



Rep. Lou Lang

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1 AMENDMENT TO HOUSE BILL 30

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 30 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Compassionate Use of Medical Cannabis Pilot Program Act.

6 Section 5. Findings.

7 (a) The recorded use of cannabis as a medicine goes back  
8 nearly 5,000 years. Modern medical research has confirmed the  
9 beneficial uses of cannabis in treating or alleviating the  
10 pain, nausea, and other symptoms associated with a variety of  
11 debilitating medical conditions, including cancer, multiple  
12 sclerosis, and HIV/AIDS, as found by the National Academy of  
13 Sciences' Institute of Medicine in March 1999.

14 (b) Studies published since the 1999 Institute of Medicine  
15 report continue to show the therapeutic value of cannabis in  
16 treating a wide array of debilitating medical conditions. These

1 include relief of the neuropathic pain caused by multiple  
2 sclerosis, HIV/AIDS, and other illnesses that often fail to  
3 respond to conventional treatments and relief of nausea,  
4 vomiting, and other side effects of drugs used to treat  
5 HIV/AIDS and hepatitis C, increasing the chances of patients  
6 continuing on life-saving treatment regimens.

7 (c) Cannabis has many currently accepted medical uses in  
8 the United States, having been recommended by thousands of  
9 licensed physicians to at least 600,000 patients in states with  
10 medical cannabis laws. The medical utility of cannabis is  
11 recognized by a wide range of medical and public health  
12 organizations, including the American Academy of HIV Medicine,  
13 the American College of Physicians, the American Nurses  
14 Association, the American Public Health Association, the  
15 Leukemia & Lymphoma Society, and many others.

16 (d) Data from the Federal Bureau of Investigation's Uniform  
17 Crime Reports and the Compendium of Federal Justice Statistics  
18 show that approximately 99 out of every 100 cannabis arrests in  
19 the U.S. are made under State law, rather than under federal  
20 law. Consequently, changing State law will have the practical  
21 effect of protecting from arrest the vast majority of seriously  
22 ill patients who have a medical need to use cannabis.

23 (e) Alaska, Arizona, California, Colorado, Hawaii, Maine,  
24 Michigan, Montana, Nevada, New Mexico, New Jersey, Oregon,  
25 Vermont, Rhode Island, Washington State, and Washington, D.C.  
26 have removed state-level criminal penalties from the medical

1 use and cultivation of cannabis. Illinois joins in this effort  
2 for the health and welfare of its citizens.

3 (f) States are not required to enforce federal law or  
4 prosecute people for engaging in activities prohibited by  
5 federal law. Therefore, compliance with this act does not put  
6 the state of Illinois in violation of federal law.

7 (g) State law should make a distinction between the medical  
8 and non-medical uses of cannabis. Hence, the purpose of this  
9 Act is to protect patients with debilitating medical  
10 conditions, as well as their physicians and providers, from  
11 arrest and prosecution, criminal and other penalties, and  
12 property forfeiture if such patients engage in the medical use  
13 of cannabis.

14 Section 10. Definitions. The following terms, as used in  
15 this Act, shall have the meanings set forth in this Section:

16 (a) "Adequate supply" means:

17 (1) 2.5 ounces of usable cannabis during a period of 14  
18 days and that is derived solely from an intrastate source;

19 (2) Subject to the rules of the Department, a patient  
20 may apply for a waiver where a physician provides a  
21 substantial medical basis in a signed, written statement  
22 asserting that, based on the patient's medical history, in  
23 the physician's professional judgment, 2.5 ounces is an  
24 insufficient adequate supply for a 14-day period to  
25 properly alleviate the patient's debilitating medical

1 condition or symptoms associated with the debilitating  
2 medical condition.

3 (b) "Cannabis" has the meaning given that term in Section 3  
4 of the Cannabis Control Act.

5 (c) "Cardholder" means a qualifying patient or a designated  
6 caregiver who has been issued and possesses a valid registry  
7 identification card.

8 (d) "Debilitating medical condition" means one or more of  
9 the following:

10 (1) cancer, glaucoma, positive status for human  
11 immunodeficiency virus, acquired immune deficiency  
12 syndrome, hepatitis C, amyotrophic lateral sclerosis,  
13 Crohn's disease, agitation of Alzheimer's disease, or the  
14 treatment of these conditions:

15 (2) a chronic or debilitating disease or medical  
16 condition or its treatment that produces one or more of the  
17 following: cachexia or wasting syndrome; seizures,  
18 including but not limited to those characteristic of  
19 epilepsy; or severe and persistent muscle spasms,  
20 including but not limited to those characteristic of  
21 multiple sclerosis;

22 (3) a debilitating disease or medical condition or its  
23 treatment that produces intractable pain, which is severe,  
24 debilitating pain that did not respond to other reasonable  
25 medical efforts for a reasonable period of time, including  
26 cases where other treatment options produced serious side

1 effects;

2 (4) a debilitating disease or medical condition or its  
3 treatment that produces severe, debilitating nausea that  
4 did not respond to other reasonable medical efforts for a  
5 reasonable period of time, including cases where other  
6 treatment options produced serious side effects; or

7 (5) any other debilitating medical condition or its  
8 treatment added by the Department, as provided for in  
9 subsection (d) of Section 10.

10 (e) "Department" means the Department of Public Health or  
11 its successor agency.

12 (f) "Designated caregiver" means a person who:

13 (1) is at least 21 years of age;

14 (2) has agreed to assist with a patient's medical use  
15 of cannabis;

16 (3) has not been convicted of an excluded offense; and

17 (4) assists no more than one qualifying patient with  
18 his or her medical use of cannabis.

19 (g) "Enclosed, locked facility" means a closet, room,  
20 greenhouse, building, or other enclosed area equipped with  
21 locks or other security devices that permit access only by a  
22 nonprofit medical cannabis organization's agents working for  
23 the registered nonprofit medical cannabis organization to  
24 cultivate the plants for a registered qualifying patient.

25 (h) "Excluded offense" means:

26 (1) a violent crime defined in Section 3 of the Rights

1 of Crime Victims and Witnesses Act or a substantially  
2 similar offense that was classified as a felony in the  
3 jurisdiction where the person was convicted; or

4 (2) a violation of a state or federal controlled  
5 substance law that was classified as a felony in the  
6 jurisdiction where the person was convicted, except that  
7 the Department shall waive this restriction if the person  
8 demonstrates to the Department's satisfaction that his or  
9 her conviction was for the possession, cultivation,  
10 transfer, or delivery of a reasonable amount of cannabis  
11 intended for medical use. This exception shall not apply if  
12 the conviction was under state law and involved a violation  
13 of an existing medical cannabis law.

14 (i) "Nonprofit medical cannabis organization agent" means  
15 a principal officer, board member, employee, or agent of a  
16 registered nonprofit medical cannabis organization who is 21  
17 years of age or older and has not been convicted of an excluded  
18 offense.

19 (j) "Nonprofit medical cannabis organization agent  
20 identification card" means a document issued by the Department  
21 that identifies a person as a nonprofit medical cannabis  
22 organization agent.

23 (k) "Medical use" means the acquisition; administration;  
24 delivery; possession; transportation; transfer;  
25 transportation; or use of cannabis or paraphernalia relating to  
26 the administration of cannabis to treat or alleviate a

1 registered qualifying patient's debilitating medical condition  
2 or symptoms associated with the patient's debilitating medical  
3 condition.

4 (l) "Physician" means a doctor of medicine or doctor of  
5 osteopathy licensed under the Medical Practice Act of 1987 to  
6 practice medicine in all its branches who has the authority to  
7 prescribe drugs to humans under Article III of the Illinois  
8 Controlled Substances Act. It does not include a licensed  
9 practitioner under any other Act including but not limited to  
10 the Illinois Dental Practice Act. In relation to a visiting  
11 qualifying patient, "physician" means a person who is licensed  
12 as a doctor of medicine or doctor of osteopathy who with  
13 authority to prescribe drugs to humans in the state of the  
14 patient's residence.

15 (m) "Qualifying patient" means a person who has been  
16 diagnosed by a physician as having a debilitating medical  
17 condition.

18 (n) "Reasonable medical efforts" means a course of  
19 treatment that is generally accepted in the medical community  
20 and conforms with the proper standard of care.

21 (o) "Registered nonprofit medical cannabis organization"  
22 means a not-for-profit entity registered pursuant to Section 65  
23 that acquires, possesses, cultivates, manufactures, delivers,  
24 transfers, transports, sells, supplies, or dispenses cannabis,  
25 paraphernalia, or related supplies and educational materials  
26 to registered qualifying patients. A nonprofit medical

1 cannabis organization may receive payment for all expenses  
2 incurred in its operation.

3 (p) "Registry identification card" means a document issued  
4 by the Department that identifies a person as a registered  
5 qualifying patient or registered designated caregiver.

6 (q) "Usable cannabis" means the flowers of the cannabis  
7 plant and any mixture or preparation thereof, but does not  
8 include the seeds, stalks, and roots of the plant. It does not  
9 include the weight of any non-cannabis ingredients combined  
10 with cannabis, such as ingredients added to prepare a topical  
11 administration, food, or drink.

12 (r) "Verification system" means a Web-based system  
13 established and maintained by the Department that is available  
14 to law enforcement personnel and nonprofit medical cannabis  
15 organization agents on a 24-hour basis for the verification of  
16 registry identification cards.

17 (s) "Verifying physician" means a doctor of medicine or  
18 doctor of osteopathy licensed under the Medical Practice Act of  
19 1987 to practice medicine in all its branches who has the  
20 authority to prescribe drugs to humans under Article III of the  
21 Illinois Controlled Substances Act who has been consulted to  
22 verify a primary physician's diagnosis under clauses (2), (3),  
23 and (4) of subsection (d) of this Section.

