

1 AN ACT concerning State government.

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 5, 10, 15, 35, 45,  
6 60, 70, 75, and 220 and by adding Sections 7 and 57 as follows:

7 (410 ILCS 130/5)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 5. Findings.

10 (a) The recorded use of cannabis as a medicine goes back  
11 nearly 5,000 years. Modern medical research has confirmed the  
12 beneficial uses of cannabis in treating or alleviating the  
13 pain, nausea, and other symptoms associated with a variety of  
14 debilitating medical conditions, including cancer, multiple  
15 sclerosis, and HIV/AIDS, as found by the National Academy of  
16 Sciences' Institute of Medicine in March 1999.

17 (b) Studies published since the 1999 Institute of Medicine  
18 report continue to show the therapeutic value of cannabis in  
19 treating a wide array of debilitating medical conditions. These  
20 include relief of the neuropathic pain caused by multiple  
21 sclerosis, HIV/AIDS, and other illnesses that often fail to  
22 respond to conventional treatments and relief of nausea,  
23 vomiting, and other side effects of drugs used to treat

1 HIV/AIDS and hepatitis C, increasing the chances of patients  
2 continuing on life-saving treatment regimens.

3 (c) Cannabis has many currently accepted medical uses in  
4 the United States, having been recommended by thousands of  
5 licensed physicians to at least 600,000 patients in states with  
6 medical cannabis laws. The medical utility of cannabis is  
7 recognized by a wide range of medical and public health  
8 organizations, including the American Academy of HIV Medicine,  
9 the American College of Physicians, the American Nurses  
10 Association, the American Public Health Association, the  
11 Leukemia & Lymphoma Society, and many others.

12 (d) Data from the Federal Bureau of Investigation's Uniform  
13 Crime Reports and the Compendium of Federal Justice Statistics  
14 show that approximately 99 out of every 100 cannabis arrests in  
15 the U.S. are made under state law, rather than under federal  
16 law. Consequently, changing State law will have the practical  
17 effect of protecting from arrest the vast majority of seriously  
18 ill patients who have a medical need to use cannabis.

19 (d-5) In 2014, the Task Force on Veterans' Suicide was  
20 created by the Illinois General Assembly to gather data on  
21 veterans' suicide prevention. Data from a U.S. Department of  
22 Veterans Affairs study indicates that 22 veterans commit  
23 suicide each day.

24 (e) Alaska, Arizona, California, Colorado, Connecticut,  
25 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,  
26 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,

1 Washington, and Washington, D.C. have removed state-level  
2 criminal penalties from the medical use and cultivation of  
3 cannabis. Illinois joins in this effort for the health and  
4 welfare of its citizens.

5 (f) States are not required to enforce federal law or  
6 prosecute people for engaging in activities prohibited by  
7 federal law. Therefore, compliance with this Act does not put  
8 the State of Illinois in violation of federal law.

9 (g) State law should make a distinction between the medical  
10 and non-medical uses of cannabis. Hence, the purpose of this  
11 Act is to protect patients with debilitating medical  
12 conditions, as well as their physicians and providers, from  
13 arrest and prosecution, criminal and other penalties, and  
14 property forfeiture if the patients engage in the medical use  
15 of cannabis.

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

17 (410 ILCS 130/7 new)

18 Sec. 7. Lawful user and lawful products. For the purposes  
19 of this Act and to clarify the legislative findings on the  
20 lawful use of cannabis:

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

25 (2) All medical cannabis products purchased by a

1 qualifying patient at a licensed dispensing organization  
2 shall be lawful products and a distinction shall be made  
3 between medical and non-medical uses of cannabis as a  
4 result of the qualifying patient's cardholder status under  
5 the authorized use granted under State law.

6 (410 ILCS 130/10)

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

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

10 (a) "Adequate supply" means:

11 (1) 2.5 ounces of usable cannabis during a period of 14  
12 days and that is derived solely from an intrastate source.

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

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

25 (4) The pre-mixed weight of medical cannabis used in

1 making a cannabis infused product shall apply toward the  
2 limit on the total amount of medical cannabis a registered  
3 qualifying patient may possess at any one time.

