

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 changing Section
5 22-33 as follows:

6 (105 ILCS 5/22-33)

7 Sec. 22-33. Medical cannabis.

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

9 (a-5) In this Section:

10 "Designated,~~"designated~~ caregiver", "medical cannabis
11 infused product", "qualifying patient", and "registered" have
12 the meanings given to those terms under Section 10 of the
13 Compassionate Use of Medical Cannabis Pilot Program Act.

14 "Self-administration" means a student's discretionary use
15 of his or her medical cannabis infused product.

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

1 (as a registered qualifying patient) and the parent or guardian
2 or other individual (as a registered designated caregiver) have
3 been issued registry identification cards under the
4 Compassionate Use of Medical Cannabis Pilot Program Act. After
5 administering the product, the parent or guardian or other
6 individual shall remove the product from the school premises or
7 the school bus.

8 (b-5) Notwithstanding subsection (b) and subject to the
9 restrictions under subsections (c) through (g), a school
10 district, public school, charter school, or nonpublic school
11 must allow a school nurse or school administrator to administer
12 a medical cannabis infused product to a student who is a
13 registered qualifying patient (i) while on school premises,
14 (ii) while at a school-sponsored activity, or (iii) before or
15 after normal school activities, including while the student is
16 in before-school or after-school care on school-operated
17 property or while the student is being transported on a school
18 bus. A school district, public school, charter school, or
19 nonpublic school may authorize the self-administration of a
20 medical cannabis infused product by a student who is a
21 registered qualifying patient if the self-administration takes
22 place under the direct supervision of a school nurse or school
23 administrator.

24 Before allowing the administration of a medical cannabis
25 infused product by a school nurse or school administrator or a
26 student's self-administration of a medical cannabis infused

1 product under the supervision of a school nurse or school
2 administrator under this subsection, the parent or guardian of
3 a student who is the registered qualifying patient must provide
4 written authorization for its use, along with a copy of the
5 registry identification card of the student (as a registered
6 qualifying patient) and the parent or guardian (as a registered
7 designated caregiver). The written authorization must specify
8 the times where or the special circumstances under which the
9 medical cannabis infused product must be administered. The
10 written authorization and a copy of the registry identification
11 cards must be kept on file in the office of the school nurse.
12 The authorization for a student to self-administer medical
13 cannabis infused products is effective for the school year in
14 which it is granted and must be renewed each subsequent school
15 year upon fulfillment of the requirements of this Section.

16 (b-10) Medical cannabis infused products that are to be
17 administered under subsection (b-5) must be stored with the
18 school nurse at all times in a manner consistent with storage
19 of other student medication at the school and may be accessible
20 only by the school nurse or a school administrator.

21 (c) A parent or guardian or other individual may not
22 administer a medical cannabis infused product under this
23 Section in a manner that, in the opinion of the school district
24 or school, would create a disruption to the school's
25 educational environment or would cause exposure of the product
26 to other students.

1 (d) A school district or school may not discipline a
2 student who is administered a medical cannabis infused product
3 by a parent or guardian or other individual under this Section
4 or who self-administers a medical cannabis infused product
5 under the supervision of a school nurse or school administrator
6 under this Section and may not deny the student's eligibility
7 to attend school solely because the student requires the
8 administration of the product.

9 (e) Nothing in this Section requires a member of a school's
10 staff to administer a medical cannabis infused product to a
11 student.

12 (f) A school district, public school, charter school, or
13 nonpublic school may not authorize the use of a medical
14 cannabis infused product under this Section if the school
15 district or school would lose federal funding as a result of
16 the authorization.

17 (f-5) The State Board of Education, in consultation with
18 the Department of Public Health, must develop a training
19 curriculum for school nurses and school administrators on the
20 administration of medical cannabis infused products. Prior to
21 the administration of a medical cannabis infused product under
22 subsection (b-5), a school nurse or school administrator must
23 annually complete the training curriculum developed under this
24 subsection and must submit to the school's administration proof
25 of its completion. A school district, public school, charter
26 school, or nonpublic school must maintain records related to

1 the training curriculum and of the school nurses or school
2 administrators who have completed the training.

3 (g) A school district, public school, charter school, or
4 nonpublic school shall adopt a policy to implement this
5 Section.

6 (Source: P.A. 100-660, eff. 8-1-18.)

