



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0650

Introduced 2/8/2007, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Cannabis Control 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 2.5 ounces of usable cannabis which must be grown in an indoor locked facility. Provides that within 30 days after the effective date of the amendatory Act, the Department shall adopt emergency rules to implement these provisions. Creates a task force to implement permanent rules. Provides that if the Department fails to adopt rules to implement these provisions within 6 months, a qualifying patient may commence an action in a court of competent jurisdiction to compel the Department to perform the actions mandated pursuant to these provisions. Provides that a municipality may not prevent a registered organization from operating in accordance with the amendatory Act in an area where zoning permits retail businesses. Limits home rule powers. Effective immediately.

LRB095 05362 RLC 29144 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Cannabis Control Act is amended by changing  
5 Sections 3 and 8, adding the headings of Articles 1 and 2, and  
6 adding Sections 205, 210, 215, 220, 225, 230, 235, 240, 245,  
7 and 250 as follows:

8 (720 ILCS 550/Art. 1 heading new)

9 ARTICLE 1. CANNABIS CONTROL

10 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

11 Sec. 3. As used in this Act, unless the context otherwise  
12 requires:

13 (a) "Cannabis" includes marihuana, hashish and other  
14 substances which are identified as including any parts of the  
15 plant Cannabis Sativa, whether growing or not; the seeds  
16 thereof, the resin extracted from any part of such plant; and  
17 any compound, manufacture, salt, derivative, mixture, or  
18 preparation of such plant, its seeds, or resin, including  
19 tetrahydrocannabinol (THC) and all other cannabiniol  
20 derivatives, including its naturally occurring or  
21 synthetically produced ingredients, whether produced directly  
22 or indirectly by extraction, or independently by means of

1 chemical synthesis or by a combination of extraction and  
2 chemical synthesis; but shall not include the mature stalks of  
3 such plant, fiber produced from such stalks, oil or cake made  
4 from the seeds of such plant, any other compound, manufacture,  
5 salt, derivative, mixture, or preparation of such mature stalks  
6 (except the resin extracted therefrom), fiber, oil or cake, or  
7 the sterilized seed of such plant which is incapable of  
8 germination.

9 (b) "Casual delivery" means the delivery of not more than  
10 10 grams of any substance containing cannabis without  
11 consideration.

12 (c) For purposes of Article 1, "Department" means the  
13 Illinois Department of Human Services (as successor to the  
14 Department of Alcoholism and Substance Abuse) or its successor  
15 agency.

16 (d) "Deliver" or "delivery" means the actual, constructive  
17 or attempted transfer of possession of cannabis, with or  
18 without consideration, whether or not there is an agency  
19 relationship.

20 (e) "Department of State Police" means the Department of  
21 State Police of the State of Illinois or its successor agency.

22 (f) "Director" means the Director of the Department of  
23 State Police or his designated agent.

24 (g) "Local authorities" means a duly organized State,  
25 county, or municipal peace unit or police force.

26 (h) "Manufacture" means the production, preparation,

1 propagation, compounding, conversion or processing of  
2 cannabis, either directly or indirectly, by extraction from  
3 substances of natural origin, or independently by means of  
4 chemical synthesis, or by a combination of extraction and  
5 chemical synthesis, and includes any packaging or repackaging  
6 of cannabis or labeling of its container, except that this term  
7 does not include the preparation, compounding, packaging, or  
8 labeling of cannabis as an incident to lawful research,  
9 teaching, or chemical analysis and not for sale.

10 (i) "Person" means any individual, corporation, government  
11 or governmental subdivision or agency, business trust, estate,  
12 trust, partnership or association, or any other entity.

13 (j) "Produce" or "production" means planting, cultivating,  
14 tending or harvesting.

15 (k) "State" includes the State of Illinois and any state,  
16 district, commonwealth, territory, insular possession thereof,  
17 and any area subject to the legal authority of the United  
18 States of America.

19 (l) "Subsequent offense" means an offense under this Act,  
20 the offender of which, prior to his conviction of the offense,  
21 has at any time been convicted under this Act or under any laws  
22 of the United States or of any state relating to cannabis, or  
23 any controlled substance as defined in the Illinois Controlled  
24 Substances Act.

25 (Source: P.A. 89-507, eff. 7-1-97.)

