



Rep. Lou Lang

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LRB098 15170 RPM 58847 a

1 AMENDMENT TO SENATE BILL 2636

2 AMENDMENT NO. _____. Amend Senate Bill 2636 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Sections 10, 45, 55, 60, and
6 70 as 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8 (Section scheduled to be repealed on January 1, 2018)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

1 statement asserting that, based on the patient's medical
2 history, in the physician's professional judgment, 2.5
3 ounces is an insufficient adequate supply for a 14-day
4 period to properly alleviate the patient's debilitating
5 medical condition or symptoms associated with the
6 debilitating medical condition.

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

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

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

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

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

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

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

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

13 (h) "Debilitating medical condition" means one or more of
14 the following:

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

1 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
2 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
3 (Complex Regional Pain Syndromes Type II),
4 Neurofibromatosis, Chronic Inflammatory Demyelinating
5 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
6 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
7 syndrome, residual limb pain, seizures (including those
8 characteristic of epilepsy), or the treatment of these
9 conditions; or

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

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

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

23 (k) "Enclosed, locked facility" means a room, greenhouse,
24 building, or other enclosed area equipped with locks or other
25 security devices that permit access only by a cultivation
26 center's agents or a dispensing organization's agent working

1 for the registered cultivation center or the registered
2 dispensing organization to cultivate, store, and distribute
3 cannabis for registered qualifying patients.

4 (l) "Excluded offense" means:

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

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

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

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

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

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

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

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

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

1 including but not limited to the Illinois Dental Practice Act.

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

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

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

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

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

1 organizations, and the tracking of the date of sale, amount,
2 and price of medical cannabis purchased by a registered
3 qualifying patient.

4 (y) "Written certification" means a document dated and
5 signed by a physician, stating (1) that in the physician's
6 professional opinion the patient is likely to receive
7 therapeutic or palliative benefit from the medical use of
8 cannabis to treat or alleviate the patient's debilitating
9 medical condition or symptoms associated with the debilitating
10 medical condition; (2) that the qualifying patient has a
11 debilitating medical condition and specifying the debilitating
12 medical condition the qualifying patient has; and (3) that the
13 patient is under the physician's care for the debilitating
14 medical condition. A written certification shall be made only
15 in the course of a bona fide physician-patient relationship,
16 after the physician has completed an assessment of the
17 qualifying patient's medical history, reviewed relevant
18 records related to the patient's debilitating condition, and
19 conducted a physical examination.

20 A veteran who has received treatment at a VA hospital shall
21 be deemed to have a bona fide physician-patient relationship
22 with a VA physician if the patient has been seen for his or her
23 debilitating medical condition at the VA Hospital in accordance
24 with VA Hospital protocols.

25 A bona fide physician-patient relationship under this
26 subsection is a privileged communication within the meaning of

1 Section 8-802 of the Code of Civil Procedure.

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

3 (410 ILCS 130/45)

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

5 Sec. 45. Addition of debilitating medical conditions. Any
6 citizen may petition the Department of Public Health to add
7 debilitating conditions or treatments to the list of
8 debilitating medical conditions listed in subsection (h) of
9 Section 10. The Department of Public Health shall consider
10 petitions in the manner required by Department rule, including
11 public notice and hearing. The Department of Public Health
12 shall approve or deny a petition within 180 days of its
13 submission, and, upon approval, shall proceed to add that
14 condition by rule in accordance with the Administrative
15 Procedure Act. The approval or denial of any petition is a
16 final decision of the Department of Public Health, subject to
17 judicial review. Jurisdiction and venue are vested in the
18 Circuit Court.

19 (b) Any citizen may petition the Department of Public
20 Health to approve any debilitating medical condition listed in
21 subsection (h) of Section 10 of this Act or any debilitating
22 medical condition or treatment added pursuant to this Section
23 as a condition or treatment for which a person under 18 years
24 of age suffering from such condition is eligible to become a
25 registered qualifying patient pursuant to Section 55 of this

1 Act. Such approval shall only be for the medical use of medical
2 cannabis infused products. The Department of Public Health
3 shall consider petitions in the manner required by Department
4 rule, including public notice and hearing. The Department of
5 Public Health shall approve or deny a petition within 180 days
6 after its submission, and, upon approval, shall proceed to add
7 by rule in accordance with the Administrative Procedure Act the
8 condition as a condition for which persons under 18 years of
9 age diagnosed with the condition are eligible to become
10 registered qualifying patients. The approval or denial of any
11 petition is a final decision of the Department of Public
12 Health, subject to judicial review. Jurisdiction and venue are
13 vested in the Circuit Court.

