



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0407

Introduced 01/26/05, by Rep. Larry McKeon

#### SYNOPSIS AS INTRODUCED:

New Act  
720 ILCS 550/11

from Ch. 56 1/2, par. 711

Creates the Medical Cannabis Act. Provides that a person who has been diagnosed by a physician as having a debilitating medical condition and the person's primary caregiver may be issued a registry identification card by the Department of Human Services that permits the person or the person's primary caregiver to legally possess no more than 12 cannabis plants and two and one-half ounces of usable cannabis. Provides that a person who possesses a registry identification card is not subject to arrest, prosecution, or penalty in any manner, or denial of any right or privilege, including civil penalty or disciplinary action by a professional licensing board, for the medical use of cannabis; provided that the qualifying patient or primary caregiver possesses an amount of cannabis that does not exceed 12 cannabis plants and two and one-half ounces of usable cannabis. Amends the Cannabis Control Act to make conforming changes consistent with the Medical Cannabis Act. Effective immediately.

LRB094 06225 RLC 36295 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning medical cannabis.

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

4 Section 1. Short title. This Act may be cited as the  
5 Medical Cannabis Act.

6 Section 5. Findings.

7 (a) Modern medical research has discovered beneficial uses  
8 for cannabis in treating or alleviating the pain, nausea, and  
9 other symptoms associated with certain debilitating medical  
10 conditions, as found by the National Academy of Sciences'  
11 Institute of Medicine in March 1999.

12 (b) According to the U.S. Sentencing Commission and the  
13 Federal Bureau of Investigation, 99 out of every 100 cannabis  
14 arrests in the U.S. are made under state law, rather than under  
15 federal law. Consequently, changing state law will have the  
16 practical effect of protecting from arrest the vast majority of  
17 seriously ill people who have a medical need to use cannabis.

18 (c) Although federal law currently prohibits any use of  
19 cannabis, the laws of Alaska, California, Colorado, Hawaii,  
20 Maine, Montana, Nevada, Oregon, Vermont, and Washington permit  
21 the medical use and cultivation of cannabis. Illinois joins in  
22 this effort for the health and welfare of its citizens.

23 (d) States are not required to enforce federal law or  
24 prosecute people for engaging in activities prohibited by  
25 federal law. Therefore, compliance with this Act does not put  
26 the state of Illinois in violation of federal law.

27 (e) State law should make a distinction between the medical  
28 and non-medical use of cannabis. Hence, the purpose of this Act  
29 is to protect patients with debilitating medical conditions,  
30 and their practitioners and primary caregivers, from arrest and  
31 prosecution, criminal and other penalties, and property  
32 forfeiture if such patients engage in the medical use of

1 cannabis.

2 (f) The people of the State of Illinois declare that they  
3 enact this Act pursuant to the police power to protect the  
4 health of its citizens that is reserved to the State of  
5 Illinois and its people under the Tenth Amendment to the United  
6 States Constitution.

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

9 "Debilitating medical condition" means:

10 (1) cancer, glaucoma, positive status for human  
11 immunodeficiency virus, acquired immune deficiency  
12 syndrome, or Hepatitis C;

13 (2) a chronic or debilitating disease or medical  
14 condition that produces one or more of the following:  
15 cachexia or wasting syndrome; severe or chronic pain;  
16 severe nausea; seizures, including but not limited to those  
17 characteristic of epilepsy; or severe and persistent  
18 muscle spasms, including but not limited to those  
19 characteristic of multiple sclerosis and Crohn's disease;  
20 agitation of Alzheimer's disease; or

21 (3) any other medical condition approved by the  
22 Department, as provided for in subsection (a) of Section  
23 20.

24 "Department" means the Department of Human Services.

25 "Cannabis" has the meaning given that term in Section 3 of  
26 the Cannabis Control Act.

27 "Medical use" means the acquisition, possession,  
28 cultivation, manufacture, use, delivery, transfer, or  
29 transportation of cannabis or paraphernalia relating to the  
30 consumption of cannabis to alleviate a registered qualifying  
31 patient's debilitating medical condition or symptoms  
32 associated with the medical condition.

