**Section 1290.10 Definitions**

Definitions for this Part can be located in Section 10 of the Compassionate Use of Medical Cannabis Pilot Program Act. The following definitions shall also apply to this Part:

"Act" means the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

"ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101).

"Address of record" means the address recorded by the Division in the applicant's or registrant's application file or the registration file maintained by the Division.

"Administratively complete" means that a dispensary registration application meets all requirements of the Act and this Part.

"Applicant" means any person who is applying with the Department for authorization to register a dispensary under the Act.

"Area zoned for residential use" means an area zoned exclusively for residential use; provided that, in municipalities with a population over 2,000,000, "an area zoned for residential use" means an area zoned as a residential district or a residential planned development.

"Application date" is the date the application for authorization or registration was delivered to and received by the Division, and the applicant received a receipt noting that date.

"Authorization notice" means the notice sent by the Division to the applicant that has been awarded an authorization. The authorization notice will include a registry identification number to be used on all future communication with the Division.

"Batch" means a specific harvest of cannabis or cannabis-infused products that are identifiable by a batch number, every portion or package of which is uniform within recognized tolerances for the factors that were subject to a laboratory test and that appear in the labeling.

"Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a cultivation center when the batch is first planted.

"Cannabis Control Act" means 720 ILCS 550.

"Cannabis" means *marihuana, hashish and other substances which are identified as including any parts of the plant Cannabis* sativa *and including derivatives or subspecies, such as Indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.* (Section 3 of the Cannabis Control Act)

"CPA" means certified public accountant.

"Damaged" shall have its common meaning and include medical cannabis that is unusable, unused, expired, spoiled, contaminated, deteriorated, mislabeled, undesired, excess, adulterated, misbranded, deteriorated or in containers or packaging that was tampered with or opened.

"Department" means the Illinois Department of Financial and Professional Regulation.

"Director" means the Director of the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation or his or her designee.

"Dispensing organization" or "dispensary organization" means a medical cannabis dispensing organization as defined in the Act.

"Dispensary" means the physical premises where medical cannabis is dispensed by a dispensing organization.

"Dispensing organization agent" or "dispensary agent" means a medical cannabis dispensing organization agent as defined in the Act.

"Dispensing organization agent-in-charge" or "dispensary agent-in-charge" means the person who has day to day control and management over the dispensary.

"Dispensing Organization District" or "District" means one of the 43 geographically dispersed areas identified in the Act and this Part where one or more dispensing organizations may be located.

"Dispensing organization registration authorization" or "Authorization" is the permission given by the Division to an applicant for a dispensing organization allowing it to file documents to obtain a dispensary registration.

"Dispensing organization registration" or "Registration" authorizes the applicant to open and operate a dispensing organization within the District designated by the Division.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary.

"DOA" means the Illinois Department of Agriculture.

"DPH" means the Illinois Department of Public Health.

*"Excluded offense" means:*

*a violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or*

*a violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except that the Department may waive this restriction if the person demonstrates to the Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.*

*This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law.* (Section 10 of the Act)

"Financial interest" means any actual or future right to ownership, investment or compensation arrangement, either directly or indirectly, through business, investment, spouse, parent or child, in the dispensing organization. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national securities exchange or over-the-counter market in the United States, provided the investment securities held by the person and the person's spouse, parent or child, in the aggregate, do not exceed five percent ownership in the dispensing organization.

"Fingerprint-based criminal history records check" means a fingerprint-based criminal history records check conducted by the ISP in accordance with the Act, 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements) or the Uniform Conviction Information Act (UCIA) [20 ILCS 2635].

"Good standing" means the dispensing organization's registration is not under investigation, is not on probation and is not subject to disciplinary or other restrictions by the Division as defined in the Act or this Part.

"HIPAA" means the Health Insurance Portability and Accountability Act (45 CFR 164).

*"Illinois Cannabis Tracking System"* *means a web-based system established and maintained by the Department of Public Health that is available to the Department of Agriculture, the Department of Financial and Professional Regulation, the Illinois State Police, and registered medical cannabis dispensing organizations on a 24-hour basis to upload written certifications for Opioid Alternative Pilot Program participants, to verify Opioid Alternative Pilot Program participants, to verify Opioid Alternative Pilot Program participants' available cannabis allotment and assigned dispensary, and the tracking of the date of sale, amount, and price of medical cannabis purchased by an Opioid Alternative Pilot Program participant.* (Section 10(l-10) of the Act)

"ISP" means Illinois Department of State Police.

"Limited access area" means a room or rooms under the control of the dispensing organization and on the registered dispensary premises with access limited to qualifying patients, provisional registration patients, Opioid Alternative Pilot Program Participants, designated caregivers, dispensary agents, service professionals working on jobs at the dispensary, or persons authorized by the Act and this Part.

"Livescan" means an inkless electronic system designed to capture an individual's fingerprint images and demographic data in a digitized format that can be transmitted to ISP, for processing. The data is forwarded to the ISP Bureau of Identification (BOI) over a virtual private network (VPN) and then processed by ISP's Automated Fingerprint Identification System (AFIS). Once received at the BOI for processing, the inquiry may then be forwarded to the Federal Bureau of Investigation (FBI) electronically for processing.

"Livescan vendor" means an entity licensed by the Department to provide commercial fingerprinting services under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447].

