



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB5633

Introduced 2/9/2024, by Rep. Nicholas K. Smith

#### SYNOPSIS AS INTRODUCED:

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 the requirement that, in order to substantiate a patient's medical condition, a patient must provide the name of the registered medical cannabis dispensing organization. Provides that a patient may purchase medical cannabis from any licensed dispensing organization during the provisional registration period. Makes conforming changes throughout. Effective immediately.

LRB103 38963 CES 69100 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 60, 62, 70, and 75  
6 as follows:

7 (410 ILCS 130/60)

8 Sec. 60. Issuance of registry identification cards.

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

11 (1) verify the information contained in an application  
12 or renewal for a registry identification card submitted  
13 under this Act, and approve or deny an application or  
14 renewal, within 90 days of receiving a completed  
15 application or renewal application and all supporting  
16 documentation specified in Section 55;

17 (2) issue registry identification cards to a  
18 qualifying patient and his or her designated caregiver, if  
19 any, within 15 business days of approving the application  
20 or renewal;

21 (3) (blank); and ~~enter the registry identification~~  
22 ~~number of the registered dispensing organization the~~  
23 ~~patient designates into the verification system; and~~

1           (4) allow for an electronic application process, and  
2           provide a confirmation by electronic or other methods that  
3           an application has been submitted.

4           Notwithstanding any other provision of this Act, the  
5           Department of Public Health shall adopt rules for qualifying  
6           patients and applicants with life-long debilitating medical  
7           conditions, who may be charged annual renewal fees. The  
8           Department of Public Health shall not require patients and  
9           applicants with life-long debilitating medical conditions to  
10          apply to renew registry identification cards.

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

26          (c) A veteran who has received treatment at a VA hospital

1 is deemed to have a bona fide health care professional-patient  
2 relationship with a VA certifying health care professional if  
3 the patient has been seen for his or her debilitating medical  
4 condition at the VA hospital in accordance with VA hospital  
5 protocols. All reasonable inferences regarding the existence  
6 of a bona fide health care professional-patient relationship  
7 shall be drawn in favor of an applicant who is a veteran and  
8 has undergone treatment at a VA hospital.

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

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

23 (e) Upon the approval of the registration and issuance of  
24 a registry card under this Section, the Department of Public  
25 Health shall electronically forward the registered qualifying  
26 patient's identification card information to the Prescription

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

17 (f) (Blank).

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

20 (410 ILCS 130/62)

21 Sec. 62. Opioid Alternative Pilot Program.

22 (a) The Department of Public Health shall establish the  
23 Opioid Alternative Pilot Program. Licensed dispensing  
24 organizations shall allow persons with a written certification  
25 from a certifying health care professional under Section 36 to

1 purchase medical cannabis upon enrollment in the Opioid  
2 Alternative Pilot Program. The Department of Public Health  
3 shall adopt rules or establish procedures allowing qualified  
4 veterans to participate in the Opioid Alternative Pilot  
5 Program. For a person to receive medical cannabis under this  
6 Section, the person must present the written certification  
7 along with a valid driver's license or state identification  
8 card to the licensed dispensing organization ~~specified in his~~  
9 ~~or her application~~. The dispensing organization shall verify  
10 the person's status as an Opioid Alternative Pilot Program  
11 participant through the Department of Public Health's online  
12 verification system.

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

15 (c) The Department of Financial and Professional  
16 Regulation shall specify that all licensed dispensing  
17 organizations participating in the Opioid Alternative Pilot  
18 Program use the Illinois Cannabis Tracking System. The  
19 Department of Public Health shall establish and maintain the  
20 Illinois Cannabis Tracking System. The Illinois Cannabis  
21 Tracking System shall be used to collect information about all  
22 persons participating in the Opioid Alternative Pilot Program  
23 and shall be used to track the sale of medical cannabis for  
24 verification purposes.

25 Each dispensing organization shall retain a copy of the  
26 Opioid Alternative Pilot Program certification and other

1 identifying information as required by the Department of  
2 Financial and Professional Regulation, the Department of  
3 Public Health, and the Illinois State Police in the Illinois  
4 Cannabis Tracking System.

5 The Illinois Cannabis Tracking System shall be accessible  
6 to the Department of Financial and Professional Regulation,  
7 Department of Public Health, Department of Agriculture, and  
8 the Illinois State Police.

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

20 The Illinois Cannabis Tracking System shall provide  
21 verification of a person's participation in the Opioid  
22 Alternative Pilot Program for law enforcement at any time and  
23 on any day.

24 (d) The certification for Opioid Alternative Pilot Program  
25 participant must be issued by a certifying health care  
26 professional who is licensed to practice in Illinois under the

1 Medical Practice Act of 1987, the Nurse Practice Act, or the  
2 Physician Assistant Practice Act of 1987 and who is in good  
3 standing and holds a controlled substances license under  
4 Article III of the Illinois Controlled Substances Act.

5 The certification for an Opioid Alternative Pilot Program  
6 participant shall be written within 90 days before the  
7 participant submits his or her certification to the dispensing  
8 organization.

9 The written certification uploaded to the Illinois  
10 Cannabis Tracking System shall be accessible to the Department  
11 of Public Health.

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

18 An Opioid Alternative Pilot Program participant shall not  
19 be registered as a medical cannabis cardholder. The dispensing  
20 organization shall verify that the person is not an active  
21 registered qualifying patient prior to enrollment in the  
22 Opioid Alternative Pilot Program and each time medical  
23 cannabis is dispensed.

