

## **Administration of Medical Marijuana, Hemp Oil and Cannabinoid Products to Qualified Students**

Administration of medical marijuana to qualified students must be in accordance with this policy. Administration of all other prescription and nonprescription medications to students must be in accordance with applicable law and the board's policy concerning the administration of medications to students.

### **I. Definitions**

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

1. "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 is medically necessary during school hours.
2. "Medical Marijuana" means a cannabis product with a delta-9 tetrahydrocannabinol (THC) concentration of greater than 0.3 percent. Cannabis products with THC concentration of 0.3 percent or less are not considered marijuana under state law and are not considered controlled substances under federal law. These products are covered under district policy JLCD Administering Medications to Students.
3. "Medical Professional" means an individual licensed under article 36 or article 38 of title 12 C.R.S.
4. "Designated Location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student enrolled, upon a school bus in Colorado, or at a school-sponsored event in Colorado.
5. "Permissible Form of Medical Marijuana" means non smokable products such as oils, tinctures, edible products or lotions that can be administered or 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 an appropriate permissible form of medical marijuana for students on a case-by-case basis as determined by the District when adequate protections against misuse may be made. Medical marijuana intended for use or consumption through smoking or vaping, hashish, and concentrated marijuana (including hashish, wax, and shatter) are not considered medical marijuana (Colorado Marijuana Code 44-10-103) and are therefore prohibited. Forms of medical marijuana not included in this definition may be proposed by the qualified student's primary caregiver to the Superintendent who may authorize such request after consultation with appropriate medical personnel chosen by the District.
6. "Marijuana Consumer Waste" means any component left after the consumption of a regulated marijuana product including but not limited to containers, packages, cartridges, pods, cups, batteries, all-in-one disposable devices, and any other waste component left after the regulated marijuana is consumed as defined by rules promulgated by the state licensing authority.
7. "Primary Caregiver" means the qualified student's parent, legal 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.

8. "Volunteer" means a Thompson School District staff member who volunteers at their own discretion to administer or assist in the administration of a permissible form of medical marijuana to a qualified student in accordance with the written plan developed by the District/school that complies with this policy.

## **II. 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 of 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 valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The District prepares, with the input of the qualified student's parent/guardian, a written plan, as provided in Exhibit JLCDB-E1, that identifies the form, designated location(s), treatment plan, including the dosing, timing, and delivery route instructions for administration from one of the student's recommending physicians and any additional protocols or instructions 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), the qualified student's parent/guardian and the primary caregiver if not the parent/guardian;
3. The qualified student's parent/guardian signs a written acknowledgement assuming all responsibility for the provision, administrations, maintenance and use of medical marijuana under state law, and releases the District from liability for any injury or loss that occurs pursuant to this policy including but not limited to side effects or other medial outcomes of medical marijuana such as overdose that are suffered by the qualified student;
4. The qualified student's parent/guardian must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
5. The District determines, in its sole discretion, that a location and 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.
6. The District determines in its sole discretion either 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 permissible form of medical marijuana in a medical emergency or, after administering the permissible form of medical marijuana to the qualified student, the student's primary caregiver shall remove all remaining medical marijuana and associated marijuana consumer waste from the grounds of the school, District, school bus, or school-sponsored event; and
7. Any primary caregiver seeking access to district property, including the designated location, for the purposes of this policy must comply with all applicable laws and Board policies and procedures concerning visitors to schools.

### **III. Permissible Administration of a Permissible Form of Medical Marijuana to a Qualified Student by Volunteer School Personnel**

