



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5499

by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

New Act

720 ILCS 550/8

720 ILCS 550/11 rep.

from Ch. 56 1/2, par. 708

Creates the Illinois Medical Marijuana Act. Provides that when a person has been diagnosed by a physician as having a debilitating medical condition, the person and the person's primary caregiver may be issued a registry identification card by the Department of Public Health that permits the person or the person's primary caregiver to legally possess no more than 12 cannabis plants and 2.5 ounces of usable cannabis. Amends the Cannabis Control Act to make conforming changes. Provides that the provisions of the Act are severable. Effective immediately.

LRB095 18556 RLC 44642 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning medical marijuana.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Medical Marijuana Act.

6 Section 5. Findings.

7 (a) Modern medical research has discovered beneficial uses
8 for marijuana in treating or alleviating the pain, nausea, and
9 other symptoms associated with a variety of debilitating
10 medical conditions, as found by the National Academy of
11 Sciences' Institute of Medicine in March 1999.

12 (b) Subsequent studies since the 1999 National Academy of
13 Sciences' Institute of Medicine report continue to show the
14 therapeutic value of marijuana in treating a wide array of
15 debilitating medical conditions, including increasing the
16 chances of patients finishing their treatments for HIV/AIDS and
17 hepatitis C.

18 (c) Data from the Federal Bureau of Investigation's Uniform
19 Crime Reports and the Compendium of Federal Justice Statistics
20 show that approximately 99 out of every 100 marijuana arrests
21 in the U.S. are made under state law, rather than under federal
22 law. Consequently, changing state law will have the practical
23 effect of protecting from arrest the vast majority of seriously

1 ill people who have a medical need to use marijuana.

2 (d) Although federal law currently prohibits any use of
3 marijuana except under very limited circumstances, Alaska,
4 California, Colorado, Hawaii, Maine, Montana, Nevada, New
5 Mexico, Oregon, Vermont, Rhode Island, and Washington have
6 removed state-level criminal penalties from the medical use and
7 cultivation of marijuana. Illinois joins in this effort for the
8 health and welfare of its citizens.

9 (e) States are not required to enforce federal law or
10 prosecute people for engaging in activities prohibited by
11 federal law. Therefore, compliance with this Act does not put
12 the State of Illinois in violation of federal law.

13 (f) State law should make a distinction between the medical
14 and non-medical uses of marijuana. Hence, the purpose of this
15 Act is to protect patients with debilitating medical
16 conditions, as well as their practitioners and primary
17 caregivers, from arrest and prosecution, criminal and other
18 penalties, and property forfeiture if such patients engage in
19 the medical use of marijuana.

20 (g) The people of the State of Illinois declare that they
21 enact this Act pursuant to the police power to protect the
22 health of its citizens that is reserved to the State of
23 Illinois and its people under the 10th Amendment to the United
24 States Constitution.

25 Section 10. Definitions. The following terms, as used in

1 this Act, shall have the meanings set forth in this Section:

2 (a) "Cardholder" means a qualifying patient or a primary
3 caregiver who has been issued and possesses a valid registry
4 identification card.

5 (b) "Debilitating medical condition" means one or more of
6 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, nail
11 patella, or the treatment of these conditions;

12 (2) a chronic or debilitating disease or medical
13 condition or its treatment that produces one or more of the
14 following: cachexia or wasting syndrome; severe pain;
15 severe nausea; seizures, including but not limited to those
16 characteristic of epilepsy; or severe and persistent
17 muscle spasms, including but not limited to those
18 characteristic of multiple sclerosis; or

19 (3) any other medical condition or its treatment
20 approved by the Department, as provided for in subsection
21 (a) of Section 20.

22 (c) "Department" means the Department of Public Health, or
23 its successor agency.

24 (d) "Enclosed, locked facility" means a closet, room,
25 greenhouse, or other enclosed area equipped with locks or other
26 security devices that permit access only by a registered

1 primary caregiver or registered qualifying patient.

2 (e) "Felony drug offense" means a violation of a state or
3 federal controlled substance law that was classified as a
4 felony in the jurisdiction where the person was convicted. It
5 does not include:

6 (1) an offense for which the sentence, including any
7 term of probation, incarceration, or supervised release,
8 was completed 10 or more years earlier; or

9 (2) an offense that involved conduct that would have
10 been permitted under this Act.

11 (f) "Marijuana" has the meaning given to the term cannabis
12 in Section 3 of the Cannabis Control Act.

13 (g) "Medical use" means the acquisition, possession,
14 cultivation, manufacture, use, delivery, transfer, or
15 transportation of marijuana or paraphernalia relating to the
16 administration of marijuana to treat or alleviate a registered
17 qualifying patient's debilitating medical condition or
18 symptoms associated with the patient's debilitating medical
19 condition.

