

1 AN ACT concerning alternative treatment for serious  
2 diseases causing chronic pain and debilitating conditions.

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

5 Section 1. Short title. This Act may be cited as the  
6 Compassionate Use of Medical Cannabis Pilot Program Act.

7 Section 5. Findings.

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

13 (b) Subsequent studies since the 1999 National Academy of  
14 Sciences' Institute of Medicine report continue to show the  
15 therapeutic value of cannabis in treating a wide array of  
16 debilitating medical conditions, including increasing the  
17 chances of patients finishing their treatments for HIV/AIDS and  
18 hepatitis C.

19 (c) Data from the Federal Bureau of Investigation's Uniform  
20 Crime Reports and the Compendium of Federal Justice Statistics  
21 show that approximately 99 out of every 100 cannabis arrests in  
22 the U.S. are made under state law, rather than under federal  
23 law. Consequently, changing state law will have the practical

1 effect of protecting from arrest the vast majority of seriously  
2 ill people who have a medical need to use cannabis.

3 (d) Although federal law currently prohibits any use of  
4 cannabis except under very limited circumstances, Alaska,  
5 California, Colorado, Hawaii, Maine, Michigan, Montana,  
6 Nevada, New Mexico, Oregon, Vermont, Rhode Island, and  
7 Washington have removed state-level criminal penalties from  
8 the medical use and cultivation of cannabis. Illinois joins in  
9 this effort for the health and welfare of its citizens.

10 (e) States are not required to enforce federal law or  
11 prosecute people for engaging in activities prohibited by  
12 federal law. Therefore, compliance with this Act does not put  
13 the State of Illinois in violation of federal law.

14 (f) State law should make a distinction between the medical  
15 and non-medical uses of cannabis. Hence, the purpose of this  
16 Act is to protect patients with debilitating medical  
17 conditions, as well as their physicians and primary caregivers,  
18 from arrest and prosecution, criminal and other penalties, and  
19 property forfeiture if such patients engage in the medical use  
20 of cannabis.

21 (g) The people of the State of Illinois declare that they  
22 enact this Act pursuant to the police power to protect the  
23 health of its citizens that is reserved to the State of  
24 Illinois and its people under the 10th Amendment to the United  
25 States Constitution.

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

3 (a) "Adequate supply" means an amount of cannabis possessed  
4 by a qualified patient or collectively possessed by a qualified  
5 patient and the qualified patient's primary caregiver that is  
6 determined by rule of the Department to be no more than  
7 reasonably necessary to ensure the uninterrupted availability  
8 of cannabis for a period of 60 days and that is derived solely  
9 from an intrastate source. Until the Department determines what  
10 constitutes a 60-day supply of medicine, patients shall be  
11 presumed to be in compliance with this Act if they possess no  
12 more than 2 ounces of dried usable cannabis and 6 cannabis  
13 plants, no more than 3 of which can be mature cannabis plants.  
14 As used in this subsection (a), "mature cannabis plant" means a  
15 female cannabis plant that meets one or more of the following 3  
16 criteria: (1) has observable flowers or buds, (2) is at least  
17 12 inches in height, or (3) is at least 12 inches in diameter.

18 (a-1) "Cardholder" means a qualifying patient or a primary  
19 caregiver who has been issued and possesses a valid registry  
20 identification card.

21 (b) "Debilitating medical condition" means one or more of  
22 the following:

23 (1) cancer, glaucoma, positive status for human  
24 immunodeficiency virus, acquired immune deficiency  
25 syndrome, hepatitis C, amyotrophic lateral sclerosis,  
26 Crohn's disease, agitation of Alzheimer's disease, nail

1 patella, or the treatment of these conditions;

2 (2) a chronic or debilitating disease or medical  
3 condition or its treatment that produces one or more of the  
4 following: cachexia or wasting syndrome; seizures,  
5 including but not limited to those characteristic of  
6 epilepsy; or severe and persistent muscle spasms,  
7 including but not limited to those characteristic of  
8 multiple sclerosis;

9 (3) a debilitating disease or medical condition or its  
10 treatment that produces intractable pain, which is severe,  
11 debilitating pain that did not respond to other reasonable  
12 medical efforts for a reasonable period of time, including  
13 in cases where other treatment options produced serious  
14 side effects;

15 (4) a debilitating disease or medical condition or its  
16 treatment that produces severe, debilitating nausea that  
17 did not respond to other reasonable medical efforts for a  
18 reasonable period of time, including cases where other  
19 treatment options produced serious side effects; or

20 (5) any other medical condition or its treatment  
21 approved by the Department, as provided for in subsection  
22 (a) of Section 20.

23 (c) "Department" means the Department of Public Health, or  
24 its successor agency.

25 (d) "Enclosed, locked facility" means a closet, room,  
26 greenhouse, or other enclosed area equipped with locks or other

1 security devices that permit access only by a registered  
2 primary caregiver or registered qualifying patient.

