



Rep. Carol Ammons

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LRB101 08006 RLC 57865 a

1 AMENDMENT TO HOUSE BILL 902

2 AMENDMENT NO. _____. Amend House Bill 902 on page 3, by
3 inserting immediately below line 16 the following:

4 "Cannabis delivery service" means a business that is
5 solely engaged in transporting cannabis between businesses or
6 to consumers with the exception of a "cannabis nursery"
7 business that may transport live cannabis plants."; and

8 on page 4, by inserting immediately below line 4 the following:

9 "Canopy space" means actual space dedicated to
10 cultivating cannabis where cannabis plants are growing."; and

11 on page 5, by inserting immediately below line 2 the following:

12 "Onsite cannabis consumption facility" means a public or
13 private venue where onsite cannabis consumption, including
14 smoking and vaping, eating, and topically applying cannabis is
15 permitted."; and

1 by replacing line 19 on page 14 through line 18 on page 15 with
2 the following:

3 "Section 50.5. Cannabis cultivation facility; licenses.

4 (a) The following cannabis cultivation facility licenses
5 shall be issued by the Department:

- 6 (1) Type 1 - Specialty outdoor,
- 7 (2) Type 1A - Specialty indoor,
- 8 (3) Type 1B - Specialty mixed lighting,
- 9 (4) Type 2 - Small outdoor,
- 10 (5) Type 2A - Small indoor,
- 11 (6) Type 2B - Small mixed lighting,
- 12 (7) Type 3 - Craft outdoor,
- 13 (8) Type 3A - Craft indoor lighting,
- 14 (9) Type 3B - Craft mixed lighting,
- 15 (10) Type 4 - Outdoor,
- 16 (10) Type 4A - Indoor,
- 17 (11) Type 4B - Mixed lighting,
- 18 (12) Type 5 - Nursery.

19 (b) A Type 1 specialty outdoor licensed cannabis
20 cultivation facility shall:

- 21 (1) contain no artificial lighting; and
- 22 (2) be comprised of less than or equal to 5,000 square
23 feet of canopy space on one premises or up to 50 mature
24 plants in non-contiguous plots.

25 (c) A Type 1A specialty indoor licensed cannabis

1 cultivation facility shall use artificial light and be
2 comprised of less than or equal to 5,000 square feet of canopy
3 space.

4 (d) A Type 1B specialty mixed lighting licensed cannabis
5 cultivation facility shall have a combination of natural and
6 artificial lighting, the maximum threshold to be set by the
7 Department, and be comprised of less than or equal to 5,000
8 square feet of canopy space.

9 (e) A Type 2 small outdoor licensed cannabis cultivation
10 facility shall have no artificial lighting and be comprised of
11 5,001 to 10,000 square feet of canopy space.

12 (f) A Type 2A small indoor licensed cannabis cultivation
13 facility shall have exclusively artificial lighting and be
14 comprised of 5,001 to 10,000 square feet of canopy space.

15 (g) A Type 2B small mixed lighting licensed cannabis
16 cultivation facility shall have a combination of natural and
17 artificial lighting and be comprised of 5,001 to 10,000 square
18 feet of canopy space.

19 (h) A Type 3 craft outdoor licensed cannabis cultivation
20 facility shall have no artificial lighting and be comprised of
21 at least 10,001 square feet and not exceeding 100,000 square
22 feet of canopy space.

23 (i) A Type 3A craft indoor lighting licensed cannabis
24 cultivation facility shall have artificial lighting and be
25 comprised of at least 10,001 square feet and not exceeding
26 100,000 square feet of canopy space.

1 (j) A Type 3B craft mixed lighting licensed cannabis
2 cultivation facility shall have a combination of natural and
3 artificial lighting and be comprised of 10,001 square feet and
4 not exceeding 100,000 square feet of canopy space.

5 (k) A Type 4 outdoor licensed cannabis cultivation facility
6 shall have no artificial lighting and equal or exceed 100,001
7 square feet of canopy space.

8 (l) A Type 4A indoor licensed cannabis cultivation facility
9 shall have exclusively artificial lighting and equal or exceed
10 100,001 square feet of canopy space.

11 (m) A Type 4B mixed lighting licensed cannabis cultivation
12 facility shall have a combination of natural and artificial
13 lighting and equal or exceed 100,001 square feet of canopy
14 space.

15 (n) A Type 5 nursery licensed cannabis cultivation facility
16 shall cultivate solely as a nursery and may transport live
17 cannabis plants.

18 (o) A limited amount of Type 4, 4A, and 4B licenses shall
19 be issued by the Department as established by Department rule.

20 (p) A Type 1, Type 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4, 4A, or
21 4B cannabis cultivation facility licensee may apply to the
22 Department for issuance of an onsite cannabis consumption
23 facility license.

24 Section 51. Percentage of cannabis cultivation facilities
25 and retail cannabis stores owned and operated by minorities.

1 (a) In this Section:

2 "Community disproportionately harmed by the war on
3 drugs" means a census tract or tracts in which a majority
4 of the population is any of the following:

5 (1) Black or African American;

6 (2) American Indian or Alaska Native; or

7 (3) Hispanic or Latino.

8 "Minority" means a person who is any of the following:

9 (1) American Indian or Alaska Native (a person
10 having origins in any of the original peoples of North
11 and South America, including Central America, and who
12 maintains tribal affiliation or community attachment).

13 (2) Asian (a person having origins in any of the
14 original peoples of the Far East, Southeast Asia, or
15 the Indian subcontinent, including, but not limited
16 to, Cambodia, China, India, Japan, Korea, Malaysia,
17 Pakistan, the Philippine Islands, Thailand, and
18 Vietnam).

19 (3) Black or African American (a person having
20 origins in any of the black racial groups of Africa).
21 Terms such as "Haitian" or "Negro" can be used in
22 addition to "Black or African American".

23 (4) Hispanic or Latino (a person of Cuban, Mexican,
24 Puerto Rican, South or Central American, or other
25 Spanish culture or origin, regardless of race).

26 (5) Native Hawaiian or Other Pacific Islander (a

1 person having origins in any of the original peoples of
2 Hawaii, Guam, Samoa, or other Pacific Islands).

3 (b) At least 51% of the cannabis cultivation facilities
4 that are issued licenses by the Department of Agriculture shall
5 be owned and operated by minorities and at least 51% of the
6 retail cannabis stores that are issued licenses by the
7 Department of Financial and Professional Regulation shall be
8 owned and operated by minorities.

9 (c) The Department of Agriculture may not deny licenses for
10 operation of cannabis cultivation facilities and the
11 Department of Financial and Professional Regulation may not
12 deny licenses for operation of retail cannabis stores to
13 persons who apply for them to be located in communities
14 disproportionately harmed by the war on drugs because of the
15 applicants' prior felony convictions under the Cannabis
16 Control Act, Illinois Controlled Substances Act, or
17 Methamphetamine Control and Community Protection Act or
18 similar federal laws or laws of another state or territory of
19 the United States or any foreign country."; and

20 on page 23, line 19, by replacing "30%" with "20%"; and

21 on page 23, by inserting immediately below line 21 the
22 following:

23 "(1.5) 10% shall be distributed to the Cannabis Equity
24 Commission."; and

1 on page 25, by inserting immediately below line 22 the
2 following:

3 "Section 96. Cannabis Equity Commission.

4 (a) The Cannabis Equity Commission, hereinafter referred
5 to as the Commission, is created within the Department of
6 Revenue. The Commission shall consist of 5 members appointed by
7 the Governor for 2-year terms. The Commission shall choose its
8 chair and those other officers it deems appropriate. Three
9 members of the Commission shall constitute a quorum to do
10 business and the vote of at least 3 members shall be necessary
11 for a decision of the Commission. The members Commission may
12 receive compensation as provided by law and may be reimbursed
13 for their actual expenses in serving on the Commission from
14 appropriations made by law. The Department of Revenue shall
15 provide administrative and other support to the Commission.

16 (b) The Commission shall:

17 (1) encourage and enforce equity participation;

18 (2) enforce community benefits agreements with
19 cannabis businesses licensed under this Act;

20 (3) ensure equity participants are not placeholders;

21 (4) create and develop cannabis apprenticeship
22 programs; and

23 (5) create cannabis zones, marketplaces, and
24 entertainment districts to supervise low interest loans to

1 equity participants in the regulated cannabis industry.

2 (6) have power to approve or deny the issuance of
3 licenses for cannabis cultivation facilities and retail
4 cannabis stores. The Department of Agriculture and the
5 Department of Financial and Professional Regulation shall
6 upon receipt of applications for the licensing of cannabis
7 cultivation facilities and retail cannabis stores,
8 respectively, submit copies of those applications to the
9 Cannabis Equity Commission for approval or denial. If
10 within 180 days of the receipt of a license application,
11 the Cannabis Equity Commission denies the application, it
12 shall not be issued. If the Cannabis Equity Commission does
13 not approve or deny an application within that 180 day
14 period, the application shall be deemed to have been
15 approved by the Cannabis Equity Commission and shall be
16 issued by the respective licensing Department. An
17 applicant who is denied approval of his or her license
18 application by the Cannabis Equity Commission be appeal
19 that decision to the circuit court under the Administrative
20 Review Law."; and

21 on page 26, by inserting immediately below line 1 the
22 following:

23 "Section 895. The Election Code is amended by changing
24 Section 9-45 as follows:

1 (10 ILCS 5/9-45)

2 Sec. 9-45. Medical cannabis organization; contributions.

3 It is unlawful for any medical cannabis cultivation center or
4 medical cannabis dispensary organization or any political
5 action committee created by any medical cannabis cultivation
6 center or dispensary organization to make a campaign
7 contribution to any political committee established to promote
8 the candidacy of a candidate or public official. It is unlawful
9 for any candidate, political committee, or other person to
10 knowingly accept or receive any contribution prohibited by this
11 Section. It is unlawful for any officer or agent of a medical
12 cannabis cultivation center or dispensary organization to
13 consent to any contribution or expenditure by the medical
14 cannabis organization that is prohibited by this Section. As
15 used in this Section, "medical cannabis cultivation center" and
16 "dispensary organization" have the meaning ascribed to those
17 terms in Section 10 of the Compassionate Use of Medical
18 Cannabis ~~Pilot~~ Program Act.

19 (Source: P.A. 98-122, eff. 1-1-14.)"; and

20 on page 70, by inserting immediately below line 10 the
21 following:

22 "Section 911. The Illinois Procurement Code is amended by
23 changing Section 1-10 as follows:

1 (30 ILCS 500/1-10)

2 Sec. 1-10. Application.

3 (a) This Code applies only to procurements for which
4 bidders, offerors, potential contractors, or contractors were
5 first solicited on or after July 1, 1998. This Code shall not
6 be construed to affect or impair any contract, or any provision
7 of a contract, entered into based on a solicitation prior to
8 the implementation date of this Code as described in Article
9 99, including but not limited to any covenant entered into with
10 respect to any revenue bonds or similar instruments. All
11 procurements for which contracts are solicited between the
12 effective date of Articles 50 and 99 and July 1, 1998 shall be
13 substantially in accordance with this Code and its intent.

14 (b) This Code shall apply regardless of the source of the
15 funds with which the contracts are paid, including federal
16 assistance moneys. This Code shall not apply to:

17 (1) Contracts between the State and its political
18 subdivisions or other governments, or between State
19 governmental bodies, except as specifically provided in
20 this Code.

21 (2) Grants, except for the filing requirements of
22 Section 20-80.

23 (3) Purchase of care, except as provided in Section
24 5-30.6 of the Illinois Public Aid Code and this Section.

25 (4) Hiring of an individual as employee and not as an

1 independent contractor, whether pursuant to an employment
2 code or policy or by contract directly with that
3 individual.

4 (5) Collective bargaining contracts.

5 (6) Purchase of real estate, except that notice of this
6 type of contract with a value of more than \$25,000 must be
7 published in the Procurement Bulletin within 10 calendar
8 days after the deed is recorded in the county of
9 jurisdiction. The notice shall identify the real estate
10 purchased, the names of all parties to the contract, the
11 value of the contract, and the effective date of the
12 contract.

13 (7) Contracts necessary to prepare for anticipated
14 litigation, enforcement actions, or investigations,
15 provided that the chief legal counsel to the Governor shall
16 give his or her prior approval when the procuring agency is
17 one subject to the jurisdiction of the Governor, and
18 provided that the chief legal counsel of any other
19 procuring entity subject to this Code shall give his or her
20 prior approval when the procuring entity is not one subject
21 to the jurisdiction of the Governor.

22 (8) (Blank).

23 (9) Procurement expenditures by the Illinois
24 Conservation Foundation when only private funds are used.

25 (10) (Blank).

26 (11) Public-private agreements entered into according

1 to the procurement requirements of Section 20 of the
2 Public-Private Partnerships for Transportation Act and
3 design-build agreements entered into according to the
4 procurement requirements of Section 25 of the
5 Public-Private Partnerships for Transportation Act.

6 (12) Contracts for legal, financial, and other
7 professional and artistic services entered into on or
8 before December 31, 2018 by the Illinois Finance Authority
9 in which the State of Illinois is not obligated. Such
10 contracts shall be awarded through a competitive process
11 authorized by the Board of the Illinois Finance Authority
12 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
13 50-35, and 50-37 of this Code, as well as the final
14 approval by the Board of the Illinois Finance Authority of
15 the terms of the contract.

16 (13) Contracts for services, commodities, and
17 equipment to support the delivery of timely forensic
18 science services in consultation with and subject to the
19 approval of the Chief Procurement Officer as provided in
20 subsection (d) of Section 5-4-3a of the Unified Code of
21 Corrections, except for the requirements of Sections
22 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
23 Code; however, the Chief Procurement Officer may, in
24 writing with justification, waive any certification
25 required under Article 50 of this Code. For any contracts
26 for services which are currently provided by members of a

1 collective bargaining agreement, the applicable terms of
2 the collective bargaining agreement concerning
3 subcontracting shall be followed.

4 On and after January 1, 2019, this paragraph (13),
5 except for this sentence, is inoperative.

6 (14) Contracts for participation expenditures required
7 by a domestic or international trade show or exhibition of
8 an exhibitor, member, or sponsor.

9 (15) Contracts with a railroad or utility that requires
10 the State to reimburse the railroad or utilities for the
11 relocation of utilities for construction or other public
12 purpose. Contracts included within this paragraph (15)
13 shall include, but not be limited to, those associated
14 with: relocations, crossings, installations, and
15 maintenance. For the purposes of this paragraph (15),
16 "railroad" means any form of non-highway ground
17 transportation that runs on rails or electromagnetic
18 guideways and "utility" means: (1) public utilities as
19 defined in Section 3-105 of the Public Utilities Act, (2)
20 telecommunications carriers as defined in Section 13-202
21 of the Public Utilities Act, (3) electric cooperatives as
22 defined in Section 3.4 of the Electric Supplier Act, (4)
23 telephone or telecommunications cooperatives as defined in
24 Section 13-212 of the Public Utilities Act, (5) rural water
25 or waste water systems with 10,000 connections or less, (6)
26 a holder as defined in Section 21-201 of the Public

1 Utilities Act, and (7) municipalities owning or operating
2 utility systems consisting of public utilities as that term
3 is defined in Section 11-117-2 of the Illinois Municipal
4 Code.

5 (16) Procurement expenditures necessary for the
6 Department of Public Health to provide the delivery of
7 timely newborn screening services in accordance with the
8 Newborn Metabolic Screening Act.

9 (17) ~~(16)~~ Procurement expenditures necessary for the
10 Department of Agriculture, the Department of Financial and
11 Professional Regulation, the Department of Human Services,
12 and the Department of Public Health to implement the
13 Compassionate Use of Medical Cannabis ~~Pilot~~ Program and
14 Opioid Alternative ~~Pilot~~ Program requirements and ensure
15 access to medical cannabis for patients with debilitating
16 medical conditions in accordance with the Compassionate
17 Use of Medical Cannabis ~~Pilot~~ Program Act.

18 Notwithstanding any other provision of law, for contracts
19 entered into on or after October 1, 2017 under an exemption
20 provided in any paragraph of this subsection (b), except
21 paragraph (1), (2), or (5), each State agency shall post to the
22 appropriate procurement bulletin the name of the contractor, a
23 description of the supply or service provided, the total amount
24 of the contract, the term of the contract, and the exception to
25 the Code utilized. The chief procurement officer shall submit a
26 report to the Governor and General Assembly no later than

1 November 1 of each year that shall include, at a minimum, an
2 annual summary of the monthly information reported to the chief
3 procurement officer.

4 (c) This Code does not apply to the electric power
5 procurement process provided for under Section 1-75 of the
6 Illinois Power Agency Act and Section 16-111.5 of the Public
7 Utilities Act.

8 (d) Except for Section 20-160 and Article 50 of this Code,
9 and as expressly required by Section 9.1 of the Illinois
10 Lottery Law, the provisions of this Code do not apply to the
11 procurement process provided for under Section 9.1 of the
12 Illinois Lottery Law.

13 (e) This Code does not apply to the process used by the
14 Capital Development Board to retain a person or entity to
15 assist the Capital Development Board with its duties related to
16 the determination of costs of a clean coal SNG brownfield
17 facility, as defined by Section 1-10 of the Illinois Power
18 Agency Act, as required in subsection (h-3) of Section 9-220 of
19 the Public Utilities Act, including calculating the range of
20 capital costs, the range of operating and maintenance costs, or
21 the sequestration costs or monitoring the construction of clean
22 coal SNG brownfield facility for the full duration of
23 construction.

24 (f) (Blank).

25 (g) (Blank).

26 (h) This Code does not apply to the process to procure or

1 contracts entered into in accordance with Sections 11-5.2 and
2 11-5.3 of the Illinois Public Aid Code.

3 (i) Each chief procurement officer may access records
4 necessary to review whether a contract, purchase, or other
5 expenditure is or is not subject to the provisions of this
6 Code, unless such records would be subject to attorney-client
7 privilege.

8 (j) This Code does not apply to the process used by the
9 Capital Development Board to retain an artist or work or works
10 of art as required in Section 14 of the Capital Development
11 Board Act.

12 (k) This Code does not apply to the process to procure
13 contracts, or contracts entered into, by the State Board of
14 Elections or the State Electoral Board for hearing officers
15 appointed pursuant to the Election Code.

16 (l) This Code does not apply to the processes used by the
17 Illinois Student Assistance Commission to procure supplies and
18 services paid for from the private funds of the Illinois
19 Prepaid Tuition Fund. As used in this subsection (l), "private
20 funds" means funds derived from deposits paid into the Illinois
21 Prepaid Tuition Trust Fund and the earnings thereon.

22 (Source: P.A. 99-801, eff. 1-1-17; 100-43, eff. 8-9-17;
23 100-580, eff. 3-12-18; 100-757, eff. 8-10-18; 100-1114, eff.
24 8-28-18; revised 10-18-18.)"; and

25 on page 70, by replacing line 12 with the following:

1 "changing Sections 201 and 203 as follows:

2 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

3 Sec. 201. Tax imposed.

4 (a) In general. A tax measured by net income is hereby
5 imposed on every individual, corporation, trust and estate for
6 each taxable year ending after July 31, 1969 on the privilege
7 of earning or receiving income in or as a resident of this
8 State. Such tax shall be in addition to all other occupation or
9 privilege taxes imposed by this State or by any municipal
10 corporation or political subdivision thereof.

11 (b) Rates. The tax imposed by subsection (a) of this
12 Section shall be determined as follows, except as adjusted by
13 subsection (d-1):

14 (1) In the case of an individual, trust or estate, for
15 taxable years ending prior to July 1, 1989, an amount equal
16 to 2 1/2% of the taxpayer's net income for the taxable
17 year.

18 (2) In the case of an individual, trust or estate, for
19 taxable years beginning prior to July 1, 1989 and ending
20 after June 30, 1989, an amount equal to the sum of (i) 2
21 1/2% of the taxpayer's net income for the period prior to
22 July 1, 1989, as calculated under Section 202.3, and (ii)
23 3% of the taxpayer's net income for the period after June
24 30, 1989, as calculated under Section 202.3.

1 (3) In the case of an individual, trust or estate, for
2 taxable years beginning after June 30, 1989, and ending
3 prior to January 1, 2011, an amount equal to 3% of the
4 taxpayer's net income for the taxable year.

5 (4) In the case of an individual, trust, or estate, for
6 taxable years beginning prior to January 1, 2011, and
7 ending after December 31, 2010, an amount equal to the sum
8 of (i) 3% of the taxpayer's net income for the period prior
9 to January 1, 2011, as calculated under Section 202.5, and
10 (ii) 5% of the taxpayer's net income for the period after
11 December 31, 2010, as calculated under Section 202.5.

12 (5) In the case of an individual, trust, or estate, for
13 taxable years beginning on or after January 1, 2011, and
14 ending prior to January 1, 2015, an amount equal to 5% of
15 the taxpayer's net income for the taxable year.

16 (5.1) In the case of an individual, trust, or estate,
17 for taxable years beginning prior to January 1, 2015, and
18 ending after December 31, 2014, an amount equal to the sum
19 of (i) 5% of the taxpayer's net income for the period prior
20 to January 1, 2015, as calculated under Section 202.5, and
21 (ii) 3.75% of the taxpayer's net income for the period
22 after December 31, 2014, as calculated under Section 202.5.

23 (5.2) In the case of an individual, trust, or estate,
24 for taxable years beginning on or after January 1, 2015,
25 and ending prior to July 1, 2017, an amount equal to 3.75%
26 of the taxpayer's net income for the taxable year.

1 (5.3) In the case of an individual, trust, or estate,
2 for taxable years beginning prior to July 1, 2017, and
3 ending after June 30, 2017, an amount equal to the sum of
4 (i) 3.75% of the taxpayer's net income for the period prior
5 to July 1, 2017, as calculated under Section 202.5, and
6 (ii) 4.95% of the taxpayer's net income for the period
7 after June 30, 2017, as calculated under Section 202.5.