24 (t) "Visiting qualifying patient" means a person who:

25 (1) has been diagnosed with a debilitating medical  
26 condition;



1           (2) possesses a valid registry identification card, or  
2           its equivalent, that was issued pursuant to the laws of  
3           another state, district, territory, commonwealth, insular  
4           possession of the United States, or country recognized by  
5           the United States that allows the person to use cannabis  
6           for medical purposes in the jurisdiction of issuance; and

7           (3) is not a resident of Illinois and has been visiting  
8           Illinois for 30 days or less or who has been a resident of  
9           Illinois for less than 30 days.

10          (u) "Written certification" means a document dated and  
11          signed by a physician, stating (1) that in the physician's  
12          professional opinion the patient is likely to receive  
13          therapeutic or palliative benefit from the medical use of  
14          cannabis to treat or alleviate the patient's debilitating  
15          medical condition or symptoms associated with the debilitating  
16          medical condition; (2) that the qualifying patient has a  
17          debilitating medical condition and specifying what  
18          debilitating medical condition the qualifying patient has; and  
19          (3) that the patient is under the physician's care for the  
20          debilitating medical condition. A written certification shall  
21          be made only in the course of a bona fide physician-patient  
22          relationship, after the physician has completed an assessment  
23          of the qualifying patient's medical history upon a complete  
24          review of records related to the patient's debilitating  
25          condition and conducted a physical exam. A bona fide  
26          physician-patient relationship under this subsection is a

1 privileged communication within the meaning of Section 8-802 of  
2 the Code of Civil Procedure.

3 Section 15. Protections for the medical use of cannabis.

4 (a) A registered qualifying patient shall not be subject to  
5 arrest, prosecution, or denial of any right or privilege,  
6 including but not limited to civil penalty or disciplinary  
7 action by an occupational or professional licensing board, for  
8 the medical use of cannabis in accordance with this Act, if the  
9 registered qualifying patient possesses an amount of cannabis  
10 that does not exceed an adequate supply as defined in  
11 subsection (a) of Section 10 of this Act of usable cannabis.

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

25 (c) (1) A visiting qualifying patient shall not be subject

1 to arrest, prosecution, or denial of any right or privilege,  
2 including but not limited to civil penalty or disciplinary  
3 action by an occupational or professional licensing board, for  
4 the medical use of cannabis pursuant to this Act if the  
5 visiting qualifying patient does not possess more than an  
6 adequate supply of usable cannabis. A visiting qualifying  
7 patient may not purchase cannabis from a nonprofit medical  
8 dispensary until he or she receives a written certification  
9 from an Illinois physician and an Illinois registry card as  
10 provided for under this Act.

11 (2) If a person in possession of no more than an adequate  
12 supply of usable cannabis claims to be a visiting qualifying  
13 patient, but the law enforcement agent is not able to verify  
14 the registry identification card or its equivalent or that the  
15 person has been in the state for 30 days or less, the agent may  
16 issue the visiting qualifying patient a summons for possession  
17 of cannabis. The summons shall be dismissed if the person  
18 demonstrates his or her status as a visiting qualifying  
19 patient.

20 (d) A registered qualifying patient, visiting qualifying  
21 patient, or registered designated caregiver shall not be  
22 subject to arrest, prosecution, or denial of any right or  
23 privilege, including but not limited to civil penalty or  
24 disciplinary action by a occupational or professional  
25 licensing board for possession of cannabis that is incidental  
26 to medical use, but is not usable cannabis as defined in this

1 Act;

2 (e) (1) There shall be a rebuttable presumption that a  
3 qualifying patient is engaged in, or a designated caregiver is  
4 assisting with, the medical use of cannabis in accordance with  
5 this Act if the qualifying patient or designated caregiver:

6 (A) is in possession of a valid registry identification  
7 card; and

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

11 (2) The presumption may be rebutted by evidence that  
12 conduct related to cannabis was not for the purpose of treating  
13 or alleviating the qualifying patient's debilitating medical  
14 condition or symptoms associated with the debilitating medical  
15 condition in compliance with this Act.

16 (f) A physician shall not be subject to arrest,  
17 prosecution, or penalty in any manner, or denied any right or  
18 privilege, including but not limited to civil penalty or  
19 disciplinary action by the Medical Disciplinary Board or by any  
20 other occupational or professional licensing board, solely for  
21 providing written certifications or for otherwise stating  
22 that, in the physician's professional opinion, a patient is  
23 likely to receive therapeutic or palliative benefit from the  
24 medical use of cannabis to treat or alleviate the patient's  
25 debilitating medical condition or symptoms associated with the  
26 debilitating medical condition, provided that nothing shall

1 prevent a professional licensing board from sanctioning a  
2 physician for:

3 (1) issuing a written certification to a patient who is  
4 not under the physician's care for a debilitating medical  
5 condition; or

6 (2) failing to properly evaluate a patient's medical  
7 condition or otherwise violating the standard of care for  
8 evaluating medical conditions.

9 (g) No person may be subject to arrest, prosecution, or  
10 denial of any right or privilege, including but not limited to  
11 civil penalty or disciplinary action by an occupational or  
12 professional licensing board, solely for:

13 (1) selling cannabis paraphernalia to a cardholder  
14 upon presentation of an unexpired registry identification  
15 card in the recipient's name;

16 (2) being in the presence or vicinity of the medical  
17 use of cannabis as allowed under this Act; or

18 (3) assisting a registered qualifying patient with the  
19 act of administering cannabis.

20 (h) A verifying physician shall not be subject to arrest,  
21 prosecution, or penalty in any manner, or denied any right or  
22 privilege, including but not limited to civil penalty or  
23 disciplinary action by the Medical Disciplinary Board or by any  
24 other occupational or professional licensing board solely for  
25 providing a second opinion concerning a patient's disease,  
26 condition, or symptoms under clauses (2), (3), and (4) of

1 subsection (d) of Section 10.

2 (i) A nonprofit registered nonprofit medical cannabis  
3 organization shall not be subject to prosecution; search or  
4 inspection, except by the Department pursuant to subsection (r)  
5 of Section 90; seizure; or penalty in any manner, or be denied  
6 any right or privilege, including but not limited to civil  
7 penalty or disciplinary action by a business licensing board or  
8 entity, for acting pursuant to this Act and Department rules  
9 to: acquire, possess, cultivate, manufacture, deliver,  
10 transfer, transport, supply, sell, or dispense cannabis or  
11 related supplies and educational materials to registered  
12 qualifying patients who have designated the medical cannabis  
13 organization to provide for them, to registered designated  
14 caregivers on behalf of the registered qualifying patients who  
15 have designated the registered nonprofit medical cannabis  
16 organization.

17 (j) A nonprofit medical cannabis organization agent shall  
18 not be subject to prosecution, search, or penalty in any  
19 manner, or be denied any right or privilege, including but not  
20 limited to civil penalty or disciplinary action by a business  
21 licensing board or entity, for working or volunteering for a  
22 registered nonprofit medical cannabis organization pursuant to  
23 this Act and Department rules, including to perform the actions  
24 listed under subsection (i).

25 (k) Any cannabis, cannabis paraphernalia, licit property,  
26 or interest in licit property that is possessed, owned, or used

1 in connection with the medical use of cannabis as allowed under  
2 this Act, or acts incidental to such use, shall not be seized  
3 or forfeited. This Act shall not prevent the seizure or  
4 forfeiture of cannabis exceeding the amounts allowed under this  
5 Act, nor shall it prevent seizure or forfeiture if the basis  
6 for the action is unrelated to the cannabis that is possessed,  
7 manufactured, transferred, or used pursuant to this Act.

8 (1) Mere possession of, or application for, a registry  
9 identification card or registration certificate shall not  
10 constitute probable cause or reasonable suspicion, nor shall it  
11 be used as the sole basis to support the search of the person,  
12 property, or home of the person possessing or applying for the  
13 registry identification card. The possession of, or  
14 application for, a registry identification card shall not  
15 preclude the existence of probable cause if probable cause  
16 exists on other grounds.

17 Section 20. Limitations and penalties.

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

21 (1) Undertaking any task under the influence of  
22 cannabis, when doing so would constitute negligence or  
23 professional malpractice;

24 (2) Possessing cannabis, or otherwise engaging in the  
25 medical use of cannabis:

1 (A) in a school bus;

2 (B) on the grounds of any preschool or primary or  
3 secondary school; or

4 (C) in any correctional facility.

5 (3) Smoking cannabis:

6 (A) on any form of public transportation; or

7 (B) in any public place.

8 (4) Operating, navigating, or being in actual physical  
9 control of any motor vehicle, aircraft, or motorboat while  
10 under the influence of cannabis in violation of Sections  
11 11-501 and 11-501.9 of the Illinois Vehicle Code.

12 (5) Using cannabis if that person does not have a  
13 debilitating medical condition.

14 (6) Allowing any person who is not allowed to use  
15 cannabis under this Act to use cannabis that a cardholder  
16 is allowed to possess pursuant to this Act.

17 (7) Transferring cannabis to any person who is not  
18 allowed to possess cannabis under this Act.

19 (b) Nothing in this Act shall be construed to prevent the  
20 arrest or prosecution of a registered qualifying patient for  
21 reckless driving or driving under the influence of cannabis  
22 where probable cause exists.

23 (c) This Act shall in no way limit an employer's ability to  
24 discipline an employee for ingesting cannabis in the workplace  
25 or for working while under the influence of cannabis. This Act  
26 shall in no way limit an employer's ability to discipline an



1 employee for failing a drug test if failing to do so would put  
2 the employer in violation of federal law or cause it to lose a  
3 federal contract or funding.

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

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

19 (f) Any cardholder who sells cannabis to a person who is  
20 not allowed to possess cannabis for medical purposes under this  
21 Act shall have his or her registry identification card revoked  
22 and shall be subject to other penalties for the unauthorized  
23 sale of cannabis.

