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| **NEW MEXICO SCHOOL FOR THE BLIND & VISUALLY IMPAIRED** | **SUBJECT: NO. 524.2**  **Medical Cannabis in the Schools** |
| **Effective Date: 7/16/20** | **Reviewed:**  **Revised:** |
| **Date reviewed by Legal Counsel: 6/30/20** |
| **Distribution: All Staff** | **Kind: Board Policy** |

**Background**:

Senate Bill 204, Medical Marijuana in Schools, and Senate Bill 406, Medical Marijuana Changes, became law on June 14, 2019 and amended the Public School Code by providing parameters for the possession, storage, and administration of medical cannabis to qualified students for use in school settings (§22-33-5 NMSA 1978). The New Mexico Public Education Department (NMPED) developed New Mexico Administrative Code (NMAC) 6.12.10 in response to this new law.

In New Mexico, a qualified student means a student who demonstrates evidence to the school that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act (§26-2B-1 et. Seq. NMSA 1978) to carry and use medical cannabis.

**Responsibilities of the Primary Caregiver (Parents/Legal Guardians):**

Primary caregivers must demonstrate evidence to NMSBVI that the student has a valid prescription from a health care professional. In addition, the primary caregiver must provide the following documents to NMSBVI before the student will be allowed to have cannabis administered at school:

1. A copy of the qualified student’s written certification.
2. A copy of the patient’s New Mexico Department of Health’s (NMDOH) issued ID card, which includes the name of the primary caregiver.
3. A written treatment plan on the Medical Cannabis Treatment Plan form provided to them by NMSBVI that includes:
   1. Affirmation of qualifying debilitating medical condition;
   2. Recommended dosage allotment;
   3. Recommended frequency of administration; and,
   4. Signature of the primary caregiver and the certifying practitioner.
4. A signed Health Insurance Portability and Accountability Act (HIPAA) authorization, using the HIPAA authorization form posted on the NMDOH’s website that permits the school to obtain current information from the NMDOH regarding the enrollment status of the qualified student in the NMDOH’s Medical Cannabis Program. The HIPAA authorization form shall be retained as a medical record.
5. A written release of liability; releasing NMSBVI, and any school personnel from and all liability stemming from the student’s use of cannabis.

Once the required forms are received and approved by NMSBVI administrative staff, arrangements will be made by administrative staff to have the care giver come to administer the medical cannabis or for designated school personnel to administer the medical cannabis.

The written certification and the written treatment plan shall be valid for no more than one academic year from the date of issuance and shall be presented to the school at, or prior to, the beginning of the school year for which the written certification and written treatment plan shall apply.

The primary caregiver must pick up, from the designated school personnel, any unused medical cannabis at the end of each school year or upon disenrollment, withdrawal, transfer, or graduation of the qualified student. The School is not responsible for any forgotten or unused medication.

The primary caregiver must provide the written certification and a written treatment plan, a new release from liability, and a new package or container with clearly labeled identifiers including the qualified student’s name, date of birth, and dosage allotment, upon enrollment in a new public school following disenrollment, withdrawal, transfer, or graduation from another school.

**Medical Cannabis in School Settings**

For the purpose of this policy, “school setting” shall be defined as the NMSBVI school campus, school transportation and any school sanctioned activities.

1. Medical cannabis in the school is limited to a non-refrigerated capsule, extract, or concentrate that is ingested orally and that is not inhaled in particulate form as a vapor or by burning.
2. Students are prohibited from possessing, storing, or administering medical cannabis to themselves in the absence of a primary caregiver or designated school personnel, in a school setting.
3. Clean up and destruction of medical cannabis in the event of spillage or waste must be witnessed by a second designated person. The primary caregiver must be notified the same day the spillage or waste occurs.
4. The parameters for the storage, possession, and administration of medical cannabis will be determined on an individual basis, personnel will be identified and trained, two personnel will be in attendance while handling and administering the medical cannabis. Documentation of the above will be mandatory and overseen by administration.
5. Administration of medical cannabis must not disrupt the education environment and not cause medical cannabis exposure to other students.
6. A qualified student shall not be entitled to use medical cannabis outside the state of New Mexico. The parent/guardian is responsible for transporting the cannabis to any in-state school-sponsored activities, should the student need their medication while off campus.

Designated school personnel may be assigned to perform any or all functions of possession, storage, and administration of medical cannabis. Designated school personnel may be individuals who volunteer to perform associated functions or may be school personnel assigned by the school administrator. The assignment of designated personnel may be declined by any individual without reprisal or repercussion.

**Procedure for Accounting for Medical Cannabis**

1. The primary caregiver (parent/guardian) will be required to transport medical cannabis to the school and provide refills to NMSBVI as necessary. Upon arrival, he/ she will complete the NMSBVI Controlled Substance Accounting Form with designated school staff to document the medical cannabis being received by the school.
2. The NMSBVI personnel will then record the medical cannabis received on the **Record of Medical Cannabis Received** form.
3. The NMSBVI administrative personnel will then complete the top section of the **NMSBVI Individual Narcotic Record** form.
4. As medical cannabis is administered, it will be accounted for on side one of the **NMSBVI Individual Narcotic Record** form by the person doing or supervising the administration.
5. On a daily basis when school is in session, 2 designated staff members will account for all medical cannabis in the school’s possession and will complete side 2 of each **NMSBVI Individual Narcotic Record** form and both people will sign the form daily verifying that the count is correct.
6. All medical cannabis will be kept locked in a storage area which cannot be easily breeched or removed.
7. If medical cannabis needs to be returned home, the parent/ guardian is required to transport it.
8. In the event that medical cannabis spillage or waste, 2 designated staff must account for the spillage or waste on page 2 of the **NMSBVI Controlled Substance Accounting Form** and they must both sign. The primary caregiver must be notified the same day of the spillage or waste.
9. In the event that any amount of medical cannabis is missing, the Alamogordo Department of Public Safety should be called and a report should be filed. The primary caregiver should then be notified immediately.
10. All documentation forms will be kept on file a minimum for 3 years.

NMSBVI will provide at least an annual training on this medical cannabis policy and the procedures in alignment with the provisions in (SB 204/SB406) and NMAC 6.12.10.