



Sen. William R. Haine

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09900SB0346sam001

LRB099 03282 MJP 48338 a

1 AMENDMENT TO SENATE BILL 346

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 346 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, 25, 35, 50, 55,  
6 60, 75, and 220 and by adding Section 74 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8 (Section scheduled to be repealed on January 1, 2018)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 (2) ~~(4)~~ The pre-mixed weight of medical cannabis used  
11 in 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, except that a designated caregiver may assist more  
19 than one registered qualifying patient if they are employed by  
20 a residential facility regulated by the State and assist only  
21 those registered qualifying patients that reside in that  
22 residential facility.

23 (j) "Dispensing organization agent identification card"  
24 means a document issued by the Department of Financial and  
25 Professional Regulation that identifies a person as a medical  
26 cannabis dispensing organization agent.

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

8           (1) "Excluded offense" means:

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

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

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

26           (n) "Medical cannabis container" means a sealed,

1 traceable, food compliant, tamper resistant, tamper evident  
2 container, or package used for the purpose of containment of  
3 medical cannabis from a cultivation center to a dispensing  
4 organization.

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

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

18 (q) "Medical cannabis infused product" means food, oils,  
19 ointments, or other products containing usable cannabis that  
20 are not smoked.

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

26 (s) "Physician" means a doctor of medicine or doctor of

1 osteopathy licensed under the Medical Practice Act of 1987 to  
2 practice medicine and who has a controlled substances license  
3 under Article III of the Illinois Controlled Substances Act. It  
4 does not include a licensed practitioner under any other Act  
5 including but not limited to the Illinois Dental Practice Act.

6 (t) "Qualifying patient" means a person who has been  
7 diagnosed by a physician as having a debilitating medical  
8 condition.

9 (u) "Registered" means licensed, permitted, or otherwise  
10 certified by the Department of Agriculture, Department of  
11 Public Health, or Department of Financial and Professional  
12 Regulation.

13 (v) "Registry identification card" means a document issued  
14 by the Department of Public Health that identifies a person as  
15 a registered qualifying patient or registered designated  
16 caregiver.

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

23 (x) "Verification system" means a Web-based system  
24 established and maintained by the Department of Public Health  
25 that is available to the Department of Agriculture, the  
26 Department of Financial and Professional Regulation, law

1 enforcement personnel, and registered medical cannabis  
2 dispensing organization agents on a 24-hour basis for the  
3 verification of registry identification cards, the tracking of  
4 delivery of medical cannabis to medical cannabis dispensing  
5 organizations, and the tracking of the date of sale, amount,  
6 and price of medical cannabis purchased by a registered  
7 qualifying patient.

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

25 A veteran who has received treatment at a VA hospital shall  
26 be deemed to have a bona fide physician-patient relationship



1 with a VA physician if the patient has been seen for his or her  
2 debilitating medical condition at the VA Hospital in accordance  
3 with VA Hospital protocols.

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

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

8 (410 ILCS 130/25)

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

10 Sec. 25. Immunities and presumptions related to the medical  
11 use of cannabis.

12 (a) A registered qualifying patient is not subject to  
13 arrest, prosecution, or denial of any right or privilege,  
14 including but not limited to civil penalty or disciplinary  
15 action by an occupational or professional licensing board, for  
16 the medical use of cannabis in accordance with this Act, if the  
17 registered qualifying patient possesses an amount of cannabis  
18 that does not exceed an adequate supply as defined in  
19 subsection (a) of Section 10 of this Act of usable cannabis  
20 and, where the registered qualifying patient is a licensed  
21 professional, the use of cannabis does not impair that licensed  
22 professional when he or she is engaged in the practice of the  
23 profession for which he or she is licensed.

