



Sen. Iris Y. Martinez

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09800SB2636sam001

LRB098 15170 RPM 54795 a

1 AMENDMENT TO SENATE BILL 2636

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2636 by replacing  
3 everything after the enacting clause with the following:

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8 (Section scheduled to be repealed on January 1, 2018)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

1 statement asserting that, based on the patient's medical  
2 history, in the physician's professional judgment, 2.5  
3 ounces is an insufficient adequate supply for a 14-day  
4 period to properly alleviate the patient's debilitating  
5 medical condition or symptoms associated with the  
6 debilitating medical condition.

7 (3) This subsection may not be construed to authorize  
8 the possession of more than 2.5 ounces at any time without  
9 authority from the Department of Public Health.

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

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

16 (c) "Cannabis plant monitoring system" means a system that  
17 includes, but is not limited to, testing and data collection  
18 established and maintained by the registered cultivation  
19 center and available to the Department for the purposes of  
20 documenting each cannabis plant and for monitoring plant  
21 development throughout the life cycle of a cannabis plant  
22 cultivated for the intended use by a qualifying patient from  
23 seed planting to final packaging.

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

1 (e) "Cultivation center" means a facility operated by an  
2 organization or business that is registered by the Department  
3 of Agriculture to perform necessary activities to provide only  
4 registered medical cannabis dispensing organizations with  
5 usable medical cannabis.

6 (f) "Cultivation center agent" means a principal officer,  
7 board member, employee, or agent of a registered cultivation  
8 center who is 21 years of age or older and has not been  
9 convicted of an excluded offense.

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

13 (h) "Debilitating medical condition" means one or more of  
14 the following:

15 (1) cancer, glaucoma, positive status for human  
16 immunodeficiency virus, acquired immune deficiency  
17 syndrome, hepatitis C, amyotrophic lateral sclerosis,  
18 Crohn's disease, agitation of Alzheimer's disease,  
19 cachexia/wasting syndrome, muscular dystrophy, severe  
20 fibromyalgia, spinal cord disease, including but not  
21 limited to arachnoiditis, Tarlov cysts, hydromyelia,  
22 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,  
23 spinal cord injury, traumatic brain injury and  
24 post-concussion syndrome, Multiple Sclerosis,  
25 Arnold-Chiari malformation and Syringomyelia,  
26 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,

1 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD  
2 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS  
3 (Complex Regional Pain Syndromes Type II),  
4 Neurofibromatosis, Chronic Inflammatory Demyelinating  
5 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial  
6 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella  
7 syndrome, residual limb pain, seizures (including those  
8 characteristic of epilepsy), or the treatment of these  
9 conditions; or

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

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

19 (j) "Dispensing organization agent identification card"  
20 means a document issued by the Department of Financial and  
21 Professional Regulation that identifies a person as a medical  
22 cannabis dispensing organization agent.

23 (k) "Enclosed, locked facility" means a room, greenhouse,  
24 building, or other enclosed area equipped with locks or other  
25 security devices that permit access only by a cultivation  
26 center's agents or a dispensing organization's agent working

1 for the registered cultivation center or the registered  
2 dispensing organization to cultivate, store, and distribute  
3 cannabis for registered qualifying patients.

4 (l) "Excluded offense" means:

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

9 (2) a violation of a state or federal controlled  
10 substance law that was classified as a felony in the  
11 jurisdiction where the person was convicted, except that  
12 the registering Department may waive this restriction if  
13 the person demonstrates to the registering Department's  
14 satisfaction that his or her conviction was for the  
15 possession, cultivation, transfer, or delivery of a  
16 reasonable amount of cannabis intended for medical use.  
17 This exception does not apply if the conviction was under  
18 state law and involved a violation of an existing medical  
19 cannabis law.

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

22 (n) "Medical cannabis container" means a sealed,  
23 traceable, food compliant, tamper resistant, tamper evident  
24 container, or package used for the purpose of containment of  
25 medical cannabis from a cultivation center to a dispensing  
26 organization.

1           (o) "Medical cannabis dispensing organization", or  
2 "dispensing organization", or "dispensary organization" means  
3 a facility operated by an organization or business that is  
4 registered by the Department of Financial and Professional  
5 Regulation to acquire medical cannabis from a registered  
6 cultivation center for the purpose of dispensing cannabis,  
7 paraphernalia, or related supplies and educational materials  
8 to registered qualifying patients.

