



Filed: 3/9/2005

09400HB0407ham001

LRB094 06225 RLC 43243 a

1 AMENDMENT TO HOUSE BILL 407

2 AMENDMENT NO. _____. Amend House Bill 407 by replacing
3 everything after the enacting clause with the following:

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

1 federal law. Therefore, compliance with this Act does not put
2 the state of Illinois in violation of federal law.

3 (e) State law should make a distinction between the medical
4 and non-medical use of cannabis. Hence, the purpose of this Act
5 is to protect patients with debilitating medical conditions,
6 and their practitioners and primary caregivers, from arrest and
7 prosecution, criminal and other penalties, and property
8 forfeiture if such patients engage in the medical use of
9 cannabis.

10 (f) The people of the State of Illinois declare that they
11 enact this Act pursuant to the police power to protect the
12 health of its citizens that is reserved to the State of
13 Illinois and its people under the Tenth Amendment to the United
14 States Constitution.

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

17 "Debilitating medical condition" means:

18 (1) cancer, glaucoma, positive status for human
19 immunodeficiency virus, acquired immune deficiency
20 syndrome, or Hepatitis C;

21 (2) a chronic or debilitating disease or medical
22 condition that produces one or more of the following:
23 cachexia or wasting syndrome; severe or chronic pain;
24 severe nausea; seizures, including but not limited to those
25 characteristic of epilepsy; or severe and persistent
26 muscle spasms, including but not limited to those
27 characteristic of multiple sclerosis and Crohn's disease;
28 agitation of Alzheimer's disease; or

29 (3) any other medical condition approved by the
30 Department, as provided for in subsection (a) of Section
31 20.

32 "Department" means the Department of Human Services.

33 "Cannabis" has the meaning given that term in Section 3 of

1 the Cannabis Control Act.

2 "Medical use" means the acquisition, possession,
3 cultivation, manufacture, use, delivery, transfer, or
4 transportation of cannabis or paraphernalia relating to the
5 consumption of cannabis to alleviate a registered qualifying
6 patient's debilitating medical condition or symptoms
7 associated with the medical condition.

8 "Practitioner" means a physician licensed to practice
9 medicine in all its branches, an advanced practice nurse who
10 has a written collaborative agreement with the physician that
11 authorizes the provision of written certifications under this
12 Act, or a physician assistant who has been delegated the
13 authority to provide written certifications under this Act.

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

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

20 "Registry identification card" means a document issued by
21 the Department that identifies a person as a qualifying patient
22 or primary caregiver.

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

26 "Written certification" means the qualifying patient's
27 medical records, or a statement signed by a practitioner,
28 stating that in the practitioner's professional opinion the
29 potential benefits of the medical use of cannabis would likely
30 outweigh the health risks for the qualifying patient. A written
31 certification shall only be made in the course of a bona fide
32 practitioner-patient relationship after the practitioner has
33 completed a full assessment of the qualifying patient's medical
34 history. The written certification shall specify the

1 qualifying patient's debilitating medical condition or
2 conditions.

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

4 (a) A qualifying patient who has in his or her possession a
5 registry identification card shall not be subject to arrest,
6 prosecution, or penalty in any manner, or denied any right or
7 privilege, including but not limited to civil penalty or
8 disciplinary action by a business or occupational or
9 professional licensing board or bureau, for the medical use of
10 cannabis, provided that the qualifying patient possesses an
11 amount of cannabis that does not exceed 12 cannabis plants and
12 two and one-half ounces of usable cannabis.

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

26 (c) No school, employer, or landlord may refuse to enroll,
27 employ, lease to, or otherwise penalize a person solely for his
28 or her status as a registered qualifying patient or a
29 registered primary caregiver.

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

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

1 and

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

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

12 (f) A practitioner shall not be subject to arrest,
13 prosecution, or penalty in any manner, or denied any right or
14 privilege, including but not limited to civil penalty or
15 disciplinary action by the Medical Disciplinary Board or by a
16 another business or occupational or professional licensing
17 board or bureau solely for providing written certifications or
18 for otherwise stating that, in the practitioner's professional
19 opinion, the potential benefits of the medical cannabis would
20 likely outweigh the health risks for a patient.

