

# SB1707



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1707

Introduced 2/9/2017, by Sen. Kwame Raoul

#### SYNOPSIS AS INTRODUCED:

410 ILCS 130/105  
410 ILCS 130/130

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Provides that all persons providing medical cannabis related services under the Act for a cultivation center shall hold certification as a Certified Medical Cannabis Cultivation Center Agent. Provides that all persons providing medical cannabis related services under the Act for a dispensing organization shall hold certification as a Certified Medical Cannabis Dispensing Organization Agent or Dispensing Organization Agent.

LRB100 11322 MJP 21693 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Compassionate Use of Medical Cannabis Pilot  
5 Program Act is amended by changing Sections 105 and 130 as  
6 follows:

7 (410 ILCS 130/105)

8 (Section scheduled to be repealed on July 1, 2020)

9 Sec. 105. Requirements; prohibitions; penalties for  
10 cultivation centers.

11 (a) The operating documents of a registered cultivation  
12 center shall include procedures for the oversight of the  
13 cultivation center, a cannabis plant monitoring system  
14 including a physical inventory recorded weekly, a cannabis  
15 container system including a physical inventory recorded  
16 weekly, accurate record keeping, and a staffing plan.

17 (b) A registered cultivation center shall implement a  
18 security plan reviewed by the State Police and including but  
19 not limited to: facility access controls, perimeter intrusion  
20 detection systems, personnel identification systems, 24-hour  
21 surveillance system to monitor the interior and exterior of the  
22 registered cultivation center facility and accessible to  
23 authorized law enforcement and the Department of Agriculture in

1 real-time.

2 (c) A registered cultivation center may not be located  
3 within 2,500 feet of the property line of a pre-existing public  
4 or private preschool or elementary or secondary school or day  
5 care center, day care home, group day care home, part day child  
6 care facility, or an area zoned for residential use.

7 (d) All cultivation of cannabis for distribution to a  
8 registered dispensing organization must take place in an  
9 enclosed, locked facility as it applies to cultivation centers  
10 at the physical address provided to the Department of  
11 Agriculture during the registration process. The cultivation  
12 center location shall only be accessed by the cultivation  
13 center agents working for the registered cultivation center,  
14 Department of Agriculture staff performing inspections,  
15 Department of Public Health staff performing inspections, law  
16 enforcement or other emergency personnel, and contractors  
17 working on jobs unrelated to medical cannabis, such as  
18 installing or maintaining security devices or performing  
19 electrical wiring.

20 (e) A cultivation center may not sell or distribute any  
21 cannabis to any individual or entity other than a dispensary  
22 organization registered under this Act.

23 (f) All harvested cannabis intended for distribution to a  
24 dispensing organization must be packaged in a labeled medical  
25 cannabis container and entered into a data collection system.

26 (g) No person who has been convicted of an excluded offense

1 may be a cultivation center agent.

2 (h) Registered cultivation centers are subject to random  
3 inspection by the State Police.

4 (i) Registered cultivation centers are subject to random  
5 inspections by the Department of Agriculture and the Department  
6 of Public Health.

7 (j) A cultivation center agent shall notify local law  
8 enforcement, the State Police, and the Department of  
9 Agriculture within 24 hours of the discovery of any loss or  
10 theft. Notification shall be made by phone or in-person, or by  
11 written or electronic communication.

12 (k) A cultivation center shall comply with all State and  
13 federal rules and regulations regarding the use of pesticides.

14 (l) All persons providing medical cannabis related  
15 services under this Act for a cultivation center shall hold  
16 certification as a Certified Medical Cannabis Cultivation  
17 Center Agent.

18 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

19 (410 ILCS 130/130)

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

21 Sec. 130. Requirements; prohibitions; penalties;  
22 dispensing organizations.

23 (a) The Department of Financial and Professional  
24 Regulation shall implement the provisions of this Section by  
25 rule.

1           (b) A dispensing organization shall maintain operating  
2 documents which shall include procedures for the oversight of  
3 the registered dispensing organization and procedures to  
4 ensure accurate recordkeeping.

5           (c) A dispensing organization shall implement appropriate  
6 security measures, as provided by rule, to deter and prevent  
7 the theft of cannabis and unauthorized entrance into areas  
8 containing cannabis.

