



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 (3) This subsection shall not be construed to authorize
5 the possession of more than 2.5 ounces at any time without
6 authority from the Department.

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

9 (c) "Cardholder" means a qualifying patient or a designated
10 caregiver who has been issued and possesses a valid registry
11 identification card.

12 (d) "Debilitating medical condition" means one or more of
13 the following:

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

1 (Complex Regional Pain Syndromes Type II),
2 Neurofibromatosis, Chronic Inflammatory Demyelinating
3 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
4 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
5 syndrome, or the treatment of these conditions; or

6 (2) any other debilitating medical condition or its
7 treatment shall be added by the Department by rule as
8 provided for in Section 30.

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

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

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

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

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

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

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

24 (h) "Excluded offense" means:

25 (1) a violent crime defined in Section 3 of the Rights
26 of Crime Victims and Witnesses Act or a substantially

1 similar offense that was classified as a felony in the
2 jurisdiction where the person was convicted; or

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

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

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

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

1 associated with the patient's debilitating medical condition.

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

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

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

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

22 (2) is registered with the Department pursuant to
23 Section 65; and

24 (3) acquires, possesses, cultivates, manufactures,
25 delivers, transfers, transports, sells, supplies, or
26 dispenses cannabis, paraphernalia, or related supplies and

1 educational materials to registered qualifying patients.

2 Nothing in this subsection (n) shall be construed as
3 prohibiting a nonprofit medical cannabis organization from
4 receiving payment for all expenses incurred in its operation.

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

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

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

19 (r) "Visiting qualifying patient" means a person who:

20 (1) has been diagnosed with a debilitating medical
21 condition;

22 (2) possesses a valid registry identification card, or
23 its equivalent, that was issued pursuant to the laws of
24 another state, district, territory, commonwealth, insular
25 possession of the United States, or country recognized by
26 the United States that allows the person to use cannabis

1 for medical purposes in the jurisdiction of issuance; and

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

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

24 Section 15. Immunities and presumptions related to the
25 medical use of cannabis.

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

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

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

1 visiting qualifying patient does not possess more than an
2 adequate supply of usable cannabis. A visiting qualifying
3 patient may not purchase cannabis from a nonprofit medical
4 dispensary until he or she receives a written certification
5 from an Illinois physician and an Illinois registry card as
6 provided for under this Act.

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

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

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

1 this Act if the qualifying patient or designated caregiver:

2 (A) is in possession of a valid registry identification
3 card; and

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

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

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

25 (1) issuing a written certification to a patient who is
26 not under the physician's care for a debilitating medical

1 condition; or

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

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

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

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

14 (3) assisting a registered qualifying patient with the
15 act of administering cannabis.

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

1 to provide for them, to registered designated caregivers on
2 behalf of the registered qualifying patients who have
3 designated the registered nonprofit medical cannabis
4 organization.

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

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

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

1 registry identification card. The possession of, or
2 application for, a registry identification card shall not
3 preclude the existence of probable cause if probable cause
4 exists on other grounds.

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

11 Section 20. Limitations and penalties.

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

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

18 (2) Possessing cannabis, or otherwise engaging in the
19 medical use of cannabis:

20 (A) in a school bus;

21 (B) on the grounds of any preschool or primary or
22 secondary school; or

23 (C) in any correctional facility.

24 (3) Smoking cannabis:

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

1 (B) in any public place.

2 (4) Operating, navigating, or being in actual physical
3 control of any motor vehicle, aircraft, or motorboat while
4 under the influence of cannabis in violation of Sections
5 11-501 and 11-501.9 of the Illinois Vehicle Code.

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

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

11 (7) Transferring cannabis to any person contrary to the
12 provisions of this Act.

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

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

26 (d) Notwithstanding all other criminal penalties related

1 to the unlawful possession of cannabis, any person who
2 fraudulently represents a medical condition to a physician or
3 fraudulently provides material misinformation to a physician
4 in order to obtain written certification is guilty of a petty
5 offense punishable by a fine of up to \$1,000.

6 (e) Any cardholder or registered caregiver who sells
7 cannabis shall have his or her registry identification card
8 revoked and shall be subject to other penalties for the
9 unauthorized sale of cannabis.

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

15 (g) No registered qualifying patient or designated
16 caregiver shall knowingly obtain, seek to obtain, or possess,
17 individually or collectively, an amount of usable cannabis from
18 a registered nonprofit medical cannabis organization that
19 would cause him or her to exceed the authorized adequate supply
20 under subsection (a) of Section 10.

21 Section 25. Discrimination prohibited.

22 (a)(1) No school, employer, or landlord may refuse to
23 enroll or lease to, or otherwise penalize, a person solely for
24 his or her status as a registered qualifying patient or a
25 registered designated caregiver, unless failing to do so would

1 put the school, employer, or landlord in violation of federal
2 law or unless failing to do so would cause it to lose a
3 monetary or licensing-related benefit under federal law or
4 rules. This shall not prevent a landlord from prohibiting the
5 smoking of cannabis on the premises.

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

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

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

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

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

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

16 Section 35. Employment; employer liability.

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

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

1 (c) Nothing in this Act shall limit an employer from
2 disciplining a qualifying patient for violating a workplace
3 drug policy.

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

8 (e) Nothing in this Act shall be construed to create a
9 defense for a third party who fails a drug test.

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

25 (g) Notwithstanding subsection (b), an employer may
26 presume a registered qualifying patient to be impaired where

1 the level of cannabis in the person's blood or urine is greater
2 than the limits set for in subsection (b) of Section 11-501.9
3 of the Illinois Vehicle Code.

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

6 (1) actions based on the employer's good faith belief
7 that a registered qualifying patient used or possessed
8 cannabis while on the employer's premises or during the
9 hours of employment;

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

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

17 (i) Nothing in this Act shall be construed to interfere
18 with any federal restrictions on employment including but not
19 limited to the United States Department of Transportation
20 regulation 49 CFR 40.151(e).

21 Section 40. Registration of qualifying patients and
22 designated caregivers.

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

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

4 (2) upon the execution of applicable privacy waivers,
5 the patient's medical documentation related to his or her
6 debilitating condition and any other information that may
7 be reasonably required by the Department to confirm that
8 the physician and patient have a bona fide
9 physician-patient relationship, that the qualifying
10 patient is in the physician's care for his or her
11 debilitating medical condition, and to substantiate the
12 patient's diagnosis;

13 (3) the application or renewal fee;

14 (4) the name, address, and date of birth of the
15 qualifying patient, except that if the applicant is
16 homeless no address is required;

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

19 (6) the name, address, and date of birth of the
20 designated caregiver, if any, chosen by the qualifying
21 patient;

22 (7) the name of the registered nonprofit medical
23 cannabis organization the qualifying patient designates;
24 and

25 (8) signed statements from the patient and designated
26 caregiver asserting that they will not divert medical

1 cannabis.

