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Tom Keily and Jill Mullen

[tkeily@ecs.org](mailto:tkeily@ecs.org) and [jmullen@ecs.org](mailto:jmullen@ecs.org)

## Your Question:

You asked about how K-12 schools handle the administration of medical marijuana and if there are any safety concerns schools should consider. Additionally, you asked how states are using marijuana tax revenue for K-12 education.

## Our Response:

Marijuana legalization has been a growing trend across the U.S. According to the [National Conference of State Legislatures](#), nine states and D.C. have legalized the use of recreational marijuana, and [31 states](#) allow marijuana for medical purposes. The legalization and sale of marijuana have raised education policy issues, including student use of medical marijuana on K-12 campuses and related safety and health concerns, as well as the use of tax revenue from marijuana sales for K-12 education.

### Medical Marijuana on K-12 Campuses

As states have legalized medical marijuana and students have been prescribed the substance, states have grappled with ways to ensure student have access to medical marijuana on school grounds. ECS has identified six states that have policies providing for administration of medical marijuana to students on school grounds. More states may have such a policy but have not been identified.

Common elements have emerged in these states. In particular, Colorado, New Jersey, and Maine have adopted similar standards for the administration of medical marijuana at schools. In these states, common provisions include:

- Students using medicinal marijuana products must have a valid medical recommendation.
- Only non-smokable marijuana products may be administered on school grounds.
- Only parents, legal guardians or primary caregivers may administer the substance.
- Students cannot be punished for marijuana use on school grounds.

### State Policy Examples: Administration of Medical Marijuana on School Grounds

#### **Colorado**

In April 2016, Colorado passed [House Bill 1373](#) amending [Colorado Revised Statutes 22-1-119.3](#) to set guidelines for district policies on the use and possession of marijuana in schools for medical purposes. The rules establish the following provisions for the use of medical marijuana in schools:

- **Administration:** A primary caregiver may possess and administer medical marijuana to a student who has a valid recommendation. Local school boards or charter schools may adopt policies regarding who may act as a primary caregiver and the reasonable parameters of the administration and use of medical marijuana. The administration of medical marijuana should not disrupt the educational environment or be exposed to other students.
- **Location:** District policy must include a process through which schools may restrict student possession and self-administration on school grounds, school buses, or at any school-sponsored event.
- **Method:** Nonsmokable medical marijuana only.

In addition to addressing the issue of the use of medical marijuana in schools, Colorado set provisions for when school districts or charter schools do not have to comply with the rules above. Compliance is not required if a school district or charter school can demonstrate all of the following:

- It will lose federal funding as a result of implementing the rules;
- It can reasonably demonstrate that it lost federal funding as a result of implementing the rules; and
- It posts on its website in a conspicuous place a statement regarding its decision not to comply with the rules.

Additional information on Colorado's marijuana policy can be found in this [fact sheet](#) provided by the Colorado Department of Education.

### ***New Jersey***

The statutes governing the use of medical marijuana in New Jersey are [similar](#) to those outlined in Colorado. In November 2015, New Jersey passed [Assembly Bill 4587](#), which established the following provisions for the administration of medical marijuana at schools:

- **Administration:** Parents, guardians, and primary caregivers are allowed to administer medical marijuana to students on school grounds, aboard school buses, or at school events. Criteria for qualification as a primary caregiver who may administer marijuana to a student can be found in [New Jersey Public Law 2009, c.307](#).
- **Location:** Schools must designate locations on school grounds where medical marijuana may be administered.
- **Method:** Smoking or inhalation of marijuana while on school grounds, school buses, or at school events is prohibited.

### ***Illinois***

In February 2018, Illinois passed [HB 4870](#) that requires a school district, public school, charter school, or nonpublic school to authorize the use and possession of medical marijuana on school grounds.

- **Administration:** A parent or guardian of a student who is a qualified patient may administer a medical cannabis infused product to the student on school grounds or a school bus if both the student and the parent or guardian have been issued registry identification cards under the Compassionate Use of Medical Cannabis Pilot Program Act. The administration of medical marijuana should not disrupt the educational environment or be exposed to other students.
- **Location:** The product may be administered by the designated caregiver on school grounds or school buses.
- **Method:** The law specifies that a "medical cannabis infused product" may be administered.

The Illinois law notes that "a school district, public school, charter school, or nonpublic school may not authorize the use of medical marijuana if the school district would lose federal funding as a result."

### ***Maine***

In June 2015 Maine passed [H.P. 381](#) amending [22 MRSA §2426](#) and [20-A MRSA §6306](#), which establish rules for the use of medical marijuana while attending school. The following provisions are in place for the administration of medical marijuana in schools in Maine:

- **Administration:** Marijuana must be administered by a [caregiver](#). A child who holds written certification for medical marijuana should not be denied eligibility to attend school because they require non-smokable marijuana to perform their daily activities.
- **Location:** An eligible caregiver may possess marijuana for administration on school grounds or a school bus.
- **Method:** Medical marijuana must be in nonsmokable form.

## **Washington**

To date, Washington has taken a slightly different approach to the administration of medical marijuana in schools. In 2015 Washington passed [Senate Bill 5052](#), which permits students to consume medical marijuana on school grounds in accordance with school policy but does not require schools to make accommodations for the consumption of medical marijuana. The student and the guardian administering the marijuana must hold a recognition card.

## **Florida**

Florida statute, [Fla. Stat. Ann. § 1006.062 \(8\)](#), establishes that district school boards must adopt a policy and procedure for allowing those students who [qualify as a patient](#) to access medical marijuana. The statute requires that district policies:

- Ensure access for qualified patients;
- Identify how the marijuana will be received, accounted for, and stored; and
- Establish processes to prevent unauthorized students and school personnel from accessing the marijuana.

