

USE AND POSSESSION OF MARIJUANA, MEDICAL MARIJUANA,
AND CANNABIDIOL (CBD) ON DISTRICT PROPERTY

Purpose: This policy describes the district's position on the use and possession of medical marijuana on district property given current state and federal law.

The district recognizes that the laws regarding medical marijuana, cannabidiol, and hemp are new and possibly subject to change. The legal aspects and consequences of possessing medical marijuana, cannabidiol, and hemp affect the district's policies regarding employees, students, parents and individuals on district premises or attending district events. The district will continue to enforce its current policies. As the need arises, the district will examine and consider changes to those policies in order to assess whether revisions, if any, may be needed in order to comply with state and federal law.

General Provisions

Definitions

The term "marijuana" includes all parts of the plant *Cannabis sativa L.*, whether growing or not; marijuana seeds; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin extract, resin, or residue. Note that this definition includes marijuana edibles and cannabidiol (except cannabidiol described as "authorized cannabidiol/CDB" below). This definition excludes all substances excluded from the definition of "marijuana" in the federal Controlled Substances Act (see 21 USC 802(d)(16)).

Cannabidiol ("CBD"): a cannabinoid made from cannabis (hemp or the marijuana plant). Note that some CBD is authorized in this policy as permitted by law.

Hemp: the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

THC: tetrahydrocannabinol.

Overlapping Policies

Employees, students, and individuals on school property are expected to adhere to any and all applicable open letters, formal opinions, directives, or any other instruction provided by federal or state agencies regarding state and/or federal law. The terms "marijuana" and "possession of marijuana" will be interpreted by the district in accordance with state and federal law.

Non-Discrimination

There will be no discrimination in the district because of an individual's status as a medical marijuana license holder.

Prohibitions of Marijuana on District Property

While the State of Oklahoma has authorized the use medical marijuana (marijuana authorized for medical purposes pursuant to state law), marijuana is still a prohibited controlled substance under federal law regardless of its use. Because of the district's obligations to comply with federal law, marijuana is not allowed on district property or in any district vehicle, regardless of a student, employee, parent or any individual's status as a medical marijuana license holder or if the marijuana is otherwise considered "medical marijuana." District property includes, but is not limited to all district buildings, parking lots, grounds, equipment, and district vehicles. This prohibition also extends to situations and contexts in which the district reasonably deems the possession of marijuana to be illegal pursuant to applicable law.

In the event that a student, employee, parent or any individual is found to possess or to have possessed marijuana in any of the instances stated above, the district will proceed with all actions and consequences that are afforded to the district under any state or federal law, employment contract, district policy, student handbook provision, or any other authority applicable to or adopted by the district, including but not limited to its drug/alcohol testing policies and regulations, its policy prohibiting the use of drugs and alcohol and the student behavior guide (also known as the Behavior Response Plan, or Student and Family Guide to Success).

Hemp and Cannabidiol (CBD)

Cannabidiol is regulated differently than marijuana under both state and federal law. In accordance with this law, possession and administration of cannabidiol shall be treated differently based on the concentration of THC in the cannabidiol. In no instance will this section be construed to apply to a substance that is not made from hemp, nor shall this section be construed to permit the possession or use of a cannabis-derived oil that contains more than 0.3% THC.

The following two concentrations/contexts of cannabidiol are considered "authorized cannabidiol/CBD."

1. Cannabidiol Containing 0.0% THC

- A. With regard to non-students (meaning employees, parents and individuals who are not students of the district), they may possess and self-administer cannabidiol containing 0.0% THC on the premises of the district. However, these non-students must be able to verify, upon request of a school or district leader, that the cannabidiol contains 0.0% THC at the time of possession and/or self-administration via a reliable product label or a physician's certification. Employees are not permitted to self-administer cannabidiol in the presence of students.
- B. With regard to students of the district, they may not possess or self-administer cannabidiol. However, a parent or legal guardian of the student may administer cannabidiol containing 0.0% THC to the student on district premises. Cannabidiol containing 0.0% THC may only be administered to a student in an area designated by the school's principal or an appropriate district leader. The parent or legal guardian must have certified that the cannabidiol contains 0.0% THC on the form provided to them by the school or district leader. After administering the cannabidiol, the parent or legal guardian must remove the cannabidiol from the

district's premises. The district will not maintain or store a student's cannabidiol containing 0.0% THC for any length of time.

