



Rep. Lou Lang

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LRB099 04220 MJP 49241 a

1 AMENDMENT TO SENATE BILL 10

2 AMENDMENT NO. _____. Amend Senate Bill 10 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 5, 10, 15, 35, 45,
6 60, 65, 70, 75, and 220 and by adding Sections 7 and 57 as
7 follows:

8 (410 ILCS 130/5)

9 (Section scheduled to be repealed on January 1, 2018)

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

1 Sciences' Institute of Medicine in March 1999.

2 (b) Studies published since the 1999 Institute of Medicine
3 report continue to show the therapeutic value of cannabis in
4 treating a wide array of debilitating medical conditions. These
5 include relief of the neuropathic pain caused by multiple
6 sclerosis, HIV/AIDS, and other illnesses that often fail to
7 respond to conventional treatments and relief of nausea,
8 vomiting, and other side effects of drugs used to treat
9 HIV/AIDS and hepatitis C, increasing the chances of patients
10 continuing on life-saving treatment regimens.

11 (c) Cannabis has many currently accepted medical uses in
12 the United States, having been recommended by thousands of
13 licensed physicians to at least 600,000 patients in states with
14 medical cannabis laws. The medical utility of cannabis is
15 recognized by a wide range of medical and public health
16 organizations, including the American Academy of HIV Medicine,
17 the American College of Physicians, the American Nurses
18 Association, the American Public Health Association, the
19 Leukemia & Lymphoma Society, and many others.

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

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

6 (e) Alaska, Arizona, California, Colorado, Connecticut,
7 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,
8 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,
9 Washington, and Washington, D.C. have removed state-level
10 criminal penalties from the medical use and cultivation of
11 cannabis. Illinois joins in this effort for the health and
12 welfare of its citizens.

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

17 (f-5) According to data released by the Centers for Disease
18 Control and Prevention in December 2015, opioids, primarily
19 prescription pain relievers and heroin, are the main driver of
20 overdose deaths. Illinois had a statistically significant drug
21 overdose rate increase of 8.3% from 2013 to 2014.

22 (f-10) According to a 2014 published report in the Journal
23 of American Medicine, states that have implemented medical
24 cannabis laws have seen a 24.8% lower mean annual opioid
25 overdose mortality rate compared with states without medical
26 cannabis laws.

1 (g) State law should make a distinction between the medical
2 and non-medical uses of cannabis. Hence, the purpose of this
3 Act is to protect patients with debilitating medical
4 conditions, as well as their physicians and providers, from
5 arrest and prosecution, criminal and other penalties, and
6 property forfeiture if the patients engage in the medical use
7 of cannabis.

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

9 (410 ILCS 130/7 new)

10 Sec. 7. Lawful user and lawful products. For the purposes
11 of this Act and to clarify the legislative findings on the
12 lawful use of cannabis:

13 (1) A cardholder under this Act shall not be considered
14 an unlawful user or addicted to narcotics solely as a
15 result of his or her qualifying patient or designated
16 caregiver status.

17 (2) All medical cannabis products purchased by a
18 qualifying patient at a licensed dispensing organization
19 shall be lawful products and a distinction shall be made
20 between medical and non-medical uses of cannabis as a
21 result of the qualifying patient's cardholder status under
22 the authorized use granted under State law.

23 (410 ILCS 130/10)

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

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

3 (a) "Adequate supply" means:

4 (1) 2.5 ounces of usable cannabis during a period of 14
5 days and that is derived solely from an intrastate source.

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

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

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

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

24 (c) "Cannabis plant monitoring system" means a system that
25 includes, but is not limited to, testing and data collection
26 established and maintained by the registered cultivation

1 center and available to the Department for the purposes of
2 documenting each cannabis plant and for monitoring plant
3 development throughout the life cycle of a cannabis plant
4 cultivated for the intended use by a qualifying patient from
5 seed planting to final packaging.

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

9 (e) "Cultivation center" means a facility operated by an
10 organization or business that is registered by the Department
11 of Agriculture to perform necessary activities to provide only
12 registered medical cannabis dispensing organizations with
13 usable medical cannabis.