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

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

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

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

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

26 (g) "Cultivation center agent identification card" means a

1 document issued by the Department of Agriculture that  
2 identifies a person as a cultivation center agent.

3 (h) "Debilitating medical condition" means one or more of  
4 the following:

5 (1) cancer, glaucoma, positive status for human  
6 immunodeficiency virus, acquired immune deficiency  
7 syndrome, hepatitis C, amyotrophic lateral sclerosis,  
8 Crohn's disease, agitation of Alzheimer's disease,  
9 cachexia/wasting syndrome, muscular dystrophy, severe  
10 fibromyalgia, spinal cord disease, including but not  
11 limited to arachnoiditis, Tarlov cysts, hydromyelia,  
12 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,  
13 spinal cord injury, traumatic brain injury and  
14 post-concussion syndrome, Multiple Sclerosis,  
15 Arnold-Chiari malformation and Syringomyelia,  
16 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,  
17 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD  
18 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS  
19 (Complex Regional Pain Syndromes Type II),  
20 Neurofibromatosis, Chronic Inflammatory Demyelinating  
21 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial  
22 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella  
23 syndrome, residual limb pain, seizures (including those  
24 characteristic of epilepsy), post-traumatic stress  
25 disorder (PTSD), or the treatment of these conditions; ~~or~~  
26 (1.5) terminal illness with a diagnosis of 6 months or

1       less; if the terminal illness is not one of the qualifying  
2       debilitating medical conditions, then the physician shall  
3       on the certification form identify the cause of the  
4       terminal illness; or

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

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

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

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

25      (l) "Excluded offense" for cultivation center agents and  
26      dispensing organizations means:

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

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

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

21 (1-5) "Excluded offense" for a qualifying patient or  
22 designated caregiver means a violation of state or federal  
23 controlled substance law, the Cannabis Control Act, or the  
24 Methamphetamine and Community Protection Act that was  
25 classified as a felony in the jurisdiction where the person was  
26 convicted, except that the registering Department may waive



1 this restriction if the person demonstrates to the registering  
2 Department's satisfaction that his or her conviction was for  
3 the possession, cultivation, transfer, or delivery of a  
4 reasonable amount of cannabis intended for medical use. This  
5 exception does not apply if the conviction was under state law  
6 and involved a violation of an existing medical cannabis law.  
7 For purposes of this subsection, the Department of Public  
8 Health shall determine by emergency rule within 30 days after  
9 the effective date of this amendatory Act of the 99th General  
10 Assembly what constitutes a "reasonable amount".

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

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

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

26 (p) "Medical cannabis dispensing organization agent" or

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

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

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

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

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

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

26 (v) "Registry identification card" means a document issued

1 by the Department of Public Health that identifies a person as  
2 a registered qualifying patient or registered designated  
3 caregiver.

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

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

21 (y) "Written certification" means a document dated and  
22 signed by a physician, stating (1) ~~that in the physician's~~  
23 ~~professional opinion the patient is likely to receive~~  
24 ~~therapeutic or palliative benefit from the medical use of~~  
25 ~~cannabis to treat or alleviate the patient's debilitating~~  
26 ~~medical condition or symptoms associated with the debilitating~~

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

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

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

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

21 (410 ILCS 130/15)

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

23 Sec. 15. Authority.

24 (a) It is the duty of the Department of Public Health to  
25 enforce the following provisions of this Act unless otherwise

1 provided for by this Act:

2 (1) establish and maintain a confidential registry of  
3 qualifying patients authorized to engage in the medical use  
4 of cannabis and their caregivers;

5 (2) distribute educational materials about the health  
6 benefits and risks associated with the use ~~abuse~~ of  
7 cannabis and prescription medications;

8 (3) adopt rules to administer the patient and caregiver  
9 registration program; and

10 (4) adopt rules establishing food handling  
11 requirements for cannabis-infused products that are  
12 prepared for human consumption.

