

## Ashley's Law Amendment

On August 12, 2019, Illinois Governor J.B. Pritzker signed Public Act 101-0370 (SB 0455), which significantly expands Ashley's Law relating to the use and administration of medical cannabis to students in schools. The Governor also signed Public Act 101-0363 (SB 2023), which makes changes to the Compassionate Use of Cannabis Program Pilot Act (CUCPPA). The Ashley's Law changes will go into effect on January 1, 2020, while the changes to CUCPPA are effective August 9, 2019. This new legislation will require school boards to update their policies and procedures.

## What changed?

- Medical cannabis prescribed by a physician can be stored on school grounds in the same manner as other medications (securely with direct access only by school personnel). Previously, the student's caregiver had to possess the medical cannabis.
- School nurses and administrators may administer medical cannabis to students on school grounds and school buses. The law previously only allowed administration by the student's caregiver.
- Students may be allowed to self-administer (not selfcarry) medical cannabis, under the direct supervision of a school nurse or administrator.
- The law continues to allow the administration of medical cannabis while students are:
  - o on school premises
  - at school-sponsored activities
  - attending before and after school activities
  - transported to and from school and activities
- Parents/Guardians must provide a copy of a current Medical Cannabis Registry Card issued by the <u>Illinois</u> <u>Department of Public Health</u> for both themselves and their child under the <u>Illinois Compassionate Use of</u>

- School nurses and administrators are not subject to arrest, prosecution, or denial of any right or privilege when complying with Ashley's Law.
- At the present time, minors in Illinois may only be prescribed cannabidiol (CBD) oil; they are not allowed to smoke or vape cannabis.
- Medical marijuana patients can now have up to 3
   designated caregivers, provided certain conditions are
  met.
- **Debilitating medical conditions now include:** autism, chronic pain, and migraines, among others.



Ashley with her parents, Jim and Maureen Surin

Ashley was diagnosed with leukemia when she was only two years old; her cancer is in remission. As a result of chemotherapy treatments, she developed debilitating seizures, which were treatable only through the use of cannabidiol (CBD) oil, a form of medical marijuana. This course of treatment has resulted in the marked reduction of Ashley's seizure activity.

'Ashley's Law' (Public Act 100-660) was initially passed by the Illinois legislature effective August 1, 2018. Ashley will be entering 8<sup>th</sup> grade in the fall at Schaumburg CCSD 54.



## Additional Information

- Ashley's Law applies to all public, private and charter schools in Illinois.
- 'School nurse' denotes an individual who holds a professional educator license with a 'school nurse' endorsement, pursuant to 10-22.23 of the *Illinois* School Code (105 ILCS 5/10-22.23) and 23 III. Adm. Code 25.245 (Endorsement for School Nurses).
- Compliance with the law may be suspended if the school district would lose federal funding as a result.
- The administration of medical cannabis can be denied
  if, in the opinion of the school district, it would create a
  disruption to the school's educational environment or
  would cause exposure of the product to other students.
- Students may not be disciplined or denied admission/enrollment at school if they require the use of medical cannabis consistent with Ashley's Law.
- Public Act 191-0027 (HB 1438), effective June 25, 2019, legalizes the adult use of recreational marijuana in Illinois. Although the possession of cannabis on school grounds remains prohibited, the statute creates an exception for medical use at school.
- Possession and use of marijuana remain illegal under federal law. Unions may seek to bargain protections and indemnification provisions for the administration of medical cannabis, which is permitted by law.

# Click here for our newsletter on recreational marijuana & employment



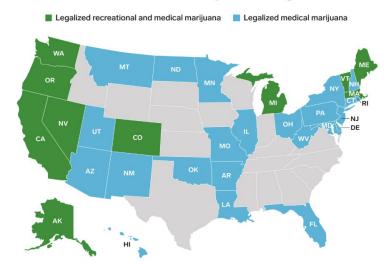
2 TransAm Plaza Drive Suite 450 Oakbrook Terrace, IL 60181 (630) 394-3790 krihalaw.com

Kriha Law LLC is an education law firm that represents boards of education, public school districts, special education cooperatives, charter schools, and private schools. This is attorney advertising and should not be considered legal advice. Please contact an attorney for advice on specific legal issues.

### Ashley's Law only permits the administration of medical cannabis to students. School personnel may still be subject to discipline and/or arrest for possessing cannabis on school premises. Illinois will undoubtedly experience an uptick in litigation on this very issue over the next several years.

 The Illinois State Board of Education, in consultation with the Illinois Department of Public Health, must develop a training curriculum for school nurses and administrators on the administration of medical cannabis. We anticipate this training curriculum will be available within 60 days.

#### States where marijuana is legal



Insider Inc.

### Contact us!

g

Kevin Gordon

kevin@krihalaw.com Direct: (630) 394-3784

j



Stephanie **Jones** 

stephanie@krihalaw.com Direct: (630) 394-3786

k



Laura Knittle laura@krihalaw.com Direct: (630) 394-3783

k



Darcy **Kriha** 

darcy@krihalaw.com Direct: (630) 394-3782

1



Mohammed **Lakhani**  mohammed@krihalaw.com Direct: (630) 394-3785

S



Rob **Swain**  rob@krihalaw.com Direct: (630) 394-3788