



Rep. Lou Lang

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LRB099 04220 RPS 49358 a

1 AMENDMENT TO SENATE BILL 10

2 AMENDMENT NO. _____. Amend Senate Bill 10, 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 Sections 5, 10, 15, 35, 45,
7 60, 70, 75, and 220 and by adding Sections 7 and 57 as follows:

8 (410 ILCS 130/5)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 5. Findings.

11 (a) The recorded use of cannabis as a medicine goes back
12 nearly 5,000 years. Modern medical research has confirmed the
13 beneficial uses of cannabis in treating or alleviating the
14 pain, nausea, and other symptoms associated with a variety of
15 debilitating medical conditions, including cancer, multiple
16 sclerosis, and HIV/AIDS, as found by the National Academy of

1 Sciences' Institute of Medicine in March 1999.

2 (b) Studies published since the 1999 Institute of Medicine
3 report continue to show the therapeutic value of cannabis in
4 treating a wide array of debilitating medical conditions. These
5 include relief of the neuropathic pain caused by multiple
6 sclerosis, HIV/AIDS, and other illnesses that often fail to
7 respond to conventional treatments and relief of nausea,
8 vomiting, and other side effects of drugs used to treat
9 HIV/AIDS and hepatitis C, increasing the chances of patients
10 continuing on life-saving treatment regimens.

11 (c) Cannabis has many currently accepted medical uses in
12 the United States, having been recommended by thousands of
13 licensed physicians to at least 600,000 patients in states with
14 medical cannabis laws. The medical utility of cannabis is
15 recognized by a wide range of medical and public health
16 organizations, including the American Academy of HIV Medicine,
17 the American College of Physicians, the American Nurses
18 Association, the American Public Health Association, the
19 Leukemia & Lymphoma Society, and many others.

20 (d) Data from the Federal Bureau of Investigation's Uniform
21 Crime Reports and the Compendium of Federal Justice Statistics
22 show that approximately 99 out of every 100 cannabis arrests in
23 the U.S. are made under state law, rather than under federal
24 law. Consequently, changing State law will have the practical
25 effect of protecting from arrest the vast majority of seriously
26 ill patients who have a medical need to use cannabis.

1 (d-5) In 2014, the Task Force on Veterans' Suicide was
2 created by the Illinois General Assembly to gather data on
3 veterans' suicide prevention. Data from a U.S. Department of
4 Veterans Affairs study indicates that 22 veterans commit
5 suicide each day.

6 (e) Alaska, Arizona, California, Colorado, Connecticut,
7 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,
8 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,
9 Washington, and Washington, D.C. have removed state-level
10 criminal penalties from the medical use and cultivation of
11 cannabis. Illinois joins in this effort for the health and
12 welfare of its citizens.

13 (f) States are not required to enforce federal law or
14 prosecute people for engaging in activities prohibited by
15 federal law. Therefore, compliance with this Act does not put
16 the State of Illinois in violation of federal law.

17 (g) State law should make a distinction between the medical
18 and non-medical uses of cannabis. Hence, the purpose of this
19 Act is to protect patients with debilitating medical
20 conditions, as well as their physicians and providers, from
21 arrest and prosecution, criminal and other penalties, and
22 property forfeiture if the patients engage in the medical use
23 of cannabis.

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

1 Sec. 7. Lawful user and lawful products. For the purposes
2 of this Act and to clarify the legislative findings on the
3 lawful use of cannabis:

4 (1) A cardholder under this Act shall not be considered
5 an unlawful user or addicted to narcotics solely as a
6 result of his or her qualifying patient or designated
7 caregiver status.

8 (2) All medical cannabis products purchased by a
9 qualifying patient at a licensed dispensing organization
10 shall be lawful products and a distinction shall be made
11 between medical and non-medical uses of cannabis as a
12 result of the qualifying patient's cardholder status under
13 the authorized use granted under State law.

14 (410 ILCS 130/10)

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

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

18 (a) "Adequate supply" means:

19 (1) 2.5 ounces of usable cannabis during a period of 14
20 days and that is derived solely from an intrastate source.

