

HB3713



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3713

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

410 ILCS 130/10

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Adds Huntington's disease to the definition of "debilitating medical condition". Effective immediately.

LRB098 14452 HEP 49151 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Section 10 as follows:

6 (410 ILCS 130/10)

7 (Section scheduled to be repealed on January 1, 2018)

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

10 (a) "Adequate supply" means:

11 (1) 2.5 ounces of usable cannabis during a period of 14
12 days and that is derived solely from an intrastate source.

13 (2) Subject to the rules of the Department of Public
14 Health, a patient may apply for a waiver where a physician
15 provides a substantial medical basis in a signed, written
16 statement asserting that, based on the patient's medical
17 history, in the physician's professional judgment, 2.5
18 ounces is an insufficient adequate supply for a 14-day
19 period to properly alleviate the patient's debilitating
20 medical condition or symptoms associated with the
21 debilitating medical condition.

22 (3) This subsection may not be construed to authorize
23 the possession of more than 2.5 ounces at any time without

1 authority from the Department of Public Health.

2 (4) The pre-mixed weight of medical cannabis used in
3 making a cannabis infused product shall apply toward the
4 limit on the total amount of medical cannabis a registered
5 qualifying patient may possess at any one time.

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

8 (c) "Cannabis plant monitoring system" means a system that
9 includes, but is not limited to, testing and data collection
10 established and maintained by the registered cultivation
11 center and available to the Department for the purposes of
12 documenting each cannabis plant and for monitoring plant
13 development throughout the life cycle of a cannabis plant
14 cultivated for the intended use by a qualifying patient from
15 seed planting to final packaging.

16 (d) "Cardholder" means a qualifying patient or a designated
17 caregiver who has been issued and possesses a valid registry
18 identification card by the Department of Public Health.

19 (e) "Cultivation center" means a facility operated by an
20 organization or business that is registered by the Department
21 of Agriculture to perform necessary activities to provide only
22 registered medical cannabis dispensing organizations with
23 usable medical cannabis.

24 (f) "Cultivation center agent" means a principal officer,
25 board member, employee, or agent of a registered cultivation
26 center who is 21 years of age or older and has not been

1 convicted of an excluded offense.

2 (g) "Cultivation center agent identification card" means a
3 document issued by the Department of Agriculture that
4 identifies a person as a cultivation center agent.

5 (h) "Debilitating medical condition" means one or more of
6 the following:

7 (1) cancer, glaucoma, positive status for human
8 immunodeficiency virus, acquired immune deficiency
9 syndrome, hepatitis C, amyotrophic lateral sclerosis,
10 Crohn's disease, agitation of Alzheimer's disease,
11 cachexia/wasting syndrome, muscular dystrophy, severe
12 fibromyalgia, spinal cord disease, including but not
13 limited to arachnoiditis, Tarlov cysts, hydromyelia,
14 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
15 spinal cord injury, traumatic brain injury and
16 post-concussion syndrome, Multiple Sclerosis,
17 Arnold-Chiari malformation and Syringomyelia,
18 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
19 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
20 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
21 (Complex Regional Pain Syndromes Type II),
22 Neurofibromatosis, Chronic Inflammatory Demyelinating
23 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
24 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
25 syndrome, residual limb pain, Huntington's disease, or the
26 treatment of these conditions; or

1 (2) any other debilitating medical condition or its
2 treatment that is added by the Department of Public Health
3 by rule as provided in Section 45.

4 (i) "Designated caregiver" means a person who: (1) is at
5 least 21 years of age; (2) has agreed to assist with a
6 patient's medical use of cannabis; (3) has not been convicted
7 of an excluded offense; and (4) assists no more than one
8 registered qualifying patient with his or her medical use of
9 cannabis.

10 (j) "Dispensing organization agent identification card"
11 means a document issued by the Department of Financial and
12 Professional Regulation that identifies a person as a medical
13 cannabis dispensing organization agent.

14 (k) "Enclosed, locked facility" means a room, greenhouse,
15 building, or other enclosed area equipped with locks or other
16 security devices that permit access only by a cultivation
17 center's agents or a dispensing organization's agent working
18 for the registered cultivation center or the registered
19 dispensing organization to cultivate, store, and distribute
20 cannabis for registered qualifying patients.