2 Section 45. Issuance of registry identification cards.

3 (a) Except as provided in subsection (b), the Department
4 shall:

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

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

12 (3) Enter the registry identification number of the
13 registered nonprofit medical cannabis organization the
14 patient designates into the verification system.

15 (b) The Department shall not issue a registry
16 identification card to a qualifying patient who is younger than
17 18 years of age unless:

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

23 (2) the custodial parent or legal guardian with
24 responsibility for health care decisions for the
25 qualifying patient consents in writing to:

1 (A) allow the qualifying patient's medical use of
2 cannabis;

3 (B) serve as the qualifying patient's designated
4 caregiver; and

5 (C) control the acquisition of the cannabis, the
6 dosage, and the frequency of the medical use of
7 cannabis by the qualifying patient.

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

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

23 (e) Upon the approval of the registration and issuance of a
24 registry card under this Section, the Department shall forward
25 the patient's drivers license number to the Secretary of State
26 and certify that the individual is permitted to engage in the

1 medical use of cannabis. For the purposes of law enforcement,
2 the Secretary of State shall make a notation on the person's
3 driving record stating the person is a qualifying patient who
4 is entitled to the lawful medical use of cannabis. If the
5 person no longer holds a valid registry card, the Department
6 shall notify the Secretary of State and the Secretary of State
7 shall remove the notation from the person's driving record. The
8 Department and the Secretary of State may establish a system by
9 which such information may be shared electronically.

10 Section 50. Denial of registry identification cards.

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

14 (1) did not provide the required information and
15 materials;

16 (2) previously had a registry identification card
17 revoked;

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

19 (4) provided false or falsified information.

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

23 (1) the designated caregiver does not meet the
24 requirements of subsection (f) of Section 10;

25 (2) the applicant did not provide the information

1 required;

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

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

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

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

17 (d) The Department shall notify the qualifying patient who
18 has designated someone to serve as his or her designated
19 caregiver if a registry identification card will not be issued
20 to the designated caregiver.

21 (e) Denial of an application or renewal is considered a
22 final Department action, subject to judicial review.
23 Jurisdiction and venue for judicial review are vested in the
24 Circuit Court.

25 Section 55. Registry identification cards. A qualifying

1 patient or designated caregiver must keep their registry
2 identification card in their possession at all times when
3 engaging in the medical use of cannabis.

4 (a) Registry identification cards shall contain all of the
5 following:

6 (1) the name of the cardholder;

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

9 (3) the date of issuance and expiration date of the
10 registry identification card;

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

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

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

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

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

1 Section 60. Notifications to Department and responses;
2 civil penalty.

3 (a) The following notifications and Department responses
4 are required:

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

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

14 (3) Before a registered qualifying patient changes his
15 or her designated caregiver, the qualifying patient must
16 notify the Department.

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

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

1 shall also issue his or her registered designated caregiver, if
2 any, a new registry identification card within 10 days of
3 receiving the updated information.

4 (c) If a registered qualifying patient ceases to be a
5 registered qualifying patient or changes his or her registered
6 designated caregiver, the Department shall promptly notify the
7 designated caregiver. The registered designated caregiver's
8 protections under this Act as to that qualifying patient shall
9 expire 15 days after notification by the Department.

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

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

21 (f) If the registered qualifying patient's certifying
22 physician notifies the Department in writing that either the
23 registered qualifying patient has ceased to suffer from a
24 debilitating medical condition or that the physician no longer
25 believes the patient would receive therapeutic or palliative
26 benefit from the medical use of cannabis, the card shall become

1 null and void. However, the registered qualifying patient shall
2 have 15 days to destroy his or her remaining medical cannabis
3 and related paraphernalia.

4 Section 65. Registration of nonprofit medical cannabis
5 organization.

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

12 (1) A \$5,000 non-refundable application fee and a
13 \$20,000 certificate fee for those applicants selected by
14 the Department to receive a nonprofit medical cannabis
15 organization registration certificate. Such fees may be
16 adjusted subject to the discretion of the Department in
17 order to adequately fund the implementation and
18 enforcement of this Act.

19 (2) The proposed legal name of the medical cannabis
20 organization.

21 (3) The proposed physical address of the medical
22 cannabis organization.

23 (4) If the nonprofit medical cannabis organization
24 proposes a location that is different than the location
25 listed in paragraph (3) where cannabis will be cultivated,

1 harvested, packaged, labeled, or otherwise prepared for
2 distribution by the nonprofit medical cannabis
3 organization, the physical address of that location.
4 However, approval for operation at a location under this
5 Section that is different than the location listed in
6 paragraph (3) requires a variance to be issued subject to
7 the discretion of the Department. In such case where a
8 variance is granted, by no means shall more than one
9 separate location be granted per each individual medical
10 cannabis organization registration certificate.

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

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

20 (7) Proposed operating by-laws that include procedures
21 for the oversight of the nonprofit medical cannabis
22 organization and procedures to ensure accurate record
23 keeping and security measures that are in accordance with
24 the rules issued by the Department pursuant to this Act.
25 The by-laws shall include a description of the enclosed,
26 locked facility where medical cannabis will be grown,

1 cultivated, harvested, packaged, labeled, or otherwise
2 prepared for distribution by the medical cannabis
3 organization.

4 (8) Signed statements from each nonprofit medical
5 cannabis organization agent stating that they will not
6 divert medical cannabis.

7 (9) The Department shall conduct a background check of
8 the prospective nonprofit medical cannabis organization
9 agents in order to carry out this provision. Each person
10 applying as a nonprofit medical cannabis organization
11 agent shall submit a full set of fingerprints to the
12 department for the purpose of obtaining a state and federal
13 criminal records check. The Department may exchange this
14 data with the Federal Bureau of Investigation without
15 disclosing that the records check is related to this Act.
16 The Department shall destroy each set of fingerprints after
17 the criminal records check is completed.

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

21 (A) the applicant failed to submit the materials
22 required by this Section, including if the applicant's
23 plans do not satisfy the security, oversight, or
24 recordkeeping rules issued by the Department;

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

1 (C) the applicant does not meet the requirements of
2 Section 90;

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

5 (E) one or more of the prospective principal officers
6 or board members has served as a principal officer or board
7 member for a registered nonprofit medical cannabis
8 organization that has had its registration certificate
9 revoked; and

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

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

15 (d) When issuing a medical cannabis organization
16 registration certificate, the Department shall also issue a
17 renewable registration certificate with an identification
18 number.

