

**State Required Policy for
Administration of Medical Marijuana**

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**5330.01 STATE REQUIRED POLICY FOR
ADMINISTRATION OF MEDICAL MARIJUANA**

The Board of Education, in accordance with the requirements of N.J.S.A. 18A:40-12.22, must adopt a policy authorizing parents, guardians, and primary caregivers to administer medical marijuana to a qualifying pupil patient while on school grounds, aboard a school bus, or attending a school-sponsored event. The parent of a qualifying student patient requesting the administration of medical marijuana to the pupil while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and Policy and Regulation 5330.01.

A pupil enrolled in the District must be authorized to engage in the medical use of marijuana and the primary caregiver, who may be the parent, must be authorized to administer medical marijuana to a qualifying pupil patient in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The pupil and the primary caregiver must complete the registration process to obtain a Registry Identification Card from the New Jersey Department of Health in accordance with the requirements of N.J.S.A. 24:6I-4.

The parent of the pupil authorized to engage in the medical use of marijuana must submit a written request with supporting documentation to the Principal requesting approval to have a primary caregiver assist in the administration of medical marijuana to the pupil while on school grounds, aboard a school bus, or attending a school-sponsored event. The Principal, in consultation with the school nurse, the school physician, and the Superintendent, will review each request and upon approval will inform the parent in writing of the approval with details for the administration of medical marijuana to the qualifying pupil patient. The medical use of marijuana by a qualifying pupil patient while on school grounds, aboard a school bus, or attending a school-sponsored event will only be authorized after the written approval from the Principal is provided to the parent.

Medical marijuana may only be administered to the qualifying pupil patient while the pupil is on school grounds, aboard a school bus, or attending a school-sponsored event by the primary caregiver in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The prescribed medical marijuana must be in the possession of the primary caregiver at all

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times, except during the administration process. The primary caregiver shall comply with the requirements of the Principal's written approval for the administration of medical marijuana to the qualifying pupil patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

All health records related to the administration of medical marijuana to a qualifying pupil patient while on school grounds, aboard a school bus, or attending a school-sponsored event shall be maintained in accordance with the requirements of N.J.A.C. 6A:16-2.4 and N.J.A.C. 6A:32-7.4.

No person shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for simply being in the presence or vicinity of the medical use of marijuana as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22. No custodial parent, guardian, or person who has legal custody of a qualifying pupil patient who is a minor shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for assisting the minor in the medical use of marijuana as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22.

N.J.S.A. 18A:40-12.22

N.J.S.A. 24:6I-1 et seq.

N.J.A.C. 6A:16-2.4; 6A:32-7.4

First Reading: April 5, 2016

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R 5330.01 ADMINISTRATION OF MEDICAL MARIJUANA

A custodial parent, guardian, or person having legal custody of a pupil requesting the administration of medical marijuana to a qualifying pupil patient while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the procedures and requirements of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and this Regulation.

A. Definitions

For the purposes of this Policy:

1. “Bona fide physician-patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a qualifying pupil patient’s debilitating medical condition.
2. “Certification” means a statement signed by a physician with whom a qualifying pupil patient has a bona fide physician-patient relationship, which attests to the physician’s authorization for the patient to apply for registration for the medical use of marijuana.
3. “Marijuana” has the meaning given in Section 2 of the “New Jersey Controlled Dangerous Substances Act,” N.J.S.A. 24:21-2.
4. “Medical use of marijuana” means the acquisition, possession, transport, or use of marijuana or paraphernalia by a registered qualifying pupil patient as authorized by the New Jersey Compassionate Medical Marijuana Act (Act).
5. “Parent” means the custodial parent, guardian, or person who has legal custody of a qualifying pupil patient who may also be the primary caregiver registered and provided a Registry Identification Card by the New Jersey Department of Health to administer medical marijuana to a pupil in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-4.
6. “Physician” means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the qualifying pupil patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician

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responsible for the ongoing treatment of a qualifying pupil patient's debilitating medical condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a qualifying pupil patient to use medical marijuana or consultation solely for that purpose.

7. "Primary caregiver" or "caregiver" means a resident of the State who:
 - a. Is at least eighteen years old;
 - b. Has agreed to assist with a registered qualifying pupil patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying pupil patient's physician;
 - c. Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of the Act and was for a violation of Federal law related to possession or sale of marijuana that is authorized under the Act;
 - d. Has registered with the Department of Health pursuant to N.J.S.A. 24:6I-4 and has satisfied the criminal history record background check requirement of N.J.S.A. 24:6I-4; and
 - e. Has been designated as primary caregiver on the qualifying pupil patient's application or renewal for a Registry Identification Card or in other written notification to the Department of Health.
8. "Qualifying pupil patient" means a resident of the State who is a pupil enrolled and attending school in this District who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship and has been issued a Registry Identification Card by the New Jersey Department of Health for medical use of marijuana in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-4.
9. "Qualifying patient" means a resident of the State who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship.
10. "Registry Identification Card" means a document issued by the Department of Health that identifies a person as a registered qualifying pupil patient or primary caregiver.

