



## **JLCDB - ADMINISTERING MEDICAL MARIJUANA TO QUALIFIED STUDENTS ON DISTRICT PROPERTY**

This Policy governs the terms and conditions under which medical marijuana may be administered to students. Administration of medical marijuana to qualified students must be in accordance with this Policy. Administration of all other prescription and nonprescription medications to students must be in accordance with applicable law, Policy JLCD (Administering Medicine to Students/Asthma, Food Allergy and Anaphylaxis Health Management) and Policy JLCD-R (Administering Medicine to Students).

Colorado law mandates school districts allow the administration of medical marijuana to students on school grounds under certain circumstances, so long as the school district does not lose or will not have its federal funds reasonably jeopardized. The District recognizes that such state law, whether or not school districts have a corresponding policy, is contrary to federal law, which continues to categorize all forms of medical marijuana as a Schedule I controlled substance.

The following definitions apply to this Policy:

“Designated location” means a location identified in writing by the District in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon a school bus in Colorado, or at a school-sponsored event in Colorado.

“Medical marijuana” means a cannabis product with a delta-9 tetrahydrocannabinol (THC) concentration greater than 0.3 percent.

“Permissible form of medical marijuana” means nonsmokeable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical marijuana to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the District when adequate protections against misuse may be made. Forms of medical marijuana not included in this definition may be proposed by the qualified student's primary caregiver to the superintendent, who may authorize such a request after consultation with appropriate medical personnel chosen by the District.

“Primary caregiver” means the qualified student’s parent or guardian, or a licensed physician or licensed nurse employed by the student’s parent or guardian. Any primary caregiver seeking access to school or District property, a school bus or school-sponsored event for purposes of this Policy must comply with Policy KI (Visitors to Schools) and all other applicable policies.

“Qualified student” means a student who holds a valid recommendation for medical marijuana from a licensed physician and is registered with the Colorado Department of Public Health and Environment for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.

“Volunteer” means a District employee that volunteers at their own discretion to administer a permissible form of medical marijuana to the qualified student in compliance with this Policy and the written plan developed by the District.

### **Permissible Administration of Medical Marijuana to a Qualified Student by a Primary Caregiver**

A qualified student’s primary caregiver may administer a permissible form of medical marijuana to a qualified student in a designated location if all of the following parameters are met:

1. The qualified student’s parent/guardian has provided the school with a copy of the student’s valid recommendation for medical marijuana from a licensed physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana. The principal or principal’s designee shall make a photocopy of the original state of Colorado written authorization for medical marijuana to be administered to the student and maintain it with the student’s confidential medical records together with the written request in final form signed by the student’s parent/guardian and the principal or principal’s designee;
2. The qualified student’s parent/guardian signs a written acknowledgement assuming all responsibility for the provision, administration, maintenance and use of medical marijuana under state law, and releases the District from liability for any injury that occurs pursuant to this Policy;
3. The qualified student’s parent/guardian or primary caregiver must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student. The qualified student’s parent/guardian will pick up any remaining permissible form of medical marijuana at a time coordinated with the school nurse. If the parent/guardian fails to remove the permissible form of medical marijuana within a reasonable amount of time after being contacted, the District will dispose of all permissible forms of medical marijuana. Any stored permissible form of medical marijuana must be retrieved by the parent/guardian;
4. The District determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. Either the District determines, in its sole discretion, the location of a locked storage container to store the qualified student’s medical marijuana that does not

significantly delay access to or the administration of the medical marijuana in a medical emergency, or, after administering the permissible form of medical marijuana to the qualified student, the student's primary caregiver may remove any remaining medical marijuana from the grounds of the school, District, school bus, or school-sponsored event; and

6. The District prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), instructions or treatment plan for administration from one of the student's recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the qualified student (if capable), and the qualified student's parent/guardian.