3 (e) "Felony drug offense" means a violation of a state or  
4 federal controlled substance law that was classified as a  
5 felony in the jurisdiction where the person was convicted. It  
6 does not include: (1) an offense for which the sentence,  
7 including any term of probation, incarceration, or supervised  
8 release, was completed 10 or more years earlier; or (2) an  
9 offense that involved conduct that would have been permitted  
10 under this Act.

11 (f) "Cannabis" has the meaning given to the term cannabis  
12 in Section 3 of the Cannabis Control Act.

13 (g) "Medical use" means the acquisition, possession,  
14 cultivation, manufacture, use, delivery, transfer, or  
15 transportation of cannabis or paraphernalia relating to the  
16 administration of cannabis to treat or alleviate a registered  
17 qualifying patient's debilitating medical condition or  
18 symptoms associated with the patient's debilitating medical  
19 condition.

20 (h) "Physician" means a person licensed under the Medical  
21 Practice Act of 1987 to practice medicine in all its branches  
22 who has the authority to prescribe under Article III of the  
23 Illinois Controlled Substances Act.

24 (i) "Primary caregiver" means a person who is at least 21  
25 years old, who has agreed to assist with a patient's medical  
26 use of cannabis, and who has never been convicted of a felony

1 drug offense. A primary caregiver, other than a medical  
2 cannabis organization as defined in this Act may assist no more  
3 than one qualifying patient with their medical use of cannabis.  
4 A patient may designate only one primary caregiver, except that  
5 a patient may designate a medical cannabis organization and one  
6 individual primary caregiver.

7 (j) "Qualifying patient" means a person who has been  
8 diagnosed by a physician as having a debilitating medical  
9 condition.

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

13 (l) "Usable cannabis" means the dried leaves and flowers of  
14 the cannabis plant, and any mixture or preparation thereof, but  
15 does not include the seeds, stalks, and roots of the plant and  
16 does not include the weight of other ingredients in cannabis  
17 prepared for consumption as food.

18 (m) "Visiting qualifying patient" means a patient who is  
19 not a resident of Illinois or who has been a resident of  
20 Illinois less than 30 days.

21 (n) "Written certification" means a document signed by a  
22 physician, stating: (1) that in the physician's professional  
23 opinion the patient is likely to receive therapeutic or  
24 palliative benefit from the medical use of cannabis to treat or  
25 alleviate the patient's debilitating medical condition or  
26 symptoms associated with the debilitating medical condition;

1 (2) that the qualifying patient has a debilitating medical  
2 condition and specifying what debilitating medical condition  
3 the qualifying patient has; and (3) that the patient is under  
4 the physician's care for the debilitating medical condition. A  
5 written certification shall be made only in the course of a  
6 bona fide physician-patient relationship after the physician  
7 has completed a full assessment of the qualifying patient's  
8 medical history.

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

10 (a) A qualifying patient who has been issued and possesses  
11 a registry identification card shall not be subject to arrest,  
12 prosecution, or penalty in any manner, or denied any right or  
13 privilege, including but not limited to civil penalty or  
14 disciplinary action by a business or occupational or  
15 professional licensing board or bureau, for the medical use of  
16 cannabis in accordance with this Act, provided that the  
17 qualifying patient possesses an amount of cannabis that does  
18 not exceed an "adequate supply" as defined in subsection (a) of  
19 Section 10 of this Act of usable cannabis. Such plants shall be  
20 kept in an enclosed, locked facility, unless they are being  
21 transported because the qualifying patient is moving or if they  
22 are being transported to the qualifying patient's property. Any  
23 incidental amount of seeds, stalks, and unusable roots shall  
24 also be allowed under State law and shall not be included in  
25 this amount.

1 (b) A primary caregiver who has been issued and possesses a  
2 registry identification card shall not be subject to arrest,  
3 prosecution, or penalty in any manner, or denied any right or  
4 privilege, including but not limited to civil penalty or  
5 disciplinary action by a business or occupational or  
6 professional licensing board or bureau, solely for assisting a  
7 qualifying patient to whom he or she is connected through the  
8 Department's registration process with the medical use of  
9 cannabis in accordance with this Act, provided that the primary  
10 caregiver possesses an amount of cannabis that does not exceed  
11 an "adequate supply" as defined in subsection (a) of Section 10  
12 of this Act for the qualifying patient to whom he or she is  
13 connected through the Department's registration process. It is  
14 the intent of this provision that the total amount possessed  
15 between the qualifying patient and caregiver shall not exceed  
16 the patient's "adequate supply" as defined in subsection (a) of  
17 Section 10 of this Act. Such plants shall be kept in an  
18 enclosed, locked facility, unless they are being transported  
19 because the primary caregiver is moving or if they are being  
20 transported to a primary caregiver's or a qualifying patient's  
21 property. Any incidental amount of seeds, stalks, and unusable  
22 roots shall also be allowed under State law and shall not be  
23 included in this amount.

24 (c) (1) There shall be a presumption that a qualifying  
25 patient or primary caregiver is engaged in the medical use of  
26 cannabis in accordance with this Act if the qualifying patient



1 or primary caregiver:

2 (A) is in possession of a registry identification  
3 card; and

4 (B) is in possession of an amount of cannabis that  
5 does not exceed the amount allowed under this Act.