"Medical cannabis" means cannabis and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD), used as an herbal remedy or therapy to treat disease or alleviate symptoms. Medical cannabis can be administered in a variety of ways, including, but not limited to: vaporizing or smoking dried buds; using concentrates; ingesting tinctures or tonics; applying topicals such as ointments, balms; or consuming medical cannabis-infused food products.

*"Medical cannabis container" means a sealed, traceable, food compliant, tamper resistant, tamper evident container or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization.* (Section 10(n) of the Act)

*"Medical cannabis-infused products" means food, oils, ointments,* *or other products containing cannabis that are not smoked* (e.g., sodas, teas or capsules) as defined in the Act. (Section 10(q) of the Act)

"Monitoring" means continuous and uninterrupted video surveillance of dispensary activities and oversight for potential suspicious actions. Monitoring through video surveillance includes the purpose of summoning a law enforcement officer to the premises during alarm conditions. The Division and law enforcement agencies shall have the ability to access a dispensing organization's monitoring system in real-time via a secure web-based portal.

"Notify" means to send via regular United States mail or email and United States certified mail.

"OAPP" means the Opioid Alternative Pilot Program.

*"Opioid" means a narcotic drug or substance that is a Schedule II controlled substance under Section 206(b)(1), (2), (3), or (5), or (c) of the Illinois Controlled Substances Act.* (Section 10(r-5) of the Act)

*"Opioid Alternative Pilot Program participant"* or "OAPP participant" *means an individual who has received a valid written certification to participate in the Opioid Alternative Pilot Program for a medical condition for which an opioid has been or could be prescribed by a physician based on generally accepted standards of care.* (Section 10(r-10) of the Act)

"Ownership structure" means a description of the business type, structure and identity of each person with ownership, control or financial interest in the dispensing organization.

"Person" includes, but is not limited to, a natural person, sole proprietorship, partnership, joint venture, limited liability company, corporation, association, agency, business entity, not-for-profit or organization.

"Point of sale" means a web-based system maintained by the dispensing organization to track cannabis inventory, sales and currency. The dispensary's point of sale equipment interfaces in real-time with the State verification system and Illinois Cannabis Tracking System to record all sales.

"Principal officer" includes a dispensing organization applicant or registered dispensing organization's board member, owner with more than one percent interest of the total dispensing organization or more than five percent interest of the total dispensing organization of a publicly traded company, president, vice president, secretary, treasurer, partner, officer, member, manager member, shareholder or person with a profit sharing, financial interest or revenue sharing arrangement. The definition includes a person with authority to control the dispensing organization, a person who assumes responsibility for the debts of the dispensing organization and a person who is further defined in this Part.

"Promptly" means as soon as reasonably practicable, but not later than five days.

*"Provisional registration" means a document issued by the Department of Public Health to a qualifying patient who has submitted:*

*an online application and paid a fee to participate in the Compassionate Use of Medical Cannabis Pilot Program pending approval or denial of the patient's application; or*

*a completed application for terminal illness.* (Section 10(s-5) of the Act)

"Public access area" is the dispensary's entrance, vestibule or waiting room area accessible to the public and under the control of the registered dispensing organization. Persons in the public access area must be present in furtherance of the Act.

"Registered" or "Registration" means a dispensing organization licensed by the Division to operate a medical cannabis dispensary as defined in the Act.

"Restricted access area" means a room or rooms, or other contiguous area under control of the dispensing organization and on the registered premises with access limited to dispensary agents, the Division, ISP, emergency personnel and service professionals as described in this Part, where cannabis is stored, held, packaged, sold or processed for sale.

"Registration packet" is the information and documents submitted by a dispensing organization authorized by the Division to register a dispensing organization.

"Secretary" means the Secretary of the Department.

"Service professional" means a person who must be present at the dispensary to perform work, including but not limited to those installing or maintaining security devices, delivering cannabis, or providing construction services.

*"State verification system" means a web-based system established and maintained by the Department of Public Health that is available to the Department of Agriculture, the Department of Financial and Professional Regulation, law enforcement personnel, and registered medical cannabis dispensing organization agents on a 24-hour basis for the verification of registry identification cards, the tracking of delivery of medical cannabis to medical cannabis dispensing organizations, and the tracking of the date of sale, amount, and price of medical cannabis purchased by a registered qualifying patient.* (Section 10(x) of the Act)

"Trust" means a fiduciary relationship in which one party, known as a trustor, gives another party, the trustee, the right to hold title to property or assets for the benefit of a third party, the beneficiary.

"Veteran" means person who served in one of the five active-duty Armed Services or their respective Guard or Reserve units, and who was discharged or released from service under conditions other than dishonorable.

"Visitor" means a person authorized by the Division and the dispensary to enter a dispensary's limited access area, as defined in this Part, and is not a qualifying patient, designated caregiver, dispensary agent, emergency personnel or service professional.

*"Written certification" means a document dated and signed by a physician, stating:*

*that the qualifying patient has a debilitating medical condition and specifying the debilitating medical condition the qualifying patient has; and*

*that:*

*the physician is treating or managing treatment of the patient's debilitating medical condition; or*

*an Opioid Alternative Pilot Program participant has a medical condition for which opioids have been or could be prescribed.*

*A written certification shall be made only in the course of a bona fide physician-patient relationship, after the physician has completed an assessment of either a qualifying patient's medical history or OAPP participant, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination.* (Section 10(y) of the Act)

(Source: Amended at 43 Ill. Reg. 6593, effective May 20, 2019)