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

15 (410 ILCS 130/55)

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

17 Sec. 55. Registration of qualifying patients and
18 designated caregivers.

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

24 (1) A written certification, on a form developed by the
25 Department of Public Health and issued by a physician,

1 within 90 days immediately preceding the date of an
2 application;

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

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

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

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

18 (6) the name, address, and date of birth of the
19 designated caregiver, if any, chosen by the qualifying
20 patient;

21 (7) the name of the registered medical cannabis
22 dispensing organization the qualifying patient designates;

23 (8) signed statements from the patient and designated
24 caregiver asserting that they will not divert medical
25 cannabis; and

26 (9) completed background checks for the patient and

1 designated caregiver.

2 (b) A parent or legal guardian may submit an application on
3 behalf of a patient under 18 years of age if the patient
4 suffers from seizures, including those characteristic of
5 epilepsy, or a debilitating medical condition approved by the
6 Department of Public Health for registered qualifying patients
7 under 18 years of age pursuant to subsection (b) of Section 45
8 of this Act. The application shall include a statement of
9 consent by the parent or legal guardian.

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

11 (410 ILCS 130/60)

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

13 Sec. 60. Issuance of registry identification cards.

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

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

22 (2) issue registry identification cards to a
23 qualifying patient and his or her designated caregiver, if
24 any, within 15 business days of approving the application
25 or renewal;

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

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

7 (b) The Department of Public Health may not issue a
8 registry identification card to a qualifying patient who is
9 under 18 years of age, unless that patient suffers from
10 seizures, including those characteristic of epilepsy, or a
11 debilitating medical condition approved by the Department of
12 Public Health for registered qualifying patients under 18 years
13 of age pursuant to subsection (b) of Section 45 of this Act.

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

22 (d) Upon the approval of the registration and issuance of a
23 registry card under this Section, the Department of Public
24 Health shall forward the designated caregiver or registered
25 qualified patient's driver's registration number to the
26 Secretary of State and certify that the individual is permitted

1 to engage in the medical use of cannabis. For the purposes of
2 law enforcement, the Secretary of State shall make a notation
3 on the person's driving record stating the person is a
4 registered qualifying patient who is entitled to the lawful
5 medical use of cannabis. If the person no longer holds a valid
6 registry card, the Department shall notify the Secretary of
7 State and the Secretary of State shall remove the notation from
8 the person's driving record. The Department and the Secretary
9 of State may establish a system by which the information may be
10 shared electronically.

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

12 (410 ILCS 130/70)

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

14 Sec. 70. Registry identification cards.

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

19 (b) Except as provided in subsection (f) of this Section,
20 registry ~~Registry~~ identification cards shall contain the
21 following:

22 (1) the name of the cardholder;

23 (2) a designation of whether the cardholder is a
24 designated caregiver or qualifying patient;

25 (3) the date of issuance and expiration date of the

1 registry identification card;

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

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

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

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

1 (d) Except as otherwise provided in this Section, the
2 expiration date is one year after the date of issuance.

3 (e) The Department of Public Health may electronically
4 store in the card any or all of the information listed in
5 subsection (b), along with the address and date of birth of the
6 cardholder and the qualifying patient's designated dispensary
7 organization, to allow it to be read by law enforcement agents.

8 (f) The Department of Public Health shall adopt rules for
9 the issuance of a registry identification card that is of a
10 distinct nature for qualifying patients who are under 18 years
11 of age and suffer from seizures, including those characteristic
12 of epilepsy, or a debilitating medical condition approved by
13 the Department of Public Health for registered qualifying
14 patients under 18 years of age pursuant to subsection (b) of
15 Section 45 of this Act and their caregivers. Only a parent or
16 legal guardian of a registered qualifying patient under 18
17 years of age can be designated as the patient's caregiver. The
18 caregiver's registry identification card shall contain a
19 notification that the caregiver can only purchase cannabis in
20 the form of medical cannabis infused products. The registered
21 qualifying patient's registry identification card shall
22 contain a notification that the registered qualifying patient
23 may not purchase any usable cannabis. The Department of Public
24 Health shall adopt rules for providing new registry
25 identification cards to a registered qualifying patient and his
26 or her caregiver upon the registered qualifying patient

1 becoming 18 years of age.

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