21 (2) Subject to the rules of the Department of Public
22 Health, a patient may apply for a waiver where a physician
23 provides a substantial medical basis in a signed, written
24 statement asserting that, based on the patient's medical
25 history, in the physician's professional judgment, 2.5

1 ounces is an insufficient adequate supply for a 14-day
2 period to properly alleviate the patient's debilitating
3 medical condition or symptoms associated with the
4 debilitating medical condition.

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

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

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

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

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

25 (e) "Cultivation center" means a facility operated by an
26 organization or business that is registered by the Department

1 of Agriculture to perform necessary activities to provide only
2 registered medical cannabis dispensing organizations with
3 usable medical cannabis.

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

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

11 (h) "Debilitating medical condition" means one or more of
12 the following:

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

1 (Complex Regional Pain Syndromes Type II),
2 Neurofibromatosis, Chronic Inflammatory Demyelinating
3 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
4 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
5 syndrome, residual limb pain, seizures (including those
6 characteristic of epilepsy), post-traumatic stress
7 disorder (PTSD), or the treatment of these conditions; ~~or~~

8 (1.5) terminal illness with a diagnosis of 6 months or
9 less; if the terminal illness is not one of the qualifying
10 debilitating medical conditions, then the physician shall
11 on the certification form identify the cause of the
12 terminal illness; or

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

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

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

26 (k) "Enclosed, locked facility" means a room, greenhouse,

1 building, or other enclosed area equipped with locks or other
2 security devices that permit access only by a cultivation
3 center's agents or a dispensing organization's agent working
4 for the registered cultivation center or the registered
5 dispensing organization to cultivate, store, and distribute
6 cannabis for registered qualifying patients.

7 (1) "Excluded offense" for cultivation center agents and
8 dispensing organizations means:

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

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

25 For purposes of this subsection, the Department of Public
26 Health shall determine by emergency rule within 30 days after

1 the effective date of this amendatory Act of the 99th General
2 Assembly what constitutes a "reasonable amount".

3 (1-5) "Excluded offense" for a qualifying patient or
4 designated caregiver means a violation of state or federal
5 controlled substance law, the Cannabis Control Act, or the
6 Methamphetamine and Community Protection Act that was
7 classified as a felony in the jurisdiction where the person was
8 convicted, except that the registering Department may waive
9 this restriction if the person demonstrates to the registering
10 Department's satisfaction that his or her conviction was for
11 the possession, cultivation, transfer, or delivery of a
12 reasonable amount of cannabis intended for medical use. This
13 exception does not apply if the conviction was under state law
14 and involved a violation of an existing medical cannabis law.
15 For purposes of this subsection, the Department of Public
16 Health shall determine by emergency rule within 30 days after
17 the effective date of this amendatory Act of the 99th General
18 Assembly what constitutes a "reasonable amount".

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

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

26 (o) "Medical cannabis dispensing organization", or

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

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

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

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

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

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

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

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

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

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

1 and price of medical cannabis purchased by a registered
2 qualifying patient.

3 (y) "Written certification" means a document dated and
4 signed by a physician, stating (1) ~~that in the physician's~~
5 ~~professional opinion the patient is likely to receive~~
6 ~~therapeutic or palliative benefit from the medical use of~~
7 ~~cannabis to treat or alleviate the patient's debilitating~~
8 ~~medical condition or symptoms associated with the debilitating~~
9 ~~medical condition;~~ (2) that the qualifying patient has a
10 debilitating medical condition and specifying the debilitating
11 medical condition the qualifying patient has; and (2) ~~(3)~~ that
12 ~~the patient is under the physician's care for the~~ physician is
13 treating or managing treatment of the patient's 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; 98-775, eff. 1-1-15.)

