

**SUBJECT: ADMINISTRATION OF MEDICAL CANNABIS**

**PURPOSE:** The purpose of this policy is to ensure that the Alma d'arte Charter High School complies with state law regarding possession, storage, and administration of medical cannabis to qualified students in a school setting.

**BACKGROUND:** Ideally, a qualified student should be administered medical cannabis at home. However, where it is necessary for students to be administered medical cannabis during school hours, it is the Governance Council's (GC) intent that all applicable statutes, rules, regulations are in place and are followed when storing and dispensing or administering medical cannabis in the school setting.

The GC is cognizant of federal law classifying cannabis as a Schedule 1 Controlled Substance and of medical cannabis not currently being approved as a medication by the Food and Drug Administration (FDA). Thus, school nurses, through the parameters of their state license, are unable to administer or delegate administration of any products, including any cannabis containing products, that are not FDA approved. Likewise, Alma d'arte does not designate any school personnel to store, possess, or administer medical cannabis to students in the school setting.

**DEFINITIONS:**

- (A) "Certifying practitioner" means a health care practitioner who is licensed in New Mexico to diagnose a qualified patient and recommend medical cannabis as a course of treatment.
  
- (B) "Debilitating medical condition" means:
  - 1. Cancer;
  - 2. Glaucoma;
  - 3. Multiple sclerosis
  - 4. Damage to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;
  - 5. Epilepsy
  - 6. Positive status for human immunodeficiency virus or acquired immune deficiency syndrome;
  - 7. Admitted into hospice care in accordance with rules promulgated by the state department of health; or
  - 8. Any other medical condition, medical treatment or disease as approved by the State Department of Health.

- (C) “Designated school personnel” means a school employee authorized by the school to possess, store, and administer medical cannabis to a qualified student in accordance with the provisions of this policy, and state laws and administrative regulations.
- (D) “Medical cannabis” means cannabis:
1. Recommended for treatment of a debilitating medical condition as defined above and in the Lynn and Erin Compassionate Use Act, in a written certification by a certifying practitioner;
  2. Dispensed by a cannabis producer that has received approval from the New Mexico Department of Health to conduct sales of medical cannabis;
  3. Is in the form of a capsule, extract, or concentrate to be ingested through the mouth that:
    - a. may be safely divided into measurable doses;
    - b. is not an aerosol product consumable through smoking or in particulate form as a vapor or by burning;
    - c. is not a food or beverage product;
    - d. is not a salve, balm, or other topical product;
    - e. does not require refrigerated storage; and
  4. Is provided to the school in package or container clearly labeled with:
    - a. the student’s name and date of birth; and
    - b. the recommended dosage allotment.
- (E) “Primary caregiver” means a parent or legal guardian.
- (F) “Qualified patient” means a person who has:
1. Been diagnosed by a certifying practitioner;
  2. Received written certification from a certifying practitioner; and
  3. Is currently enrolled in the New Mexico Department of Health’s medical cannabis program and has received a current and valid registry identification card pursuant to the Lynn and Erin Compassionate Use Act.
- (G) “Qualified student” means a student who demonstrates evidence to the school that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act to carry and use medical cannabis.
- (H) “School setting” means any of the following locations during a school day:
1. A school building;
  2. A school bus used within the state during, in transit to, or in transit from a school-sponsored activity;
  3. A public vehicle used within the state during, in transit to, or in transit from a school-sponsored activity in the state; or
  4. A public site in the state where a school-sponsored activity takes place.
- (I) “Written certification” means a statement written by a qualified student’s certifying practitioner, which is not valid for more than one year from the date of issuance:
1. In a qualified student’s medical records or in the written treatment plan statement;

2. Certifying that the qualified student has a debilitating medical condition pursuant to the Lynn and Erin Compassionate Use Act;
  3. Certifying that the certifying practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the qualified student; and,
  4. Signed by the certifying practitioner.
- (J) “Written treatment plan” means a document developed by the primary caregiver in collaboration with the certifying practitioner that is valid for no more than one year from the date of issuance:
1. Includes the certifying practitioner’s diagnosis and description the qualified student’s debilitating medical condition per the Lynn and Erin Compassionate Use Act;
  2. Describes the plan for recommended treatment with medical cannabis, including:
    - a. the recommended dosage allotment;
    - b. the recommended frequency of administration of medical cannabis in a school setting; and
    - c. is signed by the primary caregiver and the certifying practitioner.

POSITION:

- (A) The GC authorizes the possession, storage, and administration of medical cannabis by parents and legal guardians to qualified students for use in school settings; provided that:
1. A student shall not possess, store or self-administer medical cannabis in a school setting;
  2. A parent or legal guardian shall not administer medical cannabis in a manner that creates disruption to the educational environment or causes other students to be exposed to medical cannabis;
  3. A written treatment plan for the administration of the medical cannabis is agreed to and signed by the building principal or the principal’s designee of the qualified student’s school and the qualified student’s parent or legal guardian;
  4. Before the first administration of medical cannabis in a school setting, the qualified student’s parent or legal guardian completes and submits the following required documentation:
    - a. A copy of the qualified student’s written certification for use of medical cannabis as required by the Lynn and Erin Compassionate Use Act; and
    - b. A written statement from the qualified student’s parent or legal guardian releasing the school and school personnel from liability, except in cases of willful or wanton misconduct or disregard of the qualified student’s treatment plan;
- (B) Alma d’arte shall not:
1. Discipline a student who is a qualified student due to that student’s required and approved use of a medical cannabis in the school setting;
  2. Deny eligibility to attend school to a qualified student on the basis that the qualified student requires medical cannabis as a reasonable accommodation necessary to attend school or a school sponsored activity; or

3. Discipline a school employee who refuses to administer medical cannabis.
- (C) If the federal government indicates that the school's federal funds are jeopardized by this policy, the GC declares that this policy shall be suspended immediately and that the administration of any form of medical cannabis to qualified students on school property, on a school bus or at a school-sponsored event shall not be permitted. The school shall post notice of such policy suspension and prohibition in a conspicuous place on its website. This determination is appealable by any parent to the Secretary of Public Education, based on rules established by the Public Education Department.
  - (D) The school shall provide annual training on the school's medication administration policy and procedures, including those related to medical cannabis.
  - (E) The CAO/Principal shall promulgate a regulation for the enforcement of this policy.

*Legal Reference: 22-2B NMSA 1978; NMAC 6.12.10; 22-33-5 NMSA 1978*

END