



Rep. Lou Lang

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1 AMENDMENT TO HOUSE BILL 30

2 AMENDMENT NO. _____. Amend House Bill 30, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 Section 5. Findings.

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

15 (b) Studies published since the 1999 Institute of Medicine
16 report continue to show the therapeutic value of cannabis in

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

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

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

24 (e) Alaska, Arizona, California, Colorado, Hawaii, Maine,
25 Michigan, Montana, Nevada, New Mexico, New Jersey, Oregon,
26 Vermont, Rhode Island, Washington State, and Washington, D.C.

1 have removed state-level criminal penalties from the medical
2 use and cultivation of cannabis. Illinois joins in this effort
3 for the health and welfare of its citizens.

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

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

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

17 (a) "Adequate supply" means:

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

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

1 properly alleviate the patient's debilitating medical
2 condition or symptoms associated with the debilitating
3 medical condition.

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

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

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

11 (1) cancer, glaucoma, positive status for human
12 immunodeficiency virus, acquired immune deficiency
13 syndrome, hepatitis C, amyotrophic lateral sclerosis,
14 Crohn's disease, agitation of Alzheimer's disease,
15 cachexia/wasting syndrome, muscular dystrophy, severe
16 fibromyalgia, spinal cord disease, including but not
17 limited to arachnoiditis, Tarlov cysts, hydromyelia,
18 syringomyelia, spinal cord injury, traumatic brain injury
19 and post-concussion syndrome, Multiple Sclerosis,
20 Arnold-Chiari malformation & Syringomyelia,
21 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
22 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
23 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
24 (Complex Regional Pain Syndromes Type II),
25 Neurofibromatosis, Chronic Inflammatory Demyelinating
26 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial

1 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
2 syndrome, or the treatment of these conditions; or

3 (2) any other debilitating medical condition or its
4 treatment added by the Department, as provided for in
5 Section 30.

6 (e) "Department" means the Department of Public Health or
7 its successor agency.

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

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

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

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

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

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

21 (h) "Excluded offense" means:

22 (1) a violent crime defined in Section 3 of the Rights
23 of Crime Victims and Witnesses Act or a substantially
24 similar offense that was classified as a felony in the
25 jurisdiction where the person was convicted; or

26 (2) a violation of a state or federal controlled

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

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

15 (j) "Nonprofit medical cannabis organization agent
16 identification card" means a document issued by the Department
17 that identifies a person as a nonprofit medical cannabis
18 organization agent.

19 (k) "Medical use" means the acquisition; administration;
20 delivery; possession; transportation; transfer;
21 transportation; or use of cannabis or paraphernalia relating to
22 the administration of cannabis to treat or alleviate a
23 registered qualifying patient's debilitating medical condition
24 or symptoms associated with the patient's debilitating medical
25 condition.

26 (l) "Physician" means a doctor of medicine or doctor of

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

11 (m) "Qualifying patient" means a person who has been
12 diagnosed by a physician as having a debilitating medical
13 condition.

14 (n) "Registered nonprofit medical cannabis organization"
15 means a not-for-profit entity that:

16 (1) is organized pursuant to the General Not for Profit
17 Corporation Act of 1986 provided that it has not been
18 formed by a for-profit entity organized under the laws of
19 this or any other state;

20 (2) is registered with the Department pursuant to
21 Section 65; and

22 (3) acquires, possesses, cultivates, manufactures,
23 delivers, transfers, transports, sells, supplies, or
24 dispenses cannabis, paraphernalia, or related supplies and
25 educational materials to registered qualifying patients.

26 Nothing in this subsection (n) shall be construed as

1 prohibiting a nonprofit medical cannabis organization from
2 receiving payment for all expenses incurred in its operation.

3 (o) "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 (p) "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 (q) "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 (r) "Visiting qualifying patient" means a person who:

18 (1) has been diagnosed with a debilitating medical
19 condition;

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

26 (3) is not a resident of Illinois and has been visiting

1 Illinois for 30 days or less or who has been a resident of
2 Illinois for less than 30 days.

3 (s) "Written certification" means a document dated and
4 signed by a physician, stating (1) that in the physician's
5 professional opinion the patient is likely to receive
6 therapeutic or palliative benefit from the medical use of
7 cannabis to treat or alleviate the patient's debilitating
8 medical condition or symptoms associated with the debilitating
9 medical condition; (2) that the qualifying patient has a
10 debilitating medical condition and specifying what
11 debilitating medical condition the qualifying patient has; and
12 (3) that the patient is under the physician's care for the
13 debilitating medical condition. A written certification shall
14 be made only in the course of a bona fide physician-patient
15 relationship, after the physician has completed an assessment
16 of the qualifying patient's medical history upon a complete
17 review of records related to the patient's debilitating
18 condition and conducted a physical exam. A bona fide
19 physician-patient relationship under this subsection is a
20 privileged communication within the meaning of Section 8-802 of
21 the Code of Civil Procedure.

22 Section 15. Immunities and presumptions related to the
23 medical use of cannabis.

24 (a) A registered qualifying patient shall not be subject to
25 arrest, prosecution, or denial of any right or privilege,

1 including but not limited to civil penalty or disciplinary
2 action by an occupational or professional licensing board, for
3 the medical use of cannabis in accordance with this Act, if the
4 registered qualifying patient possesses an amount of cannabis
5 that does not exceed an adequate supply as defined in
6 subsection (a) of Section 10 of this Act of usable cannabis.

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

20 (c)(1) A visiting qualifying patient shall not be subject
21 to arrest, prosecution, or denial of any right or privilege,
22 including but not limited to civil penalty or disciplinary
23 action by an occupational or professional licensing board, for
24 the medical use of cannabis pursuant to this Act if the
25 visiting qualifying patient does not possess more than an
26 adequate supply of usable cannabis. A visiting qualifying

1 patient may not purchase cannabis from a nonprofit medical
2 dispensary until he or she receives a written certification
3 from an Illinois physician and an Illinois registry card as
4 provided for under this Act.

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

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

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

26 (A) is in possession of a valid registry identification

1 card; and

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

5 (2) The presumption may be rebutted by evidence that
6 conduct related to cannabis was not for the purpose of treating
7 or alleviating the qualifying patient's debilitating medical
8 condition or symptoms associated with the debilitating medical
9 condition in compliance with this Act.

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

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

26 (2) failing to properly evaluate a patient's medical

1 condition or otherwise violating the standard of care for
2 evaluating medical conditions.

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

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

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

12 (3) assisting a registered qualifying patient with the
13 act of administering cannabis.

14 (h) A registered nonprofit medical cannabis organization
15 shall not be subject to prosecution; search or inspection,
16 except by the Department pursuant to subsection (s) of Section
17 85; seizure; or penalty in any manner, or be denied any right
18 or privilege, including but not limited to civil penalty or
19 disciplinary action by a business licensing board or entity,
20 for acting pursuant to this Act and Department rules to:
21 acquire, possess, cultivate, manufacture, deliver, transfer,
22 transport, supply, sell, or dispense cannabis or related
23 supplies and educational materials to registered qualifying
24 patients who have designated the medical cannabis organization
25 to provide for them, to registered designated caregivers on
26 behalf of the registered qualifying patients who have

1 designated the registered nonprofit medical cannabis
2 organization.

3 (i) A nonprofit medical cannabis organization agent shall
4 not be subject to prosecution, search, or penalty in any
5 manner, or be denied any right or privilege, including but not
6 limited to civil penalty or disciplinary action by a business
7 licensing board or entity, for working or volunteering for a
8 registered nonprofit medical cannabis organization pursuant to
9 this Act and Department rules, including to perform the actions
10 listed under subsection (h).

11 (j) Any cannabis, cannabis paraphernalia, licit property,
12 or interest in licit property that is possessed, owned, or used
13 in connection with the medical use of cannabis as allowed under
14 this Act, or acts incidental to such use, shall not be seized
15 or forfeited. This Act shall not prevent the seizure or
16 forfeiture of cannabis exceeding the amounts allowed under this
17 Act, nor shall it prevent seizure or forfeiture if the basis
18 for the action is unrelated to the cannabis that is possessed,
19 manufactured, transferred, or used pursuant to this Act.

20 (k) Mere possession of, or application for, a registry
21 identification card or registration certificate shall not
22 constitute probable cause or reasonable suspicion, nor shall it
23 be used as the sole basis to support the search of the person,
24 property, or home of the person possessing or applying for the
25 registry identification card. The possession of, or
26 application for, a registry identification card shall not

1 preclude the existence of probable cause if probable cause
2 exists on other grounds.

3 (1) Nothing in this Act shall preclude law enforcement from
4 searching a registered nonprofit medical cannabis organization
5 where there is probable cause to believe that the criminal laws
6 of this State have been violated and the search is conducted in
7 conformity with the Illinois Constitution and the Constitution
8 of the United States.

9 Section 20. Limitations and penalties.

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

13 (1) Undertaking any task under the influence of
14 cannabis, when doing so would constitute negligence or
15 professional malpractice;

16 (2) Possessing cannabis, or otherwise engaging in the
17 medical use of cannabis:

18 (A) in a school bus;

19 (B) on the grounds of any preschool or primary or
20 secondary school; or

21 (C) in any correctional facility.

