

HB4201



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4201

Introduced 11/1/2023, by Rep. Bob Morgan

SYNOPSIS AS INTRODUCED:

410 ILCS 130/35

Amends the Compassionate Use of Medical Cannabis Program Act. Provides that the physical examination required by the Act may (instead of may not) be performed by remote means, including telemedicine. Effective immediately.

LRB103 34827 RPS 64683 b

A BILL FOR

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 Section 35 as follows:

6 (410 ILCS 130/35)

7 Sec. 35. Certifying health care professional requirements.

8 (a) A certifying health care professional who certifies a
9 debilitating medical condition for a qualifying patient shall
10 comply with all of the following requirements:

11 (1) The certifying health care professional shall be
12 currently licensed under the Medical Practice Act of 1987
13 to practice medicine in all its branches, the Nurse
14 Practice Act, or the Physician Assistant Practice Act of
15 1987, shall be in good standing, and must hold a
16 controlled substances license under Article III of the
17 Illinois Controlled Substances Act.

18 (2) A certifying health care professional certifying a
19 patient's condition shall comply with generally accepted
20 standards of medical practice, the provisions of the Act
21 under which he or she is licensed and all applicable
22 rules.

23 (3) The physical examination required by this Act may

1 ~~not~~ be performed by remote means, including telemedicine.

2 (4) The certifying health care professional shall
3 maintain a record-keeping system for all patients for whom
4 the certifying health care professional has certified the
5 patient's medical condition. These records shall be
6 accessible to and subject to review by the Department of
7 Public Health and the Department of Financial and
8 Professional Regulation upon request.

9 (b) A certifying health care professional may not:

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

18 (1.5) accept, solicit, or offer any form of
19 remuneration from or to a medical cannabis cultivation
20 center or dispensary organization for the purposes of
21 referring a patient to a specific dispensary organization;

22 (1.10) engage in any activity that is prohibited under
23 Section 22.2 of the Medical Practice Act of 1987,
24 regardless of whether the certifying health care
25 professional is a physician, advanced practice registered
26 nurse, or physician assistant;

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

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

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

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

20 (6) refer patients to a cultivation center, a
21 dispensing organization, or a registered designated
22 caregiver; or

23 (7) advertise in a cultivation center or a dispensing
24 organization.

25 (c) The Department of Public Health may with reasonable
26 cause refer a certifying health care professional, who has

1 certified a debilitating medical condition of a patient, to
2 the Illinois Department of Financial and Professional
3 Regulation for potential violations of this Section.

4 (d) Any violation of this Section or any other provision
5 of this Act or rules adopted under this Act is a violation of
6 the certifying health care professional's licensure act.

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

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

24 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)

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