

# HOUSE BILL NO. 6273

September 29, 2020, Introduced by Rep. Garza 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 marihuana-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 marihuana-infused product.

7 (b) Written permission for administering or using the  
8 marihuana-infused product. A written permission under this  
9 subdivision must specify when the marihuana-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 school nurse of the school in  
3 which the qualified pupil is enrolled or, if a nurse is not on  
4 staff, the office of the school administrator of the school in  
5 which the qualified pupil is enrolled.

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

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

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

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

28 (b) Deny a qualified pupil's eligibility to attend school  
29 solely because the qualified pupil requires the administration or



1 use of a marihuana-infused product or CBD product under this  
2 section.

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

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

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

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

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

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

11 (14) As used in this section:

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

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

23 (i) A school nurse.

24 (ii) A school administrator.

25 (iii) A teacher.

26 (iv) A teacher's assistant.

27 (v) A bus driver.

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

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

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

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

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

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

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

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

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

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

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

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

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. \_\_\_\_ or House Bill No. 6274 (request no. 05941'20 a) of the 100th Legislature is enacted into law.

