



SB-1127 Pupil health: administration of medicinal cannabis: schoolsites. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

NO. 1127

Introduced by Senator Hill
(Coauthors: Senators Wiener and Stone)
(Coauthors: Assembly Members Bonta and Mullin)

February 13, 2018

An act to add Section 49414.1 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1127, Hill. Pupil health: administration of medicinal cannabis: schoolsites.

Existing law authorizes a school nurse or other designated school personnel to assist any pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician and surgeon or ordered for him or her by a physician assistant, if the school district receives specified written statements from the physician and surgeon or physician assistant and from the parent, foster parent, or guardian of the pupil.

Existing law, the Compassionate Use Act of 1996, provides that a patient or a patient's primary caregiver who possesses or cultivates marijuana for personal medical purposes of the patient upon the written or oral recommendation or approval of a physician is not subject to conviction for offenses relating to possession and cultivation of marijuana. Existing law also requires the State Department of Public Health to establish a voluntary program for the issuance of identification cards to qualified patients who are entitled to the protections of the act.

This bill would enact Jojo's Act, which would authorize the governing board of a school district, a county board of education, or the governing body of a charter school maintaining kindergarten or any of grades 1 to 12, inclusive, to adopt, at a regularly scheduled meeting of the governing board or body, a policy, as provided, that allows a parent or guardian of a pupil to possess and administer to the pupil who is a qualified patient entitled to the protections of the Compassionate Use Act of 1996 medicinal cannabis, excluding in a smokeable or vapeable form, at a schoolsite. The bill would authorize the policy to be rescinded for any reason, as provided. The bill would provide that pupil records collected for the purpose of administration of medicinal cannabis are confidential, shall be used only for the purpose of administration of medicinal cannabis, shall not be open to the public for inspection, and shall not be disclosed for any reason, except as required by a state or federal court order.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as Jojo's Act.

SEC. 2. Section 49414.1 is added to the Education Code, to read:

49414.1. (a) Notwithstanding Sections 11357 and 11361 of the Health and Safety Code, the governing board of a school district, a county board of education, or the governing body of a charter school maintaining kindergarten or any of grades 1 to 12, inclusive, may adopt, at a regularly scheduled meeting of the governing board or body, a policy that allows a parent or guardian of a pupil to possess and administer to the pupil who is a qualified patient pursuant to Article 2.5 (commencing with Section 11362.7) of Chapter 6 of Division 10 of the Health and Safety Code medicinal cannabis at a schoolsite.

(b) The policy shall include, at a minimum, all of the following elements:

- (1) The parent or guardian shall not administer the medicinal cannabis in a manner that creates a disruption to the educational environment or causes exposure to other pupils.
- (2) After the parent or guardian administers the medicinal cannabis, the parent or guardian shall remove any remaining medicinal cannabis from the schoolsite.
- (3) The parent or guardian shall sign in at the schoolsite before administering the medicinal cannabis.
- (4) Before administering the medicinal cannabis, the parent or guardian shall provide to an employee of the school a valid written medical recommendation for medicinal cannabis for the pupil to be kept on file at the school.

(c) (1) Pupil records collected in accordance with a policy adopted pursuant to subdivision (a) for the administration of medicinal cannabis to a pupil are confidential and shall be used only for the purpose of administration of medicinal cannabis to the pupil. These pupil records shall not be open to the public for inspection and shall not be disclosed for any reason, except as required by a state or federal court order.

(2) The right to access particular pupil records for legitimate education interests pursuant to Sections 49076 and 49076.5 shall not apply to pupil records collected for the purpose of administration of medicinal cannabis. Pupil records collected for the administration of medicinal cannabis shall be removed from the pupil's records before any of the pupil's records are released for any reason under existing law.

(d) The governing board of a school district, a county board of education, or the governing body of a charter school that adopts a policy pursuant to subdivision (a) may rescind the policy at a regularly scheduled meeting of the governing board or body for any reason, including, but not limited to, if the school district, county office of education, or charter school is at risk of, or has lost, federal funding as a result of the policy.

(e) Nothing in this section requires the staff of a school district, county office of education, or charter school to administer medicinal cannabis.

(f) For purposes of this section, "medicinal cannabis" excludes medicinal cannabis in a smokeable or vapeable form.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 49414.1 to the Education Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies

within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy of pupils, and parents and guardians of pupils, who are administered medicinal cannabis, it is necessary that pupil records collected for the purpose of administration of medicinal cannabis be confidential.