24 Section 25. Discrimination prohibited.

25 (a) (1) No school, employer, or landlord may refuse to

1 enroll or lease to, or otherwise penalize, a person solely for  
2 his or her status as a registered qualifying patient or a  
3 registered designated caregiver, unless failing to do so would  
4 put the school, employer, or landlord in violation of federal  
5 law or unless failing to do so would cause it to lose a  
6 monetary or licensing-related benefit under federal law or  
7 rules. This shall not prevent a landlord from prohibiting the  
8 smoking of cannabis on the premises.

9 (2) For the purposes of medical care, including organ  
10 transplants, a registered qualifying patient's authorized use  
11 of cannabis in accordance with this Act shall be considered the  
12 equivalent of the authorized use of any other medication used  
13 at the direction of a physician, and shall not constitute the  
14 use of an illicit substance or otherwise disqualify a  
15 qualifying patient from needed medical care.

16 (b) A person otherwise entitled to custody of or visitation  
17 or parenting time with a minor shall not be denied such a  
18 right, and there shall be no presumption of neglect or child  
19 endangerment, for conduct allowed under this Act, unless the  
20 person's actions in relation to cannabis were such that they  
21 created an unreasonable danger to the safety of the minor as  
22 established by clear and convincing evidence.

23 (c) No school, landlord, or employer may be penalized or  
24 denied any benefit under state law for enrolling, leasing to,  
25 or employing a cardholder.

1           Section 30. Addition of debilitating medical conditions.  
2           Any citizen may petition the Department to add debilitating  
3           conditions or treatments to the list of debilitating medical  
4           conditions listed in subsection (d) of Section 10. The  
5           Department shall consider petitions in the manner required by  
6           Department rule, including public notice and hearing. The  
7           Department shall approve or deny a petition within 180 days of  
8           its submission. The approval or denial of any petition is a  
9           final decision of the Department, subject to judicial review.  
10          Jurisdiction and venue are vested in the Circuit Court.

11          Section 35. Acts not required; acts not prohibited.

12          (a) Nothing in this Act may be construed to require:

13                 (1) a government medical assistance program or private  
14                 health insurer to reimburse a person for costs associated  
15                 with the medical use of cannabis;

16                 (2) any person or establishment in lawful possession of  
17                 property to allow a guest, client, customer, or other  
18                 visitor to smoke cannabis on or in that property; or

19                 (3) an employer to allow the ingestion of cannabis in  
20                 any workplace or to allow any employee to work while under  
21                 the influence of cannabis. However, such employee shall not  
22                 be considered under the influence solely where the presence  
23                 of cannabis in the blood and urine is below the limits set  
24                 in subsection (b) of Section 11-501.9 of the Illinois  
25                 Vehicle Code.

1 (b) Nothing in this Act prohibits an employer adopting  
2 reasonable rules concerning the consumption, storage, or  
3 timekeeping requirements for qualified patients related to the  
4 medical use of cannabis. Nothing in this Act shall prohibit an  
5 employer from disciplining an employee for ingesting cannabis  
6 in the workplace, working while under the influence of  
7 cannabis, or for otherwise violating the proper standard of  
8 care.

9 (c) Nothing in this Act shall be construed to interfere  
10 with any federal restrictions on employment including but not  
11 limited to the United States Department of Transportation  
12 regulation 49 CFR 40.151(e).

13 Section 40. Registration of qualifying patients and  
14 designated caregivers.

15 (a) The Department shall issue registry identification  
16 cards to qualifying patients who submit the following, in  
17 accordance with the Department's rules:

18 (1) a written certification, on a form developed by the  
19 Department and issued by a physician, within 90 days  
20 immediately preceding the date of an application;

21 (2) upon the execution of applicable privacy waivers,  
22 the patient's medical documentation related to his or her  
23 debilitating condition and any other information that may  
24 be reasonably required by the Department to confirm that  
25 the physician and patient have a bona fide

1 physician-patient relationship, that the qualifying  
2 patient is in the physician's care for his or her  
3 debilitating medical condition, and to substantiate the  
4 patient's diagnosis;

5 (3) if the patient is applying under paragraph (2), (3),  
6 and (4) of subsection (d) of Section 10, written  
7 documentation from a verifying physician that verifies the  
8 primary physician's diagnosis;

9 (4) the application or renewal fee;

10 (5) the name, address, and date of birth of the  
11 qualifying patient, except that if the applicant is  
12 homeless no address is required;

13 (6) the name, address, and telephone number of the  
14 qualifying patient's physician;

15 (7) the name, address, and date of birth of the  
16 designated caregiver, if any, chosen by the qualifying  
17 patient;

18 (8) the name of the registered nonprofit medical  
19 cannabis organization the qualifying patient designates;  
20 and

21 (9) signed statements from the patient and designated  
22 caregiver asserting that they will not divert medical  
23 cannabis.

24 Section 45. Issuance of registry identification cards.

25 (a) Except as provided in subsection (b), the Department

1 shall:

2 (1) Verify the information contained in an application  
3 or renewal submitted pursuant to this Act, and approve or  
4 deny an application or renewal, within 30 days of receiving  
5 a completed application or renewal application.

6 (2) Issue registry identification cards to a  
7 qualifying patient and his or her designated caregiver, if  
8 any, within 5 days of approving the application or renewal.

9 (3) Enter the registry identification number of the  
10 registered nonprofit medical cannabis organization the  
11 patient designates into the verification system.

12 (b) The Department shall not issue a registry  
13 identification card to a qualifying patient who is younger than  
14 18 years of age unless:

15 (1) the qualifying patient's physician has explained  
16 the potential risks and benefits of the medical use of  
17 cannabis to the custodial parent or legal guardian with  
18 responsibility for health care decisions for the  
19 qualifying patient; and

20 (2) the custodial parent or legal guardian with  
21 responsibility for health care decisions for the  
22 qualifying patient consents in writing to:

23 (A) allow the qualifying patient's medical use of  
24 cannabis;

25 (B) serve as the qualifying patient's designated  
26 caregiver; and

1           (C) control the acquisition of the cannabis, the  
2           dosage, and the frequency of the medical use of  
3           cannabis by the qualifying patient.

4           (c) The registry identification card of or its equivalent  
5           that is issued under the laws of another state, district,  
6           territory, commonwealth, or insular possession of the United  
7           States that allows that visiting qualifying patient to possess  
8           or use medical cannabis shall not authorize a visiting  
9           qualifying patient to obtain cannabis from a registered  
10          nonprofit medical cannabis dispensary.

11          (d) A veteran who has received treatment at a VA hospital  
12          may have a bona fide physician-patient relationship so long as  
13          the doctor has taken over an aspect of care related to the  
14          debilitating condition and the patient meets all other  
15          statutory requirements. All reasonable inferences regarding  
16          the existence of a bona fide physician-patient relationship  
17          shall be drawn in favor of any applicant who is a veteran and  
18          has undergone treatment at a VA hospital.

19          (e) Upon the approval of the registration and issuance of a  
20          registry card under this Section, the Department shall forward  
21          the patient's drivers license number to the Secretary of State  
22          and certify that the individual is permitted to engage in the  
23          medical use of cannabis. For the purposes of law enforcement,  
24          the Secretary of State shall make a notation on the person's  
25          driving record stating the person is a qualified patient who is  
26          entitled to the lawful medical use of cannabis. If the person

1 no longer holds a valid registry card, the Department shall  
2 notify the Secretary of State and the Secretary of State shall  
3 remove the notation from the person's driving record. The  
4 Department and the Secretary of State may establish a system by  
5 which such information may be shared electronically.

6 Section 50. Denial of registry identification cards.

7 (a) The Department may deny an application or renewal of a  
8 qualifying patient's registry identification card only if the  
9 applicant:

10 (1) did not provide the required information and  
11 materials;

12 (2) previously had a registry identification card  
13 revoked;

14 (3) did not meet the requirements of this Act; or

15 (4) provided false or falsified information.

16 (b) The Department may deny an application or renewal for a  
17 designated caregiver chosen by a qualifying patient whose  
18 registry identification card was granted only if:

19 (1) the designated caregiver does not meet the  
20 requirements of subsection (i) of Section 10;

21 (2) the applicant did not provide the information  
22 required;

23 (3) the prospective patient's application was denied;

24 (4) the designated caregiver previously had a registry  
25 identification card revoked; or



1           (5) the applicant or the designated caregiver provided  
2           false or falsified information.

3           (c) The Department shall conduct a background check of the  
4           prospective designated caregiver in order to carry out this  
5           provision. Each person applying as a designated caregiver shall  
6           submit a full set of fingerprints to the Department for the  
7           purpose of obtaining a state and federal criminal records  
8           check. The Department may exchange this data with the Federal  
9           Bureau of Investigation without disclosing that the records  
10          check is related to this Act. The Department shall destroy each  
11          set of fingerprints after the criminal records check is  
12          completed.

13          (d) The Department shall notify the qualifying patient who  
14          has designated someone to serve as his or her designated  
15          caregiver if a registry identification card will not be issued  
16          to the designated caregiver.

17          (e) Denial of an application or renewal is considered a  
18          final Department action, subject to judicial review.  
19          Jurisdiction and venue for judicial review are vested in the  
20          Circuit Court.

21          Section 55. Registry identification cards. A qualifying  
22          patient or designated caregiver must keep their registry  
23          identification card in their possession at all times when  
24          engaging in the medical use of cannabis.

25          (a) Registry identification cards shall contain all of the

1 following:

2 (1) the name of the cardholder;

3 (2) a designation of whether the cardholder is a  
4 designated caregiver or qualifying patient;

5 (3) the date of issuance and expiration date of the  
6 registry identification card;

7 (4) a random 10-digit alphanumeric identification  
8 number, containing at least 4 numbers and at least 4  
9 letters, that is unique to the cardholder;

10 (5) if the cardholder is a designated caregiver, the  
11 random 10-digit alphanumeric identification number of the  
12 qualifying patient the designated caregiver is receiving  
13 the registry identification card to assist; and

14 (6) a photograph of the cardholder, if the Department's  
15 rules require one.

16 (b) Except as provided in this subsection, the expiration  
17 date shall be one year after the date of issuance.

