

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 1-10 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

8 (a) This Code applies only to procurements for which
9 bidders, offerors, potential contractors, or contractors were
10 first solicited on or after July 1, 1998. This Code shall not
11 be construed to affect or impair any contract, or any provision
12 of a contract, entered into based on a solicitation prior to
13 the implementation date of this Code as described in Article
14 99, including but not limited to any covenant entered into with
15 respect to any revenue bonds or similar instruments. All
16 procurements for which contracts are solicited between the
17 effective date of Articles 50 and 99 and July 1, 1998 shall be
18 substantially in accordance with this Code and its intent.

19 (b) This Code shall apply regardless of the source of the
20 funds with which the contracts are paid, including federal
21 assistance moneys. This Code shall not apply to:

22 (1) Contracts between the State and its political
23 subdivisions or other governments, or between State

1 governmental bodies, except as specifically provided in
2 this Code.

3 (2) Grants, except for the filing requirements of
4 Section 20-80.

5 (3) Purchase of care, except as provided in Section
6 5-30.6 of the Illinois Public Aid Code and this Section.

7 (4) Hiring of an individual as employee and not as an
8 independent contractor, whether pursuant to an employment
9 code or policy or by contract directly with that
10 individual.

11 (5) Collective bargaining contracts.

12 (6) Purchase of real estate, except that notice of this
13 type of contract with a value of more than \$25,000 must be
14 published in the Procurement Bulletin within 10 calendar
15 days after the deed is recorded in the county of
16 jurisdiction. The notice shall identify the real estate
17 purchased, the names of all parties to the contract, the
18 value of the contract, and the effective date of the
19 contract.

20 (7) Contracts necessary to prepare for anticipated
21 litigation, enforcement actions, or investigations,
22 provided that the chief legal counsel to the Governor shall
23 give his or her prior approval when the procuring agency is
24 one subject to the jurisdiction of the Governor, and
25 provided that the chief legal counsel of any other
26 procuring entity subject to this Code shall give his or her

1 prior approval when the procuring entity is not one subject
2 to the jurisdiction of the Governor.

3 (8) (Blank).

4 (9) Procurement expenditures by the Illinois
5 Conservation Foundation when only private funds are used.

6 (10) (Blank).

7 (11) Public-private agreements entered into according
8 to the procurement requirements of Section 20 of the
9 Public-Private Partnerships for Transportation Act and
10 design-build agreements entered into according to the
11 procurement requirements of Section 25 of the
12 Public-Private Partnerships for Transportation Act.

13 (12) Contracts for legal, financial, and other
14 professional and artistic services entered into on or
15 before December 31, 2018 by the Illinois Finance Authority
16 in which the State of Illinois is not obligated. Such
17 contracts shall be awarded through a competitive process
18 authorized by the Board of the Illinois Finance Authority
19 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
20 50-35, and 50-37 of this Code, as well as the final
21 approval by the Board of the Illinois Finance Authority of
22 the terms of the contract.

23 (13) Contracts for services, commodities, and
24 equipment to support the delivery of timely forensic
25 science services in consultation with and subject to the
26 approval of the Chief Procurement Officer as provided in

1 subsection (d) of Section 5-4-3a of the Unified Code of
2 Corrections, except for the requirements of Sections
3 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
4 Code; however, the Chief Procurement Officer may, in
5 writing with justification, waive any certification
6 required under Article 50 of this Code. For any contracts
7 for services which are currently provided by members of a
8 collective bargaining agreement, the applicable terms of
9 the collective bargaining agreement concerning
10 subcontracting shall be followed.

11 On and after January 1, 2019, this paragraph (13),
12 except for this sentence, is inoperative.

13 (14) Contracts for participation expenditures required
14 by a domestic or international trade show or exhibition of
15 an exhibitor, member, or sponsor.

16 (15) Contracts with a railroad or utility that requires
17 the State to reimburse the railroad or utilities for the
18 relocation of utilities for construction or other public
19 purpose. Contracts included within this paragraph (15)
20 shall include, but not be limited to, those associated
21 with: relocations, crossings, installations, and
22 maintenance. For the purposes of this paragraph (15),
23 "railroad" means any form of non-highway ground
24 transportation that runs on rails or electromagnetic
25 guideways and "utility" means: (1) public utilities as
26 defined in Section 3-105 of the Public Utilities Act, (2)

1 telecommunications carriers as defined in Section 13-202
2 of the Public Utilities Act, (3) electric cooperatives as
3 defined in Section 3.4 of the Electric Supplier Act, (4)
4 telephone or telecommunications cooperatives as defined in
5 Section 13-212 of the Public Utilities Act, (5) rural water
6 or waste water systems with 10,000 connections or less, (6)
7 a holder as defined in Section 21-201 of the Public
8 Utilities Act, and (7) municipalities owning or operating
9 utility systems consisting of public utilities as that term
10 is defined in Section 11-117-2 of the Illinois Municipal
11 Code.

12 (16) Procurement expenditures necessary for the
13 Department of Public Health to provide the delivery of
14 timely newborn screening services in accordance with the
15 Newborn Metabolic Screening Act.

16 (17) ~~(16)~~ Procurement expenditures necessary for the
17 Department of Agriculture, the Department of Financial and
18 Professional Regulation, the Department of Human Services,
19 and the Department of Public Health to implement the
20 Compassionate Use of Medical Cannabis ~~Pilot~~ Program and
21 Opioid Alternative Pilot Program requirements and ensure
22 access to medical cannabis for patients with debilitating
23 medical conditions in accordance with the Compassionate
24 Use of Medical Cannabis ~~Pilot~~ Program Act.

25 Notwithstanding any other provision of law, for contracts
26 entered into on or after October 1, 2017 under an exemption

1 provided in any paragraph of this subsection (b), except
2 paragraph (1), (2), or (5), each State agency shall post to the
3 appropriate procurement bulletin the name of the contractor, a
4 description of the supply or service provided, the total amount
5 of the contract, the term of the contract, and the exception to
6 the Code utilized. The chief procurement officer shall submit a
7 report to the Governor and General Assembly no later than
8 November 1 of each year that shall include, at a minimum, an
9 annual summary of the monthly information reported to the chief
10 procurement officer.

11 (c) This Code does not apply to the electric power
12 procurement process provided for under Section 1-75 of the
13 Illinois Power Agency Act and Section 16-111.5 of the Public
14 Utilities Act.

15 (d) Except for Section 20-160 and Article 50 of this Code,
16 and as expressly required by Section 9.1 of the Illinois
17 Lottery Law, the provisions of this Code do not apply to the
18 procurement process provided for under Section 9.1 of the
19 Illinois Lottery Law.

20 (e) This Code does not apply to the process used by the
21 Capital Development Board to retain a person or entity to
22 assist the Capital Development Board with its duties related to
23 the determination of costs of a clean coal SNG brownfield
24 facility, as defined by Section 1-10 of the Illinois Power
25 Agency Act, as required in subsection (h-3) of Section 9-220 of
26 the Public Utilities Act, including calculating the range of

1 capital costs, the range of operating and maintenance costs, or
2 the sequestration costs or monitoring the construction of clean
3 coal SNG brownfield facility for the full duration of
4 construction.

5 (f) (Blank).

6 (g) (Blank).

7 (h) This Code does not apply to the process to procure or
8 contracts entered into in accordance with Sections 11-5.2 and
9 11-5.3 of the Illinois Public Aid Code.

10 (i) Each chief procurement officer may access records
11 necessary to review whether a contract, purchase, or other
12 expenditure is or is not subject to the provisions of this
13 Code, unless such records would be subject to attorney-client
14 privilege.

15 (j) This Code does not apply to the process used by the
16 Capital Development Board to retain an artist or work or works
17 of art as required in Section 14 of the Capital Development
18 Board Act.

19 (k) This Code does not apply to the process to procure
20 contracts, or contracts entered into, by the State Board of
21 Elections or the State Electoral Board for hearing officers
22 appointed pursuant to the Election Code.

23 (l) This Code does not apply to the processes used by the
24 Illinois Student Assistance Commission to procure supplies and
25 services paid for from the private funds of the Illinois
26 Prepaid Tuition Fund. As used in this subsection (l), "private

1 funds" means funds derived from deposits paid into the Illinois
2 Prepaid Tuition Trust Fund and the earnings thereon.

3 (Source: P.A. 99-801, eff. 1-1-17; 100-43, eff. 8-9-17;
4 100-580, eff. 3-12-18; 100-757, eff. 8-10-18; 100-1114, eff.
5 8-28-18; revised 10-18-18.)

6 Section 10. The Illinois Income Tax Act is amended by
7 changing Section 201 as follows:

8 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

9 Sec. 201. Tax imposed.

10 (a) In general. A tax measured by net income is hereby
11 imposed on every individual, corporation, trust and estate for
12 each taxable year ending after July 31, 1969 on the privilege
13 of earning or receiving income in or as a resident of this
14 State. Such tax shall be in addition to all other occupation or
15 privilege taxes imposed by this State or by any municipal
16 corporation or political subdivision thereof.

17 (b) Rates. The tax imposed by subsection (a) of this
18 Section shall be determined as follows, except as adjusted by
19 subsection (d-1):

20 (1) In the case of an individual, trust or estate, for
21 taxable years ending prior to July 1, 1989, an amount equal
22 to 2 1/2% of the taxpayer's net income for the taxable
23 year.

24 (2) In the case of an individual, trust or estate, for

1 taxable years beginning prior to July 1, 1989 and ending
2 after June 30, 1989, an amount equal to the sum of (i) 2
3 1/2% of the taxpayer's net income for the period prior to
4 July 1, 1989, as calculated under Section 202.3, and (ii)
5 3% of the taxpayer's net income for the period after June
6 30, 1989, as calculated under Section 202.3.

7 (3) In the case of an individual, trust or estate, for
8 taxable years beginning after June 30, 1989, and ending
9 prior to January 1, 2011, an amount equal to 3% of the
10 taxpayer's net income for the taxable year.

11 (4) In the case of an individual, trust, or estate, for
12 taxable years beginning prior to January 1, 2011, and
13 ending after December 31, 2010, an amount equal to the sum
14 of (i) 3% of the taxpayer's net income for the period prior
15 to January 1, 2011, as calculated under Section 202.5, and
16 (ii) 5% of the taxpayer's net income for the period after
17 December 31, 2010, as calculated under Section 202.5.

18 (5) In the case of an individual, trust, or estate, for
19 taxable years beginning on or after January 1, 2011, and
20 ending prior to January 1, 2015, an amount equal to 5% of
21 the taxpayer's net income for the taxable year.

22 (5.1) In the case of an individual, trust, or estate,
23 for taxable years beginning prior to January 1, 2015, and
24 ending after December 31, 2014, an amount equal to the sum
25 of (i) 5% of the taxpayer's net income for the period prior
26 to January 1, 2015, as calculated under Section 202.5, and

1 (ii) 3.75% of the taxpayer's net income for the period
2 after December 31, 2014, as calculated under Section 202.5.

3 (5.2) In the case of an individual, trust, or estate,
4 for taxable years beginning on or after January 1, 2015,
5 and ending prior to July 1, 2017, an amount equal to 3.75%
6 of the taxpayer's net income for the taxable year.

7 (5.3) In the case of an individual, trust, or estate,
8 for taxable years beginning prior to July 1, 2017, and
9 ending after June 30, 2017, an amount equal to the sum of
10 (i) 3.75% of the taxpayer's net income for the period prior
11 to July 1, 2017, as calculated under Section 202.5, and
12 (ii) 4.95% of the taxpayer's net income for the period
13 after June 30, 2017, as calculated under Section 202.5.

14 (5.4) In the case of an individual, trust, or estate,
15 for taxable years beginning on or after July 1, 2017, an
16 amount equal to 4.95% of the taxpayer's net income for the
17 taxable year.

18 (6) In the case of a corporation, for taxable years
19 ending prior to July 1, 1989, an amount equal to 4% of the
20 taxpayer's net income for the taxable year.

21 (7) In the case of a corporation, for taxable years
22 beginning prior to July 1, 1989 and ending after June 30,
23 1989, an amount equal to the sum of (i) 4% of the
24 taxpayer's net income for the period prior to July 1, 1989,
25 as calculated under Section 202.3, and (ii) 4.8% of the
26 taxpayer's net income for the period after June 30, 1989,

1 as calculated under Section 202.3.

2 (8) In the case of a corporation, for taxable years
3 beginning after June 30, 1989, and ending prior to January
4 1, 2011, an amount equal to 4.8% of the taxpayer's net
5 income for the taxable year.

6 (9) In the case of a corporation, for taxable years
7 beginning prior to January 1, 2011, and ending after
8 December 31, 2010, an amount equal to the sum of (i) 4.8%
9 of the taxpayer's net income for the period prior to
10 January 1, 2011, as calculated under Section 202.5, and
11 (ii) 7% of the taxpayer's net income for the period after
12 December 31, 2010, as calculated under Section 202.5.

