# ADMINISTRATION OF MEDICAL MARIJUANA TO QUALIFIED STUDENTS

C.R.S. 22-1-119.3(d) (“Jack’s Law”) permits schools to allow "primary caregivers" to administer medical marijuana to qualified students on school property, on a school bus or at a school-sponsored event\*. Schools permitting the administration of medical marijuana should adopt a Medical Marijuana Policy stating who may act as a “primary caregiver” and establishing “reasonable parameters” regarding the administration and use of medical marijuana. Schools may also allow school personnel to volunteer to possess, administer or assist in the administration of medical marijuana to qualified students. Schools choosing to do so should establish requirements and parameters for the administration of medical marijuana in their Medical Marijuana Policy in alignment with state law.

This sample policy is intended to be used by CSI Schools in drafting their own Medical Marijuana policies. While the sample language provides a helpful starting point, each school’s policy may be tailored to its own practices and preferences within the confines of the requirements outlines in statute and State Board Rule, 1 CCR 301-68. This document may not be inclusive of everything a school could have in its policy, and schools are encouraged to have all policies reviewed by legal counsel and by CSI prior to adoption.

*\*A school is permitted to deny the administration of medical marijuana per Jack’s Law if the school loses federal funding as a result of compliance with Jack’s Law or posts on its website in a conspicuous place a statement regarding its decision not to allow the administration of medical marijuana. School nurses or school personnel can never be required to administer medical marijuana to a student.*

The SCHOOL Board of Directors (“the Board”) strives to honor families’ private medical decisions while ensuring a learning environment free of disruption. Administration of medical marijuana to qualified students shall be in accordance with this policy and state law (C.R.S. 22-1-119.3). Administration of all other prescription and nonprescription medications to students shall be in accordance with applicable law and SCHOOL’S policy concerning the administration of medications to students.

## **Definitions**

For purposes of this policy, the following definitions shall apply:

1. “Designated location” means a location identified in writing by the school principal in his or her sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon a school bus in Colorado, at a school-sponsored event in Colorado or on other school property.
2. "Medical marijuana" means a cannabis product with a delta-9 tetrahydrocannabinol (THC) concentration greater than 0.3 percent. Administration of cannabis products with a THC concentration of 0.3 percent or less to students is covered by the Medication Administration Policy, and not by this policy.
3. “Permissible form of medical marijuana” means **non-smokeable products** such as oils, patches, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical marijuana to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the school when adequate protections against misuse may be made. Forms of medical marijuana not included in this definition may be proposed by the qualified student's primary caregiver to the principal, who may authorize such a request after consultation with appropriate medical personnel chosen by the school.
4. "Primary caregiver" means the qualified student's parent, guardian or other responsible adult over eighteen years of age who is identified by the student's parent/guardian as the qualified student's primary caregiver. In no event may another student or a staff member be recognized as a primary caregiver, unless the staff member is the student's parent/guardian. Any primary caregiver seeking access to school property, a school bus or school-sponsored event for purposes of this policy must comply with the Board's policy and/or procedures concerning visitors to schools and all other applicable policies.
5. "Qualified student" means a student who holds a valid recommendation for medical marijuana from a licensed physician and is registered with the Colorado Department of Public Health and Environment for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.

## **Permissible administration of medical marijuana to a qualified student by a primary caregiver**

A qualified student's primary caregiver may administer a permissible form of medical marijuana to a qualified student in a designated location if all the following parameters are met:

1. The qualified student’s parent or legal guardian must provide the school with a copy of the student’s valid recommendation for medical marijuana from a licensed physician and a copy of the valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The qualified student’s parent or guardian must sign a written acknowledgement assuming all responsibility for the provision, administration, maintenance, and use of medical marijuana under state law, and must release the school from liability for any injury that occurs pursuant to this policy
3. The qualified student's parent/guardian or primary caregiver must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. SCHOOL determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available and do not create a risk of disruption to the educational environment or exposure to other students;
5. SCHOOL may determine, in its sole discretion, the location of a locked storage container to store the qualified student´s medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency, or, after administering the permissible form of medical marijuana to the qualified student, the student´s primary caregiver may remove any remaining medical marijuana from the grounds of the school, school bus, or school-sponsored event; and
6. With the input of the qualified student’s parent or guardian, SCHOOL prepares a written plan that identifies the permissible form of medical marijuana, designated location(s), instructions or treatment plan for administration from the student´s recommending physician, and any additional protocols regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the qualified student (if capable), and the qualified student´s parent/guardian.

## **Permissible administration of medical marijuana to a qualified student by school personnel**

School personnel may volunteer to store, administer, or assist in the administration of medical marijuana to a qualified student in a designated location if the following parameters are met::

1. The qualified student´s parent/guardian has provided the school with a copy of the student´s valid recommendation for medical marijuana from a licensed physician and a copy of the valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The qualified student´s parent/guardian signs a written acknowledgment granting permission to the school personnel who volunteer to store, administer, or assist in the administration of medical marijuana under state law, and releases the school from liability for any injury that occurs pursuant to this policy;
3. The qualified student´s parent/guardian or primary caregiver must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. SCHOOL determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create a risk of disruption to the educational environment or exposure to other students;
5. SCHOOL determines, in its sole discretion, the location of a locked storage container to store the qualified student´s medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency; and
6. With the input of the qualified student’s parent or guardian, SCHOOL prepares, a written plan that identifies the permissible form of medical marijuana, designated location(s), instructions or treatment plan for administration from the student´s recommending physician, and any additional protocols regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the school personnel who volunteer to store, administer, or assist in the administration of the medical marijuana, the qualified student (if capable), and the qualified student´s parent/guardian.

## **Additional Parameters**

This policy conveys no right to any student or to the student's parents/guardians or other primary caregiver to demand access to any general or particular location on school property, a school bus, or at a school-sponsored event to administer medical marijuana.

This policy does not apply to school grounds, school buses, or school-sponsored events located on federal property or any other location that prohibits marijuana on its property.

Permission to administer medical marijuana to a qualified student may be limited or revoked if the qualified student and/or the student's primary caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

Student possession, use, distribution, sale or being under the influence of marijuana inconsistent with this policy will be considered a violation of Board policy concerning drug and alcohol involvement by students or other Board policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

If the federal government indicates that the school’s federal funds are jeopardized by this policy, the Board declares that this policy must be suspended immediately and that the administration of any form of medical marijuana to qualified students on school property, on a school bus, or at a school-sponsored event must not be permitted. The school must post a notice of such policy suspension and prohibition in a conspicuous place on its website.

**Adopted: XXX, 20XX**

LEGAL REFS.:

Colo. Const. Art. XVIII, Section 14 *(establishing qualifications for use of medical marijuana)*

C.R.S. 22-1-119.3 (3)(a) *(Board must adopt and implement a policy including processes for the storage, possession, and administration of medical marijuana)*

C.R.S. 22-1-119.3 (3)(c), (d) *(no student possession or self-administration of medical marijuana, but schools must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event)*

C.R.S. 22-1-119.3 (3)(d)(I) *(school personnel may volunteer to possess, administer, or assist in the administration of medical marijuana)*

C.R.S. 22-1-119.3 (3)(d)(III) *(Board may adopt policies regarding who may act as a primary caregiver and to establish reasonable parameters on the administration and use of medical marijuana on school grounds, on a school bus or at a school-sponsored event)*