B. Registration – Qualifying Pupil Patient and Primary Caregiver

1. A qualifying pupil patient must be authorized to engage in the medical use of marijuana and the primary caregiver must be authorized to assist the qualifying pupil patient with the medical use of marijuana pursuant to the provisions of N.J.S.A. 24:6I-1 et seq.
2. A qualifying pupil patient and their primary caregiver must complete the registration process in accordance with the provisions of N.J.S.A. 24:6I-4 and any other requirements of the New Jersey Department of Health.
3. The qualifying pupil patient’s parent shall be responsible to immediately inform the Principal of any change in the status of the pupil’s Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.
4. The qualifying pupil patient’s primary caregiver shall be responsible to immediately inform the Principal of any change in the status of any primary caregiver’s Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.

C. Submission for Authorization for Administration of Medical Marijuana

1. A parent of a qualifying pupil patient requesting the administration of medical marijuana to the pupil while on school grounds, aboard a school bus, or attending a school-sponsored event must submit a written request to the Principal with a copy of a current New Jersey Department of Health Registry Identification Cards for the qualifying pupil patient and the primary caregiver and a copy of the physician’s order or prescription indicating dosage information and the method of administration for the medical marijuana to the qualifying pupil patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

The Principal may request the parent provide additional documentation from the physician that the medical marijuana must be administered during the time of the day when the pupil is on school grounds, aboard a school bus, or attending a school-sponsored event and the medical marijuana cannot be administered and/or will not be effective during alternate times when the pupil is not on school grounds, aboard a school bus, or attending a school-sponsored event.

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- a. The parent's written request and all supporting documentation must be submitted to the Principal at least five school days before the first day of the requested administration.
 2. The Principal shall review the submitted Registry Identification Cards and supporting documentation with the school physician, the school nurse, and the Superintendent of Schools.
 3. Upon review and approval of the documentation submitted by the parent, the Principal will inform the parent or primary caregiver, if the parent is not the primary caregiver, in writing with the following information:
 - a. The location (school, office, etc.) where the primary caregiver shall report to administer the medical marijuana;
 - b. The school staff member(s) who the primary caregiver must see to coordinate the administration of medical marijuana;
 - c. The time the primary caregiver shall report to administer the medical marijuana;
 - d. The specific location where the medical marijuana shall be administered to the pupil; and
 - e. A copy of Policy and Regulation 5330.01 – Administration of Medical Marijuana.
 4. In the event the Principal, after consultation with the school nurse, school physician, and Superintendent, has a question or concern regarding the Registry Identification Cards or supporting documentation submitted by the parent, the Principal or school physician will contact the parent with the question or concern.
 5. The administration of medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event, pursuant to N.J.S.A. 18A:40-12.22, will only be authorized after the approval required by Policy and Regulation 5330.01.
- D. Administration of Medical Marijuana
1. The medical marijuana shall only be administered by the primary caregiver and at the approved location, times, and method as indicated in the parent's request that was approved in writing by the Principal.

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2. In accordance with the provisions of N.J.S.A. 18A:40-12.22.b.(5), medical marijuana cannot be administered to a qualifying pupil patient while on school grounds, aboard a school bus, or attending a school-sponsored event by smoking or other form of inhalation.
3. The prescribed medical marijuana must always be in the possession of the primary caregiver and may not be in the possession of the qualifying pupil patient at any time on school grounds, aboard a school bus, or at a school-sponsored event.
4. The Principal, after consultation with the school nurse, school physician, and the Superintendent, will determine a specific location for the administration of the medical marijuana to the qualifying pupil patient.
 - a. The Principal will designate a private area, if possible, for the primary caregiver to administer the medical marijuana to the qualifying pupil patient. The amount of privacy provided for the administration will depend on the approved method of administration and the designated location. The location may be a nurse's office, a private office, a private restroom facility, or any other location appropriate for the approved method of administration.
5. The primary caregiver shall report to the approved location prior to the scheduled time for the administration of medical marijuana to the qualifying pupil patient. The primary caregiver must show the Registry Identification Card and a second form of identification which shall be a photograph identification.
6. The Principal or supervising school staff member of a school-sponsored event may designate a school staff member to escort the primary caregiver to the qualifying pupil patient at the designated time to the designated location for the administration.
7. The Principal may designate a school staff member to observe the administration of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event.
8. The primary caregiver shall assist in the administration of medical marijuana to the qualifying pupil patient in accordance with the method and dosage prescribed by the physician and included in the parent's request to the Principal.
9. The qualifying pupil patient shall return to his/her class or event as soon as possible after the administration.

10. The primary caregiver will be escorted outside the school building, away from the school bus, or away from the school-sponsored event, if applicable, by a school staff member after the administration.
 - a. The qualifying pupil patient and/or primary caregiver may be asked to remain at the location of the administration by the school staff member in the event the pupil needs some additional time after the administration and before returning to their class or event.

11. The primary caregiver shall be responsible for the security of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event before, during, and after the administration. At no time shall the qualifying pupil patient have the medical marijuana in their possession except during the administration process by the primary caregiver.

In Effect: May 10, 2016