22 (3) Smoking cannabis:

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

24 (B) in any public place.

25 (4) Operating, navigating, or being in actual physical

1 control of any motor vehicle, aircraft, or motorboat while
2 under the influence of cannabis in violation of Sections
3 11-501 and 11-501.9 of the Illinois Vehicle Code.

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

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

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

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

15 (c) Notwithstanding all other criminal penalties related
16 to the unlawful possession of cannabis, fraudulent
17 representation to a law enforcement official of any fact or
18 circumstance relating to the medical use of cannabis to avoid
19 arrest or prosecution is a petty offense punishable by a fine
20 of up to \$1,000, which shall be in addition to any other
21 penalties that may apply for making a false statement or for
22 the use of cannabis other than use undertaken pursuant to this
23 Act.

24 (d) Notwithstanding all other criminal penalties related
25 to the unlawful possession of cannabis, any person who
26 fraudulently represents a medical condition to a physician or

1 fraudulently provides material misinformation to a physician
2 in order to obtain written certification is guilty of a petty
3 offense punishable by a fine of up to \$1,000.

4 (e) Any cardholder who sells cannabis to a person who is
5 not allowed to possess cannabis for medical purposes under this
6 Act shall have his or her registry identification card revoked
7 and shall be subject to other penalties for the unauthorized
8 sale of cannabis.

9 (f) Any registered qualifying patient who commits a
10 violation of 11-501.9 of the Illinois Vehicle Code or refuses a
11 properly requested test related to operating a motor vehicle
12 while under the influence of cannabis shall have his or her
13 registry identification card revoked.

14 Section 25. Discrimination prohibited.

15 (a)(1) No school, employer, or landlord may refuse to
16 enroll or lease to, or otherwise penalize, a person solely for
17 his or her status as a registered qualifying patient or a
18 registered designated caregiver, unless failing to do so would
19 put the school, employer, or landlord in violation of federal
20 law or unless failing to do so would cause it to lose a
21 monetary or licensing-related benefit under federal law or
22 rules. This shall not prevent a landlord from prohibiting the
23 smoking of cannabis on the premises.

24 (2) For the purposes of medical care, including organ
25 transplants, a registered qualifying patient's authorized use

1 of cannabis in accordance with this Act shall be considered the
2 equivalent of the authorized use of any other medication used
3 at the direction of a physician, and shall not constitute the
4 use of an illicit substance or otherwise disqualify a
5 qualifying patient from needed medical care.

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

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

16 (d) Nothing in this Act may be construed to require a
17 government medical assistance program or private health
18 insurer to reimburse a person for costs associated with the
19 medical use of cannabis.

20 (e) Nothing in this Act may be construed to require any
21 person or establishment in lawful possession of property to
22 allow a guest, client, customer, or visitor to smoke cannabis
23 on or in that property.

24 Section 30. Addition of debilitating medical conditions.
25 Any citizen may petition the Department to add debilitating

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

9 Section 35. Employment; employer liability.

10 (a) Nothing in this Act shall prohibit an employer from
11 adopting reasonable regulations concerning the consumption,
12 storage, or timekeeping requirements for qualifying patients
13 related to the use of medical cannabis.

14 (b) Nothing in this Act shall prohibit an employer from
15 enforcing a policy concerning drug testing, zero-tolerance, or
16 a drug free workplace provided such policy is applied in a
17 nondiscriminatory manner.

18 (c) Nothing in this Act shall limit an employer from
19 disciplining a qualifying patient for violating a workplace
20 drug policy.

21 (d) Nothing in this Act shall limit an employer's ability
22 to discipline an employee for failing a drug test if failing to
23 do so would put the employer in violation of federal law or
24 cause it to lose a federal contract or funding.

25 (e) Nothing in this Act shall be construed to create a

1 defense for a third party who fails a drug test.

2 (f) An employer may consider a qualifying patient to be
3 impaired when he or she manifests specific, articulable
4 symptoms while working that decrease or lessen his or her
5 performance of the duties or tasks of the employee's job
6 position, including symptoms of the employee's speech,
7 physical dexterity, agility, coordination, demeanor,
8 irrational or unusual behavior, negligence or carelessness in
9 operating equipment or machinery, disregard for the safety of
10 the employee or others, or involvement in an accident that
11 results in serious damage to equipment or property, disruption
12 of a production or manufacturing process, or carelessness that
13 results in any injury to the employee or others. If an employer
14 elects to discipline a qualifying patient under this
15 subsection, it must afford the employee a reasonable
16 opportunity to contest the basis of the determination.

17 (g) Notwithstanding subsection (b), an employer may
18 presume a registered qualifying patient to be impaired where
19 the level of cannabis in the person's blood or urine is greater
20 than the limits set for in subsection (b) of Section 11-501.9
21 of the Illinois Vehicle Code.

22 (h) Nothing in this Act shall be construed to create or
23 imply a cause of action for any person against an employer for:

24 (1) actions based on the employer's good faith belief
25 that a registered qualifying patient used or possessed
26 cannabis while on the employer's premises or during the

1 hours of employment;

2 (2) actions based on the employer's good faith belief
3 that a registered qualifying patient was impaired while
4 working on the employer's premises during the hours of
5 employment;

6 (3) injury or loss to a third party so long as the
7 employer neither knew nor had reason to know that the
8 employee was impaired.

9 (i) 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) the application or renewal fee;

6 (4) the name, address, and date of birth of the
7 qualifying patient, except that if the applicant is
8 homeless no address is required;

9 (5) the name, address, and telephone number of the
10 qualifying patient's physician;

11 (6) the name, address, and date of birth of the
12 designated caregiver, if any, chosen by the qualifying
13 patient;

14 (7) the name of the registered nonprofit medical
15 cannabis organization the qualifying patient designates;
16 and

17 (8) signed statements from the patient and designated
18 caregiver asserting that they will not divert medical
19 cannabis.

20 Section 45. Issuance of registry identification cards.

21 (a) Except as provided in subsection (b), the Department
22 shall:

23 (1) Verify the information contained in an application
24 or renewal submitted pursuant to this Act, and approve or
25 deny an application or renewal, within 30 days of receiving

1 a completed application or renewal application.

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

5 (3) Enter the registry identification number of the
6 registered nonprofit medical cannabis organization the
7 patient designates into the verification system.

8 (b) The Department shall not issue a registry
9 identification card to a qualifying patient who is younger than
10 18 years of age unless:

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

16 (2) the custodial parent or legal guardian with
17 responsibility for health care decisions for the
18 qualifying patient consents in writing to:

19 (A) allow the qualifying patient's medical use of
20 cannabis;

21 (B) serve as the qualifying patient's designated
22 caregiver; and

23 (C) control the acquisition of the cannabis, the
24 dosage, and the frequency of the medical use of
25 cannabis by the qualifying patient.

26 (c) The registry identification card or its equivalent

1 that is issued under the laws of another state, district,
2 territory, commonwealth, or insular possession of the United
3 States that allows that visiting qualifying patient to possess
4 or use medical cannabis shall not authorize a visiting
5 qualifying patient to obtain cannabis from a registered
6 nonprofit medical cannabis dispensary.

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

15 (e) Upon the approval of the registration and issuance of a
16 registry card under this Section, the Department shall forward
17 the patient's drivers license number to the Secretary of State
18 and certify that the individual is permitted to engage in the
19 medical use of cannabis. For the purposes of law enforcement,
20 the Secretary of State shall make a notation on the person's
21 driving record stating the person is a qualifying patient who
22 is entitled to the lawful medical use of cannabis. If the
23 person no longer holds a valid registry card, the Department
24 shall notify the Secretary of State and the Secretary of State
25 shall remove the notation from the person's driving record. The
26 Department and the Secretary of State may establish a system by

1 which such information may be shared electronically.

2 Section 50. Denial of registry identification cards.

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

6 (1) did not provide the required information and
7 materials;

8 (2) previously had a registry identification card
9 revoked;

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

11 (4) provided false or falsified information.

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

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

17 (2) the applicant did not provide the information
18 required;

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

20 (4) the designated caregiver previously had a registry
21 identification card revoked; or

22 (5) the applicant or the designated caregiver provided
23 false or falsified information.

24 (c) The Department shall conduct a background check of the
25 prospective designated caregiver in order to carry out this

1 provision. Each person applying as a designated caregiver shall
2 submit a full set of fingerprints to the Department for the
3 purpose of obtaining a state and federal criminal records
4 check. The Department may exchange this data with the Federal
5 Bureau of Investigation without disclosing that the records
6 check is related to this Act. The Department shall destroy each
7 set of fingerprints after the criminal records check is
8 completed.

9 (d) The Department shall notify the qualifying patient who
10 has designated someone to serve as his or her designated
11 caregiver if a registry identification card will not be issued
12 to the designated caregiver.

13 (e) Denial of an application or renewal is considered a
14 final Department action, subject to judicial review.
15 Jurisdiction and venue for judicial review are vested in the
16 Circuit Court.

17 Section 55. Registry identification cards. A qualifying
18 patient or designated caregiver must keep their registry
19 identification card in their possession at all times when
20 engaging in the medical use of cannabis.

