



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB3487

Introduced 2/22/2021, by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

410 ILCS 130/55  
410 ILCS 130/60  
410 ILCS 130/62  
410 ILCS 130/70  
410 ILCS 130/75

Amends the Compassionate Use of Medical Cannabis Program Act. Removes language requiring qualifying patients and designated caregivers to designate a registered medical cannabis dispensing organization for the qualifying patient or designated caregiver to receive medical cannabis. Effective immediately.

LRB102 15083 CPF 20438 b

1 AN ACT concerning health.

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

4 Section 5. The Compassionate Use of Medical Cannabis  
5 Program Act is amended by changing Sections 55, 60, 62, 70, and  
6 75 as follows:

7 (410 ILCS 130/55)

8 Sec. 55. Registration of qualifying patients and  
9 designated caregivers.

10 (a) The Department of Public Health shall issue registry  
11 identification cards to qualifying patients and designated  
12 caregivers who submit a completed application, and at minimum,  
13 the following, in accordance with Department of Public Health  
14 rules:

15 (1) A written certification, on a form developed by  
16 the Department of Public Health consistent with Section 36  
17 and issued by a certifying health care professional,  
18 within 90 days immediately preceding the date of an  
19 application and submitted by the qualifying patient or his  
20 or her designated caregiver;

21 (2) upon the execution of applicable privacy waivers,  
22 the patient's medical documentation related to his or her  
23 debilitating condition and any other information that may

1 be reasonably required by the Department of Public Health  
2 to confirm that the certifying health care professional  
3 and patient have a bona fide health care  
4 professional-patient relationship, that the qualifying  
5 patient is in the certifying health care professional's  
6 care for his or her debilitating medical condition, and to  
7 substantiate the patient's diagnosis;

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

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

12 (5) the name, address, and telephone number of the  
13 qualifying patient's certifying health care professional;

14 (6) the name, address, and date of birth of the  
15 designated caregiver, if any, chosen by the qualifying  
16 patient;

17 (7) (blank) ~~the name of the registered medical~~  
18 ~~cannabis dispensing organization the qualifying patient~~  
19 ~~designates;~~

20 (8) signed statements from the patient and designated  
21 caregiver asserting that they will not divert medical  
22 cannabis; and

23 (9) (blank).

24 (b) Notwithstanding any other provision of this Act, a  
25 person provided a written certification for a debilitating  
26 medical condition who has submitted a completed online

1 application to the Department of Public Health shall receive a  
2 provisional registration and be entitled to purchase medical  
3 cannabis from a ~~specified~~ licensed dispensing organization for  
4 a period of 90 days or until his or her application has been  
5 denied or he or she receives a registry identification card,  
6 whichever is earlier. However, a person may obtain an  
7 additional provisional registration after the expiration of 90  
8 days after the date of application if the Department of Public  
9 Health does not provide the individual with a registry  
10 identification card or deny the individual's application  
11 within those 90 days.

12 The provisional registration may not be extended if the  
13 individual does not respond to the Department of Public  
14 Health's request for additional information or corrections to  
15 required application documentation.

16 In order for a person to receive medical cannabis under  
17 this subsection, a person must present his or her provisional  
18 registration along with a valid driver's license or State  
19 identification card to the licensed dispensing organization  
20 ~~specified in his or her application.~~ The dispensing  
21 organization shall verify the person's provisional  
22 registration through the Department of Public Health's online  
23 verification system.

24 Upon verification of the provided documents, the  
25 dispensing organization shall dispense no more than 2.5 ounces  
26 of medical cannabis during a 14-day period to the person for a

1 period of 90 days, until his or her application has been  
2 denied, or until he or she receives a registry identification  
3 card from the Department of Public Health, whichever is  
4 earlier.

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

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

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

1 (410 ILCS 130/60)

2 Sec. 60. Issuance of registry identification cards.

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

5 (1) verify the information contained in an application  
6 or renewal for a registry identification card submitted  
7 under this Act, and approve or deny an application or  
8 renewal, within 90 days of receiving a completed  
9 application or renewal application and all supporting  
10 documentation specified in Section 55;

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

15 (3) (blank) ~~enter the registry identification number~~  
16 ~~of the registered dispensing organization the patient~~  
17 ~~designates into the verification system; and~~

18 (4) allow for an electronic application process, and  
19 provide a confirmation by electronic or other methods that  
20 an application has been submitted.

