

Department of Health
Nursing Care Quality Assurance Commission

Advisory Opinion

The Nursing Care Quality Assurance Commission (NCQAC) issues this advisory opinion in accordance with WAC 246-840-800. An advisory opinion adopted by the NCQAC is an official opinion about safe nursing practice. The opinion is not legally binding and does not have the force and effect of a duly promulgated regulation or a declaratory ruling by the NCQAC. Institutional policies may restrict practice further in their setting and/or require additional expectations to assure the safety of their patient and/or decrease risk.

Title:	Administration of Cannabis/Marijuana Products in School Settings: Kindergarten-Twelve (K-12) Grades, Public and Private Schools	Number: NCAO 17.00
References:	RCW 18.79 Nursing Care (Commonly Known as the Nurse Practice Act) 28A.210 Health - Screening and Requirements RCW 69.51 Medical Cannabis RCW 69.50: Uniform Controlled Substance Act Substitute House Bill 1095: Medical Marijuana-Administration to Students WAC 246-840 Practical and Registered Nursing RN and LPN Scope of Practice Advisory Opinion	
Contact:	Deborah Carlson, MSN, RN	
Phone:	360-236-4703	
Email:	NursingPractice@doh.wa.gov	
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Supersedes:	Not Applicable	
Approved By:	Nursing Care Quality Assurance Commission	

Conclusion Statement

The purpose of this advisory opinion is to clarify the scope of practice of the registered nurse (RN) and licensed practical nurse (LPN) in administering Food and Drug Administration (FDA)-approved prescription cannabis/marijuana-derived products in schools. It is within the scope of the RN or LPN to administer FDA-approved prescription cannabis/marijuana-derived products in schools. It is not within the scope of the RN or LPN to administer medically authorized marijuana-infused products in school settings, public and private schools, grades K-12.

Background and Analysis

The Nursing Care Quality Assurance Commission received a request from the Office of the Superintendent of Public Instruction (OSPI) to clarify the nursing scope of practice in light of the passage of [Substitute House Bill 1095: Medical Marijuana-Administration to Students](#), which allows parents to give medically authorized marijuana-infused products to their child in the school setting. The OSPI requested clarification of the nursing scope of practice as follows:

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- Identify the roles and responsibilities for administering medical marijuana products, validating medical marijuana authorizations, evaluating the student's response to the product, providing emergency care, nursing documentation requirements, and storage and handling.
- Whether the nurse can administer, or delegate to assistive personnel to administer, an FDA-approved drug, containing cannabidiol. Epidiolex® is a prescriptive oral medicine containing cannabidiol used for treatment of rare seizure disorders. The Drug Enforcement Agency DEA lists Epidiolex® as a Schedule V controlled substance (September 2018).

Key points include:

- [RCW 69.50.101](#) defines marijuana-infused products as products that contain marijuana or marijuana extracts, are intended for human use, and are derived from marijuana as defined in law, and have a tetrahydrocannabinol (THC) concentration no greater than ten percent. It does not include useable marijuana or marijuana concentrates.
- [RCW 69.50: Uniform Controlled Substance Act](#), [RCW 18.79 Nursing Care](#) and [WAC 246-840 Practical and Registered Nursing](#) allow the registered nurse and licensed practical nurse to administer prescribed legend drugs and Schedule II-V controlled substances under the direction of a qualified health care practitioner.
- [RCW 69.51A.010](#) states that **an authorization to use medical marijuana is not considered a prescription**. Nurses may not administer, or delegate to assistive personnel to administer, authorized medical marijuana. Note: Licensed health care providers in Washington may provide an “authorization” to their patients to consume medical marijuana; this is not a “prescription” because marijuana is still a Schedule I drug under federal law.
- The new law does not include any provision for a parent-designated adult to administer authorized or prescribed marijuana products in the school setting. Only a parent or guardian can administer “authorized” marijuana-infused products. A nurse can only administer or delegate administration of those types of prescription or over-the-counter drugs specifically allowed under the school laws ([Title 28A RCW](#)), the Nurse Practice Act ([Chapter 18.79 RCW](#)), or other state or federal laws.
- [WAC 246-840-700](#) requires nurses to communicate changes in status in a time period consistent with care needs to the appropriate members of the health care team. This includes written documentation. Nurses must document nursing care given and response to the care.