20 (h) "Practitioner" means a person who is licensed with
21 authority to prescribe drugs under Article III of the Illinois
22 Controlled Substance Act.

23 (i) "Primary caregiver" means a person who is at least 21
24 years old, who has agreed to assist with a patient's medical
25 use of marijuana, and who has never been convicted of a felony
26 drug offense. A primary caregiver may assist no more than 5

1 qualifying patients with their medical use of marijuana.

2 (j) "Qualifying patient" means a person who has been
3 diagnosed by a practitioner as having a debilitating medical
4 condition.

5 (k) "Registry identification card" means a document issued
6 by the Department that identifies a person as a registered
7 qualifying patient or registered primary caregiver.

8 (l) "Usable marijuana" means the dried leaves and flowers
9 of the marijuana plant, and any mixture or preparation thereof,
10 but does not include the seeds, stalks, and roots of the plant
11 and does not include the weight of other ingredients in
12 marijuana prepared for consumption as food.

13 (m) "Visiting qualifying patient" means a patient who is
14 not a resident of Illinois or who has been a resident of
15 Illinois less than 30 days.

16 (n) "Written certification" means a document signed by a
17 practitioner, stating that in the practitioner's professional
18 opinion the patient is likely to receive therapeutic or
19 palliative benefit from the medical use of marijuana to treat
20 or alleviate the patient's debilitating medical condition or
21 symptoms associated with the debilitating medical condition. A
22 written certification shall be made only in the course of a
23 bona fide practitioner-patient relationship after the
24 practitioner has completed a full assessment of the qualifying
25 patient's medical history. The written certification shall
26 specify the qualifying patient's debilitating medical

1 condition.

2 Section 15. Protections for the medical use of marijuana.

3 (a) A qualifying patient who has been issued and possesses
4 a registry identification card shall not be subject to arrest,
5 prosecution, or penalty in any manner, or denied any right or
6 privilege, including but not limited to civil penalty or
7 disciplinary action by a business or occupational or
8 professional licensing board or bureau, for the medical use of
9 marijuana in accordance with this Act, provided that the
10 qualifying patient possesses an amount of marijuana that does
11 not exceed 12 marijuana plants and two-and-one-half ounces of
12 usable marijuana. Such plants shall be kept in an enclosed,
13 locked facility, unless they are being transported because the
14 qualifying patient is moving or if they are being transported
15 to the qualifying patient's property. Any incidental amount of
16 seeds, stalks, and unusable roots shall also be allowed under
17 state law and shall not be included in this amount.

18 (b) A primary caregiver who has been issued and possesses a
19 registry identification card shall not be subject to arrest,
20 prosecution, or penalty in any manner, or denied any right or
21 privilege, including but not limited to civil penalty or
22 disciplinary action by a business or occupational or
23 professional licensing board or bureau, for assisting a
24 qualifying patient to whom he or she is connected through the
25 Department's registration process with the medical use of

1 marijuana in accordance with this Act, provided that the
2 primary caregiver possesses an amount of marijuana that does
3 not exceed 12 marijuana plants and two-and-one-half ounces of
4 usable marijuana for each qualifying patient to whom he or she
5 is connected through the Department's registration process.
6 Such plants shall be kept in an enclosed, locked facility,
7 unless they are being transported because the primary caregiver
8 is moving or if they are being transported to a primary
9 caregiver's or a qualifying patient's property. Any incidental
10 amount of seeds, stalks, and unusable roots shall also be
11 allowed under state law and shall not be included in this
12 amount.

13 (c) (1) There shall be a presumption that a qualifying
14 patient or primary caregiver is engaged in the medical use of
15 marijuana in accordance with this Act if the qualifying patient
16 or primary caregiver:

17 (A) is in possession of a registry identification
18 card; and

19 (B) is in possession of an amount of marijuana that
20 does not exceed the amount allowed under this Act.

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

1 (d) A cardholder shall not be subject to arrest,
2 prosecution, or penalty in any manner, or denied any right or
3 privilege, including but not limited to civil penalty or
4 disciplinary action by a business or occupational or
5 professional licensing board or bureau, for giving marijuana to
6 a registered qualifying patient or a registered primary
7 caregiver for the registered qualifying patient's medical use
8 where nothing of value is transferred in return, or to offer to
9 do the same.

10 (e) No school, employer, or landlord may refuse to enroll
11 or employ or lease to, or otherwise penalize a person solely
12 for his or her status as a registered qualifying patient or a
13 registered primary caregiver, unless failing to do so would put
14 the school, employer, or landlord in violation of federal law
15 or cause it to lose a federal contract or funding.

