

**MEDICAL MARIJUANA****Definitions**

This policy defines the following:

- *Cannabinoid concentrate* means a concentrate or extract obtained by separating cannabinoids from marijuana by a mechanical, chemical, or other process.
- *Cardholder* means a qualifying patient, designated caregiver, or compassion center agent who has been issued and possesses a valid registry identification card.
- *Debilitating medical condition* means one of the following:
  - a. Cancer;
  - b. Positive status for human immunodeficiency virus;
  - c. Acquired Immune Deficiency Syndrome (AIDS);
  - d. Decompensated cirrhosis caused by hepatitis C;
  - e. Amyotrophic lateral sclerosis;
  - f. Post-traumatic stress disorder;
  - g. Agitation of Alzheimer's disease or related dementia;
  - h. Crohn's disease;
  - i. Fibromyalgia;
  - j. Spinal stenosis or chronic back pain, including neuropathy or damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity;
  - k. Glaucoma;
  - l. Epilepsy;
  - m. Anorexia nervosa;
  - n. Bulimia nervosa;
  - o. Anxiety disorder;
  - p. Tourette syndrome;
  - q. Ehlers-Danlos syndrome;
  - r. Endometriosis;
  - s. Interstitial cystitis;
  - t. Neuropathy;
  - u. Migraine;
  - v. Rheumatoid arthritis;
  - w. Autism spectrum disorder;
  - x. A brain injury;
  - y. A terminal illness; or
  - z. A chronic or debilitating disease or medical condition or treatment for such disease or medical condition that produces one or more of the following:
    - i. Cachexia or wasting syndrome;
    - ii. Severe debilitating pain that has not responded to previously prescribed medication or surgical measures for more than three months or for which other treatment options produced serious side effects;
    - iii. Intractable nausea;
    - iv. Seizures; or
    - v. Severe and persistent muscle spasms, including those characteristic of multiple sclerosis.

## RECOMMENDED

Descriptor Code: ACBF

- *Designated caregiver* means an individual who agrees to manage the well-being of a registered qualifying patient with respect to the qualifying patient's medical use of marijuana.
- *Medical cannabinoid product* is as defined in NDCC 19-24.1-01(24).
- *Medical marijuana product* means a cannabinoid concentrate or a medical cannabinoid product.
- *Minor* means an individual under the age of nineteen.
- *Pediatric medical marijuana* means a medical marijuana product containing cannabidiol which may not contain a maximum concentration or amount of tetrahydrocannabinol of more than six percent.
- *Possession* means:
  - a. Actual physical possession of the alcohol or drug while on school property;
  - b. Use or consumption of the alcohol or drug while on school property; or
  - c. In the student's locker, car, handbag, backpack, or other belongings while on school property.
- *Qualifying patient* means an individual who has been diagnosed by a health care provider as having a debilitating medical condition.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Use* means that a student or employee is reasonably known to have ingested, inhaled or otherwise taken into the body a prohibited substance, or is reasonably found to be under the influence of such a substance while on school property.

## Prohibitions

Although possession and use of marijuana for certain debilitating medical conditions is permitted in North Dakota, the Yellowstone School Board recognizes that the possession and use of marijuana remains illegal under federal law. In an effort to maintain a drug-free workplace and compliance with state and federal laws, the Board prohibits the possession, administration, and use of medical marijuana while on school property. Administration of all other prescription and nonprescription medications to students shall be in accordance with applicable law and district policy concerning the administration of medications to students (see Policy ACBD, School Medication Program).

The District shall not refuse to enroll or discriminate against any student solely on the basis of such student's status as a qualifying patient or use of medical marijuana pursuant to North Dakota law.

The District shall not refuse to hire a person nor discharge, penalize, or threaten an employee solely on the basis of such person's or employee's status as a qualifying patient, cardholder, or designated caregiver. However, the Board retains its ability to prohibit the possession and/or use of medical marijuana during work hours and its ability to discipline an employee or student for being under the influence of medical marijuana during work hours and while on school property.

**Disciplinary Consequences**

The District shall notify employees and students of the district's policies and procedures regarding the prohibition of controlled substances and drug possession and usage while on school property. A student or employee who violates district policies may be subject to disciplinary action, up to and including suspension and/or expulsion for students or suspension and/or termination for staff. The District may notify law enforcement agencies regarding a student's or staff member's violation of this policy.

The employee must notify their supervisor of their conviction under any criminal drug statute for a violation occurring on school property or while performing work for the District, no later than five calendar days after such a conviction. The District may inform the appropriate licensing authority of such a conviction.

The protections provided to qualifying patients, both adult and minors, utilizing medical marijuana prescribed in state statute, do not apply if the qualifying patient uses or possesses marijuana while on school property or in violation of applicable law.

**Confidentiality**

Cardholder status for a student or employee is confidential and may not be requested or required by the district. Only upon a cardholder's written request to the Department of Health may the Department confirm the cardholder's status as a registered qualifying patient or registered designated caregiver to a school. All information received by the District as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know.

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**Complementing NDSBA Templates (may contain items not adopted by the Board)**

- ACBD, School Medication Program
- DEAA, Drug and Alcohol Free Workplace
- DEAA-AR, Procedure if Harmful Chemical Use is Suspected
- DEAA-E, Record of Observable Behavior
- DBBA, Drug and Alcohol Testing Program for Employees (relates to employee/position subject to Omnibus Transportation Employee Testing Act)
- DBBA-AR, Drug and Alcohol Testing Procedures
- DBBA-E, Drug and Alcohol Testing Notification Requirements for Employees
- FFA, Student Alcohol and Other Drug Use/Abuse
- FFA-AR, Alcohol and Other Drug Intervention Procedure

**End of Yellowstone Policy ACBF ..... Adopted: 2/17/2020**