

NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

MEDICAL CANNABIS POLICY

Pursuant to the New Mexico Medical Cannabis in Schools Act (“Act”), qualified students certified for use of medical cannabis pursuant to the Lynn and Erin Compassionate Use Act who require medical cannabis as a reasonable accommodation necessary for the student to attend school may be administered medical cannabis before attending school, or at the New Mexico School for the Arts (NMSA). **Medical cannabis may be administered at School only if:**

- 1) A written treatment plan for the administration of the medical cannabis is agreed to and signed by the Principal or designee, and by the qualified student’s parent or legal guardian. The treatment plan must be on the written treatment plan form posted on the NMPED’s website, and must include:
 - a) An affirmation of diagnosis of a qualifying debilitating medical condition, and description of the qualified student’s debilitating medical condition per the Lynn and Erin Compassionate Use Act;
 - b) Description of the plan of treatment with medical cannabis, including:
 - i) Recommended dosage allotment;
 - ii) Recommended frequency of administration in a school setting; and
 - iii) Signature of the parent/guardian and the certifying practitioner; (treatment plan form may be found at <https://webnew.ped.state.nm.s/bureaus/safe-healthy-schools/medical-cannabis-in-schools/>); and
- 2) Before the first administration of medical cannabis in a school setting, the qualified student’s parent or legal guardian completes and submits documentation to the Principal that includes a:
 - a) Copy of the qualified student’s written certification for use of medical cannabis pursuant to the Lynn and Erin Compassionate Use Act from a certifying practitioner;
 - b) A copy of the student’s New Mexico Department of Health (NMDOH)-issued ID card, which includes the name of the primary caregiver;
 - c) A signed Health Insurance Portability and Accountability Act (HIPAA) authorization, using the HIPAA authorization form posted on the NMDOH’s website (<http://nmhealth.org/publication/view/form/137/>), which shall be retained by the School as a medical record; and
 - d) Written statement from the qualified student’s parent or legal guardian releasing the school and school personnel from liability (see Principal for copy of required form), except in cases of willful or wanton misconduct or disregard of the qualified student’s treatment plan.
- 3) The written certification and written treatment plan shall be valid for no more than one year from the date of issuance and shall be presented to the School at or prior to the school year for which the certification and treatment plan shall apply.
- 4) In case of spillage or waste of medical cannabis on School premises, cleanup and destruction of spillage or waste shall be immediate and shall be documented by a School employee witness.
- 5) The parent/guardian shall provide the written certification and 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.

NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

- 6) School personnel shall not administer medical cannabis on campus or at school-related activities; only a qualified student's parent/legal guardian may administer medical cannabis, in accordance with state law and this policy.
- 7) Parents/guardians administering medical cannabis to their student in the school setting may only do so in accordance with the student's written treatment plan and this Policy. The School shall not store medical cannabis administered by the parent/guardian. NMSA shall designate the School location at which parent/guardian administration of medical cannabis shall occur. Parent/guardians administering medical cannabis to their student must check in and out with NMSA prior to and after each administration of medical cannabis to their student.
- 8) **A student shall not possess, store, or self-administer medical cannabis at a school setting or at a School-related activity.** A parent, legal guardian, and/or designated school personnel shall not administer medical cannabis at a school setting or during a school-related activity in a manner that creates disruption to the educational environment or causes other students to be exposed to medical cannabis.
- 9) **Administration and use of medical cannabis in a school setting is *not* authorized, and being under the influence of cannabis in a school setting is not authorized, where the student is not a qualified student pursuant to the Lynn and Erin Compassionate Use Act who requires medical cannabis as a reasonable accommodation necessary for the student to attend school, where the student's performance/behavior at school/school activities is adversely affected by such use, where it may pose a danger to other students, and/or where it disrupts or has the potential to disrupt the educational process.**
- 10) Student possession, use, distribution, sale or being under the influence of a cannabis product in a manner inconsistent with this Policy, inconsistent with the Medical Marijuana in Schools Act, and/or inconsistent with the Lynn and Erin Compassionate Use Act, is banned and will be considered a violation of the School's policies against distribution/possession/use of an unlawful substance on campus, and shall be disciplined accordingly.
- 11) The School shall not discipline a qualified student on the basis that the student requires medical cannabis as necessary for the student to attend school, or deny eligibility to attend school to a qualified student on the basis that the qualified student requires medical cannabis as a reasonable accommodation necessary for the student to attend school or an in-state school-sponsored activity.
- 12) The School shall annually provide appropriate training on this Medical Cannabis Policy to all school personnel.

As used in this section:

- i. "certifying practitioner" means a health care practitioner who is licensed in New Mexico to diagnose a qualified patient and recommend medical cannabis as a course of treatment;
- ii. "medical cannabis" means cannabis that is:
 - a. Recommended for treatment of a debilitating medical condition as defined in the Lynn and Erin Compassionate Use Act, in a written certification by a certified practitioner; and
 - b. Dispensed by a cannabis producer that has received approval from the New Mexico Department of Health (NMDOH) to conduct sales of medical cannabis; and
 - c. Is in the form of a capsule, extract, or concentrate to be ingested through the mouth that:

Medical Cannabis Policy
Adopted: 12/18/2019
Amended:

NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

- i. May be safely divided into measurable doses;
 - ii. Is not an aerosol product consumable through smoking or in particulate form as a vapor or by burning;
 - iii. Is not a food or beverage product;
 - iv. Is not a salve, balm, or other topical product.
- iii. “qualified student” means a student who demonstrates evidence to the Principal that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act to carry and use medical cannabis in accordance with the provisions of that Act, 6.12.10 NMAC, the Lynn and Erin Compassionate Use Act, and New Mexico department of health rules regarding the Lynn and Erin Compassionate Use Act. **Note: a qualified student is prohibited from possessing any form of cannabis in a school setting;**
- iv. “school setting” means any of the following locations during a school day:
 - a. A school building;
 - b. A school bus or activity vehicle used within the state during, in transit to or in transit from a school-sponsored activity;
 - c. A public vehicle within the state during, in transit to or in transit from a school-sponsored activity in the state; or
 - d. A public site in the state where a school-sponsored activity takes place;
- v. “written certification” means a statement written by a qualified student’s certifying practitioner in a qualified student’s medical records or in the written treatment plan statement; certifying that the qualified student has a debilitating medical condition pursuant to the Lynn and Erin Compassionate Use Act; certifying that the certifying practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the qualified student; and signed by the certifying practitioner. A written certification is not valid for more than one year from the date signed by the certifying practitioner.
- vi. “written treatment plan” means a document developed by the parent/guardian in collaboration with the certifying practitioner that:
 - a. Include the certifying practitioner’s diagnosis and description of the qualified student’s debilitating medical condition per the Lynn and Erin Compassionate Use Act;
 - b. Describes the plan for recommended treatment with medical cannabis, including:
 - i. The recommended dosage allotment;
 - ii. The recommended frequency of medical cannabis in school setting; and
 - iii. Is signed by the parent/guardian and the certifying practitioner.

This Policy is not applicable to any School-related activity taking place outside of the state of New Mexico. **Hemp products are not covered by this policy.**

Ref: NMSA 1978 §22-33-5
NMSA 1978 §§26-2B-1 et seq.
6.12.10 NMAC

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NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

This Medical Cannabis Policy was approved by the Governing Council of the New Mexico School for the Arts, effective December 18, 2019.

NEW MEXICO SCHOOL FOR THE ARTS

ATTEST;



BILL BEACHAM, Chair
of the Governing Council



PAULA TACKETT, Secretary
of the Governing Council