16 (f) A person shall not be denied custody or visitation of a
17 minor for acting in accordance with this Act, unless the
18 person's behavior is such that it creates an unreasonable
19 danger to the minor that can be clearly articulated and
20 substantiated.

21 (g) A registered primary caregiver may receive
22 compensation for costs associated with assisting a registered
23 qualifying patient's medical use of marijuana, provided that
24 registered primary caregiver is connected to the registered
25 qualifying patient through the Department's registration
26 process. Any such compensation shall not constitute the sale of

1 controlled substances.

2 (h) A practitioner shall not be subject to arrest,
3 prosecution, or penalty in any manner, or denied any right or
4 privilege, including but not limited to civil penalty or
5 disciplinary action by the Medical Disciplinary Board or by any
6 other business or occupational or professional licensing board
7 or bureau, solely for providing written certifications or for
8 otherwise stating that, in the practitioner's professional
9 opinion, a patient is likely to receive therapeutic benefit
10 from the medical use of marijuana to treat or alleviate the
11 patient's serious or debilitating medical condition or
12 symptoms associated with the serious or debilitating medical
13 condition, provided that nothing shall prevent a professional
14 licensing board from sanctioning a practitioner for failing to
15 properly evaluate a patient's medical condition or otherwise
16 violating the standard of care for evaluating medical
17 conditions.

18 (i) A person shall not be subject to arrest, prosecution,
19 or penalty in any manner, or denied any right or privilege,
20 including but not limited to civil penalty or disciplinary
21 action by a business or occupational or professional licensing
22 board or bureau, for providing a registered qualifying patient
23 or a registered primary caregiver with marijuana paraphernalia
24 for purposes of a qualifying patient's medical use of
25 marijuana.

26 (j)(1) Any marijuana, marijuana paraphernalia, licit

1 property, or interest in licit property that is possessed,
2 owned, or used in connection with the medical use of marijuana,
3 as allowed under this Act, or acts incidental to such use,
4 shall not be seized or forfeited.

5 (2) A law enforcement agency that seizes and does not
6 return marijuana that is possessed in accordance with this
7 Act by a registered qualifying patient or a registered
8 primary caregiver shall be liable to the cardholder for the
9 fair market value of the marijuana.

10 (k) A person shall not be subject to arrest, prosecution,
11 or penalty in any manner, or denied any right or privilege,
12 including but not limited to civil penalty or disciplinary
13 action by a business or occupational or professional licensing
14 board or bureau, simply for being in the presence or vicinity
15 of the medical use of marijuana as allowed under this Act, or
16 for assisting a registered qualifying patient with using or
17 administering marijuana.

18 (l) A registry identification card, or its equivalent, that
19 is issued under the laws of another state, district, territory,
20 commonwealth, or insular possession of the United States that
21 allows the medical use of marijuana by a visiting qualifying
22 patient, shall have the same force and effect as a registry
23 identification card issued by the Department.

24 (m) Any cardholder who sells marijuana to a person who is
25 not allowed to use marijuana for medical purposes under this
26 Act shall have his or her registry identification card revoked,

1 and is liable for any other penalties for the sale of
2 marijuana. The Department may revoke the registry
3 identification card of any cardholder who violates this Act,
4 and the cardholder shall be liable for any other penalties for
5 the violation.

6 Section 20. Department to issue rules.

7 (a) Not later than 120 days after the effective date of
8 this Act, the Department shall promulgate rules governing the
9 manner in which it shall consider petitions from the public to
10 add debilitating medical conditions to the list of debilitating
11 medical conditions set forth in subsection (b) of Section 10 of
12 this Act. In considering such petitions, the Department shall
13 include public notice of, and an opportunity to comment in a
14 public hearing upon, such petitions. The Department shall,
15 after hearing, approve or deny such petitions within 180 days
16 of submission of the petition. The approval or denial of such a
17 petition shall be considered a final Department action, subject
18 to judicial review. Jurisdiction and venue for judicial review
19 are vested in the Circuit Court.

20 (b) Not later than 120 days after the effective date of
21 this Act, the Department shall promulgate rules governing the
22 manner in which it shall consider applications for and renewals
23 of registry identification cards for qualifying patients and
24 primary caregivers. The Department's rules shall establish
25 application and renewal fees that generate revenues sufficient

1 to offset all expenses of implementing and administering this
2 Act. The Department may establish a sliding scale of
3 application and renewal fees based upon a qualifying patient's
4 family income. The Department may accept donations from private
5 sources in order to reduce the application and renewal fees.

