

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as the Alternatives
5 to Opioids Act of 2018.

6 Section 5. The Compassionate Use of Medical Cannabis Pilot
7 Program Act is amended by changing Sections 5, 7, 10, 35, 55,
8 60, 65, 75, 130, and 160 and by adding Section 62 as follows:

9 (410 ILCS 130/5)

10 (Section scheduled to be repealed on July 1, 2020)

11 Sec. 5. Findings.

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

19 (b) Studies published since the 1999 Institute of Medicine
20 report continue to show the therapeutic value of cannabis in
21 treating a wide array of debilitating medical conditions. These
22 include relief of the neuropathic pain caused by multiple

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

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

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

22 (d-5) In 2014, the Task Force on Veterans' Suicide was
23 created by the Illinois General Assembly to gather data on
24 veterans' suicide prevention. Data from a U.S. Department of
25 Veterans Affairs study indicates that 22 veterans commit
26 suicide each day.

1 (d-10) According to the State of Illinois Opioid Action
2 Plan released in September 2017, "The opioid epidemic is the
3 most significant public health and public safety crisis facing
4 Illinois".

5 According to the Action Plan, "Fueled by the growing opioid
6 epidemic, drug overdoses have now become the leading cause of
7 death nationwide for people under the age of 50. In Illinois,
8 opioid overdoses have killed nearly 11,000 people since 2008.
9 Just last year, nearly 1,900 people died of overdoses—almost
10 twice the number of fatal car accidents. Beyond these deaths
11 are thousands of emergency department visits, hospital stays,
12 as well as the pain suffered by individuals, families, and
13 communities".

14 According to the Action Plan, "At the current rate, the
15 opioid epidemic will claim the lives of more than 2,700
16 Illinoisans in 2020".

17 Further, the Action Plan states, "Physical tolerance to
18 opioids can begin to develop as early as two to three days
19 following the continuous use of opioids, which is a large
20 factor that contributes to their addictive potential".

21 The 2017 State of Illinois Opioid Action Plan also states,
22 "The increase in OUD [opioid use disorder] and opioid overdose
23 deaths is largely due to the dramatic rise in the rate and
24 amount of opioids prescribed for pain over the past decades".

25 Further, according to the Action Plan, "In the absence of
26 alternative treatments, reducing the supply of prescription

1 opioids too abruptly may drive more people to switch to using
2 illicit drugs (including heroin), thus increasing the risk of
3 overdose".

4 (e) Alaska, Arizona, California, Colorado, Connecticut,
5 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,
6 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,
7 Washington, and Washington, D.C. have removed state-level
8 criminal penalties from the medical use and cultivation of
9 cannabis. Illinois joins in this effort for the health and
10 welfare of its citizens.

11 (f) States are not required to enforce federal law or
12 prosecute people for engaging in activities prohibited by
13 federal law. Therefore, compliance with this Act does not put
14 the State of Illinois in violation of federal law.

15 (g) State law should make a distinction between the medical
16 and non-medical uses of cannabis. Hence, the purpose of this
17 Act is to protect patients with debilitating medical
18 conditions, as well as their physicians and providers, from
19 arrest and prosecution, criminal and other penalties, and
20 property forfeiture if the patients engage in the medical use
21 of cannabis.

22 (Source: P.A. 98-122, eff. 1-1-14; 99-519, eff. 6-30-16.)

23 (410 ILCS 130/7)

24 (Section scheduled to be repealed on July 1, 2020)

25 Sec. 7. Lawful user and lawful products. For the purposes

1 of this Act and to clarify the legislative findings on the
2 lawful use of cannabis:

3 (1) A cardholder under this Act shall not be considered
4 an unlawful user or addicted to narcotics solely as a
5 result of his or her qualifying patient or designated
6 caregiver status.

7 (2) All medical cannabis products purchased by a
8 qualifying patient at a licensed dispensing organization
9 shall be lawful products and a distinction shall be made
10 between medical and non-medical uses of cannabis as a
11 result of the qualifying patient's cardholder status under
12 the authorized use granted under State law.

13 (3) An individual in possession of an endorsement card
14 from a dispensary organization under Section 62 shall not
15 be considered an unlawful user or addicted to narcotics
16 solely as a result of his or her endorsement card.

17 (Source: P.A. 99-519, eff. 6-30-16.)

18 (410 ILCS 130/10)

19 (Section scheduled to be repealed on July 1, 2020)

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

22 (a) "Adequate supply" means:

23 (1) 2.5 ounces of usable cannabis during a period of 14
24 days and that is derived solely from an intrastate source.