24 Upon receipt of a written certification under the Opioid  
25 Alternative Pilot Program, the Department of Public Health  
26 shall electronically forward the patient's identification



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

19 (f) An Opioid Alternative Pilot Program participant shall  
20 not be considered a qualifying patient with a debilitating  
21 medical condition under this Act and shall be provided access  
22 to medical cannabis solely for the duration of the  
23 participant's certification. Nothing in this Section shall be  
24 construed to limit or prohibit an Opioid Alternative Pilot  
25 Program participant who has a debilitating medical condition  
26 from applying to the Compassionate Use of Medical Cannabis

1 Program.

2 (g) A person with a provisional registration under Section  
3 55 shall not be considered an Opioid Alternative Pilot Program  
4 participant.

5 (h) The Department of Financial and Professional  
6 Regulation and the Department of Public Health shall submit  
7 emergency rulemaking to implement the changes made by this  
8 amendatory Act of the 100th General Assembly by December 1,  
9 2018. The Department of Financial and Professional Regulation,  
10 the Department of Agriculture, the Department of Human  
11 Services, the Department of Public Health, and the Illinois  
12 State Police shall utilize emergency purchase authority for 12  
13 months after the effective date of this amendatory Act of the  
14 100th General Assembly for the purpose of implementing the  
15 changes made by this amendatory Act of the 100th General  
16 Assembly.

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

21 (j) The provisions of this Section are inoperative on and  
22 after July 1, 2025.

23 (Source: P.A. 101-363, eff. 8-9-19; 102-16, eff. 6-17-21.)

24 (410 ILCS 130/70)

25 Sec. 70. Registry identification cards.

1           (a) A registered qualifying patient or designated  
2 caregiver must keep their registry identification card in his  
3 or her possession at all times when engaging in the medical use  
4 of cannabis.

5           (b) Registry identification cards shall contain the  
6 following:

7                 (1) the name of the cardholder;

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

10                (3) the date of issuance and expiration date of the  
11 registry identification card;

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

14                (5) if the cardholder is a designated caregiver, the  
15 random alphanumeric identification number of the  
16 registered qualifying patient the designated caregiver is  
17 receiving the registry identification card to assist; and

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

20           (c) To maintain a valid registration identification card,  
21 a registered qualifying patient and caregiver must annually  
22 resubmit, at least 45 days prior to the expiration date stated  
23 on the registry identification card, a completed renewal  
24 application, renewal fee, and accompanying documentation as  
25 described in Department of Public Health rules. The Department  
26 of Public Health shall send a notification to a registered

1 qualifying patient or registered designated caregiver 90 days  
2 prior to the expiration of the registered qualifying patient's  
3 or registered designated caregiver's identification card. If  
4 the Department of Public Health fails to grant or deny a  
5 renewal application received in accordance with this Section,  
6 then the renewal is deemed granted and the registered  
7 qualifying patient or registered designated caregiver may  
8 continue to use the expired identification card until the  
9 Department of Public Health denies the renewal or issues a new  
10 identification card.

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

13 (e) The Department of Public Health may electronically  
14 store in the card any or all of the information listed in  
15 subsection (b), along with the address and date of birth of the  
16 cardholder ~~and the qualifying patient's designated dispensary~~  
17 ~~organization~~, to allow it to be read by law enforcement  
18 agents.

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

20 (410 ILCS 130/75)

21 Sec. 75. Notifications to Department of Public Health and  
22 responses; civil penalty.

23 (a) The following notifications and Department of Public  
24 Health responses are required:

25 (1) A registered qualifying patient shall notify the

1 Department of Public Health of any change in his or her  
2 name or address, or if the registered qualifying patient  
3 ceases to have his or her debilitating medical condition,  
4 within 10 days of the change.

5 (2) A registered designated caregiver shall notify the  
6 Department of Public Health of any change in his or her  
7 name or address, or if the designated caregiver becomes  
8 aware the registered qualifying patient passed away,  
9 within 10 days of the change.

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

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

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

1 updated information.

2 (c) If a registered qualifying patient ceases to be a  
3 registered qualifying patient or changes his or her registered  
4 designated caregiver, the Department of Public Health shall  
5 promptly notify the designated caregiver. The registered  
6 designated caregiver's protections under this Act as to that  
7 qualifying patient shall expire 15 days after notification by  
8 the Department.

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

13 (e) (Blank). ~~A registered qualifying patient shall notify~~  
14 ~~the Department of Public Health of any change to his or her~~  
15 ~~designated registered dispensing organization. The Department~~  
16 ~~of Public Health shall provide for immediate changes of a~~  
17 ~~registered qualifying patient's designated registered~~  
18 ~~dispensing organization. Registered dispensing organizations~~  
19 ~~must comply with all requirements of this Act.~~

20 (f) If the registered qualifying patient's certifying  
21 health care professional notifies the Department in writing  
22 that either the registered qualifying patient has ceased to  
23 suffer from a debilitating medical condition, that the bona  
24 fide health care professional-patient relationship has  
25 terminated, or that continued use of medical cannabis would  
26 result in contraindication with the patient's other

1 medication, the card shall become null and void. However, the  
2 registered qualifying patient shall have 15 days to destroy  
3 his or her remaining medical cannabis and related  
4 paraphernalia.

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

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