

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be referred to as the
5 Alternatives to Opioids Act of 2018.

6 Section 10. The Illinois Procurement Code is amended by
7 changing Section 1-10 as follows:

8 (30 ILCS 500/1-10)

9 Sec. 1-10. Application.

10 (a) This Code applies only to procurements for which
11 bidders, offerors, potential contractors, or contractors were
12 first solicited on or after July 1, 1998. This Code shall not
13 be construed to affect or impair any contract, or any provision
14 of a contract, entered into based on a solicitation prior to
15 the implementation date of this Code as described in Article
16 99, including but not limited to any covenant entered into with
17 respect to any revenue bonds or similar instruments. All
18 procurements for which contracts are solicited between the
19 effective date of Articles 50 and 99 and July 1, 1998 shall be
20 substantially in accordance with this Code and its intent.

21 (b) This Code shall apply regardless of the source of the
22 funds with which the contracts are paid, including federal

1 assistance moneys. This Code shall not apply to:

2 (1) Contracts between the State and its political
3 subdivisions or other governments, or between State
4 governmental bodies, except as specifically provided in
5 this Code.

6 (2) Grants, except for the filing requirements of
7 Section 20-80.

8 (3) Purchase of care, except as provided in Section
9 5-30.6 of the Illinois Public Aid Code and this Section.

10 (4) Hiring of an individual as employee and not as an
11 independent contractor, whether pursuant to an employment
12 code or policy or by contract directly with that
13 individual.

14 (5) Collective bargaining contracts.

15 (6) Purchase of real estate, except that notice of this
16 type of contract with a value of more than \$25,000 must be
17 published in the Procurement Bulletin within 10 calendar
18 days after the deed is recorded in the county of
19 jurisdiction. The notice shall identify the real estate
20 purchased, the names of all parties to the contract, the
21 value of the contract, and the effective date of the
22 contract.

23 (7) Contracts necessary to prepare for anticipated
24 litigation, enforcement actions, or investigations,
25 provided that the chief legal counsel to the Governor shall
26 give his or her prior approval when the procuring agency is

1 one subject to the jurisdiction of the Governor, and
2 provided that the chief legal counsel of any other
3 procuring entity subject to this Code shall give his or her
4 prior approval when the procuring entity is not one subject
5 to the jurisdiction of the Governor.

6 (8) (Blank).

7 (9) Procurement expenditures by the Illinois
8 Conservation Foundation when only private funds are used.

9 (10) (Blank).

10 (11) Public-private agreements entered into according
11 to the procurement requirements of Section 20 of the
12 Public-Private Partnerships for Transportation Act and
13 design-build agreements entered into according to the
14 procurement requirements of Section 25 of the
15 Public-Private Partnerships for Transportation Act.

16 (12) Contracts for legal, financial, and other
17 professional and artistic services entered into on or
18 before December 31, 2018 by the Illinois Finance Authority
19 in which the State of Illinois is not obligated. Such
20 contracts shall be awarded through a competitive process
21 authorized by the Board of the Illinois Finance Authority
22 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
23 50-35, and 50-37 of this Code, as well as the final
24 approval by the Board of the Illinois Finance Authority of
25 the terms of the contract.

26 (13) Contracts for services, commodities, and

1 equipment to support the delivery of timely forensic
2 science services in consultation with and subject to the
3 approval of the Chief Procurement Officer as provided in
4 subsection (d) of Section 5-4-3a of the Unified Code of
5 Corrections, except for the requirements of Sections
6 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
7 Code; however, the Chief Procurement Officer may, in
8 writing with justification, waive any certification
9 required under Article 50 of this Code. For any contracts
10 for services which are currently provided by members of a
11 collective bargaining agreement, the applicable terms of
12 the collective bargaining agreement concerning
13 subcontracting shall be followed.

14 On and after January 1, 2019, this paragraph (13),
15 except for this sentence, is inoperative.

16 (14) Contracts for participation expenditures required
17 by a domestic or international trade show or exhibition of
18 an exhibitor, member, or sponsor.

19 (15) Contracts with a railroad or utility that requires
20 the State to reimburse the railroad or utilities for the
21 relocation of utilities for construction or other public
22 purpose. Contracts included within this paragraph (15)
23 shall include, but not be limited to, those associated
24 with: relocations, crossings, installations, and
25 maintenance. For the purposes of this paragraph (15),
26 "railroad" means any form of non-highway ground

1 transportation that runs on rails or electromagnetic
2 guideways and "utility" means: (1) public utilities as
3 defined in Section 3-105 of the Public Utilities Act, (2)
4 telecommunications carriers as defined in Section 13-202
5 of the Public Utilities Act, (3) electric cooperatives as
6 defined in Section 3.4 of the Electric Supplier Act, (4)
7 telephone or telecommunications cooperatives as defined in
8 Section 13-212 of the Public Utilities Act, (5) rural water
9 or waste water systems with 10,000 connections or less, (6)
10 a holder as defined in Section 21-201 of the Public
11 Utilities Act, and (7) municipalities owning or operating
12 utility systems consisting of public utilities as that term
13 is defined in Section 11-117-2 of the Illinois Municipal
14 Code.

15 (16) Procurement expenditures necessary for the
16 Department of Agriculture, the Department of Financial and
17 Professional Regulation, the Department of Human Services,
18 and the Department of Public Health to implement the
19 Compassionate Use of Medical Cannabis Pilot Program and
20 Opioid Alternative Pilot Program requirements and ensure
21 access to medical cannabis for patients with debilitating
22 medical conditions in accordance with the Compassionate
23 Use of Medical Cannabis Pilot Program Act.

24 Notwithstanding any other provision of law, for contracts
25 entered into on or after October 1, 2017 under an exemption
26 provided in any paragraph of this subsection (b), except

1 paragraph (1), (2), or (5), each State agency shall post to the
2 appropriate procurement bulletin the name of the contractor, a
3 description of the supply or service provided, the total amount
4 of the contract, the term of the contract, and the exception to
5 the Code utilized. The chief procurement officer shall submit a
6 report to the Governor and General Assembly no later than
7 November 1 of each year that shall include, at a minimum, an
8 annual summary of the monthly information reported to the chief
9 procurement officer.