8 (5.4) In the case of an individual, trust, or estate,
9 for taxable years beginning on or after July 1, 2017, an
10 amount equal to 4.95% of the taxpayer's net income for the
11 taxable year.

12 (6) In the case of a corporation, for taxable years
13 ending prior to July 1, 1989, an amount equal to 4% of the
14 taxpayer's net income for the taxable year.

15 (7) In the case of a corporation, for taxable years
16 beginning prior to July 1, 1989 and ending after June 30,
17 1989, an amount equal to the sum of (i) 4% of the
18 taxpayer's net income for the period prior to July 1, 1989,
19 as calculated under Section 202.3, and (ii) 4.8% of the
20 taxpayer's net income for the period after June 30, 1989,
21 as calculated under Section 202.3.

22 (8) In the case of a corporation, for taxable years
23 beginning after June 30, 1989, and ending prior to January
24 1, 2011, an amount equal to 4.8% of the taxpayer's net
25 income for the taxable year.

26 (9) In the case of a corporation, for taxable years

1 beginning prior to January 1, 2011, and ending after
2 December 31, 2010, an amount equal to the sum of (i) 4.8%
3 of the taxpayer's net income for the period prior to
4 January 1, 2011, as calculated under Section 202.5, and
5 (ii) 7% of the taxpayer's net income for the period after
6 December 31, 2010, as calculated under Section 202.5.

7 (10) In the case of a corporation, for taxable years
8 beginning on or after January 1, 2011, and ending prior to
9 January 1, 2015, an amount equal to 7% of the taxpayer's
10 net income for the taxable year.

11 (11) In the case of a corporation, for taxable years
12 beginning prior to January 1, 2015, and ending after
13 December 31, 2014, an amount equal to the sum of (i) 7% of
14 the taxpayer's net income for the period prior to January
15 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
16 of the taxpayer's net income for the period after December
17 31, 2014, as calculated under Section 202.5.

18 (12) In the case of a corporation, for taxable years
19 beginning on or after January 1, 2015, and ending prior to
20 July 1, 2017, an amount equal to 5.25% of the taxpayer's
21 net income for the taxable year.

22 (13) In the case of a corporation, for taxable years
23 beginning prior to July 1, 2017, and ending after June 30,
24 2017, an amount equal to the sum of (i) 5.25% of the
25 taxpayer's net income for the period prior to July 1, 2017,
26 as calculated under Section 202.5, and (ii) 7% of the

1 taxpayer's net income for the period after June 30, 2017,
2 as calculated under Section 202.5.

3 (14) In the case of a corporation, for taxable years
4 beginning on or after July 1, 2017, an amount equal to 7%
5 of the taxpayer's net income for the taxable year.

6 The rates under this subsection (b) are subject to the
7 provisions of Section 201.5.

8 (c) Personal Property Tax Replacement Income Tax.
9 Beginning on July 1, 1979 and thereafter, in addition to such
10 income tax, there is also hereby imposed the Personal Property
11 Tax Replacement Income Tax measured by net income on every
12 corporation (including Subchapter S corporations), partnership
13 and trust, for each taxable year ending after June 30, 1979.
14 Such taxes are imposed on the privilege of earning or receiving
15 income in or as a resident of this State. The Personal Property
16 Tax Replacement Income Tax shall be in addition to the income
17 tax imposed by subsections (a) and (b) of this Section and in
18 addition to all other occupation or privilege taxes imposed by
19 this State or by any municipal corporation or political
20 subdivision thereof.

21 (d) Additional Personal Property Tax Replacement Income
22 Tax Rates. The personal property tax replacement income tax
23 imposed by this subsection and subsection (c) of this Section
24 in the case of a corporation, other than a Subchapter S
25 corporation and except as adjusted by subsection (d-1), shall
26 be an additional amount equal to 2.85% of such taxpayer's net

1 income for the taxable year, except that beginning on January
2 1, 1981, and thereafter, the rate of 2.85% specified in this
3 subsection shall be reduced to 2.5%, and in the case of a
4 partnership, trust or a Subchapter S corporation shall be an
5 additional amount equal to 1.5% of such taxpayer's net income
6 for the taxable year.

7 (d-1) Rate reduction for certain foreign insurers. In the
8 case of a foreign insurer, as defined by Section 35A-5 of the
9 Illinois Insurance Code, whose state or country of domicile
10 imposes on insurers domiciled in Illinois a retaliatory tax
11 (excluding any insurer whose premiums from reinsurance assumed
12 are 50% or more of its total insurance premiums as determined
13 under paragraph (2) of subsection (b) of Section 304, except
14 that for purposes of this determination premiums from
15 reinsurance do not include premiums from inter-affiliate
16 reinsurance arrangements), beginning with taxable years ending
17 on or after December 31, 1999, the sum of the rates of tax
18 imposed by subsections (b) and (d) shall be reduced (but not
19 increased) to the rate at which the total amount of tax imposed
20 under this Act, net of all credits allowed under this Act,
21 shall equal (i) the total amount of tax that would be imposed
22 on the foreign insurer's net income allocable to Illinois for
23 the taxable year by such foreign insurer's state or country of
24 domicile if that net income were subject to all income taxes
25 and taxes measured by net income imposed by such foreign
26 insurer's state or country of domicile, net of all credits

1 allowed or (ii) a rate of zero if no such tax is imposed on such
2 income by the foreign insurer's state of domicile. For the
3 purposes of this subsection (d-1), an inter-affiliate includes
4 a mutual insurer under common management.

5 (1) For the purposes of subsection (d-1), in no event
6 shall the sum of the rates of tax imposed by subsections
7 (b) and (d) be reduced below the rate at which the sum of:

8 (A) the total amount of tax imposed on such foreign
9 insurer under this Act for a taxable year, net of all
10 credits allowed under this Act, plus

11 (B) the privilege tax imposed by Section 409 of the
12 Illinois Insurance Code, the fire insurance company
13 tax imposed by Section 12 of the Fire Investigation
14 Act, and the fire department taxes imposed under
15 Section 11-10-1 of the Illinois Municipal Code,
16 equals 1.25% for taxable years ending prior to December 31,
17 2003, or 1.75% for taxable years ending on or after
18 December 31, 2003, of the net taxable premiums written for
19 the taxable year, as described by subsection (1) of Section
20 409 of the Illinois Insurance Code. This paragraph will in
21 no event increase the rates imposed under subsections (b)
22 and (d).

23 (2) Any reduction in the rates of tax imposed by this
24 subsection shall be applied first against the rates imposed
25 by subsection (b) and only after the tax imposed by
26 subsection (a) net of all credits allowed under this

1 Section other than the credit allowed under subsection (i)
2 has been reduced to zero, against the rates imposed by
3 subsection (d).

4 This subsection (d-1) is exempt from the provisions of
5 Section 250.

6 (e) Investment credit. A taxpayer shall be allowed a credit
7 against the Personal Property Tax Replacement Income Tax for
8 investment in qualified property.

9 (1) A taxpayer shall be allowed a credit equal to .5%
10 of the basis of qualified property placed in service during
11 the taxable year, provided such property is placed in
12 service on or after July 1, 1984. There shall be allowed an
13 additional credit equal to .5% of the basis of qualified
14 property placed in service during the taxable year,
15 provided such property is placed in service on or after
16 July 1, 1986, and the taxpayer's base employment within
17 Illinois has increased by 1% or more over the preceding
18 year as determined by the taxpayer's employment records
19 filed with the Illinois Department of Employment Security.
20 Taxpayers who are new to Illinois shall be deemed to have
21 met the 1% growth in base employment for the first year in
22 which they file employment records with the Illinois
23 Department of Employment Security. The provisions added to
24 this Section by Public Act 85-1200 (and restored by Public
25 Act 87-895) shall be construed as declaratory of existing
26 law and not as a new enactment. If, in any year, the

1 increase in base employment within Illinois over the
2 preceding year is less than 1%, the additional credit shall
3 be limited to that percentage times a fraction, the
4 numerator of which is .5% and the denominator of which is
5 1%, but shall not exceed .5%. The investment credit shall
6 not be allowed to the extent that it would reduce a
7 taxpayer's liability in any tax year below zero, nor may
8 any credit for qualified property be allowed for any year
9 other than the year in which the property was placed in
10 service in Illinois. For tax years ending on or after
11 December 31, 1987, and on or before December 31, 1988, the
12 credit shall be allowed for the tax year in which the
13 property is placed in service, or, if the amount of the
14 credit exceeds the tax liability for that year, whether it
15 exceeds the original liability or the liability as later
16 amended, such excess may be carried forward and applied to
17 the tax liability of the 5 taxable years following the
18 excess credit years if the taxpayer (i) makes investments
19 which cause the creation of a minimum of 2,000 full-time
20 equivalent jobs in Illinois, (ii) is located in an
21 enterprise zone established pursuant to the Illinois
22 Enterprise Zone Act and (iii) is certified by the
23 Department of Commerce and Community Affairs (now
24 Department of Commerce and Economic Opportunity) as
25 complying with the requirements specified in clause (i) and
26 (ii) by July 1, 1986. The Department of Commerce and

1 Community Affairs (now Department of Commerce and Economic
2 Opportunity) shall notify the Department of Revenue of all
3 such certifications immediately. For tax years ending
4 after December 31, 1988, the credit shall be allowed for
5 the tax year in which the property is placed in service,
6 or, if the amount of the credit exceeds the tax liability
7 for that year, whether it exceeds the original liability or
8 the liability as later amended, such excess may be carried
9 forward and applied to the tax liability of the 5 taxable
10 years following the excess credit years. The credit shall
11 be applied to the earliest year for which there is a
12 liability. If there is credit from more than one tax year
13 that is available to offset a liability, earlier credit
14 shall be applied first.

15 (2) The term "qualified property" means property
16 which:

17 (A) is tangible, whether new or used, including
18 buildings and structural components of buildings and
19 signs that are real property, but not including land or
20 improvements to real property that are not a structural
21 component of a building such as landscaping, sewer
22 lines, local access roads, fencing, parking lots, and
23 other appurtenances;

24 (B) is depreciable pursuant to Section 167 of the
25 Internal Revenue Code, except that "3-year property"
26 as defined in Section 168(c) (2) (A) of that Code is not

1 eligible for the credit provided by this subsection
2 (e);

3 (C) is acquired by purchase as defined in Section
4 179(d) of the Internal Revenue Code;

5 (D) is used in Illinois by a taxpayer who is
6 primarily engaged in manufacturing, or in mining coal
7 or fluorite, or in retailing, or was placed in service
8 on or after July 1, 2006 in a River Edge Redevelopment
9 Zone established pursuant to the River Edge
10 Redevelopment Zone Act; and

11 (E) has not previously been used in Illinois in
12 such a manner and by such a person as would qualify for
13 the credit provided by this subsection (e) or
14 subsection (f).

15 (3) For purposes of this subsection (e),
16 "manufacturing" means the material staging and production
17 of tangible personal property by procedures commonly
18 regarded as manufacturing, processing, fabrication, or
19 assembling which changes some existing material into new
20 shapes, new qualities, or new combinations. For purposes of
21 this subsection (e) the term "mining" shall have the same
22 meaning as the term "mining" in Section 613(c) of the
23 Internal Revenue Code. For purposes of this subsection (e),
24 the term "retailing" means the sale of tangible personal
25 property for use or consumption and not for resale, or
26 services rendered in conjunction with the sale of tangible

1 personal property for use or consumption and not for
2 resale. For purposes of this subsection (e), "tangible
3 personal property" has the same meaning as when that term
4 is used in the Retailers' Occupation Tax Act, and, for
5 taxable years ending after December 31, 2008, does not
6 include the generation, transmission, or distribution of
7 electricity.

8 (4) The basis of qualified property shall be the basis
9 used to compute the depreciation deduction for federal
10 income tax purposes.

11 (5) If the basis of the property for federal income tax
12 depreciation purposes is increased after it has been placed
13 in service in Illinois by the taxpayer, the amount of such
14 increase shall be deemed property placed in service on the
15 date of such increase in basis.

16 (6) The term "placed in service" shall have the same
17 meaning as under Section 46 of the Internal Revenue Code.

18 (7) If during any taxable year, any property ceases to
19 be qualified property in the hands of the taxpayer within
20 48 months after being placed in service, or the situs of
21 any qualified property is moved outside Illinois within 48
22 months after being placed in service, the Personal Property
23 Tax Replacement Income Tax for such taxable year shall be
24 increased. Such increase shall be determined by (i)
25 recomputing the investment credit which would have been
26 allowed for the year in which credit for such property was

1 originally allowed by eliminating such property from such
2 computation and, (ii) subtracting such recomputed credit
3 from the amount of credit previously allowed. For the
4 purposes of this paragraph (7), a reduction of the basis of
5 qualified property resulting from a redetermination of the
6 purchase price shall be deemed a disposition of qualified
7 property to the extent of such reduction.

8 (8) Unless the investment credit is extended by law,
9 the basis of qualified property shall not include costs
10 incurred after December 31, 2018, except for costs incurred
11 pursuant to a binding contract entered into on or before
12 December 31, 2018.

13 (9) Each taxable year ending before December 31, 2000,
14 a partnership may elect to pass through to its partners the
15 credits to which the partnership is entitled under this
16 subsection (e) for the taxable year. A partner may use the
17 credit allocated to him or her under this paragraph only
18 against the tax imposed in subsections (c) and (d) of this
19 Section. If the partnership makes that election, those
20 credits shall be allocated among the partners in the
21 partnership in accordance with the rules set forth in
22 Section 704(b) of the Internal Revenue Code, and the rules
23 promulgated under that Section, and the allocated amount of
24 the credits shall be allowed to the partners for that
25 taxable year. The partnership shall make this election on
26 its Personal Property Tax Replacement Income Tax return for

1 that taxable year. The election to pass through the credits
2 shall be irrevocable.

3 For taxable years ending on or after December 31, 2000,
4 a partner that qualifies its partnership for a subtraction
5 under subparagraph (I) of paragraph (2) of subsection (d)
6 of Section 203 or a shareholder that qualifies a Subchapter
7 S corporation for a subtraction under subparagraph (S) of
8 paragraph (2) of subsection (b) of Section 203 shall be
9 allowed a credit under this subsection (e) equal to its
10 share of the credit earned under this subsection (e) during
11 the taxable year by the partnership or Subchapter S
12 corporation, determined in accordance with the
13 determination of income and distributive share of income
14 under Sections 702 and 704 and Subchapter S of the Internal
15 Revenue Code. This paragraph is exempt from the provisions
16 of Section 250.

17 (f) Investment credit; Enterprise Zone; River Edge
18 Redevelopment Zone.

19 (1) A taxpayer shall be allowed a credit against the
20 tax imposed by subsections (a) and (b) of this Section for
21 investment in qualified property which is placed in service
22 in an Enterprise Zone created pursuant to the Illinois
23 Enterprise Zone Act or, for property placed in service on
24 or after July 1, 2006, a River Edge Redevelopment Zone
25 established pursuant to the River Edge Redevelopment Zone
26 Act. For partners, shareholders of Subchapter S

1 corporations, and owners of limited liability companies,
2 if the liability company is treated as a partnership for
3 purposes of federal and State income taxation, there shall
4 be allowed a credit under this subsection (f) to be
5 determined in accordance with the determination of income
6 and distributive share of income under Sections 702 and 704
7 and Subchapter S of the Internal Revenue Code. The credit
8 shall be .5% of the basis for such property. The credit
9 shall be available only in the taxable year in which the
10 property is placed in service in the Enterprise Zone or
11 River Edge Redevelopment Zone and shall not be allowed to
12 the extent that it would reduce a taxpayer's liability for
13 the tax imposed by subsections (a) and (b) of this Section
14 to below zero. For tax years ending on or after December
15 31, 1985, the credit shall be allowed for the tax year in
16 which the property is placed in service, or, if the amount
17 of the credit exceeds the tax liability for that year,
18 whether it exceeds the original liability or the liability
19 as later amended, such excess may be carried forward and
20 applied to the tax liability of the 5 taxable years
21 following the excess credit year. The credit shall be
22 applied to the earliest year for which there is a
23 liability. If there is credit from more than one tax year
24 that is available to offset a liability, the credit
25 accruing first in time shall be applied first.

26 (2) The term qualified property means property which:

1 (A) is tangible, whether new or used, including
2 buildings and structural components of buildings;

3 (B) is depreciable pursuant to Section 167 of the
4 Internal Revenue Code, except that "3-year property"
5 as defined in Section 168(c)(2)(A) of that Code is not
6 eligible for the credit provided by this subsection
7 (f);

8 (C) is acquired by purchase as defined in Section
9 179(d) of the Internal Revenue Code;

10 (D) is used in the Enterprise Zone or River Edge
11 Redevelopment Zone by the taxpayer; and

12 (E) has not been previously used in Illinois in
13 such a manner and by such a person as would qualify for
14 the credit provided by this subsection (f) or
15 subsection (e).

16 (3) The basis of qualified property shall be the basis
17 used to compute the depreciation deduction for federal
18 income tax purposes.

19 (4) If the basis of the property for federal income tax
20 depreciation purposes is increased after it has been placed
21 in service in the Enterprise Zone or River Edge
22 Redevelopment Zone by the taxpayer, the amount of such
23 increase shall be deemed property placed in service on the
24 date of such increase in basis.

25 (5) The term "placed in service" shall have the same
26 meaning as under Section 46 of the Internal Revenue Code.

1 (6) If during any taxable year, any property ceases to
2 be qualified property in the hands of the taxpayer within
3 48 months after being placed in service, or the situs of
4 any qualified property is moved outside the Enterprise Zone
5 or River Edge Redevelopment Zone within 48 months after
6 being placed in service, the tax imposed under subsections
7 (a) and (b) of this Section for such taxable year shall be
8 increased. Such increase shall be determined by (i)
9 recomputing the investment credit which would have been
10 allowed for the year in which credit for such property was
11 originally allowed by eliminating such property from such
12 computation, and (ii) subtracting such recomputed credit
13 from the amount of credit previously allowed. For the
14 purposes of this paragraph (6), a reduction of the basis of
15 qualified property resulting from a redetermination of the
16 purchase price shall be deemed a disposition of qualified
17 property to the extent of such reduction.

18 (7) There shall be allowed an additional credit equal
19 to 0.5% of the basis of qualified property placed in
20 service during the taxable year in a River Edge
21 Redevelopment Zone, provided such property is placed in
22 service on or after July 1, 2006, and the taxpayer's base
23 employment within Illinois has increased by 1% or more over
24 the preceding year as determined by the taxpayer's
25 employment records filed with the Illinois Department of
26 Employment Security. Taxpayers who are new to Illinois

1 shall be deemed to have met the 1% growth in base
2 employment for the first year in which they file employment
3 records with the Illinois Department of Employment
4 Security. If, in any year, the increase in base employment
5 within Illinois over the preceding year is less than 1%,
6 the additional credit shall be limited to that percentage
7 times a fraction, the numerator of which is 0.5% and the
8 denominator of which is 1%, but shall not exceed 0.5%.

9 (g) (Blank).

10 (h) Investment credit; High Impact Business.

11 (1) Subject to subsections (b) and (b-5) of Section 5.5
12 of the Illinois Enterprise Zone Act, a taxpayer shall be
13 allowed a credit against the tax imposed by subsections (a)
14 and (b) of this Section for investment in qualified
15 property which is placed in service by a Department of
16 Commerce and Economic Opportunity designated High Impact
17 Business. The credit shall be .5% of the basis for such
18 property. The credit shall not be available (i) until the
19 minimum investments in qualified property set forth in
20 subdivision (a)(3)(A) of Section 5.5 of the Illinois
21 Enterprise Zone Act have been satisfied or (ii) until the
22 time authorized in subsection (b-5) of the Illinois
23 Enterprise Zone Act for entities designated as High Impact
24 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
25 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
26 Act, and shall not be allowed to the extent that it would

1 reduce a taxpayer's liability for the tax imposed by
2 subsections (a) and (b) of this Section to below zero. The
3 credit applicable to such investments shall be taken in the
4 taxable year in which such investments have been completed.
5 The credit for additional investments beyond the minimum
6 investment by a designated high impact business authorized
7 under subdivision (a) (3) (A) of Section 5.5 of the Illinois
8 Enterprise Zone Act shall be available only in the taxable
9 year in which the property is placed in service and shall
10 not be allowed to the extent that it would reduce a
11 taxpayer's liability for the tax imposed by subsections (a)
12 and (b) of this Section to below zero. For tax years ending
13 on or after December 31, 1987, the credit shall be allowed
14 for the tax year in which the property is placed in
15 service, or, if the amount of the credit exceeds the tax
16 liability for that year, whether it exceeds the original
17 liability or the liability as later amended, such excess
18 may be carried forward and applied to the tax liability of
19 the 5 taxable years following the excess credit year. The
20 credit shall be applied to the earliest year for which
21 there is a liability. If there is credit from more than one
22 tax year that is available to offset a liability, the
23 credit accruing first in time shall be applied first.

24 Changes made in this subdivision (h) (1) by Public Act
25 88-670 restore changes made by Public Act 85-1182 and
26 reflect existing law.

1 (2) The term qualified property means property which:

2 (A) is tangible, whether new or used, including
3 buildings and structural components of buildings;

4 (B) is depreciable pursuant to Section 167 of the
5 Internal Revenue Code, except that "3-year property"
6 as defined in Section 168(c)(2)(A) of that Code is not
7 eligible for the credit provided by this subsection
8 (h);

9 (C) is acquired by purchase as defined in Section
10 179(d) of the Internal Revenue Code; and

11 (D) is not eligible for the Enterprise Zone
12 Investment Credit provided by subsection (f) of this
13 Section.

14 (3) The basis of qualified property shall be the basis
15 used to compute the depreciation deduction for federal
16 income tax purposes.

17 (4) If the basis of the property for federal income tax
18 depreciation purposes is increased after it has been placed
19 in service in a federally designated Foreign Trade Zone or
20 Sub-Zone located in Illinois by the taxpayer, the amount of
21 such increase shall be deemed property placed in service on
22 the date of such increase in basis.

