



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3498

Introduced 2/18/2025, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

410 ILCS 130/10
410 ILCS 705/10-5

Amends the Compassionate Use of Medical Cannabis Program Act. Changes the definition of "designated caregiver" to remove a requirement that the caregiver not have been convicted of an excluded offense and to raise the maximum number of patients that can be assisted to 10 patients. Amends the Cannabis Regulation and Tax Act. In provisions regarding the personal use of cannabis, provides that a dwelling, residence, apartment, condominium unit, enclosed, locked space, or piece of property not divided into multiple dwelling units shall not contain more than 12 plants (rather than 5 plants).

LRB104 09660 BDA 19726 b

1 AN ACT concerning 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
5 Program Act is amended by changing Section 10 as follows:

6 (410 ILCS 130/10)

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

9 (a) "Adequate supply" means:

10 (1) 2.5 ounces of usable cannabis during a period of
11 14 days and that is derived solely from an intrastate
12 source.

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

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

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

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

7 (a-5) "Advanced practice registered nurse" means a person
8 who is licensed under the Nurse Practice Act as an advanced
9 practice registered nurse and has a controlled substances
10 license under Article III of the Illinois Controlled
11 Substances Act.

12 (b) "Cannabis" has the meaning given that term in Section
13 3 of the Cannabis Control Act.

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

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

26 (d-5) "Certifying health care professional" means a

1 physician, an advanced practice registered nurse, or a
2 physician assistant.

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

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

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

15 (h) "Debilitating medical condition" means one or more of
16 the following:

17 (1) cancer, glaucoma, positive status for human
18 immunodeficiency virus, acquired immune deficiency
19 syndrome, hepatitis C, amyotrophic lateral sclerosis,
20 Crohn's disease (including, but not limited to, ulcerative
21 colitis), agitation of Alzheimer's disease,
22 cachexia/wasting syndrome, muscular dystrophy, severe
23 fibromyalgia, spinal cord disease, including but not
24 limited to arachnoiditis, Tarlov cysts, hydromyelia,
25 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
26 spinal cord injury, traumatic brain injury and

1 post-concussion syndrome, Multiple Sclerosis,
2 Arnold-Chiari malformation and Syringomyelia,
3 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
4 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
5 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
6 (Complex Regional Pain Syndromes Type II),
7 Neurofibromatosis, Chronic Inflammatory Demyelinating
8 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
9 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
10 syndrome, residual limb pain, seizures (including those
11 characteristic of epilepsy), post-traumatic stress
12 disorder (PTSD), autism, chronic pain, irritable bowel
13 syndrome, migraines, osteoarthritis, anorexia nervosa,
14 Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune
15 Disease, neuropathy, polycystic kidney disease, superior
16 canal dehiscence syndrome, or the treatment of these
17 conditions;

18 (1.5) terminal illness with a diagnosis of 6 months or
19 less; if the terminal illness is not one of the qualifying
20 debilitating medical conditions, then the certifying
21 health care professional shall on the certification form
22 identify the cause of the terminal illness; or

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

26 (i) "Designated caregiver" means a person who: (1) is at

1 least 21 years of age; (2) has agreed to assist with a
2 patient's medical use of cannabis; ~~(3) has not been convicted~~
3 ~~of an excluded offense;~~ and (3) ~~(4)~~ assists no more than 10 ~~one~~
4 registered qualifying patients ~~patient~~ with his or her medical
5 use of cannabis.

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

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

17 (l) "Excluded offense" for cultivation center agents and
18 dispensing organizations means:

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

23 (2) a violation of a state or federal controlled
24 substance law, the Cannabis Control Act, or the
25 Methamphetamine Control and Community Protection Act that
26 was classified as a felony in the jurisdiction where the

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

9 For purposes of this subsection, the Department of Public
10 Health shall determine by emergency rule within 30 days after
11 the effective date of this amendatory Act of the 99th General
12 Assembly what constitutes a "reasonable amount".

13 (1-5) (Blank).