21 (a) Registry identification cards shall contain all of the
22 following:

- 23 (1) the name of the cardholder;
- 24 (2) a designation of whether the cardholder is a
25 designated caregiver or qualifying patient;

1 (3) the date of issuance and expiration date of the
2 registry identification card;

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

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

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

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

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

18 Section 60. Notifications to Department and responses;
19 civil penalty.

20 (a) The following notifications and Department responses
21 are required:

22 (1) A registered qualifying patient shall notify the
23 Department of any change in his or her name or address, or
24 if the registered qualifying patient ceases to have his or
25 her debilitating medical condition, within 10 days of the

1 change.

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

6 (3) Before a registered qualifying patient changes his
7 or her designated caregiver, the qualifying patient must
8 notify the Department.

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

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

22 (c) If a registered qualifying patient ceases to be a
23 registered qualifying patient or changes his or her registered
24 designated caregiver, the Department shall promptly notify the
25 designated caregiver. The registered designated caregiver's
26 protections under this Act as to that qualifying patient shall

1 expire 15 days after notification by the Department.

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

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

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

22 Section 65. Registration of nonprofit medical cannabis
23 organization.

24 (a) Nonprofit medical cannabis organizations may only
25 operate if they have been issued a valid registration

1 certificate from the Department. When applying for a nonprofit
2 medical cannabis organization registration certificate, the
3 applicant shall submit the following in accordance with
4 Department rules:

5 (1) A \$25,000 application fee, a \$25,000 renewal fee in
6 year 2, and a \$5,000 fee for application renewals in year
7 3. Such fees may be adjusted subject to the discretion of
8 the Department in order to adequately fund the
9 implementation and enforcement of this Act.

10 (2) The proposed legal name of the medical cannabis
11 organization.

12 (3) The proposed physical address of the medical
13 cannabis organization.

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

23 (5) The name, address, and date of birth of each
24 principal officer and board member of the medical cannabis
25 organization, provided that all such individuals shall be
26 at least 21 years of age.

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

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

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

19 (9) The Department shall conduct a background check of
20 the prospective nonprofit medical cannabis organization
21 agents in order to carry out this provision. Each person
22 applying as a nonprofit medical cannabis organization
23 agent shall submit a full set of fingerprints to the
24 department for the purpose of obtaining a state and federal
25 criminal records check. The Department may exchange this
26 data with the Federal Bureau of Investigation without

1 disclosing that the records check is related to this Act.

2 The Department shall destroy each set of fingerprints after
3 the criminal records check is completed.

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

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

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

13 (C) the applicant does not meet the requirements of
14 Section 90;

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

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

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

24 (c) After a medical cannabis organization is approved, but
25 before it begins operations, it shall submit its physical
26 address if the address was not finalized when it applied.

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

5 (e) The Department may approve no more than one application
6 for a medical cannabis organization registration certificate
7 for operation within any single Illinois State Senate district
8 as determined by the districts that were in existence as of
9 January 1, 2011.

10 Section 70. Nonprofit medical cannabis organization agent
11 identification cards.

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

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

18 (1) the name of the cardholder;

19 (2) a designation the cardholder is a nonprofit medical
20 cannabis organization agent;

21 (3) the date of issuance and expiration date of the
22 nonprofit medical cannabis organization agent
23 identification cards;

24 (4) a random 10-digit alphanumeric identification
25 number, containing at least four numbers and at least four

1 letters, that is unique to the cardholder; and

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

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

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

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

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

1 Section 80. Local ordinances. A unit of local government
2 may enact reasonable zoning ordinances or resolutions, not in
3 conflict with this Act or with Department rules, regulating
4 registered nonprofit medical cannabis organizations. No unit
5 of local government, including a home rule unit, or school
6 district may regulate registered nonprofit medical cannabis
7 organizations other than as provided in this Act. This Section
8 is a denial and limitation under subsection (i) of Section 6 of
9 Article VII of the Illinois Constitution on the concurrent
10 exercise by home rule units of powers and functions exercised
11 by the State.

12 Section 85. Requirements; prohibitions; penalties.

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

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

21 (c) A registered nonprofit medical cannabis organization
22 may not be located within 2,500 feet of the property line of a
23 pre-existing public or private preschool or elementary or
24 secondary school or day care center, day care home, group day

1 care home, or part day child care facility. A registered
2 medical cannabis organization shall not be located in a house,
3 apartment, condominium, or any other residential dwelling.

4 (d) A registered nonprofit medical cannabis organization
5 is prohibited from acquiring, possessing, cultivating,
6 manufacturing, delivering, transferring, transporting,
7 supplying, or dispensing cannabis for any purpose except to
8 assist registered qualifying patients with the medical use of
9 cannabis directly or through the qualifying patients'
10 designated caregivers.

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

22 (f) A nonprofit medical cannabis organization may not
23 obtain cannabis from outside the State of Illinois, except that
24 a nonprofit medical cannabis organization may lawfully
25 purchase cannabis seeds outside of the State of Illinois once
26 upon the initial approval of its application under Section 65.

1 (g) A registered nonprofit medical cannabis organization
2 shall not dispense more than 2.5 ounces of cannabis to a
3 registered qualifying patient, directly or via a designated
4 caregiver, in any 14-day period unless the qualifying patient
5 has a Department approved quantity variance.

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

11 (1) that the registry identification card presented to
12 the registered nonprofit medical cannabis organization is
13 valid;

14 (2) that the person presenting the card is the person
15 identified on the registry identification card presented
16 to the medical cannabis organization agent;

17 (3) that the registered nonprofit medical cannabis
18 organization is the designated medical cannabis
19 organization for the registered qualifying patient who is
20 obtaining the cannabis directly or via his or her
21 designated caregiver; and

22 (4) that the qualifying patient has not exceeded his or
23 her adequate supply.

24 (i) Registered nonprofit medical cannabis organizations
25 shall ensure compliance with this limitation by maintaining
26 internal, confidential records that include records specifying

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

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

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

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

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

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

26 (o) Notwithstanding all other criminal penalties related

1 to the unlawful possession of cannabis, the Department may
2 issue a civil fine of up to \$3,000 for violations of this
3 Section.

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

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

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

15 Section 90. Confidentiality.

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

23 (1) Applications and renewals, their contents, and
24 supporting information submitted by qualifying patients
25 and designated caregivers, including information regarding

1 their designated caregivers and physicians.

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

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

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

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

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

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

24 (2) If the employee conferred with his or her
25 supervisor and both agree that circumstances exist that
26 warrant reporting, Department employees may notify the

1 Medical Disciplinary Board if there is reasonable cause to
2 believe a physician:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Section 105. Department to issue rules.

23 (a) Not later than 60 days after the effective date of this
24 Act, the Department shall promulgate rules:

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

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

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

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

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

26 (B) recordkeeping requirements for registered

1 nonprofit medical cannabis organizations;

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

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

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

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

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

26 (H) rules concerning the intrastate transportation

1 of medical cannabis;

2 (I) standards concerning the testing, quality, and
3 cultivation of medical cannabis; and

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

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

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

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

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

23 (D) registry identification card fees shall
24 include an additional \$3 per registry identification
25 card, which shall be used to develop and disseminate
26 educational information about the health risks

1 associated with the abuse of cannabis and prescription
2 medications.

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

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

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

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

17 (3) at least three qualifying patients;

18 (4) a representative from the law enforcement
19 community;

20 (5) the Director of State Police or his or her
21 designee;

22 (6) a prosecuting attorney currently employed by the
23 State of Illinois;

24 (7) a public defender currently employed by the State
25 of Illinois;

26 (8) a defense attorney in private practice;

1 (9) a licensed phlebotomist;

2 (10) a horticulturist; and

3 (11) a representative of the business community.

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

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

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

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

23 (C) The sufficiency of the regulatory and security
24 safeguards contained in this Act and adopted by the
25 Department to ensure that access to and use of cannabis
26 cultivated is provided only to cardholders authorized

1 for such purposes.

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

5 (E) Any research studies regarding health effects
6 of medical cannabis for patients.

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

12 Section 110. Enforcement of this Act.

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

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

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

3 Section 120. The Election Code is amended by adding Section
4 9-45 as follows:

5 (10 ILCS 5/9-45 new)

6 Sec. 9-45. Medical cannabis organization; contributions.
7 It is unlawful for any nonprofit medical cannabis organization
8 or any political action committee created by any nonprofit
9 medical cannabis organization to make a campaign contribution
10 to any political committee established to promote the candidacy
11 of a candidate or public official. It is unlawful for any
12 candidate, political committee, or other person to knowingly
13 accept or receive any contribution prohibited by this Section.
14 It is unlawful for any officer or agent of a nonprofit medical
15 cannabis organization to consent to any contribution or
16 expenditure by the nonprofit medical cannabis organization
17 that is prohibited by this Section. As used in this Section,
18 "nonprofit medical cannabis organization" has the meaning
19 ascribed to it in Section 10 of the Compassionate Use of
20 Medical Cannabis Pilot Program Act.

