

Personnel – Certified/Non-Certified

Alcohol, Drugs and Tobacco

Drug and Alcohol-Free Workplace

Medical Marijuana Standards

For the purposes of this policy, pursuant to Connecticut Public Act 12-55, “An Act Concerning the Palliative Use of Marijuana,” a *qualified medical marijuana user* means:

- A qualifying patient who is a state resident, eighteen years of age or older, and diagnosed by a physician as having a debilitating medical condition,
- A designated caregiver, eighteen years of age or older, other than the patient’s doctor, who agrees to take responsibility for managing the patient’s well-being with respect to his/her palliative use of marijuana, or
- A pharmacist licensed by the Department of Consumer Protection (DCP) to dispense marijuana for palliative use,

who has a registration certificate issued by DCP that is valid for the same period as the written certification from the physician, not to exceed one year, related to the medical use of marijuana to treat or alleviate an individual’s debilitating condition or symptoms associated with the debilitating medical condition.

Unless required by federal law or the involvement of the loss of a monetary or licensing federal funding, the District may not discriminate against a person in hiring, terminating or imposing any term or condition of employment or otherwise penalize a person solely;

- on the basis of the person’s status as a DEP certificated medical marijuana user, or
- for a positive test for marijuana components or metabolites,
 - ❖ unless the person used, possessed, or was impaired by marijuana on the premises of employment or during the hours of employment.

The Board of Education understands that P.A. 12-55 does not restrict the District’s ability to prohibit the use of intoxicating substances during work hours or to discipline an employee for being under the influence of intoxicating substances during work hours or while on school property or at a school-sponsored activity. A certified medical marijuana user shall not be protected from punishment or other penalties if he/she ingests marijuana at school, on school grounds or at school-sponsored activities.

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Medical Marijuana Standards (continued)

The District shall not refuse to hire a person or may discharge, penalize or threaten an employee solely on the basis of such person's or employee's status as a registered qualifying patient or caretaker.

In addition, per P.A. 12-55, no person is authorized to engage in:

- undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice,
- possessing or engaging in the medical use of marijuana:
 - ❖ on a motor bus or school bus;
 - ❖ in the work environment;
 - ❖ on the school grounds of any preschool, elementary or secondary school;
 - ❖ in any public place that is used or held out for use by the public, whether owned or operated for public or private interests; or
 - ❖ within the direct line of sight of anyone under eighteen years of age in a way that exposes someone under age eighteen to second-hand marijuana smoke, or both.

The District does not allow the ingestion of marijuana for palliative use in any District school, on school grounds or at school-sponsored activities, on or off school grounds. While performing any duty in the capacity of District employee, an employee may be disciplined, up to and including suspension or termination, for ingesting marijuana in the workplace or working under the influence of marijuana.

A registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.

Wherever inconsistencies of interpretation arise, the law and regulation prevail.

When District officials have a reasonable belief an employee may be under the influence, in possession of or distributing marijuana in a manner not authorized by the medical marijuana statutes, law enforcement authorities will be informed.

(cf. 4118.231/4218.231 – Alcohol, Drugs and Tobacco)

(cf. 4118.232/4218.232 – Drug-Free Workplace)

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Legal Reference: Connecticut General Statutes

P.A. 12-55 An Act Concerning the Palliative Use of Marijuana

19a-342 Smoking prohibited in certain places

Drug-Free Workplace Act 102 Stat. 4305-4308

Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (1991)

21 U.S.C. 812, Controlled Substances Act, I through V, 202.

21 C.F.R. 1300.11 through 1300.15 regulation

54 Fed. Reg. 4946 (1989)

Policy adopted: April 11, 2016

THOMASTON PUBLIC SCHOOLS
Thomaston, Connecticut