

SB2854



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2854

Introduced 2/17/2016, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

410 ILCS 130/105
410 ILCS 130/130

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Provides that a registered cultivation center may not be located within 2,500 feet of the property line of a pre-existing playground. Provides that a dispensing organization may not be located within 1,000 feet of the property line of a pre-existing playground. Defines "playground".

LRB099 16075 RPS 40398 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 Pilot
5 Program Act is amended by changing Sections 105 and 130 as
6 follows:

7 (410 ILCS 130/105)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 105. Requirements; prohibitions; penalties for
10 cultivation centers.

11 (a) The operating documents of a registered cultivation
12 center shall include procedures for the oversight of the
13 cultivation center, a cannabis plant monitoring system
14 including a physical inventory recorded weekly, a cannabis
15 container system including a physical inventory recorded
16 weekly, accurate record keeping, and a staffing plan.

17 (b) A registered cultivation center shall implement a
18 security plan reviewed by the State Police and including but
19 not limited to: facility access controls, perimeter intrusion
20 detection systems, personnel identification systems, 24-hour
21 surveillance system to monitor the interior and exterior of the
22 registered cultivation center facility and accessible to
23 authorized law enforcement and the Department of Agriculture in

1 real-time.

2 (c) A registered cultivation center may not be located
3 within 2,500 feet of the property line of a pre-existing public
4 or private preschool or elementary or secondary school or day
5 care center, day care home, group day care home, part day child
6 care facility, or an area zoned for residential use. In
7 addition, cultivation centers first registered on or after the
8 effective date of this amendatory Act of the 99th General
9 Assembly may not be located within 2,500 feet of the property
10 line of a pre-existing playground.

11 For the purposes of this subsection, "playground" means a
12 piece of land owned or controlled by a unit of local government
13 that is designated by the unit of local government for use
14 solely or primarily for children's recreation.

15 (d) All cultivation of cannabis for distribution to a
16 registered dispensing organization must take place in an
17 enclosed, locked facility as it applies to cultivation centers
18 at the physical address provided to the Department of
19 Agriculture during the registration process. The cultivation
20 center location shall only be accessed by the cultivation
21 center agents working for the registered cultivation center,
22 Department of Agriculture staff performing inspections,
23 Department of Public Health staff performing inspections, law
24 enforcement or other emergency personnel, and contractors
25 working on jobs unrelated to medical cannabis, such as
26 installing or maintaining security devices or performing

1 electrical wiring.

2 (e) A cultivation center may not sell or distribute any
3 cannabis to any individual or entity other than a dispensary
4 organization registered under this Act.

5 (f) All harvested cannabis intended for distribution to a
6 dispensing organization must be packaged in a labeled medical
7 cannabis container and entered into a data collection system.

8 (g) No person who has been convicted of an excluded offense
9 may be a cultivation center agent.

10 (h) Registered cultivation centers are subject to random
11 inspection by the State Police.

12 (i) Registered cultivation centers are subject to random
13 inspections by the Department of Agriculture and the Department
14 of Public Health.

15 (j) A cultivation center agent shall notify local law
16 enforcement, the State Police, and the Department of
17 Agriculture within 24 hours of the discovery of any loss or
18 theft. Notification shall be made by phone or in-person, or by
19 written or electronic communication.

20 (k) A cultivation center shall comply with all State and
21 federal rules and regulations regarding the use of pesticides.

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

23 (410 ILCS 130/130)

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

25 Sec. 130. Requirements; prohibitions; penalties;

1 dispensing organizations.

2 (a) The Department of Financial and Professional
3 Regulation shall implement the provisions of this Section by
4 rule.

5 (b) A dispensing organization shall maintain operating
6 documents which shall include procedures for the oversight of
7 the registered dispensing organization and procedures to
8 ensure accurate recordkeeping.

9 (c) A dispensing organization shall implement appropriate
10 security measures, as provided by rule, to deter and prevent
11 the theft of cannabis and unauthorized entrance into areas
12 containing cannabis.

