

MEDICAL MARIJUANA

Mandated:

P.L. 2015, c.158 requires that a policy be adopted that applies to students, including students with developmental disabilities that shall at a minimum:

1. Require that qualified students be authorized to engage in the medical use of marijuana pursuant to New Jersey Compassionate Use of Medical Marijuana Act (N.J.S.A. 24:6I-1 et seq.) and that the parent, guardian, or primary caregiver be authorized to assist the student with the medical use of marijuana also pursuant to N.J.S.A. 24:6I-1 et seq.
2. Establish protocols for verifying the registration status and ongoing authorization concerning the medical use of marijuana for the student and the parent, guardian, or primary caregiver pursuant to N.J.S.A. 24:6I-1 et seq.
3. Expressly authorize parents, guardians, and primary caregivers of students who have been properly authorized by the New Jersey Department of Health (NJDOH) to assist a student's medical use of marijuana while the student is on school grounds, aboard a school bus, or attending a school-sponsored event;
4. Identify locations on school grounds where medical marijuana may be administered; and
5. Prohibit the administration of medical marijuana to a student by smoking while the student is on school grounds, aboard a school bus, or attending a school-sponsored event.

Medical marijuana may be administered to a student while the student is on school grounds, aboard a school bus, or attending school-sponsored events, provided that such administration is consistent with the requirements of the policy adopted pursuant to law.

Other Reasons

In P.L. 2009 c. 307, the New Jersey Legislature found that modern medical research has discovered a beneficial use for marijuana in treating or alleviating the pain or other symptoms associated with certain debilitating medical conditions. N.J.S.A. 24:6I-1 et seq., the New Jersey Compassionate Use of Medical Marijuana Act, permits qualifying patients to use marijuana to alleviate suffering from statutorily delineated "debilitating medical conditions". P.L. 2015 c. 158 required schools to adopt policies and procedures providing for authorized primary caregivers to administer medicinal marijuana to qualified students while on school grounds, on a school bus, and while attending a school-sponsored event.

N.J.S.A. 24:6I-4 requires the New Jersey Department of Health (NJDOH) to establish a registry of qualifying patients and their primary caregivers and to issue a registry identification card, which shall be valid for two years, to a qualifying patient and primary caregiver, if applicable, who submits the following in accordance with regulations adopted by the department:

- A. A certification from a physician licensed and in good standing to practice in the State. A patient who is a minor shall not qualify unless the custodial parent, guardian, or person who has legal custody of the minor receives from the physician an explanation of the potential risks and benefits of the medical use of marijuana and consents in writing that the minor patient has that person's permission for the medical use of marijuana and that the person will control the acquisition and possession of the medical marijuana and any related paraphernalia from the alternative treatment center. The physician shall document the

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explanation of the potential risks and benefits in the minor patient's medical record;

- B. An application or renewal fee, which may be based on a sliding scale as determined by the commissioner;
- C. The name, address and date of birth of the patient and caregiver, as applicable; and
- D. The name, address and telephone number of the patient's physician.

P.L. 2015, c. 158 requires that any person in possession of medical marijuana or using medical marijuana and acting within the provisions of N.J.S.A. 2C:35-18 and in accordance with the Compassionate Use of Medical Marijuana Act (N.J.S.A. 24:6I-1) shall be immune from criminal liability and professional disciplinary action.

P.L. 2015, c. 158 states that possession of, or application for, a registry identification card shall not alone constitute probable cause to search the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or his/her property to inspection.

Recommendations:

N.J.A.C. 8:64-4.4 states that Department of Health shall maintain a confidential list of the persons to whom it issues registry identification cards. Individual names and other identifying information on the list, and information contained in any application form, or accompanying or supporting document shall not be disclosed except to authorized employees of the Department and the Division of Consumer Affairs in the Department of Law and Public Safety as necessary to perform official duties of the Department and the Division, as applicable; and authorized employees of State or law enforcement agencies, only as necessary to verify that a person who is engaged in the suspected or alleged medical use of marijuana is lawfully in possession of a registry identification card.

P.L. 2015, c. 158 requires that the school district establish protocols for verifying the registration status and ongoing authorization concerning the medical use of marijuana for the student and the parent, guardian, or primary caregiver pursuant to N.J.S.A. 24:6I-1 et seq., New Jersey Compassionate Use of Medical Marijuana Act. Despite the above directive, school districts are not authorized by the law or supporting regulations (N.J.A.C. 8:64-1.1 et seq.) to receive verification of the registration status from the NJDOH for the student authorized to use medical marijuana or the primary caregivers authorized to assist in the administration of medical marijuana. Therefore, it is unclear whether or not the NJDOH will verify the registration status of the student and/or the primary caregiver upon district request. Accordingly, it is recommended that the district obtain consent from the parents and primary caregiver for the release of medical marijuana registry information.

