

Chapter 624

(House Bill 617)

AN ACT concerning

**Public and Nonpublic Schools – Medical Cannabis – Policy for Administration
During School Hours and Events
(Connor and Raina’s Law)**

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~~ a certain number of additional adults designated by the parent or legal guardian of the qualifying patient; specifying that the definition of “caregiver” does not include certain designated school personnel; altering ~~specifying~~ the number of caregivers a certain qualifying patient may have; authorizing a qualifying patient under the age of 18 years to obtain medical cannabis from certain designated school personnel; repealing a limitation on the number of qualifying patients that a certain caregiver may serve for a certain purpose exempting certain caregivers and designated school personnel from civil and criminal penalties relating to the administration of medical cannabis, subject to a certain exception; authorizing caregivers of certain students who are qualifying medical cannabis patients to administer medical cannabis to a student on school property, during school-sponsored activities, and on school buses; 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;~~ requiring the Maryland Board of Nursing and the Commission to submit a certain report on or before a certain date; making this Act an emergency measure; 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,
Article – Health – General

Section 13-3301(c), ~~and 13-3304(g)(6)~~ 13-3304(g)(5) and (6), and 13-3313(a)(8) and (9)

Annotated Code of Maryland
(2019 Replacement Volume)

BY adding to

Article – Health – General

Section 13-3304(g)(7) and (8) and 13-3313(a)(10)

Annotated Code of Maryland
(2019 Replacement Volume)

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) **(1)** “Caregiver” means:

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

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

~~(i)~~ **1.** A parent or legal guardian; AND

~~(ii)~~ **AN 2. NOT MORE THAN TWO ADDITIONAL ADULT ADULTS DESIGNATED BY THE PARENT OR LEGAL GUARDIAN.**

(2) “CAREGIVER” DOES NOT INCLUDE ANY DESIGNATED SCHOOL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED UNDER § 7-446 OF THE EDUCATION ARTICLE.

13-3304.

(g) (5) (i) Except as provided in subparagraph (ii) of this paragraph, a qualifying patient or caregiver may obtain medical cannabis only from a medical cannabis grower licensed by the Commission or a dispensary licensed by the Commission.

(ii) A qualifying patient under the age of 18 years may obtain medical cannabis only through [the]:

1. THE qualifying patient’s caregiver; OR

2. ANY DESIGNATED SCHOOL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED UNDER § 7-446 OF THE EDUCATION ARTICLE.

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

~~(ii)]~~ ~~A~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A qualifying patient may have no more than ~~[two]~~ ~~FOUR~~ caregivers.

(III) A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS MAY HAVE NO MORE THAN FOUR CAREGIVERS.

(7) ANY DESIGNATED SCHOOL PERSONNEL DESCRIBED IN PARAGRAPH (5)(II) OF THIS SUBSECTION:

(I) MAY ADMINISTER TO A STUDENT ONLY MEDICAL CANNABIS:

1. THAT IS OBTAINED THROUGH THE STUDENT’S CAREGIVER; AND

2. IN ACCORDANCE WITH DOSING, TIMING, AND DELIVERY ROUTE INSTRUCTIONS AS PROVIDED BY THE CERTIFYING PROVIDER’S WRITTEN INSTRUCTIONS; AND

(II) ARE NOT REQUIRED TO REGISTER WITH THE COMMISSION UNDER THIS SUBTITLE.

(8) BEGINNING JUNE 1, 2020, A CAREGIVER MAY ADMINISTER MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT OF THE CAREGIVER ON SCHOOL PROPERTY, DURING SCHOOL-SPONSORED ACTIVITIES, AND WHILE ON A SCHOOL BUS.

(a) Any of the following persons acting in accordance with the provisions of this subtitle may not be subject to arrest, prosecution, revocation of mandatory supervision, parole, or probation, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of or possession of medical cannabis:

(8) A hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; [or]

(9) A third-party vendor authorized by the Commission to test, transport, or dispose of medical cannabis, medical cannabis products, or medical cannabis waste under the provisions of this subtitle; OR

(10) DESIGNATED SCHOOL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED UNDER § 7-446 OF THE EDUCATION ARTICLE UNLESS THE ACT OR OMISSION CONSTITUTES GROSS NEGLIGENCE OR WANTON OR WILLFUL MISCONDUCT.

