

MEDICAL CANNABIS IN SCHOOLS
(Administration of Medical Cannabis)

Prescription Medical Cannabis

For occasions when it is necessary for a student to receive prescribed medical cannabis during the school day, the following procedures have been established to ensure the protection of Alamogordo Public Schools ("APS") and the student and to assure compliance with existing rules and regulations:

This policy does not apply to hemp, which is not subject to the same civil or criminal laws as cannabis or medical cannabis.

Definitions

For the purposes of the policies of APS, the following definitions shall apply:

- A. **"Cannabis"** means all parts of the plant cannabis, including any and all varieties, species and subspecies of the genus cannabis, and excludes the plant cannabis sativa L. and any party of the plant, whether growing or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent (3/10%) on a dry weight basis.
- B. **"Cannabis producer"** means a person or entity licensed by the Department of health to possess, produce, dispense, distribute, and manufacture cannabis and cannabis products and sell wholesale or by direct sale to qualified patients and primary caregivers.
- C. **"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.
- D. **"Designated school personnel"** means a school employee whom APS authorizes to possess, store and administer medical cannabis to a qualified student in accordance with the provisions of Chapter 261, Laws of 2019, this policy, the Lynn and Erin Compassionate Use Act, and New Mexico Department of Health rules regarding the Lynn and Erin Compassionate Use Act.
- E. **"Hemp"** means the plant cannabis sativa L. and any part of the plant, whether growing, or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent (3/10%) on a dry weight basis, and is exempt from the New Mexico Controlled Substances Act.

- F. **"License"** means written authorization to licensees issued by the New Mexico Department of Health to implement the provisions of Chapter 261, Laws of 2019, this policy, the Lynn and Erin Compassionate Use Act, and New Mexico Department of Health rules regarding the Lynn and Erin Compassionate Use Act.
- G. **"Licensee"** means a person or entity issued a license by the New Mexico Department of Health pursuant to the Lynn and Erin Compassionate Use Act and includes school districts, local school boards, locally-chartered charter schools, state-chartered charter schools and governing bodies of state-chartered charter schools.
- H. **"Licensee representative"** means designated school personnel who work for a licensee and possess, store, or administer medical cannabis to a qualified student in a school setting.
- I. **"Medical Cannabis"** means cannabis:
- (1) recommended for treatment of a debilitating medical condition as defined in the Lynn and Erin Compassionate Use Act, in a written certification by a certified 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 a school in package or container clearly labeled with:
 - (a) the student's name and date of birth; and
 - (b) the dosage allotment.
- J. **"Primary caregiver"** means a parent, guardian or other person designated by a certifying practitioner as taking responsibility for managing the well-being of a qualified student authorized as a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the Lynn and Erin Compassionate Use Act.

- K. **"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.
- L. **"Qualified student"** means a student who demonstrates evidence to APS that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act to carry and use medical cannabis.
- M. **"Self-administering"** means the ingestion of medical cannabis by a qualified student without the presence of a primary caregiver or designated school personnel in a school setting.
- N. **"School"** means APS.
- O. **"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.
- P. **"Written certification"** means a statement written by a qualified student's certifying practitioner:
- (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.

- Q. **"Written treatment plan"** means a document developed by the primary caregiver in collaboration with the certifying practitioner that:
- (1) describes the qualified student's, and the certifying practitioner's diagnosis of a 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.

[6.12.10.7 NMAC - N, 8/27/2019]

Possession, Storage and Administration:

- A. Students are prohibited from possessing, storing, or self-administering medical cannabis in a school setting. All medical cannabis shall be administered to qualified students by a Primary Caregiver according to the specifications of APS procedures.
- B. School personnel are prohibited from possessing, storing or administering medical cannabis in any form in the school setting.
- C. APS shall not provide storage of any kind for medical cannabis in the school setting.
- D. Only Primary Caregivers shall be allowed to administer medical cannabis to qualified students in accordance with APS procedures and are solely responsible for the storage of medical cannabis away from the school setting.
- E. Primary Caregivers shall possess medical cannabis in a sealed container clearly labeled with the qualified students 1) name, 2) date of birth, and 3) the dosage allotment for qualified student.
- F. Upon request, APS may provide a private room at the school at a reasonable time(s) for the administration of medical cannabis by a primary caregiver.

- G. In an effort to maintain a peaceful education environment, a Primary Caregiver is prohibited from administering medical cannabis in a manner that creates a disruption of the education environment or causes other students to be exposed to medical cannabis.
- H. School employees who refuse to administer medical cannabis shall *NOT* be disciplined for such refusal.
- I. In the event of spillage and waste of medical cannabis, both the clean-up and destruction of medical cannabis must be witnessed, and the Primary Caregiver shall be responsible for both the clean-up and destruction of medical cannabis.

Primary Caregiver Responsibilities:

- A. Prior to a Primary Caregiver's possession, storage, and administration of medical cannabis on behalf of a qualified student, the Primary Caregiver is required to:
 - (1) Demonstrate evidence to the school that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act. (See definition of "Qualified Student.")
 - (2) Provide the school with a written certification;
 - (3) Provide the school with a written treatment plan (See definition of "Treatment Plan");
 - (4) Submit a written release of liability provided by the school [JLCDA-E];
 - (5) Submit a written treatment plan, using the treatment plan form posted on the department's website;
 - (6) Submit a signed Health Insurance Portability and Accountability Act (HIPAA) authorization. The HIPAA authorization form can be found on the New Mexico department of health's website (<http://nmhealth.org/publication/view/form/137>). The HIPAA authorization form shall be retained by the school as a medical record;
- B. Upon enrollment at APS following disenrollment, withdrawal, transfer or graduation from another school, the Primary Caregiver is required to provide the school with the written certification and a written treatment plan along with a new release from liability [JLCDA-E];

- C. Primary Caregivers should note that a written certification and a written treatment plan shall be valid for no more than one year from the date it is issued. Primary Caregivers must submit a written certification and a written treatment plan at, or prior to, the beginning of the school year for which the written certification and written treatment plan shall apply.

Medical Cannabis Restrictions:

- A. Each school within the APS system shall ban a student's possession, use, distribution, sale, or being under the influence of a cannabis product in a manner inconsistent with provisions of the Lynn and Erin Compassionate Use Act.
- B. APS shall not discipline any student who is a designated student on the basis that the qualified student requires medical cannabis as necessary for the student to attend school.
- C. APS shall not deny eligibility to attend school to a qualified student on the basis that the qualified student requires medical cannabis as a reasonable accommodation that is necessary for the qualified student to attend school or an in-state school-sponsored activity.

Adopted: September 18, 2019