

**La Academia Dolores Huerta Charter Middle School**

**Background and Authority (NMAC 6.12.10 Policy Framework – 8.9.19)**

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 through the rulemaking process, 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 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). This evidence, in the form of a written and signed certification provided by a certified practitioner, certifies that the qualified student has a debilitating medical condition pursuant to the Lynn and Erin Compassionate Use Act. This written certification also attests that the certifying practitioner believes the potential health benefits of the medical cannabis would likely outweigh the health risks for the qualified student.

Each local school board or charter school governing body shall provide at least an annual training on the district/charter medical cannabis policy and procedures in alignment with the provisions in (SB 204/SB406) and NMAC 6.12.10. The annual training may be determined at the local level.

**Purpose**

To be compliant with NMAC 6.12.10, LADH presents the following school policy addressing medical cannabis at LADH as well as who will be authorized to possess, store, and administer medical cannabis to a qualified student as set forth by the New Mexico Statute and Rule.

**Procedures**

If a student must take/use medical cannabis during school hours, LADH will work with the certifying practitioner and the primary caregiver/parents/legal guardian to allow the primary caregiver to administer medical cannabis in a school building, when the following requirements are met:

- A. **Responsibilities of Parents/Legal Guardians:** It is the responsibility of the student’s Primary Caregiver to demonstrate evidence to LADH that the said student, pursuant to the Lynn and Erin Compassionate Use Act, is authorized to use medical cannabis. The following documents must be submitted to the LADH Head Administrator in advance.
  - A copy of the qualified student’s written certification. The Written Certification shall be valid for no more than one year from the date of issuance and shall be presented to LADH Head Administrator prior to the beginning of the school year or at the time the Written Certification is obtained.

**La Academia Dolores Huerta Charter Middle School**

- A copy of the student’s New Mexico Department of Health’s (NMDOH) issued ID card, which includes the name of the primary caregiver.
- A written treatment Plan, (attached to this document) that includes:
  - Affirmation of qualifying debilitating medical condition;
  - Recommended dosage allotment;
  - Recommended frequency of administration; and,
  - Signature off the primary caregiver and the certifying practitioner

The Written Treatment Plan shall be valid for no more than one year from the date of issuance and shall be presented to LADH Head Administrator prior to the beginning of the school year or at the time the Written Treatment Plan is obtained.

- A signed Health Insurance Portability and Accountability Act (HIPAA) authorization, using the HIPAA authorization form (<http://nmhealth.org/publication/view/form/137/>) that permits LADH 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.
- The primary caregiver must carry medical cannabis in a prescription container or in the original authorized dispensary container, with all warnings and directions intact and with clearly labeled identifiers, including the qualified student’s name, date of birth, and dosage allotment that matches the agreed written treatment plan. The medical cannabis will be limited to a nonrefrigerated capsule, extract, or concentrate that is ingested orally and is not inhaled in particulate form as a vapor or by burning.
- A written release of liability that:
  - releases from civil liability LADH, LADH personnel and volunteers, and LADH governing body for acting in accordance with the provisions of Section 22-33-5 NMSA 1978 and this rule, as well as the Lynn and Erin Compassionate Use Act and applicable department of health rules.
  - releases LADH, LADH personnel and volunteers, and LADH governing body from any liability and reimbursement claims for costs associated with accidental spillage or waste of medical cannabis; and
  - acknowledge that the qualified student shall not be entitled to the implementation of the provisions of Section 22-33-5 NMSA 1978 and this rule, as well as the Lynn and Erin Compassionate Use Act and applicable department of health rules, outside of this New Mexico.

**B. Responsibilities of LADH:**

- LADH Head Administrator will collaborate with the student’s parent/guardian to create an administration plan to address administration of cannabis at school, off-site activities, and extracurricular activities. The administration plan will include the time, place, and manner of administration for the student.
- Medical cannabis will not be administered by any LADH employee. The student will not possess, carry, store, or administer the medical cannabis to self in the absence of a primary caregiver.
- Medical cannabis will not be stored at LADH.

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

**MEDICAL CANNABIS TREATMENT PLAN**

**POLICY: ADMINISTRATION OF MEDICAL CANNABIS TO STUDENTS**

**La Academia Dolores Huerta Charter Middle School**

To be completed by parent or legal guardian

<b>Qualified student” as defined by NMAC 6.12.10.7(L)</b>	
Student Name:	
Date of Birth:	Grade:

<b>Name of student’s “primary caregiver” as defined by NMAC 6.12.10.7(L)</b>	
Parent or Legal Guardian:	
Home/Cell Phone:	Work Phone:

**MEDICAL CANNABIS TREATMENT PLAN**

To be completed by medical professional as defined by NMAC 6.12.10.7(C)

<b>Name of student’s “certifying practitioner” as defined by NMAC 6.12.10.7(L)</b>	
Printed Name:	

Medical cannabis product to be administered to qualified student:	
Permissible form of medical cannabis to be administered by primary caregiver:	
Purpose of use:	
Recommended Dosage:	Proposed time(s) of administration:

I, \_\_\_\_\_ certify my patient, \_\_\_\_\_ has a debilitating medical condition, and it is my professional opinion the potential health benefits of medical cannabis use would likely outweigh the health risks for this patient.

<b>Signature of certifying medical practitioner</b>	<b>Date</b>
---	-------------