13 (10) In the case of a corporation, for taxable years
14 beginning on or after January 1, 2011, and ending prior to
15 January 1, 2015, an amount equal to 7% of the taxpayer's
16 net income for the taxable year.

17 (11) In the case of a corporation, for taxable years
18 beginning prior to January 1, 2015, and ending after
19 December 31, 2014, an amount equal to the sum of (i) 7% of
20 the taxpayer's net income for the period prior to January
21 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
22 of the taxpayer's net income for the period after December
23 31, 2014, as calculated under Section 202.5.

24 (12) In the case of a corporation, for taxable years
25 beginning on or after January 1, 2015, and ending prior to
26 July 1, 2017, an amount equal to 5.25% of the taxpayer's

1 net income for the taxable year.

2 (13) In the case of a corporation, for taxable years
3 beginning prior to July 1, 2017, and ending after June 30,
4 2017, an amount equal to the sum of (i) 5.25% of the
5 taxpayer's net income for the period prior to July 1, 2017,
6 as calculated under Section 202.5, and (ii) 7% of the
7 taxpayer's net income for the period after June 30, 2017,
8 as calculated under Section 202.5.

9 (14) In the case of a corporation, for taxable years
10 beginning on or after July 1, 2017, an amount equal to 7%
11 of the taxpayer's net income for the taxable year.

12 The rates under this subsection (b) are subject to the
13 provisions of Section 201.5.

14 (c) Personal Property Tax Replacement Income Tax.
15 Beginning on July 1, 1979 and thereafter, in addition to such
16 income tax, there is also hereby imposed the Personal Property
17 Tax Replacement Income Tax measured by net income on every
18 corporation (including Subchapter S corporations), partnership
19 and trust, for each taxable year ending after June 30, 1979.
20 Such taxes are imposed on the privilege of earning or receiving
21 income in or as a resident of this State. The Personal Property
22 Tax Replacement Income Tax shall be in addition to the income
23 tax imposed by subsections (a) and (b) of this Section and in
24 addition to all other occupation or privilege taxes imposed by
25 this State or by any municipal corporation or political
26 subdivision thereof.

1 (d) Additional Personal Property Tax Replacement Income
2 Tax Rates. The personal property tax replacement income tax
3 imposed by this subsection and subsection (c) of this Section
4 in the case of a corporation, other than a Subchapter S
5 corporation and except as adjusted by subsection (d-1), shall
6 be an additional amount equal to 2.85% of such taxpayer's net
7 income for the taxable year, except that beginning on January
8 1, 1981, and thereafter, the rate of 2.85% specified in this
9 subsection shall be reduced to 2.5%, and in the case of a
10 partnership, trust or a Subchapter S corporation shall be an
11 additional amount equal to 1.5% of such taxpayer's net income
12 for the taxable year.

13 (d-1) Rate reduction for certain foreign insurers. In the
14 case of a foreign insurer, as defined by Section 35A-5 of the
15 Illinois Insurance Code, whose state or country of domicile
16 imposes on insurers domiciled in Illinois a retaliatory tax
17 (excluding any insurer whose premiums from reinsurance assumed
18 are 50% or more of its total insurance premiums as determined
19 under paragraph (2) of subsection (b) of Section 304, except
20 that for purposes of this determination premiums from
21 reinsurance do not include premiums from inter-affiliate
22 reinsurance arrangements), beginning with taxable years ending
23 on or after December 31, 1999, the sum of the rates of tax
24 imposed by subsections (b) and (d) shall be reduced (but not
25 increased) to the rate at which the total amount of tax imposed
26 under this Act, net of all credits allowed under this Act,

1 shall equal (i) the total amount of tax that would be imposed
2 on the foreign insurer's net income allocable to Illinois for
3 the taxable year by such foreign insurer's state or country of
4 domicile if that net income were subject to all income taxes
5 and taxes measured by net income imposed by such foreign
6 insurer's state or country of domicile, net of all credits
7 allowed or (ii) a rate of zero if no such tax is imposed on such
8 income by the foreign insurer's state of domicile. For the
9 purposes of this subsection (d-1), an inter-affiliate includes
10 a mutual insurer under common management.

11 (1) For the purposes of subsection (d-1), in no event
12 shall the sum of the rates of tax imposed by subsections
13 (b) and (d) be reduced below the rate at which the sum of:

14 (A) the total amount of tax imposed on such foreign
15 insurer under this Act for a taxable year, net of all
16 credits allowed under this Act, plus

17 (B) the privilege tax imposed by Section 409 of the
18 Illinois Insurance Code, the fire insurance company
19 tax imposed by Section 12 of the Fire Investigation
20 Act, and the fire department taxes imposed under
21 Section 11-10-1 of the Illinois Municipal Code,

22 equals 1.25% for taxable years ending prior to December 31,
23 2003, or 1.75% for taxable years ending on or after
24 December 31, 2003, of the net taxable premiums written for
25 the taxable year, as described by subsection (1) of Section
26 409 of the Illinois Insurance Code. This paragraph will in

1 no event increase the rates imposed under subsections (b)
2 and (d).

3 (2) Any reduction in the rates of tax imposed by this
4 subsection shall be applied first against the rates imposed
5 by subsection (b) and only after the tax imposed by
6 subsection (a) net of all credits allowed under this
7 Section other than the credit allowed under subsection (i)
8 has been reduced to zero, against the rates imposed by
9 subsection (d).

10 This subsection (d-1) is exempt from the provisions of
11 Section 250.

12 (e) Investment credit. A taxpayer shall be allowed a credit
13 against the Personal Property Tax Replacement Income Tax for
14 investment in qualified property.

15 (1) A taxpayer shall be allowed a credit equal to .5%
16 of the basis of qualified property placed in service during
17 the taxable year, provided such property is placed in
18 service on or after July 1, 1984. There shall be allowed an
19 additional credit equal to .5% of the basis of qualified
20 property placed in service during the taxable year,
21 provided such property is placed in service on or after
22 July 1, 1986, and the taxpayer's base employment within
23 Illinois has increased by 1% or more over the preceding
24 year as determined by the taxpayer's employment records
25 filed with the Illinois Department of Employment Security.
26 Taxpayers who are new to Illinois shall be deemed to have

1 met the 1% growth in base employment for the first year in
2 which they file employment records with the Illinois
3 Department of Employment Security. The provisions added to
4 this Section by Public Act 85-1200 (and restored by Public
5 Act 87-895) shall be construed as declaratory of existing
6 law and not as a new enactment. If, in any year, the
7 increase in base employment within Illinois over the
8 preceding year is less than 1%, the additional credit shall
9 be limited to that percentage times a fraction, the
10 numerator of which is .5% and the denominator of which is
11 1%, but shall not exceed .5%. The investment credit shall
12 not be allowed to the extent that it would reduce a
13 taxpayer's liability in any tax year below zero, nor may
14 any credit for qualified property be allowed for any year
15 other than the year in which the property was placed in
16 service in Illinois. For tax years ending on or after
17 December 31, 1987, and on or before December 31, 1988, the
18 credit shall be allowed for the tax year in which the
19 property is placed in service, or, if the amount of the
20 credit exceeds the tax liability for that year, whether it
21 exceeds the original liability or the liability as later
22 amended, such excess may be carried forward and applied to
23 the tax liability of the 5 taxable years following the
24 excess credit years if the taxpayer (i) makes investments
25 which cause the creation of a minimum of 2,000 full-time
26 equivalent jobs in Illinois, (ii) is located in an

1 enterprise zone established pursuant to the Illinois
2 Enterprise Zone Act and (iii) is certified by the
3 Department of Commerce and Community Affairs (now
4 Department of Commerce and Economic Opportunity) as
5 complying with the requirements specified in clause (i) and
6 (ii) by July 1, 1986. The Department of Commerce and
7 Community Affairs (now Department of Commerce and Economic
8 Opportunity) shall notify the Department of Revenue of all
9 such certifications immediately. For tax years ending
10 after December 31, 1988, the credit shall be allowed for
11 the tax year in which the property is placed in service,
12 or, if the amount of the credit exceeds the tax liability
13 for that year, whether it exceeds the original liability or
14 the liability as later amended, such excess may be carried
15 forward and applied to the tax liability of the 5 taxable
16 years following the excess credit years. The credit shall
17 be applied to the earliest year for which there is a
18 liability. If there is credit from more than one tax year
19 that is available to offset a liability, earlier credit
20 shall be applied first.

21 (2) The term "qualified property" means property
22 which:

23 (A) is tangible, whether new or used, including
24 buildings and structural components of buildings and
25 signs that are real property, but not including land or
26 improvements to real property that are not a structural

1 component of a building such as landscaping, sewer
2 lines, local access roads, fencing, parking lots, and
3 other appurtenances;

4 (B) is depreciable pursuant to Section 167 of the
5 Internal Revenue Code, except that "3-year property"
6 as defined in Section 168(c)(2)(A) of that Code is not
7 eligible for the credit provided by this subsection
8 (e);

9 (C) is acquired by purchase as defined in Section
10 179(d) of the Internal Revenue Code;

11 (D) is used in Illinois by a taxpayer who is
12 primarily engaged in manufacturing, or in mining coal
13 or fluorite, or in retailing, or was placed in service
14 on or after July 1, 2006 in a River Edge Redevelopment
15 Zone established pursuant to the River Edge
16 Redevelopment Zone Act; and

17 (E) has not previously been used in Illinois in
18 such a manner and by such a person as would qualify for
19 the credit provided by this subsection (e) or
20 subsection (f).

21 (3) For purposes of this subsection (e),
22 "manufacturing" means the material staging and production
23 of tangible personal property by procedures commonly
24 regarded as manufacturing, processing, fabrication, or
25 assembling which changes some existing material into new
26 shapes, new qualities, or new combinations. For purposes of

1 this subsection (e) the term "mining" shall have the same
2 meaning as the term "mining" in Section 613(c) of the
3 Internal Revenue Code. For purposes of this subsection (e),
4 the term "retailing" means the sale of tangible personal
5 property for use or consumption and not for resale, or
6 services rendered in conjunction with the sale of tangible
7 personal property for use or consumption and not for
8 resale. For purposes of this subsection (e), "tangible
9 personal property" has the same meaning as when that term
10 is used in the Retailers' Occupation Tax Act, and, for
11 taxable years ending after December 31, 2008, does not
12 include the generation, transmission, or distribution of
13 electricity.

14 (4) The basis of qualified property shall be the basis
15 used to compute the depreciation deduction for federal
16 income tax purposes.

17 (5) If the basis of the property for federal income tax
18 depreciation purposes is increased after it has been placed
19 in service in Illinois by the taxpayer, the amount of such
20 increase shall be deemed property placed in service on the
21 date of such increase in basis.

22 (6) The term "placed in service" shall have the same
23 meaning as under Section 46 of the Internal Revenue Code.

24 (7) If during any taxable year, any property ceases to
25 be qualified property in the hands of the taxpayer within
26 48 months after being placed in service, or the situs of

1 any qualified property is moved outside Illinois within 48
2 months after being placed in service, the Personal Property
3 Tax Replacement Income Tax for such taxable year shall be
4 increased. Such increase shall be determined by (i)
5 recomputing the investment credit which would have been
6 allowed for the year in which credit for such property was
7 originally allowed by eliminating such property from such
8 computation and, (ii) subtracting such recomputed credit
9 from the amount of credit previously allowed. For the
10 purposes of this paragraph (7), a reduction of the basis of
11 qualified property resulting from a redetermination of the
12 purchase price shall be deemed a disposition of qualified
13 property to the extent of such reduction.

14 (8) Unless the investment credit is extended by law,
15 the basis of qualified property shall not include costs
16 incurred after December 31, 2018, except for costs incurred
17 pursuant to a binding contract entered into on or before
18 December 31, 2018.

19 (9) Each taxable year ending before December 31, 2000,
20 a partnership may elect to pass through to its partners the
21 credits to which the partnership is entitled under this
22 subsection (e) for the taxable year. A partner may use the
23 credit allocated to him or her under this paragraph only
24 against the tax imposed in subsections (c) and (d) of this
25 Section. If the partnership makes that election, those
26 credits shall be allocated among the partners in the

1 partnership in accordance with the rules set forth in
2 Section 704(b) of the Internal Revenue Code, and the rules
3 promulgated under that Section, and the allocated amount of
4 the credits shall be allowed to the partners for that
5 taxable year. The partnership shall make this election on
6 its Personal Property Tax Replacement Income Tax return for
7 that taxable year. The election to pass through the credits
8 shall be irrevocable.