25 (2) Subject to the rules of the Department of Public

1 Health, a patient may apply for a waiver where a physician
2 provides a substantial medical basis in a signed, written
3 statement asserting that, based on the patient's medical
4 history, in the physician's professional judgment, 2.5
5 ounces is an insufficient adequate supply for a 14-day
6 period to properly alleviate the patient's debilitating
7 medical condition or symptoms associated with the
8 debilitating medical condition.

9 (3) This subsection may not be construed to authorize
10 the possession of more than 2.5 ounces at any time without
11 authority from the Department of Public Health.

12 (4) The pre-mixed weight of medical cannabis used in
13 making a cannabis infused product shall apply toward the
14 limit on the total amount of medical cannabis a registered
15 qualifying patient may possess at any one time.

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

18 (c) "Cannabis plant monitoring system" means a system that
19 includes, but is not limited to, testing and data collection
20 established and maintained by the registered cultivation
21 center and available to the Department for the purposes of
22 documenting each cannabis plant and for monitoring plant
23 development throughout the life cycle of a cannabis plant
24 cultivated for the intended use by a qualifying patient from
25 seed planting to final packaging.

26 (d) "Cardholder" means a qualifying patient or a designated

1 caregiver who has been issued and possesses a valid registry
2 identification card by the Department of Public Health.

3 (e) "Cultivation center" means a facility operated by an
4 organization or business that is registered by the Department
5 of Agriculture to perform necessary activities to provide only
6 registered medical cannabis dispensing organizations with
7 usable medical cannabis.

8 (f) "Cultivation center agent" means a principal officer,
9 board member, employee, or agent of a registered cultivation
10 center who is 21 years of age or older and has not been
11 convicted of an excluded offense.

12 (g) "Cultivation center agent identification card" means a
13 document issued by the Department of Agriculture that
14 identifies a person as a cultivation center agent.

15 (h) "Debilitating medical condition" means one or more of
16 the following:

17 (1) cancer, glaucoma, positive status for human
18 immunodeficiency virus, acquired immune deficiency
19 syndrome, hepatitis C, amyotrophic lateral sclerosis,
20 Crohn's disease, agitation of Alzheimer's disease,
21 cachexia/wasting syndrome, muscular dystrophy, severe
22 fibromyalgia, spinal cord disease, including but not
23 limited to arachnoiditis, Tarlov cysts, hydromyelia,
24 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
25 spinal cord injury, traumatic brain injury and
26 post-concussion syndrome, Multiple Sclerosis,

1 Arnold-Chiari malformation and Syringomyelia,
2 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
3 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
4 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
5 (Complex Regional Pain Syndromes Type II),
6 Neurofibromatosis, Chronic Inflammatory Demyelinating
7 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
8 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
9 syndrome, residual limb pain, seizures (including those
10 characteristic of epilepsy), post-traumatic stress
11 disorder (PTSD), or the treatment of these conditions;

12 (1.5) terminal illness with a diagnosis of 6 months or
13 less; if the terminal illness is not one of the qualifying
14 debilitating medical conditions, then the physician shall
15 on the certification form identify the cause of the
16 terminal illness; or

17 (2) any other debilitating medical condition or its
18 treatment that is added by the Department of Public Health
19 by rule as provided in Section 45.

20 Through June 30, 2020, "debilitating medical condition"
21 includes any other medical condition for which an opioid has
22 been or could be prescribed by a physician based on generally
23 accepted standards of care.

24 (i) "Designated caregiver" means a person who: (1) is at
25 least 21 years of age; (2) has agreed to assist with a
26 patient's medical use of cannabis; (3) has not been convicted

1 of an excluded offense; and (4) assists no more than one
2 registered qualifying patient with his or her medical use of
3 cannabis.

4 (j) "Dispensing organization agent identification card"
5 means a document issued by the Department of Financial and
6 Professional Regulation that identifies a person as a medical
7 cannabis dispensing organization agent.

8 (k) "Enclosed, locked facility" means a room, greenhouse,
9 building, or other enclosed area equipped with locks or other
10 security devices that permit access only by a cultivation
11 center's agents or a dispensing organization's agent working
12 for the registered cultivation center or the registered
13 dispensing organization to cultivate, store, and distribute
14 cannabis for registered qualifying patients.

15 (k-5) "Endorsement card" means documentation provided by a
16 medical cannabis dispensing organization to an individual who
17 receives medical cannabis under Section 62.

18 (l) "Excluded offense" for cultivation center agents and
19 dispensing organizations means:

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

24 (2) a violation of a state or federal controlled
25 substance law, the Cannabis Control Act, or the
26 Methamphetamine Control and Community Protection Act that

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

10 For purposes of this subsection, the Department of Public
11 Health shall determine by emergency rule within 30 days after
12 the effective date of this amendatory Act of the 99th General
13 Assembly what constitutes a "reasonable amount".

