

**ADMINISTRATION OF MEDICAL MARIJUANA**

In accordance with the provisions of the New Jersey Compassionate Use Medical Marijuana Act, a parent/guardian or primary caregiver may administer medical marijuana to a student of this district, while the student is on school grounds, aboard a school bus or while attending a school-sponsored event, provided the student is authorized to engage in the medical use of marijuana pursuant to the provisions of P.L. 2009, c.307 (C.24:I-1, et. al.) and provided that the parent/guardian or primary caregiver is authorized to assist the student with the medical use of marijuana pursuant to the provisions of P.L. 2009, c.307 (C.24:I-1, et. al). Nothing herein shall prevent a student, who is eighteen years or older, from administering the medical marijuana to himself/herself, provided the student is a qualifying patient and abides by the conditions contained herein.

Students who have valid medical marijuana prescriptions may petition the district for a waiver of federal laws, including, but not limited to the Controlled Substances Act and the Drug Free Schools and Communities Act, prohibiting marijuana use, or possession at educational institutions and on the premises of other recipients of federal funds.

The parent/guardian or primary caregiver may administer a non-smokable form of medical marijuana to eligible students who submit an application with the proper documentation demonstrating the condition and prescription need. A student must have a current certification for medical marijuana from an NJ MMP physician. Upon expiration of the students 30, 60, or 90 day certification, a new authorization for use of medicinal marijuana must be provided to the district.

Parents/guardians or primary caregivers will be greeted by a school official or nurse and taken to an area, designated by the Superintendent or his/her designee, to administer the medication and then be escorted off school grounds, assuring that no marijuana is left on school property. The use of medical marijuana must be properly documented with the school nurse and verified by the school physician with the prescribing physician prior to administration at school.

The administration of medical marijuana to a student by smoking or other form of inhalation while the student is on school grounds, aboard a school bus, or attending a school-sponsored event is strictly prohibited, and nothing in this policy shall be construed to authorize medical marijuana to be smoked in any place where smoking is prohibited pursuant to the provisions of N.J.S.2C:33-13.

Should it be found that said prescription is not warranted or there is no need for a dose to be administered during the school day, notification will be provided to this effect and there will be no medicine administered at school.

**Definitions**

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

- A. "Physician" means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician

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

- B. “Primary caregiver” or “caregiver” means a resident of the State who:
- is at least 18 years old;
  - has agreed to assist with a registered qualifying patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying patient's physician;
  - has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date of this act and was for a violation of federal law related to possession or sale of marijuana that is authorized;
  - has registered with the department and has satisfied the criminal history record background check requirement; and
  - has been designated as primary caregiver on the qualifying patient's application or renewal for a registry identification card or in other written notification to the department.
- C. “Qualifying patient” or “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.

Liability/ Legal Actions

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 P.L.2009, c.307 (C.24:6I-1 et al.)

No custodial parent, guardian, or person who has legal custody of a qualifying 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.

**Legal References:**

N.J.S.A. 18A:11-1 General mandatory powers and duties

18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules

18A:40-3.2 et seq. Medical and Nursing Personnel

18A:40-12.3 through -12.4 Self-administration of medication by pupil; conditions

45:11-23 Definitions

N.J.A.C. 6A:16-1.1et seq. Programs to Support Student Development

P.L.2009, c.307 (C.24:6I-1 et al.)

**Cross References:**

5141.1 Health

5141.2 Illness

5141.21 Administration of Medication

6153 Field Trips

Adopted August 08, 2016