21 Section 125. The Use Tax Act is amended by changing Section
22 3-10 as follows:

1 (35 ILCS 105/3-10)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 either the selling price or the fair market value, if any, of
5 the tangible personal property. In all cases where property
6 functionally used or consumed is the same as the property that
7 was purchased at retail, then the tax is imposed on the selling
8 price of the property. In all cases where property functionally
9 used or consumed is a by-product or waste product that has been
10 refined, manufactured, or produced from property purchased at
11 retail, then the tax is imposed on the lower of the fair market
12 value, if any, of the specific property so used in this State
13 or on the selling price of the property purchased at retail.
14 For purposes of this Section "fair market value" means the
15 price at which property would change hands between a willing
16 buyer and a willing seller, neither being under any compulsion
17 to buy or sell and both having reasonable knowledge of the
18 relevant facts. The fair market value shall be established by
19 Illinois sales by the taxpayer of the same property as that
20 functionally used or consumed, or if there are no such sales by
21 the taxpayer, then comparable sales or purchases of property of
22 like kind and character in Illinois.

23 Beginning on July 1, 2000 and through December 31, 2000,
24 with respect to motor fuel, as defined in Section 1.1 of the
25 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
26 the Use Tax Act, the tax is imposed at the rate of 1.25%.

1 Beginning on August 6, 2010 through August 15, 2010, with
2 respect to sales tax holiday items as defined in Section 3-6 of
3 this Act, the tax is imposed at the rate of 1.25%.

4 With respect to gasohol, the tax imposed by this Act
5 applies to (i) 70% of the proceeds of sales made on or after
6 January 1, 1990, and before July 1, 2003, (ii) 80% of the
7 proceeds of sales made on or after July 1, 2003 and on or
8 before December 31, 2013, and (iii) 100% of the proceeds of
9 sales made thereafter. If, at any time, however, the tax under
10 this Act on sales of gasohol is imposed at the rate of 1.25%,
11 then the tax imposed by this Act applies to 100% of the
12 proceeds of sales of gasohol made during that time.

13 With respect to majority blended ethanol fuel, the tax
14 imposed by this Act does not apply to the proceeds of sales
15 made on or after July 1, 2003 and on or before December 31,
16 2013 but applies to 100% of the proceeds of sales made
17 thereafter.

18 With respect to biodiesel blends with no less than 1% and
19 no more than 10% biodiesel, the tax imposed by this Act applies
20 to (i) 80% of the proceeds of sales made on or after July 1,
21 2003 and on or before December 31, 2013 and (ii) 100% of the
22 proceeds of sales made thereafter. If, at any time, however,
23 the tax under this Act on sales of biodiesel blends with no
24 less than 1% and no more than 10% biodiesel is imposed at the
25 rate of 1.25%, then the tax imposed by this Act applies to 100%
26 of the proceeds of sales of biodiesel blends with no less than

1 1% and no more than 10% biodiesel made during that time.

2 With respect to 100% biodiesel and biodiesel blends with
3 more than 10% but no more than 99% biodiesel, the tax imposed
4 by this Act does not apply to the proceeds of sales made on or
5 after July 1, 2003 and on or before December 31, 2013 but
6 applies to 100% of the proceeds of sales made thereafter.

7 With respect to food for human consumption that is to be
8 consumed off the premises where it is sold (other than
9 alcoholic beverages, soft drinks, and food that has been
10 prepared for immediate consumption) and prescription and
11 nonprescription medicines, drugs, medical appliances,
12 modifications to a motor vehicle for the purpose of rendering
13 it usable by a disabled person, and insulin, urine testing
14 materials, syringes, and needles used by diabetics, for human
15 use, the tax is imposed at the rate of 1%. For the purposes of
16 this Section, until September 1, 2009: the term "soft drinks"
17 means any complete, finished, ready-to-use, non-alcoholic
18 drink, whether carbonated or not, including but not limited to
19 soda water, cola, fruit juice, vegetable juice, carbonated
20 water, and all other preparations commonly known as soft drinks
21 of whatever kind or description that are contained in any
22 closed or sealed bottle, can, carton, or container, regardless
23 of size; but "soft drinks" does not include coffee, tea,
24 non-carbonated water, infant formula, milk or milk products as
25 defined in the Grade A Pasteurized Milk and Milk Products Act,
26 or drinks containing 50% or more natural fruit or vegetable

1 juice.

2 Notwithstanding any other provisions of this Act,
3 beginning September 1, 2009, "soft drinks" means non-alcoholic
4 beverages that contain natural or artificial sweeteners. "Soft
5 drinks" do not include beverages that contain milk or milk
6 products, soy, rice or similar milk substitutes, or greater
7 than 50% of vegetable or fruit juice by volume.

8 Until August 1, 2009, and notwithstanding any other
9 provisions of this Act, "food for human consumption that is to
10 be consumed off the premises where it is sold" includes all
11 food sold through a vending machine, except soft drinks and
12 food products that are dispensed hot from a vending machine,
13 regardless of the location of the vending machine. Beginning
14 August 1, 2009, and notwithstanding any other provisions of
15 this Act, "food for human consumption that is to be consumed
16 off the premises where it is sold" includes all food sold
17 through a vending machine, except soft drinks, candy, and food
18 products that are dispensed hot from a vending machine,
19 regardless of the location of the vending machine.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "food for human consumption that
22 is to be consumed off the premises where it is sold" does not
23 include candy. For purposes of this Section, "candy" means a
24 preparation of sugar, honey, or other natural or artificial
25 sweeteners in combination with chocolate, fruits, nuts or other
26 ingredients or flavorings in the form of bars, drops, or

1 pieces. "Candy" does not include any preparation that contains
2 flour or requires refrigeration.

3 Notwithstanding any other provisions of this Act,
4 beginning September 1, 2009, "nonprescription medicines and
5 drugs" does not include grooming and hygiene products.
6 Beginning on the effective date of this amendatory Act of the
7 97th General Assembly, "prescription and nonprescription
8 medicines and drugs" includes medical cannabis purchased from a
9 registered nonprofit medical cannabis organization under the
10 Compassionate Use of Medical Cannabis Pilot Program Act. For
11 purposes of this Section, "grooming and hygiene products"
12 includes, but is not limited to, soaps and cleaning solutions,
13 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
14 lotions and screens, unless those products are available by
15 prescription only, regardless of whether the products meet the
16 definition of "over-the-counter-drugs". For the purposes of
17 this paragraph, "over-the-counter-drug" means a drug for human
18 use that contains a label that identifies the product as a drug
19 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
20 label includes:

21 (A) A "Drug Facts" panel; or

22 (B) A statement of the "active ingredient(s)" with a
23 list of those ingredients contained in the compound,
24 substance or preparation.

25 If the property that is purchased at retail from a retailer
26 is acquired outside Illinois and used outside Illinois before

1 being brought to Illinois for use here and is taxable under
2 this Act, the "selling price" on which the tax is computed
3 shall be reduced by an amount that represents a reasonable
4 allowance for depreciation for the period of prior out-of-state
5 use.

6 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
7 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10.)

8 Section 130. The Service Use Tax Act is amended by changing
9 Section 3-10 as follows:

10 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

11 Sec. 3-10. Rate of tax. Unless otherwise provided in this
12 Section, the tax imposed by this Act is at the rate of 6.25% of
13 the selling price of tangible personal property transferred as
14 an incident to the sale of service, but, for the purpose of
15 computing this tax, in no event shall the selling price be less
16 than the cost price of the property to the serviceman.

17 Beginning on July 1, 2000 and through December 31, 2000,
18 with respect to motor fuel, as defined in Section 1.1 of the
19 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
20 the Use Tax Act, the tax is imposed at the rate of 1.25%.

21 With respect to gasohol, as defined in the Use Tax Act, the
22 tax imposed by this Act applies to (i) 70% of the selling price
23 of property transferred as an incident to the sale of service
24 on or after January 1, 1990, and before July 1, 2003, (ii) 80%

1 of the selling price of property transferred as an incident to
2 the sale of service on or after July 1, 2003 and on or before
3 December 31, 2013, and (iii) 100% of the selling price
4 thereafter. If, at any time, however, the tax under this Act on
5 sales of gasohol, as defined in the Use Tax Act, is imposed at
6 the rate of 1.25%, then the tax imposed by this Act applies to
7 100% of the proceeds of sales of gasohol made during that time.

8 With respect to majority blended ethanol fuel, as defined
9 in the Use Tax Act, the tax imposed by this Act does not apply
10 to the selling price of property transferred as an incident to
11 the sale of service on or after July 1, 2003 and on or before
12 December 31, 2013 but applies to 100% of the selling price
13 thereafter.

14 With respect to biodiesel blends, as defined in the Use Tax
15 Act, with no less than 1% and no more than 10% biodiesel, the
16 tax imposed by this Act applies to (i) 80% of the selling price
17 of property transferred as an incident to the sale of service
18 on or after July 1, 2003 and on or before December 31, 2013 and
19 (ii) 100% of the proceeds of the selling price thereafter. If,
20 at any time, however, the tax under this Act on sales of
21 biodiesel blends, as defined in the Use Tax Act, with no less
22 than 1% and no more than 10% biodiesel is imposed at the rate
23 of 1.25%, then the tax imposed by this Act applies to 100% of
24 the proceeds of sales of biodiesel blends with no less than 1%
25 and no more than 10% biodiesel made during that time.

