

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Section
5 22-33 as follows:

6 (105 ILCS 5/22-33 new)

7 Sec. 22-33. Medical cannabis.

8 (a) This Section may be referred to as Ashley's Law.

9 (a-5) In this Section, "designated caregiver", "medical
10 cannabis infused product", "qualifying patient", and
11 "registered" have the meanings given to those terms under
12 Section 10 of the Compassionate Use of Medical Cannabis Pilot
13 Program Act.

14 (b) Subject to the restrictions under subsections (c)
15 through (g) of this Section, a school district, public school,
16 charter school, or nonpublic school shall authorize a parent or
17 guardian or any other individual registered with the Department
18 of Public Health as a designated caregiver of a student who is
19 a registered qualifying patient to administer a medical
20 cannabis infused product to the student on the premises of the
21 child's school or on the child's school bus if both the student
22 (as a registered qualifying patient) and the parent or guardian
23 or other individual (as a registered designated caregiver) have

1 been issued registry identification cards under the
2 Compassionate Use of Medical Cannabis Pilot Program Act. After
3 administering the product, the parent or guardian or other
4 individual shall remove the product from the school premises or
5 the school bus.

6 (c) A parent or guardian or other individual may not
7 administer a medical cannabis infused product under this
8 Section in a manner that, in the opinion of the school district
9 or school, would create a disruption to the school's
10 educational environment or would cause exposure of the product
11 to other students.

12 (d) A school district or school may not discipline a
13 student who is administered a medical cannabis infused product
14 by a parent or guardian or other individual under this Section
15 and may not deny the student's eligibility to attend school
16 solely because the student requires the administration of the
17 product.

18 (e) Nothing in this Section requires a member of a school's
19 staff to administer a medical cannabis infused product to a
20 student.

21 (f) A school district, public school, charter school, or
22 nonpublic school may not authorize the use of a medical
23 cannabis infused product under this Section if the school
24 district or school would lose federal funding as a result of
25 the authorization.

26 (g) A school district, public school, charter school, or

1 nonpublic school shall adopt a policy to implement this
2 Section.

3 Section 10. The Compassionate Use of Medical Cannabis Pilot
4 Program Act is amended by changing Section 30 as follows:

5 (410 ILCS 130/30)

6 (Section scheduled to be repealed on July 1, 2020)

7 Sec. 30. Limitations and penalties.

8 (a) This Act does not permit any person to engage in, and
9 does not prevent the imposition of any civil, criminal, or
10 other penalties for engaging in, the following conduct:

11 (1) Undertaking any task under the influence of
12 cannabis, when doing so would constitute negligence,
13 professional malpractice, or professional misconduct;

14 (2) Possessing cannabis:

15 (A) except as provided under Section 22-33 of the
16 School Code, in a school bus;

17 (B) except as provided under Section 22-33 of the
18 School Code, on the grounds of any preschool or primary
19 or secondary school;

20 (C) in any correctional facility;

21 (D) in a vehicle under Section 11-502.1 of the
22 Illinois Vehicle Code;

23 (E) in a vehicle not open to the public unless the
24 medical cannabis is in a reasonably secured, sealed,

1 tamper-evident container and reasonably inaccessible
2 while the vehicle is moving; or

3 (F) in a private residence that is used at any time
4 to provide licensed child care or other similar social
5 service care on the premises;

6 (3) Using cannabis:

7 (A) except as provided under Section 22-33 of the
8 School Code, in a school bus;

9 (B) except as provided under Section 22-33 of the
10 School Code, on the grounds of any preschool or primary
11 or secondary school;

12 (C) in any correctional facility;

13 (D) in any motor vehicle;

14 (E) in a private residence that is used at any time
15 to provide licensed child care or other similar social
16 service care on the premises;

17 (F) except as provided under Section 22-33 of the
18 School Code, in any public place. "Public place" as
19 used in this subsection means any place where an
20 individual could reasonably be expected to be observed
21 by others. A "public place" includes all parts of
22 buildings owned in whole or in part, or leased, by the
23 State or a local unit of government. A "public place"
24 does not include a private residence unless the private
25 residence is used to provide licensed child care,
26 foster care, or other similar social service care on

1 the premises. For purposes of this subsection, a
2 "public place" does not include a health care facility.
3 For purposes of this Section, a "health care facility"
4 includes, but is not limited to, hospitals, nursing
5 homes, hospice care centers, and long-term care
6 facilities;

7 (G) except as provided under Section 22-33 of the
8 School Code, knowingly in close physical proximity to
9 anyone under the age of 18 years of age;

10 (4) Smoking medical cannabis in any public place where
11 an individual could reasonably be expected to be observed
12 by others, in a health care facility, or any other place
13 where smoking is prohibited under the Smoke Free Illinois
14 Act;

15 (5) Operating, navigating, or being in actual physical
16 control of any motor vehicle, aircraft, or motorboat while
17 using or under the influence of cannabis in violation of
18 Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

19 (6) Using or possessing cannabis if that person does
20 not have a debilitating medical condition and is not a
21 registered qualifying patient or caregiver;

22 (7) Allowing any person who is not allowed to use
23 cannabis under this Act to use cannabis that a cardholder
24 is allowed to possess under this Act;

25 (8) Transferring cannabis to any person contrary to the
26 provisions of this Act;

1 (9) The use of medical cannabis by an active duty law
2 enforcement officer, correctional officer, correctional
3 probation officer, or firefighter; or

4 (10) The use of medical cannabis by a person who has a
5 school bus permit or a Commercial Driver's License.

6 (b) Nothing in this Act shall be construed to prevent the
7 arrest or prosecution of a registered qualifying patient for
8 reckless driving or driving under the influence of cannabis
9 where probable cause exists.

10 (c) Notwithstanding any other criminal penalties related
11 to the unlawful possession of cannabis, knowingly making a
12 misrepresentation to a law enforcement official of any fact or
13 circumstance relating to the medical use of cannabis to avoid
14 arrest or prosecution is a petty offense punishable by a fine
15 of up to \$1,000, which shall be in addition to any other
16 penalties that may apply for making a false statement or for
17 the use of cannabis other than use undertaken under this Act.

18 (d) Notwithstanding any other criminal penalties related
19 to the unlawful possession of cannabis, any person who makes a
20 misrepresentation of a medical condition to a physician or
21 fraudulently provides material misinformation to a physician
22 in order to obtain a written certification is guilty of a petty
23 offense punishable by a fine of up to \$1,000.

24 (e) Any cardholder or registered caregiver who sells
25 cannabis shall have his or her registry identification card
26 revoked and is subject to other penalties for the unauthorized

1 sale of cannabis.

2 (f) Any registered qualifying patient who commits a
3 violation of Section 11-502.1 of the Illinois Vehicle Code or
4 refuses a properly requested test related to operating a motor
5 vehicle while under the influence of cannabis shall have his or
6 her registry identification card revoked.

7 (g) No registered qualifying patient or designated
8 caregiver shall knowingly obtain, seek to obtain, or possess,
9 individually or collectively, an amount of usable cannabis from
10 a registered medical cannabis dispensing organization that
11 would cause him or her to exceed the authorized adequate supply
12 under subsection (a) of Section 10.

13 (h) Nothing in this Act shall prevent a private business
14 from restricting or prohibiting the medical use of cannabis on
15 its property.

16 (i) Nothing in this Act shall prevent a university,
17 college, or other institution of post-secondary education from
18 restricting or prohibiting the use of medical cannabis on its
19 property.

20 (Source: P.A. 98-122, eff. 1-1-14.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.