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

24 Section 70. Nonprofit medical cannabis organization agent
25 identification cards.

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

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

7 (1) the name of the cardholder;

8 (2) a designation the cardholder is a nonprofit medical
9 cannabis organization agent;

10 (3) the date of issuance and expiration date of the
11 nonprofit medical cannabis organization agent
12 identification cards;

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

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

18 Section 75. Nonprofit medical cannabis organization
19 certification renewal. Registration certificates may be
20 renewed subject to the rule of the Department. The registered
21 nonprofit medical cannabis organization may submit a renewal
22 application beginning 90 days prior to the expiration of its
23 registration certificate. The Department shall grant a renewal
24 application within 45 days of its submission if the following
25 conditions are all satisfied:

1 (a) The registered nonprofit medical cannabis organization
2 submits a renewal application and the required renewal fee,
3 which shall be refunded within 60 days if the renewal
4 application is rejected. In such cases where a registration
5 certificate has been issued to that nonprofit medical cannabis
6 organization pursuant to Section 65, a \$25,000 fee in year 2 of
7 its operation and a \$5,000 fee in year 3 of its operation shall
8 be required for the renewal of the registration certificate.
9 Such fees may be adjusted subject to the discretion of the
10 Department in order to adequately fund the implementation and
11 enforcement of this Act.

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

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

22 Section 80. Local ordinances. A unit of local government
23 may enact reasonable zoning ordinances or resolutions, not in
24 conflict with this Act or with Department rules, regulating
25 registered nonprofit medical cannabis organizations. No unit

1 of local government, including a home rule unit, or school
2 district may regulate registered nonprofit medical cannabis
3 organizations other than as provided in this Act. This Section
4 is a denial and limitation under subsection (i) of Section 6 of
5 Article VII of the Illinois Constitution on the concurrent
6 exercise by home rule units of powers and functions exercised
7 by the State.

8 Section 85. Requirements; prohibitions; penalties.

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

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

17 (c) A registered nonprofit medical cannabis organization
18 may not be located within 2,500 feet of the property line of a
19 pre-existing public or private preschool or elementary or
20 secondary school or day care center, day care home, group day
21 care home, or part day child care facility. A registered
22 medical cannabis organization shall not be located in a house,
23 apartment, condominium, or any other residential dwelling.

24 (d) A registered nonprofit medical cannabis organization
25 is prohibited from acquiring, possessing, cultivating,

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

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

17 (f) A nonprofit medical cannabis organization may not
18 obtain cannabis from outside the State of Illinois, except that
19 a nonprofit medical cannabis organization may lawfully
20 purchase cannabis seeds outside of the State of Illinois once
21 upon the initial approval of its application under Section 65.

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

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

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

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

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

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

19 (i) Registered nonprofit medical cannabis organizations
20 shall ensure compliance with this limitation by maintaining
21 internal, confidential records that include records specifying
22 how much cannabis is being dispensed to the registered
23 qualifying patient and whether it was dispensed directly to the
24 registered qualifying patient or to the designated caregiver.
25 Each entry must include the date and time the cannabis was
26 dispensed.

1 (j) The physician-patient privilege as set forth by Section
2 8-802 of the Code of Civil Procedure shall apply between a
3 qualifying patient and a registered nonprofit medical cannabis
4 organization and its agents with respect to communications and
5 records concerning qualifying patients' debilitating
6 conditions.

7 (k) A nonprofit medical cannabis organization shall not
8 permit any person to consume cannabis on the property of a
9 nonprofit medical cannabis organization.

10 (l) A registered nonprofit medical cannabis organization
11 shall not share office space with or refer patients to a
12 physician.

13 (m) A physician shall not refer patients to a registered
14 nonprofit medical cannabis organization or registered
15 designated caregiver, advertise in a registered nonprofit
16 medical cannabis organization, or, if the physician issues
17 written certifications, hold any financial interest in a
18 registered nonprofit medical cannabis organization.

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

21 (o) Notwithstanding all other criminal penalties related
22 to the unlawful possession of cannabis, the Department may
23 issue a civil fine of up to \$3,000 for violations of this
24 Section.

25 (p) The Department may suspend or revoke a registration
26 certificate for violations of this Act and rules issued in

1 accordance with this Section.

2 (q) The suspension or revocation of a certificate is a
3 final Department action, subject to judicial review.
4 Jurisdiction and venue for judicial review are vested in the
5 Circuit Court.

6 (r) Registered nonprofit medical cannabis organizations
7 are subject to random inspection and cannabis testing by
8 Department rules.

9 Section 90. Confidentiality.

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

17 (1) Applications and renewals, their contents, and
18 supporting information submitted by qualifying patients
19 and designated caregivers, including information regarding
20 their designated caregivers and physicians.

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

25 (3) The individual names and other information

1 identifying persons to whom the Department has issued
2 registry identification cards.

3 (4) Any dispensing information required to be kept
4 under Section 85 or Department rules shall identify
5 cardholders and registered nonprofit medical cannabis
6 organizations by their registry identification numbers and
7 not contain names or other personally identifying
8 information.

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

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

12 (1) Department employees may notify law enforcement
13 about falsified or fraudulent information submitted to the
14 Department if the employee who suspects that falsified or
15 fraudulent information has been submitted conferred with
16 his or her supervisor and both agree that circumstances
17 exist that warrant reporting.

18 (2) If the employee conferred with his or her
19 supervisor and both agree that circumstances exist that
20 warrant reporting, Department employees may notify the
21 Medical Disciplinary Board if there is reasonable cause to
22 believe a physician:

23 (A) issued a written certification without a bona
24 fide physician-patient relationship;

25 (B) issued a written certification to a person who
26 was not under the physician's care for the debilitating

1 medical condition; or

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

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

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

12 (5) The Department may verify registry identification
13 cards pursuant to Section 95.

14 (6) The submission of the report to the General
15 Assembly under Section 100.

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

20 Section 95. Registry identification and registration
21 certificate verification.

22 (a) The Department shall maintain a confidential list of
23 the persons to whom the Department has issued registry
24 identification cards and their addresses, phone numbers, and
25 registry identification numbers. This confidential list shall

1 not be combined or linked in any manner with any other list or
2 database except as provided in this Section.