18 (c) The Department may, at its discretion, electronically  
19 store in the card any or all of the information listed in  
20 subsection (a), along with the address and date of birth of the  
21 cardholder, to allow it to be read by law enforcement agents.

22 Section 60. Notifications to Department and responses;  
23 civil penalty.

24 (a) The following notifications and Department responses  
25 are required:

1           (1) A registered qualifying patient shall notify the  
2 Department of any change in his or her name or address, or  
3 if the registered qualifying patient ceases to have his or  
4 her debilitating medical condition, within 10 days of the  
5 change.

6           (2) A registered designated caregiver shall notify the  
7 Department of any change in his or her name or address, or  
8 if the designated caregiver becomes aware the qualifying  
9 patient passed away, within 10 days of the change.

10           (3) Before a registered qualifying patient changes his  
11 or her designated caregiver, the qualifying patient must  
12 notify the Department.

13           (4) If a cardholder loses his or her registry  
14 identification card, he or she shall notify the Department  
15 within 10 days of becoming aware the card has been lost.

16           (b) When a cardholder notifies the Department of items  
17 listed in subsection (a), but remains eligible under this Act,  
18 the Department shall issue the cardholder a new registry  
19 identification card with a new random 10-digit alphanumeric  
20 identification number within 10 days of receiving the updated  
21 information and a \$20 fee. If the person notifying the  
22 Department is a registered qualifying patient, the Department  
23 shall also issue his or her registered designated caregiver, if  
24 any, a new registry identification card within 10 days of  
25 receiving the updated information.

26           (c) If a registered qualifying patient ceases to be a

1 registered qualifying patient or changes his or her registered  
2 designated caregiver, the Department shall promptly notify the  
3 designated caregiver. The registered designated caregiver's  
4 protections under this Act as to that qualifying patient shall  
5 expire 15 days after notification by the Department.

6 (d) A cardholder who fails to make a notification to the  
7 Department that is required by this Section is subject to a  
8 civil infraction, punishable by a penalty of no more than \$150.

9 (e) A registered qualifying patient shall notify the  
10 Department before changing his or her designated registered  
11 nonprofit medical cannabis organization and pay a \$20 fee. The  
12 Department must, within 5 business days of receiving the  
13 notification, update the registered qualifying patient's entry  
14 in the identification registry system to reflect the change in  
15 designation and notify the patient that the change has been  
16 processed.

17 (f) If the registered qualifying patient's certifying  
18 physician notifies the Department in writing that either the  
19 registered qualifying patient has ceased to suffer from a  
20 debilitating medical condition or that the physician no longer  
21 believes the patient would receive therapeutic or palliative  
22 benefit from the medical use of cannabis, the card shall become  
23 null and void. However, the registered qualifying patient shall  
24 have 15 days to destroy his or her remaining medical cannabis  
25 and related paraphernalia.

1           Section 65. Registration of nonprofit medical cannabis  
2 organization.

3           (a) Nonprofit medical cannabis organizations may only  
4 operate if they have been issued a valid registration  
5 certificate from the Department. When applying for a nonprofit  
6 medical cannabis organization registration certificate, the  
7 applicant shall submit the following in accordance with  
8 Department rules:

9           (1) A \$10,000 application fee and a \$1,000 fee for  
10 application renewals. Such fees may be adjusted subject to  
11 the discretion of the Department.

12           (2) The proposed legal name of the medical cannabis  
13 organization.

14           (3) The proposed physical address of the medical  
15 cannabis organization.

16           (4) If the nonprofit medical cannabis organization  
17 proposes additional locations where cannabis will be  
18 cultivated, harvested, packaged, labeled, or otherwise  
19 prepared for distribution by the medical cannabis  
20 organization, the physical address. In such case that the  
21 cannabis will be cultivated at any other location than  
22 listed in paragraph (3), the medical cannabis organization  
23 shall apply for a variance which is subject to the  
24 discretion of the Department.

25           (5) The name, address, and date of birth of each  
26 principal officer and board member of the medical cannabis

1 organization, provided that all such individuals shall be  
2 at least 21 years of age.

3 (6) Any instances in which a business or not-for-profit  
4 that any of the prospective board members managed or served  
5 on the board of was convicted, fined, censured, or had a  
6 registration or license suspended or revoked in any  
7 administrative or judicial proceeding.

8 (7) Proposed operating by-laws that include procedures  
9 for the oversight of the nonprofit medical cannabis  
10 organization and procedures to ensure accurate record  
11 keeping and security measures that are in accordance with  
12 the rules issued by the Department pursuant to this Act.  
13 The by-laws shall include a description of the enclosed,  
14 locked facility where medical cannabis will be grown,  
15 cultivated, harvested, packaged, labeled, or otherwise  
16 prepared for distribution by the medical cannabis  
17 organization.

18 (8) Signed statements from each nonprofit medical  
19 cannabis organization agent stating that they will not  
20 divert medical cannabis.

21 (9) The Department shall conduct a background check of  
22 the prospective nonprofit medical cannabis organization  
23 agents in order to carry out this provision. Each person  
24 applying as a nonprofit medical cannabis organization  
25 agent shall submit a full set of fingerprints to the  
26 department for the purpose of obtaining a state and federal

1 criminal records check. The Department may exchange this  
2 data with the Federal Bureau of Investigation without  
3 disclosing that the records check is related to this Act.  
4 The Department shall destroy each set of fingerprints after  
5 the criminal records check is completed.

6 (b) An application for a medical cannabis organization  
7 registration certificate must be denied if any of the following  
8 conditions are met:

9 (A) the applicant failed to submit the materials  
10 required by this Section, including if the applicant's  
11 plans do not satisfy the security, oversight, or  
12 recordkeeping rules issued by the Department;

13 (B) the applicant would not be in compliance with local  
14 zoning rules issued in accordance with Section 80;

15 (C) the applicant does not meet the requirements of  
16 Section 90;

17 (D) one or more of the prospective principal officers  
18 or board members has been convicted of an excluded offense;

19 (E) one or more of the prospective principal officers  
20 or board members has served as a principal officer or board  
21 member for a registered nonprofit medical cannabis  
22 organization that has had its registration certificate  
23 revoked; and

24 (F) one or more of the principal officers or board  
25 members is younger than 21 years of age.

26 (c) After a medical cannabis organization is approved, but

1 before it begins operations, it shall submit its physical  
2 address if the address was not finalized when it applied.

3 (d) When issuing a medical cannabis organization  
4 registration certificate, the Department shall also issue a  
5 renewable registration certificate with an identification  
6 number.

7 Section 70. Nonprofit medical cannabis organization agent  
8 identification cards.

9 (a) A nonprofit medical cannabis organization agent must  
10 keep his or her identification card in their possession at all  
11 times when engaging in the medical use of cannabis related to  
12 dispensary operations.

13 (b) Nonprofit medical cannabis organization agent  
14 identification cards shall contain all of the following:

15 (1) the name of the cardholder;

16 (2) a designation the cardholder is a nonprofit medical  
17 cannabis organization agent;

18 (3) the date of issuance and expiration date of the  
19 nonprofit medical cannabis organization agent  
20 identification cards;

21 (4) a random 10-digit alphanumeric identification  
22 number, containing at least four numbers and at least four  
23 letters, that is unique to the cardholder; and

24 (5) a photograph of the cardholder, if the Department's  
25 rules require one.



1           Section 75. Nonprofit medical cannabis organization  
2 certification renewal. Registration certificates may be  
3 renewed subject to the rule of the Department. The registered  
4 nonprofit medical cannabis organization may submit a renewal  
5 application beginning 90 days prior to the expiration of its  
6 registration certificate. The Department shall grant a renewal  
7 application within 45 days of its submission if the following  
8 conditions are all satisfied:

9           (a) The registered nonprofit medical cannabis organization  
10 or submits a renewal application and the required renewal fee,  
11 which shall be refunded within 60 days if the renewal  
12 application is rejected.

13           (b) The Department has not suspended the registered  
14 nonprofit medical cannabis organization or registration  
15 certificate for violations of this Act or rules adopted  
16 pursuant to this Act.

17           (c) The inspections authorized by subsection (s) of Section  
18 85 and the input the Department received from stakeholders  
19 pursuant to subsection (b) of Section 105 do not raise serious  
20 and credible concerns about the continued operation of the  
21 registered nonprofit medical cannabis organization or applying  
22 for renewal.

23           Section 80. Local ordinances. A unit of local government  
24 may enact reasonable zoning ordinances or resolutions, not in

1 conflict with this Act or with Department rules, regulating the  
2 location of registered nonprofit medical cannabis  
3 organizations. No unit of local government, including a home  
4 rule unit, or school district may regulate registered nonprofit  
5 medical cannabis organizations other than as provided in this  
6 Act. This Section is a denial and limitation under subsection  
7 (i) of Section 6 of Article VII of the Illinois Constitution on  
8 the concurrent exercise by home rule units of powers and  
9 functions exercised by the State.

10 Section 85. Requirements; prohibitions; penalties.

11 (a) The operating documents of a registered nonprofit  
12 medical cannabis organization shall include procedures for the  
13 oversight of the registered nonprofit medical cannabis  
14 organization and procedures to ensure accurate recordkeeping.

15 (b) A registered nonprofit medical cannabis organization  
16 shall implement appropriate security measures to deter and  
17 prevent the theft of cannabis and unauthorized entrance into  
18 areas containing cannabis.

19 (c) A registered nonprofit medical cannabis organization  
20 may not be located within 1,000 feet of the property line of a  
21 pre-existing public or private preschool or elementary or  
22 secondary school. A registered medical cannabis organization  
23 shall not be located in a house, apartment, condominium, or any  
24 other residential dwelling.

25 (d) A registered nonprofit medical cannabis organization

1 is prohibited from acquiring, possessing, cultivating,  
2 manufacturing, delivering, transferring, transporting,  
3 supplying, or dispensing cannabis for any purpose except to  
4 assist registered qualifying patients with the medical use of  
5 cannabis directly or through the qualifying patients'  
6 designated caregivers.

