



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1548

Introduced 2/9/2011, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 550/11 rep.
720 ILCS 550/15 rep.

Creates the Compassionate Use of Medical Cannabis Pilot Program Act. Provides that the Department of Public Health shall issue a registry identification card to a qualified patient with a debilitating medical condition that allows the patient to possess no more than 2 ounces of dried usable cannabis and 6 cannabis plants, no more than 3 of which can be mature cannabis plants. Provides for the registration by the Department of Public Health of medical cannabis organizations to dispense cannabis to qualified patients and caregivers. Contains provisions regarding: prohibitions and penalties; discrimination; addition of debilitating conditions or treatments; determinations; notifications; registration of compassion centers and safety compliance facilities; confidentiality; verification; reports; rules; educational materials; enforcement; and other matters. Provides that the Act is repealed 3 years after its effective date. Amends the Cannabis Control Act to repeal provisions relating to research with cannabis. Contains a severability provision.

LRB097 09494 RLC 49631 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning cannabis.

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

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

6 Section 5. Findings.

7 (a) The recorded use of cannabis as a medicine goes back
8 nearly 5,000 years. Modern medical research has confirmed the
9 beneficial uses of cannabis in treating or alleviating the
10 pain, nausea, and other symptoms associated with a variety of
11 debilitating medical conditions, including cancer, multiple
12 sclerosis, and HIV/AIDS, as found by the National Academy of
13 Sciences' Institute of Medicine in March 1999.

14 (b) Studies published since the 1999 Institute of Medicine
15 report continue to show the therapeutic value of cannabis in
16 treating a wide array of debilitating medical conditions. These
17 include relief of the neuropathic pain caused by multiple
18 sclerosis, HIV/AIDS, and other illnesses that often fail to
19 respond to conventional treatments and relief of nausea,
20 vomiting, and other side effects of drugs used to treat
21 HIV/AIDS and hepatitis C, increasing the chances of patients
22 continuing on life-saving treatment regimens.

23 (c) Cannabis has many currently accepted medical uses in

1 the United States, having been recommended by thousands of
2 licensed physicians to at least 600,000 patients in states with
3 medical cannabis laws. The medical utility of cannabis is
4 recognized by a wide range of medical and public health
5 organizations, including the American Academy of HIV Medicine,
6 the American College of Physicians, the American Nurses
7 Association, the American Public Health Association, the
8 Leukemia & Lymphoma Society, and many others.

9 (d) Data from the Federal Bureau of Investigation's Uniform
10 Crime Reports and the Compendium of Federal Justice Statistics
11 show that approximately 99 out of every 100 cannabis arrests in
12 the U.S. are made under state law, rather than under federal
13 law. Consequently, changing State law will have the practical
14 effect of protecting from arrest the vast majority of seriously
15 ill patients who have a medical need to use cannabis.

16 (e) Alaska, Arizona, California, Colorado, Hawaii, Maine,
17 Michigan, Montana, Nevada, New Mexico, New Jersey, Oregon,
18 Vermont, Rhode Island, Washington State, and Washington, D.C.
19 have removed state-level criminal penalties from the medical
20 use and cultivation of cannabis. Illinois joins in this effort
21 for the health and welfare of its citizens.

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

26 (g) State law should make a distinction between the medical

1 and non-medical uses of cannabis. Hence, the purpose of this
2 Act is to protect patients with debilitating medical
3 conditions, as well as their physicians and providers, from
4 arrest and prosecution, criminal and other penalties, and
5 property forfeiture if such patients engage in the medical use
6 of cannabis.

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

9 (a) "Adequate supply" means an amount of cannabis possessed
10 by a qualified patient or collectively possessed by a qualified
11 patient and the qualified patient's primary caregiver that is
12 determined by rule of the Department to be no more than
13 reasonably necessary to ensure the uninterrupted availability
14 of cannabis for a period of 60 days and that is derived solely
15 from an intrastate source. Until the Department determines what
16 constitutes a 60-day supply of medicine, patients shall be
17 presumed to be in compliance with this Act if they possess no
18 more than 2 ounces of dried usable cannabis and 6 cannabis
19 plants, no more than 3 of which can be mature cannabis plants.
20 As used in this subsection (a), "mature cannabis plant" means a
21 female cannabis plant that meets one or more of the following
22 criteria: (1) has observable flowers or buds, (2) is at least
23 12 inches in height, or (3) is at least 12 inches in diameter.

24 (b) "Cannabis" has the meaning given that term in Section 3
25 of the Cannabis Control Act.

1 (c) "Cardholder" means a qualifying patient or a designated
2 caregiver who has been issued and possesses a valid registry
3 identification card.

4 (d) "Debilitating medical condition" means one or more of
5 the following:

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

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

18 (3) a debilitating disease or medical condition or its
19 treatment that produces intractable pain, which is severe,
20 debilitating pain that did not respond to other reasonable
21 medical efforts for a reasonable period of time, including
22 cases where other treatment options produced serious side
23 effects;

24 (4) a debilitating disease or medical condition or its
25 treatment that produces severe, debilitating nausea that
26 did not respond to other reasonable medical efforts for a

1 reasonable period of time, including cases where other
2 treatment options produced serious side effects; or

3 (5) any other debilitating medical condition or its
4 treatment added by the Department, as provided for in
5 subsection (a) of Section 10.

6 (e) "Department" means the Department of Public Health or
7 its successor agency.

8 (f) "Designated caregiver" means a person who:

9 (1) is at least 21 years of age;

10 (2) has agreed to assist with a patient's medical use
11 of cannabis;

12 (3) has not been convicted of an excluded offense; and

13 (4) assists no more than one qualifying patient with
14 their medical use of cannabis.

15 (g) "Enclosed, locked facility" means a closet, room,
16 greenhouse, building, or other enclosed area equipped with
17 locks or other security devices that permit access only by the
18 cardholder allowed to cultivate the plants or, in the case of a
19 registered medical cannabis organization, the medical cannabis
20 organization agents working for the registered medical
21 cannabis organization.

22 (h) "Excluded offense" means:

23 (1) a violent crime defined in Section 3 of the Rights
24 of Crime Victims and Witnesses Act, that was classified as
25 a felony in the jurisdiction where the person was
26 convicted; or

1 (2) a violation of a state or federal controlled
2 substance law that was classified as a felony in the
3 jurisdiction where the person was convicted, except that
4 the Department shall waive this restriction if the person
5 demonstrates to the Department's satisfaction that his or
6 her conviction was for the possession, cultivation,
7 transfer, or delivery of a reasonable amount of cannabis
8 intended for medical use. This exception shall not apply if
9 the conviction was under State law and involved a violation
10 of an existing medical cannabis law.

11 (i) "Medical cannabis organization agent" means a
12 principal officer, board member, employee, or agent of a
13 registered medical cannabis organization who is 21 years of age
14 or older and has not been convicted of an excluded offense.

15 (j) "Medical use" means the acquisition; administration;
16 cultivation; or manufacture in an enclosed, locked facility;
17 delivery; possession; transportation; transfer;
18 transportation; or use of cannabis or paraphernalia relating to
19 the administration of cannabis to treat or alleviate a
20 registered qualifying patient's debilitating medical condition
21 or symptoms associated with the patient's debilitating medical
22 condition. It does not include cultivation by a visiting
23 qualifying patient or cultivation by a registered designated
24 caregiver or registered qualifying patient who is not
25 designated as being allowed to cultivate.

26 (k) "Physician" means a doctor of medicine or doctor of

1 osteopathy licensed under the Medical Practice Act of 1987 to
2 practice medicine in all its branches who has the authority to
3 prescribe drugs to humans under Article III of the Illinois
4 Controlled Substances Act. It does not include a dentist. In
5 relation to a visiting qualifying patient, "physician" means a
6 person who is licensed with authority to prescribe drugs to
7 humans in the state of the patient's residence.

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

11 (m) "Registered medical cannabis organization" means an
12 entity registered pursuant to Section 65 that acquires,
13 possesses, cultivates, manufactures, delivers, transfers,
14 transports, sells, supplies, or dispenses cannabis,
15 paraphernalia, or related supplies and educational materials
16 to registered qualifying patients.