Recommendations The commission recommends the following:

- Refer to the [RN and LPN Scope of Practice Advisory Opinion](#) for an overview of nursing scope of practice.
- Use the [Scope of Practice Decision Tree](#) to help in the decision-making process.
- Follow the [National Association of School Nurses \(NASN\) Cannabis/Marijuana Position Brief](#).
- Nurses, schools, and school districts should consult with legal counsel as necessary.

Prescription Cannabis/Marijuana Driven Products

The commission determines:

- It is within the scope of practice of the trained and competent RN or LPN to administer FDA-approved prescriptive cannabidiol products (such as [Epidiolex®](#)) to students in schools governed by 28A.210 RCW under the direction of a qualified health care practitioner with prescriptive authority. The health care practitioner must have a [Drug Enforcement Agency \(DEA\)](#) registration if the drug is a controlled substance, schedule II-V.

Authorized Medical Cannabis/Marijuana Products

The commission determines:

- It is not within the nursing scope of practice to administer or delegate to assistive personnel to administer or give authorized medical marijuana/cannabis products or marijuana-infused products.
- It is not within the nursing scope of practice to provide storage and handling of authorized medical marijuana/cannabis products or marijuana-infused products.
- It is not within the scope of practice of a nurse or of assistive personnel to act as a parent-designated adult to administer authorized medical marijuana/cannabis products or marijuana-infused products.
- The laws and rules do not prohibit a nurse from validating medical marijuana authorizations.
- The nurse must communicate changes in a student's condition to members of the health care team.
- The nurse must document assessments, observations, care given, and response to care. The commission recommends keeping a record of when parents give authorized medical marijuana-infused products to their child.
- It is expected the nurse will give emergency care and first aid as necessary.

Conclusion

The commission determines it is within the scope of practice of a nurse to administer Epidiolex®, or other FDA-approved prescription marijuana/cannabidiol-derived products. The

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commission determines it is not within the scope of practice for a nurse to administer or delegate to assistive personnel to administer or give authorized medical marijuana or marijuana-infused products to students at schools governed by [Title 28A RCW](#).

References

American Cannabis Nurses Association: <https://cannabisnurses.org/>

American Journal of Nursing – Medical Marijuana – A Hazy State of Affairs for Nurses: https://journals.lww.com/ajnonline/Fulltext/2014/08000/Medical_Marijuana_A_Hazy_State_of_Affairs_for.18.aspx

American Nurses Association: Therapeutic Use of Marijuana and Related Cannabinoids Position Statement (2016): <https://www.nursingworld.org/~49a8c8/globalassets/practiceandpolicy/ethics/therapeutic-use-of-marijuana-and-related-cannabinoids-position-statement.pdf>

Greenwich™ Biosciences, Inc.: Epidiolex®: <https://www.epidiolex.com/>

Journal of Nursing Regulation: The National Council State Boards of Nursing Guidelines for Medical Marijuana: [https://www.journalofnursingregulation.com/article/S2155-8256\(18\)30082-6/fulltext](https://www.journalofnursingregulation.com/article/S2155-8256(18)30082-6/fulltext)

National Association of School Nurses – Cannabis/Marijuana Position Brief: <https://www.nasn.org/nasn/advocacy/professional-practice-documents/positionbriefs/pb-cannabis>

National Association of School Nurses – Medicinal Use of Marijuana – What School Nurses Need to Know: <https://journals.sagepub.com/doi/full/10.1177/1942602X16638815>

U.S. Drug Enforcement Agency – Food and Drug Administration – Approved Drug Epidiolex® Placed in Schedule V of Controlled Substance Act: <https://www.dea.gov/press-releases/2018/09/27/fda-approved-drug-epidiolex-placed-schedule-v-controlled-substance-act>

Washington State Department of Health Medical Marijuana Healthcare Practitioner Information Website: <https://www.doh.wa.gov/YouandYourFamily/Marijuana/MedicalMarijuana/HealthcarePractitioners>