10 (c) This Code does not apply to the electric power
11 procurement process provided for under Section 1-75 of the
12 Illinois Power Agency Act and Section 16-111.5 of the Public
13 Utilities Act.

14 (d) Except for Section 20-160 and Article 50 of this Code,
15 and as expressly required by Section 9.1 of the Illinois
16 Lottery Law, the provisions of this Code do not apply to the
17 procurement process provided for under Section 9.1 of the
18 Illinois Lottery Law.

19 (e) This Code does not apply to the process used by the
20 Capital Development Board to retain a person or entity to
21 assist the Capital Development Board with its duties related to
22 the determination of costs of a clean coal SNG brownfield
23 facility, as defined by Section 1-10 of the Illinois Power
24 Agency Act, as required in subsection (h-3) of Section 9-220 of
25 the Public Utilities Act, including calculating the range of
26 capital costs, the range of operating and maintenance costs, or

1 the sequestration costs or monitoring the construction of clean
2 coal SNG brownfield facility for the full duration of
3 construction.

4 (f) (Blank).

5 (g) (Blank).

6 (h) This Code does not apply to the process to procure or
7 contracts entered into in accordance with Sections 11-5.2 and
8 11-5.3 of the Illinois Public Aid Code.

9 (i) Each chief procurement officer may access records
10 necessary to review whether a contract, purchase, or other
11 expenditure is or is not subject to the provisions of this
12 Code, unless such records would be subject to attorney-client
13 privilege.

14 (j) This Code does not apply to the process used by the
15 Capital Development Board to retain an artist or work or works
16 of art as required in Section 14 of the Capital Development
17 Board Act.

18 (k) This Code does not apply to the process to procure
19 contracts, or contracts entered into, by the State Board of
20 Elections or the State Electoral Board for hearing officers
21 appointed pursuant to the Election Code.

22 (l) This Code does not apply to the processes used by the
23 Illinois Student Assistance Commission to procure supplies and
24 services paid for from the private funds of the Illinois
25 Prepaid Tuition Fund. As used in this subsection (l), "private
26 funds" means funds derived from deposits paid into the Illinois

1 Prepaid Tuition Trust Fund and the earnings thereon.
2 (Source: P.A. 99-801, eff. 1-1-17; 100-43, eff. 8-9-17;
3 100-580, eff. 3-12-18.)

4 Section 15. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Sections 5, 7, 10, 35, 55,
6 60, 65, 75, 130, and 160 and by adding Sections 36 and 62 as
7 follows:

8 (410 ILCS 130/5)

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

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
17 Sciences' Institute of Medicine in March 1999.

18 (b) Studies published since the 1999 Institute of Medicine
19 report continue to show the therapeutic value of cannabis in
20 treating a wide array of debilitating medical conditions. These
21 include relief of the neuropathic pain caused by multiple
22 sclerosis, HIV/AIDS, and other illnesses that often fail to
23 respond to conventional treatments and relief of nausea,
24 vomiting, and other side effects of drugs used to treat

1 HIV/AIDS and hepatitis C, increasing the chances of patients
2 continuing on life-saving treatment regimens.

3 (c) Cannabis has many currently accepted medical uses in
4 the United States, having been recommended by thousands of
5 licensed physicians to at least 600,000 patients in states with
6 medical cannabis laws. The medical utility of cannabis is
7 recognized by a wide range of medical and public health
8 organizations, including the American Academy of HIV Medicine,
9 the American College of Physicians, the American Nurses
10 Association, the American Public Health Association, the
11 Leukemia & Lymphoma Society, and many others.

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

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

24 (d-10) According to the State of Illinois Opioid Action
25 Plan released in September 2017, "The opioid epidemic is the
26 most significant public health and public safety crisis facing

1 Illinois". According to the Action Plan, "Fueled by the growing
2 opioid epidemic, drug overdoses have now become the leading
3 cause of death nationwide for people under the age of 50. In
4 Illinois, opioid overdoses have killed nearly 11,000 people
5 since 2008. Just last year, nearly 1,900 people died of
6 overdoses—almost twice the number of fatal car accidents.
7 Beyond these deaths are thousands of emergency department
8 visits, hospital stays, as well as the pain suffered by
9 individuals, families, and communities".

10 According to the Action Plan, "At the current rate, the
11 opioid epidemic will claim the lives of more than 2,700
12 Illinoisans in 2020".

13 Further, the Action Plan states, "Physical tolerance to
14 opioids can begin to develop as early as two to three days
15 following the continuous use of opioids, which is a large
16 factor that contributes to their addictive potential".

17 The 2017 State of Illinois Opioid Action Plan also states,
18 "The increase in OUD [opioid use disorder] and opioid overdose
19 deaths is largely due to the dramatic rise in the rate and
20 amount of opioids prescribed for pain over the past decades".

21 Further, according to the Action Plan, "In the absence of
22 alternative treatments, reducing the supply of prescription
23 opioids too abruptly may drive more people to switch to using
24 illicit drugs (including heroin), thus increasing the risk of
25 overdose".

26 (e) Alaska, Arizona, California, Colorado, Connecticut,

1 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,
2 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,
3 Washington, and Washington, D.C. have removed state-level
4 criminal penalties from the medical use and cultivation of
5 cannabis. Illinois joins in this effort for the health and
6 welfare of its citizens.

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

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

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

19 (410 ILCS 130/7)

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

21 Sec. 7. Lawful user and lawful products. For the purposes
22 of this Act and to clarify the legislative findings on the
23 lawful use of cannabis:

24 (1) A cardholder under this Act shall not be considered
25 an unlawful user or addicted to narcotics solely as a

1 result of his or her qualifying patient or designated
2 caregiver status.

3 (2) All medical cannabis products purchased by a
4 qualifying patient at a licensed dispensing organization
5 shall be lawful products and a distinction shall be made
6 between medical and non-medical uses of cannabis as a
7 result of the qualifying patient's cardholder status,
8 provisional registration for qualifying patient cardholder
9 status, or participation in the Opioid Alternative Pilot
10 Program under the authorized use granted under State law.