17 (n) "Registered safety compliance facility" means an
18 entity registered under Section 70 by the Department to provide
19 one or more of the following services:

20 (1) testing cannabis produced for medical use for
21 potency and contaminants; and

22 (2) training cardholders and prospective medical
23 cannabis organization agents. The training may include,
24 but need not be limited to, information related to one or
25 more of the following:

26 (A) the safe and efficient cultivation,

1 harvesting, packaging, labeling, and distribution of
2 cannabis;

3 (B) security and inventory accountability
4 procedures; and

5 (C) up-to-date scientific and medical research
6 findings related to medical cannabis.

7 (o) "Registry identification card" means a document issued
8 by the Department that identifies a person as a registered
9 qualifying patient or registered designated caregiver.

10 (p) "Safety compliance facility agent" means a principal
11 officer, board member, employee, or agent of a registered
12 safety compliance facility who is 21 years of age or older and
13 has not been convicted of an excluded offense.

14 (q) "Usable cannabis" means the flowers of the cannabis
15 plant and any mixture or preparation thereof, but does not
16 include the seeds, stalks, and roots of the plant. It does not
17 include the weight of any non-cannabis ingredients combined
18 with cannabis, such as ingredients added to prepare a topical
19 administration, food, or drink.

20 (r) "Verification system" means a phone or Web-based system
21 established and maintained by the Department that is available
22 to law enforcement personnel and medical cannabis organization
23 agents on a 24-hour basis for verification of registry
24 identification cards.

25 (s) "Visiting qualifying patient" means a person who:

26 (1) has been diagnosed with a debilitating medical

1 condition;

2 (2) possesses a valid registry identification card, or
3 its equivalent, that was issued pursuant to the laws of
4 another state, district, territory, commonwealth, insular
5 possession of the United States, or country recognized by
6 the United States that allows the person to use cannabis
7 for medical purposes in the jurisdiction of issuance; and

8 (3) is not a resident of Illinois and has been visiting
9 Illinois for 30 days or less or who has been a resident of
10 Illinois for less than 30 days.

11 (t) "Written certification" means a document dated and
12 signed by a physician, stating (1) that in the physician's
13 professional opinion the patient is likely to receive
14 therapeutic or palliative benefit from the medical use of
15 cannabis to treat or alleviate the patient's debilitating
16 medical condition or symptoms associated with the debilitating
17 medical condition; (2) that the qualifying patient has a
18 debilitating medical condition and specifying what
19 debilitating medical condition the qualifying patient has; and
20 (3) that the patient is under the physician's care for the
21 debilitating medical condition. A written certification shall
22 be made only in the course of a bona fide physician-patient
23 relationship, after the physician has completed an assessment
24 of the qualifying patient's medical history and a physical
25 exam.

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

2 (a) A registered qualifying patient shall not be subject to
3 arrest, prosecution, or denial of any right or privilege,
4 including but not limited to civil penalty or disciplinary
5 action by an occupational or professional licensing board or
6 bureau, for the medical use of cannabis in accordance with this
7 Act, if the registered qualifying patient possesses an amount
8 of cannabis that does not exceed an "adequate supply" as
9 defined in subsection (a) of Section 10 of this Act of usable
10 cannabis.

11 (b) A registered designated caregiver shall not be subject
12 to arrest, prosecution, or denial of any right or privilege,
13 including but not limited to civil penalty or disciplinary
14 action by an occupational or professional licensing board or
15 bureau, for acting in accordance with this Act to assist a
16 registered qualifying patient to whom he or she is connected
17 through the Department's registration process with the medical
18 use of cannabis if the designated caregiver possesses an amount
19 of cannabis that does not exceed an "adequate supply" as
20 defined in subsection (a) of Section 10 of this Act of usable
21 cannabis. It is the intent of this provision that the total
22 amount possessed between the qualifying patient and caregiver
23 shall not exceed the patient's "adequate supply" as defined in
24 subsection (a) of Section 10 of this Act.

25 (c) All cannabis plants possessed pursuant to this Section
26 must be kept in an enclosed, locked facility, unless they are

1 being transported because the cardholder is moving, the
2 registered qualifying patient has changed his or her
3 designation of who can cultivate, or the plants are being given
4 to someone allowed to possess them pursuant to this Act.

5 (d) (1) A visiting qualifying patient shall not be subject
6 to arrest, prosecution, or denial of any right or privilege,
7 including but not limited to civil penalty or disciplinary
8 action by an occupational or professional licensing board or
9 bureau, for the medical use of cannabis pursuant to this Act if
10 the visiting qualifying patient does not possess more than an
11 adequate supply of usable cannabis. A visiting qualifying
12 patient may not cultivate cannabis.

13 (2) If a person in possession of no more than an adequate
14 supply of usable cannabis claims to be a visiting qualifying
15 patient, but the law enforcement agent is not able to verify
16 the registry identification card or its equivalent or that the
17 person has been in the State for 30 days or less, the agent may
18 issue the visiting qualifying patient a summons for possession
19 of cannabis. The summons shall be dismissed if the person
20 demonstrates his or her status as a visiting qualifying
21 patient.

22 (e) A registered qualifying patient, visiting qualifying
23 patient, or registered designated caregiver shall not be
24 subject to arrest, prosecution, or denial of any right or
25 privilege, including but not limited to civil penalty or
26 disciplinary action by a occupational or professional

1 licensing board or bureau, for:

2 (1) possession of cannabis that is incidental to
3 medical use, but is not cannabis plants or usable cannabis
4 as defined in this Act, such as seeds or stalks;

5 (2) selling, transferring, or delivering cannabis
6 seeds produced by the registered qualifying patient,
7 visiting qualifying patient, or registered designated
8 caregiver to a registered medical cannabis organization,
9 as long as the person transferring the seeds was allowed to
10 cultivate cannabis plants under State law;

11 (3) transferring an amount of cannabis that is no
12 greater than an adequate supply, as defined in subsection
13 (a) of Section 10 to a registered safety compliance
14 facility for testing; or

15 (4) giving cannabis to a registered qualifying
16 patient, a registered medical cannabis organization, or a
17 registered designated caregiver for a registered
18 qualifying patient's medical use where nothing of value is
19 transferred in return, or for offering to do the same, if
20 the person giving the cannabis does not knowingly cause the
21 recipient to possess more cannabis than is permitted by
22 this Section.

23 (f) (1) There shall be a presumption that a qualifying
24 patient is engaged in, or a designated caregiver is assisting
25 with, the medical use of cannabis in accordance with this Act
26 if the qualifying patient or designated caregiver:

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

3 (B) is in possession of an amount of cannabis that does
4 not exceed the amount allowed under subsection (a) of
5 Section 10.

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

11 (g) A physician 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 the Medical Disciplinary Board or by any
15 other occupational or professional licensing board or bureau,
16 solely for providing written certifications or for otherwise
17 stating that, in the physician's professional opinion, a
18 patient is likely to receive therapeutic or palliative benefit
19 from the medical use of cannabis to treat or alleviate the
20 patient's debilitating medical condition or symptoms
21 associated with the debilitating medical condition, provided
22 that nothing shall prevent a professional licensing board from
23 sanctioning a physician for:

24 (1) issuing a written certification to a patient who is
25 not under the physician's care for a debilitating medical
26 condition, or

1 (2) failing to properly evaluate a patient's medical
2 condition or otherwise violating the standard of care for
3 evaluating medical conditions.

4 (h) No person may be subject to arrest, prosecution, or
5 denial of any right or privilege, including but not limited to
6 civil penalty or disciplinary action by an occupational or
7 professional licensing board or bureau, solely for:

8 (1) selling cannabis paraphernalia to a cardholder
9 upon presentation of an unexpired registry identification
10 card in the recipient's name or to a medical cannabis
11 organization agent or safety compliance facility agent
12 upon presentation of an unexpired copy of the entity's
13 registration certificate;

14 (2) being in the presence or vicinity of the medical
15 use of cannabis as allowed under this Act; or

16 (3) assisting a registered qualifying patient with the
17 act of administering cannabis. By way of illustration and
18 not limitation, this includes by loading or lighting a
19 vaporizer for a qualifying patient.