24 (b) A registered designated caregiver is not subject to  
25 arrest, prosecution, or denial of any right or privilege,

1 including but not limited to civil penalty or disciplinary  
2 action by an occupational or professional licensing board, for  
3 acting in accordance with this Act to assist a registered  
4 qualifying patient to whom he or she is connected through the  
5 Department's registration process with the medical use of  
6 cannabis if the designated caregiver possesses an amount of  
7 cannabis that does not exceed an adequate supply as defined in  
8 subsection (a) of Section 10 of this Act of usable cannabis.  
9 The total amount possessed between the qualifying patient and  
10 caregiver shall not exceed the patient's adequate supply as  
11 defined in subsection (a) of Section 10 of this Act. If a  
12 registered designated caregiver assists more than one  
13 qualifying patient, the registered designated caregiver shall  
14 not knowingly obtain, seek to obtain, or possess an amount of  
15 usable cannabis from a registered medical cannabis dispensing  
16 organization that would cause the amount of usable cannabis  
17 obtained or possessed by the registered designated caregiver to  
18 exceed the authorized adequate supply under subsection (a) of  
19 Section 10 for the number of qualifying patients he or she is  
20 assisting.

21 (c) A registered qualifying patient or registered  
22 designated caregiver is not subject to arrest, prosecution, or  
23 denial of any right or privilege, including but not limited to  
24 civil penalty or disciplinary action by an occupational or  
25 professional licensing board for possession of cannabis that is  
26 incidental to medical use, but is not usable cannabis as

1 defined in this Act.

2 (d) (1) There is a rebuttable presumption that a registered  
3 qualifying patient is engaged in, or a designated caregiver is  
4 assisting with, the medical use of cannabis in accordance with  
5 this Act if the qualifying patient or designated caregiver:

6 (A) is in possession of a valid registry identification  
7 card; and

8 (B) is in possession of an amount of cannabis that does  
9 not exceed the amount allowed under subsection (a) of  
10 Section 10. If a registered designated caregiver assists  
11 more than one qualifying patient, the registered  
12 designated caregiver shall not knowingly obtain, seek to  
13 obtain, or possess an amount of usable cannabis from a  
14 registered medical cannabis dispensing organization that  
15 would cause the amount of usable cannabis obtained or  
16 possessed by the registered designated caregiver to exceed  
17 the authorized adequate supply under subsection (a) of  
18 Section 10 for the number of qualifying patients he or she  
19 is assisting.

20 (2) The presumption may be rebutted by evidence that  
21 conduct related to cannabis was not for the purpose of treating  
22 or alleviating the qualifying patient's debilitating medical  
23 condition or symptoms associated with the debilitating medical  
24 condition in compliance with this Act.

25 (e) A physician is not subject to arrest, prosecution, or  
26 penalty in any manner, or denied any right or privilege,

1 including but not limited to civil penalty or disciplinary  
2 action by the Medical Disciplinary Board or by any other  
3 occupational or professional licensing board, solely for  
4 providing written certifications or for otherwise stating  
5 that, in the physician's professional opinion, a patient is  
6 likely to receive therapeutic or palliative benefit from the  
7 medical use of cannabis to treat or alleviate the patient's  
8 debilitating medical condition or symptoms associated with the  
9 debilitating medical condition, provided that nothing shall  
10 prevent a professional licensing or disciplinary board from  
11 sanctioning a physician for: (1) issuing a written  
12 certification to a patient who is not under the physician's  
13 care for a debilitating medical condition; or (2) failing to  
14 properly evaluate a patient's medical condition or otherwise  
15 violating the standard of care for evaluating medical  
16 conditions.

17 (f) No person may be subject to arrest, prosecution, or  
18 denial of any right or privilege, including but not limited to  
19 civil penalty or disciplinary action by an occupational or  
20 professional licensing board, solely for: (1) selling cannabis  
21 paraphernalia to a cardholder upon presentation of an unexpired  
22 registry identification card in the recipient's name, if  
23 employed and registered as a dispensing agent by a registered  
24 dispensing organization; (2) being in the presence or vicinity  
25 of the medical use of cannabis as allowed under this Act; or  
26 (3) assisting a registered qualifying patient with the act of

1 administering cannabis.