14 (1-10) "Illinois Cannabis Tracking System" means a
15 web-based system established and maintained by the Department
16 of Public Health that is available to the Department of
17 Agriculture, the Department of Financial and Professional
18 Regulation, the Illinois State Police, and registered medical
19 cannabis dispensing organizations on a 24-hour basis to upload
20 written certifications for Opioid Alternative Pilot Program
21 participants, to verify Opioid Alternative Pilot Program
22 participants, to verify Opioid Alternative Pilot Program
23 participants' available cannabis allotment and assigned
24 dispensary, and the tracking of the date of sale, amount, and
25 price of medical cannabis purchased by an Opioid Alternative
26 Pilot Program participant.

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

3 (n) "Medical cannabis container" means a sealed,
4 traceable, food compliant, tamper resistant, tamper evident
5 container, or package used for the purpose of containment of
6 medical cannabis from a cultivation center to a dispensing
7 organization.

8 (o) "Medical cannabis dispensing organization", or
9 "dispensing organization", or "dispensary organization" means
10 a facility operated by an organization or business that is
11 registered by the Department of Financial and Professional
12 Regulation to acquire medical cannabis from a registered
13 cultivation center for the purpose of dispensing cannabis,
14 paraphernalia, or related supplies and educational materials
15 to registered qualifying patients, individuals with a
16 provisional registration for qualifying patient cardholder
17 status, or an Opioid Alternative Pilot Program participant.

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

23 (q) "Medical cannabis infused product" means food, oils,
24 ointments, or other products containing usable cannabis that
25 are not smoked.

26 (r) "Medical use" means the acquisition; administration;

1 delivery; possession; transfer; transportation; or use of
2 cannabis to treat or alleviate a registered qualifying
3 patient's debilitating medical condition or symptoms
4 associated with the patient's debilitating medical condition.

5 (r-5) "Opioid" means a narcotic drug or substance that is
6 a Schedule II controlled substance under paragraph (1), (2),
7 (3), or (5) of subsection (b) or under subsection (c) of
8 Section 206 of the Illinois Controlled Substances Act.

9 (r-10) "Opioid Alternative Pilot Program participant"
10 means an individual who has received a valid written
11 certification to participate in the Opioid Alternative Pilot
12 Program for a medical condition for which an opioid has been or
13 could be prescribed by a certifying health care professional
14 based on generally accepted standards of care.

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

22 (s-1) "Physician assistant" means a physician assistant
23 licensed under the Physician Assistant Practice Act of 1987
24 and who has a controlled substances license under Article III
25 of the Illinois Controlled Substances Act.

26 (s-5) "Provisional registration" means a document issued

1 by the Department of Public Health to a qualifying patient who
2 has submitted: (1) an online application and paid a fee to
3 participate in Compassionate Use of Medical Cannabis Program
4 pending approval or denial of the patient's application; or
5 (2) a completed application for terminal illness.

6 (t) "Qualifying patient" means a person who has been
7 diagnosed by a certifying health care professional as having a
8 debilitating medical 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 certifying health care professional, stating (1)
10 that the qualifying patient has a debilitating medical
11 condition and specifying the debilitating medical condition
12 the qualifying patient has; and (2) that (A) the certifying
13 health care professional is treating or managing treatment of
14 the patient's debilitating medical condition; or (B) an Opioid
15 Alternative Pilot Program participant has a medical condition
16 for which opioids have been or could be prescribed. A written
17 certification shall be made only in the course of a bona fide
18 health care professional-patient relationship, after the
19 certifying health care professional has completed an
20 assessment of either a qualifying patient's medical history or
21 Opioid Alternative Pilot Program participant, reviewed
22 relevant records related to the patient's debilitating
23 condition, and conducted a physical examination.

24 (z) "Bona fide health care professional-patient
25 relationship" means a relationship established at a hospital,
26 certifying health care professional's office, or other health

1 care facility in which the certifying health care professional
2 has an ongoing responsibility for the assessment, care, and
3 treatment of a patient's debilitating medical condition or a
4 symptom of the patient's debilitating medical condition.