33 "Practitioner" means a physician licensed to practice  
34 medicine in all its branches, an advanced practice nurse who  
35 has a written collaborative agreement with the physician that

1 authorizes the provision of written certifications under this  
2 Act, or a physician assistant who has been delegated the  
3 authority to provide written certifications under this Act.

4 "Primary caregiver" means a person who is at least 18 years  
5 old and who has agreed to assist with a person's medical use of  
6 cannabis. A primary caregiver may assist no more than 5  
7 qualifying patients with their medical use of cannabis.

8 "Qualifying patient" means a person who has been diagnosed  
9 by a practitioner as having a debilitating medical condition.

10 "Registry identification card" means a document issued by  
11 the Department that identifies a person as a qualifying patient  
12 or primary caregiver.

13 "Usable cannabis" means the dried leaves and flowers of the  
14 cannabis plant, and any mixture or preparation thereof, but  
15 does not include the seeds, stalks, and roots of the plant.

16 "Written certification" means the qualifying patient's  
17 medical records, or a statement signed by a practitioner,  
18 stating that in the practitioner's professional opinion the  
19 potential benefits of the medical use of cannabis would likely  
20 outweigh the health risks for the qualifying patient. A written  
21 certification shall only be made in the course of a bona fide  
22 practitioner-patient relationship after the practitioner has  
23 completed a full assessment of the qualifying patient's medical  
24 history. The written certification shall specify the  
25 qualifying patient's debilitating medical condition or  
26 conditions.

27 Section 15. Protections for the medical use of cannabis.

28 (a) A qualifying patient who has in his or her possession a  
29 registry identification card shall not be subject to arrest,  
30 prosecution, or penalty in any manner, or denied any right or  
31 privilege, including but not limited to civil penalty or  
32 disciplinary action by a business or occupational or  
33 professional licensing board or bureau, for the medical use of  
34 cannabis, provided that the qualifying patient possesses an  
35 amount of cannabis that does not exceed 12 cannabis plants and

1 two and one-half ounces of usable cannabis.

2 (b) A primary caregiver who has in his or her possession a  
3 registry identification card shall not be subject to arrest,  
4 prosecution, or penalty in any manner, or denied any right or  
5 privilege, including but not limited to civil penalty or  
6 disciplinary action by a business or occupational or  
7 professional licensing board or bureau, for assisting a  
8 qualifying patient to whom he or she is connected through the  
9 Department's registration process with the medical use of  
10 cannabis, provided that the primary caregiver possesses an  
11 amount of cannabis that does not exceed 12 cannabis plants and  
12 two and one-half ounces of usable cannabis for each qualifying  
13 patient to whom he or she is connected through the Department's  
14 registration process.

15 (c) No school, employer, or landlord may refuse to enroll,  
16 employ, lease to, or otherwise penalize a person solely for his  
17 or her status as a registered qualifying patient or a  
18 registered primary caregiver.

19 (d) There shall exist a presumption that a qualifying  
20 patient or primary caregiver is engaged in the medical use of  
21 cannabis if the qualifying patient or primary caregiver:

22 (1) is in possession of a registry identification card;

23 and

24 (2) is in possession of an amount of cannabis that does  
25 not exceed the amount permitted under this Act. Such  
26 presumption may be rebutted by evidence that conduct  
27 related to cannabis was not for the purpose of alleviating  
28 the qualifying patient's debilitating medical condition or  
29 symptoms associated with the medical condition.

30 (e) A primary caregiver may receive reimbursement for costs  
31 associated with assisting with a registered qualifying  
32 patient's medical use of cannabis. Compensation shall not  
33 constitute sale of controlled substances.

34 (f) A practitioner shall not be subject to arrest,  
35 prosecution, or penalty in any manner, or denied any right or  
36 privilege, including but not limited to civil penalty or

1 disciplinary action by the Medical Disciplinary Board or by a  
2 another business or occupational or professional licensing  
3 board or bureau solely for providing written certifications or  
4 for otherwise stating that, in the practitioner's professional  
5 opinion, the potential benefits of the medical cannabis would  
6 likely outweigh the health risks for a patient.