6 Section 25. Administering the Department's rules.

7 (a) The Department shall issue registry identification
8 cards to qualifying patients who submit the following, in
9 accordance with the Department's rules:

10 (1) written certification;

11 (2) application or renewal fee;

12 (3) name, address, and date of birth of the qualifying
13 patient, except that if the applicant is homeless, no
14 address is required;

15 (4) name, address, and telephone number of the
16 qualifying patient's practitioner; and

17 (5) name, address, and date of birth of each primary
18 caregiver, if any, of the qualifying patient.

19 (b) The Department shall not issue a registry
20 identification card to a qualifying patient who is under the
21 age of 18 unless:

22 (1) The qualifying patient's practitioner has
23 explained the potential risks and benefits of the medical
24 use of marijuana to the qualifying patient and to a parent,
25 guardian, or person having legal custody of the qualifying

1 patient; and

2 (2) The parent, guardian, or person having legal
3 custody consents in writing to:

4 (A) allow the qualifying patient's medical use of
5 marijuana;

6 (B) serve as one of the qualifying patient's
7 primary caregivers; and

8 (C) control the acquisition of the marijuana, the
9 dosage, and the frequency of the medical use of
10 marijuana by the qualifying patient.

11 (c) The Department shall verify the information contained
12 in an application or renewal submitted pursuant to this
13 Section, and shall approve or deny an application or renewal
14 within 15 days of receiving it. The Department may deny an
15 application or renewal only if the applicant did not provide
16 the information required pursuant to this Section, or if the
17 Department determines that the information provided was
18 falsified. Rejection of an application or renewal is considered
19 a final Department action, subject to judicial review.
20 Jurisdiction and venue for judicial review are vested in the
21 Illinois Circuit Court.

22 (d) The Department shall issue a registry identification
23 card to each primary caregiver, if any, who is named in a
24 qualifying patient's approved application, up to a maximum of 2
25 primary caregivers per qualifying patient.

26 (e) The Department shall issue registry identification

1 cards within 5 days of approving an application or renewal,
2 which shall expire one year after the date of issuance.
3 Registry identification cards shall contain all of the
4 following:

5 (1) Name, address, and date of birth of the qualifying
6 patient;

7 (2) Name, address, and date of birth of each primary
8 caregiver, if any, of the qualifying patient;

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

11 (4) A random identification number that is unique to
12 the cardholder; and

13 (5) A photograph, if the Department decides to require
14 one.

15 (f) (1) A registered qualifying patient shall notify the
16 Department of any change in the registered qualifying patient's
17 name, address, or primary caregiver, or if the registered
18 qualifying patient ceases to have his or her debilitating
19 medical condition, within 10 days of such change.

20 (2) A registered qualifying patient who fails to notify
21 the Department of any of these changes is responsible for a
22 civil infraction, punishable by a fine of no more than
23 \$150. If the registered qualifying patient's certifying
24 practitioner notifies the Department in writing that the
25 registered qualifying patient has ceased to suffer from a
26 debilitating medical condition, the card shall become null

1 and void upon notification by the Department to the
2 qualifying patient.

3 (3) A registered primary caregiver shall notify the
4 Department of any change in his or her name or address
5 within 10 days of such change. A registered primary
6 caregiver who fails to notify the Department of any of
7 these changes is responsible for a civil infraction,
8 punishable by a fine of no more than \$150.

9 (4) When a registered qualifying patient or registered
10 primary caregiver notifies the Department of any changes
11 listed in this subsection, the Department shall issue the
12 registered qualifying patient and each registered primary
13 caregiver a new registry identification card within 10 days
14 of receiving the updated information and a \$10 fee.

15 (5) When a registered qualifying patient changes his or
16 her registered primary caregiver, the Department shall
17 notify the primary caregiver within 10 days. The registered
18 primary caregiver's protections as provided in this Act
19 shall expire 10 days after notification by the Department.

20 (6) If a registered qualifying patient or registered
21 primary caregiver loses his or her registry identification
22 card, he or she shall notify the Department and submit a
23 \$10 fee within 10 days of losing the card. Within 5 days
24 after such notification, the Department shall issue a new
25 registry identification card with a new random
26 identification number.

1 (g) Possession of, or application for, a registry
2 identification card shall not constitute probable cause or
3 reasonable suspicion, nor shall it be used to support the
4 search of the person or property of the person possessing or
5 applying for the registry identification card.

6 (h) The following confidentiality rules shall apply:

7 (1) Applications and supporting information submitted
8 by qualifying patients, including information regarding
9 their primary caregivers and practitioners, are
10 confidential.

11 (2) The Department shall maintain a confidential list
12 of the persons to whom the Department has issued registry
13 identification cards. Individual names and other
14 identifying information on the list shall be confidential,
15 exempt from the Freedom of Information Act, and not subject
16 to disclosure, except to authorized employees of the
17 Department as necessary to perform official duties of the
18 Department.

