# Superintendent’s Memo #059-20


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: March 6, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: CBD and THC-A Oil Administration Required School Form

The 2019 Virginia General Assembly passed [HB1720](https://lis.virginia.gov/cgi-bin/legp604.exe?191+sum+HB1720) (Hurst) / [SB1632](https://lis.virginia.gov/cgi-bin/legp604.exe?191+sum+SB1632) (Stutervant) which allows for the administration of Cannabidiol (CBD) oil or Tetrahydrocannabinol Acid (THC-A) oil in schools. The *Code of Virginia* [§ 18.2-251.1:1](https://law.lis.virginia.gov/vacode/title18.2/chapter7/section18.2-251.1%3A1/) protects school and health department employees from prosecution in the storing, dispensing, or administering of CBD or THC-A oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid written certification for the use of CBD or THC-A oil.

HB1720/SB1632 also amended [§ 22.1-277](https://law.lis.virginia.gov/vacode/title22.1/chapter14/section22.1-277/) of the *Code* to add that “no school board shall be required to suspend or expel any student who holds a valid written certification for the use of CBD or THC-A oil issued by a practitioner in accordance with subsection B of [§ 54.1-3408.3](https://law.lis.virginia.gov/vacode/title54.1/chapter34/section54.1-3408.3/) for the possession or use of such oil in accordance with the student's individualized health plan and in compliance with a policy adopted by the school board.”

Directed by the legislation, the Department of Health Professions (DHP) in coordination with the Virginia Department of Education (VDOE) developed a standardized form to assist schools in the administration of CBD and THC-A oils to students whose practitioners have recommended the use of the oils for treatment of, or to alleviate the symptoms of, a condition or disease. Parents or legal guardians of the student must have the [*Student Form for Administration of CBD/THC-A Oil*](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/059-20a.docx) completed by both the practitioner recommending the use of the oil and the pharmacist dispensing the oil at the pharmaceutical processor. Once completed, the form must be provided to the school and is valid for 12 months. Any changes in dosage administration during the 12 months must be noted by the practitioner or the pharmacist at the pharmaceutical processor on page three of the form and provided to the school.

In addition to the completed *Student Form for Administration of CBD/THC-A Oil*, it is recommended that parents also provide the school with (1) a copy of the unexpired [registration card](https://www.dhp.virginia.gov/pharmacy/PharmaceuticalProcessing/docs/HowToPatientRegistration.pdf) issued to the student by the Virginia Board of Pharmacy, and (2) signed parental consent to administer pharmaceutically processed CBD or THC-A oil to their student while at school.

Local school boards should consult with their school board attorneys in their development of local policies and procedures for the administration of CBD or THC-A oils in their schools. Factors to consider include the collection and maintenance of required documents; training of applicable school personnel; procedures for safe storage, dispensing, and administration; and procedures related to a change in prescription.

The pharmaceutically processed CBD or THC-A oils described in this memo may contain up to five percent tetrahydrocannabinol (THC) and can only be obtained from a restricted number of sites permitted by the Virginia Board of Pharmacy. The construction of these sites is currently being completed and it is anticipated that CBD and THC-A oil products, will be available for patients by this summer. These products cannot be obtained from a pharmacy and should not be confused with over-the-counter, unregulated CBD (hemp) oils available at local stores and gas stations, which contain no more than 0.3 percent THC.

School divisions with applicable school policies in place should make the *School Form for the Administration of CBD/THC-A Oil* available to parents. No other form is acceptable for legal administration of pharmaceutically processed CBD or THC-A oil to students while in school.

For further information, you may contact Ms. Tracy White, School Health Specialist, by telephone at (804) 786-8671, or by email at Tracy.White@doe.virginia.gov.

JFL/TLW/rge

## Attachment:

1. [Student Form for Administration of CBD/THC-A Oil](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/059-20a.docx) (WORD)