6 (2) The presumption may be rebutted by evidence that  
7 conduct related to cannabis was not for the purpose of  
8 treating or alleviating the qualifying patient's  
9 debilitating medical condition or symptoms associated with  
10 the debilitating medical condition, in accordance with  
11 this Act.

12 (d) A cardholder 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 a business or occupational or  
16 professional licensing board or bureau, solely for giving  
17 cannabis to a registered qualifying patient or a registered  
18 primary caregiver for the registered qualifying patient's  
19 medical use where nothing of value is transferred in return, or  
20 to offer to do the same.

21 (e) No school, employer, or landlord may refuse to enroll  
22 or employ or lease to, or otherwise penalize a person solely  
23 for his or her status as a registered qualifying patient or a  
24 registered primary caregiver, unless failing to do so would put  
25 the school, employer, or landlord in violation of federal law  
26 or cause it to lose a federal contract or funding.

1           (f) A person shall not be denied custody or visitation of a  
2 minor for acting in accordance with this Act, unless the  
3 person's behavior is such that it creates an unreasonable  
4 danger to the minor that can be clearly articulated and  
5 substantiated.

6           (g) A registered primary caregiver may receive  
7 compensation for costs associated with assisting a registered  
8 qualifying patient's medical use of cannabis, provided that  
9 registered primary caregiver is connected to the registered  
10 qualifying patient through the Department's registration  
11 process. Any such compensation shall not constitute the sale of  
12 controlled substances.

13           (h) A physician shall not be subject to arrest,  
14 prosecution, or penalty in any manner, or denied any right or  
15 privilege, including but not limited to civil penalty or  
16 disciplinary action by the Medical Disciplinary Board or by any  
17 other business or occupational or professional licensing board  
18 or bureau, solely for providing written certifications or for  
19 otherwise stating that, in the physician's professional  
20 opinion, a patient is likely to receive therapeutic benefit  
21 from the medical use of cannabis to treat or alleviate the  
22 patient's serious or debilitating medical condition or  
23 symptoms associated with the serious or debilitating medical  
24 condition, provided that nothing shall prevent a professional  
25 licensing board from sanctioning a physician for failing to  
26 properly evaluate a patient's medical condition or otherwise

1 violating the standard of care for evaluating medical  
2 conditions.

3 (i) A person shall not be subject to arrest, prosecution,  
4 or penalty in any manner, or denied any right or privilege,  
5 including but not limited to civil penalty or disciplinary  
6 action by a business or occupational or professional licensing  
7 board or bureau, solely for providing a registered qualifying  
8 patient or a registered primary caregiver with cannabis  
9 paraphernalia for purposes of a qualifying patient's medical  
10 use of cannabis.

11 (j) Any cannabis, cannabis paraphernalia, licit property,  
12 or interest in licit property that is possessed, owned, or used  
13 in connection with the medical use of cannabis, as allowed  
14 under this Act, or acts incidental to such use, shall not be  
15 seized or forfeited.

16 (k) A person shall not be subject to arrest, prosecution,  
17 or penalty in any manner, or denied any right or privilege,  
18 including but not limited to civil penalty or disciplinary  
19 action by a business or occupational or professional licensing  
20 board or bureau, simply for being in the presence or vicinity  
21 of the medical use of cannabis as allowed under this Act, or  
22 for assisting a registered qualifying patient with using or  
23 administering cannabis. This provision, however, shall not be  
24 construed to allow the consumption of cannabis by persons other  
25 than qualifying patients.

26 (l) A registry identification card, or its equivalent, that

1 is issued under the laws of another state, district, territory,  
2 commonwealth, or insular possession of the United States that  
3 allows the medical use of cannabis by a visiting qualifying  
4 patient, shall have the same force and effect as a registry  
5 identification card issued by the Department.

6 (m) Any cardholder who sells cannabis to a person who is  
7 not allowed to use cannabis for medical purposes under this Act  
8 shall have his or her registry identification card revoked, and  
9 is liable for any other penalties for the sale of cannabis. The  
10 Department may revoke the registry identification card of any  
11 cardholder who violates this Act, and the cardholder shall be  
12 liable for any other penalties for the violation.

13 (n) For purposes of Illinois State law, the consumption or  
14 use of cannabis by a registered qualifying patient shall be  
15 considered lawful if it is authorized by and in accordance with  
16 this Act.

17 Section 20. Department to issue rules.

18 (a) Not later than 120 days after the effective date of  
19 this Act, the Department shall promulgate rules governing the  
20 manner in which it shall consider petitions from the public to  
21 add debilitating medical conditions to the list of debilitating  
22 medical conditions set forth in subsection (b) of Section 10 of  
23 this Act. In considering such petitions, the Department shall  
24 include public notice of, and an opportunity to comment in a  
25 public hearing upon, such petitions. The Department shall,

1 after hearing, approve or deny such petitions within 180 days  
2 of submission of the petition. The approval or denial of such a  
3 petition shall be considered a final Department action, subject  
4 to judicial review. Jurisdiction and venue for judicial review  
5 are vested in the Circuit Court.

