



Sen. Laura Fine

**Filed: 5/29/2019**

10100HB2238sam001

LRB101 08064 CPF 61248 a

1 AMENDMENT TO HOUSE BILL 2238

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2238 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Section 1-10 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

8 (a) This Code applies only to procurements for which  
9 bidders, offerors, potential contractors, or contractors were  
10 first solicited on or after July 1, 1998. This Code shall not  
11 be construed to affect or impair any contract, or any provision  
12 of a contract, entered into based on a solicitation prior to  
13 the implementation date of this Code as described in Article  
14 99, including but not limited to any covenant entered into with  
15 respect to any revenue bonds or similar instruments. All  
16 procurements for which contracts are solicited between the

1 effective date of Articles 50 and 99 and July 1, 1998 shall be  
2 substantially in accordance with this Code and its intent.

3 (b) This Code shall apply regardless of the source of the  
4 funds with which the contracts are paid, including federal  
5 assistance moneys. This Code shall not apply to:

6 (1) Contracts between the State and its political  
7 subdivisions or other governments, or between State  
8 governmental bodies, except as specifically provided in  
9 this Code.

10 (2) Grants, except for the filing requirements of  
11 Section 20-80.

12 (3) Purchase of care, except as provided in Section  
13 5-30.6 of the Illinois Public Aid Code and this Section.

14 (4) Hiring of an individual as employee and not as an  
15 independent contractor, whether pursuant to an employment  
16 code or policy or by contract directly with that  
17 individual.

18 (5) Collective bargaining contracts.

19 (6) Purchase of real estate, except that notice of this  
20 type of contract with a value of more than \$25,000 must be  
21 published in the Procurement Bulletin within 10 calendar  
22 days after the deed is recorded in the county of  
23 jurisdiction. The notice shall identify the real estate  
24 purchased, the names of all parties to the contract, the  
25 value of the contract, and the effective date of the  
26 contract.

1           (7) Contracts necessary to prepare for anticipated  
2 litigation, enforcement actions, or investigations,  
3 provided that the chief legal counsel to the Governor shall  
4 give his or her prior approval when the procuring agency is  
5 one subject to the jurisdiction of the Governor, and  
6 provided that the chief legal counsel of any other  
7 procuring entity subject to this Code shall give his or her  
8 prior approval when the procuring entity is not one subject  
9 to the jurisdiction of the Governor.

10           (8) (Blank).

11           (9) Procurement expenditures by the Illinois  
12 Conservation Foundation when only private funds are used.

13           (10) (Blank).

14           (11) Public-private agreements entered into according  
15 to the procurement requirements of Section 20 of the  
16 Public-Private Partnerships for Transportation Act and  
17 design-build agreements entered into according to the  
18 procurement requirements of Section 25 of the  
19 Public-Private Partnerships for Transportation Act.

20           (12) Contracts for legal, financial, and other  
21 professional and artistic services entered into on or  
22 before December 31, 2018 by the Illinois Finance Authority  
23 in which the State of Illinois is not obligated. Such  
24 contracts shall be awarded through a competitive process  
25 authorized by the Board of the Illinois Finance Authority  
26 and are subject to Sections 5-30, 20-160, 50-13, 50-20,

1 50-35, and 50-37 of this Code, as well as the final  
2 approval by the Board of the Illinois Finance Authority of  
3 the terms of the contract.

4 (13) Contracts for services, commodities, and  
5 equipment to support the delivery of timely forensic  
6 science services in consultation with and subject to the  
7 approval of the Chief Procurement Officer as provided in  
8 subsection (d) of Section 5-4-3a of the Unified Code of  
9 Corrections, except for the requirements of Sections  
10 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
11 Code; however, the Chief Procurement Officer may, in  
12 writing with justification, waive any certification  
13 required under Article 50 of this Code. For any contracts  
14 for services which are currently provided by members of a  
15 collective bargaining agreement, the applicable terms of  
16 the collective bargaining agreement concerning  
17 subcontracting shall be followed.

18 On and after January 1, 2019, this paragraph (13),  
19 except for this sentence, is inoperative.

20 (14) Contracts for participation expenditures required  
21 by a domestic or international trade show or exhibition of  
22 an exhibitor, member, or sponsor.

23 (15) Contracts with a railroad or utility that requires  
24 the State to reimburse the railroad or utilities for the  
25 relocation of utilities for construction or other public  
26 purpose. Contracts included within this paragraph (15)

1 shall include, but not be limited to, those associated  
2 with: relocations, crossings, installations, and  
3 maintenance. For the purposes of this paragraph (15),  
4 "railroad" means any form of non-highway ground  
5 transportation that runs on rails or electromagnetic  
6 guideways and "utility" means: (1) public utilities as  
7 defined in Section 3-105 of the Public Utilities Act, (2)  
8 telecommunications carriers as defined in Section 13-202  
9 of the Public Utilities Act, (3) electric cooperatives as  
10 defined in Section 3.4 of the Electric Supplier Act, (4)  
11 telephone or telecommunications cooperatives as defined in  
12 Section 13-212 of the Public Utilities Act, (5) rural water  
13 or waste water systems with 10,000 connections or less, (6)  
14 a holder as defined in Section 21-201 of the Public  
15 Utilities Act, and (7) municipalities owning or operating  
16 utility systems consisting of public utilities as that term  
17 is defined in Section 11-117-2 of the Illinois Municipal  
18 Code.

19 (16) Procurement expenditures necessary for the  
20 Department of Public Health to provide the delivery of  
21 timely newborn screening services in accordance with the  
22 Newborn Metabolic Screening Act.

23 (17) ~~(16)~~ Procurement expenditures necessary for the  
24 Department of Agriculture, the Department of Financial and  
25 Professional Regulation, the Department of Human Services,  
26 and the Department of Public Health to implement the

1           Compassionate Use of Medical Cannabis ~~Pilot~~ Program and  
2           Opioid Alternative Pilot Program requirements and ensure  
3           access to medical cannabis for patients with debilitating  
4           medical conditions in accordance with the Compassionate  
5           Use of Medical Cannabis ~~Pilot~~ Program Act.

6           Notwithstanding any other provision of law, for contracts  
7           entered into on or after October 1, 2017 under an exemption  
8           provided in any paragraph of this subsection (b), except  
9           paragraph (1), (2), or (5), each State agency shall post to the  
10          appropriate procurement bulletin the name of the contractor, a  
11          description of the supply or service provided, the total amount  
12          of the contract, the term of the contract, and the exception to  
13          the Code utilized. The chief procurement officer shall submit a  
14          report to the Governor and General Assembly no later than  
15          November 1 of each year that shall include, at a minimum, an  
16          annual summary of the monthly information reported to the chief  
17          procurement officer.

18          (c) This Code does not apply to the electric power  
19          procurement process provided for under Section 1-75 of the  
20          Illinois Power Agency Act and Section 16-111.5 of the Public  
21          Utilities Act.

22          (d) Except for Section 20-160 and Article 50 of this Code,  
23          and as expressly required by Section 9.1 of the Illinois  
24          Lottery Law, the provisions of this Code do not apply to the  
25          procurement process provided for under Section 9.1 of the  
26          Illinois Lottery Law.

1           (e) This Code does not apply to the process used by the  
2 Capital Development Board to retain a person or entity to  
3 assist the Capital Development Board with its duties related to  
4 the determination of costs of a clean coal SNG brownfield  
5 facility, as defined by Section 1-10 of the Illinois Power  
6 Agency Act, as required in subsection (h-3) of Section 9-220 of  
7 the Public Utilities Act, including calculating the range of  
8 capital costs, the range of operating and maintenance costs, or  
9 the sequestration costs or monitoring the construction of clean  
10 coal SNG brownfield facility for the full duration of  
11 construction.

12           (f) (Blank).

13           (g) (Blank).

14           (h) This Code does not apply to the process to procure or  
15 contracts entered into in accordance with Sections 11-5.2 and  
16 11-5.3 of the Illinois Public Aid Code.

17           (i) Each chief procurement officer may access records  
18 necessary to review whether a contract, purchase, or other  
19 expenditure is or is not subject to the provisions of this  
20 Code, unless such records would be subject to attorney-client  
21 privilege.

22           (j) This Code does not apply to the process used by the  
23 Capital Development Board to retain an artist or work or works  
24 of art as required in Section 14 of the Capital Development  
25 Board Act.

26           (k) This Code does not apply to the process to procure

1 contracts, or contracts entered into, by the State Board of  
2 Elections or the State Electoral Board for hearing officers  
3 appointed pursuant to the Election Code.

4 (1) This Code does not apply to the processes used by the  
5 Illinois Student Assistance Commission to procure supplies and  
6 services paid for from the private funds of the Illinois  
7 Prepaid Tuition Fund. As used in this subsection (1), "private  
8 funds" means funds derived from deposits paid into the Illinois  
9 Prepaid Tuition Trust Fund and the earnings thereon.

10 (Source: P.A. 99-801, eff. 1-1-17; 100-43, eff. 8-9-17;  
11 100-580, eff. 3-12-18; 100-757, eff. 8-10-18; 100-1114, eff.  
12 8-28-18; revised 10-18-18.)

13 Section 10. The Illinois Income Tax Act is amended by  
14 changing Section 201 as follows:

15 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

16 Sec. 201. Tax imposed.

17 (a) In general. A tax measured by net income is hereby  
18 imposed on every individual, corporation, trust and estate for  
19 each taxable year ending after July 31, 1969 on the privilege  
20 of earning or receiving income in or as a resident of this  
21 State. Such tax shall be in addition to all other occupation or  
22 privilege taxes imposed by this State or by any municipal  
23 corporation or political subdivision thereof.

24 (b) Rates. The tax imposed by subsection (a) of this



1 Section shall be determined as follows, except as adjusted by  
2 subsection (d-1):

3 (1) In the case of an individual, trust or estate, for  
4 taxable years ending prior to July 1, 1989, an amount equal  
5 to 2 1/2% of the taxpayer's net income for the taxable  
6 year.

7 (2) In the case of an individual, trust or estate, for  
8 taxable years beginning prior to July 1, 1989 and ending  
9 after June 30, 1989, an amount equal to the sum of (i) 2  
10 1/2% of the taxpayer's net income for the period prior to  
11 July 1, 1989, as calculated under Section 202.3, and (ii)  
12 3% of the taxpayer's net income for the period after June  
13 30, 1989, as calculated under Section 202.3.

14 (3) In the case of an individual, trust or estate, for  
15 taxable years beginning after June 30, 1989, and ending  
16 prior to January 1, 2011, an amount equal to 3% of the  
17 taxpayer's net income for the taxable year.

18 (4) In the case of an individual, trust, or estate, for  
19 taxable years beginning prior to January 1, 2011, and  
20 ending after December 31, 2010, an amount equal to the sum  
21 of (i) 3% of the taxpayer's net income for the period prior  
22 to January 1, 2011, as calculated under Section 202.5, and  
23 (ii) 5% of the taxpayer's net income for the period after  
24 December 31, 2010, as calculated under Section 202.5.

25 (5) In the case of an individual, trust, or estate, for  
26 taxable years beginning on or after January 1, 2011, and

1 ending prior to January 1, 2015, an amount equal to 5% of  
2 the taxpayer's net income for the taxable year.

3 (5.1) In the case of an individual, trust, or estate,  
4 for taxable years beginning prior to January 1, 2015, and  
5 ending after December 31, 2014, an amount equal to the sum  
6 of (i) 5% of the taxpayer's net income for the period prior  
7 to January 1, 2015, as calculated under Section 202.5, and  
8 (ii) 3.75% of the taxpayer's net income for the period  
9 after December 31, 2014, as calculated under Section 202.5.

10 (5.2) In the case of an individual, trust, or estate,  
11 for taxable years beginning on or after January 1, 2015,  
12 and ending prior to July 1, 2017, an amount equal to 3.75%  
13 of the taxpayer's net income for the taxable year.

14 (5.3) In the case of an individual, trust, or estate,  
15 for taxable years beginning prior to July 1, 2017, and  
16 ending after June 30, 2017, an amount equal to the sum of  
17 (i) 3.75% of the taxpayer's net income for the period prior  
18 to July 1, 2017, as calculated under Section 202.5, and  
19 (ii) 4.95% of the taxpayer's net income for the period  
20 after June 30, 2017, as calculated under Section 202.5.

21 (5.4) In the case of an individual, trust, or estate,  
22 for taxable years beginning on or after July 1, 2017, an  
23 amount equal to 4.95% of the taxpayer's net income for the  
24 taxable year.

25 (6) In the case of a corporation, for taxable years  
26 ending prior to July 1, 1989, an amount equal to 4% of the

1 taxpayer's net income for the taxable year.

2 (7) In the case of a corporation, for taxable years  
3 beginning prior to July 1, 1989 and ending after June 30,  
4 1989, an amount equal to the sum of (i) 4% of the  
5 taxpayer's net income for the period prior to July 1, 1989,  
6 as calculated under Section 202.3, and (ii) 4.8% of the  
7 taxpayer's net income for the period after June 30, 1989,  
8 as calculated under Section 202.3.

9 (8) In the case of a corporation, for taxable years  
10 beginning after June 30, 1989, and ending prior to January  
11 1, 2011, an amount equal to 4.8% of the taxpayer's net  
12 income for the taxable year.

13 (9) In the case of a corporation, for taxable years  
14 beginning prior to January 1, 2011, and ending after  
15 December 31, 2010, an amount equal to the sum of (i) 4.8%  
16 of the taxpayer's net income for the period prior to  
17 January 1, 2011, as calculated under Section 202.5, and  
18 (ii) 7% of the taxpayer's net income for the period after  
19 December 31, 2010, as calculated under Section 202.5.

20 (10) In the case of a corporation, for taxable years  
21 beginning on or after January 1, 2011, and ending prior to  
22 January 1, 2015, an amount equal to 7% of the taxpayer's  
23 net income for the taxable year.

24 (11) In the case of a corporation, for taxable years  
25 beginning prior to January 1, 2015, and ending after  
26 December 31, 2014, an amount equal to the sum of (i) 7% of

1 the taxpayer's net income for the period prior to January  
2 1, 2015, as calculated under Section 202.5, and (ii) 5.25%  
3 of the taxpayer's net income for the period after December  
4 31, 2014, as calculated under Section 202.5.

5 (12) In the case of a corporation, for taxable years  
6 beginning on or after January 1, 2015, and ending prior to  
7 July 1, 2017, an amount equal to 5.25% of the taxpayer's  
8 net income for the taxable year.

9 (13) In the case of a corporation, for taxable years  
10 beginning prior to July 1, 2017, and ending after June 30,  
11 2017, an amount equal to the sum of (i) 5.25% of the  
12 taxpayer's net income for the period prior to July 1, 2017,  
13 as calculated under Section 202.5, and (ii) 7% of the  
14 taxpayer's net income for the period after June 30, 2017,  
15 as calculated under Section 202.5.

16 (14) In the case of a corporation, for taxable years  
17 beginning on or after July 1, 2017, an amount equal to 7%  
18 of the taxpayer's net income for the taxable year.

19 The rates under this subsection (b) are subject to the  
20 provisions of Section 201.5.

21 (c) Personal Property Tax Replacement Income Tax.  
22 Beginning on July 1, 1979 and thereafter, in addition to such  
23 income tax, there is also hereby imposed the Personal Property  
24 Tax Replacement Income Tax measured by net income on every  
25 corporation (including Subchapter S corporations), partnership  
26 and trust, for each taxable year ending after June 30, 1979.

1 Such taxes are imposed on the privilege of earning or receiving  
2 income in or as a resident of this State. The Personal Property  
3 Tax Replacement Income Tax shall be in addition to the income  
4 tax imposed by subsections (a) and (b) of this Section and in  
5 addition to all other occupation or privilege taxes imposed by  
6 this State or by any municipal corporation or political  
7 subdivision thereof.

8 (d) Additional Personal Property Tax Replacement Income  
9 Tax Rates. The personal property tax replacement income tax  
10 imposed by this subsection and subsection (c) of this Section  
11 in the case of a corporation, other than a Subchapter S  
12 corporation and except as adjusted by subsection (d-1), shall  
13 be an additional amount equal to 2.85% of such taxpayer's net  
14 income for the taxable year, except that beginning on January  
15 1, 1981, and thereafter, the rate of 2.85% specified in this  
16 subsection shall be reduced to 2.5%, and in the case of a  
17 partnership, trust or a Subchapter S corporation shall be an  
18 additional amount equal to 1.5% of such taxpayer's net income  
19 for the taxable year.

20 (d-1) Rate reduction for certain foreign insurers. In the  
21 case of a foreign insurer, as defined by Section 35A-5 of the  
22 Illinois Insurance Code, whose state or country of domicile  
23 imposes on insurers domiciled in Illinois a retaliatory tax  
24 (excluding any insurer whose premiums from reinsurance assumed  
25 are 50% or more of its total insurance premiums as determined  
26 under paragraph (2) of subsection (b) of Section 304, except

1 that for purposes of this determination premiums from  
2 reinsurance do not include premiums from inter-affiliate  
3 reinsurance arrangements), beginning with taxable years ending  
4 on or after December 31, 1999, the sum of the rates of tax  
5 imposed by subsections (b) and (d) shall be reduced (but not  
6 increased) to the rate at which the total amount of tax imposed  
7 under this Act, net of all credits allowed under this Act,  
8 shall equal (i) the total amount of tax that would be imposed  
9 on the foreign insurer's net income allocable to Illinois for  
10 the taxable year by such foreign insurer's state or country of  
11 domicile if that net income were subject to all income taxes  
12 and taxes measured by net income imposed by such foreign  
13 insurer's state or country of domicile, net of all credits  
14 allowed or (ii) a rate of zero if no such tax is imposed on such  
15 income by the foreign insurer's state of domicile. For the  
16 purposes of this subsection (d-1), an inter-affiliate includes  
17 a mutual insurer under common management.

18 (1) For the purposes of subsection (d-1), in no event  
19 shall the sum of the rates of tax imposed by subsections  
20 (b) and (d) be reduced below the rate at which the sum of:

21 (A) the total amount of tax imposed on such foreign  
22 insurer under this Act for a taxable year, net of all  
23 credits allowed under this Act, plus

24 (B) the privilege tax imposed by Section 409 of the  
25 Illinois Insurance Code, the fire insurance company  
26 tax imposed by Section 12 of the Fire Investigation

1 Act, and the fire department taxes imposed under  
2 Section 11-10-1 of the Illinois Municipal Code,  
3 equals 1.25% for taxable years ending prior to December 31,  
4 2003, or 1.75% for taxable years ending on or after  
5 December 31, 2003, of the net taxable premiums written for  
6 the taxable year, as described by subsection (1) of Section  
7 409 of the Illinois Insurance Code. This paragraph will in  
8 no event increase the rates imposed under subsections (b)  
9 and (d).

10 (2) Any reduction in the rates of tax imposed by this  
11 subsection shall be applied first against the rates imposed  
12 by subsection (b) and only after the tax imposed by  
13 subsection (a) net of all credits allowed under this  
14 Section other than the credit allowed under subsection (i)  
15 has been reduced to zero, against the rates imposed by  
16 subsection (d).

17 This subsection (d-1) is exempt from the provisions of  
18 Section 250.

19 (e) Investment credit. A taxpayer shall be allowed a credit  
20 against the Personal Property Tax Replacement Income Tax for  
21 investment in qualified property.

22 (1) A taxpayer shall be allowed a credit equal to .5%  
23 of the basis of qualified property placed in service during  
24 the taxable year, provided such property is placed in  
25 service on or after July 1, 1984. There shall be allowed an  
26 additional credit equal to .5% of the basis of qualified

1 property placed in service during the taxable year,  
2 provided such property is placed in service on or after  
3 July 1, 1986, and the taxpayer's base employment within  
4 Illinois has increased by 1% or more over the preceding  
5 year as determined by the taxpayer's employment records  
6 filed with the Illinois Department of Employment Security.  
7 Taxpayers who are new to Illinois shall be deemed to have  
8 met the 1% growth in base employment for the first year in  
9 which they file employment records with the Illinois  
10 Department of Employment Security. The provisions added to  
11 this Section by Public Act 85-1200 (and restored by Public  
12 Act 87-895) shall be construed as declaratory of existing  
13 law and not as a new enactment. If, in any year, the  
14 increase in base employment within Illinois over the  
15 preceding year is less than 1%, the additional credit shall  
16 be limited to that percentage times a fraction, the  
17 numerator of which is .5% and the denominator of which is  
18 1%, but shall not exceed .5%. The investment credit shall  
19 not be allowed to the extent that it would reduce a  
20 taxpayer's liability in any tax year below zero, nor may  
21 any credit for qualified property be allowed for any year  
22 other than the year in which the property was placed in  
23 service in Illinois. For tax years ending on or after  
24 December 31, 1987, and on or before December 31, 1988, the  
25 credit shall be allowed for the tax year in which the  
26 property is placed in service, or, if the amount of the



1 credit exceeds the tax liability for that year, whether it  
2 exceeds the original liability or the liability as later  
3 amended, such excess may be carried forward and applied to  
4 the tax liability of the 5 taxable years following the  
5 excess credit years if the taxpayer (i) makes investments  
6 which cause the creation of a minimum of 2,000 full-time  
7 equivalent jobs in Illinois, (ii) is located in an  
8 enterprise zone established pursuant to the Illinois  
9 Enterprise Zone Act and (iii) is certified by the  
10 Department of Commerce and Community Affairs (now  
11 Department of Commerce and Economic Opportunity) as  
12 complying with the requirements specified in clause (i) and  
13 (ii) by July 1, 1986. The Department of Commerce and  
14 Community Affairs (now Department of Commerce and Economic  
15 Opportunity) shall notify the Department of Revenue of all  
16 such certifications immediately. For tax years ending  
17 after December 31, 1988, the credit shall be allowed for  
18 the tax year in which the property is placed in service,  
19 or, if the amount of the credit exceeds the tax liability  
20 for that year, whether it exceeds the original liability or  
21 the liability as later amended, such excess may be carried  
22 forward and applied to the tax liability of the 5 taxable  
23 years following the excess credit years. The credit shall  
24 be applied to the earliest year for which there is a  
25 liability. If there is credit from more than one tax year  
26 that is available to offset a liability, earlier credit

1 shall be applied first.

2 (2) The term "qualified property" means property  
3 which:

4 (A) is tangible, whether new or used, including  
5 buildings and structural components of buildings and  
6 signs that are real property, but not including land or  
7 improvements to real property that are not a structural  
8 component of a building such as landscaping, sewer  
9 lines, local access roads, fencing, parking lots, and  
10 other appurtenances;

11 (B) is depreciable pursuant to Section 167 of the  
12 Internal Revenue Code, except that "3-year property"  
13 as defined in Section 168(c)(2)(A) of that Code is not  
14 eligible for the credit provided by this subsection  
15 (e);

16 (C) is acquired by purchase as defined in Section  
17 179(d) of the Internal Revenue Code;

18 (D) is used in Illinois by a taxpayer who is  
19 primarily engaged in manufacturing, or in mining coal  
20 or fluorite, or in retailing, or was placed in service  
21 on or after July 1, 2006 in a River Edge Redevelopment  
22 Zone established pursuant to the River Edge  
23 Redevelopment Zone Act; and

24 (E) has not previously been used in Illinois in  
25 such a manner and by such a person as would qualify for  
26 the credit provided by this subsection (e) or

1 subsection (f).

2 (3) For purposes of this subsection (e),  
3 "manufacturing" means the material staging and production  
4 of tangible personal property by procedures commonly  
5 regarded as manufacturing, processing, fabrication, or  
6 assembling which changes some existing material into new  
7 shapes, new qualities, or new combinations. For purposes of  
8 this subsection (e) the term "mining" shall have the same  
9 meaning as the term "mining" in Section 613(c) of the  
10 Internal Revenue Code. For purposes of this subsection (e),  
11 the term "retailing" means the sale of tangible personal  
12 property for use or consumption and not for resale, or  
13 services rendered in conjunction with the sale of tangible  
14 personal property for use or consumption and not for  
15 resale. For purposes of this subsection (e), "tangible  
16 personal property" has the same meaning as when that term  
17 is used in the Retailers' Occupation Tax Act, and, for  
18 taxable years ending after December 31, 2008, does not  
19 include the generation, transmission, or distribution of  
20 electricity.

21 (4) The basis of qualified property shall be the basis  
22 used to compute the depreciation deduction for federal  
23 income tax purposes.

24 (5) If the basis of the property for federal income tax  
25 depreciation purposes is increased after it has been placed  
26 in service in Illinois by the taxpayer, the amount of such

1           increase shall be deemed property placed in service on the  
2           date of such increase in basis.

3           (6) The term "placed in service" shall have the same  
4           meaning as under Section 46 of the Internal Revenue Code.

5           (7) If during any taxable year, any property ceases to  
6           be qualified property in the hands of the taxpayer within  
7           48 months after being placed in service, or the situs of  
8           any qualified property is moved outside Illinois within 48  
9           months after being placed in service, the Personal Property  
10          Tax Replacement Income Tax for such taxable year shall be  
11          increased. Such increase shall be determined by (i)  
12          recomputing the investment credit which would have been  
13          allowed for the year in which credit for such property was  
14          originally allowed by eliminating such property from such  
15          computation and, (ii) subtracting such recomputed credit  
16          from the amount of credit previously allowed. For the  
17          purposes of this paragraph (7), a reduction of the basis of  
18          qualified property resulting from a redetermination of the  
19          purchase price shall be deemed a disposition of qualified  
20          property to the extent of such reduction.

21          (8) Unless the investment credit is extended by law,  
22          the basis of qualified property shall not include costs  
23          incurred after December 31, 2018, except for costs incurred  
24          pursuant to a binding contract entered into on or before  
25          December 31, 2018.

26          (9) Each taxable year ending before December 31, 2000,

1 a partnership may elect to pass through to its partners the  
2 credits to which the partnership is entitled under this  
3 subsection (e) for the taxable year. A partner may use the  
4 credit allocated to him or her under this paragraph only  
5 against the tax imposed in subsections (c) and (d) of this  
6 Section. If the partnership makes that election, those  
7 credits shall be allocated among the partners in the  
8 partnership in accordance with the rules set forth in  
9 Section 704(b) of the Internal Revenue Code, and the rules  
10 promulgated under that Section, and the allocated amount of  
11 the credits shall be allowed to the partners for that  
12 taxable year. The partnership shall make this election on  
13 its Personal Property Tax Replacement Income Tax return for  
14 that taxable year. The election to pass through the credits  
15 shall be irrevocable.

16 For taxable years ending on or after December 31, 2000,  
17 a partner that qualifies its partnership for a subtraction  
18 under subparagraph (I) of paragraph (2) of subsection (d)  
19 of Section 203 or a shareholder that qualifies a Subchapter  
20 S corporation for a subtraction under subparagraph (S) of  
21 paragraph (2) of subsection (b) of Section 203 shall be  
22 allowed a credit under this subsection (e) equal to its  
23 share of the credit earned under this subsection (e) during  
24 the taxable year by the partnership or Subchapter S  
25 corporation, determined in accordance with the  
26 determination of income and distributive share of income

1 under Sections 702 and 704 and Subchapter S of the Internal  
2 Revenue Code. This paragraph is exempt from the provisions  
3 of Section 250.

4 (f) Investment credit; Enterprise Zone; River Edge  
5 Redevelopment Zone.