3 (b) Within 180 days of the effective date of this Act, the
4 Department shall establish a computerized verification system.
5 The verification system must allow law enforcement personnel
6 and nonprofit medical cannabis organization agents to enter a
7 registry identification number to determine whether or not the
8 number corresponds with a current, valid registry
9 identification card. The system shall only disclose whether the
10 identification card is valid; whether the cardholder is a
11 registered qualifying patient or a registered designated
12 caregiver; and the registry identification number of the
13 registered nonprofit medical cannabis organization designated
14 to serve the registered qualifying patient who holds the card
15 or the registry identification number of the patient who is
16 assisted by the registered designated caregiver who holds the
17 card. The system shall enable a registered nonprofit medical
18 cannabis organization to enter information in the system
19 sufficient to track the amount of medical cannabis dispensed to
20 the qualifying patient. Notwithstanding any requirements
21 established by this subsection, the Department shall issue
22 registry cards to qualifying patients and shall issue
23 certification to nonprofit medical cannabis organization for
24 the period during which the database is being established.

25 Section 100. Annual reports. The Department shall submit

1 to the General Assembly an annual report that does not disclose
2 any identifying information about cardholders, registered
3 nonprofit medical cannabis organizations, or physicians, but
4 does contain, at a minimum, all of the following information:

5 (1) the number of applications and renewals filed for
6 registry identification cards;

7 (2) the number of qualifying patients and designated
8 caregivers approved in each county and Senate district as
9 determined by the districts that were in existence as of
10 January 1, 2011;

11 (3) the nature of the debilitating medical conditions
12 of the qualifying patients;

13 (4) the number of registry identification cards
14 revoked for misconduct;

15 (5) the number of physicians providing written
16 certifications for qualifying patients; and

17 (6) the number of registered nonprofit medical
18 cannabis organizations.

19 Section 105. Department to issue rules.

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

22 (1) governing the manner in which the Department shall
23 consider petitions from the public to add debilitating
24 medical conditions or treatments to the list of
25 debilitating medical conditions set forth in subsection

1 (d) of Section 10 of this Act, including public notice of
2 and an opportunity to comment in public hearings on the
3 petitions;

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

7 (3) governing the manner in which it shall consider
8 applications for and renewals of registry identification
9 cards;

10 (4) governing the following matters related to
11 registered nonprofit medical cannabis organizations, with
12 the goal of protecting against diversion and theft, without
13 imposing an undue burden on the registered nonprofit
14 medical cannabis organizations or compromising the
15 confidentiality of cardholders:

16 (A) oversight requirements for nonprofit
17 registered nonprofit medical cannabis organizations;

18 (B) recordkeeping requirements for registered
19 nonprofit medical cannabis organizations;

20 (C) security requirements for registered nonprofit
21 medical cannabis organizations, which shall include
22 that each registered nonprofit medical cannabis
23 organization location must be protected by a fully
24 operational security alarm system;

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

1 (E) procedures for suspending or terminating the
2 registration certificates or registry identification
3 cards of cardholders, and registered nonprofit medical
4 cannabis organizations that commit multiple or serious
5 violations of the provisions of this Act or the rules
6 promulgated pursuant to this Section;

7 (F) reasonable rules concerning the medical use of
8 cannabis at a nursing care institution, hospice,
9 assisted living center, assisted living facility,
10 assisted living home, residential care institution, or
11 adult day health care facility;

12 (G) limitations of the quantity of cannabis plants
13 a dispensary may possess at one time provided that no
14 dispensary is authorized to possess more plants than
15 are reasonably necessary to satisfy the adequate
16 supply of the patients who have designated that
17 dispensary as his or her provider;

18 (H) rules concerning the intrastate transportation
19 of medical cannabis;

20 (I) standards concerning the testing, quality, and
21 cultivation of medical cannabis; and

22 (J) such other matters as are necessary for the
23 fair, impartial, stringent, and comprehensive
24 administration of this Act; and

25 (5) application and renewal fees for registry
26 identification cards, nonprofit medical cannabis

1 organization agent identification cards, and renewal fees
2 for registered nonprofit medical cannabis organization
3 registration certificates, according to the following:

4 (A) the total fees collected must generate
5 revenues sufficient to offset all expenses of
6 implementing and administering this Act, except that
7 fee revenue may be offset or supplemented by private
8 donations;

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

12 (C) the Department may accept donations from
13 private sources to reduce application and renewal
14 fees; and

15 (D) registry identification card fees shall
16 include an additional \$3 per registry identification
17 card, which shall be used to develop and disseminate
18 educational information about the health risks
19 associated with the abuse of cannabis and prescription
20 medications.

21 The Department may adopt rules concerning limiting the
22 rights of medical cannabis organizations by taking into
23 consideration how many are currently operating and their
24 geographical distribution.

25 (b) During the rule-making process, the Department shall
26 make a good faith effort to consult with all stakeholders

1 identified in the rule-making analysis as being impacted by the
2 rules. The Department shall establish the stakeholders into an
3 advisory task force. Stakeholders shall include, but are not
4 limited to:

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

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

9 (3) at least three qualifying patients;

10 (4) a representative from the law enforcement
11 community;

12 (5) the Director of State Police or his or her
13 designee;

14 (6) a prosecuting attorney currently employed by the
15 State of Illinois;

16 (7) a public defender currently employed by the State
17 of Illinois;

18 (8) a defense attorney in private practice;

19 (9) a licensed phlebotomist;

20 (10) a horticulturist; and

21 (11) a representative of the business community.

22 (c) After consulting with the stakeholders, the Department
23 shall evaluate driving under the influence laws as they apply
24 to registered patients.

25 (d) Beginning 4 months after the issuance of the first
26 registrations for registered nonprofit medical cannabis

1 organizations, the Department shall solicit input, including
2 from the stakeholders identified in subsection (b) on the
3 following:

4 (A) The ability of qualifying patients in all areas
5 of the state to obtain timely access to high-quality
6 medical cannabis.

7 (B) The effectiveness of the registered nonprofit
8 medical cannabis organizations, individually and
9 together, in serving the needs of qualifying patients,
10 including the provision of support services, the
11 reasonableness of their fees, whether they are
12 generating any complaints or security problems, and
13 the sufficiency of the number operating to serve the
14 registered qualifying patients of Illinois.

15 (C) The sufficiency of the regulatory and security
16 safeguards contained in this Act and adopted by the
17 Department to ensure that access to and use of cannabis
18 cultivated is provided only to cardholders authorized
19 for such purposes.

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

23 (E) Any research studies regarding health effects
24 of medical cannabis for patients.

25 (e) The Department shall develop and disseminate
26 educational information about the health risks associated with

1 the abuse of cannabis and prescription medications, which shall
2 be funded by the \$3 fees generated from registry identification
3 cards.

4 Section 110. Enforcement of this Act.

5 (a) If the Department fails to adopt rules to implement
6 this Act within the times provided for in this Act, any citizen
7 may commence a mandamus action in the Circuit Court to compel
8 the Department to perform the actions mandated pursuant to the
9 provisions of this Act.