26 With respect to 100% biodiesel, as defined in the Use Tax

1 Act, and biodiesel blends, as defined in the Use Tax Act, with
2 more than 10% but no more than 99% biodiesel, the tax imposed
3 by this Act does not apply to the proceeds of the selling price
4 of property transferred as an incident to the sale of service
5 on or after July 1, 2003 and on or before December 31, 2013 but
6 applies to 100% of the selling price thereafter.

7 At the election of any registered serviceman made for each
8 fiscal year, sales of service in which the aggregate annual
9 cost price of tangible personal property transferred as an
10 incident to the sales of service is less than 35%, or 75% in
11 the case of servicemen transferring prescription drugs or
12 servicemen engaged in graphic arts production, of the aggregate
13 annual total gross receipts from all sales of service, the tax
14 imposed by this Act shall be based on the serviceman's cost
15 price of the tangible personal property transferred as an
16 incident to the sale of those services.

17 The tax shall be imposed at the rate of 1% on food prepared
18 for immediate consumption and transferred incident to a sale of
19 service subject to this Act or the Service Occupation Tax Act
20 by an entity licensed under the Hospital Licensing Act, the
21 Nursing Home Care Act, the MR/DD Community Care Act, or the
22 Child Care Act of 1969. The tax shall also be imposed at the
23 rate of 1% on food for human consumption that is to be consumed
24 off the premises where it is sold (other than alcoholic
25 beverages, soft drinks, and food that has been prepared for
26 immediate consumption and is not otherwise included in this

1 paragraph) and prescription and nonprescription medicines,
2 drugs, medical appliances, modifications to a motor vehicle for
3 the purpose of rendering it usable by a disabled person, and
4 insulin, urine testing materials, syringes, and needles used by
5 diabetics, for human use. For the purposes of this Section,
6 until September 1, 2009: the term "soft drinks" means any
7 complete, finished, ready-to-use, non-alcoholic drink, whether
8 carbonated or not, including but not limited to soda water,
9 cola, fruit juice, vegetable juice, carbonated water, and all
10 other preparations commonly known as soft drinks of whatever
11 kind or description that are contained in any closed or sealed
12 bottle, can, carton, or container, regardless of size; but
13 "soft drinks" does not include coffee, tea, non-carbonated
14 water, infant formula, milk or milk products as defined in the
15 Grade A Pasteurized Milk and Milk Products Act, or drinks
16 containing 50% or more natural fruit or vegetable juice.

17 Notwithstanding any other provisions of this Act,
18 beginning September 1, 2009, "soft drinks" means non-alcoholic
19 beverages that contain natural or artificial sweeteners. "Soft
20 drinks" do not include beverages that contain milk or milk
21 products, soy, rice or similar milk substitutes, or greater
22 than 50% of vegetable or fruit juice by volume.

23 Until August 1, 2009, and notwithstanding any other
24 provisions of this Act, "food for human consumption that is to
25 be consumed off the premises where it is sold" includes all
26 food sold through a vending machine, except soft drinks and

1 food products that are dispensed hot from a vending machine,
2 regardless of the location of the vending machine. Beginning
3 August 1, 2009, and notwithstanding any other provisions of
4 this Act, "food for human consumption that is to be consumed
5 off the premises where it is sold" includes all food sold
6 through a vending machine, except soft drinks, candy, and food
7 products that are dispensed hot from a vending machine,
8 regardless of the location of the vending machine.

9 Notwithstanding any other provisions of this Act,
10 beginning September 1, 2009, "food for human consumption that
11 is to be consumed off the premises where it is sold" does not
12 include candy. For purposes of this Section, "candy" means a
13 preparation of sugar, honey, or other natural or artificial
14 sweeteners in combination with chocolate, fruits, nuts or other
15 ingredients or flavorings in the form of bars, drops, or
16 pieces. "Candy" does not include any preparation that contains
17 flour or requires refrigeration.

18 Notwithstanding any other provisions of this Act,
19 beginning September 1, 2009, "nonprescription medicines and
20 drugs" does not include grooming and hygiene products.
21 Beginning on the effective date of this amendatory Act of the
22 97th General Assembly, "prescription and nonprescription
23 medicines and drugs" includes medical cannabis purchased from a
24 registered nonprofit medical cannabis organization under the
25 Compassionate Use of Medical Cannabis Pilot Program Act. For
26 purposes of this Section, "grooming and hygiene products"

1 includes, but is not limited to, soaps and cleaning solutions,
2 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
3 lotions and screens, unless those products are available by
4 prescription only, regardless of whether the products meet the
5 definition of "over-the-counter-drugs". For the purposes of
6 this paragraph, "over-the-counter-drug" means a drug for human
7 use that contains a label that identifies the product as a drug
8 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
9 label includes:

10 (A) A "Drug Facts" panel; or

11 (B) A statement of the "active ingredient(s)" with a
12 list of those ingredients contained in the compound,
13 substance or preparation.

14 If the property that is acquired from a serviceman is
15 acquired outside Illinois and used outside Illinois before
16 being brought to Illinois for use here and is taxable under
17 this Act, the "selling price" on which the tax is computed
18 shall be reduced by an amount that represents a reasonable
19 allowance for depreciation for the period of prior out-of-state
20 use.

21 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
22 eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10.)

23 Section 135. The Service Occupation Tax Act is amended by
24 changing Section 3-10 as follows:

1 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 the "selling price", as defined in Section 2 of the Service Use
5 Tax Act, of the tangible personal property. For the purpose of
6 computing this tax, in no event shall the "selling price" be
7 less than the cost price to the serviceman of the tangible
8 personal property transferred. The selling price of each item
9 of tangible personal property transferred as an incident of a
10 sale of service may be shown as a distinct and separate item on
11 the serviceman's billing to the service customer. If the
12 selling price is not so shown, the selling price of the
13 tangible personal property is deemed to be 50% of the
14 serviceman's entire billing to the service customer. When,
15 however, a serviceman contracts to design, develop, and produce
16 special order machinery or equipment, the tax imposed by this
17 Act shall be based on the serviceman's cost price of the
18 tangible personal property transferred incident to the
19 completion of the contract.

20 Beginning on July 1, 2000 and through December 31, 2000,
21 with respect to motor fuel, as defined in Section 1.1 of the
22 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
23 the Use Tax Act, the tax is imposed at the rate of 1.25%.

24 With respect to gasohol, as defined in the Use Tax Act, the
25 tax imposed by this Act shall apply to (i) 70% of the cost
26 price of property transferred as an incident to the sale of

1 service on or after January 1, 1990, and before July 1, 2003,
2 (ii) 80% of the selling price of property transferred as an
3 incident to the sale of service on or after July 1, 2003 and on
4 or before December 31, 2013, and (iii) 100% of the cost price
5 thereafter. If, at any time, however, the tax under this Act on
6 sales of gasohol, as defined in the Use Tax Act, is imposed at
7 the rate of 1.25%, then the tax imposed by this Act applies to
8 100% of the proceeds of sales of gasohol made during that time.

9 With respect to majority blended ethanol fuel, as defined
10 in the Use Tax Act, the tax imposed by this Act does not apply
11 to the selling price of property transferred as an incident to
12 the sale of service on or after July 1, 2003 and on or before
13 December 31, 2013 but applies to 100% of the selling price
14 thereafter.

15 With respect to biodiesel blends, as defined in the Use Tax
16 Act, with no less than 1% and no more than 10% biodiesel, the
17 tax imposed by this Act applies to (i) 80% of the selling price
18 of property transferred as an incident to the sale of service
19 on or after July 1, 2003 and on or before December 31, 2013 and
20 (ii) 100% of the proceeds of the selling price thereafter. If,
21 at any time, however, the tax under this Act on sales of
22 biodiesel blends, as defined in the Use Tax Act, with no less
23 than 1% and no more than 10% biodiesel is imposed at the rate
24 of 1.25%, then the tax imposed by this Act applies to 100% of
25 the proceeds of sales of biodiesel blends with no less than 1%
26 and no more than 10% biodiesel made during that time.

1 With respect to 100% biodiesel, as defined in the Use Tax
2 Act, and biodiesel blends, as defined in the Use Tax Act, with
3 more than 10% but no more than 99% biodiesel material, the tax
4 imposed by this Act does not apply to the proceeds of the
5 selling price of property transferred as an incident to the
6 sale of service on or after July 1, 2003 and on or before
7 December 31, 2013 but applies to 100% of the selling price
8 thereafter.

9 At the election of any registered serviceman made for each
10 fiscal year, sales of service in which the aggregate annual
11 cost price of tangible personal property transferred as an
12 incident to the sales of service is less than 35%, or 75% in
13 the case of servicemen transferring prescription drugs or
14 servicemen engaged in graphic arts production, of the aggregate
15 annual total gross receipts from all sales of service, the tax
16 imposed by this Act shall be based on the serviceman's cost
17 price of the tangible personal property transferred incident to
18 the sale of those services.

