



Sen. Cristina Castro

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10200HB2380sam001

LRB102 02861 CPF 38836 a

1 AMENDMENT TO HOUSE BILL 2380

2 AMENDMENT NO. _____. Amend House Bill 2380 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Compassionate Use of Medical Cannabis
5 Program Act is amended by changing Section 10 and by adding
6 Section 103 as follows:

7 (410 ILCS 130/10)

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

10 (a) "Adequate supply" means:

11 (1) 2.5 ounces of usable cannabis during a period of
12 14 days and that is derived solely from an intrastate
13 source.

14 (2) Subject to the rules of the Department of Public
15 Health, a patient may apply for a waiver where a
16 certifying health care professional provides a substantial

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

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

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

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

20 (b) "Cannabis" has the meaning given that term in Section
21 3 of the Cannabis Control Act.

22 (c) "Cannabis plant monitoring system" means a system that
23 includes, but is not limited to, testing and data collection
24 established and maintained by the registered cultivation
25 center and available to the Department for the purposes of
26 documenting each cannabis plant and for monitoring plant

1 development throughout the life cycle of a cannabis plant
2 cultivated for the intended use by a qualifying patient from
3 seed planting to final packaging.

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

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

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

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

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

23 (h) "Debilitating medical condition" means one or more of
24 the following:

25 (1) cancer, glaucoma, positive status for human
26 immunodeficiency virus, acquired immune deficiency

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

26 (1.5) terminal illness with a diagnosis of 6 months or

1 less; if the terminal illness is not one of the qualifying
2 debilitating medical conditions, then the certifying
3 health care professional shall on the certification form
4 identify the cause of the terminal illness; or

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

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

14 (j) "Dispensing organization agent identification card"
15 means a document issued by the Department of Financial and
16 Professional Regulation that identifies a person as a ~~medical~~
17 ~~cannabis~~ dispensing organization agent, as that term is
18 defined under Section 1-10 of the Cannabis Regulation and Tax
19 Act.

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

1 (1) "Excluded offense" for cultivation center agents and
2 dispensing organizations means:

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

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

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

23 (1-5) (Blank).

24 (1-10) "Illinois Cannabis Tracking System" means a
25 web-based system established and maintained by the Department
26 of Public Health that is available to the Department of

1 Agriculture, the Department of Financial and Professional
2 Regulation, the Illinois State Police, and registered medical
3 cannabis dispensing organizations on a 24-hour basis to upload
4 written certifications for Opioid Alternative Pilot Program
5 participants, to verify Opioid Alternative Pilot Program
6 participants, to verify Opioid Alternative Pilot Program
7 participants' available cannabis allotment and assigned
8 dispensary, and the tracking of the date of sale, amount, and
9 price of medical cannabis purchased by an Opioid Alternative
10 Pilot Program participant.

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

13 (n) "Medical cannabis container" means a sealed,
14 traceable, food compliant, tamper resistant, tamper evident
15 container, or package used for the purpose of containment of
16 medical cannabis from a cultivation center to a dispensing
17 organization.

18 (o) "Medical cannabis dispensing organization", or
19 "dispensing organization", or "dispensary organization" means
20 a facility operated by an organization or business that is
21 registered by the Department of Financial and Professional
22 Regulation to acquire medical cannabis from a registered
23 cultivation center for the purpose of dispensing cannabis,
24 paraphernalia, or related supplies and educational materials
25 to registered qualifying patients, individuals with a
26 provisional registration for qualifying patient cardholder

1 status, or an Opioid Alternative Pilot Program participant.

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

7 (q) "Medical cannabis infused product" means food, oils,
8 ointments, or other products containing usable cannabis that
9 are not smoked.

10 (r) "Medical use" means the acquisition; administration;
11 delivery; possession; transfer; transportation; or use of
12 cannabis to treat or alleviate a registered qualifying
13 patient's debilitating medical condition or symptoms
14 associated with the patient's debilitating medical condition.

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

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

25 (s) "Physician" means a doctor of medicine or doctor of
26 osteopathy licensed under the Medical Practice Act of 1987 to

1 practice medicine and who has a controlled substances license
2 under Article III of the Illinois Controlled Substances Act.
3 It does not include a licensed practitioner under any other
4 Act including but not limited to the Illinois Dental Practice
5 Act.

