A BILL ENTITLED

AN ACT concerning

Public and Nonpublic Schools – Medical Cannabis – Policy for Administration During School Hours and Events

FOR the purpose of altering the definition of “caregiver” to include, for an individual who is a qualifying patient for the use of medical cannabis and under the age of 18 years, an adult designated by the parent or legal guardian of the qualifying patient; altering the number of caregivers a certain qualifying patient may have; repealing a limitation on the number of qualifying patients that a certain caregiver may serve for a certain purpose; requiring, on or before a certain date, the State Department of Education and the Natalie M. LaPrade Medical Cannabis Commission jointly to develop guidelines for public schools regarding the administration of medical cannabis to certain students during school hours and school-sponsored after-school activities and on school buses; providing for the contents of the guidelines; requiring, on or before a certain date, the Department and the Commission jointly to provide certain technical assistance to schools for certain purposes, to develop a process to monitor implementation of certain guidelines, and to share certain guidelines with certain nonpublic schools; authorizing nonpublic schools to adopt a certain policy regarding the administration of medical cannabis to certain students during school hours and school-sponsored after-school activities; requiring the Commission to provide certain assistance to certain nonpublic schools; and generally relating to medical cannabis and public and nonpublic schools.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–3301(a)
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
BY adding to
Article – Education
Section 7–446
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

13–3301.

(a) In this subtitle the following words have the meanings indicated.

(c) “Caregiver” means:

(1) A person who has agreed to assist with a qualifying patient’s medical
use of cannabis; and

(2) For a qualifying patient under the age of 18 years[, a]:

(I) A parent or legal guardian; AND

(II) AN ADDITIONAL ADULT DESIGNATED BY THE PARENT OR
LEGAL GUARDIAN.

13–3304.

(g) (6) [(i) A caregiver may serve no more than five qualifying patients at
any time.

(ii)] A qualifying patient may have no more than [two] FOUR
caregivers.

Article – Education

7–446.

(A) ON OR BEFORE DECEMBER 1, 2020, THE DEPARTMENT AND THE
NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION JOINTLY SHALL DEVELOP
GUIDELINES FOR PUBLIC SCHOOLS REGARDING THE ADMINISTRATION OF MEDICAL CANNABIS TO STUDENTS WHO ARE QUALIFYING PATIENTS UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE DURING SCHOOL HOURS AND SCHOOL–SPONSORED AFTER–SCHOOL ACTIVITIES AND WHILE ON A SCHOOL BUS.

(B) THE GUIDELINES SHALL INCLUDE:

(1) PROCEDURES FOR EDUCATING SCHOOL NURSES ON ISSUES RELATING TO MEDICAL CANNABIS, INCLUDING:

(I) THE STATE’S MEDICAL CANNABIS PROGRAM;

(II) FEDERAL AND STATE LAWS AND REGULATIONS;

(III) PROFESSIONAL LICENSURE AND CIVIL AND CRIMINAL LIABILITY ISSUES;

(IV) CANNABIS PHARMACOLOGY AND RESEARCH ASSOCIATED WITH THE MEDICAL USE OF CANNABIS; AND

(V) SAFETY CONSIDERATIONS FOR PATIENT USE OF CANNABIS AS IT RELATES TO A SCHOOL SETTING;

(2) PROTOCOLS TO ENSURE STUDENTS WHO ARE QUALIFYING PATIENTS RECEIVE CARE DURING SCHOOL HOURS AND SCHOOL–SPONSORED AFTER–SCHOOL ACTIVITIES AND WHILE ON A SCHOOL BUS, AS DETERMINED BY:

(I) THE STUDENT’S CERTIFYING PROVIDER;

(II) THE STUDENT’S PARENT OR GUARDIAN OR CAREGIVER; AND

(III) THE SCHOOL NURSE’S ASSESSMENT;

(3) SECURITY PROTOCOLS FOR THE POSSESSION, STORAGE, AND LOSS OR THEFT OF MEDICAL CANNABIS ON SCHOOL PROPERTY;

(4) APPROPRIATE METHODS FOR ADMINISTERING MEDICAL CANNABIS BY A SCHOOL NURSE OR CAREGIVER DURING SCHOOL HOURS AND SCHOOL–SPONSORED AFTER–SCHOOL ACTIVITIES AND WHILE ON A SCHOOL BUS;

(5) NOTICE REQUIREMENTS TO APPROPRIATE SCHOOL PERSONNEL, PARENTS AND GUARDIANS OR CAREGIVERS, AND LOCAL LAW ENFORCEMENT, IF NECESSARY; AND
(6) Any other issues concerning the administration of medical cannabis to students who are qualifying patients during school hours and school-sponsored after-school activities and on a school bus.

(C) On or before December 1, 2020, the Department and the Natalie M. LaPrade Medical Cannabis Commission jointly shall:

(1) Provide technical assistance to schools to:

   (i) Implement the guidelines established under this section; and

   (ii) Instruct school personnel at the local level regarding the guidelines established under this section;

(2) Develop a process to monitor implementation of the guidelines; and

(3) Share the guidelines established under this section with a nonpublic school that establishes or seeks to establish a policy under subsection (d) of this section.

(D) (1) Each nonpublic school in the State may establish a policy regarding the administration of medical cannabis to students who are qualifying patients under Title 13, Subtitle 33 of the Health – General Article during school hours and school-sponsored after-school activities.

(2) The Natalie M. LaPrade Medical Cannabis Commission shall:

   (i) Provide technical assistance to implement a policy established by a nonpublic school under this subsection; and

   (ii) Instruct school personnel of a nonpublic school regarding the guidelines established under subsection (b) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.