

Medical Cannabis Pilot Program Ashley's Law (Public Act 100-0660)

Effective August 1, 2018, Public Act 100-0660, also known as [Ashley's Law](#), amends the School Code to allow people under age 18, who are registered with the [Illinois Medical Cannabis Pilot Program](#), access to medical cannabis-infused products at school or on the school bus. A parent or guardian with a designated caregiver registry identification card issued by the Illinois Department of Public Health (IDPH), Medical Cannabis Pilot Program, may administer the product to the student. After the student is given the medical cannabis-infused product, it must be removed from the school premises or school bus. Registered qualifying patients under age 18 cannot smoke or vape medical cannabis. Medical cannabis-infused products include oils, ointments, foods, and other products that contain usable cannabis but are not smoked or vaped.

Only students who are registered qualifying patients under the [Compassionate Use of Medical Cannabis Pilot Program](#) are eligible to use these products, and both the student and the designated caregiver must have a registry identification card. Minors are eligible to register with the program if a physician has diagnosed them with a qualifying debilitating medical condition. A medical cannabis registered patient under age 18 is required to have at least one designated caregiver; usually a parent or guardian. The designated caregiver must be at least 21 years old.

Other provisions include:

- 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.
- 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 and may not deny the student's eligibility to attend school solely because the student requires the administration of the product.
- 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 having such a policy.
- A school district, public school, charter school, or nonpublic school shall adopt a policy to implement these requirements.
- School nurses, school employee or administrative staff may not assist the student with the administration of medical cannabis, unless the individual is registered as a designated caregiver with the Medical Cannabis Pilot Program (i.e., the individual is a parent or guardian of a participating qualifying patient)

Frequently Asked Questions

- Can a school nurse administer medical cannabis for a properly registered minor qualifying patient?

No. Only the designated caregiver who is registered with the Medical Cannabis Pilot Program can administer medical cannabis. Minors are required to have at least one designated caregiver, but may have two. Designated caregivers for minors are usually the parent or guardian of the child.

- What is the proper procedure for storing medical cannabis during the school day?

Medical Cannabis cannot be stored on school grounds. After the student is given the medical cannabis-infused product, the designated caregiver must remove the product from the school premises or school bus.

- The student's parents both work during the day. Can another family member come to the school to administer the medical cannabis?

No. Only the designated caregiver who is registered with the Medical Cannabis Pilot Program can administer medical cannabis. Minors are required to have at least one designated caregiver, but may have two. Designated caregivers for minors are usually the parent or guardian of the child.

- Smoking is not allowed on school grounds, how can the student use his/her medical cannabis?

The Compassionate Use of Medical Cannabis Pilot Program Act limits the use of medical cannabis products by minors to infused products. Minors are not permitted to purchase or use smoked or vaped forms of medical cannabis.

- The parent of a student orders "CBD oil" from an internet site. May the parent visit the school to administer the CBD oil during the school day?

No. The provisions of Ashley's Law (PA 100-0660) only apply to registered medical cannabis patients and their designated caregivers. Families purchasing CBD oil from unlicensed sources cannot be accorded the rights and protections under Ashley's Law and the Medical Cannabis Pilot Program.

CBD oil which is produced from medical cannabis plants grown in licensed Illinois Cultivation Centers and sold in licensed dispensaries is only available for purchase or use by qualifying patients who are registered with the Medical Cannabis Pilot Program. IDPH recommends parents or guardians speak to their child's physician to determine whether medical cannabis is an appropriate therapy for the child's debilitating condition and then submit an application to register with the Medical Cannabis Program.

Products, purchased outside of the licensed dispensaries, claiming to be "CBD oil" or "hemp-derived plant extracts" are outside the purview of the State's Medical Cannabis Program and may be of unknown content and quality. There is no regulation for these products; not all brands of hemp-based "CBD oil" are reputable or even safe. IDPH encourages consumers to use caution when purchasing these products.

- How can a school nurse verify whether a medical cannabis registry card is valid?

A school nurse may verify a Medical Cannabis Patient or Designated Caregiver Registry Card via the Illinois Department of Public Health’s 24/7 look up system. Note, data from the registration identification card must be entered to properly use the system.

To verify a registration identification card visit <https://medicalcannabispatients.illinois.gov> and click on the “Verify a Registry Identification Card” icon.

The screenshot shows the 'MEDICAL CANNABIS PILOT PROGRAM' website. On the left is a login form titled 'Access Your Account' with fields for 'User ID' and 'Password', and a 'Log In' button. On the right is a 'Welcome' message with the following text:

Welcome to the State of Illinois Medical Cannabis Pilot Program eLicense System

*** Mobile Devices are not supported at this time ***

If you have been diagnosed with a TERMINAL ILLNESS and are applying for a 6-month terminal illness medical cannabis registry identification card, you cannot apply on-line. For an application, please visit the IDPH website

This on-line application system is for qualifying patients and their caregivers who are applying for a medical cannabis registry identification card for the first time. Qualifying patients should consider discussing medical cannabis with their physician prior to beginning the application. All applicants, except for veterans receiving care at a VA facility, must have their physician submit a written certification confirming their debilitating condition. Veterans must submit the most current year of medical records from the VA.

If you are a **NEW applicant** and would like to apply for a registry identification card, you must first create an online account by registering. If you have already created an account and wish to log in to start or continue an initial application you may log in with your online account using the Access Your Account fields on the left or

Below the main content are two buttons: 'Create a Patient Registration' and 'Verify a Registry Identification Card'. A large green arrow points to the 'Verify a Registry Identification Card' button.

