



## SECTION V: EMPLOYEES

## POLICY 5375

### MEDICAL MARIJUANA, HEMP & CANNABIDIOL (CBD)

Regardless of a student, employee, parent or any individual's status as a medical marijuana license holder, marijuana is not allowed on the premises of the district or in any school vehicle or in any personal vehicle transporting a student under any circumstances. While the use of medical marijuana in conjunction with the possession of a medical marijuana license is legal in the State of Oklahoma, marijuana is a prohibited controlled substance under federal law regardless of the use being for medical purposes. Accordingly, possession of marijuana by a student, employee, parent or any individual, notwithstanding the possession of a medical marijuana license, is strictly prohibited while on the premises of the District and in school vehicles; going to and from and attending District sponsored functions, events, and athletic activities, including those District sponsored functions, events and/or athletic activities which occur in a location other than the premises of the District; utilizing District equipment or transportation; and in any other instance in connection with the District where the District reasonably deems the possession of marijuana to be illegal.

In the event that a student, employee, parent or any individual is found to possess or to have possessed marijuana in any of the instances stated above, the District will proceed with all actions and consequences that are afforded to the District under any state or federal law, employment contract, District policy, student handbook provision, or any other authority applicable to or adopted by the District.

#### A. Definitions

The following definitions shall apply:

1. Marijuana: all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin (except cannabidiol made from hemp which meets the definition of "Hemp Cannabidiol" as defined below). The term "marijuana" shall not include any federal Food and Drug Administration-approved cannabidiol medication.
2. Hemp Cannabidiol ("Hemp CBD"): a nonpsychoactive cannabinoid made from hemp that has a tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%).
3. Hemp: the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.
4. THC: tetrahydrocannabinol.

The terms "marijuana" and "possession of marijuana" will be interpreted by the District in



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accordance with state and federal law. Any conflict between state and federal law as to the definition or treatment of “marijuana,” “possession of marijuana,” “hemp” or “cannabidiol” will be interpreted in accordance with the circumstances and proper legal authority.

#### **B. Nondiscrimination**

There will be no discrimination in the District because of an individual’s status as a medical marijuana license holder.

#### **C. Hemp and Hemp Cannabidiol (Hemp CBD)**

1. Regulation: Hemp CBD is regulated differently than marijuana under both state and federal law. Possession and administration of Hemp CBD shall be treated differently based on the concentration of THC in the Hemp CBD. In no instance will this section be construed to apply to a substance that (1) is not made from hemp or (2) contains more than 0.3% THC.

##### **a. Hemp CBD Containing 0.0% THC**

(1) Employees and other Non-Student Individuals: Employees and individuals who are not students of the District may possess and self-administer Hemp CBD containing 0.0% THC on the premises of the District. However, employees or non-student individuals must be able to certify, upon request, that the Hemp CBD contains 0.0% THC at the time of possession and/or self-administration via a reliable product label. Employees and non-student individuals are not permitted to self-administer Hemp CBD in the presence of students.

(2) Students: A parent or legal guardian of a student may administer Hemp CBD containing 0.0% THC to the student in accordance with this policy. Hemp CBD containing 0.0% THC may only be administered to a student in an area designated by the District’s personnel. The parent, legal guardian must certify that the Hemp CBD contains 0.0% THC via a declaration given under penalty of perjury prior to administering such Hemp CBD to the student in the District’s designated administration area. Such declaration shall be effective for the semester in which it is given. A new declaration must be provided by a parent or legal guardian each semester. After the parent or legal guardian of the student has administered the Hemp CBD containing 0.0% THC to the student, the parent or legal guardian must remove the Hemp CBD from the District’s premises.

##### **b. Hemp CBD Containing 0.3% THC**



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- (1) Employees and other Non-Student Individuals: Employees and individuals who are not students of the District may possess and self-administer Hemp CBD containing up to a maximum of three-tenths of one percent (0.3%) THC on the premises of the District provided they meet one of the following:
- (a) The employee or individual who is not a student is a medical marijuana license holder; or
  - (b) The employee or individual who is not a student has a written certification from a physician licensed in Oklahoma that the employee or individual that is not a student has been diagnosed by a licensed physician as having one of the following:
    - i. Lennox-Gastaut Syndrome;
    - ii. Dravet Syndrome, also known as Sever Myoclonic Epilepsy of Infancy;
    - iii. Any other severe form of epilepsy that is not adequately treated by traditional medical therapies;
    - iv. Spasticity due to multiple sclerosis or due to paraplegia;
    - v. Intractable nausea and vomiting; or
    - vi. Appetite stimulation with chronic wasting diseases.

Employees or non-student individuals must be able to verify, upon request, (1) that they meet an exception listed above, and (2) that the Hemp CBD contains no more than 0.3% THC at the time of possession and/or self-administration, via a reliable product label or a physician's certification. Employees and non-student individuals are not permitted to self-administer Hemp CBD in the presence of students.

