



**TO:** Whitted Takiff Clients

**FROM:** Shermin Ali-Andani, Esq. & Neal Takiff, Esq.

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**RE:** Ashley's Law: Medical Cannabis in Schools – **Implementation & Policy Required**

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On, August 1, 2018, the *Illinois School Code*, 105 ILCS 5/1-1 et seq., was amended when the State effectuated legislation regarding medical cannabis in schools as Public Act 100-0660 ("Ashley's Law"). This law immediately took effect upon being signed into law and permits the administration of medical cannabis to a student by a parent/guardian on school property. See 105 ILCS 5/22-33. Further, Ashley's Law **requires all Illinois school districts, public schools, charter schools and nonpublic schools to create and adopt a policy in order to implement the provisions of this law.** See 105 ILCS 5/22-33(g).

#### SUMMARY OF LAW

The new Section 22-33 of the *Illinois School Code* states in relevant part,

*[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.*

105 ILCS 5/22-33(b) (Emphasis added.)

#### WHAT YOU NEED TO KNOW

- Who is permitted to be administered medical cannabis on school property?

A student who is a **"registered qualifying patient"**, as defined under Section 10 of the Compassionate Use of Medical Cannabis Pilot Program Act.

- Who is permitted to administer medical cannabis on school property to the registered qualifying patient?

A parent, guardian or other individual who is a **"registered designated caregiver,"** as defined under Section 10 of the Compassionate Use of Medical Cannabis Pilot Program Act.

- Is medical cannabis that is administered to a student on school property pursuant to Ashley's Law permitted to be stored on school property?

No. Upon administration of the medical cannabis product by a parent, guardian or other registered designated caregiver administering the product, such individual shall remove the product from the school premises or school bus.

- Is a school nurse or other school staff member required to administer the medical cannabis product to the student?

No, a school staff member is not required to administer a medical cannabis infused product to a student under Ashley's Law.

- Can the school prevent the administration of the medical cannabis product to a student on school property?

No. However, the school may prevent the administration of the medical cannabis product "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 production to other students." See 105 ILCS 5/22-33(c).

- Can a school limit a student's eligibility to attend school due to the student's need to be administered medical cannabis or discipline a student for being administered a medical cannabis infused product pursuant to the law?

No. Ashley's Law restricts the school from disciplining any student that is administered a medical cannabis infused product under the law or denying the student's eligibility to attend the school solely because the student requires the administration of medical cannabis.

### NEXT STEPS

It is imperative that all Illinois school districts, public schools, charter schools and nonpublic schools prepare and adopt a policy that takes effect immediately and allows for the implementation of Ashley's Law by the school district or school. At this time, the Illinois State Board of Education (ISBE) has not published any guidance documents related to Ashley's Law or provided a sample policy document. Should you require assistance in preparing such a policy and accompanying implementation documents, such as informed consent and medical cannabis administration and release forms, please feel free to contact us for guidance. For questions and legal assistance regarding Ashley's Law please contact us at (847) 564-8662 or e-mail Shermin Ali-Andani ([sali@whittedtakiffllaw.com](mailto:sali@whittedtakiffllaw.com)) or Neal Takiff ([ntakiff@whittedtakiffllaw.com](mailto:ntakiff@whittedtakiffllaw.com)).

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