



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2568

Introduced 1/20/2006, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

New Act  
720 ILCS 550/11

from Ch. 56 1/2, par. 711

Creates the Medical Cannabis Act. Provides that when a person has been diagnosed by a physician as having a debilitating medical condition, the person and the person's primary caregiver may be issued a registry identification card by the Department of Public Health 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. Provides that within 30 days after the effective date of the Act, the Department shall adopt emergency rules to implement the Act. Creates a task force to implement permanent rules. Provides that if the Department fails to adopt rules to implement the Act within 6 months after the effective date of the Act, a qualifying patient may commence an action in a court of competent jurisdiction to compel the Department to perform the actions mandated pursuant to the provisions of the Act. Provides that a municipality may not prevent a registered organization from operating in accordance with the Act in an area where zoning permits retail businesses. Provides that this provision is a limitation on home rule powers. Provides that if there is a conflict between the Medical Cannabis Act and the Cannabis Control Act, the provisions of the Medical Cannabis Act control. Amends the Cannabis Control Act to make conforming changes consistent with the Medical Cannabis Act. Effective immediately.

LRB094 18441 RLC 54026 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

HOME RULE 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, Rhode Island, Vermont, and  
21 Washington permit the medical use and cultivation of cannabis.  
22 Illinois joins in this effort for the health and welfare of its  
23 citizens.

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

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

1 forfeiture if such patients engage in the medical use of  
2 cannabis.

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

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

10 "Debilitating medical condition" means:

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

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

22 (3) any other medical condition approved by the  
23 Department, as provided for in subsection (a) of Section  
24 20.

25 "Department" means the Department of Public Health.

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

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

34 "Practitioner" means a physician licensed to practice  
35 medicine in all its branches, an advanced practice nurse who

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

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

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

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

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

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

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

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

1 amount of cannabis that does not exceed 12 cannabis plants and  
2 two and one-half ounces of usable cannabis.

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

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

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

23 (1) is in possession of a registry identification card;  
24 and

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

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

35 (f) A practitioner shall not be subject to arrest,  
36 prosecution, or penalty in any manner, or denied any right or

1 privilege, including but not limited to civil penalty or  
2 disciplinary action by the Medical Disciplinary Board or by a  
3 another business or occupational or professional licensing  
4 board or bureau solely for providing written certifications or  
5 for otherwise stating that, in the practitioner's professional  
6 opinion, the potential benefits of the medical cannabis would  
7 likely outweigh the health risks for a patient.

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

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

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

24 Section 20. Department to adopt rules.

25 (a) Not later than 90 days after the effective date of this  
26 Act, the Department shall adopt rules governing the manner in  
27 which it shall consider petitions from the public to add  
28 debilitating medical conditions to those included in this Act.  
29 In considering such petitions, the Department shall include  
30 public notice of, and an opportunity to comment in a public  
31 hearing upon, such petitions. The Department shall, after  
32 hearing, approve or deny such petitions within 180 days after  
33 submission. The approval or denial of such a petition shall be  
34 considered a final Department action, subject to judicial  
35 review. Jurisdiction and venue for judicial review are vested

1 in the circuit court. The denial of a petition shall not  
2 disqualify qualifying patients with that condition if they have  
3 a debilitating medical condition. The denial of a petition  
4 shall not prevent a person with the denied condition from  
5 raising an affirmative defense.

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

17 Section 25. Administering the Department's rules.

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

21 (1) written certification;

22 (2) application or renewal fee;

23 (3) name, address, and date of birth of the qualifying  
24 patient, except that if the applicant is homeless, no  
25 address is required;

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

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

30 (b) The Department shall not issue a registry  
31 identification card to a qualifying patient under the age of 18  
32 unless:

33 (1) The qualifying patient's practitioner has  
34 explained the potential risks and benefits of the medical  
35 use of cannabis to the qualifying patient and to a parent,

1 guardian, or person having legal custody of the qualifying  
2 patient; and

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

5 (A) allow the qualifying patient's medical use of  
6 cannabis;

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

9 (C) control the acquisition of the cannabis, the  
10 dosage, and the frequency of the medical use of  
11 cannabis by the qualifying patient.

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

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

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

31 (1) the name, address, and date of birth of the  
32 qualifying patient;

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

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



1 (4) a unique random registry identification number;  
2 and

3 (5) a recent photograph.

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

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

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

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

30 (5) When a qualifying patient who possesses a registry  
31 identification card changes his or her primary caregiver,  
32 the Department shall notify the primary caregiver within 10  
33 days. The primary caregiver's protections as provided in  
34 this Act shall expire 10 days after notification by the  
35 Department.

36 (6) If a registered qualifying patient or a primary

1           caregiver loses his or her registry identification card, he  
2           or she shall notify the Department and submit a \$10 fee  
3           within 10 days of losing the card. Within 5 days, the  
4           Department shall issue a new registry identification card  
5           with a new random identification number.

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

13          (h) (1) Applications and supporting information  
14          submitted by qualifying patients, including information  
15          regarding their primary caregivers and practitioners, are  
16          confidential and protected under the federal Health  
17          Insurance Portability and Accountability Act of 1996 and  
18          when applicable, the AIDS Confidentiality Act.