14 (1-5) (Blank). ~~"Excluded offense" for a qualifying patient~~
15 ~~or designated caregiver means a violation of state or federal~~
16 ~~controlled substance law, the Cannabis Control Act, or the~~
17 ~~Methamphetamine and Community Protection Act that was~~
18 ~~classified as a felony in the jurisdiction where the person was~~
19 ~~convicted, except that the registering Department may waive~~
20 ~~this restriction if the person demonstrates to the registering~~
21 ~~Department's satisfaction that his or her conviction was for~~
22 ~~the possession, cultivation, transfer, or delivery of a~~
23 ~~reasonable amount of cannabis intended for medical use. This~~
24 ~~exception does not apply if the conviction was under state law~~
25 ~~and involved a violation of an existing medical cannabis law.~~
26 For purposes of this subsection, the Department of Public

1 ~~Health shall determine by emergency rule within 30 days after~~
2 ~~the effective date of this amendatory Act of the 99th General~~
3 ~~Assembly what constitutes a "reasonable amount".~~

4 (m) "Medical cannabis cultivation center registration"
5 means a registration issued by the Department of Agriculture.

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

11 (o) "Medical cannabis dispensing organization", or
12 "dispensing organization", or "dispensary organization" means
13 a facility operated by an organization or business that is
14 registered by the Department of Financial and Professional
15 Regulation to acquire medical cannabis from a registered
16 cultivation center for the purpose of dispensing cannabis,
17 paraphernalia, or related supplies and educational materials
18 to registered qualifying patients.

19 (p) "Medical cannabis dispensing organization agent" or
20 "dispensing organization agent" means a principal officer,
21 board member, employee, or agent of a registered medical
22 cannabis dispensing organization who is 21 years of age or
23 older and has not been convicted of an excluded offense.

24 (q) "Medical cannabis infused product" means food, oils,
25 ointments, or other products containing usable cannabis that
26 are not smoked.

1 (r) "Medical use" means the acquisition; administration;
2 delivery; possession; transfer; transportation; or use of
3 cannabis to treat or alleviate a registered qualifying
4 patient's debilitating medical condition or symptoms
5 associated with the patient's debilitating medical condition.

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

10 (s) "Physician" means a doctor of medicine or doctor of
11 osteopathy licensed under the Medical Practice Act of 1987 to
12 practice medicine and who has a controlled substances license
13 under Article III of the Illinois Controlled Substances Act. It
14 does not include a licensed practitioner under any other Act
15 including but not limited to the Illinois Dental Practice Act.

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

19 (u) "Registered" means licensed, permitted, or otherwise
20 certified by the Department of Agriculture, Department of
21 Public Health, or Department of Financial and Professional
22 Regulation.

23 (v) "Registry identification card" means a document issued
24 by the Department of Public Health that identifies a person as
25 a registered qualifying patient or registered designated
26 caregiver.

1 (w) "Usable cannabis" means the seeds, leaves, buds, and
2 flowers of the cannabis plant and any mixture or preparation
3 thereof, but does not include the stalks, and roots of the
4 plant. It does not include the weight of any non-cannabis
5 ingredients combined with cannabis, such as ingredients added
6 to prepare a topical administration, food, or drink.

7 (x) "Verification system" means a Web-based system
8 established and maintained by the Department of Public Health
9 that is available to the Department of Agriculture, the
10 Department of Financial and Professional Regulation, law
11 enforcement personnel, and registered medical cannabis
12 dispensing organization agents on a 24-hour basis for the
13 verification of registry identification cards, the tracking of
14 delivery of medical cannabis to medical cannabis dispensing
15 organizations, and the tracking of the date of sale, amount,
16 and price of medical cannabis purchased by a registered
17 qualifying patient.

18 (y) "Written certification" means a document dated and
19 signed by a physician, stating (1) that the qualifying patient
20 has a debilitating medical condition and specifying the
21 debilitating medical condition the qualifying patient has; and
22 (2) that the physician is treating or managing treatment of the
23 patient's debilitating medical condition. A written
24 certification shall be made only in the course of a bona fide
25 physician-patient relationship, after the physician has
26 completed an assessment of the qualifying patient's medical

1 history, reviewed relevant records related to the patient's
2 debilitating condition, and conducted a physical examination.

3 (z) "Bona fide physician-patient relationship" means a
4 relationship in which the physician has an ongoing
5 responsibility for the assessment, care, and treatment of a
6 patient's debilitating medical condition or a symptom of the
7 patient's debilitating medical condition.

