CBD ADMINISTRATION IN THE SCHOOL SETTING

*DISCLAIMER

While the Michigan School Nurse Advisory Council strives to make the information as accurate and timely as possible, the Council makes no promises or guarantees about the completeness of this document and encourages school districts to seek legal advice when considering Marijuana administration in the school setting. There is no guarantee that the use of guidance in the report will lead to any particular result or outcome. The information in this document was researched in August 2019.

BACKGROUND INFORMATION

With the passage of the Michigan Marijuana legislation in 2016 (PA 283 of 2016), we are seeing an increase in parental requests to have marijuana products administered to their child while at school (or to allow the child to self-administer). The Michigan Department of Education (MDE) and Michigan Department of Health and Human Services (MDHHS), in partnership with the Michigan Association of School Nurses (MASN), have reviewed related federal and state law, FDA regulations, current research, and for school nurses specifically, the nursing scope of practice. As a result of this review, the following guidance has been developed for school staff to consider when responding to requests to administer medical marijuana in the school setting:

Current federal and state law

a. Federal

  The federal government regulates drugs through the Controlled Substances Act (CSA) (21 U.S.C. § 811), which does not recognize the difference between medical and recreational use of marijuana. The CSA classifies and regulates illegal drugs and places listed drugs on a schedule according to their medicinal value and potential for abuse. Under the CSA, marijuana is a Schedule I controlled substance. This designation is reserved for drugs that have a high potential for abuse, lack any medical value, and can’t be safely prescribed. Since the 1930s, federal law has declared the use, sale or distribution of marijuana illegal. In a state that has legalized medical or recreational marijuana use, it remains a federal crime to possess, buy or sell marijuana. Anyone growing, marketing, or distributing marijuana is violating multiple federal laws.
  
Current federal and state law (continued)

b. State of Michigan

- Public Act 283 of 2016 7. Scope of Act
  Sec. 7 (a) The medical use of marijuana is allowed under state law to the extent that it is carried out in accordance with the provisions of this act.
  (b) This act does not permit any person to do any of the following:
  - Undertake any task under the influence of marijuana, when doing so would constitute negligence or malpractice.
  - Possess marijuana, or otherwise engage in the medical use of marijuana at any of the following locations:
    - In a school bus
    - On the grounds of any preschool/primary/secondary school

- Public Health Code (Excerpt), Act 368 of 1978  Section 333.7410
  (2) An individual 18 years of age or over who violates section 7401(2)(a)(iv) by delivering a controlled substance described in schedule 1 or 2 that is either a narcotic drug or described in section 7214(a)(iv) to another person on or within 1,000 feet of school property or a library shall be punished, subject to subsection (5), by a term of imprisonment of not less than 2 years or more than 3 times that authorized by section 7401(2)(a)(iv) and, in addition, may be punished by a fine of not more than 3 times that authorized by section 7401(2)(a)(iv).

Definitions

  - (f) "Physician" means an individual who is licensed or authorized under this article to engage in the practice of medicine. Public Health Code (Excerpt) Act 368 of 1978 Part 170 Medicine
  - (4) "Marijuana" means all parts of the plant Cannabis sativa L., growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marijuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marijuana does not include industrial hemp. Public Health Code (Excerpt), Act 368 of 1978, 333.7106 Definitions; I to M
• (f) “Marijuana-infused product” means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marijuana that is intended for human consumption in a manner other than smoke inhalation. Marijuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111. PUBLIC HEALTH CODE, Act 283 if 2016, Definitions

• b. CBD is a chemical found in marijuana. CBD shouldn’t contain tetrahydrocannabinol (THC), the psychoactive ingredient found in marijuana that produces a high, however CBD products cannot be guaranteed to be completely without THC due to the lack of standards for product safety oversight. The usual CBD formulation is oil, but CBD is also sold as an extract, a vaporized liquid and an oil-based capsule. Food, drinks and beauty products are among the many CBD-infused products available online. https://www.mayoclinic.org/healthy-lifestyle/consumer-health/expert-answers/is-cbd-safe-and-effective/faq-20446700

2. Lack of FDA approval
It is important to understand that CBD oil is not FDA approved or subject to the standards that the FDA holds for ensuring the safety of a product. (This is also true for essential oils.) Thus these items are not considered medication as defined in the State of Michigan Model Policy for Administering Medication at School. Doctors cannot legally prescribe marijuana since it is a Schedule I drug under the CSA. Without FDA oversight there is no guarantee of uniform dosing or product quality. The State of Michigan Model Policy for Administering Medication at School promotes that all medications administered in schools to be prescribed by a practitioner. These licensed prescribers include: MD, DO, NP or PA, Dentist, or Podiatrist.

