§2426. Scope

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

A. Undertake any task under the influence of marijuana 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).]

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

C. Smoke marijuana:
   (1) On any form of public transportation; or
   (2) In any public place; [IB 2009, c. 1, §5 (NEW).]

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 marijuana; or [PL 2009, c. 631, §38 (AMD); PL 2009, c. 631, §51 (AFF).]

E. Use or possess marijuana plants or harvested marijuana if that person is not a qualifying patient, caregiver, registered dispensary or other person authorized to use or possess marijuana under this chapter. [PL 2019, c. 331, §21 (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 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).]

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 marijuana; or [IB 2009, c. 1, §5 (NEW).]

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

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