

AN ACT concerning education.

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

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

(105 ILCS 5/22-33)

Sec. 22-33. Medical cannabis.

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

(a-5) In this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(410 ILCS 130/25)

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

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

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

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

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

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

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

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

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

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

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

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

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

or sell cannabis to registered dispensing organizations.

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

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

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

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

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

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

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

Constitution of the United States, and all State statutes.

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

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

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

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