23 (5) The term "placed in service" shall have the same
24 meaning as under Section 46 of the Internal Revenue Code.

25 (6) If during any taxable year ending on or before
26 December 31, 1996, any property ceases to be qualified

1 property in the hands of the taxpayer within 48 months
2 after being placed in service, or the situs of any
3 qualified property is moved outside Illinois within 48
4 months after being placed in service, the tax imposed under
5 subsections (a) and (b) of this Section for such taxable
6 year shall be increased. Such increase shall be determined
7 by (i) recomputing the investment credit which would have
8 been allowed for the year in which credit for such property
9 was originally allowed by eliminating such property from
10 such computation, and (ii) subtracting such recomputed
11 credit from the amount of credit previously allowed. For
12 the purposes of this paragraph (6), a reduction of the
13 basis of qualified property resulting from a
14 redetermination of the purchase price shall be deemed a
15 disposition of qualified property to the extent of such
16 reduction.

17 (7) Beginning with tax years ending after December 31,
18 1996, if a taxpayer qualifies for the credit under this
19 subsection (h) and thereby is granted a tax abatement and
20 the taxpayer relocates its entire facility in violation of
21 the explicit terms and length of the contract under Section
22 18-183 of the Property Tax Code, the tax imposed under
23 subsections (a) and (b) of this Section shall be increased
24 for the taxable year in which the taxpayer relocated its
25 facility by an amount equal to the amount of credit
26 received by the taxpayer under this subsection (h).

1 (i) Credit for Personal Property Tax Replacement Income
2 Tax. For tax years ending prior to December 31, 2003, a credit
3 shall be allowed against the tax imposed by subsections (a) and
4 (b) of this Section for the tax imposed by subsections (c) and
5 (d) of this Section. This credit shall be computed by
6 multiplying the tax imposed by subsections (c) and (d) of this
7 Section by a fraction, the numerator of which is base income
8 allocable to Illinois and the denominator of which is Illinois
9 base income, and further multiplying the product by the tax
10 rate imposed by subsections (a) and (b) of this Section.

11 Any credit earned on or after December 31, 1986 under this
12 subsection which is unused in the year the credit is computed
13 because it exceeds the tax liability imposed by subsections (a)
14 and (b) for that year (whether it exceeds the original
15 liability or the liability as later amended) may be carried
16 forward and applied to the tax liability imposed by subsections
17 (a) and (b) of the 5 taxable years following the excess credit
18 year, provided that no credit may be carried forward to any
19 year ending on or after December 31, 2003. This credit shall be
20 applied first to the earliest year for which there is a
21 liability. If there is a credit under this subsection from more
22 than one tax year that is available to offset a liability the
23 earliest credit arising under this subsection shall be applied
24 first.

25 If, during any taxable year ending on or after December 31,
26 1986, the tax imposed by subsections (c) and (d) of this

1 Section for which a taxpayer has claimed a credit under this
2 subsection (i) is reduced, the amount of credit for such tax
3 shall also be reduced. Such reduction shall be determined by
4 recomputing the credit to take into account the reduced tax
5 imposed by subsections (c) and (d). If any portion of the
6 reduced amount of credit has been carried to a different
7 taxable year, an amended return shall be filed for such taxable
8 year to reduce the amount of credit claimed.

9 (j) Training expense credit. Beginning with tax years
10 ending on or after December 31, 1986 and prior to December 31,
11 2003, a taxpayer shall be allowed a credit against the tax
12 imposed by subsections (a) and (b) under this Section for all
13 amounts paid or accrued, on behalf of all persons employed by
14 the taxpayer in Illinois or Illinois residents employed outside
15 of Illinois by a taxpayer, for educational or vocational
16 training in semi-technical or technical fields or semi-skilled
17 or skilled fields, which were deducted from gross income in the
18 computation of taxable income. The credit against the tax
19 imposed by subsections (a) and (b) shall be 1.6% of such
20 training expenses. For partners, shareholders of subchapter S
21 corporations, and owners of limited liability companies, if the
22 liability company is treated as a partnership for purposes of
23 federal and State income taxation, there shall be allowed a
24 credit under this subsection (j) to be determined in accordance
25 with the determination of income and distributive share of
26 income under Sections 702 and 704 and subchapter S of the

1 Internal Revenue Code.

2 Any credit allowed under this subsection which is unused in
3 the year the credit is earned may be carried forward to each of
4 the 5 taxable years following the year for which the credit is
5 first computed until it is used. This credit shall be applied
6 first to the earliest year for which there is a liability. If
7 there is a credit under this subsection from more than one tax
8 year that is available to offset a liability the earliest
9 credit arising under this subsection shall be applied first. No
10 carryforward credit may be claimed in any tax year ending on or
11 after December 31, 2003.

12 (k) Research and development credit. For tax years ending
13 after July 1, 1990 and prior to December 31, 2003, and
14 beginning again for tax years ending on or after December 31,
15 2004, and ending prior to January 1, 2022, a taxpayer shall be
16 allowed a credit against the tax imposed by subsections (a) and
17 (b) of this Section for increasing research activities in this
18 State. The credit allowed against the tax imposed by
19 subsections (a) and (b) shall be equal to 6 1/2% of the
20 qualifying expenditures for increasing research activities in
21 this State. For partners, shareholders of subchapter S
22 corporations, and owners of limited liability companies, if the
23 liability company is treated as a partnership for purposes of
24 federal and State income taxation, there shall be allowed a
25 credit under this subsection to be determined in accordance
26 with the determination of income and distributive share of

1 income under Sections 702 and 704 and subchapter S of the
2 Internal Revenue Code.

3 For purposes of this subsection, "qualifying expenditures"
4 means the qualifying expenditures as defined for the federal
5 credit for increasing research activities which would be
6 allowable under Section 41 of the Internal Revenue Code and
7 which are conducted in this State, "qualifying expenditures for
8 increasing research activities in this State" means the excess
9 of qualifying expenditures for the taxable year in which
10 incurred over qualifying expenditures for the base period,
11 "qualifying expenditures for the base period" means the average
12 of the qualifying expenditures for each year in the base
13 period, and "base period" means the 3 taxable years immediately
14 preceding the taxable year for which the determination is being
15 made.

16 Any credit in excess of the tax liability for the taxable
17 year may be carried forward. A taxpayer may elect to have the
18 unused credit shown on its final completed return carried over
19 as a credit against the tax liability for the following 5
20 taxable years or until it has been fully used, whichever occurs
21 first; provided that no credit earned in a tax year ending
22 prior to December 31, 2003 may be carried forward to any year
23 ending on or after December 31, 2003.

24 If an unused credit is carried forward to a given year from
25 2 or more earlier years, that credit arising in the earliest
26 year will be applied first against the tax liability for the

1 given year. If a tax liability for the given year still
2 remains, the credit from the next earliest year will then be
3 applied, and so on, until all credits have been used or no tax
4 liability for the given year remains. Any remaining unused
5 credit or credits then will be carried forward to the next
6 following year in which a tax liability is incurred, except
7 that no credit can be carried forward to a year which is more
8 than 5 years after the year in which the expense for which the
9 credit is given was incurred.

10 No inference shall be drawn from this amendatory Act of the
11 91st General Assembly in construing this Section for taxable
12 years beginning before January 1, 1999.

13 It is the intent of the General Assembly that the research
14 and development credit under this subsection (k) shall apply
15 continuously for all tax years ending on or after December 31,
16 2004 and ending prior to January 1, 2022, including, but not
17 limited to, the period beginning on January 1, 2016 and ending
18 on the effective date of this amendatory Act of the 100th
19 General Assembly. All actions taken in reliance on the
20 continuation of the credit under this subsection (k) by any
21 taxpayer are hereby validated.

22 (1) Environmental Remediation Tax Credit.

23 (i) For tax years ending after December 31, 1997 and on
24 or before December 31, 2001, a taxpayer shall be allowed a
25 credit against the tax imposed by subsections (a) and (b)
26 of this Section for certain amounts paid for unreimbursed

1 eligible remediation costs, as specified in this
2 subsection. For purposes of this Section, "unreimbursed
3 eligible remediation costs" means costs approved by the
4 Illinois Environmental Protection Agency ("Agency") under
5 Section 58.14 of the Environmental Protection Act that were
6 paid in performing environmental remediation at a site for
7 which a No Further Remediation Letter was issued by the
8 Agency and recorded under Section 58.10 of the
9 Environmental Protection Act. The credit must be claimed
10 for the taxable year in which Agency approval of the
11 eligible remediation costs is granted. The credit is not
12 available to any taxpayer if the taxpayer or any related
13 party caused or contributed to, in any material respect, a
14 release of regulated substances on, in, or under the site
15 that was identified and addressed by the remedial action
16 pursuant to the Site Remediation Program of the
17 Environmental Protection Act. After the Pollution Control
18 Board rules are adopted pursuant to the Illinois
19 Administrative Procedure Act for the administration and
20 enforcement of Section 58.9 of the Environmental
21 Protection Act, determinations as to credit availability
22 for purposes of this Section shall be made consistent with
23 those rules. For purposes of this Section, "taxpayer"
24 includes a person whose tax attributes the taxpayer has
25 succeeded to under Section 381 of the Internal Revenue Code
26 and "related party" includes the persons disallowed a

1 deduction for losses by paragraphs (b), (c), and (f)(1) of
2 Section 267 of the Internal Revenue Code by virtue of being
3 a related taxpayer, as well as any of its partners. The
4 credit allowed against the tax imposed by subsections (a)
5 and (b) shall be equal to 25% of the unreimbursed eligible
6 remediation costs in excess of \$100,000 per site, except
7 that the \$100,000 threshold shall not apply to any site
8 contained in an enterprise zone as determined by the
9 Department of Commerce and Community Affairs (now
10 Department of Commerce and Economic Opportunity). The
11 total credit allowed shall not exceed \$40,000 per year with
12 a maximum total of \$150,000 per site. For partners and
13 shareholders of subchapter S corporations, there shall be
14 allowed a credit under this subsection to be determined in
15 accordance with the determination of income and
16 distributive share of income under Sections 702 and 704 and
17 subchapter S of the Internal Revenue Code.

18 (ii) A credit allowed under this subsection that is
19 unused in the year the credit is earned may be carried
20 forward to each of the 5 taxable years following the year
21 for which the credit is first earned until it is used. The
22 term "unused credit" does not include any amounts of
23 unreimbursed eligible remediation costs in excess of the
24 maximum credit per site authorized under paragraph (i).
25 This credit shall be applied first to the earliest year for
26 which there is a liability. If there is a credit under this

1 subsection from more than one tax year that is available to
2 offset a liability, the earliest credit arising under this
3 subsection shall be applied first. A credit allowed under
4 this subsection may be sold to a buyer as part of a sale of
5 all or part of the remediation site for which the credit
6 was granted. The purchaser of a remediation site and the
7 tax credit shall succeed to the unused credit and remaining
8 carry-forward period of the seller. To perfect the
9 transfer, the assignor shall record the transfer in the
10 chain of title for the site and provide written notice to
11 the Director of the Illinois Department of Revenue of the
12 assignor's intent to sell the remediation site and the
13 amount of the tax credit to be transferred as a portion of
14 the sale. In no event may a credit be transferred to any
15 taxpayer if the taxpayer or a related party would not be
16 eligible under the provisions of subsection (i).

17 (iii) For purposes of this Section, the term "site"
18 shall have the same meaning as under Section 58.2 of the
19 Environmental Protection Act.

20 (m) Education expense credit. Beginning with tax years
21 ending after December 31, 1999, a taxpayer who is the custodian
22 of one or more qualifying pupils shall be allowed a credit
23 against the tax imposed by subsections (a) and (b) of this
24 Section for qualified education expenses incurred on behalf of
25 the qualifying pupils. The credit shall be equal to 25% of
26 qualified education expenses, but in no event may the total

1 credit under this subsection claimed by a family that is the
2 custodian of qualifying pupils exceed (i) \$500 for tax years
3 ending prior to December 31, 2017, and (ii) \$750 for tax years
4 ending on or after December 31, 2017. In no event shall a
5 credit under this subsection reduce the taxpayer's liability
6 under this Act to less than zero. Notwithstanding any other
7 provision of law, for taxable years beginning on or after
8 January 1, 2017, no taxpayer may claim a credit under this
9 subsection (m) if the taxpayer's adjusted gross income for the
10 taxable year exceeds (i) \$500,000, in the case of spouses
11 filing a joint federal tax return or (ii) \$250,000, in the case
12 of all other taxpayers. This subsection is exempt from the
13 provisions of Section 250 of this Act.

14 For purposes of this subsection:

15 "Qualifying pupils" means individuals who (i) are
16 residents of the State of Illinois, (ii) are under the age of
17 21 at the close of the school year for which a credit is
18 sought, and (iii) during the school year for which a credit is
19 sought were full-time pupils enrolled in a kindergarten through
20 twelfth grade education program at any school, as defined in
21 this subsection.

22 "Qualified education expense" means the amount incurred on
23 behalf of a qualifying pupil in excess of \$250 for tuition,
24 book fees, and lab fees at the school in which the pupil is
25 enrolled during the regular school year.

26 "School" means any public or nonpublic elementary or

1 secondary school in Illinois that is in compliance with Title
2 VI of the Civil Rights Act of 1964 and attendance at which
3 satisfies the requirements of Section 26-1 of the School Code,
4 except that nothing shall be construed to require a child to
5 attend any particular public or nonpublic school to qualify for
6 the credit under this Section.

7 "Custodian" means, with respect to qualifying pupils, an
8 Illinois resident who is a parent, the parents, a legal
9 guardian, or the legal guardians of the qualifying pupils.

10 (n) River Edge Redevelopment Zone site remediation tax
11 credit.

12 (i) For tax years ending on or after December 31, 2006,
13 a taxpayer shall be allowed a credit against the tax
14 imposed by subsections (a) and (b) of this Section for
15 certain amounts paid for unreimbursed eligible remediation
16 costs, as specified in this subsection. For purposes of
17 this Section, "unreimbursed eligible remediation costs"
18 means costs approved by the Illinois Environmental
19 Protection Agency ("Agency") under Section 58.14a of the
20 Environmental Protection Act that were paid in performing
21 environmental remediation at a site within a River Edge
22 Redevelopment Zone for which a No Further Remediation
23 Letter was issued by the Agency and recorded under Section
24 58.10 of the Environmental Protection Act. The credit must
25 be claimed for the taxable year in which Agency approval of
26 the eligible remediation costs is granted. The credit is

1 not available to any taxpayer if the taxpayer or any
2 related party caused or contributed to, in any material
3 respect, a release of regulated substances on, in, or under
4 the site that was identified and addressed by the remedial
5 action pursuant to the Site Remediation Program of the
6 Environmental Protection Act. Determinations as to credit
7 availability for purposes of this Section shall be made
8 consistent with rules adopted by the Pollution Control
9 Board pursuant to the Illinois Administrative Procedure
10 Act for the administration and enforcement of Section 58.9
11 of the Environmental Protection Act. For purposes of this
12 Section, "taxpayer" includes a person whose tax attributes
13 the taxpayer has succeeded to under Section 381 of the
14 Internal Revenue Code and "related party" includes the
15 persons disallowed a deduction for losses by paragraphs
16 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
17 Code by virtue of being a related taxpayer, as well as any
18 of its partners. The credit allowed against the tax imposed
19 by subsections (a) and (b) shall be equal to 25% of the
20 unreimbursed eligible remediation costs in excess of
21 \$100,000 per site.

22 (ii) A credit allowed under this subsection that is
23 unused in the year the credit is earned may be carried
24 forward to each of the 5 taxable years following the year
25 for which the credit is first earned until it is used. This
26 credit shall be applied first to the earliest year for

1 which there is a liability. If there is a credit under this
2 subsection from more than one tax year that is available to
3 offset a liability, the earliest credit arising under this
4 subsection shall be applied first. A credit allowed under
5 this subsection may be sold to a buyer as part of a sale of
6 all or part of the remediation site for which the credit
7 was granted. The purchaser of a remediation site and the
8 tax credit shall succeed to the unused credit and remaining
9 carry-forward period of the seller. To perfect the
10 transfer, the assignor shall record the transfer in the
11 chain of title for the site and provide written notice to
12 the Director of the Illinois Department of Revenue of the
13 assignor's intent to sell the remediation site and the
14 amount of the tax credit to be transferred as a portion of
15 the sale. In no event may a credit be transferred to any
16 taxpayer if the taxpayer or a related party would not be
17 eligible under the provisions of subsection (i).

18 (iii) For purposes of this Section, the term "site"
19 shall have the same meaning as under Section 58.2 of the
20 Environmental Protection Act.

21 (o) For each of taxable years during the Compassionate Use
22 of Medical Cannabis ~~Pilot~~ Program, a surcharge is imposed on
23 all taxpayers on income arising from the sale or exchange of
24 capital assets, depreciable business property, real property
25 used in the trade or business, and Section 197 intangibles of
26 an organization registrant under the Compassionate Use of

1 Medical Cannabis ~~Pilot~~ Program Act. The amount of the surcharge
2 is equal to the amount of federal income tax liability for the
3 taxable year attributable to those sales and exchanges. The
4 surcharge imposed does not apply if:

5 (1) the medical cannabis cultivation center
6 registration, medical cannabis dispensary registration, or
7 the property of a registration is transferred as a result
8 of any of the following:

9 (A) bankruptcy, a receivership, or a debt
10 adjustment initiated by or against the initial
11 registration or the substantial owners of the initial
12 registration;

13 (B) cancellation, revocation, or termination of
14 any registration by the Illinois Department of Public
15 Health;

16 (C) a determination by the Illinois Department of
17 Public Health that transfer of the registration is in
18 the best interests of Illinois qualifying patients as
19 defined by the Compassionate Use of Medical Cannabis
20 ~~Pilot~~ Program Act;

21 (D) the death of an owner of the equity interest in
22 a registrant;

23 (E) the acquisition of a controlling interest in
24 the stock or substantially all of the assets of a
25 publicly traded company;

26 (F) a transfer by a parent company to a wholly

1 owned subsidiary; or

2 (G) the transfer or sale to or by one person to
3 another person where both persons were initial owners
4 of the registration when the registration was issued;
5 or

6 (2) the cannabis cultivation center registration,
7 medical cannabis dispensary registration, or the
8 controlling interest in a registrant's property is
9 transferred in a transaction to lineal descendants in which
10 no gain or loss is recognized or as a result of a
11 transaction in accordance with Section 351 of the Internal
12 Revenue Code in which no gain or loss is recognized.

13 (Source: P.A. 100-22, eff. 7-6-17.); and

14 by replacing line 12 on page 170 through line 26 on page 179
15 with the following:

16 "Section 921. The Use Tax Act is amended by changing
17 Section 3-10 as follows:

18 (35 ILCS 105/3-10)

19 Sec. 3-10. Rate of tax. Unless otherwise provided in this
20 Section, the tax imposed by this Act is at the rate of 6.25% of
21 either the selling price or the fair market value, if any, of
22 the tangible personal property. In all cases where property
23 functionally used or consumed is the same as the property that

1 was purchased at retail, then the tax is imposed on the selling
2 price of the property. In all cases where property functionally
3 used or consumed is a by-product or waste product that has been
4 refined, manufactured, or produced from property purchased at
5 retail, then the tax is imposed on the lower of the fair market
6 value, if any, of the specific property so used in this State
7 or on the selling price of the property purchased at retail.
8 For purposes of this Section "fair market value" means the
9 price at which property would change hands between a willing
10 buyer and a willing seller, neither being under any compulsion
11 to buy or sell and both having reasonable knowledge of the
12 relevant facts. The fair market value shall be established by
13 Illinois sales by the taxpayer of the same property as that
14 functionally used or consumed, or if there are no such sales by
15 the taxpayer, then comparable sales or purchases of property of
16 like kind and character in Illinois.

17 Beginning on July 1, 2000 and through December 31, 2000,
18 with respect to motor fuel, as defined in Section 1.1 of the
19 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
20 the Use Tax Act, the tax is imposed at the rate of 1.25%.

21 Beginning on August 6, 2010 through August 15, 2010, with
22 respect to sales tax holiday items as defined in Section 3-6 of
23 this Act, the tax is imposed at the rate of 1.25%.

24 With respect to gasohol, the tax imposed by this Act
25 applies to (i) 70% of the proceeds of sales made on or after
26 January 1, 1990, and before July 1, 2003, (ii) 80% of the

1 proceeds of sales made on or after July 1, 2003 and on or
2 before July 1, 2017, and (iii) 100% of the proceeds of sales
3 made thereafter. If, at any time, however, the tax under this
4 Act on sales of gasohol is imposed at the rate of 1.25%, then
5 the tax imposed by this Act applies to 100% of the proceeds of
6 sales of gasohol made during that time.

7 With respect to majority blended ethanol fuel, the tax
8 imposed by this Act does not apply to the proceeds of sales
9 made on or after July 1, 2003 and on or before December 31,
10 2023 but applies to 100% of the proceeds of sales made
11 thereafter.

12 With respect to biodiesel blends with no less than 1% and
13 no more than 10% biodiesel, the tax imposed by this Act applies
14 to (i) 80% of the proceeds of sales made on or after July 1,
15 2003 and on or before December 31, 2018 and (ii) 100% of the
16 proceeds of sales made thereafter. If, at any time, however,
17 the tax under this Act on sales of biodiesel blends with no
18 less than 1% and no more than 10% biodiesel is imposed at the
19 rate of 1.25%, then the tax imposed by this Act applies to 100%
20 of the proceeds of sales of biodiesel blends with no less than
21 1% and no more than 10% biodiesel made during that time.

22 With respect to 100% biodiesel and biodiesel blends with
23 more than 10% but no more than 99% biodiesel, the tax imposed
24 by this Act does not apply to the proceeds of sales made on or
25 after July 1, 2003 and on or before December 31, 2023 but
26 applies to 100% of the proceeds of sales made thereafter.