Select the Registration Type (MQP – minor qualifying patient or MCG – Minor Caregiver) and enter the credential number from the Registration Identification Card. The system will respond with “Active” or “Inactive” depending on the status of the patient or caregiver.

The screenshot shows the 'Verify a Registry Identification Card' form. The 'Registration Type' dropdown is set to 'QP' and the 'Registration Number' is '51086320'. A large green arrow points to the 'QP' dropdown.

Below the form is a search results table:

Registration Type	Registration Number	Status
Registered Patient	QP.51086320	Active

A large green arrow points to the 'Active' status in the table.

- A family obtained an order for over-the-counter (OTC) CBD oil from the child's health care professional and have asked school staff to administer the product during the school day. Can a staff person administer this to the student?

Although outside of the purview of the Medical Cannabis Pilot Program, IDPH strongly cautions against having school personnel administer OTC CBD oil products, even with an order written by a licensed health care professional. CBD oil and CBD-infused products (not purchased through a licensed medical cannabis dispensary) are not regulated by the U.S. Food and Drug Administration (FDA). The FDA has not approved any CBD products for any purpose, which means the production, labeling, and distribution of these products is not subject to federal regulation. A study published in JAMA in 2017 found large variations in the CBD content in products sold on-line. When tested, many of these products contained significant levels of THC (the ingredient which causes the high) as well as impurities, pesticides, fungus and did not have the amount of CBD stated on the label.

- There is a student at our school whose physician is considering a prescription for Epidiolex. Can school personnel administer this prescription?

On June 25, 2018, the FDA approved Epidiolex (cannabidiol) [CBD] oral solution for the treatment of seizures associated with two rare and severe forms of epilepsy, Lennox-Gastaut syndrome and Dravet syndrome, in patients two years of age and older. This is the first FDA-approved drug that contains a purified drug substance derived from cannabis. It is also the first FDA approval of a drug for the treatment of patients with Dravet syndrome. Before physicians can prescribe Epidiolex, the U. S. Drug Enforcement Administration must reschedule its active agreement, the cannabis compound CBD. Currently, marijuana (cannabis, in any form) is a Schedule I substance under the federal Controlled Substances Act. Prescriptions for Epidiolex, like all prescription medication, should be handled in accordance with the school's medication administration policies.

- We have a family who is interested in applying to the Medical Cannabis Pilot Program for their minor child. Where can they obtain more information?

Information about applications to the Medical Cannabis Pilot Program can be viewed at the Illinois Department of Public Health website <http://dph.illinois.gov/topics-services/prevention-wellness/medical-cannabis/minorqualifyingpatients>. On-line applications can be submitted at <http://medicalcannabispatients.illinois.gov>. Families can address questions to the IDPH email dph.medicalcannabis@illinois.gov.

- A parent reports that the minor registered patient is using a medical cannabis topical product. Are there health concerns for skin-to-skin contact with other children?

Cannabinoids combined with a penetrating topical cream can enter the skin and body tissues and allow for direct application to the skin. Different types of medical cannabis topicals include salves and creams. Topicals may produce anti-inflammatory and analgesic or pain relief effects (i.e., Rheumatoid Arthritis, or spasticity due to Multiple Sclerosis). Topicals are non-psychoactive. They produce the therapeutic effects of medical cannabis, but not the "high." Topicals can be massaged into areas such as shoulders, back of heel/foot, soles of the feet, elbows or knees, which may be covered after the product has been applied. After applying the topical product, hands should be washed thoroughly.

- Can information about student participation in the Medical Cannabis Pilot Program be shared with teachers or other staff?

Nurses can ensure student confidentiality is respected by revealing only necessary health concerns and only to those individuals whose knowledge may affect the student's health. For example, individuals who have no contact with a particular student have no need to know that student's medical or mental health issues. Both FERPA, the Family Educational Rights and Privacy Act, and HIPAA, the Health Information Portability and Accountability Act may apply. School nurses should work with their school administration to determine applicability.

- If a parent wants to come to school and give his or her student a medication, but refuses to tell the school the name of the medication, can the school request the name of the medication, if we suspect it may be a cannabis product?

School staff should be aware of medications a student is taking, particularly during the school hours, to be able to monitor for side effects (both intended and unintended side effects). If a student has symptoms consistent with the unsafe consumption of food, drugs or other substances, the school must be able to tell emergency responders what was ingested. If school staff believe the product the parent wants to administer may be a cannabis product, the school may, under the provisions of Ashley's Law, prohibit the parent's administration of the drug on school grounds until more information is obtained and the student's registration with the Medical Cannabis Pilot Program can be verified.

- Can a school nurse serve as the designated caregiver for registered minor patients?

It is unlikely a school nurse would seek to register as the designated caregiver for a child participating in the medical cannabis program unless the individual is the parent or guardian of the registered child. In Illinois, there is a 1:1 registered patient to designated caregiver relationship (except for minors for whom both parents/guardians may register). The designated caregiver may assist with the purchase, transportation and administration of medical cannabis to the registered patient.

Where can schools obtain more information about Ashley's Law?

For more information, please contact the Illinois Department of Public Health, Medical Cannabis Pilot Program at 217-785-4093 or Conny Moody, Deputy Director, conny.moody@illinois.gov