7 Any interest in or right to property that is possessed,  
8 owned, or used in connection with the medical use of cannabis,  
9 or acts incidental to such use, shall not be forfeited.

10 A law enforcement agency that seizes and does not return  
11 usable cannabis to a registered qualifying patient or a  
12 registered primary caregiver shall be liable to the cardholder  
13 for the fair market value of the cannabis.

14 (g) No person shall be subject to arrest or prosecution for  
15 constructive possession, conspiracy, aiding and abetting,  
16 being an accessory, or any other offense for simply being in  
17 the presence or vicinity of the medical use of cannabis as  
18 permitted under this Act or for assisting a registered  
19 qualifying patient with using or administering cannabis.

20 (h) A registry identification card, or its equivalent,  
21 issued under the laws of another state, U.S. territory, or the  
22 District of Columbia to permit the medical use of cannabis by a  
23 qualifying patient, or to permit a person to assist with a  
24 qualifying patient's medical use of cannabis, shall have the  
25 same force and effect as a registry identification card issued  
26 by the Department.

27 Section 20. Department to adopt rules.

28 (a) Not later than 90 days after the effective date of this  
29 Act, the Department shall adopt rules governing the manner in  
30 which it shall consider petitions from the public to add  
31 debilitating medical conditions to those included in this Act.  
32 In considering such petitions, the Department shall include  
33 public notice of, and an opportunity to comment in a public  
34 hearing upon, such petitions. The Department shall, after  
35 hearing, approve or deny such petitions within 180 days after

1 submission. The approval or denial of such a petition shall be  
2 considered a final Department action, subject to judicial  
3 review. Jurisdiction and venue for judicial review are vested  
4 in the circuit court. The denial of a petition shall not  
5 disqualify qualifying patients with that condition if they have  
6 a debilitating medical condition. The denial of a petition  
7 shall not prevent a person with the denied condition from  
8 raising an affirmative defense.

9 (b) Not later than 90 days after the effective date of this  
10 Act, the Department shall adopt rules governing the manner in  
11 which it shall consider applications for and renewals of  
12 registry identification cards for qualifying patients and  
13 primary caregivers. The Department's rules shall establish  
14 application and renewal fees that generate revenues sufficient  
15 to offset all expenses of implementing and administering this  
16 Act. The Department may vary the application and renewal fees  
17 along a sliding scale that accounts for a qualifying patient's  
18 income. The Department may accept donations from private  
19 sources in order to reduce the application and renewal fees.

20 Section 25. Administering the Department's rules.

21 (a) The Department shall issue registry identification  
22 cards to qualifying patients who submit the following, in  
23 accordance with the Department's rules:

24 (1) written certification;

25 (2) application or renewal fee;

26 (3) name, address, and date of birth of the qualifying  
27 patient, except that if the applicant is homeless, no  
28 address is required;

29 (4) name, address, and telephone number of the  
30 qualifying patient's practitioner; and

31 (5) name, address, and date of birth of each primary  
32 caregiver of qualifying patient, if any.

33 (b) The Department shall not issue a registry  
34 identification card to a qualifying patient under the age of 18  
35 unless:

1           (1) The qualifying patient's practitioner has  
2 explained the potential risks and benefits of the medical  
3 use of cannabis to the qualifying patient and to a parent,  
4 guardian, or person having legal custody of the qualifying  
5 patient; and

6           (2) A parent, guardian, or person having legal custody  
7 consents in writing to:

8           (A) allow the qualifying patient's medical use of  
9 cannabis;

10           (B) serve as one of the qualifying patient's  
11 primary caregivers; and

12           (C) control the acquisition of the cannabis, the  
13 dosage, and the frequency of the medical use of  
14 cannabis by the qualifying patient.

15           (c) The Department shall verify the information contained  
16 in an application or renewal submitted pursuant to this  
17 Section, and shall approve or deny an application or renewal  
18 within 15 days of receiving it. The Department may deny an  
19 application or renewal only if the applicant did not provide  
20 the information required pursuant to this Section, or if the  
21 Department determines that the information provided was  
22 falsified. Rejection of an application or renewal is considered  
23 a final Department action, subject to judicial review under the  
24 Administrative Review Law. Jurisdiction and venue for judicial  
25 review are vested in the circuit court.

