

1 AN ACT concerning health.

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

4 Section 5. The Compassionate Use of Medical Cannabis 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8 (Section scheduled to be repealed on January 1, 2018)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
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 (2) ~~(3)~~ that
6 ~~the patient is under the physician's care for the~~ physician is
7 treating or managing treatment of the patient's debilitating
8 medical condition. A written certification shall be made only
9 in the course of a bona fide physician-patient relationship,
10 after the physician has completed an assessment of the
11 qualifying patient's medical history, reviewed relevant
12 records related to the patient's debilitating condition, and
13 conducted a physical examination.

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

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

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

23 (410 ILCS 130/35)

24 (Section scheduled to be repealed on January 1, 2018)

25 Sec. 35. Physician requirements.

1 (a) A physician who certifies a debilitating medical
2 condition for a qualifying patient shall comply with all of the
3 following requirements:

4 (1) The Physician shall be currently licensed under the
5 Medical Practice Act of 1987 to practice medicine in all
6 its branches and in good standing, and must hold a
7 controlled substances license under Article III of the
8 Illinois Controlled Substances Act.

9 (2) A physician certifying a patient's condition
10 ~~making a medical cannabis recommendation~~ shall comply with
11 generally accepted standards of medical practice, the
12 provisions of the Medical Practice Act of 1987 and all
13 applicable rules.

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

16 (4) The physician shall maintain a record-keeping
17 system for all patients for whom the physician has
18 certified the patient's medical condition ~~recommended the~~
19 ~~medical use of cannabis~~. These records shall be accessible
20 to and subject to review by the Department of Public Health
21 and the Department of Financial and Professional
22 Regulation upon request.

23 (b) A physician may not:

24 (1) accept, solicit, or offer any form of remuneration
25 from or to a qualifying patient, primary caregiver,
26 cultivation center, or dispensing organization, including

1 each principal officer, board member, agent, and employee,
2 to certify a patient, other than accepting payment from a
3 patient for the fee associated with the required
4 examination;

5 (2) offer a discount of any other item of value to a
6 qualifying patient who uses or agrees to use a particular
7 primary caregiver or dispensing organization to obtain
8 medical cannabis;

9 (3) conduct a personal physical examination of a
10 patient for purposes of diagnosing a debilitating medical
11 condition at a location where medical cannabis is sold or
12 distributed or at the address of a principal officer,
13 agent, or employee or a medical cannabis organization;

14 (4) hold a direct or indirect economic interest in a
15 cultivation center or dispensing organization if he or she
16 recommends the use of medical cannabis to qualified
17 patients or is in a partnership or other fee or
18 profit-sharing relationship with a physician who
19 recommends medical cannabis, except for the limited
20 purpose of performing a medical cannabis related research
21 study;

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

24 (6) refer patients to a cultivation center, a
25 dispensing organization, or a registered designated
26 caregiver; or

1 (7) advertise in a cultivation center or a dispensing
2 organization.

3 (c) The Department of Public Health may with reasonable
4 cause refer a physician, who has certified a debilitating
5 medical condition of a patient, to the Illinois Department of
6 Financial and Professional Regulation for potential violations
7 of this Section.

8 (d) Any violation of this Section or any other provision of
9 this Act or rules adopted under this Act is a violation of the
10 Medical Practice Act of 1987.

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

12 (410 ILCS 130/60)

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

14 Sec. 60. Issuance of registry identification cards.

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

17 (1) verify the information contained in an application
18 or renewal for a registry identification card submitted
19 under this Act, and approve or deny an application or
20 renewal, within 30 days of receiving a completed
21 application or renewal application and all supporting
22 documentation specified in Section 55;

23 (2) issue registry identification cards to a
24 qualifying patient and his or her designated caregiver, if
25 any, within 15 business days of approving the application

1 or renewal;

2 (3) enter the registry identification number of the
3 registered dispensing organization the patient designates
4 into the verification system; and

5 (4) allow for an electronic application process, and
6 provide a confirmation by electronic or other methods that
7 an application has been submitted.