10 (b) If the Department fails to issue a valid registry
11 identification card in response to a valid application or
12 renewal submitted pursuant to this Act within 30 days of its
13 submission, the registry identification card shall be deemed
14 granted, and a copy of the registry identification application,
15 including a valid written certification, or renewal shall be
16 deemed a valid registry identification card.

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

19 Section 120. The Election Code is amended by adding Section
20 9-45 as follows:

21 (10 ILCS 5/9-45 new)

22 Sec. 9-45. Medical cannabis organization; contributions.

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

15 Section 125. The Use Tax Act is amended by changing Section
16 3-10 as follows:

17 (35 ILCS 105/3-10)

18 Sec. 3-10. Rate of tax. Unless otherwise provided in this
19 Section, the tax imposed by this Act is at the rate of 6.25% of
20 either the selling price or the fair market value, if any, of
21 the tangible personal property. In all cases where property
22 functionally used or consumed is the same as the property that
23 was purchased at retail, then the tax is imposed on the selling
24 price of the property. In all cases where property functionally

1 used or consumed is a by-product or waste product that has been
2 refined, manufactured, or produced from property purchased at
3 retail, then the tax is imposed on the lower of the fair market
4 value, if any, of the specific property so used in this State
5 or on the selling price of the property purchased at retail.
6 For purposes of this Section "fair market value" means the
7 price at which property would change hands between a willing
8 buyer and a willing seller, neither being under any compulsion
9 to buy or sell and both having reasonable knowledge of the
10 relevant facts. The fair market value shall be established by
11 Illinois sales by the taxpayer of the same property as that
12 functionally used or consumed, or if there are no such sales by
13 the taxpayer, then comparable sales or purchases of property of
14 like kind and character in Illinois.

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

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

22 With respect to gasohol, the tax imposed by this Act
23 applies to (i) 70% of the proceeds of sales made on or after
24 January 1, 1990, and before July 1, 2003, (ii) 80% of the
25 proceeds of sales made on or after July 1, 2003 and on or
26 before December 31, 2013, and (iii) 100% of the proceeds of

1 sales made thereafter. If, at any time, however, the tax under
2 this Act on sales of gasohol is imposed at the rate of 1.25%,
3 then the tax imposed by this Act applies to 100% of the
4 proceeds of sales of gasohol made during that time.

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

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

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

25 With respect to food for human consumption that is to be
26 consumed off the premises where it is sold (other than

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

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

26 Until August 1, 2009, and notwithstanding any other

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

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

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

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

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

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

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

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

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

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

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

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

14 With respect to gasohol, as defined in the Use Tax Act, the
15 tax imposed by this Act applies to (i) 70% of the selling price
16 of property transferred as an incident to the sale of service
17 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
18 of the selling price of property transferred as an incident to
19 the sale of service on or after July 1, 2003 and on or before
20 December 31, 2013, and (iii) 100% of the selling price
21 thereafter. If, at any time, however, the tax under this Act on
22 sales of gasohol, as defined in the Use Tax Act, is imposed at
23 the rate of 1.25%, then the tax imposed by this Act applies to
24 100% of the proceeds of sales of gasohol made during that time.

25 With respect to majority blended ethanol fuel, as defined

1 in the Use Tax Act, the tax imposed by this Act does not apply
2 to the selling price of property transferred as an incident to
3 the sale of service on or after July 1, 2003 and on or before
4 December 31, 2013 but applies to 100% of the selling price
5 thereafter.

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

18 With respect to 100% biodiesel, as defined in the Use Tax
19 Act, and biodiesel blends, as defined in the Use Tax Act, with
20 more than 10% but no more than 99% biodiesel, the tax imposed
21 by this Act does not apply to the proceeds of the selling price
22 of property transferred as an incident to the sale of service
23 on or after July 1, 2003 and on or before December 31, 2013 but
24 applies to 100% of the selling price thereafter.

25 At the election of any registered serviceman made for each
26 fiscal year, sales of service in which the aggregate annual

1 cost price of tangible personal property transferred as an
2 incident to the sales of service is less than 35%, or 75% in
3 the case of servicemen transferring prescription drugs or
4 servicemen engaged in graphic arts production, of the aggregate
5 annual total gross receipts from all sales of service, the tax
6 imposed by this Act shall be based on the serviceman's cost
7 price of the tangible personal property transferred as an
8 incident to the sale of those services.

9 The tax shall be imposed at the rate of 1% on food prepared
10 for immediate consumption and transferred incident to a sale of
11 service subject to this Act or the Service Occupation Tax Act
12 by an entity licensed under the Hospital Licensing Act, the
13 Nursing Home Care Act, the MR/DD Community Care Act, or the
14 Child Care Act of 1969. The tax shall also be imposed at the
15 rate of 1% on food for human consumption that is to be consumed
16 off the premises where it is sold (other than alcoholic
17 beverages, soft drinks, and food that has been prepared for
18 immediate consumption and is not otherwise included in this
19 paragraph) and prescription and nonprescription medicines,
20 drugs, medical appliances, modifications to a motor vehicle for
21 the purpose of rendering it usable by a disabled person, and
22 insulin, urine testing materials, syringes, and needles used by
23 diabetics, for human use. For the purposes of this Section,
24 until September 1, 2009: the term "soft drinks" means any
25 complete, finished, ready-to-use, non-alcoholic drink, whether
26 carbonated or not, including but not limited to soda water,

1 cola, fruit juice, vegetable juice, carbonated water, and all
2 other preparations commonly known as soft drinks of whatever
3 kind or description that are contained in any closed or sealed
4 bottle, can, carton, or container, regardless of size; but
5 "soft drinks" does not include coffee, tea, non-carbonated
6 water, infant formula, milk or milk products as defined in the
7 Grade A Pasteurized Milk and Milk Products Act, or drinks
8 containing 50% or more natural fruit or vegetable juice.

9 Notwithstanding any other provisions of this Act,
10 beginning September 1, 2009, "soft drinks" means non-alcoholic
11 beverages that contain natural or artificial sweeteners. "Soft
12 drinks" do not include beverages that contain milk or milk
13 products, soy, rice or similar milk substitutes, or greater
14 than 50% of vegetable or fruit juice by volume.

15 Until August 1, 2009, and notwithstanding any other
16 provisions of this Act, "food for human consumption that is to
17 be consumed off the premises where it is sold" includes all
18 food sold through a vending machine, except soft drinks and
19 food products that are dispensed hot from a vending machine,
20 regardless of the location of the vending machine. Beginning
21 August 1, 2009, and notwithstanding any other provisions of
22 this Act, "food for human consumption that is to be consumed
23 off the premises where it is sold" includes all food sold
24 through a vending machine, except soft drinks, candy, and food
25 products that are dispensed hot from a vending machine,
26 regardless of the location of the vending machine.