6 (s-1) "Physician assistant" means a physician assistant
7 licensed under the Physician Assistant Practice Act of 1987
8 and who has a controlled substances license under Article III
9 of the Illinois Controlled Substances Act.

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

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

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

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

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

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

18 (y) "Written certification" means a document dated and
19 signed by a certifying health care professional, stating (1)
20 that the qualifying patient has a debilitating medical
21 condition and specifying the debilitating medical condition
22 the qualifying patient has; and (2) that (A) the certifying
23 health care professional is treating or managing treatment of
24 the patient's debilitating medical condition; or (B) an Opioid
25 Alternative Pilot Program participant has a medical condition
26 for which opioids have been or could be prescribed. A written

1 certification shall be made only in the course of a bona fide
2 health care professional-patient relationship, after the
3 certifying health care professional has completed an
4 assessment of either a qualifying patient's medical history or
5 Opioid Alternative Pilot Program participant, reviewed
6 relevant records related to the patient's debilitating
7 condition, and conducted a physical examination.

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

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

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

24 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

1 Sec. 103. Cultivation center agent identification cards.
2 The Department of Agriculture shall follow the requirements
3 set forth in Section 20-35 of the Cannabis Regulation and Tax
4 Act regarding the administration of cultivation center agent
5 identification cards under this Act.

6 Section 10. The Cannabis Regulation and Tax Act is amended
7 by adding Section 5-22 and by changing Section 15-40 as
8 follows:

9 (410 ILCS 705/5-22 new)

10 Sec. 5-22. Identification cards. The Department of
11 Agriculture and the Department of Financial and Professional
12 Regulation shall issue all identification cards under this Act
13 via an online application portal.

14 (410 ILCS 705/15-40)

15 Sec. 15-40. Dispensing organization agent identification
16 card; agent training.

17 (a) The Department shall:

18 (1) verify the information contained in an application
19 or renewal for a dispensing organization agent
20 identification card submitted under this Article, and
21 approve or deny an application or renewal, within 30 days
22 of receiving a completed application or renewal
23 application and all supporting documentation required by

1 rule;

2 (2) issue a dispensing organization agent
3 identification card to a qualifying agent within 15
4 business days of approving the application or renewal;

5 (3) enter the registry identification number of the
6 dispensing organization where the agent works;

7 (4) within one year from the effective date of this
8 Act, allow for an electronic application process and
9 provide a confirmation by electronic or other methods that
10 an application has been submitted; and

11 (5) collect a \$100 nonrefundable fee from the
12 applicant to be deposited into the Cannabis Regulation
13 Fund.

14 (b) A dispensing organization agent must keep his or her
15 identification card visible at all times when in the
16 dispensary.

17 (c) The dispensing organization agent identification cards
18 shall contain the following:

19 (1) the name of the cardholder;

20 (2) the date of issuance and expiration date of the
21 dispensing organization agent identification cards;

22 (3) a random 10-digit alphanumeric identification
23 number containing at least 4 numbers and at least 4
24 letters that is unique to the cardholder; and

25 (4) a photograph of the cardholder.

26 (d) The dispensing organization agent identification cards

1 shall be immediately returned to the dispensing organization
2 upon termination of employment.

3 (e) The Department shall not issue an agent identification
4 card if the applicant is delinquent in filing any required tax
5 returns or paying any amounts owed to the State of Illinois.

6 (f) Any card lost by a dispensing organization agent shall
7 be reported to the Illinois State Police and the Department
8 immediately upon discovery of the loss.

9 (g) An applicant shall be denied a dispensing organization
10 agent identification card renewal if he or she fails to
11 complete the training provided for in this Section.

12 (h) A dispensing organization agent shall only be required
13 to hold one card for the same employer regardless of what type
14 of dispensing organization license the employer holds.

15 (i) Cannabis retail sales training requirements.

16 (1) Within 90 days of September 1, 2019, or 90 days of
17 employment, whichever is later, all owners, managers,
18 employees, and agents involved in the handling or sale of
19 cannabis or cannabis-infused product employed by an adult
20 use dispensing organization or medical cannabis dispensing
21 organization as defined in Section 10 of the Compassionate
22 Use of Medical Cannabis Program Act shall attend and
23 successfully complete a Responsible Vendor Program.

24 (2) Each owner, manager, employee, and agent of an
25 adult use dispensing organization or medical cannabis
26 dispensing organization shall successfully complete the

1 program annually.