6 (1) A taxpayer shall be allowed a credit against the  
7 tax imposed by subsections (a) and (b) of this Section for  
8 investment in qualified property which is placed in service  
9 in an Enterprise Zone created pursuant to the Illinois  
10 Enterprise Zone Act or, for property placed in service on  
11 or after July 1, 2006, a River Edge Redevelopment Zone  
12 established pursuant to the River Edge Redevelopment Zone  
13 Act. For partners, shareholders of Subchapter S  
14 corporations, and owners of limited liability companies,  
15 if the liability company is treated as a partnership for  
16 purposes of federal and State income taxation, there shall  
17 be allowed a credit under this subsection (f) to be  
18 determined in accordance with the determination of income  
19 and distributive share of income under Sections 702 and 704  
20 and Subchapter S of the Internal Revenue Code. The credit  
21 shall be .5% of the basis for such property. The credit  
22 shall be available only in the taxable year in which the  
23 property is placed in service in the Enterprise Zone or  
24 River Edge Redevelopment Zone and shall not be allowed to  
25 the extent that it would reduce a taxpayer's liability for  
26 the tax imposed by subsections (a) and (b) of this Section

1 to below zero. For tax years ending on or after December  
2 31, 1985, the credit shall be allowed for the tax year in  
3 which the property is placed in service, or, if the amount  
4 of the credit exceeds the tax liability for that year,  
5 whether it exceeds the original liability or the liability  
6 as later amended, such excess may be carried forward and  
7 applied to the tax liability of the 5 taxable years  
8 following the excess credit year. The credit shall be  
9 applied to the earliest year for which there is a  
10 liability. If there is credit from more than one tax year  
11 that is available to offset a liability, the credit  
12 accruing first in time shall be applied first.

13 (2) The term qualified property means property which:

14 (A) is tangible, whether new or used, including  
15 buildings and structural components of buildings;

16 (B) is depreciable pursuant to Section 167 of the  
17 Internal Revenue Code, except that "3-year property"  
18 as defined in Section 168(c)(2)(A) of that Code is not  
19 eligible for the credit provided by this subsection  
20 (f);

21 (C) is acquired by purchase as defined in Section  
22 179(d) of the Internal Revenue Code;

23 (D) is used in the Enterprise Zone or River Edge  
24 Redevelopment Zone by the taxpayer; and

25 (E) has not been previously used in Illinois in  
26 such a manner and by such a person as would qualify for

1           the credit provided by this subsection (f) or  
2           subsection (e).

3           (3) The basis of qualified property shall be the basis  
4           used to compute the depreciation deduction for federal  
5           income tax purposes.

6           (4) If the basis of the property for federal income tax  
7           depreciation purposes is increased after it has been placed  
8           in service in the Enterprise Zone or River Edge  
9           Redevelopment Zone by the taxpayer, the amount of such  
10          increase shall be deemed property placed in service on the  
11          date of such increase in basis.

12          (5) The term "placed in service" shall have the same  
13          meaning as under Section 46 of the Internal Revenue Code.

14          (6) If during any taxable year, any property ceases to  
15          be qualified property in the hands of the taxpayer within  
16          48 months after being placed in service, or the situs of  
17          any qualified property is moved outside the Enterprise Zone  
18          or River Edge Redevelopment Zone within 48 months after  
19          being placed in service, the tax imposed under subsections  
20          (a) and (b) of this Section for such taxable year shall be  
21          increased. Such increase shall be determined by (i)  
22          recomputing the investment credit which would have been  
23          allowed for the year in which credit for such property was  
24          originally allowed by eliminating such property from such  
25          computation, and (ii) subtracting such recomputed credit  
26          from the amount of credit previously allowed. For the



1 purposes of this paragraph (6), a reduction of the basis of  
2 qualified property resulting from a redetermination of the  
3 purchase price shall be deemed a disposition of qualified  
4 property to the extent of such reduction.

5 (7) There shall be allowed an additional credit equal  
6 to 0.5% of the basis of qualified property placed in  
7 service during the taxable year in a River Edge  
8 Redevelopment Zone, provided such property is placed in  
9 service on or after July 1, 2006, and the taxpayer's base  
10 employment within Illinois has increased by 1% or more over  
11 the preceding year as determined by the taxpayer's  
12 employment records filed with the Illinois Department of  
13 Employment Security. Taxpayers who are new to Illinois  
14 shall be deemed to have met the 1% growth in base  
15 employment for the first year in which they file employment  
16 records with the Illinois Department of Employment  
17 Security. If, in any year, the increase in base employment  
18 within Illinois over the preceding year is less than 1%,  
19 the additional credit shall be limited to that percentage  
20 times a fraction, the numerator of which is 0.5% and the  
21 denominator of which is 1%, but shall not exceed 0.5%.

22 (g) (Blank).

23 (h) Investment credit; High Impact Business.

24 (1) Subject to subsections (b) and (b-5) of Section 5.5  
25 of the Illinois Enterprise Zone Act, a taxpayer shall be  
26 allowed a credit against the tax imposed by subsections (a)

1 and (b) of this Section for investment in qualified  
2 property which is placed in service by a Department of  
3 Commerce and Economic Opportunity designated High Impact  
4 Business. The credit shall be .5% of the basis for such  
5 property. The credit shall not be available (i) until the  
6 minimum investments in qualified property set forth in  
7 subdivision (a)(3)(A) of Section 5.5 of the Illinois  
8 Enterprise Zone Act have been satisfied or (ii) until the  
9 time authorized in subsection (b-5) of the Illinois  
10 Enterprise Zone Act for entities designated as High Impact  
11 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and  
12 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone  
13 Act, and shall not be allowed to the extent that it would  
14 reduce a taxpayer's liability for the tax imposed by  
15 subsections (a) and (b) of this Section to below zero. The  
16 credit applicable to such investments shall be taken in the  
17 taxable year in which such investments have been completed.  
18 The credit for additional investments beyond the minimum  
19 investment by a designated high impact business authorized  
20 under subdivision (a)(3)(A) of Section 5.5 of the Illinois  
21 Enterprise Zone Act shall be available only in the taxable  
22 year in which the property is placed in service and shall  
23 not be allowed to the extent that it would reduce a  
24 taxpayer's liability for the tax imposed by subsections (a)  
25 and (b) of this Section to below zero. For tax years ending  
26 on or after December 31, 1987, the credit shall be allowed

1 for the tax year in which the property is placed in  
2 service, or, if the amount of the credit exceeds the tax  
3 liability for that year, whether it exceeds the original  
4 liability or the liability as later amended, such excess  
5 may be carried forward and applied to the tax liability of  
6 the 5 taxable years following the excess credit year. The  
7 credit shall be applied to the earliest year for which  
8 there is a liability. If there is credit from more than one  
9 tax year that is available to offset a liability, the  
10 credit accruing first in time shall be applied first.

11 Changes made in this subdivision (h) (1) by Public Act  
12 88-670 restore changes made by Public Act 85-1182 and  
13 reflect existing law.

14 (2) The term qualified property means property which:

15 (A) is tangible, whether new or used, including  
16 buildings and structural components of buildings;

17 (B) is depreciable pursuant to Section 167 of the  
18 Internal Revenue Code, except that "3-year property"  
19 as defined in Section 168(c) (2) (A) of that Code is not  
20 eligible for the credit provided by this subsection  
21 (h);

22 (C) is acquired by purchase as defined in Section  
23 179(d) of the Internal Revenue Code; and

24 (D) is not eligible for the Enterprise Zone  
25 Investment Credit provided by subsection (f) of this  
26 Section.

1           (3) The basis of qualified property shall be the basis  
2 used to compute the depreciation deduction for federal  
3 income tax purposes.

4           (4) If the basis of the property for federal income tax  
5 depreciation purposes is increased after it has been placed  
6 in service in a federally designated Foreign Trade Zone or  
7 Sub-Zone located in Illinois by the taxpayer, the amount of  
8 such increase shall be deemed property placed in service on  
9 the date of such increase in basis.

10          (5) The term "placed in service" shall have the same  
11 meaning as under Section 46 of the Internal Revenue Code.

12          (6) If during any taxable year ending on or before  
13 December 31, 1996, any property ceases to be qualified  
14 property in the hands of the taxpayer within 48 months  
15 after being placed in service, or the situs of any  
16 qualified property is moved outside Illinois within 48  
17 months after being placed in service, the tax imposed under  
18 subsections (a) and (b) of this Section for such taxable  
19 year shall be increased. Such increase shall be determined  
20 by (i) recomputing the investment credit which would have  
21 been allowed for the year in which credit for such property  
22 was originally allowed by eliminating such property from  
23 such computation, and (ii) subtracting such recomputed  
24 credit from the amount of credit previously allowed. For  
25 the purposes of this paragraph (6), a reduction of the  
26 basis of qualified property resulting from a

1 redetermination of the purchase price shall be deemed a  
2 disposition of qualified property to the extent of such  
3 reduction.

4 (7) Beginning with tax years ending after December 31,  
5 1996, if a taxpayer qualifies for the credit under this  
6 subsection (h) and thereby is granted a tax abatement and  
7 the taxpayer relocates its entire facility in violation of  
8 the explicit terms and length of the contract under Section  
9 18-183 of the Property Tax Code, the tax imposed under  
10 subsections (a) and (b) of this Section shall be increased  
11 for the taxable year in which the taxpayer relocated its  
12 facility by an amount equal to the amount of credit  
13 received by the taxpayer under this subsection (h).

14 (i) Credit for Personal Property Tax Replacement Income  
15 Tax. For tax years ending prior to December 31, 2003, a credit  
16 shall be allowed against the tax imposed by subsections (a) and  
17 (b) of this Section for the tax imposed by subsections (c) and  
18 (d) of this Section. This credit shall be computed by  
19 multiplying the tax imposed by subsections (c) and (d) of this  
20 Section by a fraction, the numerator of which is base income  
21 allocable to Illinois and the denominator of which is Illinois  
22 base income, and further multiplying the product by the tax  
23 rate imposed by subsections (a) and (b) of this Section.

24 Any credit earned on or after December 31, 1986 under this  
25 subsection which is unused in the year the credit is computed  
26 because it exceeds the tax liability imposed by subsections (a)

1 and (b) for that year (whether it exceeds the original  
2 liability or the liability as later amended) may be carried  
3 forward and applied to the tax liability imposed by subsections  
4 (a) and (b) of the 5 taxable years following the excess credit  
5 year, provided that no credit may be carried forward to any  
6 year ending on or after December 31, 2003. This credit shall be  
7 applied first to the earliest year for which there is a  
8 liability. If there is a credit under this subsection from more  
9 than one tax year that is available to offset a liability the  
10 earliest credit arising under this subsection shall be applied  
11 first.

12 If, during any taxable year ending on or after December 31,  
13 1986, the tax imposed by subsections (c) and (d) of this  
14 Section for which a taxpayer has claimed a credit under this  
15 subsection (i) is reduced, the amount of credit for such tax  
16 shall also be reduced. Such reduction shall be determined by  
17 recomputing the credit to take into account the reduced tax  
18 imposed by subsections (c) and (d). If any portion of the  
19 reduced amount of credit has been carried to a different  
20 taxable year, an amended return shall be filed for such taxable  
21 year to reduce the amount of credit claimed.

22 (j) Training expense credit. Beginning with tax years  
23 ending on or after December 31, 1986 and prior to December 31,  
24 2003, a taxpayer shall be allowed a credit against the tax  
25 imposed by subsections (a) and (b) under this Section for all  
26 amounts paid or accrued, on behalf of all persons employed by

1 the taxpayer in Illinois or Illinois residents employed outside  
2 of Illinois by a taxpayer, for educational or vocational  
3 training in semi-technical or technical fields or semi-skilled  
4 or skilled fields, which were deducted from gross income in the  
5 computation of taxable income. The credit against the tax  
6 imposed by subsections (a) and (b) shall be 1.6% of such  
7 training expenses. For partners, shareholders of subchapter S  
8 corporations, and owners of limited liability companies, if the  
9 liability company is treated as a partnership for purposes of  
10 federal and State income taxation, there shall be allowed a  
11 credit under this subsection (j) to be determined in accordance  
12 with the determination of income and distributive share of  
13 income under Sections 702 and 704 and subchapter S of the  
14 Internal Revenue Code.

15 Any credit allowed under this subsection which is unused in  
16 the year the credit is earned may be carried forward to each of  
17 the 5 taxable years following the year for which the credit is  
18 first computed until it is used. This credit shall be applied  
19 first to the earliest year for which there is a liability. If  
20 there is a credit under this subsection from more than one tax  
21 year that is available to offset a liability the earliest  
22 credit arising under this subsection shall be applied first. No  
23 carryforward credit may be claimed in any tax year ending on or  
24 after December 31, 2003.

25 (k) Research and development credit. For tax years ending  
26 after July 1, 1990 and prior to December 31, 2003, and

1 beginning again for tax years ending on or after December 31,  
2 2004, and ending prior to January 1, 2022, a taxpayer shall be  
3 allowed a credit against the tax imposed by subsections (a) and  
4 (b) of this Section for increasing research activities in this  
5 State. The credit allowed against the tax imposed by  
6 subsections (a) and (b) shall be equal to 6 1/2% of the  
7 qualifying expenditures for increasing research activities in  
8 this State. For partners, shareholders of subchapter S  
9 corporations, and owners of limited liability companies, if the  
10 liability company is treated as a partnership for purposes of  
11 federal and State income taxation, there shall be allowed a  
12 credit under this subsection to be determined in accordance  
13 with the determination of income and distributive share of  
14 income under Sections 702 and 704 and subchapter S of the  
15 Internal Revenue Code.

16 For purposes of this subsection, "qualifying expenditures"  
17 means the qualifying expenditures as defined for the federal  
18 credit for increasing research activities which would be  
19 allowable under Section 41 of the Internal Revenue Code and  
20 which are conducted in this State, "qualifying expenditures for  
21 increasing research activities in this State" means the excess  
22 of qualifying expenditures for the taxable year in which  
23 incurred over qualifying expenditures for the base period,  
24 "qualifying expenditures for the base period" means the average  
25 of the qualifying expenditures for each year in the base  
26 period, and "base period" means the 3 taxable years immediately



1 preceding the taxable year for which the determination is being  
2 made.

3 Any credit in excess of the tax liability for the taxable  
4 year may be carried forward. A taxpayer may elect to have the  
5 unused credit shown on its final completed return carried over  
6 as a credit against the tax liability for the following 5  
7 taxable years or until it has been fully used, whichever occurs  
8 first; provided that no credit earned in a tax year ending  
9 prior to December 31, 2003 may be carried forward to any year  
10 ending on or after December 31, 2003.

11 If an unused credit is carried forward to a given year from  
12 2 or more earlier years, that credit arising in the earliest  
13 year will be applied first against the tax liability for the  
14 given year. If a tax liability for the given year still  
15 remains, the credit from the next earliest year will then be  
16 applied, and so on, until all credits have been used or no tax  
17 liability for the given year remains. Any remaining unused  
18 credit or credits then will be carried forward to the next  
19 following year in which a tax liability is incurred, except  
20 that no credit can be carried forward to a year which is more  
21 than 5 years after the year in which the expense for which the  
22 credit is given was incurred.

23 No inference shall be drawn from this amendatory Act of the  
24 91st General Assembly in construing this Section for taxable  
25 years beginning before January 1, 1999.

26 It is the intent of the General Assembly that the research

1 and development credit under this subsection (k) shall apply  
2 continuously for all tax years ending on or after December 31,  
3 2004 and ending prior to January 1, 2022, including, but not  
4 limited to, the period beginning on January 1, 2016 and ending  
5 on the effective date of this amendatory Act of the 100th  
6 General Assembly. All actions taken in reliance on the  
7 continuation of the credit under this subsection (k) by any  
8 taxpayer are hereby validated.

9 (1) Environmental Remediation Tax Credit.

10 (i) For tax years ending after December 31, 1997 and on  
11 or before December 31, 2001, a taxpayer shall be allowed a  
12 credit against the tax imposed by subsections (a) and (b)  
13 of this Section for certain amounts paid for unreimbursed  
14 eligible remediation costs, as specified in this  
15 subsection. For purposes of this Section, "unreimbursed  
16 eligible remediation costs" means costs approved by the  
17 Illinois Environmental Protection Agency ("Agency") under  
18 Section 58.14 of the Environmental Protection Act that were  
19 paid in performing environmental remediation at a site for  
20 which a No Further Remediation Letter was issued by the  
21 Agency and recorded under Section 58.10 of the  
22 Environmental Protection Act. The credit must be claimed  
23 for the taxable year in which Agency approval of the  
24 eligible remediation costs is granted. The credit is not  
25 available to any taxpayer if the taxpayer or any related  
26 party caused or contributed to, in any material respect, a

1 release of regulated substances on, in, or under the site  
2 that was identified and addressed by the remedial action  
3 pursuant to the Site Remediation Program of the  
4 Environmental Protection Act. After the Pollution Control  
5 Board rules are adopted pursuant to the Illinois  
6 Administrative Procedure Act for the administration and  
7 enforcement of Section 58.9 of the Environmental  
8 Protection Act, determinations as to credit availability  
9 for purposes of this Section shall be made consistent with  
10 those rules. For purposes of this Section, "taxpayer"  
11 includes a person whose tax attributes the taxpayer has  
12 succeeded to under Section 381 of the Internal Revenue Code  
13 and "related party" includes the persons disallowed a  
14 deduction for losses by paragraphs (b), (c), and (f)(1) of  
15 Section 267 of the Internal Revenue Code by virtue of being  
16 a related taxpayer, as well as any of its partners. The  
17 credit allowed against the tax imposed by subsections (a)  
18 and (b) shall be equal to 25% of the unreimbursed eligible  
19 remediation costs in excess of \$100,000 per site, except  
20 that the \$100,000 threshold shall not apply to any site  
21 contained in an enterprise zone as determined by the  
22 Department of Commerce and Community Affairs (now  
23 Department of Commerce and Economic Opportunity). The  
24 total credit allowed shall not exceed \$40,000 per year with  
25 a maximum total of \$150,000 per site. For partners and  
26 shareholders of subchapter S corporations, there shall be

1 allowed a credit under this subsection to be determined in  
2 accordance with the determination of income and  
3 distributive share of income under Sections 702 and 704 and  
4 subchapter S of the Internal Revenue Code.

5 (ii) A credit allowed under this subsection that is  
6 unused in the year the credit is earned may be carried  
7 forward to each of the 5 taxable years following the year  
8 for which the credit is first earned until it is used. The  
9 term "unused credit" does not include any amounts of  
10 unreimbursed eligible remediation costs in excess of the  
11 maximum credit per site authorized under paragraph (i).  
12 This credit shall be applied first to the earliest year for  
13 which there is a liability. If there is a credit under this  
14 subsection from more than one tax year that is available to  
15 offset a liability, the earliest credit arising under this  
16 subsection shall be applied first. A credit allowed under  
17 this subsection may be sold to a buyer as part of a sale of  
18 all or part of the remediation site for which the credit  
19 was granted. The purchaser of a remediation site and the  
20 tax credit shall succeed to the unused credit and remaining  
21 carry-forward period of the seller. To perfect the  
22 transfer, the assignor shall record the transfer in the  
23 chain of title for the site and provide written notice to  
24 the Director of the Illinois Department of Revenue of the  
25 assignor's intent to sell the remediation site and the  
26 amount of the tax credit to be transferred as a portion of

1 the sale. In no event may a credit be transferred to any  
2 taxpayer if the taxpayer or a related party would not be  
3 eligible under the provisions of subsection (i).

4 (iii) For purposes of this Section, the term "site"  
5 shall have the same meaning as under Section 58.2 of the  
6 Environmental Protection Act.

7 (m) Education expense credit. Beginning with tax years  
8 ending after December 31, 1999, a taxpayer who is the custodian  
9 of one or more qualifying pupils shall be allowed a credit  
10 against the tax imposed by subsections (a) and (b) of this  
11 Section for qualified education expenses incurred on behalf of  
12 the qualifying pupils. The credit shall be equal to 25% of  
13 qualified education expenses, but in no event may the total  
14 credit under this subsection claimed by a family that is the  
15 custodian of qualifying pupils exceed (i) \$500 for tax years  
16 ending prior to December 31, 2017, and (ii) \$750 for tax years  
17 ending on or after December 31, 2017. In no event shall a  
18 credit under this subsection reduce the taxpayer's liability  
19 under this Act to less than zero. Notwithstanding any other  
20 provision of law, for taxable years beginning on or after  
21 January 1, 2017, no taxpayer may claim a credit under this  
22 subsection (m) if the taxpayer's adjusted gross income for the  
23 taxable year exceeds (i) \$500,000, in the case of spouses  
24 filing a joint federal tax return or (ii) \$250,000, in the case  
25 of all other taxpayers. This subsection is exempt from the  
26 provisions of Section 250 of this Act.

1 For purposes of this subsection:

2 "Qualifying pupils" means individuals who (i) are  
3 residents of the State of Illinois, (ii) are under the age of  
4 21 at the close of the school year for which a credit is  
5 sought, and (iii) during the school year for which a credit is  
6 sought were full-time pupils enrolled in a kindergarten through  
7 twelfth grade education program at any school, as defined in  
8 this subsection.

9 "Qualified education expense" means the amount incurred on  
10 behalf of a qualifying pupil in excess of \$250 for tuition,  
11 book fees, and lab fees at the school in which the pupil is  
12 enrolled during the regular school year.

13 "School" means any public or nonpublic elementary or  
14 secondary school in Illinois that is in compliance with Title  
15 VI of the Civil Rights Act of 1964 and attendance at which  
16 satisfies the requirements of Section 26-1 of the School Code,  
17 except that nothing shall be construed to require a child to  
18 attend any particular public or nonpublic school to qualify for  
19 the credit under this Section.

20 "Custodian" means, with respect to qualifying pupils, an  
21 Illinois resident who is a parent, the parents, a legal  
22 guardian, or the legal guardians of the qualifying pupils.

23 (n) River Edge Redevelopment Zone site remediation tax  
24 credit.

25 (i) For tax years ending on or after December 31, 2006,  
26 a taxpayer shall be allowed a credit against the tax

1 imposed by subsections (a) and (b) of this Section for  
2 certain amounts paid for unreimbursed eligible remediation  
3 costs, as specified in this subsection. For purposes of  
4 this Section, "unreimbursed eligible remediation costs"  
5 means costs approved by the Illinois Environmental  
6 Protection Agency ("Agency") under Section 58.14a of the  
7 Environmental Protection Act that were paid in performing  
8 environmental remediation at a site within a River Edge  
9 Redevelopment Zone for which a No Further Remediation  
10 Letter was issued by the Agency and recorded under Section  
11 58.10 of the Environmental Protection Act. The credit must  
12 be claimed for the taxable year in which Agency approval of  
13 the eligible remediation costs is granted. The credit is  
14 not available to any taxpayer if the taxpayer or any  
15 related party caused or contributed to, in any material  
16 respect, a release of regulated substances on, in, or under  
17 the site that was identified and addressed by the remedial  
18 action pursuant to the Site Remediation Program of the  
19 Environmental Protection Act. Determinations as to credit  
20 availability for purposes of this Section shall be made  
21 consistent with rules adopted by the Pollution Control  
22 Board pursuant to the Illinois Administrative Procedure  
23 Act for the administration and enforcement of Section 58.9  
24 of the Environmental Protection Act. For purposes of this  
25 Section, "taxpayer" includes a person whose tax attributes  
26 the taxpayer has succeeded to under Section 381 of the

1 Internal Revenue Code and "related party" includes the  
2 persons disallowed a deduction for losses by paragraphs  
3 (b), (c), and (f) (1) of Section 267 of the Internal Revenue  
4 Code by virtue of being a related taxpayer, as well as any  
5 of its partners. The credit allowed against the tax imposed  
6 by subsections (a) and (b) shall be equal to 25% of the  
7 unreimbursed eligible remediation costs in excess of  
8 \$100,000 per site.

9 (ii) A credit allowed under this subsection that is  
10 unused in the year the credit is earned may be carried  
11 forward to each of the 5 taxable years following the year  
12 for which the credit is first earned until it is used. This  
13 credit shall be applied first to the earliest year for  
14 which there is a liability. If there is a credit under this  
15 subsection from more than one tax year that is available to  
16 offset a liability, the earliest credit arising under this  
17 subsection shall be applied first. A credit allowed under  
18 this subsection may be sold to a buyer as part of a sale of  
19 all or part of the remediation site for which the credit  
20 was granted. The purchaser of a remediation site and the  
21 tax credit shall succeed to the unused credit and remaining  
22 carry-forward period of the seller. To perfect the  
23 transfer, the assignor shall record the transfer in the  
24 chain of title for the site and provide written notice to  
25 the Director of the Illinois Department of Revenue of the  
26 assignor's intent to sell the remediation site and the



1 amount of the tax credit to be transferred as a portion of  
2 the sale. In no event may a credit be transferred to any  
3 taxpayer if the taxpayer or a related party would not be  
4 eligible under the provisions of subsection (i).

5 (iii) For purposes of this Section, the term "site"  
6 shall have the same meaning as under Section 58.2 of the  
7 Environmental Protection Act.

8 (o) For each of taxable years during the Compassionate Use  
9 of Medical Cannabis ~~Pilot~~ Program, a surcharge is imposed on  
10 all taxpayers on income arising from the sale or exchange of  
11 capital assets, depreciable business property, real property  
12 used in the trade or business, and Section 197 intangibles of  
13 an organization registrant under the Compassionate Use of  
14 Medical Cannabis ~~Pilot~~ Program Act. The amount of the surcharge  
15 is equal to the amount of federal income tax liability for the  
16 taxable year attributable to those sales and exchanges. The  
17 surcharge imposed does not apply if:

18 (1) the medical cannabis cultivation center  
19 registration, medical cannabis dispensary registration, or  
20 the property of a registration is transferred as a result  
21 of any of the following:

22 (A) bankruptcy, a receivership, or a debt  
23 adjustment initiated by or against the initial  
24 registration or the substantial owners of the initial  
25 registration;

26 (B) cancellation, revocation, or termination of

1 any registration by the Illinois Department of Public  
2 Health;

3 (C) a determination by the Illinois Department of  
4 Public Health that transfer of the registration is in  
5 the best interests of Illinois qualifying patients as  
6 defined by the Compassionate Use of Medical Cannabis  
7 ~~Pilot~~ Program Act;

8 (D) the death of an owner of the equity interest in  
9 a registrant;

10 (E) the acquisition of a controlling interest in  
11 the stock or substantially all of the assets of a  
12 publicly traded company;

13 (F) a transfer by a parent company to a wholly  
14 owned subsidiary; or

15 (G) the transfer or sale to or by one person to  
16 another person where both persons were initial owners  
17 of the registration when the registration was issued;  
18 or

19 (2) the cannabis cultivation center registration,  
20 medical cannabis dispensary registration, or the  
21 controlling interest in a registrant's property is  
22 transferred in a transaction to lineal descendants in which  
23 no gain or loss is recognized or as a result of a  
24 transaction in accordance with Section 351 of the Internal  
25 Revenue Code in which no gain or loss is recognized.

26 (Source: P.A. 100-22, eff. 7-6-17.)

1           Section 15. The Use Tax Act is amended by changing Section  
2           3-10 as follows:

3           (35 ILCS 105/3-10)

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

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

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

8           With respect to gasohol, the tax imposed by this Act  
9 applies to (i) 70% of the proceeds of sales made on or after  
10 January 1, 1990, and before July 1, 2003, (ii) 80% of the  
11 proceeds of sales made on or after July 1, 2003 and on or  
12 before July 1, 2017, and (iii) 100% of the proceeds of sales  
13 made thereafter. If, at any time, however, the tax under this  
14 Act on sales of gasohol is imposed at the rate of 1.25%, then  
15 the tax imposed by this Act applies to 100% of the proceeds of  
16 sales of gasohol made during that time.

17           With respect to majority blended ethanol fuel, the tax  
18 imposed by this Act does not apply to the proceeds of sales  
19 made on or after July 1, 2003 and on or before December 31,  
20 2023 but applies to 100% of the proceeds of sales made  
21 thereafter.

22           With respect to biodiesel blends with no less than 1% and  
23 no more than 10% biodiesel, the tax imposed by this Act applies  
24 to (i) 80% of the proceeds of sales made on or after July 1,  
25 2003 and on or before December 31, 2018 and (ii) 100% of the  
26 proceeds of sales made thereafter. If, at any time, however,

1 the tax under this Act on sales of biodiesel blends with no  
2 less than 1% and no more than 10% biodiesel is imposed at the  
3 rate of 1.25%, then the tax imposed by this Act applies to 100%  
4 of the proceeds of sales of biodiesel blends with no less than  
5 1% and no more than 10% biodiesel made during that time.