21 (l) "Excluded offense" means:

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

26 (2) a violation of a state or federal controlled

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

11 (m) "Medical cannabis cultivation center registration"
12 means a registration issued by the Department of Agriculture.

13 (n) "Medical cannabis container" means a sealed,
14 traceable, food compliant, tamper resistant, tamper evident
15 container, or package used for the purpose of containment of
16 medical cannabis from a cultivation center to a dispensing
17 organization.

18 (o) "Medical cannabis dispensing organization", or
19 "dispensing organization", or "dispensary organization" means
20 a facility operated by an organization or business that is
21 registered by the Department of Financial and Professional
22 Regulation to acquire medical cannabis from a registered
23 cultivation center for the purpose of dispensing cannabis,
24 paraphernalia, or related supplies and educational materials
25 to registered qualifying patients.

26 (p) "Medical cannabis dispensing organization agent" or

1 "dispensing organization agent" means a principal officer,
2 board member, employee, or agent of a registered medical
3 cannabis dispensing organization who is 21 years of age or
4 older and has not been convicted of an excluded offense.

5 (q) "Medical cannabis infused product" means food, oils,
6 ointments, or other products containing usable cannabis that
7 are not smoked.

8 (r) "Medical use" means the acquisition; administration;
9 delivery; possession; transfer; transportation; or use of
10 cannabis to treat or alleviate a registered qualifying
11 patient's debilitating medical condition or symptoms
12 associated with the patient's debilitating medical condition.

13 (s) "Physician" means a doctor of medicine or doctor of
14 osteopathy licensed under the Medical Practice Act of 1987 to
15 practice medicine and who has a controlled substances license
16 under Article III of the Illinois Controlled Substances Act. It
17 does not include a licensed practitioner under any other Act
18 including but not limited to the Illinois Dental Practice Act.

19 (t) "Qualifying patient" means a person who has been
20 diagnosed by a physician as having a debilitating medical
21 condition.

22 (u) "Registered" means licensed, permitted, or otherwise
23 certified by the Department of Agriculture, Department of
24 Public Health, or Department of Financial and Professional
25 Regulation.

26 (v) "Registry identification card" means a document issued

1 by the Department of Public Health that identifies a person as
2 a registered qualifying patient or registered designated
3 caregiver.

4 (w) "Usable cannabis" means the seeds, leaves, buds, and
5 flowers of the cannabis plant and any mixture or preparation
6 thereof, but does not include the stalks, and roots of the
7 plant. It does not include the weight of any non-cannabis
8 ingredients combined with cannabis, such as ingredients added
9 to prepare a topical administration, food, or drink.

10 (x) "Verification system" means a Web-based system
11 established and maintained by the Department of Public Health
12 that is available to the Department of Agriculture, the
13 Department of Financial and Professional Regulation, law
14 enforcement personnel, and registered medical cannabis
15 dispensing organization agents on a 24-hour basis for the
16 verification of registry identification cards, the tracking of
17 delivery of medical cannabis to medical cannabis dispensing
18 organizations, and the tracking of the date of sale, amount,
19 and price of medical cannabis purchased by a registered
20 qualifying patient.

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

1 medical condition; (2) that the qualifying patient has a
2 debilitating medical condition and specifying the debilitating
3 medical condition the qualifying patient has; and (3) that the
4 patient is under the physician's care for the debilitating
5 medical condition. A written certification shall be made only
6 in the course of a bona fide physician-patient relationship,
7 after the physician has completed an assessment of the
8 qualifying patient's medical history, reviewed relevant
9 records related to the patient's debilitating condition, and
10 conducted a physical examination.

11 A veteran who has received treatment at a VA hospital shall
12 be deemed to have a bona fide physician-patient relationship
13 with a VA physician if the patient has been seen for his or her
14 debilitating medical condition at the VA Hospital in accordance
15 with VA Hospital protocols.

16 A bona fide physician-patient relationship under this
17 subsection is a privileged communication within the meaning of
18 Section 8-802 of the Code of Civil Procedure.

19 (Source: P.A. 98-122, eff. 1-1-14.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.