 (ii) For a pupil who uses a CBD product, the pupil uses a CBD
18 product to treat a medical condition or disease.

19 (h) "Qualifying patient" means that term as defined in section
20 3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26423.

21 (i) "Registry identification card" means that term as defined
22 in section 3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL
23 333.26423.

24 (j) "Written certification" means that term as defined in
25 section 3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL
26 333.26423.

27 Enacting section 1. This amendatory act does not take effect
28 unless Senate Bill No. ____ or House Bill No. 4797 (request no.
29 02197'21 a) of the 101st Legislature is enacted into law.