21 Notwithstanding any other provision of this Act, the  
22 Department of Public Health shall adopt rules for qualifying  
23 patients and applicants with life-long debilitating medical  
24 conditions, who may be charged annual renewal fees. The  
25 Department of Public Health shall not require patients and  
26 applicants with life-long debilitating medical conditions to

1 apply to renew registry identification cards.

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

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

26 (c-10) An individual who submits an application as someone

1 who is terminally ill shall have all fees waived. The  
2 Department of Public Health shall within 30 days after this  
3 amendatory Act of the 99th General Assembly adopt emergency  
4 rules to expedite approval for terminally ill individuals.  
5 These rules shall include, but not be limited to, rules that  
6 provide that applications by individuals with terminal  
7 illnesses shall be approved or denied within 14 days of their  
8 submission.

9 (d) No later than 6 months after the effective date of this  
10 amendatory Act of the 101st General Assembly, the Secretary of  
11 State shall remove all existing notations on driving records  
12 that the person is a registered qualifying patient or his or  
13 her caregiver under this Act.

14 (e) Upon the approval of the registration and issuance of  
15 a registry card under this Section, the Department of Public  
16 Health shall electronically forward the registered qualifying  
17 patient's identification card information to the Prescription  
18 Monitoring Program established under the Illinois Controlled  
19 Substances Act and certify that the individual is permitted to  
20 engage in the medical use of cannabis. For the purposes of  
21 patient care, the Prescription Monitoring Program shall make a  
22 notation on the person's prescription record stating that the  
23 person is a registered qualifying patient who is entitled to  
24 the lawful medical use of cannabis. If the person no longer  
25 holds a valid registry card, the Department of Public Health  
26 shall notify the Prescription Monitoring Program and



1 Department of Human Services to remove the notation from the  
2 person's record. The Department of Human Services and the  
3 Prescription Monitoring Program shall establish a system by  
4 which the information may be shared electronically. This  
5 confidential list may not be combined or linked in any manner  
6 with any other list or database except as provided in this  
7 Section.

8 (f) (Blank).

9 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;  
10 101-593, eff. 12-4-19.)

11 (410 ILCS 130/62)

12 Sec. 62. Opioid Alternative Pilot Program.

13 (a) The Department of Public Health shall establish the  
14 Opioid Alternative Pilot Program. Licensed dispensing  
15 organizations shall allow persons with a written certification  
16 from a certifying health care professional under Section 36 to  
17 purchase medical cannabis upon enrollment in the Opioid  
18 Alternative Pilot Program. The Department of Public Health  
19 shall adopt rules or establish procedures allowing qualified  
20 veterans to participate in the Opioid Alternative Pilot  
21 Program. For a person to receive medical cannabis under this  
22 Section, the person must present the written certification  
23 along with a valid driver's license or state identification  
24 card to the licensed dispensing organization ~~specified in his~~  
25 ~~or her application~~. The dispensing organization shall verify

1 the person's status as an Opioid Alternative Pilot Program  
2 participant through the Department of Public Health's online  
3 verification system.

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

6 (c) The Department of Financial and Professional  
7 Regulation shall specify that all licensed dispensing  
8 organizations participating in the Opioid Alternative Pilot  
9 Program use the Illinois Cannabis Tracking System. The  
10 Department of Public Health shall establish and maintain the  
11 Illinois Cannabis Tracking System. The Illinois Cannabis  
12 Tracking System shall be used to collect information about all  
13 persons participating in the Opioid Alternative Pilot Program  
14 and shall be used to track the sale of medical cannabis for  
15 verification purposes.

16 Each dispensing organization shall retain a copy of the  
17 Opioid Alternative Pilot Program certification and other  
18 identifying information as required by the Department of  
19 Financial and Professional Regulation, the Department of  
20 Public Health, and the Illinois State Police in the Illinois  
21 Cannabis Tracking System.