6 With respect to 100% biodiesel and biodiesel blends with  
7 more than 10% but no more than 99% biodiesel, the tax imposed  
8 by this Act does not apply to the proceeds of sales made on or  
9 after July 1, 2003 and on or before December 31, 2023 but  
10 applies to 100% of the proceeds of sales made thereafter.

11 With respect to food for human consumption that is to be  
12 consumed off the premises where it is sold (other than  
13 alcoholic beverages, soft drinks, and food that has been  
14 prepared for immediate consumption) and prescription and  
15 nonprescription medicines, drugs, medical appliances, products  
16 classified as Class III medical devices by the United States  
17 Food and Drug Administration that are used for cancer treatment  
18 pursuant to a prescription, as well as any accessories and  
19 components related to those devices, modifications to a motor  
20 vehicle for the purpose of rendering it usable by a person with  
21 a disability, and insulin, urine testing materials, syringes,  
22 and needles used by diabetics, for human use, the tax is  
23 imposed at the rate of 1%. 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. For  
13 purposes of this Section, "grooming and hygiene products"  
14 includes, but is not limited to, soaps and cleaning solutions,  
15 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
16 lotions and screens, unless those products are available by  
17 prescription only, regardless of whether the products meet the  
18 definition of "over-the-counter-drugs". For the purposes of  
19 this paragraph, "over-the-counter-drug" means a drug for human  
20 use that contains a label that identifies the product as a drug  
21 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
22 label includes:

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

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

1           Beginning on the effective date of this amendatory Act of  
2 the 98th General Assembly, "prescription and nonprescription  
3 medicines and drugs" includes medical cannabis purchased from a  
4 registered dispensing organization under the Compassionate Use  
5 of Medical Cannabis ~~Pilot~~ Program Act.

6           If the property that is purchased at retail from a retailer  
7 is 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. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;  
14 100-22, eff. 7-6-17.)

15           Section 20. The Service Use Tax Act is amended by changing  
16 Section 3-10 as follows:

17           (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

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 of tangible personal property transferred as  
21 an incident to the sale of service, but, for the purpose of  
22 computing this tax, in no event shall the selling price be less  
23 than the cost price of the property to the serviceman.

24           Beginning on July 1, 2000 and through December 31, 2000,



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

4 With respect to gasohol, as defined in the Use Tax Act, the  
5 tax imposed by this Act applies to (i) 70% of the selling price  
6 of property transferred as an incident to the sale of service  
7 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
8 of the selling price of property transferred as an incident to  
9 the sale of service on or after July 1, 2003 and on or before  
10 July 1, 2017, and (iii) 100% of the selling price thereafter.  
11 If, at any time, however, the tax under this Act on sales of  
12 gasohol, as defined in the Use Tax Act, is imposed at the rate  
13 of 1.25%, then the tax imposed by this Act applies to 100% of  
14 the proceeds of sales of gasohol made during that time.

15 With respect to majority blended ethanol fuel, as defined  
16 in the Use Tax Act, the tax imposed by this Act does not apply  
17 to the selling price of property transferred as an incident to  
18 the sale of service on or after July 1, 2003 and on or before  
19 December 31, 2023 but applies to 100% of the selling price  
20 thereafter.

21 With respect to biodiesel blends, as defined in the Use Tax  
22 Act, with no less than 1% and no more than 10% biodiesel, the  
23 tax imposed by this Act applies to (i) 80% of the selling price  
24 of property transferred as an incident to the sale of service  
25 on or after July 1, 2003 and on or before December 31, 2018 and  
26 (ii) 100% of the proceeds of the selling price thereafter. If,

1 at any time, however, the tax under this Act on sales of  
2 biodiesel blends, as defined in the Use Tax Act, with no less  
3 than 1% and no more than 10% biodiesel is imposed at the rate  
4 of 1.25%, then the tax imposed by this Act applies to 100% of  
5 the proceeds of sales of biodiesel blends with no less than 1%  
6 and no more than 10% biodiesel made during that time.

7 With respect to 100% biodiesel, as defined in the Use Tax  
8 Act, and biodiesel blends, as defined in the Use Tax Act, with  
9 more than 10% but no more than 99% biodiesel, the tax imposed  
10 by this Act does not apply to the proceeds of the selling price  
11 of property transferred as an incident to the sale of service  
12 on or after July 1, 2003 and on or before December 31, 2023 but  
13 applies to 100% of the selling price thereafter.

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

24 The tax shall be imposed at the rate of 1% on food prepared  
25 for immediate consumption and transferred incident to a sale of  
26 service subject to this Act or the Service Occupation Tax Act

1 by an entity licensed under the Hospital Licensing Act, the  
2 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD  
3 Act, the Specialized Mental Health Rehabilitation Act of 2013,  
4 or the Child Care Act of 1969. The tax shall also be imposed at  
5 the rate of 1% on food for human consumption that is to be  
6 consumed off the premises where it is sold (other than  
7 alcoholic beverages, soft drinks, and food that has been  
8 prepared for immediate consumption and is not otherwise  
9 included in this paragraph) and prescription and  
10 nonprescription medicines, drugs, medical appliances, products  
11 classified as Class III medical devices by the United States  
12 Food and Drug Administration that are used for cancer treatment  
13 pursuant to a prescription, as well as any accessories and  
14 components related to those devices, modifications to a motor  
15 vehicle for the purpose of rendering it usable by a person with  
16 a disability, and insulin, urine testing materials, syringes,  
17 and needles used by diabetics, for human use. For the purposes  
18 of this Section, until September 1, 2009: the term "soft  
19 drinks" means any complete, finished, ready-to-use,  
20 non-alcoholic drink, whether carbonated or not, including but  
21 not limited to soda water, cola, fruit juice, vegetable juice,  
22 carbonated water, and all other preparations commonly known as  
23 soft drinks of whatever kind or description that are contained  
24 in any closed or sealed bottle, can, carton, or container,  
25 regardless of size; but "soft drinks" does not include coffee,  
26 tea, non-carbonated water, infant formula, milk or milk

1 products as defined in the Grade A Pasteurized Milk and Milk  
2 Products Act, or drinks containing 50% or more natural fruit or  
3 vegetable juice.

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

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

22 Notwithstanding any other provisions of this Act,  
23 beginning September 1, 2009, "food for human consumption that  
24 is to be consumed off the premises where it is sold" does not  
25 include candy. For purposes of this Section, "candy" means a  
26 preparation of sugar, honey, or other natural or artificial

1 sweeteners in combination with chocolate, fruits, nuts or other  
2 ingredients or flavorings in the form of bars, drops, or  
3 pieces. "Candy" does not include any preparation that contains  
4 flour or requires refrigeration.

5 Notwithstanding any other provisions of this Act,  
6 beginning September 1, 2009, "nonprescription medicines and  
7 drugs" does not include grooming and hygiene products. For  
8 purposes of this Section, "grooming and hygiene products"  
9 includes, but is not limited to, soaps and cleaning solutions,  
10 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
11 lotions and screens, unless those products are available by  
12 prescription only, regardless of whether the products meet the  
13 definition of "over-the-counter-drugs". For the purposes of  
14 this paragraph, "over-the-counter-drug" means a drug for human  
15 use that contains a label that identifies the product as a drug  
16 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
17 label includes:

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

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

22 Beginning on January 1, 2014 (the effective date of Public  
23 Act 98-122), "prescription and nonprescription medicines and  
24 drugs" includes medical cannabis purchased from a registered  
25 dispensing organization under the Compassionate Use of Medical  
26 Cannabis ~~Pilot~~ Program Act.

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

8           (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;  
9           99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.  
10          7-6-17.)

11          Section 25. The Service Occupation Tax Act is amended by  
12          changing Section 3-10 as follows:

13           (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

14          Sec. 3-10. Rate of tax. Unless otherwise provided in this  
15          Section, the tax imposed by this Act is at the rate of 6.25% of  
16          the "selling price", as defined in Section 2 of the Service Use  
17          Tax Act, of the tangible personal property. For the purpose of  
18          computing this tax, in no event shall the "selling price" be  
19          less than the cost price to the serviceman of the tangible  
20          personal property transferred. The selling price of each item  
21          of tangible personal property transferred as an incident of a  
22          sale of service may be shown as a distinct and separate item on  
23          the serviceman's billing to the service customer. If the  
24          selling price is not so shown, the selling price of the

1 tangible personal property is deemed to be 50% of the  
2 serviceman's entire billing to the service customer. When,  
3 however, a serviceman contracts to design, develop, and produce  
4 special order machinery or equipment, the tax imposed by this  
5 Act shall be based on the serviceman's cost price of the  
6 tangible personal property transferred incident to the  
7 completion of the contract.

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

12 With respect to gasohol, as defined in the Use Tax Act, the  
13 tax imposed by this Act shall apply to (i) 70% of the cost  
14 price of property transferred as an incident to the sale of  
15 service on or after January 1, 1990, and before July 1, 2003,  
16 (ii) 80% of the selling price of property transferred as an  
17 incident to the sale of service on or after July 1, 2003 and on  
18 or before July 1, 2017, and (iii) 100% of the cost price  
19 thereafter. If, at any time, however, the tax under this Act on  
20 sales of gasohol, as defined in the Use Tax Act, is imposed at  
21 the rate of 1.25%, then the tax imposed by this Act applies to  
22 100% of the proceeds of sales of gasohol made during that time.

23 With respect to majority blended ethanol fuel, as defined  
24 in the Use Tax Act, the tax imposed by this Act does not apply  
25 to the selling price of property transferred as an incident to  
26 the sale of service on or after July 1, 2003 and on or before

1 December 31, 2023 but applies to 100% of the selling price  
2 thereafter.

3 With respect to biodiesel blends, as defined in the Use Tax  
4 Act, with no less than 1% and no more than 10% biodiesel, the  
5 tax imposed by this Act applies to (i) 80% of the selling price  
6 of property transferred as an incident to the sale of service  
7 on or after July 1, 2003 and on or before December 31, 2018 and  
8 (ii) 100% of the proceeds of the selling price thereafter. If,  
9 at any time, however, the tax under this Act on sales of  
10 biodiesel blends, as defined in the Use Tax Act, with no less  
11 than 1% and no more than 10% biodiesel is imposed at the rate  
12 of 1.25%, then the tax imposed by this Act applies to 100% of  
13 the proceeds of sales of biodiesel blends with no less than 1%  
14 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 material, the tax  
18 imposed by this Act does not apply to the proceeds of the  
19 selling price of property transferred as an incident to the  
20 sale of service on or after July 1, 2003 and on or before  
21 December 31, 2023 but applies to 100% of the selling price  
22 thereafter.

23 At the election of any registered serviceman made for each  
24 fiscal year, sales of service in which the aggregate annual  
25 cost price of tangible personal property transferred as an  
26 incident to the sales of service is less than 35%, or 75% in



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

7 The tax shall be imposed at the rate of 1% on food prepared  
8 for immediate consumption and transferred incident to a sale of  
9 service subject to this Act or the Service Occupation Tax Act  
10 by an entity licensed under the Hospital Licensing Act, the  
11 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD  
12 Act, the Specialized Mental Health Rehabilitation Act of 2013,  
13 or the Child Care Act of 1969. The tax shall also be imposed at  
14 the rate of 1% on food for human consumption that is to be  
15 consumed off the premises where it is sold (other than  
16 alcoholic beverages, soft drinks, and food that has been  
17 prepared for immediate consumption and is not otherwise  
18 included in this paragraph) and prescription and  
19 nonprescription medicines, drugs, medical appliances, products  
20 classified as Class III medical devices by the United States  
21 Food and Drug Administration that are used for cancer treatment  
22 pursuant to a prescription, as well as any accessories and  
23 components related to those devices, modifications to a motor  
24 vehicle for the purpose of rendering it usable by a person with  
25 a disability, and insulin, urine testing materials, syringes,  
26 and needles used by diabetics, for human use. For the purposes

1 of this Section, until September 1, 2009: the term "soft  
2 drinks" means any complete, finished, ready-to-use,  
3 non-alcoholic drink, whether carbonated or not, including but  
4 not limited to soda water, cola, fruit juice, vegetable juice,  
5 carbonated water, and all other preparations commonly known as  
6 soft drinks of whatever kind or description that are contained  
7 in any closed or sealed can, carton, or container, regardless  
8 of size; but "soft drinks" does not include coffee, tea,  
9 non-carbonated water, infant formula, milk or milk products as  
10 defined in the Grade A Pasteurized Milk and Milk Products Act,  
11 or drinks containing 50% or more natural fruit or vegetable  
12 juice.

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

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

1 off the premises where it is sold" includes all food sold  
2 through a vending machine, except soft drinks, candy, and food  
3 products that are dispensed hot from a vending machine,  
4 regardless of the location of the vending machine.

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

14 Notwithstanding any other provisions of this Act,  
15 beginning September 1, 2009, "nonprescription medicines and  
16 drugs" does not include grooming and hygiene products. For  
17 purposes of this Section, "grooming and hygiene products"  
18 includes, but is not limited to, soaps and cleaning solutions,  
19 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
20 lotions and screens, unless those products are available by  
21 prescription only, regardless of whether the products meet the  
22 definition of "over-the-counter-drugs". For the purposes of  
23 this paragraph, "over-the-counter-drug" means a drug for human  
24 use that contains a label that identifies the product as a drug  
25 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
26 label includes:

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

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

5 Beginning on January 1, 2014 (the effective date of Public  
6 Act 98-122), "prescription and nonprescription medicines and  
7 drugs" includes medical cannabis purchased from a registered  
8 dispensing organization under the Compassionate Use of Medical  
9 Cannabis ~~Pilot~~ Program Act.

10 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;  
11 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.  
12 7-6-17.)

13 Section 30. The Retailers' Occupation Tax Act is amended by  
14 changing Section 2-10 as follows:

15 (35 ILCS 120/2-10)

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

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

24 Beginning on August 6, 2010 through August 15, 2010, with

1 respect to sales tax holiday items as defined in Section 2-8 of  
2 this Act, the tax is imposed at the rate of 1.25%.

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

18 With respect to gasohol, as defined in the Use Tax Act, the  
19 tax imposed by this Act applies to (i) 70% of the proceeds of  
20 sales made on or after January 1, 1990, and before July 1,  
21 2003, (ii) 80% of the proceeds of sales made on or after July  
22 1, 2003 and on or before July 1, 2017, and (iii) 100% of the  
23 proceeds of sales made thereafter. If, at any time, however,  
24 the tax under this Act on sales of gasohol, as defined in the  
25 Use Tax Act, is imposed at the rate of 1.25%, then the tax  
26 imposed by this Act applies to 100% of the proceeds of sales of

1 gasohol made during that time.

2 With respect to majority blended ethanol fuel, as defined  
3 in the Use Tax Act, the tax imposed by this Act does not apply  
4 to the proceeds of sales made on or after July 1, 2003 and on or  
5 before December 31, 2023 but applies to 100% of the proceeds of  
6 sales made 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 proceeds of  
10 sales made on or after July 1, 2003 and on or before December  
11 31, 2018 and (ii) 100% of the proceeds of sales made  
12 thereafter. If, at any time, however, the tax under this Act on  
13 sales of biodiesel blends, as defined in the Use Tax Act, with  
14 no less than 1% and no more than 10% biodiesel is imposed at  
15 the rate of 1.25%, then the tax imposed by this Act applies to  
16 100% of the proceeds of sales of biodiesel blends with no less  
17 than 1% 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 sales made on or  
22 after July 1, 2003 and on or before December 31, 2023 but  
23 applies to 100% of the proceeds of sales made thereafter.

24 With respect to food for human consumption that is to be  
25 consumed off the premises where it is sold (other than  
26 alcoholic beverages, soft drinks, and food that has been

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

22 Notwithstanding any other provisions of this Act,  
23 beginning September 1, 2009, "soft drinks" means non-alcoholic  
24 beverages that contain natural or artificial sweeteners. "Soft  
25 drinks" do not include beverages that contain milk or milk  
26 products, soy, rice or similar milk substitutes, or greater

1 than 50% of vegetable or fruit juice by volume.

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

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

23       Notwithstanding any other provisions of this Act,  
24 beginning September 1, 2009, "nonprescription medicines and  
25 drugs" does not include grooming and hygiene products. For  
26 purposes of this Section, "grooming and hygiene products"



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

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

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

14 Beginning on the effective date of this amendatory Act of  
15 the 98th General Assembly, "prescription and nonprescription  
16 medicines and drugs" includes medical cannabis purchased from a  
17 registered dispensing organization under the Compassionate Use  
18 of Medical Cannabis ~~Pilot~~ Program Act.

19 (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;  
20 100-22, eff. 7-6-17.)

21 Section 35. The School Code is amended by changing Section  
22 22-33 as follows:

23 (105 ILCS 5/22-33)

24 Sec. 22-33. Medical cannabis.

1 (a) This Section may be referred to as Ashley's Law.

2 (a-5) In this Section, "designated caregiver", "medical  
3 cannabis infused product", "qualifying patient", and  
4 "registered" have the meanings given to those terms under  
5 Section 10 of the Compassionate Use of Medical Cannabis ~~Pilot~~  
6 Program Act.

7 (b) Subject to the restrictions under subsections (c)  
8 through (g) of this Section, a school district, public school,  
9 charter school, or nonpublic school shall authorize a parent or  
10 guardian or any other individual registered with the Department  
11 of Public Health as a designated caregiver of a student who is  
12 a registered qualifying patient to administer a medical  
13 cannabis infused product to the student on the premises of the  
14 child's school or on the child's school bus if both the student  
15 (as a registered qualifying patient) and the parent or guardian  
16 or other individual (as a registered designated caregiver) have  
17 been issued registry identification cards under the  
18 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act. After  
19 administering the product, the parent or guardian or other  
20 individual shall remove the product from the school premises or  
21 the school bus.

22 (c) A parent or guardian or other individual may not  
23 administer a medical cannabis infused product under this  
24 Section in a manner that, in the opinion of the school district  
25 or school, would create a disruption to the school's  
26 educational environment or would cause exposure of the product

1 to other students.

2 (d) A school district or school may not discipline a  
3 student who is administered a medical cannabis infused product  
4 by a parent or guardian or other individual under this Section  
5 and may not deny the student's eligibility to attend school  
6 solely because the student requires the administration of the  
7 product.

8 (e) Nothing in this Section requires a member of a school's  
9 staff to administer a medical cannabis infused product to a  
10 student.

11 (f) A school district, public school, charter school, or  
12 nonpublic school may not authorize the use of a medical  
13 cannabis infused product under this Section if the school  
14 district or school would lose federal funding as a result of  
15 the authorization.

16 (g) A school district, public school, charter school, or  
17 nonpublic school shall adopt a policy to implement this  
18 Section.

19 (Source: P.A. 100-660, eff. 8-1-18.)

20 Section 40. The Medical Practice Act of 1987 is amended by  
21 changing Section 22 as follows:

22 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

23 (Section scheduled to be repealed on December 31, 2019)

24 Sec. 22. Disciplinary action.

1 (A) The Department may revoke, suspend, place on probation,  
2 reprimand, refuse to issue or renew, or take any other  
3 disciplinary or non-disciplinary action as the Department may  
4 deem proper with regard to the license or permit of any person  
5 issued under this Act, including imposing fines not to exceed  
6 \$10,000 for each violation, upon any of the following grounds:

7 (1) Performance of an elective abortion in any place,  
8 locale, facility, or institution other than:

9 (a) a facility licensed pursuant to the Ambulatory  
10 Surgical Treatment Center Act;

11 (b) an institution licensed under the Hospital  
12 Licensing Act;

13 (c) an ambulatory surgical treatment center or  
14 hospitalization or care facility maintained by the  
15 State or any agency thereof, where such department or  
16 agency has authority under law to establish and enforce  
17 standards for the ambulatory surgical treatment  
18 centers, hospitalization, or care facilities under its  
19 management and control;

20 (d) ambulatory surgical treatment centers,  
21 hospitalization or care facilities maintained by the  
22 Federal Government; or

23 (e) ambulatory surgical treatment centers,  
24 hospitalization or care facilities maintained by any  
25 university or college established under the laws of  
26 this State and supported principally by public funds

1 raised by taxation.

2 (2) Performance of an abortion procedure in a willful  
3 and wanton manner on a woman who was not pregnant at the  
4 time the abortion procedure was performed.

5 (3) A plea of guilty or nolo contendere, finding of  
6 guilt, jury verdict, or entry of judgment or sentencing,  
7 including, but not limited to, convictions, preceding  
8 sentences of supervision, conditional discharge, or first  
9 offender probation, under the laws of any jurisdiction of  
10 the United States of any crime that is a felony.

11 (4) Gross negligence in practice under this Act.

12 (5) Engaging in dishonorable, unethical or  
13 unprofessional conduct of a character likely to deceive,  
14 defraud or harm the public.

15 (6) Obtaining any fee by fraud, deceit, or  
16 misrepresentation.

17 (7) Habitual or excessive use or abuse of drugs defined  
18 in law as controlled substances, of alcohol, or of any  
19 other substances which results in the inability to practice  
20 with reasonable judgment, skill or safety.

21 (8) Practicing under a false or, except as provided by  
22 law, an assumed name.

23 (9) Fraud or misrepresentation in applying for, or  
24 procuring, a license under this Act or in connection with  
25 applying for renewal of a license under this Act.

26 (10) Making a false or misleading statement regarding

1 their skill or the efficacy or value of the medicine,  
2 treatment, or remedy prescribed by them at their direction  
3 in the treatment of any disease or other condition of the  
4 body or mind.

5 (11) Allowing another person or organization to use  
6 their license, procured under this Act, to practice.

7 (12) Adverse action taken by another state or  
8 jurisdiction against a license or other authorization to  
9 practice as a medical doctor, doctor of osteopathy, doctor  
10 of osteopathic medicine or doctor of chiropractic, a  
11 certified copy of the record of the action taken by the  
12 other state or jurisdiction being prima facie evidence  
13 thereof. This includes any adverse action taken by a State  
14 or federal agency that prohibits a medical doctor, doctor  
15 of osteopathy, doctor of osteopathic medicine, or doctor of  
16 chiropractic from providing services to the agency's  
17 participants.

18 (13) Violation of any provision of this Act or of the  
19 Medical Practice Act prior to the repeal of that Act, or  
20 violation of the rules, or a final administrative action of  
21 the Secretary, after consideration of the recommendation  
22 of the Disciplinary Board.

23 (14) Violation of the prohibition against fee  
24 splitting in Section 22.2 of this Act.

25 (15) A finding by the Disciplinary Board that the  
26 registrant after having his or her license placed on

1           probationary status or subjected to conditions or  
2           restrictions violated the terms of the probation or failed  
3           to comply with such terms or conditions.

4           (16) Abandonment of a patient.

5           (17)        Prescribing,        selling,        administering,  
6           distributing, giving or self-administering any drug  
7           classified as a controlled substance (designated product)  
8           or narcotic for other than medically accepted therapeutic  
9           purposes.

10          (18) Promotion of the sale of drugs, devices,  
11          appliances or goods provided for a patient in such manner  
12          as to exploit the patient for financial gain of the  
13          physician.

14          (19) Offering, undertaking or agreeing to cure or treat  
15          disease by a secret method, procedure, treatment or  
16          medicine, or the treating, operating or prescribing for any  
17          human condition by a method, means or procedure which the  
18          licensee refuses to divulge upon demand of the Department.

19          (20) Immoral conduct in the commission of any act  
20          including, but not limited to, commission of an act of  
21          sexual misconduct related to the licensee's practice.

22          (21) Willfully making or filing false records or  
23          reports in his or her practice as a physician, including,  
24          but not limited to, false records to support claims against  
25          the medical assistance program of the Department of  
26          Healthcare and Family Services (formerly Department of

1 Public Aid) under the Illinois Public Aid Code.

2 (22) Willful omission to file or record, or willfully  
3 impeding the filing or recording, or inducing another  
4 person to omit to file or record, medical reports as  
5 required by law, or willfully failing to report an instance  
6 of suspected abuse or neglect as required by law.

7 (23) Being named as a perpetrator in an indicated  
8 report by the Department of Children and Family Services  
9 under the Abused and Neglected Child Reporting Act, and  
10 upon proof by clear and convincing evidence that the  
11 licensee has caused a child to be an abused child or  
12 neglected child as defined in the Abused and Neglected  
13 Child Reporting Act.

14 (24) Solicitation of professional patronage by any  
15 corporation, agents or persons, or profiting from those  
16 representing themselves to be agents of the licensee.

17 (25) Gross and willful and continued overcharging for  
18 professional services, including filing false statements  
19 for collection of fees for which services are not rendered,  
20 including, but not limited to, filing such false statements  
21 for collection of monies for services not rendered from the  
22 medical assistance program of the Department of Healthcare  
23 and Family Services (formerly Department of Public Aid)  
24 under the Illinois Public Aid Code.

25 (26) A pattern of practice or other behavior which  
26 demonstrates incapacity or incompetence to practice under



1 this Act.

2 (27) Mental illness or disability which results in the  
3 inability to practice under this Act with reasonable  
4 judgment, skill or safety.

5 (28) Physical illness, including, but not limited to,  
6 deterioration through the aging process, or loss of motor  
7 skill which results in a physician's inability to practice  
8 under this Act with reasonable judgment, skill or safety.

9 (29) Cheating on or attempt to subvert the licensing  
10 examinations administered under this Act.

11 (30) Willfully or negligently violating the  
12 confidentiality between physician and patient except as  
13 required by law.

14 (31) The use of any false, fraudulent, or deceptive  
15 statement in any document connected with practice under  
16 this Act.

17 (32) Aiding and abetting an individual not licensed  
18 under this Act in the practice of a profession licensed  
19 under this Act.

20 (33) Violating state or federal laws or regulations  
21 relating to controlled substances, legend drugs, or  
22 ephedra as defined in the Ephedra Prohibition Act.

23 (34) Failure to report to the Department any adverse  
24 final action taken against them by another licensing  
25 jurisdiction (any other state or any territory of the  
26 United States or any foreign state or country), by any peer

1 review body, by any health care institution, by any  
2 professional society or association related to practice  
3 under this Act, by any governmental agency, by any law  
4 enforcement agency, or by any court for acts or conduct  
5 similar to acts or conduct which would constitute grounds  
6 for action as defined in this Section.

7 (35) Failure to report to the Department surrender of a  
8 license or authorization to practice as a medical doctor, a  
9 doctor of osteopathy, a doctor of osteopathic medicine, or  
10 doctor of chiropractic in another state or jurisdiction, or  
11 surrender of membership on any medical staff or in any  
12 medical or professional association or society, while  
13 under disciplinary investigation by any of those  
14 authorities or bodies, for acts or conduct similar to acts  
15 or conduct which would constitute grounds for action as  
16 defined in this Section.

17 (36) Failure to report to the Department any adverse  
18 judgment, settlement, or award arising from a liability  
19 claim related to acts or conduct similar to acts or conduct  
20 which would constitute grounds for action as defined in  
21 this Section.

22 (37) Failure to provide copies of medical records as  
23 required by law.

24 (38) Failure to furnish the Department, its  
25 investigators or representatives, relevant information,  
26 legally requested by the Department after consultation

1 with the Chief Medical Coordinator or the Deputy Medical  
2 Coordinator.

3 (39) Violating the Health Care Worker Self-Referral  
4 Act.

5 (40) Willful failure to provide notice when notice is  
6 required under the Parental Notice of Abortion Act of 1995.

7 (41) Failure to establish and maintain records of  
8 patient care and treatment as required by this law.

9 (42) Entering into an excessive number of written  
10 collaborative agreements with licensed advanced practice  
11 registered nurses resulting in an inability to adequately  
12 collaborate.

13 (43) Repeated failure to adequately collaborate with a  
14 licensed advanced practice registered nurse.

15 (44) Violating the Compassionate Use of Medical  
16 Cannabis ~~Pilot~~ Program Act.