2 (g) A registered cultivation center is not subject to  
3 prosecution; search or inspection, except by the Department of  
4 Agriculture, Department of Public Health, or State or local law  
5 enforcement under Section 130; seizure; or penalty in any  
6 manner, or be denied any right or privilege, including but not  
7 limited to civil penalty or disciplinary action by a business  
8 licensing board or entity, for acting under this Act and  
9 Department of Agriculture rules to: acquire, possess,  
10 cultivate, manufacture, deliver, transfer, transport, supply,  
11 or sell cannabis to registered dispensing organizations.

12 (h) A registered cultivation center agent is not subject to  
13 prosecution, search, or penalty in any manner, or be denied any  
14 right or privilege, including but not limited to civil penalty  
15 or disciplinary action by a business licensing board or entity,  
16 for working or volunteering for a registered cannabis  
17 cultivation center under this Act and Department of Agriculture  
18 rules, including to perform the actions listed under subsection  
19 (g).

20 (i) A registered dispensing organization is not subject to  
21 prosecution; search or inspection, except by the Department of  
22 Financial and Professional Regulation or State or local law  
23 enforcement pursuant to Section 130; seizure; or penalty in any  
24 manner, or be denied any right or privilege, including but not  
25 limited to civil penalty or disciplinary action by a business  
26 licensing board or entity, for acting under this Act and

1 Department of Financial and Professional Regulation rules to:  
2 acquire, possess, or dispense cannabis, or related supplies,  
3 and educational materials to registered qualifying patients or  
4 registered designated caregivers on behalf of registered  
5 qualifying patients.

6 (j) A registered dispensing organization agent is not  
7 subject to prosecution, search, or penalty in any manner, or be  
8 denied any right or privilege, including but not limited to  
9 civil penalty or disciplinary action by a business licensing  
10 board or entity, for working or volunteering for a dispensing  
11 organization under this Act and Department of Financial and  
12 Professional Regulation rules, including to perform the  
13 actions listed under subsection (i).

14 (k) Any cannabis, cannabis paraphernalia, illegal  
15 property, or interest in legal property that is possessed,  
16 owned, or used in connection with the medical use of cannabis  
17 as allowed under this Act, or acts incidental to that use, may  
18 not be seized or forfeited. This Act does not prevent the  
19 seizure or forfeiture of cannabis exceeding the amounts allowed  
20 under this Act, nor shall it prevent seizure or forfeiture if  
21 the basis for the action is unrelated to the cannabis that is  
22 possessed, manufactured, transferred, or used under this Act.

23 (l) Mere possession of, or application for, a registry  
24 identification card or registration certificate does not  
25 constitute probable cause or reasonable suspicion, nor shall it  
26 be used as the sole basis to support the search of the person,

1 property, or home of the person possessing or applying for the  
2 registry identification card. The possession of, or  
3 application for, a registry identification card does not  
4 preclude the existence of probable cause if probable cause  
5 exists on other grounds.

6 (m) Nothing in this Act shall preclude local or State law  
7 enforcement agencies from searching a registered cultivation  
8 center where there is probable cause to believe that the  
9 criminal laws of this State have been violated and the search  
10 is conducted in conformity with the Illinois Constitution, the  
11 Constitution of the United States, and all State statutes.

12 (n) Nothing in this Act shall preclude local or state law  
13 enforcement agencies from searching a registered dispensing  
14 organization where there is probable cause to believe that the  
15 criminal laws of this State have been violated and the search  
16 is conducted in conformity with the Illinois Constitution, the  
17 Constitution of the United States, and all State statutes.

18 (o) No individual employed by the State of Illinois shall  
19 be subject to criminal or civil penalties for taking any action  
20 in accordance with the provisions of this Act, when the actions  
21 are within the scope of his or her employment. Representation  
22 and indemnification of State employees shall be provided to  
23 State employees as set forth in Section 2 of the State Employee  
24 Indemnification Act.

