



Sen. Cristina Castro

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10200HB3139sam001

LRB102 16537 CPF 27284 a

1 AMENDMENT TO HOUSE BILL 3139

2 AMENDMENT NO. _____. Amend House Bill 3139 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 30 and by adding
6 Section 31 as follows:

7 (410 ILCS 130/30)

8 Sec. 30. Limitations and penalties.

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

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

15 (2) Possessing cannabis:

16 (A) except as provided under Section 22-33 of the

1 School Code, in a school bus;

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

5 (C) in any correctional facility;

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

8 (E) in a vehicle not open to the public unless the
9 medical cannabis is in a reasonably secured, sealed
10 container and reasonably inaccessible while the
11 vehicle is moving; or

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

15 (3) Using cannabis:

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

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

21 (C) in any correctional facility;

22 (D) in any motor vehicle;

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

26 (F) except as provided under Section 22-33 of the

1 School Code and Section 31 of this Act, in any public
2 place. "Public place" as used in this subsection means
3 any place where an individual could reasonably be
4 expected to be observed by others. A "public place"
5 includes all parts of buildings owned in whole or in
6 part, or leased, by the State or a local unit of
7 government. A "public place" does not include a
8 private residence unless the private residence is used
9 to provide licensed child care, foster care, or other
10 similar social service care on the premises. For
11 purposes of this subsection, a "public place" does not
12 include a health care facility. For purposes of this
13 Section, a "health care facility" includes, but is not
14 limited to, hospitals, nursing homes, hospice care
15 centers, and long-term care facilities;

16 (G) except as provided under Section 22-33 of the
17 School Code and Section 31 of this Act, knowingly in
18 close physical proximity to anyone under the age of 18
19 years of age;

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

25 (5) Operating, navigating, or being in actual physical
26 control of any motor vehicle, aircraft, or motorboat while

1 using or under the influence of cannabis in violation of
2 Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

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

6 (7) Allowing any person who is not allowed to use
7 cannabis under this Act to use cannabis that a cardholder
8 is allowed to possess under this Act;

9 (8) Transferring cannabis to any person contrary to
10 the provisions of this Act;

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

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

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

20 (c) Notwithstanding any other criminal penalties related
21 to the unlawful possession of cannabis, knowingly making a
22 misrepresentation to a law enforcement official of any fact or
23 circumstance relating to the medical use of cannabis to avoid
24 arrest or prosecution is a petty offense punishable by a fine
25 of up to \$1,000, which shall be in addition to any other
26 penalties that may apply for making a false statement or for

1 the use of cannabis other than use undertaken under this Act.

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

9 (e) Any cardholder or registered caregiver who sells
10 cannabis shall have his or her registry identification card
11 revoked and is subject to other penalties for the unauthorized
12 sale of cannabis.

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

18 (g) No registered qualifying patient or designated
19 caregiver shall knowingly obtain, seek to obtain, or possess,
20 individually or collectively, an amount of usable cannabis
21 from a registered medical cannabis dispensing organization
22 that would cause him or her to exceed the authorized adequate
23 supply under subsection (a) of Section 10.

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

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

5 (Source: P.A. 100-660, eff. 8-1-18; 101-363, eff. 8-9-19.)

6 (410 ILCS 130/31 new)

7 Sec. 31. Administration to persons with disabilities in
8 park district programs.

9 (a) Definitions. For purposes of this Section:

10 (1) "Park district" has the meaning as defined in
11 Section 1-3 of the Park District Code. "Park district"
12 includes the Chicago Park District as defined by the
13 Chicago Park District Act, any special recreational
14 association created by a park district through an
15 intergovernmental agreement, and any nonprofit
16 organization authorized by the park district or special
17 recreational association to administer a program for
18 persons with disabilities on its behalf.

19 (2) "Program participant" means a person with
20 disabilities who is a registered qualifying patient and
21 who participates in a summer camp, educational program, or
22 other similar program provided by a park district for
23 persons with disabilities.

24 (b) Subject to the restrictions under subsections (c)
25 through (f) of this Section, a park district shall authorize a

1 program participant's parent, guardian, or other designated
2 caregiver to administer a medical cannabis infused product to
3 the program participant on the premises of the park district
4 if both the program participant and the parent, guardian, or
5 other designated caregiver are cardholders. After
6 administering the medical cannabis infused product, the
7 parent, guardian, or other designated caregiver shall remove
8 the medical cannabis infused product from the premises of the
9 park district.

10 (c) A parent, guardian, or other designated caregiver may
11 not administer a medical cannabis infused product under this
12 Section in a manner that, in the opinion of the park district,
13 would create a disruption to the park district's program or
14 activity for persons with disabilities or would cause exposure
15 of the medical cannabis infused product to other program
16 participants.

17 (d) A park district may not discipline a program
18 participant who is administered a medical cannabis infused
19 product by a parent, guardian, or other designated caregiver
20 under this Section and may not deny the program participant's
21 eligibility to attend the park district's program or activity
22 for persons with disabilities solely because the program
23 participant requires the administration of the medical
24 cannabis infused product.

25 (e) Nothing in this Section requires a member of the park
26 district's staff to administer a medical cannabis infused

1 product to a program participant.

2 (f) A park district may not authorize the use of a medical
3 cannabis infused product under this Section if the park
4 district would lose federal funding as a result of the
5 authorization.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".