20 (i) A registered medical cannabis organization shall not be
21 subject to prosecution; search or inspection, except by the
22 Department pursuant to subsection (r) of Section 90; seizure;
23 or penalty in any manner, or be denied any right or privilege,
24 including but not limited to civil penalty or disciplinary
25 action by a business licensing board or entity, for:

26 (1) acting pursuant to this Act and Department rules

1 to: acquire, possess, cultivate, manufacture, deliver,
2 transfer, transport, supply, sell, or dispense cannabis or
3 related supplies and educational materials to registered
4 qualifying patients and visiting qualifying patients who
5 have designated the medical cannabis organization to
6 provide for them, to registered designated caregivers on
7 behalf of the registered qualifying patients who have
8 designated the registered medical cannabis organization,
9 or to other registered medical cannabis organizations; or

10 (2) acting pursuant to this Act and Department rules to
11 sell or transfer cannabis seeds to a person or entity
12 allowed to possess cannabis for patients' medical use under
13 the laws of Illinois or another state, country, territory,
14 commonwealth, district, or insular possession.

15 (j) A medical cannabis organization agent shall not be
16 subject to prosecution, search, or penalty in any manner, or be
17 denied any right or privilege, including but not limited to
18 civil penalty or disciplinary action by a business licensing
19 board or entity, for working or volunteering for a registered
20 medical cannabis organization pursuant to this Act and
21 Department rules, including to perform the actions listed under
22 subsection (i).

23 (k) A person or entity who is allowed to possess cannabis
24 for one or more patients' medical use under the laws of
25 Illinois or another state, country, territory, commonwealth,
26 district, or insular possession 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 civil penalty or
3 disciplinary action by a business or occupational or
4 professional licensing board or bureau, for transferring or
5 selling cannabis seeds to a registered qualifying patient,
6 registered primary caregiver, or registered medical cannabis
7 organization.

8 (l) A common carrier or agent of a common carrier may
9 transport cannabis, cannabis seeds, and related equipment to
10 persons who are exempted from criminal penalties under State
11 law for possessing cannabis for one or more patients' medical
12 use.

13 (m) A registered safety compliance facility and safety
14 compliance facility agents acting on behalf of a registered
15 safety compliance facility shall not be subject to prosecution;
16 search, except by the Department pursuant to subsection (r) of
17 Section 90; seizure; or penalty in any manner, or be denied any
18 right or privilege, including but not limited to civil penalty
19 or disciplinary action by a business or occupational or
20 professional licensing board or entity, solely for acting in
21 accordance with this Act and Department rules to provide the
22 following services:

23 (1) acquiring or possessing cannabis obtained from
24 registered cardholders or registered medical cannabis
25 organizations;

26 (2) returning the cannabis to the same registered

- 1 cardholders or registered medical cannabis organizations;
- 2 (3) transporting cannabis that was produced by
3 registered cardholders and registered medical cannabis
4 organizations to or from those registered cardholders and
5 registered medical cannabis organizations;
- 6 (4) cultivating, manufacturing, and possessing
7 cannabis for training and analytical testing;
- 8 (5) the production or sale of educational materials
9 related to medical cannabis;
- 10 (6) the production, sale, or transportation of
11 equipment or materials other than cannabis to registered
12 medical cannabis organizations or cardholders, including
13 lab equipment and packaging materials, that are used by
14 registered medical cannabis organizations and cardholders;
- 15 (7) testing of medical cannabis samples, including for
16 potency and contamination;
- 17 (8) providing training to cardholders and prospective
18 medical cannabis organization agents, provided that only
19 cardholders and persons who have proven they are medical
20 cannabis organization agents may be allowed to possess or
21 cultivate cannabis and any possession or cultivation of
22 cannabis must occur on the location registered with the
23 Department; and
- 24 (9) receiving compensation for actions exempted from
25 State criminal penalties under State law under this
26 Section.

1 (n) Any cannabis, cannabis paraphernalia, licit property,
2 or interest in licit property that is possessed, owned, or used
3 in connection with the medical use of cannabis as allowed under
4 this Act, or acts incidental to such use, shall not be seized
5 or forfeited. This Act shall not prevent the seizure or
6 forfeiture of cannabis exceeding the amounts allowed under this
7 Act, nor shall it prevent seizure or forfeiture if the basis
8 for the action is unrelated to the cannabis that is possessed,
9 manufactured, transferred, or used pursuant to this Act.

10 (o) Mere possession of, or application for, a registry
11 identification card or registration certificate shall not
12 constitute probable cause or reasonable suspicion, nor shall it
13 be used to support the search of the person, property, or home
14 of the person possessing or applying for the registry
15 identification card. The possession of, or application for, a
16 registry identification card shall not preclude the existence
17 of probable cause if probable cause exists on other grounds.

18 (p) For the purposes of Illinois State law, the consumption
19 or use of medical cannabis by a registered qualifying patient
20 and the medical use of cannabis by a cardholder or registered
21 medical cannabis organization shall be considered lawful as
22 long as it is in accordance with this Act.

23 Section 20. Limitations and penalty.

24 (a) This Act shall not permit any person to engage in, and
25 does not prevent the imposition of any civil, criminal, or

1 other penalties for engaging in, the following conduct:

2 (1) Undertaking any task under the influence of
3 cannabis, when doing so would constitute negligence or
4 professional malpractice;

5 (2) Possessing cannabis, or otherwise engaging in the
6 medical use of cannabis:

7 (A) in a school bus;

8 (B) on the grounds of any preschool or primary or
9 secondary school; or

10 (C) in any correctional facility.

11 (3) Smoking cannabis:

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

13 (B) in any public place.

14 (4) Operating, navigating, or being in actual physical
15 control of any motor vehicle, aircraft, or motorboat while
16 under the influence of cannabis, except that a registered
17 qualifying patient or visiting qualifying patient shall
18 not be considered to be under the influence of cannabis
19 solely because of the presence of metabolites or components
20 of cannabis that appear in insufficient concentration to
21 cause impairment.

22 (5) Using cannabis if that person does not have a
23 debilitating medical condition.

24 (6) Allowing any person who is not allowed to use
25 cannabis under this Act to use cannabis that a cardholder
26 is allowed to possess pursuant to this Act.

1 (7) Transferring cannabis to any person who is not
2 allowed to possess cannabis under this Act.

3 (b) Nothing in this Act shall be construed to prevent the
4 arrest or prosecution of a registered qualifying patient for
5 reckless driving or driving under the influence of cannabis
6 where probable cause exists.

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

14 (d) Fraudulent representation to a law enforcement
15 official of any fact or circumstance relating to the medical
16 use of cannabis to avoid arrest or prosecution is a petty
17 offense punishable by a fine of up to \$1,000, which shall be in
18 addition to any other penalties that may apply for making a
19 false statement or for the use of cannabis other than use
20 undertaken pursuant to this Act.

21 (e) Any person who fraudulently represents a medical
22 condition to a physician or fraudulently provides material
23 misinformation to a physician in order to obtain written
24 certification is guilty of a petty offense punishable by a fine
25 of up to \$1,000.

1 Section 25. Discrimination prohibited.

2 (a)(1) No school, employer, or landlord may refuse to
3 enroll or lease to, or otherwise penalize, a person solely for
4 his or her status as a registered qualifying patient or a
5 registered designated caregiver, unless failing to do so would
6 put the school, employer, or landlord in violation of federal
7 law or unless failing to do so would cause it to lose a
8 monetary or licensing-related benefit under federal law or
9 regulations. This shall not prevent a landlord from prohibiting
10 the cultivation of cannabis on leased premises or from
11 prohibiting the smoking of cannabis on the premises.

12 (2) For the purposes of medical care, including organ
13 transplants, a registered qualifying patient's authorized use
14 of cannabis in accordance with this Act shall be considered the
15 equivalent of the authorized use of any other medication used
16 at the direction of a physician, and shall not constitute the
17 use of an illicit substance or otherwise disqualify a
18 qualifying patient from needed medical care.

