

# REGULATION

## ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

**Related Entries:** JEC, JEC-RA, JECA, JECA-RA, JR  
**Responsible Office:** DIVISION OF STUDENT SUPPORT SERVICES

### ADMINISTRATION OF MEDICAL CANNABIS

#### A. PURPOSE

To establish procedures for the administration of medical cannabis to a student who is a qualifying medical cannabis patient.

#### B. BACKGROUND

In accordance with State law, Anne Arundel County Public Schools (AACPS) students who are being treated with medical cannabis will be able to attend school and participate in school activities while continuing medical cannabis treatment which cannot reasonably be accomplished outside of school hours.

#### C. DEFINITIONS

The following definitions are for the purposes of this regulation.

1. *Caregiver* –

- a. A person at least 21 years of age who has agreed to assist with the qualifying student’s medical use of cannabis; and
- b. For a qualifying student under the age of 18 years:
  - i. A parent/guardian; and
  - ii. Not more than two additional adults designated by a parent/guardian.

Caregiver does not include any designated school staff authorized to administer medical cannabis to a student in accordance with this regulation.

2. *Certifying Provider* – a physician, dentist, podiatrist, certified nurse practitioner, nurse midwife, or physician’s assistant who:

- a. Is registered with the Maryland Medical Cannabis Commission (MMCC);

- b. Has an active, unrestricted license and a certification if a nurse practitioner or midwife, to practice in Maryland; and
  - c. Is in good standing with the provider’s State licensing board.
3. ***Designated Location*** – a location 1) within the health room of any school building, or any other location within the school building, as identified in writing by the school administration in consultation with Health Services; 2) upon a school bus or other school vehicle; or 3) at a school-sponsored event. AACPS shall determine, in its sole discretion, that the designated location does not create a risk of disruption to the educational environment or exposure to other students. The principal and school nurse shall also determine that the designated location affords student privacy and confidentiality.
4. ***Designated School Staff*** – the school administrator, school staff, or contracted school staff designated by the principal, in consultation with the school nurse, who completes the training requirements under these regulations. However, a school nurse may not be required to administer medical cannabis to a qualifying student.
5. ***Permissible Form of Medical Cannabis*** – a medical cannabis product authorized under State regulations, including a medical cannabis product in the form of an oil, a wax, an ointment, a salve, a tincture, a capsule, a suppository, a dermal patch, or an edible cannabis product. Permissible form of medical cannabis does not include any form of medical cannabis product that is administered by smoking or vaping.
6. ***Qualifying Condition*** –
- a. A chronic or debilitating disease or medical condition that causes:
    - i. Cachexia;
    - ii. Anorexia;
    - iii. Wasting syndrome;
    - iv. Severe or chronic pain;
    - v. Severe nausea;
    - vi. Seizures; or
    - vii. Severe or persistent muscle spasms.
  - b. A disease and condition that is:

- i. Glaucoma; or
- ii. Post-traumatic stress disorder; or
- c. A condition:
  - i. That is severe;
  - ii. For which other medical treatments have been ineffective; and
  - iii. That has symptoms for which the patient’s certifying provider determines can reasonably be expected to be relieved by the medical use of cannabis.

**D. PROCEDURES**

The following procedures shall be followed in the administration of medical cannabis to AACPS students who are qualifying patients. Notwithstanding any provision in this regulation, these procedures do not apply to school property or grounds, school-sponsored activities, or school bus or other school vehicles located on federal property, including Meade High School, MacArthur Middle School, Meade Middle School, Pershing Hill Elementary, Manor View Elementary, Meade Heights Elementary, and West Meade Early Education Center.

**1. Prerequisites for the Administration of Medical Cannabis to a Student Who Is a Qualifying Patient**

Before a parent(s)/guardian(s), caregiver, or designated school staff is permitted to administer medical cannabis to a student on school property, during school-sponsored activities, or on a school bus or other school vehicle, the following requirements must be met:

- a. The student’s parent(s)/guardian(s) must contact the school administrator and the school nurse to inform them that the student has been approved to receive treatment with medical cannabis.
- b. The student’s parent(s)/guardian(s) must provide the school health room with a:
  - i. List of names and contact information of any caregivers of the student who will administer the medical cannabis to the student. This list must be accompanied by copies of the MMCC-issued caregiver identification cards for each caregiver. The parent(s)/guardian(s) must also inform the school whether the caregiver will be administering the medical cannabis on school property, during a specific school-sponsored activity, or on a school bus or other school vehicle;

- ii. Copy of the student's MMCC-issued patient identification card;
  - iii. Written certification from a certifying provider authorizing the student to receive medical cannabis for a qualifying condition;
  - iv. Completed *School Administration of Medical Cannabis Authorization* form that is signed by the certifying provider;
  - v. Completed *Family Educational Rights and Privacy Act Consent* form for release of any of the qualifying student's educational records; and
  - vi. Completed *Health Insurance Portability and Accountability Act Authorization* form that permits designated school staff to discuss the student's qualifying condition and administration of medical cannabis with the student's certifying provider.
- c. The aforementioned items shall be kept on file in the office of the school nurse.
  - d. The school nurse shall notify the student's parent(s)/guardian(s) at least 30 days before the student's MMCC-issued patient identification card is set to expire.
  - e. The student's parent(s)/guardian(s) shall submit to the school a signed, written acknowledgement assuming all responsibility for the provision, administration, maintenance, and use of medical cannabis in accordance with State law, and releasing AACPS from liability for any injury that may occur pursuant to this regulation.
- 2. Requirements for the Administration of Medical Cannabis to a Student Who Is a Qualifying Patient**
- a. The student's first dose of the medical cannabis shall be administered outside of the school setting. The student's caregiver must monitor the student and report any adverse side effects to the school nurse and the student's certifying medical cannabis provider.
  - b. The student's caregiver shall be responsible for providing the school health room with the permissible form of medical cannabis to be administered to the qualifying student by designated school staff. The medical cannabis must be in its original packaging and display the label provided by the medical cannabis dispensary in accordance with State regulations.
  - c. Designated school staff, with the written approval of the school administrator, shall determine the designated location where the permissible form of medical cannabis may be administered to the student. This location must be one that does not create a risk of disruption to the educational program or exposure to other students.

