



Sen. William R. Haine

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09600SB1381sam003

LRB096 09012 RLC 24743 a

1 AMENDMENT TO SENATE BILL 1381

2 AMENDMENT NO. _____. Amend Senate Bill 1381 on page 2,
3 line 17, by replacing "practitioners" with "physicians"; and

4 by replacing lines 16 through 26 on page 3 and lines 1 through
5 6 on page 4 with the following:

6 "(b) "Debilitating medical condition" means one or more of
7 the following:

8 (1) cancer, glaucoma, positive status for human
9 immunodeficiency virus, acquired immune deficiency
10 syndrome, hepatitis C, amyotrophic lateral sclerosis,
11 Crohn's disease, agitation of Alzheimer's disease, nail
12 patella, or the treatment of these conditions;

13 (2) a chronic or debilitating disease or medical
14 condition or its treatment that produces one or more of the
15 following: cachexia or wasting syndrome; seizures,
16 including but not limited to those characteristic of
17 epilepsy; or severe and persistent muscle spasms,

1 including but not limited to those characteristic of
2 multiple sclerosis;

3 (3) a debilitating disease or medical condition or its
4 treatment that produces intractable pain, which is severe,
5 debilitating pain that did not respond to other reasonable
6 medical efforts for a reasonable period of time, including
7 in cases where other treatment options produced serious
8 side effects;

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

14 (5) any other medical condition or its treatment
15 approved by the Department, as provided for in subsection
16 (a) of Section 20."; and

17 on page 5, by replacing lines 4 through 6 with the following:

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

22 on page 5, line 17, by replacing "practitioner" with
23 "physician"; and

1 on page 6, by replacing lines 4 through 15 with the following:

2 "(n) "Written certification" means a document signed by a
3 physician, stating: (1) that in the physician's professional
4 opinion the patient is likely to receive therapeutic or
5 palliative benefit from the medical use of cannabis to treat or
6 alleviate the patient's debilitating medical condition or
7 symptoms associated with the debilitating medical condition;
8 (2) that the qualifying patient has a debilitating medical
9 condition and specifying what debilitating medical condition
10 the qualifying patient has; and (3) that the patient is under
11 the physician's care for the debilitating medical condition. A
12 written certification shall be made only in the course of a
13 bona fide physician-patient relationship after the physician
14 has completed a full assessment of the qualifying patient's
15 medical history."; and

16 on page 9, line 20, by replacing "practitioner" with
17 "physician"; and

18 on page 9, line 26, by replacing "practitioner's" with
19 "physician's"; and

20 on page 10, line 6, by replacing "practitioner" with
21 "physician"; and

22 on page 12, by replacing lines 16 through 18 with the

1 following:

2 "Act. The fee shall include an additional \$3 per registry
3 identification card which shall be used to develop and
4 disseminate educational information about the health risks
5 associated with the abuse of cannabis and prescription
6 medications. The Department may establish a sliding scale of";
7 and

8 on page 12, by inserting immediately below line 21 the
9 following:

10 "(c) Not later than 120 days after the effective date of
11 this Act, the Department shall promulgate rules governing the
12 manner in which it shall consider applications for and renewals
13 of registration certificates for medical cannabis
14 organizations, including rules governing the form and content
15 of registration and renewal applications, and a standard form
16 for written certifications."; and

17 on page 13, line 1, by inserting after "certification" the
18 following:

19 ", which shall be on a form developed by the Department"; and

20 on page 13, line 7, by replacing "practitioner" with
21 "physician"; and

22 on page 13, line 13, by replacing "practitioner" with

1 "physician"; and

2 on page 15, line 14, by replacing "practitioner" with
3 "physician"; and

4 on page 16, line 25, by replacing "practitioners" with
5 "physicians"; and

6 on page 18, line 3, by replacing "practitioners" with
7 "physicians"; and

8 on page 18, line 13, by replacing "practitioners" with
9 "physicians"; and

10 on page 18, by replacing lines 15 through 24 with the
11 following:

12 "(j) The Department shall develop and disseminate
13 educational information about the health risks associated with
14 the abuse of cannabis and prescription medications, which shall
15 be funded by the \$3 fees generated from registry identification
16 cards."; and

17 on page 20, by inserting immediately line 13 the following:

18 "(d) Nothing in this Act shall be construed to prevent the
19 arrest or prosecution of a registered qualifying patient for
20 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."; and

9 on page 20, line 21, by replacing "practitioner" with
10 "physician"; and

11 on page 20, line 22, by replacing "practitioner's" with
12 "physician's"; and

13 on page 20, line 25, by replacing "practitioner-patient" with
14 "physician-patient"; and

15 on page 27, line 7, by replacing "reasonable" with "random";
16 and

17 by replacing lines 15 through 24 on page 30 and lines 1 through
18 13 on page 31 with the following:

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

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

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

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

8 (2) 2 nurses, one of whom must have prior experience
9 treating HIV/AIDS patients;

10 (3) a representative from hospice;

11 (4) a representative from the law enforcement
12 community;

13 (5) the Director of State Police or his or her
14 designee;

15 (6) a prosecuting attorney currently employed by the
16 State of Illinois;

17 (7) a public defender currently employed by the State
18 of Illinois;

19 (8) a defense attorney in private practice;

20 (9) a licensed phlebotomist; and

21 (10) a horticulturist."; and

22 on page 34, by inserting immediately below line 5 the
23 following:

24 "(3) Any registered qualifying patient or registered
25 primary caregiver who sells cannabis to someone who is not

1 allowed to use cannabis is subject to a penalty enhancement of
2 not more than 2 years in prison or a fine of not more than
3 \$2,000, or both, for abuse of the Compassionate Use of Medical
4 Cannabis Pilot Program Act."