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

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

21 (h) "Debilitating medical condition" means one or more of
22 the following:

23 (1) cancer, glaucoma, positive status for human
24 immunodeficiency virus, acquired immune deficiency
25 syndrome, hepatitis C, amyotrophic lateral sclerosis,
26 Crohn's disease, agitation of Alzheimer's disease,

1 cachexia/wasting syndrome, muscular dystrophy, severe
2 fibromyalgia, spinal cord disease, including but not
3 limited to arachnoiditis, Tarlov cysts, hydromyelia,
4 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
5 spinal cord injury, traumatic brain injury and
6 post-concussion syndrome, Multiple Sclerosis,
7 Arnold-Chiari malformation and Syringomyelia,
8 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
9 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
10 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
11 (Complex Regional Pain Syndromes Type II),
12 Neurofibromatosis, Chronic Inflammatory Demyelinating
13 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
14 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
15 syndrome, residual limb pain, seizures (including those
16 characteristic of epilepsy), intractable pain, opioid
17 dependence, autism, post-traumatic stress disorder (PTSD),
18 diabetes mellitus type I, osteoarthritis, panic disorder,
19 or the treatment of these conditions; ~~or~~

20 (1.5) terminal illness with a diagnosis of 6 months or
21 less; if the terminal illness is not one of the qualifying
22 debilitating medical conditions, then the physician shall
23 on the certification form identify the cause of the
24 terminal illness; or

25 (2) any other debilitating medical condition or its
26 treatment that is added by the Department of Public Health

1 by rule as provided in Section 45.

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

8 (j) "Dispensing organization agent identification card"
9 means a document issued by the Department of Financial and
10 Professional Regulation that identifies a person as a medical
11 cannabis dispensing organization agent.

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

19 (l) "Excluded offense" for cultivation center agents and
20 dispensing organizations means:

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

25 (2) a violation of a state or federal controlled
26 substance law, the Cannabis Control Act, or the

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

11 For purposes of this subsection, the Department of Public
12 Health shall determine by rule what constitutes a "reasonable
13 amount".

14 (1-5) "Excluded offense" for a qualifying patient or
15 designated caregiver means a violation of state or federal
16 controlled substance law, the Cannabis Control Act, or the
17 Methamphetamine and Community Protection Act that was
18 classified as a felony in the jurisdiction where the person was
19 convicted, except that the registering Department may waive
20 this restriction if the person demonstrates to the registering
21 Department's satisfaction that his or her conviction was for
22 the possession, cultivation, transfer, or delivery of a
23 reasonable amount of cannabis intended for medical use. This
24 exception does not apply if the conviction was under state law
25 and involved a violation of an existing medical cannabis law.
26 For purposes of this subsection, the Department of Public

1 Health shall determine by rule what constitutes a "reasonable
2 amount".

3 (l-10) "Intractable pain" means a pain state (i) in which
4 the cause of the pain cannot be removed or otherwise treated
5 with the consent of the patient; and (ii) that, in the
6 generally accepted course of practice, is treatment resistant
7 or no treatment has been found after reasonable efforts. In
8 addition, the patient has been under the care of a physician
9 for this condition for 6 or more months and has been treatment
10 resistant.

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.

26 (p) "Medical cannabis dispensing organization agent" or

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

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

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

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

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

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

26 (v) "Registry identification card" means a document issued

1 by the Department of Public Health that identifies a person as
2 a registered qualifying patient or registered designated
3 caregiver.

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

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

21 (y) "Written certification" means a document dated and
22 signed by a physician, stating (1) ~~that in the physician's~~
23 ~~professional opinion the patient is likely to receive~~
24 ~~therapeutic or palliative benefit from the medical use of~~
25 ~~cannabis to treat or alleviate the patient's debilitating~~
26 ~~medical condition or symptoms associated with the debilitating~~

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

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

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

20 (Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15.)

21 (410 ILCS 130/15)

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

23 Sec. 15. Authority.

24 (a) It is the duty of the Department of Public Health to
25 enforce the following provisions of this Act unless otherwise

1 provided for by this Act:

2 (1) establish and maintain a confidential registry of
3 qualifying patients authorized to engage in the medical use
4 of cannabis and their caregivers;

5 (2) distribute educational materials about the health
6 benefits and risks associated with the use ~~abuse~~ of
7 cannabis and prescription medications;

8 (3) adopt rules to administer the patient and caregiver
9 registration program; and

10 (4) adopt rules establishing food handling
11 requirements for cannabis-infused products that are
12 prepared for human consumption.