6 (b) Not later than 120 days after the effective date of  
7 this Act, the Department shall promulgate rules governing the  
8 manner in which it shall consider applications for and renewals  
9 of 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 fee shall include an additional \$3 per registry  
14 identification card which shall be used to develop and  
15 disseminate educational information about the health risks  
16 associated with the abuse of cannabis and prescription  
17 medications. The Department may establish a sliding scale of  
18 application and renewal fees based upon a qualifying patient's  
19 family income. The Department may accept donations from private  
20 sources in order to reduce the application and renewal fees.

21 (c) Not later than 120 days after the effective date of  
22 this Act, the Department shall promulgate rules governing the  
23 manner in which it shall consider applications for and renewals  
24 of registration certificates for medical cannabis  
25 organizations, including rules governing the form and content  
26 of registration and renewal applications, and a standard form

1 for written certifications.

2 Section 25. Administering the Department's rules.

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

6 (1) written certification, which shall be on a form  
7 developed by the Department;

8 (2) application or renewal fee;

9 (3) name, address, and date of birth of the qualifying  
10 patient, except that if the applicant is homeless, no  
11 address is required;

12 (4) name, address, and telephone number of the  
13 qualifying patient's physician; and

14 (5) name, address, and date of birth of each primary  
15 caregiver, if any, of the qualifying patient.

16 (b) The Department shall not issue a registry  
17 identification card to a qualifying patient who is under the  
18 age of 18 unless:

19 (1) The qualifying patient's physician has explained  
20 the potential risks and benefits of the medical use of  
21 cannabis to the qualifying patient and to a parent,  
22 guardian, or person having legal custody of the qualifying  
23 patient; and

24 (2) The parent, guardian, or person having legal  
25 custody consents in writing to:

1 (A) allow the qualifying patient's medical use of  
2 cannabis;

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

5 (C) control the acquisition of the cannabis, the  
6 dosage, and the frequency of the medical use of  
7 cannabis by the qualifying patient.

8 (c) The Department shall verify the information contained  
9 in an application or renewal submitted pursuant to this  
10 Section, and shall approve or deny an application or renewal  
11 within 15 days of receiving it. The Department may deny an  
12 application or renewal only if the applicant did not provide  
13 the information required pursuant to this Section, or if the  
14 Department determines that the information provided was  
15 falsified. Rejection of an application or renewal is considered  
16 a final Department action, subject to judicial review.  
17 Jurisdiction and venue for judicial review are vested in the  
18 Illinois Circuit Court.

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

23 (e) The Department shall issue registry identification  
24 cards within 5 days of approving an application or renewal,  
25 which shall expire one year after the date of issuance.  
26 Registry identification cards shall contain all of the

1 following:

2 (1) Name, address, and date of birth of the qualifying  
3 patient;

4 (2) Name, address, and date of birth of each primary  
5 caregiver, if any, of the qualifying patient;

6 (3) The date of issuance and expiration date of the  
7 registry identification card;

8 (4) A random identification number that is unique to  
9 the cardholder; and

10 (5) A photograph, if the Department decides to require  
11 one.

12 (f) (1) A registered qualifying patient shall notify the  
13 Department of any change in the registered qualifying  
14 patient's name, address, or primary caregiver, or if the  
15 registered qualifying patient ceases to have his or her  
16 debilitating medical condition, within 10 days of such  
17 change.

18 (2) A registered qualifying patient who fails to notify  
19 the Department of any of these changes is responsible for a  
20 civil infraction, punishable by a fine of no more than  
21 \$150. If the registered qualifying patient's certifying  
22 physician notifies the Department in writing that the  
23 registered qualifying patient has ceased to suffer from a  
24 debilitating medical condition, the card shall become null  
25 and void upon notification by the Department to the  
26 qualifying patient.



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

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

13           (5) When a registered qualifying patient changes his or  
14 her registered primary caregiver, the Department shall  
15 notify the primary caregiver within 10 days. The registered  
16 primary caregiver's protections as provided in this Act  
17 shall expire 10 days after notification by the Department.

18           (6) If a registered qualifying patient or registered  
19 primary caregiver loses his or her registry identification  
20 card, he or she shall notify the Department and submit a  
21 \$10 fee within 10 days of losing the card. Within 5 days  
22 after such notification, the Department shall issue a new  
23 registry identification card with a new random  
24 identification number.

25           (g) Possession of, or application for, a registry  
26 identification card shall not constitute probable cause or

1 reasonable suspicion, nor shall it be used to support the  
2 search of the person or property of the person possessing or  
3 applying for the registry identification card.

4 (h) The following confidentiality rules shall apply:

5 (1) Applications and supporting information submitted  
6 by qualifying patients, including information regarding  
7 their primary caregivers and physicians, are confidential.

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 verify to law enforcement  
17 personnel whether a registry identification card is valid,  
18 without disclosing more information than is reasonably  
19 necessary to verify the authenticity of the registry  
20 identification card.

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

1 information submitted to the Department, so long as the  
2 employee who suspects that falsified or fraudulent  
3 information has been submitted confers with his or her  
4 supervisor (or at least one other employee of the  
5 Department) and both agree that circumstances exist that  
6 warrant reporting.