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

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

30 (h) A registry identification card, or its equivalent,
31 issued under the laws of another state, U.S. territory, or the
32 District of Columbia to permit the medical use of cannabis by a
33 qualifying patient, or to permit a person to assist with a
34 qualifying patient's medical use of cannabis, shall have the

1 same force and effect as a registry identification card issued
2 by the Department.

3 Section 20. Department to adopt rules.

4 (a) Not later than 90 days after the effective date of this
5 Act, the Department shall adopt rules governing the manner in
6 which it shall consider petitions from the public to add
7 debilitating medical conditions to those included in this Act.
8 In considering such petitions, the Department shall include
9 public notice of, and an opportunity to comment in a public
10 hearing upon, such petitions. The Department shall, after
11 hearing, approve or deny such petitions within 180 days after
12 submission. The approval or denial of such a petition shall be
13 considered a final Department action, subject to judicial
14 review. Jurisdiction and venue for judicial review are vested
15 in the circuit court. The denial of a petition shall not
16 disqualify qualifying patients with that condition if they have
17 a debilitating medical condition. The denial of a petition
18 shall not prevent a person with the denied condition from
19 raising an affirmative defense.

20 (b) Not later than 90 days after the effective date of this
21 Act, the Department shall adopt rules governing the manner in
22 which it shall consider applications for and renewals of
23 registry identification cards for qualifying patients and
24 primary caregivers. The Department's rules shall establish
25 application and renewal fees that generate revenues sufficient
26 to offset all expenses of implementing and administering this
27 Act. The Department may vary the application and renewal fees
28 along a sliding scale that accounts for a qualifying patient's
29 income. The Department may accept donations from private
30 sources in order to reduce the application and renewal fees.

31 Section 25. Administering the Department's rules.

32 (a) The Department shall issue registry identification

1 cards to qualifying patients who submit the following, in
2 accordance with the Department's rules:

3 (1) written certification;

4 (2) application or renewal fee;

5 (3) name, address, and date of birth of the qualifying
6 patient, except that if the applicant is homeless, no
7 address is required;

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

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

12 (b) The Department shall not issue a registry
13 identification card to a qualifying patient under the age of 18
14 unless:

15 (1) The qualifying patient's practitioner has
16 explained the potential risks and benefits of the medical
17 use of cannabis to the qualifying patient and to a parent,
18 guardian, or person having legal custody of the qualifying
19 patient; and

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

22 (A) allow the qualifying patient's medical use of
23 cannabis;

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

26 (C) control the acquisition of the cannabis, the
27 dosage, and the frequency of the medical use of
28 cannabis by the qualifying patient.

29 (c) The Department shall verify the information contained
30 in an application or renewal submitted pursuant to this
31 Section, and shall approve or deny an application or renewal
32 within 15 days of receiving it. The Department may deny an
33 application or renewal only if the applicant did not provide
34 the information required pursuant to this Section, or if the

1 Department determines that the information provided was
2 falsified. Rejection of an application or renewal is considered
3 a final Department action, subject to judicial review under the
4 Administrative Review Law. Jurisdiction and venue for judicial
5 review are vested in the circuit court.

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

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

14 (1) the name, address, and date of birth of the
15 qualifying patient;

16 (2) the name, address, and date of birth of each
17 primary caregiver of the qualifying patient, if any;

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

20 (4) a unique random registry identification number;
21 and

22 (5) a photograph taken by the Department or in the
23 presence of the practitioner in a manner determined by the
24 Department.

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

31 (2) A registered qualifying patient who fails to notify
32 the Department of any of these changes is responsible for a
33 civil infraction, punishable by a fine of no more than
34 \$150. If the person has ceased to suffer from a

1 debilitating medical condition, the card shall be deemed
2 null and void and the person shall be liable for any other
3 penalties that may apply to the person's non-medical use of
4 cannabis.

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

11 (4) When a qualifying patient or primary caregiver
12 notifies the Department of any changes listed in this
13 subsection (f), the Department shall issue the registered
14 qualifying patient and each primary caregiver a new
15 registry identification card within 10 days of receiving
16 the updated information and a \$10 fee.