7 (e) All cultivation of cannabis for registered nonprofit  
8 medical cannabis organizations must take place in an enclosed,  
9 locked location at the physical address or addresses provided  
10 to the Department during the registration process. The  
11 cultivation location can only be accessed by medical cannabis  
12 organization agents working for the registered nonprofit  
13 medical cannabis organization, Department staff performing  
14 inspections, law enforcement or other emergency personnel, and  
15 contractors working on jobs unrelated to medical cannabis, such  
16 as installing or maintaining security devices or performing  
17 electrical wiring.

18 (f) A nonprofit medical cannabis organization may not  
19 obtain cannabis from outside the State of Illinois, except that  
20 a nonprofit medical cannabis organization may lawfully  
21 purchase cannabis seeds outside of the State of Illinois once  
22 during its registration period.

23 (g) A registered nonprofit medical cannabis organization  
24 shall not dispense more than 2.5 ounces of cannabis to a  
25 registered qualifying patient, directly or via a designated  
26 caregiver, in any 14-day period unless the qualifying patient

1 has a Department approved quantity variance.

2 (h) Before cannabis may be dispensed to a designated  
3 caregiver or a registered qualifying patient, a nonprofit  
4 medical cannabis organization agent must determine that the  
5 individual is a current cardholder in the verification system  
6 and must verify each of the following:

7 (1) that the registry identification card presented to  
8 the registered nonprofit medical cannabis organization is  
9 valid;

10 (2) that the person presenting the card is the person  
11 identified on the registry identification card presented  
12 to the medical cannabis organization agent;

13 (3) that the registered nonprofit medical cannabis  
14 organization is the designated medical cannabis  
15 organization for the registered qualifying patient who is  
16 obtaining the cannabis directly or via his or her  
17 designated caregiver; and

18 (4) that the qualified patient has not exceeded his or  
19 her adequate supply.

20 (i) A registered nonprofit medical cannabis organization  
21 may dispense more than 2.5 ounces of cannabis to a registered  
22 qualifying patient in a 14-day period if the exception that the  
23 registered qualifying patient needs a specified greater amount  
24 in a 14-day period has been approved by the Department.

25 (j) Registered nonprofit medical cannabis organizations  
26 shall ensure compliance with this limitation by maintaining

1 internal, confidential records that include records specifying  
2 how much cannabis is being dispensed to the registered  
3 qualifying patient and whether it was dispensed directly to the  
4 registered qualifying patient or to the designated caregiver.  
5 Each entry must include the date and time the cannabis was  
6 dispensed.

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

13 (l) A nonprofit medical cannabis organization shall not  
14 permit any person to consume cannabis on the property of a  
15 nonprofit medical cannabis organization.

16 (m) A registered nonprofit medical cannabis organization  
17 shall not share office space with or refer patients to a  
18 physician.

19 (n) A physician shall not refer patients to a registered  
20 nonprofit medical cannabis organization or registered  
21 designated caregiver, advertise in a registered nonprofit  
22 medical cannabis organization, or, if the physician issues  
23 written certifications, hold any financial interest in a  
24 registered nonprofit medical cannabis organization.

25 (o) No person who has been convicted of an excluded offense  
26 may be a nonprofit medical cannabis organization agent.

1           (p) Notwithstanding all other criminal penalties related  
2 to the unlawful possession of cannabis, the Department may  
3 issue a civil fine of up to \$3,000 for violations of this  
4 Section.

5           (q) The Department may suspend or revoke a registration  
6 certificate for violations of this Act and rules issued in  
7 accordance with this Section.

8           (r) The suspension or revocation of a certificate is a  
9 final Department action, subject to judicial review.  
10 Jurisdiction and venue for judicial review are vested in the  
11 Circuit Court.

12           (s) Registered nonprofit medical cannabis organizations  
13 are subject to random inspection and cannabis testing by  
14 Department rules. The Department shall give reasonable notice  
15 of an inspection or testing under this subsection.

16           Section 90. Confidentiality.

17           (a) The following information received and records kept by  
18 Department rules for purposes of administering this Act are  
19 subject to all applicable federal privacy laws, confidential,  
20 and exempt from the Freedom of Information Act, and not subject  
21 to disclosure to any individual or public or private entity,  
22 except as necessary for authorized employees of the Department  
23 to perform official duties pursuant to this Act:

24           (1) Applications and renewals, their contents, and  
25 supporting information submitted by qualifying patients

1 and designated caregivers, including information regarding  
2 their designated caregivers and physicians.

3 (2) Applications and renewals, their contents, and  
4 supporting information submitted by or on behalf of  
5 nonprofit medical cannabis organizations in compliance  
6 with this Act, including their physical addressees.

7 (3) The individual names and other information  
8 identifying persons to whom the Department has issued  
9 registry identification cards.

10 (4) Any dispensing information required to be kept  
11 under Section 85 or Department rules shall identify  
12 cardholders and registered nonprofit medical cannabis  
13 organizations by their registry identification numbers and  
14 not contain names or other personally identifying  
15 information.

16 (5) All medical records provided to the Department in  
17 connection with an application for a registry card.

18 (b) Nothing in this Section precludes the following:

19 (1) Department employees may notify law enforcement  
20 about falsified or fraudulent information submitted to the  
21 Department if the employee who suspects that falsified or  
22 fraudulent information has been submitted conferred with  
23 his or her supervisor and both agree that circumstances  
24 exist that warrant reporting.

25 (2) If the employee conferred with his or her  
26 supervisor and both agree that circumstances exist that

1 warrant reporting, Department employees may notify the  
2 Medical Disciplinary Board if there is reasonable cause to  
3 believe a physician:

4 (A) issued a written certification without a bona  
5 fide physician-patient relationship;

6 (B) issued a written certification to a person who  
7 was not under the physician's care for the debilitating  
8 medical condition; or

9 (C) failed to abide by the standard of care when  
10 evaluating medical conditions.

11 (3) The Department may notify State or local law  
12 enforcement about apparent criminal violations of this Act  
13 if the employee who suspects the offense has conferred with  
14 his or her supervisor and both agree that circumstances  
15 exist that warrant reporting.

16 (4) Nonprofit medical cannabis organization agents may  
17 notify the Department of a suspected violation or attempted  
18 violation of this Act or the rules issued pursuant to it.

19 (5) The Department may verify registry identification  
20 cards pursuant to Section 95.

21 (6) The submission of the report to the General  
22 Assembly under Section 100.

23 (c) It is a Class B misdemeanor with a \$1,000 fine for any  
24 person, including an employee or official of the Department or  
25 another State agency or local government, to breach the  
26 confidentiality of information obtained pursuant to this Act.



1           Section 95. Registry identification and registration  
2 certificate verification.

3           (a) The Department shall maintain a confidential list of  
4 the persons to whom the Department has issued registry  
5 identification cards and their addresses, phone numbers, and  
6 registry identification numbers. This confidential list shall  
7 not be combined or linked in any manner with any other list or  
8 database except as provided in this Section.

9           (b) Within 180 days of the effective date of this Act, the  
10 Department shall establish a computerized verification system.  
11 The verification system must allow law enforcement personnel  
12 and nonprofit medical cannabis organization agents to enter a  
13 registry identification number to determine whether or not the  
14 number corresponds with a current, valid registry  
15 identification card. The system shall only disclose whether the  
16 identification card is valid; whether the cardholder is a  
17 registered qualifying patient or a registered designated  
18 caregiver; and the registry identification number of the  
19 registered nonprofit medical cannabis organization designated  
20 to serve the registered qualifying patient who holds the card  
21 or the registry identification number of the patient who is  
22 assisted by the registered designated caregiver who holds the  
23 card. The system shall enable nonprofit medical cannabis to  
24 enter information in the system sufficient to track the amount  
25 of medical cannabis dispensed to the qualifying patient.

1 Notwithstanding any requirements established by this  
2 subsection, the Department shall issue registry cards to  
3 qualifying patients and shall issue certification to nonprofit  
4 medical cannabis organization for the period during which the  
5 database is being established.

6 Section 100. Annual reports. The Department shall submit  
7 to the General Assembly an annual report that does not disclose  
8 any identifying information about cardholders, registered  
9 nonprofit medical cannabis organizations, or physicians, but  
10 does contain, at a minimum, all of the following information:

11 (1) the number of applications and renewals filed for  
12 registry identification cards;

13 (2) the number of qualifying patients and designated  
14 caregivers approved in each county;

15 (3) the nature of the debilitating medical conditions  
16 of the qualifying patients;

17 (4) the number of registry identification cards  
18 revoked for misconduct;

19 (5) the number of physicians providing written  
20 certifications for qualifying patients; and

21 (6) the number of registered nonprofit medical  
22 cannabis organizations.