17 (45) Entering into an excessive number of written  
18 collaborative agreements with licensed prescribing  
19 psychologists resulting in an inability to adequately  
20 collaborate.

21 (46) Repeated failure to adequately collaborate with a  
22 licensed prescribing psychologist.

23 (47) Willfully failing to report an instance of  
24 suspected abuse, neglect, financial exploitation, or  
25 self-neglect of an eligible adult as defined in and  
26 required by the Adult Protective Services Act.

1           (48) Being named as an abuser in a verified report by  
2           the Department on Aging under the Adult Protective Services  
3           Act, and upon proof by clear and convincing evidence that  
4           the licensee abused, neglected, or financially exploited  
5           an eligible adult as defined in the Adult Protective  
6           Services Act.

7           (49) Entering into an excessive number of written  
8           collaborative agreements with licensed physician  
9           assistants resulting in an inability to adequately  
10          collaborate.

11          (50) Repeated failure to adequately collaborate with a  
12          physician assistant.

13          Except for actions involving the ground numbered (26), all  
14          proceedings to suspend, revoke, place on probationary status,  
15          or take any other disciplinary action as the Department may  
16          deem proper, with regard to a license on any of the foregoing  
17          grounds, must be commenced within 5 years next after receipt by  
18          the Department of a complaint alleging the commission of or  
19          notice of the conviction order for any of the acts described  
20          herein. Except for the grounds numbered (8), (9), (26), and  
21          (29), no action shall be commenced more than 10 years after the  
22          date of the incident or act alleged to have violated this  
23          Section. For actions involving the ground numbered (26), a  
24          pattern of practice or other behavior includes all incidents  
25          alleged to be part of the pattern of practice or other behavior  
26          that occurred, or a report pursuant to Section 23 of this Act

1 received, within the 10-year period preceding the filing of the  
2 complaint. In the event of the settlement of any claim or cause  
3 of action in favor of the claimant or the reduction to final  
4 judgment of any civil action in favor of the plaintiff, such  
5 claim, cause of action or civil action being grounded on the  
6 allegation that a person licensed under this Act was negligent  
7 in providing care, the Department shall have an additional  
8 period of 2 years from the date of notification to the  
9 Department under Section 23 of this Act of such settlement or  
10 final judgment in which to investigate and commence formal  
11 disciplinary proceedings under Section 36 of this Act, except  
12 as otherwise provided by law. The time during which the holder  
13 of the license was outside the State of Illinois shall not be  
14 included within any period of time limiting the commencement of  
15 disciplinary action by the Department.

16 The entry of an order or judgment by any circuit court  
17 establishing that any person holding a license under this Act  
18 is a person in need of mental treatment operates as a  
19 suspension of that license. That person may resume their  
20 practice only upon the entry of a Departmental order based upon  
21 a finding by the Disciplinary Board that they have been  
22 determined to be recovered from mental illness by the court and  
23 upon the Disciplinary Board's recommendation that they be  
24 permitted to resume their practice.

25 The Department may refuse to issue or take disciplinary  
26 action concerning the license of any person who fails to file a

1 return, or to pay the tax, penalty or interest shown in a filed  
2 return, or to pay any final assessment of tax, penalty or  
3 interest, as required by any tax Act administered by the  
4 Illinois Department of Revenue, until such time as the  
5 requirements of any such tax Act are satisfied as determined by  
6 the Illinois Department of Revenue.

7 The Department, upon the recommendation of the  
8 Disciplinary Board, shall adopt rules which set forth standards  
9 to be used in determining:

10 (a) when a person will be deemed sufficiently  
11 rehabilitated to warrant the public trust;

12 (b) what constitutes dishonorable, unethical or  
13 unprofessional conduct of a character likely to deceive,  
14 defraud, or harm the public;

15 (c) what constitutes immoral conduct in the commission  
16 of any act, including, but not limited to, commission of an  
17 act of sexual misconduct related to the licensee's  
18 practice; and

19 (d) what constitutes gross negligence in the practice  
20 of medicine.

21 However, no such rule shall be admissible into evidence in  
22 any civil action except for review of a licensing or other  
23 disciplinary action under this Act.

24 In enforcing this Section, the Disciplinary Board or the  
25 Licensing Board, upon a showing of a possible violation, may  
26 compel, in the case of the Disciplinary Board, any individual

1 who is licensed to practice under this Act or holds a permit to  
2 practice under this Act, or, in the case of the Licensing  
3 Board, any individual who has applied for licensure or a permit  
4 pursuant to this Act, to submit to a mental or physical  
5 examination and evaluation, or both, which may include a  
6 substance abuse or sexual offender evaluation, as required by  
7 the Licensing Board or Disciplinary Board and at the expense of  
8 the Department. The Disciplinary Board or Licensing Board shall  
9 specifically designate the examining physician licensed to  
10 practice medicine in all of its branches or, if applicable, the  
11 multidisciplinary team involved in providing the mental or  
12 physical examination and evaluation, or both. The  
13 multidisciplinary team shall be led by a physician licensed to  
14 practice medicine in all of its branches and may consist of one  
15 or more or a combination of physicians licensed to practice  
16 medicine in all of its branches, licensed chiropractic  
17 physicians, licensed clinical psychologists, licensed clinical  
18 social workers, licensed clinical professional counselors, and  
19 other professional and administrative staff. Any examining  
20 physician or member of the multidisciplinary team may require  
21 any person ordered to submit to an examination and evaluation  
22 pursuant to this Section to submit to any additional  
23 supplemental testing deemed necessary to complete any  
24 examination or evaluation process, including, but not limited  
25 to, blood testing, urinalysis, psychological testing, or  
26 neuropsychological testing. The Disciplinary Board, the

1 Licensing Board, or the Department may order the examining  
2 physician or any member of the multidisciplinary team to  
3 provide to the Department, the Disciplinary Board, or the  
4 Licensing Board any and all records, including business  
5 records, that relate to the examination and evaluation,  
6 including any supplemental testing performed. The Disciplinary  
7 Board, the Licensing Board, or the Department may order the  
8 examining physician or any member of the multidisciplinary team  
9 to present testimony concerning this examination and  
10 evaluation of the licensee, permit holder, or applicant,  
11 including testimony concerning any supplemental testing or  
12 documents relating to the examination and evaluation. No  
13 information, report, record, or other documents in any way  
14 related to the examination and evaluation shall be excluded by  
15 reason of any common law or statutory privilege relating to  
16 communication between the licensee, permit holder, or  
17 applicant and the examining physician or any member of the  
18 multidisciplinary team. No authorization is necessary from the  
19 licensee, permit holder, or applicant ordered to undergo an  
20 evaluation and examination for the examining physician or any  
21 member of the multidisciplinary team to provide information,  
22 reports, records, or other documents or to provide any  
23 testimony regarding the examination and evaluation. The  
24 individual to be examined may have, at his or her own expense,  
25 another physician of his or her choice present during all  
26 aspects of the examination. Failure of any individual to submit



1 to mental or physical examination and evaluation, or both, when  
2 directed, shall result in an automatic suspension, without  
3 hearing, until such time as the individual submits to the  
4 examination. If the Disciplinary Board or Licensing Board finds  
5 a physician unable to practice following an examination and  
6 evaluation because of the reasons set forth in this Section,  
7 the Disciplinary Board or Licensing Board shall require such  
8 physician to submit to care, counseling, or treatment by  
9 physicians, or other health care professionals, approved or  
10 designated by the Disciplinary Board, as a condition for  
11 issued, continued, reinstated, or renewed licensure to  
12 practice. Any physician, whose license was granted pursuant to  
13 Sections 9, 17, or 19 of this Act, or, continued, reinstated,  
14 renewed, disciplined or supervised, subject to such terms,  
15 conditions or restrictions who shall fail to comply with such  
16 terms, conditions or restrictions, or to complete a required  
17 program of care, counseling, or treatment, as determined by the  
18 Chief Medical Coordinator or Deputy Medical Coordinators,  
19 shall be referred to the Secretary for a determination as to  
20 whether the licensee shall have their license suspended  
21 immediately, pending a hearing by the Disciplinary Board. In  
22 instances in which the Secretary immediately suspends a license  
23 under this Section, a hearing upon such person's license must  
24 be convened by the Disciplinary Board within 15 days after such  
25 suspension and completed without appreciable delay. The  
26 Disciplinary Board shall have the authority to review the

1 subject physician's record of treatment and counseling  
2 regarding the impairment, to the extent permitted by applicable  
3 federal statutes and regulations safeguarding the  
4 confidentiality of medical records.

5 An individual licensed under this Act, affected under this  
6 Section, shall be afforded an opportunity to demonstrate to the  
7 Disciplinary Board that they can resume practice in compliance  
8 with acceptable and prevailing standards under the provisions  
9 of their license.

10 The Department may promulgate rules for the imposition of  
11 fines in disciplinary cases, not to exceed \$10,000 for each  
12 violation of this Act. Fines may be imposed in conjunction with  
13 other forms of disciplinary action, but shall not be the  
14 exclusive disposition of any disciplinary action arising out of  
15 conduct resulting in death or injury to a patient. Any funds  
16 collected from such fines shall be deposited in the Illinois  
17 State Medical Disciplinary Fund.

18 All fines imposed under this Section shall be paid within  
19 60 days after the effective date of the order imposing the fine  
20 or in accordance with the terms set forth in the order imposing  
21 the fine.

22 (B) The Department shall revoke the license or permit  
23 issued under this Act to practice medicine or a chiropractic  
24 physician who has been convicted a second time of committing  
25 any felony under the Illinois Controlled Substances Act or the  
26 Methamphetamine Control and Community Protection Act, or who

1 has been convicted a second time of committing a Class 1 felony  
2 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A  
3 person whose license or permit is revoked under this subsection  
4 B shall be prohibited from practicing medicine or treating  
5 human ailments without the use of drugs and without operative  
6 surgery.

7 (C) The Department shall not revoke, suspend, place on  
8 probation, reprimand, refuse to issue or renew, or take any  
9 other disciplinary or non-disciplinary action against the  
10 license or permit issued under this Act to practice medicine to  
11 a physician:

12 (1) based solely upon the recommendation of the  
13 physician to an eligible patient regarding, or  
14 prescription for, or treatment with, an investigational  
15 drug, biological product, or device; or

16 (2) for experimental treatment for Lyme disease or  
17 other tick-borne diseases, including, but not limited to,  
18 the prescription of or treatment with long-term  
19 antibiotics.

20 (D) The Disciplinary Board shall recommend to the  
21 Department civil penalties and any other appropriate  
22 discipline in disciplinary cases when the Board finds that a  
23 physician willfully performed an abortion with actual  
24 knowledge that the person upon whom the abortion has been  
25 performed is a minor or an incompetent person without notice as  
26 required under the Parental Notice of Abortion Act of 1995.

1 Upon the Board's recommendation, the Department shall impose,  
2 for the first violation, a civil penalty of \$1,000 and for a  
3 second or subsequent violation, a civil penalty of \$5,000.

4 (Source: P.A. 99-270, eff. 1-1-16; 99-933, eff. 1-27-17;  
5 100-429, eff. 8-25-17; 100-513, eff. 1-1-18; 100-605, eff.  
6 1-1-19; 100-863, eff. 8-14-18; 100-1137, eff. 1-1-19; revised  
7 12-19-18.)

8 Section 45. The Nurse Practice Act is amended by changing  
9 Section 70-5 as follows:

10 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

11 (Section scheduled to be repealed on January 1, 2028)

12 Sec. 70-5. Grounds for disciplinary action.

13 (a) The Department may refuse to issue or to renew, or may  
14 revoke, suspend, place on probation, reprimand, or take other  
15 disciplinary or non-disciplinary action as the Department may  
16 deem appropriate, including fines not to exceed \$10,000 per  
17 violation, with regard to a license for any one or combination  
18 of the causes set forth in subsection (b) below. All fines  
19 collected under this Section shall be deposited in the Nursing  
20 Dedicated and Professional Fund.

21 (b) Grounds for disciplinary action include the following:

22 (1) Material deception in furnishing information to  
23 the Department.

24 (2) Material violations of any provision of this Act or

1 violation of the rules of or final administrative action of  
2 the Secretary, after consideration of the recommendation  
3 of the Board.

4 (3) Conviction by plea of guilty or nolo contendere,  
5 finding of guilt, jury verdict, or entry of judgment or by  
6 sentencing of any crime, including, but not limited to,  
7 convictions, preceding sentences of supervision,  
8 conditional discharge, or first offender probation, under  
9 the laws of any jurisdiction of the United States: (i) that  
10 is a felony; or (ii) that is a misdemeanor, an essential  
11 element of which is dishonesty, or that is directly related  
12 to the practice of the profession.

13 (4) A pattern of practice or other behavior which  
14 demonstrates incapacity or incompetency to practice under  
15 this Act.

16 (5) Knowingly aiding or assisting another person in  
17 violating any provision of this Act or rules.

18 (6) Failing, within 90 days, to provide a response to a  
19 request for information in response to a written request  
20 made by the Department by certified or registered mail or  
21 by email to the email address of record.

22 (7) Engaging in dishonorable, unethical or  
23 unprofessional conduct of a character likely to deceive,  
24 defraud or harm the public, as defined by rule.

25 (8) Unlawful taking, theft, selling, distributing, or  
26 manufacturing of any drug, narcotic, or prescription

1 device.

2 (9) Habitual or excessive use or addiction to alcohol,  
3 narcotics, stimulants, or any other chemical agent or drug  
4 that could result in a licensee's inability to practice  
5 with reasonable judgment, skill or safety.

6 (10) Discipline by another U.S. jurisdiction or  
7 foreign nation, if at least one of the grounds for the  
8 discipline is the same or substantially equivalent to those  
9 set forth in this Section.

10 (11) A finding that the licensee, after having her or  
11 his license placed on probationary status or subject to  
12 conditions or restrictions, has violated the terms of  
13 probation or failed to comply with such terms or  
14 conditions.

15 (12) Being named as a perpetrator in an indicated  
16 report by the Department of Children and Family Services  
17 and under the Abused and Neglected Child Reporting Act, and  
18 upon proof by clear and convincing evidence that the  
19 licensee has caused a child to be an abused child or  
20 neglected child as defined in the Abused and Neglected  
21 Child Reporting Act.

22 (13) Willful omission to file or record, or willfully  
23 impeding the filing or recording or inducing another person  
24 to omit to file or record medical reports as required by  
25 law.

26 (13.5) Willfully failing to report an instance of

1           suspected child abuse or neglect as required by the Abused  
2           and Neglected Child Reporting Act.

3           (14) Gross negligence in the practice of practical,  
4           professional, or advanced practice registered nursing.

5           (15) Holding oneself out to be practicing nursing under  
6           any name other than one's own.

7           (16) Failure of a licensee to report to the Department  
8           any adverse final action taken against him or her by  
9           another licensing jurisdiction of the United States or any  
10          foreign state or country, any peer review body, any health  
11          care institution, any professional or nursing society or  
12          association, any governmental agency, any law enforcement  
13          agency, or any court or a nursing liability claim related  
14          to acts or conduct similar to acts or conduct that would  
15          constitute grounds for action as defined in this Section.

16          (17) Failure of a licensee to report to the Department  
17          surrender by the licensee of a license or authorization to  
18          practice nursing or advanced practice registered nursing  
19          in another state or jurisdiction or current surrender by  
20          the licensee of membership on any nursing staff or in any  
21          nursing or advanced practice registered nursing or  
22          professional association or society while under  
23          disciplinary investigation by any of those authorities or  
24          bodies for acts or conduct similar to acts or conduct that  
25          would constitute grounds for action as defined by this  
26          Section.

1           (18) Failing, within 60 days, to provide information in  
2 response to a written request made by the Department.

3           (19) Failure to establish and maintain records of  
4 patient care and treatment as required by law.

5           (20) Fraud, deceit or misrepresentation in applying  
6 for or procuring a license under this Act or in connection  
7 with applying for renewal of a license under this Act.

8           (21) Allowing another person or organization to use the  
9 licensees' license to deceive the public.

10          (22) Willfully making or filing false records or  
11 reports in the licensee's practice, including but not  
12 limited to false records to support claims against the  
13 medical assistance program of the Department of Healthcare  
14 and Family Services (formerly Department of Public Aid)  
15 under the Illinois Public Aid Code.

16          (23) Attempting to subvert or cheat on a licensing  
17 examination administered under this Act.

18          (24) Immoral conduct in the commission of an act,  
19 including, but not limited to, sexual abuse, sexual  
20 misconduct, or sexual exploitation, related to the  
21 licensee's practice.

22          (25) Willfully or negligently violating the  
23 confidentiality between nurse and patient except as  
24 required by law.

25          (26) Practicing under a false or assumed name, except  
26 as provided by law.



1           (27) The use of any false, fraudulent, or deceptive  
2 statement in any document connected with the licensee's  
3 practice.

4           (28) Directly or indirectly giving to or receiving from  
5 a person, firm, corporation, partnership, or association a  
6 fee, commission, rebate, or other form of compensation for  
7 professional services not actually or personally rendered.  
8 Nothing in this paragraph (28) affects any bona fide  
9 independent contractor or employment arrangements among  
10 health care professionals, health facilities, health care  
11 providers, or other entities, except as otherwise  
12 prohibited by law. Any employment arrangements may include  
13 provisions for compensation, health insurance, pension, or  
14 other employment benefits for the provision of services  
15 within the scope of the licensee's practice under this Act.  
16 Nothing in this paragraph (28) shall be construed to  
17 require an employment arrangement to receive professional  
18 fees for services rendered.

19           (29) A violation of the Health Care Worker  
20 Self-Referral Act.

21           (30) Physical illness, mental illness, or disability  
22 that results in the inability to practice the profession  
23 with reasonable judgment, skill, or safety.

24           (31) Exceeding the terms of a collaborative agreement  
25 or the prescriptive authority delegated to a licensee by  
26 his or her collaborating physician or podiatric physician

1 in guidelines established under a written collaborative  
2 agreement.

3 (32) Making a false or misleading statement regarding a  
4 licensee's skill or the efficacy or value of the medicine,  
5 treatment, or remedy prescribed by him or her in the course  
6 of treatment.

7 (33) Prescribing, selling, administering,  
8 distributing, giving, or self-administering a drug  
9 classified as a controlled substance (designated product)  
10 or narcotic for other than medically accepted therapeutic  
11 purposes.

12 (34) Promotion of the sale of drugs, devices,  
13 appliances, or goods provided for a patient in a manner to  
14 exploit the patient for financial gain.

15 (35) Violating State or federal laws, rules, or  
16 regulations relating to controlled substances.

17 (36) Willfully or negligently violating the  
18 confidentiality between an advanced practice registered  
19 nurse, collaborating physician, dentist, or podiatric  
20 physician and a patient, except as required by law.

21 (37) Willfully failing to report an instance of  
22 suspected abuse, neglect, financial exploitation, or  
23 self-neglect of an eligible adult as defined in and  
24 required by the Adult Protective Services Act.

25 (38) Being named as an abuser in a verified report by  
26 the Department on Aging and under the Adult Protective

1 Services Act, and upon proof by clear and convincing  
2 evidence that the licensee abused, neglected, or  
3 financially exploited an eligible adult as defined in the  
4 Adult Protective Services Act.

5 (39) A violation of any provision of this Act or any  
6 rules adopted under this Act.

7 (40) Violating the Compassionate Use of Medical  
8 Cannabis Program Act.

9 (c) The determination by a circuit court that a licensee is  
10 subject to involuntary admission or judicial admission as  
11 provided in the Mental Health and Developmental Disabilities  
12 Code, as amended, operates as an automatic suspension. The  
13 suspension will end only upon a finding by a court that the  
14 patient is no longer subject to involuntary admission or  
15 judicial admission and issues an order so finding and  
16 discharging the patient; and upon the recommendation of the  
17 Board to the Secretary that the licensee be allowed to resume  
18 his or her practice.

19 (d) The Department may refuse to issue or may suspend or  
20 otherwise discipline the license of any person who fails to  
21 file a return, or to pay the tax, penalty or interest shown in  
22 a filed return, or to pay any final assessment of the tax,  
23 penalty, or interest as required by any tax Act administered by  
24 the Department of Revenue, until such time as the requirements  
25 of any such tax Act are satisfied.

26 (e) In enforcing this Act, the Department, upon a showing

1 of a possible violation, may compel an individual licensed to  
2 practice under this Act or who has applied for licensure under  
3 this Act, to submit to a mental or physical examination, or  
4 both, as required by and at the expense of the Department. The  
5 Department may order the examining physician to present  
6 testimony concerning the mental or physical examination of the  
7 licensee or applicant. No information shall be excluded by  
8 reason of any common law or statutory privilege relating to  
9 communications between the licensee or applicant and the  
10 examining physician. The examining physicians shall be  
11 specifically designated by the Department. The individual to be  
12 examined may have, at his or her own expense, another physician  
13 of his or her choice present during all aspects of this  
14 examination. Failure of an individual to submit to a mental or  
15 physical examination, when directed, shall result in an  
16 automatic suspension without hearing.

17 All substance-related violations shall mandate an  
18 automatic substance abuse assessment. Failure to submit to an  
19 assessment by a licensed physician who is certified as an  
20 addictionist or an advanced practice registered nurse with  
21 specialty certification in addictions may be grounds for an  
22 automatic suspension, as defined by rule.

23 If the Department finds an individual unable to practice or  
24 unfit for duty because of the reasons set forth in this  
25 subsection (e), the Department may require that individual to  
26 submit to a substance abuse evaluation or treatment by

1 individuals or programs approved or designated by the  
2 Department, as a condition, term, or restriction for continued,  
3 restored, or renewed licensure to practice; or, in lieu of  
4 evaluation or treatment, the Department may file, or the Board  
5 may recommend to the Department to file, a complaint to  
6 immediately suspend, revoke, or otherwise discipline the  
7 license of the individual. An individual whose license was  
8 granted, continued, restored, renewed, disciplined or  
9 supervised subject to such terms, conditions, or restrictions,  
10 and who fails to comply with such terms, conditions, or  
11 restrictions, shall be referred to the Secretary for a  
12 determination as to whether the individual shall have his or  
13 her license suspended immediately, pending a hearing by the  
14 Department.

15 In instances in which the Secretary immediately suspends a  
16 person's license under this subsection (e), a hearing on that  
17 person's license must be convened by the Department within 15  
18 days after the suspension and completed without appreciable  
19 delay. The Department and Board shall have the authority to  
20 review the subject individual's record of treatment and  
21 counseling regarding the impairment to the extent permitted by  
22 applicable federal statutes and regulations safeguarding the  
23 confidentiality of medical records.

24 An individual licensed under this Act and affected under  
25 this subsection (e) shall be afforded an opportunity to  
26 demonstrate to the Department that he or she can resume

1 practice in compliance with nursing standards under the  
2 provisions of his or her license.

3 (Source: P.A. 100-513, eff. 1-1-18.)

4 Section 50. The Physician Assistant Practice Act of 1987 is  
5 amended by changing Section 21 as follows:

6 (225 ILCS 95/21) (from Ch. 111, par. 4621)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 21. Grounds for disciplinary action.

9 (a) The Department may refuse to issue or to renew, or may  
10 revoke, suspend, place on probation, reprimand, or take other  
11 disciplinary or non-disciplinary action with regard to any  
12 license issued under this Act as the Department may deem  
13 proper, including the issuance of fines not to exceed \$10,000  
14 for each violation, for any one or combination of the following  
15 causes:

16 (1) Material misstatement in furnishing information to  
17 the Department.

18 (2) Violations of this Act, or the rules adopted under  
19 this Act.

20 (3) Conviction by plea of guilty or nolo contendere,  
21 finding of guilt, jury verdict, or entry of judgment or  
22 sentencing, including, but not limited to, convictions,  
23 preceding sentences of supervision, conditional discharge,  
24 or first offender probation, under the laws of any

1 jurisdiction of the United States that is: (i) a felony; or  
2 (ii) a misdemeanor, an essential element of which is  
3 dishonesty, or that is directly related to the practice of  
4 the profession.

5 (4) Making any misrepresentation for the purpose of  
6 obtaining licenses.

7 (5) Professional incompetence.

8 (6) Aiding or assisting another person in violating any  
9 provision of this Act or its rules.

10 (7) Failing, within 60 days, to provide information in  
11 response to a written request made by the Department.

12 (8) Engaging in dishonorable, unethical, or  
13 unprofessional conduct, as defined by rule, of a character  
14 likely to deceive, defraud, or harm the public.

15 (9) Habitual or excessive use or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or drug  
17 that results in a physician assistant's inability to  
18 practice with reasonable judgment, skill, or safety.

19 (10) Discipline by another U.S. jurisdiction or  
20 foreign nation, if at least one of the grounds for  
21 discipline is the same or substantially equivalent to those  
22 set forth in this Section.

23 (11) Directly or indirectly giving to or receiving from  
24 any person, firm, corporation, partnership, or association  
25 any fee, commission, rebate or other form of compensation  
26 for any professional services not actually or personally

1 rendered. Nothing in this paragraph (11) affects any bona  
2 fide independent contractor or employment arrangements,  
3 which may include provisions for compensation, health  
4 insurance, pension, or other employment benefits, with  
5 persons or entities authorized under this Act for the  
6 provision of services within the scope of the licensee's  
7 practice under this Act.

8 (12) A finding by the Disciplinary Board that the  
9 licensee, after having his or her license placed on  
10 probationary status has violated the terms of probation.

11 (13) Abandonment of a patient.

12 (14) Willfully making or filing false records or  
13 reports in his or her practice, including but not limited  
14 to false records filed with state agencies or departments.

15 (15) Willfully failing to report an instance of  
16 suspected child abuse or neglect as required by the Abused  
17 and Neglected Child Reporting Act.

18 (16) Physical illness, or mental illness or impairment  
19 that results in the inability to practice the profession  
20 with reasonable judgment, skill, or safety, including, but  
21 not limited to, deterioration through the aging process or  
22 loss of motor skill.

23 (17) Being named as a perpetrator in an indicated  
24 report by the Department of Children and Family Services  
25 under the Abused and Neglected Child Reporting Act, and  
26 upon proof by clear and convincing evidence that the



1 licensee has caused a child to be an abused child or  
2 neglected child as defined in the Abused and Neglected  
3 Child Reporting Act.

4 (18) (Blank).

5 (19) Gross negligence resulting in permanent injury or  
6 death of a patient.

7 (20) Employment of fraud, deception or any unlawful  
8 means in applying for or securing a license as a physician  
9 assistant.

10 (21) Exceeding the authority delegated to him or her by  
11 his or her collaborating physician in a written  
12 collaborative agreement.

13 (22) Immoral conduct in the commission of any act, such  
14 as sexual abuse, sexual misconduct, or sexual exploitation  
15 related to the licensee's practice.

16 (23) Violation of the Health Care Worker Self-Referral  
17 Act.

18 (24) Practicing under a false or assumed name, except  
19 as provided by law.

20 (25) Making a false or misleading statement regarding  
21 his or her skill or the efficacy or value of the medicine,  
22 treatment, or remedy prescribed by him or her in the course  
23 of treatment.

24 (26) Allowing another person to use his or her license  
25 to practice.

26 (27) Prescribing, selling, administering,

1 distributing, giving, or self-administering a drug  
2 classified as a controlled substance for other than  
3 medically-accepted therapeutic purposes.

4 (28) Promotion of the sale of drugs, devices,  
5 appliances, or goods provided for a patient in a manner to  
6 exploit the patient for financial gain.

7 (29) A pattern of practice or other behavior that  
8 demonstrates incapacity or incompetence to practice under  
9 this Act.

10 (30) Violating State or federal laws or regulations  
11 relating to controlled substances or other legend drugs or  
12 ephedra as defined in the Ephedra Prohibition Act.

13 (31) Exceeding the prescriptive authority delegated by  
14 the collaborating physician or violating the written  
15 collaborative agreement delegating that authority.

16 (32) Practicing without providing to the Department a  
17 notice of collaboration or delegation of prescriptive  
18 authority.

19 (33) Failure to establish and maintain records of  
20 patient care and treatment as required by law.