11 (3) An individual with a provisional registration for
12 qualifying patient cardholder status, a qualifying patient
13 in the medical cannabis pilot program, or an Opioid
14 Alternative Pilot Program participant under Section 62
15 shall not be considered an unlawful user or addicted to
16 narcotics solely as a result of his or her application to
17 or participation in the program.

18 (Source: P.A. 99-519, eff. 6-30-16.)

19 (410 ILCS 130/10)

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

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

23 (a) "Adequate supply" means:

24 (1) 2.5 ounces of usable cannabis during a period of 14
25 days and that is derived solely from an intrastate source.

1 (2) Subject to the rules of the Department of Public
2 Health, a patient may apply for a waiver where a physician
3 provides a substantial medical basis in a signed, written
4 statement asserting that, based on the patient's medical
5 history, in the physician's professional judgment, 2.5
6 ounces is an insufficient adequate supply for a 14-day
7 period to properly alleviate the patient's debilitating
8 medical condition or symptoms associated with the
9 debilitating medical condition.

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

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

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

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

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

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

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

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

16 (h) "Debilitating medical condition" means one or more of
17 the following:

18 (1) cancer, glaucoma, positive status for human
19 immunodeficiency virus, acquired immune deficiency
20 syndrome, hepatitis C, amyotrophic lateral sclerosis,
21 Crohn's disease, agitation of Alzheimer's disease,
22 cachexia/wasting syndrome, muscular dystrophy, severe
23 fibromyalgia, spinal cord disease, including but not
24 limited to arachnoiditis, Tarlov cysts, hydromyelia,
25 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
26 spinal cord injury, traumatic brain injury and

1 post-concussion syndrome, Multiple Sclerosis,
2 Arnold-Chiari malformation and Syringomyelia,
3 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
4 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
5 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
6 (Complex Regional Pain Syndromes Type II),
7 Neurofibromatosis, Chronic Inflammatory Demyelinating
8 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
9 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
10 syndrome, residual limb pain, seizures (including those
11 characteristic of epilepsy), post-traumatic stress
12 disorder (PTSD), or the treatment of these conditions;

13 (1.5) terminal illness with a diagnosis of 6 months or
14 less; if the terminal illness is not one of the qualifying
15 debilitating medical conditions, then the physician shall
16 on the certification form identify the cause of the
17 terminal illness; or

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

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

1 (j) "Dispensing organization agent identification card"
2 means a document issued by the Department of Financial and
3 Professional Regulation that identifies a person as a medical
4 cannabis dispensing organization agent.

5 (k) "Enclosed, locked facility" means a room, greenhouse,
6 building, or other enclosed area equipped with locks or other
7 security devices that permit access only by a cultivation
8 center's agents or a dispensing organization's agent working
9 for the registered cultivation center or the registered
10 dispensing organization to cultivate, store, and distribute
11 cannabis for registered qualifying patients.

12 (1) "Excluded offense" for cultivation center agents and
13 dispensing organizations means:

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

18 (2) a violation of a state or federal controlled
19 substance law, the Cannabis Control Act, or the
20 Methamphetamine Control and Community Protection Act that
21 was classified as a felony in the jurisdiction where the
22 person was convicted, except that the registering
23 Department may waive this restriction if the person
24 demonstrates to the registering Department's satisfaction
25 that his or her conviction was for the possession,
26 cultivation, transfer, or delivery of a reasonable amount

1 of cannabis intended for medical use. This exception does
2 not apply if the conviction was under state law and
3 involved a violation of an existing medical cannabis law.

4 For purposes of this subsection, the Department of Public
5 Health shall determine by emergency rule within 30 days after
6 the effective date of this amendatory Act of the 99th General
7 Assembly what constitutes a "reasonable amount".

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

24 (1-10) "Illinois Cannabis Tracking System" means a
25 web-based system established and maintained by the Department
26 of Public Health that is available to the Department of

1 Agriculture, the Department of Financial and Professional
2 Regulation, the Illinois State Police, and registered medical
3 cannabis dispensing organizations on a 24-hour basis to upload
4 written certifications for Opioid Alternative Pilot Program
5 participants, to verify Opioid Alternative Pilot Program
6 participants, to verify Opioid Alternative Pilot Program
7 participants' available cannabis allotment and assigned
8 dispensary, and the tracking of the date of sale, amount, and
9 price of medical cannabis purchased by an Opioid Alternative
10 Pilot Program participant.

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

13 (n) "Medical cannabis container" means a sealed,
14 traceable, food compliant, tamper resistant, tamper evident
15 container, or package used for the purpose of containment of
16 medical cannabis from a cultivation center to a dispensing
17 organization.

18 (o) "Medical cannabis dispensing organization", or
19 "dispensing organization", or "dispensary organization" means
20 a facility operated by an organization or business that is
21 registered by the Department of Financial and Professional
22 Regulation to acquire medical cannabis from a registered
23 cultivation center for the purpose of dispensing cannabis,
24 paraphernalia, or related supplies and educational materials
25 to registered qualifying patients, individuals with a
26 provisional registration for qualifying patient cardholder

1 status, or an Opioid Alternative Pilot Program participant.

2 (p) "Medical cannabis dispensing organization agent" or
3 "dispensing organization agent" means a principal officer,
4 board member, employee, or agent of a registered medical
5 cannabis dispensing organization who is 21 years of age or
6 older and has not been convicted of an excluded offense.

7 (q) "Medical cannabis infused product" means food, oils,
8 ointments, or other products containing usable cannabis that
9 are not smoked.

10 (r) "Medical use" means the acquisition; administration;
11 delivery; possession; transfer; transportation; or use of
12 cannabis to treat or alleviate a registered qualifying
13 patient's debilitating medical condition or symptoms
14 associated with the patient's debilitating medical condition.

15 (r-5) "Opioid" means a narcotic drug or substance that is a
16 Schedule II controlled substance under paragraph (1), (2), (3),
17 or (5) of subsection (b) or under subsection (c) of Section 206
18 of the Illinois Controlled Substances Act.

19 (r-10) "Opioid Alternative Pilot Program participant"
20 means an individual who has received a valid written
21 certification to participate in the Opioid Alternative Pilot
22 Program for a medical condition for which an opioid has been or
23 could be prescribed by a physician based on generally accepted
24 standards of care.