26           (d) The Department shall issue a registry identification  
27 card to each primary caregiver, if any, who is named in a  
28 qualifying patient's approved application, up to a maximum of 2  
29 primary caregivers per qualifying patient.

30           (e) The Department shall issue registry identification  
31 cards within 5 days of approving an application or renewal,  
32 which shall expire one year after the date of issuance.  
33 Registry identification cards shall contain:

34           (1) the name, address, and date of birth of the  
35 qualifying patient;

36           (2) the name, address, and date of birth of each



1 primary caregiver of the qualifying patient, if any;

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

4 (4) a random registry identification number; and

5 (5) a photograph, if the Department decides to require  
6 one.

7 (f)(1) A qualifying patient who has been issued a  
8 registry identification card shall notify the Department  
9 of any change in the qualifying patient's name, address, or  
10 primary caregiver, or if the qualifying patient ceases to  
11 have his or her debilitating medical condition, within 10  
12 days of such change.

13 (2) A registered qualifying patient who fails to notify  
14 the Department of any of these changes is responsible for a  
15 civil infraction, punishable by a fine of no more than  
16 \$150. If the person has ceased to suffer from a  
17 debilitating medical condition, the card shall be deemed  
18 null and void and the person shall be liable for any other  
19 penalties that may apply to the person's non-medical use of  
20 cannabis.

21 (3) A registered primary caregiver shall notify the  
22 Department of any change in his or her name or address  
23 within 10 days of such change. A primary caregiver who  
24 fails to notify the Department of any of these changes is  
25 responsible for a civil infraction, punishable by a fine of  
26 no more than \$150.

27 (4) When a qualifying patient or primary caregiver  
28 notifies the Department of any changes listed in this  
29 subsection (f), the Department shall issue the registered  
30 qualifying patient and each primary caregiver a new  
31 registry identification card within 10 days of receiving  
32 the updated information and a \$10 fee.

33 (5) When a qualifying patient who possesses a registry  
34 identification card changes his or her primary caregiver,  
35 the Department shall notify the primary caregiver within 10  
36 days. The primary caregiver's protections as provided in

1 this Act shall expire 10 days after notification by the  
2 Department.

3 (6) If a registered qualifying patient or a primary  
4 caregiver loses his or her registry identification card, he  
5 or she shall notify the Department and submit a \$10 fee  
6 within 10 days of losing the card. Within 5 days, the  
7 Department shall issue a new registry identification card  
8 with a new random identification number.

9 (g) Possession of, or application for, a registry  
10 identification card does not constitute probable cause or  
11 reasonable suspicion, nor may it be used to support the search  
12 of the person or property of the person possessing or applying  
13 for the registry identification card, or otherwise subject the  
14 person or property of the person to inspection by any  
15 governmental agency.

16 (h) (1) Applications and supporting information  
17 submitted by qualifying patients, including information  
18 regarding their primary caregivers and practitioners, are  
19 confidential.

20 (2) The Department shall maintain a confidential list  
21 of the persons to whom the Department has issued registry  
22 identification cards. Individual names and other  
23 identifying information on the list shall be confidential,  
24 exempt from the Freedom of Information Act, and not subject  
25 to disclosure, except to authorized employees of the  
26 Department as necessary to perform official duties of the  
27 Department.

28 (3) The Department shall verify to law enforcement  
29 personnel whether a registry identification card is valid  
30 solely by confirming the random registry identification  
31 number.

32 (4) It is a Class B misdemeanor for any person,  
33 including an employee or official of the Department or  
34 another State agency or local government, to breach the  
35 confidentiality of information obtained pursuant to this  
36 Act. Notwithstanding this provision, the Department

1 employees may notify law enforcement about falsified or  
2 fraudulent information submitted to the Department.

3 (i) The Department shall report annually to the General  
4 Assembly on the number of applications for registry  
5 identification cards, the number of qualifying patients and  
6 primary caregivers approved, the nature of the debilitating  
7 medical conditions of the qualifying patients, the number of  
8 registry identification cards revoked, and the number of  
9 practitioners providing written certification for qualifying  
10 patients. The Department shall not provide any identifying  
11 information of qualifying patients, primary caregivers, or  
12 practitioners.