3 (410 ILCS 130/15)

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

5 Sec. 15. Authority.

6 (a) It is the duty of the Department of Public Health to
7 enforce the following provisions of this Act unless otherwise
8 provided for by this Act:

9 (1) establish and maintain a confidential registry of
10 qualifying patients authorized to engage in the medical use
11 of cannabis and their caregivers;

12 (2) distribute educational materials about the health
13 benefits and risks associated with the use ~~abuse~~ of
14 cannabis and prescription medications;

15 (3) adopt rules to administer the patient and caregiver
16 registration program; and

17 (4) adopt rules establishing food handling
18 requirements for cannabis-infused products that are
19 prepared for human consumption.

20 (b) It is the duty of the Department of Agriculture to
21 enforce the provisions of this Act relating to the registration
22 and oversight of cultivation centers unless otherwise provided
23 for in this Act.

24 (c) It is the duty of the Department of Financial and
25 Professional Regulation to enforce the provisions of this Act

1 relating to the registration and oversight of dispensing
2 organizations unless otherwise provided for in this Act.

3 (d) The Department of Public Health, the Department of
4 Agriculture, or the Department of Financial and Professional
5 Regulation shall enter into intergovernmental agreements, as
6 necessary, to carry out the provisions of this Act including,
7 but not limited to, the provisions relating to the registration
8 and oversight of cultivation centers, dispensing
9 organizations, and qualifying patients and caregivers.

10 (e) The Department of Public Health, Department of
11 Agriculture, or the Department of Financial and Professional
12 Regulation may suspend, revoke, or impose other penalties upon
13 a registration for violations of this Act and any rules adopted
14 in accordance thereto. The suspension or revocation of, or
15 imposition of any other penalty upon, a registration is a final
16 Agency action, subject to judicial review. Jurisdiction and
17 venue for judicial review are vested in the Circuit Court.

18 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

19 (410 ILCS 130/35)

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

21 Sec. 35. Physician requirements.

22 (a) A physician who certifies a debilitating medical
23 condition for a qualifying patient shall comply with all of the
24 following requirements:

25 (1) The Physician shall be currently licensed under the

1 Medical Practice Act of 1987 to practice medicine in all
2 its branches and in good standing, and must hold a
3 controlled substances license under Article III of the
4 Illinois Controlled Substances Act.

5 (2) A physician certifying a patient's condition
6 ~~making a medical cannabis recommendation~~ shall comply with
7 generally accepted standards of medical practice, the
8 provisions of the Medical Practice Act of 1987 and all
9 applicable rules.

10 (3) The physical examination required by this Act may
11 not be performed by remote means, including telemedicine.

12 (4) The physician shall maintain a record-keeping
13 system for all patients for whom the physician has
14 certified the patient's medical condition ~~recommended the~~
15 ~~medical use of cannabis~~. These records shall be accessible
16 to and subject to review by the Department of Public Health
17 and the Department of Financial and Professional
18 Regulation upon request.

19 (b) A physician may not:

20 (1) accept, solicit, or offer any form of remuneration
21 from or to a qualifying patient, primary caregiver,
22 cultivation center, or dispensing organization, including
23 each principal officer, board member, agent, and employee,
24 to certify a patient, other than accepting payment from a
25 patient for the fee associated with the required
26 examination;

1 (2) offer a discount of any other item of value to a
2 qualifying patient who uses or agrees to use a particular
3 primary caregiver or dispensing organization to obtain
4 medical cannabis;

5 (3) conduct a personal physical examination of a
6 patient for purposes of diagnosing a debilitating medical
7 condition at a location where medical cannabis is sold or
8 distributed or at the address of a principal officer,
9 agent, or employee or a medical cannabis organization;

10 (4) hold a direct or indirect economic interest in a
11 cultivation center or dispensing organization if he or she
12 recommends the use of medical cannabis to qualified
13 patients or is in a partnership or other fee or
14 profit-sharing relationship with a physician who
15 recommends medical cannabis, except for the limited
16 purpose of performing a medical cannabis related research
17 study;

18 (5) serve on the board of directors or as an employee
19 of a cultivation center or dispensing organization;

20 (6) refer patients to a cultivation center, a
21 dispensing organization, or a registered designated
22 caregiver; or

23 (7) advertise in a cultivation center or a dispensing
24 organization.

