



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2636

Introduced 1/21/2014, by Sen. Iris Y. Martinez - Dan Kotowski

SYNOPSIS AS INTRODUCED:

410 ILCS 130/10
410 ILCS 130/60

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Includes myoclonic-astatic epilepsy in the definition of "debilitating medical condition". Provides that the Department of Public Health shall adopt rules for the issuance of a registry identification card for qualifying patients who are under 18 years of age and suffering from myoclonic-astatic epilepsy.

LRB098 15170 RPM 50147 b

1 AN ACT concerning public 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 Sections 10 and 60 as
6 follows:

7 (410 ILCS 130/10)

8 (Section scheduled to be repealed on January 1, 2018)

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

11 (a) "Adequate supply" means:

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

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

23 (3) This subsection may not be construed to authorize

1 the possession of more than 2.5 ounces at any time without
2 authority from the Department of Public Health.

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

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

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

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

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

25 (f) "Cultivation center agent" means a principal officer,
26 board member, employee, or agent of a registered cultivation

1 center who is 21 years of age or older and has not been
2 convicted of an excluded offense.

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

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

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

1 or the treatment of these conditions; or

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

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

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

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

22 (l) "Excluded offense" means:

23 (1) a violent crime defined in Section 3 of the Rights
24 of Crime Victims and Witnesses Act or a substantially
25 similar offense that was classified as a felony in the
26 jurisdiction where the person was 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 registering Department may waive this restriction if
5 the person demonstrates to the registering Department's
6 satisfaction that his or her conviction was for the
7 possession, cultivation, transfer, or delivery of a
8 reasonable amount of cannabis intended for medical use.
9 This exception does not apply if the conviction was under
10 state law and involved a violation of an existing medical
11 cannabis law.

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

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

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

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

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

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

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

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

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

1 (v) "Registry identification card" means a document issued
2 by the Department of Public Health that identifies a person as
3 a registered qualifying patient or registered designated
4 caregiver.

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

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

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

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

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

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

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

21 (410 ILCS 130/60)

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

23 Sec. 60. Issuance of registry identification cards.

24 (a) Except as provided in subsection (b), the Department of
25 Public Health shall:

1 (1) verify the information contained in an application
2 or renewal for a registry identification card submitted
3 under this Act, and approve or deny an application or
4 renewal, within 30 days of receiving a completed
5 application or renewal application and all supporting
6 documentation specified in Section 55;

7 (2) issue registry identification cards to a
8 qualifying patient and his or her designated caregiver, if
9 any, within 15 business days of approving the application
10 or renewal;

11 (3) enter the registry identification number of the
12 registered dispensing organization the patient designates
13 into the verification system; and

14 (4) allow for an electronic application process, and
15 provide a confirmation by electronic or other methods that
16 an application has been submitted.

17 (b) The Department of Public Health may not issue a
18 registry identification card to a qualifying patient who is
19 under 18 years of age, unless that patient suffers from
20 myoclonic-astatic epilepsy. The Department of Public Health
21 shall adopt rules for the issuance of a registry identification
22 card for qualifying patients who are under 18 years of age and
23 suffering from myoclonic-astatic epilepsy.

24 (c) A veteran who has received treatment at a VA hospital
25 is deemed to have a bona fide physician-patient relationship
26 with a VA physician if the patient has been seen for his or her

1 debilitating medical condition at the VA hospital in accordance
2 with VA hospital protocols. All reasonable inferences
3 regarding the existence of a bona fide physician-patient
4 relationship shall be drawn in favor of an applicant who is a
5 veteran and has undergone treatment at a VA hospital.

6 (d) Upon the approval of the registration and issuance of a
7 registry card under this Section, the Department of Public
8 Health shall forward the designated caregiver or registered
9 qualified patient's driver's registration number to the
10 Secretary of State and certify that the individual is permitted
11 to engage in the medical use of cannabis. For the purposes of
12 law enforcement, the Secretary of State shall make a notation
13 on the person's driving record stating the person is a
14 registered qualifying patient who is entitled to the lawful
15 medical use of cannabis. If the person no longer holds a valid
16 registry card, the Department shall notify the Secretary of
17 State and the Secretary of State shall remove the notation from
18 the person's driving record. The Department and the Secretary
19 of State may establish a system by which the information may be
20 shared electronically.

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