

# SB3225



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3225

Introduced 2/11/2020, by Sen. Jason A. Barickman

#### SYNOPSIS AS INTRODUCED:

410 ILCS 130/30  
410 ILCS 130/31 new

Amends the Compassionate Use of Medical Cannabis Program Act. Provides that a park district shall authorize a program participant's parent, guardian, or other designated caregiver to administer a medical cannabis infused product to the program participant on the premises of the park district if both the program participant and the parent, guardian, or other designated caregiver are cardholders. Contains requirements for designated caregivers. Provides that a member of the park district's staff is not required to administer a medical cannabis infused product to a program participant. Provides that a park district may not authorize the use of a medical cannabis infused product if the park district would lose federal funding as a result of the authorization. Provides that the amendatory provisions are exempt from specified limitations and penalties. Makes other changes. Effective immediately.

LRB101 20178 CPF 69717 b

A BILL FOR

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  
5 Program Act is amended by changing Sections 30 and 31 as  
6 follows:

7 (410 ILCS 130/30)

8 Sec. 30. Limitations and penalties.

9 (a) This Act does not permit any person to engage in, and  
10 does not prevent the imposition of any civil, criminal, or  
11 other penalties for engaging in, the following conduct:

12 (1) Undertaking any task under the influence of  
13 cannabis, when doing so would constitute negligence,  
14 professional malpractice, or professional misconduct;

15 (2) Possessing cannabis:

16 (A) except as provided under Section 22-33 of the  
17 School Code, in a school bus;

18 (B) except as provided under Section 22-33 of the  
19 School Code, on the grounds of any preschool or primary  
20 or secondary school;

21 (C) in any correctional facility;

22 (D) in a vehicle under Section 11-502.1 of the  
23 Illinois Vehicle Code;

1           (E) in a vehicle not open to the public unless the  
2 medical cannabis is in a reasonably secured, sealed  
3 container and reasonably inaccessible while the  
4 vehicle is moving; or

5           (F) in a private residence that is used at any time  
6 to provide licensed child care or other similar social  
7 service care on the premises;

8       (3) Using cannabis:

9           (A) except as provided under Section 22-33 of the  
10 School Code, in a school bus;

11           (B) except as provided under Section 22-33 of the  
12 School Code, on the grounds of any preschool or primary  
13 or secondary school;

14           (C) in any correctional facility;

15           (D) in any motor vehicle;

16           (E) in a private residence that is used at any time  
17 to provide licensed child care or other similar social  
18 service care on the premises;

19           (F) except as provided under Section 22-33 of the  
20 School Code and Section 31 of this Act, in any public  
21 place. "Public place" as used in this subsection means  
22 any place where an individual could reasonably be  
23 expected to be observed by others. A "public place"  
24 includes all parts of buildings owned in whole or in  
25 part, or leased, by the State or a local unit of  
26 government. A "public place" does not include a private

1 residence unless the private residence is used to  
2 provide licensed child care, foster care, or other  
3 similar social service care on the premises. For  
4 purposes of this subsection, a "public place" does not  
5 include a health care facility. For purposes of this  
6 Section, a "health care facility" includes, but is not  
7 limited to, hospitals, nursing homes, hospice care  
8 centers, and long-term care facilities;

9 (G) except as provided under Section 22-33 of the  
10 School Code and Section 31 of this Act, knowingly in  
11 close physical proximity to anyone under the age of 18  
12 years of age;

13 (4) Smoking medical cannabis in any public place where  
14 an individual could reasonably be expected to be observed  
15 by others, in a health care facility, or any other place  
16 where smoking is prohibited under the Smoke Free Illinois  
17 Act;

18 (5) Operating, navigating, or being in actual physical  
19 control of any motor vehicle, aircraft, or motorboat while  
20 using or under the influence of cannabis in violation of  
21 Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

22 (6) Using or possessing cannabis if that person does  
23 not have a debilitating medical condition and is not a  
24 registered qualifying patient or caregiver;

25 (7) Allowing any person who is not allowed to use  
26 cannabis under this Act to use cannabis that a cardholder

1 is allowed to possess under this Act;

2 (8) Transferring cannabis to any person contrary to the  
3 provisions of this Act;

4 (9) The use of medical cannabis by an active duty law  
5 enforcement officer, correctional officer, correctional  
6 probation officer, or firefighter; or

7 (10) The use of medical cannabis by a person who has a  
8 school bus permit or a Commercial Driver's License.