25 (c) The Department of Public Health may with reasonable
26 cause refer a physician, who has certified a debilitating

1 medical condition of a patient, to the Illinois Department of
2 Financial and Professional Regulation for potential violations
3 of this Section.

4 (d) Any violation of this Section or any other provision of
5 this Act or rules adopted under this Act is a violation of the
6 Medical Practice Act of 1987.

7 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

8 (410 ILCS 130/45)

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

10 Sec. 45. Addition of debilitating medical conditions.

11 (a) Any resident ~~citizen~~ may petition the Department of
12 Public Health to add debilitating conditions or treatments to
13 the list of debilitating medical conditions listed in
14 subsection (h) of Section 10. ~~The Department of Public Health~~
15 ~~shall consider petitions in the manner required by Department~~
16 ~~rule, including public notice and hearing.~~ The Department shall
17 approve or deny a petition within 180 days of its submission,
18 and, upon approval, shall proceed to add that condition by rule
19 in accordance with the Administrative Procedure Act. The
20 approval or denial of any petition is a final decision of the
21 Department, subject to judicial review. Jurisdiction and venue
22 are vested in the Circuit Court.

23 (b) The Department shall accept petitions once annually for
24 a one-month period determined by the Department. During the
25 open period, the Department shall accept petitions from any

1 resident requesting the addition of a new debilitating medical
2 condition or disease to the list of approved debilitating
3 medical conditions for which the use of cannabis has been shown
4 to have a therapeutic or palliative effect. The Department
5 shall provide public notice 30 days before the open period for
6 accepting petitions, which shall describe the time period for
7 submission, the required format of the submission, and the
8 submission address.

9 (c) Each petition shall be limited to one proposed
10 debilitating medical condition or disease.

11 (d) A petitioner shall file one original petition in the
12 format provided by the Department and in the manner specified
13 by the Department. For a petition to be processed and reviewed,
14 the following information shall be included:

15 (1) The petition, prepared on forms provided by the
16 Department, in the manner specified by the Department.

17 (2) A specific description of the medical condition or
18 disease that is the subject of the petition. Each petition
19 shall be limited to a single condition or disease.
20 Information about the proposed condition or disease shall
21 include:

22 (A) the extent to which the condition or disease
23 itself or the treatments cause severe suffering, such
24 as severe or chronic pain, severe nausea or vomiting,
25 or otherwise severely impair a person's ability to
26 conduct activities of daily living;

1 (B) information about why conventional medical
2 therapies are not sufficient to alleviate the
3 suffering caused by the disease or condition and its
4 treatment;

5 (C) the proposed benefits from the medical use of
6 cannabis specific to the medical condition or disease;

7 (D) evidence from the medical community and other
8 experts supporting the use of medical cannabis to
9 alleviate suffering caused by the condition, disease,
10 or treatment;

11 (E) letters of support from physicians or other
12 licensed health care providers knowledgeable about the
13 condition or disease, including, if feasible, a letter
14 from a physician with whom the petitioner has a bona
15 fide physician-patient relationship;

16 (F) any additional medical, testimonial, or
17 scientific documentation; and

18 (G) an electronic copy of all materials submitted.

19 (3) Upon receipt of a petition, the Department shall:

20 (A) determine whether the petition meets the
21 standards for submission and, if so, shall accept the
22 petition for further review; or

23 (B) determine whether the petition does not meet
24 the standards for submission and, if so, shall deny the
25 petition without further review.

26 (4) If the petition does not fulfill the standards for

1 submission, the petition shall be considered deficient.
2 The Department shall notify the petitioner, who may correct
3 any deficiencies and resubmit the petition during the next
4 open period.

5 (e) The petitioner may withdraw his or her petition by
6 submitting a written statement to the Department indicating
7 withdrawal.

8 (f) Upon review of accepted petitions, the Director shall
9 render a final decision regarding the acceptance or denial of
10 the proposed debilitating medical conditions or diseases.