3. School Nurse Scope of Practice
Michigan Public Health Code (PHC), the compilation of laws that impact the health of the citizens of Michigan, includes regulations regarding county public health offices, nursing homes, emergency medical staff, hospitals, and health professionals. The PHC identifies what practice related activities are acceptable and not acceptable. Michigan PHC allows nurses to administer medications as directed by a supervising health professional.
Notes of interest:

- Epidiolex is the ONLY FDA approved medication derived from marijuana for treatment of seizures.
- Public Act 283 of 2016 suggests that even with an order from a licensed prescriber, the use of Epidiolex may be prohibited on school grounds and school buses.

Use of Epidiolex for patients with Dravet or Lennox-Gastaut Syndromes

Control Dosage
- Starting dose is 2.5 mg/kg twice daily.
- Maintenance dose is 5mg/kg twice daily

Rescue Dosage
Current research regarding CBD has not demonstrated Epidiolex effectiveness as a rescue medication. Because it is considered a control medication, Epidiolex is recommended to be administered at home.

Side effects
Monitor for serious side effects including liver problems, drowsiness, and suicidal thoughts or actions.


WHERE TO GO WITH QUESTIONS?

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RESOURCES

Federal Law

| CONTROLLED SUBSTANCE ACT(CSA) (21 U.S.C. § 811) | Federal law has declared the use, sale or distribution of marijuana illegal. In a state that has legalized medical or recreational marijuana use, it remains a federal crime to possess, buy or sell marijuana. |

Adopted 9/16/19 Michigan Association of School Nurse
## State Law

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<th>State Law</th>
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| **Public Act 283 of 2016** | This act does not permit any person possess marijuana, or otherwise engage in the medical use of marijuana at any of the following locations:  
- In a school bus  
- On the grounds of any preschool, primary or secondary school |
| **PUBLIC HEALTH CODE (EXCERPT), Act 368 of 1978 Section 333.7410** | An individual 18 years of age or over who delivers a controlled substance described in schedule 1 or 2 to another person on or within 1,000 feet of school property or a library shall be punished by a term of imprisonment of not less than 2 years and, in addition, may be punished by a fine. |
| **PUBLIC HEALTH CODE (EXCERPT), Act 368 of 1978, 333.7106** | Key definitions included in this legislation include "Physician" "Marijuana" and "Marijuana-infused product" |
| **PUBLIC HEALTH CODE (EXCERPT) Act 368 of 1978, 333.17201** | Defines nursing scope of practice. The RN’s scope of practice includes the teaching, direction, and supervision of less skilled personnel in the performance of delegated nursing activities |
| **REVISED SCHOOL CODE (EXCERPT) Act 451 of 1976 380.1178** | Administration of medication or epinephrine auto-injector to pupil; liability; school employee as licensed registered professional nurse. Sec. 1178.  
(1) Subject to subsection (2), a school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the life or health of the pupil, pursuant to written permission of the pupil’s parent or guardian, and in compliance with the instructions of a physician, physician's assistant, or certified nurse practitioner, or a school employee who in good faith administers an epinephrine auto-injector to an individual consistent with the policies under section 1179a, is not liable in a criminal action or for civil damages as a result of an act or omission in the administration of the medication or epinephrine auto-injector, except for an act or omission amounting to gross negligence or willful and wanton misconduct. |
(2) If a school employee is a licensed registered professional nurse, subsection (1) applies to that school employee regardless of whether the medication or epinephrine auto-injector is administered in the presence of another adult. (3) A school district, nonpublic school, member of a school board, or director or officer of a nonpublic school is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a person acting under this section.

### Attorney General Opinion

| Attorney General Opinion, No. 5679, April 11, 1980 | A physician must delegate and supervise the act of medication administration if the school district does not employ a school nurse. |

### Michigan Department of Education

| Medications in School and MDE Policy Model | Policy and guidelines for administering medication to pupils in school. |

### ADDITIONAL REFERENCES


US Department of Justice, Drug Enforcement Administration, Diversion Control Division, [Title 21 United States Code Controlled Substance Act, Section 811](https://www.deadiversion.ucsf.edu/codetoc/40/part11/ch11a/)

Mayo Clinic, Healthy Lifestyle, Consumer Health [What are the benefits of CBD — and is it safe to use? Answer From: Brent A. Bauer, M.D.](https://www.mayoclinic.org/healthy-lifestyle/drug-information/guides/cbd-benefits-safety.html)

Food and Drug Administration [FDA Regulation of Cannabis and Cannabis-Derived Products: Questions and Answers](https://www.fda.gov/media/129590/download)

Michigan Public Health Code, [PUBLIC HEALTH CODE (EXCERPT), Act 368 of 1978, Article 15, OCCUPATIONS](https://www.legislature.mi.gov/PublicLaw.html)