7 (i) The Department shall submit to the General Assembly an  
8 annual report that does not disclose any identifying  
9 information about qualifying patients, primary caregivers, or  
10 physicians, but does contain, at a minimum, all of the  
11 following information:

12 (1) The number of applications and renewals filed for  
13 registry identification cards.

14 (2) The number of qualifying patients and primary  
15 caregivers approved in each county.

16 (3) The nature of the debilitating medical conditions  
17 of the qualifying patients.

18 (4) The number of registry identification cards  
19 revoked.

20 (5) The number of physicians providing written  
21 certifications for qualifying patients.

22 (j) The Department shall develop and disseminate  
23 educational information about the health risks associated with  
24 the abuse of cannabis and prescription medications, which shall  
25 be funded by the \$3 fees generated from registry identification  
26 cards.

1 Section 30. Scope of Act.

2 (a) This Act shall not permit any person to do any of the  
3 following, nor shall it prevent the imposition of any civil,  
4 criminal, or other penalties for any such actions:

5 (1) Undertake any task under the influence of cannabis,  
6 when doing so would constitute negligence or professional  
7 malpractice.

8 (2) Possess cannabis, or otherwise engage in the  
9 medical use of cannabis:

10 (A) in a school bus;

11 (B) on the grounds of any preschool or primary or  
12 secondary school; or

13 (C) in any correctional facility.

14 (3) Smoke cannabis:

15 (A) on any form of public transportation; or

16 (B) in any public place.

17 (4) Operate, navigate, or be in actual physical control  
18 of any motor vehicle, aircraft, or motorboat while under  
19 the influence of cannabis. However, a registered  
20 qualifying patient shall not be considered to be under the  
21 influence of cannabis solely because of the presence of  
22 metabolites or components of cannabis that appear in  
23 insufficient concentration to cause impairment.

24 (5) Use cannabis if that person does not have a serious  
25 or debilitating medical condition.

1           (6) Allow any person who is not allowed to use cannabis  
2           under this Act to use cannabis that a cardholder is allowed  
3           to possess pursuant to this Act.

4           (7) Transfer cannabis to any person who is not allowed  
5           to possess cannabis under this Act.

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

7           (1) A government medical assistance program or private  
8           health insurer to reimburse a person for costs associated  
9           with the medical use of cannabis; or

10          (2) An employer to accommodate the ingestion of  
11          cannabis in any workplace or any employee working while  
12          under the influence of cannabis, provided that a qualifying  
13          patient shall not be considered to be under the influence  
14          of cannabis solely because of the presence of metabolites  
15          or components of cannabis that appear in insufficient  
16          concentration to cause impairment.

17          (c) Fraudulent representation to a law enforcement  
18          official of any fact or circumstance relating to the medical  
19          use of cannabis to avoid arrest or prosecution is a petty  
20          offense punishable by a fine of \$500, which shall be in  
21          addition to any other penalties that may apply for making a  
22          false statement or for the use of cannabis other than use  
23          undertaken pursuant to this Act.

24          (d) Nothing in this Act shall be construed to prevent the  
25          arrest or prosecution of a registered qualifying patient for  
26          reckless driving or driving under the influence of cannabis

1 where probable cause exists.

2 (e) This Act shall in no way limit an employer's ability to  
3 discipline an employee for ingesting cannabis in the workplace  
4 or for working while under the influence of cannabis. This Act  
5 shall in no way limit an employer's ability to discipline an  
6 employee for failing a drug test if failing to do so would put  
7 the employer in violation of federal law or cause it to lose a  
8 federal contract or funding.

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

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

16 (1) A physician has stated that, in the physician's  
17 professional opinion, after having completed a full  
18 assessment of the patient's medical history and current  
19 medical condition made in the course of a bona fide  
20 physician-patient relationship, the patient is likely to  
21 receive therapeutic or palliative benefit from the medical  
22 use of cannabis to treat or alleviate the patient's serious  
23 or debilitating medical condition or symptoms associated  
24 with the patient's serious or debilitating medical  
25 condition; and

1           (2) The patient and the patient's primary caregiver, if  
2           any, were collectively in possession of a quantity of  
3           cannabis that was not more than was reasonably necessary to  
4           ensure the uninterrupted availability of cannabis for the  
5           purpose of treating or alleviating the patient's serious or  
6           debilitating medical condition or symptoms associated with  
7           the patient's serious or debilitating medical condition;  
8           and

9           (3) The patient and the patient's primary caregiver, if  
10          any, were engaged in the acquisition, possession,  
11          cultivation, manufacture, use, delivery, transfer, or  
12          transportation of cannabis or paraphernalia relating to  
13          the administration of cannabis to treat or alleviate the  
14          patient's serious or debilitating medical condition or  
15          symptoms associated with the patient's serious or  
16          debilitating medical condition.

17          (b) A person may assert the medical purpose for using  
18          cannabis in a motion to dismiss, and the charges shall be  
19          dismissed following an evidentiary hearing where the person  
20          shows the elements listed in subsection (a).

