

HB0249



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0249

by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

410 ILCS 130/130

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Provides that a dispensing organization may not be located within 1,500 (instead of 1,000) feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility. Effective immediately.

LRB099 04860 JLK 24889 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 130 as follows:

6 (410 ILCS 130/130)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 130. Requirements; prohibitions; penalties;
9 dispensing organizations.

10 (a) The Department of Financial and Professional
11 Regulation shall implement the provisions of this Section by
12 rule.

13 (b) A dispensing organization shall maintain operating
14 documents which shall include procedures for the oversight of
15 the registered dispensing organization and procedures to
16 ensure accurate recordkeeping.

17 (c) A dispensing organization shall implement appropriate
18 security measures, as provided by rule, to deter and prevent
19 the theft of cannabis and unauthorized entrance into areas
20 containing cannabis.

21 (d) A dispensing organization may not be located within
22 1,500 ~~1,000~~ feet of the property line of a pre-existing public
23 or private preschool or elementary or secondary school or day

1 care center, day care home, group day care home, or part day
2 child care facility. A registered dispensing organization may
3 not be located in a house, apartment, condominium, or an area
4 zoned for residential use.

5 (e) A dispensing organization is prohibited from acquiring
6 cannabis from anyone other than a registered cultivation
7 center. A dispensing organization is prohibited from obtaining
8 cannabis from outside the State of Illinois.

9 (f) A registered dispensing organization is prohibited
10 from dispensing cannabis for any purpose except to assist
11 registered qualifying patients with the medical use of cannabis
12 directly or through the qualifying patients' designated
13 caregivers.

14 (g) The area in a dispensing organization where medical
15 cannabis is stored can only be accessed by dispensing
16 organization agents working for the dispensing organization,
17 Department of Financial and Professional Regulation staff
18 performing inspections, law enforcement or other emergency
19 personnel, and contractors working on jobs unrelated to medical
20 cannabis, such as installing or maintaining security devices or
21 performing electrical wiring.

22 (h) A dispensing organization may not dispense more than
23 2.5 ounces of cannabis to a registered qualifying patient,
24 directly or via a designated caregiver, in any 14-day period
25 unless the qualifying patient has a Department of Public
26 Health-approved quantity waiver.

1 (i) Before medical cannabis may be dispensed to a
2 designated caregiver or a registered qualifying patient, a
3 dispensing organization agent must determine that the
4 individual is a current cardholder in the verification system
5 and must verify each of the following:

6 (1) that the registry identification card presented to
7 the registered dispensing organization is valid;

8 (2) that the person presenting the card is the person
9 identified on the registry identification card presented
10 to the dispensing organization agent;

11 (3) that the dispensing organization is the designated
12 dispensing organization for the registered qualifying
13 patient who is obtaining the cannabis directly or via his
14 or her designated caregiver; and

15 (4) that the registered qualifying patient has not
16 exceeded his or her adequate supply.

17 (j) Dispensing organizations shall ensure compliance with
18 this limitation by maintaining internal, confidential records
19 that include records specifying how much medical cannabis is
20 dispensed to the registered qualifying patient and whether it
21 was dispensed directly to the registered qualifying patient or
22 to the designated caregiver. Each entry must include the date
23 and time the cannabis was dispensed. Additional recordkeeping
24 requirements may be set by rule.

25 (k) The physician-patient privilege as set forth by Section
26 8-802 of the Code of Civil Procedure shall apply between a

1 qualifying patient and a registered dispensing organization
2 and its agents with respect to communications and records
3 concerning qualifying patients' debilitating conditions.

4 (l) A dispensing organization may not permit any person to
5 consume cannabis on the property of a medical cannabis
6 organization.

7 (m) A dispensing organization may not share office space
8 with or refer patients to a physician.

9 (n) Notwithstanding any other criminal penalties related
10 to the unlawful possession of cannabis, the Department of
11 Financial and Professional Regulation may revoke, suspend,
12 place on probation, reprimand, refuse to issue or renew, or
13 take any other disciplinary or non-disciplinary action as the
14 Department of Financial and Professional Regulation may deem
15 proper with regard to the registration of any person issued
16 under this Act to operate a dispensing organization or act as a
17 dispensing organization agent, including imposing fines not to
18 exceed \$10,000 for each violation, for any violations of this
19 Act and rules adopted in accordance with this Act. The
20 procedures for disciplining a registered dispensing
21 organization shall be determined by rule. All final
22 administrative decisions of the Department of Financial and
23 Professional Regulation are subject to judicial review under
24 the Administrative Review Law and its rules. The term
25 "administrative decision" is defined as in Section 3-101 of the
26 Code of Civil Procedure.

1 (o) Dispensing organizations are subject to random
2 inspection and cannabis testing by the Department of Financial
3 and Professional Regulation and State Police as provided by
4 rule.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.