11 (g) The Department shall convene a Medical Cannabis
12 Advisory Board (Advisory Board) composed of 16 members, which
13 shall include:

14 (1) one medical cannabis patient advocate or
15 designated caregiver;

16 (2) one parent or designated caregiver of a person
17 under the age of 18 who is a qualified medical cannabis
18 patient;

19 (3) two registered nurses or nurse practitioners;

20 (4) three registered qualifying patients, including
21 one veteran; and

22 (5) nine health care practitioners with current
23 professional licensure in their field. The Advisory Board
24 shall be composed of health care practitioners
25 representing the following areas:

26 (A) neurology;

1 (B) pain management;

2 (C) medical oncology;

3 (D) psychiatry or mental health;

4 (E) infectious disease;

5 (F) family medicine;

6 (G) general primary care;

7 (H) medical ethics;

8 (I) pharmacy;

9 (J) pediatrics; or

10 (K) psychiatry or mental health for children or
11 adolescents.

12 At least one appointed health care practitioner shall have
13 direct experience related to the health care needs of veterans
14 and at least one individual shall have pediatric experience.

15 (h) Members of the Advisory Board shall be appointed by the
16 Governor.

17 (1) Members shall serve a term of 4 years or until a
18 successor is appointed and qualified. If a vacancy occurs,
19 the Governor shall appoint a replacement to complete the
20 original term created by the vacancy.

21 (2) The Governor shall select a chairperson.

22 (3) Members may serve multiple terms.

23 (4) Members shall not have an affiliation with, serve
24 on the board of, or have a business relationship with a
25 registered cultivation center or a registered medical
26 cannabis dispensary.

1 (5) Members shall disclose any real or apparent
2 conflicts of interest that may have a direct bearing of the
3 subject matter, such as relationships with pharmaceutical
4 companies, biomedical device manufacturers, or
5 corporations whose products or services are related to the
6 medical condition or disease to be reviewed.

7 (6) Members shall not be paid but shall be reimbursed
8 for travel expenses incurred while fulfilling the
9 responsibilities of the Advisory Board.

10 (i) On the effective date of this amendatory Act of the
11 99th General Assembly, the terms of office of the members of
12 the Advisory Board serving on that effective date shall
13 terminate and the Board shall be reconstituted.

14 (j) The Advisory Board shall convene at the call of the
15 Chair:

16 (1) to examine debilitating conditions or diseases
17 that would benefit from the medical use of cannabis; and

18 (2) to review new medical and scientific evidence
19 pertaining to currently approved conditions.

20 (k) The Advisory Board shall issue an annual report of its
21 activities each year.

22 (l) The Advisory Board shall receive administrative
23 support from the Department.

24 (Source: P.A. 98-122, eff. 1-1-14; revised 10-21-15.)

25 (410 ILCS 130/57 new)

1 Sec. 57. Qualifying patients under 18. Qualifying patients
2 that are under the age of 18 years shall not be prohibited from
3 having 2 designated caregivers as follows: if both biological
4 parents or 2 legal guardians of a qualifying patient under 18
5 both have significant decision-making responsibilities over
6 the qualifying patient, then both may serve as a designated
7 caregiver if they otherwise meet the definition of "designated
8 caregiver" under Section 10; however, if only one biological
9 parent or legal guardian has significant decision-making
10 responsibilities for the qualifying patient under 18, then he
11 or she may appoint a second designated caregiver who meets the
12 definition of "designated caregiver" under Section 10.

13 (410 ILCS 130/60)

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

15 Sec. 60. Issuance of registry identification cards.

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

18 (1) verify the information contained in an application
19 or renewal for a registry identification card submitted
20 under this Act, and approve or deny an application or
21 renewal, within 30 days of receiving a completed
22 application or renewal application and all supporting
23 documentation specified in Section 55;

24 (2) issue registry identification cards to a
25 qualifying patient and his or her designated caregiver, if

1 any, within 15 business days of approving the application
2 or renewal;

3 (3) enter the registry identification number of the
4 registered dispensing organization the patient designates
5 into the verification system; and

6 (4) allow for an electronic application process, and
7 provide a confirmation by electronic or other methods that
8 an application has been submitted.