19 (b) A person otherwise entitled to custody of or visitation
20 or parenting time with a minor shall not be denied such a
21 right, and there shall be no presumption of neglect or child
22 endangerment, for conduct allowed under this Act, unless the
23 person's actions in relation to cannabis were such that they
24 created an unreasonable danger to the safety of the minor as
25 established by clear and convincing evidence.

26 (c) No school, landlord, or employer may be penalized or

1 denied any benefit under State law for enrolling, leasing to,
2 or employing a cardholder.

3 Section 30. Addition of debilitating medical conditions.
4 Any citizen may petition the Department to add debilitating
5 conditions or treatments to the list of debilitating medical
6 conditions listed in subsection (d) of Section 10. The
7 Department shall consider petitions in the manner required by
8 Department regulation, including public notice and hearing.
9 The Department shall approve or deny a petition within 180 days
10 of its submission. The approval or denial of any petition is a
11 final decision of the Department, subject to judicial review.
12 Jurisdiction and venue are vested in the Circuit Court.

13 Section 35. Acts not required; acts not prohibited.

14 (a) Nothing in this Act may be construed to require:

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

18 (2) any person or establishment in lawful possession of
19 property to allow a guest, client, customer, or other
20 visitor to smoke cannabis on or in that property; or

21 (3) an employer to allow the ingestion of cannabis in
22 any workplace or to allow any employee to work while under
23 the influence of cannabis, except that a registered
24 qualifying patient shall not be considered to be under the

1 influence of cannabis solely because of the presence of
2 metabolites or components of cannabis that appear in
3 insufficient concentration to cause impairment.

4 (b) Nothing in this Act prohibits an employer from
5 disciplining an employee for ingesting cannabis in the
6 workplace or working while under the influence of cannabis.

7 Section 40. Registration of qualifying patients and
8 designated caregivers.

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

12 (1) a written certification, on a form developed by the
13 Department and issued by a physician, within 90 days
14 immediately preceding the date of an application;

15 (2) any documentation or information reasonably
16 required by the Department to confirm that the physician
17 and patient have a bona fide physician-patient
18 relationship, that the qualifying patient is in the
19 physician's care for his or her debilitating medical
20 condition, and to substantiate the patient's diagnosis;

21 (3) the application or renewal fee;

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

25 (5) the name, address, and telephone number of the

1 qualifying patient's physician;

2 (6) the name, address, and date of birth of the
3 designated caregiver, if any, chosen by the qualifying
4 patient;

5 (7) the name of the registered medical cannabis
6 organization the qualifying patient designates, if any;

7 (8) if the qualifying patient designates a designated
8 caregiver, a designation as to whether the qualifying
9 patient or designated caregiver will be allowed under State
10 law to possess and cultivate cannabis plants for the
11 qualifying patient's medical use;

12 (9) a statement signed by the qualifying patient,
13 pledging not to divert cannabis to anyone who is not
14 allowed to possess cannabis pursuant to this Act; and

15 (10) a signed statement from the designated caregiver,
16 if any, agreeing to be designated as the patient's
17 designated caregiver and pledging not to divert cannabis to
18 anyone who is not allowed to possess cannabis pursuant to
19 this Act.

20 (b) The application for qualifying patients' registry
21 identification cards shall ask whether the patient would like
22 the Department to notify him or her of any clinical studies
23 needing human subjects for research on the medical use of
24 cannabis. The Department shall notify interested patients if it
25 is notified of studies that will be conducted in the United
26 States.

1 Section 45. Issuance of registry identification cards.

2 (a) Except as provided in subsection (b), the Department
3 shall:

4 (1) Verify the information contained in an application
5 or renewal submitted pursuant to this Act, and approve or
6 deny an application or renewal, within 20 days of receiving
7 a completed application or renewal application.

8 (2) Issue registry identification cards to a
9 qualifying patient and his or her designated caregiver, if
10 any, within 5 days of approving the application or renewal.

11 (3) Enter the registry identification number of the
12 registered medical cannabis organization the patient
13 designates into the verification system.

14 (b) The Department shall not issue a registry
15 identification card to a qualifying patient who is younger than
16 18 years of age unless:

17 (1) the qualifying patient's physician has explained
18 the potential risks and benefits of the medical use of
19 cannabis to the custodial parent or legal guardian with
20 responsibility for health care decisions for the
21 qualifying patient; and

22 (2) the custodial parent or legal guardian with
23 responsibility for health care decisions for the
24 qualifying patient consents in writing to:

25 (A) allow the qualifying patient's medical use of

1 cannabis;

2 (B) serve as the qualifying patient's designated
3 caregiver; and

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

7 Section 50. Denial of registry identification cards.

8 (a) The Department may deny an application or renewal of a
9 qualifying patient's registry identification card only if the
10 applicant:

11 (1) did not provide the required information and
12 materials;

13 (2) previously had a registry identification card
14 revoked;

15 (3) did not meet the requirements of this Act; or

16 (4) provided false or falsified information.

17 (b) The Department may deny an application or renewal for a
18 designated caregiver chosen by a qualifying patient whose
19 registry identification card was granted only if:

20 (1) the designated caregiver does not meet the
21 requirements of subsection (f) of Section 10;

22 (2) the applicant did not provide the information
23 required;

24 (3) the prospective patient's application was denied;

25 (4) the designated caregiver previously had a registry

1 identification card revoked; or

2 (5) the applicant or the designated caregiver provided
3 false or falsified information.

4 (c) The Department may conduct a background check of the
5 prospective designated caregiver in order to carry out this
6 provision.

7 (d) The Department shall notify the qualifying patient who
8 has designated someone to serve as his or her designated
9 caregiver if a registry identification card will not be issued
10 to the designated caregiver.

11 (e) Denial of an application or renewal is considered a
12 final Department action, subject to judicial review.
13 Jurisdiction and venue for judicial review are vested in the
14 Illinois Circuit Court.

15 Section 55. Registry identification cards.

16 (a) Registry identification cards shall contain all of the
17 following:

18 (1) The name of the cardholder;

19 (2) A designation of whether the cardholder is a
20 designated caregiver or qualifying patient;

21 (3) The date of issuance and expiration date of the
22 registry identification card;

23 (4) A random 10-digit alphanumeric identification
24 number, containing at least four numbers and at least four
25 letters, that is unique to the cardholder;

1 (5) A clear designation as to whether the cardholder
2 will be allowed under State law to possess the cannabis
3 plants for the qualifying patient's medical use, which
4 shall be determined based solely on the qualifying
5 patient's preference;

6 (6) If the cardholder is a designated caregiver, the
7 random 10-digit alphanumeric identification number of the
8 qualifying patient the designated caregiver is receiving
9 the registry identification card to assist;

10 (7) A photograph of the cardholder, if the Department's
11 rules require one; and

12 (8) The phone number or Web address for the
13 verification system.

14 (b) Except as provided in this subsection, the expiration
15 date shall be one year after the date of issuance. If the
16 physician stated in the written certification that the
17 qualifying patient would benefit from cannabis until a
18 specified earlier date, then the registry identification card
19 shall expire on that date.

20 (c) The Department may, at its discretion, electronically
21 store in the card any or all of the information listed in
22 subsection (a), along with the address and date of birth of the
23 cardholder, to allow it to be read by law enforcement agents.

24 Section 60. Notifications to Department and responses;
25 civil penalty.

1 (a) The following notifications and Department responses
2 are required:

3 (1) A registered qualifying patient shall notify the
4 Department of any change in his or her name or address, or
5 if the registered qualifying patient ceases to have his or
6 her debilitating medical condition, within 10 days of the
7 change.

8 (2) A registered designated caregiver shall notify the
9 Department of any change in his or her name or address, or
10 if the designated caregiver becomes aware the qualifying
11 patient passed away, within 10 days of the change.

12 (3) Before a registered qualifying patient changes his
13 or her designated caregiver, the qualifying patient must
14 notify the Department.