1 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

2 Sec. 8. It is unlawful for any person knowingly to produce  
3 the cannabis sativa plant or to possess such plants or to  
4 deliver such plants unless production or possession has been  
5 authorized pursuant to the provisions of Article 2 ~~Section 11~~  
6 of the Act.

7 (1) Any person who violates this Section with respect to  
8 production or possession of:

9 (a) Not more than 5 plants is guilty of a Class A  
10 misdemeanor, except that a violation under paragraph (2) of  
11 this Section is a Class 4 felony.

12 (b) More than 5, but not more than 20 plants, is guilty of  
13 a Class 4 felony, except that a violation under paragraph (2)  
14 of this Section is a Class 3 felony.

15 (c) More than 20, but not more than 50 plants, is guilty of  
16 a Class 3 felony, except that a violation under paragraph (2)  
17 of this Section is a Class 2 felony.

18 (d) More than 50 plants is guilty of a Class 2 felony,  
19 except that a violation under paragraph (2) of this Section is  
20 a Class 1 felony, for which a fine not to exceed \$100,000 may  
21 be imposed and for which liability for the cost of conducting  
22 the investigation and eradicating such plants may be assessed.  
23 Compensation for expenses incurred in the enforcement of this  
24 provision shall be transmitted to and deposited in the  
25 treasurer's office at the level of government represented by  
26 the Illinois law enforcement agency whose officers or employees

1 conducted the investigation or caused the arrest or arrests  
2 leading to the prosecution, to be subsequently made available  
3 to that law enforcement agency as expendable receipts for use  
4 in the enforcement of laws regulating controlled substances and  
5 cannabis. If such seizure was made by a combination of law  
6 enforcement personnel representing different levels of  
7 government, the court levying the assessment shall determine  
8 the allocation of such assessment. The proceeds of assessment  
9 awarded to the State treasury shall be deposited in a special  
10 fund known as the Drug Traffic Prevention Fund.

11 (2) Any person authorized pursuant to the provisions of  
12 Article 2 of this Act to produce or possess the cannabis sativa  
13 plant, who knowingly produces the cannabis sativa plant or  
14 possesses such plants or delivers such plants except as  
15 provided for in Article 2, is guilty of violating this Section.  
16 Any violation of this paragraph (2) shall be punished according  
17 to the number of plants involved in the violation as provided  
18 in paragraph (1) of this Section.

19 (Source: P.A. 84-1233.)

20 (720 ILCS 550/Art. 2 heading new)

21 ARTICLE 2. MEDICAL CANNABIS

22 (720 ILCS 550/205 new)

23 Sec. 205. Findings.

24 (a) Modern medical research has discovered beneficial uses

1 for cannabis in treating or alleviating the pain, nausea, and  
2 other symptoms associated with certain debilitating medical  
3 conditions, as found by the National Academy of Sciences'  
4 Institute of Medicine in March 1999.

5 (b) Although federal law currently prohibits any use of  
6 cannabis, the laws of Alaska, California, Colorado, Hawaii,  
7 Maine, Montana, Nevada, Oregon, Rhode Island, Vermont, and  
8 Washington permit the medical use and cultivation of cannabis.  
9 Illinois joins in this effort for the health and welfare of its  
10 citizens.

11 (c) State law should make a distinction between the medical  
12 and non-medical use of cannabis. Hence, the purpose of this  
13 Article 2 is to protect patients with debilitating medical  
14 conditions, and their practitioners and primary caregivers,  
15 from arrest and prosecution, criminal and other penalties, and  
16 property forfeiture if such patients engage in the medical use  
17 of cannabis.

18 (d) The people of the State of Illinois declare that they  
19 enact this Article 2 pursuant to the police power to protect  
20 the health of its citizens that is reserved to the State of  
21 Illinois and its people under the Tenth Amendment to the United  
22 States Constitution.

23 (720 ILCS 550/210 new)

24 Sec. 210. Definitions. As used in this Article:

25 "Debilitating medical condition" means:

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

4           (2) a chronic or debilitating disease or medical  
5           condition that produces one or more of the following:  
6           cachexia or wasting syndrome; severe or chronic pain;  
7           severe nausea; seizures, including but not limited to those  
8           characteristic of epilepsy; severe and persistent muscle  
9           spasms, including but not limited to those characteristic  
10           of multiple sclerosis and Crohn's disease; or agitation of  
11           Alzheimer's disease; or

12           (3) any other medical condition approved by the  
13           Department, as provided for in subsection (a) of Section  
14           220.

