

1 AN ACT concerning public 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 10 and 60 as  
6 follows:

7 (410 ILCS 130/10)

8 (Section scheduled to be repealed on January 1, 2018)

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

11 (a) "Adequate supply" means:

12 (1) 2.5 ounces of usable cannabis during a period of 14  
13 days and that is derived solely from an intrastate source.

14 (2) Subject to the rules of the Department of Public  
15 Health, a patient may apply for a waiver where a physician  
16 provides a substantial medical basis in a signed, written  
17 statement asserting that, based on the patient's medical  
18 history, in the physician's professional judgment, 2.5  
19 ounces is an insufficient adequate supply for a 14-day  
20 period to properly alleviate the patient's debilitating  
21 medical condition or symptoms associated with the  
22 debilitating medical condition.

23 (3) This subsection may not be construed to authorize

1 the possession of more than 2.5 ounces at any time without  
2 authority from the Department of Public Health.

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

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

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

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

20 (e) "Cultivation center" means a facility operated by an  
21 organization or business that is registered by the Department  
22 of Agriculture to perform necessary activities to provide only  
23 registered medical cannabis dispensing organizations with  
24 usable medical cannabis.

25 (f) "Cultivation center agent" means a principal officer,  
26 board member, employee, or agent of a registered cultivation

1 center who is 21 years of age or older and has not been  
2 convicted of an excluded offense.

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

6 (h) "Debilitating medical condition" means one or more of  
7 the following:

8 (1) cancer, glaucoma, positive status for human  
9 immunodeficiency virus, acquired immune deficiency  
10 syndrome, hepatitis C, amyotrophic lateral sclerosis,  
11 Crohn's disease, agitation of Alzheimer's disease,  
12 cachexia/wasting syndrome, muscular dystrophy, severe  
13 fibromyalgia, spinal cord disease, including but not  
14 limited to arachnoiditis, Tarlov cysts, hydromyelia,  
15 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,  
16 spinal cord injury, traumatic brain injury and  
17 post-concussion syndrome, Multiple Sclerosis,  
18 Arnold-Chiari malformation and Syringomyelia,  
19 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,  
20 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD  
21 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS  
22 (Complex Regional Pain Syndromes Type II),  
23 Neurofibromatosis, Chronic Inflammatory Demyelinating  
24 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial  
25 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella  
26 syndrome, residual limb pain, seizures (including those

1 characteristic of epilepsy), or the treatment of these  
2 conditions; or

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

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

12 (j) "Dispensing organization agent identification card"  
13 means a document issued by the Department of Financial and  
14 Professional Regulation that identifies a person as a medical  
15 cannabis dispensing organization agent.

16 (k) "Enclosed, locked facility" means a room, greenhouse,  
17 building, or other enclosed area equipped with locks or other  
18 security devices that permit access only by a cultivation  
19 center's agents or a dispensing organization's agent working  
20 for the registered cultivation center or the registered  
21 dispensing organization to cultivate, store, and distribute  
22 cannabis for registered qualifying patients.

23 (l) "Excluded offense" means:

24 (1) a violent crime defined in Section 3 of the Rights  
25 of Crime Victims and Witnesses Act or a substantially  
26 similar offense that was classified as a felony in the

1 jurisdiction where the person was convicted; or

2 (2) a violation of a state or federal controlled  
3 substance law that was classified as a felony in the  
4 jurisdiction where the person was convicted, except that  
5 the registering Department may waive this restriction if  
6 the person demonstrates to the registering Department's  
7 satisfaction that his or her conviction was for the  
8 possession, cultivation, transfer, or delivery of a  
9 reasonable amount of cannabis intended for medical use.  
10 This exception does not apply if the conviction was under  
11 state law and involved a violation of an existing medical  
12 cannabis law.

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

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

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

1 to registered qualifying patients.

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

21 (t) "Qualifying patient" means a person who has been  
22 diagnosed by a physician as having a debilitating medical  
23 condition.

24 (u) "Registered" means licensed, permitted, or otherwise  
25 certified by the Department of Agriculture, Department of  
26 Public Health, or Department of Financial and Professional

1 Regulation.

2 (v) "Registry identification card" means a document issued  
3 by the Department of Public Health that identifies a person as  
4 a registered qualifying patient or registered designated  
5 caregiver.

6 (w) "Usable cannabis" means the seeds, leaves, buds, and  
7 flowers of the cannabis plant and any mixture or preparation  
8 thereof, but does not include the stalks, and roots of the  
9 plant. It does not include the weight of any non-cannabis  
10 ingredients combined with cannabis, such as ingredients added  
11 to prepare a topical administration, food, or drink.

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

23 (y) "Written certification" means a document dated and  
24 signed by a physician, stating (1) that in the physician's  
25 professional opinion the patient is likely to receive  
26 therapeutic or palliative benefit from the medical use of

1 cannabis to treat or alleviate the patient's debilitating  
2 medical condition or symptoms associated with the debilitating  
3 medical condition; (2) that the qualifying patient has a  
4 debilitating medical condition and specifying the debilitating  
5 medical condition the qualifying patient has; and (3) that the  
6 patient is under the physician's care for the debilitating  
7 medical condition. A written certification shall be made only  
8 in the course of a bona fide physician-patient relationship,  
9 after the physician has completed an assessment of the  
10 qualifying patient's medical history, reviewed relevant  
11 records related to the patient's debilitating condition, and  
12 conducted a physical examination.

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

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

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

22 (410 ILCS 130/60)

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

24 Sec. 60. Issuance of registry identification cards.

25 (a) Except as provided in subsection (b), the Department of



1 Public Health shall:

2 (1) verify the information contained in an application  
3 or renewal for a registry identification card submitted  
4 under this Act, and approve or deny an application or  
5 renewal, within 30 days of receiving a completed  
6 application or renewal application and all supporting  
7 documentation specified in Section 55;

8 (2) issue registry identification cards to a  
9 qualifying patient and his or her designated caregiver, if  
10 any, within 15 business days of approving the application  
11 or renewal;

12 (3) enter the registry identification number of the  
13 registered dispensing organization the patient designates  
14 into the verification system; and

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

18 (b) The Department of Public Health may not issue a  
19 registry identification card to a qualifying patient who is  
20 under 18 years of age, unless that patient suffers from  
21 seizures, including those characteristic of epilepsy. The  
22 Department of Public Health shall adopt rules for the issuance  
23 of a registry identification card for qualifying patients who  
24 are under 18 years of age and suffering from seizures,  
25 including those characteristic of epilepsy.

26 (c) A veteran who has received treatment at a VA hospital

1 is deemed to have a bona fide physician-patient relationship  
2 with a VA physician if the patient has been seen for his or her  
3 debilitating medical condition at the VA hospital in accordance  
4 with VA hospital protocols. All reasonable inferences  
5 regarding the existence of a bona fide physician-patient  
6 relationship shall be drawn in favor of an applicant who is a  
7 veteran and has undergone treatment at a VA hospital.

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