15 (4) When a registered qualifying patient changes his or
16 her preference as to who may cultivate cannabis for the
17 qualifying patient, the qualifying patient must notify the
18 Department. The plants may not be transferred until the
19 registered qualifying patient receives confirmation from
20 the Department, at which time there shall be a 15-day
21 period in which the plants may be transferred.

22 (5) If a cardholder loses his or her registry
23 identification card, he or she shall notify the Department
24 within 10 days of becoming aware the card has been lost.

25 (b) When a cardholder notifies the Department of items
26 listed in subsection (a), but remains eligible under this Act,

1 the Department shall issue the cardholder a new registry
2 identification card with a new random 10-digit alphanumeric
3 identification number within 10 days of receiving the updated
4 information and a \$20 fee. If the person notifying the
5 Department is a registered qualifying patient, the Department
6 shall also issue his or her registered designated caregiver, if
7 any, a new registry identification card within 10 days of
8 receiving the updated information.

9 (c) If a registered qualifying patient ceases to be a
10 registered qualifying patient or changes his or her registered
11 designated caregiver, the Department shall promptly notify the
12 designated caregiver. The registered designated caregiver's
13 protections under this Act as to that qualifying patient shall
14 expire 15 days after notification by the Department.

15 (d) A cardholder who fails to make a notification to the
16 Department that is required by this Section is subject to a
17 civil infraction, punishable by a penalty of no more than \$150.

18 (e) A registered qualifying patient shall notify the
19 Department before changing his or her designated registered
20 medical cannabis organization and pay a \$20 fee. The Department
21 must, within 5 business days of receiving the notification,
22 update the registered qualifying patient's entry in the
23 identification registry system to reflect the change in
24 designation and notify the patient that the change has been
25 processed.

26 (f) If the registered qualifying patient's certifying

1 physician notifies the Department in writing that either the
2 registered qualifying patient has ceased to suffer from a
3 debilitating medical condition or that the physician no longer
4 believes the patient would receive therapeutic or palliative
5 benefit from the medical use of cannabis, the card shall become
6 null and void. However, the registered qualifying patient shall
7 have 15 days to dispose of his or her cannabis.

8 Section 65. Registration of compassion centers.

9 (a) Medical cannabis organizations may only operate if they
10 have been issued a valid registration certificate from the
11 Department. When applying for a medical cannabis organization
12 registration certificate, the applicant shall submit the
13 following in accordance with Department rules:

14 (1) A \$15,000 application fee, \$14,000 of which shall
15 be refunded if the application is not granted.

16 (2) The proposed legal name of the medical cannabis
17 organization.

18 (3) The proposed physical address of the medical
19 cannabis organization and the proposed physical address of
20 any additional locations where cannabis will be
21 cultivated, harvested, packaged, labeled, or otherwise
22 prepared for distribution by the medical cannabis
23 organization.

24 (4) The name, address, and date of birth of each
25 principal officer and board member of the medical cannabis

1 organization, provided that all such individuals shall be
2 at least 21 years of age.

3 (5) Any instances in which a business or not-for-profit
4 that any of the prospective board members managed or served
5 on the board of was convicted, fined, censured, or had a
6 registration or license suspended or revoked in any
7 administrative or judicial proceeding.

8 (6) Proposed operating by-laws that include procedures
9 for the oversight of the medical cannabis organization and
10 procedures to ensure accurate record keeping and security
11 measures that are in accordance with the rules issued by
12 the Department pursuant to this Act. The by-laws shall
13 include a description of the enclosed, locked facility
14 where medical cannabis will be grown, cultivated,
15 harvested, packaged, labeled, or otherwise prepared for
16 distribution by the medical cannabis organization.

17 (7) Any information required by the Department to
18 evaluate the applicant pursuant to the competitive bidding
19 process described in subsection (b).

20 (b) The Department shall evaluate applications for medical
21 cannabis organization registration certificates using an
22 impartial and numerically scored competitive bidding process
23 developed by the Department in accordance with this Act. The
24 registration considerations shall consist of the following
25 criteria:

26 (1) The suitability of the proposed location or

1 locations, including compliance with any local zoning laws
2 and the geographic convenience to patients from throughout
3 the State of Illinois to medical cannabis organizations if
4 the applicant were approved.

5 (2) The principal officer and board members' character
6 and relevant experience, including any training or
7 professional licensing related to medicine,
8 pharmaceuticals, natural treatments, botany, or medical
9 cannabis cultivation and preparation and their experience
10 running businesses or not-for-profits.

11 (3) The proposed medical cannabis organization's plan
12 for operations and services, including its staffing and
13 training plans, whether it has sufficient capital to
14 operate, and its ability to provide an adequate supply of
15 medical cannabis to the registered patients in the State.

16 (4) The sufficiency of the applicant's plans for record
17 keeping.

18 (5) The sufficiency of the applicant's plans for
19 safety, security, and the prevention of diversion,
20 including proposed locations and security devices
21 employed.

22 (6) The applicants plan for making medical cannabis
23 available on an affordable basis to registered qualifying
24 patients enrolled in Medicaid or receiving Supplemental
25 Security Income or Social Security Disability Insurance.

26 (7) The applicant's plan for safe and accurate

1 packaging and labeling of medical cannabis, including the
2 applicant's plan for ensuring that all medical cannabis is
3 free of contaminants.

4 (c) No later than one year after the effective date of this
5 Act, provided that at least 25 applications have been
6 submitted, the Department shall issue medical cannabis
7 organization registration certificates to the 25
8 highest-scoring applicants. If fewer than 25 applications have
9 been submitted, the Department shall issue medical cannabis
10 organization registration certificates to all qualified
11 applicants.

12 (d) No later than 18 months after the effective date of
13 this Act, the Department shall issue registration
14 certifications to at least 25 of the highest-scoring applicants
15 not already awarded a registration certificate, provided a
16 sufficient number of additional applications have been
17 submitted. If fewer than 25 additional applications have been
18 submitted, the Department shall issue medical cannabis
19 organization registration certificates to all qualified
20 applicants. If the Department determines, after considering
21 stakeholders' input collected pursuant to subsection (e) of
22 Section 110, that additional medical cannabis organizations
23 are needed to meet the needs of registered qualifying patients
24 throughout the State, the Department shall issue registration
25 certificates to the corresponding number of applicants who
26 score the highest. When awarding the second and any subsequent

1 set of applications, the Department shall ensure that there is
2 at least one medical cannabis organization in each of the State
3 police districts that has a qualified applicant.

4 (e) (1) At any time after 19 months after the effective date
5 of this Act that the number of outstanding and valid registered
6 medical cannabis organization certificates is lower than
7 either 50 or the number the Department has determined are
8 needed to meet the needs of patients, whichever is greater, the
9 Department shall accept applications for medical cannabis
10 organizations and issue registration certificates to the
11 corresponding number of additional applicants who score the
12 highest.

13 (2) Notwithstanding subsections (c), (d), and (e), an
14 application for a medical cannabis organization registration
15 certificate must be denied if any of the following conditions
16 are met:

17 (A) the applicant failed to submit the materials
18 required by this Section, including if the applicant's
19 plans do not satisfy the security, oversight, or
20 recordkeeping rules issued by the Department;

21 (B) the applicant would not be in compliance with local
22 zoning regulations issued in accordance with Section 80;

23 (C) the applicant does not meet the requirements of
24 Section 90;

25 (D) one or more of the prospective principal officers
26 or board members has been convicted of an excluded offense;

1 (E) one or more of the prospective principal officers
2 or board members has served as a principal officer or board
3 member for a registered medical cannabis organization that
4 has had its registration certificate revoked; and

5 (F) one or more of the principal officers or board
6 members is younger than 21 years of age.

7 (f) After a medical cannabis organization is approved, but
8 before it begins operations, it shall submit its physical
9 address if the address was not finalized when it applied.

10 (g) When issuing a medical cannabis organization
11 registration certificate, the Department shall also issue a
12 renewable registration certificate with an identification
13 number.