15           "Department" means the Department of Public Health.

16           "Cannabis" has the meaning given that term in Section 3 of  
17           this Act.

18           "Indoor locked facility" means a building, closet, room, or  
19           other indoor area equipped with locks or other security devices  
20           that permit access only by a registered caregiver or registered  
21           patient.

22           "Medical use" means the acquisition, possession,  
23           cultivation, manufacture, use, delivery, transfer, or  
24           transportation of cannabis or paraphernalia relating to the  
25           consumption of cannabis to alleviate a registered qualifying  
26           patient's debilitating medical condition or symptoms



1 associated with the medical condition.

2 "Practitioner" means a physician licensed to practice  
3 medicine in all its branches, an advanced practice nurse who  
4 has a written collaborative agreement with the physician who  
5 authorizes the provision of written certifications under this  
6 Article 2, or a physician assistant who has been delegated the  
7 authority to provide written certifications under this Article  
8 2.

9 "Primary caregiver" means a person who is at least 18 years  
10 old and who has agreed to assist with a person's medical use of  
11 cannabis. A primary caregiver may assist no more than 3  
12 qualifying patients with their medical use of cannabis.

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

15 "Registry identification card" means a document issued by  
16 the Department that identifies a person as a qualifying patient  
17 or primary caregiver.

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

21 "Written certification" means the qualifying patient's  
22 medical records, or a statement signed by a practitioner,  
23 stating that in the practitioner's professional opinion the  
24 potential benefits of the medical use of cannabis would likely  
25 outweigh the health risks for the qualifying patient. A written  
26 certification shall be made only in the course of a bona fide

1 practitioner-patient relationship after the practitioner has  
2 completed a full assessment of the qualifying patient's medical  
3 history. The written certification shall specify the  
4 qualifying patient's debilitating medical condition or  
5 conditions.

6 (720 ILCS 550/215 new)

7 Sec. 215. Protections for the medical use of cannabis.

8 (a) A qualifying patient who has in his or her possession a  
9 registry identification card shall not be subject to arrest,  
10 prosecution, or penalty in any manner, or denied any right or  
11 privilege, including but not limited to a civil penalty or  
12 disciplinary action by a business or occupational or  
13 professional licensing board or bureau, for the medical use of  
14 cannabis, provided that the qualifying patient possesses an  
15 amount of cannabis that does not exceed 12 cannabis plants and  
16 2.5 ounces of usable cannabis, which must be grown in an indoor  
17 locked facility.

18 (b) A primary caregiver who has in his or her possession a  
19 registry identification card shall not be subject to arrest,  
20 prosecution, or penalty in any manner, or denied any right or  
21 privilege, including but not limited to a civil penalty or  
22 disciplinary action by a business or occupational or  
23 professional licensing board or bureau, for assisting a  
24 qualifying patient to whom he or she is connected through the  
25 Department's registration process with the medical use of

1 cannabis, provided that the primary caregiver possesses an  
2 amount of cannabis that does not exceed 12 cannabis plants and  
3 2.5 ounces of usable cannabis for each qualifying patient to  
4 whom he or she is connected through the Department's  
5 registration process, which must be grown in an indoor locked  
6 facility.

7 (c) No school, employer, or landlord may refuse to enroll,  
8 employ, lease to, or otherwise penalize a person solely for his  
9 or her status as a registered qualifying patient or a  
10 registered primary caregiver.

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

14 (1) is in possession of a registry identification card;  
15 and

16 (2) is in possession of an amount of cannabis that does  
17 not exceed the amount permitted under this Article 2. Such  
18 presumption may be rebutted by evidence that conduct  
19 related to cannabis was not for the purpose of alleviating  
20 the qualifying patient's debilitating medical condition or  
21 symptoms associated with the medical condition.

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

26 (f) A practitioner shall not be subject to arrest,

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

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

12 (g) No person shall be subject to arrest or prosecution for  
13 constructive possession, conspiracy, aiding and abetting,  
14 being an accessory, or any other offense for simply being in  
15 the presence or vicinity of the medical use of cannabis as  
16 permitted under this Article 2 or for assisting a registered  
17 qualifying patient with using or administering cannabis.