9 For taxable years ending on or after December 31, 2000,
10 a partner that qualifies its partnership for a subtraction
11 under subparagraph (I) of paragraph (2) of subsection (d)
12 of Section 203 or a shareholder that qualifies a Subchapter
13 S corporation for a subtraction under subparagraph (S) of
14 paragraph (2) of subsection (b) of Section 203 shall be
15 allowed a credit under this subsection (e) equal to its
16 share of the credit earned under this subsection (e) during
17 the taxable year by the partnership or Subchapter S
18 corporation, determined in accordance with the
19 determination of income and distributive share of income
20 under Sections 702 and 704 and Subchapter S of the Internal
21 Revenue Code. This paragraph is exempt from the provisions
22 of Section 250.

23 (f) Investment credit; Enterprise Zone; River Edge
24 Redevelopment Zone.

25 (1) A taxpayer shall be allowed a credit against the
26 tax imposed by subsections (a) and (b) of this Section for

1 investment in qualified property which is placed in service
2 in an Enterprise Zone created pursuant to the Illinois
3 Enterprise Zone Act or, for property placed in service on
4 or after July 1, 2006, a River Edge Redevelopment Zone
5 established pursuant to the River Edge Redevelopment Zone
6 Act. For partners, shareholders of Subchapter S
7 corporations, and owners of limited liability companies,
8 if the liability company is treated as a partnership for
9 purposes of federal and State income taxation, there shall
10 be allowed a credit under this subsection (f) to be
11 determined in accordance with the determination of income
12 and distributive share of income under Sections 702 and 704
13 and Subchapter S of the Internal Revenue Code. The credit
14 shall be .5% of the basis for such property. The credit
15 shall be available only in the taxable year in which the
16 property is placed in service in the Enterprise Zone or
17 River Edge Redevelopment Zone and shall not be allowed to
18 the extent that it would reduce a taxpayer's liability for
19 the tax imposed by subsections (a) and (b) of this Section
20 to below zero. For tax years ending on or after December
21 31, 1985, the credit shall be allowed for the tax year in
22 which the property is placed in service, or, if the amount
23 of the credit exceeds the tax liability for that year,
24 whether it exceeds the original liability or the liability
25 as later amended, such excess may be carried forward and
26 applied to the tax liability of the 5 taxable years

1 following the excess credit year. The credit shall be
2 applied to the earliest year for which there is a
3 liability. If there is credit from more than one tax year
4 that is available to offset a liability, the credit
5 accruing first in time shall be applied first.

6 (2) The term qualified property means property which:

7 (A) is tangible, whether new or used, including
8 buildings and structural components of buildings;

9 (B) is depreciable pursuant to Section 167 of the
10 Internal Revenue Code, except that "3-year property"
11 as defined in Section 168(c)(2)(A) of that Code is not
12 eligible for the credit provided by this subsection
13 (f);

14 (C) is acquired by purchase as defined in Section
15 179(d) of the Internal Revenue Code;

16 (D) is used in the Enterprise Zone or River Edge
17 Redevelopment Zone by the taxpayer; and

18 (E) has not been previously used in Illinois in
19 such a manner and by such a person as would qualify for
20 the credit provided by this subsection (f) or
21 subsection (e).

22 (3) The basis of qualified property shall be the basis
23 used to compute the depreciation deduction for federal
24 income tax purposes.

25 (4) If the basis of the property for federal income tax
26 depreciation purposes is increased after it has been placed

1 in service in the Enterprise Zone or River Edge
2 Redevelopment Zone by the taxpayer, the amount of such
3 increase shall be deemed property placed in service on the
4 date of such increase in basis.

5 (5) The term "placed in service" shall have the same
6 meaning as under Section 46 of the Internal Revenue Code.

7 (6) If during any taxable year, any property ceases to
8 be qualified property in the hands of the taxpayer within
9 48 months after being placed in service, or the situs of
10 any qualified property is moved outside the Enterprise Zone
11 or River Edge Redevelopment Zone within 48 months after
12 being placed in service, the tax imposed under subsections
13 (a) and (b) of this Section for such taxable year shall be
14 increased. Such increase shall be determined by (i)
15 recomputing the investment credit which would have been
16 allowed for the year in which credit for such property was
17 originally allowed by eliminating such property from such
18 computation, and (ii) subtracting such recomputed credit
19 from the amount of credit previously allowed. For the
20 purposes of this paragraph (6), a reduction of the basis of
21 qualified property resulting from a redetermination of the
22 purchase price shall be deemed a disposition of qualified
23 property to the extent of such reduction.

24 (7) There shall be allowed an additional credit equal
25 to 0.5% of the basis of qualified property placed in
26 service during the taxable year in a River Edge

1 Redevelopment Zone, provided such property is placed in
2 service on or after July 1, 2006, and the taxpayer's base
3 employment within Illinois has increased by 1% or more over
4 the preceding year as determined by the taxpayer's
5 employment records filed with the Illinois Department of
6 Employment Security. Taxpayers who are new to Illinois
7 shall be deemed to have met the 1% growth in base
8 employment for the first year in which they file employment
9 records with the Illinois Department of Employment
10 Security. If, in any year, the increase in base employment
11 within Illinois over the preceding year is less than 1%,
12 the additional credit shall be limited to that percentage
13 times a fraction, the numerator of which is 0.5% and the
14 denominator of which is 1%, but shall not exceed 0.5%.

15 (g) (Blank).

16 (h) Investment credit; High Impact Business.

17 (1) Subject to subsections (b) and (b-5) of Section 5.5
18 of the Illinois Enterprise Zone Act, a taxpayer shall be
19 allowed a credit against the tax imposed by subsections (a)
20 and (b) of this Section for investment in qualified
21 property which is placed in service by a Department of
22 Commerce and Economic Opportunity designated High Impact
23 Business. The credit shall be .5% of the basis for such
24 property. The credit shall not be available (i) until the
25 minimum investments in qualified property set forth in
26 subdivision (a)(3)(A) of Section 5.5 of the Illinois

1 Enterprise Zone Act have been satisfied or (ii) until the
2 time authorized in subsection (b-5) of the Illinois
3 Enterprise Zone Act for entities designated as High Impact
4 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
5 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
6 Act, and shall not be allowed to the extent that it would
7 reduce a taxpayer's liability for the tax imposed by
8 subsections (a) and (b) of this Section to below zero. The
9 credit applicable to such investments shall be taken in the
10 taxable year in which such investments have been completed.
11 The credit for additional investments beyond the minimum
12 investment by a designated high impact business authorized
13 under subdivision (a)(3)(A) of Section 5.5 of the Illinois
14 Enterprise Zone Act shall be available only in the taxable
15 year in which the property is placed in service and shall
16 not be allowed to the extent that it would reduce a
17 taxpayer's liability for the tax imposed by subsections (a)
18 and (b) of this Section to below zero. For tax years ending
19 on or after December 31, 1987, the credit shall be allowed
20 for the tax year in which the property is placed in
21 service, or, if the amount of the credit exceeds the tax
22 liability for that year, whether it exceeds the original
23 liability or the liability as later amended, such excess
24 may be carried forward and applied to the tax liability of
25 the 5 taxable years following the excess credit year. The
26 credit shall be applied to the earliest year for which

1 there is a liability. If there is credit from more than one
2 tax year that is available to offset a liability, the
3 credit accruing first in time shall be applied first.

4 Changes made in this subdivision (h) (1) by Public Act
5 88-670 restore changes made by Public Act 85-1182 and
6 reflect existing law.

7 (2) The term qualified property means property which:

8 (A) is tangible, whether new or used, including
9 buildings and structural components of buildings;

10 (B) is depreciable pursuant to Section 167 of the
11 Internal Revenue Code, except that "3-year property"
12 as defined in Section 168(c) (2) (A) of that Code is not
13 eligible for the credit provided by this subsection
14 (h);

15 (C) is acquired by purchase as defined in Section
16 179(d) of the Internal Revenue Code; and

17 (D) is not eligible for the Enterprise Zone
18 Investment Credit provided by subsection (f) of this
19 Section.

20 (3) The basis of qualified property shall be the basis
21 used to compute the depreciation deduction for federal
22 income tax purposes.

23 (4) If the basis of the property for federal income tax
24 depreciation purposes is increased after it has been placed
25 in service in a federally designated Foreign Trade Zone or
26 Sub-Zone located in Illinois by the taxpayer, the amount of

1 such increase shall be deemed property placed in service on
2 the date of such increase in basis.

3 (5) The term "placed in service" shall have the same
4 meaning as under Section 46 of the Internal Revenue Code.

5 (6) If during any taxable year ending on or before
6 December 31, 1996, any property ceases to be qualified
7 property in the hands of the taxpayer within 48 months
8 after being placed in service, or the situs of any
9 qualified property is moved outside Illinois within 48
10 months after being placed in service, the tax imposed under
11 subsections (a) and (b) of this Section for such taxable
12 year shall be increased. Such increase shall be determined
13 by (i) recomputing the investment credit which would have
14 been allowed for the year in which credit for such property
15 was originally allowed by eliminating such property from
16 such computation, and (ii) subtracting such recomputed
17 credit from the amount of credit previously allowed. For
18 the purposes of this paragraph (6), a reduction of the
19 basis of qualified property resulting from a
20 redetermination of the purchase price shall be deemed a
21 disposition of qualified property to the extent of such
22 reduction.

23 (7) Beginning with tax years ending after December 31,
24 1996, if a taxpayer qualifies for the credit under this
25 subsection (h) and thereby is granted a tax abatement and
26 the taxpayer relocates its entire facility in violation of

1 the explicit terms and length of the contract under Section
2 18-183 of the Property Tax Code, the tax imposed under
3 subsections (a) and (b) of this Section shall be increased
4 for the taxable year in which the taxpayer relocated its
5 facility by an amount equal to the amount of credit
6 received by the taxpayer under this subsection (h).

7 (i) Credit for Personal Property Tax Replacement Income
8 Tax. For tax years ending prior to December 31, 2003, a credit
9 shall be allowed against the tax imposed by subsections (a) and
10 (b) of this Section for the tax imposed by subsections (c) and
11 (d) of this Section. This credit shall be computed by
12 multiplying the tax imposed by subsections (c) and (d) of this
13 Section by a fraction, the numerator of which is base income
14 allocable to Illinois and the denominator of which is Illinois
15 base income, and further multiplying the product by the tax
16 rate imposed by subsections (a) and (b) of this Section.

17 Any credit earned on or after December 31, 1986 under this
18 subsection which is unused in the year the credit is computed
19 because it exceeds the tax liability imposed by subsections (a)
20 and (b) for that year (whether it exceeds the original
21 liability or the liability as later amended) may be carried
22 forward and applied to the tax liability imposed by subsections
23 (a) and (b) of the 5 taxable years following the excess credit
24 year, provided that no credit may be carried forward to any
25 year ending on or after December 31, 2003. This credit shall be
26 applied first to the earliest year for which there is a

1 liability. If there is a credit under this subsection from more
2 than one tax year that is available to offset a liability the
3 earliest credit arising under this subsection shall be applied
4 first.

5 If, during any taxable year ending on or after December 31,
6 1986, the tax imposed by subsections (c) and (d) of this
7 Section for which a taxpayer has claimed a credit under this
8 subsection (i) is reduced, the amount of credit for such tax
9 shall also be reduced. Such reduction shall be determined by
10 recomputing the credit to take into account the reduced tax
11 imposed by subsections (c) and (d). If any portion of the
12 reduced amount of credit has been carried to a different
13 taxable year, an amended return shall be filed for such taxable
14 year to reduce the amount of credit claimed.

15 (j) Training expense credit. Beginning with tax years
16 ending on or after December 31, 1986 and prior to December 31,
17 2003, a taxpayer shall be allowed a credit against the tax
18 imposed by subsections (a) and (b) under this Section for all
19 amounts paid or accrued, on behalf of all persons employed by
20 the taxpayer in Illinois or Illinois residents employed outside
21 of Illinois by a taxpayer, for educational or vocational
22 training in semi-technical or technical fields or semi-skilled
23 or skilled fields, which were deducted from gross income in the
24 computation of taxable income. The credit against the tax
25 imposed by subsections (a) and (b) shall be 1.6% of such
26 training expenses. For partners, shareholders of subchapter S

1 corporations, and owners of limited liability companies, if the
2 liability company is treated as a partnership for purposes of
3 federal and State income taxation, there shall be allowed a
4 credit under this subsection (j) to be determined in accordance
5 with the determination of income and distributive share of
6 income under Sections 702 and 704 and subchapter S of the
7 Internal Revenue Code.

8 Any credit allowed under this subsection which is unused in
9 the year the credit is earned may be carried forward to each of
10 the 5 taxable years following the year for which the credit is
11 first computed until it is used. This credit shall be applied
12 first to the earliest year for which there is a liability. If
13 there is a credit under this subsection from more than one tax
14 year that is available to offset a liability the earliest
15 credit arising under this subsection shall be applied first. No
16 carryforward credit may be claimed in any tax year ending on or
17 after December 31, 2003.