14 Section 70. Registration and certification of safety
15 compliance facilities.

16 (a) When applying for a safety compliance facility
17 registration certificate, an applicant shall submit the
18 following in accordance with Department rules:

19 (1) A \$10,000 application fee, \$9,000 of which shall be
20 refunded if the application is not granted;

21 (2) the proposed legal name of the safety compliance
22 facility;

23 (3) the proposed physical address of the safety
24 compliance facility;

25 (4) the name, address, and date of birth of each

1 principal officer and board member of the safety compliance
2 facility, provided that all such individuals shall be at
3 least 21 years of age;

4 (5) any instances in which a business or not-for-profit
5 that any of the prospective board members managed or served
6 on the board of was convicted, fined, censured, or had a
7 registration or license suspended or revoked in any
8 administrative or judicial proceeding; and

9 (6) any information required by the Department to
10 evaluate the applicant pursuant to the competitive bidding
11 process described in subsection (b).

12 (b) The Department shall evaluate applications for safety
13 compliance facility registration certificates using an
14 impartial and numerically scored competitive bidding process
15 developed by the Department in accordance with this Act. The
16 registration considerations shall consist of the following
17 criteria:

18 (1) The proposed principal officers' and board
19 members' relevant experience, including any training or
20 professional licensing related to analytical testing,
21 medicine, pharmaceuticals, natural treatments, botany, or
22 medical cannabis cultivation, preparation, and testing and
23 their experience running businesses or not-for-profits;

24 (2) The suitability of the proposed location,
25 including compliance with any local zoning laws and the
26 geographic convenience to cardholders and registered

1 medical cannabis organizations from throughout the State
2 of Illinois to registered safety compliance facilities if
3 the applicant were approved;

4 (3) The sufficiency of the applicant's plans for
5 safety, security, and the prevention of diversion,
6 including proposed locations and security devices
7 employed; and

8 (4) The proposed safety compliance facility's plan for
9 operations and services, including its staffing and
10 training plans, and whether it has sufficient capital to
11 operate.

12 (c) The Department shall issue at least 3 safety compliance
13 facility registration certificates to the highest-scoring
14 qualified applicants within one year of the effective date of
15 this Act.

16 (d) (1) The Department may issue additional safety
17 compliance facility registration certificates to the
18 highest-scoring applicant or applicants. If the Department
19 determines, after reviewing the report issued pursuant to
20 subsection (e) of Section 110, that additional safety
21 compliance facilities are needed to meet the needs of
22 cardholders and registered medical cannabis organizations
23 throughout the State, the Department shall issue registration
24 certificates to the corresponding number of applicants who
25 score the highest.

26 (2) Notwithstanding subsections (c) and (d), an

1 application for a safety compliance facility registration
2 certificate must be denied if any of the following conditions
3 are met:

4 (A) the applicant failed to submit the materials
5 required by this Section, including if the plans do not
6 satisfy the security, oversight, or recordkeeping rules
7 issued by the Department;

8 (B) the applicant would not be in compliance with local
9 zoning regulations issued in accordance with Section 80;

10 (C) the applicant does not meet the requirements of
11 Section 90.

12 (D) one or more of the prospective principal officers
13 or board members has been convicted of an excluded offense;

14 (E) one or more of the prospective principal officers
15 or board members has served as a principal officer or board
16 member for a registered safety compliance facility or
17 registered medical cannabis organization that has had its
18 registration certificate revoked; and

19 (F) one or more of the principal officers or board
20 members is younger than 21 years of age.

21 (e) After a safety compliance facility is approved, but
22 before it begins operations, it shall submit its physical
23 address if the address was not finalized when it applied.

24 (f) When issuing a safety compliance facility registration
25 certificate, the Department shall also issue a renewable
26 registration certificate with an identification number. The

1 Department shall also provide the registered safety compliance
2 facility with the contact information for the verification
3 system.

4 Section 75. Compassion center and safety compliance
5 facilities renewal. Registration certificates may be renewed
6 every 2 years. The registered medical cannabis organization or
7 registered safety compliance facility may submit a renewal
8 application beginning 90 days prior to the expiration of its
9 registration certificate. The Department shall grant a renewal
10 application within 45 days of its submission if the following
11 conditions are all satisfied:

12 (a) the registered medical cannabis organization or
13 registered safety compliance facility submits a renewal
14 application and the required renewal fee, which shall be
15 refunded within 60 days if the renewal application is rejected;

16 (b) the Department has not suspended the registered medical
17 cannabis organization or registered safety compliance
18 facility's registration certificate for violations of this Act
19 or rules adopted pursuant to this Act; and

20 (c) the inspections authorized by subsection (r) of Section
21 90 and the input the Department received from stakeholders
22 pursuant to subsection (e) of Section 110 do not raise serious
23 and credible concerns about the continued operation of the
24 registered medical cannabis organization or registered safety
25 compliance facility applying for renewal.

1 Section 80. Local ordinances. Nothing shall prohibit local
2 governments from enacting ordinances or regulations not in
3 conflict with this Act or with Department rules regulating the
4 time, place, and manner of registered medical cannabis
5 organization operations and registered safety compliance
6 facility operations, provided that no local government may
7 prohibit registered medical cannabis organization or
8 registered safety compliance facility operations altogether,
9 either expressly or through the enactment of ordinances or
10 regulations which make registered medical cannabis
11 organization and registered safety compliance facility
12 operation unreasonably impracticable in the jurisdiction.

13 Section 85. Compassion center and safety compliance
14 facility agents.

15 (a) Registered medical cannabis organizations and
16 registered safety compliance facilities shall conduct a
17 background check into the criminal history of every person
18 seeking to become a principal officer, board member, agent,
19 volunteer, or employee before the person begins working at the
20 registered medical cannabis organization or registered safety
21 compliance facility. A registered medical cannabis
22 organization may not employ any person who:

23 (1) was convicted of an excluded offense; or

24 (2) is under 21 years of age.

1 (b) A medical cannabis organization or safety compliance
2 facility agent must have documentation when transporting
3 cannabis on behalf of the registered safety compliance facility
4 or registered medical cannabis organization that specifies the
5 amount of cannabis being transported, the date the cannabis is
6 being transported, the registry certificate number of the
7 registered medical cannabis organization or registered safety
8 compliance facility, and a contact number to verify that the
9 cannabis is being transported on behalf of the registered
10 medical cannabis organization or registered safety compliance
11 facility.

12 Section 90. Requirements, prohibitions, and penalties.

13 (a) The operating documents of a registered medical
14 cannabis organization shall include procedures for the
15 oversight of the registered medical cannabis organization and
16 procedures to ensure accurate recordkeeping.

17 (b) A registered medical cannabis organization and a
18 registered safety compliance facility shall implement
19 appropriate security measures to deter and prevent the theft of
20 cannabis and unauthorized entrance into areas containing
21 cannabis.

22 (c) A registered medical cannabis organization and a
23 registered safety compliance facility may not be located within
24 500 feet of the property line of a pre-existing public or
25 private preschool, elementary, or secondary school.

1 (d) A registered medical cannabis organization is
2 prohibited from acquiring, possessing, cultivating,
3 manufacturing, delivering, transferring, transporting,
4 supplying, or dispensing cannabis for any purpose except to
5 assist registered qualifying patients with the medical use of
6 cannabis directly or through the qualifying patients'
7 designated caregivers. This does not prevent a registered
8 medical cannabis organization from selling or transferring
9 cannabis to other medical cannabis organizations.

10 (e) All cultivation of cannabis for registered medical
11 cannabis organizations must take place in an enclosed, locked
12 location at the physical address or addresses provided to the
13 Department during the registration process. The cultivation
14 location can only be accessed by medical cannabis organization
15 agents working for the registered medical cannabis
16 organization, Department staff performing inspections, law
17 enforcement or other emergency personnel, and contractors
18 working on jobs unrelated to medical cannabis, such as
19 installing or maintaining security devices or performing
20 electrical wiring.