7 Section 10. The Compassionate Use of Medical Cannabis Pilot
8 Program Act is amended by changing Section 25 as follows:

9 (410 ILCS 130/25)

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

11 Sec. 25. Immunities and presumptions related to the medical
12 use of cannabis.

13 (a) A registered qualifying patient is not subject to
14 arrest, prosecution, or denial of any right or privilege,
15 including but not limited to civil penalty or disciplinary
16 action by an occupational or professional licensing board, for
17 the medical use of cannabis in accordance with this Act, if the
18 registered qualifying patient possesses an amount of cannabis
19 that does not exceed an adequate supply as defined in
20 subsection (a) of Section 10 of this Act of usable cannabis
21 and, where the registered qualifying patient is a licensed
22 professional, the use of cannabis does not impair that licensed
23 professional when he or she is engaged in the practice of the
24 profession for which he or she is licensed.

1 (b) A registered designated caregiver is not subject to
2 arrest, prosecution, or denial of any right or privilege,
3 including but not limited to civil penalty or disciplinary
4 action by an occupational or professional licensing board, for
5 acting in accordance with this Act to assist a registered
6 qualifying patient to whom he or she is connected through the
7 Department's registration process with the medical use of
8 cannabis if the designated caregiver possesses an amount of
9 cannabis that does not exceed an adequate supply as defined in
10 subsection (a) of Section 10 of this Act of usable cannabis. A
11 school nurse or school administrator is not subject to arrest,
12 prosecution, or denial of any right or privilege, including,
13 but not limited to, a civil penalty, for acting in accordance
14 with Section 22-33 of the School Code relating to administering
15 or assisting a student in self-administering a medical cannabis
16 infused product. The total amount possessed between the
17 qualifying patient and caregiver shall not exceed the patient's
18 adequate supply as defined in subsection (a) of Section 10 of
19 this Act.

20 (c) A registered qualifying patient or registered
21 designated caregiver is not subject to arrest, prosecution, or
22 denial of any right or privilege, including but not limited to
23 civil penalty or disciplinary action by an occupational or
24 professional licensing board for possession of cannabis that is
25 incidental to medical use, but is not usable cannabis as
26 defined in this Act.

1 (d) (1) There is a rebuttable presumption that a registered
2 qualifying patient is engaged in, or a designated caregiver is
3 assisting with, the medical use of cannabis in accordance with
4 this Act if the qualifying patient or designated caregiver:

5 (A) is in possession of a valid registry identification
6 card; and

7 (B) is in possession of an amount of cannabis that does
8 not exceed the amount allowed under subsection (a) of
9 Section 10.

10 (2) The presumption may be rebutted by evidence that
11 conduct related to cannabis was not for the purpose of treating
12 or alleviating the qualifying patient's debilitating medical
13 condition or symptoms associated with the debilitating medical
14 condition in compliance with this Act.

15 (e) A physician is not subject to arrest, prosecution, or
16 penalty in any manner, or denied any right or privilege,
17 including but not limited to civil penalty or disciplinary
18 action by the Medical Disciplinary Board or by any other
19 occupational or professional licensing board, solely for
20 providing written certifications or for otherwise stating
21 that, in the physician's professional opinion, a patient is
22 likely to receive therapeutic or palliative benefit from the
23 medical use of cannabis to treat or alleviate the patient's
24 debilitating medical condition or symptoms associated with the
25 debilitating medical condition, provided that nothing shall
26 prevent a professional licensing or disciplinary board from

1 sanctioning a physician for: (1) issuing a written
2 certification to a patient who is not under the physician's
3 care for a debilitating medical condition; or (2) failing to
4 properly evaluate a patient's medical condition or otherwise
5 violating the standard of care for evaluating medical
6 conditions.

7 (f) No person may be subject to arrest, prosecution, or
8 denial of any right or privilege, including but not limited to
9 civil penalty or disciplinary action by an occupational or
10 professional licensing board, solely for: (1) selling cannabis
11 paraphernalia to a cardholder upon presentation of an unexpired
12 registry identification card in the recipient's name, if
13 employed and registered as a dispensing agent by a registered
14 dispensing organization; (2) being in the presence or vicinity
15 of the medical use of cannabis as allowed under this Act; or
16 (3) assisting a registered qualifying patient with the act of
17 administering cannabis.