9           (d) A dispensing organization may not be located within  
10 1,000 feet of the property line of a pre-existing public or  
11 private preschool or elementary or secondary school or day care  
12 center, day care home, group day care home, or part day child  
13 care facility. A registered dispensing organization may not be  
14 located in a house, apartment, condominium, or an area zoned  
15 for residential use.

16           (e) A dispensing organization is prohibited from acquiring  
17 cannabis from anyone other than a registered cultivation  
18 center. A dispensing organization is prohibited from obtaining  
19 cannabis from outside the State of Illinois.

20           (f) A registered dispensing organization is prohibited  
21 from dispensing cannabis for any purpose except to assist  
22 registered qualifying patients with the medical use of cannabis  
23 directly or through the qualifying patients' designated  
24 caregivers.

25           (g) The area in a dispensing organization where medical  
26 cannabis is stored can only be accessed by dispensing

1 organization agents working for the dispensing organization,  
2 Department of Financial and Professional Regulation staff  
3 performing inspections, law enforcement or other emergency  
4 personnel, and contractors working on jobs unrelated to medical  
5 cannabis, such as installing or maintaining security devices or  
6 performing electrical wiring.

7 (h) A dispensing organization may not dispense more than  
8 2.5 ounces of cannabis to a registered qualifying patient,  
9 directly or via a designated caregiver, in any 14-day period  
10 unless the qualifying patient has a Department of Public  
11 Health-approved quantity waiver.

12 (i) Before medical cannabis may be dispensed to a  
13 designated caregiver or a registered qualifying patient, a  
14 dispensing organization agent must determine that the  
15 individual is a current cardholder in the verification system  
16 and must verify each of the following:

17 (1) that the registry identification card presented to  
18 the registered dispensing organization is valid;

19 (2) that the person presenting the card is the person  
20 identified on the registry identification card presented  
21 to the dispensing organization agent;

22 (3) that the dispensing organization is the designated  
23 dispensing organization for the registered qualifying  
24 patient who is obtaining the cannabis directly or via his  
25 or her designated caregiver; and

26 (4) that the registered qualifying patient has not

1 exceeded his or her adequate supply.

2 (j) Dispensing organizations shall ensure compliance with  
3 this limitation by maintaining internal, confidential records  
4 that include records specifying how much medical cannabis is  
5 dispensed to the registered qualifying patient and whether it  
6 was dispensed directly to the registered qualifying patient or  
7 to the designated caregiver. Each entry must include the date  
8 and time the cannabis was dispensed. Additional recordkeeping  
9 requirements may be set by rule.

10 (k) The physician-patient privilege as set forth by Section  
11 8-802 of the Code of Civil Procedure shall apply between a  
12 qualifying patient and a registered dispensing organization  
13 and its agents with respect to communications and records  
14 concerning qualifying patients' debilitating conditions.

15 (l) A dispensing organization may not permit any person to  
16 consume cannabis on the property of a medical cannabis  
17 organization.

18 (m) A dispensing organization may not share office space  
19 with or refer patients to a physician.

20 (n) Notwithstanding any other criminal penalties related  
21 to the unlawful possession of cannabis, the Department of  
22 Financial and Professional Regulation may revoke, suspend,  
23 place on probation, reprimand, refuse to issue or renew, or  
24 take any other disciplinary or non-disciplinary action as the  
25 Department of Financial and Professional Regulation may deem  
26 proper with regard to the registration of any person issued

1 under this Act to operate a dispensing organization or act as a  
2 dispensing organization agent, including imposing fines not to  
3 exceed \$10,000 for each violation, for any violations of this  
4 Act and rules adopted in accordance with this Act. The  
5 procedures for disciplining a registered dispensing  
6 organization shall be determined by rule. All final  
7 administrative decisions of the Department of Financial and  
8 Professional Regulation are subject to judicial review under  
9 the Administrative Review Law and its rules. The term  
10 "administrative decision" is defined as in Section 3-101 of the  
11 Code of Civil Procedure.

12 (o) Dispensing organizations are subject to random  
13 inspection and cannabis testing by the Department of Financial  
14 and Professional Regulation and State Police as provided by  
15 rule.

16 (p) All persons providing medical cannabis related  
17 services under this Act for a dispensing organization shall  
18 hold certification as a Certified Medical Cannabis Dispensing  
19 Organization Agent or Dispensing Organization Agent.

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