



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5016

by Rep. Ann M. Williams

#### SYNOPSIS AS INTRODUCED:

410 ILCS 130/60  
410 ILCS 130/65

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Removes the fingerprinting and background check requirements for a prospective qualifying patient or designated caregiver. Provides that each applicant for a registry identification card shall sign an affidavit stating that the applicant has not been convicted of violation of a state or federal controlled substance law, the Cannabis Control Act, or the Methamphetamine and Community Protection Act that was classified as a felony in the jurisdiction where the person was convicted. Provides that an applicant may sign the affidavit if the applicant was convicted of a felony under the Cannabis Control Act, but the crime that the applicant was convicted of under the Cannabis Control Act is not considered a felony at the time the affidavit is signed.

LRB100 18817 MJP 34057 b

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 Sections 60 and 65 as  
6 follows:

7 (410 ILCS 130/60)

8 (Section scheduled to be repealed on July 1, 2020)

9 Sec. 60. Issuance of registry identification cards.

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

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

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

22 (3) enter the registry identification number of the  
23 registered dispensing organization the patient designates

1           into the verification system; and

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

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

20          (c) A veteran who has received treatment at a VA hospital  
21          is 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. All reasonable inferences  
25          regarding the existence of a bona fide physician-patient  
26          relationship shall be drawn in favor of an applicant who is a

1 veteran and has undergone treatment at a VA hospital.

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

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

26 (e) Upon the approval of the registration and issuance of a

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

20 (f) Each applicant for a registry identification card shall  
21 sign an affidavit stating that the applicant has not been  
22 convicted of violation of a state or federal controlled  
23 substance law, the Cannabis Control Act, or the Methamphetamine  
24 and Community Protection Act that was classified as a felony in  
25 the jurisdiction where the person was convicted. An applicant  
26 may sign the affidavit if the applicant was convicted of a

1 felony under the Cannabis Control Act, but the crime that the  
2 applicant was convicted of under the Cannabis Control Act is  
3 not considered a felony at the time the affidavit is signed.

4 ~~All applicants for a registry card shall be fingerprinted as~~  
5 ~~part of the application process if they are a first time~~  
6 ~~applicant, if their registry card has already expired, or if~~  
7 ~~they previously have had their registry card revoked or~~  
8 ~~otherwise denied. At renewal, cardholders whose registry cards~~

9 ~~have not yet expired, been revoked, or otherwise denied shall~~  
10 ~~not be subject to fingerprinting.~~ Registry cards shall be  
11 revoked by the Department of Public Health if the Department of  
12 Public Health is notified by the Secretary of State that a  
13 cardholder has been convicted of an excluded offense. For  
14 purposes of enforcing this subsection, the Department of Public  
15 Health and Secretary of State shall establish a system by which  
16 violations reported to the Secretary of State under paragraph  
17 18 of subsection (a) of Section 6-205 of the Illinois Vehicle  
18 Code shall be shared with the Department of Public Health.

19 (Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15; 99-519,  
20 eff. 6-30-16.)

21 (410 ILCS 130/65)

22 (Section scheduled to be repealed on July 1, 2020)

23 Sec. 65. Denial of registry identification cards.

24 (a) The Department of Public Health may deny an application  
25 or renewal of a qualifying patient's registry identification

1 card only if the applicant:

2 (1) did not provide the required information and  
3 materials;

4 (2) previously had a registry identification card  
5 revoked;

6 (3) did not meet the requirements of this Act; or

7 (4) provided false or falsified information.

8 (b) Except as provided in subsection (b-5) of this Section,  
9 no person who has been convicted of a felony under the Illinois  
10 Controlled Substances Act, Cannabis Control Act, or  
11 Methamphetamine Control and Community Protection Act, or  
12 similar provision in a local ordinance or other jurisdiction is  
13 eligible to receive a registry identification card.

14 (b-5) If a person was convicted of a felony under the  
15 Cannabis Control Act or a similar provision of a local  
16 ordinance or of a law of another jurisdiction, and the action  
17 warranting that felony is no longer considered a felony after  
18 the effective date of this amendatory Act of the 99th General  
19 Assembly, that person shall be eligible to receive a registry  
20 identification card.

21 (c) The Department of Public Health may deny an application  
22 or renewal for a designated caregiver chosen by a qualifying  
23 patient whose registry identification card was granted only if:

24 (1) the designated caregiver does not meet the  
25 requirements of subsection (i) of Section 10;

26 (2) the applicant did not provide the information

1 required;

2 (3) the prospective patient's application was denied;

3 (4) the designated caregiver previously had a registry  
4 identification card revoked; or

5 (5) the applicant or the designated caregiver provided  
6 false or falsified information.

7 (d) (Blank). ~~The Department of Public Health through the~~  
8 ~~Department of State Police shall conduct a background check of~~  
9 ~~the prospective qualifying patient and designated caregiver in~~  
10 ~~order to carry out this Section. The Department of State Police~~  
11 ~~shall charge a fee for conducting the criminal history record~~  
12 ~~check, which shall be deposited in the State Police Services~~  
13 ~~Fund and shall not exceed the actual cost of the record check.~~  
14 ~~Each person applying as a qualifying patient or a designated~~  
15 ~~caregiver shall submit a full set of fingerprints to the~~  
16 ~~Department of State Police for the purpose of obtaining a State~~  
17 ~~and federal criminal records check. These fingerprints shall be~~  
18 ~~checked against the fingerprint records now and hereafter, to~~  
19 ~~the extent allowed by law, filed in the Department of State~~  
20 ~~Police and Federal Bureau of Investigation criminal history~~  
21 ~~records databases. The Department of State Police shall~~  
22 ~~furnish, following positive identification, all Illinois~~  
23 ~~conviction information to the Department of Public Health. The~~  
24 ~~Department of Public Health may waive the submission of a~~  
25 ~~qualifying patient's complete fingerprints based on (1) the~~  
26 ~~severity of the patient's illness and (2) the inability of the~~



1 ~~qualifying patient to supply those fingerprints, provided that~~  
2 ~~a complete criminal background check is conducted by the~~  
3 ~~Department of State Police prior to the issuance of a registry~~  
4 ~~identification card.~~

5 (e) The Department of Public Health shall notify the  
6 qualifying patient who has designated someone to serve as his  
7 or her designated caregiver if a registry identification card  
8 will not be issued to the designated caregiver.

9 (f) Denial of an application or renewal is considered a  
10 final Department action, subject to judicial review.  
11 Jurisdiction and venue for judicial review are vested in the  
12 Circuit Court.

13 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;  
14 99-697, eff. 7-29-16.)