



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4870

by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-33 new
410 ILCS 130/30

Amends the School Code. Requires a school district, public school, charter school, or nonpublic school to authorize a parent or guardian of a student who is a qualifying patient to administer a medical cannabis infused product to the student on school premises or a school bus if both the student (as a qualifying patient) and the parent or guardian (as a designated caregiver) have been issued registry identification cards under the Compassionate Use of Medical Cannabis Pilot Program Act. Defines terms. Provides that a parent or guardian may not administer a medical cannabis infused product if the administration would create disruption to the school's educational environment or would cause exposure of the product to other students. Provides that nothing in the provision requires a member of the school's staff to administer a medical cannabis infused product to a student. Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Makes conforming changes. Effective immediately.

LRB100 20661 AXK 36111 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

6 (105 ILCS 5/22-33 new)

7 Sec. 22-33. Medical cannabis.

8 (a) In this Section, "medical cannabis infused product" and
9 "qualifying patient" have the meaning given to those terms
10 under Section 10 of the Compassionate Use of Medical Cannabis
11 Pilot Program Act.

12 (b) A school district, public school, charter school, or
13 nonpublic school shall authorize a parent or guardian of a
14 student who is a qualifying patient to administer a medical
15 cannabis infused product to the student on the premises of the
16 child's school or on the child's school bus if both the student
17 (as a qualifying patient) and the parent or guardian (as a
18 designated caregiver) have been issued registry identification
19 cards under the Compassionate Use of Medical Cannabis Pilot
20 Program Act. After administering the product, the parent or
21 guardian shall remove the product from the school premises or
22 the school bus.

23 (c) A parent or guardian may not administer a medical

1 cannabis infused product under this Section if the
2 administration would create disruption to the school's
3 educational environment or would cause exposure of the product
4 to other students.

5 (d) A school district or a school that authorizes the
6 administration of medical cannabis infused products under this
7 Section may not discipline a student who is administered the
8 product through a parent or guardian and may not deny the
9 student's eligibility to attend school solely because the
10 student requires the administration of the product.

11 (e) Nothing in this Section requires a member of a school's
12 staff to administer a medical cannabis infused product to a
13 student.

14 (f) A school district, public school, charter school, or
15 nonpublic school may not authorize the use of a medical
16 cannabis infused product under this Section if the school
17 district or school would lose federal funding as a result of
18 the authorization.

19 (g) A school district, public school, charter school, or
20 nonpublic school shall adopt a policy to implement this
21 Section.

22 Section 10. The Compassionate Use of Medical Cannabis Pilot
23 Program Act is amended by changing Section 30 as follows:

24 (410 ILCS 130/30)

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

2 Sec. 30. Limitations and penalties.

3 (a) This Act does not permit any person to engage in, and
4 does not prevent the imposition of any civil, criminal, or
5 other penalties for engaging in, the following conduct:

6 (1) Undertaking any task under the influence of
7 cannabis, when doing so would constitute negligence,
8 professional malpractice, or professional misconduct;

9 (2) Possessing cannabis:

10 (A) except as provided under Section 22-33 of the
11 School Code, in a school bus;

12 (B) except as provided under Section 22-33 of the
13 School Code, on the grounds of any preschool or primary
14 or secondary school;

15 (C) in any correctional facility;

16 (D) in a vehicle under Section 11-502.1 of the
17 Illinois Vehicle Code;

18 (E) in a vehicle not open to the public unless the
19 medical cannabis is in a reasonably secured, sealed,
20 tamper-evident container and reasonably inaccessible
21 while the vehicle is moving; or

22 (F) in a private residence that is used at any time
23 to provide licensed child care or other similar social
24 service care on the premises;

25 (3) Using cannabis:

26 (A) except as provided under Section 22-33 of the

1 School Code, in a school bus;

2 (B) except as provided under Section 22-33 of the
3 School Code, on the grounds of any preschool or primary
4 or secondary school;

5 (C) in any correctional facility;

6 (D) in any motor vehicle;