1 With respect to food for human consumption that is to be
2 consumed off the premises where it is sold (other than
3 alcoholic beverages, soft drinks, and food that has been
4 prepared for immediate consumption) and prescription and
5 nonprescription medicines, drugs, medical appliances, products
6 classified as Class III medical devices by the United States
7 Food and Drug Administration that are used for cancer treatment
8 pursuant to a prescription, as well as any accessories and
9 components related to those devices, modifications to a motor
10 vehicle for the purpose of rendering it usable by a person with
11 a disability, and insulin, urine testing materials, syringes,
12 and needles used by diabetics, for human use, the tax is
13 imposed at the rate of 1%. For the purposes of this Section,
14 until September 1, 2009: the term "soft drinks" means any
15 complete, finished, ready-to-use, non-alcoholic drink, whether
16 carbonated or not, including but not limited to soda water,
17 cola, fruit juice, vegetable juice, carbonated water, and all
18 other preparations commonly known as soft drinks of whatever
19 kind or description that are contained in any closed or sealed
20 bottle, can, carton, or container, regardless of size; but
21 "soft drinks" does not include coffee, tea, non-carbonated
22 water, infant formula, milk or milk products as defined in the
23 Grade A Pasteurized Milk and Milk Products Act, or drinks
24 containing 50% or more natural fruit or vegetable juice.

25 Notwithstanding any other provisions of this Act,
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft
2 drinks" do not include beverages that contain milk or milk
3 products, soy, rice or similar milk substitutes, or greater
4 than 50% of vegetable or fruit juice by volume.

5 Until August 1, 2009, and notwithstanding any other
6 provisions of this Act, "food for human consumption that is to
7 be consumed off the premises where it is sold" includes all
8 food sold through a vending machine, except soft drinks and
9 food products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine. Beginning
11 August 1, 2009, and notwithstanding any other provisions of
12 this Act, "food for human consumption that is to be consumed
13 off the premises where it is sold" includes all food sold
14 through a vending machine, except soft drinks, candy, and food
15 products that are dispensed hot from a vending machine,
16 regardless of the location of the vending machine.

17 Notwithstanding any other provisions of this Act,
18 beginning September 1, 2009, "food for human consumption that
19 is to be consumed off the premises where it is sold" does not
20 include candy. For purposes of this Section, "candy" means a
21 preparation of sugar, honey, or other natural or artificial
22 sweeteners in combination with chocolate, fruits, nuts or other
23 ingredients or flavorings in the form of bars, drops, or
24 pieces. "Candy" does not include any preparation that contains
25 flour or requires refrigeration.

26 Notwithstanding any other provisions of this Act,

1 beginning September 1, 2009, "nonprescription medicines and
2 drugs" does not include grooming and hygiene products. For
3 purposes of this Section, "grooming and hygiene products"
4 includes, but is not limited to, soaps and cleaning solutions,
5 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
6 lotions and screens, unless those products are available by
7 prescription only, regardless of whether the products meet the
8 definition of "over-the-counter-drugs". For the purposes of
9 this paragraph, "over-the-counter-drug" means a drug for human
10 use that contains a label that identifies the product as a drug
11 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
12 label includes:

13 (A) A "Drug Facts" panel; or

14 (B) A statement of the "active ingredient(s)" with a
15 list of those ingredients contained in the compound,
16 substance or preparation.

17 Beginning on the effective date of this amendatory Act of
18 the 98th General Assembly, "prescription and nonprescription
19 medicines and drugs" includes medical cannabis purchased from a
20 registered dispensing organization under the Compassionate Use
21 of Medical Cannabis ~~Pilot~~ Program Act.

22 If the property that is purchased at retail from a retailer
23 is acquired outside Illinois and used outside Illinois before
24 being brought to Illinois for use here and is taxable under
25 this Act, the "selling price" on which the tax is computed
26 shall be reduced by an amount that represents a reasonable

1 allowance for depreciation for the period of prior out-of-state
2 use.

3 (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;
4 100-22, eff. 7-6-17.)

5 Section 921.5. The Service Use Tax Act is amended by
6 changing Section 3-10 as follows:

7 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

8 Sec. 3-10. Rate of tax. Unless otherwise provided in this
9 Section, the tax imposed by this Act is at the rate of 6.25% of
10 the selling price of tangible personal property transferred as
11 an incident to the sale of service, but, for the purpose of
12 computing this tax, in no event shall the selling price be less
13 than the cost price of the property to the serviceman.

14 Beginning on July 1, 2000 and through December 31, 2000,
15 with respect to motor fuel, as defined in Section 1.1 of the
16 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
17 the Use Tax Act, the tax is imposed at the rate of 1.25%.

18 With respect to gasohol, as defined in the Use Tax Act, the
19 tax imposed by this Act applies to (i) 70% of the selling price
20 of property transferred as an incident to the sale of service
21 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
22 of the selling price of property transferred as an incident to
23 the sale of service on or after July 1, 2003 and on or before
24 July 1, 2017, and (iii) 100% of the selling price thereafter.

1 If, at any time, however, the tax under this Act on sales of
2 gasohol, as defined in the Use Tax Act, is imposed at the rate
3 of 1.25%, then the tax imposed by this Act applies to 100% of
4 the proceeds of sales of gasohol made during that time.

5 With respect to majority blended ethanol fuel, as defined
6 in the Use Tax Act, the tax imposed by this Act does not apply
7 to the selling price of property transferred as an incident to
8 the sale of service on or after July 1, 2003 and on or before
9 December 31, 2023 but applies to 100% of the selling price
10 thereafter.

11 With respect to biodiesel blends, as defined in the Use Tax
12 Act, with no less than 1% and no more than 10% biodiesel, the
13 tax imposed by this Act applies to (i) 80% of the selling price
14 of property transferred as an incident to the sale of service
15 on or after July 1, 2003 and on or before December 31, 2018 and
16 (ii) 100% of the proceeds of the selling price thereafter. If,
17 at any time, however, the tax under this Act on sales of
18 biodiesel blends, as defined in the Use Tax Act, with no less
19 than 1% and no more than 10% biodiesel is imposed at the rate
20 of 1.25%, then the tax imposed by this Act applies to 100% of
21 the proceeds of sales of biodiesel blends with no less than 1%
22 and no more than 10% biodiesel made during that time.

23 With respect to 100% biodiesel, as defined in the Use Tax
24 Act, and biodiesel blends, as defined in the Use Tax Act, with
25 more than 10% but no more than 99% biodiesel, the tax imposed
26 by this Act does not apply to the proceeds of the selling price

1 of property transferred as an incident to the sale of service
2 on or after July 1, 2003 and on or before December 31, 2023 but
3 applies to 100% of the selling price thereafter.

4 At the election of any registered serviceman made for each
5 fiscal year, sales of service in which the aggregate annual
6 cost price of tangible personal property transferred as an
7 incident to the sales of service is less than 35%, or 75% in
8 the case of servicemen transferring prescription drugs or
9 servicemen engaged in graphic arts production, of the aggregate
10 annual total gross receipts from all sales of service, the tax
11 imposed by this Act shall be based on the serviceman's cost
12 price of the tangible personal property transferred as an
13 incident to the sale of those services.

14 The tax shall be imposed at the rate of 1% on food prepared
15 for immediate consumption and transferred incident to a sale of
16 service subject to this Act or the Service Occupation Tax Act
17 by an entity licensed under the Hospital Licensing Act, the
18 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD
19 Act, the Specialized Mental Health Rehabilitation Act of 2013,
20 or the Child Care Act of 1969. The tax shall also be imposed at
21 the rate of 1% on food for human consumption that is to be
22 consumed off the premises where it is sold (other than
23 alcoholic beverages, soft drinks, and food that has been
24 prepared for immediate consumption and is not otherwise
25 included in this paragraph) and prescription and
26 nonprescription medicines, drugs, medical appliances, products

1 classified as Class III medical devices by the United States
2 Food and Drug Administration that are used for cancer treatment
3 pursuant to a prescription, as well as any accessories and
4 components related to those devices, modifications to a motor
5 vehicle for the purpose of rendering it usable by a person with
6 a disability, and insulin, urine testing materials, syringes,
7 and needles used by diabetics, for human use. For the purposes
8 of this Section, until September 1, 2009: the term "soft
9 drinks" means any complete, finished, ready-to-use,
10 non-alcoholic drink, whether carbonated or not, including but
11 not limited to soda water, cola, fruit juice, vegetable juice,
12 carbonated water, and all other preparations commonly known as
13 soft drinks of whatever kind or description that are contained
14 in any closed or sealed bottle, can, carton, or container,
15 regardless of size; but "soft drinks" does not include coffee,
16 tea, non-carbonated water, infant formula, milk or milk
17 products as defined in the Grade A Pasteurized Milk and Milk
18 Products Act, or drinks containing 50% or more natural fruit or
19 vegetable juice.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "soft drinks" means non-alcoholic
22 beverages that contain natural or artificial sweeteners. "Soft
23 drinks" do not include beverages that contain milk or milk
24 products, soy, rice or similar milk substitutes, or greater
25 than 50% of vegetable or fruit juice by volume.

26 Until August 1, 2009, and notwithstanding any other

1 provisions of this Act, "food for human consumption that is to
2 be consumed off the premises where it is sold" includes all
3 food sold through a vending machine, except soft drinks and
4 food products that are dispensed hot from a vending machine,
5 regardless of the location of the vending machine. Beginning
6 August 1, 2009, and notwithstanding any other provisions of
7 this Act, "food for human consumption that is to be consumed
8 off the premises where it is sold" includes all food sold
9 through a vending machine, except soft drinks, candy, and food
10 products that are dispensed hot from a vending machine,
11 regardless of the location of the vending machine.

12 Notwithstanding any other provisions of this Act,
13 beginning September 1, 2009, "food for human consumption that
14 is to be consumed off the premises where it is sold" does not
15 include candy. For purposes of this Section, "candy" means a
16 preparation of sugar, honey, or other natural or artificial
17 sweeteners in combination with chocolate, fruits, nuts or other
18 ingredients or flavorings in the form of bars, drops, or
19 pieces. "Candy" does not include any preparation that contains
20 flour or requires refrigeration.

21 Notwithstanding any other provisions of this Act,
22 beginning September 1, 2009, "nonprescription medicines and
23 drugs" does not include grooming and hygiene products. For
24 purposes of this Section, "grooming and hygiene products"
25 includes, but is not limited to, soaps and cleaning solutions,
26 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan

1 lotions and screens, unless those products are available by
2 prescription only, regardless of whether the products meet the
3 definition of "over-the-counter-drugs". For the purposes of
4 this paragraph, "over-the-counter-drug" means a drug for human
5 use that contains a label that identifies the product as a drug
6 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
7 label includes:

8 (A) A "Drug Facts" panel; or

9 (B) A statement of the "active ingredient(s)" with a
10 list of those ingredients contained in the compound,
11 substance or preparation.

12 Beginning on January 1, 2014 (the effective date of Public
13 Act 98-122), "prescription and nonprescription medicines and
14 drugs" includes medical cannabis purchased from a registered
15 dispensing organization under the Compassionate Use of Medical
16 Cannabis ~~Pilot~~ Program Act.

17 If the property that is acquired from a serviceman is
18 acquired outside Illinois and used outside Illinois before
19 being brought to Illinois for use here and is taxable under
20 this Act, the "selling price" on which the tax is computed
21 shall be reduced by an amount that represents a reasonable
22 allowance for depreciation for the period of prior out-of-state
23 use.

24 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;
25 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.
26 7-6-17.)

1 Section 922. The Service Occupation Tax Act is amended by
2 changing Section 3-10 as follows:

3 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

4 Sec. 3-10. Rate of tax. Unless otherwise provided in this
5 Section, the tax imposed by this Act is at the rate of 6.25% of
6 the "selling price", as defined in Section 2 of the Service Use
7 Tax Act, of the tangible personal property. For the purpose of
8 computing this tax, in no event shall the "selling price" be
9 less than the cost price to the serviceman of the tangible
10 personal property transferred. The selling price of each item
11 of tangible personal property transferred as an incident of a
12 sale of service may be shown as a distinct and separate item on
13 the serviceman's billing to the service customer. If the
14 selling price is not so shown, the selling price of the
15 tangible personal property is deemed to be 50% of the
16 serviceman's entire billing to the service customer. When,
17 however, a serviceman contracts to design, develop, and produce
18 special order machinery or equipment, the tax imposed by this
19 Act shall be based on the serviceman's cost price of the
20 tangible personal property transferred incident to the
21 completion of the contract.

22 Beginning on July 1, 2000 and through December 31, 2000,
23 with respect to motor fuel, as defined in Section 1.1 of the
24 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of

1 the Use Tax Act, the tax is imposed at the rate of 1.25%.

2 With respect to gasohol, as defined in the Use Tax Act, the
3 tax imposed by this Act shall apply to (i) 70% of the cost
4 price of property transferred as an incident to the sale of
5 service on or after January 1, 1990, and before July 1, 2003,
6 (ii) 80% of the selling price of property transferred as an
7 incident to the sale of service on or after July 1, 2003 and on
8 or before July 1, 2017, and (iii) 100% of the cost price
9 thereafter. If, at any time, however, the tax under this Act on
10 sales of gasohol, as defined in the Use Tax Act, is imposed at
11 the rate of 1.25%, then the tax imposed by this Act applies to
12 100% of the proceeds of sales of gasohol made during that time.

13 With respect to majority blended ethanol fuel, as defined
14 in the Use Tax Act, the tax imposed by this Act does not apply
15 to the selling price of property transferred as an incident to
16 the sale of service on or after July 1, 2003 and on or before
17 December 31, 2023 but applies to 100% of the selling price
18 thereafter.

19 With respect to biodiesel blends, as defined in the Use Tax
20 Act, with no less than 1% and no more than 10% biodiesel, the
21 tax imposed by this Act applies to (i) 80% of the selling price
22 of property transferred as an incident to the sale of service
23 on or after July 1, 2003 and on or before December 31, 2018 and
24 (ii) 100% of the proceeds of the selling price thereafter. If,
25 at any time, however, the tax under this Act on sales of
26 biodiesel blends, as defined in the Use Tax Act, with no less

1 than 1% and no more than 10% biodiesel is imposed at the rate
2 of 1.25%, then the tax imposed by this Act applies to 100% of
3 the proceeds of sales of biodiesel blends with no less than 1%
4 and no more than 10% biodiesel made during that time.

5 With respect to 100% biodiesel, as defined in the Use Tax
6 Act, and biodiesel blends, as defined in the Use Tax Act, with
7 more than 10% but no more than 99% biodiesel material, the tax
8 imposed by this Act does not apply to the proceeds of the
9 selling price of property transferred as an incident to the
10 sale of service on or after July 1, 2003 and on or before
11 December 31, 2023 but applies to 100% of the selling price
12 thereafter.

13 At the election of any registered serviceman made for each
14 fiscal year, sales of service in which the aggregate annual
15 cost price of tangible personal property transferred as an
16 incident to the sales of service is less than 35%, or 75% in
17 the case of servicemen transferring prescription drugs or
18 servicemen engaged in graphic arts production, of the aggregate
19 annual total gross receipts from all sales of service, the tax
20 imposed by this Act shall be based on the serviceman's cost
21 price of the tangible personal property transferred incident to
22 the sale of those services.

23 The tax shall be imposed at the rate of 1% on food prepared
24 for immediate consumption and transferred incident to a sale of
25 service subject to this Act or the Service Occupation Tax Act
26 by an entity licensed under the Hospital Licensing Act, the

1 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD
2 Act, the Specialized Mental Health Rehabilitation Act of 2013,
3 or the Child Care Act of 1969. The tax shall also be imposed at
4 the rate of 1% on food for human consumption that is to be
5 consumed off the premises where it is sold (other than
6 alcoholic beverages, soft drinks, and food that has been
7 prepared for immediate consumption and is not otherwise
8 included in this paragraph) and prescription and
9 nonprescription medicines, drugs, medical appliances, products
10 classified as Class III medical devices by the United States
11 Food and Drug Administration that are used for cancer treatment
12 pursuant to a prescription, as well as any accessories and
13 components related to those devices, modifications to a motor
14 vehicle for the purpose of rendering it usable by a person with
15 a disability, and insulin, urine testing materials, syringes,
16 and needles used by diabetics, for human use. For the purposes
17 of this Section, until September 1, 2009: the term "soft
18 drinks" means any complete, finished, ready-to-use,
19 non-alcoholic drink, whether carbonated or not, including but
20 not limited to soda water, cola, fruit juice, vegetable juice,
21 carbonated water, and all other preparations commonly known as
22 soft drinks of whatever kind or description that are contained
23 in any closed or sealed can, carton, or container, regardless
24 of size; but "soft drinks" does not include coffee, tea,
25 non-carbonated water, infant formula, milk or milk products as
26 defined in the Grade A Pasteurized Milk and Milk Products Act,

1 or drinks containing 50% or more natural fruit or vegetable
2 juice.

3 Notwithstanding any other provisions of this Act,
4 beginning September 1, 2009, "soft drinks" means non-alcoholic
5 beverages that contain natural or artificial sweeteners. "Soft
6 drinks" do not include beverages that contain milk or milk
7 products, soy, rice or similar milk substitutes, or greater
8 than 50% of vegetable or fruit juice by volume.

9 Until August 1, 2009, and notwithstanding any other
10 provisions of this Act, "food for human consumption that is to
11 be consumed off the premises where it is sold" includes all
12 food sold through a vending machine, except soft drinks and
13 food products that are dispensed hot from a vending machine,
14 regardless of the location of the vending machine. Beginning
15 August 1, 2009, and notwithstanding any other provisions of
16 this Act, "food for human consumption that is to be consumed
17 off the premises where it is sold" includes all food sold
18 through a vending machine, except soft drinks, candy, and food
19 products that are dispensed hot from a vending machine,
20 regardless of the location of the vending machine.

21 Notwithstanding any other provisions of this Act,
22 beginning September 1, 2009, "food for human consumption that
23 is to be consumed off the premises where it is sold" does not
24 include candy. For purposes of this Section, "candy" means a
25 preparation of sugar, honey, or other natural or artificial
26 sweeteners in combination with chocolate, fruits, nuts or other

1 ingredients or flavorings in the form of bars, drops, or
2 pieces. "Candy" does not include any preparation that contains
3 flour or requires refrigeration.

4 Notwithstanding any other provisions of this Act,
5 beginning September 1, 2009, "nonprescription medicines and
6 drugs" does not include grooming and hygiene products. For
7 purposes of this Section, "grooming and hygiene products"
8 includes, but is not limited to, soaps and cleaning solutions,
9 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
10 lotions and screens, unless those products are available by
11 prescription only, regardless of whether the products meet the
12 definition of "over-the-counter-drugs". For the purposes of
13 this paragraph, "over-the-counter-drug" means a drug for human
14 use that contains a label that identifies the product as a drug
15 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
16 label includes:

17 (A) A "Drug Facts" panel; or

18 (B) A statement of the "active ingredient(s)" with a
19 list of those ingredients contained in the compound,
20 substance or preparation.

21 Beginning on January 1, 2014 (the effective date of Public
22 Act 98-122), "prescription and nonprescription medicines and
23 drugs" includes medical cannabis purchased from a registered
24 dispensing organization under the Compassionate Use of Medical
25 Cannabis ~~Pilot~~ Program Act.

26 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;

1 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.
2 7-6-17.)

3 Section 923. The Retailers' Occupation Tax Act is amended
4 by changing Section 2-10 as follows:

5 (35 ILCS 120/2-10)

6 Sec. 2-10. Rate of tax. Unless otherwise provided in this
7 Section, the tax imposed by this Act is at the rate of 6.25% of
8 gross receipts from sales of tangible personal property made in
9 the course of business.

10 Beginning on July 1, 2000 and through December 31, 2000,
11 with respect to motor fuel, as defined in Section 1.1 of the
12 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
13 the Use Tax Act, the tax is imposed at the rate of 1.25%.

14 Beginning on August 6, 2010 through August 15, 2010, with
15 respect to sales tax holiday items as defined in Section 2-8 of
16 this Act, the tax is imposed at the rate of 1.25%.

17 Within 14 days after the effective date of this amendatory
18 Act of the 91st General Assembly, each retailer of motor fuel
19 and gasohol shall cause the following notice to be posted in a
20 prominently visible place on each retail dispensing device that
21 is used to dispense motor fuel or gasohol in the State of
22 Illinois: "As of July 1, 2000, the State of Illinois has
23 eliminated the State's share of sales tax on motor fuel and
24 gasohol through December 31, 2000. The price on this pump

1 should reflect the elimination of the tax." The notice shall be
2 printed in bold print on a sign that is no smaller than 4
3 inches by 8 inches. The sign shall be clearly visible to
4 customers. Any retailer who fails to post or maintain a
5 required sign through December 31, 2000 is guilty of a petty
6 offense for which the fine shall be \$500 per day per each
7 retail premises where a violation occurs.

8 With respect to gasohol, as defined in the Use Tax Act, the
9 tax imposed by this Act applies to (i) 70% of the proceeds of
10 sales made on or after January 1, 1990, and before July 1,
11 2003, (ii) 80% of the proceeds of sales made on or after July
12 1, 2003 and on or before July 1, 2017, and (iii) 100% of the
13 proceeds of sales made thereafter. If, at any time, however,
14 the tax under this Act on sales of gasohol, as defined in the
15 Use Tax Act, is imposed at the rate of 1.25%, then the tax
16 imposed by this Act applies to 100% of the proceeds of sales of
17 gasohol made during that time.

18 With respect to majority blended ethanol fuel, as defined
19 in the Use Tax Act, the tax imposed by this Act does not apply
20 to the proceeds of sales made on or after July 1, 2003 and on or
21 before December 31, 2023 but applies to 100% of the proceeds of
22 sales made thereafter.