21 (34) Attempting to subvert or cheat on the examination  
22 of the National Commission on Certification of Physician  
23 Assistants or its successor agency.

24 (35) Willfully or negligently violating the  
25 confidentiality between physician assistant and patient,  
26 except as required by law.

1           (36) Willfully failing to report an instance of  
2           suspected abuse, neglect, financial exploitation, or  
3           self-neglect of an eligible adult as defined in and  
4           required by the Adult Protective Services Act.

5           (37) Being named as an abuser in a verified report by  
6           the Department on Aging under the Adult Protective Services  
7           Act and upon proof by clear and convincing evidence that  
8           the licensee abused, neglected, or financially exploited  
9           an eligible adult as defined in the Adult Protective  
10          Services Act.

11          (38) Failure to report to the Department an adverse  
12          final action taken against him or her by another licensing  
13          jurisdiction of the United States or a foreign state or  
14          country, a peer review body, a health care institution, a  
15          professional society or association, a governmental  
16          agency, a law enforcement agency, or a court acts or  
17          conduct similar to acts or conduct that would constitute  
18          grounds for action under this Section.

19          (39) Failure to provide copies of records of patient  
20          care or treatment, except as required by law.

21          (40) Entering into an excessive number of written  
22          collaborative agreements with licensed physicians  
23          resulting in an inability to adequately collaborate.

24          (41) Repeated failure to adequately collaborate with a  
25          collaborating physician.

26          (42) Violating the Compassionate Use of Medical

1           Cannabis Program Act.

2           (b) The Department may, without a hearing, refuse to issue  
3 or renew or may suspend the license of any person who fails to  
4 file a return, or to pay the tax, penalty or interest shown in  
5 a filed return, or to pay any final assessment of the tax,  
6 penalty, or interest as required by any tax Act administered by  
7 the Illinois Department of Revenue, until such time as the  
8 requirements of any such tax Act are satisfied.

9           (c) The determination by a circuit court that a licensee is  
10 subject to involuntary admission or judicial admission as  
11 provided in the Mental Health and Developmental Disabilities  
12 Code operates as an automatic suspension. The suspension will  
13 end only upon a finding by a court that the patient is no  
14 longer subject to involuntary admission or judicial admission  
15 and issues an order so finding and discharging the patient, and  
16 upon the recommendation of the Disciplinary Board to the  
17 Secretary that the licensee be allowed to resume his or her  
18 practice.

19           (d) In enforcing this Section, the Department upon a  
20 showing of a possible violation may compel an individual  
21 licensed to practice under this Act, or who has applied for  
22 licensure under this Act, to submit to a mental or physical  
23 examination, or both, which may include a substance abuse or  
24 sexual offender evaluation, as required by and at the expense  
25 of the Department.

26           The Department shall specifically designate the examining

1 physician licensed to practice medicine in all of its branches  
2 or, if applicable, the multidisciplinary team involved in  
3 providing the mental or physical examination or both. The  
4 multidisciplinary team shall be led by a physician licensed to  
5 practice medicine in all of its branches and may consist of one  
6 or more or a combination of physicians licensed to practice  
7 medicine in all of its branches, licensed clinical  
8 psychologists, licensed clinical social workers, licensed  
9 clinical professional counselors, and other professional and  
10 administrative staff. Any examining physician or member of the  
11 multidisciplinary team may require any person ordered to submit  
12 to an examination pursuant to this Section to submit to any  
13 additional supplemental testing deemed necessary to complete  
14 any examination or evaluation process, including, but not  
15 limited to, blood testing, urinalysis, psychological testing,  
16 or neuropsychological testing.

17 The Department may order the examining physician or any  
18 member of the multidisciplinary team to provide to the  
19 Department any and all records, including business records,  
20 that relate to the examination and evaluation, including any  
21 supplemental testing performed.

22 The Department may order the examining physician or any  
23 member of the multidisciplinary team to present testimony  
24 concerning the mental or physical examination of the licensee  
25 or applicant. No information, report, record, or other  
26 documents in any way related to the examination shall be

1 excluded by reason of any common law or statutory privilege  
2 relating to communications between the licensee or applicant  
3 and the examining physician or any member of the  
4 multidisciplinary team. No authorization is necessary from the  
5 licensee or applicant ordered to undergo an examination for the  
6 examining physician or any member of the multidisciplinary team  
7 to provide information, reports, records, or other documents or  
8 to provide any testimony regarding the examination and  
9 evaluation.

10 The individual to be examined may have, at his or her own  
11 expense, another physician of his or her choice present during  
12 all aspects of this examination. However, that physician shall  
13 be present only to observe and may not interfere in any way  
14 with the examination.

15 Failure of an individual to submit to a mental or physical  
16 examination, when ordered, shall result in an automatic  
17 suspension of his or her license until the individual submits  
18 to the examination.

19 If the Department finds an individual unable to practice  
20 because of the reasons set forth in this Section, the  
21 Department may require that individual to submit to care,  
22 counseling, or treatment by physicians approved or designated  
23 by the Department, as a condition, term, or restriction for  
24 continued, reinstated, or renewed licensure to practice; or, in  
25 lieu of care, counseling, or treatment, the Department may file  
26 a complaint to immediately suspend, revoke, or otherwise

1 discipline the license of the individual. An individual whose  
2 license was granted, continued, reinstated, renewed,  
3 disciplined, or supervised subject to such terms, conditions,  
4 or restrictions, and who fails to comply with such terms,  
5 conditions, or restrictions, shall be referred to the Secretary  
6 for a determination as to whether the individual shall have his  
7 or her license suspended immediately, pending a hearing by the  
8 Department.

9 In instances in which the Secretary immediately suspends a  
10 person's license under this Section, a hearing on that person's  
11 license must be convened by the Department within 30 days after  
12 the suspension and completed without appreciable delay. The  
13 Department shall have the authority to review the subject  
14 individual's record of treatment and counseling regarding the  
15 impairment to the extent permitted by applicable federal  
16 statutes and regulations safeguarding the confidentiality of  
17 medical records.

18 An individual licensed under this Act and affected under  
19 this Section shall be afforded an opportunity to demonstrate to  
20 the Department that he or she can resume practice in compliance  
21 with acceptable and prevailing standards under the provisions  
22 of his or her license.

23 (e) An individual or organization acting in good faith, and  
24 not in a willful and wanton manner, in complying with this  
25 Section by providing a report or other information to the  
26 Board, by assisting in the investigation or preparation of a

1 report or information, by participating in proceedings of the  
2 Board, or by serving as a member of the Board, shall not be  
3 subject to criminal prosecution or civil damages as a result of  
4 such actions.

5 (f) Members of the Board and the Disciplinary Board shall  
6 be indemnified by the State for any actions occurring within  
7 the scope of services on the Disciplinary Board or Board, done  
8 in good faith and not willful and wanton in nature. The  
9 Attorney General shall defend all such actions unless he or she  
10 determines either that there would be a conflict of interest in  
11 such representation or that the actions complained of were not  
12 in good faith or were willful and wanton.

13 If the Attorney General declines representation, the  
14 member has the right to employ counsel of his or her choice,  
15 whose fees shall be provided by the State, after approval by  
16 the Attorney General, unless there is a determination by a  
17 court that the member's actions were not in good faith or were  
18 willful and wanton.

19 The member must notify the Attorney General within 7 days  
20 after receipt of notice of the initiation of any action  
21 involving services of the Disciplinary Board. Failure to so  
22 notify the Attorney General constitutes an absolute waiver of  
23 the right to a defense and indemnification.

24 The Attorney General shall determine, within 7 days after  
25 receiving such notice, whether he or she will undertake to  
26 represent the member.



1 (Source: P.A. 100-453, eff. 8-25-17; 100-605, eff. 1-1-19.)

2 Section 55. The Compassionate Use of Medical Cannabis Pilot  
3 Program Act is amended by changing Sections 1, 7, 10, 25, 30,  
4 35, 36, 40, 45, 55, 57, 60, 62, 75, 105, 115, 130, 145, 160,  
5 195, and 200 and adding Section 173 as follows:

6 (410 ILCS 130/1)

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

8 Sec. 1. Short title. This Act may be cited as the  
9 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act.

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

11 (410 ILCS 130/7)

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

13 Sec. 7. Lawful user and lawful products. For the purposes  
14 of this Act and to clarify the legislative findings on the  
15 lawful use of cannabis:

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

20 (2) All medical cannabis products purchased by a  
21 qualifying patient at a licensed dispensing organization  
22 shall be lawful products and a distinction shall be made  
23 between medical and non-medical uses of cannabis as a

1 result of the qualifying patient's cardholder status,  
2 provisional registration for qualifying patient cardholder  
3 status, or participation in the Opioid Alternative Pilot  
4 Program under the authorized use granted under State law.

5 (3) An individual with a provisional registration for  
6 qualifying patient cardholder status, a qualifying patient  
7 in the Compassionate Use of Medical Cannabis Program  
8 ~~medical cannabis pilot program~~, or an Opioid Alternative  
9 Pilot Program participant under Section 62 shall not be  
10 considered an unlawful user or addicted to narcotics solely  
11 as a result of his or her application to or participation  
12 in the program.

13 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

14 (410 ILCS 130/10)

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

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

18 (a) "Adequate supply" means:

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

21 (2) Subject to the rules of the Department of Public  
22 Health, a patient may apply for a waiver where a certifying  
23 health care professional ~~physician~~ provides a substantial  
24 medical basis in a signed, written statement asserting  
25 that, based on the patient's medical history, in the

1        certifying health care professional's ~~physician's~~  
2        professional judgment, 2.5 ounces is an insufficient  
3        adequate supply for a 14-day period to properly alleviate  
4        the patient's debilitating medical condition or symptoms  
5        associated with the debilitating medical condition.

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

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

13        (a-5) "Advanced practice registered nurse" means a person  
14        who is licensed under the Nurse Practice Act as an advanced  
15        practice registered nurse and has a controlled substances  
16        license under Article III of the Illinois Controlled Substances  
17        Act.

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

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

1 seed planting to final packaging.

2 (d) "Cardholder" means a qualifying patient or a designated  
3 caregiver who has been issued and possesses a valid registry  
4 identification card by the Department of Public Health.

5 (d-5) "Certifying health care professional" means a  
6 physician, an advanced practice registered nurse, or a  
7 physician assistant.

8 (e) "Cultivation center" means a facility operated by an  
9 organization or business that is registered by the Department  
10 of Agriculture to perform necessary activities to provide only  
11 registered medical cannabis dispensing organizations with  
12 usable medical cannabis.

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

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

20 (h) "Debilitating medical condition" means one or more of  
21 the following:

22 (1) cancer, glaucoma, positive status for human  
23 immunodeficiency virus, acquired immune deficiency  
24 syndrome, hepatitis C, amyotrophic lateral sclerosis,  
25 Crohn's disease (including, but not limited to, ulcerative  
26 colitis), agitation of Alzheimer's disease,

1 cachexia/wasting syndrome, muscular dystrophy, severe  
2 fibromyalgia, spinal cord disease, including but not  
3 limited to arachnoiditis, Tarlov cysts, hydromyelia,  
4 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,  
5 spinal cord injury, traumatic brain injury and  
6 post-concussion syndrome, Multiple Sclerosis,  
7 Arnold-Chiari malformation and Syringomyelia,  
8 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,  
9 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD  
10 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS  
11 (Complex Regional Pain Syndromes Type II),  
12 Neurofibromatosis, Chronic Inflammatory Demyelinating  
13 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial  
14 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella  
15 syndrome, residual limb pain, seizures (including those  
16 characteristic of epilepsy), post-traumatic stress  
17 disorder (PTSD), autism, chronic pain, irritable bowel  
18 syndrome, migraines, osteoarthritis, anorexia nervosa,  
19 Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune Disease,  
20 neuropathy, polycystic kidney disease, superior canal  
21 dehiscence syndrome, or the treatment of these conditions;

22 (1.5) terminal illness with a diagnosis of 6 months or  
23 less; if the terminal illness is not one of the qualifying  
24 debilitating medical conditions, then the certifying  
25 health care professional ~~physician~~ shall on the  
26 certification form identify the cause of the terminal

1 illness; or

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

5 (i) "Designated caregiver" means a person who: (1) is at  
6 least 21 years of age; (2) has agreed to assist with a  
7 patient's medical use of cannabis; (3) has not been convicted  
8 of an excluded offense; and (4) assists no more than one  
9 registered qualifying patient with his or her medical use of  
10 cannabis.

11 (j) "Dispensing organization agent identification card"  
12 means a document issued by the Department of Financial and  
13 Professional Regulation that identifies a person as a medical  
14 cannabis dispensing organization agent.

15 (k) "Enclosed, locked facility" means a room, greenhouse,  
16 building, or other enclosed area equipped with locks or other  
17 security devices that permit access only by a cultivation  
18 center's agents or a dispensing organization's agent working  
19 for the registered cultivation center or the registered  
20 dispensing organization to cultivate, store, and distribute  
21 cannabis for registered qualifying patients.

22 (l) "Excluded offense" for cultivation center agents and  
23 dispensing organizations means:

24 (1) a violent crime defined in Section 3 of the Rights  
25 of Crime Victims and Witnesses Act or a substantially  
26 similar offense that was classified as a felony in the

1 jurisdiction where the person was convicted; or

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

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

18 (1-5) (Blank).

19 (1-10) "Illinois Cannabis Tracking System" means a  
20 web-based system established and maintained by the Department  
21 of Public Health that is available to the Department of  
22 Agriculture, the Department of Financial and Professional  
23 Regulation, the Illinois State Police, and registered medical  
24 cannabis dispensing organizations on a 24-hour basis to upload  
25 written certifications for Opioid Alternative Pilot Program  
26 participants, to verify Opioid Alternative Pilot Program

1 participants, to verify Opioid Alternative Pilot Program  
2 participants' available cannabis allotment and assigned  
3 dispensary, and the tracking of the date of sale, amount, and  
4 price of medical cannabis purchased by an Opioid Alternative  
5 Pilot Program participant.

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

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

13 (o) "Medical cannabis dispensing organization", or  
14 "dispensing organization", or "dispensary organization" means  
15 a facility operated by an organization or business that is  
16 registered by the Department of Financial and Professional  
17 Regulation to acquire medical cannabis from a registered  
18 cultivation center for the purpose of dispensing cannabis,  
19 paraphernalia, or related supplies and educational materials  
20 to registered qualifying patients, individuals with a  
21 provisional registration for qualifying patient cardholder  
22 status, or an Opioid Alternative Pilot Program participant.

23 (p) "Medical cannabis dispensing organization agent" or  
24 "dispensing organization agent" means a principal officer,  
25 board member, employee, or agent of a registered medical  
26 cannabis dispensing organization who is 21 years of age or



1 older and has not been convicted of an excluded offense.

2 (q) "Medical cannabis infused product" means food, oils,  
3 ointments, or other products containing usable cannabis that  
4 are not smoked.

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

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

14 (r-10) "Opioid Alternative Pilot Program participant"  
15 means an individual who has received a valid written  
16 certification to participate in the Opioid Alternative Pilot  
17 Program for a medical condition for which an opioid has been or  
18 could be prescribed by a certifying health care professional  
19 ~~physician~~ based on generally accepted standards of care.

20 (s) "Physician" means a doctor of medicine or doctor of  
21 osteopathy licensed under the Medical Practice Act of 1987 to  
22 practice medicine and who has a controlled substances license  
23 under Article III of the Illinois Controlled Substances Act. It  
24 does not include a licensed practitioner under any other Act  
25 including but not limited to the Illinois Dental Practice Act.

26 (s-1) "Physician assistant" means a physician assistant

1 licensed under the Physician Assistant Practice Act of 1987 and  
2 who has a controlled substances license under Article III of  
3 the Illinois Controlled Substances Act.

4 (s-5) "Provisional registration" means a document issued  
5 by the Department of Public Health to a qualifying patient who  
6 has submitted: (1) an online application and paid a fee to  
7 participate in Compassionate Use of Medical Cannabis ~~Pilot~~  
8 Program pending approval or denial of the patient's  
9 application; or (2) a completed application for terminal  
10 illness.

11 (t) "Qualifying patient" means a person who has been  
12 diagnosed by a certifying health care professional ~~physician~~ as  
13 having a debilitating medical condition.

14 (u) "Registered" means licensed, permitted, or otherwise  
15 certified by the Department of Agriculture, Department of  
16 Public Health, or Department of Financial and Professional  
17 Regulation.

18 (v) "Registry identification card" means a document issued  
19 by the Department of Public Health that identifies a person as  
20 a registered qualifying patient or registered designated  
21 caregiver.

22 (w) "Usable cannabis" means the seeds, leaves, buds, and  
23 flowers of the cannabis plant and any mixture or preparation  
24 thereof, but does not include the stalks, and roots of the  
25 plant. It does not include the weight of any non-cannabis  
26 ingredients combined with cannabis, such as ingredients added

1 to prepare a topical administration, food, or drink.

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

13 (y) "Written certification" means a document dated and  
14 signed by a certifying health care professional ~~physician~~,  
15 stating (1) that the qualifying patient has a debilitating  
16 medical condition and specifying the debilitating medical  
17 condition the qualifying patient has; and (2) that (A) the  
18 certifying health care professional ~~physician~~ is treating or  
19 managing treatment of the patient's debilitating medical  
20 condition; or (B) an Opioid Alternative Pilot Program  
21 participant has a medical condition for which opioids have been  
22 or could be prescribed. A written certification shall be made  
23 only in the course of a bona fide health care  
24 professional-patient ~~physician-patient~~ relationship, after the  
25 certifying health care professional ~~physician~~ has completed an  
26 assessment of either a qualifying patient's medical history or

1 Opioid Alternative Pilot Program participant, reviewed  
2 relevant records related to the patient's debilitating  
3 condition, and conducted a physical examination.

4 (z) "Bona fide health care professional-patient  
5 ~~physician patient~~ relationship" means a relationship  
6 established at a hospital, certifying health care  
7 professional's ~~physician's~~ office, or other health care  
8 facility in which the certifying health care professional  
9 ~~physician~~ has an ongoing responsibility for the assessment,  
10 care, and treatment of a patient's debilitating medical  
11 condition or a symptom of the patient's debilitating medical  
12 condition.

13 A veteran who has received treatment at a VA hospital shall  
14 be deemed to have a bona fide health care professional-patient  
15 ~~physician patient~~ relationship with a VA certifying health  
16 care professional ~~physician~~ if the patient has been seen for  
17 his or her debilitating medical condition at the VA Hospital in  
18 accordance with VA Hospital protocols.

19 A bona fide health care professional-patient  
20 ~~physician patient~~ relationship under this subsection is a  
21 privileged communication within the meaning of Section 8-802 of  
22 the Code of Civil Procedure.

23 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

24 (410 ILCS 130/25)

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

1           Sec. 25. Immunities and presumptions related to the medical  
2 use of cannabis.

3           (a) A registered qualifying patient is not subject to  
4 arrest, prosecution, or denial of any right or privilege,  
5 including but not limited to civil penalty or disciplinary  
6 action by an occupational or professional licensing board, for  
7 the medical use of cannabis in accordance with this Act, if the  
8 registered qualifying patient possesses an amount of cannabis  
9 that does not exceed an adequate supply as defined in  
10 subsection (a) of Section 10 of this Act of usable cannabis  
11 and, where the registered qualifying patient is a licensed  
12 professional, the use of cannabis does not impair that licensed  
13 professional when he or she is engaged in the practice of the  
14 profession for which he or she is licensed.

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

1 defined in subsection (a) of Section 10 of this Act.

2 (c) A registered qualifying patient or registered  
3 designated caregiver is not subject to arrest, prosecution, or  
4 denial of any right or privilege, including but not limited to  
5 civil penalty or disciplinary action by an occupational or  
6 professional licensing board for possession of cannabis that is  
7 incidental to medical use, but is not usable cannabis as  
8 defined in this Act.

9 (d) (1) There is a rebuttable presumption that a registered  
10 qualifying patient is engaged in, or a designated caregiver is  
11 assisting with, the medical use of cannabis in accordance with  
12 this Act if the qualifying patient or designated caregiver:

13 (A) is in possession of a valid registry identification  
14 card; and

15 (B) is in possession of an amount of cannabis that does  
16 not exceed the amount allowed under subsection (a) of  
17 Section 10.

18 (2) The presumption may be rebutted by evidence that  
19 conduct related to cannabis was not for the purpose of treating  
20 or alleviating the qualifying patient's debilitating medical  
21 condition or symptoms associated with the debilitating medical  
22 condition in compliance with this Act.

23 (e) A certifying health care professional ~~physician~~ is not  
24 subject to arrest, prosecution, or penalty in any manner, or  
25 denied any right or privilege, including but not limited to  
26 civil penalty or disciplinary action by the Medical

1 Disciplinary Board or by any other occupational or professional  
2 licensing board, solely for providing written certifications  
3 or for otherwise stating that, in the certifying health care  
4 professional's ~~physician's~~ professional opinion, a patient is  
5 likely to receive therapeutic or palliative benefit from the  
6 medical use of cannabis to treat or alleviate the patient's  
7 debilitating medical condition or symptoms associated with the  
8 debilitating medical condition, provided that nothing shall  
9 prevent a professional licensing or disciplinary board from  
10 sanctioning a certifying health care professional ~~physician~~  
11 for: (1) issuing a written certification to a patient who is  
12 not under the certifying health care professional's  
13 ~~physician's~~ care for a debilitating medical condition; or (2)  
14 failing to properly evaluate a patient's medical condition or  
15 otherwise violating the standard of care for evaluating medical  
16 conditions.

17 (f) No person may be subject to arrest, prosecution, or  
18 denial of any right or privilege, including but not limited to  
19 civil penalty or disciplinary action by an occupational or  
20 professional licensing board, solely for: (1) selling cannabis  
21 paraphernalia to a cardholder upon presentation of an unexpired  
22 registry identification card in the recipient's name, if  
23 employed and registered as a dispensing agent by a registered  
24 dispensing organization; (2) being in the presence or vicinity  
25 of the medical use of cannabis as allowed under this Act; or  
26 (3) assisting a registered qualifying patient with the act of

1 administering cannabis.

2 (g) A registered cultivation center is not subject to  
3 prosecution; search or inspection, except by the Department of  
4 Agriculture, Department of Public Health, or State or local law  
5 enforcement under Section 130; seizure; or penalty in any  
6 manner, or be denied any right or privilege, including but not  
7 limited to civil penalty or disciplinary action by a business  
8 licensing board or entity, for acting under this Act and  
9 Department of Agriculture rules to: acquire, possess,  
10 cultivate, manufacture, deliver, transfer, transport, supply,  
11 or sell cannabis to registered dispensing organizations.

12 (h) A registered cultivation center agent is not subject to  
13 prosecution, search, or penalty in any manner, or be denied any  
14 right or privilege, including but not limited to civil penalty  
15 or disciplinary action by a business licensing board or entity,  
16 for working or volunteering for a registered cannabis  
17 cultivation center under this Act and Department of Agriculture  
18 rules, including to perform the actions listed under subsection  
19 (g).

20 (i) A registered dispensing organization is not subject to  
21 prosecution; search or inspection, except by the Department of  
22 Financial and Professional Regulation or State or local law  
23 enforcement pursuant to Section 130; seizure; or penalty in any  
24 manner, or be denied any right or privilege, including but not  
25 limited to civil penalty or disciplinary action by a business  
26 licensing board or entity, for acting under this Act and



1 Department of Financial and Professional Regulation rules to:  
2 acquire, possess, or dispense cannabis, or related supplies,  
3 and educational materials to registered qualifying patients or  
4 registered designated caregivers on behalf of registered  
5 qualifying patients.

6 (j) A registered dispensing organization agent is not  
7 subject to prosecution, search, or penalty in any manner, or be  
8 denied any right or privilege, including but not limited to  
9 civil penalty or disciplinary action by a business licensing  
10 board or entity, for working or volunteering for a dispensing  
11 organization under this Act and Department of Financial and  
12 Professional Regulation rules, including to perform the  
13 actions listed under subsection (i).

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

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

1 property, or home of the person possessing or applying for the  
2 registry identification card. The possession of, or  
3 application for, a registry identification card does not  
4 preclude the existence of probable cause if probable cause  
5 exists on other grounds.

6 (m) Nothing in this Act shall preclude local or State law  
7 enforcement agencies from searching a registered cultivation  
8 center where there is probable cause to believe that the  
9 criminal laws of this State have been violated and the search  
10 is conducted in conformity with the Illinois Constitution, the  
11 Constitution of the United States, and all State statutes.

12 (n) Nothing in this Act shall preclude local or state law  
13 enforcement agencies from searching a registered dispensing  
14 organization where there is probable cause to believe that the  
15 criminal laws of this State have been violated and the search  
16 is conducted in conformity with the Illinois Constitution, the  
17 Constitution of the United States, and all State statutes.

18 (o) No individual employed by the State of Illinois shall  
19 be subject to criminal or civil penalties for taking any action  
20 in accordance with the provisions of this Act, when the actions  
21 are within the scope of his or her employment. Representation  
22 and indemnification of State employees shall be provided to  
23 State employees as set forth in Section 2 of the State Employee  
24 Indemnification Act.

25 (p) No law enforcement or correctional agency, nor any  
26 individual employed by a law enforcement or correctional

1 agency, shall be subject to criminal or civil liability, except  
2 for willful and wanton misconduct, as a result of taking any  
3 action within the scope of the official duties of the agency or  
4 individual to prohibit or prevent the possession or use of  
5 cannabis by a cardholder incarcerated at a correctional  
6 facility, jail, or municipal lockup facility, on parole or  
7 mandatory supervised release, or otherwise under the lawful  
8 jurisdiction of the agency or individual.

9 (Source: P.A. 98-122, eff. 1-1-14; 99-96, eff. 7-22-15.)

10 (410 ILCS 130/30)

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

12 Sec. 30. Limitations and penalties.

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

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

19 (2) Possessing cannabis:

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

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

25 (C) in any correctional facility;

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

3 (E) in a vehicle not open to the public unless the  
4 medical cannabis is in a reasonably secured, sealed,  
5 ~~tamper evident~~ container and reasonably inaccessible  
6 while the vehicle is moving; or

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

10 (3) Using cannabis:

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

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

16 (C) in any correctional facility;

17 (D) in any motor vehicle;

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

21 (F) except as provided under Section 22-33 of the  
22 School Code, in any public place. "Public place" as  
23 used in this subsection means any place where an  
24 individual could reasonably be expected to be observed  
25 by others. A "public place" includes all parts of  
26 buildings owned in whole or in part, or leased, by the

1 State or a local unit of government. A "public place"  
2 does not include a private residence unless the private  
3 residence is used to provide licensed child care,  
4 foster care, or other similar social service care on  
5 the premises. For purposes of this subsection, a  
6 "public place" does not include a health care facility.  
7 For purposes of this Section, a "health care facility"  
8 includes, but is not limited to, hospitals, nursing  
9 homes, hospice care centers, and long-term care  
10 facilities;

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

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

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

23 (6) Using or possessing cannabis if that person does  
24 not have a debilitating medical condition and is not a  
25 registered qualifying patient or caregiver;

26 (7) Allowing any person who is not allowed to use

1 cannabis under this Act to use cannabis that a cardholder  
2 is allowed to possess under this Act;

3 (8) Transferring cannabis to any person contrary to the  
4 provisions of this Act;

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

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

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

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

22 (d) Notwithstanding any other criminal penalties related  
23 to the unlawful possession of cannabis, any person who makes a  
24 misrepresentation of a medical condition to a certifying health  
25 care professional ~~physician~~ or fraudulently provides material  
26 misinformation to a certifying health care professional

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

3 (e) Any cardholder or registered caregiver who sells  
4 cannabis shall have his or her registry identification card  
5 revoked and is subject to other penalties for the unauthorized  
6 sale of cannabis.

7 (f) Any registered qualifying patient who commits a  
8 violation of Section 11-502.1 of the Illinois Vehicle Code or  
9 refuses a properly requested test related to operating a motor  
10 vehicle while under the influence of cannabis shall have his or  
11 her registry identification card revoked.

