

## **Personnel – Certified/Non-Certified**

### **Alcohol, Drugs and Tobacco**

### **Drug and Alcohol-Free Workplace**

### **Medical Marijuana Standards**

For the purposes of this policy, the following definitions apply:

- A qualifying patient is a state resident who was diagnosed by a physician or an advanced practice registered nurse (“APRN”) as having a debilitating medical condition, and is (1) at least 18 years old, (2) is an emancipated minor, or (3) has written consent and permission from a custodial parent, guardian, or other person having legal custody of such qualifying patient.
- A caregiver is a person, other than the qualifying patient or the qualifying patient’s physician or APRN, who is at least 18 years old, and agrees to take responsibility for managing the patient’s well-being with respect to his/her palliative use of marijuana.
- Palliative use means the acquisition, distribution, transfer, possession, use, or transportation of marijuana or paraphernalia relating to marijuana, including the transfer of marijuana and paraphernalia relating to marijuana from the patient’s caregiver to the qualifying patient, to alleviate a qualifying patient’s symptoms of a debilitating medical condition as defined by law or the effects of such symptoms, but does not include any such use of marijuana by any person other than the qualifying patient.

Unless required by federal law or required to obtain federal funding, the District may not refuse to hire a person or discharge, penalize, or threaten an employee solely based on the person’s or employee’s status as a qualifying patient or caregiver.

The District is not restricted in its 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, while on school property, or at a school-sponsored event or activity. The Board prohibits the palliative use, possession, and ingestion of marijuana on school property, at a school-sponsored event or activity, or during the conduct of Board business. All employees are prohibited from being under the influence of intoxicating substances, including marijuana used for palliative purposes, during the workday.

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**Medical Marijuana Standards** (continued)

The District shall not refuse to hire a person or discharge, penalize, or threaten an employee solely on the basis of such person's or employee's status as a qualifying patient or caregiver. While possession and use of marijuana for certain debilitating medical conditions under state law is no longer a crime in Connecticut, the possession and use of marijuana remains illegal under federal law as a controlled substance.

Consistent with state law, the ingestion and use of medical marijuana is prohibited:

- In a motor bus, school bus, or any other moving vehicle.
- In the workplace.
- On any school grounds or 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.
- Within the direct line of sight of the palliative use of marijuana or exposure to second-hand marijuana smoke, or both, of a person under 18 years old, unless such person is a qualifying patient.

The District does not allow the ingestion or use of marijuana for palliative use in any District school, on school grounds, or at school-sponsored events or 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 or using marijuana in the workplace or working under the influence of marijuana.

When District officials have a reasonable belief or suspicion that 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.

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

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

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

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**Drug and Alcohol-Free Workplace**

**Medical Marijuana Standards**

Legal Reference: Connecticut General Statutes

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

19a-342 Smoking prohibited in certain places

21a-408 through 21a-429 Palliative Use of Marijuana

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)

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**THOMASTON PUBLIC SCHOOLS**  
Thomaston, Connecticut