



LOWELL PUBLIC SCHOOLS
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To: Superintendent Durkin
From: Attorney James P. Hall
Date: January 15, 2019
Subject: Marijuana Screening Tests

I have reviewed both changes in state law and the School Department's drug testing procedures for new employees pursuant to the School Committee's motion pertaining to testing for marijuana use. Presently, the School Department is processing drug screening requests for new employees through the City's contract. I spoke with Human Resources at City Hall and was advised that its present screening procedures are under review.

I recommend that the Committee delay action on this matter until the City has completed its review of the legality and/or appropriateness of testing for marijuana in employment screening tests. I anticipate that it will be determined that there is no value in continuing to administer screens for marijuana use. Such likely will be adjusted when the next contract is signed for testing.

Under the current state of the law, I do not feel that a positive screen for marijuana can legally have an adverse impact on an applicant's application, as a positive screen can result even if one's last use was up to four weeks in the past. A positive test does not indicate when a person was last under the influence of marijuana. If the Committee does not want to delay, it could adopt a policy that adverse action will not result from a positive screen for marijuana use.