8 A veteran who has received treatment at a VA hospital shall
9 be deemed to have a bona fide physician-patient relationship
10 with a VA physician if the patient has been seen for his or her
11 debilitating medical condition at the VA Hospital in accordance
12 with VA Hospital protocols.

13 A bona fide physician-patient relationship under this
14 subsection is a privileged communication within the meaning of
15 Section 8-802 of the Code of Civil Procedure.

16 (Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15; 99-519,
17 eff. 6-30-16.)

18 (410 ILCS 130/35)

19 (Section scheduled to be repealed on July 1, 2020)

20 Sec. 35. Physician requirements.

21 (a) A physician who certifies a debilitating medical
22 condition for a qualifying patient shall comply with all of the
23 following requirements:

24 (1) The Physician shall be currently licensed under the
25 Medical Practice Act of 1987 to practice medicine in all

1 its branches and in good standing, and must hold a
2 controlled substances license under Article III of the
3 Illinois Controlled Substances Act.

4 (2) A physician certifying a patient's condition shall
5 comply with generally accepted standards of medical
6 practice, the provisions of the Medical Practice Act of
7 1987 and all applicable rules.

8 (3) The physical examination required by this Act may
9 not be performed by remote means, including telemedicine.

10 (4) The physician shall maintain a record-keeping
11 system for all patients for whom the physician has
12 certified the patient's medical condition. These records
13 shall be accessible to and subject to review by the
14 Department of Public Health and the Department of Financial
15 and Professional Regulation upon request.

16 (b) A physician may not:

17 (1) accept, solicit, or offer any form of remuneration
18 from or to a qualifying patient, primary caregiver,
19 cultivation center, or dispensing organization, including
20 each principal officer, board member, agent, and employee,
21 to certify a patient, other than accepting payment from a
22 patient for the fee associated with the required
23 examination;

24 (2) offer a discount of any other item of value to a
25 qualifying patient who uses or agrees to use a particular
26 primary caregiver or dispensing organization to obtain

1 medical cannabis;

2 (3) conduct a personal physical examination of a
3 patient for purposes of diagnosing a debilitating medical
4 condition at a location where medical cannabis is sold or
5 distributed or at the address of a principal officer,
6 agent, or employee or a medical cannabis organization;

7 (4) hold a direct or indirect economic interest in a
8 cultivation center or dispensing organization if he or she
9 recommends the use of medical cannabis to qualified
10 patients or is in a partnership or other fee or
11 profit-sharing relationship with a physician who
12 recommends medical cannabis, except for the limited
13 purpose of performing a medical cannabis related research
14 study;

15 (5) serve on the board of directors or as an employee
16 of a cultivation center or dispensing organization;

17 (6) refer patients to a cultivation center, a
18 dispensing organization, or a registered designated
19 caregiver; or

20 (7) advertise in a cultivation center or a dispensing
21 organization.

22 (c) The Department of Public Health may with reasonable
23 cause refer a physician, who has certified a debilitating
24 medical condition of a patient, to the Illinois Department of
25 Financial and Professional Regulation for potential violations
26 of this Section.

1 (d) Any violation of this Section or any other provision of
2 this Act or rules adopted under this Act is a violation of the
3 Medical Practice Act of 1987.

4 (e) A physician who certifies a debilitating medical
5 condition for a qualifying patient may notify the Department in
6 writing if the physician has reason to believe either that the
7 registered qualifying patient has ceased to suffer from a
8 debilitating medical condition or that continued use of medical
9 cannabis would result in contraindication with the patient's
10 other medication. The registered qualifying patient's registry
11 identification card shall be revoked by the Department of
12 Public Health after receiving the physician's notification.

13 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
14 99-519, eff. 6-30-16.)

15 (410 ILCS 130/55)

16 (Section scheduled to be repealed on July 1, 2020)

17 Sec. 55. Registration of qualifying patients and
18 designated caregivers.

19 (a) The Department of Public Health shall issue registry
20 identification cards to qualifying patients and designated
21 caregivers who submit a completed application, and at minimum,
22 the following, in accordance with Department of Public Health
23 rules:

24 (1) A written certification, on a form developed by the
25 Department of Public Health and issued by a physician,

1 within 90 days immediately preceding the date of an
2 application;

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

12 (3) the application or renewal fee as set by rule;

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

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

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

21 (7) the name of the registered medical cannabis
22 dispensing organization the qualifying patient designates;

23 (8) signed statements from the patient and designated
24 caregiver asserting that they will not divert medical
25 cannabis; and

26 (9) (blank). ~~completed background checks for the~~

1 ~~patient and designated caregiver.~~

2 (Source: P.A. 98-122, eff. 1-1-14.)