Article – Education

7-446.

(A) **ON OR BEFORE DECEMBER ~~1~~ 31, 2020, THE DEPARTMENT AND THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION JOINTLY SHALL DEVELOP GUIDELINES FOR PUBLIC SCHOOLS ~~REGARDING~~ ALLOWING 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~~ ESTABLISH:**

(1) THE SCHOOL PERSONNEL WHO ARE AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT DURING SCHOOL HOURS AND SCHOOL-SPONSORED ACTIVITIES AND WHILE ON A SCHOOL BUS;

(2) SPECIFIC LOCATIONS, INCLUDING A REQUIREMENT THAT A SCHOOL ALLOW THE ADMINISTRATION OF MEDICAL CANNABIS IN THE SCHOOL BUILDING, WHERE MEDICAL CANNABIS MAY BE ADMINISTERED TO A STUDENT WHO IS A QUALIFYING PATIENT DURING SCHOOL HOURS AND SCHOOL-SPONSORED ACTIVITIES AND WHILE ON A SCHOOL BUS;

~~(1)~~ (3) PROCEDURES FOR EDUCATING SCHOOL NURSES ANY DESIGNATED SCHOOL PERSONNEL ON ISSUES RELATING TO MEDICAL CANNABIS, INCLUDING: SAFETY CONSIDERATIONS FOR PATIENT USE OF MEDICAL CANNABIS AS IT RELATES TO A SCHOOL SETTING;

~~(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)~~ (4) 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)~~ (5) SECURITY PROTOCOLS FOR THE POSSESSION, STORAGE, AND LOSS OR THEFT OF MEDICAL CANNABIS ON SCHOOL PROPERTY;

(6) A PLAN FOR THE ADMINISTRATION OF MEDICAL CANNABIS THAT MUST INCLUDE LABELING AS WELL AS DOSING, TIMING, AND DELIVERY ROUTE INSTRUCTIONS AS PROVIDED BY THE CERTIFYING PROVIDER’S WRITTEN INSTRUCTIONS;

(7) A CLEAR PROHIBITION ON ANY METHOD OF ADMINISTRATION OF MEDICAL CANNABIS THAT INCLUDES SMOKING OR VAPING;

~~(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) (8) NOTICE REQUIREMENTS TO APPROPRIATE SCHOOL PERSONNEL, PARENTS AND GUARDIANS OR CAREGIVERS, AND LOCAL LAW ENFORCEMENT, IF NECESSARY; AND~~

~~(9) WHETHER THE MEDICAL CANNABIS MAY BE RETAINED ON SCHOOL GROUNDS AT THE END OF THE SCHOOL DAY OR SCHOOL-SPONSORED ACTIVITY OR WHETHER IT MUST BE RETURNED TO THE STUDENT’S CAREGIVER; AND~~

~~(6) (10) ANY OTHER NECESSARY GUIDELINES ON 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) (C) (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~~

~~(H) INSTRUCT SCHOOL PERSONNEL OF A NONPUBLIC SCHOOL REGARDING THE GUIDELINES ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.~~

(D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A SCHOOL NURSE MAY NOT BE REQUIRED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT.

SECTION 2. AND BE IT FURTHER ENACTED, That in developing the guidelines under § 7-446(a) of the Education Article, as enacted by Section 1 of this Act, the Maryland Board of Nursing and the Natalie M. LaPrade Medical Cannabis Commission shall:

(1) consider whether it is necessary to amend Title 8 of the Health Occupations Article or any other State law to allow school nurses or other authorized designated school personnel to administer medical cannabis to a student who is a qualifying patient; and

(2) on or before December 31, 2020, make recommendations to the General Assembly, in accordance with § 2-1257 of the State Government Article, on any amendments to Title 8 of the Health Occupations Article or any other State law to allow school nurses or other authorized designated school personnel to administer medical cannabis to a student who is a qualifying patient.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2020~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly and shall take effect from the date it is enacted.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.