25 (s) "Physician" means a doctor of medicine or doctor of
26 osteopathy licensed under the Medical Practice Act of 1987 to

1 practice medicine and who has a controlled substances license
2 under Article III of the Illinois Controlled Substances Act. It
3 does not include a licensed practitioner under any other Act
4 including but not limited to the Illinois Dental Practice Act.

5 (s-5) "Provisional registration" means a document issued
6 by the Department of Public Health to a qualifying patient who
7 has submitted: (1) an online application and paid a fee to
8 participate in Compassionate Use of Medical Cannabis Pilot
9 Program pending approval or denial of the patient's
10 application; or (2) a completed application for terminal
11 illness.

12 (t) "Qualifying patient" means a person who has been
13 diagnosed by a physician as having a debilitating medical
14 condition.

15 (u) "Registered" means licensed, permitted, or otherwise
16 certified by the Department of Agriculture, Department of
17 Public Health, or Department of Financial and Professional
18 Regulation.

19 (v) "Registry identification card" means a document issued
20 by the Department of Public Health that identifies a person as
21 a registered qualifying patient or registered designated
22 caregiver.

23 (w) "Usable cannabis" means the seeds, leaves, buds, and
24 flowers of the cannabis plant and any mixture or preparation
25 thereof, but does not include the stalks, and roots of the
26 plant. It does not include the weight of any non-cannabis

1 ingredients combined with cannabis, such as ingredients added
2 to prepare a topical administration, food, or drink.

3 (x) "Verification system" means a Web-based system
4 established and maintained by the Department of Public Health
5 that is available to the Department of Agriculture, the
6 Department of Financial and Professional Regulation, law
7 enforcement personnel, and registered medical cannabis
8 dispensing organization agents on a 24-hour basis for the
9 verification of registry identification cards, the tracking of
10 delivery of medical cannabis to medical cannabis dispensing
11 organizations, and the tracking of the date of sale, amount,
12 and price of medical cannabis purchased by a registered
13 qualifying patient.

14 (y) "Written certification" means a document dated and
15 signed by a physician, stating (1) that the qualifying patient
16 has a debilitating medical condition and specifying the
17 debilitating medical condition the qualifying patient has; and
18 (2) that (A) the physician is treating or managing treatment of
19 the patient's debilitating medical condition; or (B) an Opioid
20 Alternative Pilot Program participant has a medical condition
21 for which opioids have been or could be prescribed. A written
22 certification shall be made only in the course of a bona fide
23 physician-patient relationship, after the physician has
24 completed an assessment of either a the qualifying patient's
25 medical history or Opioid Alternative Pilot Program
26 participant, reviewed relevant records related to the

1 patient's debilitating condition, and conducted a physical
2 examination.

3 (z) "Bona fide physician-patient relationship" means a
4 relationship established at a hospital, physician's office, or
5 other health care facility in which the physician has an
6 ongoing responsibility for the assessment, care, and treatment
7 of a patient's debilitating medical condition or a symptom of
8 the patient's debilitating medical condition.

9 A veteran who has received treatment at a VA hospital shall
10 be deemed to have a bona fide physician-patient relationship
11 with a VA physician if the patient has been seen for his or her
12 debilitating medical condition at the VA Hospital in accordance
13 with VA Hospital protocols.

14 A bona fide physician-patient relationship under this
15 subsection is a privileged communication within the meaning of
16 Section 8-802 of the Code of Civil Procedure.

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

19 (410 ILCS 130/35)

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

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 shall
6 comply with generally accepted standards of medical
7 practice, the provisions of the Medical Practice Act of
8 1987 and all applicable rules.

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

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

17 (b) A physician may not:

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

25 (2) offer a discount of any other item of value to a
26 qualifying patient who uses or agrees to use a particular

1 primary caregiver or dispensing organization to obtain
2 medical cannabis;

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

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

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

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

21 (7) advertise in a cultivation center or a dispensing
22 organization.

23 (c) The Department of Public Health may with reasonable
24 cause refer a physician, who has certified a debilitating
25 medical condition of a patient, to the Illinois Department of
26 Financial and Professional Regulation for potential violations

1 of this Section.

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

5 (e) A physician who certifies a debilitating medical
6 condition for a qualifying patient may notify the Department of
7 Public Health in writing: (1) if the physician has reason to
8 believe either that the registered qualifying patient has
9 ceased to suffer from a debilitating medical condition; (2)
10 that the bona fide physician-patient relationship has
11 terminated; or (3) that continued use of medical cannabis would
12 result in contraindication with the patient's other
13 medication. The registered qualifying patient's registry
14 identification card shall be revoked by the Department of
15 Public Health after receiving the physician's notification.

16 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
17 99-519, eff. 6-30-16.)

18 (410 ILCS 130/36 new)

19 Sec. 36. Written certification.

20 (a) A certification confirming a patient's debilitating
21 medical condition shall be written on a form provided by the
22 Department of Public Health and shall include, at a minimum,
23 the following:

24 (1) the qualifying patient's name, date of birth, home
25 address, and primary telephone number;

1 (2) the physician's name, address, telephone number,
2 email address, medical license number, and active
3 controlled substances license under the Illinois
4 Controlled Substances Act and indication of specialty or
5 primary area of clinical practice, if any;

6 (3) the qualifying patient's debilitating medical
7 condition;

8 (4) a statement that the physician has confirmed a
9 diagnosis of a debilitating condition; is treating or
10 managing treatment of the patient's debilitating
11 condition; has a bona fide physician-patient relationship;
12 has conducted an in-person physical examination; and has
13 conducted a review of the patient's medical history,
14 including reviewing medical records from other treating
15 physicians, if any, from the previous 12 months;

16 (5) the physician's signature and date of
17 certification; and

18 (6) a statement that a participant in possession of a
19 written certification indicating a debilitating medical
20 condition shall not be considered an unlawful user or
21 addicted to narcotics solely as a result of his or her
22 pending application to or participation in the
23 Compassionate Use of Medical Cannabis Pilot Program.