9 (b) Nothing in this Act shall be construed to prevent the  
10 arrest or prosecution of a registered qualifying patient for  
11 reckless driving or driving under the influence of cannabis  
12 where probable cause exists.

13 (c) Notwithstanding any other criminal penalties related  
14 to the unlawful possession of cannabis, knowingly making a  
15 misrepresentation to a law enforcement official of any fact or  
16 circumstance relating to the medical use of cannabis to avoid  
17 arrest or prosecution is a petty offense punishable by a fine  
18 of up to \$1,000, which shall be in addition to any other  
19 penalties that may apply for making a false statement or for  
20 the use of cannabis other than use undertaken under this Act.

21 (d) Notwithstanding any other criminal penalties related  
22 to the unlawful possession of cannabis, any person who makes a  
23 misrepresentation of a medical condition to a certifying health  
24 care professional or fraudulently provides material  
25 misinformation to a certifying health care professional in  
26 order to obtain a written certification is guilty of a petty

1 offense punishable by a fine of up to \$1,000.

2 (e) Any cardholder or registered caregiver who sells  
3 cannabis shall have his or her registry identification card  
4 revoked and is subject to other penalties for the unauthorized  
5 sale of cannabis.

6 (f) Any registered qualifying patient who commits a  
7 violation of Section 11-502.1 of the Illinois Vehicle Code or  
8 refuses a properly requested test related to operating a motor  
9 vehicle while under the influence of cannabis shall have his or  
10 her registry identification card revoked.

11 (g) No registered qualifying patient or designated  
12 caregiver shall knowingly obtain, seek to obtain, or possess,  
13 individually or collectively, an amount of usable cannabis from  
14 a registered medical cannabis dispensing organization that  
15 would cause him or her to exceed the authorized adequate supply  
16 under subsection (a) of Section 10.

17 (h) Nothing in this Act shall prevent a private business  
18 from restricting or prohibiting the medical use of cannabis on  
19 its property.

20 (i) Nothing in this Act shall prevent a university,  
21 college, or other institution of post-secondary education from  
22 restricting or prohibiting the use of medical cannabis on its  
23 property.

24 (Source: P.A. 100-660, eff. 8-1-18; 101-363, eff. 8-9-19.)

25 (410 ILCS 130/31 new)

1       Sec. 31. Administration to persons with disabilities in  
2 park district programs.

3       (a) Definitions. For purposes of this Section:

4           (1) "Park district" has the meaning as defined in  
5 Section 1-3 of the Park District Code. "Park district"  
6 includes the Chicago Park District as defined by the  
7 Chicago Park District Act, any special recreational  
8 association created by a park district through an  
9 intergovernmental agreement, and any nonprofit  
10 organization authorized by the park district or special  
11 recreational association to administer a program for  
12 persons with disabilities on its behalf.

13           (2) "Program participant" means a person with  
14 disabilities who is a registered qualifying patient and who  
15 participates in a summer camp, educational program, or  
16 other similar program provided by a park district for  
17 persons with disabilities.

18       (b) Subject to the restrictions under subsections (c)  
19 through (f) of this Section, a park district shall authorize a  
20 program participant's parent, guardian, or other designated  
21 caregiver to administer a medical cannabis infused product to  
22 the program participant on the premises of the park district if  
23 both the program participant and the parent, guardian, or other  
24 designated caregiver are cardholders. After administering the  
25 medical cannabis infused product, the parent, guardian, or  
26 other designated caregiver shall remove the medical cannabis

1 infused product from the premises of the park district.

2 (c) A parent, guardian, or other designated caregiver may  
3 not administer a medical cannabis infused product under this  
4 Section in a manner that, in the opinion of the park district,  
5 would create a disruption to the park district's program or  
6 activity for persons with disabilities or would cause exposure  
7 of the medical cannabis infused product to other program  
8 participants.

9 (d) A park district may not discipline a program  
10 participant who is administered a medical cannabis infused  
11 product by a parent, guardian, or other designated caregiver  
12 under this Section and may not deny the program participant's  
13 eligibility to attend the park district's program or activity  
14 for persons with disabilities solely because the program  
15 participant requires the administration of the medical  
16 cannabis infused product.

17 (e) Nothing in this Section requires a member of the park  
18 district's staff to administer a medical cannabis infused  
19 product to a program participant.

20 (f) A park district may not authorize the use of a medical  
21 cannabis infused product under this Section if the park  
22 district would lose federal funding as a result of the  
23 authorization.

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.