3 (410 ILCS 130/60)

4 (Section scheduled to be repealed on July 1, 2020)

5 Sec. 60. Issuance of registry identification cards.

6 (a) Except as provided in subsection (b), the Department of
7 Public Health shall:

8 (1) verify the information contained in an application
9 or renewal for a registry identification card submitted
10 under this Act, and approve or deny an application or
11 renewal, within 30 days of receiving a completed
12 application or renewal application and all supporting
13 documentation specified in Section 55;

14 (2) issue registry identification cards to a
15 qualifying patient and his or her designated caregiver, if
16 any, within 15 business days of approving the application
17 or renewal;

18 (3) enter the registry identification number of the
19 registered dispensing organization the patient designates
20 into the verification system; and

21 (4) allow for an electronic application process, and
22 provide a confirmation by electronic or other methods that
23 an application has been submitted.

24 (b) The Department of Public Health may not issue a
25 registry identification card to a qualifying patient who is

1 under 18 years of age, unless that patient suffers from
2 seizures, including those characteristic of epilepsy, or as
3 provided by administrative rule. The Department of Public
4 Health shall adopt rules for the issuance of a registry
5 identification card for qualifying patients who are under 18
6 years of age and suffering from seizures, including those
7 characteristic of epilepsy. The Department of Public Health may
8 adopt rules to allow other individuals under 18 years of age to
9 become registered qualifying patients under this Act with the
10 consent of a parent or legal guardian. Registered qualifying
11 patients under 18 years of age shall be prohibited from
12 consuming forms of cannabis other than medical cannabis infused
13 products and purchasing any usable cannabis.

14 (c) A veteran who has received treatment at a VA hospital
15 is deemed to have a bona fide physician-patient relationship
16 with a VA physician if the patient has been seen for his or her
17 debilitating medical condition at the VA hospital in accordance
18 with VA hospital protocols. All reasonable inferences
19 regarding the existence of a bona fide physician-patient
20 relationship shall be drawn in favor of an applicant who is a
21 veteran and has undergone treatment at a VA hospital.

22 (c-10) An individual who submits an application as someone
23 who is terminally ill shall have all fees ~~and fingerprinting~~
24 ~~requirements~~ waived. The Department of Public Health shall
25 within 30 days after this amendatory Act of the 99th General
26 Assembly adopt emergency rules to expedite approval for

1 terminally ill individuals. These rules shall include, but not
2 be limited to, rules that provide that applications by
3 individuals with terminal illnesses shall be approved or denied
4 within 14 days of their submission.

5 (d) Upon the approval of the registration and issuance of a
6 registry card under this Section, the Department of Public
7 Health shall forward the designated caregiver or registered
8 qualified patient's driver's registration number to the
9 Secretary of State and certify that the individual is permitted
10 to engage in the medical use of cannabis. For the purposes of
11 law enforcement, the Secretary of State shall make a notation
12 on the person's driving record stating the person is a
13 registered qualifying patient who is entitled to the lawful
14 medical use of cannabis. If the person no longer holds a valid
15 registry card, the Department shall notify the Secretary of
16 State and the Secretary of State shall remove the notation from
17 the person's driving record. The Department and the Secretary
18 of State may establish a system by which the information may be
19 shared electronically.

20 (e) Upon the approval of the registration and issuance of a
21 registry card under this Section, the Department of Public
22 Health shall electronically forward the registered qualifying
23 patient's identification card information to the Prescription
24 Monitoring Program established under the Illinois Controlled
25 Substances Act and certify that the individual is permitted to
26 engage in the medical use of cannabis. For the purposes of

1 patient care, the Prescription Monitoring Program shall make a
2 notation on the person's prescription record stating that the
3 person is a registered qualifying patient who is entitled to
4 the lawful medical use of cannabis. If the person no longer
5 holds a valid registry card, the Department of Public Health
6 shall notify the Prescription Monitoring Program and
7 Department of Human Services to remove the notation from the
8 person's record. The Department of Human Services and the
9 Prescription Monitoring Program shall establish a system by
10 which the information may be shared electronically. This
11 confidential list may not be combined or linked in any manner
12 with any other list or database except as provided in this
13 Section.