23 With respect to biodiesel blends, as defined in the Use Tax
24 Act, with no less than 1% and no more than 10% biodiesel, the
25 tax imposed by this Act applies to (i) 80% of the proceeds of
26 sales made on or after July 1, 2003 and on or before December

1 31, 2018 and (ii) 100% of the proceeds of sales made
2 thereafter. If, at any time, however, the tax under this Act on
3 sales of biodiesel blends, as defined in the Use Tax Act, with
4 no less than 1% and no more than 10% biodiesel is imposed at
5 the rate of 1.25%, then the tax imposed by this Act applies to
6 100% of the proceeds of sales of biodiesel blends with no less
7 than 1% and no more than 10% biodiesel made during that time.

8 With respect to 100% biodiesel, as defined in the Use Tax
9 Act, and biodiesel blends, as defined in the Use Tax Act, with
10 more than 10% but no more than 99% biodiesel, the tax imposed
11 by this Act does not apply to the proceeds of sales made on or
12 after July 1, 2003 and on or before December 31, 2023 but
13 applies to 100% of the proceeds of sales made thereafter.

14 With respect to food for human consumption that is to be
15 consumed off the premises where it is sold (other than
16 alcoholic beverages, soft drinks, and food that has been
17 prepared for immediate consumption) and prescription and
18 nonprescription medicines, drugs, medical appliances, products
19 classified as Class III medical devices by the United States
20 Food and Drug Administration that are used for cancer treatment
21 pursuant to a prescription, as well as any accessories and
22 components related to those devices, modifications to a motor
23 vehicle for the purpose of rendering it usable by a person with
24 a disability, and insulin, urine testing materials, syringes,
25 and needles used by diabetics, for human use, the tax is
26 imposed at the rate of 1%. For the purposes of this Section,

1 until September 1, 2009: the term "soft drinks" means any
2 complete, finished, ready-to-use, non-alcoholic drink, whether
3 carbonated or not, including but not limited to soda water,
4 cola, fruit juice, vegetable juice, carbonated water, and all
5 other preparations commonly known as soft drinks of whatever
6 kind or description that are contained in any closed or sealed
7 bottle, can, carton, or container, regardless of size; but
8 "soft drinks" does not include coffee, tea, non-carbonated
9 water, infant formula, milk or milk products as defined in the
10 Grade A Pasteurized Milk and Milk Products Act, or drinks
11 containing 50% or more natural fruit or vegetable juice.

12 Notwithstanding any other provisions of this Act,
13 beginning September 1, 2009, "soft drinks" means non-alcoholic
14 beverages that contain natural or artificial sweeteners. "Soft
15 drinks" do not include beverages that contain milk or milk
16 products, soy, rice or similar milk substitutes, or greater
17 than 50% of vegetable or fruit juice by volume.

18 Until August 1, 2009, and notwithstanding any other
19 provisions of this Act, "food for human consumption that is to
20 be consumed off the premises where it is sold" includes all
21 food sold through a vending machine, except soft drinks and
22 food products that are dispensed hot from a vending machine,
23 regardless of the location of the vending machine. Beginning
24 August 1, 2009, and notwithstanding any other provisions of
25 this Act, "food for human consumption that is to be consumed
26 off the premises where it is sold" includes all food sold

1 through a vending machine, except soft drinks, candy, and food
2 products that are dispensed hot from a vending machine,
3 regardless of the location of the vending machine.

4 Notwithstanding any other provisions of this Act,
5 beginning September 1, 2009, "food for human consumption that
6 is to be consumed off the premises where it is sold" does not
7 include candy. For purposes of this Section, "candy" means a
8 preparation of sugar, honey, or other natural or artificial
9 sweeteners in combination with chocolate, fruits, nuts or other
10 ingredients or flavorings in the form of bars, drops, or
11 pieces. "Candy" does not include any preparation that contains
12 flour or requires refrigeration.

13 Notwithstanding any other provisions of this Act,
14 beginning September 1, 2009, "nonprescription medicines and
15 drugs" does not include grooming and hygiene products. For
16 purposes of this Section, "grooming and hygiene products"
17 includes, but is not limited to, soaps and cleaning solutions,
18 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
19 lotions and screens, unless those products are available by
20 prescription only, regardless of whether the products meet the
21 definition of "over-the-counter-drugs". For the purposes of
22 this paragraph, "over-the-counter-drug" means a drug for human
23 use that contains a label that identifies the product as a drug
24 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
25 label includes:

26 (A) A "Drug Facts" panel; or

1 (B) A statement of the "active ingredient(s)" with a
2 list of those ingredients contained in the compound,
3 substance or preparation.

4 Beginning on the effective date of this amendatory Act of
5 the 98th General Assembly, "prescription and nonprescription
6 medicines and drugs" includes medical cannabis purchased from a
7 registered dispensing organization under the Compassionate Use
8 of Medical Cannabis ~~Pilot~~ Program Act.

9 (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;
10 100-22, eff. 7-6-17.)

11 Section 924. The School Code is amended by changing Section
12 22-33 as follows:

13 (105 ILCS 5/22-33)

14 Sec. 22-33. Medical cannabis.

15 (a) This Section may be referred to as Ashley's Law.

16 (a-5) In this Section, "designated caregiver", "medical
17 cannabis infused product", "qualifying patient", and
18 "registered" have the meanings given to those terms under
19 Section 10 of the Compassionate Use of Medical Cannabis ~~Pilot~~
20 Program Act.

21 (b) Subject to the restrictions under subsections (c)
22 through (g) of this Section, a school district, public school,
23 charter school, or nonpublic school shall authorize a parent or
24 guardian or any other individual registered with the Department

1 of Public Health as a designated caregiver of a student who is
2 a registered qualifying patient to administer a medical
3 cannabis infused product to the student on the premises of the
4 child's school or on the child's school bus if both the student
5 (as a registered qualifying patient) and the parent or guardian
6 or other individual (as a registered designated caregiver) have
7 been issued registry identification cards under the
8 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act. After
9 administering the product, the parent or guardian or other
10 individual shall remove the product from the school premises or
11 the school bus.

12 (c) A parent or guardian or other individual may not
13 administer a medical cannabis infused product under this
14 Section in a manner that, in the opinion of the school district
15 or school, would create a disruption to the school's
16 educational environment or would cause exposure of the product
17 to other students.

18 (d) A school district or school may not discipline a
19 student who is administered a medical cannabis infused product
20 by a parent or guardian or other individual under this Section
21 and may not deny the student's eligibility to attend school
22 solely because the student requires the administration of the
23 product.

24 (e) Nothing in this Section requires a member of a school's
25 staff to administer a medical cannabis infused product to a
26 student.

1 (f) A school district, public school, charter school, or
2 nonpublic school may not authorize the use of a medical
3 cannabis infused product under this Section if the school
4 district or school would lose federal funding as a result of
5 the authorization.

6 (g) A school district, public school, charter school, or
7 nonpublic school shall adopt a policy to implement this
8 Section.

9 (Source: P.A. 100-660, eff. 8-1-18.)

10 Section 924.5. The Medical Practice Act of 1987 is amended
11 by changing Section 22 as follows:

12 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

13 (Section scheduled to be repealed on December 31, 2019)

14 Sec. 22. Disciplinary action.

15 (A) The Department may revoke, suspend, place on probation,
16 reprimand, refuse to issue or renew, or take any other
17 disciplinary or non-disciplinary action as the Department may
18 deem proper with regard to the license or permit of any person
19 issued under this Act, including imposing fines not to exceed
20 \$10,000 for each violation, upon any of the following grounds:

21 (1) Performance of an elective abortion in any place,
22 locale, facility, or institution other than:

23 (a) a facility licensed pursuant to the Ambulatory
24 Surgical Treatment Center Act;

1 (b) an institution licensed under the Hospital
2 Licensing Act;

3 (c) an ambulatory surgical treatment center or
4 hospitalization or care facility maintained by the
5 State or any agency thereof, where such department or
6 agency has authority under law to establish and enforce
7 standards for the ambulatory surgical treatment
8 centers, hospitalization, or care facilities under its
9 management and control;

10 (d) ambulatory surgical treatment centers,
11 hospitalization or care facilities maintained by the
12 Federal Government; or

13 (e) ambulatory surgical treatment centers,
14 hospitalization or care facilities maintained by any
15 university or college established under the laws of
16 this State and supported principally by public funds
17 raised by taxation.

18 (2) Performance of an abortion procedure in a willful
19 and wanton manner on a woman who was not pregnant at the
20 time the abortion procedure was performed.

21 (3) A plea of guilty or nolo contendere, finding of
22 guilt, jury verdict, or entry of judgment or sentencing,
23 including, but not limited to, convictions, preceding
24 sentences of supervision, conditional discharge, or first
25 offender probation, under the laws of any jurisdiction of
26 the United States of any crime that is a felony.

1 (4) Gross negligence in practice under this Act.

2 (5) Engaging in dishonorable, unethical or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public.

5 (6) Obtaining any fee by fraud, deceit, or
6 misrepresentation.

7 (7) Habitual or excessive use or abuse of drugs defined
8 in law as controlled substances, of alcohol, or of any
9 other substances which results in the inability to practice
10 with reasonable judgment, skill or safety.

11 (8) Practicing under a false or, except as provided by
12 law, an assumed name.

13 (9) Fraud or misrepresentation in applying for, or
14 procuring, a license under this Act or in connection with
15 applying for renewal of a license under this Act.

16 (10) Making a false or misleading statement regarding
17 their skill or the efficacy or value of the medicine,
18 treatment, or remedy prescribed by them at their direction
19 in the treatment of any disease or other condition of the
20 body or mind.

21 (11) Allowing another person or organization to use
22 their license, procured under this Act, to practice.

23 (12) Adverse action taken by another state or
24 jurisdiction against a license or other authorization to
25 practice as a medical doctor, doctor of osteopathy, doctor
26 of osteopathic medicine or doctor of chiropractic, a

1 certified copy of the record of the action taken by the
2 other state or jurisdiction being prima facie evidence
3 thereof. This includes any adverse action taken by a State
4 or federal agency that prohibits a medical doctor, doctor
5 of osteopathy, doctor of osteopathic medicine, or doctor of
6 chiropractic from providing services to the agency's
7 participants.

8 (13) Violation of any provision of this Act or of the
9 Medical Practice Act prior to the repeal of that Act, or
10 violation of the rules, or a final administrative action of
11 the Secretary, after consideration of the recommendation
12 of the Disciplinary Board.

13 (14) Violation of the prohibition against fee
14 splitting in Section 22.2 of this Act.

15 (15) A finding by the Disciplinary Board that the
16 registrant after having his or her license placed on
17 probationary status or subjected to conditions or
18 restrictions violated the terms of the probation or failed
19 to comply with such terms or conditions.

20 (16) Abandonment of a patient.

21 (17) Prescribing, selling, administering,
22 distributing, giving or self-administering any drug
23 classified as a controlled substance (designated product)
24 or narcotic for other than medically accepted therapeutic
25 purposes.

26 (18) Promotion of the sale of drugs, devices,

1 appliances or goods provided for a patient in such manner
2 as to exploit the patient for financial gain of the
3 physician.

4 (19) Offering, undertaking or agreeing to cure or treat
5 disease by a secret method, procedure, treatment or
6 medicine, or the treating, operating or prescribing for any
7 human condition by a method, means or procedure which the
8 licensee refuses to divulge upon demand of the Department.

9 (20) Immoral conduct in the commission of any act
10 including, but not limited to, commission of an act of
11 sexual misconduct related to the licensee's practice.

12 (21) Willfully making or filing false records or
13 reports in his or her practice as a physician, including,
14 but not limited to, false records to support claims against
15 the medical assistance program of the Department of
16 Healthcare and Family Services (formerly Department of
17 Public Aid) under the Illinois Public Aid Code.

18 (22) Willful omission to file or record, or willfully
19 impeding the filing or recording, or inducing another
20 person to omit to file or record, medical reports as
21 required by law, or willfully failing to report an instance
22 of suspected abuse or neglect as required by law.

23 (23) Being named as a perpetrator in an indicated
24 report by the Department of Children and Family Services
25 under the Abused and Neglected Child Reporting Act, and
26 upon proof by clear and convincing evidence that the

1 licensee has caused a child to be an abused child or
2 neglected child as defined in the Abused and Neglected
3 Child Reporting Act.

4 (24) Solicitation of professional patronage by any
5 corporation, agents or persons, or profiting from those
6 representing themselves to be agents of the licensee.

7 (25) Gross and willful and continued overcharging for
8 professional services, including filing false statements
9 for collection of fees for which services are not rendered,
10 including, but not limited to, filing such false statements
11 for collection of monies for services not rendered from the
12 medical assistance program of the Department of Healthcare
13 and Family Services (formerly Department of Public Aid)
14 under the Illinois Public Aid Code.

15 (26) A pattern of practice or other behavior which
16 demonstrates incapacity or incompetence to practice under
17 this Act.

18 (27) Mental illness or disability which results in the
19 inability to practice under this Act with reasonable
20 judgment, skill or safety.

21 (28) Physical illness, including, but not limited to,
22 deterioration through the aging process, or loss of motor
23 skill which results in a physician's inability to practice
24 under this Act with reasonable judgment, skill or safety.

25 (29) Cheating on or attempt to subvert the licensing
26 examinations administered under this Act.

1 (30) Willfully or negligently violating the
2 confidentiality between physician and patient except as
3 required by law.

4 (31) The use of any false, fraudulent, or deceptive
5 statement in any document connected with practice under
6 this Act.

7 (32) Aiding and abetting an individual not licensed
8 under this Act in the practice of a profession licensed
9 under this Act.

10 (33) Violating state or federal laws or regulations
11 relating to controlled substances, legend drugs, or
12 ephedra as defined in the Ephedra Prohibition Act.

13 (34) Failure to report to the Department any adverse
14 final action taken against them by another licensing
15 jurisdiction (any other state or any territory of the
16 United States or any foreign state or country), by any peer
17 review body, by any health care institution, by any
18 professional society or association related to practice
19 under this Act, by any governmental agency, by any law
20 enforcement agency, or by any court for acts or conduct
21 similar to acts or conduct which would constitute grounds
22 for action as defined in this Section.

23 (35) Failure to report to the Department surrender of a
24 license or authorization to practice as a medical doctor, a
25 doctor of osteopathy, a doctor of osteopathic medicine, or
26 doctor of chiropractic in another state or jurisdiction, or

1 surrender of membership on any medical staff or in any
2 medical or professional association or society, while
3 under disciplinary investigation by any of those
4 authorities or bodies, for acts or conduct similar to acts
5 or conduct which would constitute grounds for action as
6 defined in this Section.

7 (36) Failure to report to the Department any adverse
8 judgment, settlement, or award arising from a liability
9 claim related to acts or conduct similar to acts or conduct
10 which would constitute grounds for action as defined in
11 this Section.

12 (37) Failure to provide copies of medical records as
13 required by law.

14 (38) Failure to furnish the Department, its
15 investigators or representatives, relevant information,
16 legally requested by the Department after consultation
17 with the Chief Medical Coordinator or the Deputy Medical
18 Coordinator.

19 (39) Violating the Health Care Worker Self-Referral
20 Act.

21 (40) Willful failure to provide notice when notice is
22 required under the Parental Notice of Abortion Act of 1995.

23 (41) Failure to establish and maintain records of
24 patient care and treatment as required by this law.

25 (42) Entering into an excessive number of written
26 collaborative agreements with licensed advanced practice

1 registered nurses resulting in an inability to adequately
2 collaborate.

3 (43) Repeated failure to adequately collaborate with a
4 licensed advanced practice registered nurse.

5 (44) Violating the Compassionate Use of Medical
6 Cannabis ~~Pilot~~ Program Act.

7 (45) Entering into an excessive number of written
8 collaborative agreements with licensed prescribing
9 psychologists resulting in an inability to adequately
10 collaborate.

11 (46) Repeated failure to adequately collaborate with a
12 licensed prescribing psychologist.

13 (47) Willfully failing to report an instance of
14 suspected abuse, neglect, financial exploitation, or
15 self-neglect of an eligible adult as defined in and
16 required by the Adult Protective Services Act.

17 (48) Being named as an abuser in a verified report by
18 the Department on Aging under the Adult Protective Services
19 Act, and upon proof by clear and convincing evidence that
20 the licensee abused, neglected, or financially exploited
21 an eligible adult as defined in the Adult Protective
22 Services Act.

23 (49) Entering into an excessive number of written
24 collaborative agreements with licensed physician
25 assistants resulting in an inability to adequately
26 collaborate.

1 (50) Repeated failure to adequately collaborate with a
2 physician assistant.

3 Except for actions involving the ground numbered (26), all
4 proceedings to suspend, revoke, place on probationary status,
5 or take any other disciplinary action as the Department may
6 deem proper, with regard to a license on any of the foregoing
7 grounds, must be commenced within 5 years next after receipt by
8 the Department of a complaint alleging the commission of or
9 notice of the conviction order for any of the acts described
10 herein. Except for the grounds numbered (8), (9), (26), and
11 (29), no action shall be commenced more than 10 years after the
12 date of the incident or act alleged to have violated this
13 Section. For actions involving the ground numbered (26), a
14 pattern of practice or other behavior includes all incidents
15 alleged to be part of the pattern of practice or other behavior
16 that occurred, or a report pursuant to Section 23 of this Act
17 received, within the 10-year period preceding the filing of the
18 complaint. In the event of the settlement of any claim or cause
19 of action in favor of the claimant or the reduction to final
20 judgment of any civil action in favor of the plaintiff, such
21 claim, cause of action or civil action being grounded on the
22 allegation that a person licensed under this Act was negligent
23 in providing care, the Department shall have an additional
24 period of 2 years from the date of notification to the
25 Department under Section 23 of this Act of such settlement or
26 final judgment in which to investigate and commence formal

1 disciplinary proceedings under Section 36 of this Act, except
2 as otherwise provided by law. The time during which the holder
3 of the license was outside the State of Illinois shall not be
4 included within any period of time limiting the commencement of
5 disciplinary action by the Department.

6 The entry of an order or judgment by any circuit court
7 establishing that any person holding a license under this Act
8 is a person in need of mental treatment operates as a
9 suspension of that license. That person may resume their
10 practice only upon the entry of a Departmental order based upon
11 a finding by the Disciplinary Board that they have been
12 determined to be recovered from mental illness by the court and
13 upon the Disciplinary Board's recommendation that they be
14 permitted to resume their practice.

15 The Department may refuse to issue or take disciplinary
16 action concerning the license of any person who fails to file a
17 return, or to pay the tax, penalty or interest shown in a filed
18 return, or to pay any final assessment of tax, penalty or
19 interest, as required by any tax Act administered by the
20 Illinois Department of Revenue, until such time as the
21 requirements of any such tax Act are satisfied as determined by
22 the Illinois Department of Revenue.

23 The Department, upon the recommendation of the
24 Disciplinary Board, shall adopt rules which set forth standards
25 to be used in determining:

26 (a) when a person will be deemed sufficiently

1 rehabilitated to warrant the public trust;

2 (b) what constitutes dishonorable, unethical or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public;

5 (c) what constitutes immoral conduct in the commission
6 of any act, including, but not limited to, commission of an
7 act of sexual misconduct related to the licensee's
8 practice; and

9 (d) what constitutes gross negligence in the practice
10 of medicine.

11 However, no such rule shall be admissible into evidence in
12 any civil action except for review of a licensing or other
13 disciplinary action under this Act.

14 In enforcing this Section, the Disciplinary Board or the
15 Licensing Board, upon a showing of a possible violation, may
16 compel, in the case of the Disciplinary Board, any individual
17 who is licensed to practice under this Act or holds a permit to
18 practice under this Act, or, in the case of the Licensing
19 Board, any individual who has applied for licensure or a permit
20 pursuant to this Act, to submit to a mental or physical
21 examination and evaluation, or both, which may include a
22 substance abuse or sexual offender evaluation, as required by
23 the Licensing Board or Disciplinary Board and at the expense of
24 the Department. The Disciplinary Board or Licensing Board shall
25 specifically designate the examining physician licensed to
26 practice medicine in all of its branches or, if applicable, the

1 multidisciplinary team involved in providing the mental or
2 physical examination and evaluation, or both. The
3 multidisciplinary team shall be led by a physician licensed to
4 practice medicine in all of its branches and may consist of one
5 or more or a combination of physicians licensed to practice
6 medicine in all of its branches, licensed chiropractic
7 physicians, licensed clinical psychologists, licensed clinical
8 social workers, licensed clinical professional counselors, and
9 other professional and administrative staff. Any examining
10 physician or member of the multidisciplinary team may require
11 any person ordered to submit to an examination and evaluation
12 pursuant to this Section to submit to any additional
13 supplemental testing deemed necessary to complete any
14 examination or evaluation process, including, but not limited
15 to, blood testing, urinalysis, psychological testing, or
16 neuropsychological testing. The Disciplinary Board, the
17 Licensing Board, or the Department may order the examining
18 physician or any member of the multidisciplinary team to
19 provide to the Department, the Disciplinary Board, or the
20 Licensing Board any and all records, including business
21 records, that relate to the examination and evaluation,
22 including any supplemental testing performed. The Disciplinary
23 Board, the Licensing Board, or the Department may order the
24 examining physician or any member of the multidisciplinary team
25 to present testimony concerning this examination and
26 evaluation of the licensee, permit holder, or applicant,

1 including testimony concerning any supplemental testing or
2 documents relating to the examination and evaluation. No
3 information, report, record, or other documents in any way
4 related to the examination and evaluation shall be excluded by
5 reason of any common law or statutory privilege relating to
6 communication between the licensee, permit holder, or
7 applicant and the examining physician or any member of the
8 multidisciplinary team. No authorization is necessary from the
9 licensee, permit holder, or applicant ordered to undergo an
10 evaluation and examination for the examining physician or any
11 member of the multidisciplinary team to provide information,
12 reports, records, or other documents or to provide any
13 testimony regarding the examination and evaluation. The
14 individual to be examined may have, at his or her own expense,
15 another physician of his or her choice present during all
16 aspects of the examination. Failure of any individual to submit
17 to mental or physical examination and evaluation, or both, when
18 directed, shall result in an automatic suspension, without
19 hearing, until such time as the individual submits to the
20 examination. If the Disciplinary Board or Licensing Board finds
21 a physician unable to practice following an examination and
22 evaluation because of the reasons set forth in this Section,
23 the Disciplinary Board or Licensing Board shall require such
24 physician to submit to care, counseling, or treatment by
25 physicians, or other health care professionals, approved or
26 designated by the Disciplinary Board, as a condition for

1 issued, continued, reinstated, or renewed licensure to
2 practice. Any physician, whose license was granted pursuant to
3 Sections 9, 17, or 19 of this Act, or, continued, reinstated,
4 renewed, disciplined or supervised, subject to such terms,
5 conditions or restrictions who shall fail to comply with such
6 terms, conditions or restrictions, or to complete a required
7 program of care, counseling, or treatment, as determined by the
8 Chief Medical Coordinator or Deputy Medical Coordinators,
9 shall be referred to the Secretary for a determination as to
10 whether the licensee shall have their license suspended
11 immediately, pending a hearing by the Disciplinary Board. In
12 instances in which the Secretary immediately suspends a license
13 under this Section, a hearing upon such person's license must
14 be convened by the Disciplinary Board within 15 days after such
15 suspension and completed without appreciable delay. The
16 Disciplinary Board shall have the authority to review the
17 subject physician's record of treatment and counseling
18 regarding the impairment, to the extent permitted by applicable
19 federal statutes and regulations safeguarding the
20 confidentiality of medical records.

