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Information Bulletin: Medical Cannabis Pilot Program and Ashley's Law (Public Act 100-0660)

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DISCLAIMER OF LEGAL ADVICE: The following is provided by the Illinois Department of Public Health for informational purposes only. This information is not legal advice, and should not be relied upon as legal advice.

Effective August 1, 2018, Public Act 100-0660, also known as [Ashley's Law](#), amends the School Code [105 ILCS 5/]. Subject to certain restrictions 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](#) ("MCP") [410 ILCS 130]. After the student is given the medical cannabis-infused product, it must be removed from the school premises or school bus. Designated caregivers of registered qualifying patients under 18 years of age may purchase only medical cannabis-infused products. Medical cannabis-infused products include oils, ointments, foods, and other products that contain usable cannabis but are not smoked or vaped.

Ashley's Law only allows students who are registered qualifying patients under the MCP to use these products and both the student and the designated caregiver must have a registry identification card. Minors are eligible to register under the MCP if certain criteria are met including a diagnosis of a debilitating medical condition, two signed written certifications, and an identified designated caregiver. A medical cannabis registered patient under age 18 is required to have at least one designated caregiver (custodial parent or legal guardian). The designated caregiver must be at least 21 years old.

Ashley's Law also includes the following provisions:

- 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.
- Nothing requires a member of a school's staff to administer a medical cannabis infused product to a student.

Frequently Asked Questions for Parents and Guardians

- Can a school nurse administer medical cannabis to my child?
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 are the procedures for storing my child's 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?
Only a 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?
Minors are not permitted to purchase or use smoked or vaped forms of medical cannabis. The MCPP limits the use of medical cannabis by minors to infused products.
- I want to order "CBD oil" for my child from an internet site. Can I visit the school to administer the CBD oil during the school day?
The provisions of Ashley's Law (PA 100-0660) only apply to patients and designated caregivers under the MCPP. Families purchasing CBD oil from unlicensed sources cannot be accorded the rights and protections under Ashley's Law and the MCPP.
- How is "CBD oil" purchased at a licensed medical cannabis dispensary different from products purchased over the Internet or in a retail store?
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. Products, purchased from sources other than 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.
- My family is interested in applying to the Medical Cannabis Pilot Program for our minor child who has been diagnosed with epilepsy. Where can we 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.

- Our child is a registered medical cannabis patient and we use a medical cannabis topical product. Other parents have asked whether there are health concerns about 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 are non-psychoactive. They produce the therapeutic effects of medical cannabis, but not the “high.” A literature search did not result in instances of secondary exposure to medical cannabis topicals. In order to minimize the potential for secondary exposure by other patients who use topical can massage them 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, the patient or designated caregiver should wash their hands thoroughly.

- Can the school share information about my child’s participation in the Medical Cannabis Pilot Program with other teachers or other staff at the school?

School personnel should 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.

- I want to come to my child’s school to administer his/her medication, but I do not want to tell the school the name of the medication. Can my child’s school require that I reveal the name of the medication?

Ashley’s Law requires a school to adopt a policy to implement the law; however, a school is allowed to place restrictions including, but not limited to, refusing to allow administration of a medical cannabis-infused product when, in the opinion of the school, it would create a disruption to the school’s education environment or would cause exposure of the product to other students.”

- I work full-time and cannot leave my job to administer medical cannabis to my child during the school day. Can anyone else serve as the designated caregiver for my child who is a registered minor patient?

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 I obtain more information about Ashley’s Law?

For more information, please contact the Illinois Department of Public Health, Medical Cannabis Pilot Program at 855-636-3688 or dph.medicalcannabis@illinois.gov