13 (b) It is the duty of the Department of Agriculture to
14 enforce the provisions of this Act relating to the registration
15 and oversight of cultivation centers unless otherwise provided
16 for in this Act.

17 (c) It is the duty of the Department of Financial and
18 Professional Regulation to enforce the provisions of this Act
19 relating to the registration and oversight of dispensing
20 organizations unless otherwise provided for in this Act.

21 (d) The Department of Public Health, the Department of
22 Agriculture, or the Department of Financial and Professional
23 Regulation shall enter into intergovernmental agreements, as
24 necessary, to carry out the provisions of this Act including,
25 but not limited to, the provisions relating to the registration
26 and oversight of cultivation centers, dispensing

1 organizations, and qualifying patients and caregivers.

2 (e) The Department of Public Health, Department of
3 Agriculture, or the Department of Financial and Professional
4 Regulation may suspend, revoke, or impose other penalties upon
5 a registration for violations of this Act and any rules adopted
6 in accordance thereto. The suspension or revocation of, or
7 imposition of any other penalty upon, a registration is a final
8 Agency action, subject to judicial review. Jurisdiction and
9 venue for judicial review are vested in the Circuit Court.
10 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

11 (410 ILCS 130/35)

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

13 Sec. 35. Physician requirements.

14 (a) A physician who certifies a debilitating medical
15 condition for a qualifying patient shall comply with all of the
16 following requirements:

17 (1) The Physician shall be currently licensed under the
18 Medical Practice Act of 1987 to practice medicine in all
19 its branches and in good standing, and must hold a
20 controlled substances license under Article III of the
21 Illinois Controlled Substances Act.

22 (2) A physician certifying a patient's condition
23 ~~making a medical cannabis recommendation~~ shall comply with
24 generally accepted standards of medical practice, the
25 provisions of the Medical Practice Act of 1987 and all

1 applicable rules.

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

4 (4) The physician shall maintain a record-keeping
5 system for all patients for whom the physician has
6 certified the patient's medical condition ~~recommended the~~
7 ~~medical use of cannabis~~. These records shall be accessible
8 to and subject to review by the Department of Public Health
9 and the Department of Financial and Professional
10 Regulation upon request.

11 (b) A physician may not:

12 (1) accept, solicit, or offer any form of remuneration
13 from or to a qualifying patient, primary caregiver,
14 cultivation center, or dispensing organization, including
15 each principal officer, board member, agent, and employee,
16 to certify a patient, other than accepting payment from a
17 patient for the fee associated with the required
18 examination;

19 (2) offer a discount of any other item of value to a
20 qualifying patient who uses or agrees to use a particular
21 primary caregiver or dispensing organization to obtain
22 medical cannabis;

23 (3) conduct a personal physical examination of a
24 patient for purposes of diagnosing a debilitating medical
25 condition at a location where medical cannabis is sold or
26 distributed or at the address of a principal officer,

1 agent, or employee or a medical cannabis organization;

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

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

12 (6) refer patients to a cultivation center, a
13 dispensing organization, or a registered designated
14 caregiver; or

15 (7) advertise in a cultivation center or a dispensing
16 organization.

17 (c) The Department of Public Health may with reasonable
18 cause refer a physician, who has certified a debilitating
19 medical condition of a patient, to the Illinois Department of
20 Financial and Professional Regulation for potential violations
21 of this Section.

22 (d) Any violation of this Section or any other provision of
23 this Act or rules adopted under this Act is a violation of the
24 Medical Practice Act of 1987.

25 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

1 (410 ILCS 130/45)

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

3 Sec. 45. Addition of debilitating medical conditions. Any
4 citizen may petition the Department of Public Health to add
5 debilitating conditions or treatments to the list of
6 debilitating medical conditions listed in subsection (h) of
7 Section 10. The Department of Public Health shall consider
8 petitions in the manner required by Department rule, including
9 public notice and hearing. The Department shall approve or deny
10 a petition within 180 days of its submission, and, upon
11 approval, shall proceed to add that condition by rule in
12 accordance with the Illinois Administrative Procedure Act. The
13 Department of Public Health's approval or denial of a petition
14 shall be in writing and shall be based on the evidence in the
15 petition, testimony presented at the Medical Cannabis Advisory
16 Board hearing, and the written report submitted to the Director
17 of Public Health from the Medical Cannabis Advisory Board. If a
18 petition to add a new condition is denied by the Department of
19 Public Health, then the denial shall only cite evidence that
20 was considered by the Medical Cannabis Advisory Board when they
21 made their recommendation and must cite specific evidence from
22 the record that is being relied upon. The approval or denial of
23 any petition is a final decision of the Department, subject to
24 judicial review. Jurisdiction and venue are vested in the
25 Circuit Court.