13 (b) It is the duty of the Department of Agriculture to  
14 enforce the provisions of this Act relating to the registration  
15 and oversight of cultivation centers unless otherwise provided  
16 for in this Act.

17 (c) It is the duty of the Department of Financial and  
18 Professional Regulation to enforce the provisions of this Act  
19 relating to the registration and oversight of dispensing  
20 organizations unless otherwise provided for in this Act.

21 (d) The Department of Public Health, the Department of  
22 Agriculture, or the Department of Financial and Professional  
23 Regulation shall enter into intergovernmental agreements, as  
24 necessary, to carry out the provisions of this Act including,  
25 but not limited to, the provisions relating to the registration  
26 and oversight of cultivation centers, dispensing

1 organizations, and qualifying patients and caregivers.

2 (e) The Department of Public Health, Department of  
3 Agriculture, or the Department of Financial and Professional  
4 Regulation may suspend, revoke, or impose other penalties upon  
5 a registration for violations of this Act and any rules adopted  
6 in accordance thereto. The suspension or revocation of, or  
7 imposition of any other penalty upon, a registration is a final  
8 Agency action, subject to judicial review. Jurisdiction and  
9 venue for judicial review are vested in the Circuit Court.

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

11 (410 ILCS 130/35)

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

13 Sec. 35. Physician requirements.

14 (a) A physician who certifies a debilitating medical  
15 condition for a qualifying patient shall comply with all of the  
16 following requirements:

17 (1) The Physician shall be currently licensed under the  
18 Medical Practice Act of 1987 to practice medicine in all  
19 its branches and in good standing, and must hold a  
20 controlled substances license under Article III of the  
21 Illinois Controlled Substances Act.

22 (2) A physician certifying a patient's condition  
23 ~~making a medical cannabis recommendation~~ shall comply with  
24 generally accepted standards of medical practice, the  
25 provisions of the Medical Practice Act of 1987 and all

1 applicable rules.

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

4 (4) The physician shall maintain a record-keeping  
5 system for all patients for whom the physician has  
6 certified the patient's medical condition ~~recommended the~~  
7 ~~medical use of cannabis~~. These records shall be accessible  
8 to and subject to review by the Department of Public Health  
9 and the Department of Financial and Professional  
10 Regulation upon request.

11 (b) A physician may not:

12 (1) accept, solicit, or offer any form of remuneration  
13 from or to a qualifying patient, primary caregiver,  
14 cultivation center, or dispensing organization, including  
15 each principal officer, board member, agent, and employee,  
16 to certify a patient, other than accepting payment from a  
17 patient for the fee associated with the required  
18 examination;

19 (2) offer a discount of any other item of value to a  
20 qualifying patient who uses or agrees to use a particular  
21 primary caregiver or dispensing organization to obtain  
22 medical cannabis;

23 (3) conduct a personal physical examination of a  
24 patient for purposes of diagnosing a debilitating medical  
25 condition at a location where medical cannabis is sold or  
26 distributed or at the address of a principal officer,

1 agent, or employee or a medical cannabis organization;

2 (4) hold a direct or indirect economic interest in a  
3 cultivation center or dispensing organization if he or she  
4 recommends the use of medical cannabis to qualified  
5 patients or is in a partnership or other fee or  
6 profit-sharing relationship with a physician who  
7 recommends medical cannabis, except for the limited  
8 purpose of performing a medical cannabis related research  
9 study;

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

12 (6) refer patients to a cultivation center, a  
13 dispensing organization, or a registered designated  
14 caregiver; or

15 (7) advertise in a cultivation center or a dispensing  
16 organization.

17 (c) The Department of Public Health may with reasonable  
18 cause refer a physician, who has certified a debilitating  
19 medical condition of a patient, to the Illinois Department of  
20 Financial and Professional Regulation for potential violations  
21 of this Section.

22 (d) Any violation of this Section or any other provision of  
23 this Act or rules adopted under this Act is a violation of the  
24 Medical Practice Act of 1987.

