



Rep. Barbara Wheeler

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LRB099 03899 JLK 33926 a

1 AMENDMENT TO HOUSE BILL 341

2 AMENDMENT NO. _____. Amend House Bill 341, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Compassionate Use of Medical Cannabis Pilot
6 Program Act is amended by changing Section 25 as follows:

7 (410 ILCS 130/25)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 25. Immunities and presumptions related to the medical
10 use of cannabis.

11 (a) A registered qualifying patient is not subject to
12 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, for
15 the medical use of cannabis in accordance with this Act, if the
16 registered qualifying patient possesses an amount of cannabis

1 that does not exceed an adequate supply as defined in
2 subsection (a) of Section 10 of this Act of usable cannabis
3 and, where the registered qualifying patient is a licensed
4 professional, the use of cannabis does not impair that licensed
5 professional when he or she is engaged in the practice of the
6 profession for which he or she is licensed.

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

20 (c) A registered qualifying patient or registered
21 designated caregiver is not subject to arrest, prosecution, or
22 denial of any right or privilege, including but not limited to
23 civil penalty or disciplinary action by an occupational or
24 professional licensing board for possession of cannabis that is
25 incidental to medical use, but is not usable cannabis as
26 defined in this Act.

1 (d) (1) There is a rebuttable presumption that a registered
2 qualifying patient is engaged in, or a designated caregiver is
3 assisting with, the medical use of cannabis in accordance with
4 this Act if the qualifying patient or designated caregiver:

5 (A) is in possession of a valid registry identification
6 card; and

7 (B) is in possession of an amount of cannabis that does
8 not exceed the amount allowed under subsection (a) of
9 Section 10.

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

15 (e) A physician is not subject to arrest, prosecution, or
16 penalty in any manner, or denied any right or privilege,
17 including but not limited to civil penalty or disciplinary
18 action by the Medical Disciplinary Board or by any other
19 occupational or professional licensing board, solely for
20 providing written certifications or for otherwise stating
21 that, in the physician's professional opinion, a patient is
22 likely to receive therapeutic or palliative benefit from the
23 medical use of cannabis to treat or alleviate the patient's
24 debilitating medical condition or symptoms associated with the
25 debilitating medical condition, provided that nothing shall
26 prevent a professional licensing or disciplinary board from

1 sanctioning a physician for: (1) issuing a written
2 certification to a patient who is not under the physician's
3 care for a debilitating medical condition; or (2) failing to
4 properly evaluate a patient's medical condition or otherwise
5 violating the standard of care for evaluating medical
6 conditions.

7 (f) No person may be subject to arrest, prosecution, or
8 denial of any right or privilege, including but not limited to
9 civil penalty or disciplinary action by an occupational or
10 professional licensing board, solely for: (1) selling cannabis
11 paraphernalia to a cardholder upon presentation of an unexpired
12 registry identification card in the recipient's name, if
13 employed and registered as a dispensing agent by a registered
14 dispensing organization; (2) being in the presence or vicinity
15 of the medical use of cannabis as allowed under this Act; or
16 (3) assisting a registered qualifying patient with the act of
17 administering cannabis.

18 (g) A registered cultivation center is not subject to
19 prosecution; search or inspection, except by the Department of
20 Agriculture, Department of Public Health, or State or local law
21 enforcement under Section 130; seizure; or penalty in any
22 manner, or be denied any right or privilege, including but not
23 limited to civil penalty or disciplinary action by a business
24 licensing board or entity, for acting under this Act and
25 Department of Agriculture rules to: acquire, possess,
26 cultivate, manufacture, deliver, transfer, transport, supply,

1 or sell cannabis to registered dispensing organizations.

2 (h) A registered cultivation center agent is not subject to
3 prosecution, search, or penalty in any manner, or be denied any
4 right or privilege, including but not limited to civil penalty
5 or disciplinary action by a business licensing board or entity,
6 for working or volunteering for a registered cannabis
7 cultivation center under this Act and Department of Agriculture
8 rules, including to perform the actions listed under subsection
9 (g).

10 (i) A registered dispensing organization is not subject to
11 prosecution; search or inspection, except by the Department of
12 Financial and Professional Regulation or State or local law
13 enforcement pursuant to Section 130; seizure; or penalty in any
14 manner, or be denied any right or privilege, including but not
15 limited to civil penalty or disciplinary action by a business
16 licensing board or entity, for acting under this Act and
17 Department of Financial and Professional Regulation rules to:
18 acquire, possess, or dispense cannabis, or related supplies,
19 and educational materials to registered qualifying patients or
20 registered designated caregivers on behalf of registered
21 qualifying patients.

22 (j) A registered dispensing organization agent is not
23 subject to prosecution, search, or penalty in any manner, or be
24 denied any right or privilege, including but not limited to
25 civil penalty or disciplinary action by a business licensing
26 board or entity, for working or volunteering for a dispensing

1 organization under this Act and Department of Financial and
2 Professional Regulation rules, including to perform the
3 actions listed under subsection (i).

4 (k) Any cannabis, cannabis paraphernalia, illegal
5 property, or interest in legal property that is possessed,
6 owned, or used in connection with the medical use of cannabis
7 as allowed under this Act, or acts incidental to that use, may
8 not be seized or forfeited. This Act does not prevent the
9 seizure or forfeiture of cannabis exceeding the amounts allowed
10 under this Act, nor shall it prevent seizure or forfeiture if
11 the basis for the action is unrelated to the cannabis that is
12 possessed, manufactured, transferred, or used under this Act.

13 (l) Mere possession of, or application for, a registry
14 identification card or registration certificate does not
15 constitute probable cause or reasonable suspicion, nor shall it
16 be used as the sole basis to support the search of the person,
17 property, or home of the person possessing or applying for the
18 registry identification card. The possession of, or
19 application for, a registry identification card does not
20 preclude the existence of probable cause if probable cause
21 exists on other grounds.

22 (m) Nothing in this Act shall preclude local or State law
23 enforcement agencies from searching a registered cultivation
24 center where there is probable cause to believe that the
25 criminal laws of this State have been violated and the search
26 is conducted in conformity with the Illinois Constitution, the

1 Constitution of the United States, and all State statutes.

2 (n) Nothing in this Act shall preclude local or state law
3 enforcement agencies from searching a registered dispensing
4 organization where there is probable cause to believe that the
5 criminal laws of this State have been violated and the search
6 is conducted in conformity with the Illinois Constitution, the
7 Constitution of the United States, and all State statutes.

8 (o) No individual employed by the State of Illinois shall
9 be subject to criminal or civil penalties for taking any action
10 in accordance with the provisions of this Act, when the actions
11 are within the scope of his or her employment. Representation
12 and indemnification of State employees shall be provided to
13 State employees as set forth in Section 2 of the State Employee
14 Indemnification Act.

15 (p) No law enforcement or correctional agency, nor any
16 individual employed by a law enforcement or correctional
17 agency, shall be subject to criminal or civil liability, except
18 for willful and wanton misconduct, as a result of taking any
19 action within the scope of the official duties of the agency or
20 individual to prohibit or prevent the possession or use of
21 cannabis by a cardholder incarcerated at a correctional
22 facility, jail, or municipal lockup facility, on parole or
23 mandatory supervised release, or otherwise under the lawful
24 jurisdiction of the agency or individual.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".