JLCDA - MEDICAL CANNABIS IN SCHOOLS

The Board recognizes that there may be some students in the Cape Elizabeth School Department who rely on the use of medical marijuana to manage a medical condition and who may be unable to effectively function at school without it.

The administration of medical cannabis in Maine schools is governed by the Maine Medical Use of Cannabis Act (MMUMA). The regulatory agency charged with implementing the MMUMA is the Department of Administration and Financial Services (DAFS). The Maine Medical Use of Cannabis Program, located within DAFS, performs administrative duties associated with implementation of the MMUMA, such as issuing of registration cards to “caregivers.”

Maine law provides that a "primary caregiver" (defined as parent, guardian, or legal custodian under Maine's medical marijuana law, 22 MRSA § 2423-A91(E)) may possess and administer marijuana in a non-smokable form on the grounds of the primary or secondary school in which a minor qualifying patient is enrolled, if: a) a medical provider has provided the minor qualifying patient with a current written certification for the medical use of marijuana, and b) possession of medical marijuana is for the purpose of administering it to the minor qualifying patient.

Administration of medical cannabis should be done in a way that minimizes the interruption of instructional time for the student and with a minimum of disruption of routine school operations.

The following procedure is to be followed for the administration of medical cannabis at school:

A. The student’s parent/legal guardian/legal custodian must request the school unit’s “Request to Administer Medical Cannabis at School” form and a copy of the Board’s policy JLCDA, Medical Cannabis in Schools on the CESD website or from the school office.

B. The parent/legal guardian/legal custodian and the student’s medical provider (physician, certified nurse practitioner, or physician assistant) must complete and sign the Request form, to be submitted to the school with a copy of the student’s current written certification for the use of medical cannabis. The parent/legal guardian/legal custodian must present the original certification to the school employee responsible for processing the request. A copy of the certification will be retained by the school.

C. The parent/legal guardian/legal custodian must designate a caregiver who will administer medical cannabis to the student in school (including a student who is 18 years of age or older). The designated caregiver must be registered with the Maine Medical Cannabis Program. The original registry identification card and caregiver designation form must be presented to the school employee processing the request. Copies will be retained by the school.

D. If the designated caregiver is a person other than the student’s parent/legal guardian/legal custodian, the designated caregiver must also provide verification that he/she is authorized by the State of Maine to administer cannabis to the student on school grounds;

E. An arrangement will be made between the school administration and the designated caregiver to schedule the administration of medical cannabis in a manner that will minimize disruption to the student’s educational program, other students, school personnel, and the operations of the school.

F. Medical cannabis may be administered only in an area designated by the school principal. The designated caregiver must sign in at the school office on arrival at school and proceed directly to the location where the medical cannabis will be administered. The designated caregiver must comply with all Board policies and school rules while on school grounds.

G. Medical cannabis administered in school must be in a nonsmokeable form. Vaporizers are not permitted.

H. Only the designated caregiver may bring medical cannabis to school. It may not be held, possessed, or administered by any person other than the caregiver. The student may only hold or possess the medical cannabis during the process of administration and under the supervision of the caregiver.

I. The designated caregiver must sign out at the school office after the administration of the medical cannabis, taking any remaining medical cannabis with him/her.

Legal reference:

Maine Medical User of Cannabis Act, 2015 P.L. Ch. 369 (2015)

Cross Reference:

JLCD - Administration of Medication to Students

JLCDA-E Medical Cannabis in Schools Request Form

KI - Visitors to the Schools

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