

# HOUSE BILL 617

J1, F1

0lr2584  
CF 0lr1909

---

By: **Delegates Kipke, Lehman, Anderton, Arikan, Bagnall, Bhandari, Chisholm, Ciliberti, Clark, Corderman, Hettleman, Hornberger, Kerr, R. Lewis, Love, Malone, McKay, Metzgar, Moon, Saab, and Szeliga**

Introduced and read first time: January 29, 2020

Assigned to: Health and Government Operations and Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Public and Nonpublic Schools – Medical Cannabis – Policy for Administration**  
3 **During School Hours and Events**

4 FOR the purpose of altering the definition of “caregiver” to include, for an individual who  
5 is a qualifying patient for the use of medical cannabis and under the age of 18 years,  
6 an adult designated by the parent or legal guardian of the qualifying patient; altering  
7 the number of caregivers a certain qualifying patient may have; repealing a  
8 limitation on the number of qualifying patients that a certain caregiver may serve  
9 for a certain purpose; requiring, on or before a certain date, the State Department of  
10 Education and the Natalie M. LaPrade Medical Cannabis Commission jointly to  
11 develop guidelines for public schools regarding the administration of medical  
12 cannabis to certain students during school hours and school–sponsored after–school  
13 activities and on school buses; providing for the contents of the guidelines; requiring,  
14 on or before a certain date, the Department and the Commission jointly to provide  
15 certain technical assistance to schools for certain purposes, to develop a process to  
16 monitor implementation of certain guidelines, and to share certain guidelines with  
17 certain nonpublic schools; authorizing nonpublic schools to adopt a certain policy  
18 regarding the administration of medical cannabis to certain students during school  
19 hours and school–sponsored after–school activities; requiring the Commission to  
20 provide certain assistance to certain nonpublic schools; and generally relating to  
21 medical cannabis and public and nonpublic schools.

22 BY repealing and reenacting, without amendments,

23 Article – Health – General  
24 Section 13–3301(a)  
25 Annotated Code of Maryland  
26 (2019 Replacement Volume)

27 BY repealing and reenacting, with amendments,

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health – General  
 2 Section 13–3301(c) and 13–3304(g)(6)  
 3 Annotated Code of Maryland  
 4 (2019 Replacement Volume)

5 BY adding to  
 6 Article – Education  
 7 Section 7–446  
 8 Annotated Code of Maryland  
 9 (2018 Replacement Volume and 2019 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 11 That the Laws of Maryland read as follows:

12 **Article – Health – General**

13 13–3301.

14 (a) In this subtitle the following words have the meanings indicated.

15 (c) “Caregiver” means:

16 (1) A person who has agreed to assist with a qualifying patient’s medical  
 17 use of cannabis; and

18 (2) For a qualifying patient under the age of 18 years[ , a]:

19 (I) A parent or legal guardian; AND

20 (II) AN ADDITIONAL ADULT DESIGNATED BY THE PARENT OR  
 21 LEGAL GUARDIAN.

22 13–3304.

23 (g) (6) [(i) A caregiver may serve no more than five qualifying patients at  
 24 any time.

25 (ii)] A qualifying patient may have no more than [two] FOUR  
 26 caregivers.

27 **Article – Education**

28 **7–446.**

29 (A) ON OR BEFORE DECEMBER 1, 2020, THE DEPARTMENT AND THE  
 30 NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION JOINTLY SHALL DEVELOP

1 GUIDELINES FOR PUBLIC SCHOOLS REGARDING THE ADMINISTRATION OF MEDICAL  
2 CANNABIS TO STUDENTS WHO ARE QUALIFYING PATIENTS UNDER TITLE 13,  
3 SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE DURING SCHOOL HOURS AND  
4 SCHOOL–SPONSORED AFTER–SCHOOL ACTIVITIES AND WHILE ON A SCHOOL BUS.