18 (k) Research and development credit. For tax years ending
19 after July 1, 1990 and prior to December 31, 2003, and
20 beginning again for tax years ending on or after December 31,
21 2004, and ending prior to January 1, 2022, a taxpayer shall be
22 allowed a credit against the tax imposed by subsections (a) and
23 (b) of this Section for increasing research activities in this
24 State. The credit allowed against the tax imposed by
25 subsections (a) and (b) shall be equal to 6 1/2% of the
26 qualifying expenditures for increasing research activities in

1 this State. For partners, shareholders of subchapter S
2 corporations, and owners of limited liability companies, if the
3 liability company is treated as a partnership for purposes of
4 federal and State income taxation, there shall be allowed a
5 credit under this subsection to be determined in accordance
6 with the determination of income and distributive share of
7 income under Sections 702 and 704 and subchapter S of the
8 Internal Revenue Code.

9 For purposes of this subsection, "qualifying expenditures"
10 means the qualifying expenditures as defined for the federal
11 credit for increasing research activities which would be
12 allowable under Section 41 of the Internal Revenue Code and
13 which are conducted in this State, "qualifying expenditures for
14 increasing research activities in this State" means the excess
15 of qualifying expenditures for the taxable year in which
16 incurred over qualifying expenditures for the base period,
17 "qualifying expenditures for the base period" means the average
18 of the qualifying expenditures for each year in the base
19 period, and "base period" means the 3 taxable years immediately
20 preceding the taxable year for which the determination is being
21 made.

22 Any credit in excess of the tax liability for the taxable
23 year may be carried forward. A taxpayer may elect to have the
24 unused credit shown on its final completed return carried over
25 as a credit against the tax liability for the following 5
26 taxable years or until it has been fully used, whichever occurs

1 first; provided that no credit earned in a tax year ending
2 prior to December 31, 2003 may be carried forward to any year
3 ending on or after December 31, 2003.

4 If an unused credit is carried forward to a given year from
5 2 or more earlier years, that credit arising in the earliest
6 year will be applied first against the tax liability for the
7 given year. If a tax liability for the given year still
8 remains, the credit from the next earliest year will then be
9 applied, and so on, until all credits have been used or no tax
10 liability for the given year remains. Any remaining unused
11 credit or credits then will be carried forward to the next
12 following year in which a tax liability is incurred, except
13 that no credit can be carried forward to a year which is more
14 than 5 years after the year in which the expense for which the
15 credit is given was incurred.

16 No inference shall be drawn from this amendatory Act of the
17 91st General Assembly in construing this Section for taxable
18 years beginning before January 1, 1999.

19 It is the intent of the General Assembly that the research
20 and development credit under this subsection (k) shall apply
21 continuously for all tax years ending on or after December 31,
22 2004 and ending prior to January 1, 2022, including, but not
23 limited to, the period beginning on January 1, 2016 and ending
24 on the effective date of this amendatory Act of the 100th
25 General Assembly. All actions taken in reliance on the
26 continuation of the credit under this subsection (k) by any

1 taxpayer are hereby validated.

2 (1) Environmental Remediation Tax Credit.

3 (i) For tax years ending after December 31, 1997 and on
4 or before December 31, 2001, a taxpayer shall be allowed a
5 credit against the tax imposed by subsections (a) and (b)
6 of this Section for certain amounts paid for unreimbursed
7 eligible remediation costs, as specified in this
8 subsection. For purposes of this Section, "unreimbursed
9 eligible remediation costs" means costs approved by the
10 Illinois Environmental Protection Agency ("Agency") under
11 Section 58.14 of the Environmental Protection Act that were
12 paid in performing environmental remediation at a site for
13 which a No Further Remediation Letter was issued by the
14 Agency and recorded under Section 58.10 of the
15 Environmental Protection Act. The credit must be claimed
16 for the taxable year in which Agency approval of the
17 eligible remediation costs is granted. The credit is not
18 available to any taxpayer if the taxpayer or any related
19 party caused or contributed to, in any material respect, a
20 release of regulated substances on, in, or under the site
21 that was identified and addressed by the remedial action
22 pursuant to the Site Remediation Program of the
23 Environmental Protection Act. After the Pollution Control
24 Board rules are adopted pursuant to the Illinois
25 Administrative Procedure Act for the administration and
26 enforcement of Section 58.9 of the Environmental

1 Protection Act, determinations as to credit availability
2 for purposes of this Section shall be made consistent with
3 those rules. For purposes of this Section, "taxpayer"
4 includes a person whose tax attributes the taxpayer has
5 succeeded to under Section 381 of the Internal Revenue Code
6 and "related party" includes the persons disallowed a
7 deduction for losses by paragraphs (b), (c), and (f)(1) of
8 Section 267 of the Internal Revenue Code by virtue of being
9 a related taxpayer, as well as any of its partners. The
10 credit allowed against the tax imposed by subsections (a)
11 and (b) shall be equal to 25% of the unreimbursed eligible
12 remediation costs in excess of \$100,000 per site, except
13 that the \$100,000 threshold shall not apply to any site
14 contained in an enterprise zone as determined by the
15 Department of Commerce and Community Affairs (now
16 Department of Commerce and Economic Opportunity). The
17 total credit allowed shall not exceed \$40,000 per year with
18 a maximum total of \$150,000 per site. For partners and
19 shareholders of subchapter S corporations, there shall be
20 allowed a credit under this subsection to be determined in
21 accordance with the determination of income and
22 distributive share of income under Sections 702 and 704 and
23 subchapter S of the Internal Revenue Code.

24 (ii) A credit allowed under this subsection that is
25 unused in the year the credit is earned may be carried
26 forward to each of the 5 taxable years following the year

1 for which the credit is first earned until it is used. The
2 term "unused credit" does not include any amounts of
3 unreimbursed eligible remediation costs in excess of the
4 maximum credit per site authorized under paragraph (i).
5 This credit shall be applied first to the earliest year for
6 which there is a liability. If there is a credit under this
7 subsection from more than one tax year that is available to
8 offset a liability, the earliest credit arising under this
9 subsection shall be applied first. A credit allowed under
10 this subsection may be sold to a buyer as part of a sale of
11 all or part of the remediation site for which the credit
12 was granted. The purchaser of a remediation site and the
13 tax credit shall succeed to the unused credit and remaining
14 carry-forward period of the seller. To perfect the
15 transfer, the assignor shall record the transfer in the
16 chain of title for the site and provide written notice to
17 the Director of the Illinois Department of Revenue of the
18 assignor's intent to sell the remediation site and the
19 amount of the tax credit to be transferred as a portion of
20 the sale. In no event may a credit be transferred to any
21 taxpayer if the taxpayer or a related party would not be
22 eligible under the provisions of subsection (i).

23 (iii) For purposes of this Section, the term "site"
24 shall have the same meaning as under Section 58.2 of the
25 Environmental Protection Act.

26 (m) Education expense credit. Beginning with tax years

1 ending after December 31, 1999, a taxpayer who is the custodian
2 of one or more qualifying pupils shall be allowed a credit
3 against the tax imposed by subsections (a) and (b) of this
4 Section for qualified education expenses incurred on behalf of
5 the qualifying pupils. The credit shall be equal to 25% of
6 qualified education expenses, but in no event may the total
7 credit under this subsection claimed by a family that is the
8 custodian of qualifying pupils exceed (i) \$500 for tax years
9 ending prior to December 31, 2017, and (ii) \$750 for tax years
10 ending on or after December 31, 2017. In no event shall a
11 credit under this subsection reduce the taxpayer's liability
12 under this Act to less than zero. Notwithstanding any other
13 provision of law, for taxable years beginning on or after
14 January 1, 2017, no taxpayer may claim a credit under this
15 subsection (m) if the taxpayer's adjusted gross income for the
16 taxable year exceeds (i) \$500,000, in the case of spouses
17 filing a joint federal tax return or (ii) \$250,000, in the case
18 of all other taxpayers. This subsection is exempt from the
19 provisions of Section 250 of this Act.

20 For purposes of this subsection:

21 "Qualifying pupils" means individuals who (i) are
22 residents of the State of Illinois, (ii) are under the age of
23 21 at the close of the school year for which a credit is
24 sought, and (iii) during the school year for which a credit is
25 sought were full-time pupils enrolled in a kindergarten through
26 twelfth grade education program at any school, as defined in

1 this subsection.

2 "Qualified education expense" means the amount incurred on
3 behalf of a qualifying pupil in excess of \$250 for tuition,
4 book fees, and lab fees at the school in which the pupil is
5 enrolled during the regular school year.

6 "School" means any public or nonpublic elementary or
7 secondary school in Illinois that is in compliance with Title
8 VI of the Civil Rights Act of 1964 and attendance at which
9 satisfies the requirements of Section 26-1 of the School Code,
10 except that nothing shall be construed to require a child to
11 attend any particular public or nonpublic school to qualify for
12 the credit under this Section.

13 "Custodian" means, with respect to qualifying pupils, an
14 Illinois resident who is a parent, the parents, a legal
15 guardian, or the legal guardians of the qualifying pupils.

16 (n) River Edge Redevelopment Zone site remediation tax
17 credit.

18 (i) For tax years ending on or after December 31, 2006,
19 a taxpayer shall be allowed a credit against the tax
20 imposed by subsections (a) and (b) of this Section for
21 certain amounts paid for unreimbursed eligible remediation
22 costs, as specified in this subsection. For purposes of
23 this Section, "unreimbursed eligible remediation costs"
24 means costs approved by the Illinois Environmental
25 Protection Agency ("Agency") under Section 58.14a of the
26 Environmental Protection Act that were paid in performing

1 environmental remediation at a site within a River Edge
2 Redevelopment Zone for which a No Further Remediation
3 Letter was issued by the Agency and recorded under Section
4 58.10 of the Environmental Protection Act. The credit must
5 be claimed for the taxable year in which Agency approval of
6 the eligible remediation costs is granted. The credit is
7 not available to any taxpayer if the taxpayer or any
8 related party caused or contributed to, in any material
9 respect, a release of regulated substances on, in, or under
10 the site that was identified and addressed by the remedial
11 action pursuant to the Site Remediation Program of the
12 Environmental Protection Act. Determinations as to credit
13 availability for purposes of this Section shall be made
14 consistent with rules adopted by the Pollution Control
15 Board pursuant to the Illinois Administrative Procedure
16 Act for the administration and enforcement of Section 58.9
17 of the Environmental Protection Act. For purposes of this
18 Section, "taxpayer" includes a person whose tax attributes
19 the taxpayer has succeeded to under Section 381 of the
20 Internal Revenue Code and "related party" includes the
21 persons disallowed a deduction for losses by paragraphs
22 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
23 Code by virtue of being a related taxpayer, as well as any
24 of its partners. The credit allowed against the tax imposed
25 by subsections (a) and (b) shall be equal to 25% of the
26 unreimbursed eligible remediation costs in excess of

1 \$100,000 per site.

2 (ii) A credit allowed under this subsection that is
3 unused in the year the credit is earned may be carried
4 forward to each of the 5 taxable years following the year
5 for which the credit is first earned until it is used. This
6 credit shall be applied first to the earliest year for
7 which there is a liability. If there is a credit under this
8 subsection from more than one tax year that is available to
9 offset a liability, the earliest credit arising under this
10 subsection shall be applied first. A credit allowed under
11 this subsection may be sold to a buyer as part of a sale of
12 all or part of the remediation site for which the credit
13 was granted. The purchaser of a remediation site and the
14 tax credit shall succeed to the unused credit and remaining
15 carry-forward period of the seller. To perfect the
16 transfer, the assignor shall record the transfer in the
17 chain of title for the site and provide written notice to
18 the Director of the Illinois Department of Revenue of the
19 assignor's intent to sell the remediation site and the
20 amount of the tax credit to be transferred as a portion of
21 the sale. In no event may a credit be transferred to any
22 taxpayer if the taxpayer or a related party would not be
23 eligible under the provisions of subsection (i).

24 (iii) For purposes of this Section, the term "site"
25 shall have the same meaning as under Section 58.2 of the
26 Environmental Protection Act.

1 (o) For each of taxable years during the Compassionate Use
2 of Medical Cannabis ~~Pilot~~ Program, a surcharge is imposed on
3 all taxpayers on income arising from the sale or exchange of
4 capital assets, depreciable business property, real property
5 used in the trade or business, and Section 197 intangibles of
6 an organization registrant under the Compassionate Use of
7 Medical Cannabis ~~Pilot~~ Program Act. The amount of the surcharge
8 is equal to the amount of federal income tax liability for the
9 taxable year attributable to those sales and exchanges. The
10 surcharge imposed does not apply if:

11 (1) the medical cannabis cultivation center
12 registration, medical cannabis dispensary registration, or
13 the property of a registration is transferred as a result
14 of any of the following:

15 (A) bankruptcy, a receivership, or a debt
16 adjustment initiated by or against the initial
17 registration or the substantial owners of the initial
18 registration;

19 (B) cancellation, revocation, or termination of
20 any registration by the Illinois Department of Public
21 Health;

22 (C) a determination by the Illinois Department of
23 Public Health that transfer of the registration is in
24 the best interests of Illinois qualifying patients as
25 defined by the Compassionate Use of Medical Cannabis
26 ~~Pilot~~ Program Act;

1 (D) the death of an owner of the equity interest in
2 a registrant;

3 (E) the acquisition of a controlling interest in
4 the stock or substantially all of the assets of a
5 publicly traded company;

6 (F) a transfer by a parent company to a wholly
7 owned subsidiary; or

8 (G) the transfer or sale to or by one person to
9 another person where both persons were initial owners
10 of the registration when the registration was issued;
11 or

12 (2) the cannabis cultivation center registration,
13 medical cannabis dispensary registration, or the
14 controlling interest in a registrant's property is
15 transferred in a transaction to lineal descendants in which
16 no gain or loss is recognized or as a result of a
17 transaction in accordance with Section 351 of the Internal
18 Revenue Code in which no gain or loss is recognized.