17 (5) When a qualifying patient who possesses a registry
18 identification card changes his or her primary caregiver,
19 the Department shall notify the primary caregiver within 10
20 days. The primary caregiver's protections as provided in
21 this Act shall expire 10 days after notification by the
22 Department.

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

29 (g) Possession of, or application for, a registry
30 identification card does not constitute probable cause or
31 reasonable suspicion, nor may it be used to support the search
32 of the person or property of the person possessing or applying
33 for the registry identification card, or otherwise subject the
34 person or property of the person to inspection by any

1 governmental agency.

2 (h) (1) Applications and supporting information
3 submitted by qualifying patients, including information
4 regarding their primary caregivers and practitioners, are
5 confidential and protected under the federal Health
6 Insurance Portability and Accountability Act of 1996 and
7 when applicable, the AIDS Confidentiality Act.

8 (2) The Department shall maintain a confidential list
9 of the persons to whom the Department has issued registry
10 identification cards. Individual names and other
11 identifying information on the list shall be confidential,
12 exempt from the Freedom of Information Act, and not subject
13 to disclosure, except to authorized employees of the
14 Department as necessary to perform official duties of the
15 Department.

16 (3) The Department shall make available to law
17 enforcement personnel a secure website whereby law
18 enforcement can determine whether a registry
19 identification card is valid solely by entering the random
20 identification number. The secure website shall return
21 data as it appears on the registry identification card,
22 which includes the digital photo used on the card, name,
23 address, and date of birth.

24 (4) It is a Class B misdemeanor for any person,
25 including an employee or official of the Department or
26 another State agency or local government, to breach the
27 confidentiality of information obtained pursuant to this
28 Act. Notwithstanding this provision, the Department
29 employees may notify law enforcement about falsified or
30 fraudulent information submitted to the Department.

31 (i) The Department shall report annually to the General
32 Assembly on the number of applications for registry
33 identification cards, the number of qualifying patients and
34 primary caregivers approved, the nature of the debilitating

1 medical conditions of the qualifying patients, the number of
2 registry identification cards revoked, and the number of
3 practitioners providing written certification for qualifying
4 patients. The Department shall not provide any identifying
5 information of qualifying patients, primary caregivers, or
6 practitioners.

7 Section 30. Scope of Act.

8 (a) This Act does not permit:

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

12 (2) the smoking of cannabis:

13 (A) in a school bus or other form of public
14 transportation;

15 (B) on any school grounds;

16 (C) in any correctional facility; or

17 (D) in any public place; and

18 (3) any person to operate, navigate, or be in actual
19 physical control of any motor vehicle, aircraft, or
20 motorboat while under the influence of cannabis. However, a
21 registered qualifying patient may not be considered to be
22 under the influence solely for having cannabis metabolites
23 in his or her system.

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

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

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

30 (c) Fraudulent representation to a law enforcement
31 official of any fact or circumstance relating to the medical
32 use of cannabis to avoid arrest or prosecution is a petty
33 offense punishable by a fine of \$500, in addition to any other

1 penalties that may apply for making a false statement and for
2 the non-medical use of cannabis.

3 Section 35. Affirmative defense and dismissal for medical
4 cannabis.

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

10 (1) the person's medical records indicate, or a
11 practitioner has stated that, in the practitioner's
12 professional opinion, after having completed a full
13 assessment of the person's medical history and current
14 medical condition made in the course of a bona fide
15 practitioner-patient relationship, the potential benefits
16 of using cannabis for medical purposes would likely
17 outweigh the health risks for the person; and

18 (2) the person and the person's primary caregiver, if
19 any, were collectively in possession of a quantity of
20 cannabis that was not more than was reasonably necessary to
21 ensure the uninterrupted availability of cannabis for the
22 purpose of alleviating the person's medical condition or
23 symptoms associated with the medical condition.

24 (b) A person may assert the medical purpose for using
25 cannabis in a motion to dismiss, and the charges shall be
26 dismissed following an evidentiary hearing where the defendant
27 shows the elements listed in subsection (a) of this Section.

28 (c) Any interest in or right to property that was
29 possessed, owned, or used in connection with a person's use of
30 cannabis for medical purposes shall not be forfeited if the
31 person or the person's primary caregiver demonstrates the
32 person's medical purpose for using cannabis pursuant to this
33 Section.