13 (j) Any State or local law enforcement official who  
14 knowingly cooperates with federal law enforcement agents to  
15 arrest, investigate, prosecute, or search a registered  
16 qualifying patient or a registered primary caregiver or his or  
17 her property for acting in compliance with this Act shall have  
18 his or her employment suspended or terminated.

19 Section 30. Scope of Act.

20 (a) This Act does not permit:

21 (1) any person to undertake any task under the  
22 influence of cannabis, when doing so would constitute  
23 negligence or professional malpractice;

24 (2) the smoking of cannabis:

25 (A) in a school bus or other form of public  
26 transportation;

27 (B) on any school grounds;

28 (C) in any correctional facility; or

29 (D) in any public place; and

30 (3) any person to operate, navigate, or be in actual  
31 physical control of any motor vehicle, aircraft, or  
32 motorboat while under the influence of cannabis. However, a  
33 registered qualifying patient may not be considered to be  
34 under the influence solely for having cannabis metabolites  
35 in his or her system.

1 (b) Nothing in this Act shall be construed to require:

2 (1) a government medical assistance program or private  
3 health insurer to reimburse a person for costs associated  
4 with the medical use of cannabis; or

5 (2) an employer to accommodate the medical use of  
6 cannabis in any workplace.

7 (c) Fraudulent representation to a law enforcement  
8 official of any fact or circumstance relating to the medical  
9 use of cannabis to avoid arrest or prosecution is a petty  
10 offense punishable by a fine of \$500, in addition to any other  
11 penalties that may apply for making a false statement and for  
12 the non-medical use of cannabis.

13 Section 35. Affirmative defense and dismissal for medical  
14 cannabis.

15 (a) Except as provided in Section 30, a person and a  
16 person's primary caregiver, if any, may assert the medical  
17 purpose for using cannabis as a defense to any prosecution  
18 involving cannabis, and such defense shall be presumed valid  
19 where the evidence shows that:

20 (1) the person's medical records indicate, or a  
21 practitioner has stated that, in the practitioner's  
22 professional opinion, after having completed a full  
23 assessment of the person's medical history and current  
24 medical condition made in the course of a bona fide  
25 practitioner-patient relationship, the potential benefits  
26 of using cannabis for medical purposes would likely  
27 outweigh the health risks for the person; and

28 (2) the person and the person's primary caregiver, if  
29 any, were collectively in possession of a quantity of  
30 cannabis that was not more than was reasonably necessary to  
31 ensure the uninterrupted availability of cannabis for the  
32 purpose of alleviating the person's medical condition or  
33 symptoms associated with the medical condition.

34 (b) A person may assert the medical purpose for using  
35 cannabis in a motion to dismiss, and the charges shall be

1 dismissed following an evidentiary hearing where the defendant  
2 shows the elements listed in subsection (a) of this Section.

3 (c) Any interest in or right to property that was  
4 possessed, owned, or used in connection with a person's use of  
5 cannabis for medical purposes shall not be forfeited if the  
6 person or the person's primary caregiver demonstrates the  
7 person's medical purpose for using cannabis pursuant to this  
8 Section.

9 Section 40. Enforcement of this Act.

10 (a) If the Department fails to adopt rules to implement  
11 this Act within 120 days after the effective date of this Act,  
12 a qualifying patient may commence an action in a court of  
13 competent jurisdiction to compel the Department to perform the  
14 actions mandated pursuant to the provisions of this Act.

15 (b) If the Department fails to issue a valid registry  
16 identification card in response to a valid application  
17 submitted pursuant to this Act within 20 days of its  
18 submission, the registry identification card shall be deemed  
19 granted and a copy of the registry identification application  
20 shall be deemed a valid registry identification card.