9 (b) The Department of Public Health may not issue a
10 registry identification card to a qualifying patient who is
11 under 18 years of age, unless that patient suffers from
12 seizures, including those characteristic of epilepsy, or as
13 provided by administrative rule. The Department of Public
14 Health shall adopt rules for the issuance of a registry
15 identification card for qualifying patients who are under 18
16 years of age and suffering from seizures, including those
17 characteristic of epilepsy. The Department of Public Health may
18 adopt rules to allow other individuals under 18 years of age to
19 become registered qualifying patients under this Act with the
20 consent of a parent or legal guardian. Registered qualifying
21 patients under 18 years of age shall be prohibited from
22 consuming forms of cannabis other than medical cannabis infused
23 products and purchasing any usable cannabis.

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 (c-10) An individual who submits an application as someone
7 who is terminally ill shall have all fees and fingerprinting
8 requirements waived. The Department of Public Health shall
9 within 30 days after this amendatory Act of the 99th General
10 Assembly adopt emergency rules to expedite approval for
11 terminally ill individuals. These rules shall include, but not
12 be limited to, rules that provide that applications by
13 individuals with terminal illnesses shall be approved or denied
14 within 14 days of their submission.

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 (e) Upon the approval of the registration and issuance of a
5 registry card under this Section, the Department of Public
6 Health shall electronically forward the registered qualifying
7 patient's identification card information to the Prescription
8 Monitoring Program established under the Illinois Controlled
9 Substances Act and certify that the individual is permitted to
10 engage in the medical use of cannabis. For the purposes of
11 patient care, the Prescription Monitoring Program shall make a
12 notation on the person's prescription record stating that the
13 person is a registered qualifying patient who is entitled to
14 the lawful medical use of cannabis. If the person no longer
15 holds a valid registry card, the Department of Public Health
16 shall notify the Prescription Monitoring Program and
17 Department of Human Services to remove the notation from the
18 person's record. The Department of Human Services and the
19 Prescription Monitoring Program shall establish a system by
20 which the information may be shared electronically. This
21 confidential list may not be combined or linked in any manner
22 with any other list or database except as provided in this
23 Section.

24 (f) All applicants for a registry card shall be
25 fingerprinted as part of the application process if they are a
26 first-time applicant, if their registry card has already

1 expired, or if they previously have had their registry card
2 revoked or otherwise denied. At renewal, cardholders whose
3 registry cards have not yet expired, been revoked, or otherwise
4 denied shall not be subject to fingerprinting. Registry cards
5 shall be revoked by the Department of Public Health if the
6 Department of Public Health is notified by the Secretary of
7 State that a cardholder has been convicted of an excluded
8 offense. For purposes of enforcing this subsection, the
9 Department of Public Health and Secretary of State shall
10 establish a system by which violations reported to the
11 Secretary of State under paragraph 18 of subsection (a) of
12 Section 6-205 of the Illinois Vehicle Code shall be shared with
13 the Department of Public Health.

14 (Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15.)

15 (410 ILCS 130/70)

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

17 Sec. 70. Registry identification cards.

18 (a) A registered qualifying patient or designated
19 caregiver must keep their registry identification card in his
20 or her possession at all times when engaging in the medical use
21 of cannabis.

22 (b) Registry identification cards shall contain the
23 following:

24 (1) the name of the cardholder;

25 (2) a designation of whether the cardholder is a

1 designated caregiver or qualifying patient;

2 (3) the date of issuance and expiration date of the
3 registry identification card;

4 (4) a random alphanumeric identification number that
5 is unique to the cardholder;

6 (5) if the cardholder is a designated caregiver, the
7 random alphanumeric identification number of the
8 registered qualifying patient the designated caregiver is
9 receiving the registry identification card to assist; and

10 (6) a photograph of the cardholder, if required by
11 Department of Public Health rules.