21          (c) If a patient or a patient's primary caregiver  
22          demonstrates the patient's medical purpose for using cannabis  
23          pursuant to this Section, the patient and the patient's primary  
24          caregiver shall not be subject to the following for the  
25          patient's use of cannabis for medical purposes:

26                 (1) disciplinary action by a business or occupational

1           or professional licensing board or bureau; or  
2           (2) forfeiture of any interest in or right to property.

3           Section 40. Enforcement of this Act.

4           (a) If the Department fails to adopt rules to implement  
5 this Act within 120 days of the effective date of this Act, a  
6 qualifying patient may commence an action in the Circuit Court  
7 to compel the Department to perform the actions mandated  
8 pursuant to the provisions of this Act.

9           (b) If the Department fails to issue a valid registry  
10 identification card in response to a valid application or  
11 renewal submitted pursuant to this Act within 20 days of its  
12 submission, the registry identification card shall be deemed  
13 granted, and a copy of the registry identification application  
14 or renewal shall be deemed a valid registry identification  
15 card.

16           (c) If at any time after the 140 days following the  
17 effective date of this Act the Department is not accepting  
18 applications, including if it has not created rules allowing  
19 qualifying patients to submit applications, a notarized  
20 statement by a qualifying patient containing the information  
21 required in an application, pursuant to clauses (a)(2) through  
22 (a)(5) of Section 25 together with a written certification  
23 shall be deemed a valid registry identification card.

24           Section 45. Medical cannabis organization.



1           (a) Definition. For purposes of this Section, "medical  
2 cannabis organization" means an entity registered under this  
3 Section that acquires, possesses, cultivates, manufactures,  
4 delivers, transfers, transports, supplies, or dispenses  
5 cannabis, or related supplies and educational materials, to  
6 registered qualifying patients and their registered primary  
7 caregivers. A medical cannabis organization is a primary  
8 caregiver. All provisions of this Act pertaining to a primary  
9 caregiver shall apply to a medical cannabis organization unless  
10 they conflict with a provision contained in this Section. A  
11 medical cannabis organization shall supply cannabis to any  
12 number of registered qualifying patients who have designated it  
13 as one of their primary caregivers.

14           (b) Registration requirements.

15           (1) The Department shall register a medical cannabis  
16 organization and issue a registration certificate within  
17 20 days to any person or entity that provides:

18                   (A) A fee paid to the Department in the amount of  
19 \$5,000;

20                   (B) The legal name of the medical cannabis  
21 organization;

22                   (C) The physical address of the medical cannabis  
23 organization and the physical address of one  
24 additional location, if any, where cannabis will be  
25 cultivated;

26                   (D) The name, address, and date of birth of each

1 principal officer and board member of the medical  
2 cannabis organization;

3 (E) The name, address, and date of birth of any  
4 person who is an agent of or employed by the medical  
5 cannabis organization.

6 (2) The Department shall track the number of registered  
7 qualifying patients who designate each medical cannabis  
8 organization as a primary caregiver, and issue a written  
9 statement to the medical cannabis organization of the  
10 number of qualifying patients who have designated the  
11 medical cannabis organization to serve as a primary  
12 caregiver for them. This statement shall be updated each  
13 time a new registered qualifying patient designates the  
14 medical cannabis organization or ceases to designate the  
15 medical cannabis organization and may be transmitted  
16 electronically if the Department's rules so provide. The  
17 Department may provide by rule that the updated written  
18 statements will not be issued more frequently than twice  
19 each week.

20 (3) The Department shall issue each principal officer,  
21 board member, agent, and employee of a medical cannabis  
22 organization a registry identification card within 10 days  
23 of receipt of the person's name, address, date of birth,  
24 and a fee in an amount established by the Department. Each  
25 card shall specify that the cardholder is a principal  
26 officer, board member, agent, or employee of a medical

1 cannabis organization and shall contain the following:

2 (A) The name, address, and date of birth of the  
3 principal officer, board member, agent or employee;

4 (B) The legal name of the medical cannabis  
5 organization to which the principal officer, board  
6 member, agent, or employee is affiliated;

7 (C) A random identification number that is unique  
8 to the cardholder;

9 (D) The date of issuance and expiration date of the  
10 registry identification card; and

11 (E) A photograph, if the Department decides to  
12 require one.

13 (4) The Department shall not issue a registry  
14 identification card to any principal officer, board  
15 member, agent, or employee of a medical cannabis  
16 organization who has been convicted of a felony drug  
17 offense. The Department may conduct a background check of  
18 each principal officer, board member, agent, or employee in  
19 order to carry out this provision. The Department shall  
20 notify the medical cannabis organization in writing of the  
21 purpose for denying the registry identification card.  
22 However, the Department shall grant such person a registry  
23 identification card if the Department determines that the  
24 person's conviction was for the medical use of cannabis or  
25 assisting with the medical use of cannabis.

