I. INTRODUCTION

The Rhode Island General Assembly has determined that:

1. There are beneficial uses for marijuana in treating or alleviating pain, nausea, and other symptoms associated with certain debilitating medical conditions.

2. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law.

3. State law should protect patients with debilitating medical conditions, and their physicians and primary caregivers if such patients engage in the medical use of marijuana.

The Lincoln School District is required to develop protocols or procedures authorizing parents, parents' designees, legal guardians, and school nurses in accordance with R.I. Gen Laws § 21-28.6-1 et seq and applicable Rhode Island Department Health of regulations to administer medical marijuana to a student while the student is on school campus.

II. PURPOSE

Students are authorized to engage in use of medical marijuana pursuant to and consistent with R.I. Gen. Laws § 21-28.6; RIDOH Regulations: §§ 4.23.1 et seq[1].; this policy and related protocols.

The School Committee hereby constitutes and adopts this policy in conformance with applicable state law and regulation.

III. Definitions

For the purposes of this policy:

1. "Marijuana" has the meaning given that term in § 21-28-1.02.

2. "Medical marijuana" means marijuana and marijuana products that satisfy the requirements of § 21-28-1, et seq. and has been given the designation of "medical marijuana" due to dose, potency form.

3. "Qualifying patient" means a person who has been certified by a practitioner as having a debilitating medical condition and is a resident of Rhode Island.

[1] https://rules.sos.ri.gov/Regulations/part/216-20-10-4?reg_id=11495#first

IV. SUPPORTIVE AND COMPLIANCE EFFORTS

1. No school may refuse to enroll or otherwise penalize a student for obtaining or maintaining status as a medical marijuana cardholder.

2. Students are prohibited from:

    a. handling or self-administering medical marijuana on the school campus; or
    b. using medical marijuana during the time a student is engaged in a school-sponsored trip or activity outside the state of Rhode Island; or
    c. administer or receive medical marijuana by smoking or other form of inhalation; or
    d. possession, use, distribution, or sale of marijuana that is inconsistent with the provisions of RIDOH regulation § 4.23 et seq and R.I. Gen. Laws §§ 16-21-16 and 16-21-21.1.

3. No student shall be disciplined or otherwise discriminated against who is administered medical marijuana. No school may deny a student's eligibility to attend school solely because the student requires the administration of medical marijuana.

4. Any student who is authorized to use medical marijuana shall not be considered under the influence of marijuana and not penalized pursuant to R.I. Gen. Laws §§ 16-21-16 and 16-21-21.1.

5. No certified school nurse teacher/school nurse shall be subject to any penalty or disciplinary action, or denied any right or privilege by the District, solely for administering a non-smokable and non-vaporized form of medical marijuana in a school setting to a qualified student registered in accordance with this policy and related protocol.

6. A certified school nurse teacher/school nurse shall not be required to administer medical marijuana to a student, provided that the school nurse's decision not to administer medical marijuana applies to all students authorized to use medical marijuana.

7. If a school nurse/certified school nurse teacher refuses to administer medical marijuana the District shall make arrangements for the student to receive his or her medical marijuana during the school day.

V. EXCLUSIONS AND OPT OUT

1. This policy does not apply to FDA-approved cannabinoid medications.

2. If the superintendent can demonstrate that the District would lose Federal funding as a result of the implementation of this policy or relevant portions of state law or RIDOH regulations, the District shall become exempt from implementation thereof.

VI. DEVELOPMENT OF PROTOCOL

The Superintendent of Schools shall develop a protocol and procedures to facilitate this policy.

First Reading: December 12, 2022
Second Reading: January 9, 2023
Policy Adopted: January 9, 2023

Legal References:
R.I. Gen. Laws §§ 21-28.6-1 et seq.
RIDOH Regulations: §§ 4.23.1 et seq.

TOWN OF LINCOLN SCHOOL COMMITTEE, Lincoln, Rhode Island