19 (Source: P.A. 100-22, eff. 7-6-17.)

20 Section 15. The Use Tax Act is amended by changing Section
21 3-10 as follows:

22 (35 ILCS 105/3-10)

23 Sec. 3-10. Rate of tax. Unless otherwise provided in this
24 Section, the tax imposed by this Act is at the rate of 6.25% of

1 either the selling price or the fair market value, if any, of
2 the tangible personal property. In all cases where property
3 functionally used or consumed is the same as the property that
4 was purchased at retail, then the tax is imposed on the selling
5 price of the property. In all cases where property functionally
6 used or consumed is a by-product or waste product that has been
7 refined, manufactured, or produced from property purchased at
8 retail, then the tax is imposed on the lower of the fair market
9 value, if any, of the specific property so used in this State
10 or on the selling price of the property purchased at retail.
11 For purposes of this Section "fair market value" means the
12 price at which property would change hands between a willing
13 buyer and a willing seller, neither being under any compulsion
14 to buy or sell and both having reasonable knowledge of the
15 relevant facts. The fair market value shall be established by
16 Illinois sales by the taxpayer of the same property as that
17 functionally used or consumed, or if there are no such sales by
18 the taxpayer, then comparable sales or purchases of property of
19 like kind and character in Illinois.

20 Beginning on July 1, 2000 and through December 31, 2000,
21 with respect to motor fuel, as defined in Section 1.1 of the
22 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
23 the Use Tax Act, the tax is imposed at the rate of 1.25%.

24 Beginning on August 6, 2010 through August 15, 2010, with
25 respect to sales tax holiday items as defined in Section 3-6 of
26 this Act, the tax is imposed at the rate of 1.25%.

1 With respect to gasohol, the tax imposed by this Act
2 applies to (i) 70% of the proceeds of sales made on or after
3 January 1, 1990, and before July 1, 2003, (ii) 80% of the
4 proceeds of sales made on or after July 1, 2003 and on or
5 before July 1, 2017, and (iii) 100% of the proceeds of sales
6 made thereafter. If, at any time, however, the tax under this
7 Act on sales of gasohol is imposed at the rate of 1.25%, then
8 the tax imposed by this Act applies to 100% of the proceeds of
9 sales of gasohol made during that time.

10 With respect to majority blended ethanol fuel, the tax
11 imposed by this Act does not apply to the proceeds of sales
12 made on or after July 1, 2003 and on or before December 31,
13 2023 but applies to 100% of the proceeds of sales made
14 thereafter.

15 With respect to biodiesel blends with no less than 1% and
16 no more than 10% biodiesel, the tax imposed by this Act applies
17 to (i) 80% of the proceeds of sales made on or after July 1,
18 2003 and on or before December 31, 2018 and (ii) 100% of the
19 proceeds of sales made thereafter. If, at any time, however,
20 the tax under this Act on sales of biodiesel blends with no
21 less than 1% and no more than 10% biodiesel is imposed at the
22 rate of 1.25%, then the tax imposed by this Act applies to 100%
23 of the proceeds of sales of biodiesel blends with no less than
24 1% and no more than 10% biodiesel made during that time.

25 With respect to 100% biodiesel and biodiesel blends with
26 more than 10% but no more than 99% biodiesel, the tax imposed

1 by this Act does not apply to the proceeds of sales made on or
2 after July 1, 2003 and on or before December 31, 2023 but
3 applies to 100% of the proceeds of sales made thereafter.

4 With respect to food for human consumption that is to be
5 consumed off the premises where it is sold (other than
6 alcoholic beverages, soft drinks, and food that has been
7 prepared for immediate consumption) and prescription and
8 nonprescription medicines, drugs, medical appliances, products
9 classified as Class III medical devices by the United States
10 Food and Drug Administration that are used for cancer treatment
11 pursuant to a prescription, as well as any accessories and
12 components related to those devices, modifications to a motor
13 vehicle for the purpose of rendering it usable by a person with
14 a disability, and insulin, urine testing materials, syringes,
15 and needles used by diabetics, for human use, the tax is
16 imposed at the rate of 1%. For the purposes of this Section,
17 until September 1, 2009: the term "soft drinks" means any
18 complete, finished, ready-to-use, non-alcoholic drink, whether
19 carbonated or not, including but not limited to soda water,
20 cola, fruit juice, vegetable juice, carbonated water, and all
21 other preparations commonly known as soft drinks of whatever
22 kind or description that are contained in any closed or sealed
23 bottle, can, carton, or container, regardless of size; but
24 "soft drinks" does not include coffee, tea, non-carbonated
25 water, infant formula, milk or milk products as defined in the
26 Grade A Pasteurized Milk and Milk Products Act, or drinks

1 containing 50% or more natural fruit or vegetable juice.

2 Notwithstanding any other provisions of this Act,
3 beginning September 1, 2009, "soft drinks" means non-alcoholic
4 beverages that contain natural or artificial sweeteners. "Soft
5 drinks" do not include beverages that contain milk or milk
6 products, soy, rice or similar milk substitutes, or greater
7 than 50% of vegetable or fruit juice by volume.

8 Until August 1, 2009, and notwithstanding any other
9 provisions of this Act, "food for human consumption that is to
10 be consumed off the premises where it is sold" includes all
11 food sold through a vending machine, except soft drinks and
12 food products that are dispensed hot from a vending machine,
13 regardless of the location of the vending machine. Beginning
14 August 1, 2009, and notwithstanding any other provisions of
15 this Act, "food for human consumption that is to be consumed
16 off the premises where it is sold" includes all food sold
17 through a vending machine, except soft drinks, candy, and food
18 products that are dispensed hot from a vending machine,
19 regardless of the location of the vending machine.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "food for human consumption that
22 is to be consumed off the premises where it is sold" does not
23 include candy. For purposes of this Section, "candy" means a
24 preparation of sugar, honey, or other natural or artificial
25 sweeteners in combination with chocolate, fruits, nuts or other
26 ingredients or flavorings in the form of bars, drops, or

1 pieces. "Candy" does not include any preparation that contains
2 flour or requires refrigeration.

3 Notwithstanding any other provisions of this Act,
4 beginning September 1, 2009, "nonprescription medicines and
5 drugs" does not include grooming and hygiene products. For
6 purposes of this Section, "grooming and hygiene products"
7 includes, but is not limited to, soaps and cleaning solutions,
8 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
9 lotions and screens, unless those products are available by
10 prescription only, regardless of whether the products meet the
11 definition of "over-the-counter-drugs". For the purposes of
12 this paragraph, "over-the-counter-drug" means a drug for human
13 use that contains a label that identifies the product as a drug
14 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
15 label includes:

- 16 (A) A "Drug Facts" panel; or
17 (B) A statement of the "active ingredient(s)" with a
18 list of those ingredients contained in the compound,
19 substance or preparation.

20 Beginning on the effective date of this amendatory Act of
21 the 98th General Assembly, "prescription and nonprescription
22 medicines and drugs" includes medical cannabis purchased from a
23 registered dispensing organization under the Compassionate Use
24 of Medical Cannabis ~~Pilot~~ Program Act.

25 If the property that is purchased at retail from a retailer
26 is acquired outside Illinois and used outside Illinois before

1 being brought to Illinois for use here and is taxable under
2 this Act, the "selling price" on which the tax is computed
3 shall be reduced by an amount that represents a reasonable
4 allowance for depreciation for the period of prior out-of-state
5 use.

6 (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;
7 100-22, eff. 7-6-17.)

8 Section 20. The Service Use Tax Act is amended by changing
9 Section 3-10 as follows:

10 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

11 Sec. 3-10. Rate of tax. Unless otherwise provided in this
12 Section, the tax imposed by this Act is at the rate of 6.25% of
13 the selling price of tangible personal property transferred as
14 an incident to the sale of service, but, for the purpose of
15 computing this tax, in no event shall the selling price be less
16 than the cost price of the property to the serviceman.

17 Beginning on July 1, 2000 and through December 31, 2000,
18 with respect to motor fuel, as defined in Section 1.1 of the
19 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
20 the Use Tax Act, the tax is imposed at the rate of 1.25%.

21 With respect to gasohol, as defined in the Use Tax Act, the
22 tax imposed by this Act applies to (i) 70% of the selling price
23 of property transferred as an incident to the sale of service
24 on or after January 1, 1990, and before July 1, 2003, (ii) 80%

1 of the selling price of property transferred as an incident to
2 the sale of service on or after July 1, 2003 and on or before
3 July 1, 2017, and (iii) 100% of the selling price thereafter.
4 If, at any time, however, the tax under this Act on sales of
5 gasohol, as defined in the Use Tax Act, is imposed at the rate
6 of 1.25%, then the tax imposed by this Act applies to 100% of
7 the proceeds of sales of gasohol made during that time.

8 With respect to majority blended ethanol fuel, as defined
9 in the Use Tax Act, the tax imposed by this Act does not apply
10 to the selling price of property transferred as an incident to
11 the sale of service on or after July 1, 2003 and on or before
12 December 31, 2023 but applies to 100% of the selling price
13 thereafter.

14 With respect to biodiesel blends, as defined in the Use Tax
15 Act, with no less than 1% and no more than 10% biodiesel, the
16 tax imposed by this Act applies to (i) 80% of the selling price
17 of property transferred as an incident to the sale of service
18 on or after July 1, 2003 and on or before December 31, 2018 and
19 (ii) 100% of the proceeds of the selling price thereafter. If,
20 at any time, however, the tax under this Act on sales of
21 biodiesel blends, as defined in the Use Tax Act, with no less
22 than 1% and no more than 10% biodiesel is imposed at the rate
23 of 1.25%, then the tax imposed by this Act applies to 100% of
24 the proceeds of sales of biodiesel blends with no less than 1%
25 and no more than 10% biodiesel made during that time.

26 With respect to 100% biodiesel, as defined in the Use Tax

1 Act, and biodiesel blends, as defined in the Use Tax Act, with
2 more than 10% but no more than 99% biodiesel, the tax imposed
3 by this Act does not apply to the proceeds of the selling price
4 of property transferred as an incident to the sale of service
5 on or after July 1, 2003 and on or before December 31, 2023 but
6 applies to 100% of the selling price thereafter.

7 At the election of any registered serviceman made for each
8 fiscal year, sales of service in which the aggregate annual
9 cost price of tangible personal property transferred as an
10 incident to the sales of service is less than 35%, or 75% in
11 the case of servicemen transferring prescription drugs or
12 servicemen engaged in graphic arts production, of the aggregate
13 annual total gross receipts from all sales of service, the tax
14 imposed by this Act shall be based on the serviceman's cost
15 price of the tangible personal property transferred as an
16 incident to the sale of those services.

17 The tax shall be imposed at the rate of 1% on food prepared
18 for immediate consumption and transferred incident to a sale of
19 service subject to this Act or the Service Occupation Tax Act
20 by an entity licensed under the Hospital Licensing Act, the
21 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD
22 Act, the Specialized Mental Health Rehabilitation Act of 2013,
23 or the Child Care Act of 1969. The tax shall also be imposed at
24 the rate of 1% on food for human consumption that is to be
25 consumed off the premises where it is sold (other than
26 alcoholic beverages, soft drinks, and food that has been

1 prepared for immediate consumption and is not otherwise
2 included in this paragraph) and prescription and
3 nonprescription medicines, drugs, medical appliances, products
4 classified as Class III medical devices by the United States
5 Food and Drug Administration that are used for cancer treatment
6 pursuant to a prescription, as well as any accessories and
7 components related to those devices, modifications to a motor
8 vehicle for the purpose of rendering it usable by a person with
9 a disability, and insulin, urine testing materials, syringes,
10 and needles used by diabetics, for human use. For the purposes
11 of this Section, until September 1, 2009: the term "soft
12 drinks" means any complete, finished, ready-to-use,
13 non-alcoholic drink, whether carbonated or not, including but
14 not limited to soda water, cola, fruit juice, vegetable juice,
15 carbonated water, and all other preparations commonly known as
16 soft drinks of whatever kind or description that are contained
17 in any closed or sealed bottle, can, carton, or container,
18 regardless of size; but "soft drinks" does not include coffee,
19 tea, non-carbonated water, infant formula, milk or milk
20 products as defined in the Grade A Pasteurized Milk and Milk
21 Products Act, or drinks containing 50% or more natural fruit or
22 vegetable juice.

