

§2426. Scope

1. Limitations. This chapter does not permit any person to:

A. Undertake any task under the influence of cannabis when doing so would constitute negligence or professional malpractice or would otherwise violate any professional standard; [PL 2009, c. 631, §37 (AMD); PL 2009, c. 631, §51 (AFF); PL 2021, c. 669, §5 (REV).]

B. Except as provided in subsection 1-A, possess cannabis or otherwise engage in the medical use of cannabis:

(1) In a school bus;

(2) On the grounds of any preschool or primary or secondary school; or

(3) In any correctional facility; [PL 2015, c. 369, §2 (AMD); PL 2021, c. 669, §5 (REV).]

C. Smoke cannabis:

(1) On any form of public transportation; or

(2) In any public place; [IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

D. Operate, navigate or be in actual physical control of any motor vehicle, aircraft, motorboat, snowmobile or all-terrain vehicle while under the influence of cannabis; [PL 2023, c. 6, §6 (AMD).]

E. Use or possess cannabis plants or harvested cannabis if that person is not a qualifying patient, caregiver, registered dispensary or other person authorized to use or possess cannabis under this chapter; or [PL 2023, c. 6, §7 (AMD).]

F. Sell, offer to sell or furnish any products containing tobacco, nicotine or synthetic nicotine to any person without first obtaining a retail tobacco license in accordance with chapter 262-A. [PL 2023, c. 6, §8 (NEW).]

[PL 2023, c. 6, §§6-8 (AMD).]

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 cannabis 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 cannabis under this chapter; [PL 2017, c. 452, §14 (AMD); PL 2021, c. 669, §5 (REV).]

B. Possession of harvested cannabis is for the purpose of administering cannabis to the qualifying patient; and [PL 2017, c. 452, §14 (AMD); PL 2021, c. 669, §5 (REV).]

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 cannabis to the qualifying patient. [PL 2017, c. 452, §14 (NEW); PL 2021, c. 669, §5 (REV).]

Harvested cannabis 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); PL 2021, c. 669, §5 (REV).]

2. Construction. This chapter may not be construed to require:

A. A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis; or [IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

B. An employer to accommodate the ingestion of cannabis in any workplace or any employee working while under the influence of cannabis. [IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

[IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

3. Penalty for fraudulent representation.

[PL 2009, c. 631, §39 (RP); PL 2009, c. 631, §51 (AFF).]

3-A. Penalty for fraud.

[PL 2017, c. 452, §15 (RP).]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§37-39 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §§30, 31 (AMD). PL 2015, c. 369, §§2, 3 (AMD). PL 2017, c. 452, §§13-15 (AMD). PL 2019, c. 331, §32 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §§6-8 (AMD).

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