22 The Illinois Cannabis Tracking System shall be accessible  
23 to the Department of Financial and Professional Regulation,  
24 Department of Public Health, Department of Agriculture, and  
25 the Illinois State Police.

26 The Department of Financial and Professional Regulation in

1 collaboration with the Department of Public Health shall  
2 specify the data requirements for the Opioid Alternative Pilot  
3 Program by licensed dispensing organizations; including, but  
4 not limited to, the participant's full legal name, address,  
5 and date of birth, date on which the Opioid Alternative Pilot  
6 Program certification was issued, length of the participation  
7 in the Program, including the start and end date to purchase  
8 medical cannabis, name of the issuing physician, copy of the  
9 participant's current driver's license or State identification  
10 card, and phone number.

11 The Illinois Cannabis Tracking System shall provide  
12 verification of a person's participation in the Opioid  
13 Alternative Pilot Program for law enforcement at any time and  
14 on any day.

15 (d) The certification for Opioid Alternative Pilot Program  
16 participant must be issued by a certifying health care  
17 professional who is licensed to practice in Illinois under the  
18 Medical Practice Act of 1987, the Nurse Practice Act, or the  
19 Physician Assistant Practice Act of 1987 and who is in good  
20 standing and holds a controlled substances license under  
21 Article III of the Illinois Controlled Substances Act.

22 The certification for an Opioid Alternative Pilot Program  
23 participant shall be written within 90 days before the  
24 participant submits his or her certification to the dispensing  
25 organization.

26 The written certification uploaded to the Illinois

1 Cannabis Tracking System shall be accessible to the Department  
2 of Public Health.

3 (e) Upon verification of the individual's valid  
4 certification and enrollment in the Illinois Cannabis Tracking  
5 System, the dispensing organization may dispense the medical  
6 cannabis, in amounts not exceeding 2.5 ounces of medical  
7 cannabis per 14-day period to the participant ~~at the~~  
8 ~~participant's specified dispensary~~ for no more than 90 days.

9 An Opioid Alternative Pilot Program participant shall not  
10 be registered as a medical cannabis cardholder. The dispensing  
11 organization shall verify that the person is not an active  
12 registered qualifying patient prior to enrollment in the  
13 Opioid Alternative Pilot Program and each time medical  
14 cannabis is dispensed.

15 Upon receipt of a written certification under the Opioid  
16 Alternative Pilot Program, the Department of Public Health  
17 shall electronically forward the patient's identification  
18 information to the Prescription Monitoring Program established  
19 under the Illinois Controlled Substances Act and certify that  
20 the individual is permitted to engage in the medical use of  
21 cannabis. For the purposes of patient care, the Prescription  
22 Monitoring Program shall make a notation on the person's  
23 prescription record stating that the person has a written  
24 certification under the Opioid Alternative Pilot Program and  
25 is a patient who is entitled to the lawful medical use of  
26 cannabis. If the person is no longer authorized to engage in

1 the medical use of cannabis, the Department of Public Health  
2 shall notify the Prescription Monitoring Program and  
3 Department of Human Services to remove the notation from the  
4 person's record. The Department of Human Services and the  
5 Prescription Monitoring Program shall establish a system by  
6 which the information may be shared electronically. This  
7 confidential list may not be combined or linked in any manner  
8 with any other list or database except as provided in this  
9 Section.

10 (f) An Opioid Alternative Pilot Program participant shall  
11 not be considered a qualifying patient with a debilitating  
12 medical condition under this Act and shall be provided access  
13 to medical cannabis solely for the duration of the  
14 participant's certification. Nothing in this Section shall be  
15 construed to limit or prohibit an Opioid Alternative Pilot  
16 Program participant who has a debilitating medical condition  
17 from applying to the Compassionate Use of Medical Cannabis  
18 Program.

19 (g) A person with a provisional registration under Section  
20 55 shall not be considered an Opioid Alternative Pilot Program  
21 participant.