5 (B) THE GUIDELINES SHALL INCLUDE:

6 (1) PROCEDURES FOR EDUCATING SCHOOL NURSES ON ISSUES  
7 RELATING TO MEDICAL CANNABIS, INCLUDING:

8 (I) THE STATE’S MEDICAL CANNABIS PROGRAM;

9 (II) FEDERAL AND STATE LAWS AND REGULATIONS;

10 (III) PROFESSIONAL LICENSURE AND CIVIL AND CRIMINAL  
11 LIABILITY ISSUES;

12 (IV) CANNABIS PHARMACOLOGY AND RESEARCH ASSOCIATED  
13 WITH THE MEDICAL USE OF CANNABIS; AND

14 (V) SAFETY CONSIDERATIONS FOR PATIENT USE OF CANNABIS  
15 AS IT RELATES TO A SCHOOL SETTING;

16 (2) PROTOCOLS TO ENSURE STUDENTS WHO ARE QUALIFYING  
17 PATIENTS RECEIVE CARE DURING SCHOOL HOURS AND SCHOOL–SPONSORED  
18 AFTER–SCHOOL ACTIVITIES AND WHILE ON A SCHOOL BUS, AS DETERMINED BY:

19 (I) THE STUDENT’S CERTIFYING PROVIDER;

20 (II) THE STUDENT’S PARENT OR GUARDIAN OR CAREGIVER; AND

21 (III) THE SCHOOL NURSE’S ASSESSMENT;

22 (3) SECURITY PROTOCOLS FOR THE POSSESSION, STORAGE, AND  
23 LOSS OR THEFT OF MEDICAL CANNABIS ON SCHOOL PROPERTY;

24 (4) APPROPRIATE METHODS FOR ADMINISTERING MEDICAL  
25 CANNABIS BY A SCHOOL NURSE OR CAREGIVER DURING SCHOOL HOURS AND  
26 SCHOOL–SPONSORED AFTER–SCHOOL ACTIVITIES AND WHILE ON A SCHOOL BUS;

27 (5) NOTICE REQUIREMENTS TO APPROPRIATE SCHOOL PERSONNEL,  
28 PARENTS AND GUARDIANS OR CAREGIVERS, AND LOCAL LAW ENFORCEMENT, IF  
29 NECESSARY; AND

1           **(6) ANY OTHER ISSUES CONCERNING THE ADMINISTRATION OF**  
2 **MEDICAL CANNABIS TO STUDENTS WHO ARE QUALIFYING PATIENTS DURING**  
3 **SCHOOL HOURS AND SCHOOL-SPONSORED AFTER-SCHOOL ACTIVITIES AND ON A**  
4 **SCHOOL BUS.**

5           **(C) ON OR BEFORE DECEMBER 1, 2020, THE DEPARTMENT AND THE**  
6 **NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION JOINTLY SHALL:**

7           **(1) PROVIDE TECHNICAL ASSISTANCE TO SCHOOLS TO:**

8                   **(I) IMPLEMENT THE GUIDELINES ESTABLISHED UNDER THIS**  
9 **SECTION; AND**

10                   **(II) INSTRUCT SCHOOL PERSONNEL AT THE LOCAL LEVEL**  
11 **REGARDING THE GUIDELINES ESTABLISHED UNDER THIS SECTION;**

12           **(2) DEVELOP A PROCESS TO MONITOR IMPLEMENTATION OF THE**  
13 **GUIDELINES; AND**

14           **(3) SHARE THE GUIDELINES ESTABLISHED UNDER THIS SECTION**  
15 **WITH A NONPUBLIC SCHOOL THAT ESTABLISHES OR SEEKS TO ESTABLISH A POLICY**  
16 **UNDER SUBSECTION (D) OF THIS SECTION.**

17           **(D) (1) EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A**  
18 **POLICY REGARDING THE ADMINISTRATION OF MEDICAL CANNABIS TO STUDENTS**  
19 **WHO ARE QUALIFYING PATIENTS UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH –**  
20 **GENERAL ARTICLE DURING SCHOOL HOURS AND SCHOOL-SPONSORED**  
21 **AFTER-SCHOOL ACTIVITIES.**

22           **(2) THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION**  
23 **SHALL:**

24                   **(I) PROVIDE TECHNICAL ASSISTANCE TO IMPLEMENT A POLICY**  
25 **ESTABLISHED BY A NONPUBLIC SCHOOL UNDER THIS SUBSECTION; AND**

26                   **(II) INSTRUCT SCHOOL PERSONNEL OF A NONPUBLIC SCHOOL**  
27 **REGARDING THE GUIDELINES ESTABLISHED UNDER SUBSECTION (B) OF THIS**  
28 **SECTION.**

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2020.