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Administration of Medical **Cannabis Marijuana**
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[See POLICY ALERT Nos. 208 and 222]

R 5330.01 ADMINISTRATION OF MEDICAL **CANNABIS MARIJUANA**

A custodial parent, ~~guardian~~, or person having legal custody of a student requesting the administration of medical **cannabis marijuana** to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the procedures and requirements of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and this Regulation.

A. Definitions

For the purposes of ~~this~~ Policy **and Regulation 5330.01**:

1. ~~“Bona fide physician patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a qualifying student patient’s debilitating medical condition.~~
2. ~~“Certification” means a statement signed by a physician with whom a qualifying student patient has a bona fide physician-patient relationship, which attests to the physician’s authorization for the patient to apply for registration for the medical use of marijuana.~~
13. **“Cannabis Marijuana”** has the meaning given **to marijuana** in Section 2 of the “New Jersey Controlled Dangerous Substances Act,” N.J.S.A. 24:21-2.
2. **“Commission” means the Cannabis Regulatory Commission established pursuant to N.J.S.A. 24:6I-24.**
3. **“Designated caregiver(s)” means a resident of New Jersey who:**
 - a. **Is at least eighteen years old;**



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- b. Has agreed to assist with a registered qualifying student patient's medical use of cannabis, is not currently serving as a designated caregiver(s) for more than one other qualifying patient, and is not the qualifying student patient's health care practitioner;
 - c. Is subject to the provisions of N.J.S.A. 24:6I-4.c.(2), has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of N.J.S.A. 24:6I-1 et seq. and was for a violation of Federal law related to possession or sale of cannabis that is authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22 et seq.;
 - d. Has registered with the Commission pursuant to N.J.S.A. 24:6I-4 and, except in the case of a designated caregiver(s) who is an immediate family member of the qualified student patient, has satisfied the criminal history background check requirement of N.J.S.A. 24:6I-4; and
 - e. Has been designated as designated caregiver(s) by the qualifying student patient when registering or renewing a registration with the Commission or in other written notification to the Commission.
4. "Health Care Practitioner" means a physician, advanced practice nurse, or physician assistant licensed or certified pursuant to N.J.S.A. 45 who:
- a. Possesses active registrations to prescribe controlled dangerous substances issued by the United States Drug Enforcement Administration and the Division of Consumer Affairs in the Department of Law and Public Safety;



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b. Is the health care practitioner responsible for the ongoing treatment of a qualifying student patient's qualifying medical condition, the symptoms of that condition, or the symptoms associated with the treatment of that condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a patient to use medical cannabis or consultations solely for that purpose; and

c. If the qualifying student patient is a minor, a pediatric specialist.

45. "Medical use of **cannabis** ~~marijuana~~" means the acquisition, possession, transport, or use of **cannabis** ~~marijuana~~ or paraphernalia by a registered qualifying student patient as authorized by **N.J.S.A. 24:6I-1 et seq. and N.J.S.A. 18A:40-12.22 et seq.** ~~the New Jersey Compassionate Medical Marijuana Act (Act).~~

56. "Parent" means the custodial parent, ~~guardian,~~ or person who has legal custody of a qualifying student patient who may also be the **designated primary caregiver(s) registered with the Commission and provided a Registry Identification Card** by the New Jersey Department of Health to administer medical **cannabis** ~~marijuana~~ to a student in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.

~~6. "Physician" means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the qualifying student 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 qualifying student patient's debilitating medical condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a qualifying student patient to use medical marijuana or consultation solely for that purpose.~~

~~7. "Primary caregiver" or "caregiver" means a resident of the State who:~~



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- a. ~~Is at least eighteen years old;~~
- b. ~~Has agreed to assist with a registered qualifying student patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying student patient's physician;~~
- e. ~~Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of the Act and was for a violation of Federal law related to possession or sale of marijuana that is authorized under the Act;~~
- d. ~~Has registered with the Department of Health pursuant to N.J.S.A. 24:6I-4 and has satisfied the criminal history record background check requirement of N.J.S.A. 24:6I-4; and~~
- e. ~~Has been designated as primary caregiver on the qualifying student patient's application or renewal for a Registry Identification Card or in other written notification to the Department of Health.~~

87. **“Qualifying student patient” for the purpose of Policy and Regulation 5330.01** means a resident of the State who is a student enrolled and attending school in this school district who has been **authorized for the medical use of cannabis by a health care practitioner** provided with a certification by a physician pursuant to a bona fide physician-patient relationship and has been issued a Registry Identification Card by the New Jersey Department of Health for medical use of marijuana in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-41 et seq.