21 Section 45. Non-profit dispensaries.

22 (a) "Registered organization" means a non-profit entity  
23 registered with the State under this Act that acquires,  
24 possesses, cultivates, manufactures, delivers, transfers,  
25 transports, supplies, or dispenses cannabis, cultivation  
26 equipment, related supplies and educational materials, or  
27 cannabis seeds to registered qualifying patients and their  
28 primary caregivers. A registered organization is a primary  
29 caregiver, although it may supply cannabis to any number of  
30 registered qualifying patients who have designated it as one of  
31 their primary caregivers.

32 (b) (1) The Department shall issue a registered  
33 organization license within 20 days to any person who  
34 complies with Department rules and provides the following:

1 (A) a fee paid to the Department in the amount  
2 established by the Department, which shall not exceed  
3 \$1,000;

4 (B) the name of the registered organization;

5 (C) the physical addresses of the registered  
6 organization and any other real property where  
7 cannabis is to be possessed, cultivated, manufactured,  
8 supplied, or dispensed relating to the operations of  
9 the registered organization; and

10 (D) the name, address, and date of birth of any  
11 person who is an agent of or employed by the registered  
12 organization.

13 (2) The Department shall issue each agent and employee  
14 of a registered organization a registry identification  
15 card for a cost of \$10 each within 10 days of receipt of  
16 the person's identifying information and the fee. Each card  
17 shall specify that the cardholder is an employee or agent  
18 of a registered organization.

19 (3) Each license for a registered organization and each  
20 employee or agent registry identification card shall  
21 expire one year after the date of issuance.

22 (4) Not later than 90 days after the effective date of  
23 this Act, the Department shall promulgate rules to  
24 implement this Section, including the following:

25 (A) procedures for the oversight of registered  
26 organizations, record-keeping and reporting  
27 requirements for registered organizations, the  
28 potential transference or sale of seized cultivation  
29 equipment and related supplies from law enforcement  
30 agencies to registered organizations, and procedures  
31 for suspending or terminating the registration of  
32 registered organizations; and

33 (B) the form and content of the registration and  
34 renewal applications.

35 (c) Registered organizations shall be subject to  
36 reasonable inspection by the Department to determine that

1 applicable rules are being followed. Reasonable notice shall be  
2 given prior to these inspections.

3 (d) (1) Registered organizations shall be established  
4 as nonprofit entities. They shall be subject to all  
5 applicable State laws governing nonprofit entities, but  
6 need not be recognized as a 501(c)(3) organization by the  
7 Internal Revenue Service;

8 (2) Registered organizations may not be located within  
9 500 feet of the property line of a public school, private  
10 school, or structure used primarily for religious services  
11 or worship.

12 (3) The operating documents of a registered  
13 organization shall include procedures for the oversight of  
14 the registered organization and procedures to ensure  
15 adequate record-keeping.

16 (e) (1) A registered organization shall notify the  
17 Department within 10 days of when an employee or agent  
18 ceases to work at the registered organization.

19 (2) The registered organization shall notify the  
20 Department before a new agent or employee begins working at  
21 the registered organization, in writing, and it shall  
22 submit a \$10 fee for that person's registry identification  
23 card.

24 (f) (1) No registered organization shall be subject to  
25 prosecution, search, seizure, or penalty in any manner, or  
26 denied any right or privilege, including but not limited to  
27 civil penalty or disciplinary action by a business or  
28 occupational or professional licensing board or bureau for  
29 acting in accordance with this Act and the rules issued  
30 pursuant to this Act to assist registered qualifying  
31 patients to whom it is connected through the Department's  
32 registration process with the medical use of cannabis,  
33 provided that the registered organization possesses an  
34 amount of cannabis which does not exceed 12 cannabis plants  
35 and two and one-half ounces of usable cannabis for each  
36 registered qualifying patient.

1           (2) No employees, agents, or board members of a  
2 registered organization shall be subject to arrest,  
3 prosecution, search, seizure, or penalty in any manner, or  
4 denied any right or privilege, including but not limited to  
5 civil penalty or disciplinary action by a business or  
6 occupational or professional licensing board or bureau for  
7 working for a registered organization in accordance with  
8 this Act.