23 Notwithstanding any other provisions of this Act,
24 beginning September 1, 2009, "soft drinks" means non-alcoholic
25 beverages that contain natural or artificial sweeteners. "Soft
26 drinks" do not include beverages that contain milk or milk

1 products, soy, rice or similar milk substitutes, or greater
2 than 50% of vegetable or fruit juice by volume.

3 Until August 1, 2009, and notwithstanding any other
4 provisions of this Act, "food for human consumption that is to
5 be consumed off the premises where it is sold" includes all
6 food sold through a vending machine, except soft drinks and
7 food products that are dispensed hot from a vending machine,
8 regardless of the location of the vending machine. Beginning
9 August 1, 2009, and notwithstanding any other provisions of
10 this Act, "food for human consumption that is to be consumed
11 off the premises where it is sold" includes all food sold
12 through a vending machine, except soft drinks, candy, and food
13 products that are dispensed hot from a vending machine,
14 regardless of the location of the vending machine.

15 Notwithstanding any other provisions of this Act,
16 beginning September 1, 2009, "food for human consumption that
17 is to be consumed off the premises where it is sold" does not
18 include candy. For purposes of this Section, "candy" means a
19 preparation of sugar, honey, or other natural or artificial
20 sweeteners in combination with chocolate, fruits, nuts or other
21 ingredients or flavorings in the form of bars, drops, or
22 pieces. "Candy" does not include any preparation that contains
23 flour or requires refrigeration.

24 Notwithstanding any other provisions of this Act,
25 beginning September 1, 2009, "nonprescription medicines and
26 drugs" does not include grooming and hygiene products. For

1 purposes of this Section, "grooming and hygiene products"
2 includes, but is not limited to, soaps and cleaning solutions,
3 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
4 lotions and screens, unless those products are available by
5 prescription only, regardless of whether the products meet the
6 definition of "over-the-counter-drugs". For the purposes of
7 this paragraph, "over-the-counter-drug" means a drug for human
8 use that contains a label that identifies the product as a drug
9 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
10 label includes:

11 (A) A "Drug Facts" panel; or

12 (B) A statement of the "active ingredient(s)" with a
13 list of those ingredients contained in the compound,
14 substance or preparation.

15 Beginning on January 1, 2014 (the effective date of Public
16 Act 98-122), "prescription and nonprescription medicines and
17 drugs" includes medical cannabis purchased from a registered
18 dispensing organization under the Compassionate Use of Medical
19 Cannabis ~~Pilot~~ Program Act.

20 If the property that is acquired from a serviceman is
21 acquired outside Illinois and used outside Illinois before
22 being brought to Illinois for use here and is taxable under
23 this Act, the "selling price" on which the tax is computed
24 shall be reduced by an amount that represents a reasonable
25 allowance for depreciation for the period of prior out-of-state
26 use.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;
2 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.
3 7-6-17.)

4 Section 25. The Service Occupation Tax Act is amended by
5 changing Section 3-10 as follows:

6 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

7 Sec. 3-10. Rate of tax. Unless otherwise provided in this
8 Section, the tax imposed by this Act is at the rate of 6.25% of
9 the "selling price", as defined in Section 2 of the Service Use
10 Tax Act, of the tangible personal property. For the purpose of
11 computing this tax, in no event shall the "selling price" be
12 less than the cost price to the serviceman of the tangible
13 personal property transferred. The selling price of each item
14 of tangible personal property transferred as an incident of a
15 sale of service may be shown as a distinct and separate item on
16 the serviceman's billing to the service customer. If the
17 selling price is not so shown, the selling price of the
18 tangible personal property is deemed to be 50% of the
19 serviceman's entire billing to the service customer. When,
20 however, a serviceman contracts to design, develop, and produce
21 special order machinery or equipment, the tax imposed by this
22 Act shall be based on the serviceman's cost price of the
23 tangible personal property transferred incident to the
24 completion of the contract.

1 Beginning on July 1, 2000 and through December 31, 2000,
2 with respect to motor fuel, as defined in Section 1.1 of the
3 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
4 the Use Tax Act, the tax is imposed at the rate of 1.25%.

5 With respect to gasohol, as defined in the Use Tax Act, the
6 tax imposed by this Act shall apply to (i) 70% of the cost
7 price of property transferred as an incident to the sale of
8 service on or after January 1, 1990, and before July 1, 2003,
9 (ii) 80% of the selling price of property transferred as an
10 incident to the sale of service on or after July 1, 2003 and on
11 or before July 1, 2017, and (iii) 100% of the cost price
12 thereafter. If, at any time, however, the tax under this Act on
13 sales of gasohol, as defined in the Use Tax Act, is imposed at
14 the rate of 1.25%, then the tax imposed by this Act applies to
15 100% of the proceeds of sales of gasohol made during that time.

16 With respect to majority blended ethanol fuel, as defined
17 in the Use Tax Act, the tax imposed by this Act does not apply
18 to the selling price of property transferred as an incident to
19 the sale of service on or after July 1, 2003 and on or before
20 December 31, 2023 but applies to 100% of the selling price
21 thereafter.

22 With respect to biodiesel blends, as defined in the Use Tax
23 Act, with no less than 1% and no more than 10% biodiesel, the
24 tax imposed by this Act applies to (i) 80% of the selling price
25 of property transferred as an incident to the sale of service
26 on or after July 1, 2003 and on or before December 31, 2018 and

1 (ii) 100% of the proceeds of the selling price thereafter. If,
2 at any time, however, the tax under this Act on sales of
3 biodiesel blends, as defined in the Use Tax Act, with no less
4 than 1% and no more than 10% biodiesel is imposed at the rate
5 of 1.25%, then the tax imposed by this Act applies to 100% of
6 the proceeds of sales of biodiesel blends with no less than 1%
7 and no more than 10% biodiesel made during that time.

8 With respect to 100% biodiesel, as defined in the Use Tax
9 Act, and biodiesel blends, as defined in the Use Tax Act, with
10 more than 10% but no more than 99% biodiesel material, the tax
11 imposed by this Act does not apply to the proceeds of the
12 selling price of property transferred as an incident to the
13 sale of service on or after July 1, 2003 and on or before
14 December 31, 2023 but applies to 100% of the selling price
15 thereafter.

16 At the election of any registered serviceman made for each
17 fiscal year, sales of service in which the aggregate annual
18 cost price of tangible personal property transferred as an
19 incident to the sales of service is less than 35%, or 75% in
20 the case of servicemen transferring prescription drugs or
21 servicemen engaged in graphic arts production, of the aggregate
22 annual total gross receipts from all sales of service, the tax
23 imposed by this Act shall be based on the serviceman's cost
24 price of the tangible personal property transferred incident to
25 the sale of those services.

26 The tax shall be imposed at the rate of 1% on food prepared

1 for immediate consumption and transferred incident to a sale of
2 service subject to this Act or the Service Occupation Tax Act
3 by an entity licensed under the Hospital Licensing Act, the
4 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD
5 Act, the Specialized Mental Health Rehabilitation Act of 2013,
6 or the Child Care Act of 1969. The tax shall also be imposed at
7 the rate of 1% on food for human consumption that is to be
8 consumed off the premises where it is sold (other than
9 alcoholic beverages, soft drinks, and food that has been
10 prepared for immediate consumption and is not otherwise
11 included in this paragraph) and prescription and
12 nonprescription medicines, drugs, medical appliances, products
13 classified as Class III medical devices by the United States
14 Food and Drug Administration that are used for cancer treatment
15 pursuant to a prescription, as well as any accessories and
16 components related to those devices, modifications to a motor
17 vehicle for the purpose of rendering it usable by a person with
18 a disability, and insulin, urine testing materials, syringes,
19 and needles used by diabetics, for human use. For the purposes
20 of this Section, until September 1, 2009: the term "soft
21 drinks" means any complete, finished, ready-to-use,
22 non-alcoholic drink, whether carbonated or not, including but
23 not limited to soda water, cola, fruit juice, vegetable juice,
24 carbonated water, and all other preparations commonly known as
25 soft drinks of whatever kind or description that are contained
26 in any closed or sealed can, carton, or container, regardless

1 of size; but "soft drinks" does not include coffee, tea,
2 non-carbonated water, infant formula, milk or milk products as
3 defined in the Grade A Pasteurized Milk and Milk Products Act,
4 or drinks containing 50% or more natural fruit or vegetable
5 juice.

6 Notwithstanding any other provisions of this Act,
7 beginning September 1, 2009, "soft drinks" means non-alcoholic
8 beverages that contain natural or artificial sweeteners. "Soft
9 drinks" do not include beverages that contain milk or milk
10 products, soy, rice or similar milk substitutes, or greater
11 than 50% of vegetable or fruit juice by volume.

12 Until August 1, 2009, and notwithstanding any other
13 provisions of this Act, "food for human consumption that is to
14 be consumed off the premises where it is sold" includes all
15 food sold through a vending machine, except soft drinks and
16 food products that are dispensed hot from a vending machine,
17 regardless of the location of the vending machine. Beginning
18 August 1, 2009, and notwithstanding any other provisions of
19 this Act, "food for human consumption that is to be consumed
20 off the premises where it is sold" includes all food sold
21 through a vending machine, except soft drinks, candy, and food
22 products that are dispensed hot from a vending machine,
23 regardless of the location of the vending machine.

24 Notwithstanding any other provisions of this Act,
25 beginning September 1, 2009, "food for human consumption that
26 is to be consumed off the premises where it is sold" does not

1 include candy. For purposes of this Section, "candy" means a
2 preparation of sugar, honey, or other natural or artificial
3 sweeteners in combination with chocolate, fruits, nuts or other
4 ingredients or flavorings in the form of bars, drops, or
5 pieces. "Candy" does not include any preparation that contains
6 flour or requires refrigeration.

7 Notwithstanding any other provisions of this Act,
8 beginning September 1, 2009, "nonprescription medicines and
9 drugs" does not include grooming and hygiene products. For
10 purposes of this Section, "grooming and hygiene products"
11 includes, but is not limited to, soaps and cleaning solutions,
12 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
13 lotions and screens, unless those products are available by
14 prescription only, regardless of whether the products meet the
15 definition of "over-the-counter-drugs". For the purposes of
16 this paragraph, "over-the-counter-drug" means a drug for human
17 use that contains a label that identifies the product as a drug
18 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
19 label includes:

20 (A) A "Drug Facts" panel; or

21 (B) A statement of the "active ingredient(s)" with a
22 list of those ingredients contained in the compound,
23 substance or preparation.

24 Beginning on January 1, 2014 (the effective date of Public
25 Act 98-122), "prescription and nonprescription medicines and
26 drugs" includes medical cannabis purchased from a registered

1 dispensing organization under the Compassionate Use of Medical
2 Cannabis ~~Pilot~~ Program Act.

3 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;
4 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.
5 7-6-17.)

6 Section 30. The Retailers' Occupation Tax Act is amended by
7 changing Section 2-10 as follows:

8 (35 ILCS 120/2-10)

9 Sec. 2-10. Rate of tax. Unless otherwise provided in this
10 Section, the tax imposed by this Act is at the rate of 6.25% of
11 gross receipts from sales of tangible personal property made in
12 the course of business.

13 Beginning on July 1, 2000 and through December 31, 2000,
14 with respect to motor fuel, as defined in Section 1.1 of the
15 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
16 the Use Tax Act, the tax is imposed at the rate of 1.25%.

17 Beginning on August 6, 2010 through August 15, 2010, with
18 respect to sales tax holiday items as defined in Section 2-8 of
19 this Act, the tax is imposed at the rate of 1.25%.

20 Within 14 days after the effective date of this amendatory
21 Act of the 91st General Assembly, each retailer of motor fuel
22 and gasohol shall cause the following notice to be posted in a
23 prominently visible place on each retail dispensing device that
24 is used to dispense motor fuel or gasohol in the State of

1 Illinois: "As of July 1, 2000, the State of Illinois has
2 eliminated the State's share of sales tax on motor fuel and
3 gasohol through December 31, 2000. The price on this pump
4 should reflect the elimination of the tax." The notice shall be
5 printed in bold print on a sign that is no smaller than 4
6 inches by 8 inches. The sign shall be clearly visible to
7 customers. Any retailer who fails to post or maintain a
8 required sign through December 31, 2000 is guilty of a petty
9 offense for which the fine shall be \$500 per day per each
10 retail premises where a violation occurs.