21 An individual licensed under this Act, affected under this
22 Section, shall be afforded an opportunity to demonstrate to the
23 Disciplinary Board that they can resume practice in compliance
24 with acceptable and prevailing standards under the provisions
25 of their license.

26 The Department may promulgate rules for the imposition of

1 fines in disciplinary cases, not to exceed \$10,000 for each
2 violation of this Act. Fines may be imposed in conjunction with
3 other forms of disciplinary action, but shall not be the
4 exclusive disposition of any disciplinary action arising out of
5 conduct resulting in death or injury to a patient. Any funds
6 collected from such fines shall be deposited in the Illinois
7 State Medical Disciplinary Fund.

8 All fines imposed under this Section shall be paid within
9 60 days after the effective date of the order imposing the fine
10 or in accordance with the terms set forth in the order imposing
11 the fine.

12 (B) The Department shall revoke the license or permit
13 issued under this Act to practice medicine or a chiropractic
14 physician who has been convicted a second time of committing
15 any felony under the Illinois Controlled Substances Act or the
16 Methamphetamine Control and Community Protection Act, or who
17 has been convicted a second time of committing a Class 1 felony
18 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
19 person whose license or permit is revoked under this subsection
20 B shall be prohibited from practicing medicine or treating
21 human ailments without the use of drugs and without operative
22 surgery.

23 (C) The Department shall not revoke, suspend, place on
24 probation, reprimand, refuse to issue or renew, or take any
25 other disciplinary or non-disciplinary action against the
26 license or permit issued under this Act to practice medicine to

1 a physician:

2 (1) based solely upon the recommendation of the
3 physician to an eligible patient regarding, or
4 prescription for, or treatment with, an investigational
5 drug, biological product, or device; or

6 (2) for experimental treatment for Lyme disease or
7 other tick-borne diseases, including, but not limited to,
8 the prescription of or treatment with long-term
9 antibiotics.

10 (D) The Disciplinary Board shall recommend to the
11 Department civil penalties and any other appropriate
12 discipline in disciplinary cases when the Board finds that a
13 physician willfully performed an abortion with actual
14 knowledge that the person upon whom the abortion has been
15 performed is a minor or an incompetent person without notice as
16 required under the Parental Notice of Abortion Act of 1995.
17 Upon the Board's recommendation, the Department shall impose,
18 for the first violation, a civil penalty of \$1,000 and for a
19 second or subsequent violation, a civil penalty of \$5,000.

20 (Source: P.A. 99-270, eff. 1-1-16; 99-933, eff. 1-27-17;
21 100-429, eff. 8-25-17; 100-513, eff. 1-1-18; 100-605, eff.
22 1-1-19; 100-863, eff. 8-14-18; 100-1137, eff. 1-1-19; revised
23 12-19-18.)

24 Section 925. The Compassionate Use of Medical Cannabis
25 Pilot Program Act is amended by changing Sections 1, 7, 10, 36,

1 55, 62, 130, 160, 195, and 200 as follows:

2 (410 ILCS 130/1)

3 (Section scheduled to be repealed on July 1, 2020)

4 Sec. 1. Short title. This Act may be cited as the
5 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act.

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

7 (410 ILCS 130/7)

8 (Section scheduled to be repealed on July 1, 2020)

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

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

16 (2) All medical cannabis products purchased by a
17 qualifying patient at a licensed dispensing organization
18 shall be lawful products and a distinction shall be made
19 between medical and non-medical uses of cannabis as a
20 result of the qualifying patient's cardholder status,
21 provisional registration for qualifying patient cardholder
22 status, or participation in the Opioid Alternative ~~Pilot~~
23 Program under the authorized use granted under State law.

24 (3) An individual with a provisional registration for

1 qualifying patient cardholder status, a qualifying patient
2 in the medical cannabis ~~pilot~~ program, or an Opioid
3 Alternative ~~Pilot~~ Program participant under Section 62
4 shall not be considered an unlawful user or addicted to
5 narcotics solely as a result of his or her application to
6 or participation in the program.

7 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

8 (410 ILCS 130/10)

9 (Section scheduled to be repealed on July 1, 2020)

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

12 (a) "Adequate supply" means:

13 (1) 2.5 ounces of usable cannabis during a period of 14
14 days and that is derived solely from an intrastate source.

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

24 (3) This subsection may not be construed to authorize
25 the possession of more than 2.5 ounces at any time without

1 authority from the Department of Public Health.

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

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

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

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

19 (e) "Cultivation center" means a facility operated by an
20 organization or business that is registered by the Department
21 of Agriculture to perform necessary activities to provide only
22 registered medical cannabis dispensing organizations with
23 usable medical cannabis.

24 (f) "Cultivation center agent" means a principal officer,
25 board member, employee, or agent of a registered cultivation
26 center who is 21 years of age or older and has not been

1 convicted of an excluded offense.

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

5 (h) (Blank). ~~"Debilitating medical condition" means one or
6 more of the following:~~

7 ~~(1) cancer, glaucoma, positive status for human
8 immunodeficiency virus, acquired immune deficiency
9 syndrome, hepatitis C, amyotrophic lateral sclerosis,
10 Crohn's disease, agitation of Alzheimer's disease,
11 cachexia/wasting syndrome, muscular dystrophy, severe
12 fibromyalgia, spinal cord disease, including but not
13 limited to arachnoiditis, Tarlov cysts, hydromyelia,
14 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
15 spinal cord injury, traumatic brain injury and
16 post concussion syndrome, Multiple Sclerosis,
17 Arnold Chiari malformation and Syringomyelia,
18 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
19 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
20 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
21 (Complex Regional Pain Syndromes Type II),
22 Neurofibromatosis, Chronic Inflammatory Demyelinating
23 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
24 Cystitis, Myasthenia Gravis, Hydrocephalus, nail patella
25 syndrome, residual limb pain, seizures (including those
26 characteristic of epilepsy), post traumatic stress~~

1 ~~disorder (PTSD), or the treatment of these conditions;~~

2 ~~(1.5) terminal illness with a diagnosis of 6 months or~~
3 ~~less; if the terminal illness is not one of the qualifying~~
4 ~~debilitating medical conditions, then the physician shall~~
5 ~~on the certification form identify the cause of the~~
6 ~~terminal illness; or~~

7 ~~(2) any other debilitating medical condition or its~~
8 ~~treatment that is added by the Department of Public Health~~
9 ~~by rule as provided in Section 45.~~

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

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

20 (k) "Enclosed, locked facility" means a room, greenhouse,
21 building, or other enclosed area equipped with locks or other
22 security devices that permit access only by a cultivation
23 center's agents or a dispensing organization's agent working
24 for the registered cultivation center or the registered
25 dispensing organization to cultivate, store, and distribute
26 cannabis for registered qualifying patients.

1 (1) "Excluded offense" for cultivation center agents and
2 dispensing organizations means:

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

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

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

23 (1-5) (Blank).

24 (1-10) "Illinois Cannabis Tracking System" means a
25 web-based system established and maintained by the Department
26 of Public Health that is available to the Department of

1 Agriculture, the Department of Financial and Professional
2 Regulation, the Illinois State Police, and registered medical
3 cannabis dispensing organizations on a 24-hour basis to upload
4 written certifications for Opioid Alternative ~~Pilot~~ Program
5 participants, to verify Opioid Alternative ~~Pilot~~ Program
6 participants, to verify Opioid Alternative ~~Pilot~~ Program
7 participants' available cannabis allotment and assigned
8 dispensary, and the tracking of the date of sale, amount, and
9 price of medical cannabis purchased by an Opioid Alternative
10 ~~Pilot~~ Program participant.

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, individuals with a
26 provisional registration for qualifying patient cardholder

1 status, or an Opioid Alternative ~~Pilot~~ Program participant.

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

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

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

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

19 (r-10) "Opioid Alternative ~~Pilot~~ Program participant"
20 means an individual who has received a valid written
21 certification to participate in the Opioid Alternative ~~Pilot~~
22 Program for a medical condition for which an opioid has been or
23 could be prescribed by a physician based on generally accepted
24 standards of care.

25 (s) "Physician" means a doctor of medicine or doctor of
26 osteopathy licensed under the Medical Practice Act of 1987 to

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

5 (s-5) "Provisional registration" means a document issued
6 by the Department of Public Health to a qualifying patient who
7 has submitted: (1) an online application and paid a fee to
8 participate in Compassionate Use of Medical Cannabis ~~Pilot~~
9 Program pending approval or denial of the patient's
10 application; or (2) a completed application for terminal
11 illness.

12 (t) "Qualifying patient" means a person who has been
13 diagnosed by a physician with a condition that the physician
14 believes would benefit from the use of medical cannabis ~~as~~
15 ~~having a debilitating medical condition.~~

16 (u) "Registered" means licensed, permitted, or otherwise
17 certified by the Department of Agriculture, Department of
18 Public Health, or Department of Financial and Professional
19 Regulation.

20 (v) "Registry identification card" means a document issued
21 by the Department of Public Health that identifies a person as
22 a registered qualifying patient or registered designated
23 caregiver.

24 (w) "Usable cannabis" means the seeds, leaves, buds, and
25 flowers of the cannabis plant and any mixture or preparation
26 thereof, but does not include the stalks, and roots of the

1 plant. It does not include the weight of any non-cannabis
2 ingredients combined with cannabis, such as ingredients added
3 to prepare a topical administration, food, or drink.

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

15 (y) "Written certification" means a document dated and
16 signed by a physician, stating (1) that the qualifying patient
17 has a debilitating medical condition and specifying the
18 debilitating medical condition the qualifying patient has; and
19 (2) that (A) the physician is treating or managing treatment of
20 the patient's debilitating medical condition; or (B) an Opioid
21 Alternative ~~Pilot~~ Program participant has a medical condition
22 for which opioids have been or could be prescribed. A written
23 certification shall be made only in the course of a bona fide
24 physician-patient relationship, after the physician has
25 completed an assessment of either a qualifying patient's
26 medical history or Opioid Alternative ~~Pilot~~ Program

1 participant, reviewed relevant records related to the
2 patient's debilitating condition, and conducted a physical
3 examination.

4 (z) "Bona fide physician-patient relationship" means a
5 relationship established at a hospital, physician's office, or
6 other health care facility in which the physician has an
7 ongoing responsibility for the assessment, care, and treatment
8 of a patient's debilitating medical condition or a symptom of
9 the patient's debilitating medical condition.

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

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

18 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

19 (410 ILCS 130/36)

20 Sec. 36. Written certification.

21 (a) A certification confirming a patient's debilitating
22 medical condition shall be written on a form provided by the
23 Department of Public Health and shall include, at a minimum,
24 the following:

25 (1) the qualifying patient's name, date of birth, home

1 address, and primary telephone number;

2 (2) the physician's name, address, telephone number,
3 email address, medical license number, and active
4 controlled substances license under the Illinois
5 Controlled Substances Act and indication of specialty or
6 primary area of clinical practice, if any;

7 (3) the qualifying patient's debilitating medical
8 condition;

9 (4) a statement that the physician has confirmed a
10 diagnosis of a debilitating condition; is treating or
11 managing treatment of the patient's debilitating
12 condition; has a bona fide physician-patient relationship;
13 has conducted an in-person physical examination; and has
14 conducted a review of the patient's medical history,
15 including reviewing medical records from other treating
16 physicians, if any, from the previous 12 months;

17 (5) the physician's signature and date of
18 certification; and

19 (6) a statement that a participant in possession of a
20 written certification indicating a debilitating medical
21 condition shall not be considered an unlawful user or
22 addicted to narcotics solely as a result of his or her
23 pending application to or participation in the
24 Compassionate Use of Medical Cannabis ~~Pilot~~ Program.

25 (b) A written certification does not constitute a
26 prescription for medical cannabis.

1 (c) Applications for qualifying patients under 18 years old
2 shall require a written certification from a physician and a
3 reviewing physician.

4 (d) A certification confirming the patient's eligibility
5 to participate in the Opioid Alternative ~~Pilot~~ Program shall be
6 written on a form provided by the Department of Public Health
7 and shall include, at a minimum, the following:

8 (1) the participant's name, date of birth, home
9 address, and primary telephone number;

10 (2) the physician's name, address, telephone number,
11 email address, medical license number, and active
12 controlled substances license under the Illinois
13 Controlled Substances Act and indication of specialty or
14 primary area of clinical practice, if any;

15 (3) the physician's signature and date;

16 (4) the length of participation in the program, which
17 shall be limited to no more than 90 days;

18 (5) a statement identifying the patient has been
19 diagnosed with and is currently undergoing treatment for a
20 medical condition where an opioid has been or could be
21 prescribed; and

22 (6) a statement that a participant in possession of a
23 written certification indicating eligibility to
24 participate in the Opioid Alternative ~~Pilot~~ Program shall
25 not be considered an unlawful user or addicted to narcotics
26 solely as a result of his or her eligibility or

1 participation in the program.

2 (e) The Department of Public Health may provide a single
3 certification form for subsections (a) and (d) of this Section,
4 provided that all requirements of those subsections are
5 included on the form.

6 (f) The Department of Public Health shall not include the
7 word "cannabis" on any application forms or written
8 certification forms that it issues under this Section.

9 (g) A written certification does not constitute a
10 prescription.

11 (h) It is unlawful for any person to knowingly submit a
12 fraudulent certification to be a qualifying patient in the
13 Compassionate Use of Medical Cannabis ~~Pilot~~ Program or an
14 Opioid Alternative ~~Pilot~~ Program participant. A violation of
15 this subsection shall result in the person who has knowingly
16 submitted the fraudulent certification being permanently
17 banned from participating in the Compassionate Use of Medical
18 Cannabis ~~Pilot~~ Program or the Opioid Alternative ~~Pilot~~ Program.

19 (Source: P.A. 100-1114, eff. 8-28-18.)

20 (410 ILCS 130/55)

21 (Section scheduled to be repealed on July 1, 2020)

22 Sec. 55. Registration of qualifying patients and
23 designated caregivers.

24 (a) The Department of Public Health shall issue registry
25 identification cards to qualifying patients and designated

1 caregivers who submit a completed application, and at minimum,
2 the following, in accordance with Department of Public Health
3 rules:

4 (1) A written certification, on a form developed by the
5 Department of Public Health consistent with Section 36 and
6 issued by a physician, within 90 days immediately preceding
7 the date of an application;

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

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

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

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

23 (6) the name, address, and date of birth of the
24 designated caregiver, if any, chosen by the qualifying
25 patient;

26 (7) the name of the registered medical cannabis

1 dispensing organization the qualifying patient designates;

2 (8) signed statements from the patient and designated
3 caregiver asserting that they will not divert medical
4 cannabis; and

5 (9) (blank).

6 (b) Notwithstanding any other provision of this Act, a
7 person provided a written certification for a debilitating
8 medical condition who has submitted a completed online
9 application to the Department of Public Health shall receive a
10 provisional registration and be entitled to purchase medical
11 cannabis from a specified licensed dispensing organization for
12 a period of 90 days or until his or her application has been
13 denied or he or she receives a registry identification card,
14 whichever is earlier. However, a person may obtain an
15 additional provisional registration after the expiration of 90
16 days after the date of application if the Department of Public
17 Health does not provide the individual with a registry
18 identification card or deny the individual's application
19 within those 90 days.

20 The provisional registration may not be extended if the
21 individual does not respond to the Department of Public
22 Health's request for additional information or corrections to
23 required application documentation.

24 In order for a person to receive medical cannabis under
25 this subsection, a person must present his or her provisional
26 registration along with a valid driver's license or State

1 identification card to the licensed dispensing organization
2 specified in his or her application. The dispensing
3 organization shall verify the person's provisional
4 registration through the Department of Public Health's online
5 verification system.

6 Upon verification of the provided documents, the
7 dispensing organization shall dispense no more than 2.5 ounces
8 of medical cannabis during a 14-day period to the person for a
9 period of 90 days, until his or her application has been
10 denied, or until he or she receives a registry identification
11 card from the Department of Public Health, whichever is
12 earlier.

13 Persons with provisional registrations must keep their
14 provisional registration in his or her possession at all times
15 when transporting or engaging in the medical use of cannabis.

16 (c) No person or business shall charge a fee for assistance
17 in the preparation, compilation, or submission of an
18 application to the Compassionate Use of Medical Cannabis ~~Pilot~~
19 Program or the Opioid Alternative ~~Pilot~~ Program. A violation of
20 this subsection is a Class C misdemeanor, for which restitution
21 to the applicant and a fine of up to \$1,500 may be imposed. All
22 fines shall be deposited into the Compassionate Use of Medical
23 Cannabis Fund after restitution has been made to the applicant.
24 The Department of Public Health shall refer individuals making
25 complaints against a person or business under this Section to
26 the Illinois State Police, who shall enforce violations of this

1 provision. All application forms issued by the Department shall
2 state that no person or business may charge a fee for
3 assistance in the preparation, compilation, or submission of an
4 application to the Compassionate Use of Medical Cannabis ~~Pilot~~
5 Program or the Opioid Alternative ~~Pilot~~ Program.

6 (Source: P.A. 100-1114, eff. 8-28-18.)

7 (410 ILCS 130/62)

8 Sec. 62. Opioid Alternative ~~Pilot~~ Program.

9 (a) The Department of Public Health shall establish the
10 Opioid Alternative ~~Pilot~~ Program. Licensed dispensing
11 organizations shall allow persons with a written certification
12 from a licensed physician under Section 36 to purchase medical
13 cannabis upon enrollment in the Opioid Alternative ~~Pilot~~
14 Program. For a person to receive medical cannabis under this
15 Section, the person must present the written certification
16 along with a valid driver's license or state identification
17 card to the licensed dispensing organization specified in his
18 or her application. The dispensing organization shall verify
19 the person's status as an Opioid Alternative ~~Pilot~~ Program
20 participant through the Department of Public Health's online
21 verification system.

22 (b) The Opioid Alternative ~~Pilot~~ Program shall be limited
23 to participation by Illinois residents age 21 and older.

24 (c) The Department of Financial and Professional
25 Regulation shall specify that all licensed dispensing

1 organizations participating in the Opioid Alternative ~~Pilot~~
2 Program use the Illinois Cannabis Tracking System. The
3 Department of Public Health shall establish and maintain the
4 Illinois Cannabis Tracking System. The Illinois Cannabis
5 Tracking System shall be used to collect information about all
6 persons participating in the Opioid Alternative ~~Pilot~~ Program
7 and shall be used to track the sale of medical cannabis for
8 verification purposes.

9 Each dispensing organization shall retain a copy of the
10 Opioid Alternative ~~Pilot~~ Program certification and other
11 identifying information as required by the Department of
12 Financial and Professional Regulation, the Department of
13 Public Health, and the Illinois State Police in the Illinois
14 Cannabis Tracking System.

15 The Illinois Cannabis Tracking System shall be accessible
16 to the Department of Financial and Professional Regulation,
17 Department of Public Health, Department of Agriculture, and the
18 Illinois State Police.

19 The Department of Financial and Professional Regulation in
20 collaboration with the Department of Public Health shall
21 specify the data requirements for the Opioid Alternative ~~Pilot~~
22 Program by licensed dispensing organizations; including, but
23 not limited to, the participant's full legal name, address, and
24 date of birth, date on which the Opioid Alternative ~~Pilot~~
25 Program certification was issued, length of the participation
26 in the Program, including the start and end date to purchase

1 medical cannabis, name of the issuing physician, copy of the
2 participant's current driver's license or State identification
3 card, and phone number.

4 The Illinois Cannabis Tracking System shall provide
5 verification of a person's participation in the Opioid
6 Alternative ~~Pilot~~ Program for law enforcement at any time and
7 on any day.

8 (d) The certification for Opioid Alternative ~~Pilot~~ Program
9 participant must be issued by a physician licensed to practice
10 in Illinois under the Medical Practice Act of 1987 and in good
11 standing who holds a controlled substances license under
12 Article III of the Illinois Controlled Substances Act.

13 The certification for an Opioid Alternative ~~Pilot~~ Program
14 participant shall be written within 90 days before the
15 participant submits his or her certification to the dispensing
16 organization.

17 The written certification uploaded to the Illinois
18 Cannabis Tracking System shall be accessible to the Department
19 of Public Health.