14 (f) (Blank). ~~All applicants for a registry card shall be~~
15 ~~fingerprinted as part of the application process if they are a~~
16 ~~first time applicant, if their registry card has already~~
17 ~~expired, or if they previously have had their registry card~~
18 ~~revoked or otherwise denied. At renewal, cardholders whose~~
19 ~~registry cards have not yet expired, been revoked, or otherwise~~
20 ~~denied shall not be subject to fingerprinting. Registry cards~~
21 ~~shall be revoked by the Department of Public Health if the~~
22 ~~Department of Public Health is notified by the Secretary of~~
23 ~~State that a cardholder has been convicted of an excluded~~
24 ~~offense. For purposes of enforcing this subsection, the~~
25 ~~Department of Public Health and Secretary of State shall~~
26 ~~establish a system by which violations reported to the~~

1 ~~Secretary of State under paragraph 18 of subsection (a) of~~
2 ~~Section 6-205 of the Illinois Vehicle Code shall be shared with~~
3 ~~the Department of Public Health.~~

4 (Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15; 99-519,
5 eff. 6-30-16.)

6 (410 ILCS 130/62 new)

7 Sec. 62. Opioid Prescription Pilot Program.

8 (a) Notwithstanding Sections 55 and 60, a person who has
9 received a physician certification for a medical condition for
10 which an opioid has been or could be prescribed by a physician
11 based on generally accepted standards of care is entitled to
12 purchase medical cannabis from a dispensing organization.

13 In order to purchase medical cannabis from a dispensing
14 organization, the person must take the physician certification
15 and prescription, if provided, to the dispensing organization
16 of his or her choice.

17 A physician issuing a certification under this Section
18 shall indicate, on the certification form, the length of time
19 of the opioid prescription, including any refills or renewals,
20 that the physician did or could have prescribed to the patient.

21 Before dispensing medical cannabis to a person under this
22 Section, the dispensing organization must verify that the
23 person is not an active registered qualifying patient with a
24 valid medical cannabis registry identification card.

25 Upon verification of the physician certification, the

1 dispensing organization shall, subject to the limitations in
2 subsection (h) of Section 130, dispense medical cannabis to the
3 person according to the following schedule:

4 (1) If the certification indicates a prescription,
5 including any refills or renewals, for 7 days or less, then
6 the dispensing organization shall dispense medical
7 cannabis to the person for a length of time equivalent to 4
8 times the length of the prescription.

9 (2) If the certification indicates a prescription,
10 including any refills or renewals, for more than 7 days but
11 less than 30 days, then the dispensing organization shall
12 dispense medical cannabis to the person for a length of
13 time equivalent to 3 times the length of the prescription.

14 (3) If the certification indicates a prescription,
15 including any refills or renewals, for 30 days or more,
16 then the dispensing organization shall dispense medical
17 cannabis to the person for a length of time equivalent to
18 twice the length of the prescription.

19 Upon dispensing medical cannabis to a person, the
20 dispensing organization must enter information about the
21 person in the verification system and provide the person with
22 an endorsement card to certify that the person is in lawful
23 possession of medical cannabis.

24 The Department of Public Health shall review the
25 information entered into the verification system by the
26 dispensing organizations under this Section and electronically

1 forward the information to the Prescription Monitoring Program
2 under the Illinois Controlled Substances Act and certify that
3 the individual is permitted to engage in the medical use of
4 cannabis. For the purposes of patient care, the Prescription
5 Monitoring Program shall make a notation on the person's
6 prescription record stating that the person is entitled to the
7 lawful medical use of cannabis. If the person no longer holds a
8 valid endorsement card and does not have a valid registry
9 identification card, the Department of Public Health shall
10 notify the Prescription Monitoring Program and Department of
11 Human Services to remove the notation from the person's record.
12 This confidential notation may not be combined or linked in any
13 manner with any other list or database except those authorized
14 by this Act.

15 A person who wishes to continue use of medical cannabis
16 shall apply for a registration card with the Department of
17 Public Health.

18 (b) The provisions of this Section are inoperative on and
19 after July 1, 2020.

20 (410 ILCS 130/65)

21 (Section scheduled to be repealed on July 1, 2020)

22 Sec. 65. Denial of registry identification cards.

23 (a) The Department of Public Health may deny an application
24 or renewal of a qualifying patient's registry identification
25 card only if the applicant:

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

3 (2) previously had a registry identification card
4 revoked;

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

6 (4) provided false or falsified information; or

7 (5) violated any requirement of this Act.

8 (b) (Blank). ~~Except as provided in subsection (b-5) of this~~
9 ~~Section, no person who has been convicted of a felony under the~~
10 ~~Illinois Controlled Substances Act, Cannabis Control Act, or~~
11 ~~Methamphetamine Control and Community Protection Act, or~~
12 ~~similar provision in a local ordinance or other jurisdiction is~~
13 ~~eligible to receive a registry identification card.~~

14 (b-5) (Blank). ~~If a person was convicted of a felony under~~
15 ~~the Cannabis Control Act or a similar provision of a local~~
16 ~~ordinance or of a law of another jurisdiction, and the action~~
17 ~~warranting that felony is no longer considered a felony after~~
18 ~~the effective date of this amendatory Act of the 99th General~~
19 ~~Assembly, that person shall be eligible to receive a registry~~
20 ~~identification card.~~

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

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

26 (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; ~~or-~~

7 (6) violated any requirement of this Act.