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

1       Sec. 220. Department to adopt rules.

2       (a) Not later than 90 days after the effective date of this  
3 amendatory Act of the 95th General Assembly, the Department  
4 shall, with notice to the Department of State Police, adopt  
5 rules governing the manner in which it shall consider petitions  
6 from the public to add debilitating medical conditions to those  
7 included in this Article 2. In considering such petitions, the  
8 Department shall include public notice of, and an opportunity  
9 to comment in a public hearing upon, such petitions. The  
10 Department shall, after hearing, approve or deny such petitions  
11 within 180 days after submission. The approval or denial of  
12 such a petition shall be considered a final Department action,  
13 subject to judicial review. Jurisdiction and venue for judicial  
14 review are vested in the circuit court. The denial of a  
15 petition shall not disqualify qualifying patients with that  
16 condition if they have a debilitating medical condition. The  
17 denial of a petition shall not prevent a person with the denied  
18 condition from raising an affirmative defense.

19       (b) Not later than 90 days after the effective date of this  
20 amendatory Act of the 95th General Assembly, the Department  
21 shall adopt rules governing the manner in which it shall  
22 consider applications for and renewals of registry  
23 identification cards for qualifying patients and primary  
24 caregivers. The Department's rules shall establish application  
25 and renewal fees that generate revenues sufficient to offset  
26 all expenses of implementing and administering this Article 2.

1 The fee shall include an additional \$2 per registry  
2 identification card which shall be allocated to drug treatment  
3 and prevention. The Department may vary the application and  
4 renewal fees along a sliding scale that accounts for a  
5 qualifying patient's income. The Department may accept  
6 donations from private sources in order to reduce the  
7 application and renewal fees.

8 (720 ILCS 550/225 new)

9 Sec. 225. Administering the Department's rules.

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

13 (1) written certification;

14 (2) application or renewal fee;

15 (3) name, address, and date of birth of the qualifying  
16 patient, except that if the applicant is homeless, no  
17 address is required;

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

20 (5) name, address, and date of birth of the primary  
21 caregiver of the qualifying patient, if any.

22 (b) The Department shall not issue a registry  
23 identification card to a qualifying patient under the age of 18  
24 unless:

25 (1) The qualifying patient's practitioner has

1 explained the potential risks and benefits of the medical  
2 use of cannabis to the qualifying patient and to a parent,  
3 guardian, or person having legal custody of the qualifying  
4 patient; and

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

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

9 (B) serve as the qualifying patient's primary  
10 caregiver; and

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

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

25 (d) The Department shall issue a registry identification  
26 card to the primary caregiver, if any, who is named in a

1 qualifying patient's approved application. No more than one  
2 individual primary caregiver and one non-profit dispensary as  
3 defined in Section 245 may be named in a qualifying patient's  
4 application, provided that patients can name a dispensary  
5 without naming an individual primary caregiver, may designate  
6 an individual primary caregiver without designating a  
7 dispensary, or may designate both one individual primary  
8 caregiver and one dispensary.

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

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

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

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

19 (4) a unique random registry identification number;

20 and

21 (5) a recent photograph.

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



1 days of such change.

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

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

16 (4) When a qualifying patient or primary caregiver  
17 notifies the Department of any changes listed in this  
18 subsection (f), the Department shall issue the registered  
19 qualifying patient and the primary caregiver a new registry  
20 identification card within 10 days of receiving the updated  
21 information and a \$10 fee.

22 (5) When a qualifying patient who possesses a registry  
23 identification card changes his or her primary caregiver,  
24 the Department shall notify the primary caregiver within 10  
25 days. The primary caregiver's protections as provided in  
26 this Article 2 shall expire 10 days after notification by

1 the Department.

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

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

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

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

1 Department as necessary to perform official duties of the  
2 Department.

3 (3) The Department shall make available to law  
4 enforcement personnel a secure website whereby law  
5 enforcement can determine whether a registry  
6 identification card is valid solely by entering the random  
7 identification number. The secure website shall return  
8 data as it appears on the registry identification card,  
9 which includes the digital photo used on the card, name,  
10 address, and date of birth.

11 (4) It is a Class B misdemeanor for any person,  
12 including an employee or official of the Department or  
13 another State agency or local government, to breach the  
14 confidentiality of information obtained pursuant to this  
15 Article 2. Notwithstanding this provision, Department  
16 employees may notify law enforcement about falsified or  
17 fraudulent information submitted to the Department.