23 Section 105. Department to issue rules.

24 (a) Not later than 60 days after the effective date of this

1 Act, the Department shall promulgate rules:

2 (1) governing the manner in which the Department shall  
3 consider petitions from the public to add debilitating  
4 medical conditions or treatments to the list of  
5 debilitating medical conditions set forth in subsection  
6 (d) of Section 10 of this Act, including public notice of  
7 and an opportunity to comment in public hearings on the  
8 petitions;

9 (2) establishing the form and content of registration  
10 and renewal applications submitted under this Act,  
11 including a standard form for written certifications;

12 (3) governing the manner in which it shall consider  
13 applications for and renewals of registry identification  
14 cards, including developing separate requirements, fees,  
15 and applications for temporary registry identification  
16 cards for visiting qualifying patients wishing to obtain  
17 cannabis from registered nonprofit medical cannabis  
18 organizations;

19 (4) governing the following matters related to  
20 registered nonprofit medical cannabis organizations, with  
21 the goal of protecting against diversion and theft, without  
22 imposing an undue burden on the registered nonprofit  
23 medical cannabis organizations or compromising the  
24 confidentiality of cardholders:

25 (A) oversight requirements for nonprofit  
26 registered nonprofit medical cannabis organizations;

1 (B) recordkeeping requirements for registered  
2 nonprofit medical cannabis organizations;

3 (C) security requirements for registered nonprofit  
4 medical cannabis organizations, which shall include  
5 that each registered nonprofit medical cannabis  
6 organization location must be protected by a fully  
7 operational security alarm system;

8 (D) rules and standards for what constitutes an  
9 enclosed locked facility under this Act;

10 (E) procedures for suspending or terminating the  
11 registration certificates or registry identification  
12 cards of cardholders, registered nonprofit medical  
13 cannabis organizations, and registered safety  
14 compliance facilities that commit multiple or serious  
15 violations of the provisions of this Act or the rules  
16 promulgated pursuant to this Section;

17 (F) reasonable rules concerning the medical use of  
18 cannabis at a nursing care institution, hospice,  
19 assisted living center, assisted living facility,  
20 assisted living home, residential care institution, or  
21 adult day health care facility;

22 (G) limitations of the quantity of cannabis plants  
23 a dispensary may possess at one time provided that no  
24 dispensary is authorized to possess more plants than  
25 are reasonably necessary to satisfy the adequate  
26 supply of the patients who have designated that

1 dispensary as his or her provider;

2 (H) rules concerning the intrastate transportation  
3 of medical cannabis;

4 (I) standards concerning the testing, quality, and  
5 cultivation of medical cannabis; and

6 (J) such other matters as are necessary for the  
7 fair, impartial, stringent, and comprehensive  
8 administration of this Act; and

9 (5) application and renewal fees for registry  
10 identification cards, nonprofit medical cannabis  
11 organization agent identification cards, and renewal fees  
12 for registered nonprofit medical cannabis organization  
13 registration certificates, according to the following:

14 (A) the total fees collected must generate  
15 revenues sufficient to offset all expenses of  
16 implementing and administering this Act, except that  
17 fee revenue may be offset or supplemented by private  
18 donations;

19 (B) the Department may establish a sliding scale of  
20 patient application and renewal fees based upon a  
21 qualifying patient's household income;

22 (C) the Department may accept donations from  
23 private sources to reduce application and renewal  
24 fees; and

25 (D) registry identification card fees shall  
26 include an additional \$3 per registry identification

1 card, which shall be used to develop and disseminate  
2 educational information about the health risks  
3 associated with the abuse of cannabis and prescription  
4 medications.

5 The Department may adopt rules concerning limiting the  
6 rights of medical cannabis organizations by taking into  
7 consideration how many are currently operating and their  
8 geographical distribution.

9 (b) During the rule-making process, the Department shall  
10 make a good faith effort to consult with all stakeholders  
11 identified in the rule-making analysis as being impacted by the  
12 rules. The Department shall establish the stakeholders into an  
13 advisory task force, or it may consult with them individually.  
14 Stakeholders shall include, but are not limited to:

15 (1) at least 2 physicians, one of whom must have prior  
16 experience treating medical cannabis patients;

17 (2) at least 2 nurses, one of whom must have prior  
18 experience treating HIV/AIDS patients;

19 (3) at least three qualifying patients;

20 (4) a representative from the law enforcement  
21 community;

22 (5) the Director of State Police or his or her  
23 designee;

24 (6) a prosecuting attorney currently employed by the  
25 State of Illinois;

26 (7) a public defender currently employed by the State

1 of Illinois;

2 (8) a defense attorney in private practice;

3 (9) a licensed phlebotomist;

4 (10) a horticulturist; and

5 (11) a representative of the business community.

6 (c) After consulting with the stakeholders, the Department  
7 shall evaluate driving under the influence laws as they apply  
8 to registered patients.

9 (d) Beginning 4 months after the issuance of the first  
10 registrations for registered nonprofit medical cannabis  
11 organizations, the Department shall solicit input, including  
12 from the stakeholders identified in subsection (c) on the  
13 following:

14 (A) The ability of qualifying patients in all areas  
15 of the state to obtain timely access to high-quality  
16 medical cannabis.

17 (B) The effectiveness of the registered nonprofit  
18 medical cannabis organizations, individually and  
19 together, in serving the needs of qualifying patients,  
20 including the provision of support services, the  
21 reasonableness of their fees, whether they are  
22 generating any complaints or security problems, and  
23 the sufficiency of the number operating to serve the  
24 registered qualifying patients of Illinois.

25 (C) The sufficiency of the regulatory and security  
26 safeguards contained in this Act and adopted by the

1 Department to ensure that access to and use of cannabis  
2 cultivated is provided only to cardholders authorized  
3 for such purposes.

4 (D) Any recommended additions or revisions to the  
5 Department rules or this Act, including relating to  
6 security, safe handling, labeling, and nomenclature.

7 (E) Any research studies regarding health effects  
8 of medical cannabis for patients.

9 (e) The Department shall develop and disseminate  
10 educational information about the health risks associated with  
11 the abuse of cannabis and prescription medications, which shall  
12 be funded by the \$3 fees generated from registry identification  
13 cards.

14 Section 110. Enforcement of this Act.

15 (a) If the Department fails to adopt rules to implement  
16 this Act within the times provided for in this Act, any citizen  
17 may commence a mandamus action in the Circuit Court to compel  
18 the Department to perform the actions mandated pursuant to the  
19 provisions of this Act.

20 (b) If the Department fails to issue a valid registry  
21 identification card in response to a valid application or  
22 renewal submitted pursuant to this Act within 30 days of its  
23 submission, the registry identification card shall be deemed  
24 granted, and a copy of the registry identification application,  
25 including a valid written certification, or renewal shall be



1 deemed a valid registry identification card.

2 Section 115. Repeal of Act. This Act is repealed 3 years  
3 after its effective date.

4 Section 135. The Illinois Vehicle Code is amended by  
5 changing Section 11-501 and by adding Section 11-501.9 as  
6 follows:

7 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

8 Sec. 11-501. Driving while under the influence of alcohol,  
9 other drug or drugs, intoxicating compound or compounds or any  
10 combination thereof.

11 (a) A person shall not drive or be in actual physical  
12 control of any vehicle within this State while:

13 (1) the alcohol concentration in the person's blood or  
14 breath is 0.08 or more based on the definition of blood and  
15 breath units in Section 11-501.2;

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound or  
18 combination of intoxicating compounds to a degree that  
19 renders the person incapable of driving safely;

20 (4) under the influence of any other drug or  
21 combination of drugs to a degree that renders the person  
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other drug

1 or drugs, or intoxicating compound or compounds to a degree  
2 that renders the person incapable of safely driving; or

3 (6) there is any amount of a drug, substance, or  
4 compound in the person's breath, blood, or urine resulting  
5 from the unlawful use or consumption of cannabis listed in  
6 the Cannabis Control Act, a controlled substance listed in  
7 the Illinois Controlled Substances Act, an intoxicating  
8 compound listed in the Use of Intoxicating Compounds Act,  
9 or methamphetamine as listed in the Methamphetamine  
10 Control and Community Protection Act. Subject to all other  
11 requirements set forth in this Act, for the purposes of  
12 this subsection the lawful consumption of cannabis by a  
13 qualified patient licensed under the Compassionate Use of  
14 Medical Cannabis Pilot Program Act who is in possession of  
15 a valid registry card shall be governed by the provisions  
16 set forth in Section 11-501.9.

17 (b) The fact that any person charged with violating this  
18 Section is or has been legally entitled to use alcohol, other  
19 drug or drugs, or intoxicating compound or compounds, or any  
20 combination thereof, shall not constitute a defense against any  
21 charge of violating this Section.

22 (c) Penalties.

23 (1) Except as otherwise provided in this Section, any  
24 person convicted of violating subsection (a) of this  
25 Section is guilty of a Class A misdemeanor.

26 (2) A person who violates subsection (a) or a similar

1 provision a second time shall be sentenced to a mandatory  
2 minimum term of either 5 days of imprisonment or 240 hours  
3 of community service in addition to any other criminal or  
4 administrative sanction.

5 (3) A person who violates subsection (a) is subject to  
6 6 months of imprisonment, an additional mandatory minimum  
7 fine of \$1,000, and 25 days of community service in a  
8 program benefiting children if the person was transporting  
9 a person under the age of 16 at the time of the violation.

10 (4) A person who violates subsection (a) a first time,  
11 if the alcohol concentration in his or her blood, breath,  
12 or urine was 0.16 or more based on the definition of blood,  
13 breath, or urine units in Section 11-501.2, or 2 times the  
14 cannabis in Section 11-501.9 shall be subject, in addition  
15 to any other penalty that may be imposed, to a mandatory  
16 minimum of 100 hours of community service and a mandatory  
17 minimum fine of \$500.

18 (5) A person who violates subsection (a) a second time,  
19 if at the time of the second violation the alcohol  
20 concentration in his or her blood, breath, or urine was  
21 0.16 or more based on the definition of blood, breath, or  
22 urine units in Section 11-501.2 or 2 times the cannabis in  
23 Section 11-501.9, shall be subject, in addition to any  
24 other penalty that may be imposed, to a mandatory minimum  
25 of 2 days of imprisonment and a mandatory minimum fine of  
26 \$1,250.

1 (d) Aggravated driving under the influence of alcohol,  
2 other drug or drugs, or intoxicating compound or compounds, or  
3 any combination thereof.

