



STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23 STATE HOUSE STATION  
AUGUSTA, ME 04333-0023

JANET T. MILLS  
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A. PENDER MAKIN  
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May 6, 2020

Deb Alden, Superintendent  
RSU # 10  
799 Hancock St., Ste. 1  
Rumford, ME 04276  
**Email: [dalden@rsu10.org](mailto:dalden@rsu10.org)**

**Sent by Email:**

Dear Superintendent Alden:

It is with regret that I inform you of our inability to continue the AWARE grant project after 9/30/2020. Maine is ineligible for the 3<sup>rd</sup> year of funding because of our state's medical marijuana law, which requires schools to allow students who have written certification from their medical provider indicating their need for medical marijuana to receive such treatment while at school. SAMHSA has a new requirement starting in Year 3 requiring recipients of Aware grants to guarantee that funding will not be provided to organizations who permit the use of marijuana for the treatment of mental illness or of substance use disorder. Maine schools have a statutory obligation to permit such use if a student holds a written certificate that requires it (see below):

**§2423-A. AUTHORIZED CONDUCT FOR THE MEDICAL USE OF MARIJUANA**

**1. Qualifying patient. Except as provided in section 2426, a qualifying patient may:**

**F-1. Obtain or receive harvested marijuana for the patient's medical use without designating a caregiver or a dispensary, except that a qualifying patient or the parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age or who is enrolled in a preschool or primary or secondary school must designate, as applicable:**

**(4) A caregiver in order to have that caregiver possess and administer harvested marijuana for the patient's medical use pursuant to section 2426, subsection 1-A if the patient is enrolled in a preschool or primary or secondary school.**

**§2426. Scope**

**1-A. School exceptions. Notwithstanding subsection 1, paragraph B, a caregiver designated pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (4) or the parent, legal guardian or person having legal custody of a qualifying patient may, for the benefit of the qualifying patient, possess and administer harvested**

**marijuana in a school bus and on the grounds of the preschool or primary or secondary school in which the qualifying patient is enrolled only if:**

- A. A medical provider has provided the qualifying patient with a current written certification for the medical use of marijuana under this chapter; [PL 2017, c. 452, §14 (AMD).]**
- B. Possession of harvested marijuana is for the purpose of administering marijuana to the qualifying patient; and [PL 2017, c. 452, §14 (AMD).]**
- C. The parent, legal guardian or person having legal custody of a qualifying patient enrolled in the preschool or primary or secondary school has notified the school that a caregiver has been designated on behalf of the qualifying patient to possess and administer harvested marijuana to the qualifying patient. [PL 2017, c. 452, §14 (NEW).]**

**Harvested marijuana possessed or administered in accordance with this subsection may not be in a form that permits the qualifying patient to engage in smoking. For the purposes of this subsection, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer.**

**[PL 2017, c. 452, §14 (AMD).]**

Maine's medical marijuana law allows for people to receive a medical certification for ANY diagnosis, if in the "medical provider's professional opinion a qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's medical diagnosis." ([Title 22, Chapter 558-C](#)) Maine law also protects students that have a medical marijuana card in [Title 20-A Chapter 223](#) in that a student may not be denied eligibility to attend school solely because the child requires medical marijuana in a non-smokeable form as a reasonable accommodation necessary for the child to attend school.

Because of these provisions in Maine law, we are ineligible for participation in the AWARE grant program after September 30<sup>th</sup>, 2020. I am very sorry to share this news with you, and deeply appreciate your advocacy on behalf of your students.

Sincerely,



Pender Makin  
Commissioner of Education