9           (g) The registered organization is prohibited from:

10           (1) obtaining cannabis from outside the State in  
11 violation of federal law;

12           (2) acquiring, possessing, cultivating, manufacturing,  
13 delivering, transferring, transporting, supplying, or  
14 dispensing cannabis for any purpose except to assist  
15 registered qualifying patients with their medical use of  
16 cannabis directly or through the qualifying patients'  
17 other primary caregivers.

18           (h) Except as provided in this Act, a municipality may not  
19 prevent a registered organization from operating in accordance  
20 with this Act in an area where zoning permits retail  
21 businesses. This subsection (h) is a limitation under  
22 subsection (i) of Section 6 of Article VII of the Illinois  
23 Constitution on the concurrent exercise by home rule units of  
24 powers and functions exercised by the State.

25           (i) If provisions of this Act establishing registered  
26 organization are enjoined or declared unconstitutional, then  
27 enforcing laws against delivery of cannabis for consideration  
28 to registered qualifying patients shall be the lowest priority  
29 of law enforcement.

30           Section 50. Application. In the event of a conflict between  
31 this Act and the Cannabis Control Act, the provisions of this  
32 Act shall control.

33           Section 105. The Cannabis Control Act is amended by  
34 changing Section 11 as follows:



1 (720 ILCS 550/11) (from Ch. 56 1/2, par. 711)

2 Sec. 11. Authorization for use of cannabis for medical  
3 purposes.

4 The Department may authorize the possession, production,  
5 manufacture, and delivery of substances containing cannabis in  
6 accordance with the Medical Cannabis Act.

7 ~~(a) The Department, with the written approval of the Department~~  
8 ~~of State Police, may authorize the possession, production,~~  
9 ~~manufacture and delivery of substances containing cannabis by~~  
10 ~~persons engaged in research and when such authorization is~~  
11 ~~requested by a physician licensed to practice medicine in all~~  
12 ~~its branches, such authorization shall issue without~~  
13 ~~unnecessary delay where the Department finds that such~~  
14 ~~physician licensed to practice medicine in all its branches has~~  
15 ~~certified that such possession, production, manufacture or~~  
16 ~~delivery of such substance is necessary for the treatment of~~  
17 ~~glaucoma, the side effects of chemotherapy or radiation therapy~~  
18 ~~in cancer patients or such other procedure certified to be~~  
19 ~~medically necessary; such authorization shall be, upon such~~  
20 ~~terms and conditions as may be consistent with the public~~  
21 ~~health and safety. To the extent of the applicable~~  
22 ~~authorization, persons are exempt from prosecution in this~~  
23 ~~State for possession, production, manufacture or delivery of~~  
24 ~~cannabis.~~

25 ~~(b) Persons registered under Federal law to conduct~~  
26 ~~research with cannabis may conduct research with cannabis~~  
27 ~~including, but not limited to treatment by a physician licensed~~  
28 ~~to practice medicine in all its branches for glaucoma, the side~~  
29 ~~effects of chemotherapy or radiation therapy in cancer patients~~  
30 ~~or such other procedure which is medically necessary within~~  
31 ~~this State upon furnishing evidence of that Federal~~  
32 ~~registration and notification of the scope and purpose of such~~  
33 ~~research to the Department and to the Department of State~~  
34 ~~Police of that Federal registration.~~

35 ~~(c) Persons authorized to engage in research may be~~

1 ~~authorized by the Department to protect the privacy of~~  
2 ~~individuals who are the subjects of such research by~~  
3 ~~withholding from all persons not connected with the conduct of~~  
4 ~~the research the names and other identifying characteristics of~~  
5 ~~such individuals. Persons who are given this authorization~~  
6 ~~shall not be compelled in any civil, criminal, administrative,~~  
7 ~~legislative or other proceeding to identify the individuals who~~  
8 ~~are the subjects of research for which the authorization was~~  
9 ~~granted, except to the extent necessary to permit the~~  
10 ~~Department to determine whether the research is being conducted~~  
11 ~~in accordance with the authorization.~~

12 (Source: P.A. 84-25.)

13 Section 110. Severability. The provisions of this Act are  
14 severable under Section 1.31 of the Statute on Statutes.

15 Section 999. Effective date. This Act takes effect upon  
16 becoming law.