



Sen. William R. Haine

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LRB099 03282 MJP 48992 a

1 AMENDMENT TO SENATE BILL 346

2 AMENDMENT NO. _____. Amend Senate Bill 346 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Sections 10, 25, 35, 50, 55,
6 60, 75, and 220 and by adding Section 74 as follows:

7 (410 ILCS 130/10)

8 (Section scheduled to be repealed on January 1, 2018)

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

11 (a) "Adequate supply" means:

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

14 (2) Subject to the rules of the Department of Public
15 Health, a patient may apply for a waiver where a physician
16 provides a substantial medical basis in a signed, written

1 statement asserting that, based on the patient's medical
2 history, in the physician's professional judgment, 2.5
3 ounces is an insufficient adequate supply for a 14-day
4 period to properly alleviate the patient's debilitating
5 medical condition or symptoms associated with the
6 debilitating medical condition.

7 (3) This subsection may not be construed to authorize
8 the possession of more than 2.5 ounces at any time without
9 authority from the Department of Public Health.

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

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

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

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

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

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

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

13 (h) "Debilitating medical condition" means one or more of
14 the following:

15 (1) cancer, glaucoma, positive status for human
16 immunodeficiency virus, acquired immune deficiency
17 syndrome, hepatitis C, amyotrophic lateral sclerosis,
18 Crohn's disease, agitation of Alzheimer's disease,
19 cachexia/wasting syndrome, muscular dystrophy, severe
20 fibromyalgia, spinal cord disease, including but not
21 limited to arachnoiditis, Tarlov cysts, hydromyelia,
22 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
23 spinal cord injury, traumatic brain injury and
24 post-concussion syndrome, Multiple Sclerosis,
25 Arnold-Chiari malformation and Syringomyelia,
26 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,

1 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
2 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
3 (Complex Regional Pain Syndromes Type II),
4 Neurofibromatosis, Chronic Inflammatory Demyelinating
5 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
6 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
7 syndrome, residual limb pain, seizures (including those
8 characteristic of epilepsy), or the treatment of these
9 conditions; or

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

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

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

23 (k) "Enclosed, locked facility" means a room, greenhouse,
24 building, or other enclosed area equipped with locks or other
25 security devices that permit access only by a cultivation
26 center's agents or a dispensing organization's agent working

1 for the registered cultivation center or the registered
2 dispensing organization to cultivate, store, and distribute
3 cannabis for registered qualifying patients.

4 (l) "Excluded offense" means:

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

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

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

22 (n) "Medical cannabis container" means a sealed,
23 traceable, food compliant, tamper resistant, tamper evident
24 container, or package used for the purpose of containment of
25 medical cannabis from a cultivation center to a dispensing
26 organization.

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

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

14 (q) "Medical cannabis infused product" means food, oils,
15 ointments, or other products containing usable cannabis that
16 are not smoked.

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

22 (s) "Physician" means a doctor of medicine or doctor of
23 osteopathy licensed under the Medical Practice Act of 1987 to
24 practice medicine and who has a controlled substances license
25 under Article III of the Illinois Controlled Substances Act. It
26 does not include a licensed practitioner under any other Act

1 including but not limited to the Illinois Dental Practice Act.

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

5 (u) "Registered" means licensed, permitted, or otherwise
6 certified by the Department of Agriculture, Department of
7 Public Health, or Department of Financial and Professional
8 Regulation.

9 (v) "Registry identification card" means a document issued
10 by the Department of Public Health that identifies a person as
11 a registered qualifying patient or registered designated
12 caregiver.

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

19 (x) "Verification system" means a Web-based system
20 established and maintained by the Department of Public Health
21 that is available to the Department of Agriculture, the
22 Department of Financial and Professional Regulation, law
23 enforcement personnel, and registered medical cannabis
24 dispensing organization agents on a 24-hour basis for the
25 verification of registry identification cards, the tracking of
26 delivery of medical cannabis to medical cannabis dispensing

1 organizations, and the tracking of the date of sale, amount,
2 and price of medical cannabis purchased by a registered
3 qualifying patient.

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

21 A veteran who has received treatment at a VA hospital shall
22 be deemed to have a bona fide physician-patient relationship
23 with a VA physician if the patient has been seen for his or her
24 debilitating medical condition at the VA Hospital in accordance
25 with VA Hospital protocols.

26 A bona fide physician-patient relationship under this

1 subsection is a privileged communication within the meaning of
2 Section 8-802 of the Code of Civil Procedure.

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

4 (410 ILCS 130/35)

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

6 Sec. 35. Physician requirements.

7 (a) A physician who certifies a debilitating medical
8 condition for a qualifying patient shall comply with all of the
9 following requirements:

10 (1) The Physician shall be currently licensed under the
11 Medical Practice Act of 1987 to practice medicine in all
12 its branches and in good standing, and must hold a
13 controlled substances license under Article III of the
14 Illinois Controlled Substances Act.

15 (2) A physician certifying a patient's condition
16 ~~making a medical cannabis recommendation~~ shall comply with
17 generally accepted standards of medical practice, the
18 provisions of the Medical Practice Act of 1987 and all
19 applicable rules.