4 (1) Every person convicted of committing a violation of  
5 this Section shall be guilty of aggravated driving under  
6 the influence of alcohol, other drug or drugs, or  
7 intoxicating compound or compounds, or any combination  
8 thereof if:

9 (A) the person committed a violation of subsection

10 (a) or a similar provision for the third or subsequent  
11 time;

12 (B) the person committed a violation of subsection

13 (a) while driving a school bus with persons 18 years of  
14 age or younger on board;

15 (C) the person in committing a violation of  
16 subsection (a) was involved in a motor vehicle accident  
17 that resulted in great bodily harm or permanent  
18 disability or disfigurement to another, when the  
19 violation was a proximate cause of the injuries;

20 (D) the person committed a violation of subsection

21 (a) and has been previously convicted of violating  
22 Section 9-3 of the Criminal Code of 1961 or a similar  
23 provision of a law of another state relating to  
24 reckless homicide in which the person was determined to  
25 have been under the influence of alcohol, other drug or  
26 drugs, or intoxicating compound or compounds as an

1 element of the offense or the person has previously  
2 been convicted under subparagraph (C) or subparagraph  
3 (F) of this paragraph (1);

4 (E) the person, in committing a violation of  
5 subsection (a) while driving at any speed in a school  
6 speed zone at a time when a speed limit of 20 miles per  
7 hour was in effect under subsection (a) of Section  
8 11-605 of this Code, was involved in a motor vehicle  
9 accident that resulted in bodily harm, other than great  
10 bodily harm or permanent disability or disfigurement,  
11 to another person, when the violation of subsection (a)  
12 was a proximate cause of the bodily harm;

13 (F) the person, in committing a violation of  
14 subsection (a), was involved in a motor vehicle,  
15 snowmobile, all-terrain vehicle, or watercraft  
16 accident that resulted in the death of another person,  
17 when the violation of subsection (a) was a proximate  
18 cause of the death;

19 (G) the person committed a violation of subsection  
20 (a) during a period in which the defendant's driving  
21 privileges are revoked or suspended, where the  
22 revocation or suspension was for a violation of  
23 subsection (a) or a similar provision, Section  
24 11-501.1, 11-501.9, paragraph (b) of Section 11-401,  
25 or for reckless homicide as defined in Section 9-3 of  
26 the Criminal Code of 1961;

1           (H) the person committed the violation while he or  
2 she did not possess a driver's license or permit or a  
3 restricted driving permit or a judicial driving permit  
4 or a monitoring device driving permit;

5           (I) the person committed the violation while he or  
6 she knew or should have known that the vehicle he or  
7 she was driving was not covered by a liability  
8 insurance policy;

9           (J) the person in committing a violation of  
10 subsection (a) was involved in a motor vehicle accident  
11 that resulted in bodily harm, but not great bodily  
12 harm, to the child under the age of 16 being  
13 transported by the person, if the violation was the  
14 proximate cause of the injury; or

15           (K) the person in committing a second violation of  
16 subsection (a) or a similar provision was transporting  
17 a person under the age of 16.

18           (2) (A) Except as provided otherwise, a person  
19 convicted of aggravated driving under the influence of  
20 alcohol, other drug or drugs, or intoxicating compound or  
21 compounds, or any combination thereof is guilty of a Class  
22 4 felony.

23           (B) A third violation of this Section or a similar  
24 provision is a Class 2 felony. If at the time of the third  
25 violation the alcohol concentration in his or her blood,  
26 breath, or urine was 0.16 or more based on the definition

1 of blood, breath, or urine units in Section 11-501.2, a  
2 mandatory minimum of 90 days of imprisonment and a  
3 mandatory minimum fine of \$2,500 shall be imposed in  
4 addition to any other criminal or administrative sanction.  
5 If at the time of the third violation, the defendant was  
6 transporting a person under the age of 16, a mandatory fine  
7 of \$25,000 and 25 days of community service in a program  
8 benefiting children shall be imposed in addition to any  
9 other criminal or administrative sanction.

10 (C) A fourth violation of this Section or a similar  
11 provision is a Class 2 felony, for which a sentence of  
12 probation or conditional discharge may not be imposed. If  
13 at the time of the violation, the alcohol concentration in  
14 the defendant's blood, breath, or urine was 0.16 or more  
15 based on the definition of blood, breath, or urine units in  
16 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
17 be imposed in addition to any other criminal or  
18 administrative sanction. If at the time of the fourth  
19 violation, the defendant was transporting a person under  
20 the age of 16 a mandatory fine of \$25,000 and 25 days of  
21 community service in a program benefiting children shall be  
22 imposed in addition to any other criminal or administrative  
23 sanction.

24 (D) A fifth violation of this Section or a similar  
25 provision is a Class 1 felony, for which a sentence of  
26 probation or conditional discharge may not be imposed. If

1 at the time of the violation, the alcohol concentration in  
2 the defendant's blood, breath, or urine was 0.16 or more  
3 based on the definition of blood, breath, or urine units in  
4 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
5 be imposed in addition to any other criminal or  
6 administrative sanction. If at the time of the fifth  
7 violation, the defendant was transporting a person under  
8 the age of 16, a mandatory fine of \$25,000, and 25 days of  
9 community service in a program benefiting children shall be  
10 imposed in addition to any other criminal or administrative  
11 sanction.

12 (E) A sixth or subsequent violation of this Section or  
13 similar provision is a Class X felony. If at the time of  
14 the violation, the alcohol concentration in the  
15 defendant's blood, breath, or urine was 0.16 or more based  
16 on the definition of blood, breath, or urine units in  
17 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
18 be imposed in addition to any other criminal or  
19 administrative sanction. If at the time of the violation,  
20 the defendant was transporting a person under the age of  
21 16, a mandatory fine of \$25,000 and 25 days of community  
22 service in a program benefiting children shall be imposed  
23 in addition to any other criminal or administrative  
24 sanction.

25 (F) For a violation of subparagraph (C) of paragraph  
26 (1) of this subsection (d), the defendant, if sentenced to



1 a term of imprisonment, shall be sentenced to not less than  
2 one year nor more than 12 years.

3 (G) A violation of subparagraph (F) of paragraph (1) of  
4 this subsection (d) is a Class 2 felony, for which the  
5 defendant, unless the court determines that extraordinary  
6 circumstances exist and require probation, shall be  
7 sentenced to: (i) a term of imprisonment of not less than 3  
8 years and not more than 14 years if the violation resulted  
9 in the death of one person; or (ii) a term of imprisonment  
10 of not less than 6 years and not more than 28 years if the  
11 violation resulted in the deaths of 2 or more persons.

12 (H) For a violation of subparagraph (J) of paragraph  
13 (1) of this subsection (d), a mandatory fine of \$2,500, and  
14 25 days of community service in a program benefiting  
15 children shall be imposed in addition to any other criminal  
16 or administrative sanction.

17 (I) A violation of subparagraph (K) of paragraph (1) of  
18 this subsection (d), is a Class 2 felony and a mandatory  
19 fine of \$2,500, and 25 days of community service in a  
20 program benefiting children shall be imposed in addition to  
21 any other criminal or administrative sanction. If the child  
22 being transported suffered bodily harm, but not great  
23 bodily harm, in a motor vehicle accident, and the violation  
24 was the proximate cause of that injury, a mandatory fine of  
25 \$5,000 and 25 days of community service in a program  
26 benefiting children shall be imposed in addition to any

1 other criminal or administrative sanction.

2 (J) A violation of subparagraph (D) of paragraph (1) of  
3 this subsection (d) is a Class 3 felony, for which a  
4 sentence of probation or conditional discharge may not be  
5 imposed.

6 (3) Any person sentenced under this subsection (d) who  
7 receives a term of probation or conditional discharge must  
8 serve a minimum term of either 480 hours of community  
9 service or 10 days of imprisonment as a condition of the  
10 probation or conditional discharge in addition to any other  
11 criminal or administrative sanction.

12 (e) Any reference to a prior violation of subsection (a) or  
13 a similar provision includes any violation of a provision of a  
14 local ordinance or a provision of a law of another state or an  
15 offense committed on a military installation that is similar to  
16 a violation of subsection (a) of this Section.

17 (f) The imposition of a mandatory term of imprisonment or  
18 assignment of community service for a violation of this Section  
19 shall not be suspended or reduced by the court.

20 (g) Any penalty imposed for driving with a license that has  
21 been revoked for a previous violation of subsection (a) of this  
22 Section shall be in addition to the penalty imposed for any  
23 subsequent violation of subsection (a).

24 (h) For any prosecution under this Section, a certified  
25 copy of the driving abstract of the defendant shall be admitted  
26 as proof of any prior conviction.

1 (Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;  
2 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08;  
3 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

4 (625 ILCS 5/11-501.9 new)

5 Sec. 11-501.9. Medical cannabis; qualified patient;  
6 restrictions.

7 (a) No person who is a qualified patient in possession of a  
8 valid registry card under the Compassionate Use of Medical  
9 Cannabis Pilot Program Act may operate a motor vehicle unless 4  
10 hours have passed from the time that the qualified patient last  
11 consumed medical cannabis.

12 (b) No person who is a qualified patient in possession of a  
13 valid registry card under the Compassionate Use of Medical  
14 Cannabis Pilot Program Act who has a concentration of cannabis  
15 in the person's urine of at least 15 nanograms of cannabis per  
16 milliliter of the person's urine or has a concentration of  
17 cannabis in the person's whole blood of at least 5 nanograms of  
18 cannabis per milliliter of the person's whole blood shall drive  
19 or be in actual physical control of any vehicle within this  
20 State.

21 (c) The sole fact that the person is a qualified patient  
22 under the Compassionate Use of Medical Cannabis Pilot Program  
23 Act in possession of a registry card shall not constitute  
24 reasonable suspicion or probable cause that there is a  
25 violation under this Section or elsewhere.

1       (d) Any violation of this Section shall subject the  
2 offender to the penalties set forth in Section 11-501 and all  
3 other appropriate sanctions under law.

