

5330.03 - MEDICAL MARIJUANA

The exclusive purpose of this policy is to comply with the mandate of F.S. 1006.062(8), to allow a student who is a qualified patient, as defined in F.S. 381.986, to use medical marijuana obtained in accordance with law. School Board Policy [5330](#) - Use of Medications does not apply to qualified students' use of medical marijuana.

The Board strives to comply with the State law in order to honor the families' private medical decisions while ensuring a learning environment free of disruption. The administration of prescribed medical marijuana/low THC cannabis to a student during school hours when administration cannot reasonably be accomplished outside of school hours, will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medical marijuana were not made available during school hours, or the student is disabled and requires medication to benefit from his/her educational program.

This policy conveys no right to any student or to the student's parents/guardians or other caregivers to demand access to any general or particular location on school grounds or District property, a school bus, or a school-sponsored event to administer medical marijuana/low THC cannabis.

If the Federal government indicates that the District's Federal funds are jeopardized by this policy, the Board declares that this policy shall be suspended immediately and the administration of any form of medical marijuana/low THC cannabis for qualified students will not be permitted. In that event, the District shall post notice of such policy suspension and prohibition in a conspicuous place on its website

Definitions

For purposes of the medical marijuana policy, the following definitions shall apply per Florida statute:

- A. **"Student"** means an individual enrolled in a District school, Pre-Kindergarten through 12th grade who or is subject to compulsory school attendance, as well as students with disabilities eighteen (18) through twenty-two (22) years of age.
- B. **"Qualified student/patient"** means a student/patient who is a resident of this State who has been added to the Medical Marijuana Use Registry by a qualified physician to receive marijuana for medical use and who has a valid qualified patient identification card. If a qualified student/patient is younger than eighteen (18) years of age, only a caregiver may administer marijuana for medical use to the qualified student/patient. A qualified student/patient may designate no more than one caregiver to assist with administering medical marijuana/low THC cannabis to the qualified student/patient, unless the qualified student/patient is:
 1. a minor and the designated caregivers are the parents or legal guardians of the qualified student/patient;
 2. an adult who has an intellectual or developmental disability that prevents the student/patient from being able to protect or care for himself/herself without the assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified student/patient.
- C. **"Primary caregiver" or "caregiver"** must be twenty-one (21) years of age or older, is a resident of this State, has agreed to assist with a qualified student/patient's medical use of marijuana, has a caregiver identification card issued by the Florida Department of Health, and meets the following requirements:
 1. The caregiver who agrees in writing to assist with a registered qualified student/patient's

medical use of marijuana is not currently serving as a primary caregiver for another qualifying patient and is not the qualifying student/ patient's physician.

2. The caregiver is registered with the Florida Department of Health (FLDOH) Registry for medical marijuana/low THC cannabis use and meets all of the requirements.
 3. The caregiver has been designated as a primary caregiver on the qualifying student/patient's FLDOH application.
 4. The caregiver is registered in the medical marijuana use registry for no more than one (1) qualified student/patient unless:
 - a. the caregiver is a parent/guardian of more than one (1) minor who is a qualified student/patient; or
 - b. the caregiver is a parent/guardian of more than one (1) adult who is a qualified student/patient and who has an intellectual or developmental disability that prevents the student/patient from being able to protect or care for himself/herself without assistance or supervision.
- D. *"Designated location"* means a location identified in writing by the school principal and the Director of Comprehensive Student Health Services.
- E. *"Permissible forms of medical marijuana/low THC/cannabinoid products"* means, non-smokable/non-inhalable products such as oils, tinctures, edible products or lotions that can be administered and fully absorbed in a short period of time.
- F. *"Medical Marijuana"* means that all parts of any plant of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis dispensed from a medical marijuana treatment center for medical use by a qualified patient.
- G. *"Low-THC Cannabis"* means a plant of the genus Cannabis, the dried flowers of which contain 0.8% or less of tetrahydrocannabinol and more than ten percent (10%) of cannabinol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.
- H. *"Prohibited forms of medical marijuana/cannabinoid products"* means any smokable, vapors, patches, and any other forms of administration that provide continuous delivery of medical marijuana/low THC cannabis to a qualified student/patient while at school shall not be permissible.
- I. *"Smoking"* means burning or igniting a substance and inhaling the smoke. Any form of smokable medical marijuana/low THC/cannabinoid products is prohibited on school grounds or District property, a school bus, or school-sponsored event.

Administration of Medical Marijuana/Low THC Cannabis to Qualified Student/Patients on School District Property

A. Administration of Medical Marijuana/Low THC Cannabis Use at School

1. School site staff, school nurses, health screener technicians, other contracted health care personnel or the school principal are not allowed to administer, store/hold or transport the medical marijuana/low THC cannabis in any form.
2. The primary caregiver is responsible for safely administering and transporting the

medication/treatment to and from school each day. An *Authorization for Medical Marijuana/Low THC cannabis Use for A Qualified Student/Patient at School Form* must be completed by the qualified physician for all medication/treatments that a primary caregiver will be administering to their child during the school day.

3. The Principal and the Director of Comprehensive Student Health Services will determine the location for the permissible form of administration of the medical marijuana/low THC cannabis that does not create a risk of disruption to the educational environment or exposure to other students.
4. The Principal and the Director of Comprehensive Student Health Services will prepare, with input from the qualified student's primary caregiver, a written medical marijuana/low THC cannabis implementation plan that identifies the form, designated location(s), and any protocol regarding the administration of a permissible form of medical marijuana/low THC cannabis to the qualified student/patient. The Principal, the qualified student/patient, the qualified student/patient's parent/guardian, and the primary caregiver must participate in a child specific training.