8. **“Registration with the Commission”** means a person has met the qualification requirements for, and has been registered by the Commission as, a registered qualifying patient, designated caregiver(s), or institutional caregiver(s). The Commission shall establish appropriate means for health care practitioners,



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health care facilities, medical cannabis dispensaries, law enforcement, schools, facilities providing behavioral health services or services for persons with developmental disabilities, and other appropriate entities to verify an individual's status as a registrant with the Commission.

9. ~~"Qualifying 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.~~

10. ~~"Registry Identification Card" means a document issued by the Department of Health that identifies a person as a registered qualifying student patient or primary caregiver.~~

B. Registration – Qualifying Student Patient and ~~Designated~~ ~~Primary~~ Caregiver(s)

1. A qualifying student patient must be authorized to engage in the medical use of ~~cannabis~~ ~~marijuana~~ and the ~~designated~~ ~~primary~~ caregiver(s) must be authorized to assist the qualifying student patient with the medical use of ~~cannabis~~ ~~marijuana~~ pursuant to the provisions of N.J.S.A. 24:6I-1 et seq.
2. A qualifying student patient and their ~~designated~~ ~~primary~~ caregiver(s) must complete the registration process in accordance with the provisions of N.J.S.A. 24:6I-4 and any other requirements of the ~~Commission~~ ~~New Jersey Department of Health~~.
3. The qualifying student patient's parent shall be responsible to immediately inform the Principal of any change in the status of the student's ~~registration with the Commission~~ ~~Registry Identification Card~~ that would deem the ~~registration with the Commission~~ ~~Registry Identification Card~~ null and void due to any reason outlined in N.J.S.A. 24:6I-1 et seq. ~~4e or for any other reason.~~



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4. The qualifying student patient's **designated** ~~primary~~ caregiver(s) shall be responsible to immediately inform the Principal of any change in the status of any **designated** ~~primary~~ caregiver(s)'s **current registration with the Commission** ~~Registry Identification Card~~ that would deem the **registration with the Commission** ~~Registry Identification Card~~ null and void due to any reason outlined in N.J.S.A. 24:6I-1 et seq. ~~4e or for any other reason.~~
- C. Submission for Authorization for Administration of Medical **Cannabis** ~~Marijuana~~
1. A parent of a qualifying student patient requesting the administration of medical **cannabis** ~~marijuana~~ to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must submit a written request to the Principal with **proof of current registration with the Commission** ~~a copy of a current New Jersey Department of Health Registry Identification Cards~~ for the qualifying student patient and the **designated** ~~primary~~ caregiver(s) and a copy of the **health care provider's** ~~physician's~~ order or prescription indicating dosage information and the method of administration for the medical **cannabis** ~~marijuana~~ to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

The Principal may request the parent provide additional documentation from the **health care provider** ~~physician~~ that the medical **cannabis** ~~marijuana~~ must be administered during the time of the day when the student is on school grounds, aboard a school bus, or attending a school-sponsored event and the medical **cannabis** ~~marijuana~~ cannot be administered and/or will not be effective during alternate times when the student is not on school grounds, aboard a school bus, or attending a school-sponsored event.
 - a. The parent's written request and all supporting documentation must be submitted to the Principal at least five school days before the first day of the requested administration.