11 With respect to gasohol, as defined in the Use Tax Act, the
12 tax imposed by this Act applies to (i) 70% of the proceeds of
13 sales made on or after January 1, 1990, and before July 1,
14 2003, (ii) 80% of the proceeds of sales made on or after July
15 1, 2003 and on or before July 1, 2017, and (iii) 100% of the
16 proceeds of sales made thereafter. If, at any time, however,
17 the tax under this Act on sales of gasohol, as defined in the
18 Use Tax Act, is imposed at the rate of 1.25%, then the tax
19 imposed by this Act applies to 100% of the proceeds of sales of
20 gasohol made during that time.

21 With respect to majority blended ethanol fuel, as defined
22 in the Use Tax Act, the tax imposed by this Act does not apply
23 to the proceeds of sales made on or after July 1, 2003 and on or
24 before December 31, 2023 but applies to 100% of the proceeds of
25 sales made thereafter.

26 With respect to biodiesel blends, as defined in the Use Tax

1 Act, with no less than 1% and no more than 10% biodiesel, the
2 tax imposed by this Act applies to (i) 80% of the proceeds of
3 sales made on or after July 1, 2003 and on or before December
4 31, 2018 and (ii) 100% of the proceeds of sales made
5 thereafter. If, at any time, however, the tax under this Act on
6 sales of biodiesel blends, as defined in the Use Tax Act, with
7 no less than 1% and no more than 10% biodiesel is imposed at
8 the rate of 1.25%, then the tax imposed by this Act applies to
9 100% of the proceeds of sales of biodiesel blends with no less
10 than 1% and no more than 10% biodiesel made during that time.

11 With respect to 100% biodiesel, as defined in the Use Tax
12 Act, and biodiesel blends, as defined in the Use Tax Act, with
13 more than 10% but no more than 99% biodiesel, the tax imposed
14 by this Act does not apply to the proceeds of sales made on or
15 after July 1, 2003 and on or before December 31, 2023 but
16 applies to 100% of the proceeds of sales made thereafter.

17 With respect to food for human consumption that is to be
18 consumed off the premises where it is sold (other than
19 alcoholic beverages, soft drinks, and food that has been
20 prepared for immediate consumption) and prescription and
21 nonprescription medicines, drugs, medical appliances, products
22 classified as Class III medical devices by the United States
23 Food and Drug Administration that are used for cancer treatment
24 pursuant to a prescription, as well as any accessories and
25 components related to those devices, modifications to a motor
26 vehicle for the purpose of rendering it usable by a person with

1 a disability, and insulin, urine testing materials, syringes,
2 and needles used by diabetics, for human use, the tax is
3 imposed at the rate of 1%. For the purposes of this Section,
4 until September 1, 2009: the term "soft drinks" means any
5 complete, finished, ready-to-use, non-alcoholic drink, whether
6 carbonated or not, including but not limited to soda water,
7 cola, fruit juice, vegetable juice, carbonated water, and all
8 other preparations commonly known as soft drinks of whatever
9 kind or description that are contained in any closed or sealed
10 bottle, can, carton, or container, regardless of size; but
11 "soft drinks" does not include coffee, tea, non-carbonated
12 water, infant formula, milk or milk products as defined in the
13 Grade A Pasteurized Milk and Milk Products Act, or drinks
14 containing 50% or more natural fruit or vegetable juice.

15 Notwithstanding any other provisions of this Act,
16 beginning September 1, 2009, "soft drinks" means non-alcoholic
17 beverages that contain natural or artificial sweeteners. "Soft
18 drinks" do not include beverages that contain milk or milk
19 products, soy, rice or similar milk substitutes, or greater
20 than 50% of vegetable or fruit juice by volume.

21 Until August 1, 2009, and notwithstanding any other
22 provisions of this Act, "food for human consumption that is to
23 be consumed off the premises where it is sold" includes all
24 food sold through a vending machine, except soft drinks and
25 food products that are dispensed hot from a vending machine,
26 regardless of the location of the vending machine. Beginning

1 August 1, 2009, and notwithstanding any other provisions of
2 this Act, "food for human consumption that is to be consumed
3 off the premises where it is sold" includes all food sold
4 through a vending machine, except soft drinks, candy, and food
5 products that are dispensed hot from a vending machine,
6 regardless of the location of the vending machine.

7 Notwithstanding any other provisions of this Act,
8 beginning September 1, 2009, "food for human consumption that
9 is to be consumed off the premises where it is sold" does not
10 include candy. For purposes of this Section, "candy" means a
11 preparation of sugar, honey, or other natural or artificial
12 sweeteners in combination with chocolate, fruits, nuts or other
13 ingredients or flavorings in the form of bars, drops, or
14 pieces. "Candy" does not include any preparation that contains
15 flour or requires refrigeration.

16 Notwithstanding any other provisions of this Act,
17 beginning September 1, 2009, "nonprescription medicines and
18 drugs" does not include grooming and hygiene products. For
19 purposes of this Section, "grooming and hygiene products"
20 includes, but is not limited to, soaps and cleaning solutions,
21 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
22 lotions and screens, unless those products are available by
23 prescription only, regardless of whether the products meet the
24 definition of "over-the-counter-drugs". For the purposes of
25 this paragraph, "over-the-counter-drug" means a drug for human
26 use that contains a label that identifies the product as a drug

1 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
2 label includes:

3 (A) A "Drug Facts" panel; or

4 (B) A statement of the "active ingredient(s)" with a
5 list of those ingredients contained in the compound,
6 substance or preparation.

7 Beginning on the effective date of this amendatory Act of
8 the 98th General Assembly, "prescription and nonprescription
9 medicines and drugs" includes medical cannabis purchased from a
10 registered dispensing organization under the Compassionate Use
11 of Medical Cannabis ~~Pilot~~ Program Act.

12 (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;
13 100-22, eff. 7-6-17.)

14 Section 33. If and only if House Bill 1438 of the 101st
15 General Assembly becomes law, then the Counties Code is amended
16 by changing Section 5-1006.8 as follows:

17 (55 ILCS 5/5-1006.8)

18 Sec. 5-1006.8. County Cannabis Retailers' Occupation Tax
19 Law.

20 (a) This Section may be referred to as the County Cannabis
21 Retailers' Occupation Tax Law. On and after January 1, 2020,
22 the corporate authorities of any county may, by ordinance,
23 impose a tax upon all persons engaged in the business of
24 selling cannabis, other than cannabis purchased under the

1 Compassionate Use of Medical Cannabis Pilot Program Act, at
2 retail in the county on the gross receipts from these sales
3 made in the course of that business. If imposed, the tax shall
4 be imposed only in 0.25% increments. The tax rate may not
5 exceed: (i) 3.75% of the gross receipts of sales made in
6 unincorporated areas of the county; and (ii) 3% ~~0.75%~~ of the
7 gross receipts of sales made in a municipality located in the
8 county ~~a non home rule county;~~ and ~~(iii) 3% of gross sales~~
9 ~~receipts made in a municipality located in a home rule county.~~

10 The tax imposed under this Section and all civil penalties that
11 may be assessed as an incident of the tax shall be collected
12 and enforced by the Department of Revenue. The Department of
13 Revenue shall have full power to administer and enforce this
14 Section; to collect all taxes and penalties due hereunder; to
15 dispose of taxes and penalties so collected in the manner
16 hereinafter provided; and to determine all rights to credit
17 memoranda arising on account of the erroneous payment of tax or
18 penalty under this Section. In the administration of and
19 compliance with this Section, the Department of Revenue and
20 persons who are subject to this Section shall have the same
21 rights, remedies, privileges, immunities, powers and duties,
22 and be subject to the same conditions, restrictions,
23 limitations, penalties, and definitions of terms, and employ
24 the same modes of procedure, as are described in Sections 1,
25 1a, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect
26 to all provisions therein other than the State rate of tax),

1 2c, 3 (except as to the disposition of taxes and penalties
2 collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k,
3 5l, 6, 6a, 6bb, 6c, 6d, 8, 8, 9, 10, 11, 12, and 13 of the
4 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
5 Penalty and Interest Act as fully as if those provisions were
6 set forth in this Section.

7 (b) Persons subject to any tax imposed under the authority
8 granted in this Section may reimburse themselves for their
9 seller's tax liability hereunder by separately stating that tax
10 as an additional charge, which charge may be stated in
11 combination, in a single amount, with any State tax that
12 sellers are required to collect.

13 (c) Whenever the Department of Revenue determines that a
14 refund should be made under this Section to a claimant instead
15 of issuing a credit memorandum, the Department of Revenue shall
16 notify the State Comptroller, who shall cause the order to be
17 drawn for the amount specified and to the person named in the
18 notification from the Department of Revenue.

19 (d) The Department of Revenue shall immediately pay over to
20 the State Treasurer, ex officio, as trustee, all taxes and
21 penalties collected hereunder for deposit into the Local
22 Cannabis Consumer Excise Tax Trust Fund.

23 (e) On or before the 25th day of each calendar month, the
24 Department of Revenue shall prepare and certify to the
25 Comptroller the amount of money to be disbursed from the Local
26 Cannabis Consumer Excise Tax Trust Fund to counties from which

1 retailers have paid taxes or penalties under this Section
2 during the second preceding calendar month. The amount to be
3 paid to each county shall be the amount (not including credit
4 memoranda) collected under this Section from sales made in the
5 county during the second preceding calendar month, plus an
6 amount the Department of Revenue determines is necessary to
7 offset any amounts that were erroneously paid to a different
8 taxing body, and not including an amount equal to the amount of
9 refunds made during the second preceding calendar month by the
10 Department on behalf of such county, and not including any
11 amount that the Department determines is necessary to offset
12 any amounts that were payable to a different taxing body but
13 were erroneously paid to the county, less 1.5% of the
14 remainder, which the Department shall transfer into the Tax
15 Compliance and Administration Fund. The Department, at the time
16 of each monthly disbursement to the counties, shall prepare and
17 certify the State Comptroller the amount to be transferred into
18 the Tax Compliance and Administration Fund under this Section.
19 Within 10 days after receipt by the Comptroller of the
20 disbursement certification to the counties and the Tax
21 Compliance and Administration Fund provided for in this Section
22 to be given to the Comptroller by the Department, the
23 Comptroller shall cause the orders to be drawn for the
24 respective amounts in accordance with the directions contained
25 in the certification.

26 (f) An ordinance or resolution imposing or discontinuing a

1 tax under this Section or effecting a change in the rate
2 thereof shall be adopted and a certified copy thereof filed
3 with the Department on or before the first day of June,
4 whereupon the Department shall proceed to administer and
5 enforce this Section as of the first day of September next
6 following the adoption and filing.

7 (Source: 10100HB1438sam002.)

8 Section 35. The School Code is amended by changing Section
9 22-33 as follows:

10 (105 ILCS 5/22-33)

11 Sec. 22-33. Medical cannabis.

12 (a) This Section may be referred to as Ashley's Law.

13 (a-5) In this Section, "designated caregiver", "medical
14 cannabis infused product", "qualifying patient", and
15 "registered" have the meanings given to those terms under
16 Section 10 of the Compassionate Use of Medical Cannabis ~~Pilot~~
17 Program Act.

18 (b) Subject to the restrictions under subsections (c)
19 through (g) of this Section, a school district, public school,
20 charter school, or nonpublic school shall authorize a parent or
21 guardian or any other individual registered with the Department
22 of Public Health as a designated caregiver of a student who is
23 a registered qualifying patient to administer a medical
24 cannabis infused product to the student on the premises of the

1 child's school or on the child's school bus if both the student
2 (as a registered qualifying patient) and the parent or guardian
3 or other individual (as a registered designated caregiver) have
4 been issued registry identification cards under the
5 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act. After
6 administering the product, the parent or guardian or other
7 individual shall remove the product from the school premises or
8 the school bus.

9 (c) A parent or guardian or other individual may not
10 administer a medical cannabis infused product under this
11 Section in a manner that, in the opinion of the school district
12 or school, would create a disruption to the school's
13 educational environment or would cause exposure of the product
14 to other students.

15 (d) A school district or school may not discipline a
16 student who is administered a medical cannabis infused product
17 by a parent or guardian or other individual under this Section
18 and may not deny the student's eligibility to attend school
19 solely because the student requires the administration of the
20 product.

21 (e) Nothing in this Section requires a member of a school's
22 staff to administer a medical cannabis infused product to a
23 student.

24 (f) A school district, public school, charter school, or
25 nonpublic school may not authorize the use of a medical
26 cannabis infused product under this Section if the school

1 district or school would lose federal funding as a result of
2 the authorization.

3 (g) A school district, public school, charter school, or
4 nonpublic school shall adopt a policy to implement this
5 Section.

6 (Source: P.A. 100-660, eff. 8-1-18.)