4       Section 140. The Cannabis Control Act is amended by  
5 changing Sections 4, 5, 8, 9, and 16.1 as follows:

6       (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

7       Sec. 4. It is unlawful for any person knowingly to possess  
8 cannabis. Any person who violates this section with respect to:

9           (a) not more than 2.5 grams of any substance containing  
10 cannabis is guilty of a Class C misdemeanor;

11           (b) more than 2.5 grams but not more than 10 grams of  
12 any substance containing cannabis is guilty of a Class B  
13 misdemeanor;

14           (c) more than 10 grams but not more than 30 grams of  
15 any substance containing cannabis is guilty of a Class A  
16 misdemeanor; provided, that if any offense under this  
17 subsection (c) is a subsequent offense, the offender shall  
18 be guilty of a Class 4 felony;

19           (d) more than 30 grams but not more than 500 grams of  
20 any substance containing cannabis is guilty of a Class 4  
21 felony; provided that if any offense under this subsection  
22 (d) is a subsequent offense, the offender shall be guilty  
23 of a Class 3 felony;

24           (e) more than 500 grams but not more than 2,000 grams

1 of any substance containing cannabis is guilty of a Class 3  
2 felony;

3 (f) more than 2,000 grams but not more than 5,000 grams  
4 of any substance containing cannabis is guilty of a Class 2  
5 felony;

6 (g) more than 5,000 grams of any substance containing  
7 cannabis is guilty of a Class 1 felony; ~~7~~

8 (h) if any offense is committed under subsection (a) or  
9 (b) and the defendant is a registered nonprofit medical  
10 cannabis organization agent, the defendant is guilty of a  
11 Class 4 felony;

12 (i) if any offense is committed under subsection (c)  
13 and the defendant is a registered nonprofit medical  
14 cannabis organization agent, the defendant is guilty of a  
15 Class 3 felony;

16 (j) if any offense is committed under subsection (d)  
17 and the defendant is a registered nonprofit medical  
18 cannabis organization agent, the defendant is guilty of a  
19 Class 2 felony;

20 (k) if any offense is committed under subsection (e)  
21 and the defendant is a registered nonprofit medical  
22 cannabis organization agent, the defendant is guilty of a  
23 Class 1 felony;

24 (l) if any offense is committed under subsection (f)  
25 and the defendant is a registered nonprofit medical  
26 cannabis organization agent, the defendant is guilty of a

1       Class X felony; or

2               (m) if any offense is committed under subsection (g)  
3       and the defendant is a registered nonprofit medical  
4       cannabis organization agent, the defendant is guilty of a  
5       Class X felony extended term.

6       (Source: P.A. 90-397, eff. 8-15-97.)

7               (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

8       Sec. 5. It is unlawful for any person knowingly to  
9       manufacture, deliver, or possess with intent to deliver, or  
10       manufacture, cannabis. Any person who violates this section  
11       with respect to:

12               (a) not more than 2.5 grams of any substance containing  
13       cannabis is guilty of a Class B misdemeanor;

14               (b) more than 2.5 grams but not more than 10 grams of any  
15       substance containing cannabis is guilty of a Class A  
16       misdemeanor;

17               (c) more than 10 grams but not more than 30 grams of any  
18       substance containing cannabis is guilty of a Class 4 felony;

19               (d) more than 30 grams but not more than 500 grams of any  
20       substance containing cannabis is guilty of a Class 3 felony for  
21       which a fine not to exceed \$50,000 may be imposed;

22               (e) more than 500 grams but not more than 2,000 grams of  
23       any substance containing cannabis is guilty of a Class 2 felony  
24       for which a fine not to exceed \$100,000 may be imposed;

25               (f) more than 2,000 grams but not more than 5,000 grams of

1 any substance containing cannabis is guilty of a Class 1 felony  
2 for which a fine not to exceed \$150,000 may be imposed;

3 (g) more than 5,000 grams of any substance containing  
4 cannabis is guilty of a Class X felony for which a fine not to  
5 exceed \$200,000 may be imposed; =

6 (h) if any offense is committed under subsections (a), (b)  
7 or (c) and the defendant is a registered nonprofit medical  
8 cannabis organization agent, the defendant is guilty of a Class  
9 3 felony;

10 (i) if any offense is committed under subsection (d) and  
11 the defendant is a registered nonprofit medical cannabis  
12 organization agent, the defendant is guilty of a Class 2  
13 felony;

14 (j) if any offense is committed under subsection (e) and  
15 the defendant is a registered nonprofit medical cannabis  
16 organization agent, the defendant is guilty of a Class 1  
17 felony;

18 (k) if any offense is committed under subsection (f) and  
19 the defendant is a registered nonprofit medical cannabis  
20 organization agent, the defendant is guilty of a Class X  
21 felony; or

22 (l) if any offense is committed under subsection (g) and  
23 the defendant is a registered nonprofit medical cannabis  
24 organization agent, the defendant is guilty of a Class X with  
25 an extended term.

26 (Source: P.A. 90-397, eff. 8-15-97.)

1 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

2 Sec. 8. It is unlawful for any person knowingly to produce  
3 the cannabis sativa plant or to possess such plants unless  
4 production or possession has been authorized pursuant to the  
5 provisions of Section 11 of the Act. Any person who violates  
6 this Section with respect to production or possession of:

7 (a) Not more than 5 plants is guilty of a Class A  
8 misdemeanor.

9 (b) More than 5, but not more than 20 plants, is guilty of  
10 a Class 4 felony.

11 (c) More than 20, but not more than 50 plants, is guilty of  
12 a Class 3 felony.

13 (d) More than 50, but not more than 200 plants, is guilty  
14 of a Class 2 felony for which a fine not to exceed \$100,000 may  
15 be imposed and for which liability for the cost of conducting  
16 the investigation and eradicating such plants may be assessed.  
17 Compensation for expenses incurred in the enforcement of this  
18 provision shall be transmitted to and deposited in the  
19 treasurer's office at the level of government represented by  
20 the Illinois law enforcement agency whose officers or employees  
21 conducted the investigation or caused the arrest or arrests  
22 leading to the prosecution, to be subsequently made available  
23 to that law enforcement agency as expendable receipts for use  
24 in the enforcement of laws regulating controlled substances and  
25 cannabis. If such seizure was made by a combination of law



1 enforcement personnel representing different levels of  
2 government, the court levying the assessment shall determine  
3 the allocation of such assessment. The proceeds of assessment  
4 awarded to the State treasury shall be deposited in a special  
5 fund known as the Drug Traffic Prevention Fund.

6 (e) More than 200 plants is guilty of a Class 1 felony for  
7 which a fine not to exceed \$100,000 may be imposed and for  
8 which liability for the cost of conducting the investigation  
9 and eradicating such plants may be assessed. Compensation for  
10 expenses incurred in the enforcement of this provision shall be  
11 transmitted to and deposited in the treasurer's office at the  
12 level of government represented by the Illinois law enforcement  
13 agency whose officers or employees conducted the investigation  
14 or caused the arrest or arrests leading to the prosecution, to  
15 be subsequently made available to that law enforcement agency  
16 as expendable receipts for use in the enforcement of laws  
17 regulating controlled substances and cannabis. If such seizure  
18 was made by a combination of law enforcement personnel  
19 representing different levels of government, the court levying  
20 the assessment shall determine the allocation of such  
21 assessment. The proceeds of assessment awarded to the State  
22 treasury shall be deposited in a special fund known as the Drug  
23 Traffic Prevention Fund.

24 (Source: P.A. 95-247, eff. 1-1-08.)

1           Sec. 9. (a) Any person who engages in a calculated criminal  
2 cannabis conspiracy, as defined in subsection (b), is guilty of  
3 a Class 3 felony, and fined not more than \$200,000 and shall be  
4 subject to the forfeitures prescribed in subsection (c); except  
5 that, if any person engages in such offense after one or more  
6 prior convictions under this Section, Section 4 (d), Section 5  
7 (d), Section 8 (d) or any law of the United States or of any  
8 State relating to cannabis, or controlled substances as defined  
9 in the Illinois Controlled Substances Act, in addition to the  
10 fine and forfeiture authorized above, he shall be guilty of a  
11 Class 1 felony for which an offender may not be sentenced to  
12 death; if any offense is committed under this Section and the  
13 defendant is a registered nonprofit medical cannabis  
14 organization agent, the defendant is guilty of a Class X  
15 felony.

16           (b) For purposes of this section, a person engages in a  
17 calculated criminal cannabis conspiracy when:

18           (1) he violates Section 4 (d), 4 (e), 5 (d), 5 (e), 8 (c) or  
19 8 (d) of this Act; and

20           (2) such violation is a part of a conspiracy undertaken or  
21 carried on with 2 or more other persons; and

22           (3) he obtains anything of value greater than \$500 from, or  
23 organizes, directs or finances such violation or conspiracy.

24           (c) Any person who is convicted under this Section of  
25 engaging in a calculated criminal cannabis conspiracy shall  
26 forfeit to the State of Illinois:

1 (1) the receipts obtained by him in such conspiracy; and

2 (2) any of his interests in, claims against, receipts from,  
3 or property or rights of any kind affording a source of  
4 influence over, such conspiracy.

5 (d) The circuit court may enter such injunctions,  
6 restraining orders, directions, or prohibitions, or take such  
7 other actions, including the acceptance of satisfactory  
8 performance bonds, in connection with any property, claim,  
9 receipt, right or other interest subject to forfeiture under  
10 this Section, as it deems proper.

11 (Source: P.A. 84-1233.)

12 (720 ILCS 550/16.1) (from Ch. 56 1/2, par. 716.1)

13 Sec. 16.1. In any prosecution for any violation of this  
14 Act, it shall be an affirmative defense that the substance  
15 possessed by the defendant was regulated as a controlled  
16 substance under the Illinois Controlled Substances Act or  
17 pursuant to the Compassionate Use of Medical Cannabis Pilot  
18 Program Act. In order to raise this affirmative defense, the  
19 defendant shall give notice thereof to the State not less than  
20 7 days prior to trial.

21 (Source: P.A. 84-1313; 84-1362.)

22 (720 ILCS 550/11 rep.)

23 (720 ILCS 550/15 rep.)

24 Section 145. The Cannabis Control Act is amended by

1       repealing Sections 11 and 15.

2               Section 150. Severability. The provisions of this Act are  
3       severable under Section 1.31 of the Statute on Statutes.

4               Section 999. Effective date. This Act takes effect upon  
5       becoming law.".