

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2020.02

**LIMITATIONS ON USE OF RECREATIONAL AND MEDICAL CANNABIS
IN CHILD WELFARE PRACTICE**

DATE: January 3, 2020
TO: DCFS and Private Agency Licensing Staff
FROM: Marc D. Smith, Acting Director
EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to provide DCFS and Purchase of Service (POS) Agency staff with information regarding limitations that apply to the lawful use (possession, consumption, storage) of recreational and medical cannabis as it pertains to child welfare practice.

The Department will propose amendments to rules and procedures affected by these statutes in the near future.

II. PRIMARY USERS

The primary users of this Policy Guide are Department and POS Agency licensing staff.

Definitions:

“Cannabis” has the definition as assigned in the Cannabis Regulation and Tax Act. [410 ILCS 705]

“Cannabis-infused product” means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked as defined in the Cannabis Regulation and Tax Act. [410 ILCS 705]

“Child Care Facility” means a child care facility as defined in the Child Care Act. [225 ILCS 10]

“Medical cannabis” means cannabis products that are acquired for “medical use” as that term is defined in the Compassionate Use of Medical Cannabis Program Act. [410 ILCS 130]



III. SUMMARY OF ILLINOIS LAW

The Illinois Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act regulate the possession, consumption and storage of recreational and medical cannabis. The Cannabis Regulation and Tax Act was amended, effective January 1, 2020, to permit the recreational use of cannabis in Illinois.

These Acts also contain limitations on the possession, consumption and storage of recreational and medical cannabis in or near licensed and unlicensed child care facilities, in vehicles and in the presence of persons under 21 years of age.

These Acts allow for an individual to use any type of cannabis and continue to be eligible for initial or renewal of licensure for any type of child care facility; this includes unlicensed relative foster homes and employees of any licensed and unlicensed child care facility.

These Acts provide numerous limitations on the use and possession of cannabis (which includes cannabis-infused products) as it relates to child care. For example, the Acts DO NOT PERMIT:

- Undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;
- Possessing cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in any public place;
- Using cannabis knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;
- Smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;
- Facilitating the use of cannabis by any person who is not allowed to use cannabis under either the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act;
- Using cannabis in any motor vehicle; or
- Possessing (driver or passenger) cannabis in a motor vehicle except in a sealed, odor-proof, child-resistant cannabis container.

Any violation of these laws may subject the violator to civil or criminal penalties.

IV. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at DCFS.Policy. Non-Outlook users may e-mail questions to DCFS.Policy@illinois.gov.

V. FILING INSTRUCTIONS

File this Policy Guide immediately following Rules:

Rules 401, Licensing Standards for Child Welfare Agencies;
Rules 402, Licensing Standards for Foster Family Homes;
Rules 403, Licensing Standards for Group Homes;
Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers;
Rules 406, Licensing Standards for Day Care Homes;
Rules 407, Licensing Standards for Day Care Centers;
Rules 408, Licensing Standards for Group Day Care Homes;
Rules 409, Licensing Standards for Youth Transitional Living Programs;
Rules 410, Licensing Standards for Youth Emergency Shelters; and
Rules 411, Licensing Standards for Secure Child Care Facilities.

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