



Senator Jerry Hill, 13th Senate District

SB 223 (Jojo's Act) – Medical Cannabis Use at School for Medically Fragile Students

IN BRIEF

SB 223 will help students with severe medical disabilities attend school. The only medication that works for some of these students is medical cannabis. This bill will allow a parent or guardian to come on campus to administer medical cannabis to them in **non-smoking and non-vaping** forms.

THE PROBLEM

Some students need medical cannabis to be able to attend school and have normal childhood experiences. Currently, these students must be picked up by their parents and taken off campus in order to take their medicine. This is disruptive to their learning. Every child is entitled to an uninterrupted education.

BACKGROUND

The Compassionate Use Act of 1996 (Proposition 215) allows minors to use medical cannabis with the consent of their parents and a recommendation from a doctor. It states, "To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician... in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief."¹

Many of these minors need to take a dose of medical cannabis at regular intervals, which often includes during school hours. Current law does not allow any form of cannabis on school grounds.

Existing law allows schools to legally administer any pharmaceutical drug, including opioids, that a child has been prescribed. But there are medical conditions pharmaceuticals can't fix, and they often have debilitating side effects. Medical cannabis helps fill some of these gaps, and lessen these challenging side effects. Parents across the nation have had success treating their children with medical cannabis when no pharmaceutical would work. A randomized, double-blind, placebo-controlled trial found medical cannabis to be effective for treating seizures associated with Lennox-Gastaut syndrome, a type of epilepsy.²

The mother of a student in my district with Lennox-Gastaut syndrome says her teenage son went from having 50 seizures a day that made him unable to attend school, to seldom having a seizure thanks to medical

cannabis. He was able to attend high school and graduated in June.

The Individuals with Disabilities Education Act (IDEA) requires schools to provide accommodations for all children to attend school. Some school districts have to pay for these kids to go to private school, where medical cannabis can be administered on campus.

SOLUTION

SB 223 will allow a parent or guardian to administer medical cannabis to their child on school grounds in a **non-smoking and non-vaping** form. The child must be a qualified medical cannabis patient with a doctor's recommendation. Additionally, the child's primary physician must provide an acknowledgement that he/she knows the child is using medical cannabis.

Usually the medicine is administered as oil, capsules, tinctures, liquids, or topical creams. The bill also requires that a parent must give the school a copy of their child's medical cannabis recommendation to keep on file, sign in when they come on campus to administer the medicine, not disrupt the educational environment, and take all cannabis from school grounds after administration.

SB 223 will allow K-12 school districts and county boards of education to choose whether to opt-in. It is **not a state mandate**. Districts and counties that opt-in can opt-out for any reason, including if federal funding is put at risk as a result of this policy.

Currently, seven states have already passed legislation allowing students to use medical cannabis on school property. These states include Washington, Colorado, Florida, Maine, New Jersey, Delaware, and Illinois. None of these states have lost federal funding.

SUPPORT

FOR MORE INFORMATION

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¹ Health and Safety Code Section 11262.5

² [Thiele, Elizabeth A, et al. "Cannabidiol in patients with seizures associated with Lennox-Gastaut syndrome." *The Lancet*, 26 Jan. 2018.](#)