

# SB2988



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2988

Introduced 2/4/2014, by Sen. William Delgado

#### SYNOPSIS AS INTRODUCED:

410 ILCS 130/130

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Provides that a registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned exclusively or predominantly for residential use (rather than an area zoned for residential use). Effective immediately.

LRB098 19673 RPM 54879 b

A BILL FOR

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 Section 130 as follows:

6 (410 ILCS 130/130)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 130. Requirements; prohibitions; penalties;  
9 dispensing organizations.

10 (a) The Department of Financial and Professional  
11 Regulation shall implement the provisions of this Section by  
12 rule.

13 (b) A dispensing organization shall maintain operating  
14 documents which shall include procedures for the oversight of  
15 the registered dispensing organization and procedures to  
16 ensure accurate recordkeeping.

17 (c) A dispensing organization shall implement appropriate  
18 security measures, as provided by rule, to deter and prevent  
19 the theft of cannabis and unauthorized entrance into areas  
20 containing cannabis.

21 (d) A dispensing organization may not be located within  
22 1,000 feet of the property line of a pre-existing public or  
23 private preschool or elementary or secondary school or day care

1 center, day care home, group day care home, or part day child  
2 care facility. A registered dispensing organization may not be  
3 located in a house, apartment, condominium, or an area zoned  
4 exclusively or predominantly for residential use.

5 (e) A dispensing organization is prohibited from acquiring  
6 cannabis from anyone other than a registered cultivation  
7 center. A dispensing organization is prohibited from obtaining  
8 cannabis from outside the State of Illinois.

9 (f) A registered dispensing organization is prohibited  
10 from dispensing cannabis for any purpose except to assist  
11 registered qualifying patients with the medical use of cannabis  
12 directly or through the qualifying patients' designated  
13 caregivers.

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

22 (h) A dispensing organization may not dispense more than  
23 2.5 ounces of cannabis to a registered qualifying patient,  
24 directly or via a designated caregiver, in any 14-day period  
25 unless the qualifying patient has a Department of Public  
26 Health-approved quantity waiver.

1 (i) Before medical cannabis may be dispensed to a  
2 designated caregiver or a registered qualifying patient, a  
3 dispensing organization agent must determine that the  
4 individual is a current cardholder in the verification system  
5 and must verify each of the following:

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

8 (2) that the person presenting the card is the person  
9 identified on the registry identification card presented  
10 to the dispensing organization agent;

11 (3) that the dispensing organization is the designated  
12 dispensing organization for the registered qualifying  
13 patient who is obtaining the cannabis directly or via his  
14 or her designated caregiver; and

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

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

25 (k) The physician-patient privilege as set forth by Section  
26 8-802 of the Code of Civil Procedure shall apply between a

1 qualifying patient and a registered dispensing organization  
2 and its agents with respect to communications and records  
3 concerning qualifying patients' debilitating conditions.

4 (l) A dispensing organization may not permit any person to  
5 consume cannabis on the property of a medical cannabis  
6 organization.

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

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

1           (o) Dispensing organizations are subject to random  
2 inspection and cannabis testing by the Department of Financial  
3 and Professional Regulation and State Police as provided by  
4 rule.

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

6           Section 99. Effective date. This Act takes effect upon  
7 becoming law.