- (2) Students: Students of the District may not possess and/or self-administer Hemp CBD containing THC in an amount no greater than 0.3%. However, the parent, legal guardian or caregiver (as defined in 63 O.S. § 420A) of the student may administer Hemp CBD containing THC in an amount no greater than 0.3% on District premises in accordance with this policy if the student meets one of the following exceptions:
- (a) The student is a medical marijuana license holder; or
  - (b) The parent, legal guardian, or caregiver of the student has a written certification from a physician licensed in Oklahoma that the student has been diagnosed by a licensed physician as having one of the following:
    - i. Lennox-Gastaut Syndrome;



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- ii. Dravet Syndrome, also known as Sever Myoclonic Epilepsy of Infancy;
- iii. Any other severe form of epilepsy that is not adequately treated by traditional medical therapies;
- iv. Spasticity due to multiple sclerosis or due to paraplegia;
- v. Intractable nausea and vomiting; or
- vi. Appetite stimulation with chronic wasting diseases.

The physician's written certification must also provide that the Hemp CBD being administered to the student has a THC level of not more than 0.3% and the Hemp CBD was delivered to the student, parent, or legal guardian in a liquid form.

The parent, legal guardian, or caregiver may administer Hemp CBD containing THC in an amount no greater than 0.3% to the student in an area designated by the District's personnel. The parent, legal guardian, or caregiver must certify that the Hemp CBD contains THC in an amount no greater than 0.3% via a declaration given under penalty of perjury prior to administering such Hemp CBD to the student in the District's designated administration area. Such declaration shall be effective for the semester in which it is given. A new declaration must be provided by the parent, legal guardian, or caregiver each semester. After the parent, legal guardian or caregiver of the student has administered the Hemp CBD to the student, the parent, legal guardian or caregiver must remove the Hemp CBD from the District's premises.

2. Administration by School Personnel and Storage: In no instance will a District employee administer Hemp CBD to a student, unless they are the parent, legal guardian, or caretaker for that student. The District will not maintain or store a student's Hemp CBD for any length of time.
3. Violations: In the event that a student, employee, parent or any individual is found to have violated the District's policy regarding Hemp CBD possession and/or self-administration, the District will proceed with all actions and consequences that are afforded to the District under any state or federal law, employment contract, District policy, student handbook provision, or any other authority applicable to or adopted by the District.

#### D. Overlap with Other District Policies

The District recognizes that the legal aspects and consequences of medical marijuana, cannabidiol, and hemp are new and possibly subject to change. These legal aspects and



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consequences of medical marijuana, cannabidiol, and hemp effect many areas of the District's current policies regarding employees, students, parents and individuals on District premises or attending District events. The District will continue to enforce its current adopted policies. As the need arises with changes in state and/or federal law, the District will consider and/or examine District policies in order to assess whether revisions, if any, may be needed to a District policy in order to comply with state and federal law.

#### **E. Employees**

Employees of the District are expected to comply with state and federal law at all times as a term of their continued employment with the District. In that regard, employees are hereby notified that any person who uses or is addicted to marijuana, regardless of whether his or her state has passed legislation authorizing marijuana use for medicinal or recreational purposes, is an unlawful user of or addicted to a controlled substance and is prohibited by federal law from possessing firearms or ammunition. *See* 18 U.S.C. § 922(g)(3); *see also* Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) open letter to all federal firearms licensees (<https://www.atf.gov/file/60211/download>). Employees are expected to adhere to any and all open letters, formal opinions, directives, or any other instruction provided by federal or state agencies regarding state and/or federal law.

#### **F. Prescription Medications**

This policy does not apply to any federal Food and Drug Administration-approved cannabidiol medication. Such medication may not be possessed or self-administered by students. These medications must be stored in District offices and may be administered by the school nurse or other designated District personnel in accordance with the District's policy on Administration of Medicine.

Source: *Broken Arrow Board of Education policy adoption, November 12, 2018.*  
*Broken Arrow Board of Education policy revised, March 11, 2019.*



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#### **Broken Arrow Public Schools - Declaration**

1. I am the \_\_\_\_\_ parent, \_\_\_\_\_ legal guardian, or \_\_\_\_\_ caretaker of the following named student: \_\_\_\_\_ (hereinafter the “Student”).
  
2. I am requesting that the District permit me access to the Student to administer cannabidiol, a nonpsychoactive cannabinoid substance derived from the *Cannabis sativa L.* plant (hereinafter “Cannabidiol”).
  
3. In making this request, I affirm one of the following:  
**(Check Only One)**

- The cannabidiol substance I seek to administer to the Student has 0.0% tetrahydrocannabinol (THC).
  
- The cannabidiol substance I seek to administer to the Student has a tetrahydrocannabinol (THC) level not exceeding 0.3% **AND** I have received a written certification from a physician licensed in this state that the Student has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, spasticity due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, or appetite stimulation with chronic wasting diseases.
  
- The cannabidiol substance I seek to administer to the Student has a tetrahydrocannabinol (THC) level not exceeding 0.3% **AND** the Student has a current Oklahoma Medical Marijuana License.

I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

\_\_\_\_\_  
(Date and Place)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name of Parent / Legal Guardian / Caretaker)