2 (3) Responsible Vendor Program Training modules shall
3 include at least 2 hours of instruction time approved by
4 the Department including:

5 (i) Health and safety concerns of cannabis use,
6 including the responsible use of cannabis, its
7 physical effects, onset of physiological effects,
8 recognizing signs of impairment, and appropriate
9 responses in the event of overconsumption.

10 (ii) Training on laws and regulations on driving
11 while under the influence and operating a watercraft
12 or snowmobile while under the influence.

13 (iii) Sales to minors prohibition. Training shall
14 cover all relevant Illinois laws and rules.

15 (iv) Quantity limitations on sales to purchasers.
16 Training shall cover all relevant Illinois laws and
17 rules.

18 (v) Acceptable forms of identification. Training
19 shall include:

20 (I) How to check identification; and

21 (II) Common mistakes made in verification;

22 (vi) Safe storage of cannabis;

23 (vii) Compliance with all inventory tracking
24 system regulations;

25 (viii) Waste handling, management, and disposal;

26 (ix) Health and safety standards;

- 1 (x) Maintenance of records;
- 2 (xi) Security and surveillance requirements;
- 3 (xii) Permitting inspections by State and local
- 4 licensing and enforcement authorities;
- 5 (xiii) Privacy issues;
- 6 (xiv) Packaging and labeling requirement for sales
- 7 to purchasers; and
- 8 (xv) Other areas as determined by rule.

9 (j) Blank.

10 (k) Upon the successful completion of the Responsible

11 Vendor Program, the provider shall deliver proof of completion

12 either through mail or electronic communication to the

13 dispensing organization, which shall retain a copy of the

14 certificate.

15 (l) The license of a dispensing organization or medical

16 cannabis dispensing organization whose owners, managers,

17 employees, or agents fail to comply with this Section may be

18 suspended or permanently revoked under Section 15-145 or may

19 face other disciplinary action.

20 (m) The regulation of dispensing organization and medical

21 cannabis dispensing employer and employee training is an

22 exclusive function of the State, and regulation by a unit of

23 local government, including a home rule unit, is prohibited.

24 This subsection (m) is a denial and limitation of home rule

25 powers and functions under subsection (h) of Section 6 of

26 Article VII of the Illinois Constitution.

1 (n) Persons seeking Department approval to offer the
2 training required by paragraph (3) of subsection (i) may apply
3 for such approval between August 1 and August 15 of each
4 odd-numbered year in a manner prescribed by the Department.

5 (o) Persons seeking Department approval to offer the
6 training required by paragraph (3) of subsection (i) shall
7 submit a nonrefundable application fee of \$2,000 to be
8 deposited into the Cannabis Regulation Fund or a fee as may be
9 set by rule. Any changes made to the training module shall be
10 approved by the Department.

11 (p) The Department shall not unreasonably deny approval of
12 a training module that meets all the requirements of paragraph
13 (3) of subsection (i). A denial of approval shall include a
14 detailed description of the reasons for the denial.

15 (q) Any person approved to provide the training required
16 by paragraph (3) of subsection (i) shall submit an application
17 for re-approval between August 1 and August 15 of each
18 odd-numbered year and include a nonrefundable application fee
19 of \$2,000 to be deposited into the Cannabis Regulation Fund or
20 a fee as may be set by rule.

21 (r) All persons applying to become or renewing their
22 registrations to be agents, including agents-in-charge and
23 principal officers, shall disclose any disciplinary action
24 taken against them that may have occurred in Illinois, another
25 state, or another country in relation to their employment at a
26 cannabis business establishment or at any cannabis cultivation

1 center, processor, infuser, dispensary, or other cannabis
2 business establishment.

3 (s) An agent applicant may begin employment at a
4 dispensing organization while the agent applicant's
5 identification card application is pending. Upon approval, the
6 Department shall issue the agent's identification card to the
7 agent. If denied, the dispensing organization and the agent
8 applicant shall be notified and the agent applicant must cease
9 all activity at the dispensing organization immediately.

10 (t) All notifications of acceptance or denial for
11 applications under this Section shall be sent directly to the
12 agent applicant.

13 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
14 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
15 10-12-21.)

16 (410 ILCS 130/100 rep.)

17 (410 ILCS 130/120 rep.)

18 Section 20. The Compassionate Use of Medical Cannabis
19 Program Act is amended by repealing Sections 100 and 120."