

STATE OF NEW YORK

8191

IN SENATE

April 17, 2018

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law and the mental hygiene law, in relation to permitting the administration of medical marihuana to students while at school and to individuals with developmental disabilities while receiving services at a facility

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known as and may be cited as "Tanshin's
2 Law".

3 § 2. The education law is amended by adding a new section 923 to read
4 as follows:

5 § 923. Administration of medical marihuana. 1. A board of education or
6 chief school administrator of all public and nonpublic schools shall
7 develop and execute a policy authorizing parents, guardians, foster
8 parents, primary caregivers, school nurses, nurses from nursing agen-
9 cies, health paraprofessionals and any other individual designated as a
10 caregiver of a certified patient to administer medical marihuana to a
11 student while the student is on school grounds, aboard a school bus, or
12 attending a school-sponsored event as authorized by title five-A of
13 article thirty-three of the public health law.

14 2. A policy adopted pursuant to subdivision one of this section shall,
15 at a minimum:

16 a. require that the student be authorized to engage in the medical use
17 of medical marihuana and that the parent, guardian, foster parent,
18 primary caregiver, school nurse, nurse from a nursing agency, health
19 paraprofessional, or any other individual designated as a caregiver of a
20 certified patient be authorized to assist the student with the medical
21 use of marihuana pursuant to title five-A of article thirty-three of the
22 public health law;

23 b. establish protocols for verifying the registration status and ongo-
24 ing authorization concerning the medical use of marihuana pursuant to
25 title five-A of article thirty-three of the public health law for the
26 student and the parent, guardian, primary caregiver, or school nurse;

27 c. expressly authorize parents, guardians, foster parents, primary
28 caregivers, school nurses, nurses from nursing agencies, health parapro-
29 fessionals and any other individual designated as a caregiver of a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 certified patient of students who have been authorized for the medical
2 use of marihuana to administer medical marihuana to the student while
3 the student is on school grounds, aboard a school bus, or attending a
4 school-sponsored event;

5 d. identify locations on school grounds where medical marihuana may be
6 administered; and

7 e. prohibit the administration of medical marihuana to a student by
8 smoking while the student is on school grounds, aboard a school bus, or
9 attending a school-sponsored event.

10 3. Medical marihuana may be administered to a student while the
11 student is on school grounds, aboard a school bus, or attending school-
12 sponsored events, provided that such administration is consistent with
13 the requirements of the policy adopted pursuant to this section and the
14 provisions of title five-A of article thirty-three of the public health
15 law.

16 § 3. The mental hygiene law is amended by adding a new section 13.44
17 to read as follows:

18 § 13.44 Administration of medical marihuana at facilities.

19 1. The chief administrator of a facility that offers services for
20 individuals with developmental disabilities operated, licensed or certi-
21 fied by the office shall develop and execute a policy authorizing a
22 parent, guardian, or primary caregiver authorized to assist a qualifying
23 patient with the use of medical marihuana pursuant to title five-A of
24 article thirty-three of the public health law to administer medical
25 marihuana to a person who is receiving services for persons with devel-
26 opmental disabilities at the facility.

27 2. A policy adopted pursuant to subdivision one of this section shall,
28 at a minimum:

29 a. require the person receiving services to be a qualifying patient
30 authorized for the use of medical marihuana and that the parent, guardi-
31 an, or primary caregiver be authorized to assist the person with the
32 medical use of marihuana pursuant to title five-A of article thirty-
33 three of the public health law;

34 b. establish protocols for verifying the registration status and ongo-
35 ing authorization concerning the medical use of marihuana pursuant to
36 title five-A of article thirty-three of the public health law for the
37 person and the parent, guardian, or primary caregiver;

38 c. expressly authorize parents, guardians, and primary caregivers to
39 administer medical marihuana to the person receiving services for
40 persons with developmental disabilities while the person is at the
41 facility; and

42 d. identify locations at the facility where medical marihuana may be
43 administered.

44 3. Medical marihuana may be administered to a person receiving
45 services for persons with developmental disabilities at a facility that
46 offers such services which is operated, licensed or certified by the
47 office while such person is at the facility, provided that such adminis-
48 tration is consistent with the requirements of the policy adopted pursu-
49 ant to this section and the provisions of title five-A of article thir-
50 ty-three of the public health law.

51 4. Nothing in this section shall be construed to authorize medical
52 marihuana to be smoked in any place where smoking is prohibited pursu-
53 ant to article thirteen-E of the public health law.

54 § 4. This act shall take effect immediately.