- d. The designated school staff or student’s caregiver shall administer the medical cannabis to the student in accordance with the dosing, timing, and delivery route instructions as written on the student’s *School Administration of Medical Cannabis Authorization* form.
- e. A designated school staff for a qualifying student must be readily available to administer medical cannabis to the student during school hours, at school-sponsored activities, and while on a school bus or other school vehicle. More than one individual may serve as the designated school staff to administer medical cannabis to a student, as determined by the school administrator in consultation with the school nurse.
- f. If a student appears to be experiencing any side effects from medical cannabis, the designated school staff shall refer the student to the school health room to address the student’s symptoms.
- g. Each dose of medical cannabis administered must be recorded in the student’s health record. Any information pertaining to the student’s use of medical cannabis must be handled in a confidential manner and in accordance with federal and State privacy laws.
- h. Any remaining medical cannabis must be kept in its original package.
- i. Any medical cannabis to be administered by designated school staff:
  - i. Must remain in the school health room in a locked storage container or cabinet in a manner consistent with the storage of other student medication while on school property; and
  - ii. May only be accessible to designated school staff. The medical cannabis may be retained at the end of the school day in a secure, double locked area determined by the school nurse and school administrator.
- j. A student may not self-administer or possess medical cannabis in any form.
- k. A student’s medical cannabis must be disposed of if not picked up by the student’s parent(s)/guardian(s) in accordance with the AACPS procedures for the disposal of medication following termination of the student’s *School Administration of Medical Cannabis Authorization* form or the end of the school year, whichever occurs first. The student’s parent(s)/guardian(s) must be notified before the disposal of the medical cannabis.

### **3. Administration of Medical Cannabis to Qualifying Students who Participate in School-Sponsored Activities**

- a. In accordance with federal law, all public school students have the right to equal access to educational activities. Accordingly, no student may be denied participation in a field trip or other school-sponsored activities because of the need for medication, medical treatment, or need for additional assistance. This federal requirement applies to student attendance as a participant in a field trip or other school-sponsored activity and does not apply to activities when the student is participating as an observer or spectator.
- b. The school has the responsibility to provide appropriate staff to support the needed medical cannabis treatment during school-sponsored activities and events, including field trips and after school activities, based on the written instructions provided by the student's certifying provider. As such, designated school staff shall be available during all school-sponsored activities to administer the medical cannabis based on the student's needs. In the instances where the student's caregiver is in attendance, the caregiver shall be given the opportunity to administer the medical cannabis if they choose. However, the student's caregiver may not be required to participate in or attend a school-sponsored activity as a condition of the student's participation.
- c.
  - i. The school staff in charge of a planned school-sponsored activity shall give sufficient notice of the activity to the designated school staff so preparations can be made and a plan developed to ensure the needs of the student are met.
  - ii. It is the school's responsibility to identify and arrange for the designated school staff to attend the school-sponsored activity to meet the routine and emergency needs of any student undergoing medical cannabis treatment.

### **4. Parent/Guardian Responsibility**

A student's parent(s)/guardian(s) must provide reasonable notice to the school health room and the school principal of the student's need for medical cannabis administration during a specified school-sponsored activity.

### **5. School Vehicles**

- a. The circumstances under which medical cannabis may be administered to a student who is a qualifying medical cannabis patient on a school bus or other school vehicle shall be determined by the school principal in consultation with the school nurse and designated school staff on a case-by-case basis.

- b. The following factors must be considered in determining whether it is appropriate to administer medical cannabis on a school bus or other school vehicle:
  - i. The student’s qualifying condition;
  - ii. The medical condition of the student as evaluated by the school nurse;
  - iii. Safety issues;
  - iv. Length of the bus trip; and
  - v. Whether administering the medical cannabis on the school bus or other school vehicle is necessary to avoid a potential medical emergency, to maintain therapeutic levels, or to keep the student pain free.
- c. Designated school staff or a student’s caregiver may administer medical cannabis to a student on a school bus or other school vehicle.
- d. The medical cannabis must be maintained in a locked storage container or box that is accessible only to the designated school staff or the caregiver.
- e. Designated school staff who administer the medical cannabis on the school bus or other school vehicle shall remove the medical cannabis from the school bus or other school vehicle at the end of the trip and provide the medical cannabis to the school nurse or qualifying student’s caregiver.

## 6. Training

- a. The school health room shall provide the AACPS training on the administration of medical cannabis in schools to designated school staff who must complete this training prior to administering medical cannabis to a student who is a qualifying medical cannabis patient.
- b. Designated school staff shall participate in the training each school year that the designated school staff will administer medical cannabis.
- c. The school health room shall provide and retain an attendance roster documenting each designated school staff who completes the training.
- d. AACPS shall update training annually, as necessary, or as new information becomes available.

*Regulation History:* Issued 01/11/22

*Note Previous Regulation History:* None

*Legal References:* Section 7-446 of the Education Article; Section 13-3301 of the Health General Article