Additional information can be found in ECS's 2016 [blog](#) on administering medical marijuana to students while at school.

## **Marijuana and Safety Concerns for Schools**

The legalization of recreational marijuana is still a relatively new area of policy. States are still navigating the complex regulatory landscape in response to new safety concerns. At the [federal level](#), marijuana is still classified as a controlled substance.

Some states that have legalized recreational marijuana have released guidance for parents on how to prevent underage use of marijuana. For example, the Oregon Health Authority Public Health Division's [guidance document](#) includes information on how marijuana use can affect youths' health, the different types of marijuana products, and strategies for talking with kids about marijuana.

In Colorado, the Department of Public Safety has a [resource center](#) with many guidance documents, fact sheets, and studies on youth marijuana use prevention. Additionally, in 2015, Colorado passed legislation, [HB 1273](#), adding the unlawful use, possession, or sale of marijuana on school property to the list of items that must be included in each school's annual written report to the board of education concerning the school's learning environment-- ensuring marijuana offenses are noted separately from other drug offenses.

## **Marijuana Funding for K-12**

While every state is different, many have imposed some type of tax on [medical](#) and recreational marijuana sales, according to a marijuana policy advocacy group. Our general sense is that revenue from recreational marijuana exceeds revenues collected from medical sales. For example, Nevada allowed medical marijuana before recreational was legalized. In [fiscal year 2015-16](#), \$761,848 was collected in tax revenue from medical marijuana sales. By contrast, [roughly \\$62 million](#) has been collected in Nevada since the state legalized recreational marijuana and began sales in 2017.

The chart below provides the year states legalized recreational marijuana and whether any of the revenue collected has gone toward funding public education. Colorado and Washington were the first states to allow recreational marijuana. While Washington has used most of the recreational marijuana revenues for public health programs and administration, Colorado has used a substantial amount of its collected marijuana revenues for K-12 education grants and programs. Oregon, also, has appropriated a significant amount of marijuana revenues collected to education.

## Legalization of Recreational Marijuana

State	Date sales started	Legalizing Document	What is known about where the revenue goes?
Alaska	Late 2016	<a href="#">Measure 2 (2014)</a> – Measure 2 left it up to the legislature to determine how the marijuana revenue is spent.	In <a href="#">2017</a> , Alaska collected \$1.7 million in marijuana cultivator tax revenue. As of June 2018, \$11 million has been collected. Marijuana is only taxed when it is sold or transferred from a marijuana cultivation facility to a retail store. <a href="#">Half of the revenue</a> goes to a Recidivism Reduction Fund; the other half goes to the state’s General Fund.
California	Jan. 2018	<a href="#">Proposition 64 (2016)</a> – Proposition 64 specifies a portion of the tax funds collected shall go to into the Youth Prevention, Early Intervention, and Treatment Account and may be used to address substance abuse and improve school retention and performance.	<a href="#">Governor Brown</a> estimates the cannabis excise tax will generate \$630 million in 2018-19 (page 131). But, it is unclear how much, if any, will go towards education.
Colorado	2014	<a href="#">Amendment 64 (2012)</a> – A64 specifically included language that taxes from the sale of marijuana would be used to fund school construction. That has been expanded with <a href="#">subsequent legislation</a> .	In <a href="#">2017-18</a> , the Colorado Department of Education (CDE) received \$90.3 million in marijuana revenue. In 2016-17, CDE received \$48.5 million. CDE uses the money to fund school construction projects, early literacy grants, school health professional grants, school bullying prevention grants, and drop-out prevention programs.
District of Columbia	Not yet in effect.	<a href="#">Initiative 71 (2014)</a> – The Initiative legalizes personal use and not commercial sale. As a result, the Initiative does not contain language on taxation.	
Maine	Not yet in effect.	<a href="#">Question 1 (2016)</a> – Q1 specifies all sales tax revenue collected must be deposited in the General Fund.	
Massachusetts	Not yet in effect.	<a href="#">Question 4 (2016)</a> – Q4 specifies all money collected from the sale of marijuana shall be deposited in the Marijuana Regulation Fund. The Fund is subject to appropriation but can be deposited in the General Fund.	

Nevada	July 2017	<a href="#">Question 2 (2016)</a> – Proceeds from the excise tax will first fund the costs of administration by the Department of Taxation; the excess revenue will be deposited in the Distributive School Account to provide K-12 funding.	In <a href="#">May 2018</a> , marijuana tax revenues totaled \$62.64 million. It is unclear how much will go toward education.
Oregon	Jan 2016	<a href="#">Measure 91 (2014)</a> – Marijuana revenue collected is deposited in the Oregon Marijuana Account. Measure 91 specifies 40% of the money available for distribution in the account must go to the Common School Fund.	In <a href="#">2017</a> , \$34 million (40% total eligible revenue for distribution) was provided to the State School Fund.
Vermont	Not yet in effect.	<a href="#">H. 511 (2018)</a> – The bill does not include language on taxation.	
Washington	2014	<a href="#">Initiative 502 (2012)</a> – The Initiative outlines how the tax revenue should be distributed (page 41).	In <a href="#">2017</a> , Washington collected \$319 million in marijuana revenue. The money is used for public health programs, substance abuse prevention, research and given to local governments.

## [Additional Resources](#)

**[ECS Historical Policy Database on Health Issues](#)**: In this ECS database additional information can be found on past legislation relating to school-related marijuana policy and other topics dating back to 1996.

**[ECS Policy Tracking](#)**: This database can provide additional information on the current session enacted or vetoed legislation across all fifty states.

**[National Council of State Legislature Deep Dive on Medical Marijuana](#)**: While this resource does not deal directly with the administration of medical marijuana in schools, it does provide a comprehensive list of state policy on medical marijuana as well as an abundance of resources on the topic.