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

18 (h) Nothing in this Act shall prevent a private business  
19 from restricting or prohibiting the medical use of cannabis on  
20 its property.

21 (i) Nothing in this Act shall prevent a university,  
22 college, or other institution of post-secondary education from  
23 restricting or prohibiting the use of medical cannabis on its  
24 property.

25 (Source: P.A. 100-660, eff. 8-1-18.)

1 (410 ILCS 130/35)

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

3 Sec. 35. Certifying health care professional ~~Physician~~  
4 requirements.

5 (a) A certifying health care professional ~~physician~~ who  
6 certifies a debilitating medical condition for a qualifying  
7 patient shall comply with all of the following requirements:

8 (1) The certifying health care professional ~~Physician~~  
9 shall be currently licensed under the Medical Practice Act  
10 of 1987 to practice medicine in all its branches, the Nurse  
11 Practice Act, or the Physician Assistant Practice Act of  
12 1987, shall be ~~and~~ in good standing, and must hold a  
13 controlled substances license under Article III of the  
14 Illinois Controlled Substances Act.

15 (2) A certifying health care professional ~~physician~~  
16 certifying a patient's condition shall comply with  
17 generally accepted standards of medical practice, the  
18 provisions of the ~~Medical Practice Act~~ under which he or  
19 she is licensed ~~of 1987~~ and all applicable rules.

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

22 (4) The certifying health care professional ~~physician~~  
23 shall maintain a record-keeping system for all patients for  
24 whom the certifying health care professional ~~physician~~ has  
25 certified the patient's medical condition. These records  
26 shall be accessible to and subject to review by the



1 Department of Public Health and the Department of Financial  
2 and Professional Regulation upon request.

3 (b) A certifying health care professional ~~physician~~ may  
4 not:

5 (1) accept, solicit, or offer any form of remuneration  
6 from or to a qualifying patient, primary caregiver,  
7 cultivation center, or dispensing organization, including  
8 each principal officer, board member, agent, and employee,  
9 to certify a patient, other than accepting payment from a  
10 patient for the fee associated with the required  
11 examination, except for the limited purpose of performing a  
12 medical cannabis-related research study;

13 (1.5) accept, solicit, or offer any form of  
14 remuneration from or to a medical cannabis cultivation  
15 center or dispensary organization for the purposes of  
16 referring a patient to a specific dispensary organization;

17 (1.10) engage in any activity that is prohibited under  
18 Section 22.2 of the Medical Practice Act of 1987,  
19 regardless of whether the certifying health care  
20 professional is a physician, advanced practice registered  
21 nurse, or physician assistant;

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

26 (3) conduct a personal physical examination of a

1 patient for purposes of diagnosing a debilitating medical  
2 condition at a location where medical cannabis is sold or  
3 distributed or at the address of a principal officer,  
4 agent, or employee or a medical cannabis organization;

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

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

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

18 (7) advertise in a cultivation center or a dispensing  
19 organization.

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

26 (d) Any violation of this Section or any other provision of

1 this Act or rules adopted under this Act is a violation of the  
2 certifying health care professional's licensure act ~~Medical~~  
3 ~~Practice Act of 1987.~~

4 (e) A certifying health care professional ~~physician~~ who  
5 certifies a debilitating medical condition for a qualifying  
6 patient may notify the Department of Public Health in writing:

7 (1) if the certifying health care professional ~~physician~~ has  
8 reason to believe either that the registered qualifying patient  
9 has ceased to suffer from a debilitating medical condition; (2)  
10 that the bona fide health care professional-patient  
11 ~~physician-patient~~ relationship has terminated; or (3) that  
12 continued use of medical cannabis would result in  
13 contraindication with the patient's other medication. The  
14 registered qualifying patient's registry identification card  
15 shall be revoked by the Department of Public Health after  
16 receiving the certifying health care professional's  
17 ~~physician's~~ notification.

18 (f) Nothing in this Act shall preclude a certifying health  
19 care professional from referring a patient for health services,  
20 except when the referral is limited to certification purposes  
21 only, under this Act.

22 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

23 (410 ILCS 130/36)

24 Sec. 36. Written certification.

25 (a) A certification confirming a patient's debilitating

1 medical condition shall be written on a form provided by the  
2 Department of Public Health and shall include, at a minimum,  
3 the following:

4 (1) the qualifying patient's name, date of birth, home  
5 address, and primary telephone number;

6 (2) the certifying health care professional's  
7 ~~physician's~~ name, address, telephone number, email  
8 address, and medical, advance practice registered nurse,  
9 or physician assistant license number, and the last 4  
10 digits, only, of his or her active controlled substances  
11 license under the Illinois Controlled Substances Act and  
12 indication of specialty or primary area of clinical  
13 practice, if any;

14 (3) the qualifying patient's debilitating medical  
15 condition;

16 (4) a statement that the certifying health care  
17 professional ~~physician~~ has confirmed a diagnosis of a  
18 debilitating condition; is treating or managing treatment  
19 of the patient's debilitating condition; has a bona fide  
20 health care professional-patient ~~physician-patient~~  
21 relationship; has conducted an in-person physical  
22 examination; and has conducted a review of the patient's  
23 medical history, including reviewing medical records from  
24 other treating health care professionals ~~physicians~~, if  
25 any, from the previous 12 months;

26 (5) the certifying health care professional's

1 ~~physician's~~ signature and date of certification; and

2 (6) a statement that a participant in possession of a  
3 written certification indicating a debilitating medical  
4 condition shall not be considered an unlawful user or  
5 addicted to narcotics solely as a result of his or her  
6 pending application to or participation in the  
7 Compassionate Use of Medical Cannabis ~~Pilot~~ Program.

8 (b) A written certification does not constitute a  
9 prescription for medical cannabis.

10 (c) Applications for qualifying patients under 18 years old  
11 shall require a written certification from a certifying health  
12 care professional ~~physician~~ and a reviewing certifying health  
13 care professional ~~physician~~.

14 (d) A certification confirming the patient's eligibility  
15 to participate in the Opioid Alternative Pilot Program shall be  
16 written on a form provided by the Department of Public Health  
17 and shall include, at a minimum, the following:

18 (1) the participant's name, date of birth, home  
19 address, and primary telephone number;

20 (2) the certifying health care professional's  
21 ~~physician's~~ name, address, telephone number, email  
22 address, and medical, advance practice registered nurse,  
23 or physician assistant license number, and the last 4  
24 digits, only, of his or her active controlled substances  
25 license under the Illinois Controlled Substances Act and  
26 indication of specialty or primary area of clinical

1 practice, if any;

2 (3) the certifying health care professional's  
3 ~~physician's~~ signature and date;

4 (4) the length of participation in the program, which  
5 shall be limited to no more than 90 days;

6 (5) a statement identifying the patient has been  
7 diagnosed with and is currently undergoing treatment for a  
8 medical condition where an opioid has been or could be  
9 prescribed; and

10 (6) a statement that a participant in possession of a  
11 written certification indicating eligibility to  
12 participate in the Opioid Alternative Pilot Program shall  
13 not be considered an unlawful user or addicted to narcotics  
14 solely as a result of his or her eligibility or  
15 participation in the program.

16 (e) The Department of Public Health may provide a single  
17 certification form for subsections (a) and (d) of this Section,  
18 provided that all requirements of those subsections are  
19 included on the form.

20 (f) The Department of Public Health shall not include the  
21 word "cannabis" on any application forms or written  
22 certification forms that it issues under this Section.

23 (g) A written certification does not constitute a  
24 prescription.

25 (h) It is unlawful for any person to knowingly submit a  
26 fraudulent certification to be a qualifying patient in the

1 Compassionate Use of Medical Cannabis ~~Pilot~~ Program or an  
2 Opioid Alternative Pilot Program participant. A violation of  
3 this subsection shall result in the person who has knowingly  
4 submitted the fraudulent certification being permanently  
5 banned from participating in the Compassionate Use of Medical  
6 Cannabis ~~Pilot~~ Program or the Opioid Alternative Pilot Program.  
7 (Source: P.A. 100-1114, eff. 8-28-18.)

8 (410 ILCS 130/40)

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

10 Sec. 40. Discrimination prohibited.

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

20 (2) For the purposes of medical care, including organ  
21 transplants, a registered qualifying patient's authorized use  
22 of cannabis in accordance with this Act is considered the  
23 equivalent of the authorized use of any other medication used  
24 at the direction of a certifying health care professional  
25 ~~physician~~, and may not constitute the use of an illicit

1 substance or otherwise disqualify a qualifying patient from  
2 needed medical care.

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

10 (c) No school, landlord, or employer may be penalized or  
11 denied any benefit under State law for enrolling, leasing to,  
12 or employing a cardholder.

13 (d) Nothing in this Act may be construed to require a  
14 government medical assistance program, employer, property and  
15 casualty insurer, or private health insurer to reimburse a  
16 person for costs associated with the medical use of cannabis.

17 (e) Nothing in this Act may be construed to require any  
18 person or establishment in lawful possession of property to  
19 allow a guest, client, customer, or visitor who is a registered  
20 qualifying patient to use cannabis on or in that property.

21 (Source: P.A. 98-122, eff. 1-1-14; 99-31, eff. 1-1-16.)

22 (410 ILCS 130/45)

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

24 Sec. 45. Addition of debilitating medical conditions.

25 (a) Any resident may petition the Department of Public



1 Health to add debilitating conditions or treatments to the list  
2 of debilitating medical conditions listed in subsection (h) of  
3 Section 10. The Department shall approve or deny a petition  
4 within 180 days of its submission, and, upon approval, shall  
5 proceed to add that condition by rule in accordance with the  
6 Illinois Administrative Procedure Act. The approval or denial  
7 of any petition is a final decision of the Department, subject  
8 to judicial review. Jurisdiction and venue are vested in the  
9 Circuit Court.

10 (b) The Department shall accept petitions once annually for  
11 a one-month period determined by the Department. During the  
12 open period, the Department shall accept petitions from any  
13 resident requesting the addition of a new debilitating medical  
14 condition or disease to the list of approved debilitating  
15 medical conditions for which the use of cannabis has been shown  
16 to have a therapeutic or palliative effect. The Department  
17 shall provide public notice 30 days before the open period for  
18 accepting petitions, which shall describe the time period for  
19 submission, the required format of the submission, and the  
20 submission address.

21 (c) Each petition shall be limited to one proposed  
22 debilitating medical condition or disease.

23 (d) A petitioner shall file one original petition in the  
24 format provided by the Department and in the manner specified  
25 by the Department. For a petition to be processed and reviewed,  
26 the following information shall be included:

1           (1) The petition, prepared on forms provided by the  
2 Department, in the manner specified by the Department.

3           (2) A specific description of the medical condition or  
4 disease that is the subject of the petition. Each petition  
5 shall be limited to a single condition or disease.  
6 Information about the proposed condition or disease shall  
7 include:

8           (A) the extent to which the condition or disease  
9 itself or the treatments cause severe suffering, such  
10 as severe or chronic pain, severe nausea or vomiting,  
11 or otherwise severely impair a person's ability to  
12 conduct activities of daily living;

13           (B) information about why conventional medical  
14 therapies are not sufficient to alleviate the  
15 suffering caused by the disease or condition and its  
16 treatment;

17           (C) the proposed benefits from the medical use of  
18 cannabis specific to the medical condition or disease;

19           (D) evidence from the medical community and other  
20 experts supporting the use of medical cannabis to  
21 alleviate suffering caused by the condition, disease,  
22 or treatment;

23           (E) letters of support from physicians or other  
24 licensed health care providers knowledgeable about the  
25 condition or disease, including, if feasible, a letter  
26 from a physician, advanced practice registered nurse,

1           or physician assistant with whom the petitioner has a  
2           bona fide health care professional-patient  
3           ~~physician-patient~~ relationship;

4           (F) any additional medical, testimonial, or  
5           scientific documentation; and

6           (G) an electronic copy of all materials submitted.

7           (3) Upon receipt of a petition, the Department shall:

8           (A) determine whether the petition meets the  
9           standards for submission and, if so, shall accept the  
10          petition for further review; or

11          (B) determine whether the petition does not meet  
12          the standards for submission and, if so, shall deny the  
13          petition without further review.

14          (4) If the petition does not fulfill the standards for  
15          submission, the petition shall be considered deficient.  
16          The Department shall notify the petitioner, who may correct  
17          any deficiencies and resubmit the petition during the next  
18          open period.

19          (e) The petitioner may withdraw his or her petition by  
20          submitting a written statement to the Department indicating  
21          withdrawal.

22          (f) Upon review of accepted petitions, the Director shall  
23          render a final decision regarding the acceptance or denial of  
24          the proposed debilitating medical conditions or diseases.

25          (g) The Department shall convene a Medical Cannabis  
26          Advisory Board (Advisory Board) composed of 16 members, which

1 shall include:

2 (1) one medical cannabis patient advocate or  
3 designated caregiver;

4 (2) one parent or designated caregiver of a person  
5 under the age of 18 who is a qualified medical cannabis  
6 patient;

7 (3) two registered nurses or nurse practitioners;

8 (4) three registered qualifying patients, including  
9 one veteran; and

10 (5) nine health care practitioners with current  
11 professional licensure in their field. The Advisory Board  
12 shall be composed of health care practitioners  
13 representing the following areas:

14 (A) neurology;

15 (B) pain management;

16 (C) medical oncology;

17 (D) psychiatry or mental health;

18 (E) infectious disease;

19 (F) family medicine;

20 (G) general primary care;

21 (H) medical ethics;

22 (I) pharmacy;

23 (J) pediatrics; or

24 (K) psychiatry or mental health for children or  
25 adolescents.

26 At least one appointed health care practitioner shall have

1 direct experience related to the health care needs of veterans  
2 and at least one individual shall have pediatric experience.

3 (h) Members of the Advisory Board shall be appointed by the  
4 Governor.

5 (1) Members shall serve a term of 4 years or until a  
6 successor is appointed and qualified. If a vacancy occurs,  
7 the Governor shall appoint a replacement to complete the  
8 original term created by the vacancy.

9 (2) The Governor shall select a chairperson.

10 (3) Members may serve multiple terms.

11 (4) Members shall not have an affiliation with, serve  
12 on the board of, or have a business relationship with a  
13 registered cultivation center or a registered medical  
14 cannabis dispensary.

15 (5) Members shall disclose any real or apparent  
16 conflicts of interest that may have a direct bearing of the  
17 subject matter, such as relationships with pharmaceutical  
18 companies, biomedical device manufacturers, or  
19 corporations whose products or services are related to the  
20 medical condition or disease to be reviewed.

21 (6) Members shall not be paid but shall be reimbursed  
22 for travel expenses incurred while fulfilling the  
23 responsibilities of the Advisory Board.

24 (i) On June 30, 2016 (the effective date of Public Act  
25 99-519), the terms of office of the members of the Advisory  
26 Board serving on that date shall terminate and the Board shall

1 be reconstituted.

2 (j) The Advisory Board shall convene at the call of the  
3 Chair:

4 (1) to examine debilitating conditions or diseases  
5 that would benefit from the medical use of cannabis; and

6 (2) to review new medical and scientific evidence  
7 pertaining to currently approved conditions.

8 (k) The Advisory Board shall issue an annual report of its  
9 activities each year.

10 (l) The Advisory Board shall receive administrative  
11 support from the Department.

12 (Source: P.A. 99-519, eff. 6-30-16; 99-642, eff. 7-28-16;  
13 100-201, eff. 8-18-17.)

14 (410 ILCS 130/55)

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

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

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

23 (1) A written certification, on a form developed by the  
24 Department of Public Health consistent with Section 36 and  
25 issued by a certifying health care professional ~~physician,~~

1 within 90 days immediately preceding the date of an  
2 application and submitted by the qualifying patient or his  
3 or her designated caregiver;

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 of Public Health  
8 to confirm that the certifying health care professional  
9 ~~physician~~ and patient have a bona fide health care  
10 professional-patient ~~physician-patient~~ relationship, that  
11 the qualifying patient is in the certifying health care  
12 professional's ~~physician's~~ care for his or her  
13 debilitating medical condition, and to substantiate the  
14 patient's diagnosis;

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

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

19 (5) the name, address, and telephone number of the  
20 qualifying patient's certifying health care professional  
21 ~~physician~~;

22 (6) the name, address, and date of birth of the  
23 designated caregiver, if any, chosen by the qualifying  
24 patient;

25 (7) the name of the registered medical cannabis  
26 dispensing organization the qualifying patient designates;

1           (8) signed statements from the patient and designated  
2           caregiver asserting that they will not divert medical  
3           cannabis; and

4           (9) (blank).

5           (b) Notwithstanding any other provision of this Act, a  
6           person provided a written certification for a debilitating  
7           medical condition who has submitted a completed online  
8           application to the Department of Public Health shall receive a  
9           provisional registration and be entitled to purchase medical  
10          cannabis from a specified licensed dispensing organization for  
11          a period of 90 days or until his or her application has been  
12          denied or he or she receives a registry identification card,  
13          whichever is earlier. However, a person may obtain an  
14          additional provisional registration after the expiration of 90  
15          days after the date of application if the Department of Public  
16          Health does not provide the individual with a registry  
17          identification card or deny the individual's application  
18          within those 90 days.

19          The provisional registration may not be extended if the  
20          individual does not respond to the Department of Public  
21          Health's request for additional information or corrections to  
22          required application documentation.

23          In order for a person to receive medical cannabis under  
24          this subsection, a person must present his or her provisional  
25          registration along with a valid driver's license or State  
26          identification card to the licensed dispensing organization



1 specified in his or her application. The dispensing  
2 organization shall verify the person's provisional  
3 registration through the Department of Public Health's online  
4 verification system.

5 Upon verification of the provided documents, the  
6 dispensing organization shall dispense no more than 2.5 ounces  
7 of medical cannabis during a 14-day period to the person for a  
8 period of 90 days, until his or her application has been  
9 denied, or until he or she receives a registry identification  
10 card from the Department of Public Health, whichever is  
11 earlier.

12 Persons with provisional registrations must keep their  
13 provisional registration in his or her possession at all times  
14 when transporting or engaging in the medical use of cannabis.

15 (c) No person or business shall charge a fee for assistance  
16 in the preparation, compilation, or submission of an  
17 application to the Compassionate Use of Medical Cannabis ~~Pilot~~  
18 Program or the Opioid Alternative Pilot Program. A violation of  
19 this subsection is a Class C misdemeanor, for which restitution  
20 to the applicant and a fine of up to \$1,500 may be imposed. All  
21 fines shall be deposited into the Compassionate Use of Medical  
22 Cannabis Fund after restitution has been made to the applicant.  
23 The Department of Public Health shall refer individuals making  
24 complaints against a person or business under this Section to  
25 the Illinois State Police, who shall enforce violations of this  
26 provision. All application forms issued by the Department shall

1 state that no person or business may charge a fee for  
2 assistance in the preparation, compilation, or submission of an  
3 application to the Compassionate Use of Medical Cannabis ~~Pilot~~  
4 Program or the Opioid Alternative Pilot Program.

5 (Source: P.A. 100-1114, eff. 8-28-18.)

6 (410 ILCS 130/57)

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

8 Sec. 57. Qualifying patients ~~under 18~~.

9 (a) Qualifying patients that are under the age of 18 years  
10 shall not be prohibited from appointing up to 3 having 2  
11 designated caregivers as follows: if both biological parents or  
12 2 legal guardians of a qualifying patient under 18 both have  
13 significant decision making responsibilities over the  
14 qualifying patient, then both may serve as a designated  
15 caregiver if they otherwise meet the definition of "designated  
16 caregiver" under Section 10; however, if only one biological  
17 parent or legal guardian has significant decision making  
18 responsibilities for the qualifying patient under 18, then he  
19 or she may appoint a second designated caregivers caregiver who  
20 meet meets the definition of "designated caregiver" under  
21 Section 10 so long as at least one designated caregiver is a  
22 biological parent or legal guardian.

23 (b) Qualifying patients that are 18 years of age or older  
24 shall not be prohibited from appointing up to 3 designated  
25 caregivers who meet the definition of "designated caregiver"

1 under Section 10.

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

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 90 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 Notwithstanding any other provision of this Act, the  
25 Department of Public Health shall adopt rules for qualifying

1 patients and applicants with life-long debilitating medical  
2 conditions, who may be charged annual renewal fees. The  
3 Department of Public Health shall not require patients and  
4 applicants with life-long debilitating medical conditions to  
5 apply to renew registry identification cards.

6 (b) The Department of Public Health may not issue a  
7 registry identification card to a qualifying patient who is  
8 under 18 years of age, unless that patient suffers from  
9 seizures, including those characteristic of epilepsy, or as  
10 provided by administrative rule. The Department of Public  
11 Health shall adopt rules for the issuance of a registry  
12 identification card for qualifying patients who are under 18  
13 years of age and suffering from seizures, including those  
14 characteristic of epilepsy. The Department of Public Health may  
15 adopt rules to allow other individuals under 18 years of age to  
16 become registered qualifying patients under this Act with the  
17 consent of a parent or legal guardian. Registered qualifying  
18 patients under 21 ~~18~~ years of age shall be prohibited from  
19 consuming forms of cannabis other than medical cannabis infused  
20 products and purchasing any usable cannabis or paraphernalia  
21 used for smoking or vaping medical cannabis.

22 (c) A veteran who has received treatment at a VA hospital  
23 is deemed to have a bona fide health care professional-patient  
24 ~~physician-patient~~ relationship with a VA certifying health  
25 care professional ~~physician~~ if the patient has been seen for  
26 his or her debilitating medical condition at the VA hospital in

1 accordance with VA hospital protocols. All reasonable  
2 inferences regarding the existence of a bona fide health care  
3 professional-patient ~~physician-patient~~ relationship shall be  
4 drawn in favor of an applicant who is a veteran and has  
5 undergone treatment at a VA hospital.

6 (c-10) An individual who submits an application as someone  
7 who is terminally ill shall have all fees waived. The  
8 Department of Public Health shall within 30 days after this  
9 amendatory Act of the 99th General Assembly adopt emergency  
10 rules to expedite approval for terminally ill individuals.  
11 These rules shall include, but not be limited to, rules that  
12 provide that applications by individuals with terminal  
13 illnesses shall be approved or denied within 14 days of their  
14 submission.

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

1 the person's driving record. The Department and the Secretary  
2 of State may establish a system by which the information may be  
3 shared electronically.

4 (e) Upon the approval of the registration and issuance of a  
5 registry card under this Section, the Department of Public  
6 Health shall electronically forward the registered qualifying  
7 patient's identification card information to the Prescription  
8 Monitoring Program established under the Illinois Controlled  
9 Substances Act and certify that the individual is permitted to  
10 engage in the medical use of cannabis. For the purposes of  
11 patient care, the Prescription Monitoring Program shall make a  
12 notation on the person's prescription record stating that the  
13 person is a registered qualifying patient who is entitled to  
14 the lawful medical use of cannabis. If the person no longer  
15 holds a valid registry card, the Department of Public Health  
16 shall notify the Prescription Monitoring Program and  
17 Department of Human Services to remove the notation from the  
18 person's record. The Department of Human Services and the  
19 Prescription Monitoring Program shall establish a system by  
20 which the information may be shared electronically. This  
21 confidential list may not be combined or linked in any manner  
22 with any other list or database except as provided in this  
23 Section.

24 (f) (Blank).

25 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

1 (410 ILCS 130/62)

2 Sec. 62. Opioid Alternative Pilot Program.

3 (a) The Department of Public Health shall establish the  
4 Opioid Alternative Pilot Program. Licensed dispensing  
5 organizations shall allow persons with a written certification  
6 from a certifying health care professional ~~licensed physician~~  
7 under Section 36 to purchase medical cannabis upon enrollment  
8 in the Opioid Alternative Pilot Program. The Department of  
9 Public Health shall adopt rules or establish procedures  
10 allowing qualified veterans to participate in the Opioid  
11 Alternative Pilot Program. For a person to receive medical  
12 cannabis under this Section, the person must present the  
13 written certification along with a valid driver's license or  
14 state identification card to the licensed dispensing  
15 organization specified in his or her application. The  
16 dispensing organization shall verify the person's status as an  
17 Opioid Alternative Pilot Program participant through the  
18 Department of Public Health's online verification system.

19 (b) The Opioid Alternative Pilot Program shall be limited  
20 to participation by Illinois residents age 21 and older.

21 (c) The Department of Financial and Professional  
22 Regulation shall specify that all licensed dispensing  
23 organizations participating in the Opioid Alternative Pilot  
24 Program use the Illinois Cannabis Tracking System. The  
25 Department of Public Health shall establish and maintain the  
26 Illinois Cannabis Tracking System. The Illinois Cannabis

1 Tracking System shall be used to collect information about all  
2 persons participating in the Opioid Alternative Pilot Program  
3 and shall be used to track the sale of medical cannabis for  
4 verification purposes.

5 Each dispensing organization shall retain a copy of the  
6 Opioid Alternative Pilot Program certification and other  
7 identifying information as required by the Department of  
8 Financial and Professional Regulation, the Department of  
9 Public Health, and the Illinois State Police in the Illinois  
10 Cannabis Tracking System.

11 The Illinois Cannabis Tracking System shall be accessible  
12 to the Department of Financial and Professional Regulation,  
13 Department of Public Health, Department of Agriculture, and the  
14 Illinois State Police.

15 The Department of Financial and Professional Regulation in  
16 collaboration with the Department of Public Health shall  
17 specify the data requirements for the Opioid Alternative Pilot  
18 Program by licensed dispensing organizations; including, but  
19 not limited to, the participant's full legal name, address, and  
20 date of birth, date on which the Opioid Alternative Pilot  
21 Program certification was issued, length of the participation  
22 in the Program, including the start and end date to purchase  
23 medical cannabis, name of the issuing physician, copy of the  
24 participant's current driver's license or State identification  
25 card, and phone number.

26 The Illinois Cannabis Tracking System shall provide



1 verification of a person's participation in the Opioid  
2 Alternative Pilot Program for law enforcement at any time and  
3 on any day.

4 (d) The certification for Opioid Alternative Pilot Program  
5 participant must be issued by a certifying health care  
6 professional who is ~~physician~~ licensed to practice in Illinois  
7 under the Medical Practice Act of 1987, the Nurse Practice Act,  
8 or the Physician Assistant Practice Act of 1987 and who is in  
9 good standing and ~~who~~ holds a controlled substances license  
10 under Article III of the Illinois Controlled Substances Act.

11 The certification for an Opioid Alternative Pilot Program  
12 participant shall be written within 90 days before the  
13 participant submits his or her certification to the dispensing  
14 organization.

15 The written certification uploaded to the Illinois  
16 Cannabis Tracking System shall be accessible to the Department  
17 of Public Health.

18 (e) Upon verification of the individual's valid  
19 certification and enrollment in the Illinois Cannabis Tracking  
20 System, the dispensing organization may dispense the medical  
21 cannabis, in amounts not exceeding 2.5 ounces of medical  
22 cannabis per 14-day period to the participant at the  
23 participant's specified dispensary for no more than 90 days.

24 An Opioid Alternative Pilot Program participant shall not  
25 be registered as a medical cannabis cardholder. The dispensing  
26 organization shall verify that the person is not an active

1 registered qualifying patient prior to enrollment in the Opioid  
2 Alternative Pilot Program and each time medical cannabis is  
3 dispensed.

4 Upon receipt of a written certification under the Opioid  
5 Alternative Pilot Program, the Department of Public Health  
6 shall electronically forward the patient's identification  
7 information to the Prescription Monitoring Program established  
8 under the Illinois Controlled Substances Act and certify that  
9 the individual is permitted to engage in the medical use of  
10 cannabis. For the purposes of patient care, the Prescription  
11 Monitoring Program shall make a notation on the person's  
12 prescription record stating that the person has a written  
13 certification under the Opioid Alternative Pilot Program and is  
14 a patient who is entitled to the lawful medical use of  
15 cannabis. If the person is no longer authorized to engage in  
16 the medical use of cannabis, the Department of Public Health  
17 shall notify the Prescription Monitoring Program and  
18 Department of Human Services to remove the notation from the  
19 person's record. The Department of Human Services and the  
20 Prescription Monitoring Program shall establish a system by  
21 which the information may be shared electronically. This  
22 confidential list may not be combined or linked in any manner  
23 with any other list or database except as provided in this  
24 Section.