7 (E) in a private residence that is used at any time
8 to provide licensed child care or other similar social
9 service care on the premises;

10 (F) except as provided under Section 22-33 of the
11 School Code, in any public place. "Public place" as
12 used in this subsection means any place where an
13 individual could reasonably be expected to be observed
14 by others. A "public place" includes all parts of
15 buildings owned in whole or in part, or leased, by the
16 State or a local unit of government. A "public place"
17 does not include a private residence unless the private
18 residence is used to provide licensed child care,
19 foster care, or other similar social service care on
20 the premises. For purposes of this subsection, a
21 "public place" does not include a health care facility.
22 For purposes of this Section, a "health care facility"
23 includes, but is not limited to, hospitals, nursing
24 homes, hospice care centers, and long-term care
25 facilities;

26 (G) except as provided under Section 22-33 of the

1 School Code, knowingly in close physical proximity to
2 anyone under the age of 18 years of age;

3 (4) Smoking medical cannabis in any public place where
4 an individual could reasonably be expected to be observed
5 by others, in a health care facility, or any other place
6 where smoking is prohibited under the Smoke Free Illinois
7 Act;

8 (5) Operating, navigating, or being in actual physical
9 control of any motor vehicle, aircraft, or motorboat while
10 using or under the influence of cannabis in violation of
11 Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

12 (6) Using or possessing cannabis if that person does
13 not have a debilitating medical condition and is not a
14 registered qualifying patient or caregiver;

15 (7) Allowing any person who is not allowed to use
16 cannabis under this Act to use cannabis that a cardholder
17 is allowed to possess under this Act;

18 (8) Transferring cannabis to any person contrary to the
19 provisions of this Act;

20 (9) The use of medical cannabis by an active duty law
21 enforcement officer, correctional officer, correctional
22 probation officer, or firefighter; or

23 (10) The use of medical cannabis by a person who has a
24 school bus permit or a Commercial Driver's License.

25 (b) Nothing in this Act shall be construed to prevent the
26 arrest or prosecution of a registered qualifying patient for

1 reckless driving or driving under the influence of cannabis
2 where probable cause exists.

3 (c) Notwithstanding any other criminal penalties related
4 to the unlawful possession of cannabis, knowingly making a
5 misrepresentation to a law enforcement official of any fact or
6 circumstance relating to the medical use of cannabis to avoid
7 arrest or prosecution is a petty offense punishable by a fine
8 of up to \$1,000, which shall be in addition to any other
9 penalties that may apply for making a false statement or for
10 the use of cannabis other than use undertaken under this Act.

11 (d) Notwithstanding any other criminal penalties related
12 to the unlawful possession of cannabis, any person who makes a
13 misrepresentation of a medical condition to a physician or
14 fraudulently provides material misinformation to a physician
15 in order to obtain a written certification is guilty of a petty
16 offense punishable by a fine of up to \$1,000.

17 (e) Any cardholder or registered caregiver who sells
18 cannabis shall have his or her registry identification card
19 revoked and is subject to other penalties for the unauthorized
20 sale of cannabis.

21 (f) Any registered qualifying patient who commits a
22 violation of Section 11-502.1 of the Illinois Vehicle Code or
23 refuses a properly requested test related to operating a motor
24 vehicle while under the influence of cannabis shall have his or
25 her registry identification card revoked.

26 (g) No registered qualifying patient or designated

1 caregiver shall knowingly obtain, seek to obtain, or possess,
2 individually or collectively, an amount of usable cannabis from
3 a registered medical cannabis dispensing organization that
4 would cause him or her to exceed the authorized adequate supply
5 under subsection (a) of Section 10.

6 (h) Nothing in this Act shall prevent a private business
7 from restricting or prohibiting the medical use of cannabis on
8 its property.

9 (i) Nothing in this Act shall prevent a university,
10 college, or other institution of post-secondary education from
11 restricting or prohibiting the use of medical cannabis on its
12 property.

13 (Source: P.A. 98-122, eff. 1-1-14.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.