

1 AN ACT concerning public health.

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

4 Section 5. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Sections 10 and 60 as
6 follows:

7 (410 ILCS 130/10)

8 (Section scheduled to be repealed on January 1, 2018)

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

11 (a) "Adequate supply" means:

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

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

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

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

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

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

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

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

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

25 (f) "Cultivation center agent" means a principal officer,
26 board member, employee, or agent of a registered cultivation

1 center who is 21 years of age or older and has not been
2 convicted of an excluded offense.

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

6 (h) "Debilitating medical condition" means one or more of
7 the following:

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

1 characteristic of epilepsy), or the treatment of these
2 conditions; or

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

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

12 (j) "Dispensing organization agent identification card"
13 means a document issued by the Department of Financial and
14 Professional Regulation that identifies a person as a medical
15 cannabis dispensing organization agent.

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

23 (l) "Excluded offense" means:

24 (1) a violent crime defined in Section 3 of the Rights
25 of Crime Victims and Witnesses Act or a substantially
26 similar offense that was classified as a felony in the

1 jurisdiction where the person was convicted; or

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

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

15 (n) "Medical cannabis container" means a sealed,
16 traceable, food compliant, tamper resistant, tamper evident
17 container, or package used for the purpose of containment of
18 medical cannabis from a cultivation center to a dispensing
19 organization.

20 (o) "Medical cannabis dispensing organization", or
21 "dispensing organization", or "dispensary organization" means
22 a facility operated by an organization or business that is
23 registered by the Department of Financial and Professional
24 Regulation to acquire medical cannabis from a registered
25 cultivation center for the purpose of dispensing cannabis,
26 paraphernalia, or related supplies and educational materials

1 to registered qualifying patients.

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

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

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

1 Regulation.

2 (v) "Registry identification card" means a document issued
3 by the Department of Public Health that identifies a person as
4 a registered qualifying patient or registered designated
5 caregiver.

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

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

23 (y) "Written certification" means a document dated and
24 signed by a physician, stating (1) that in the physician's
25 professional opinion the patient is likely to receive
26 therapeutic or palliative benefit from the medical use of

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

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

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

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

22 (410 ILCS 130/60)

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

24 Sec. 60. Issuance of registry identification cards.

25 (a) Except as provided in subsection (b), the Department of

1 Public Health shall:

2 (1) verify the information contained in an application
3 or renewal for a registry identification card submitted
4 under this Act, and approve or deny an application or
5 renewal, within 30 days of receiving a completed
6 application or renewal application and all supporting
7 documentation specified in Section 55;

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

12 (3) enter the registry identification number of the
13 registered dispensing organization the patient designates
14 into the verification system; and

15 (4) allow for an electronic application process, and
16 provide a confirmation by electronic or other methods that
17 an application has been submitted.

18 (b) The Department of Public Health may not issue a
19 registry identification card to a qualifying patient who is
20 under 18 years of age, unless that patient suffers from
21 seizures, including those characteristic of epilepsy, or as
22 provided by administrative rule. The Department of Public
23 Health shall adopt rules for the issuance of a registry
24 identification card for qualifying patients who are under 18
25 years of age and suffering from seizures, including those
26 characteristic of epilepsy. The Department of Public Health may

1 adopt rules to allow other individuals under 18 years of age to
2 become registered qualifying patients under this Act with the
3 consent of a parent or legal guardian. Registered qualifying
4 patients under 18 years of age shall be prohibited from
5 consuming forms of cannabis other than medical cannabis infused
6 products and purchasing any usable cannabis.

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

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

1 the person's driving record. The Department and the Secretary
2 of State may establish a system by which the information may be
3 shared electronically.

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