

# HOUSE BILL NO. 5063

September 28, 2023, Introduced by Reps. Wegela, Wilson, Tsernoglou, Coleman, Dievendorf, Edwards and Byrnes and referred to the Committee on Regulatory Reform.

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 (10), 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 or self-administer a  
8 marihuana-infused product or CBD product under the direct  
9 supervision of a designated staff member as described in subsection  
10 (2).

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

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

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

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

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

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

1           (3) A public school or nonpublic school must not authorize a  
2 designated staff member to administer or supervise the use of a  
3 marihuana-infused product under this section unless a qualified  
4 guardian of the qualified pupil provides the school with all of the  
5 following:

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

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

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

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

1 subsequent school year by a qualified guardian.

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

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

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

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

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

1           (b) Deny a qualified pupil's eligibility to attend school  
2 solely because the qualified pupil requires the administration or  
3 use of a marihuana-infused product or CBD product under this  
4 section.

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

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

21           (11) A public school or nonpublic school shall adopt a policy  
22 to implement this section. A public school or nonpublic school  
23 shall not adopt or enforce a policy contrary to this section.

24           (12) Section 4 of the Michigan Medical Marihuana Act, 2008 IL  
25 1, MCL 333.26424, applies to a designated staff member who acts in  
26 compliance with this section.

27           (13) As used in this section:

28           (a) "CBD product" means a topical formulation, tincture,  
29 beverage, edible substance, or similar product containing

1 cannabidiol that is intended for human consumption in a manner  
2 other than smoke inhalation, and that has a delta-9-  
3 tetrahydrocannabinol concentration of not more than 0.3% on a dry  
4 weight basis.

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

10 (i) A licensed registered professional nurse.

11 (ii) A school administrator.

12 (iii) A teacher.

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

15 (v) A bus driver.

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

18 (d) "Marihuana-infused product" means that term as defined in  
19 section 3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL  
20 333.26423.

21 (e) "Primary caregiver" means that term as defined in section  
22 3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26423.

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

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

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

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

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

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

5 (h) "Qualifying patient" means that term as defined in section  
6 3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26423.

7 (i) "Registry identification card" means that term as defined  
8 in section 3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL  
9 333.26423.

10 (j) "Written certification" means that term as defined in  
11 section 3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL  
12 333.26423.

13 Enacting section 1. This amendatory act does not take effect  
14 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5064 (request no.  
15 01438'23 a \*) of the 102nd Legislature is enacted into law.