24 (b) A written certification does not constitute a
25 prescription for medical cannabis.

26 (c) Applications for qualifying patients under 18 years old

1 shall require a written certification from a physician and a
2 reviewing physician.

3 (d) A certification confirming the patient's eligibility
4 to participate in the Opioid Alternative Pilot Program shall be
5 written on a form provided by the Department of Public Health
6 and shall include, at a minimum, the following:

7 (1) the participant's name, date of birth, home
8 address, and primary telephone number;

9 (2) the physician's name, address, telephone number,
10 email address, medical license number, and active
11 controlled substances license under the Illinois
12 Controlled Substances Act and indication of specialty or
13 primary area of clinical practice, if any;

14 (3) the physician's signature and date;

15 (4) the length of participation in the program, which
16 shall be limited to no more than 90 days;

17 (5) a statement identifying the patient has been
18 diagnosed with and is currently undergoing treatment for a
19 medical condition where an opioid has been or could be
20 prescribed; and

21 (6) a statement that a participant in possession of a
22 written certification indicating eligibility to
23 participate in the Opioid Alternative Pilot Program shall
24 not be considered an unlawful user or addicted to narcotics
25 solely as a result of his or her eligibility or
26 participation in the program.

1 (e) The Department of Public Health may provide a single
2 certification form for subsections (a) and (d) of this Section,
3 provided that all requirements of those subsections are
4 included on the form.

5 (f) The Department of Public Health shall not include the
6 word "cannabis" on any application forms or written
7 certification forms that it issues under this Section.

8 (g) A written certification does not constitute a
9 prescription.

10 (h) It is unlawful for any person to knowingly submit a
11 fraudulent certification to be a qualifying patient in the
12 Compassionate Use of Medical Cannabis Pilot Program or an
13 Opioid Alternative Pilot Program participant. A violation of
14 this subsection shall result in the person who has knowingly
15 submitted the fraudulent certification being permanently
16 banned from participating in the Compassionate Use of Medical
17 Cannabis Pilot Program or the Opioid Alternative Pilot Program.

18 (410 ILCS 130/55)

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

20 Sec. 55. Registration of qualifying patients and
21 designated caregivers.

22 (a) The Department of Public Health shall issue registry
23 identification cards to qualifying patients and designated
24 caregivers who submit a completed application, and at minimum,
25 the following, in accordance with Department of Public Health

1 rules:

2 (1) A written certification, on a form developed by the
3 Department of Public Health consistent with Section 36 and
4 issued by a physician, within 90 days immediately preceding
5 the date of an application;

6 (2) upon the execution of applicable privacy waivers,
7 the patient's medical documentation related to his or her
8 debilitating condition and any other information that may
9 be reasonably required by the Department of Public Health
10 to confirm that the physician and patient have a bona fide
11 physician-patient relationship, that the qualifying
12 patient is in the physician's care for his or her
13 debilitating medical condition, and to substantiate the
14 patient's diagnosis;

15 (3) the application or renewal fee as set by rule;

16 (4) the name, address, date of birth, and social
17 security number of the qualifying patient, except that if
18 the applicant is homeless no address is required;

19 (5) the name, address, and telephone number of the
20 qualifying patient's physician;

21 (6) the name, address, and date of birth of the
22 designated caregiver, if any, chosen by the qualifying
23 patient;

24 (7) the name of the registered medical cannabis
25 dispensing organization the qualifying patient designates;

26 (8) signed statements from the patient and designated

1 caregiver asserting that they will not divert medical
2 cannabis; and

3 (9) (blank). ~~completed background checks for the~~
4 ~~patient and designated caregiver.~~

5 (b) Notwithstanding any other provision of this Act, a
6 person provided a written certification for a debilitating
7 medical condition who has submitted a completed online
8 application to the Department of Public Health shall receive a
9 provisional registration and be entitled to purchase medical
10 cannabis from a specified licensed dispensing organization for
11 a period of 90 days or until his or her application has been
12 denied or he or she receives a registry identification card,
13 whichever is earlier. However, a person may obtain an
14 additional provisional registration after the expiration of 90
15 days after the date of application if the Department of Public
16 Health does not provide the individual with a registry
17 identification card or deny the individual's application
18 within those 90 days.

19 The provisional registration may not be extended if the
20 individual does not respond to the Department of Public
21 Health's request for additional information or corrections to
22 required application documentation.

23 In order for a person to receive medical cannabis under
24 this subsection, a person must present his or her provisional
25 registration along with a valid driver's license or State
26 identification card to the licensed dispensing organization

1 specified in his or her application. The dispensing
2 organization shall verify the person's provisional
3 registration through the Department of Public Health's online
4 verification system.

5 Upon verification of the provided documents, the
6 dispensing organization shall dispense no more than 2.5 ounces
7 of medical cannabis during a 14-day period to the person for a
8 period of 90 days, until his or her application has been
9 denied, or until he or she receives a registry identification
10 card from the Department of Public Health, whichever is
11 earlier.

12 Persons with provisional registrations must keep their
13 provisional registration in his or her possession at all times
14 when transporting or engaging in the medical use of cannabis.

15 (c) No person or business shall charge a fee for assistance
16 in the preparation, compilation, or submission of an
17 application to the Compassionate Use of Medical Cannabis Pilot
18 Program or the Opioid Alternative Pilot Program. A violation of
19 this subsection is a Class C misdemeanor, for which restitution
20 to the applicant and a fine of up to \$1,500 may be imposed. All
21 finances shall be deposited into the Compassionate Use of Medical
22 Cannabis Fund after restitution has been made to the applicant.
23 The Department of Public Health shall refer individuals making
24 complaints against a person or business under this Section to
25 the Illinois State Police, who shall enforce violations of this
26 provision. All application forms issued by the Department shall

1 state that no person or business may charge a fee for
2 assistance in the preparation, compilation, or submission of an
3 application to the Compassionate Use of Medical Cannabis Pilot
4 Program or the Opioid Alternative Pilot Program.