26 (c) Authority of the Department. Not later than 120 days

1 after the effective date of this Act, the Department shall  
2 promulgate rules governing the manner in which it shall  
3 consider applications for and renewals of registration  
4 certificates for medical cannabis organizations, including  
5 rules governing:

6 (1) The form and content of registration and renewal  
7 applications;

8 (2) Minimum oversight requirements for medical  
9 cannabis organizations;

10 (3) Minimum record-keeping requirements for medical  
11 cannabis organizations;

12 (4) Minimum security requirements for medical cannabis  
13 organizations; and

14 (5) Procedures for suspending or terminating the  
15 registration of medical cannabis organizations that  
16 violate the provisions of this Section or the rules  
17 promulgated pursuant to this subsection.

18 (d) Expiration. A medical cannabis organization  
19 registration certificate and the registry identification card  
20 for each principal officer, board member, agent, or employee  
21 shall expire one year after the date of issuance. The  
22 Department shall issue a renewal medical cannabis organization  
23 registration certificate and renewal registry identification  
24 cards within 10 days to any person who complies with the  
25 requirements contained in subsection (b) of this Section.

26 (e) Inspection. Medical cannabis organizations are subject

1 to random inspection by the Department.

2 (f) Medical cannabis organization requirements.

3 (1) A medical cannabis organization may not be located  
4 within 500 feet of the property line of a preexisting  
5 public or private school.

6 (2) A medical cannabis organization shall notify the  
7 Department within 10 days of when a principal officer,  
8 board member, agent, or employee ceases to work at the  
9 medical cannabis organization.

10 (3) A medical cannabis organization shall notify the  
11 Department in writing of the name, address, and date of  
12 birth of any new principal officer, board member, agent, or  
13 employee and shall submit a fee in an amount established by  
14 the Department for a new registry identification card  
15 before a new agent or employee begins working at the  
16 medical cannabis organization.

17 (4) A medical cannabis organization shall implement  
18 appropriate security measures to deter and prevent  
19 unauthorized entrance into areas containing cannabis and  
20 the theft of cannabis.

21 (5) The operating documents of a medical cannabis  
22 organization shall include procedures for the oversight of  
23 the medical cannabis organization and procedures to ensure  
24 accurate record keeping.

25 (6) A medical cannabis organization is prohibited from  
26 acquiring, possessing, cultivating, manufacturing,

1 delivering, transferring, transporting, supplying, or  
2 dispensing cannabis for any purpose except to assist  
3 registered qualifying patients with the medical use of  
4 cannabis directly or through the qualifying patients'  
5 other primary caregiver.

6 (7) All principal officers and board members of a  
7 medical cannabis organization must be residents of the  
8 State of Illinois.

9 (g) Immunity.

10 (1) No registered medical cannabis organization shall  
11 be subject to prosecution, search, seizure, or penalty in  
12 any manner or denied any right or privilege, including but  
13 not limited to, civil penalty or disciplinary action by a  
14 business, occupational, or professional licensing board or  
15 entity, solely for acting in accordance with this Section  
16 to assist registered qualifying patients to whom it is  
17 connected through the Department's registration process  
18 with the medical use of cannabis.

19 (2) No principal officers, board members, agents, or  
20 employees of a registered medical cannabis organization  
21 shall be subject to arrest, prosecution, search, seizure,  
22 or penalty in any manner or denied any right or privilege,  
23 including but not limited to civil penalty or disciplinary  
24 action by a business, occupational, or professional  
25 licensing board or entity, solely for working for or with a  
26 medical cannabis organization in accordance with this Act.

1 (h) Prohibitions.

2 (1) A medical cannabis organization may not possess an  
3 amount of cannabis that exceeds the total of the allowable  
4 amounts of cannabis for the registered qualifying patients  
5 for whom the medical cannabis organization is a registered  
6 primary caregiver.

7 (2) A medical cannabis organization may not dispense,  
8 deliver, or otherwise transfer cannabis to a person other  
9 than a qualifying patient who has designated the medical  
10 cannabis organization as a primary caregiver or to such  
11 patient's primary caregiver.

12 (3) A medical cannabis organization may not obtain  
13 cannabis from outside the State of Illinois.

14 (4) A person convicted of violating paragraph (2) of  
15 this subsection may not be an employee, agent, principal  
16 officer, or board member of any medical cannabis  
17 organization, and such person's registry identification  
18 card shall be immediately revoked.

19 (5) No person who has been convicted of a felony drug  
20 offense may be the principal officer, board member, agent,  
21 or employee of a medical cannabis organization unless the  
22 Department has determined that the person's conviction was  
23 for the medical use of cannabis or assisting with the  
24 medical use of cannabis and issued the person a registry  
25 identification card as provided under subsection (b) (3). A  
26 person who is employed by or is an agent, principal

1 officer, or board member of a medical cannabis organization  
2 in violation of this Section is guilty of a civil violation  
3 punishable by a fine of up to \$1,000. A subsequent  
4 violation of this Section is a Class B misdemeanor.

5 Section 50. Repeal of Act. This Act is repealed 3 years  
6 after its effective date.

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

9 (a) By July 1, 2010, the Department shall adopt rules  
10 defining the quantity of cannabis that could reasonably be  
11 presumed to be a 60-day supply for qualifying patients.