12 (c) To maintain a valid registration identification card, a
13 registered qualifying patient and caregiver must annually
14 resubmit, at least 45 days prior to the expiration date stated
15 on the registry identification card, a completed renewal
16 application, renewal fee, and accompanying documentation as
17 described in Department of Public Health rules. The Department
18 of Public Health shall send a notification to a registered
19 qualifying patient or registered designated caregiver 90 days
20 prior to the expiration of the registered qualifying patient's
21 or registered designated caregiver's identification card. If
22 the Department of Public Health fails to grant or deny a
23 renewal application received in accordance with this Section,
24 then the renewal is deemed granted and the registered
25 qualifying patient or registered designated caregiver may
26 continue to use the expired identification card until the

1 Department of Public Health denies the renewal or issues a new
2 identification card.

3 (d) Except as otherwise provided in this Section, the
4 expiration date is 3 years ~~one year~~ after the date of issuance.

5 (e) The Department of Public Health may electronically
6 store in the card any or all of the information listed in
7 subsection (b), along with the address and date of birth of the
8 cardholder and the qualifying patient's designated dispensary
9 organization, to allow it to be read by law enforcement agents.
10 (Source: P.A. 98-122, eff. 1-1-14.)

11 (410 ILCS 130/75)

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

13 Sec. 75. Notifications to Department of Public Health and
14 responses; civil penalty.

15 (a) The following notifications and Department of Public
16 Health responses are required:

17 (1) A registered qualifying patient shall notify the
18 Department of Public Health of any change in his or her
19 name or address, or if the registered qualifying patient
20 ceases to have his or her debilitating medical condition,
21 within 10 days of the change.

22 (2) A registered designated caregiver shall notify the
23 Department of Public Health of any change in his or her
24 name or address, or if the designated caregiver becomes
25 aware the registered qualifying patient passed away,

1 within 10 days of the change.

2 (3) Before a registered qualifying patient changes his
3 or her designated caregiver, the qualifying patient must
4 notify the Department of Public Health.

5 (4) If a cardholder loses his or her registry
6 identification card, he or she shall notify the Department
7 within 10 days of becoming aware the card has been lost.

8 (b) When a cardholder notifies the Department of Public
9 Health of items listed in subsection (a), but remains eligible
10 under this Act, the Department of Public Health shall issue the
11 cardholder a new registry identification card with a new random
12 alphanumeric identification number within 15 business days of
13 receiving the updated information and a fee as specified in
14 Department of Public Health rules. If the person notifying the
15 Department of Public Health is a registered qualifying patient,
16 the Department shall also issue his or her registered
17 designated caregiver, if any, a new registry identification
18 card within 15 business days of receiving the updated
19 information.

20 (c) If a registered qualifying patient ceases to be a
21 registered qualifying patient or changes his or her registered
22 designated caregiver, the Department of Public Health shall
23 promptly notify the designated caregiver. The registered
24 designated caregiver's protections under this Act as to that
25 qualifying patient shall expire 15 days after notification by
26 the Department.

1 (d) A cardholder who fails to make a notification to the
2 Department of Public Health that is required by this Section is
3 subject to a civil infraction, punishable by a penalty of no
4 more than \$150.

5 (e) A registered qualifying patient shall notify the
6 Department of Public Health of any change to his or her
7 designated registered dispensing organization. Registered
8 dispensing organizations must comply with all requirements of
9 this Act.

10 (f) If the registered qualifying patient's certifying
11 physician notifies the Department in writing that either the
12 registered qualifying patient has ceased to suffer from a
13 debilitating medical condition ~~or that the physician no longer~~
14 ~~believes the patient would receive therapeutic or palliative~~
15 ~~benefit from the medical use of cannabis~~, the card shall become
16 null and void. However, the registered qualifying patient shall
17 have 15 days to destroy his or her remaining medical cannabis
18 and related paraphernalia.

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

20 (410 ILCS 130/220)

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

22 Sec. 220. Repeal of Act. This Act is repealed on July 1,
23 2020 ~~4 years after the effective date of this Act.~~

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

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