19 The tax shall be imposed at the rate of 1% on food prepared
20 for immediate consumption and transferred incident to a sale of
21 service subject to this Act or the Service Occupation Tax Act
22 by an entity licensed under the Hospital Licensing Act, the
23 Nursing Home Care Act, the MR/DD Community Care Act, or the
24 Child Care Act of 1969. The tax shall also be imposed at the
25 rate of 1% on food for human consumption that is to be consumed
26 off the premises where it is sold (other than alcoholic

1 beverages, soft drinks, and food that has been prepared for
2 immediate consumption and is not otherwise included in this
3 paragraph) and prescription and nonprescription medicines,
4 drugs, medical appliances, modifications to a motor vehicle for
5 the purpose of rendering it usable by a disabled person, and
6 insulin, urine testing materials, syringes, and needles used by
7 diabetics, for human use. For the purposes of this Section,
8 until September 1, 2009: the term "soft drinks" means any
9 complete, finished, ready-to-use, non-alcoholic drink, whether
10 carbonated or not, including but not limited to soda water,
11 cola, fruit juice, vegetable juice, carbonated water, and all
12 other preparations commonly known as soft drinks of whatever
13 kind or description that are contained in any closed or sealed
14 can, carton, or container, regardless of size; but "soft
15 drinks" does not include coffee, tea, non-carbonated water,
16 infant formula, milk or milk products as defined in the Grade A
17 Pasteurized Milk and Milk Products Act, or drinks containing
18 50% or more natural fruit or vegetable juice.

19 Notwithstanding any other provisions of this Act,
20 beginning September 1, 2009, "soft drinks" means non-alcoholic
21 beverages that contain natural or artificial sweeteners. "Soft
22 drinks" do not include beverages that contain milk or milk
23 products, soy, rice or similar milk substitutes, or greater
24 than 50% of vegetable or fruit juice by volume.

25 Until August 1, 2009, and notwithstanding any other
26 provisions of this Act, "food for human consumption that is to

1 be consumed off the premises where it is sold" includes all
2 food sold through a vending machine, except soft drinks and
3 food products that are dispensed hot from a vending machine,
4 regardless of the location of the vending machine. Beginning
5 August 1, 2009, and notwithstanding any other provisions of
6 this Act, "food for human consumption that is to be consumed
7 off the premises where it is sold" includes all food sold
8 through a vending machine, except soft drinks, candy, and food
9 products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "food for human consumption that
13 is to be consumed off the premises where it is sold" does not
14 include candy. For purposes of this Section, "candy" means a
15 preparation of sugar, honey, or other natural or artificial
16 sweeteners in combination with chocolate, fruits, nuts or other
17 ingredients or flavorings in the form of bars, drops, or
18 pieces. "Candy" does not include any preparation that contains
19 flour or requires refrigeration.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "nonprescription medicines and
22 drugs" does not include grooming and hygiene products.
23 Beginning on the effective date of this amendatory Act of the
24 97th General Assembly, "prescription and nonprescription
25 medicines and drugs" includes medical cannabis purchased from a
26 registered nonprofit medical cannabis organization under the

1 Compassionate Use of Medical Cannabis Pilot Program Act. For
2 purposes of this Section, "grooming and hygiene products"
3 includes, but is not limited to, soaps and cleaning solutions,
4 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
5 lotions and screens, unless those products are available by
6 prescription only, regardless of whether the products meet the
7 definition of "over-the-counter-drugs". For the purposes of
8 this paragraph, "over-the-counter-drug" means a drug for human
9 use that contains a label that identifies the product as a drug
10 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
11 label includes:

12 (A) A "Drug Facts" panel; or

13 (B) A statement of the "active ingredient(s)" with a
14 list of those ingredients contained in the compound,
15 substance or preparation.

16 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
17 eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10.)

18 Section 140. The Retailers' Occupation Tax Act is amended
19 by changing Section 2-10 as follows:

20 (35 ILCS 120/2-10)

21 Sec. 2-10. Rate of tax. Unless otherwise provided in this
22 Section, the tax imposed by this Act is at the rate of 6.25% of
23 gross receipts from sales of tangible personal property made in
24 the course of business.

1 Beginning on July 1, 2000 and through December 31, 2000,
2 with respect to motor fuel, as defined in Section 1.1 of the
3 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
4 the Use Tax Act, the tax is imposed at the rate of 1.25%.

5 Beginning on August 6, 2010 through August 15, 2010, with
6 respect to sales tax holiday items as defined in Section 2-8 of
7 this Act, the tax is imposed at the rate of 1.25%.

8 Within 14 days after the effective date of this amendatory
9 Act of the 91st General Assembly, each retailer of motor fuel
10 and gasohol shall cause the following notice to be posted in a
11 prominently visible place on each retail dispensing device that
12 is used to dispense motor fuel or gasohol in the State of
13 Illinois: "As of July 1, 2000, the State of Illinois has
14 eliminated the State's share of sales tax on motor fuel and
15 gasohol through December 31, 2000. The price on this pump
16 should reflect the elimination of the tax." The notice shall be
17 printed in bold print on a sign that is no smaller than 4
18 inches by 8 inches. The sign shall be clearly visible to
19 customers. Any retailer who fails to post or maintain a
20 required sign through December 31, 2000 is guilty of a petty
21 offense for which the fine shall be \$500 per day per each
22 retail premises where a violation occurs.

23 With respect to gasohol, as defined in the Use Tax Act, the
24 tax imposed by this Act applies to (i) 70% of the proceeds of
25 sales made on or after January 1, 1990, and before July 1,
26 2003, (ii) 80% of the proceeds of sales made on or after July

1 1, 2003 and on or before December 31, 2013, and (iii) 100% of
2 the proceeds of sales made thereafter. If, at any time,
3 however, the tax under this Act on sales of gasohol, as defined
4 in the Use Tax Act, is imposed at the rate of 1.25%, then the
5 tax imposed by this Act applies to 100% of the proceeds of
6 sales of gasohol made during that time.

7 With respect to majority blended ethanol fuel, as defined
8 in the Use Tax Act, the tax imposed by this Act does not apply
9 to the proceeds of sales made on or after July 1, 2003 and on or
10 before December 31, 2013 but applies to 100% of the proceeds of
11 sales made thereafter.

12 With respect to biodiesel blends, as defined in the Use Tax
13 Act, with no less than 1% and no more than 10% biodiesel, the
14 tax imposed by this Act applies to (i) 80% of the proceeds of
15 sales made on or after July 1, 2003 and on or before December
16 31, 2013 and (ii) 100% of the proceeds of sales made
17 thereafter. If, at any time, however, the tax under this Act on
18 sales of biodiesel blends, as defined in the Use Tax Act, with
19 no less than 1% and no more than 10% biodiesel is imposed at
20 the rate of 1.25%, then the tax imposed by this Act applies to
21 100% of the proceeds of sales of biodiesel blends with no less
22 than 1% and no more than 10% biodiesel made during that time.

23 With respect to 100% biodiesel, as defined in the Use Tax
24 Act, and biodiesel blends, as defined in the Use Tax Act, with
25 more than 10% but no more than 99% biodiesel, the tax imposed
26 by this Act does not apply to the proceeds of sales made on or

1 after July 1, 2003 and on or before December 31, 2013 but
2 applies to 100% of the proceeds of sales made thereafter.

3 With respect to food for human consumption that is to be
4 consumed off the premises where it is sold (other than
5 alcoholic beverages, soft drinks, and food that has been
6 prepared for immediate consumption) and prescription and
7 nonprescription medicines, drugs, medical appliances,
8 modifications to a motor vehicle for the purpose of rendering
9 it usable by a disabled person, and insulin, urine testing
10 materials, syringes, and needles used by diabetics, for human
11 use, the tax is imposed at the rate of 1%. For the purposes of
12 this Section, until September 1, 2009: the term "soft drinks"
13 means any complete, finished, ready-to-use, non-alcoholic
14 drink, whether carbonated or not, including but not limited to
15 soda water, cola, fruit juice, vegetable juice, carbonated
16 water, and all other preparations commonly known as soft drinks
17 of whatever kind or description that are contained in any
18 closed or sealed bottle, can, carton, or container, regardless
19 of size; but "soft drinks" does not include coffee, tea,
20 non-carbonated water, infant formula, milk or milk products as
21 defined in the Grade A Pasteurized Milk and Milk Products Act,
22 or drinks containing 50% or more natural fruit or vegetable
23 juice.

24 Notwithstanding any other provisions of this Act,
25 beginning September 1, 2009, "soft drinks" means non-alcoholic
26 beverages that contain natural or artificial sweeteners. "Soft

1 drinks" do not include beverages that contain milk or milk
2 products, soy, rice or similar milk substitutes, or greater
3 than 50% of vegetable or fruit juice by volume.

4 Until August 1, 2009, and notwithstanding any other
5 provisions of this Act, "food for human consumption that is to
6 be consumed off the premises where it is sold" includes all
7 food sold through a vending machine, except soft drinks and
8 food products that are dispensed hot from a vending machine,
9 regardless of the location of the vending machine. Beginning
10 August 1, 2009, and notwithstanding any other provisions of
11 this Act, "food for human consumption that is to be consumed
12 off the premises where it is sold" includes all food sold
13 through a vending machine, except soft drinks, candy, and food
14 products that are dispensed hot from a vending machine,
15 regardless of the location of the vending machine.