It is within the authority of the board to ensure controlled and dangerous substances are not used illegally on school grounds, on school buses or at school sponsored activities. P.L. 2015 c. 158 grants boards of education the ability to authorize the medicinal use of marijuana on school grounds, on a school bus, or during a board-approved event, provided that such use is consistent with law and board policy. Accordingly, the board may create protocols to verify the registration status and ongoing authorization of the student and primary caregiver and prohibit medicinal marijuana use that is not in compliance with board policy.

The district:

- A. Should have a policy that covers the minimum requirements as detailed in the law including:
 1. Requiring student and the parent or primary caregiver be authorized by the New Jersey Department of Health Services (NJDOH) Medical Marijuana Program;
 2. Establishing protocols for verifying the registration and ongoing authorization status of the student and the parent or primary caregiver from NJDOH;
 3. Authorizing the parent or primary caregiver of students who have been authorized for the medical

MEDICAL MARIJUANA (continued)

use of marijuana to administer medical marijuana to the student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event;

4. Identifying locations on school grounds where medical marijuana may be administered; and
5. Prohibiting the administration of medical marijuana to a student by smoking while the student is on school grounds, aboard a school bus, or attending a school-sponsored event.

B. May include content that is in addition to the minimum legal requirements in order to monitor the parent or primary caregiver's legitimate administration of medical marijuana to a registered student such as:

1. Protocols to regularly check that the registry cards of the primary caregiver authorized for the administration of medical marijuana and the student authorized to use medical marijuana are current and document the expiration date of the authorized period; and
2. Encouraging the development of an individualized health care plan that includes information to facilitate the administration of the medication, designate locations for the primary caregiver to assist with the administration of the medication, and consider any necessary accommodations related to the student's medical condition.

***Note: additional content suggested in "B" above is available upon request by contacting NJSBA Policy Services.**

Legal References:	<u>N.J.S.A. 2C:35-18</u>	Exemption, burden of proof
	<u>N.J.S.A. 24:6I-1 et seq.</u>	New Jersey Compassionate Use of Medical Marijuana Act
	<u>See particularly</u>	
	<u>N.J.S.A. 24:6I-4, -5</u>	
	<u>N.J.S.A. 26:3D-55 et seq.</u>	New Jersey Smoke-Free Air Act
	<u>N.J.A.C. 8:64-1.1 et seq.</u>	Medical Marijuana Program rules
	<u>See particularly</u>	
	<u>N.J.S.A. 8:64-1.1</u>	Confidentiality

P.L. 2015, c.158 concerning medical marijuana

Possible

Cross References:	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.1	Accidents
	*5141.2	Illness
	*5141.3	Health examinations and immunizations
	*5141.21	Administration of medication
	*6153	Field trips

*Indicates policy is included in the Critical Policy Reference Manual.

Monitored
 Mandated
 Other Reasons

MEDICAL MARIJUANA

CONSENT FOR RELEASE OF MEDICAL INFORMATION

New Jersey Department of Health, Medical Marijuana Program

P. O. Box 360
Trenton, New Jersey 08625-0360

Student Name: _____ Date of Birth _____

Address _____

I understand that as the parent/guardian of the above-named student, I am not obligated to authorize disclosure of any information provided to the New Jersey Department of Health and that refusal to authorize disclosure shall in no way affect my rights or the rights of the above-named student to use medicinal marijuana.

I authorize the New Jersey Department of Health Medicinal Marijuana Program to disclose, to the school district, information verifying the registration and authorization status of the above-named student to use medicinal marijuana for a qualifying medical condition(s) pursuant to the *Compassionate Use Act, N.J.S.A. 24:61-1 et al.* I understand that the disclosure may contain confidential health information pertaining to the student's medical diagnosis and treatment.

This consent is granted for the sole purpose of verifying the registration status and ongoing authorization of the student according to *N.J.S.A.24:61-1 et al.* and for no other purpose.

Signature of student's parent/guardian _____

Relationship to Student _____

Date _____

Signature of the school nurse _____

Date _____

MEDICAL MARIJUANA (exhibit continued)

MEDICAL MARIJUANA

PRIMARY CAREGIVER CONSENT FOR RELEASE OF INFORMATION

New Jersey Department of Health, Medical Marijuana Program
P. O. Box 360
Trenton, New Jersey 08625-0360

Primary Caregiver Name: _____ Date of Birth _____

Address _____

Student Name: _____ Date of Birth _____

Address _____

I understand that as the primary caregiver of the above-named student, I am not obligated to authorize disclosure of any information provided to the New Jersey Department of Health and that refusal to authorize disclosure shall in no way affect my right to assist the above-named student in the use of medicinal marijuana.

I authorize the New Jersey Department of Health Medicinal Marijuana Program to disclose, to the school district, information verifying my registration and authorization status to assist in the above-named student's use of medicinal marijuana for a qualifying medical condition(s) pursuant to the *Compassionate Use Act, N.J.S.A. 24:61-1 et al.*

This consent is granted for the sole purpose of verifying the registration status and ongoing authorization of the primary caregiver to assist in the use of medicinal marijuana according to *N.J.S.A.24:61-1 et al.* and for no other purpose.

Signature of the primary caregiver _____

Relationship to Student _____

Date _____

Signature of the school nurse _____

Date _____