1 Section 40. Enforcement of this Act.

2 (a) Within 30 days after the effective date of this Act,
3 the Department shall adopt emergency rules to implement this
4 Act. Within 6 months after the effective date of this Act, a
5 task force consisting of the Directors or their designees of
6 the Departments of Public Health and State Police and the
7 Secretary of Human Services or his or her designee; 2 members
8 of the House of Representatives appointed by the Speaker of the
9 House of Representatives; 2 members of the Senate appointed by
10 the President of the Senate; one member of the House of
11 Representatives appointed by the House Minority Leader; and one
12 member of the Senate appointed by the Senate Minority Leader
13 shall act to implement permanent rules. In addition the Speaker
14 and the President shall appoint one person each involved in
15 patient services or advocacy. If the Department fails to adopt
16 rules to implement this Act within 240 days after the effective
17 date of this Act, a qualifying patient may commence an action
18 in a court of competent jurisdiction to compel the Department
19 to perform the actions mandated pursuant to the provisions of
20 this Act.

21 (b) If the Department fails to issue a valid registry
22 identification card in response to a valid application
23 submitted pursuant to this Act within 20 days of its
24 submission, the registry identification card shall be deemed
25 granted and a copy of the registry identification application
26 shall be deemed a valid registry identification card.

27 Section 45. Non-profit dispensaries.

28 (a) "Registered organization" means a non-profit entity
29 registered with the State under this Act that acquires,
30 possesses, cultivates, manufactures, delivers, transfers,
31 transports, supplies, or dispenses cannabis, cultivation
32 equipment, related supplies and educational materials, or

1 cannabis seeds to registered qualifying patients and their
2 primary caregivers. A registered organization is a primary
3 caregiver, although it may supply cannabis to any number of
4 registered qualifying patients who have designated it as one of
5 their primary caregivers.

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

9 (A) a fee paid to the Department in the amount
10 established by the Department, which shall not exceed
11 \$1,000;

12 (B) the name of the registered organization;

13 (C) the physical addresses of the registered
14 organization and any other real property where
15 cannabis is to be possessed, cultivated, manufactured,
16 supplied, or dispensed relating to the operations of
17 the registered organization; and

18 (D) the name, address, date of birth, and
19 photograph of any person who is an agent of or employed
20 by the registered organization.

21 (2) The Department shall issue each agent and employee
22 of a registered organization a registry identification
23 card for a cost of \$10 each within 10 days of receipt of
24 the person's identifying information and the fee. Each card
25 shall specify that the cardholder is an employee or agent
26 of a registered organization.

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

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

33 (A) procedures for the oversight of registered
34 organizations, record-keeping and reporting

1 requirements for registered organizations, the
2 potential transference or sale of seized cultivation
3 equipment and related supplies from law enforcement
4 agencies to registered organizations, and procedures
5 for suspending or terminating the registration of
6 registered organizations; and

7 (B) the form and content of the registration and
8 renewal applications.

9 (c) Registered organizations shall be subject to
10 reasonable inspection by the Department to determine that
11 applicable rules are being followed. Reasonable notice shall be
12 given prior to these inspections.

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

18 (2) Registered organizations may not be located within
19 500 feet of the property line of a public school, private
20 school, or structure used primarily for religious services
21 or worship.

22 (3) The operating documents of a registered
23 organization shall include procedures for the oversight of
24 the registered organization and procedures to ensure
25 adequate record-keeping.

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

29 (2) The registered organization shall notify the
30 Department before a new agent or employee begins working at
31 the registered organization, in writing, and it shall
32 submit a \$10 fee for that person's registry identification
33 card.

34 (f) (1) No registered organization shall be subject to

1 prosecution, search, seizure, or penalty in any manner, or
2 denied any right or privilege, including but not limited to
3 civil penalty or disciplinary action by a business or
4 occupational or professional licensing board or bureau for
5 acting in accordance with this Act and the rules issued
6 pursuant to this Act to assist registered qualifying
7 patients to whom it is connected through the Department's
8 registration process with the medical use of cannabis,
9 provided that the registered organization possesses an
10 amount of cannabis which does not exceed 12 cannabis plants
11 and two and one-half ounces of usable cannabis for each
12 registered qualifying patient.