16 Notwithstanding any other provisions of this Act,
17 beginning September 1, 2009, "food for human consumption that
18 is to be consumed off the premises where it is sold" does not
19 include candy. For purposes of this Section, "candy" means a
20 preparation of sugar, honey, or other natural or artificial
21 sweeteners in combination with chocolate, fruits, nuts or other
22 ingredients or flavorings in the form of bars, drops, or
23 pieces. "Candy" does not include any preparation that contains
24 flour or requires refrigeration.

25 Notwithstanding any other provisions of this Act,
26 beginning September 1, 2009, "nonprescription medicines and

1 drugs" does not include grooming and hygiene products.
2 Beginning on the effective date of this amendatory Act of the
3 97th General Assembly, "prescription and nonprescription
4 medicines and drugs" includes medical cannabis purchased from a
5 registered nonprofit medical cannabis organization under the
6 Compassionate Use of Medical Cannabis Pilot Program Act. For
7 purposes of this Section, "grooming and hygiene products"
8 includes, but is not limited to, soaps and cleaning solutions,
9 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
10 lotions and screens, unless those products are available by
11 prescription only, regardless of whether the products meet the
12 definition of "over-the-counter-drugs". For the purposes of
13 this paragraph, "over-the-counter-drug" means a drug for human
14 use that contains a label that identifies the product as a drug
15 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
16 label includes:

17 (A) A "Drug Facts" panel; or

18 (B) A statement of the "active ingredient(s)" with a
19 list of those ingredients contained in the compound,
20 substance or preparation.

21 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
22 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10.)".

23 Section 145. The Illinois Vehicle Code is amended by
24 changing Section 11-501 and by adding Section 11-501.9 as
25 follows:

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

2 Sec. 11-501. Driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof.

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

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

10 (2) under the influence of alcohol;

11 (3) under the influence of any intoxicating compound or
12 combination of intoxicating compounds to a degree that
13 renders the person incapable of driving safely;

14 (4) under the influence of any other drug or
15 combination of drugs to a degree that renders the person
16 incapable of safely driving;

17 (5) under the combined influence of alcohol, other drug
18 or drugs, or intoxicating compound or compounds to a degree
19 that renders the person incapable of safely driving; or

20 (6) there is any amount of a drug, substance, or
21 compound in the person's breath, blood, or urine resulting
22 from the unlawful use or consumption of cannabis listed in
23 the Cannabis Control Act, a controlled substance listed in
24 the Illinois Controlled Substances Act, an intoxicating
25 compound listed in the Use of Intoxicating Compounds Act,

1 or methamphetamine as listed in the Methamphetamine
2 Control and Community Protection Act. Subject to all other
3 requirements set forth in this Act, for the purposes of
4 this subsection the lawful consumption of cannabis by a
5 qualifying patient licensed under the Compassionate Use of
6 Medical Cannabis Pilot Program Act who is in possession of
7 a valid registry card shall be governed by the provisions
8 set forth in Section 11-501.9.

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

14 (c) Penalties.

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

18 (2) A person who violates subsection (a) or a similar
19 provision a second time shall be sentenced to a mandatory
20 minimum term of either 5 days of imprisonment or 240 hours
21 of community service in addition to any other criminal or
22 administrative sanction.

23 (3) A person who violates subsection (a) is subject to
24 6 months of imprisonment, an additional mandatory minimum
25 fine of \$1,000, and 25 days of community service in a
26 program benefiting children if the person was transporting

1 a person under the age of 16 at the time of the violation.

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

10 (5) A person who violates subsection (a) a second time,
11 if at the time of the second violation the alcohol
12 concentration in his or her blood, breath, or urine was
13 0.16 or more based on the definition of blood, breath, or
14 urine units in Section 11-501.2 or 2 times the cannabis in
15 Section 11-501.9, shall be subject, in addition to any
16 other penalty that may be imposed, to a mandatory minimum
17 of 2 days of imprisonment and a mandatory minimum fine of
18 \$1,250.

19 (d) Aggravated driving under the influence of alcohol,
20 other drug or drugs, or intoxicating compound or compounds, or
21 any combination thereof.

22 (1) Every person convicted of committing a violation of
23 this Section shall be guilty of aggravated driving under
24 the influence of alcohol, other drug or drugs, or
25 intoxicating compound or compounds, or any combination
26 thereof if:

1 (A) the person committed a violation of subsection
2 (a) or a similar provision for the third or subsequent
3 time;

4 (B) the person committed a violation of subsection
5 (a) while driving a school bus with persons 18 years of
6 age or younger on board;

7 (C) the person in committing a violation of
8 subsection (a) was involved in a motor vehicle accident
9 that resulted in great bodily harm or permanent
10 disability or disfigurement to another, when the
11 violation was a proximate cause of the injuries;

12 (D) the person committed a violation of subsection
13 (a) and has been previously convicted of violating
14 Section 9-3 of the Criminal Code of 1961 or a similar
15 provision of a law of another state relating to
16 reckless homicide in which the person was determined to
17 have been under the influence of alcohol, other drug or
18 drugs, or intoxicating compound or compounds as an
19 element of the offense or the person has previously
20 been convicted under subparagraph (C) or subparagraph
21 (F) of this paragraph (1);

22 (E) the person, in committing a violation of
23 subsection (a) while driving at any speed in a school
24 speed zone at a time when a speed limit of 20 miles per
25 hour was in effect under subsection (a) of Section
26 11-605 of this Code, was involved in a motor vehicle

1 accident that resulted in bodily harm, other than great
2 bodily harm or permanent disability or disfigurement,
3 to another person, when the violation of subsection (a)
4 was a proximate cause of the bodily harm;

5 (F) the person, in committing a violation of
6 subsection (a), was involved in a motor vehicle,
7 snowmobile, all-terrain vehicle, or watercraft
8 accident that resulted in the death of another person,
9 when the violation of subsection (a) was a proximate
10 cause of the death;

11 (G) the person committed a violation of subsection
12 (a) during a period in which the defendant's driving
13 privileges are revoked or suspended, where the
14 revocation or suspension was for a violation of
15 subsection (a) or a similar provision, Section
16 11-501.1, 11-501.9, paragraph (b) of Section 11-401,
17 or for reckless homicide as defined in Section 9-3 of
18 the Criminal Code of 1961;

19 (H) the person committed the violation while he or
20 she did not possess a driver's license or permit or a
21 restricted driving permit or a judicial driving permit
22 or a monitoring device driving permit;

23 (I) the person committed the violation while he or
24 she knew or should have known that the vehicle he or
25 she was driving was not covered by a liability
26 insurance policy;

1 (J) the person in committing a violation of
2 subsection (a) was involved in a motor vehicle accident
3 that resulted in bodily harm, but not great bodily
4 harm, to the child under the age of 16 being
5 transported by the person, if the violation was the
6 proximate cause of the injury; or

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

10 (2) (A) Except as provided otherwise, a person
11 convicted of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof is guilty of a Class
14 4 felony.

15 (B) A third violation of this Section or a similar
16 provision is a Class 2 felony. If at the time of the third
17 violation the alcohol concentration in his or her blood,
18 breath, or urine was 0.16 or more based on the definition
19 of blood, breath, or urine units in Section 11-501.2, a
20 mandatory minimum of 90 days of imprisonment and a
21 mandatory minimum fine of \$2,500 shall be imposed in
22 addition to any other criminal or administrative sanction.
23 If at the time of the third violation, the defendant was
24 transporting a person under the age of 16, a mandatory fine
25 of \$25,000 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 (C) A fourth violation of this Section or a similar
3 provision is a Class 2 felony, for which a sentence of
4 probation or conditional discharge may not be imposed. If
5 at the time of the violation, the alcohol concentration in
6 the defendant's blood, breath, or urine was 0.16 or more
7 based on the definition of blood, breath, or urine units in
8 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
9 be imposed in addition to any other criminal or
10 administrative sanction. If at the time of the fourth
11 violation, the defendant was transporting a person under
12 the age of 16 a mandatory fine of \$25,000 and 25 days of
13 community service in a program benefiting children shall be
14 imposed in addition to any other criminal or administrative
15 sanction.

16 (D) A fifth violation of this Section or a similar
17 provision is a Class 1 felony, for which a sentence of
18 probation or conditional discharge may not be imposed. If
19 at the time of the violation, the alcohol concentration in
20 the defendant's blood, breath, or urine was 0.16 or more
21 based on the definition of blood, breath, or urine units in
22 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
23 be imposed in addition to any other criminal or
24 administrative sanction. If at the time of the fifth
25 violation, the defendant was transporting a person under
26 the age of 16, a mandatory fine of \$25,000, and 25 days of

1 community service in a program benefiting children shall be
2 imposed in addition to any other criminal or administrative
3 sanction.

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

17 (F) For a violation of subparagraph (C) of paragraph
18 (1) of this subsection (d), the defendant, if sentenced to
19 a term of imprisonment, shall be sentenced to not less than
20 one year nor more than 12 years.