25 (f) An Opioid Alternative Pilot Program participant shall  
26 not be considered a qualifying patient with a debilitating

1 medical condition under this Act and shall be provided access  
2 to medical cannabis solely for the duration of the  
3 participant's certification. Nothing in this Section shall be  
4 construed to limit or prohibit an Opioid Alternative Pilot  
5 Program participant who has a debilitating medical condition  
6 from applying to the Compassionate Use of Medical Cannabis  
7 ~~Pilot~~ Program.

8 (g) A person with a provisional registration under Section  
9 55 shall not be considered an Opioid Alternative Pilot Program  
10 participant.

11 (h) The Department of Financial and Professional  
12 Regulation and the Department of Public Health shall submit  
13 emergency rulemaking to implement the changes made by this  
14 amendatory Act of the 100th General Assembly by December 1,  
15 2018. The Department of Financial and Professional Regulation,  
16 the Department of Agriculture, the Department of Human  
17 Services, the Department of Public Health, and the Illinois  
18 State Police shall utilize emergency purchase authority for 12  
19 months after the effective date of this amendatory Act of the  
20 100th General Assembly for the purpose of implementing the  
21 changes made by this amendatory Act of the 100th General  
22 Assembly.

23 (i) Dispensing organizations are not authorized to  
24 dispense medical cannabis to Opioid Alternative Pilot Program  
25 participants until administrative rules are approved by the  
26 Joint Committee on Administrative Rules and go into effect.

1 (j) The provisions of this Section are inoperative on and  
2 after July 1, 2020.

3 (Source: P.A. 100-1114, eff. 8-28-18.)

4 (410 ILCS 130/75)

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

6 Sec. 75. Notifications to Department of Public Health and  
7 responses; civil penalty.

8 (a) The following notifications and Department of Public  
9 Health responses are required:

10 (1) A registered qualifying patient shall notify the  
11 Department of Public Health of any change in his or her  
12 name or address, or if the registered qualifying patient  
13 ceases to have his or her debilitating medical condition,  
14 within 10 days of the change.

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

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

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

1           (b) When a cardholder notifies the Department of Public  
2 Health of items listed in subsection (a), but remains eligible  
3 under this Act, the Department of Public Health shall issue the  
4 cardholder a new registry identification card with a new random  
5 alphanumeric identification number within 15 business days of  
6 receiving the updated information and a fee as specified in  
7 Department of Public Health rules. If the person notifying the  
8 Department of Public Health is a registered qualifying patient,  
9 the Department shall also issue his or her registered  
10 designated caregiver, if any, a new registry identification  
11 card within 15 business days of receiving the updated  
12 information.

13           (c) If a registered qualifying patient ceases to be a  
14 registered qualifying patient or changes his or her registered  
15 designated caregiver, the Department of Public Health shall  
16 promptly notify the designated caregiver. The registered  
17 designated caregiver's protections under this Act as to that  
18 qualifying patient shall expire 15 days after notification by  
19 the Department.

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

24           (e) A registered qualifying patient shall notify the  
25 Department of Public Health of any change to his or her  
26 designated registered dispensing organization. The Department

1 of Public Health shall provide for immediate changes of a  
2 registered qualifying patient's designated registered  
3 dispensing organization. Registered dispensing organizations  
4 must comply with all requirements of this Act.

5 (f) If the registered qualifying patient's certifying  
6 certifying health care professional ~~physician~~ notifies the  
7 Department in writing that either the registered qualifying  
8 patient has ceased to suffer from a debilitating medical  
9 condition, that the bona fide health care professional-patient  
10 ~~physician-patient~~ relationship has terminated, or that  
11 continued use of medical cannabis would result in  
12 contraindication with the patient's other medication, the card  
13 shall become null and void. However, the registered qualifying  
14 patient shall have 15 days to destroy his or her remaining  
15 medical cannabis and related paraphernalia.

16 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

17 (410 ILCS 130/105)

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

19 Sec. 105. Requirements; prohibitions; penalties for  
20 cultivation centers.

21 (a) The operating documents of a registered cultivation  
22 center shall include procedures for the oversight of the  
23 cultivation center, a cannabis plant monitoring system  
24 including a physical inventory recorded weekly, a cannabis  
25 container system including a physical inventory recorded

1 weekly, accurate record keeping, and a staffing plan.

2 (b) A registered cultivation center shall implement a  
3 security plan reviewed by the State Police and including but  
4 not limited to: facility access controls, perimeter intrusion  
5 detection systems, personnel identification systems, 24-hour  
6 surveillance system to monitor the interior and exterior of the  
7 registered cultivation center facility and accessible to  
8 authorized law enforcement and the Department of Agriculture in  
9 real-time.

10 (c) A registered cultivation center may not be located  
11 within 2,500 feet of the property line of a pre-existing public  
12 or private preschool or elementary or secondary school or day  
13 care center, day care home, group day care home, part day child  
14 care facility, or an area zoned for residential use.

15 (d) All cultivation of cannabis for distribution to a  
16 registered dispensing organization must take place in an  
17 enclosed, locked facility as it applies to cultivation centers  
18 at the physical address provided to the Department of  
19 Agriculture during the registration process. The cultivation  
20 center location shall only be accessed by the cultivation  
21 center agents working for the registered cultivation center,  
22 Department of Agriculture staff performing inspections,  
23 Department of Public Health staff performing inspections, law  
24 enforcement or other emergency personnel, and contractors  
25 working on jobs unrelated to medical cannabis, such as  
26 installing or maintaining security devices or performing

1 electrical wiring.

2 (e) A cultivation center may not sell or distribute any  
3 cannabis to any individual or entity other than another  
4 cultivation center, a dispensing organization registered under  
5 this Act, or a laboratory licensed by the Department of  
6 Agriculture ~~a dispensary organization registered under this~~  
7 ~~Act.~~

8 (f) All harvested cannabis intended for distribution to a  
9 dispensing organization must be packaged in a labeled medical  
10 cannabis container and entered into a data collection system.

11 (g) No person who has been convicted of an excluded offense  
12 may be a cultivation center agent.

13 (h) Registered cultivation centers are subject to random  
14 inspection by the State Police.

15 (i) Registered cultivation centers are subject to random  
16 inspections by the Department of Agriculture and the Department  
17 of Public Health.

18 (j) A cultivation center agent shall notify local law  
19 enforcement, the State Police, and the Department of  
20 Agriculture within 24 hours of the discovery of any loss or  
21 theft. Notification shall be made by phone or in-person, or by  
22 written or electronic communication.

23 (k) A cultivation center shall comply with all State and  
24 federal rules and regulations regarding the use of pesticides.

25 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)



1 (410 ILCS 130/115)

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

3 Sec. 115. Registration of dispensing organizations.

4 (a) The Department of Financial and Professional  
5 Regulation may issue up to 60 dispensing organization  
6 registrations for operation. The Department of Financial and  
7 Professional Regulation may not issue less than the 60  
8 registrations if there are qualified applicants who have  
9 applied with the Department of Financial and Professional  
10 Regulation. The organizations shall be geographically  
11 dispersed throughout the State to allow all registered  
12 qualifying patients reasonable proximity and access to a  
13 dispensing organization.

14 (a-5) For any dispensing organization registered on or  
15 after July 1, 2019, the Department of Financial and  
16 Professional Regulation shall award not less than 20% of all  
17 available points to applicants that qualify as Social Equity  
18 Applicants. For purposes of this Section:

19 "Disproportionately Impacted Area" means a census tract or  
20 comparable geographic area that satisfies the following  
21 criteria as determined by the Department of Commerce and  
22 Economic Opportunity, that:

23 (1) meets at least one of the following criteria:

24 (A) the area has a poverty rate of at least 20%  
25 according to the latest federal decennial census; or

26 (B) 75% or more of the children in the area

1 participate in the federal free lunch program  
2 according to reported statistics from the State Board  
3 of Education; or

4 (C) at least 20% of the households in the area  
5 receive assistance under the Supplemental Nutrition  
6 Assistance Program; or

7 (D) the area has an average unemployment rate, as  
8 determined by the Illinois Department of Employment  
9 Security, that is more than 120% of the national  
10 unemployment average, as determined by the United  
11 States Department of Labor, for a period of at least 2  
12 consecutive calendar years preceding the date of the  
13 application; and

14 (2) has high rates of arrest, conviction, and  
15 incarceration related to sale, possession, use,  
16 cultivation, manufacture, or transport of cannabis.

17 "Social Equity Applicant" means an applicant that is an  
18 Illinois resident that meets one of the following criteria:

19 (1) an applicant with at least 51% ownership and  
20 control by one or more individuals who have resided for at  
21 least 5 of the preceding 10 years in a Disproportionately  
22 Impacted Area;

23 (2) an applicant with at least 51% of ownership and  
24 control by one or more individuals who have been arrested  
25 for, convicted of, or adjudicated delinquent for any  
26 offense that is eligible for expungement or member of an

1 impacted family;

2 (3) for applicants with a minimum of 10 full-time  
3 employees, an applicant with at least 51% of current  
4 employees who:

5 (A) currently reside in a Disproportionately  
6 Impacted Area; or

7 (B) have been arrested for, convicted of, or  
8 adjudicated delinquent for any offense that is  
9 eligible for expungement or member of an impacted  
10 family.

11 (b) A dispensing organization may only operate if it has  
12 been issued a registration from the Department of Financial and  
13 Professional Regulation. The Department of Financial and  
14 Professional Regulation shall adopt rules establishing the  
15 procedures for applicants for dispensing organizations.

16 (c) When applying for a dispensing organization  
17 registration, the applicant shall submit, at a minimum, the  
18 following in accordance with Department of Financial and  
19 Professional Regulation rules:

20 (1) a non-refundable application fee established by  
21 rule;

22 (2) the proposed legal name of the dispensing  
23 organization;

24 (3) the proposed physical address of the dispensing  
25 organization;

26 (4) the name, address, and date of birth of each

1 principal officer and board member of the dispensing  
2 organization, provided that all those individuals shall be  
3 at least 21 years of age;

4 (5) information, in writing, regarding any instances  
5 in which a business or not-for-profit that any of the  
6 prospective board members managed or served on the board  
7 was convicted, fined, censured, or had a registration  
8 suspended or revoked in any administrative or judicial  
9 proceeding;

10 (6) proposed operating by-laws that include procedures  
11 for the oversight of the medical cannabis dispensing  
12 organization and procedures to ensure accurate record  
13 keeping and security measures that are in accordance with  
14 the rules applied by the Department of Financial and  
15 Professional Regulation under this Act. The by-laws shall  
16 include a description of the enclosed, locked facility  
17 where medical cannabis will be stored by the dispensing  
18 organization; and

19 (7) signed statements from each dispensing  
20 organization agent stating that they will not divert  
21 medical cannabis.

22 (d) The Department of Financial and Professional  
23 Regulation shall conduct a background check of the prospective  
24 dispensing organization agents in order to carry out this  
25 Section. The Department of State Police shall charge a fee for  
26 conducting the criminal history record check, which shall be

1 deposited in the State Police Services Fund and shall not  
2 exceed the actual cost of the record check. Each person  
3 applying as a dispensing organization agent shall submit a full  
4 set of fingerprints to the Department of State Police for the  
5 purpose of obtaining a State and federal criminal records  
6 check. These fingerprints shall be checked against the  
7 fingerprint records now and hereafter, to the extent allowed by  
8 law, filed in the Department of State Police and Federal Bureau  
9 of Investigation criminal history records databases. The  
10 Department of State Police shall furnish, following positive  
11 identification, all Illinois conviction information to the  
12 Department of Financial and Professional Regulation.

13 (e) A dispensing organization must pay a registration fee  
14 set by the Department of Financial and Professional Regulation.

15 (f) An application for a medical cannabis dispensing  
16 organization registration must be denied if any of the  
17 following conditions are met:

18 (1) the applicant failed to submit the materials  
19 required by this Section, including if the applicant's  
20 plans do not satisfy the security, oversight, or  
21 recordkeeping rules issued by the Department of Financial  
22 and Professional Regulation;

23 (2) the applicant would not be in compliance with local  
24 zoning rules issued in accordance with Section 140;

25 (3) the applicant does not meet the requirements of  
26 Section 130;

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

3           (5) one or more of the prospective principal officers  
4 or board members has served as a principal officer or board  
5 member for a registered medical cannabis dispensing  
6 organization that has had its registration revoked; and

7           (6) one or more of the principal officers or board  
8 members is under 21 years of age. ~~and~~

9           ~~(7) one or more of the principal officers or board~~  
10 ~~members is a registered qualified patient or a registered~~  
11 ~~caregiver.~~

12 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

13 (410 ILCS 130/130)

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

15 Sec. 130. Requirements; prohibitions; penalties;  
16 dispensing organizations.

17 (a) The Department of Financial and Professional  
18 Regulation shall implement the provisions of this Section by  
19 rule.

20 (b) A dispensing organization shall maintain operating  
21 documents which shall include procedures for the oversight of  
22 the registered dispensing organization and procedures to  
23 ensure accurate recordkeeping.

24 (c) A dispensing organization shall implement appropriate  
25 security measures, as provided by rule, to deter and prevent

1 the theft of cannabis and unauthorized entrance into areas  
2 containing cannabis.

3 (d) A dispensing organization may not be located within  
4 1,000 feet of the property line of a pre-existing public or  
5 private preschool or elementary or secondary school or day care  
6 center, day care home, group day care home, or part day child  
7 care facility. A registered dispensing organization may not be  
8 located in a house, apartment, condominium, or an area zoned  
9 for residential use. This subsection shall not apply to any  
10 dispensing organizations registered on or after July 1, 2019.

11 (e) A dispensing organization is prohibited from acquiring  
12 cannabis from anyone other than a registered cultivation  
13 center. A dispensing organization is prohibited from obtaining  
14 cannabis from outside the State of Illinois.

15 (f) A registered dispensing organization is prohibited  
16 from dispensing cannabis for any purpose except to assist  
17 registered qualifying patients with the medical use of cannabis  
18 directly or through the qualifying patients' designated  
19 caregivers.

20 (g) The area in a dispensing organization where medical  
21 cannabis is stored can only be accessed by dispensing  
22 organization agents working for the dispensing organization,  
23 Department of Financial and Professional Regulation staff  
24 performing inspections, law enforcement or other emergency  
25 personnel, and contractors working on jobs unrelated to medical  
26 cannabis, such as installing or maintaining security devices or

1 performing electrical wiring.

2 (h) A dispensing organization may not dispense more than  
3 2.5 ounces of cannabis to a registered qualifying patient,  
4 directly or via a designated caregiver, in any 14-day period  
5 unless the qualifying patient has a Department of Public  
6 Health-approved quantity waiver. Any Department of Public  
7 Health-approved quantity waiver process must be made available  
8 to qualified veterans.

9 (i) Except as provided in subsection (i-5), before medical  
10 cannabis may be dispensed to a designated caregiver or a  
11 registered qualifying patient, a dispensing organization agent  
12 must determine that the individual is a current cardholder in  
13 the verification system and must verify each of the following:

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

16 (2) that the person presenting the card is the person  
17 identified on the registry identification card presented  
18 to the dispensing organization agent;

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

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

25 (i-5) A dispensing organization may dispense medical  
26 cannabis to an Opioid Alternative Pilot Program participant



1 under Section 62 and to a person presenting proof of  
2 provisional registration under Section 55. Before dispensing  
3 medical cannabis, the dispensing organization shall comply  
4 with the requirements of Section 62 or Section 55, whichever is  
5 applicable, and verify the following:

6 (1) that the written certification presented to the  
7 registered dispensing organization is valid and an  
8 original document;

9 (2) that the person presenting the written  
10 certification is the person identified on the written  
11 certification; and

12 (3) that the participant has not exceeded his or her  
13 adequate supply.

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

22 (k) The health care professional-patient ~~physician-patient~~  
23 privilege as set forth by Section 8-802 of the Code of Civil  
24 Procedure shall apply between a qualifying patient and a  
25 registered dispensing organization and its agents with respect  
26 to communications and records concerning qualifying patients'

1 debilitating conditions.

2 (l) A dispensing organization may not permit any person to  
3 consume cannabis on the property of a medical cannabis  
4 organization.

5 (m) A dispensing organization may not share office space  
6 with or refer patients to a certifying health care professional  
7 ~~physician~~.

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

26 (o) Dispensing organizations are subject to random

1 inspection and cannabis testing by the Department of Financial  
2 and Professional Regulation and State Police as provided by  
3 rule.

4 (p) The Department of Financial and Professional  
5 Regulation shall adopt rules permitting returns, and potential  
6 refunds, for damaged or inadequate products.

7 (q) The Department of Financial and Professional  
8 Regulation may issue nondisciplinary citations for minor  
9 violations which may be accompanied by a civil penalty not to  
10 exceed \$10,000 per violation. The penalty shall be a civil  
11 penalty or other condition as established by rule. The citation  
12 shall be issued to the licensee and shall contain the  
13 licensee's name, address, and license number, a brief factual  
14 statement, the Sections of the law or rule allegedly violated,  
15 and the civil penalty, if any, imposed. The citation must  
16 clearly state that the licensee may choose, in lieu of  
17 accepting the citation, to request a hearing. If the licensee  
18 does not dispute the matter in the citation with the Department  
19 of Financial and Professional Regulation within 30 days after  
20 the citation is served, then the citation shall become final  
21 and shall not be subject to appeal.

22 (Source: P.A. 100-1114, eff. 8-28-18.)

23 (410 ILCS 130/145)

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

25 Sec. 145. Confidentiality.

1           (a) The following information received and records kept by  
2 the Department of Public Health, Department of Financial and  
3 Professional Regulation, Department of Agriculture, or  
4 Department of State Police for purposes of administering this  
5 Act are subject to all applicable federal privacy laws,  
6 confidential, and exempt from the Freedom of Information Act,  
7 and not subject to disclosure to any individual or public or  
8 private entity, except as necessary for authorized employees of  
9 those authorized agencies to perform official duties under this  
10 Act and the following information received and records kept by  
11 Department of Public Health, Department of Agriculture,  
12 Department of Financial and Professional Regulation, and  
13 Department of State Police, excluding any existing or  
14 non-existing Illinois or national criminal history record  
15 information as defined in subsection (d), may be disclosed to  
16 each other upon request:

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 certifying health care  
21 professionals ~~physicians~~.

22           (2) Applications and renewals, their contents, and  
23 supporting information submitted by or on behalf of  
24 cultivation centers and dispensing organizations in  
25 compliance with this Act, including their physical  
26 addresses.

1           (3) The individual names and other information  
2 identifying persons to whom the Department of Public Health  
3 has issued registry identification cards.

4           (4) Any dispensing information required to be kept  
5 under Section 135, Section 150, or Department of Public  
6 Health, Department of Agriculture, or Department of  
7 Financial and Professional Regulation rules shall identify  
8 cardholders and registered cultivation centers by their  
9 registry identification numbers and medical cannabis  
10 dispensing organizations by their registration number and  
11 not contain names or other personally identifying  
12 information.

13           (5) All medical records provided to the Department of  
14 Public Health in connection with an application for a  
15 registry card.

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

17           (1) Department of Agriculture, Department of Financial  
18 and Professional Regulation, or Public Health employees  
19 may notify law enforcement about falsified or fraudulent  
20 information submitted to the Departments if the employee  
21 who suspects that falsified or fraudulent information has  
22 been submitted conferred with his or her supervisor and  
23 both agree that circumstances exist that warrant  
24 reporting.

25           (2) If the employee conferred with his or her  
26 supervisor and both agree that circumstances exist that

1 warrant reporting, Department of Public Health employees  
2 may notify the Department of Financial and Professional  
3 Regulation if there is reasonable cause to believe a  
4 certifying health care professional ~~physician~~:

5 (A) issued a written certification without a bona  
6 fide health care professional-patient  
7 ~~physician-patient~~ relationship under this Act;

8 (B) issued a written certification to a person who  
9 was not under the certifying health care  
10 professional's ~~physician's~~ care for the debilitating  
11 medical condition; or

12 (C) failed to abide by the acceptable and  
13 prevailing standard of care when evaluating a  
14 patient's medical condition.

15 (3) The Department of Public Health, Department of  
16 Agriculture, and Department of Financial and Professional  
17 Regulation may notify State or local law enforcement about  
18 apparent criminal violations of this Act if the employee  
19 who suspects the offense has conferred with his or her  
20 supervisor and both agree that circumstances exist that  
21 warrant reporting.

22 (4) Medical cannabis cultivation center agents and  
23 medical cannabis dispensing organizations may notify the  
24 Department of Public Health, Department of Financial and  
25 Professional Regulation, or Department of Agriculture of a  
26 suspected violation or attempted violation of this Act or

1 the rules issued under it.

2 (5) Each Department may verify registry identification  
3 cards under Section 150.

4 (6) The submission of the report to the General  
5 Assembly under Section 160.

6 (c) It is a Class B misdemeanor with a \$1,000 fine for any  
7 person, including an employee or official of the Department of  
8 Public Health, Department of Financial and Professional  
9 Regulation, or Department of Agriculture or another State  
10 agency or local government, to breach the confidentiality of  
11 information obtained under this Act.

12 (d) The Department of Public Health, the Department of  
13 Agriculture, the Department of State Police, and the Department  
14 of Financial and Professional Regulation shall not share or  
15 disclose any existing or non-existing Illinois or national  
16 criminal history record information. For the purposes of this  
17 Section, "any existing or non-existing Illinois or national  
18 criminal history record information" means any Illinois or  
19 national criminal history record information, including but  
20 not limited to the lack of or non-existence of these records.

21 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

22 (410 ILCS 130/160)

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

24 Sec. 160. Annual reports. The Department of Public Health  
25 shall submit to the General Assembly a report, by September 30

1 of each year, that does not disclose any identifying  
2 information about registered qualifying patients, registered  
3 caregivers, or certifying health care professionals  
4 ~~physicians~~, but does contain, at a minimum, all of the  
5 following information based on the fiscal year for reporting  
6 purposes:

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

9 (2) the number of qualifying patients and designated  
10 caregivers served by each dispensary during the report  
11 year;

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

14 (4) the number of registry identification cards or  
15 registrations revoked for misconduct;

16 (5) the number of certifying health care professionals  
17 ~~physicians~~ providing written certifications for qualifying  
18 patients; and

19 (6) the number of registered medical cannabis  
20 cultivation centers or registered dispensing  
21 organizations;

22 (7) the number of Opioid Alternative Pilot Program  
23 participants.

24 (Source: P.A. 100-863, eff. 8-14-18; 100-1114, eff. 8-28-18.)



1       Sec. 173. Conflicts of law. To the extent that any  
2 provision of this Act conflicts with any Act that allows the  
3 recreational use of cannabis, the provisions of that Act shall  
4 control.

5           (410 ILCS 130/195)

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

7           Sec. 195. Definitions. For the purposes of this Law:

8           "Cultivation center" has the meaning ascribed to that term  
9 in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act.

10          "Department" means the Department of Revenue.

11          "Dispensing organization" has the meaning ascribed to that  
12 term in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program  
13 Act.

14          "Person" means an individual, partnership, corporation, or  
15 public or private organization.

16          "Qualifying patient" means a qualifying patient registered  
17 under the Compassionate Use of Medical Cannabis ~~Pilot~~ Program  
18 Act.

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

20           (410 ILCS 130/200)

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

22           Sec. 200. Tax imposed.

23           (a) Beginning on the effective date of this Act, a tax is  
24 imposed upon the privilege of cultivating medical cannabis at a

1 rate of 7% of the sales price per ounce. The proceeds from this  
2 tax shall be deposited into the Compassionate Use of Medical  
3 Cannabis Fund created under the Compassionate Use of Medical  
4 Cannabis ~~Pilot~~ Program Act. This tax shall be paid by a  
5 cultivation center and is not the responsibility of a  
6 dispensing organization or a qualifying patient.

7 (b) The tax imposed under this Act shall be in addition to  
8 all other occupation or privilege taxes imposed by the State of  
9 Illinois or by any municipal corporation or political  
10 subdivision thereof.

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

12 (410 ILCS 130/135 rep.)

13 (410 ILCS 130/220 rep.)

14 Section 60. The Compassionate Use of Medical Cannabis Pilot  
15 Program Act is amended by repealing Sections 135 and 220.

16 Section 65. The Illinois Vehicle Code is amended by  
17 changing Sections 2-118.2, 6-206.1, 11-501, and 11-501.9 as  
18 follows:

19 (625 ILCS 5/2-118.2)

20 Sec. 2-118.2. Opportunity for hearing; medical  
21 cannabis-related suspension under Section 11-501.9.

22 (a) A suspension of driving privileges under Section  
23 11-501.9 of this Code shall not become effective until the

1 person is notified in writing of the impending suspension and  
2 informed that he or she may request a hearing in the circuit  
3 court of venue under subsection (b) of this Section and the  
4 suspension shall become effective as provided in Section  
5 11-501.9.

6 (b) Within 90 days after the notice of suspension served  
7 under Section 11-501.9, the person may make a written request  
8 for a judicial hearing in the circuit court of venue. The  
9 request to the circuit court shall state the grounds upon which  
10 the person seeks to have the suspension rescinded. Within 30  
11 days after receipt of the written request or the first  
12 appearance date on the Uniform Traffic Ticket issued for a  
13 violation of Section 11-501 of this Code, or a similar  
14 provision of a local ordinance, the hearing shall be conducted  
15 by the circuit court having jurisdiction. This judicial  
16 hearing, request, or process shall not stay or delay the  
17 suspension. The hearing shall proceed in the court in the same  
18 manner as in other civil proceedings.

19 The hearing may be conducted upon a review of the law  
20 enforcement officer's own official reports; provided however,  
21 that the person may subpoena the officer. Failure of the  
22 officer to answer the subpoena shall be considered grounds for  
23 a continuance if in the court's discretion the continuance is  
24 appropriate.

25 The scope of the hearing shall be limited to the issues of:

26 (1) Whether the person was issued a registry

1 identification card under the Compassionate Use of Medical  
2 Cannabis ~~Pilot~~ Program Act; and

3 (2) Whether the officer had reasonable suspicion to  
4 believe that the person was driving or in actual physical  
5 control of a motor vehicle upon a highway while impaired by  
6 the use of cannabis; and

7 (3) Whether the person, after being advised by the  
8 officer that the privilege to operate a motor vehicle would  
9 be suspended if the person refused to submit to and  
10 complete the field sobriety tests, did refuse to submit to  
11 or complete the field sobriety tests authorized under  
12 Section 11-501.9; and

13 (4) Whether the person after being advised by the  
14 officer that the privilege to operate a motor vehicle would  
15 be suspended if the person submitted to field sobriety  
16 tests that disclosed the person was impaired by the use of  
17 cannabis, did submit to field sobriety tests that disclosed  
18 that the person was impaired by the use of cannabis.

19 Upon the conclusion of the judicial hearing, the circuit  
20 court shall sustain or rescind the suspension and immediately  
21 notify the Secretary of State. Reports received by the  
22 Secretary of State under this Section shall be privileged  
23 information and for use only by the courts, police officers,  
24 and Secretary of State.

25 (Source: P.A. 98-1172, eff. 1-12-15.)

1 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

2 Sec. 6-206.1. Monitoring Device Driving Permit.  
3 Declaration of Policy. It is hereby declared a policy of the  
4 State of Illinois that the driver who is impaired by alcohol,  
5 other drug or drugs, or intoxicating compound or compounds is a  
6 threat to the public safety and welfare. Therefore, to provide  
7 a deterrent to such practice, a statutory summary driver's  
8 license suspension is appropriate. It is also recognized that  
9 driving is a privilege and therefore, that the granting of  
10 driving privileges, in a manner consistent with public safety,  
11 is warranted during the period of suspension in the form of a  
12 monitoring device driving permit. A person who drives and fails  
13 to comply with the requirements of the monitoring device  
14 driving permit commits a violation of Section 6-303 of this  
15 Code.

