

CODE: JLCDA

ADMINISTERING MEDICAL MARIJUANA IN SCHOOLS

The Kittery School Committee recognizes that there may be some students in the Kittery School District 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.

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 nonsmokeable form on the grounds of the preschool or primary or secondary school in which a minor (under 18 years of age) qualifying patient is enrolled, if: a) a medical provider (licensed physician, certified nurse practitioner) 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.

In order to facilitate administration of medical marijuana with a minimum disruption of instructional time for the student and with a minimum of disruption of routine school operations, the School Committee approves the following guidelines for the administration of medical marijuana:

- A. The person administering the medical marijuana must provide proof that
 - 1. He/she is the primary caregiver for the student;
 - 2. The student has a current written certification from a licensed physician or certified nurse practitioner provider for the use of medical marijuana;
 - 3. The student needs to have the drug administered during the school day, as opposed to before or after school.
 - 4. The first dose will be administered at home to determine possible side effects.
- B. The marijuana must be in a nonsmokeable form;
- C. The marijuana must be possessed only by the primary caregiver and only for the purpose of administering it to the student at school;
- D. Medical marijuana may only be possessed by the primary caregiver; it cannot be given to or held by any school employee, student or other person in school, with the exception of the “qualifying patient” during administration;

- E. Only the primary caregiver may administer medical marijuana – it cannot be done by, or delegated to, a school employee or any other person than the primary caregiver;
- F. Medical marijuana may be administered only in a school specified location and must be observed by a school designee.
- G. Upon arrival, the primary caregiver must go directly to the main office, sign in and await directions.
- H. The student may not possess medical marijuana at any time or place except during the time of its consumption, at the designated location, and under the supervision of the caregiver.

A student who holds written certification for the medical use of marijuana may not be excluded (suspended or expelled) from school because he/she requires medical marijuana to attend school.

Cross Reference: JLCD - Administration of Medication to Students
Legal Reference: Maine 2015 P.L. Ch. 369
Adopted: March 15, 2016