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

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

1 label includes:

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

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

6 If the property that is acquired from a serviceman is
7 acquired outside Illinois and used outside Illinois before
8 being brought to Illinois for use here and is taxable under
9 this Act, the "selling price" on which the tax is computed
10 shall be reduced by an amount that represents a reasonable
11 allowance for depreciation for the period of prior out-of-state
12 use.

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

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

17 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

18 Sec. 3-10. Rate of tax. Unless otherwise provided in this
19 Section, the tax imposed by this Act is at the rate of 6.25% of
20 the "selling price", as defined in Section 2 of the Service Use
21 Tax Act, of the tangible personal property. For the purpose of
22 computing this tax, in no event shall the "selling price" be
23 less than the cost price to the serviceman of the tangible
24 personal property transferred. The selling price of each item

1 of tangible personal property transferred as an incident of a
2 sale of service may be shown as a distinct and separate item on
3 the serviceman's billing to the service customer. If the
4 selling price is not so shown, the selling price of the
5 tangible personal property is deemed to be 50% of the
6 serviceman's entire billing to the service customer. When,
7 however, a serviceman contracts to design, develop, and produce
8 special order machinery or equipment, the tax imposed by this
9 Act shall be based on the serviceman's cost price of the
10 tangible personal property transferred incident to the
11 completion of the contract.

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

16 With respect to gasohol, as defined in the Use Tax Act, the
17 tax imposed by this Act shall apply to (i) 70% of the cost
18 price of property transferred as an incident to the sale of
19 service on or after January 1, 1990, and before July 1, 2003,
20 (ii) 80% of the selling price of property transferred as an
21 incident to the sale of service on or after July 1, 2003 and on
22 or before December 31, 2013, and (iii) 100% of the cost price
23 thereafter. If, at any time, however, the tax under this Act on
24 sales of gasohol, as defined in the Use Tax Act, is imposed at
25 the rate of 1.25%, then the tax imposed by this Act applies to
26 100% of the proceeds of sales of gasohol made during that time.

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

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

19 With respect to 100% biodiesel, as defined in the Use Tax
20 Act, and biodiesel blends, as defined in the Use Tax Act, with
21 more than 10% but no more than 99% biodiesel material, the tax
22 imposed by this Act does not apply to the proceeds of the
23 selling price of property transferred as an incident to the
24 sale of service on or after July 1, 2003 and on or before
25 December 31, 2013 but applies to 100% of the selling price
26 thereafter.

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

11 The tax shall be imposed at the rate of 1% on food prepared
12 for immediate consumption and transferred incident to a sale of
13 service subject to this Act or the Service Occupation Tax Act
14 by an entity licensed under the Hospital Licensing Act, the
15 Nursing Home Care Act, the MR/DD Community Care Act, or the
16 Child Care Act of 1969. The tax shall also be imposed at the
17 rate of 1% on food for human consumption that is to be consumed
18 off the premises where it is sold (other than alcoholic
19 beverages, soft drinks, and food that has been prepared for
20 immediate consumption and is not otherwise included in this
21 paragraph) and prescription and nonprescription medicines,
22 drugs, medical appliances, modifications to a motor vehicle for
23 the purpose of rendering it usable by a disabled person, and
24 insulin, urine testing materials, syringes, and needles used by
25 diabetics, for human use. For the purposes of this Section,
26 until September 1, 2009: the term "soft drinks" means any

1 complete, finished, ready-to-use, non-alcoholic drink, whether
2 carbonated or not, including but not limited to soda water,
3 cola, fruit juice, vegetable juice, carbonated water, and all
4 other preparations commonly known as soft drinks of whatever
5 kind or description that are contained in any closed or sealed
6 can, carton, or container, regardless of size; but "soft
7 drinks" does not include coffee, tea, non-carbonated water,
8 infant formula, milk or milk products as defined in the Grade A
9 Pasteurized Milk and Milk Products Act, or drinks containing
10 50% or more natural fruit or vegetable juice.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "soft drinks" means non-alcoholic
13 beverages that contain natural or artificial sweeteners. "Soft
14 drinks" do not include beverages that contain milk or milk
15 products, soy, rice or similar milk substitutes, or greater
16 than 50% of vegetable or fruit juice by volume.

17 Until August 1, 2009, and notwithstanding any other
18 provisions of this Act, "food for human consumption that is to
19 be consumed off the premises where it is sold" includes all
20 food sold through a vending machine, except soft drinks and
21 food products that are dispensed hot from a vending machine,
22 regardless of the location of the vending machine. Beginning
23 August 1, 2009, and notwithstanding any other provisions of
24 this Act, "food for human consumption that is to be consumed
25 off the premises where it is sold" includes all food sold
26 through a vending machine, except soft drinks, candy, and food

1 products that are dispensed hot from a vending machine,
2 regardless of the location of the vending machine.

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

12 Notwithstanding any other provisions of this Act,
13 beginning September 1, 2009, "nonprescription medicines and
14 drugs" does not include grooming and hygiene products.
15 Beginning on the effective date of this amendatory Act of the
16 97th General Assembly, "prescription and nonprescription
17 medicines and drugs" includes medical cannabis purchased from a
18 registered nonprofit medical cannabis organization under the
19 Compassionate Use of Medical Cannabis Pilot Program Act. For
20 purposes of this Section, "grooming and hygiene products"
21 includes, but is not limited to, soaps and cleaning solutions,
22 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
23 lotions and screens, unless those products are available by
24 prescription only, regardless of whether the products meet the
25 definition of "over-the-counter-drugs". For the purposes of
26 this paragraph, "over-the-counter-drug" means a drug for human

1 use that contains a label that identifies the product as a drug
2 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
3 label includes:

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

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

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

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

12 (35 ILCS 120/2-10)

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

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

24 Within 14 days after the effective date of this amendatory

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

15 With respect to gasohol, as defined in the Use Tax Act, the
16 tax imposed by this Act applies to (i) 70% of the proceeds of
17 sales made on or after January 1, 1990, and before July 1,
18 2003, (ii) 80% of the proceeds of sales made on or after July
19 1, 2003 and on or before December 31, 2013, and (iii) 100% of
20 the proceeds of sales made thereafter. If, at any time,
21 however, the tax under this Act on sales of gasohol, as defined
22 in the Use Tax Act, is imposed at the rate of 1.25%, then the
23 tax imposed by this Act applies to 100% of the proceeds of
24 sales of gasohol made during that time.