26 (Source: P.A. 98-122, eff. 1-1-14; revised 10-21-15.)

1 (410 ILCS 130/57 new)

2 Sec. 57. Qualifying patients under 18. Qualifying patients
3 that are under the age of 18 years shall not be prohibited from
4 having 2 designated caregivers as follows: if both biological
5 parents or 2 legal guardians of a qualifying patient under 18
6 both have significant decision-making responsibilities over
7 the qualifying patient, then both may serve as a designated
8 caregiver if they otherwise meet the definition of "designated
9 caregiver" under Section 10; however, if only one biological
10 parent or legal guardian has significant decision-making
11 responsibilities for the qualifying patient under 18, then he
12 or she may appoint a second designated caregiver who meets the
13 definition of "designated caregiver" under Section 10.

14 (410 ILCS 130/60)

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

16 Sec. 60. Issuance of registry identification cards.

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

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

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

5 (3) enter the registry identification number of the
6 registered dispensing organization the patient designates
7 into the verification system; and

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

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

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 (c-5) If a qualifying patient is under the care of a
9 physician, but the physician is unable or unwilling to certify
10 the patient in order for that patient to be a cardholder, then
11 the patient may submit a copy of his or her medical records to
12 the Department of Public Health.

13 Upon review of the patient's records, the Department of
14 Public Health shall determine within 30 days of submission of
15 the medical records if the qualifying patient shall be a
16 cardholder. This process shall be considered to be within a
17 bona fide physician-patient relationship.

18 If the qualifying patient is denied, the Department of
19 Public Health shall notify the patient by mail of the reason
20 why the patient was denied being a cardholder. The qualifying
21 patient shall then have 60 days from the date of the denial
22 letter to request an administrative hearing with the Department
23 of Public Health in order to appeal the Department of Public
24 Health's decision.

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) 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.)

8 (410 ILCS 130/65)

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

10 Sec. 65. Denial of registry identification cards.

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

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

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

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

19 (4) provided false or falsified information.

20 (b) No person who has been convicted of a felony under the
21 Illinois Controlled Substances Act, Cannabis Control Act, or
22 Methamphetamine Control and Community Protection Act, or
23 similar provision in a local ordinance or other jurisdiction is
24 eligible to receive a registry identification card. Except that
25 this subsection shall not apply to individuals convicted of a

1 felony if 3 years have passed since the completion of their
2 sentence or the prospective applicant receives a waiver as
3 authorized under subsection (1-5) of Section 10 of this Act.

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

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

9 (2) the applicant did not provide the information
10 required;

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

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

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

16 (d) The Department of Public Health through the Department
17 of State Police shall conduct a background check of the
18 prospective qualifying patient and designated caregiver in
19 order to carry out this Section. The Department of State Police
20 shall charge a fee for conducting the criminal history record
21 check, which shall be deposited in the State Police Services
22 Fund and shall not exceed the actual cost of the record check.
23 Each person applying as a qualifying patient or a designated
24 caregiver shall submit a full set of fingerprints to the
25 Department of State Police for the purpose of obtaining a State
26 and federal criminal records check. These fingerprints shall be

1 checked against the fingerprint records now and hereafter, to
2 the extent allowed by law, filed in the Department of State
3 Police and Federal Bureau of Investigation criminal history
4 records databases. The Department of State Police shall
5 furnish, following positive identification, all Illinois
6 conviction information to the Department of Public Health. The
7 Department of Public Health may waive the submission of a
8 qualifying patient's complete fingerprints based on (1) the
9 severity of the patient's illness and (2) the inability of the
10 qualifying patient to supply those fingerprints, provided that
11 a complete criminal background check is conducted by the
12 Department of State Police prior to the issuance of a registry
13 identification card.

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

18 (f) Denial of an application or renewal is considered a
19 final Department action, subject to judicial review.
20 Jurisdiction and venue for judicial review are vested in the
21 Circuit Court.