21 (f) A registered medical cannabis organization may not
22 acquire usable cannabis or mature cannabis plants from any
23 person other than another registered medical cannabis
24 organization, a registered qualifying patient, or a registered
25 designated caregiver. A registered medical cannabis
26 organization is only allowed to acquire usable cannabis or

1 cannabis plants from a registered qualifying patient or a
2 registered designated caregiver if the registered qualifying
3 patient or registered designated caregiver receives no
4 compensation for the cannabis. A medical cannabis organization
5 may not obtain cannabis from outside the State of Illinois,
6 except that a medical cannabis organization may purchase
7 cannabis seeds outside of the State of Illinois once during its
8 registration period.

9 (g) Before cannabis may be dispensed to a designated
10 caregiver or a registered qualifying patient, a medical
11 cannabis organization agent must determine that the individual
12 is a current cardholder in the verification system and must
13 verify each of the following:

14 (1) that the registry identification card presented to
15 the registered medical cannabis organization is valid;

16 (2) that the person presenting the card is the person
17 identified on the registry identification card presented
18 to the medical cannabis organization agent; and

19 (3) that the registered medical cannabis organization
20 is the designated medical cannabis organization for the
21 registered qualifying patient who is obtaining the
22 cannabis directly or via his or her designated caregiver.

23 (h) (1) Except as provided in clause (h) (2), a registered
24 medical cannabis organization shall not dispense more than 2
25 ounces of cannabis to a registered qualifying patient, directly
26 or via a designated caregiver, in any 14-day period.

1 (2) A registered medical cannabis organization may
2 dispense more than 2 ounces of cannabis to a registered
3 qualifying patient in a 14-day period if the registered
4 qualifying patient or the registered qualifying patient's
5 designated caregiver presents a signed statement from the
6 registered qualifying patient's physician that the registered
7 qualifying patient needs a specified greater amount in a 14-day
8 period. A medical cannabis organization agent must verify the
9 statement's authenticity with the physician's office. Each
10 statement shall allow for a waiver from the limit specified in
11 clause (h) (1) for no more than 90 days.

12 (3) A registered medical cannabis organization may not
13 dispense more cannabis to a registered qualifying patient or
14 the registered qualifying patient's designated caregiver at
15 any one time than they are permitted to possess under the
16 definition of "adequate supply" in subsection (a) of Section
17 10.

18 (4) Registered medical cannabis organizations shall ensure
19 compliance with this limitation by maintaining internal,
20 confidential records that include records specifying how much
21 cannabis is being dispensed to the registered qualifying
22 patient and whether it was dispensed directly to the registered
23 qualifying patient or to the designated caregiver. Each entry
24 must include the date and time the cannabis was dispensed.

25 (i) A registered medical cannabis organization or medical
26 cannabis organization agent may only dispense cannabis to a

1 visiting qualifying patient if he or she possesses a valid
2 Illinois registry identification card and if the procedures in
3 subsections (g) and (h) are followed.

4 (j) A registered medical cannabis organization shall not
5 share office space with, nor refer patients to, a physician.

6 (k) A physician shall not refer patients to a registered
7 medical cannabis organization or registered designated
8 caregiver, advertise in a registered medical cannabis
9 organization, or, if the physician issues written
10 certifications, hold any financial interest in a registered
11 medical cannabis organization.

12 (l) No person who has been convicted of an excluded offense
13 may be a medical cannabis organization agent or safety
14 compliance facility agent.

15 (m) The Department may issue a civil fine of up to \$3,000
16 for violations of this Section.

17 (n) The Department may suspend or revoke a registration
18 certificate for serious or multiple violations of this Act and
19 rules issued in accordance with this Act. A registered medical
20 cannabis organization may continue to cultivate and possess
21 cannabis plants during a suspension, but it may not dispense,
22 transfer, or sell cannabis. If a medical cannabis organization
23 registration certificate is revoked, the medical cannabis
24 organization shall have 10 days to sell or give its cannabis
25 away to other registered medical cannabis organizations.

26 (o) The suspension or revocation of a certificate is a

1 final Department action, subject to judicial review.
2 Jurisdiction and venue for judicial review are vested in the
3 Illinois Circuit Court.

4 (p) Any cardholder who sells cannabis to a person who is
5 not allowed to possess cannabis for medical purposes under this
6 Act shall have his or her registry identification card revoked
7 and shall be subject to other penalties for the unauthorized
8 sale of cannabis.

9 (q) The Department may revoke the registry identification
10 card of any cardholder who knowingly commits multiple or
11 serious violations of this Act.

12 (r) Registered medical cannabis organizations are subject
13 to random inspection by Department rules. The Department shall
14 give reasonable notice of an inspection under this paragraph.

15 Section 95. Confidentiality.

16 (a) The following information received and records kept by
17 Department rules for purposes of administering this Act are
18 confidential and exempt from the Freedom of Information Act,
19 and not subject to disclosure to any individual or public or
20 private entity, except as necessary for authorized employees of
21 the Department to perform official duties pursuant to this Act:

22 (1) Applications and renewals, their contents, and
23 supporting information submitted by qualifying patients
24 and designated caregivers, including information regarding
25 their designated caregivers and physicians.

1 (2) Applications and renewals, their contents, and
2 supporting information submitted by or on behalf of medical
3 cannabis organizations and safety compliance facilities in
4 compliance with this Act, including their physical
5 addressees.

6 (3) The individual names and other information
7 identifying persons to whom the Department has issued
8 registry identification cards.

9 (4) Any dispensing information required to be kept
10 under clause (h) (4) of Section 90 or Department rules shall
11 identify cardholders and registered medical cannabis
12 organizations by their registry identification numbers and
13 not contain names or other personally identifying
14 information.

15 (5) Any Department hard drives or other data-recording
16 media that are no longer in use and that contain cardholder
17 information must be destroyed. The Department shall retain
18 a signed statement from a Department employee confirming
19 the destruction.

20 (6) Data subject to this Section shall not be combined
21 or linked in any manner with any other list or database and
22 it shall not be used for any purpose not provided for in
23 this Act.

24 (b) Nothing in this Section precludes the following:

25 (1) Department employees may notify law enforcement
26 about falsified or fraudulent information submitted to the

1 Department if the employee who suspects that falsified or
2 fraudulent information has been submitted conferred with
3 his or her supervisor and both agree that circumstances
4 exist that warrant reporting.

5 (2) If the employee conferred with his or her
6 supervisor and both agree that circumstances exist that
7 warrant reporting, Department employees may notify the
8 Medical Disciplinary Board if there is reasonable cause to
9 believe a physician:

10 (A) issued a written certification without a bona
11 fide physician-patient relationship;

12 (B) issued a written certification to a person who
13 was not under the physician's care for the debilitating
14 medical condition; or

15 (C) failed to abide by the standard of care when
16 evaluating medical conditions.

17 (3) The Department may notify State or local law
18 enforcement about apparent criminal violations of this Act
19 if the employee who suspects the offense has conferred with
20 his or her supervisor and both agree that circumstances
21 exist that warrant reporting.

22 (4) Medical cannabis organization agents may notify
23 the Department of a suspected violation or attempted
24 violation of this Act or the rules issued pursuant to it.

25 (5) The Department may verify registry identification
26 cards pursuant to Section 100.

1 (6) The submission of the Section 105 report to the
2 General Assembly.

3 (c) It shall be a Class B misdemeanor for any person,
4 including an employee or official of the Department or another
5 State agency or local government, to breach the confidentiality
6 of information obtained pursuant to this Act.

7 Section 100. Registry identification and registration
8 certificate verification.

9 (a) The Department shall maintain a confidential list of
10 the persons to whom the Department has issued registry
11 identification cards and their addresses, phone numbers, and
12 registry identification numbers. This confidential list shall
13 not be combined or linked in any manner with any other list or
14 database, nor shall it be used for any purpose not provided for
15 in this Act.

