



State of New Jersey

DEPARTMENT OF EDUCATION

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May 24, 2016

TO: Chief School Administrators
Charter School and Renaissance School Project Lead Persons
Administrators of Nonpublic Schools
Administrators of Approved Private Schools for Students with Disabilities

FROM: Susan Martz, Chief Learning Supports and Specialized Services Officer/
Assistant Commissioner
Division of Learning Supports and Specialized Services

SUBJECT: Medical Marijuana Administration in Schools

This broadcast is intended to alert school officials of new requirements to develop policies concerning the use and administration of medical marijuana in schools. To further support students attending school in New Jersey, *P.L. 2015, c.158* was recently signed into law, supplementing chapter 40 of Title 18A of the New Jersey statutes and chapter 6D of Title 30 of the Revised Statutes, and amending the New Jersey *Compassionate Use Medical Marijuana Act (CUMMA) (P.L. 2009, c.307)*. Pursuant to CUMMA, compassion dictates that a distinction be made between medical and non-medical uses of marijuana. Hence, the purpose of CUMMA is to protect from arrest, prosecution, property forfeiture, and criminal and other penalties, those patients who use marijuana to alleviate suffering from debilitating medical conditions. It is also designed to protect their physicians, primary caregivers¹, and those who are authorized to provide marijuana for medical purposes.

¹“Primary caregiver” is defined as a resident of the State who

- (a) is at least 18 years old
- (b) has agreed to assist with a registered qualifying patient’s medical use of marijuana, is not currently serving as a primary caregiver for another qualifying patient, and is not the qualifying patient’s physician;
- (c) has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the date of this act and was for a violation of federal law related to possession or sale of marijuana that is authorized under this act;
- (d) has registered with the [Department of Health]..., and has satisfied the criminal history record background check requirement...of this act; and
- (e) has been designated as primary caregiver on the qualifying patient’s application or renewal for a registry identification card or in other written notification to the Department.

[N.J.S.A. 24:6I-3].

The recent CUMMA amendments specify the requirements for a board of education, or chief school administrator of a nonpublic school, to develop and adopt a policy regarding the use of

medical marijuana (<http://www.state.nj.us/education/students/safety/health/legislation>). Pursuant to *P.L. 2015, c.158*, a policy must, at a minimum:

- Require that the student be authorized to engage in the medical use of marijuana pursuant to CUMMA, and that the parent, guardian, or primary caregiver be authorized to assist the student with the use of medical marijuana pursuant to CUMMA;
- Expressly authorize parents, guardians, and primary caregivers of students who have been authorized for medical use of marijuana to administer medical marijuana to the student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event;
- Establish protocols for verifying the registration status² and ongoing authorization concerning the medical use of marijuana for the student and the parent, guardian, or primary caregiver;
- Identify locations on school grounds where medical marijuana may be administered; and
- Prohibit the administration of medical marijuana to a student by smoking or other form of inhalation while the student is on school grounds, aboard a school bus, or attending a school-sponsored event.

Administration of medical marijuana on school grounds, aboard a school bus, or attending a school-sponsored event must be consistent with the requirements of the law and your district's policy.

PLEASE NOTE: A primary caregiver cannot be registered with the Department of Health (NJDOH) to serve more than one qualifying patient at a time (*N.J.S.A. 24:6I-3*).

If you have any questions regarding the NJDOH Medical Marijuana Program, please refer to <http://www.state.nj.us/health/medicalmarijuana/contact.shtml>.

Thank you for your continued efforts to support all students and provide a safe learning environment.

²The patient and caregiver registration card is valid for two years [*N.J.S.A. 24:6I-4*].

c: Members, State Board of Education
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