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2. The Principal shall review the ~~submitted~~ **proof of current registration with the Commission** ~~Registry Identification Cards~~ and supporting documentation **submitted by the parent** with the school physician, the school nurse, and the Superintendent of Schools.
3. Upon review and approval of the documentation submitted by the parent, the Principal will inform the parent or **designated** ~~primary~~ caregiver(s), if the parent is not the **designated** ~~primary~~ caregiver(s), in writing with the following information:
 - a. The location (school, office, etc.) where the **designated** ~~primary~~ caregiver(s) shall report to administer the medical **cannabis** ~~marijuana~~;
 - b. The school staff member(s) who the **designated** ~~primary~~ caregiver(s) must see to coordinate the administration of medical **cannabis** ~~marijuana~~;
 - c. The time the **designated** ~~primary~~ caregiver(s) shall report to administer the medical **cannabis** ~~marijuana~~;
 - d. The specific location where the medical **cannabis** ~~marijuana~~ shall be administered to the student; and
 - e. A copy of Policy and Regulation 5330.01 – Administration of Medical **Cannabis** ~~Marijuana~~.
4. In the event the Principal, after consultation with the school nurse, school physician, and Superintendent, has a question or concern regarding **the current registration with the Commission** ~~Registry Identification Cards~~ or supporting documentation submitted by the parent, the Principal or school physician will contact the parent with the question or concern.
5. The administration of medical **cannabis** ~~marijuana~~ on school grounds, aboard a school bus, or at a school-sponsored event, pursuant to N.J.S.A. 18A:40-12.22, will only be authorized after the approval required by Policy and Regulation 5330.01.



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D. Administration of Medical **Cannabis** ~~Marijuana~~

1. ~~The m~~Medical **cannabis** ~~marijuana~~ shall only be administered by the **designated** ~~primary~~ caregiver(s) and at the approved location, times, and method as indicated in the parent's request that was approved in writing by the Principal.
2. In accordance with the provisions of N.J.S.A. 18A:40-12.22.b.(5), medical **cannabis** ~~marijuana~~ cannot be administered to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event by smoking or other form of inhalation.
3. ~~The p~~Prescribed medical **cannabis** ~~marijuana~~ must always be in the possession of the **designated** ~~primary~~ caregiver(s) and may not be in the possession of the qualifying student patient at any time on school grounds, aboard a school bus, or at a school-sponsored event.
4. The Principal, after consultation with the school nurse, school physician, and the Superintendent, will determine a specific location for the administration of the medical **cannabis** ~~marijuana~~ to the qualifying student patient.
 - a. The Principal will designate a private area, if possible, for the **designated** ~~primary~~ caregiver(s) to administer the medical **cannabis** ~~marijuana~~ to the qualifying student patient. The amount of privacy provided for the administration will depend on the approved method of administration and the designated location. The location may be a nurse's office, a private office, a private restroom facility, or any other location appropriate for the approved method of administration.



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5. The **designated** ~~primary~~ caregiver(s) shall report to the approved location prior to the scheduled time for the administration of medical **cannabis** ~~marijuana~~ to the qualifying student patient. The **designated** ~~primary~~ caregiver(s) must show the **proof of current registration with the Commission** ~~Registry Identification Card~~ and a second form of identification which shall be a photograph identification.
6. The Principal or supervising school staff member of a school-sponsored event may designate a school staff member to escort the **designated** ~~primary~~ caregiver(s) to the qualifying student patient at the designated time to the designated location for the administration.
7. The Principal may designate a school staff member to observe the administration of the medical **cannabis** ~~marijuana~~ on school grounds, aboard a school bus, or at a school-sponsored event.
8. The **designated** ~~primary~~ caregiver(s) shall assist in the administration of medical **cannabis** ~~marijuana~~ to the qualifying student patient in accordance with the method and dosage prescribed by the **health care practitioner** ~~physician~~ and included in the parent's request to the Principal.
9. The qualifying student patient shall return to his/her class or event as soon as possible after the administration.
10. The **designated** ~~primary~~ caregiver(s) will be escorted outside the school building, away from the school bus, or away from the school-sponsored event, if applicable, by a school staff member after the administration.
 - a. The qualifying student patient and/or **designated** ~~primary~~ caregiver(s) may be asked to remain at the location of the administration by the school staff member in the event the student needs some additional time after the administration and before returning to their class or event.



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11. The **designated** ~~primary~~ caregiver(s) shall be responsible for the security of the medical **cannabis** ~~marijuana~~ on school grounds, aboard a school bus, or at a school-sponsored event before, during, and after the administration. At no time shall the qualifying student patient have the medical **cannabis** ~~marijuana~~ in their possession except during the administration process by the **designated** ~~primary~~ caregiver(s).

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