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



1 (410 ILCS 130/45)

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

3 Sec. 45. Addition of debilitating medical conditions.

4 (a) Any resident ~~citizen~~ may petition the Department of  
5 Public Health to add debilitating conditions or treatments to  
6 the list of debilitating medical conditions listed in  
7 subsection (h) of Section 10. ~~The Department of Public Health~~  
8 ~~shall consider petitions in the manner required by Department~~  
9 ~~rule, including public notice and hearing.~~ The Department shall  
10 approve or deny a petition within 180 days of its submission,  
11 and, upon approval, shall proceed to add that condition by rule  
12 in accordance with the Administrative Procedure Act. The  
13 approval or denial of any petition is a final decision of the  
14 Department, subject to judicial review. Jurisdiction and venue  
15 are vested in the Circuit Court.

16 (b) The Department shall accept petitions once annually for  
17 a one-month period determined by the Department. During the  
18 open period, the Department shall accept petitions from any  
19 resident requesting the addition of a new debilitating medical  
20 condition or disease to the list of approved debilitating  
21 medical conditions for which the use of cannabis has been shown  
22 to have a therapeutic or palliative effect. The Department  
23 shall provide public notice 30 days before the open period for  
24 accepting petitions, which shall describe the time period for  
25 submission, the required format of the submission, and the  
26 submission address.

1       (c) Each petition shall be limited to one proposed  
2 debilitating medical condition or disease.

3       (d) A petitioner shall file one original petition in the  
4 format provided by the Department and in the manner specified  
5 by the Department. For a petition to be processed and reviewed,  
6 the following information shall be included:

7           (1) The petition, prepared on forms provided by the  
8 Department, in the manner specified by the Department.

9           (2) A specific description of the medical condition or  
10 disease that is the subject of the petition. Each petition  
11 shall be limited to a single condition or disease.  
12 Information about the proposed condition or disease shall  
13 include:

14           (A) the extent to which the condition or disease  
15 itself or the treatments cause severe suffering, such  
16 as severe or chronic pain, severe nausea or vomiting,  
17 or otherwise severely impair a person's ability to  
18 conduct activities of daily living;

19           (B) information about why conventional medical  
20 therapies are not sufficient to alleviate the  
21 suffering caused by the disease or condition and its  
22 treatment;

23           (C) the proposed benefits from the medical use of  
24 cannabis specific to the medical condition or disease;

25           (D) evidence from the medical community and other  
26 experts supporting the use of medical cannabis to

1 alleviate suffering caused by the condition, disease,  
2 or treatment;

3 (E) letters of support from physicians or other  
4 licensed health care providers knowledgeable about the  
5 condition or disease, including, if feasible, a letter  
6 from a physician with whom the petitioner has a bona  
7 fide physician-patient relationship;

8 (F) any additional medical, testimonial, or  
9 scientific documentation; and

10 (G) an electronic copy of all materials submitted.

11 (3) Upon receipt of a petition, the Department shall:

12 (A) determine whether the petition meets the  
13 standards for submission and, if so, shall accept the  
14 petition for further review; or

15 (B) determine whether the petition does not meet  
16 the standards for submission and, if so, shall deny the  
17 petition without further review.

18 (4) If the petition does not fulfill the standards for  
19 submission, the petition shall be considered deficient.  
20 The Department shall notify the petitioner, who may correct  
21 any deficiencies and resubmit the petition during the next  
22 open period.

23 (e) The petitioner may withdraw his or her petition by  
24 submitting a written statement to the Department indicating  
25 withdrawal.

26 (f) Upon review of accepted petitions, the Director shall

1 render a final decision regarding the acceptance or denial of  
2 the proposed debilitating medical conditions or diseases.