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

6 (410 ILCS 130/60)

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

8 Sec. 60. Issuance of registry identification cards.

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

11 (1) verify the information contained in an application
12 or renewal for a registry identification card submitted
13 under this Act, and approve or deny an application or
14 renewal, within 90 ~~30~~ days of receiving a completed
15 application or renewal application and all supporting
16 documentation specified in Section 55;

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

21 (3) enter the registry identification number of the
22 registered dispensing organization the patient designates
23 into the verification system; and

24 (4) allow for an electronic application process, and
25 provide a confirmation by electronic or other methods that

1 an application has been submitted.

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

17 (c) A veteran who has received treatment at a VA hospital
18 is deemed to have a bona fide physician-patient relationship
19 with a VA physician if the patient has been seen for his or her
20 debilitating medical condition at the VA hospital in accordance
21 with VA hospital protocols. All reasonable inferences
22 regarding the existence of a bona fide physician-patient
23 relationship shall be drawn in favor of an applicant who is a
24 veteran and has undergone treatment at a VA hospital.

25 (c-10) An individual who submits an application as someone
26 who is terminally ill shall have all fees ~~and fingerprinting~~

1 ~~requirements~~ waived. The Department of Public Health shall
2 within 30 days after this amendatory Act of the 99th General
3 Assembly adopt emergency rules to expedite approval for
4 terminally ill individuals. These rules shall include, but not
5 be limited to, rules that provide that applications by
6 individuals with terminal illnesses shall be approved or denied
7 within 14 days of their submission.

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

23 (e) Upon the approval of the registration and issuance of a
24 registry card under this Section, the Department of Public
25 Health shall electronically forward the registered qualifying
26 patient's identification card information to the Prescription

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

17 (f) (Blank). ~~All applicants for a registry card shall be~~
18 ~~fingerprinted as part of the application process if they are a~~
19 ~~first time applicant, if their registry card has already~~
20 ~~expired, or if they previously have had their registry card~~
21 ~~revoked or otherwise denied. At renewal, cardholders whose~~
22 ~~registry cards have not yet expired, been revoked, or otherwise~~
23 ~~denied shall not be subject to fingerprinting. Registry cards~~
24 ~~shall be revoked by the Department of Public Health if the~~
25 ~~Department of Public Health is notified by the Secretary of~~
26 ~~State that a cardholder has been convicted of an excluded~~

1 ~~offense. For purposes of enforcing this subsection, the~~
2 ~~Department of Public Health and Secretary of State shall~~
3 ~~establish a system by which violations reported to the~~
4 ~~Secretary of State under paragraph 18 of subsection (a) of~~
5 ~~Section 6-205 of the Illinois Vehicle Code shall be shared with~~
6 ~~the Department of Public Health.~~

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

9 (410 ILCS 130/62 new)

10 Sec. 62. Opioid Alternative Pilot Program.

11 (a) The Department of Public Health shall establish the
12 Opioid Alternative Pilot Program. Licensed dispensing
13 organizations shall allow persons with a written certification
14 from a licensed physician under Section 36 to purchase medical
15 cannabis upon enrollment in the Opioid Alternative Pilot
16 Program. For a person to receive medical cannabis under this
17 Section, the person must present the written certification
18 along with a valid driver's license or state identification
19 card to the licensed dispensing organization specified in his
20 or her application. The dispensing organization shall verify
21 the person's status as an Opioid Alternative Pilot Program
22 participant through the Department of Public Health's online
23 verification system.

24 (b) The Opioid Alternative Pilot Program shall be limited
25 to participation by Illinois residents age 21 and older.

1 (c) The Department of Financial and Professional
2 Regulation shall specify that all licensed dispensing
3 organizations participating in the Opioid Alternative Pilot
4 Program use the Illinois Cannabis Tracking System. The
5 Department of Public Health shall establish and maintain the
6 Illinois Cannabis Tracking System. The Illinois Cannabis
7 Tracking System shall be used to collect information about all
8 persons participating in the Opioid Alternative Pilot Program
9 and shall be used to track the sale of medical cannabis for
10 verification purposes.

11 Each dispensing organization shall retain a copy of the
12 Opioid Alternative Pilot Program certification and other
13 identifying information as required by the Department of
14 Financial and Professional Regulation, the Department of
15 Public Health, and the Illinois State Police in the Illinois
16 Cannabis Tracking System.

17 The Illinois Cannabis Tracking System shall be accessible
18 to the Department of Financial and Professional Regulation,
19 Department of Public Health, Department of Agriculture, and the
20 Illinois State Police.

21 The Department of Financial and Professional Regulation in
22 collaboration with the Department of Public Health shall
23 specify the data requirements for the Opioid Alternative Pilot
24 Program by licensed dispensing organizations; including, but
25 not limited to, the participant's full legal name, address, and
26 date of birth, date on which the Opioid Alternative Pilot

1 Program certification was issued, length of the participation
2 in the Program, including the start and end date to purchase
3 medical cannabis, name of the issuing physician, copy of the
4 participant's current driver's license or State identification
5 card, and phone number.

6 The Illinois Cannabis Tracking System shall provide
7 verification of a person's participation in the Opioid
8 Alternative Pilot Program for law enforcement at any time and
9 on any day.

10 (d) The certification for Opioid Alternative Pilot Program
11 participant must be issued by a physician licensed to practice
12 in Illinois under the Medical Practice Act of 1987 and in good
13 standing who holds a controlled substances license under
14 Article III of the Illinois Controlled Substances Act.

15 The certification for an Opioid Alternative Pilot Program
16 participant shall be written within 90 days before the
17 participant submits his or her certification to the dispensing
18 organization.

19 The written certification uploaded to the Illinois
20 Cannabis Tracking System shall be accessible to the Department
21 of Public Health.

22 (e) Upon verification of the individual's valid
23 certification and enrollment in the Illinois Cannabis Tracking
24 System, the dispensing organization may dispense the medical
25 cannabis, in amounts not exceeding 2.5 ounces of medical
26 cannabis per 14-day period to the participant at the

1 participant's specified dispensary for no more than 90 days.

2 An Opioid Alternative Pilot Program participant shall not
3 be registered as a medical cannabis cardholder. The dispensing
4 organization shall verify that the person is not an active
5 registered qualifying patient prior to enrollment in the Opioid
6 Alternative Pilot Program and each time medical cannabis is
7 dispensed.