8 (d) (Blank). ~~The Department of Public Health through the~~
9 ~~Department of State Police shall conduct a background check of~~
10 ~~the prospective qualifying patient and designated caregiver in~~
11 ~~order to carry out this Section. The Department of State Police~~
12 ~~shall charge a fee for conducting the criminal history record~~
13 ~~check, which shall be deposited in the State Police Services~~
14 ~~Fund and shall not exceed the actual cost of the record check.~~
15 ~~Each person applying as a qualifying patient or a designated~~
16 ~~caregiver shall submit a full set of fingerprints to the~~
17 ~~Department of State Police for the purpose of obtaining a State~~
18 ~~and federal criminal records check. These fingerprints shall be~~
19 ~~checked against the fingerprint records now and hereafter, to~~
20 ~~the extent allowed by law, filed in the Department of State~~
21 ~~Police and Federal Bureau of Investigation criminal history~~
22 ~~records databases. The Department of State Police shall~~
23 ~~furnish, following positive identification, all Illinois~~
24 ~~conviction information to the Department of Public Health. The~~
25 ~~Department of Public Health may waive the submission of a~~
26 ~~qualifying patient's complete fingerprints based on (1) the~~

1 ~~severity of the patient's illness and (2) the inability of the~~
2 ~~qualifying patient to supply those fingerprints, provided that~~
3 ~~a complete criminal background check is conducted by the~~
4 ~~Department of State Police prior to the issuance of a registry~~
5 ~~identification card.~~

6 (e) The Department of Public Health shall notify the
7 qualifying patient who has designated someone to serve as his
8 or her designated caregiver if a registry identification card
9 will not be issued to the designated caregiver.

10 (f) Denial of an application or renewal is considered a
11 final Department action, subject to judicial review.
12 Jurisdiction and venue for judicial review are vested in the
13 Circuit Court.

14 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
15 99-697, eff. 7-29-16.)

16 (410 ILCS 130/75)

17 (Section scheduled to be repealed on July 1, 2020)

18 Sec. 75. Notifications to Department of Public Health and
19 responses; civil penalty.

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

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

1 within 10 days of the change.

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

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

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

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

25 (c) If a registered qualifying patient ceases to be a
26 registered qualifying patient or changes his or her registered

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

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

10 (e) A registered qualifying patient shall notify the
11 Department of Public Health of any change to his or her
12 designated registered dispensing organization. Registered
13 dispensing organizations must comply with all requirements of
14 this Act.

15 (f) If the registered qualifying patient's certifying
16 physician notifies the Department in writing that either the
17 registered qualifying patient has ceased to suffer from a
18 debilitating medical condition or that continued use of medical
19 cannabis would result in contraindication with the patient's
20 other medication, the card shall become null and void. However,
21 the registered qualifying patient shall have 15 days to destroy
22 his or her remaining medical cannabis and related
23 paraphernalia.

24 (Source: P.A. 98-122, eff. 1-1-14; 99-519, eff. 6-30-16.)

1 (Section scheduled to be repealed on July 1, 2020)

2 Sec. 130. Requirements; prohibitions; penalties;
3 dispensing organizations.

4 (a) The Department of Financial and Professional
5 Regulation shall implement the provisions of this Section by
6 rule.

7 (b) A dispensing organization shall maintain operating
8 documents which shall include procedures for the oversight of
9 the registered dispensing organization and procedures to
10 ensure accurate recordkeeping.

11 (c) A dispensing organization shall implement appropriate
12 security measures, as provided by rule, to deter and prevent
13 the theft of cannabis and unauthorized entrance into areas
14 containing cannabis.

15 (d) A dispensing organization may not be located within
16 1,000 feet of the property line of a pre-existing public or
17 private preschool or elementary or secondary school or day care
18 center, day care home, group day care home, or part day child
19 care facility. A registered dispensing organization may not be
20 located in a house, apartment, condominium, or an area zoned
21 for residential use.

22 (e) A dispensing organization is prohibited from acquiring
23 cannabis from anyone other than a registered cultivation
24 center. A dispensing organization is prohibited from obtaining
25 cannabis from outside the State of Illinois.