20 (e) Upon verification of the individual's valid
21 certification and enrollment in the Illinois Cannabis Tracking
22 System, the dispensing organization may dispense the medical
23 cannabis, in amounts not exceeding 2.5 ounces of medical
24 cannabis per 14-day period to the participant at the
25 participant's specified dispensary for no more than 90 days.

26 An Opioid Alternative ~~Pilot~~ Program participant shall not

1 be registered as a medical cannabis cardholder. The dispensing
2 organization shall verify that the person is not an active
3 registered qualifying patient prior to enrollment in the Opioid
4 Alternative ~~Pilot~~ Program and each time medical cannabis is
5 dispensed.

6 Upon receipt of a written certification under the Opioid
7 Alternative ~~Pilot~~ Program, the Department of Public Health
8 shall electronically forward the patient's identification
9 information to the Prescription Monitoring Program established
10 under the Illinois Controlled Substances Act and certify that
11 the individual is permitted to engage in the medical use of
12 cannabis. For the purposes of patient care, the Prescription
13 Monitoring Program shall make a notation on the person's
14 prescription record stating that the person has a written
15 certification under the Opioid Alternative ~~Pilot~~ Program and is
16 a patient who is entitled to the lawful medical use of
17 cannabis. If the person is no longer authorized to engage in
18 the medical use of cannabis, the Department of Public Health
19 shall notify the Prescription Monitoring Program and
20 Department of Human Services to remove the notation from the
21 person's record. The Department of Human Services and the
22 Prescription Monitoring Program shall establish a system by
23 which the information may be shared electronically. This
24 confidential list may not be combined or linked in any manner
25 with any other list or database except as provided in this
26 Section.

1 (f) An Opioid Alternative ~~Pilot~~ Program participant shall
2 not be considered a qualifying patient with a debilitating
3 medical condition under this Act and shall be provided access
4 to medical cannabis solely for the duration of the
5 participant's certification. Nothing in this Section shall be
6 construed to limit or prohibit an Opioid Alternative ~~Pilot~~
7 Program participant who has a debilitating medical condition
8 from applying to the Compassionate Use of Medical Cannabis
9 ~~Pilot~~ Program.

10 (g) A person with a provisional registration under Section
11 55 shall not be considered an Opioid Alternative ~~Pilot~~ Program
12 participant.

13 (h) The Department of Financial and Professional
14 Regulation and the Department of Public Health shall submit
15 emergency rulemaking to implement the changes made by this
16 amendatory Act of the 100th General Assembly by December 1,
17 2018. The Department of Financial and Professional Regulation,
18 the Department of Agriculture, the Department of Human
19 Services, the Department of Public Health, and the Illinois
20 State Police shall utilize emergency purchase authority for 12
21 months after the effective date of this amendatory Act of the
22 100th General Assembly for the purpose of implementing the
23 changes made by this amendatory Act of the 100th General
24 Assembly.

25 (i) Dispensing organizations are not authorized to
26 dispense medical cannabis to Opioid Alternative ~~Pilot~~ Program

1 participants until administrative rules are approved by the
2 Joint Committee on Administrative Rules and go into effect.

3 (j) (Blank). ~~The provisions of this Section are inoperative~~
4 ~~on and after July 1, 2020.~~

5 (Source: P.A. 100-1114, eff. 8-28-18.)

6 (410 ILCS 130/130)

7 (Section scheduled to be repealed on July 1, 2020)

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

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

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

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

21 (d) A dispensing organization may not be located within
22 1,000 feet of the property line of a pre-existing public or
23 private preschool or elementary or secondary school or day care
24 center, day care home, group day care home, or part day child
25 care facility. A registered dispensing organization may not be

1 located in a house, apartment, condominium, or an area zoned
2 for residential use.

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

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

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

20 (h) A dispensing organization may not dispense more than
21 2.5 ounces of cannabis to a registered qualifying patient,
22 directly or via a designated caregiver, in any 14-day period
23 unless the qualifying patient has a Department of Public
24 Health-approved quantity waiver.

25 (i) Except as provided in subsection (i-5), before medical
26 cannabis may be dispensed to a designated caregiver or a

1 registered qualifying patient, a dispensing organization agent
2 must determine that the individual is a current cardholder in
3 the verification system and must verify each of the following:

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

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

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

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

15 (i-5) A dispensing organization may dispense medical
16 cannabis to an Opioid Alternative ~~Pilot~~ Program participant
17 under Section 62 and to a person presenting proof of
18 provisional registration under Section 55. Before dispensing
19 medical cannabis, the dispensing organization shall comply
20 with the requirements of Section 62 or Section 55, whichever is
21 applicable, and verify the following:

22 (1) that the written certification presented to the
23 registered dispensing organization is valid and an
24 original document;

25 (2) that the person presenting the written
26 certification is the person identified on the written

1 certification; and

2 (3) that the participant has not exceeded his or her
3 adequate supply.

4 (j) Dispensing organizations shall ensure compliance with
5 this limitation by maintaining internal, confidential records
6 that include records specifying how much medical cannabis is
7 dispensed to the registered qualifying patient and whether it
8 was dispensed directly to the registered qualifying patient or
9 to the designated caregiver. Each entry must include the date
10 and time the cannabis was dispensed. Additional recordkeeping
11 requirements may be set by rule.

12 (k) The physician-patient privilege as set forth by Section
13 8-802 of the Code of Civil Procedure shall apply between a
14 qualifying patient and a registered dispensing organization
15 and its agents with respect to communications and records
16 concerning qualifying patients' debilitating conditions.

17 (l) A dispensing organization may not permit any person to
18 consume cannabis on the property of a medical cannabis
19 organization.

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

22 (n) Notwithstanding any other criminal penalties related
23 to the unlawful possession of cannabis, the Department of
24 Financial and Professional Regulation may revoke, suspend,
25 place on probation, reprimand, refuse to issue or renew, or
26 take any other disciplinary or non-disciplinary action as the

1 Department of Financial and Professional Regulation may deem
2 proper with regard to the registration of any person issued
3 under this Act to operate a dispensing organization or act as a
4 dispensing organization agent, including imposing fines not to
5 exceed \$10,000 for each violation, for any violations of this
6 Act and rules adopted in accordance with this Act. The
7 procedures for disciplining a registered dispensing
8 organization shall be determined by rule. All final
9 administrative decisions of the Department of Financial and
10 Professional Regulation are subject to judicial review under
11 the Administrative Review Law and its rules. The term
12 "administrative decision" is defined as in Section 3-101 of the
13 Code of Civil Procedure.

14 (o) Dispensing organizations are subject to random
15 inspection and cannabis testing by the Department of Financial
16 and Professional Regulation and State Police as provided by
17 rule.

18 (Source: P.A. 100-1114, eff. 8-28-18.)

19 (410 ILCS 130/160)

20 (Section scheduled to be repealed on July 1, 2020)

21 Sec. 160. Annual reports. The Department of Public Health
22 shall submit to the General Assembly a report, by September 30
23 of each year, that does not disclose any identifying
24 information about registered qualifying patients, registered
25 caregivers, or physicians, but does contain, at a minimum, all

1 of the following information based on the fiscal year for
2 reporting purposes:

3 (1) the number of applications and renewals filed for
4 registry identification cards or registrations;

5 (2) the number of qualifying patients and designated
6 caregivers served by each dispensary during the report
7 year;

8 (3) the nature of the debilitating medical conditions
9 of the qualifying patients;

10 (4) the number of registry identification cards or
11 registrations revoked for misconduct;

12 (5) the number of physicians providing written
13 certifications for qualifying patients; and

14 (6) the number of registered medical cannabis
15 cultivation centers or registered dispensing
16 organizations;

17 (7) the number of Opioid Alternative ~~Pilot~~ Program
18 participants.

19 (Source: P.A. 100-863, eff. 8-14-18; 100-1114, eff. 8-28-18.)

20 (410 ILCS 130/195)

21 (Section scheduled to be repealed on July 1, 2020)

22 Sec. 195. Definitions. For the purposes of this Law:

23 "Cultivation center" has the meaning ascribed to that term
24 in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act.

25 "Department" means the Department of Revenue.

1 "Dispensing organization" has the meaning ascribed to that
2 term in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program
3 Act.

4 "Person" means an individual, partnership, corporation, or
5 public or private organization.

6 "Qualifying patient" means a qualifying patient registered
7 under the Compassionate Use of Medical Cannabis ~~Pilot~~ Program
8 Act.

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

10 (410 ILCS 130/200)

11 (Section scheduled to be repealed on July 1, 2020)

12 Sec. 200. Tax imposed.

13 (a) Beginning on the effective date of this Act, a tax is
14 imposed upon the privilege of cultivating medical cannabis at a
15 rate of 7% of the sales price per ounce. The proceeds from this
16 tax shall be deposited into the Compassionate Use of Medical
17 Cannabis Fund created under the Compassionate Use of Medical
18 Cannabis ~~Pilot~~ Program Act. This tax shall be paid by a
19 cultivation center and is not the responsibility of a
20 dispensing organization or a qualifying patient.

21 (b) The tax imposed under this Act shall be in addition to
22 all other occupation or privilege taxes imposed by the State of
23 Illinois or by any municipal corporation or political
24 subdivision thereof.

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

1 on page 180, by inserting immediately below line 3 the
2 following:

3 "Section 931. The Illinois Vehicle Code is amended by
4 changing Sections 2-118.2, 6-206.1, 11-501, and 11-501.9 as
5 follows:

6 (625 ILCS 5/2-118.2)

7 Sec. 2-118.2. Opportunity for hearing; medical
8 cannabis-related suspension under Section 11-501.9.

9 (a) A suspension of driving privileges under Section
10 11-501.9 of this Code shall not become effective until the
11 person is notified in writing of the impending suspension and
12 informed that he or she may request a hearing in the circuit
13 court of venue under subsection (b) of this Section and the
14 suspension shall become effective as provided in Section
15 11-501.9.

16 (b) Within 90 days after the notice of suspension served
17 under Section 11-501.9, the person may make a written request
18 for a judicial hearing in the circuit court of venue. The
19 request to the circuit court shall state the grounds upon which
20 the person seeks to have the suspension rescinded. Within 30
21 days after receipt of the written request or the first
22 appearance date on the Uniform Traffic Ticket issued for a
23 violation of Section 11-501 of this Code, or a similar

1 provision of a local ordinance, the hearing shall be conducted
2 by the circuit court having jurisdiction. This judicial
3 hearing, request, or process shall not stay or delay the
4 suspension. The hearing shall proceed in the court in the same
5 manner as in other civil proceedings.

6 The hearing may be conducted upon a review of the law
7 enforcement officer's own official reports; provided however,
8 that the person may subpoena the officer. Failure of the
9 officer to answer the subpoena shall be considered grounds for
10 a continuance if in the court's discretion the continuance is
11 appropriate.

12 The scope of the hearing shall be limited to the issues of:

13 (1) Whether the person was issued a registry
14 identification card under the Compassionate Use of Medical
15 Cannabis ~~Pilot~~ Program Act; and

16 (2) Whether the officer had reasonable suspicion to
17 believe that the person was driving or in actual physical
18 control of a motor vehicle upon a highway while impaired by
19 the use of cannabis; and

20 (3) Whether the person, after being advised by the
21 officer that the privilege to operate a motor vehicle would
22 be suspended if the person refused to submit to and
23 complete the field sobriety tests, did refuse to submit to
24 or complete the field sobriety tests authorized under
25 Section 11-501.9; and

26 (4) Whether the person after being advised by the

1 officer that the privilege to operate a motor vehicle would
2 be suspended if the person submitted to field sobriety
3 tests that disclosed the person was impaired by the use of
4 cannabis, did submit to field sobriety tests that disclosed
5 that the person was impaired by the use of cannabis.

6 Upon the conclusion of the judicial hearing, the circuit
7 court shall sustain or rescind the suspension and immediately
8 notify the Secretary of State. Reports received by the
9 Secretary of State under this Section shall be privileged
10 information and for use only by the courts, police officers,
11 and Secretary of State.

12 (Source: P.A. 98-1172, eff. 1-12-15.)

13 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

14 Sec. 6-206.1. Monitoring Device Driving Permit.
15 Declaration of Policy. It is hereby declared a policy of the
16 State of Illinois that the driver who is impaired by alcohol,
17 other drug or drugs, or intoxicating compound or compounds is a
18 threat to the public safety and welfare. Therefore, to provide
19 a deterrent to such practice, a statutory summary driver's
20 license suspension is appropriate. It is also recognized that
21 driving is a privilege and therefore, that the granting of
22 driving privileges, in a manner consistent with public safety,
23 is warranted during the period of suspension in the form of a
24 monitoring device driving permit. A person who drives and fails
25 to comply with the requirements of the monitoring device

1 driving permit commits a violation of Section 6-303 of this
2 Code.

3 The following procedures shall apply whenever a first
4 offender, as defined in Section 11-500 of this Code, is
5 arrested for any offense as defined in Section 11-501 or a
6 similar provision of a local ordinance and is subject to the
7 provisions of Section 11-501.1:

8 (a) Upon mailing of the notice of suspension of driving
9 privileges as provided in subsection (h) of Section 11-501.1 of
10 this Code, the Secretary shall also send written notice
11 informing the person that he or she will be issued a monitoring
12 device driving permit (MDDP). The notice shall include, at
13 minimum, information summarizing the procedure to be followed
14 for issuance of the MDDP, installation of the breath alcohol
15 ignition installation device (BAIID), as provided in this
16 Section, exemption from BAIID installation requirements, and
17 procedures to be followed by those seeking indigent status, as
18 provided in this Section. The notice shall also include
19 information summarizing the procedure to be followed if the
20 person wishes to decline issuance of the MDDP. A copy of the
21 notice shall also be sent to the court of venue together with
22 the notice of suspension of driving privileges, as provided in
23 subsection (h) of Section 11-501. However, a MDDP shall not be
24 issued if the Secretary finds that:

25 (1) the offender's driver's license is otherwise
26 invalid;

1 (2) death or great bodily harm to another resulted from
2 the arrest for Section 11-501;

3 (3) the offender has been previously convicted of
4 reckless homicide or aggravated driving under the
5 influence involving death;

6 (4) the offender is less than 18 years of age; or

7 (5) the offender is a qualifying patient licensed under
8 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act
9 who is in possession of a valid registry card issued under
10 that Act and refused to submit to standardized field
11 sobriety tests as required by subsection (a) of Section
12 11-501.9 or did submit to testing which disclosed the
13 person was impaired by the use of cannabis.

14 Any offender participating in the MDDP program must pay the
15 Secretary a MDDP Administration Fee in an amount not to exceed
16 \$30 per month, to be deposited into the Monitoring Device
17 Driving Permit Administration Fee Fund. The Secretary shall
18 establish by rule the amount and the procedures, terms, and
19 conditions relating to these fees. The offender must have an
20 ignition interlock device installed within 14 days of the date
21 the Secretary issues the MDDP. The ignition interlock device
22 provider must notify the Secretary, in a manner and form
23 prescribed by the Secretary, of the installation. If the
24 Secretary does not receive notice of installation, the
25 Secretary shall cancel the MDDP.

26 Upon receipt of the notice, as provided in paragraph (a) of

1 this Section, the person may file a petition to decline
2 issuance of the MDDP with the court of venue. The court shall
3 admonish the offender of all consequences of declining issuance
4 of the MDDP including, but not limited to, the enhanced
5 penalties for driving while suspended. After being so
6 admonished, the offender shall be permitted, in writing, to
7 execute a notice declining issuance of the MDDP. This notice
8 shall be filed with the court and forwarded by the clerk of the
9 court to the Secretary. The offender may, at any time
10 thereafter, apply to the Secretary for issuance of a MDDP.

11 (a-1) A person issued a MDDP may drive for any purpose and
12 at any time, subject to the rules adopted by the Secretary
13 under subsection (g). The person must, at his or her own
14 expense, drive only vehicles equipped with an ignition
15 interlock device as defined in Section 1-129.1, but in no event
16 shall such person drive a commercial motor vehicle.

17 (a-2) Persons who are issued a MDDP and must drive
18 employer-owned vehicles in the course of their employment
19 duties may seek permission to drive an employer-owned vehicle
20 that does not have an ignition interlock device. The employer
21 shall provide to the Secretary a form, as prescribed by the
22 Secretary, completed by the employer verifying that the
23 employee must drive an employer-owned vehicle in the course of
24 employment. If approved by the Secretary, the form must be in
25 the driver's possession while operating an employer-owner
26 vehicle not equipped with an ignition interlock device. No

1 person may use this exemption to drive a school bus, school
2 vehicle, or a vehicle designed to transport more than 15
3 passengers. No person may use this exemption to drive an
4 employer-owned motor vehicle that is owned by an entity that is
5 wholly or partially owned by the person holding the MDDP, or by
6 a family member of the person holding the MDDP. No person may
7 use this exemption to drive an employer-owned vehicle that is
8 made available to the employee for personal use. No person may
9 drive the exempted vehicle more than 12 hours per day, 6 days
10 per week.

11 (a-3) Persons who are issued a MDDP and who must drive a
12 farm tractor to and from a farm, within 50 air miles from the
13 originating farm are exempt from installation of a BAIID on the
14 farm tractor, so long as the farm tractor is being used for the
15 exclusive purpose of conducting farm operations.

16 (b) (Blank).

17 (c) (Blank).

18 (c-1) If the holder of the MDDP is convicted of or receives
19 court supervision for a violation of Section 6-206.2, 6-303,
20 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
21 provision of a local ordinance or a similar out-of-state
22 offense or is convicted of or receives court supervision for
23 any offense for which alcohol or drugs is an element of the
24 offense and in which a motor vehicle was involved (for an
25 arrest other than the one for which the MDDP is issued), or
26 de-installs the BAIID without prior authorization from the

1 Secretary, the MDDP shall be cancelled.

2 (c-5) If the Secretary determines that the person seeking
3 the MDDP is indigent, the Secretary shall provide the person
4 with a written document as evidence of that determination, and
5 the person shall provide that written document to an ignition
6 interlock device provider. The provider shall install an
7 ignition interlock device on that person's vehicle without
8 charge to the person, and seek reimbursement from the Indigent
9 BAIID Fund. If the Secretary has deemed an offender indigent,
10 the BAIID provider shall also provide the normal monthly
11 monitoring services and the de-installation without charge to
12 the offender and seek reimbursement from the Indigent BAIID
13 Fund. Any other monetary charges, such as a lockout fee or
14 reset fee, shall be the responsibility of the MDDP holder. A
15 BAIID provider may not seek a security deposit from the
16 Indigent BAIID Fund.

17 (d) MDDP information shall be available only to the courts,
18 police officers, and the Secretary, except during the actual
19 period the MDDP is valid, during which time it shall be a
20 public record.

21 (e) (Blank).

22 (f) (Blank).

23 (g) The Secretary shall adopt rules for implementing this
24 Section. The rules adopted shall address issues including, but
25 not limited to: compliance with the requirements of the MDDP;
26 methods for determining compliance with those requirements;

1 the consequences of noncompliance with those requirements;
2 what constitutes a violation of the MDDP; methods for
3 determining indigency; and the duties of a person or entity
4 that supplies the ignition interlock device.

5 (h) The rules adopted under subsection (g) shall provide,
6 at a minimum, that the person is not in compliance with the
7 requirements of the MDDP if he or she:

8 (1) tampers or attempts to tamper with or circumvent
9 the proper operation of the ignition interlock device;

10 (2) provides valid breath samples that register blood
11 alcohol levels in excess of the number of times allowed
12 under the rules;

13 (3) fails to provide evidence sufficient to satisfy the
14 Secretary that the ignition interlock device has been
15 installed in the designated vehicle or vehicles; or

16 (4) fails to follow any other applicable rules adopted
17 by the Secretary.

18 (i) Any person or entity that supplies an ignition
19 interlock device as provided under this Section shall, in
20 addition to supplying only those devices which fully comply
21 with all the rules adopted under subsection (g), provide the
22 Secretary, within 7 days of inspection, all monitoring reports
23 of each person who has had an ignition interlock device
24 installed. These reports shall be furnished in a manner or form
25 as prescribed by the Secretary.

26 (j) Upon making a determination that a violation of the

1 requirements of the MDDP has occurred, the Secretary shall
2 extend the summary suspension period for an additional 3 months
3 beyond the originally imposed summary suspension period,
4 during which time the person shall only be allowed to drive
5 vehicles equipped with an ignition interlock device; provided
6 further there are no limitations on the total number of times
7 the summary suspension may be extended. The Secretary may,
8 however, limit the number of extensions imposed for violations
9 occurring during any one monitoring period, as set forth by
10 rule. Any person whose summary suspension is extended pursuant
11 to this Section shall have the right to contest the extension
12 through a hearing with the Secretary, pursuant to Section 2-118
13 of this Code. If the summary suspension has already terminated
14 prior to the Secretary receiving the monitoring report that
15 shows a violation, the Secretary shall be authorized to suspend
16 the person's driving privileges for 3 months, provided that the
17 Secretary may, by rule, limit the number of suspensions to be
18 entered pursuant to this paragraph for violations occurring
19 during any one monitoring period. Any person whose license is
20 suspended pursuant to this paragraph, after the summary
21 suspension had already terminated, shall have the right to
22 contest the suspension through a hearing with the Secretary,
23 pursuant to Section 2-118 of this Code. The only permit the
24 person shall be eligible for during this new suspension period
25 is a MDDP.

26 (k) A person who has had his or her summary suspension

1 extended for the third time, or has any combination of 3
2 extensions and new suspensions, entered as a result of a
3 violation that occurred while holding the MDDP, so long as the
4 extensions and new suspensions relate to the same summary
5 suspension, shall have his or her vehicle impounded for a
6 period of 30 days, at the person's own expense. A person who
7 has his or her summary suspension extended for the fourth time,
8 or has any combination of 4 extensions and new suspensions,
9 entered as a result of a violation that occurred while holding
10 the MDDP, so long as the extensions and new suspensions relate
11 to the same summary suspension, shall have his or her vehicle
12 subject to seizure and forfeiture. The Secretary shall notify
13 the prosecuting authority of any third or fourth extensions or
14 new suspension entered as a result of a violation that occurred
15 while the person held a MDDP. Upon receipt of the notification,
16 the prosecuting authority shall impound or forfeit the vehicle.
17 The impoundment or forfeiture of a vehicle shall be conducted
18 pursuant to the procedure specified in Article 36 of the
19 Criminal Code of 2012.