Only medication in its original container labeled with the date, the qualifying student/patient's name, and the exact dosage and route will be allowed to be administered during school hours. The Principal will complete a medication log each time medical marijuana is administered to a student/patient.

B. Request by the Parent/Guardian for Authorization for the Use of Medical Marijuana/Low THC Cannabis to be Administered at School

1. The parent/guardian of a qualifying student requesting the administration of medical marijuana/low THC cannabis to the student at school must submit an *Authorization for Medical Marijuana/Low THC cannabis Use for A Qualified Student/Patient at School Form* completed by the qualified physician.
2. Qualified students who require the use of medical marijuana/low THC cannabis for a medical condition while at school may receive the medical marijuana/low THC cannabis administered by their primary caregiver as ordered by the qualified physician on school grounds. The location on school grounds where the medical marijuana/low THC cannabis will be administered will be designated by the Principal and the Director of Comprehensive Student Health Services.

C. Responsibilities of the Parent/Caregiver

1. Require that the qualified student/patient caregiver shall be responsible for providing the permissible form of medical marijuana/low THC cannabis to be administered to the qualified student. A parent/guardian of a qualifying student/patient requesting the administration of medical marijuana /low THC cannabis to the qualified student/patient while on school grounds, must submit a written request to the Principal at least five (5) days in advance, excluding weekends and holidays, and requesting for the authorization to administer medical marijuana/low THC cannabis pursuant to the policy.
2. The parent/guardian must provide the Principal with a copy of the current Department of Health Registry Identification Card for the qualifying student/patient and the primary caregiver, and a valid form of picture ID.
3. The qualified student/patient's parent/guardian must provide the school, with an *Authorization for Medical Marijuana/Low THC cannabis Use for A Qualified Student/Patient at School Form* completed by the qualifying physician and signed by the parent/ guardian. The form must identify the primary caregiver for the administration of medical marijuana/low THC cannabis to the qualified student/patient during the school day and acknowledge that a primary caregiver will be administering the

medical marijuana/low THC cannabis. A new form must be completed and submitted to the school Principal every school year, and when there are any changes to the medication and the type of preparation.

4. The *Authorization for Medical Marijuana/Low THC cannabis Use for A Qualified Student/Patient at School Form* must include the name of the medication, the dosage and route, and time to be administered, possible side effects and any special instructions regarding the medication.

D. Responsibilities of the School Principal

1. Upon review and approval of the documentation submitted by the primary caregiver, the Principal will:
 - a. coordinate the development of the District's Implementation Plan for *Medical Marijuana/Low THC Cannabis Use for Qualified Student/Patients at School*. The plan includes the following information:
 - 1) the specific location and;
 - 2) time(s) where the primary caregiver shall report to administer the medical marijuana.
 - b. provide the primary caregiver with a copy of this policy and review the procedures for the administration of medical marijuana/low THC cannabis at school with primary caregiver.
2. Report any incidence of student/parent/caregiver dispensation of substances other than the permissible forms of medical marijuana/low THC cannabis as specified on the *Authorization for Medical Marijuana/Low THC cannabis Use for A Qualified Student/Patient at School Form*, signed by the primary caregiver and qualifying physician and take action in accordance with Board Policy [5500](#), Student Conduct and Discipline, and Board Policy [5610](#), Suspension and Expulsion of Students.
3. The Principal must consult with the Director of Comprehensive Student Health Services before allowing the administration of the medical marijuana/low THC cannabis at the school.

E. Consequences of Policy Violation

1. Permission to administer medical marijuana/low THC cannabis to a qualified student/patient may be revoked if the qualified student/patient or the student/patient's caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters.
2. At no time shall the qualifying student/patient have the medical marijuana/low THC cannabis in their possession, except during the administration process, through dispensation by the designated primary caregiver in accordance with this policy.
3. Consequences for sale/attempted or sale/transmittal of any medical marijuana/low THC cannabis products or low THC cannabis, or substances held out and represented to be medical marijuana/low THC cannabis, may result in disciplinary action as outlined in the Board Policy [5500](#), Student Conduct and Discipline, and Policy [5610](#), Suspension and Expulsion of Students.
4. Student possession, use, or being under the influence of marijuana or marijuana derivatives inconsistent with this policy may be considered a violation of Board Policy [5500](#), Student Conduct and Discipline, and Policy [5610](#), Suspension and Expulsion

of Students. Furthermore, it may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy, and may require consultation with local law enforcement.

5. Dispensation by parent/caregiver of medical marijuana/low THC cannabis in any form other than specified on the *Authorization for Medical Marijuana/Low THC cannabis Use for A Qualified Student/Patient at School Form*, signed by the parent/guardian and physician may be treated as a violation of Board Policy [5500](#), Student Conduct and Discipline, and Policy [5610](#), Suspension and Expulsion of Students, for possession, use, or being under the influence of unauthorized substance, which are expellable offenses.

F.S. 381.96(1, a), (e), (f), (j), (l)

F.S. 381.986

F.S. 381.986 (6, a, b, 2, c, 1, 2, d)

F.S. 1006.062(8)

Article X, Section 29, Constitution of the State of Florida

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