3 (g) The Department shall convene a Medical Cannabis  
4 Advisory Board (Advisory Board) composed of 16 members, which  
5 shall include:

6 (1) one medical cannabis patient advocate or  
7 designated caregiver;

8 (2) one parent or designated caregiver of a person  
9 under the age of 18 who is a qualified medical cannabis  
10 patient;

11 (3) two registered nurses or nurse practitioners;

12 (4) three registered qualifying patients, including  
13 one veteran; and

14 (5) nine health care practitioners with current  
15 professional licensure in their field. The Advisory Board  
16 shall be composed of health care practitioners  
17 representing the following areas:

18 (A) neurology;

19 (B) pain management;

20 (C) medical oncology;

21 (D) psychiatry or mental health;

22 (E) infectious disease;

23 (F) family medicine;

24 (G) general primary care;

25 (H) medical ethics;

26 (I) pharmacy;

1                   (J) pediatrics; or

2                   (K) psychiatry or mental health for children or  
3                   adolescents.

4                   At least one appointed health care practitioner shall have  
5                   direct experience related to the health care needs of veterans  
6                   and at least one individual shall have pediatric experience.

7                   (h) Members of the Advisory Board shall be appointed by the  
8                   Governor.

9                   (1) Members shall serve a term of 4 years or until a  
10                   successor is appointed and qualified. If a vacancy occurs,  
11                   the Governor shall appoint a replacement to complete the  
12                   original term created by the vacancy.

13                   (2) The Governor shall select a chairperson.

14                   (3) Members may serve multiple terms.

15                   (4) Members shall not have an affiliation with, serve  
16                   on the board of, or have a business relationship with a  
17                   registered cultivation center or a registered medical  
18                   cannabis dispensary.

19                   (5) Members shall disclose any real or apparent  
20                   conflicts of interest that may have a direct bearing of the  
21                   subject matter, such as relationships with pharmaceutical  
22                   companies, biomedical device manufacturers, or  
23                   corporations whose products or services are related to the  
24                   medical condition or disease to be reviewed.

25                   (6) Members shall not be paid but shall be reimbursed  
26                   for travel expenses incurred while fulfilling the

1 responsibilities of the Advisory Board.

2 (i) On the effective date of this amendatory Act of the  
3 99th General Assembly, the terms of office of the members of  
4 the Advisory Board serving on that effective date shall  
5 terminate and the Board shall be reconstituted.

6 (j) The Advisory Board shall convene at the call of the  
7 Chair:

8 (1) to examine debilitating conditions or diseases  
9 that would benefit from the medical use of cannabis; and

10 (2) to review new medical and scientific evidence  
11 pertaining to currently approved conditions.

12 (k) The Advisory Board shall issue an annual report of its  
13 activities each year.

14 (l) The Advisory Board shall receive administrative  
15 support from the Department.

16 (Source: P.A. 98-122, eff. 1-1-14; revised 10-21-15.)

17 (410 ILCS 130/57 new)

18 Sec. 57. Qualifying patients under 18. Qualifying patients  
19 that are under the age of 18 years shall not be prohibited from  
20 having 2 designated caregivers as follows: if both biological  
21 parents or 2 legal guardians of a qualifying patient under 18  
22 both have significant decision-making responsibilities over  
23 the qualifying patient, then both may serve as a designated  
24 caregiver if they otherwise meet the definition of "designated  
25 caregiver" under Section 10; however, if only one biological

1 parent or legal guardian has significant decision-making  
2 responsibilities for the qualifying patient under 18, then he  
3 or she may appoint a second designated caregiver who meets the  
4 definition of "designated caregiver" under Section 10.

5 (410 ILCS 130/60)

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

7 Sec. 60. Issuance of registry identification cards.

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

10 (1) verify the information contained in an application  
11 or renewal for a registry identification card submitted  
12 under this Act, and approve or deny an application or  
13 renewal, within 30 days of receiving a completed  
14 application or renewal application and all supporting  
15 documentation specified in Section 55;

16 (2) issue registry identification cards to a  
17 qualifying patient and his or her designated caregiver, if  
18 any, within 15 business days of approving the application  
19 or renewal;

20 (3) enter the registry identification number of the  
21 registered dispensing organization the patient designates  
22 into the verification system; and

23 (4) allow for an electronic application process, and  
24 provide a confirmation by electronic or other methods that  
25 an application has been submitted.