16 The following procedures shall apply whenever a first  
17 offender, as defined in Section 11-500 of this Code, is  
18 arrested for any offense as defined in Section 11-501 or a  
19 similar provision of a local ordinance and is subject to the  
20 provisions of Section 11-501.1:

21 (a) Upon mailing of the notice of suspension of driving  
22 privileges as provided in subsection (h) of Section 11-501.1 of  
23 this Code, the Secretary shall also send written notice  
24 informing the person that he or she will be issued a monitoring  
25 device driving permit (MDDP). The notice shall include, at  
26 minimum, information summarizing the procedure to be followed

1 for issuance of the MDDP, installation of the breath alcohol  
2 ignition installation device (BAIID), as provided in this  
3 Section, exemption from BAIID installation requirements, and  
4 procedures to be followed by those seeking indigent status, as  
5 provided in this Section. The notice shall also include  
6 information summarizing the procedure to be followed if the  
7 person wishes to decline issuance of the MDDP. A copy of the  
8 notice shall also be sent to the court of venue together with  
9 the notice of suspension of driving privileges, as provided in  
10 subsection (h) of Section 11-501. However, a MDDP shall not be  
11 issued if the Secretary finds that:

12 (1) the offender's driver's license is otherwise  
13 invalid;

14 (2) death or great bodily harm to another resulted from  
15 the arrest for Section 11-501;

16 (3) the offender has been previously convicted of  
17 reckless homicide or aggravated driving under the  
18 influence involving death;

19 (4) the offender is less than 18 years of age; or

20 (5) the offender is a qualifying patient licensed under  
21 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act  
22 who is in possession of a valid registry card issued under  
23 that Act and refused to submit to standardized field  
24 sobriety tests as required by subsection (a) of Section  
25 11-501.9 or did submit to testing which disclosed the  
26 person was impaired by the use of cannabis.

1 Any offender participating in the MDDP program must pay the  
2 Secretary a MDDP Administration Fee in an amount not to exceed  
3 \$30 per month, to be deposited into the Monitoring Device  
4 Driving Permit Administration Fee Fund. The Secretary shall  
5 establish by rule the amount and the procedures, terms, and  
6 conditions relating to these fees. The offender must have an  
7 ignition interlock device installed within 14 days of the date  
8 the Secretary issues the MDDP. The ignition interlock device  
9 provider must notify the Secretary, in a manner and form  
10 prescribed by the Secretary, of the installation. If the  
11 Secretary does not receive notice of installation, the  
12 Secretary shall cancel the MDDP.

13 Upon receipt of the notice, as provided in paragraph (a) of  
14 this Section, the person may file a petition to decline  
15 issuance of the MDDP with the court of venue. The court shall  
16 admonish the offender of all consequences of declining issuance  
17 of the MDDP including, but not limited to, the enhanced  
18 penalties for driving while suspended. After being so  
19 admonished, the offender shall be permitted, in writing, to  
20 execute a notice declining issuance of the MDDP. This notice  
21 shall be filed with the court and forwarded by the clerk of the  
22 court to the Secretary. The offender may, at any time  
23 thereafter, apply to the Secretary for issuance of a MDDP.

24 (a-1) A person issued a MDDP may drive for any purpose and  
25 at any time, subject to the rules adopted by the Secretary  
26 under subsection (g). The person must, at his or her own

1 expense, drive only vehicles equipped with an ignition  
2 interlock device as defined in Section 1-129.1, but in no event  
3 shall such person drive a commercial motor vehicle.

4 (a-2) Persons who are issued a MDDP and must drive  
5 employer-owned vehicles in the course of their employment  
6 duties may seek permission to drive an employer-owned vehicle  
7 that does not have an ignition interlock device. The employer  
8 shall provide to the Secretary a form, as prescribed by the  
9 Secretary, completed by the employer verifying that the  
10 employee must drive an employer-owned vehicle in the course of  
11 employment. If approved by the Secretary, the form must be in  
12 the driver's possession while operating an employer-owner  
13 vehicle not equipped with an ignition interlock device. No  
14 person may use this exemption to drive a school bus, school  
15 vehicle, or a vehicle designed to transport more than 15  
16 passengers. No person may use this exemption to drive an  
17 employer-owned motor vehicle that is owned by an entity that is  
18 wholly or partially owned by the person holding the MDDP, or by  
19 a family member of the person holding the MDDP. No person may  
20 use this exemption to drive an employer-owned vehicle that is  
21 made available to the employee for personal use. No person may  
22 drive the exempted vehicle more than 12 hours per day, 6 days  
23 per week.

24 (a-3) Persons who are issued a MDDP and who must drive a  
25 farm tractor to and from a farm, within 50 air miles from the  
26 originating farm are exempt from installation of a BAIID on the



1 farm tractor, so long as the farm tractor is being used for the  
2 exclusive purpose of conducting farm operations.

3 (b) (Blank).

4 (c) (Blank).

5 (c-1) If the holder of the MDDP is convicted of or receives  
6 court supervision for a violation of Section 6-206.2, 6-303,  
7 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar  
8 provision of a local ordinance or a similar out-of-state  
9 offense or is convicted of or receives court supervision for  
10 any offense for which alcohol or drugs is an element of the  
11 offense and in which a motor vehicle was involved (for an  
12 arrest other than the one for which the MDDP is issued), or  
13 de-installs the BAIID without prior authorization from the  
14 Secretary, the MDDP shall be cancelled.

15 (c-5) If the Secretary determines that the person seeking  
16 the MDDP is indigent, the Secretary shall provide the person  
17 with a written document as evidence of that determination, and  
18 the person shall provide that written document to an ignition  
19 interlock device provider. The provider shall install an  
20 ignition interlock device on that person's vehicle without  
21 charge to the person, and seek reimbursement from the Indigent  
22 BAIID Fund. If the Secretary has deemed an offender indigent,  
23 the BAIID provider shall also provide the normal monthly  
24 monitoring services and the de-installation without charge to  
25 the offender and seek reimbursement from the Indigent BAIID  
26 Fund. Any other monetary charges, such as a lockout fee or

1 reset fee, shall be the responsibility of the MDDP holder. A  
2 BAIID provider may not seek a security deposit from the  
3 Indigent BAIID Fund.

4 (d) MDDP information shall be available only to the courts,  
5 police officers, and the Secretary, except during the actual  
6 period the MDDP is valid, during which time it shall be a  
7 public record.

8 (e) (Blank).

9 (f) (Blank).

10 (g) The Secretary shall adopt rules for implementing this  
11 Section. The rules adopted shall address issues including, but  
12 not limited to: compliance with the requirements of the MDDP;  
13 methods for determining compliance with those requirements;  
14 the consequences of noncompliance with those requirements;  
15 what constitutes a violation of the MDDP; methods for  
16 determining indigency; and the duties of a person or entity  
17 that supplies the ignition interlock device.

18 (h) The rules adopted under subsection (g) shall provide,  
19 at a minimum, that the person is not in compliance with the  
20 requirements of the MDDP if he or she:

21 (1) tampers or attempts to tamper with or circumvent  
22 the proper operation of the ignition interlock device;

23 (2) provides valid breath samples that register blood  
24 alcohol levels in excess of the number of times allowed  
25 under the rules;

26 (3) fails to provide evidence sufficient to satisfy the

1 Secretary that the ignition interlock device has been  
2 installed in the designated vehicle or vehicles; or

3 (4) fails to follow any other applicable rules adopted  
4 by the Secretary.

5 (i) Any person or entity that supplies an ignition  
6 interlock device as provided under this Section shall, in  
7 addition to supplying only those devices which fully comply  
8 with all the rules adopted under subsection (g), provide the  
9 Secretary, within 7 days of inspection, all monitoring reports  
10 of each person who has had an ignition interlock device  
11 installed. These reports shall be furnished in a manner or form  
12 as prescribed by the Secretary.

13 (j) Upon making a determination that a violation of the  
14 requirements of the MDDP has occurred, the Secretary shall  
15 extend the summary suspension period for an additional 3 months  
16 beyond the originally imposed summary suspension period,  
17 during which time the person shall only be allowed to drive  
18 vehicles equipped with an ignition interlock device; provided  
19 further there are no limitations on the total number of times  
20 the summary suspension may be extended. The Secretary may,  
21 however, limit the number of extensions imposed for violations  
22 occurring during any one monitoring period, as set forth by  
23 rule. Any person whose summary suspension is extended pursuant  
24 to this Section shall have the right to contest the extension  
25 through a hearing with the Secretary, pursuant to Section 2-118  
26 of this Code. If the summary suspension has already terminated

1 prior to the Secretary receiving the monitoring report that  
2 shows a violation, the Secretary shall be authorized to suspend  
3 the person's driving privileges for 3 months, provided that the  
4 Secretary may, by rule, limit the number of suspensions to be  
5 entered pursuant to this paragraph for violations occurring  
6 during any one monitoring period. Any person whose license is  
7 suspended pursuant to this paragraph, after the summary  
8 suspension had already terminated, shall have the right to  
9 contest the suspension through a hearing with the Secretary,  
10 pursuant to Section 2-118 of this Code. The only permit the  
11 person shall be eligible for during this new suspension period  
12 is a MDDP.

13 (k) A person who has had his or her summary suspension  
14 extended for the third time, or has any combination of 3  
15 extensions and new suspensions, entered as a result of a  
16 violation that occurred while holding the MDDP, so long as the  
17 extensions and new suspensions relate to the same summary  
18 suspension, shall have his or her vehicle impounded for a  
19 period of 30 days, at the person's own expense. A person who  
20 has his or her summary suspension extended for the fourth time,  
21 or has any combination of 4 extensions and new suspensions,  
22 entered as a result of a violation that occurred while holding  
23 the MDDP, so long as the extensions and new suspensions relate  
24 to the same summary suspension, shall have his or her vehicle  
25 subject to seizure and forfeiture. The Secretary shall notify  
26 the prosecuting authority of any third or fourth extensions or

1 new suspension entered as a result of a violation that occurred  
2 while the person held a MDDP. Upon receipt of the notification,  
3 the prosecuting authority shall impound or forfeit the vehicle.  
4 The impoundment or forfeiture of a vehicle shall be conducted  
5 pursuant to the procedure specified in Article 36 of the  
6 Criminal Code of 2012.

7 (l) A person whose driving privileges have been suspended  
8 under Section 11-501.1 of this Code and who had a MDDP that was  
9 cancelled, or would have been cancelled had notification of a  
10 violation been received prior to expiration of the MDDP,  
11 pursuant to subsection (c-1) of this Section, shall not be  
12 eligible for reinstatement when the summary suspension is  
13 scheduled to terminate. Instead, the person's driving  
14 privileges shall be suspended for a period of not less than  
15 twice the original summary suspension period, or for the length  
16 of any extensions entered under subsection (j), whichever is  
17 longer. During the period of suspension, the person shall be  
18 eligible only to apply for a restricted driving permit. If a  
19 restricted driving permit is granted, the offender may only  
20 operate vehicles equipped with a BAIID in accordance with this  
21 Section.

22 (m) Any person or entity that supplies an ignition  
23 interlock device under this Section shall, for each ignition  
24 interlock device installed, pay 5% of the total gross revenue  
25 received for the device, including monthly monitoring fees,  
26 into the Indigent BAIID Fund. This 5% shall be clearly

1 indicated as a separate surcharge on each invoice that is  
2 issued. The Secretary shall conduct an annual review of the  
3 fund to determine whether the surcharge is sufficient to  
4 provide for indigent users. The Secretary may increase or  
5 decrease this surcharge requirement as needed.

6 (n) Any person or entity that supplies an ignition  
7 interlock device under this Section that is requested to  
8 provide an ignition interlock device to a person who presents  
9 written documentation of indigency from the Secretary, as  
10 provided in subsection (c-5) of this Section, shall install the  
11 device on the person's vehicle without charge to the person and  
12 shall seek reimbursement from the Indigent BAIID Fund.

13 (o) The Indigent BAIID Fund is created as a special fund in  
14 the State treasury. The Secretary shall, subject to  
15 appropriation by the General Assembly, use all money in the  
16 Indigent BAIID Fund to reimburse ignition interlock device  
17 providers who have installed devices in vehicles of indigent  
18 persons. The Secretary shall make payments to such providers  
19 every 3 months. If the amount of money in the fund at the time  
20 payments are made is not sufficient to pay all requests for  
21 reimbursement submitted during that 3 month period, the  
22 Secretary shall make payments on a pro-rata basis, and those  
23 payments shall be considered payment in full for the requests  
24 submitted.

25 (p) The Monitoring Device Driving Permit Administration  
26 Fee Fund is created as a special fund in the State treasury.

1 The Secretary shall, subject to appropriation by the General  
2 Assembly, use the money paid into this fund to offset its  
3 administrative costs for administering MDDPs.

4 (q) The Secretary is authorized to prescribe such forms as  
5 it deems necessary to carry out the provisions of this Section.

6 (Source: P.A. 98-122, eff. 1-1-14; 98-1015, eff. 8-22-14;  
7 98-1172, eff. 1-12-15; 99-467, eff. 1-1-16.)

8 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

14 (1) the alcohol concentration in the person's blood,  
15 other bodily substance, or breath is 0.08 or more based on  
16 the definition of blood and breath units in Section  
17 11-501.2;

18 (2) under the influence of alcohol;

19 (3) under the influence of any intoxicating compound or  
20 combination of intoxicating compounds to a degree that  
21 renders the person incapable of driving safely;

22 (4) under the influence of any other drug or  
23 combination of drugs to a degree that renders the person  
24 incapable of safely driving;

25 (5) under the combined influence of alcohol, other drug

1 or drugs, or intoxicating compound or compounds to a degree  
2 that renders the person incapable of safely driving;

3 (6) there is any amount of a drug, substance, or  
4 compound in the person's breath, blood, other bodily  
5 substance, or urine resulting from the unlawful use or  
6 consumption of a controlled substance listed in the  
7 Illinois Controlled Substances Act, an intoxicating  
8 compound listed in the Use of Intoxicating Compounds Act,  
9 or methamphetamine as listed in the Methamphetamine  
10 Control and Community Protection Act; or

11 (7) the person has, within 2 hours of driving or being  
12 in actual physical control of a vehicle, a  
13 tetrahydrocannabinol concentration in the person's whole  
14 blood or other bodily substance as defined in paragraph 6  
15 of subsection (a) of Section 11-501.2 of this Code. Subject  
16 to all other requirements and provisions under this  
17 Section, this paragraph (7) does not apply to the lawful  
18 consumption of cannabis by a qualifying patient licensed  
19 under the Compassionate Use of Medical Cannabis ~~Pilot~~  
20 Program Act who is in possession of a valid registry card  
21 issued under that Act, unless that person is impaired by  
22 the use of cannabis.

23 (b) The fact that any person charged with violating this  
24 Section is or has been legally entitled to use alcohol,  
25 cannabis under the Compassionate Use of Medical Cannabis ~~Pilot~~  
26 Program Act, other drug or drugs, or intoxicating compound or



1 compounds, or any combination thereof, shall not constitute a  
2 defense against any charge of violating this Section.

3 (c) Penalties.

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

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

12 (3) A person who violates subsection (a) is subject to  
13 6 months of imprisonment, an additional mandatory minimum  
14 fine of \$1,000, and 25 days of community service in a  
15 program benefiting children if the person was transporting  
16 a person under the age of 16 at the time of the violation.

17 (4) A person who violates subsection (a) a first time,  
18 if the alcohol concentration in his or her blood, breath,  
19 other bodily substance, or urine was 0.16 or more based on  
20 the definition of blood, breath, other bodily substance, or  
21 urine units in Section 11-501.2, shall be subject, in  
22 addition to any other penalty that may be imposed, to a  
23 mandatory minimum of 100 hours of community service and a  
24 mandatory minimum fine of \$500.

25 (5) A person who violates subsection (a) a second time,  
26 if at the time of the second violation the alcohol

1 concentration in his or her blood, breath, other bodily  
2 substance, or urine was 0.16 or more based on the  
3 definition of blood, breath, other bodily substance, or  
4 urine units in Section 11-501.2, shall be subject, in  
5 addition to any other penalty that may be imposed, to a  
6 mandatory minimum of 2 days of imprisonment and a mandatory  
7 minimum fine of \$1,250.

8 (d) Aggravated driving under the influence of alcohol,  
9 other drug or drugs, or intoxicating compound or compounds, or  
10 any combination thereof.

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

16 (A) the person committed a violation of subsection  
17 (a) or a similar provision for the third or subsequent  
18 time;

19 (B) the person committed a violation of subsection  
20 (a) while driving a school bus with one or more  
21 passengers on board;

22 (C) the person in committing a violation of  
23 subsection (a) was involved in a motor vehicle accident  
24 that resulted in great bodily harm or permanent  
25 disability or disfigurement to another, when the  
26 violation was a proximate cause of the injuries;

1 (D) the person committed a violation of subsection  
2 (a) and has been previously convicted of violating  
3 Section 9-3 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012 or a similar provision of a law  
5 of another state relating to reckless homicide in which  
6 the person was determined to have been under the  
7 influence of alcohol, other drug or drugs, or  
8 intoxicating compound or compounds as an element of the  
9 offense or the person has previously been convicted  
10 under subparagraph (C) or subparagraph (F) of this  
11 paragraph (1);

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

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

1 (G) the person committed a violation of subsection  
2 (a) during a period in which the defendant's driving  
3 privileges are revoked or suspended, where the  
4 revocation or suspension was for a violation of  
5 subsection (a) or a similar provision, Section  
6 11-501.1, paragraph (b) of Section 11-401, or for  
7 reckless homicide as defined in Section 9-3 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012;

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

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

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

23 (K) the person in committing a second violation of  
24 subsection (a) or a similar provision was transporting  
25 a person under the age of 16; or

26 (L) the person committed a violation of subsection

1 (a) of this Section while transporting one or more  
2 passengers in a vehicle for-hire.

3 (2) (A) Except as provided otherwise, a person  
4 convicted of aggravated driving under the influence of  
5 alcohol, other drug or drugs, or intoxicating compound or  
6 compounds, or any combination thereof is guilty of a Class  
7 4 felony.

8 (B) A third violation of this Section or a similar  
9 provision is a Class 2 felony. If at the time of the third  
10 violation the alcohol concentration in his or her blood,  
11 breath, other bodily substance, or urine was 0.16 or more  
12 based on the definition of blood, breath, other bodily  
13 substance, or urine units in Section 11-501.2, a mandatory  
14 minimum of 90 days of imprisonment and a mandatory minimum  
15 fine of \$2,500 shall be imposed in addition to any other  
16 criminal or administrative sanction. If at the time of the  
17 third violation, the defendant was transporting a person  
18 under the age of 16, a mandatory fine of \$25,000 and 25  
19 days of community service in a program benefiting children  
20 shall be imposed in addition to any other criminal or  
21 administrative sanction.

22 (C) A fourth violation of this Section or a similar  
23 provision is a Class 2 felony, for which a sentence of  
24 probation or conditional discharge may not be imposed. If  
25 at the time of the violation, the alcohol concentration in  
26 the defendant's blood, breath, other bodily substance, or

1 urine was 0.16 or more based on the definition of blood,  
2 breath, other bodily substance, or urine units in Section  
3 11-501.2, a mandatory minimum fine of \$5,000 shall be  
4 imposed in addition to any other criminal or administrative  
5 sanction. If at the time of the fourth violation, the  
6 defendant was transporting a person under the age of 16 a  
7 mandatory fine of \$25,000 and 25 days of community service  
8 in a program benefiting children shall be imposed in  
9 addition to any other criminal or administrative sanction.

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

24 (E) A sixth or subsequent violation of this Section or  
25 similar provision is a Class X felony. If at the time of  
26 the violation, the alcohol concentration in the

1 defendant's blood, breath, other bodily substance, or  
2 urine was 0.16 or more based on the definition of blood,  
3 breath, other bodily substance, or urine units in Section  
4 11-501.2, a mandatory minimum fine of \$5,000 shall be  
5 imposed in addition to any other criminal or administrative  
6 sanction. If at the time of the violation, the defendant  
7 was transporting a person under the age of 16, a mandatory  
8 fine of \$25,000 and 25 days of community service in a  
9 program benefiting children shall be imposed in addition to  
10 any other criminal or administrative sanction.

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

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

24 (H) For a violation of subparagraph (J) of paragraph  
25 (1) of this subsection (d), a mandatory fine of \$2,500, and  
26 25 days of community service in a program benefiting

1 children shall be imposed in addition to any other criminal  
2 or administrative sanction.

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

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

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

24 (e) Any reference to a prior violation of subsection (a) or  
25 a similar provision includes any violation of a provision of a  
26 local ordinance or a provision of a law of another state or an



1 offense committed on a military installation that is similar to  
2 a violation of subsection (a) of this Section.

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

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

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

13 (Source: P.A. 98-122, eff. 1-1-14; 98-573, eff. 8-27-13;  
14 98-756, eff. 7-16-14; 99-697, eff. 7-29-16.)

15 (625 ILCS 5/11-501.9)

16 Sec. 11-501.9. Suspension of driver's license; medical  
17 cannabis card holder; failure or refusal of field sobriety  
18 tests; implied consent.

19 (a) A person who has been issued a registry identification  
20 card under the Compassionate Use of Medical Cannabis ~~Pilot~~  
21 Program Act who drives or is in actual physical control of a  
22 motor vehicle upon the public highways of this State shall be  
23 deemed to have given consent to standardized field sobriety  
24 tests approved by the National Highway Traffic Safety  
25 Administration, under subsection (a-5) of Section 11-501.2 of

1 this Code, if detained by a law enforcement officer who has a  
2 reasonable suspicion that the person is driving or is in actual  
3 physical control of a motor vehicle while impaired by the use  
4 of cannabis. The law enforcement officer must have an  
5 independent, cannabis-related factual basis giving reasonable  
6 suspicion that the person is driving or in actual physical  
7 control of a motor vehicle while impaired by the use of  
8 cannabis for conducting standardized field sobriety tests,  
9 which shall be included with the results of the field sobriety  
10 tests in any report made by the law enforcement officer who  
11 requests the test. The person's possession of a registry  
12 identification card issued under the Compassionate Use of  
13 Medical Cannabis ~~Pilot~~ Program Act alone is not a sufficient  
14 basis for reasonable suspicion.

15 For purposes of this Section, a law enforcement officer of  
16 this State who is investigating a person for an offense under  
17 Section 11-501 of this Code may travel into an adjoining state  
18 where the person has been transported for medical care to  
19 complete an investigation and to request that the person submit  
20 to field sobriety tests under this Section.

21 (b) A person who is unconscious, or otherwise in a  
22 condition rendering the person incapable of refusal, shall be  
23 deemed to have withdrawn the consent provided by subsection (a)  
24 of this Section.

25 (c) A person requested to submit to field sobriety tests,  
26 as provided in this Section, shall be warned by the law

1 enforcement officer requesting the field sobriety tests that a  
2 refusal to submit to the field sobriety tests will result in  
3 the suspension of the person's privilege to operate a motor  
4 vehicle, as provided in subsection (f) of this Section. The  
5 person shall also be warned by the law enforcement officer that  
6 if the person submits to field sobriety tests as provided in  
7 this Section which disclose the person is impaired by the use  
8 of cannabis, a suspension of the person's privilege to operate  
9 a motor vehicle, as provided in subsection (f) of this Section,  
10 will be imposed.

11 (d) The results of field sobriety tests administered under  
12 this Section shall be admissible in a civil or criminal action  
13 or proceeding arising from an arrest for an offense as defined  
14 in Section 11-501 of this Code or a similar provision of a  
15 local ordinance. These test results shall be admissible only in  
16 actions or proceedings directly related to the incident upon  
17 which the test request was made.

18 (e) If the person refuses field sobriety tests or submits  
19 to field sobriety tests that disclose the person is impaired by  
20 the use of cannabis, the law enforcement officer shall  
21 immediately submit a sworn report to the circuit court of venue  
22 and the Secretary of State certifying that testing was  
23 requested under this Section and that the person refused to  
24 submit to field sobriety tests or submitted to field sobriety  
25 tests that disclosed the person was impaired by the use of  
26 cannabis. The sworn report must include the law enforcement

1 officer's factual basis for reasonable suspicion that the  
2 person was impaired by the use of cannabis.

3 (f) Upon receipt of the sworn report of a law enforcement  
4 officer submitted under subsection (e) of this Section, the  
5 Secretary of State shall enter the suspension to the driving  
6 record as follows:

7 (1) for refusal or failure to complete field sobriety  
8 tests, a 12 month suspension shall be entered; or

9 (2) for submitting to field sobriety tests that  
10 disclosed the driver was impaired by the use of cannabis, a  
11 6 month suspension shall be entered.

12 The Secretary of State shall confirm the suspension by  
13 mailing a notice of the effective date of the suspension to the  
14 person and the court of venue. However, should the sworn report  
15 be defective for insufficient information or be completed in  
16 error, the confirmation of the suspension shall not be mailed  
17 to the person or entered to the record; instead, the sworn  
18 report shall be forwarded to the court of venue with a copy  
19 returned to the issuing agency identifying the defect.

20 (g) The law enforcement officer submitting the sworn report  
21 under subsection (e) of this Section shall serve immediate  
22 notice of the suspension on the person and the suspension shall  
23 be effective as provided in subsection (h) of this Section. If  
24 immediate notice of the suspension cannot be given, the  
25 arresting officer or arresting agency shall give notice by  
26 deposit in the United States mail of the notice in an envelope

1 with postage prepaid and addressed to the person at his or her  
2 address as shown on the Uniform Traffic Ticket and the  
3 suspension shall begin as provided in subsection (h) of this  
4 Section. The officer shall confiscate any Illinois driver's  
5 license or permit on the person at the time of arrest. If the  
6 person has a valid driver's license or permit, the officer  
7 shall issue the person a receipt, in a form prescribed by the  
8 Secretary of State, that will allow the person to drive during  
9 the period provided for in subsection (h) of this Section. The  
10 officer shall immediately forward the driver's license or  
11 permit to the circuit court of venue along with the sworn  
12 report under subsection (e) of this Section.

13 (h) The suspension under subsection (f) of this Section  
14 shall take effect on the 46th day following the date the notice  
15 of the suspension was given to the person.

16 (i) When a driving privilege has been suspended under this  
17 Section and the person is subsequently convicted of violating  
18 Section 11-501 of this Code, or a similar provision of a local  
19 ordinance, for the same incident, any period served on  
20 suspension under this Section shall be credited toward the  
21 minimum period of revocation of driving privileges imposed  
22 under Section 6-205 of this Code.

23 (Source: P.A. 98-1172, eff. 1-12-15.)

24 Section 70. The Cannabis Control Act is amended by changing  
25 Section 5.3 as follows:

1 (720 ILCS 550/5.3)

2 Sec. 5.3. Unlawful use of cannabis-based product  
3 manufacturing equipment.

4 (a) A person commits unlawful use of cannabis-based product  
5 manufacturing equipment when he or she knowingly engages in the  
6 possession, procurement, transportation, storage, or delivery  
7 of any equipment used in the manufacturing of any  
8 cannabis-based product using volatile or explosive gas,  
9 including, but not limited to, canisters of butane gas, with  
10 the intent to manufacture, compound, covert, produce, derive,  
11 process, or prepare either directly or indirectly any  
12 cannabis-based product.

13 (b) This Section does not apply to a cultivation center or  
14 cultivation center agent that prepares medical cannabis or  
15 cannabis-infused products in compliance with the Compassionate  
16 Use of Medical Cannabis ~~Pilot~~ Program Act and Department of  
17 Public Health and Department of Agriculture rules.

18 (c) Sentence. A person who violates this Section is guilty  
19 of a Class 2 felony.

20 (Source: P.A. 99-697, eff. 7-29-16.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."