UNIVERSIDAD DEL
Sagrado Corazón

# POLICY ON THE USE OR POSSESSION OF MARIJUANA (*MEDICINAL CANNABIS*) AT THE UNIVERSITY

**Integrated Safety and Risk Management Unit**
Effective: August 1, 2017

## Legal Basis

By Declaratory Order No. 32 of July 17, 2015, the Department of Health of the Commonwealth of Puerto Rico reclassified the marijuana plant and moved it from Class I to Class II for the purposes of Act No. 4 of June 23, 1971, better known as the "Puerto Rico Controlled Substances Act," with the purpose of authorizing the medicinal use of any or all of its authorized components by any person who possesses an identification card issued by the Secretary of Health to use medical cannabis as part of their treatment for a medical condition.

Regulation No. 8766 of July 8, 2016, as amended by Regulation No. 8847 of November 10, 2016, issued by the Department of Health, establishes the necessary rules and procedures for the control of the use, possession, cultivation, manufacture, production, distribution, and dispensing of medical cannabis, its derivative products, and medications.

Regulation No. 8766 defines medical cannabis as "all parts of the Cannabis sativa L. plant and any hybrid thereof, whether growing or not; its flower; the seeds; the resin extracted from any part of said plant; and any compound, product, salt, derivative, mixture, or preparation of said plant, its seeds, or its resin." For the purposes of the Regulation, "cannabis" or "marijuana" refers to the definition set forth in the Controlled Substances Act.

Article 18 of Regulation No. 8766 provides that authorized patients may use medical cannabis only in the privacy of their homes or in private places where the owners authorize such use. The Regulation prohibits the use of medical cannabis in public places or in a commercial establishment, even if the patient is authorized or the owner of the establishment authorizes it.

Article 5, paragraph 59, subsection b of the Regulation defines "public places" as "classrooms, auditoriums, libraries, hallways, school cafeterias, coffee shops, and restrooms on school campuses, in public or private institutions at all levels of education."

At the federal level, marijuana is classified as a "Schedule I" drug under the Federal Controlled Substances Act. The University's participation in financial aid programs provided by the United States government is contingent upon compliance with the federal Drug-Free Communities and Schools Act of 1989 and the federal Drug-Free Workplace Act of 1988. These laws prohibit the University from permitting any form of use, possession, cultivation, manufacture, production, distribution, or dispensing of marijuana.

## Institutional Policy

Universidad del Sagrado Corazón is committed to complying with the state and federal laws and regulations that govern our operations. Consequently, the University is required to comply with the provisions of Regulation No. 8766 and Regulation No. 8847 of the Puerto Rico Department of Health, as well as with the federal laws—the Drug-Free Communities and Schools Act of 1989, and the Drug-Free Workplace Act of 1988, which prohibit the use, possession, cultivation, manufacture, production, distribution, and dispensing of medical cannabis, its derivative products, and medications on the university campus and during all official University activities, whether on or off campus, even if students, administrative staff, full-time and part-time faculty, visitors, contractors, or suppliers possess identification issued by the Secretary of Health authorizing the use of medical cannabis as part of their treatment for a medical condition.

## Scope of the Policy

This Policy applies to the entire university community, including students, administrative staff, full-time and part-time faculty, visitors, contractors, and suppliers.

This Policy does not supersede the Employee Policy on Alcohol Abuse and the Use of Controlled Substances, Narcotics, and Other Drugs or the Policy on the Use of Alcohol and Other Drugs (for students), which remain in full force and effect. The provisions of the Employee Policy on Alcohol Abuse and the Use of Controlled Substances, Narcotics, and Other Drugs or the Policy on the Use of Alcohol and Other Drugs (for students) also apply to this Policy in their entirety.

## Violations of the Policy

Any violation of this Policy may result in disciplinary action in accordance with applicable institutional regulations.

If any provision of this Policy is ambiguous, the University reserves the discretion to interpret it in accordance with the purpose for which it was established, the impact on the University's operations, and good faith, unless otherwise provided by law.

Universidad del Sagrado Corazón reserves the right to rescind this Policy or to make any amendments at any time it deems necessary.



Approved: Gilberto J. Marxuach Torró
Gilberto J. Marxuach-Torrós
President