18 (g) A registered cultivation center is not subject to
19 prosecution; search or inspection, except by the Department of
20 Agriculture, Department of Public Health, or State or local law
21 enforcement under Section 130; seizure; or penalty in any
22 manner, or be denied any right or privilege, including but not
23 limited to civil penalty or disciplinary action by a business
24 licensing board or entity, for acting under this Act and
25 Department of Agriculture rules to: acquire, possess,
26 cultivate, manufacture, deliver, transfer, transport, supply,

1 or sell cannabis to registered dispensing organizations.

2 (h) A registered cultivation center agent is not subject to
3 prosecution, search, or penalty in any manner, or be denied any
4 right or privilege, including but not limited to civil penalty
5 or disciplinary action by a business licensing board or entity,
6 for working or volunteering for a registered cannabis
7 cultivation center under this Act and Department of Agriculture
8 rules, including to perform the actions listed under subsection
9 (g).

10 (i) A registered dispensing organization is not subject to
11 prosecution; search or inspection, except by the Department of
12 Financial and Professional Regulation or State or local law
13 enforcement pursuant to Section 130; seizure; or penalty in any
14 manner, or be denied any right or privilege, including but not
15 limited to civil penalty or disciplinary action by a business
16 licensing board or entity, for acting under this Act and
17 Department of Financial and Professional Regulation rules to:
18 acquire, possess, or dispense cannabis, or related supplies,
19 and educational materials to registered qualifying patients or
20 registered designated caregivers on behalf of registered
21 qualifying patients.

22 (j) A registered dispensing organization agent is not
23 subject to prosecution, search, or penalty in any manner, or be
24 denied any right or privilege, including but not limited to
25 civil penalty or disciplinary action by a business licensing
26 board or entity, for working or volunteering for a dispensing

1 organization under this Act and Department of Financial and
2 Professional Regulation rules, including to perform the
3 actions listed under subsection (i).

4 (k) Any cannabis, cannabis paraphernalia, illegal
5 property, or interest in legal property that is possessed,
6 owned, or used in connection with the medical use of cannabis
7 as allowed under this Act, or acts incidental to that use, may
8 not be seized or forfeited. This Act does not prevent the
9 seizure or forfeiture of cannabis exceeding the amounts allowed
10 under this Act, nor shall it prevent seizure or forfeiture if
11 the basis for the action is unrelated to the cannabis that is
12 possessed, manufactured, transferred, or used under this Act.

13 (l) Mere possession of, or application for, a registry
14 identification card or registration certificate does not
15 constitute probable cause or reasonable suspicion, nor shall it
16 be used as the sole basis to support the search of the person,
17 property, or home of the person possessing or applying for the
18 registry identification card. The possession of, or
19 application for, a registry identification card does not
20 preclude the existence of probable cause if probable cause
21 exists on other grounds.

22 (m) Nothing in this Act shall preclude local or State law
23 enforcement agencies from searching a registered cultivation
24 center where there is probable cause to believe that the
25 criminal laws of this State have been violated and the search
26 is conducted in conformity with the Illinois Constitution, the

1 Constitution of the United States, and all State statutes.

2 (n) Nothing in this Act shall preclude local or state law
3 enforcement agencies from searching a registered dispensing
4 organization where there is probable cause to believe that the
5 criminal laws of this State have been violated and the search
6 is conducted in conformity with the Illinois Constitution, the
7 Constitution of the United States, and all State statutes.

8 (o) No individual employed by the State of Illinois shall
9 be subject to criminal or civil penalties for taking any action
10 in accordance with the provisions of this Act, when the actions
11 are within the scope of his or her employment. Representation
12 and indemnification of State employees shall be provided to
13 State employees as set forth in Section 2 of the State Employee
14 Indemnification Act.

15 (p) No law enforcement or correctional agency, nor any
16 individual employed by a law enforcement or correctional
17 agency, shall be subject to criminal or civil liability, except
18 for willful and wanton misconduct, as a result of taking any
19 action within the scope of the official duties of the agency or
20 individual to prohibit or prevent the possession or use of
21 cannabis by a cardholder incarcerated at a correctional
22 facility, jail, or municipal lockup facility, on parole or
23 mandatory supervised release, or otherwise under the lawful
24 jurisdiction of the agency or individual.

25 (Source: P.A. 98-122, eff. 1-1-14; 99-96, eff. 7-22-15.)