

**Senate File 71 - Introduced**

SENATE FILE 71

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**A BILL FOR**

1 An Act relating to the administration of medical cannabidiol  
2 by primary caregivers to students at public and nonpublic  
3 schools.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.16B Administration of medical  
2 cannabidiol by primary caregivers to students on school premises.

3 1. For the purposes of this section:

4 a. "Medical cannabidiol" and "primary caregiver" mean the  
5 same as defined in section 124E.2.

6 b. "School" means a public or nonpublic school as defined  
7 in section 280.2.

8 c. "School premises" means any location where a student  
9 is in school, at school-sponsored activities, under the  
10 supervision of school personnel, and at before-school or  
11 after-school normal school activities including before-school  
12 or after-school care on school-operated property.

13 2. The board of directors of each public school district or  
14 the authorities in charge of each nonpublic school may adopt a  
15 policy permitting the primary caregiver of a student attending  
16 a school, if both the primary caregiver and the student have  
17 been issued valid medical cannabidiol registration cards  
18 pursuant to section 124E.4, to possess and administer medical  
19 cannabidiol to the student on school premises. Such a policy  
20 shall, at a minimum, meet all of the following requirements:

21 a. The school shall obtain copies of the primary caregiver's  
22 and the student's medical cannabidiol cards from the primary  
23 caregiver and the student and keep such copies on file. These  
24 records shall be confidential and shall not be used for any  
25 purpose other than for verifying that the student and the  
26 primary caregiver are lawfully in possession of a medical  
27 cannabidiol card issued pursuant to chapter 124E.

28 b. A primary caregiver who enters school premises to  
29 administer medical cannabidiol to a student shall sign in at a  
30 location designated by the school.

31 c. A primary caregiver shall not administer medical  
32 cannabidiol to a student in a manner that disrupts the  
33 educational environment of the school or causes exposure of the  
34 medical cannabidiol to other students in the school, including  
35 by smoking or vaping.

1 d. After the primary caregiver has administered medical  
2 cannabidiol to a student, the primary caregiver shall  
3 immediately remove any remaining medical cannabidiol from  
4 school premises. Medical cannabidiol shall not be stored on  
5 school premises.

6 3. The board of directors of each public school district or  
7 the authorities in charge of each nonpublic school may rescind  
8 a policy adopted pursuant to subsection 2 for any reason,  
9 including if the school district or nonpublic school is at risk  
10 of losing or has lost federal funding as a result of allowing  
11 the administration of medical cannabidiol at the school.

12 4. A school shall notify the primary caregiver of a student,  
13 in writing, that the school and its employees shall not incur  
14 any liability, except for gross negligence, as a result of any  
15 injury arising from the administration of medical cannabidiol  
16 to a student by a primary caregiver on school premises. The  
17 primary caregiver shall sign a statement acknowledging that  
18 the school shall not incur any liability, except for gross  
19 negligence, as a result of the administration of medical  
20 cannabidiol to the student by the primary caregiver. A school  
21 and its employees acting reasonably and in good faith shall not  
22 incur any liability for any improper use of medical cannabidiol  
23 or for supervising, monitoring, or interfering with the  
24 administration of medical cannabidiol to a student by a primary  
25 caregiver.

26 5. This section shall not be construed to require a school  
27 employee to administer medical cannabidiol to a student.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with  
30 the explanation's substance by the members of the general assembly.

31 This bill allows the board of directors of each nonpublic  
32 school district or the authorities in charge of each nonpublic  
33 school to adopt a policy permitting a primary caregiver of a  
34 student attending a school to administer medical cannabidiol to  
35 the student on school premises. The bill defines "school" to

1 mean a public or nonpublic school as defined in Code section  
2 280.2 and "school premises" to mean any location where the  
3 student is in school, at school-sponsored activities, under  
4 the supervision of school personnel, and at before-school or  
5 after-school normal school activities. A school that adopts  
6 such a policy must obtain copies of the primary caregiver's  
7 and student's medical cannabidiol registration cards from the  
8 primary caregiver and the student and must keep such copies on  
9 file and confidential, must require the primary caregiver to  
10 sign in at the school, must require the medical cannabidiol to  
11 be administered in a nondisruptive manner, and must require the  
12 primary caregiver to remove any remaining medical cannabidiol  
13 from school premises after administration. The bill allows  
14 the board of directors of each public school district or the  
15 authorities in charge of each nonpublic school to rescind a  
16 medical cannabidiol policy for any reason, including that the  
17 school district or nonpublic school is at risk of losing or  
18 has already lost federal funding. The bill protects schools  
19 from liability arising from the administration of medical  
20 cannabidiol except in cases of gross negligence. The bill does  
21 not require school employees to administer medical cannabidiol.