18 (i) The Department shall report annually to the General  
19 Assembly on the number of applications for registry  
20 identification cards, the number of qualifying patients and  
21 primary caregivers approved, the nature of the debilitating  
22 medical conditions of the qualifying patients, the number of  
23 registry identification cards revoked, and the number of  
24 practitioners providing written certification for qualifying  
25 patients. The Department shall not provide any information  
26 identifying qualifying patients, primary caregivers, or

1 practitioners.

2 (720 ILCS 550/230 new)

3 Sec. 230. Scope of Article 2.

4 (a) This Article 2 does not permit:

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

8 (2) the smoking of cannabis:

9 (A) in a school bus or other form of public  
10 transportation;

11 (B) on any school grounds;

12 (C) in any correctional facility; or

13 (D) in any public place; and

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

20 (b) Nothing in this Article 2 shall be construed to  
21 require:

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

25 (2) an employer to accommodate the medical use of

1 cannabis in any workplace.

2 (720 ILCS 550/235 new)

3 Sec. 235. Affirmative defense and dismissal for medical  
4 cannabis.

5 (a) Except as provided in Section 230, 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

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 (720 ILCS 550/240 new)

10 Sec. 240. Enforcement of this Article 2.

11 (a) Within 30 days after the effective date of this  
12 amendatory Act of the 95th General Assembly, the Department  
13 shall adopt emergency rules to implement this Article 2. Within  
14 6 months after the effective date of this amendatory Act of the  
15 95th General Assembly, a task force consisting of the Directors  
16 or their designees of the Departments of Public Health and  
17 State Police and the Secretary of Human Services or his or her  
18 designee; 2 members of the House of Representatives appointed  
19 by the Speaker of the House of Representatives; 2 members of  
20 the Senate appointed by the President of the Senate; one member  
21 of the House of Representatives appointed by the House Minority  
22 Leader; and one member of the Senate appointed by the Senate  
23 Minority Leader shall act to implement permanent rules. In  
24 addition the Speaker and the President shall appoint one person  
25 each involved in patient services or advocacy. If the

1 Department fails to adopt rules to implement this Article 2  
2 within 6 months after the effective date of this amendatory Act  
3 of the 95th General Assembly, a qualifying patient may commence  
4 an action in a court of competent jurisdiction to compel the  
5 Department to perform the actions mandated pursuant to the  
6 provisions of this Article 2.

7 (b) If the Department fails to issue a valid registry  
8 identification card in response to a valid application  
9 submitted pursuant to this Article 2 within 20 days of its  
10 submission, the registry identification card shall be deemed  
11 granted and a copy of the registry identification application  
12 shall be deemed a valid registry identification card.

13 (720 ILCS 550/245 new)

14 Sec. 245. Non-profit dispensaries.

15 (a) "Registered organization" means a non-profit entity  
16 registered with the State under this Article 2 that acquires,  
17 possesses, cultivates, manufactures, delivers, transfers,  
18 transports, supplies, or dispenses cannabis, cultivation  
19 equipment, related supplies and educational materials, or  
20 cannabis seeds to registered qualifying patients. A registered  
21 organization shall be treated as a primary caregiver, although  
22 it may supply cannabis to any number of registered qualifying  
23 patients who have designated it as their non-profit dispensary  
24 in accordance with subsection (d) of Section 225.

25 (b) (1) The Department shall issue a registered

1 organization license within 20 days to any person who  
2 complies with this Article 2, including the limitations in  
3 subsection (i), and Department rules and provides the  
4 following:

5 (A) a fee paid to the Department in the amount  
6 established by the Department, which shall not exceed  
7 \$1,000;

8 (B) the name of the registered organization;

9 (C) the physical addresses of the registered  
10 organization and any other real property where  
11 cannabis is to be possessed, cultivated, manufactured,  
12 supplied, or dispensed relating to the operations of  
13 the registered organization; and

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

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

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

26 (4) Not later than 90 days after the effective date of



1 this amendatory Act of the 95th General Assembly, the  
2 Department shall promulgate rules to implement this  
3 Section, including the following:

4 (A) procedures for the oversight of registered  
5 organizations, record-keeping and reporting  
6 requirements for registered organizations, the  
7 potential transfer or sale of seized cultivation  
8 equipment and related supplies from law enforcement  
9 agencies to registered organizations, and procedures  
10 for suspending or terminating the registration of  
11 registered organizations; and

12 (B) the form and content of the registration and  
13 renewal applications.

