

## CONCISE EXPLANATORY STATEMENT

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In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

**AGENCY:** Rhode Island Department of Health (the Department)

**DIVISION:** N/A

**RULE IDENTIFIER:** 216-RICR-20-10-4

**RULE TITLE:** School Health Program

**REASON FOR RULEMAKING:** The Department is proposing amendments to the School Health Program regulations to align the regulations with the Rhode Island Department of Education; incorporate information and requirements on vision and eye screening; implement requirements of R.I. Gen Laws § 40-11-3 regarding child abuse and neglect; Adds reference and implements R.I. Gen Laws § 16-22-4 regarding mixing opioids and alcohol; to allow licensed dental hygienists to perform dental screenings; requires development of policies and procedures for maintenance of a supply of opioid antagonists in private and elementary schools; implement requirements for medical marijuana and CBD oil administration; remove superfluous language; correct citations to R.I. General Laws and Rhode Island regulations; and revise to plain language.

**ANY FINDINGS REQUIRED BY LAW AS A PREEQUISITE TO THE EFFECTIVENESS OF THE RULE:** N/A

### TESTIMONY AND COMMENTS:

A comment was received requesting that the phrase “or otherwise discriminate against” in § 4.23.1(C) in order to provide further protections for students who are medical marijuana card holders. The Department is agreeable to this addition and has added the language. The Department thanks you for this comment.

A comment was received requesting a revision to § 4.23.2(A)(3) to require the school to make arrangements for another school nurse or school employee to administer medical marijuana in the event the original school nurse declines to administer medical marijuana. To avoid a situation that created the need for such regulations, the Department agrees that the school should provide an alternative method for a student to receive his or her medication in the event a school nurse refuses to administer. The Department has added language to this effect in § 4.23.2(A)(3). The Department thanks you for this comment.

A comment was received asking to change the word “may” to “shall” in § 4.24.3(A)(1) of the regulations. In accordance with R.I. Gen. Laws § 42-35-6.1, an agency may not file a rule that is a logical outgrowth of the proposed rule. The Department did not propose

amendments to this section, and inclusion of such language after the proposed regulation would be a violation of statute. This comment will not be accepted at this time.

Testimony was provided at the School Health Program hearing on November 8, 2021. The testimony requesting that only cannabis/marijuana medications approved by the Food and Drug Administration (FDA). Rhode Island has approved cannabis for medicinal use by Rhode Island residents with qualifying conditions and symptoms. The Department recognizes that some individuals are not comfortable with administering cannabis, even for medicinal purposes, and thus permits a school nurse to opt out of administering. This comment will not be accepted at this time.

#### **CHANGES TO THE TEXT OF THE RULE:**

§ 4.23.1(C) added the phrase “or otherwise discriminate against.”

§ 4.23.2(A)(3)(a) added language to require the school to make arrangements for a student to receive medical marijuana during the school day in the event a school nurse refuses to administer medical marijuana.

#### **REGULATORY ANALYSIS:**

In development of this rule, consideration was given to:

- 1) Alternative approaches;
- 2) Overlap or duplication with other statutory and regulatory provisions; and
- 3) Significant economic impact on small business

No alternative approach, duplication or overlap was identified based on available information. RIDOH has determined that the benefits of the rule justify its costs.