25 (p) No law enforcement or correctional agency, nor any  
26 individual employed by a law enforcement or correctional

1 agency, shall be subject to criminal or civil liability, except  
2 for willful and wanton misconduct, as a result of taking any  
3 action within the scope of the official duties of the agency or  
4 individual to prohibit or prevent the possession or use of  
5 cannabis by a cardholder incarcerated at a correctional  
6 facility, jail, or municipal lockup facility, on parole or  
7 mandatory supervised release, or otherwise under the lawful  
8 jurisdiction of the agency or individual.

9 (Source: P.A. 98-122, eff. 1-1-14; 99-96, eff. 7-22-15.)

10 (410 ILCS 130/35)

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

12 Sec. 35. Physician requirements.

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

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

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



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

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

10          (b) A physician may not:

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

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

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

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

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

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

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

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

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

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

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

2 Sec. 50. Employment; employer liability.

3 (a) Nothing in this Act shall prohibit an employer from  
4 adopting reasonable regulations or workplace policies  
5 concerning the consumption, storage, or timekeeping  
6 requirements for qualifying patients related to the use of  
7 medical cannabis.

8 (b) Nothing in this Act shall prohibit an employer from  
9 enforcing a policy concerning the use or possession of drugs,  
10 drug testing, zero-tolerance, or a drug free workplace provided  
11 the policy is applied in a nondiscriminatory manner.

12 (c) Nothing in this Act shall limit an employer from  
13 disciplining a registered qualifying patient for violating a  
14 workplace drug policy.

15 (d) Nothing in this Act shall limit an employer's ability  
16 to discipline an employee for failing a drug test, including,  
17 but not limited to, if failing to do so would put the employer  
18 in violation of federal law or cause it to lose a federal  
19 contract or funding.

20 (e) Nothing in this Act shall be construed to create a  
21 defense for a third party who fails a drug test.

22 (f) An employer may consider a registered qualifying  
23 patient to be impaired when he or she manifests specific,  
24 articulable symptoms while working that decrease or lessen his  
25 or her performance of the duties or tasks of the employee's job  
26 position, including symptoms of the employee's speech,

1 physical dexterity, agility, coordination, demeanor,  
2 irrational or unusual behavior, negligence or carelessness in  
3 operating equipment or machinery, disregard for the safety of  
4 the employee or others, or involvement in an accident that  
5 results in serious damage to equipment or property, disruption  
6 of a production or manufacturing process, or carelessness that  
7 results in any injury to the employee or others. If an employer  
8 elects to discipline a qualifying patient under this  
9 subsection, it must afford the employee a reasonable  
10 opportunity to contest the basis of the determination.

11 (g) Nothing in this Act shall be construed to create or  
12 imply a cause of action for any person against an employer for:  
13 (1) actions based on the employer's good faith belief that a  
14 registered qualifying patient used or possessed cannabis while  
15 on the employer's premises or during the hours of employment;  
16 (2) actions based on the employer's good faith belief that a  
17 registered qualifying patient was impaired while working on the  
18 employer's premises during the hours of employment; (3) injury  
19 or loss to a third party if the employer neither knew nor had  
20 reason to know that the employee was impaired.

21 (h) Nothing in this Act shall be construed to interfere  
22 with any federal restrictions on employment including but not  
23 limited to the United States Department of Transportation  
24 regulation 49 CFR 40.151(e).

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

1 (410 ILCS 130/55)

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

3 Sec. 55. Registration of qualifying patients and  
4 designated caregivers.

5 (a) The Department of Public Health shall issue registry  
6 identification cards to qualifying patients and designated  
7 caregivers who submit a completed application, and at minimum,  
8 the following, in accordance with Department of Public Health  
9 rules:

10 (1) A written certification, on a form developed by the  
11 Department of Public Health and issued by a physician,  
12 within 90 days immediately preceding the date of an  
13 application;