8 Upon receipt of a written certification under the Opioid
9 Alternative Pilot Program, the Department of Public Health
10 shall electronically forward the patient's identification
11 information to the Prescription Monitoring Program established
12 under the Illinois Controlled Substances Act and certify that
13 the individual is permitted to engage in the medical use of
14 cannabis. For the purposes of patient care, the Prescription
15 Monitoring Program shall make a notation on the person's
16 prescription record stating that the person has a written
17 certification under the Opioid Alternative Pilot Program and is
18 a patient who is entitled to the lawful medical use of
19 cannabis. If the person is no longer authorized to engage in
20 the medical use of cannabis, the Department of Public Health
21 shall notify the Prescription Monitoring Program and
22 Department of Human Services to remove the notation from the
23 person's record. The Department of Human Services and the
24 Prescription Monitoring Program shall establish a system by
25 which the information may be shared electronically. This
26 confidential list may not be combined or linked in any manner

1 with any other list or database except as provided in this
2 Section.

3 (f) An Opioid Alternative Pilot Program participant shall
4 not be considered a qualifying patient with a debilitating
5 medical condition under this Act and shall be provided access
6 to medical cannabis solely for the duration of the
7 participant's certification. Nothing in this Section shall be
8 construed to limit or prohibit an Opioid Alternative Pilot
9 Program participant who has a debilitating medical condition
10 from applying to the Compassionate Use of Medical Cannabis
11 Pilot Program.

12 (g) A person with a provisional registration under Section
13 55 shall not be considered an Opioid Alternative Pilot Program
14 participant.

15 (h) The Department of Financial and Professional
16 Regulation and the Department of Public Health shall submit
17 emergency rulemaking to implement the changes made by this
18 amendatory Act of the 100th General Assembly by December 1,
19 2018. The Department of Financial and Professional Regulation,
20 the Department of Agriculture, the Department of Human
21 Services, the Department of Public Health, and the Illinois
22 State Police shall utilize emergency purchase authority for 12
23 months after the effective date of this amendatory Act of the
24 100th General Assembly for the purpose of implementing the
25 changes made by this amendatory Act of the 100th General
26 Assembly.

1 (i) Dispensing organizations are not authorized to
2 dispense medical cannabis to Opioid Alternative Pilot Program
3 participants until administrative rules are approved by the
4 Joint Committee on Administrative Rules and go into effect.

5 (j) The provisions of this Section are inoperative on and
6 after July 1, 2020.

7 (410 ILCS 130/65)

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

9 Sec. 65. Denial of registry identification cards.

10 (a) The Department of Public Health may deny an application
11 or renewal of a qualifying patient's registry identification
12 card only if the applicant:

13 (1) did not provide the required information and
14 materials;

15 (2) previously had a registry identification card
16 revoked;

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

18 (4) provided false or falsified information; ~~or~~

19 (5) violated any requirement of this Act.

20 (b) (Blank). ~~Except as provided in subsection (b-5) of this~~
21 ~~Section, no person who has been convicted of a felony under the~~
22 ~~Illinois Controlled Substances Act, Cannabis Control Act, or~~
23 ~~Methamphetamine Control and Community Protection Act, or~~
24 ~~similar provision in a local ordinance or other jurisdiction is~~
25 ~~eligible to receive a registry identification card.~~

1 (b-5) (Blank). ~~If a person was convicted of a felony under~~
2 ~~the Cannabis Control Act or a similar provision of a local~~
3 ~~ordinance or of a law of another jurisdiction, and the action~~
4 ~~warranting that felony is no longer considered a felony after~~
5 ~~the effective date of this amendatory Act of the 99th General~~
6 ~~Assembly, that person shall be eligible to receive a registry~~
7 ~~identification card.~~

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

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

13 (2) the applicant did not provide the information
14 required;

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

16 (4) the designated caregiver previously had a registry
17 identification card revoked; ~~or~~

18 (5) the applicant or the designated caregiver provided
19 false or falsified information; ~~or~~

20 (6) violated any requirement of this Act.

21 (d) (Blank). ~~The Department of Public Health through the~~
22 ~~Department of State Police shall conduct a background check of~~
23 ~~the prospective qualifying patient and designated caregiver in~~
24 ~~order to carry out this Section. The Department of State Police~~
25 ~~shall charge a fee for conducting the criminal history record~~
26 ~~check, which shall be deposited in the State Police Services~~

1 ~~Fund and shall not exceed the actual cost of the record check.~~
2 ~~Each person applying as a qualifying patient or a designated~~
3 ~~caregiver shall submit a full set of fingerprints to the~~
4 ~~Department of State Police for the purpose of obtaining a State~~
5 ~~and federal criminal records check. These fingerprints shall be~~
6 ~~checked against the fingerprint records now and hereafter, to~~
7 ~~the extent allowed by law, filed in the Department of State~~
8 ~~Police and Federal Bureau of Investigation criminal history~~
9 ~~records databases. The Department of State Police shall~~
10 ~~furnish, following positive identification, all Illinois~~
11 ~~conviction information to the Department of Public Health. The~~
12 ~~Department of Public Health may waive the submission of a~~
13 ~~qualifying patient's complete fingerprints based on (1) the~~
14 ~~severity of the patient's illness and (2) the inability of the~~
15 ~~qualifying patient to supply those fingerprints, provided that~~
16 ~~a complete criminal background check is conducted by the~~
17 ~~Department of State Police prior to the issuance of a registry~~
18 ~~identification card.~~

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

23 (f) Denial of an application or renewal is considered a
24 final Department action, subject to judicial review.
25 Jurisdiction and venue for judicial review are vested in the
26 Circuit Court.

1 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
2 99-697, eff. 7-29-16.)

3 (410 ILCS 130/75)

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

5 Sec. 75. Notifications to Department of Public Health and
6 responses; civil penalty.

7 (a) The following notifications and Department of Public
8 Health responses are required:

9 (1) A registered qualifying patient shall notify the
10 Department of Public Health of any change in his or her
11 name or address, or if the registered qualifying patient
12 ceases to have his or her debilitating medical condition,
13 within 10 days of the change.