2. Cannabidiol Containing THC at a Concentration of No More Than 0.3%

A. With regard to non-students (meaning employees, parents and individuals who are not students of the district), they may possess and self-administer cannabidiol containing up to a maximum of three-tenths of one percent (0.3%) THC on the premises of the district provided they meet either section i. or ii. below:

- i. The employee, parent, or individual who is not a student, is a medical marijuana license holder; or
- ii. The employee, parent, or individual who is not a student provides the district with a written certification from a physician licensed in Oklahoma that the employee, parent, or individual that is not a student has been diagnosed by a licensed physician as having one of the following:
 - a. Lennox-Gastaut Syndrome;
 - b. Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy;
 - c. Any other severe form of epilepsy that is not adequately treated by traditional medical therapies;
 - d. Spasticity due to multiple sclerosis or due to paraplegia;
 - e. Intractable nausea and vomiting; or
 - f. Appetite stimulation with chronic wasting diseases.

Such non-students must be able to verify (1) that they meet an exception listed above and (2) that the cannabidiol contains no more than 0.3% THC at the time of possession and/or self-administration via a reliable product label or a physician's certification. Employees are not permitted to self-administer cannabidiol in the presence of students.

B. With regard to students of the district, they may not possess or self-administer cannabidiol. However, a student may be administered cannabidiol containing up to 0.3% THC on district premises by a parent, legal guardian or caregiver (as defined in 63 O.S. § 427.2) if they have certified that the cannabidiol contains no more than 0.3% THC on the form provided to them by the school or district leader, and if the student meets one of the following exceptions:

- i. The student is a medical marijuana license holder; or
- ii. The parent, legal guardian, or caregiver of the student provides the district with a written certification from a physician licensed in Oklahoma that the student has been diagnosed by a licensed physician as having one of the following:
 - a. Lennox-Gastaut Syndrome;
 - b. Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy;
 - c. Any other severe form of epilepsy that is not adequately treated by traditional medical therapies;
 - d. Spasticity due to multiple sclerosis or due to paraplegia;
 - e. Intractable nausea and vomiting; or
 - f. Appetite stimulation with chronic wasting diseases.

The physician's written certification must also provide that the cannabidiol being administered to the student has a THC level of not more than 0.3% and the cannabidiol is delivered to the student, parent, or legal guardian in a liquid form.

Once the district has received a copy of the student's medical marijuana license or a physician's certification meeting these requirements, the parent or legal guardian may administer cannabidiol containing THC in an amount no greater than 0.3% to the student in an area designated by the school's principal or appropriate district leader. After administering the cannabidiol, the parent or legal guardian/caregiver must remove the cannabidiol from the district's premises. The district will not maintain or store a student's cannabidiol for any length of time.

In no instance will a school district employee administer cannabidiol to a student, unless they are the parent, legal guardian, or caretaker for that student and the cannabidiol is authorized cannabidiol/CBD pursuant to this policy.

Food and Drug Administration-approved cannabidiol medication (e.g., Epidiolex) is not subject to the language in this policy. While such medication may not be possessed or self-administered by students, these medications may be taken at school just like any other FDA approved medication. They must be stored in district offices and may be administered by the school nurse or other designated district personnel in accordance with the district's policy on the administration of medicine.

In the event that a student, employee, parent or any individual is found to have violated the district's policy regarding cannabidiol possession and/or self-administration, the district will proceed with all actions and consequences that are afforded to the district under any state or federal law, employment contract, district policy, student handbook provision, or any other authority applicable to or adopted by the district.

Campus Police Personnel and CDL Licenses Holders such as Bus Drivers

Employees of the district are expected to comply with state and federal law at all times as a term of their continued employment with the district. Campus police personnel are hereby notified that any person who uses or is addicted to marijuana, regardless of whether they have a medical marijuana license, is considered by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") to be an unlawful user of or addicted to a controlled substance and is prohibited by federal law from possessing firearms or ammunition pursuant to federal statute (see 18 U.S.C. § 922(g)) and the ATF's directives dated September 21, 2011 at <https://www.atf.gov/file/60211/download>.

In addition, pursuant to United States Department of Transportation regulation and guidance, district employees using Commercial Drivers Licenses may not possess or use marijuana, regardless of whether they possess a medicinal marijuana license.

Campus police and CDL license holders are reminded that they are subject to random drug testing policies outlined in the board's policy manual.