5 A veteran who has received treatment at a VA hospital
6 shall be deemed to have a bona fide health care
7 professional-patient relationship with a VA certifying health
8 care professional if the patient has been seen for his or her
9 debilitating medical condition at the VA Hospital in
10 accordance with VA Hospital protocols.

11 A bona fide health care professional-patient relationship
12 under this subsection is a privileged communication within the
13 meaning of Section 8-802 of the Code of Civil Procedure.

14 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

15 Section 10. The Cannabis Regulation and Tax Act is amended
16 by changing Section 10-5 as follows:

17 (410 ILCS 705/10-5)

18 Sec. 10-5. Personal use of cannabis; restrictions on
19 cultivation; penalties.

20 (a) Beginning January 1, 2020, notwithstanding any other
21 provision of law, and except as otherwise provided in this
22 Act, the following acts are not a violation of this Act and
23 shall not be a criminal or civil offense under State law or the
24 ordinances of any unit of local government of this State or be

1 a basis for seizure or forfeiture of assets under State law for
2 persons other than natural individuals under 21 years of age:

3 (1) possession, consumption, use, purchase, obtaining,
4 or transporting cannabis paraphernalia or an amount of
5 cannabis for personal use that does not exceed the
6 possession limit under Section 10-10 or otherwise in
7 accordance with the requirements of this Act;

8 (2) cultivation of cannabis for personal use in
9 accordance with the requirements of this Act; and

10 (3) controlling property if actions that are
11 authorized by this Act occur on the property in accordance
12 with this Act.

13 (a-1) Beginning January 1, 2020, notwithstanding any other
14 provision of law, and except as otherwise provided in this
15 Act, possessing, consuming, using, purchasing, obtaining, or
16 transporting cannabis paraphernalia or an amount of cannabis
17 purchased or produced in accordance with this Act that does
18 not exceed the possession limit under subsection (a) of
19 Section 10-10 shall not be a basis for seizure or forfeiture of
20 assets under State law.

21 (b) Cultivating cannabis for personal use is subject to
22 the following limitations:

23 (1) An Illinois resident 21 years of age or older who
24 is a registered qualifying patient under the Compassionate
25 Use of Medical Cannabis Program Act may cultivate cannabis
26 plants, with a limit of 5 plants that are more than 5

1 inches tall, per household without a cultivation center or
2 craft grower license. In this Section, "resident" means a
3 person who has been domiciled in the State of Illinois for
4 a period of 30 days before cultivation.

5 (2) Cannabis cultivation must take place in an
6 enclosed, locked space.

7 (3) Adult registered qualifying patients may purchase
8 cannabis seeds from a dispensary for the purpose of home
9 cultivation. Seeds may not be given or sold to any other
10 person.

11 (4) Cannabis plants shall not be stored or placed in a
12 location where they are subject to ordinary public view,
13 as defined in this Act. A registered qualifying patient
14 who cultivates cannabis under this Section shall take
15 reasonable precautions to ensure the plants are secure
16 from unauthorized access, including unauthorized access by
17 a person under 21 years of age.

18 (5) Cannabis cultivation may occur only on residential
19 property lawfully in possession of the cultivator or with
20 the consent of the person in lawful possession of the
21 property. An owner or lessor of residential property may
22 prohibit the cultivation of cannabis by a lessee.

23 (6) (Blank).

24 (7) A dwelling, residence, apartment, condominium
25 unit, enclosed, locked space, or piece of property not
26 divided into multiple dwelling units shall not contain

1 more than 12 ~~5~~ plants at any one time.

2 (8) Cannabis plants may only be tended by registered
3 qualifying patients who reside at the residence, or their
4 authorized agent attending to the residence for brief
5 periods, such as when the qualifying patient is
6 temporarily away from the residence.

7 (9) A registered qualifying patient who cultivates
8 more than the allowable number of cannabis plants, or who
9 sells or gives away cannabis plants, cannabis, or
10 cannabis-infused products produced under this Section, is
11 liable for penalties as provided by law, including the
12 Cannabis Control Act, in addition to loss of home
13 cultivation privileges as established by rule.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)