25 With respect to majority blended ethanol fuel, as defined
26 in the Use Tax Act, the tax imposed by this Act does not apply

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

4 With respect to biodiesel blends, as defined in the Use Tax
5 Act, with no less than 1% and no more than 10% biodiesel, the
6 tax imposed by this Act applies to (i) 80% of the proceeds of
7 sales made on or after July 1, 2003 and on or before December
8 31, 2013 and (ii) 100% of the proceeds of sales made
9 thereafter. If, at any time, however, the tax under this Act on
10 sales of biodiesel blends, as defined in the Use Tax Act, with
11 no less than 1% and no more than 10% biodiesel is imposed at
12 the rate of 1.25%, then the tax imposed by this Act applies to
13 100% of the proceeds of sales of biodiesel blends with no less
14 than 1% and no more than 10% biodiesel made during that time.

15 With respect to 100% biodiesel, as defined in the Use Tax
16 Act, and biodiesel blends, as defined in the Use Tax Act, with
17 more than 10% but no more than 99% biodiesel, the tax imposed
18 by this Act does not apply to the proceeds of sales made on or
19 after July 1, 2003 and on or before December 31, 2013 but
20 applies to 100% of the proceeds of sales made thereafter.

21 With respect to food for human consumption that is to be
22 consumed off the premises where it is sold (other than
23 alcoholic beverages, soft drinks, and food that has been
24 prepared for immediate consumption) and prescription and
25 nonprescription medicines, drugs, medical appliances,
26 modifications to a motor vehicle for the purpose of rendering

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

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

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

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

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

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

1 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
2 lotions and screens, unless those products are available by
3 prescription only, regardless of whether the products meet the
4 definition of "over-the-counter-drugs". For the purposes of
5 this paragraph, "over-the-counter-drug" means a drug for human
6 use that contains a label that identifies the product as a drug
7 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
8 label includes:

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

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

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

15 Section 145. The Illinois Vehicle Code is amended by
16 changing Section 11-501 and by adding Section 11-501.9 as
17 follows:

18 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

19 Sec. 11-501. Driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or any
21 combination thereof.

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

24 (1) the alcohol concentration in the person's blood or

1 breath is 0.08 or more based on the definition of blood and
2 breath units in Section 11-501.2;

3 (2) under the influence of alcohol;

4 (3) under the influence of any intoxicating compound or
5 combination of intoxicating compounds to a degree that
6 renders the person incapable of driving safely;

7 (4) under the influence of any other drug or
8 combination of drugs to a degree that renders the person
9 incapable of safely driving;

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

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

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

6 (c) Penalties.

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

10 (2) A person who violates subsection (a) or a similar
11 provision a second time shall be sentenced to a mandatory
12 minimum term of either 5 days of imprisonment or 240 hours
13 of community service in addition to any other criminal or
14 administrative sanction.

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

20 (4) A person who violates subsection (a) a first time,
21 if the alcohol concentration in his or her blood, breath,
22 or urine was 0.16 or more based on the definition of blood,
23 breath, or urine units in Section 11-501.2, or 2 times the
24 cannabis in Section 11-501.9 shall be subject, in addition
25 to any other penalty that may be imposed, to a mandatory
26 minimum of 100 hours of community service and a mandatory

1 minimum fine of \$500.

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

11 (d) Aggravated driving under the influence of alcohol,
12 other drug or drugs, or intoxicating compound or compounds, or
13 any combination thereof.

14 (1) Every person convicted of committing a violation of
15 this Section shall be guilty of aggravated driving under
16 the influence of alcohol, other drug or drugs, or
17 intoxicating compound or compounds, or any combination
18 thereof if:

19 (A) the person committed a violation of subsection
20 (a) or a similar provision for the third or subsequent
21 time;

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

25 (C) the person in committing a violation of
26 subsection (a) was involved in a motor vehicle accident

1 that resulted in great bodily harm or permanent
2 disability or disfigurement to another, when the
3 violation was a proximate cause of the injuries;

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

14 (E) the person, in committing a violation of
15 subsection (a) while driving at any speed in a school
16 speed zone at a time when a speed limit of 20 miles per
17 hour was in effect under subsection (a) of Section
18 11-605 of this Code, was involved in a motor vehicle
19 accident that resulted in bodily harm, other than great
20 bodily harm or permanent disability or disfigurement,
21 to another person, when the violation of subsection (a)
22 was a proximate cause of the bodily harm;

23 (F) the person, in committing a violation of
24 subsection (a), was involved in a motor vehicle,
25 snowmobile, all-terrain vehicle, or watercraft
26 accident that resulted in the death of another person,

1 when the violation of subsection (a) was a proximate
2 cause of the death;

3 (G) the person committed a violation of subsection
4 (a) during a period in which the defendant's driving
5 privileges are revoked or suspended, where the
6 revocation or suspension was for a violation of
7 subsection (a) or a similar provision, Section
8 11-501.1, 11-501.9, paragraph (b) of Section 11-401,
9 or for reckless homicide as defined in Section 9-3 of
10 the Criminal Code of 1961;

11 (H) the person committed the violation while he or
12 she did not possess a driver's license or permit or a
13 restricted driving permit or a judicial driving permit
14 or a monitoring device driving permit;

15 (I) the person committed the violation while he or
16 she knew or should have known that the vehicle he or
17 she was driving was not covered by a liability
18 insurance policy;

19 (J) the person in committing a violation of
20 subsection (a) was involved in a motor vehicle accident
21 that resulted in bodily harm, but not great bodily
22 harm, to the child under the age of 16 being
23 transported by the person, if the violation was the
24 proximate cause of the injury; or

25 (K) the person in committing a second violation of
26 subsection (a) or a similar provision was transporting

1 a person under the age of 16.

2 (2) (A) Except as provided otherwise, a person
3 convicted of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof is guilty of a Class
6 4 felony.

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

1 be imposed in addition to any other criminal or
2 administrative sanction. If at the time of the fourth
3 violation, the defendant was transporting a person under
4 the age of 16 a mandatory fine of \$25,000 and 25 days of
5 community service in a program benefiting children shall be
6 imposed in addition to any other criminal or administrative
7 sanction.

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

22 (E) A sixth or subsequent violation of this Section or
23 similar provision is a Class X felony. If at the time of
24 the violation, the alcohol concentration in the
25 defendant's blood, breath, or urine was 0.16 or more based
26 on the definition of blood, breath, or urine units in

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

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

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

22 (H) For a violation of subparagraph (J) of paragraph
23 (1) of this subsection (d), a mandatory fine of \$2,500, and
24 25 days of community service in a program benefiting
25 children shall be imposed in addition to any other criminal
26 or administrative sanction.

