Accommodations for School Attendance for Children Certified for the Medical Use of Marijuana

A child who holds a written certification for the medical use of marijuana may not be denied eligibility to attend school solely because the child requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to attend school. The Act also allows primary caregivers to possess and administer marijuana in a nonsmokeable form in a school bus and on the grounds of a school in which a minor qualifying patient is enrolled.

Submitted as:
Maine 
LD 557 / HP 381
Status: Governor’s veto overridden on June 30, 2015.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [Eligibility to attend school.]
A child who holds a written certification for the medical use of marijuana under [Insert citation – medical marijuana - authorized conduct by a medical provider.] may not be denied eligibility to attend school solely because the child requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to attend school.

2 Section 2. [Medical Use of Marijuana Act – scope -- limitations.]
1. Limitations. This chapter does not permit any person to:

   A. Except as provided in section 3, possess marijuana or otherwise engage in the medical use of marijuana:

       (1) In a school bus;
       (2) On the grounds of any preschool or primary or secondary school; or
       (3) In any correctional facility;

3 Section 3. [Medical Use of Marijuana Act – scope -- school exceptions.]
Notwithstanding section 2, a primary caregiver designated pursuant to [Insert citation – Medical Use of Marijuana Act – authorized conduct for the medical use of marijuana – primary caregiver] may possess and administer marijuana in a nonsmokeable form in a school bus and on the grounds of the preschool or primary or secondary school in which a minor qualifying patient is enrolled only if:

   A. A medical provider has provided the minor qualifying patient with a current written certification for the medical use of marijuana under this chapter; and
   B. Possession of marijuana in a nonsmokeable form is for the purpose of administering marijuana in a nonsmokeable form to the minor qualifying patient.