13 (d) A dispensing organization may not be located within
14 1,000 feet of the property line of a pre-existing public or
15 private preschool or elementary or secondary school or day care
16 center, day care home, group day care home, or part day child
17 care facility. A registered dispensing organization may not be
18 located in a house, apartment, condominium, or an area zoned
19 for residential use. In addition, dispensing organizations
20 first registered on or after the effective date of this
21 amendatory Act of the 99th General Assembly may not be located
22 within 1,000 feet of the property line of a pre-existing
23 playground.

24 For the purposes of this subsection, "playground" means a
25 piece of land owned or controlled by a unit of local government
26 that is designated by the unit of local government for use

1 solely or primarily for children's recreation.

2 (e) A dispensing organization is prohibited from acquiring
3 cannabis from anyone other than a registered cultivation
4 center. A dispensing organization is prohibited from obtaining
5 cannabis from outside the State of Illinois.

6 (f) A registered dispensing organization is prohibited
7 from dispensing cannabis for any purpose except to assist
8 registered qualifying patients with the medical use of cannabis
9 directly or through the qualifying patients' designated
10 caregivers.

11 (g) The area in a dispensing organization where medical
12 cannabis is stored can only be accessed by dispensing
13 organization agents working for the dispensing organization,
14 Department of Financial and Professional Regulation staff
15 performing inspections, law enforcement or other emergency
16 personnel, and contractors working on jobs unrelated to medical
17 cannabis, such as installing or maintaining security devices or
18 performing electrical wiring.

19 (h) A dispensing organization may not dispense more than
20 2.5 ounces of cannabis to a registered qualifying patient,
21 directly or via a designated caregiver, in any 14-day period
22 unless the qualifying patient has a Department of Public
23 Health-approved quantity waiver.

24 (i) Before medical cannabis may be dispensed to a
25 designated caregiver or a registered qualifying patient, a
26 dispensing organization agent must determine that the

1 individual is a current cardholder in the verification system
2 and must verify each of the following:

3 (1) that the registry identification card presented to
4 the registered dispensing organization is valid;

5 (2) that the person presenting the card is the person
6 identified on the registry identification card presented
7 to the dispensing organization agent;

8 (3) that the dispensing organization is the designated
9 dispensing organization for the registered qualifying
10 patient who is obtaining the cannabis directly or via his
11 or her designated caregiver; and

12 (4) that the registered qualifying patient has not
13 exceeded his or her adequate supply.

14 (j) Dispensing organizations shall ensure compliance with
15 this limitation by maintaining internal, confidential records
16 that include records specifying how much medical cannabis is
17 dispensed to the registered qualifying patient and whether it
18 was dispensed directly to the registered qualifying patient or
19 to the designated caregiver. Each entry must include the date
20 and time the cannabis was dispensed. Additional recordkeeping
21 requirements may be set by rule.

22 (k) The physician-patient privilege as set forth by Section
23 8-802 of the Code of Civil Procedure shall apply between a
24 qualifying patient and a registered dispensing organization
25 and its agents with respect to communications and records
26 concerning qualifying patients' debilitating conditions.

1 (1) A dispensing organization may not permit any person to
2 consume cannabis on the property of a medical cannabis
3 organization.

4 (m) A dispensing organization may not share office space
5 with or refer patients to a physician.

6 (n) Notwithstanding any other criminal penalties related
7 to the unlawful possession of cannabis, the Department of
8 Financial and Professional Regulation may revoke, suspend,
9 place on probation, reprimand, refuse to issue or renew, or
10 take any other disciplinary or non-disciplinary action as the
11 Department of Financial and Professional Regulation may deem
12 proper with regard to the registration of any person issued
13 under this Act to operate a dispensing organization or act as a
14 dispensing organization agent, including imposing fines not to
15 exceed \$10,000 for each violation, for any violations of this
16 Act and rules adopted in accordance with this Act. The
17 procedures for disciplining a registered dispensing
18 organization shall be determined by rule. All final
19 administrative decisions of the Department of Financial and
20 Professional Regulation are subject to judicial review under
21 the Administrative Review Law and its rules. The term
22 "administrative decision" is defined as in Section 3-101 of the
23 Code of Civil Procedure.

24 (o) Dispensing organizations are subject to random
25 inspection and cannabis testing by the Department of Financial
26 and Professional Regulation and State Police as provided by

1 rule.

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