**Section 946.40 Limitations and Penalties**

a) Any person engaging in the following conduct may be charged with civil, criminal or other penalties for:

1) *Undertaking any task under the influence of cannabis, when doing so would constitute negligence, professional malpractice, or professional misconduct;*

2) *Possessing cannabis:*

A) *except as provided under Section 22-33 of the School Code, in a school bus;*

B) *except as provided under Section 22-33 of the School Code, on the grounds of any preschool or primary or secondary school;*

C) *in any correctional facility;*

D) *in a vehicle under Section 11-502.1 of the Illinois Vehicle Code;*

E) *in a vehicle not open to the public unless the medical cannabis is in a reasonably secured, sealed, tamper-evident*, tamper resistant *container and reasonably inaccessible while the vehicle is moving; or*

F) *in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;*

3) *Using cannabis:*

A) *except as provided under Section 22-33 of the School Code, in a school bus;*

B) *except as provided under Section 22-33 of the School Code, on the grounds of any preschool or primary or secondary school;*

C) *in any correctional facility;*

D) *in any motor vehicle;*

E) *in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;*

F) *except as provided under Section 22-33 of the School Code, in any public place. "Public place" as used in this subsection* (a)(3)(F) *means any place where an individual could reasonably be expected to be observed by others. A "public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a local unit of government. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. For purposes of this subsection* (a)(3)(F)*, a "public place" does not include a health care facility. For purposes of this Section, a "health care facility" includes, but is not limited to, hospitals, nursing homes, hospice care centers, and long-term care facilities;*

G) *except as provided under Section 22-33 of the School Code, knowingly in close physical proximity to anyone under the age of 18 years of age;*

4) *Smoking medical cannabis in any public place where an individual could reasonably be expected to be observed by others, in a health care facility, or any other place where smoking is prohibited under the Smoke Free Illinois Act;*

5) *Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;*

6) *Using or possessing cannabis if that person does not have a debilitating medical condition and is not a registered qualifying patient,* provisional patient, *or caregiver* or Opioid Alternative Pilot Program participant*;*

7) *Allowing any person who is not allowed to use cannabis under* the *Act to use cannabis that a cardholder,* provisional patient, or Opioid Alternative Pilot Program participant *is allowed to possess under* the *Act;*

8) *Transferring cannabis to any person contrary to the provisions of* the *Act;*

9) *The use of medical cannabis by an active duty law enforcement officer, correctional officer, correctional probation officer, or firefighter; or*

10) *The use of medical cannabis by a person who has a school bus permit or a Commercial Driver's License.*

b) *Nothing in* the *Act shall be construed to prevent the arrest or prosecution of a registered qualifying patient*, provisional patient, or Opioid Alternative Pilot Program participant *for reckless driving or driving under the influence of cannabis where probable cause exists.*

c) *Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, knowingly making a misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is a petty offense punishable by a fine of up to $1,000, which shall be in addition to any other penalties that may apply for making a false statement or for the use of cannabis other than use undertaken under* the *Act.*

d) *Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, any person who makes a misrepresentation of a medical condition to a certifying health care professional or fraudulently provides material misinformation to a certifying health care professional in order to obtain a written certification is guilty of a petty offense punishable by a fine of up to $1,000.*

e) *Any cardholder or registered caregiver*, provisional patient, or Opioid Alternative Pilot Program participant *who sells cannabis shall have his or her registry identification card revoked and is subject to other penalties for the unauthorized sale of cannabis.*

f) *Any registered qualifying patient*, provisional patient, or Opioid Alternative Pilot Program participant *who commits a violation of Section 11-502.1 of the Illinois Vehicle Code or refuses a properly requested test related to operating a motor vehicle while under the influence of cannabis shall have his or her registry identification card revoked.*

g) *No registered qualifying patient or designated caregiver*, provisional patient, or Opioid Alternative Pilot Program participant *shall knowingly obtain, seek to obtain, or possess, individually or collectively, an amount of usable cannabis from a registered medical cannabis dispensing organization that would cause him or her to exceed the authorized adequate supply under Section 10(a)* of the Act*.*

h) *Nothing in* the *Act shall prevent a private business from restricting or prohibiting the medical use of cannabis on its property.*

i) *Nothing in* the *Act shall prevent a university, college, or other institution of post-secondary education from restricting or prohibiting the use of medical cannabis on its property.* (Section 30 of the Act)

j) Individuals who fail to comply with any of the following notification requirements (see Section 75(a) of the Act) shall be subject to a civil monetary penalty, pursuant to Section 75(d) of the Act. The civil monetary penalty, which may be assessed for each instance of non-compliance, is not to exceed $150 per instance.

1) *A registered qualifying patient*, provisional patient, or Opioid Alternative Pilot Program participant *shall notify the Department of Public Health of any change in his or her name or address, or if the registered qualifying patient ceases to have his or her debilitating medical condition, within 10 days* after *the change* or death*.*

2) *A registered designated caregiver shall notify the Department of Public Health of any change in his or her name or address, or if the designated caregiver becomes aware the registered qualifying patient passed away, within 10 days* after *the change.*

3) *Before a registered qualifying patient changes his or her designated caregiver, the qualifying patient must notify the Department of Public Health.*

4) *If a cardholder loses his or her registry identification card, the patient* or the patient's designated caregiver *shall notify the Department within 10 days* after *becoming aware the card has been lost.* (Section 75(a) of the Act)

k) *Any person, including an employee or official of the Department of Public Health, Department of Financial and Professional Regulation, or Department of Agriculture or another State agency or local government,* is guilty of *a Class B misdemeanor* *with a $1,000 fine* for breaching *the confidentiality of information obtained under* the *Act* (Section 145(c) of the Act) and Sections 946.270 and 946.275 of this Part.

l) Any cardholder, including a provisional patient or an Opioid Alternative Pilot Program participant,found to be in violation of the Act or this Part may have his or her registration suspended or revoked, pursuant to Section 185(a) of the Act and Sections 946.270 and 946.275 of this Part.

m) *The Department of Public Health may, with reasonable cause, refer a certifying health care professional, who has certified a debilitating medical condition of a patient, to the Illinois Department of Financial and Professional Regulation* *for potential violations of* Section 35 of the Act. (Section 35(c) of the Act)

(Source: Amended at 45 Ill. Reg. 6205, effective April 27, 2021)