13 (2) No employees, agents, or board members of a
14 registered organization shall be subject to arrest,
15 prosecution, search, seizure, or penalty in any manner, or
16 denied any right or privilege, including but not limited to
17 civil penalty or disciplinary action by a business or
18 occupational or professional licensing board or bureau for
19 working for a registered organization in accordance with
20 this Act.

21 (3) Applications and supporting information submitted
22 by registered organizations, including licenses and
23 information regarding their patients, primary caregivers,
24 agents and employees of the organization are confidential
25 and when applicable protected under the federal Health
26 Insurance Portability and Accountability Act of 1996 and
27 the AIDS Confidentiality Act.

28 (g) The registered organization is prohibited from:

29 (1) obtaining cannabis from outside the State in
30 violation of federal law;

31 (2) acquiring, possessing, cultivating, manufacturing,
32 delivering, transferring, transporting, supplying, or
33 dispensing cannabis for any purpose except to assist
34 registered qualifying patients with their medical use of

1 cannabis directly or through the qualifying patients'
2 other primary caregivers.

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

10 (i) If provisions of this Act establishing registered
11 organization are enjoined or declared unconstitutional, then
12 enforcing laws against delivery of cannabis for consideration
13 to registered qualifying patients shall be the lowest priority
14 of law enforcement.

15 Section 50. Application. In the event of a conflict between
16 this Act and the Cannabis Control Act, the provisions of this
17 Act shall control.

18 Section 105. The Cannabis Control Act is amended by
19 changing Section 11 as follows:

20 (720 ILCS 550/11) (from Ch. 56 1/2, par. 711)

21 Sec. 11. Authorization for use of cannabis for medical
22 purposes.

23 The Department may authorize the possession, production,
24 manufacture, and delivery of substances containing cannabis in
25 accordance with the Medical Cannabis Act.

26 ~~(a) The Department, with the written approval of the Department~~
27 ~~of State Police, may authorize the possession, production,~~
28 ~~manufacture and delivery of substances containing cannabis by~~
29 ~~persons engaged in research and when such authorization is~~
30 ~~requested by a physician licensed to practice medicine in all~~
31 ~~its branches, such authorization shall issue without~~

1 ~~unnecessary delay where the Department finds that such~~
2 ~~physician licensed to practice medicine in all its branches has~~
3 ~~certified that such possession, production, manufacture or~~
4 ~~delivery of such substance is necessary for the treatment of~~
5 ~~glaucoma, the side effects of chemotherapy or radiation therapy~~
6 ~~in cancer patients or such other procedure certified to be~~
7 ~~medically necessary; such authorization shall be, upon such~~
8 ~~terms and conditions as may be consistent with the public~~
9 ~~health and safety. To the extent of the applicable~~
10 ~~authorization, persons are exempt from prosecution in this~~
11 ~~State for possession, production, manufacture or delivery of~~
12 ~~cannabis.~~

13 ~~(b) Persons registered under Federal law to conduct~~
14 ~~research with cannabis may conduct research with cannabis~~
15 ~~including, but not limited to treatment by a physician licensed~~
16 ~~to practice medicine in all its branches for glaucoma, the side~~
17 ~~effects of chemotherapy or radiation therapy in cancer patients~~
18 ~~or such other procedure which is medically necessary within~~
19 ~~this State upon furnishing evidence of that Federal~~
20 ~~registration and notification of the scope and purpose of such~~
21 ~~research to the Department and to the Department of State~~
22 ~~Police of that Federal registration.~~

23 ~~(c) Persons authorized to engage in research may be~~
24 ~~authorized by the Department to protect the privacy of~~
25 ~~individuals who are the subjects of such research by~~
26 ~~withholding from all persons not connected with the conduct of~~
27 ~~the research the names and other identifying characteristics of~~
28 ~~such individuals. Persons who are given this authorization~~
29 ~~shall not be compelled in any civil, criminal, administrative,~~
30 ~~legislative or other proceeding to identify the individuals who~~
31 ~~are the subjects of research for which the authorization was~~
32 ~~granted, except to the extent necessary to permit the~~
33 ~~Department to determine whether the research is being conducted~~
34 ~~in accordance with the authorization.~~

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

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

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.".