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

27          (3) The Department shall make available to law  
28          enforcement personnel a secure website whereby law  
29          enforcement can determine whether a registry  
30          identification card is valid solely by entering the random  
31          identification number. The secure website shall return  
32          data as it appears on the registry identification card,  
33          which includes the digital photo used on the card, name,  
34          address, and date of birth.

35          (4) It is a Class B misdemeanor for any person,  
36          including an employee or official of the Department or

1 another State agency or local government, to breach the  
2 confidentiality of information obtained pursuant to this  
3 Act. Notwithstanding this provision, the Department  
4 employees may notify law enforcement about falsified or  
5 fraudulent information submitted to the Department.

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

16 Section 30. Scope of Act.

17 (a) This Act does not permit:

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

21 (2) the smoking of cannabis:

22 (A) in a school bus or other form of public  
23 transportation;

24 (B) on any school grounds;

25 (C) in any correctional facility; or

26 (D) in any public place; and

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

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

34 (1) a government medical assistance program or private  
35 health insurer to reimburse a person for costs associated

1 with the medical use of cannabis; or

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

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

10 Section 35. Affirmative defense and dismissal for medical  
11 cannabis.

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

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

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

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

35 (c) Any interest in or right to property that was

1 possessed, owned, or used in connection with a person's use of  
2 cannabis for medical purposes shall not be forfeited if the  
3 person or the person's primary caregiver demonstrates the  
4 person's medical purpose for using cannabis pursuant to this  
5 Section.

6 Section 40. Enforcement of this Act.

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

26 (b) If the Department fails to issue a valid registry  
27 identification card in response to a valid application  
28 submitted pursuant to this Act within 20 days of its  
29 submission, the registry identification card shall be deemed  
30 granted and a copy of the registry identification application  
31 shall be deemed a valid registry identification card.

32 Section 45. Non-profit dispensaries.

33 (a) "Registered organization" means a non-profit entity  
34 registered with the State under this Act that acquires,

1 possesses, cultivates, manufactures, delivers, transfers,  
2 transports, supplies, or dispenses cannabis, cultivation  
3 equipment, related supplies and educational materials, or  
4 cannabis seeds to registered qualifying patients and their  
5 primary caregivers. A registered organization is a primary  
6 caregiver, although it may supply cannabis to any number of  
7 registered qualifying patients who have designated it as one of  
8 their primary caregivers.

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

12 (A) a fee paid to the Department in the amount  
13 established by the Department, which shall not exceed  
14 \$1,000;

15 (B) the name of the registered organization;

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

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

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

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

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

36 (A) procedures for the oversight of registered

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

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

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

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

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

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

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

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

35 (f) (1) No registered organization shall be subject to  
36 prosecution, search, seizure, or penalty in any manner, or

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

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

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

27 (g) The registered organization is prohibited from:

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

30 (2) acquiring, possessing, cultivating, manufacturing,  
31 delivering, transferring, transporting, supplying, or  
32 dispensing cannabis for any purpose except to assist  
33 registered qualifying patients with their medical use of  
34 cannabis directly or through the qualifying patients'  
35 other primary caregivers.

36 (h) Except as provided in this Act, a municipality may not



1 prevent a registered organization from operating in accordance  
2 with this Act in an area where zoning permits retail  
3 businesses. This subsection (h) is a limitation under  
4 subsection (i) of Section 6 of Article VII of the Illinois  
5 Constitution on the concurrent exercise by home rule units of  
6 powers and functions exercised by the State.

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

12 Section 50. Application. In the event of a conflict between  
13 this Act and the Cannabis Control Act, the provisions of this  
14 Act shall control.

15 Section 105. The Cannabis Control Act is amended by  
16 changing Section 11 as follows:

17 (720 ILCS 550/11) (from Ch. 56 1/2, par. 711)

18 Sec. 11. Authorization for use of cannabis for medical  
19 purposes.

20 The Department of Public Health may authorize the  
21 possession, production, manufacture, and delivery of  
22 substances containing cannabis in accordance with the Medical  
23 Cannabis Act.

24 ~~(a) The Department, with the written approval of the Department~~  
25 ~~of State Police, may authorize the possession, production,~~  
26 ~~manufacture and delivery of substances containing cannabis by~~  
27 ~~persons engaged in research and when such authorization is~~  
28 ~~requested by a physician licensed to practice medicine in all~~  
29 ~~its branches, such authorization shall issue without~~  
30 ~~unnecessary delay where the Department finds that such~~  
31 ~~physician licensed to practice medicine in all its branches has~~  
32 ~~certified that such possession, production, manufacture or~~  
33 ~~delivery of such substance is necessary for the treatment of~~

1 ~~glaucoma, the side effects of chemotherapy or radiation therapy~~  
2 ~~in cancer patients or such other procedure certified to be~~  
3 ~~medically necessary; such authorization shall be, upon such~~  
4 ~~terms and conditions as may be consistent with the public~~  
5 ~~health and safety. To the extent of the applicable~~  
6 ~~authorization, persons are exempt from prosecution in this~~  
7 ~~State for possession, production, manufacture or delivery of~~  
8 ~~cannabis.~~

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

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

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

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

34 Section 999. Effective date. This Act takes effect upon

1 becoming law.