



Sen. Cristina Castro

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1 AMENDMENT TO SENATE BILL 455

2 AMENDMENT NO. _____. Amend Senate Bill 455 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/22-33)
7 Sec. 22-33. Medical cannabis.

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

9 (a-5) In this Section:

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

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

16 (b) Subject to the restrictions under subsections (c)

1 through (g) of this Section, a school district, public school,
2 charter school, or nonpublic school shall authorize a parent or
3 guardian or any other individual registered with the Department
4 of Public Health as a designated caregiver of a student who is
5 a registered qualifying patient to administer a medical
6 cannabis infused product to the student on the premises of the
7 child's school or on the child's school bus if both the student
8 (as a registered qualifying patient) and the parent or guardian
9 or other individual (as a registered designated caregiver) have
10 been issued registry identification cards under the
11 Compassionate Use of Medical Cannabis Pilot Program Act. After
12 administering the product, the parent or guardian or other
13 individual shall remove the product from the school premises or
14 the school bus.

15 (b-5) Notwithstanding subsection (b) and subject to the
16 restrictions under subsections (c) through (g), a school
17 district, public school, charter school, or nonpublic school
18 must allow a school nurse or school administrator to administer
19 a medical cannabis infused product to a student who is a
20 registered qualifying patient (i) while on school premises,
21 (ii) while at a school-sponsored activity, or (iii) before or
22 after normal school activities, including while the student is
23 in before-school or after-school care on school-operated
24 property or while the student is being transported on a school
25 bus. A school district, public school, charter school, or
26 nonpublic school may authorize the self-administration of a

1 medical cannabis infused product by a student who is a
2 registered qualifying patient if the self-administration takes
3 place under the direct supervision of a school nurse or school
4 administrator.

5 Before allowing the administration of a medical cannabis
6 infused product by a school nurse or school administrator or a
7 student's self-administration of a medical cannabis infused
8 product under the supervision of a school nurse or school
9 administrator under this subsection, the parent or guardian of
10 a student who is the registered qualifying patient must provide
11 written authorization for its use, along with a copy of the
12 registry identification card of the student (as a registered
13 qualifying patient) and the parent or guardian (as a registered
14 designated caregiver). The written authorization must specify
15 the times where or the special circumstances under which the
16 medical cannabis infused product must be administered. The
17 written authorization and a copy of the registry identification
18 cards must be kept on file in the office of the school nurse.
19 The authorization for a student to self-administer medical
20 cannabis infused products is effective for the school year in
21 which it is granted and must be renewed each subsequent school
22 year upon fulfillment of the requirements of this Section.

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

1 only by the school nurse or a school administrator.

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

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

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

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

24 (f-5) The State Board of Education, in consultation with
25 the Department of Public Health, must develop a training
26 curriculum for school nurses and school administrators on the

1 administration of medical cannabis infused products. Prior to
2 the administration of a medical cannabis infused product under
3 subsection (b-5), a school nurse or school administrator must
4 annually complete the training curriculum developed under this
5 subsection and must submit to the school's administration proof
6 of its completion. A school district, public school, charter
7 school, or nonpublic school must maintain records related to
8 the training curriculum and of the school nurses or school
9 administrators who have completed the training.

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

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

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

16 (410 ILCS 130/25)

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

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

20 (a) A registered qualifying patient is not subject to
21 arrest, prosecution, or denial of any right or privilege,
22 including but not limited to civil penalty or disciplinary
23 action by an occupational or professional licensing board, for
24 the medical use of cannabis in accordance with this Act, if the

1 registered qualifying patient possesses an amount of cannabis
2 that does not exceed an adequate supply as defined in
3 subsection (a) of Section 10 of this Act of usable cannabis
4 and, where the registered qualifying patient is a licensed
5 professional, the use of cannabis does not impair that licensed
6 professional when he or she is engaged in the practice of the
7 profession for which he or she is licensed.

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

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

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

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

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

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

22 (e) A physician is not subject to arrest, prosecution, or
23 penalty in any manner, or denied any right or privilege,
24 including but not limited to civil penalty or disciplinary
25 action by the Medical Disciplinary Board or by any other
26 occupational or professional licensing board, solely for

1 providing written certifications or for otherwise stating
2 that, in the physician's professional opinion, a patient is
3 likely to receive therapeutic or palliative benefit from the
4 medical use of cannabis to treat or alleviate the patient's
5 debilitating medical condition or symptoms associated with the
6 debilitating medical condition, provided that nothing shall
7 prevent a professional licensing or disciplinary board from
8 sanctioning a physician for: (1) issuing a written
9 certification to a patient who is not under the physician's
10 care for a debilitating medical condition; or (2) failing to
11 properly evaluate a patient's medical condition or otherwise
12 violating the standard of care for evaluating medical
13 conditions.

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

25 (g) A registered cultivation center is not subject to
26 prosecution; search or inspection, except by the Department of

1 Agriculture, Department of Public Health, or State or local law
2 enforcement under Section 130; seizure; or penalty in any
3 manner, or be denied any right or privilege, including but not
4 limited to civil penalty or disciplinary action by a business
5 licensing board or entity, for acting under this Act and
6 Department of Agriculture rules to: acquire, possess,
7 cultivate, manufacture, deliver, transfer, transport, supply,
8 or sell cannabis to registered dispensing organizations.

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

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

1 registered designated caregivers on behalf of registered
2 qualifying patients.

3 (j) A registered dispensing organization agent is not
4 subject to prosecution, search, or penalty in any manner, or be
5 denied any right or privilege, including but not limited to
6 civil penalty or disciplinary action by a business licensing
7 board or entity, for working or volunteering for a dispensing
8 organization under this Act and Department of Financial and
9 Professional Regulation rules, including to perform the
10 actions listed under subsection (i).

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

20 (l) Mere possession of, or application for, a registry
21 identification card or registration certificate does not
22 constitute probable cause or reasonable suspicion, nor shall it
23 be used as the sole basis to support the search of the person,
24 property, or home of the person possessing or applying for the
25 registry identification card. The possession of, or
26 application for, a registry identification card does not

1 preclude the existence of probable cause if probable cause
2 exists on other grounds.

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

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

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

22 (p) No law enforcement or correctional agency, nor any
23 individual employed by a law enforcement or correctional
24 agency, shall be subject to criminal or civil liability, except
25 for willful and wanton misconduct, as a result of taking any
26 action within the scope of the official duties of the agency or

1 individual to prohibit or prevent the possession or use of
2 cannabis by a cardholder incarcerated at a correctional
3 facility, jail, or municipal lockup facility, on parole or
4 mandatory supervised release, or otherwise under the lawful
5 jurisdiction of the agency or individual.

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