

controlled substance” in a school zone. 21 U.S.C. § 860. Marijuana remains a controlled substance under federal law, federal authorities could attempt to prosecute parents, guardians, or caregivers for distributing a controlled substance if they provide cannabis to students on school grounds. See 21 U.S.C. § 844. A condition of receipt of federal grant funds from the U.S. Department of Education is compliance with the Federal Drug-Free Workplace Act 41 U.S.C. §701 et. seq. As a recipient of federal funds, school systems must make a good faith effort to maintain a drug-free workplace. 34 C.F.R. §84.200. see also, 2 C.F.R. §182.200. Failure to do so can lead to the U.S. Department of Education suspending or terminating a grant award. 34 C.F.R. §84.510.

All states, including Maryland, must consider the federal ramifications prior to enacting legislation that could impact federal funds. The Maryland State Department of Education estimates that HB 331 will have an operational and fiscal impact on the agency.

The MSDE respectfully requests that this information be considered during deliberation of HB 331. For further information please contact Tiffany Johnson Clark at 410-260-6028 or tiffany.clark1@maryland.gov.