

Frequently Asked Questions

Ashley's Law

105 ILCS 5/22-33

1. What students are eligible to use medical cannabis in a school setting?

Only students who are qualifying patients who are registered with the Illinois Department of Public Health (IDPH), have written authorization from a parent/guardian, and provide a registry identification card can use a medical cannabis-infused product in a school setting. 105 ILCS 5/22-33(b).

"Qualifying patient" means a person who has been diagnosed by a certified health care professional as having a debilitating medical condition. 410 ILCS 130/10(t). A registered qualifying patient is one who is registered with IDPH. 410 ILCS 130/10(u).

"Medical cannabis-infused product" means food, oils, ointments, or other products containing usable cannabis that are not smoked. 410 ILCS 130/10(q).

"Registry identification card" means a document issued by IDPH that identifies a person as a registered qualifying patient or registered designated caregiver.

To learn more about registry identification cards, please visit the [Illinois Department of Public Health](https://www.idph.state.il.us/).

2. Who is authorized under the statute to administer medical cannabis on school property?

A medical cannabis-infused product can be administered to an eligible student/registered qualifying patient by one or more of the following individuals:

A. A parent, guardian, or any other individual registered with IDPH as a designated caregiver of a student who is a registered qualifying patient on the premises of the child's school or on the child's school bus if both the student and the parent or guardian or other individual (as a registered designated caregiver) have been issued registration identification cards. The parent or guardian or other individual shall remove the product from the school premises or the school bus. 105 ILCS 5/22-33(b). "Designated caregiver" means a person who (1) is at least 21 years of age, (2) has agreed to assist with a patient's medical use of cannabis, and (3) assists no more than one registered qualifying patient with his or her medical use of cannabis.

B. A properly trained school nurse* or school administrator shall be allowed to administer a medical cannabis-infused product to a student who is a registered qualifying patient while on the premises of the student's school; while at a school-sponsored activity; or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus. 105 ILCS 5/22-33(b-5). **A school nurse* or administrator must annually complete a training curriculum that has been developed by ISBE, in**

consultation with IDPH, prior to administering a medical cannabis-infused product to a student. 105 ILCS 5/22-33(f-5).

*School Nurse means any registered professional nurse who holds a professional educator license endorsed for school support services in school nursing, or any registered professional nurse who does not hold the professional educator license but was employed in the school district of current employment before July 1, 1976. *School districts may employ noncertificated registered professional nurses to perform professional nursing services* [105 ILCS 5/10-22.23].

C. A student who is a registered qualifying patient if the self-administration takes place under the direct supervision of a school nurse* or administrator. 105 ILCS 5/22-33(b-5).

Note, however, that a parent or guardian or other individual may not administer a medical cannabis-infused 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 product to other students. 105 ILCS 5/22-33(c).

3. Where should a medical cannabis-infused product be stored during the school day?

Any medical cannabis-infused product administered by a school nurse* or administrator or self-administered by an eligible student under the supervision of a school nurse* or administrator must be stored with the school nurse* at all times in a manner consistent with the storage of other student medication at the school and may be accessible only by the school nurse* or administrator. 105 ILCS 5/22-33(b-10).

4. What documentation must be provided by a parent or guardian prior to a school allowing for the administration of a medical cannabis-infused product by a school nurse* or school administrator or a student's self-administration of a medical cannabis-infused product?

A parent/guardian of an eligible student who is the registered qualifying patient must provide (105 ILCS 5/22-33(b-5)):

A. Written authorization for the use of a medical cannabis-infused product that must specify the times where or the special circumstances under which it must be administered, and

B. A copy of the registry identification card of the student (as a registered qualifying patient) and the parent/guardian (as a registered designated caregiver)

The written authorization and a copy of the registry identification must be kept on file in the office of the school nurse*. Id.

5. Does authorization documentation need to be renewed annually?

The authorization for a student to self-administer medical cannabis is effective for the school year in which it is granted and must be renewed each subsequent school year. Id.

6. Under what circumstances may a school district refuse to allow for the administration of or the authorization of a medical cannabis-infused product on school grounds?

A. A school district or school may refuse to allow for the administration of a medical cannabis-infused product if, in the opinion of the school district or school, it would create a disruption to the school's educational environment or would cause exposure of the product to other students;

B. A school district, public school, charter school or nonpublic school may not authorize the use of a medical cannabis-infused product, if the school district or school would lose federal funding as a result of the authorization. 105 ILCS 5/22-33(f).

7. Can a school district take punitive actions against an eligible student who is administered or self-administers a medical cannabis-infused product?

A school district or school may not discipline an eligible student who is administered a medical cannabis-infused product by a parent/guardian or other individual under this Section or who self-administers a medical cannabis-infused product under the supervision of a school nurse* or school administrator. A school district may not deny the student's eligibility to attend school solely because the student requires the administration of the product. 105 ILCS 5/22-33(d). See also 410 ILCS 130/25.

8. Can a school staff member be forced to administer a medical cannabis-infused product to a student?

No. Ashley's Law does not require a member of a school's staff to administer a medical cannabis-infused product to a student. 105 ILCS 5/22-33(e).

9. Can a school nurse* or administrator be subject to punitive actions for administering medical cannabis-infused products to eligible students?

A school nurse* or administrator is not subject to arrest, prosecution, or denial of any right or privilege, including, but not limited to, a civil penalty or disciplinary action by an occupational or professional licensing board, for acting in accordance with Ashley's Law. See 410 ILCS 130/25. See also Section 22-33 of School Code.

For questions regarding nursing licensure, duties, responsibilities, and obligations under the Nurse Practice Act, please contact the [Illinois Department of Financial and Professional Regulation](#).

For additional information on Medical Cannabis, please contact the [Illinois Department of Public Health](#).