14 (c) Registered organizations shall be subject to  
15 reasonable inspection by the Department to determine that  
16 applicable rules are being followed. Reasonable notice shall be  
17 given prior to these inspections.

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

23 (2) Registered organizations may not be located within  
24 500 feet of the property line of a public school, private  
25 school, or structure used primarily for religious services  
26 or worship.

1           (3) The operating documents of a registered  
2           organization shall include procedures for the oversight of  
3           the registered organization and procedures to ensure  
4           adequate record-keeping.

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

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

13           (f) (1) No registered organization shall be subject to  
14           prosecution, search, seizure, or penalty in any manner, or  
15           denied any right or privilege, including but not limited to  
16           a civil penalty or disciplinary action by a business or  
17           occupational or professional licensing board or bureau for  
18           acting in accordance with this Article 2 and the rules  
19           issued pursuant to this Article 2 to assist registered  
20           qualifying patients to whom it is connected through the  
21           Department's registration process with the medical use of  
22           cannabis, provided that the registered organization  
23           possesses an amount of cannabis which does not exceed 12  
24           cannabis plants and 2.5 ounces of usable cannabis for each  
25           registered qualifying patient.

26           (2) No employees, agents, or board members of a

1 registered organization shall be subject to arrest,  
2 prosecution, search, seizure, or penalty in any manner, or  
3 denied any right or privilege, including but not limited to  
4 a civil penalty or disciplinary action by a business or  
5 occupational or professional licensing board or bureau,  
6 for working for a registered organization in accordance  
7 with this Article 2.

8 (3) Applications and supporting information submitted  
9 by registered organizations, including licenses and  
10 information regarding their patients, primary caregivers,  
11 agents and employees of the organization are confidential  
12 and when applicable protected under the federal Health  
13 Insurance Portability and Accountability Act of 1996 and  
14 the AIDS Confidentiality Act.

15 (g) The registered organization is prohibited from:

16 (1) obtaining cannabis from outside the State in  
17 violation of federal law;

18 (2) acquiring, possessing, cultivating, manufacturing,  
19 delivering, transferring, transporting, supplying, or  
20 dispensing cannabis for any purpose except to assist  
21 registered qualifying patients with their medical use of  
22 cannabis.

23 (h) Except as provided in this Article 2, a municipality  
24 may not prevent a registered organization from operating in  
25 accordance with this Article 2 in an area where zoning permits  
26 retail businesses. This subsection (h) is a limitation under

1 subsection (i) of Section 6 of Article VII of the Illinois  
2 Constitution on the concurrent exercise by home rule units of  
3 powers and functions exercised by the State.

4 (i) The number of licenses for registered organizations  
5 that the Department issues shall be limited to one registered  
6 organization license for each municipality with a population of  
7 50,000 or more, except that a municipality with a population of  
8 1,000,000 or more shall be limited to 15 registered  
9 organization licenses.

10 (j) If provisions of this Article 2 establishing registered  
11 organizations 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 (720 ILCS 550/250 new)

16 Sec. 250. Application. In the event of a conflict between  
17 this Article 2 and Article 1 of this Act, the provisions of  
18 this Article 2 shall control.

19 (720 ILCS 550/11 rep.)

20 Section 10. The Cannabis Control Act is amended by  
21 repealing Section 11.

22 Section 95. Severability. The provisions of this Act are  
23 severable under Section 1.31 of the Statute on Statutes.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.

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2	Statutes amended in order of appearance	
3	720 ILCS 550/Art. 1	
4	heading new	
5	720 ILCS 550/3	from Ch. 56 1/2, par. 703
6	720 ILCS 550/8	from Ch. 56 1/2, par. 708
7	720 ILCS 550/Art. 2	
8	heading new	
9	720 ILCS 550/205 new	
10	720 ILCS 550/210 new	
11	720 ILCS 550/215 new	
12	720 ILCS 550/220 new	
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14	720 ILCS 550/230 new	
15	720 ILCS 550/235 new	
16	720 ILCS 550/240 new	
17	720 ILCS 550/245 new	
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19	720 ILCS 550/11 rep.	