12 (b) During the rule-making process, the Department shall  
13 make a good faith effort to include all stakeholders identified  
14 in the rule-making analysis as being impacted by the rule.

15 (c) Stakeholders shall include, but are not limited to:

16 (1) at least 3 physicians, one of whom must have prior  
17 experience treating medical cannabis patients and another  
18 who specializes in oncology;

19 (2) 2 nurses, one of whom must have prior experience  
20 treating HIV/AIDS patients;

21 (3) a representative from hospice;

22 (4) a representative from the law enforcement  
23 community;

24 (5) the Director of State Police or his or her



1           designee;

2           (6) a prosecuting attorney currently employed by the  
3           State of Illinois;

4           (7) a public defender currently employed by the State  
5           of Illinois;

6           (8) a defense attorney in private practice;

7           (9) a licensed phlebotomist;

8           (10) a horticulturist; and

9           (11) a representative of the business community.

10           Section 95. The Cannabis Control Act is amended by changing  
11           Section 8 as follows:

12           (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

13           Sec. 8. (1) It is unlawful for any person knowingly to  
14           produce the cannabis sativa plant or to possess such plants or  
15           to deliver such plants unless production or possession has been  
16           authorized pursuant to the provisions of the Compassionate Use  
17           of Medical Cannabis Pilot Program Act ~~Section 11 of the Act.~~  
18           Any person who violates this Section with respect to production  
19           or possession of:

20           (a) Not more than 5 plants is guilty of a Class A  
21           misdemeanor, except that a violation under subsection (2) of  
22           this Section is a Class 4 felony.

23           (b) More than 5, but not more than 20 plants, is guilty of  
24           a Class 4 felony, except that a violation under subsection (2)

1 of this Section is a Class 3 felony.

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

5 (d) More than 50, but not more than 200 plants, is guilty  
6 of a Class 2 felony, except that a violation under subsection  
7 (2) of this Section is a Class 1 felony, for which a fine not to  
8 exceed \$100,000 may be imposed and for which liability for the  
9 cost of conducting the investigation and eradicating such  
10 plants may be assessed. Compensation for expenses incurred in  
11 the enforcement of this provision shall be transmitted to and  
12 deposited in the treasurer's office at the level of government  
13 represented by the Illinois law enforcement agency whose  
14 officers or employees conducted the investigation or caused the  
15 arrest or arrests leading to the prosecution, to be  
16 subsequently made available to that law enforcement agency as  
17 expendable receipts for use in the enforcement of laws  
18 regulating controlled substances and cannabis. If such seizure  
19 was made by a combination of law enforcement personnel  
20 representing different levels of government, the court levying  
21 the assessment shall determine the allocation of such  
22 assessment. The proceeds of assessment awarded to the State  
23 treasury shall be deposited in a special fund known as the Drug  
24 Traffic Prevention Fund.

25 (e) More than 200 plants is guilty of a Class 1 felony,  
26 except that a violation under subsection (2) of this Section is

1 a Class X felony, for which a fine not to exceed \$100,000 may  
2 be imposed and for which liability for the cost of conducting  
3 the investigation and eradicating such plants may be assessed.  
4 Compensation for expenses incurred in the enforcement of this  
5 provision shall be transmitted to and deposited in the  
6 treasurer's office at the level of government represented by  
7 the Illinois law enforcement agency whose officers or employees  
8 conducted the investigation or caused the arrest or arrests  
9 leading to the prosecution, to be subsequently made available  
10 to that law enforcement agency as expendable receipts for use  
11 in the enforcement of laws regulating controlled substances and  
12 cannabis. If such seizure was made by a combination of law  
13 enforcement personnel representing different levels of  
14 government, the court levying the assessment shall determine  
15 the allocation of such assessment. The proceeds of assessment  
16 awarded to the State treasury shall be deposited in a special  
17 fund known as the Drug Traffic Prevention Fund.

18 (2) Any person authorized pursuant to the provisions of the  
19 Compassionate Use of Medical Cannabis Pilot Program Act to  
20 produce or possess the cannabis sativa plant, who knowingly  
21 produces the cannabis sativa plant or possesses such plants or  
22 delivers such plants except as provided for in the  
23 Compassionate Use of Medical Cannabis Pilot Program Act, is  
24 guilty of violating this Section. Any violation of this  
25 subsection (2) shall be punished according to the number of  
26 plants involved in the violation as provided in subsection (1)

1 of this Section.

2 (3) Any registered qualifying patient or registered  
3 primary caregiver who distributes cannabis to someone who is  
4 not allowed to use cannabis is subject to a penalty enhancement  
5 of not more than 2 years in prison or a fine of not more than  
6 \$2,000, or both, for abuse of the Compassionate Use of Medical  
7 Cannabis Pilot Program Act.

8 (Source: P.A. 95-247, eff. 1-1-08.)

9 (720 ILCS 550/11 rep.)

10 (720 ILCS 550/15 rep.)

11 Section 96. The Cannabis Control Act is amended by  
12 repealing Sections 11 and 15.

13 Section 97. Severability. The provisions of this Act are  
14 severable under Section 1.31 of the Statute on Statutes.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.