14 (2) A registered designated caregiver shall notify the
15 Department of Public Health of any change in his or her
16 name or address, or if the designated caregiver becomes
17 aware the registered qualifying patient passed away,
18 within 10 days of the change.

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

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

25 (b) When a cardholder notifies the Department of Public

1 Health of items listed in subsection (a), but remains eligible
2 under this Act, the Department of Public Health shall issue the
3 cardholder a new registry identification card with a new random
4 alphanumeric identification number within 15 business days of
5 receiving the updated information and a fee as specified in
6 Department of Public Health rules. If the person notifying the
7 Department of Public Health is a registered qualifying patient,
8 the Department shall also issue his or her registered
9 designated caregiver, if any, a new registry identification
10 card within 15 business days of receiving the updated
11 information.

12 (c) If a registered qualifying patient ceases to be a
13 registered qualifying patient or changes his or her registered
14 designated caregiver, the Department of Public Health shall
15 promptly notify the designated caregiver. The registered
16 designated caregiver's protections under this Act as to that
17 qualifying patient shall expire 15 days after notification by
18 the Department.

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

23 (e) A registered qualifying patient shall notify the
24 Department of Public Health of any change to his or her
25 designated registered dispensing organization. Registered
26 dispensing organizations must comply with all requirements of

1 this Act.

2 (f) If the registered qualifying patient's certifying
3 physician notifies the Department in writing that either the
4 registered qualifying patient has ceased to suffer from a
5 debilitating medical condition, that the bona fide
6 physician-patient relationship has terminated, or that
7 continued use of medical cannabis would result in
8 contraindication with the patient's other medication, the card
9 shall become null and void. However, the registered qualifying
10 patient shall have 15 days to destroy his or her remaining
11 medical cannabis and related paraphernalia.

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

13 (410 ILCS 130/130)

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

15 Sec. 130. Requirements; prohibitions; penalties;
16 dispensing organizations.

17 (a) The Department of Financial and Professional
18 Regulation shall implement the provisions of this Section by
19 rule.

20 (b) A dispensing organization shall maintain operating
21 documents which shall include procedures for the oversight of
22 the registered dispensing organization and procedures to
23 ensure accurate recordkeeping.

24 (c) A dispensing organization shall implement appropriate
25 security measures, as provided by rule, to deter and prevent

1 the theft of cannabis and unauthorized entrance into areas
2 containing cannabis.

3 (d) A dispensing organization may not be located within
4 1,000 feet of the property line of a pre-existing public or
5 private preschool or elementary or secondary school or day care
6 center, day care home, group day care home, or part day child
7 care facility. A registered dispensing organization may not be
8 located in a house, apartment, condominium, or an area zoned
9 for residential use.

10 (e) A dispensing organization is prohibited from acquiring
11 cannabis from anyone other than a registered cultivation
12 center. A dispensing organization is prohibited from obtaining
13 cannabis from outside the State of Illinois.

14 (f) A registered dispensing organization is prohibited
15 from dispensing cannabis for any purpose except to assist
16 registered qualifying patients with the medical use of cannabis
17 directly or through the qualifying patients' designated
18 caregivers.

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

1 (h) A dispensing organization may not dispense more than
2 2.5 ounces of cannabis to a registered qualifying patient,
3 directly or via a designated caregiver, in any 14-day period
4 unless the qualifying patient has a Department of Public
5 Health-approved quantity waiver.

6 (i) Except as provided in subsection (i-5), before ~~Before~~
7 medical cannabis may be dispensed to a designated caregiver or
8 a registered qualifying patient, a dispensing organization
9 agent must determine that the individual is a current
10 cardholder in the verification system and must verify each of
11 the following:

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

14 (2) that the person presenting the card is the person
15 identified on the registry identification card presented
16 to the dispensing organization agent;

17 (3) that the dispensing organization is the designated
18 dispensing organization for the registered qualifying
19 patient who is obtaining the cannabis directly or via his
20 or her designated caregiver; and

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

23 (i-5) A dispensing organization may dispense medical
24 cannabis to an Opioid Alternative Pilot Program participant
25 under Section 62 and to a person presenting proof of
26 provisional registration under Section 55. Before dispensing

1 medical cannabis, the dispensing organization shall comply
2 with the requirements of Section 62 or Section 55, whichever is
3 applicable, and verify the following:

4 (1) that the written certification presented to the
5 registered dispensing organization is valid and an
6 original document;

7 (2) that the person presenting the written
8 certification is the person identified on the written
9 certification; and

10 (3) that the participant has not exceeded his or her
11 adequate supply.

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

20 (k) The physician-patient privilege as set forth by Section
21 8-802 of the Code of Civil Procedure shall apply between a
22 qualifying patient and a registered dispensing organization
23 and its agents with respect to communications and records
24 concerning qualifying patients' debilitating conditions.

25 (l) A dispensing organization may not permit any person to
26 consume cannabis on the property of a medical cannabis

1 organization.

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

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

22 (o) Dispensing organizations are subject to random
23 inspection and cannabis testing by the Department of Financial
24 and Professional Regulation and State Police as provided by
25 rule.

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

1 (410 ILCS 130/160)

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

3 Sec. 160. Annual reports. ~~(a)~~ The Department of Public
4 Health shall submit to the General Assembly a report, by
5 September 30 of each year, that does not disclose any
6 identifying information about registered qualifying patients,
7 registered caregivers, or physicians, but does contain, at a
8 minimum, all of the following information based on the fiscal
9 year for reporting purposes:

10 (1) the number of applications and renewals filed for
11 registry identification cards or registrations;

12 (2) the number of qualifying patients and designated
13 caregivers served by each dispensary during the report
14 year;

15 (3) the nature of the debilitating medical conditions
16 of the qualifying patients;

17 (4) the number of registry identification cards or
18 registrations revoked for misconduct;

19 (5) the number of physicians providing written
20 certifications for qualifying patients; and

21 (6) the number of registered medical cannabis
22 cultivation centers or registered dispensing
23 organizations;~~;~~

24 (7) the number of Opioid Alternative Pilot Program
25 participants.

1 (Source: P.A. 98-122, eff. 1-1-14; revised 11-8-17.)

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