19 (3) The Department shall verify to law enforcement
20 personnel whether a registry identification card is valid,
21 without disclosing more information than is reasonably
22 necessary to verify the authenticity of the registry
23 identification card.

24 (4) It is a Class B misdemeanor for any person,
25 including an employee or official of the Department or
26 another state agency or local government, to breach the

1 confidentiality of information obtained pursuant to this
2 Act. Notwithstanding this provision, Department employees
3 may notify law enforcement about falsified or fraudulent
4 information submitted to the Department, so long as the
5 employee who suspects that falsified or fraudulent
6 information has been submitted confers with his or her
7 supervisor (or at least one other employee of the
8 Department) and both agree that circumstances exist that
9 warrant reporting.

10 (i) The Department shall submit to the General Assembly an
11 annual report that does not disclose any identifying
12 information about qualifying patients, primary caregivers, or
13 practitioners, but does contain, at a minimum, all of the
14 following information:

15 (1) The number of applications and renewals filed for
16 registry identification cards.

17 (2) The number of qualifying patients and primary
18 caregivers approved in each county.

19 (3) The nature of the debilitating medical conditions
20 of the qualifying patients.

21 (4) The number of registry identification cards
22 revoked.

23 (5) The number of practitioners providing written
24 certifications for qualifying patients.

25 (j) Where a state-funded or locally funded law enforcement
26 agency encounters an individual who, during the course of the

1 investigation, credibly asserts that he or she is a registered
2 qualifying patient or registered primary caregiver, the law
3 enforcement agency shall not provide any information from any
4 marijuana-related investigation of the person to any law
5 enforcement authority that does not recognize the protection of
6 this Act and any prosecution of the individual for a violation
7 of this Act shall be conducted pursuant to the laws of this
8 State.

9 Section 30. Scope of Act.

10 (a) This Act shall not permit any person to do any of the
11 following:

12 (1) Undertake any task under the influence of
13 marijuana, when doing so would constitute negligence or
14 professional malpractice.

15 (2) Possess marijuana, or otherwise engage in the
16 medical use of marijuana:

17 (A) in a school bus;

18 (B) on the grounds of any preschool or primary or
19 secondary school; or

20 (C) in any correctional facility.

21 (3) Smoke marijuana:

22 (A) on any form of public transportation; or

23 (B) in any public place.

24 (4) Operate, navigate, or be in actual physical control
25 of any motor vehicle, aircraft, or motorboat while under

1 the influence of marijuana. However, a registered
2 qualifying patient shall not be considered to be under the
3 influence of marijuana solely because of the presence of
4 metabolites or components of marijuana that appear in
5 insufficient concentration to cause impairment.

6 (b) Nothing in this Act shall be construed to require:

7 (1) A government medical assistance program or private
8 health insurer to reimburse a person for costs associated
9 with the medical use of marijuana; or

10 (2) An employer to accommodate the ingestion of
11 marijuana in any workplace or any employee working while
12 under the influence of marijuana, provided that a
13 qualifying patient shall not be considered to be under the
14 influence of marijuana solely because of the presence of
15 metabolites or components of marijuana that appear in
16 insufficient concentration to cause impairment.

17 (c) Fraudulent representation to a law enforcement
18 official of any fact or circumstance relating to the medical
19 use of marijuana to avoid arrest or prosecution is a petty
20 offense punishable by a fine of \$500, which shall be in
21 addition to any other penalties that may apply for making a
22 false statement or for the use of marijuana other than use
23 undertaken pursuant to this Act.

24 Section 35. Affirmative defense and dismissal for medical
25 marijuana.

1 (a) Except as provided in Section 30, a patient and a
2 patient's primary caregiver, if any, may assert the medical
3 purpose for using marijuana as a defense to any prosecution
4 involving marijuana, and this defense shall be presumed valid
5 where the evidence shows that:

6 (1) A practitioner has stated that, in the
7 practitioner's professional opinion, after having
8 completed a full assessment of the patient's medical
9 history and current medical condition made in the course of
10 a bona fide practitioner-patient relationship, the patient
11 is likely to receive therapeutic or palliative benefit from
12 the medical use of marijuana to treat or alleviate the
13 patient's serious or debilitating medical condition or
14 symptoms associated with the patient's serious or
15 debilitating medical condition; and

16 (2) The patient and the patient's primary caregiver, if
17 any, were collectively in possession of a quantity of
18 marijuana that was not more than was reasonably necessary
19 to ensure the uninterrupted availability of marijuana for
20 the purpose of treating or alleviating the patient's
21 serious or debilitating medical condition or symptoms
22 associated with the patient's serious or debilitating
23 medical condition; and

24 (3) The patient and the patient's primary caregiver, if
25 any, were engaged in the acquisition, possession,
26 cultivation, manufacture, use, delivery, transfer, or

1 transportation of marijuana or paraphernalia relating to
2 the administration of marijuana to treat or alleviate the
3 patient's serious or debilitating medical condition or
4 symptoms associated with the patient's serious or
5 debilitating medical condition.

