

Cherry Hill Public Schools

5330.01 ADMINISTRATION OF MEDICAL MARIJUANA

The Board of Education, in accordance with the requirements of N.J.S.A. 18A:40-12.22, must adopt a Policy authorizing parents, guardians, and primary caregivers to administer medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event. The parent of a qualifying student patient requesting the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and Policy and Regulation 5330.01.

A student enrolled in the school district must be authorized to engage in the medical use of marijuana and the primary caregiver, who may be the parent, must be authorized to administer medical marijuana to a qualifying student patient in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The student and the primary caregiver must complete the registration process to obtain a Registry Identification Card from the New Jersey Department of Health in accordance with the requirements of N.J.S.A. 24:6I-4.

The parent of the student authorized to engage in the medical use of marijuana must submit a written request with supporting documentation to the Principal requesting approval to have a primary caregiver assist in the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event.

The Superintendent or designee, in consultation with the school nurse, and the school physician will review each request. The parent will be informed in writing of the decision by the Superintendent or designee.

If the request is approved:

The Principal will submit the mandatory protocols for the administration of the medical marijuana to the Superintendent or designee for review.

After Superintendent or designee approval, the Principal will notify the parents of the mandatory protocols that must be followed.

Medical marijuana may only be administered to the qualifying student patient while the student is on school grounds, aboard a school bus, or attending a school-sponsored event by the primary caregiver in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The prescribed medical marijuana must be in the possession of the primary caregiver at all times, except during the administration process. The primary caregiver shall comply with the requirements of the Principal's written protocols for the administration of medical marijuana to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

All health records related to the administration of medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event shall be maintained in accordance with the requirements of N.J.A.C. 6A:16-2.4 and N.J.A.C. 6A:32-7.4.

No person shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for simply being in the presence or vicinity of the medical use of marijuana as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22. No custodial parent, guardian, or person who has legal custody of a qualifying student patient who is a minor

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shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for assisting the minor in the medical use of marijuana as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22.

N.J.S.A. 18A:40-12.22

N.J.S.A. 24:6I-1 et seq.

N.J.A.C. 6A:16-2.4; 6A:32-7.4

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A custodial parent, guardian, or person having legal custody of a student requesting the administration of medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the procedures and requirements of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and this Regulation.

A. Definitions

For the purposes of this Policy:

1. “Bona fide physician-patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a qualifying student patient’s debilitating medical condition.
2. “Certification” means a statement signed by a physician with whom a qualifying student patient has a bona fide physician-patient relationship, which attests to the physician’s authorization for the patient to apply for registration for the medical use of marijuana.
3. “Marijuana” has the meaning given in Section 2 of the “New Jersey Controlled Dangerous Substances Act,” N.J.S.A. 24:21-2.
4. “Medical use of marijuana” means the acquisition, possession, transport, or use of marijuana or paraphernalia by a registered qualifying student patient as authorized by the New Jersey Compassionate Medical Marijuana Act (Act).
5. “Parent” means the custodial parent, guardian, or person who has legal custody of a qualifying student patient who may also be the primary caregiver registered and provided a Registry Identification Card by the New Jersey Department of Health to administer medical marijuana to a student in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-4.
6. “Physician” means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the qualifying student patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician responsible for the ongoing treatment of a qualifying student patient’s debilitating medical condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a qualifying student patient to use medical marijuana or consultation solely for that purpose.
7. “Primary caregiver” or “caregiver” means a resident of the State who:
 - a. Is at least eighteen years old;
 - b. Has agreed to assist with a registered qualifying student patient’s medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying student patient’s physician;
 - c. Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date (Oct. 1, 2010) of the Act and was for a violation of Federal law related to possession or sale of marijuana that is authorized under the Act;

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d. Has registered with the Department of Health pursuant to N.J.S.A. 24:6I-4 and has satisfied the criminal history record background check requirement of N.J.S.A. 24:6I-4; and

e. Has been designated as primary caregiver on the qualifying student patient’s application or renewal for a Registry Identification Card or in other written notification to the Department of Health.

8. “Qualifying student patient” means a resident of the State who is a student enrolled and attending school in this school district who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship and has been issued a Registry Identification Card by the New Jersey Department of Health for medical use of marijuana in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.

9. “Qualifying patient” means a resident of the State who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship.

10. “Registry Identification Card” means a document issued by the Department of Health that identifies a person as a registered qualifying student patient or primary caregiver.

B. Registration – Qualifying Student Patient and Primary Caregiver

1. A qualifying student patient must be authorized to engage in the medical use of marijuana and the primary caregiver must be authorized to assist the qualifying student patient with the medical use of marijuana pursuant to the provisions of N.J.S.A. 24:6I-1 et seq.

2. A qualifying student patient and their primary caregiver must complete the registration process in accordance with the provisions of N.J.S.A. 24:6I-4 and any other requirements of the New Jersey Department of Health.

3. The qualifying student patient’s parent shall be responsible to immediately inform the Principal of any change in the status of the student’s Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.

4. The qualifying student patient’s primary caregiver shall be responsible to immediately inform the Principal of any change in the status of any primary caregiver’s Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.