16 (b) Within 120 days of the effective date of this Act, the
17 Department shall establish a verification system. The
18 verification system must allow law enforcement personnel,
19 medical cannabis organization agents, and safety compliance
20 facility agents to enter a registry identification number to
21 determine whether or not the number corresponds with a current,
22 valid registry identification card. The system shall only
23 disclose whether the identification card is valid; whether the
24 cardholder is a registered qualifying patient or a registered
25 designated caregiver; whether the cardholder is permitted to

1 cultivate under this Act; and the registry identification
2 number of the registered medical cannabis organization
3 designated to serve the registered qualifying patient who holds
4 the card or the registry identification number of the patient
5 who is assisted by the registered designated caregiver who
6 holds the card.

7 (c) The Department shall, with a cardholder's written
8 permission, confirm his or her status as a registered
9 qualifying patient or registered designated caregiver to a
10 landlord, employer, school, medical professional, or court.

11 Section 105. Annual reports.

12 (a) The Department shall submit to the General Assembly an
13 annual report that does not disclose any identifying
14 information about cardholders, registered medical cannabis
15 organizations, or physicians, but does contain, at a minimum,
16 all of the following information:

17 (1) the number of applications and renewals filed for
18 registry identification cards;

19 (2) the number of qualifying patients and designated
20 caregivers approved in each county;

21 (3) the nature of the debilitating medical conditions
22 of the qualifying patients;

23 (4) the number of registry identification cards
24 revoked for misconduct;

25 (5) the number of physicians providing written

1 certifications for qualifying patients; and
2 (6) the number of registered medical cannabis
3 organizations.

4 Section 110. Department to issue rules and develop
5 educational materials.

6 (a) By 90 days after the effective date of this Act, the
7 Department shall adopt rules defining the quantity of cannabis
8 that could reasonably be presumed to be a 60-day supply for
9 qualifying patients.

10 (b) Not later than 120 days after the effective date of
11 this Act, the Department shall promulgate rules:

12 (1) governing the manner in which the Department shall
13 consider petitions from the public to add debilitating
14 medical conditions or treatments to the list of
15 debilitating medical conditions set forth in subsection
16 (d) of Section 10 of this Act, including public notice of
17 and an opportunity to comment in public hearings on the
18 petitions;

19 (2) establishing the form and content of registration
20 and renewal applications submitted under this Act,
21 including a standard form for written certifications;

22 (3) governing the manner in which it shall consider
23 applications for and renewals of registry identification
24 cards, including developing separate requirements, fees,
25 and applications for temporary registry identification

1 cards for visiting qualifying patients wishing to obtain
2 cannabis from registered medical cannabis organizations;
3 and

4 (4) governing the following matters related to
5 registered medical cannabis organizations, with the goal
6 of protecting against diversion and theft, without
7 imposing an undue burden on the registered medical cannabis
8 organizations or compromising the confidentiality of
9 cardholders:

10 (A) oversight requirements for registered medical
11 cannabis organizations;

12 (B) recordkeeping requirements for registered
13 medical cannabis organizations;

14 (C) security requirements for registered medical
15 cannabis organizations, which shall include that each
16 registered medical cannabis organization location must
17 be protected by a fully operational security alarm
18 system;

19 (D) the competitive scoring process addressed in
20 subsection (b) of Section 65; and

21 (E) procedures for suspending or terminating the
22 registration certificates or registry identification
23 cards of cardholders, registered medical cannabis
24 organizations, and registered safety compliance
25 facilities that commit multiple or serious violations
26 of the provisions of this Act or the rules promulgated

1 pursuant to this Section.

2 (5) application and renewal fees for registry
3 identification cards, and renewal fees for registered
4 medical cannabis organization registration certificates,
5 according to the following:

6 (A) the total fees collected must generate
7 revenues sufficient to offset all expenses of
8 implementing and administering this Act, except that
9 fee revenue may be offset or supplemented by private
10 donations;

11 (B) the Department may establish a sliding scale of
12 patient application and renewal fees based upon a
13 qualifying patient's household income;

14 (C) the Department may accept donations from
15 private sources to reduce application and renewal
16 fees; and

17 (D) registry identification card fees shall
18 include an additional \$3 per registry identification
19 card, which shall be used to develop and disseminate
20 educational information about the health risks
21 associated with the abuse of cannabis and prescription
22 medications.

23 (c) During the rule-making process and at least twice each
24 year after the rules are issued, the Department shall make
25 a good faith effort to consult with all stakeholders
26 identified in the rule-making analysis as being impacted by

1 the rules. The Department may establish the stakeholders
2 into an advisory task force, or it may consult with them
3 individually. Stakeholders shall include, but are not
4 limited to:

5 (1) at least 2 physicians, one of whom must have prior
6 experience treating medical cannabis patients;

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

9 (3) at least 3 qualifying patients;

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

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

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

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

18 (8) a defense attorney in private practice;

19 (9) a licensed phlebotomist;

20 (10) a horticulturist;

21 (11) a representative of the business community; and

22 (12) after the rules have been established, one board
23 member or principal officer of a registered safety
24 compliance facility.

25 (d) After consulting with the stakeholders, the Department
26 shall recommend a policy to the General Assembly relating to

1 driving under the influence laws as they apply to registered
2 patients, including whether the presence of metabolites or
3 other components of cannabis should create a presumption of
4 driving under the influence, and, if so, what thresholds should
5 be established.

6 (e) Beginning 4 months after the issuance of the first
7 registrations for registered medical cannabis organizations
8 and at least every 6 months thereafter, the Department shall
9 solicit input, including from the stakeholders identified in
10 subsection (c) on the following:

11 (A) The ability of qualifying patients in all areas of
12 the State to obtain timely access to high-quality medical
13 cannabis.

14 (B) The effectiveness of the registered medical
15 cannabis organizations, individually and together, in
16 serving the needs of qualifying patients, including the
17 provision of educational and support services, the
18 reasonableness of their fees, whether they are generating
19 any complaints or security problems, and the sufficiency of
20 the number operating to serve the registered qualifying
21 patients of Illinois.

22 (C) The effectiveness of the registered safety
23 compliance facility or facilities, individually and
24 together, in serving the needs of cardholders and
25 registered medical cannabis organizations, including
26 whether a sufficient number are operating.

1 (D) The sufficiency of the regulatory and security
2 safeguards contained in this Act and adopted by the
3 Department to ensure that access to and use of cannabis
4 cultivated is provided only to cardholders authorized for
5 such purposes.

6 (E) Any recommended additions or revisions to the
7 Department rules or this Act, including relating to
8 security, safe handling, labeling, and nomenclature.

9 (F) Any research studies regarding health effects of
10 medical cannabis for patients.

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

16 Section 115. Enforcement of this Act.

17 (a) If the Department fails to adopt rules to implement
18 this Act within the times provided for in this Act, any citizen
19 may commence an action in the Circuit Court to compel the
20 Department to perform the actions mandated pursuant to the
21 provisions of this Act.

22 (b) If the Department fails to issue a valid registry
23 identification card in response to a valid application or
24 renewal submitted pursuant to this Act within 30 days of its
25 submission, the registry identification card shall be deemed

1 granted, and a copy of the registry identification application,
2 including a valid written certification, or renewal shall be
3 deemed a valid registry identification card.

4 (c) If at any time after the 140 days following the
5 effective date of this Act the Department has not established a
6 process for accepting and approving or denying applications, a
7 notarized statement by a qualifying patient containing the
8 information required in an application pursuant to Section 40,
9 together with a valid written certification issued by a
10 physician within 90 days immediately preceding the notarized
11 statement, shall be deemed a valid registry identification card
12 for all purposes under this Act.

13 Section 120. Penalty enhancements. Any registered
14 qualifying patient or registered primary caregiver who
15 distributes cannabis to someone who is not allowed to use
16 cannabis is subject to a penalty enhancement of not more than 2
17 years in prison or a fine of not more than \$2,000, or both, for
18 abuse of the Compassionate Use of Medical Cannabis Pilot
19 Program Act.

20 Section 121. Repeal of Act. This Act is repealed 3 years
21 after its effective date.

22 (720 ILCS 550/11 rep.)

23 (720 ILCS 550/15 rep.)

1 Section 122. The Cannabis Control Act is amended by
2 repealing Sections 11 and 15.

3 Section 123. Severability. The provisions of this Act are
4 severable under Section 1.31 of the Statute on Statutes.