6 (b) A person may assert the medical purpose for using
7 marijuana in a motion to dismiss, and the charges shall be
8 dismissed following an evidentiary hearing where the person
9 shows the elements listed in subsection (a).

10 (c) If a patient or a patient's primary caregiver
11 demonstrates the patient's medical purpose for using marijuana
12 pursuant to this Section, the patient and the patient's primary
13 caregiver shall not be subject to the following for the
14 patient's use of marijuana for medical purposes:

15 (1) disciplinary action by a business or occupational
16 or professional licensing board or bureau; or

17 (2) forfeiture of any interest in or right to property.

18 Section 40. Enforcement of this Act.

19 (a) If the Department fails to adopt rules to implement
20 this Act within 120 days of the effective date of this Act, a
21 qualifying patient may commence an action in the Circuit Court
22 to compel the Department to perform the actions mandated
23 pursuant to the provisions of this Act.

24 (b) If the Department fails to issue a valid registry
25 identification card in response to a valid application or

1 renewal submitted pursuant to this Act within 20 days of its
2 submission, the registry identification card shall be deemed
3 granted, and a copy of the registry identification application
4 or renewal shall be deemed a valid registry identification
5 card.

6 (c) If at any time after the 140 days following the
7 effective date of this Act the Department is not accepting
8 applications, including if it has not created rules allowing
9 qualifying patients to submit applications, a notarized
10 statement by a qualifying patient containing the information
11 required in an application, pursuant to clauses (a)(2) through
12 (a)(5) of Section 25 together with a written certification
13 shall be deemed a valid registry identification card.

14 Section 45. Medical marijuana organization.

15 (a) Definition. For purposes of this Section, "medical
16 marijuana organization" means an entity registered under this
17 Section that acquires, possesses, cultivates, manufactures,
18 delivers, transfers, transports, supplies, or dispenses
19 marijuana, or related supplies and educational materials, to
20 registered qualifying patients and their registered primary
21 caregivers. A medical marijuana organization is a primary
22 caregiver. All provisions of this Act pertaining to a primary
23 caregiver shall apply to a medical marijuana organization
24 unless they conflict with a provision contained in this
25 Section. A medical marijuana organization shall supply

1 marijuana to any number of registered qualifying patients who
2 have designated it as one of their primary caregivers.

3 (b) Registration requirements.

4 (1) The Department shall register a medical marijuana
5 organization and issue a registration certificate within
6 20 days to any person or entity that provides:

7 (A) A fee paid to the Department in the amount of
8 \$5,000;

9 (B) The legal name of the medical marijuana
10 organization;

11 (C) The physical address of the medical marijuana
12 organization and the physical address of one
13 additional location, if any, where marijuana will be
14 cultivated;

15 (D) The name, address, and date of birth of each
16 principal officer and board member of the medical
17 marijuana organization;

18 (E) The name, address, and date of birth of any
19 person who is an agent of or employed by the medical
20 marijuana organization.

21 (2) The Department shall track the number of registered
22 qualifying patients who designate each medical marijuana
23 organization as a primary caregiver, and issue a written
24 statement to the medical marijuana organization of the
25 number of qualifying patients who have designated the
26 medical marijuana organization to serve as a primary

1 caregiver for them. This statement shall be updated each
2 time a new registered qualifying patient designates the
3 medical marijuana organization or ceases to designate the
4 medical marijuana organization and may be transmitted
5 electronically if the Department's rules so provide. The
6 Department may provide by rule that the updated written
7 statements will not be issued more frequently than twice
8 each week.

9 (3) The Department shall issue each principal officer,
10 board member, agent, and employee of a medical marijuana
11 organization a registry identification card within 10 days
12 of receipt of the person's name, address, date of birth,
13 and a fee in an amount established by the Department. Each
14 card shall specify that the cardholder is a principal
15 officer, board member, agent, or employee of a medical
16 marijuana organization and shall contain the following:

17 (A) The name, address, and date of birth of the
18 principal officer, board member, agent or employee;

19 (B) The legal name of the medical marijuana
20 organization to which the principal officer, board
21 member, agent, or employee is affiliated;

22 (C) A random identification number that is unique
23 to the cardholder;

24 (D) The date of issuance and expiration date of the
25 registry identification card; and

26 (E) A photograph, if the Department decides to

1 require one.