21 (G) A violation of subparagraph (F) of paragraph (1) of
22 this subsection (d) is a Class 2 felony, for which the
23 defendant, unless the court determines that extraordinary
24 circumstances exist and require probation, shall be
25 sentenced to: (i) a term of imprisonment of not less than 3
26 years and not more than 14 years if the violation resulted

1 in the death of one person; or (ii) a term of imprisonment
2 of not less than 6 years and not more than 28 years if the
3 violation resulted in the deaths of 2 or more persons.

4 (H) For a violation of subparagraph (J) of paragraph
5 (1) of this subsection (d), a mandatory fine of \$2,500, and
6 25 days of community service in a program benefiting
7 children shall be imposed in addition to any other criminal
8 or administrative sanction.

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

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

24 (3) Any person sentenced under this subsection (d) who
25 receives a term of probation or conditional discharge must
26 serve a minimum term of either 480 hours of community

1 service or 10 days of imprisonment as a condition of the
2 probation or conditional discharge in addition to any other
3 criminal or administrative sanction.

4 (e) Any reference to a prior violation of subsection (a) or
5 a similar provision includes any violation of a provision of a
6 local ordinance or a provision of a law of another state or an
7 offense committed on a military installation that is similar to
8 a violation of subsection (a) of this Section.

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

12 (g) Any penalty imposed for driving with a license that has
13 been revoked for a previous violation of subsection (a) of this
14 Section shall be in addition to the penalty imposed for any
15 subsequent violation of subsection (a).

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

19 (Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;
20 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08;
21 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

22 (625 ILCS 5/11-501.9 new)

23 Sec. 11-501.9. Medical cannabis; qualifying patient;
24 restrictions.

25 (a) No person who is a qualifying patient in possession of

1 a valid registry card under the Compassionate Use of Medical
2 Cannabis Pilot Program Act may operate a motor vehicle unless 6
3 hours have passed from the time that the qualifying patient
4 last consumed medical cannabis.

5 (b) No person who is a qualifying patient in possession of
6 a valid registry card under the Compassionate Use of Medical
7 Cannabis Pilot Program Act who has a concentration of cannabis
8 in the person's urine of at least 15 nanograms of cannabis per
9 milliliter of the person's urine or has a concentration of
10 cannabis in the person's whole blood of at least 5 nanograms of
11 cannabis per milliliter of the person's whole blood shall drive
12 or be in actual physical control of any vehicle within this
13 State.

14 (c) The sole fact that the person is a qualifying patient
15 under the Compassionate Use of Medical Cannabis Pilot Program
16 Act in possession of a registry card shall not constitute
17 reasonable suspicion or probable cause that there is a
18 violation under this Section or elsewhere.

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

22 Section 150. The Cannabis Control Act is amended by
23 changing Sections 4, 5, 8, 9, and 16.1 as follows:

24 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

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

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

5 (b) more than 2.5 grams but not more than 10 grams of
6 any substance containing cannabis is guilty of a Class B
7 misdemeanor;

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

13 (d) more than 30 grams but not more than 500 grams of
14 any substance containing cannabis is guilty of a Class 4
15 felony; provided that if any offense under this subsection
16 (d) is a subsequent offense, the offender shall be guilty
17 of a Class 3 felony;

18 (e) more than 500 grams but not more than 2,000 grams
19 of any substance containing cannabis is guilty of a Class 3
20 felony;

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

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

26 (h) if any offense is committed under subsection (a) or

1 (b) and the defendant is a registered nonprofit medical
2 cannabis organization agent, the defendant is guilty of a
3 Class 4 felony;

4 (i) if any offense is committed under subsection (c)
5 and the defendant is a registered nonprofit medical
6 cannabis organization agent, the defendant is guilty of a
7 Class 3 felony;

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

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

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

20 (m) if any offense is committed under subsection (g)
21 and the defendant is a registered nonprofit medical
22 cannabis organization agent, the defendant is guilty of a
23 Class X felony extended term.

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

25 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

1 Sec. 5. It is unlawful for any person knowingly to
2 manufacture, deliver, or possess with intent to deliver, or
3 manufacture, cannabis. Any person who violates this section
4 with respect to:

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

7 (b) more than 2.5 grams but not more than 10 grams of any
8 substance containing cannabis is guilty of a Class A
9 misdemeanor;

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

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

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

18 (f) more than 2,000 grams but not more than 5,000 grams of
19 any substance containing cannabis is guilty of a Class 1 felony
20 for which a fine not to exceed \$150,000 may be imposed;

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

24 (h) if any offense is committed under subsections (a), (b)
25 or (c) and the defendant is a registered nonprofit medical
26 cannabis organization agent, the defendant is guilty of a Class

1 3 felony;

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

6 (j) if any offense is committed under subsection (e) and
7 the defendant is a registered nonprofit medical cannabis
8 organization agent, the defendant is guilty of a Class 1
9 felony;

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

14 (l) if any offense is committed under subsection (g) and
15 the defendant is a registered nonprofit medical cannabis
16 organization agent, the defendant is guilty of a Class X with
17 an extended term.

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

19 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

20 Sec. 8. It is unlawful for any person knowingly to produce
21 the cannabis sativa plant or to possess such plants unless
22 production or possession has been authorized pursuant to the
23 provisions of Section 11 of the Act. Any person who violates
24 this Section with respect to production or possession of:

25 (a) Not more than 5 plants is guilty of a Class A

1 misdemeanor.

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

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

6 (d) More than 50, but not more than 200 plants, is guilty
7 of a Class 2 felony for which a fine not to exceed \$100,000 may
8 be imposed and for which liability for the cost of conducting
9 the investigation and eradicating such plants may be assessed.
10 Compensation for expenses incurred in the enforcement of this
11 provision shall be transmitted to and deposited in the
12 treasurer's office at the level of government represented by
13 the Illinois law enforcement agency whose officers or employees
14 conducted the investigation or caused the arrest or arrests
15 leading to the prosecution, to be subsequently made available
16 to that law enforcement agency as expendable receipts for use
17 in the enforcement of laws regulating controlled substances and
18 cannabis. If such seizure was made by a combination of law
19 enforcement personnel representing different levels of
20 government, the court levying the assessment shall determine
21 the allocation of such assessment. The proceeds of assessment
22 awarded to the State treasury shall be deposited in a special
23 fund known as the Drug Traffic Prevention Fund.

24 (e) More than 200 plants is guilty of a Class 1 felony for
25 which a fine not to exceed \$100,000 may be imposed and for
26 which liability for the cost of conducting the investigation

1 and eradicating such plants may be assessed. Compensation for
2 expenses incurred in the enforcement of this provision shall be
3 transmitted to and deposited in the treasurer's office at the
4 level of government represented by the Illinois law enforcement
5 agency whose officers or employees conducted the investigation
6 or caused the arrest or arrests leading to the prosecution, to
7 be subsequently made available to that law enforcement agency
8 as expendable receipts for use in the enforcement of laws
9 regulating controlled substances and cannabis. If such seizure
10 was made by a combination of law enforcement personnel
11 representing different levels of government, the court levying
12 the assessment shall determine the allocation of such
13 assessment. The proceeds of assessment awarded to the State
14 treasury shall be deposited in a special fund known as the Drug
15 Traffic Prevention Fund.

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

17 (720 ILCS 550/9) (from Ch. 56 1/2, par. 709)

18 Sec. 9. (a) Any person who engages in a calculated criminal
19 cannabis conspiracy, as defined in subsection (b), is guilty of
20 a Class 3 felony, and fined not more than \$200,000 and shall be
21 subject to the forfeitures prescribed in subsection (c); except
22 that, if any person engages in such offense after one or more
23 prior convictions under this Section, Section 4 (d), Section 5
24 (d), Section 8 (d) or any law of the United States or of any
25 State relating to cannabis, or controlled substances as defined

1 in the Illinois Controlled Substances Act, in addition to the
2 fine and forfeiture authorized above, he shall be guilty of a
3 Class 1 felony for which an offender may not be sentenced to
4 death; if any offense is committed under this Section and the
5 defendant is a registered nonprofit medical cannabis
6 organization agent, the defendant is guilty of a Class X
7 felony.

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

10 (1) he violates Section 4 (d), 4 (e), 5 (d), 5 (e), 8 (c) or
11 8 (d) of this Act; and

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

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

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

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

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

23 (d) The circuit court may enter such injunctions,
24 restraining orders, directions, or prohibitions, or take such
25 other actions, including the acceptance of satisfactory
26 performance bonds, in connection with any property, claim,

1 receipt, right or other interest subject to forfeiture under
2 this Section, as it deems proper.

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

4 (720 ILCS 550/16.1) (from Ch. 56 1/2, par. 716.1)

5 Sec. 16.1. In any prosecution for any violation of this
6 Act, it shall be an affirmative defense that the substance
7 possessed by the defendant was regulated as a controlled
8 substance under the Illinois Controlled Substances Act or
9 pursuant to the Compassionate Use of Medical Cannabis Pilot
10 Program Act. In order to raise this affirmative defense, the
11 defendant shall give notice thereof to the State not less than
12 7 days prior to trial.

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

14 (720 ILCS 550/11 rep.)

15 (720 ILCS 550/15 rep.)

16 Section 155. The Cannabis Control Act is amended by
17 repealing Sections 11 and 15.

18 Section 160. Severability. The provisions of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 999. Effective date. This Act takes effect upon
21 becoming law."