20 (1) A person whose driving privileges have been suspended
21 under Section 11-501.1 of this Code and who had a MDDP that was
22 cancelled, or would have been cancelled had notification of a
23 violation been received prior to expiration of the MDDP,
24 pursuant to subsection (c-1) of this Section, shall not be
25 eligible for reinstatement when the summary suspension is
26 scheduled to terminate. Instead, the person's driving

1 privileges shall be suspended for a period of not less than
2 twice the original summary suspension period, or for the length
3 of any extensions entered under subsection (j), whichever is
4 longer. During the period of suspension, the person shall be
5 eligible only to apply for a restricted driving permit. If a
6 restricted driving permit is granted, the offender may only
7 operate vehicles equipped with a BAIID in accordance with this
8 Section.

9 (m) Any person or entity that supplies an ignition
10 interlock device under this Section shall, for each ignition
11 interlock device installed, pay 5% of the total gross revenue
12 received for the device, including monthly monitoring fees,
13 into the Indigent BAIID Fund. This 5% shall be clearly
14 indicated as a separate surcharge on each invoice that is
15 issued. The Secretary shall conduct an annual review of the
16 fund to determine whether the surcharge is sufficient to
17 provide for indigent users. The Secretary may increase or
18 decrease this surcharge requirement as needed.

19 (n) Any person or entity that supplies an ignition
20 interlock device under this Section that is requested to
21 provide an ignition interlock device to a person who presents
22 written documentation of indigency from the Secretary, as
23 provided in subsection (c-5) of this Section, shall install the
24 device on the person's vehicle without charge to the person and
25 shall seek reimbursement from the Indigent BAIID Fund.

26 (o) The Indigent BAIID Fund is created as a special fund in

1 the State treasury. The Secretary shall, subject to
2 appropriation by the General Assembly, use all money in the
3 Indigent BAIID Fund to reimburse ignition interlock device
4 providers who have installed devices in vehicles of indigent
5 persons. The Secretary shall make payments to such providers
6 every 3 months. If the amount of money in the fund at the time
7 payments are made is not sufficient to pay all requests for
8 reimbursement submitted during that 3 month period, the
9 Secretary shall make payments on a pro-rata basis, and those
10 payments shall be considered payment in full for the requests
11 submitted.

12 (p) The Monitoring Device Driving Permit Administration
13 Fee Fund is created as a special fund in the State treasury.
14 The Secretary shall, subject to appropriation by the General
15 Assembly, use the money paid into this fund to offset its
16 administrative costs for administering MDDPs.

17 (q) The Secretary is authorized to prescribe such forms as
18 it deems necessary to carry out the provisions of this Section.
19 (Source: P.A. 98-122, eff. 1-1-14; 98-1015, eff. 8-22-14;
20 98-1172, eff. 1-12-15; 99-467, eff. 1-1-16.)

21 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

22 Sec. 11-501. Driving while under the influence of alcohol,
23 other drug or drugs, intoxicating compound or compounds or any
24 combination thereof.

25 (a) A person shall not drive or be in actual physical

1 control of any vehicle within this State while:

2 (1) the alcohol concentration in the person's blood,
3 other bodily substance, or breath is 0.08 or more based on
4 the definition of blood and breath units in Section
5 11-501.2;

6 (2) under the influence of alcohol;

7 (3) under the influence of any intoxicating compound or
8 combination of intoxicating compounds to a degree that
9 renders the person incapable of driving safely;

10 (4) under the influence of any other drug or
11 combination of drugs to a degree that renders the person
12 incapable of safely driving;

13 (5) under the combined influence of alcohol, other drug
14 or drugs, or intoxicating compound or compounds to a degree
15 that renders the person incapable of safely driving;

16 (6) there is any amount of a drug, substance, or
17 compound in the person's breath, blood, other bodily
18 substance, or urine resulting from the unlawful use or
19 consumption of a controlled substance listed in the
20 Illinois Controlled Substances Act, an intoxicating
21 compound listed in the Use of Intoxicating Compounds Act,
22 or methamphetamine as listed in the Methamphetamine
23 Control and Community Protection Act; or

24 (7) the person has, within 2 hours of driving or being
25 in actual physical control of a vehicle, a
26 tetrahydrocannabinol concentration in the person's whole

1 blood or other bodily substance as defined in paragraph 6
2 of subsection (a) of Section 11-501.2 of this Code. Subject
3 to all other requirements and provisions under this
4 Section, this paragraph (7) does not apply to the lawful
5 consumption of cannabis by a qualifying patient licensed
6 under the Compassionate Use of Medical Cannabis ~~Pilot~~
7 Program Act who is in possession of a valid registry card
8 issued under that Act, unless that person is impaired by
9 the use of cannabis.

10 (b) The fact that any person charged with violating this
11 Section is or has been legally entitled to use alcohol,
12 cannabis under the Compassionate Use of Medical Cannabis ~~Pilot~~
13 Program Act, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof, shall not constitute a
15 defense against any charge of violating this Section.

16 (c) Penalties.

17 (1) Except as otherwise provided in this Section, any
18 person convicted of violating subsection (a) of this
19 Section is guilty of a Class A misdemeanor.

20 (2) A person who violates subsection (a) or a similar
21 provision a second time shall be sentenced to a mandatory
22 minimum term of either 5 days of imprisonment or 240 hours
23 of community service in addition to any other criminal or
24 administrative sanction.

25 (3) A person who violates subsection (a) is subject to
26 6 months of imprisonment, an additional mandatory minimum

1 fine of \$1,000, and 25 days of community service in a
2 program benefiting children if the person was transporting
3 a person under the age of 16 at the time of the violation.

4 (4) A person who violates subsection (a) a first time,
5 if the alcohol concentration in his or her blood, breath,
6 other bodily substance, or urine was 0.16 or more based on
7 the definition of blood, breath, other bodily substance, or
8 urine units in Section 11-501.2, shall be subject, in
9 addition to any other penalty that may be imposed, to a
10 mandatory minimum of 100 hours of community service and a
11 mandatory minimum fine of \$500.

12 (5) A person who violates subsection (a) a second time,
13 if at the time of the second violation the alcohol
14 concentration in his or her blood, breath, other bodily
15 substance, or urine was 0.16 or more based on the
16 definition of blood, breath, other bodily substance, or
17 urine units in Section 11-501.2, shall be subject, in
18 addition to any other penalty that may be imposed, to a
19 mandatory minimum of 2 days of imprisonment and a mandatory
20 minimum fine of \$1,250.

21 (d) Aggravated driving under the influence of alcohol,
22 other drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof.

24 (1) Every person convicted of committing a violation of
25 this Section shall be guilty of aggravated driving under
26 the influence of alcohol, other drug or drugs, or

1 intoxicating compound or compounds, or any combination
2 thereof if:

3 (A) the person committed a violation of subsection
4 (a) or a similar provision for the third or subsequent
5 time;

6 (B) the person committed a violation of subsection
7 (a) while driving a school bus with one or more
8 passengers on board;

9 (C) the person in committing a violation of
10 subsection (a) was involved in a motor vehicle accident
11 that resulted in great bodily harm or permanent
12 disability or disfigurement to another, when the
13 violation was a proximate cause of the injuries;

14 (D) the person committed a violation of subsection
15 (a) and has been previously convicted of violating
16 Section 9-3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 or a similar provision of a law
18 of another state relating to reckless homicide in which
19 the person was determined to have been under the
20 influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds as an element of the
22 offense or the person has previously been convicted
23 under subparagraph (C) or subparagraph (F) of this
24 paragraph (1);

25 (E) the person, in committing a violation of
26 subsection (a) while driving at any speed in a school

1 speed zone at a time when a speed limit of 20 miles per
2 hour was in effect under subsection (a) of Section
3 11-605 of this Code, was involved in a motor vehicle
4 accident that resulted in bodily harm, other than great
5 bodily harm or permanent disability or disfigurement,
6 to another person, when the violation of subsection (a)
7 was a proximate cause of the bodily harm;

8 (F) the person, in committing a violation of
9 subsection (a), was involved in a motor vehicle,
10 snowmobile, all-terrain vehicle, or watercraft
11 accident that resulted in the death of another person,
12 when the violation of subsection (a) was a proximate
13 cause of the death;

14 (G) the person committed a violation of subsection
15 (a) during a period in which the defendant's driving
16 privileges are revoked or suspended, where the
17 revocation or suspension was for a violation of
18 subsection (a) or a similar provision, Section
19 11-501.1, paragraph (b) of Section 11-401, or for
20 reckless homicide as defined in Section 9-3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012;

22 (H) the person committed the violation while he or
23 she did not possess a driver's license or permit or a
24 restricted driving permit or a judicial driving permit
25 or a monitoring device driving permit;

26 (I) the person committed the violation while he or

1 she knew or should have known that the vehicle he or
2 she was driving was not covered by a liability
3 insurance policy;

4 (J) the person in committing a violation of
5 subsection (a) was involved in a motor vehicle accident
6 that resulted in bodily harm, but not great bodily
7 harm, to the child under the age of 16 being
8 transported by the person, if the violation was the
9 proximate cause of the injury;

10 (K) the person in committing a second violation of
11 subsection (a) or a similar provision was transporting
12 a person under the age of 16; or

13 (L) the person committed a violation of subsection
14 (a) of this Section while transporting one or more
15 passengers in a vehicle for-hire.

16 (2) (A) Except as provided otherwise, a person
17 convicted of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof is guilty of a Class
20 4 felony.

21 (B) A third violation of this Section or a similar
22 provision is a Class 2 felony. If at the time of the third
23 violation the alcohol concentration in his or her blood,
24 breath, other bodily substance, or urine was 0.16 or more
25 based on the definition of blood, breath, other bodily
26 substance, or urine units in Section 11-501.2, a mandatory

1 minimum of 90 days of imprisonment and a mandatory minimum
2 fine of \$2,500 shall be imposed in addition to any other
3 criminal or administrative sanction. If at the time of the
4 third violation, the defendant was transporting a person
5 under the age of 16, a mandatory fine of \$25,000 and 25
6 days of community service in a program benefiting children
7 shall be imposed in addition to any other criminal or
8 administrative sanction.

9 (C) A fourth violation of this Section or a similar
10 provision is a Class 2 felony, for which a sentence of
11 probation or conditional discharge may not be imposed. If
12 at the time of the violation, the alcohol concentration in
13 the defendant's blood, breath, other bodily substance, or
14 urine was 0.16 or more based on the definition of blood,
15 breath, other bodily substance, or urine units in Section
16 11-501.2, a mandatory minimum fine of \$5,000 shall be
17 imposed in addition to any other criminal or administrative
18 sanction. If at the time of the fourth violation, the
19 defendant was transporting a person under the age of 16 a
20 mandatory fine of \$25,000 and 25 days of community service
21 in a program benefiting children shall be imposed in
22 addition to any other criminal or administrative sanction.

23 (D) A fifth violation of this Section or a similar
24 provision is a Class 1 felony, for which a sentence of
25 probation or conditional discharge may not be imposed. If
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, other bodily substance, or
2 urine was 0.16 or more based on the definition of blood,
3 breath, other bodily substance, or urine units in Section
4 11-501.2, a mandatory minimum fine of \$5,000 shall be
5 imposed in addition to any other criminal or administrative
6 sanction. If at the time of the fifth violation, the
7 defendant was transporting a person under the age of 16, a
8 mandatory fine of \$25,000, and 25 days of community service
9 in a program benefiting children shall be imposed in
10 addition to any other criminal or administrative sanction.

11 (E) A sixth or subsequent violation of this Section or
12 similar provision is a Class X felony. If at the time of
13 the violation, the alcohol concentration in the
14 defendant's blood, breath, other bodily substance, or
15 urine was 0.16 or more based on the definition of blood,
16 breath, other bodily substance, or urine units in Section
17 11-501.2, a mandatory minimum fine of \$5,000 shall be
18 imposed in addition to any other criminal or administrative
19 sanction. If at the time of the violation, the defendant
20 was transporting a person under the age of 16, a mandatory
21 fine of \$25,000 and 25 days of community service in a
22 program benefiting children shall be imposed in addition to
23 any other criminal or administrative sanction.

24 (F) For a violation of subparagraph (C) of paragraph
25 (1) of this subsection (d), the defendant, if sentenced to
26 a term of imprisonment, shall be sentenced to not less than

1 one year nor more than 12 years.

2 (G) A violation of subparagraph (F) of paragraph (1) of
3 this subsection (d) is a Class 2 felony, for which the
4 defendant, unless the court determines that extraordinary
5 circumstances exist and require probation, shall be
6 sentenced to: (i) a term of imprisonment of not less than 3
7 years and not more than 14 years if the violation resulted
8 in the death of one person; or (ii) a term of imprisonment
9 of not less than 6 years and not more than 28 years if the
10 violation resulted in the deaths of 2 or more persons.

11 (H) For a violation of subparagraph (J) of paragraph
12 (1) of this subsection (d), a mandatory fine of \$2,500, and
13 25 days of community service in a program benefiting
14 children shall be imposed in addition to any other criminal
15 or administrative sanction.

16 (I) A violation of subparagraph (K) of paragraph (1) of
17 this subsection (d), is a Class 2 felony and a mandatory
18 fine of \$2,500, and 25 days of community service in a
19 program benefiting children shall be imposed in addition to
20 any other criminal or administrative sanction. If the child
21 being transported suffered bodily harm, but not great
22 bodily harm, in a motor vehicle accident, and the violation
23 was the proximate cause of that injury, a mandatory fine of
24 \$5,000 and 25 days of community service in a program
25 benefiting children shall be imposed in addition to any
26 other criminal or administrative sanction.

1 (J) A violation of subparagraph (D) of paragraph (1) of
2 this subsection (d) is a Class 3 felony, for which a
3 sentence of probation or conditional discharge may not be
4 imposed.

5 (3) Any person sentenced under this subsection (d) who
6 receives a term of probation or conditional discharge must
7 serve a minimum term of either 480 hours of community
8 service or 10 days of imprisonment as a condition of the
9 probation or conditional discharge in addition to any other
10 criminal or administrative sanction.

11 (e) Any reference to a prior violation of subsection (a) or
12 a similar provision includes any violation of a provision of a
13 local ordinance or a provision of a law of another state or an
14 offense committed on a military installation that is similar to
15 a violation of subsection (a) of this Section.

16 (f) The imposition of a mandatory term of imprisonment or
17 assignment of community service for a violation of this Section
18 shall not be suspended or reduced by the court.

19 (g) Any penalty imposed for driving with a license that has
20 been revoked for a previous violation of subsection (a) of this
21 Section shall be in addition to the penalty imposed for any
22 subsequent violation of subsection (a).

23 (h) For any prosecution under this Section, a certified
24 copy of the driving abstract of the defendant shall be admitted
25 as proof of any prior conviction.

26 (Source: P.A. 98-122, eff. 1-1-14; 98-573, eff. 8-27-13;

1 98-756, eff. 7-16-14; 99-697, eff. 7-29-16.)

2 (625 ILCS 5/11-501.9)

3 Sec. 11-501.9. Suspension of driver's license; medical
4 cannabis card holder; failure or refusal of field sobriety
5 tests; implied consent.

6 (a) A person who has been issued a registry identification
7 card under the Compassionate Use of Medical Cannabis ~~Pilot~~
8 Program Act who drives or is in actual physical control of a
9 motor vehicle upon the public highways of this State shall be
10 deemed to have given consent to standardized field sobriety
11 tests approved by the National Highway Traffic Safety
12 Administration, under subsection (a-5) of Section 11-501.2 of
13 this Code, if detained by a law enforcement officer who has a
14 reasonable suspicion that the person is driving or is in actual
15 physical control of a motor vehicle while impaired by the use
16 of cannabis. The law enforcement officer must have an
17 independent, cannabis-related factual basis giving reasonable
18 suspicion that the person is driving or in actual physical
19 control of a motor vehicle while impaired by the use of
20 cannabis for conducting standardized field sobriety tests,
21 which shall be included with the results of the field sobriety
22 tests in any report made by the law enforcement officer who
23 requests the test. The person's possession of a registry
24 identification card issued under the Compassionate Use of
25 Medical Cannabis ~~Pilot~~ Program Act alone is not a sufficient

1 basis for reasonable suspicion.

2 For purposes of this Section, a law enforcement officer of
3 this State who is investigating a person for an offense under
4 Section 11-501 of this Code may travel into an adjoining state
5 where the person has been transported for medical care to
6 complete an investigation and to request that the person submit
7 to field sobriety tests under this Section.

8 (b) A person who is unconscious, or otherwise in a
9 condition rendering the person incapable of refusal, shall be
10 deemed to have withdrawn the consent provided by subsection (a)
11 of this Section.

12 (c) A person requested to submit to field sobriety tests,
13 as provided in this Section, shall be warned by the law
14 enforcement officer requesting the field sobriety tests that a
15 refusal to submit to the field sobriety tests will result in
16 the suspension of the person's privilege to operate a motor
17 vehicle, as provided in subsection (f) of this Section. The
18 person shall also be warned by the law enforcement officer that
19 if the person submits to field sobriety tests as provided in
20 this Section which disclose the person is impaired by the use
21 of cannabis, a suspension of the person's privilege to operate
22 a motor vehicle, as provided in subsection (f) of this Section,
23 will be imposed.

24 (d) The results of field sobriety tests administered under
25 this Section shall be admissible in a civil or criminal action
26 or proceeding arising from an arrest for an offense as defined

1 in Section 11-501 of this Code or a similar provision of a
2 local ordinance. These test results shall be admissible only in
3 actions or proceedings directly related to the incident upon
4 which the test request was made.

5 (e) If the person refuses field sobriety tests or submits
6 to field sobriety tests that disclose the person is impaired by
7 the use of cannabis, the law enforcement officer shall
8 immediately submit a sworn report to the circuit court of venue
9 and the Secretary of State certifying that testing was
10 requested under this Section and that the person refused to
11 submit to field sobriety tests or submitted to field sobriety
12 tests that disclosed the person was impaired by the use of
13 cannabis. The sworn report must include the law enforcement
14 officer's factual basis for reasonable suspicion that the
15 person was impaired by the use of cannabis.

16 (f) Upon receipt of the sworn report of a law enforcement
17 officer submitted under subsection (e) of this Section, the
18 Secretary of State shall enter the suspension to the driving
19 record as follows:

20 (1) for refusal or failure to complete field sobriety
21 tests, a 12 month suspension shall be entered; or

22 (2) for submitting to field sobriety tests that
23 disclosed the driver was impaired by the use of cannabis, a
24 6 month suspension shall be entered.

25 The Secretary of State shall confirm the suspension by
26 mailing a notice of the effective date of the suspension to the

1 person and the court of venue. However, should the sworn report
2 be defective for insufficient information or be completed in
3 error, the confirmation of the suspension shall not be mailed
4 to the person or entered to the record; instead, the sworn
5 report shall be forwarded to the court of venue with a copy
6 returned to the issuing agency identifying the defect.

7 (g) The law enforcement officer submitting the sworn report
8 under subsection (e) of this Section shall serve immediate
9 notice of the suspension on the person and the suspension shall
10 be effective as provided in subsection (h) of this Section. If
11 immediate notice of the suspension cannot be given, the
12 arresting officer or arresting agency shall give notice by
13 deposit in the United States mail of the notice in an envelope
14 with postage prepaid and addressed to the person at his or her
15 address as shown on the Uniform Traffic Ticket and the
16 suspension shall begin as provided in subsection (h) of this
17 Section. The officer shall confiscate any Illinois driver's
18 license or permit on the person at the time of arrest. If the
19 person has a valid driver's license or permit, the officer
20 shall issue the person a receipt, in a form prescribed by the
21 Secretary of State, that will allow the person to drive during
22 the period provided for in subsection (h) of this Section. The
23 officer shall immediately forward the driver's license or
24 permit to the circuit court of venue along with the sworn
25 report under subsection (e) of this Section.

26 (h) The suspension under subsection (f) of this Section

1 shall take effect on the 46th day following the date the notice
2 of the suspension was given to the person.

3 (i) When a driving privilege has been suspended under this
4 Section and the person is subsequently convicted of violating
5 Section 11-501 of this Code, or a similar provision of a local
6 ordinance, for the same incident, any period served on
7 suspension under this Section shall be credited toward the
8 minimum period of revocation of driving privileges imposed
9 under Section 6-205 of this Code.

10 (Source: P.A. 98-1172, eff. 1-12-15.)"; and

11 on page 180, line 5, by inserting "5.3," after "5,"; and

12 on page 184, by inserting immediately below line 18 the
13 following:

14 "(720 ILCS 550/5.3)

15 Sec. 5.3. Unlawful use of cannabis-based product
16 manufacturing equipment.

17 (a) A person commits unlawful use of cannabis-based product
18 manufacturing equipment when he or she knowingly engages in the
19 possession, procurement, transportation, storage, or delivery
20 of any equipment used in the manufacturing of any
21 cannabis-based product using volatile or explosive gas,
22 including, but not limited to, canisters of butane gas, with
23 the intent to manufacture, compound, covert, produce, derive,

1 process, or prepare either directly or indirectly any
2 cannabis-based product.

3 (b) This Section does not apply to a cultivation center or
4 cultivation center agent that prepares medical cannabis or
5 cannabis-infused products in compliance with the Compassionate
6 Use of Medical Cannabis ~~Pilot~~ Program Act and Department of
7 Public Health and Department of Agriculture rules.

8 (c) Sentence. A person who violates this Section is guilty
9 of a Class 2 felony.

10 (Source: P.A. 99-697, eff. 7-29-16.)".