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

22 (4) The physician shall maintain a record-keeping
23 system for all patients for whom the physician has
24 certified the patient's medical condition ~~recommended the~~
25 ~~medical use of cannabis~~. These records shall be accessible

1 to and subject to review by the Department of Public Health
2 and the Department of Financial and Professional
3 Regulation upon request.

4 (b) A physician may not:

5 (1) accept, solicit, or offer any form of remuneration
6 from or to a qualifying patient, primary caregiver,
7 cultivation center, or dispensing organization, including
8 each principal officer, board member, agent, and employee,
9 to certify a patient, other than accepting payment from a
10 patient for the fee associated with the required
11 examination;

12 (2) offer a discount of any other item of value to a
13 qualifying patient who uses or agrees to use a particular
14 primary caregiver or dispensing organization to obtain
15 medical cannabis;

16 (3) conduct a personal physical examination of a
17 patient for purposes of diagnosing a debilitating medical
18 condition at a location where medical cannabis is sold or
19 distributed or at the address of a principal officer,
20 agent, or employee or a medical cannabis organization;

21 (4) hold a direct or indirect economic interest in a
22 cultivation center or dispensing organization if he or she
23 recommends the use of medical cannabis to qualified
24 patients or is in a partnership or other fee or
25 profit-sharing relationship with a physician who
26 recommends medical cannabis, except for the limited

1 purpose of performing a medical cannabis related research
2 study;

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

5 (6) refer patients to a cultivation center, a
6 dispensing organization, or a registered designated
7 caregiver; or

8 (7) advertise in a cultivation center or a dispensing
9 organization.

10 (c) The Department of Public Health may with reasonable
11 cause refer a physician, who has certified a debilitating
12 medical condition of a patient, to the Illinois Department of
13 Financial and Professional Regulation for potential violations
14 of this Section.

15 (d) Any violation of this Section or any other provision of
16 this Act or rules adopted under this Act is a violation of the
17 Medical Practice Act of 1987.

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

19 (410 ILCS 130/60)

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

21 Sec. 60. Issuance of registry identification cards.

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

24 (1) verify the information contained in an application
25 or renewal for a registry identification card submitted

1 under this Act, and approve or deny an application or
2 renewal, within 30 days of receiving a completed
3 application or renewal application and all supporting
4 documentation specified in Section 55;

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

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

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

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

1 patients under 18 years of age shall be prohibited from
2 consuming forms of cannabis other than medical cannabis infused
3 products and purchasing any usable cannabis.

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

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

1 (e) Upon the approval of the registration and issuance of a
2 registry card under this Section, the Department of Public
3 Health shall electronically forward the registered qualifying
4 patient's identification card information to the Prescription
5 Monitoring Program established under the Illinois Controlled
6 Substances Act and certify that the individual is permitted to
7 engage in the medical use of cannabis. For the purposes of
8 patient care, the Prescription Monitoring Program shall make a
9 notation on the person's prescription record stating that the
10 person is a registered qualifying patient who is entitled to
11 the lawful medical use of cannabis. If the person no longer
12 holds a valid registry card, the Department of Public Health
13 shall notify the Prescription Monitoring Program and
14 Department of Human Services to remove the notation from the
15 person's record. The Department of Human Services and the
16 Prescription Monitoring Program shall establish a system by
17 which the information may be shared electronically. This
18 confidential list may not be combined or linked in any manner
19 with any other list or database except as provided in this
20 Section.

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

22 (410 ILCS 130/74 new)

23 Sec. 74. Posting of patient information on the use of
24 medical cannabis. The Department of Public Health shall post
25 on its website information available from other State public

1 health departments or other sources on the proper use of
2 medical cannabis. This information shall include at a minimum
3 any available information on the risks and benefits of cannabis
4 use for medical conditions. Each licensed dispensary shall post
5 on its websites information available from State public health
6 departments or other sources on the proper use of medical
7 cannabis. This information shall include at a minimum any
8 available information on the risks and benefits of cannabis use
9 for medical conditions.

10 (410 ILCS 130/75)

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

12 Sec. 75. Notifications to Department of Public Health and
13 responses; civil penalty.

14 (a) The following notifications and Department of Public
15 Health responses are required:

16 (1) A registered qualifying patient shall notify the
17 Department of Public Health of any change in his or her
18 name or address, or if the registered qualifying patient
19 ceases to have his or her debilitating medical condition,
20 within 10 days of the change.

21 (2) A registered designated caregiver shall notify the
22 Department of Public Health of any change in his or her
23 name or address, or if the designated caregiver becomes
24 aware the registered qualifying patient passed away,
25 within 10 days of the change.

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

4 (4) If a cardholder loses his or her registry
5 identification card, he or she shall notify the Department
6 within 10 days of becoming aware the card has been lost.

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

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

26 (d) A cardholder who fails to make a notification to the

1 Department of Public Health that is required by this Section is
2 subject to a civil infraction, punishable by a penalty of no
3 more than \$150.

4 (e) A registered qualifying patient shall notify the
5 Department of Public Health of any change to his or her
6 designated registered dispensing organization. Registered
7 dispensing organizations must comply with all requirements of
8 this Act.

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

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

19 (410 ILCS 130/220)

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

21 Sec. 220. Repeal of Act. This Act is repealed on July 1,
22 2020 ~~4 years after the effective date of this Act.~~

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

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".