22 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

23 (410 ILCS 130/70)

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

25 Sec. 70. Registry identification cards.

1 (a) A registered qualifying patient or designated
2 caregiver must keep their registry identification card in his
3 or her possession at all times when engaging in the medical use
4 of cannabis.

5 (b) Registry identification cards shall contain the
6 following:

7 (1) the name of the cardholder;

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

10 (3) the date of issuance and expiration date of the
11 registry identification card;

12 (4) a random alphanumeric identification number that
13 is unique to the cardholder;

14 (5) if the cardholder is a designated caregiver, the
15 random alphanumeric identification number of the
16 registered qualifying patient the designated caregiver is
17 receiving the registry identification card to assist; and

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

20 (c) To maintain a valid registration identification card, a
21 registered qualifying patient and caregiver must annually
22 resubmit, at least 45 days prior to the expiration date stated
23 on the registry identification card, a completed renewal
24 application, renewal fee, and accompanying documentation as
25 described in Department of Public Health rules. The Department
26 of Public Health shall send a notification to a registered

1 qualifying patient or registered designated caregiver 90 days
2 prior to the expiration of the registered qualifying patient's
3 or registered designated caregiver's identification card. If
4 the Department of Public Health fails to grant or deny a
5 renewal application received in accordance with this Section,
6 then the renewal is deemed granted and the registered
7 qualifying patient or registered designated caregiver may
8 continue to use the expired identification card until the
9 Department of Public Health denies the renewal or issues a new
10 identification card.

11 (d) Except as otherwise provided in this Section, the
12 expiration date is 3 years ~~one year~~ after the date of issuance.

13 (e) The Department of Public Health may electronically
14 store in the card any or all of the information listed in
15 subsection (b), along with the address and date of birth of the
16 cardholder and the qualifying patient's designated dispensary
17 organization, to allow it to be read by law enforcement agents.
18 (Source: P.A. 98-122, eff. 1-1-14.)

19 (410 ILCS 130/75)

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

21 Sec. 75. Notifications to Department of Public Health and
22 responses; civil penalty.

23 (a) The following notifications and Department of Public
24 Health responses are required:

25 (1) A registered qualifying patient shall notify the

1 Department of Public Health of any change in his or her
2 name or address, or if the registered qualifying patient
3 ceases to have his or her debilitating medical condition,
4 within 10 days of the change.

5 (2) A registered designated caregiver shall notify the
6 Department of Public Health of any change in his or her
7 name or address, or if the designated caregiver becomes
8 aware the registered qualifying patient passed away,
9 within 10 days of the change.

10 (3) Before a registered qualifying patient changes his
11 or her designated caregiver, the qualifying patient must
12 notify the Department of Public Health.

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

16 (b) When a cardholder notifies the Department of Public
17 Health of items listed in subsection (a), but remains eligible
18 under this Act, the Department of Public Health shall issue the
19 cardholder a new registry identification card with a new random
20 alphanumeric identification number within 15 business days of
21 receiving the updated information and a fee as specified in
22 Department of Public Health rules. If the person notifying the
23 Department of Public Health is a registered qualifying patient,
24 the Department shall also issue his or her registered
25 designated caregiver, if any, a new registry identification
26 card within 15 business days of receiving the updated

1 information.

2 (c) If a registered qualifying patient ceases to be a
3 registered qualifying patient or changes his or her registered
4 designated caregiver, the Department of Public Health shall
5 promptly notify the designated caregiver. The registered
6 designated caregiver's protections under this Act as to that
7 qualifying patient shall expire 15 days after notification by
8 the Department.

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

13 (e) A registered qualifying patient shall notify the
14 Department of Public Health of any change to his or her
15 designated registered dispensing organization. Registered
16 dispensing organizations must comply with all requirements of
17 this Act.

18 (f) If the registered qualifying patient's certifying
19 physician notifies the Department in writing that either the
20 registered qualifying patient has ceased to suffer from a
21 debilitating medical condition ~~or that the physician no longer~~
22 ~~believes the patient would receive therapeutic or palliative~~
23 ~~benefit from the medical use of cannabis~~, the card shall become
24 null and void. However, the registered qualifying patient shall
25 have 15 days to destroy his or her remaining medical cannabis
26 and related paraphernalia.

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

2 (410 ILCS 130/220)

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

4 Sec. 220. Repeal of Act. This Act is repealed on July 1,
5 2020 ~~4 years after the effective date of this Act.~~

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

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