8 (b) The Department of Public Health may not issue a
9 registry identification card to a qualifying patient who is
10 under 18 years of age, unless that patient suffers from
11 seizures, including those characteristic of epilepsy, or as
12 provided by administrative rule. The Department of Public
13 Health shall adopt rules for the issuance of a registry
14 identification card for qualifying patients who are under 18
15 years of age and suffering from seizures, including those
16 characteristic of epilepsy. The Department of Public Health may
17 adopt rules to allow other individuals under 18 years of age to
18 become registered qualifying patients under this Act with the
19 consent of a parent or legal guardian. Registered qualifying
20 patients under 18 years of age shall be prohibited from
21 consuming forms of cannabis other than medical cannabis infused
22 products and purchasing any usable cannabis.

23 (c) A veteran who has received treatment at a VA hospital
24 is deemed to have a bona fide physician-patient relationship
25 with a VA physician if the patient has been seen for his or her
26 debilitating medical condition at the VA hospital in accordance

1 with VA hospital protocols. All reasonable inferences
2 regarding the existence of a bona fide physician-patient
3 relationship shall be drawn in favor of an applicant who is a
4 veteran and has undergone treatment at a VA hospital.

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

20 (e) Upon the approval of the registration and issuance of a
21 registry card under this Section, the Department of Public
22 Health shall electronically forward the registered qualifying
23 patient's identification card information to the Prescription
24 Monitoring Program established under the Illinois Controlled
25 Substances Act and certify that the individual is permitted to
26 engage in the medical use of cannabis. For the purposes of

1 patient care, the Prescription Monitoring Program shall make a
2 notation on the person's prescription record stating that the
3 person is a registered qualifying patient who is entitled to
4 the lawful medical use of cannabis. If the person no longer
5 holds a valid registry card, the Department of Public Health
6 shall notify the Prescription Monitoring Program and
7 Department of Human Services to remove the notation from the
8 person's record. The Department of Human Services and the
9 Prescription Monitoring Program shall establish a system by
10 which the information may be shared electronically. This
11 confidential list may not be combined or linked in any manner
12 with any other list or database except as provided in this
13 Section.

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

15 (410 ILCS 130/74 new)

16 Sec. 74. Posting of patient information on the use of
17 medical cannabis. The Department of Public Health shall post
18 on its website information available from other State public
19 health departments or other sources on the proper use of
20 medical cannabis. This information shall include at a minimum
21 any available information on the risks and benefits of cannabis
22 use for medical conditions. Each licensed dispensary shall post
23 on its websites information available from State public health
24 departments or other sources on the proper use of medical
25 cannabis. This information shall include at a minimum any

1 available information on the risks and benefits of cannabis use
2 for medical conditions.

3 (410 ILCS 130/75)

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

5 Sec. 75. Notifications to Department of Public Health and
6 responses; civil penalty.

7 (a) The following notifications and Department of Public
8 Health responses are required:

9 (1) A registered qualifying patient shall notify the
10 Department of Public Health of any change in his or her
11 name or address, or if the registered qualifying patient
12 ceases to have his or her debilitating medical condition,
13 within 10 days of the change.

14 (2) A registered designated caregiver shall notify the
15 Department of Public Health of any change in his or her
16 name or address, or if the designated caregiver becomes
17 aware the registered qualifying patient passed away,
18 within 10 days of the change.

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

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

25 (b) When a cardholder notifies the Department of Public

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

12 (c) If a registered qualifying patient ceases to be a
13 registered qualifying patient or changes his or her registered
14 designated caregiver, the Department of Public Health shall
15 promptly notify the designated caregiver. The registered
16 designated caregiver's protections under this Act as to that
17 qualifying patient shall expire 15 days after notification by
18 the Department.

19 (d) A cardholder who fails to make a notification to the
20 Department of Public Health that is required by this Section is
21 subject to a civil infraction, punishable by a penalty of no
22 more than \$150.

23 (e) A registered qualifying patient shall notify the
24 Department of Public Health of any change to his or her
25 designated registered dispensing organization. Registered
26 dispensing organizations must comply with all requirements of

1 this Act.

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

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

12 (410 ILCS 130/220)

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

14 Sec. 220. Repeal of Act. This Act is repealed on July 1,
15 2020 ~~4 years after the effective date of this Act.~~

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.