22 (h) The Department of Financial and Professional  
23 Regulation and the Department of Public Health shall submit  
24 emergency rulemaking to implement the changes made by this  
25 amendatory Act of the 100th General Assembly by December 1,  
26 2018. The Department of Financial and Professional Regulation,

1 the Department of Agriculture, the Department of Human  
2 Services, the Department of Public Health, and the Illinois  
3 State Police shall utilize emergency purchase authority for 12  
4 months after the effective date of this amendatory Act of the  
5 100th General Assembly for the purpose of implementing the  
6 changes made by this amendatory Act of the 100th General  
7 Assembly.

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

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

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

15 (410 ILCS 130/70)

16 Sec. 70. Registry identification cards.

17 (a) A registered qualifying patient or designated  
18 caregiver must keep their registry identification card in his  
19 or her possession at all times when engaging in the medical use  
20 of cannabis.

21 (b) Registry identification cards shall contain the  
22 following:

23 (1) the name of the cardholder;

24 (2) a designation of whether the cardholder is a  
25 designated caregiver or qualifying patient;

1           (3) the date of issuance and expiration date of the  
2 registry identification card;

3           (4) a random alphanumeric identification number that  
4 is unique to the cardholder;

5           (5) if the cardholder is a designated caregiver, the  
6 random alphanumeric identification number of the  
7 registered qualifying patient the designated caregiver is  
8 receiving the registry identification card to assist; and

9           (6) a photograph of the cardholder, if required by  
10 Department of Public Health rules.

11           (c) To maintain a valid registration identification card,  
12 a registered qualifying patient and caregiver must annually  
13 resubmit, at least 45 days prior to the expiration date stated  
14 on the registry identification card, a completed renewal  
15 application, renewal fee, and accompanying documentation as  
16 described in Department of Public Health rules. The Department  
17 of Public Health shall send a notification to a registered  
18 qualifying patient or registered designated caregiver 90 days  
19 prior to the expiration of the registered qualifying patient's  
20 or registered designated caregiver's identification card. If  
21 the Department of Public Health fails to grant or deny a  
22 renewal application received in accordance with this Section,  
23 then the renewal is deemed granted and the registered  
24 qualifying patient or registered designated caregiver may  
25 continue to use the expired identification card until the  
26 Department of Public Health denies the renewal or issues a new

1 identification card.

2 (d) Except as otherwise provided in this Section, the  
3 expiration date is 3 years after the date of issuance.

4 (e) The Department of Public Health may electronically  
5 store in the card any or all of the information listed in  
6 subsection (b), along with the address and date of birth of the  
7 cardholder ~~and the qualifying patient's designated dispensary~~  
8 ~~organization~~, to allow it to be read by law enforcement  
9 agents.

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

11 (410 ILCS 130/75)

12 Sec. 75. Notifications to Department of Public Health and  
13 responses; civil penalty.

14 (a) The following notifications and Department of Public  
15 Health responses are required:

16 (1) A registered qualifying patient shall notify the  
17 Department of Public Health of any change in his or her  
18 name or address, or if the registered qualifying patient  
19 ceases to have his or her debilitating medical condition,  
20 within 10 days of the change.

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



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

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

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

19          (c) If a registered qualifying patient ceases to be a  
20          registered qualifying patient or changes his or her registered  
21          designated caregiver, the Department of Public Health shall  
22          promptly notify the designated caregiver. The registered  
23          designated caregiver's protections under this Act as to that  
24          qualifying patient shall expire 15 days after notification by  
25          the Department.

26          (d) A cardholder who fails to make a notification to the

1 Department of Public Health that is required by this Section  
2 is subject to a civil infraction, punishable by a penalty of no  
3 more than \$150.

4 (e) (Blank) ~~A registered qualifying patient shall notify~~  
5 ~~the Department of Public Health of any change to his or her~~  
6 ~~designated registered dispensing organization. The Department~~  
7 ~~of Public Health shall provide for immediate changes of a~~  
8 ~~registered qualifying patient's designated registered~~  
9 ~~dispensing organization. Registered dispensing organizations~~  
10 ~~must comply with all requirements of this Act.~~

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

22 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;  
23 revised 12-9-19.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.