



Sen. John J. Cullerton

Filed: 3/4/2008

09500SB2865sam001

LRB095 20021 RLC 47460 a

1 AMENDMENT TO SENATE BILL 2865

2 AMENDMENT NO. _____. Amend Senate Bill 2865 on page 3, by
3 inserting immediately below line 2 the following:

4 "(a) "Adequate supply" means an amount of marijuana
5 possessed by a qualified patient or collectively possessed by a
6 qualified patient and the qualified patient's primary
7 caregiver that is determined by rule of the Department to be no
8 more than reasonably necessary to ensure the uninterrupted
9 availability of marijuana for a period of 60 days and that is
10 derived solely from an intrastate source. Until the Department
11 determines what constitutes a 60-day supply of medicine,
12 patients shall be presumed to be in compliance with this Act if
13 they possess no more than 8 plants and two and one-half ounces
14 of usable marijuana."; and

15 on page 3, line 3, by changing "(a)" to "(a-1)"; and

16 on page 29, by inserting immediately below line 26 the

1 following:

2 "Section 50. Exemption from criminal and civil penalties
3 for the medical use of cannabis.

4 (1) A qualified patient shall not be subject to arrest,
5 prosecution or penalty in any manner for the possession of or
6 the medical use of marijuana if the quantity of marijuana does
7 not exceed an adequate supply.

8 (2) A qualified patient's primary caregiver shall not be
9 subject to arrest, prosecution or penalty in any manner for the
10 possession of marijuana for medical use by the qualified
11 patient if the quantity of marijuana does not exceed an
12 adequate supply.

13 Section 55. Adoption of rules by the Department; 60-day
14 supply for qualifying patients.

15 (1) By July 1, 2009, the Department shall adopt rules
16 defining the quantity of marijuana that could reasonably be
17 presumed to be a 60-day supply for qualifying patients; this
18 presumption may be overcome with evidence of a qualifying
19 patient's necessary medical use.

20 (2) As used in this Act, "60-day supply" means that amount
21 of marijuana that qualifying patients would reasonably be
22 expected to need over a period of 60 days for their personal
23 medical use. During the rule-making process, the Department
24 shall make a good faith effort to include all stakeholders

1 identified in the rule-making analysis as being impacted by the
2 rule.

3 (3) Stakeholders shall include, but are not limited to: at
4 least 3 physicians, one of which must have prior experience
5 treating medical marijuana patients and another who
6 specializes in oncology; 2 nurses, one of which must have prior
7 experience treating HIV/AIDS patients; a representative from
8 hospice; a representative from the law enforcement community; a
9 prosecuting attorney currently employed by the state of
10 Illinois; a public defender currently employed by the state of
11 Illinois; a defense attorney in private practice; a licensed
12 phlebotomist, and a horticulturist.

13 (4) The Department shall gather information from medical
14 and scientific literature, consulting with experts and the
15 public, and reviewing the best practices of other states
16 regarding access to an adequate, safe, consistent, and secure
17 source, including alternative distribution systems, of medical
18 marijuana for qualifying patients. The Department shall report
19 its findings to the General Assembly by July 1, 2009.

20 (5) Until the Department determines what constitutes a
21 60-day supply of medicine, patients shall be presumed to be in
22 compliance with this Act if they possess no more than 8 plants
23 and two and one-half ounces of usable marijuana.".