



community  
voices

regroup. rethink. refocus.

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# Medical Marijuana: Impact To Worksites

**Does my business need a policy?**

**Do I have to allow marijuana to be smoked at my business?**

## Rule 2.3: School, employer or landlord may not discriminate.

A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person solely for that person's status as a qualifying patient or a primary caregiver unless failing to do so would put the school, employer or landlord in violation of federal law or cause it to lose a federal contract or funding.

**2.3.1** Section 2.3 of these rules does not prohibit a restriction on the administration or cultivation of marijuana on premises when that administration or cultivation would be inconsistent with the general use of the premises.

**2.3.2** A landlord or business owner may prohibit the smoking of marijuana for medical purposes on the premises of the landlord or business if the landlord or business owner prohibits all smoking on the premises and posts notice to that effect on the premises. See 22 M.R.S.A. §2423-E (2).

- **What it means:** 1. You can't refuse a person employment based solely on the fact they use medical marijuana. 2. You can refuse to allow them to use and possess marijuana at work if it puts your business at risk of losing federal contracts or funding. 3. You can refuse them to smoke at your business if you have a smoke free policy and the policy is posted.

## Rule 2.12: Prohibitions. These rules prohibit any person from:

**2.12.1** Undertaking any task under the influence of marijuana when doing so would constitute negligence or professional malpractice or would otherwise violate any professional standard;

**2.12.2** Possessing marijuana or otherwise engaging in the medical use of marijuana:

**2.12.2.1** In a school bus;

**2.12.2.2** On the grounds of any preschool or primary or secondary school; or

**2.12.2.3** In any correctional facility.

**2.12.3** Smoking marijuana:

**2.12.3.1** On any form of public transportation; or

**2.12.3.2** In any public place.

**2.12.4** Operating, navigating, or be in actual control of any motor vehicle, aircraft, motorboat, snowmobile, or all-terrain vehicle while under the influence of marijuana.

- **What it means:** 1. The use of medical marijuana is not allowed on school grounds, buses, or at correctional facilities. 2. Smoking marijuana is illegal in any public place; if your business is viewed as "public" then smoking marijuana is not allowed. 3. If operating machinery is part of the job, the use of marijuana while at work can not be allowed.

Community Voices is supported by:



with funding from the Maine Office of Substance Abuse and Mental Health Services

**2.13 Construction.** These rules may not be construed to require:

**2.13.1** A government medical assistance program or private health insurer to reimburse a person for cost associated with the medical use of marijuana; or

**2.13.2** An employer to accommodate the ingestion of marijuana in any workplace or any employee working while under the influence of marijuana.

- **What it means:** 1. As an employer, even with the Affordable Health Care Act, you are not financially responsible to cover the cost of medical marijuana. 2. You are not required to make special accommodations or allowances so that an employee can use marijuana while at work. 3. You are not required to employ any person that is working while under the influence of marijuana.

This document has been approved by SAMHS and the Maine Medical Marijuana Program, July 2013  
Need more information; go to: <http://www.maine.gov/dhhs/dlrs/mmm/index.shtml>