

SB 223 Parent Administration of Medicinal Cannabis on School Campus

On October 9, 2019, Governor Gavin Newsom signed into law SB 223, known as “Jojo’s Act”, which adds Section 49414.1 to the Education Code permitting charter schools to adopt a board-approved policy allowing a parent or guardian to administer medicinal cannabis to a qualified student on school grounds during the school day. A qualified student is a student who has received a written recommendation of a physician to use cannabis for personal medical purposes under the Compassionate Use Act of 1996. “Medical cannabis” specifically excludes any products in a smokeable or vapeable form. Notably, the law does not require any school to allow medicinal cannabis to be administered on school grounds, and therefore, charter schools may decline to adopt such a policy.

If a charter school elects to adopt a policy in accordance with SB 223, the policy must include the following four provisions:

- (1) The parent or guardian shall not administer the medicinal cannabis in a manner that disrupts the educational environment or exposes other pupils.
- (2) After the parent or guardian administers the medicinal cannabis, the parent or guardian shall remove any remaining medicinal cannabis from the schoolsite.
- (3) The parent or guardian shall sign in at the schoolsite before administering the medicinal cannabis.
- (4) Before administering the medicinal cannabis, the parent or guardian shall provide to an employee of the school a valid written medical recommendation for medicinal cannabis for the pupil to be kept on file at the school.

Charter school staff are never required to administer medical cannabis.

All records collected and retained in accordance with a policy developed pursuant to SB 223 are deemed medical records and are subject to all state and federal laws governing the confidentiality and disclosure of medical records.

The governing board of any charter school that develops a policy in accordance with SB 223 may amend or rescind the policy at a regularly scheduled meeting of the board for any reason, including, but not limited to, if the charter school is at risk or, or has lost, federal funding as a result of the policy. The governing board of any charter school may also amend or rescind such a policy at a special meeting if (1) exigent circumstances necessitate an immediate change to the policy, and (2) at the meeting, the governing board will address the intent to amend or rescind the policy.

Should you have any questions regarding this new law, please feel free to contact Lisa Corr at lcorr@mycharterlaw.com or Kendra Tovey at ktovey@mycharterlaw.com.