26 (f) A registered dispensing organization is prohibited

1 from dispensing cannabis for any purpose except to assist
2 registered qualifying patients with the medical use of cannabis
3 directly or through the qualifying patients' designated
4 caregivers.

5 (g) The area in a dispensing organization where medical
6 cannabis is stored can only be accessed by dispensing
7 organization agents working for the dispensing organization,
8 Department of Financial and Professional Regulation staff
9 performing inspections, law enforcement or other emergency
10 personnel, and contractors working on jobs unrelated to medical
11 cannabis, such as installing or maintaining security devices or
12 performing electrical wiring.

13 (h) A dispensing organization may not dispense more than
14 2.5 ounces of cannabis to a registered qualifying patient,
15 directly or via a designated caregiver, in any 14-day period
16 unless the qualifying patient has a Department of Public
17 Health-approved quantity waiver.

18 (i) Except as provided in subsection (i-5), before ~~Before~~
19 medical cannabis may be dispensed to a designated caregiver or
20 a registered qualifying patient, a dispensing organization
21 agent must determine that the individual is a current
22 cardholder in the verification system and must verify each of
23 the following:

24 (1) that the registry identification card presented to
25 the registered dispensing organization is valid;

26 (2) that the person presenting the card is the person

1 identified on the registry identification card presented
2 to the dispensing organization agent;

3 (3) that the dispensing organization is the designated
4 dispensing organization for the registered qualifying
5 patient who is obtaining the cannabis directly or via his
6 or her designated caregiver; and

7 (4) that the registered qualifying patient has not
8 exceeded his or her adequate supply.

9 (i-5) A dispensing organization may dispense medical
10 cannabis to a qualifying patient under Section 62.

11 (j) Dispensing organizations shall ensure compliance with
12 this limitation by maintaining internal, confidential records
13 that include records specifying how much medical cannabis is
14 dispensed to the registered qualifying patient and whether it
15 was dispensed directly to the registered qualifying patient or
16 to the designated caregiver. Each entry must include the date
17 and time the cannabis was dispensed. Additional recordkeeping
18 requirements may be set by rule.

19 (k) The physician-patient privilege as set forth by Section
20 8-802 of the Code of Civil Procedure shall apply between a
21 qualifying patient and a registered dispensing organization
22 and its agents with respect to communications and records
23 concerning qualifying patients' debilitating conditions.

24 (l) A dispensing organization may not permit any person to
25 consume cannabis on the property of a medical cannabis
26 organization.

1 (m) A dispensing organization may not share office space
2 with or refer patients to a physician.

3 (n) Notwithstanding any other criminal penalties related
4 to the unlawful possession of cannabis, the Department of
5 Financial and Professional Regulation may revoke, suspend,
6 place on probation, reprimand, refuse to issue or renew, or
7 take any other disciplinary or non-disciplinary action as the
8 Department of Financial and Professional Regulation may deem
9 proper with regard to the registration of any person issued
10 under this Act to operate a dispensing organization or act as a
11 dispensing organization agent, including imposing fines not to
12 exceed \$10,000 for each violation, for any violations of this
13 Act and rules adopted in accordance with this Act. The
14 procedures for disciplining a registered dispensing
15 organization shall be determined by rule. All final
16 administrative decisions of the Department of Financial and
17 Professional Regulation are subject to judicial review under
18 the Administrative Review Law and its rules. The term
19 "administrative decision" is defined as in Section 3-101 of the
20 Code of Civil Procedure.

21 (o) Dispensing organizations are subject to random
22 inspection and cannabis testing by the Department of Financial
23 and Professional Regulation and State Police as provided by
24 rule.

25 (Source: P.A. 98-122, eff. 1-1-14.)

1 (410 ILCS 130/160)

2 (Section scheduled to be repealed on July 1, 2020)

3 Sec. 160. Annual reports. ~~(a)~~ The Department of Public
4 Health shall submit to the General Assembly a report, by
5 September 30 of each year, that does not disclose any
6 identifying information about registered qualifying patients,
7 registered caregivers, or physicians, but does contain, at a
8 minimum, all of the following information based on the fiscal
9 year for reporting purposes:

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

12 (2) the number of qualifying patients and designated
13 caregivers served by each dispensary during the report
14 year;

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

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

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

21 (6) the number of registered medical cannabis
22 cultivation centers or registered dispensing
23 organizations; ~~and~~

24 (7) the number of applications received from
25 applicants seeking an alternative to opioid treatment;

26 (8) the nature of the conditions of the applicants

1 seeking an alternative to opioid treatment; and
2 (9) the number of applications approved and denied from
3 applicants seeking an alternative to opioid treatment.

4 (Source: P.A. 98-122, eff. 1-1-14; revised 11-8-17.)