### **Permissible Administration of Medical Marijuana to a Qualified Student by School Staff**

School staff may volunteer to store, administer, or assist in the administration of medical marijuana to a qualified student in a designated location if the following parameters are met:

1. The qualified student's parent/guardian has provided the school with a copy of the student's valid recommendation for medical marijuana from a licensed physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana. The principal or principal's designee shall make a photocopy of the original state of Colorado written authorization for medical marijuana to be administered to the student and maintain it with the student's confidential medical records together with the written request in final form signed by the student's parent/guardian and the principal or principal's designee;
2. The qualified student's parent/guardian signs a written acknowledgment granting permission for the school staff who volunteer to store, administer, or assist in the administration of medical marijuana under state law, and releases the District from liability for any injury that occurs pursuant to this Policy;
3. The qualified student's parent/guardian or primary caregiver must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student. The qualified student's parent/guardian will pick up any remaining permissible form of medical marijuana at a time coordinated with the school nurse. If the parent/guardian fails to remove the permissible form of medical marijuana within a reasonable amount of time after being contacted, the District will dispose of all permissible forms of medical marijuana. Any stored permissible form of medical marijuana must be retrieved by the parent/guardian;
4. The District determines, in its sole discretion, that a location and a method of

administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;

5. The District determines, in its sole discretion, the location of a locked storage container to store the qualified student's medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency; and
6. The District prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), instructions or treatment plan for administration from one of the student's recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the school staff who volunteer to store, administer, or assist in the administration of the medical marijuana, the qualified student (if capable), and the qualified student's parent/guardian.

### **Additional Parameters**

This Policy conveys no right to any student or to the student's parents/guardians or other primary caregiver to demand access to any general or particular location on school or District property, a school bus, or at a school-sponsored event to administer medical marijuana.

This Policy does not apply to school grounds, school buses, or school-sponsored events located on federal property or any other location that prohibits marijuana on its property.

Student possession, use, distribution, gift, purchase, exchange, sale, or being under the influence of medicine inconsistent with the terms of this Policy will be dealt with as a violation of Policy JICH (Student Conduct Involving Drugs and Alcohol).

If the District can demonstrate a reasonable, documented expectation of lost federal funding based on federal guidance or grant requirements directly as a result of implementing this Policy, this Policy shall be immediately suspended and the District will comply with any federal guidance and/or directives related to this Policy. The District will post notice of such policy suspension and prohibition in a conspicuous place on its website.

Under no circumstances may a student possess or self-administer medical marijuana in any form on any District property or District vehicle, or at any District or school-sponsored activity or event.

Failure of the primary caregiver or student to strictly comply with the terms and conditions of this Policy may result in loss of permission to administer the permissible form of medical marijuana to the qualified student on District property and at District

or school-sponsored activities and events.

School nurses are not obligated to assist and/or supervise the volunteer who elects to administer the permissible form of medical marijuana to the qualified student. Nurses, like all other District staff members, have the sole discretion to decide if they personally want to volunteer to administer permissible forms of medical marijuana to qualified students and all such decisions shall be strictly voluntary. Volunteers will not be designated under a nurse's license to carry, administer, direct, or assist in the administration of the permissible form of medical marijuana to the qualified student.

Given the statutory provision that no school staff can be required to volunteer to administer the permissible form of medical marijuana, no staff member, including administrators, shall pressure, demand, direct, or require another staff member to volunteer to administer permissible forms of medical marijuana for a qualified student. Likewise, no person, including any parent or guardian, shall pressure, demand, or threaten any staff member to become a volunteer administrator of permissible forms of medical marijuana. All staff members have the sole discretion to decide if they personally want to volunteer to administer permissible forms of medical marijuana and all such decisions shall be strictly voluntary. If the designated volunteer(s) identified in the written plan is unavailable to administer the permissible form of medical marijuana to the qualified student, the District is not obligated to and will not provide an alternative person to administer the permissible form of medical marijuana.

Adopted by Board: May 24, 2022, effective July 1, 2022

LEGAL REFS:

Colo. Const. art. XVIII, section 14  
C.R.S. 22-1-119.3

CROSS REFS:

JLCE, First Aid and Emergency Medical Care  
JICH, Student Conduct Involving Drugs and Alcohol  
JLCD, Administering Medicine to Students/Asthma, Food Allergy and Anaphylaxis Health Management  
JLCD-R, Administering Medicine to Students  
Policy KI, Visitors to Schools