At the request of the qualified student's parent/guardian school personnel may volunteer to administer or assist in the administration of a permissible form 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 valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The District prepares, with the input of the qualified student's parent/guardian, a written plan as provided in Policy JLCDB-E-2, which identifies the form, designated location(s), treatment plan, including the dosing, timing and delivery route instructions for administration from one of the student's recommending physicians, and any additional protocols or instructions regarding administration of the permissible form of medical marijuana to the qualified student. The written plan must also identify the volunteer personnel. The written plan must be signed by the school administrator, the volunteer personnel, the qualified student (if capable), and the qualified student's parent/guardian;
3. The qualified student's parent/guardian signs the written acknowledgement granting permission to the volunteer school personnel to administer or assist in the administration of the permissible form of medical marijuana under state law, and releases the District from liability for any injury or loss that occurs pursuant to this policy including but not limited to side effects or other medical outcomes of medical marijuana such as overdose that are suffered by the qualified student;
4. The qualified student's parent/guardian must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
5. The District determines, in its sole discretion, that a location and 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; and
6. The District 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 permissible form of medical marijuana in a medical emergency. At the end of each school day or after a school-sponsored event, the parent(s) or guardian(s) shall promptly remove all remaining medical marijuana and associated marijuana consumer waste from the grounds of the school, district, school bus, or school-sponsored event.

### **IV. 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 or district property, a school bus or at a school-sponsored event to administer a permissible form of medical marijuana.

In accordance with state law, school personnel cannot be required to volunteer to administer medical marijuana. In support thereof, no person, including but not limited to a staff member or parent/legal guardian shall pressure, demand, direct, threaten or require a staff member to volunteer to administer medical marijuana pursuant to this policy. Staff members have the sole discretion to decide if they want to volunteer to administer permissible forms of medical

marijuana. If the designated volunteer(s) identified in the written plan is unavailable to administer the permissible form of medical marijuana to the qualified student, the District is not obligated to and will not provide an alternative person to administer the permissible form of medical marijuana. The development of the written plan must follow District procedures and the volunteer(s) must be identified within the written plan prior to the volunteer's administration of the permissible form of medical marijuana to the qualified student. Volunteers may withdraw at any time from the responsibility of administering a permissible form of medical marijuana to a qualified student by giving notice to the school administrator and copying the qualified student's parent/guardian. Such withdrawal shall be effective upon receipt of notice by the qualified student's parent/guardian.

Volunteers assume all responsibility and risk of liability for the possession and/or administration of medical marijuana to qualified students and compliance with this policy, including but not limited to securely storing the medical marijuana in the designated location when not in use. Administration of medical marijuana in accordance with this policy is not pursuant to the license, training or supervision of the school nurse.

School nurses are not obligated to assist and/or supervise a volunteer who elects to administer permissible forms of medical marijuana to a qualified student. School nurses, like other staff members, may choose to volunteer to administer permissible forms of medical marijuana to a qualified student in compliance with this policy. Volunteers will not be authorized under a school nurse's license to carry, administer, direct or assist in the administration of the permissible form of medical marijuana to the qualified student. 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.

The recommendation for medical marijuana made by a licensed physician must specify that the administration of medical marijuana during school hours or school-sponsored events is medically necessary. It must also specify any parameters for emergency administration of the permissible form of medical marijuana in order for an emergency administration procedure to be included in the written plan.

In no event shall medical marijuana be stored overnight on school grounds. If the school administrator determines, in accordance with law and this policy, that the medical marijuana can no longer be administered at school, upon a school bus, or at a school-sponsored event, then the parent/guardian will be notified to immediately and instructed to remove any of the medical marijuana and marijuana consumer waste from school grounds. If the parent/guardian fails to remove the product and associated marijuana consumer waste within a reasonable period of time after being contacted and instructed to do so, the District will safely dispose of all medical marijuana and marijuana consumer waste.

Permission to administer medical marijuana to a qualified student may be limited or revoked if the qualified student, the student's primary caregiver or the authorized volunteer on behalf of the qualified student or the student's parent/guardian 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 may 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 district's federal funds are jeopardized by this policy, then the Board declares that this policy must be suspended immediately, thereby prohibiting the administration of any form of medical marijuana to qualified students on school property, on a school bus or at a school-sponsored event. The district must post notice of such policy suspension and prohibition in a conspicuous place on its website.

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 school districts 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)

CROSS REFS.: JICH, Drug and Alcohol Involvement by Students  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)  
JLCD, Administering Medications to Students  
JLCE, First Aid and Emergency Medical Care

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