2 (4) The Department shall not issue a registry
3 identification card to any principal officer, board
4 member, agent, or employee of a medical marijuana
5 organization who has been convicted of a felony drug
6 offense. The Department may conduct a background check of
7 each principal officer, board member, agent, or employee in
8 order to carry out this provision. The Department shall
9 notify the medical marijuana organization in writing of the
10 purpose for denying the registry identification card.
11 However, the Department shall grant such person a registry
12 identification card if the Department determines that the
13 person's conviction was for the medical use of marijuana or
14 assisting with the medical use of marijuana.

15 (c) Authority of the Department. Not later than 120 days
16 after the effective date of this Act, the Department shall
17 promulgate rules governing the manner in which it shall
18 consider applications for and renewals of registration
19 certificates for medical marijuana organizations, including
20 rules governing:

21 (1) The form and content of registration and renewal
22 applications;

23 (2) Minimum oversight requirements for medical
24 marijuana organizations;

25 (3) Minimum record-keeping requirements for medical
26 marijuana organizations;

1 (4) Minimum security requirements for medical
2 marijuana organizations; and

3 (5) Procedures for suspending or terminating the
4 registration of medical marijuana organizations that
5 violate the provisions of this Section or the rules
6 promulgated pursuant to this subsection.

7 (d) Expiration. A medical marijuana organization
8 registration certificate and the registry identification card
9 for each principal officer, board member, agent, or employee
10 shall expire one year after the date of issuance. The
11 Department shall issue a renewal medical marijuana
12 organization registration certificate and renewal registry
13 identification cards within 10 days to any person who complies
14 with the requirements contained in subsection (b) of this
15 Section.

16 (e) Inspection. Medical marijuana organizations are
17 subject to reasonable inspection by the Department. The
18 Department shall give reasonable notice of an inspection under
19 this subsection.

20 (f) Medical marijuana organization requirements.

21 (1) A medical marijuana organization may not be located
22 within 500 feet of the property line of a preexisting
23 public or private school.

24 (2) A medical marijuana organization shall notify the
25 Department within 10 days of when a principal officer,
26 board member, agent, or employee ceases to work at the

1 medical marijuana organization.

2 (3) A medical marijuana organization shall notify the
3 Department in writing of the name, address, and date of
4 birth of any new principal officer, board member, agent, or
5 employee and shall submit a fee in an amount established by
6 the Department for a new registry identification card
7 before a new agent or employee begins working at the
8 medical marijuana organization.

9 (4) A medical marijuana organization shall implement
10 appropriate security measures to deter and prevent
11 unauthorized entrance into areas containing marijuana and
12 the theft of marijuana.

13 (5) The operating documents of a medical marijuana
14 organization shall include procedures for the oversight of
15 the medical marijuana organization and procedures to
16 ensure accurate record keeping.

17 (6) A medical marijuana organization is prohibited
18 from acquiring, possessing, cultivating, manufacturing,
19 delivering, transferring, transporting, supplying, or
20 dispensing marijuana for any purpose except to assist
21 registered qualifying patients with the medical use of
22 marijuana directly or through the qualifying patients'
23 other primary caregiver.

24 (7) All principal officers and board members of a
25 medical marijuana organization must be residents of the
26 State of Illinois.

1 (g) Immunity.

2 (1) No registered medical marijuana organization shall
3 be subject to prosecution, search, seizure, or penalty in
4 any manner or denied any right or privilege, including but
5 not limited to, civil penalty or disciplinary action by a
6 business, occupational, or professional licensing board or
7 entity, solely for acting in accordance with this Section
8 to assist registered qualifying patients to whom it is
9 connected through the Department's registration process
10 with the medical use of marijuana.

11 (2) No principal officers, board members, agents, or
12 employees of a registered medical marijuana organization
13 shall be subject to arrest, prosecution, search, seizure,
14 or penalty in any manner or denied any right or privilege,
15 including but not limited to civil penalty or disciplinary
16 action by a business, occupational, or professional
17 licensing board or entity, solely for working for or with a
18 medical marijuana organization in accordance with this
19 Act.

20 (h) Prohibitions.

21 (1) A medical marijuana organization may not possess an
22 amount of marijuana that exceeds the total of the allowable
23 amounts of marijuana for the registered qualifying
24 patients for whom the medical marijuana organization is a
25 registered primary caregiver.

26 (2) A medical marijuana organization may not dispense,

1 deliver, or otherwise transfer marijuana to a person other
2 than a qualifying patient who has designated the medical
3 marijuana organization as a primary caregiver or to such
4 patient's primary caregiver.