14 (2) upon the execution of applicable privacy waivers,  
15 the patient's medical documentation related to his or her  
16 debilitating condition and any other information that may  
17 be reasonably required by the Department of Public Health  
18 to confirm that the physician and patient have a bona fide  
19 physician-patient relationship, that the qualifying  
20 patient is in the physician's care for his or her  
21 debilitating medical condition, and to substantiate the  
22 patient's diagnosis;

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

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

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

3 (6) the name, address, and date of birth of the  
4 designated caregiver, if any, chosen by the qualifying  
5 patient;

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

8 (8) signed statements from the patient and designated  
9 caregiver asserting that they will not divert medical  
10 cannabis; ~~and~~

11 (9) completed background checks for the patient and  
12 designated caregiver; and -

13 (10) the name and address of the residential facility  
14 licensed by the State that employs a designated caregiver  
15 to assist qualifying patients that reside in that facility.

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

17 (410 ILCS 130/60)

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

19 Sec. 60. Issuance of registry identification cards.

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

22 (1) verify the information contained in an application  
23 or renewal for a registry identification card submitted  
24 under this Act, and approve or deny an application or  
25 renewal, within 30 days of receiving a completed

1 application or renewal application and all supporting  
2 documentation specified in Section 55;

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

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

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

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

1 products and purchasing any usable cannabis.

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

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

25 (e) Upon the approval of the registration and issuance of a  
26 registry card under this Section, the Department of Public



1 Health shall electronically forward the registered qualifying  
2 patient's identification card information to the Prescription  
3 Monitoring Program established under the Illinois Controlled  
4 Substances Act and certify that the individual is permitted to  
5 engage in the medical use of cannabis. For the purposes of  
6 patient care, the Prescription Monitoring Program shall make a  
7 notation on the person's prescription record stating that the  
8 person is a registered qualifying patient who is entitled to  
9 the lawful medical use of cannabis. If the person no longer  
10 holds a valid registry card, the Department of Public Health  
11 shall notify the Prescription Monitoring Program and  
12 Department of Human Services to remove the notation from the  
13 person's record. The Department of Human Services and the  
14 Prescription Monitoring Program shall establish a system by  
15 which the information may be shared electronically.

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

17 (410 ILCS 130/74 new)

18 Sec. 74. Posting of patient information on the use of  
19 medical cannabis. The Department of Public Health shall post on  
20 its websites information available from other State public  
21 health departments or other sources on the proper use of  
22 medical cannabis. This information shall include at a minimum  
23 any available information on the risks and benefits of cannabis  
24 use for medical conditions. Each licensed dispensary shall post  
25 on its websites information available from State public health

1 departments or other sources on the proper use of medical  
2 cannabis. This information shall include at a minimum any  
3 available information on the risks and benefits of cannabis use  
4 for medical conditions.

5 (410 ILCS 130/75)

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

7 Sec. 75. Notifications to Department of Public Health and  
8 responses; civil penalty.

9 (a) The following notifications and Department of Public  
10 Health responses are required:

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

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

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

24 (4) If a cardholder loses his or her registry  
25 identification card, he or she shall notify the Department

1           within 10 days of becoming aware the card has been lost.

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

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

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

25           (e) A registered qualifying patient shall notify the  
26 Department of Public Health of any change to his or her

1 designated registered dispensing organization. Registered  
2 dispensing organizations must comply with all requirements of  
3 this Act.

4 (f) If the registered qualifying patient's certifying  
5 physician notifies the Department in writing that either the  
6 registered qualifying patient has ceased to suffer from a  
7 debilitating medical condition ~~or that the physician no longer~~  
8 ~~believes the patient would receive therapeutic or palliative~~  
9 ~~benefit from the medical use of cannabis~~, the card shall become  
10 null and void. However, the registered qualifying patient shall  
11 have 15 days to destroy his or her remaining medical cannabis  
12 and related paraphernalia.

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

14 (410 ILCS 130/220)

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

16 Sec. 220. Repeal of Act. This Act is repealed on January 1,  
17 2020 ~~4 years after the effective date of this Act.~~

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

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."