C. Submission for Authorization for Administration of Medical Marijuana

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1. A parent of a qualifying student patient requesting the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must submit a written request to the Principal with a copy of a current New Jersey Department of Health Registry Identification Cards for the qualifying student patient and the primary caregiver and a copy of the physician's order or prescription indicating dosage information and the method of administration for the medical marijuana to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

The parent will provide additional documentation from the physician that the medical marijuana must be administered during the time of the day when the student is on school grounds, aboard a school bus, or attending a school-sponsored event and the medical marijuana cannot be administered and/or will not be effective during alternate times when the student is not on school grounds, aboard a school bus, or attending a school-sponsored event.

The Principal will then send the request and documentation to the Superintendent or designee.

a. The parent's written request and all supporting documentation must be submitted to the Principal at least five school days before the first day of the requested administration.

2. The Superintendent or designee, school nurse, and school physician shall review the submitted Registry Identification Cards and supporting documentation.

3. Upon review of the documentation submitted by the parent, the Superintendent or designee will inform the parent or primary caregiver, if the parent is not the primary caregiver, if the request is approved or denied. If approved, the Building Principal will be notified, will develop the following protocols, and submit to Superintendent or designee for review. The protocols will include:

- a. The location (school, office, etc.) where the primary caregiver shall report to administer the medical marijuana;
- b. The school staff member(s) who the primary caregiver must see to coordinate the administration of medical marijuana;
- c. The time the primary caregiver shall report to administer the medical marijuana;
- d. The specific location where the medical marijuana shall be administered to the student; and
- e. A copy of Policy and Regulation 5330.01 – Administration of Medical Marijuana.

4. In the event the Superintendent or designee, after consultation with the school nurse, school physician, has a question or concern regarding the Registry Identification Cards or supporting documentation submitted by the parent, the Superintendent or designee will contact the parent with the question or concern.

5. The administration of medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event, pursuant to N.J.S.A. 18A:40-12.22, will only be authorized after the approval required by Policy and Regulation 5330.01.

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D. Administration of Medical Marijuana

1. The medical marijuana shall only be administered by the primary caregiver and at the approved location, times, and method as indicated in the parent's in the Principal's written protocols.
2. In accordance with the provisions of N.J.S.A. 18A:40-12.22.b.(5), medical marijuana cannot be administered to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event by smoking or other form of inhalation.
3. The prescribed medical marijuana must always be in the possession of the primary caregiver and may not be in the possession of the qualifying student patient at any time on school grounds, aboard a school bus, or at a school-sponsored event.
 - a. The Principal will designate a private area, if possible, for the primary caregiver to administer the medical marijuana to the qualifying student patient. The amount of privacy provided for the administration will depend on the approved method of administration and the designated location. The location may be a nurse's office, a private office, a private restroom facility, or any other location appropriate for the approved method of administration.
4. The primary caregiver shall report to the approved location prior to the scheduled time for the administration of medical marijuana to the qualifying student patient. The primary caregiver must show the Registry Identification Card and a second form of identification which shall be a photograph identification.
5. The Principal or supervising school staff member of a school-sponsored event may designate a school staff member to escort the primary caregiver to the qualifying student patient at the designated time to the designated location for the administration.
6. The Principal may designate a school staff member to observe the administration of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event.
7. The primary caregiver shall administer the medical marijuana to the qualifying student patient in accordance with the method and dosage prescribed by the physician and included in the parent's request to the Principal.
8. The qualifying student patient shall return to his/her class or event as soon as possible after the administration.
9. The primary caregiver will be escorted outside the school building, away from the school bus, or away from the school-sponsored event, if applicable, by a school staff member after the administration.
 - a. The qualifying student patient and/or primary caregiver must remain at the location of the administration by the school staff member in the event the student needs some additional time after the administration and before returning to their class or event.
11. The primary caregiver shall be responsible for the security of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event before, during, and after the administration. At no time shall the qualifying student patient have the medical marijuana in their possession except during the administration process by the primary caregiver.

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Statue Information Regarding Medical Marijuana in Schools:

N.J.S.A. 18A:40-12.22 (P.L. 2015 Chapter 158) was recently approved requiring school districts to develop a policy authorizing parents, guardians, and primary caregivers to assist a student in the medical use of marijuana pursuant to the “Compassionate Use Medical Marijuana Act” (N.J.S.A. 24:6I-1 et seq.) while on school grounds, aboard a school bus, or attending a school-sponsored event. N.J.S.A. 18A:40-12.22 indicates the Policy must:

- establish protocols for verifying the New Jersey Department of Health registration process for the primary caregiver and the student;
- identify locations on school grounds where the medical marijuana may be administered; and
- prohibit the administration of medical marijuana to a student by smoking or other form of inhalation.

The legislation indicates the Commissioner of Human Services and the State Board of Education may, in consultation with the Commissioner of Health, adopt rules and regulations.

Strauss Esmay has developed a new Policy and Regulation Guide 5330.01 – Administration of Medical Marijuana for school districts to consider adopting until the New Jersey Department of Education (NJDOE) provides school districts additional guidance. A Board may want to adopt these Guides to be used until additional guidance is provided by the NJDOE or delay the formal Board adoption of these Guides and use the Policy and Regulation Guides as guidance if a parent request is submitted to the district.

The NJDOE has given no timeline for guidance on this issue. N.J.S.A. 18A:40-12.22 requires school districts adopt a Policy permitting the administration of medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event.