5 (3) A medical marijuana organization may not obtain
6 marijuana from outside the State of Illinois.

7 (4) A person convicted of violating paragraph (2) of
8 this subsection may not be an employee, agent, principal
9 officer, or board member of any medical marijuana
10 organization, and such person's registry identification
11 card shall be immediately revoked.

12 (5) No person who has been convicted of a felony drug
13 offense may be the principal officer, board member, agent,
14 or employee of a medical marijuana organization unless the
15 Department has determined that the person's conviction was
16 for the medical use of marijuana or assisting with the
17 medical use of marijuana and issued the person a registry
18 identification card as provided under subsection (b) (3). A
19 person who is employed by or is an agent, principal
20 officer, or board member of a medical marijuana
21 organization in violation of this Section is guilty of a
22 civil violation punishable by a fine of up to \$1,000. A
23 subsequent violation of this Section is a Class B
24 misdemeanor.

25 Section 90. The Cannabis Control Act is amended by changing

1 Section 8 as follows:

2 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

3 Sec. 8. It is unlawful for any person knowingly to produce
4 the cannabis sativa plant or to possess such plants or to
5 deliver such plants unless production or possession has been
6 authorized pursuant to the provisions of the Illinois Medical
7 Marijuana Act ~~Section 11 of the Act.~~

8 (1) Any person who violates this Section with respect to
9 production or possession of:

10 (a) Not more than 5 plants is guilty of a Class A
11 misdemeanor, except that a violation under paragraph (2) of
12 this Section is a Class 4 felony.

13 (b) More than 5, but not more than 20 plants, is guilty of
14 a Class 4 felony, except that a violation under paragraph (2)
15 of this Section is a Class 3 felony.

16 (c) More than 20, but not more than 50 plants, is guilty of
17 a Class 3 felony, except that a violation under paragraph (2)
18 of this Section is a Class 2 felony.

19 (d) More than 50, but not more than 200 plants, is guilty
20 of a Class 2 felony, except that a violation under paragraph
21 (2) of this Section is a Class 1 felony, for which a fine not to
22 exceed \$100,000 may be imposed and for which liability for the
23 cost of conducting the investigation and eradicating such
24 plants may be assessed. Compensation for expenses incurred in
25 the enforcement of this provision shall be transmitted to and

1 deposited in the treasurer's office at the level of government
2 represented by the Illinois law enforcement agency whose
3 officers or employees conducted the investigation or caused the
4 arrest or arrests leading to the prosecution, to be
5 subsequently made available to that law enforcement agency as
6 expendable receipts for use in the enforcement of laws
7 regulating controlled substances and cannabis. If such seizure
8 was made by a combination of law enforcement personnel
9 representing different levels of government, the court levying
10 the assessment shall determine the allocation of such
11 assessment. The proceeds of assessment awarded to the State
12 treasury shall be deposited in a special fund known as the Drug
13 Traffic Prevention Fund.

14 (e) More than 200 plants is guilty of a Class 1 felony,
15 except that a violation under paragraph (2) of this Section is
16 a Class X felony, for which a fine not to exceed \$100,000 may
17 be imposed and for which liability for the cost of conducting
18 the investigation and eradicating such plants may be assessed.
19 Compensation for expenses incurred in the enforcement of this
20 provision shall be transmitted to and deposited in the
21 treasurer's office at the level of government represented by
22 the Illinois law enforcement agency whose officers or employees
23 conducted the investigation or caused the arrest or arrests
24 leading to the prosecution, to be subsequently made available
25 to that law enforcement agency as expendable receipts for use
26 in the enforcement of laws regulating controlled substances and

1 cannabis. If such seizure was made by a combination of law
2 enforcement personnel representing different levels of
3 government, the court levying the assessment shall determine
4 the allocation of such assessment. The proceeds of assessment
5 awarded to the State treasury shall be deposited in a special
6 fund known as the Drug Traffic Prevention Fund.

7 (2) Any person authorized pursuant to the provisions of the
8 Illinois Medical Marijuana Act to produce or possess the
9 cannabis sativa plant, who knowingly produces the cannabis
10 sativa plant or possesses such plants or delivers such plants
11 except as provided for in the Illinois Medical Marijuana Act,
12 is guilty of violating this Section. Any violation of this
13 paragraph (2) shall be punished according to the number of
14 plants involved in the violation as provided in paragraph (1)
15 of this Section.

16 (Source: P.A. 95-247, eff. 1-1-08.)

17 (720 ILCS 550/11 rep.)

18 Section 95. The Cannabis Control Act is amended by
19 repealing Section 11.

20 Section 97. Severability. The provisions of this Act are
21 severable under Section 1.31 of the Statute on Statutes.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.