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

16           (c) A veteran who has received treatment at a VA hospital  
17 is deemed to have a bona fide physician-patient relationship  
18 with a VA physician if the patient has been seen for his or her  
19 debilitating medical condition at the VA hospital in accordance  
20 with VA hospital protocols. All reasonable inferences  
21 regarding the existence of a bona fide physician-patient  
22 relationship shall be drawn in favor of an applicant who is a  
23 veteran and has undergone treatment at a VA hospital.

24           (c-10) An individual who submits an application as someone  
25 who is terminally ill shall have all fees and fingerprinting  
26 requirements waived. The Department of Public Health shall



1 within 30 days after this amendatory Act of the 99th General  
2 Assembly adopt emergency rules to expedite approval for  
3 terminally ill individuals. These rules shall include, but not  
4 be limited to, rules that provide that applications by  
5 individuals with terminal illnesses shall be approved or denied  
6 within 14 days of their submission.

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

22 (e) Upon the approval of the registration and issuance of a  
23 registry card under this Section, the Department of Public  
24 Health shall electronically forward the registered qualifying  
25 patient's identification card information to the Prescription  
26 Monitoring Program established under the Illinois Controlled

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

16 (f) All applicants for a registry card shall be  
17 fingerprinted as part of the application process if they are a  
18 first-time applicant, if their registry card has already  
19 expired, or if they previously have had their registry card  
20 revoked or otherwise denied. At renewal, cardholders whose  
21 registry cards have not yet expired, been revoked, or otherwise  
22 denied shall not be subject to fingerprinting. Registry cards  
23 shall be revoked by the Department of Public Health if the  
24 Department of Public Health is notified by the Secretary of  
25 State that a cardholder has been convicted of an excluded  
26 offense. For purposes of enforcing this subsection, the

1 Department of Public Health and Secretary of State shall  
2 establish a system by which violations reported to the  
3 Secretary of State under paragraph 18 of subsection (a) of  
4 Section 6-205 of the Illinois Vehicle Code shall be shared with  
5 the Department of Public Health.

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

7 (410 ILCS 130/70)

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

9 Sec. 70. Registry identification cards.

10 (a) A registered qualifying patient or designated  
11 caregiver must keep their registry identification card in his  
12 or her possession at all times when engaging in the medical use  
13 of cannabis.

14 (b) Registry identification cards shall contain the  
15 following:

16 (1) the name of the cardholder;

17 (2) a designation of whether the cardholder is a  
18 designated caregiver or qualifying patient;

19 (3) the date of issuance and expiration date of the  
20 registry identification card;

21 (4) a random alphanumeric identification number that  
22 is unique to the cardholder;

23 (5) if the cardholder is a designated caregiver, the  
24 random alphanumeric identification number of the  
25 registered qualifying patient the designated caregiver is

1 receiving the registry identification card to assist; and

2 (6) a photograph of the cardholder, if required by  
3 Department of Public Health rules.

4 (c) To maintain a valid registration identification card, a  
5 registered qualifying patient and caregiver must annually  
6 resubmit, at least 45 days prior to the expiration date stated  
7 on the registry identification card, a completed renewal  
8 application, renewal fee, and accompanying documentation as  
9 described in Department of Public Health rules. The Department  
10 of Public Health shall send a notification to a registered  
11 qualifying patient or registered designated caregiver 90 days  
12 prior to the expiration of the registered qualifying patient's  
13 or registered designated caregiver's identification card. If  
14 the Department of Public Health fails to grant or deny a  
15 renewal application received in accordance with this Section,  
16 then the renewal is deemed granted and the registered  
17 qualifying patient or registered designated caregiver may  
18 continue to use the expired identification card until the  
19 Department of Public Health denies the renewal or issues a new  
20 identification card.

21 (d) Except as otherwise provided in this Section, the  
22 expiration date is 3 years ~~one year~~ after the date of issuance.

23 (e) The Department of Public Health may electronically  
24 store in the card any or all of the information listed in  
25 subsection (b), along with the address and date of birth of the  
26 cardholder and the qualifying patient's designated dispensary

1 organization, to allow it to be read by law enforcement agents.  
2 (Source: P.A. 98-122, eff. 1-1-14.)

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.