

**HB3770**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**HB3770**

Introduced 2/18/2025, by Rep. Bob Morgan

**SYNOPSIS AS INTRODUCED:**

410 ILCS 130/35

Amends the Compassionate Use of Medical Cannabis Program Act. Removes a prohibition against performance of a physical examination by a health care professional under the Act by remote means, including telemedicine.

LRB104 08637 BDA 18690 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 Section 35 as follows:

6           (410 ILCS 130/35)

7           Sec. 35. Certifying health care professional requirements.

8           (a) A certifying health care professional who certifies a  
9           debilitating medical condition for a qualifying patient shall  
10          comply with all of the following requirements:

11           (1) The certifying health care professional shall be  
12          currently licensed under the Medical Practice Act of 1987  
13          to practice medicine in all its branches, the Nurse  
14          Practice Act, or the Physician Assistant Practice Act of  
15          1987, shall be in good standing, and must hold a  
16          controlled substances license under Article III of the  
17          Illinois Controlled Substances Act.

18           (2) A certifying health care professional certifying a  
19          patient's condition shall comply with generally accepted  
20          standards of medical practice, the provisions of the Act  
21          under which he or she is licensed and all applicable  
22          rules.

23           (3) The physical examination required by this Act may

not be performed by remote means, including telemedicine.

(4) The certifying health care professional shall maintain a record-keeping system for all patients for whom the certifying health care professional has certified the patient's medical condition. These records shall be accessible to and subject to review by the Department of Public Health and the Department of Financial and Professional Regulation upon request.

(b) A certifying health care professional may not:

(1) accept, solicit, or offer any form of remuneration from or to a qualifying patient, primary caregiver, cultivation center, or dispensing organization, including each principal officer, board member, agent, and employee, to certify a patient, other than accepting payment from a patient for the fee associated with the required examination, except for the limited purpose of performing a medical cannabis-related research study;

(1.5) accept, solicit, or offer any form of remuneration from or to a medical cannabis cultivation center or dispensary organization for the purposes of referring a patient to a specific dispensary organization;

(1.10) engage in any activity that is prohibited under Section 22.2 of the Medical Practice Act of 1987, regardless of whether the certifying health care professional is a physician, advanced practice registered nurse, or physician assistant;

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

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

(4) hold a direct or indirect economic interest in a cultivation center or dispensing organization if he or she recommends the use of medical cannabis to qualified patients or is in a partnership or other fee or profit-sharing relationship with a certifying health care professional who recommends medical cannabis, except for the limited purpose of performing a medical cannabis-related research study;

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

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

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

(c) The Department of Public Health may with reasonable cause refer a certifying health care professional, who has

1 certified a debilitating medical condition of a patient, to  
2 the Illinois Department of Financial and Professional  
3 Regulation for potential violations of this Section.

4 (d) Any violation of this Section or any other provision  
5 of this Act or rules adopted under this Act is a violation of  
6 the certifying health care professional's licensure act.

7 (e) A certifying health care professional who certifies a  
8 debilitating medical condition for a qualifying patient may  
9 notify the Department of Public Health in writing: (1) if the  
10 certifying health care professional has reason to believe  
11 either that the registered qualifying patient has ceased to  
12 suffer from a debilitating medical condition; (2) that the  
13 bona fide health care professional-patient relationship has  
14 terminated; or (3) that continued use of medical cannabis  
15 would result in contraindication with the patient's other  
16 medication. The registered qualifying patient's registry  
17 identification card shall be revoked by the Department of  
18 Public Health after receiving the certifying health care  
19 professional's notification.

20 (f) Nothing in this Act shall preclude a certifying health  
21 care professional from referring a patient for health  
22 services, except when the referral is limited to certification  
23 purposes only, under this Act.

24 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)