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

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

16 (3) Any person sentenced under this subsection (d) who
17 receives a term of probation or conditional discharge must
18 serve a minimum term of either 480 hours of community
19 service or 10 days of imprisonment as a condition of the
20 probation or conditional discharge in addition to any other
21 criminal or administrative sanction.

22 (e) Any reference to a prior violation of subsection (a) or
23 a similar provision includes any violation of a provision of a
24 local ordinance or a provision of a law of another state or an
25 offense committed on a military installation that is similar to
26 a violation of subsection (a) of this Section.

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

4 (g) Any penalty imposed for driving with a license that has
5 been revoked for a previous violation of subsection (a) of this
6 Section shall be in addition to the penalty imposed for any
7 subsequent violation of subsection (a).

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

11 (Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;
12 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08;
13 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

14 (625 ILCS 5/11-501.9 new)

15 Sec. 11-501.9. Medical cannabis; qualifying patient;
16 restrictions.

17 (a) No person who is a qualifying patient in possession of
18 a valid registry card under the Compassionate Use of Medical
19 Cannabis Pilot Program Act may operate a motor vehicle unless 6
20 hours have passed from the time that the qualifying patient
21 last consumed medical cannabis.

22 (b) No person who is a qualifying patient in possession of
23 a valid registry card under the Compassionate Use of Medical
24 Cannabis Pilot Program Act who has a concentration of cannabis
25 in the person's urine of at least 15 nanograms of cannabis per

1 milliliter of the person's urine or has a concentration of
2 cannabis in the person's whole blood of at least 5 nanograms of
3 cannabis per milliliter of the person's whole blood shall drive
4 or be in actual physical control of any vehicle within this
5 State.

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

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

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

16 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

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

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

21 (b) more than 2.5 grams but not more than 10 grams of
22 any substance containing cannabis is guilty of a Class B
23 misdemeanor;

24 (c) more than 10 grams but not more than 30 grams of

1 any substance containing cannabis is guilty of a Class A
2 misdemeanor; provided, that if any offense under this
3 subsection (c) is a subsequent offense, the offender shall
4 be guilty of a Class 4 felony;

5 (d) more than 30 grams but not more than 500 grams of
6 any substance containing cannabis is guilty of a Class 4
7 felony; provided that if any offense under this subsection
8 (d) is a subsequent offense, the offender shall be guilty
9 of a Class 3 felony;

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

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

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

18 (h) if any offense is committed under subsection (a) or
19 (b) and the defendant is a registered nonprofit medical
20 cannabis organization agent, the defendant is guilty of a
21 Class 4 felony;

22 (i) if any offense is committed under subsection (c)
23 and the defendant is a registered nonprofit medical
24 cannabis organization agent, the defendant is guilty of a
25 Class 3 felony;

26 (j) if any offense is committed under subsection (d)

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

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

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

12 (m) if any offense is committed under subsection (g)
13 and the defendant is a registered nonprofit medical
14 cannabis organization agent, the defendant is guilty of a
15 Class X felony extended term.

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

17 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

18 Sec. 5. It is unlawful for any person knowingly to
19 manufacture, deliver, or possess with intent to deliver, or
20 manufacture, cannabis. Any person who violates this section
21 with respect to:

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

24 (b) more than 2.5 grams but not more than 10 grams of any
25 substance containing cannabis is guilty of a Class A

1 misdemeanor;

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

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

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

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

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

16 (h) if any offense is committed under subsections (a), (b)
17 or (c) and the defendant is a registered nonprofit medical
18 cannabis organization agent, the defendant is guilty of a Class
19 3 felony;

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

24 (j) if any offense is committed under subsection (e) and
25 the defendant is a registered nonprofit medical cannabis
26 organization agent, the defendant is guilty of a Class 1

1 felony;

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

6 (l) if any offense is committed under subsection (g) and
7 the defendant is a registered nonprofit medical cannabis
8 organization agent, the defendant is guilty of a Class X with
9 an extended term.

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

11 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

12 Sec. 8. It is unlawful for any person knowingly to produce
13 the cannabis sativa plant or to possess such plants unless
14 production or possession has been authorized pursuant to the
15 provisions of Section 11 of the Act. Any person who violates
16 this Section with respect to production or possession of:

17 (a) Not more than 5 plants is guilty of a Class A
18 misdemeanor.

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

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

23 (d) More than 50, but not more than 200 plants, is guilty
24 of a Class 2 felony for which a fine not to exceed \$100,000 may
25 be imposed and for which liability for the cost of conducting

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

16 (e) More than 200 plants is guilty of a Class 1 felony for
17 which a fine not to exceed \$100,000 may be imposed and for
18 which liability for the cost of conducting the investigation
19 and eradicating such plants may be assessed. Compensation for
20 expenses incurred in the enforcement of this provision shall be
21 transmitted to and deposited in the treasurer's office at the
22 level of government represented by the Illinois law enforcement
23 agency whose officers or employees conducted the investigation
24 or caused the arrest or arrests leading to the prosecution, to
25 be subsequently made available to that law enforcement agency
26 as expendable receipts for use in the enforcement of laws

1 regulating controlled substances and cannabis. If such seizure
2 was made by a combination of law enforcement personnel
3 representing different levels of government, the court levying
4 the assessment shall determine the allocation of such
5 assessment. The proceeds of assessment awarded to the State
6 treasury shall be deposited in a special fund known as the Drug
7 Traffic Prevention Fund.

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

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

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

25 (b) For purposes of this section, a person engages in a

1 calculated criminal cannabis conspiracy when:

2 (1) he violates Section 4 (d), 4 (e), 5 (d), 5 (e), 8 (c) or
3 8 (d) of this Act; and

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

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

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

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

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

15 (d) The circuit court may enter such injunctions,
16 restraining orders, directions, or prohibitions, or take such
17 other actions, including the acceptance of satisfactory
18 performance bonds, in connection with any property, claim,
19 receipt, right or other interest subject to forfeiture under
20 this Section, as it deems proper.

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

22 (720 ILCS 550/16.1) (from Ch. 56 1/2, par. 716.1)

23 Sec. 16.1. In any prosecution for any violation of this
24 Act, it shall be an affirmative defense that the substance
25 possessed by the defendant was regulated as a controlled

1 substance under the Illinois Controlled Substances Act or
2 pursuant to the Compassionate Use of Medical Cannabis Pilot
3 Program Act. In order to raise this affirmative defense, the
4 defendant shall give notice thereof to the State not less than
5 7 days prior to trial.

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

7 (720 ILCS 550/11 rep.)

8 (720 ILCS 550/15 rep.)

9 Section 155. The Cannabis Control Act is amended by
10 repealing Sections 11 and 15.

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

13 Section 999. Effective date. This Act takes effect upon
14 becoming law."