

**BILL:** Senate Bill 604  
**TITLE:** Public and Nonpublic Schools - Medical Cannabis - Policy for Administration During School Hours and Events  
**DATE:** February 18, 2020  
**POSITION:** SUPPORT WITH AMENDMENTS  
**COMMITTEE:** Education, Health, and Environmental Affairs Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) has identified major legal and technical obstacles to adopting this bill as introduced and is therefore requesting amendments to create a task force of health professionals and other interested parties. MABE urges the formation of such a group, very similar to the process used to develop school health guidelines for the administration of diabetes medication, before mandating that state agencies develop such protocols.

Under this bill, by December 1, 2020, the Maryland State Department of Education (MSDE) and State Cannabis Commission would be required to jointly develop guidelines for public schools on the administration of medical cannabis during school hours, school-sponsored after-school activities, and on a school bus to students who are qualifying patients. Local boards believe that this is not a reasonable timeline on which to develop guidelines for the administration of medical cannabis in schools.

MABE is particularly concerned about the bill provisions referring to a school nurse administering medical cannabis or exercising their professional judgment on its administration. MABE believes that both of these provisions are premature relative to the need for study and agreed upon determination of the consequences for a school nurse's license and liabilities for the nurse's employer. It is noteworthy that state laws in New Jersey and Delaware either exclude school nurses from the list of those who may administer medical cannabis (Delaware), or prohibit "a school nurse or other school employee" from administering (New Jersey).

New Jersey Statute:

"A board of education or chief school administrator of a nonpublic school shall develop a policy authorizing parents, guardians, and primary caregivers to administer medical marijuana to a student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event."

Delaware Statute:

"A designated caregiver registered pursuant to § 4908A of this title may possess for the purpose of administering, and may administer to a minor qualifying patient medical marijuana oil in a school bus and on the grounds or property of the preschool, or primary or secondary school in which a minor qualifying patient is enrolled. The designated caregiver shall not be a school nurse or other school employee hired or contracted by a school unless he or she is a parent or legal guardian of the minor qualifying patient, and said parent or legal guardian possesses no more than the number of doses prescribed per day of medical marijuana oil which is kept at all times on their person. Provided further, this exception shall only apply within the physical boundaries of the State of Delaware."

For these reasons, MABE requests a favorable report on Senate Bill 604 with the amendments described above and provided on the following page.

**Requested by: The Maryland Association of Boards of Education**

AMENDMENTS TO SENATE BILL 604

On page 3, in line 18 and 19 strike “AND (III) THE SCHOOL NURSE’S ASSESSMENT.”

On page 3, in line 24, strike “SCHOOL NURSE OR”.

On page 4, in line 9, after SECTION insert “IN THE 2021-2022 SCHOOL YEAR.”

On page 4, after line 28, insert:

SECTION 2. AND BE IT FURTHER ENACTED, That:

- (a) The State Department of Education and the Department of Health, in consultation with the Board of Nursing, local school systems, local health departments, and other interested stakeholders, shall establish a plan for all public school health services programs in the State to provide access to cannabis medication through implementation of policies and programs.
- (b) On or before December 31, 2020, the State Department of Education and the Department of Health and Mental Hygiene shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means on the implementation of the plan established under this section.