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

14           (q) "Medical cannabis infused product" means food, oils,  
15 ointments, or other products containing usable cannabis that  
16 are not smoked.

17           (r) "Medical use" means the acquisition; administration;  
18 delivery; possession; transfer; transportation; or use of  
19 cannabis to treat or alleviate a registered qualifying  
20 patient's debilitating medical condition or symptoms  
21 associated with the patient's debilitating medical condition.

22           (s) "Physician" means a doctor of medicine or doctor of  
23 osteopathy licensed under the Medical Practice Act of 1987 to  
24 practice medicine and who has a controlled substances license  
25 under Article III of the Illinois Controlled Substances Act. It  
26 does not include a licensed practitioner under any other Act

1 including but not limited to the Illinois Dental Practice Act.

2 (t) "Qualifying patient" means a person who has been  
3 diagnosed by a physician as having a debilitating medical  
4 condition.

5 (u) "Registered" means licensed, permitted, or otherwise  
6 certified by the Department of Agriculture, Department of  
7 Public Health, or Department of Financial and Professional  
8 Regulation.

9 (v) "Registry identification card" means a document issued  
10 by the Department of Public Health that identifies a person as  
11 a registered qualifying patient or registered designated  
12 caregiver.

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

19 (x) "Verification system" means a Web-based system  
20 established and maintained by the Department of Public Health  
21 that is available to the Department of Agriculture, the  
22 Department of Financial and Professional Regulation, law  
23 enforcement personnel, and registered medical cannabis  
24 dispensing organization agents on a 24-hour basis for the  
25 verification of registry identification cards, the tracking of  
26 delivery of medical cannabis to medical cannabis dispensing

1 organizations, and the tracking of the date of sale, amount,  
2 and price of medical cannabis purchased by a registered  
3 qualifying patient.

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

20 A veteran who has received treatment at a VA hospital shall  
21 be deemed to have a bona fide physician-patient relationship  
22 with a VA physician if the patient has been seen for his or her  
23 debilitating medical condition at the VA Hospital in accordance  
24 with VA Hospital protocols.

25 A bona fide physician-patient relationship under this  
26 subsection is a privileged communication within the meaning of



1 Section 8-802 of the Code of Civil Procedure.

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

3 (410 ILCS 130/60)

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

5 Sec. 60. Issuance of registry identification cards.

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

8 (1) verify the information contained in an application  
9 or renewal for a registry identification card submitted  
10 under this Act, and approve or deny an application or  
11 renewal, within 30 days of receiving a completed  
12 application or renewal application and all supporting  
13 documentation specified in Section 55;

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

18 (3) enter the registry identification number of the  
19 registered dispensing organization the patient designates  
20 into the verification system; and

21 (4) allow for an electronic application process, and  
22 provide a confirmation by electronic or other methods that  
23 an application has been submitted.

24 (b) The Department of Public Health may not issue a  
25 registry identification card to a qualifying patient who is

1 under 18 years of age, unless that patient suffers from  
2 seizures, including those characteristic of epilepsy. The  
3 Department of Public Health shall adopt rules for the issuance  
4 of a registry identification card for qualifying patients who  
5 are under 18 years of age and suffering from seizures,  
6 including those characteristic of epilepsy.

7 (c) A veteran who has received treatment at a VA hospital  
8 is deemed to have a bona fide physician-patient relationship  
9 with a VA physician if the patient has been seen for his or her  
10 debilitating medical condition at the VA hospital in accordance  
11 with VA hospital protocols. All reasonable inferences  
12 regarding the existence of a bona fide physician-patient  
13 relationship shall be drawn in favor of an applicant who is a  
14 veteran and has undergone treatment at a VA hospital.

15 (d) Upon the approval of the registration and issuance of a  
16 registry card under this Section, the Department of Public  
17 Health shall forward the designated caregiver or registered  
18 qualified patient's driver's registration number to the  
19 Secretary of State and certify that the individual is permitted  
20 to engage in the medical use of cannabis. For the purposes of  
21 law enforcement, the Secretary of State shall make a notation  
22 on the person's driving record stating the person is a  
23 registered qualifying patient who is entitled to the lawful  
24 medical use of cannabis. If the person no longer holds a valid  
25 registry card, the Department shall notify the Secretary of  
26 State and the Secretary of State shall remove the notation from

1 the person's driving record. The Department and the Secretary  
2 of State may establish a system by which the information may be  
3 shared electronically.

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