7 Section 40. The Medical Practice Act of 1987 is amended by
8 changing Section 22 as follows:

9 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

10 (Section scheduled to be repealed on December 31, 2019)

11 Sec. 22. Disciplinary action.

12 (A) The Department may revoke, suspend, place on probation,
13 reprimand, refuse to issue or renew, or take any other
14 disciplinary or non-disciplinary action as the Department may
15 deem proper with regard to the license or permit of any person
16 issued under this Act, including imposing fines not to exceed
17 \$10,000 for each violation, upon any of the following grounds:

18 (1) Performance of an elective abortion in any place,
19 locale, facility, or institution other than:

20 (a) a facility licensed pursuant to the Ambulatory
21 Surgical Treatment Center Act;

22 (b) an institution licensed under the Hospital
23 Licensing Act;

24 (c) an ambulatory surgical treatment center or

1 hospitalization or care facility maintained by the
2 State or any agency thereof, where such department or
3 agency has authority under law to establish and enforce
4 standards for the ambulatory surgical treatment
5 centers, hospitalization, or care facilities under its
6 management and control;

7 (d) ambulatory surgical treatment centers,
8 hospitalization or care facilities maintained by the
9 Federal Government; or

10 (e) ambulatory surgical treatment centers,
11 hospitalization or care facilities maintained by any
12 university or college established under the laws of
13 this State and supported principally by public funds
14 raised by taxation.

15 (2) Performance of an abortion procedure in a willful
16 and wanton manner on a woman who was not pregnant at the
17 time the abortion procedure was performed.

18 (3) A plea of guilty or nolo contendere, finding of
19 guilt, jury verdict, or entry of judgment or sentencing,
20 including, but not limited to, convictions, preceding
21 sentences of supervision, conditional discharge, or first
22 offender probation, under the laws of any jurisdiction of
23 the United States of any crime that is a felony.

24 (4) Gross negligence in practice under this Act.

25 (5) Engaging in dishonorable, unethical or
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public.

2 (6) Obtaining any fee by fraud, deceit, or
3 misrepresentation.

4 (7) Habitual or excessive use or abuse of drugs defined
5 in law as controlled substances, of alcohol, or of any
6 other substances which results in the inability to practice
7 with reasonable judgment, skill or safety.

8 (8) Practicing under a false or, except as provided by
9 law, an assumed name.

10 (9) Fraud or misrepresentation in applying for, or
11 procuring, a license under this Act or in connection with
12 applying for renewal of a license under this Act.

13 (10) Making a false or misleading statement regarding
14 their skill or the efficacy or value of the medicine,
15 treatment, or remedy prescribed by them at their direction
16 in the treatment of any disease or other condition of the
17 body or mind.

18 (11) Allowing another person or organization to use
19 their license, procured under this Act, to practice.

20 (12) Adverse action taken by another state or
21 jurisdiction against a license or other authorization to
22 practice as a medical doctor, doctor of osteopathy, doctor
23 of osteopathic medicine or doctor of chiropractic, a
24 certified copy of the record of the action taken by the
25 other state or jurisdiction being prima facie evidence
26 thereof. This includes any adverse action taken by a State

1 or federal agency that prohibits a medical doctor, doctor
2 of osteopathy, doctor of osteopathic medicine, or doctor of
3 chiropractic from providing services to the agency's
4 participants.

5 (13) Violation of any provision of this Act or of the
6 Medical Practice Act prior to the repeal of that Act, or
7 violation of the rules, or a final administrative action of
8 the Secretary, after consideration of the recommendation
9 of the Disciplinary Board.

10 (14) Violation of the prohibition against fee
11 splitting in Section 22.2 of this Act.

12 (15) A finding by the Disciplinary Board that the
13 registrant after having his or her license placed on
14 probationary status or subjected to conditions or
15 restrictions violated the terms of the probation or failed
16 to comply with such terms or conditions.

17 (16) Abandonment of a patient.

18 (17) Prescribing, selling, administering,
19 distributing, giving or self-administering any drug
20 classified as a controlled substance (designated product)
21 or narcotic for other than medically accepted therapeutic
22 purposes.

23 (18) Promotion of the sale of drugs, devices,
24 appliances or goods provided for a patient in such manner
25 as to exploit the patient for financial gain of the
26 physician.

1 (19) Offering, undertaking or agreeing to cure or treat
2 disease by a secret method, procedure, treatment or
3 medicine, or the treating, operating or prescribing for any
4 human condition by a method, means or procedure which the
5 licensee refuses to divulge upon demand of the Department.

6 (20) Immoral conduct in the commission of any act
7 including, but not limited to, commission of an act of
8 sexual misconduct related to the licensee's practice.

9 (21) Willfully making or filing false records or
10 reports in his or her practice as a physician, including,
11 but not limited to, false records to support claims against
12 the medical assistance program of the Department of
13 Healthcare and Family Services (formerly Department of
14 Public Aid) under the Illinois Public Aid Code.

15 (22) Willful omission to file or record, or willfully
16 impeding the filing or recording, or inducing another
17 person to omit to file or record, medical reports as
18 required by law, or willfully failing to report an instance
19 of suspected abuse or neglect as required by law.

20 (23) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act, and
23 upon proof by clear and convincing evidence that the
24 licensee has caused a child to be an abused child or
25 neglected child as defined in the Abused and Neglected
26 Child Reporting Act.

1 (24) Solicitation of professional patronage by any
2 corporation, agents or persons, or profiting from those
3 representing themselves to be agents of the licensee.

4 (25) Gross and willful and continued overcharging for
5 professional services, including filing false statements
6 for collection of fees for which services are not rendered,
7 including, but not limited to, filing such false statements
8 for collection of monies for services not rendered from the
9 medical assistance program of the Department of Healthcare
10 and Family Services (formerly Department of Public Aid)
11 under the Illinois Public Aid Code.

12 (26) A pattern of practice or other behavior which
13 demonstrates incapacity or incompetence to practice under
14 this Act.

15 (27) Mental illness or disability which results in the
16 inability to practice under this Act with reasonable
17 judgment, skill or safety.

18 (28) Physical illness, including, but not limited to,
19 deterioration through the aging process, or loss of motor
20 skill which results in a physician's inability to practice
21 under this Act with reasonable judgment, skill or safety.

22 (29) Cheating on or attempt to subvert the licensing
23 examinations administered under this Act.

24 (30) Willfully or negligently violating the
25 confidentiality between physician and patient except as
26 required by law.

1 (31) The use of any false, fraudulent, or deceptive
2 statement in any document connected with practice under
3 this Act.

4 (32) Aiding and abetting an individual not licensed
5 under this Act in the practice of a profession licensed
6 under this Act.

7 (33) Violating state or federal laws or regulations
8 relating to controlled substances, legend drugs, or
9 ephedra as defined in the Ephedra Prohibition Act.

10 (34) Failure to report to the Department any adverse
11 final action taken against them by another licensing
12 jurisdiction (any other state or any territory of the
13 United States or any foreign state or country), by any peer
14 review body, by any health care institution, by any
15 professional society or association related to practice
16 under this Act, by any governmental agency, by any law
17 enforcement agency, or by any court for acts or conduct
18 similar to acts or conduct which would constitute grounds
19 for action as defined in this Section.

20 (35) Failure to report to the Department surrender of a
21 license or authorization to practice as a medical doctor, a
22 doctor of osteopathy, a doctor of osteopathic medicine, or
23 doctor of chiropractic in another state or jurisdiction, or
24 surrender of membership on any medical staff or in any
25 medical or professional association or society, while
26 under disciplinary investigation by any of those

1 authorities or bodies, for acts or conduct similar to acts
2 or conduct which would constitute grounds for action as
3 defined in this Section.

4 (36) Failure to report to the Department any adverse
5 judgment, settlement, or award arising from a liability
6 claim related to acts or conduct similar to acts or conduct
7 which would constitute grounds for action as defined in
8 this Section.

9 (37) Failure to provide copies of medical records as
10 required by law.

11 (38) Failure to furnish the Department, its
12 investigators or representatives, relevant information,
13 legally requested by the Department after consultation
14 with the Chief Medical Coordinator or the Deputy Medical
15 Coordinator.

16 (39) Violating the Health Care Worker Self-Referral
17 Act.

18 (40) Willful failure to provide notice when notice is
19 required under the Parental Notice of Abortion Act of 1995.

20 (41) Failure to establish and maintain records of
21 patient care and treatment as required by this law.

22 (42) Entering into an excessive number of written
23 collaborative agreements with licensed advanced practice
24 registered nurses resulting in an inability to adequately
25 collaborate.

26 (43) Repeated failure to adequately collaborate with a

1 licensed advanced practice registered nurse.

2 (44) Violating the Compassionate Use of Medical
3 Cannabis ~~Pilot~~ Program Act.

4 (45) Entering into an excessive number of written
5 collaborative agreements with licensed prescribing
6 psychologists resulting in an inability to adequately
7 collaborate.

8 (46) Repeated failure to adequately collaborate with a
9 licensed prescribing psychologist.

10 (47) Willfully failing to report an instance of
11 suspected abuse, neglect, financial exploitation, or
12 self-neglect of an eligible adult as defined in and
13 required by the Adult Protective Services Act.

14 (48) Being named as an abuser in a verified report by
15 the Department on Aging under the Adult Protective Services
16 Act, and upon proof by clear and convincing evidence that
17 the licensee abused, neglected, or financially exploited
18 an eligible adult as defined in the Adult Protective
19 Services Act.

20 (49) Entering into an excessive number of written
21 collaborative agreements with licensed physician
22 assistants resulting in an inability to adequately
23 collaborate.

24 (50) Repeated failure to adequately collaborate with a
25 physician assistant.

26 Except for actions involving the ground numbered (26), all

1 proceedings to suspend, revoke, place on probationary status,
2 or take any other disciplinary action as the Department may
3 deem proper, with regard to a license on any of the foregoing
4 grounds, must be commenced within 5 years next after receipt by
5 the Department of a complaint alleging the commission of or
6 notice of the conviction order for any of the acts described
7 herein. Except for the grounds numbered (8), (9), (26), and
8 (29), no action shall be commenced more than 10 years after the
9 date of the incident or act alleged to have violated this
10 Section. For actions involving the ground numbered (26), a
11 pattern of practice or other behavior includes all incidents
12 alleged to be part of the pattern of practice or other behavior
13 that occurred, or a report pursuant to Section 23 of this Act
14 received, within the 10-year period preceding the filing of the
15 complaint. In the event of the settlement of any claim or cause
16 of action in favor of the claimant or the reduction to final
17 judgment of any civil action in favor of the plaintiff, such
18 claim, cause of action or civil action being grounded on the
19 allegation that a person licensed under this Act was negligent
20 in providing care, the Department shall have an additional
21 period of 2 years from the date of notification to the
22 Department under Section 23 of this Act of such settlement or
23 final judgment in which to investigate and commence formal
24 disciplinary proceedings under Section 36 of this Act, except
25 as otherwise provided by law. The time during which the holder
26 of the license was outside the State of Illinois shall not be

1 included within any period of time limiting the commencement of
2 disciplinary action by the Department.

3 The entry of an order or judgment by any circuit court
4 establishing that any person holding a license under this Act
5 is a person in need of mental treatment operates as a
6 suspension of that license. That person may resume their
7 practice only upon the entry of a Departmental order based upon
8 a finding by the Disciplinary Board that they have been
9 determined to be recovered from mental illness by the court and
10 upon the Disciplinary Board's recommendation that they be
11 permitted to resume their practice.

12 The Department may refuse to issue or take disciplinary
13 action concerning the license of any person who fails to file a
14 return, or to pay the tax, penalty or interest shown in a filed
15 return, or to pay any final assessment of tax, penalty or
16 interest, as required by any tax Act administered by the
17 Illinois Department of Revenue, until such time as the
18 requirements of any such tax Act are satisfied as determined by
19 the Illinois Department of Revenue.

20 The Department, upon the recommendation of the
21 Disciplinary Board, shall adopt rules which set forth standards
22 to be used in determining:

23 (a) when a person will be deemed sufficiently
24 rehabilitated to warrant the public trust;

25 (b) what constitutes dishonorable, unethical or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public;

2 (c) what constitutes immoral conduct in the commission
3 of any act, including, but not limited to, commission of an
4 act of sexual misconduct related to the licensee's
5 practice; and

6 (d) what constitutes gross negligence in the practice
7 of medicine.

8 However, no such rule shall be admissible into evidence in
9 any civil action except for review of a licensing or other
10 disciplinary action under this Act.

11 In enforcing this Section, the Disciplinary Board or the
12 Licensing Board, upon a showing of a possible violation, may
13 compel, in the case of the Disciplinary Board, any individual
14 who is licensed to practice under this Act or holds a permit to
15 practice under this Act, or, in the case of the Licensing
16 Board, any individual who has applied for licensure or a permit
17 pursuant to this Act, to submit to a mental or physical
18 examination and evaluation, or both, which may include a
19 substance abuse or sexual offender evaluation, as required by
20 the Licensing Board or Disciplinary Board and at the expense of
21 the Department. The Disciplinary Board or Licensing Board shall
22 specifically designate the examining physician licensed to
23 practice medicine in all of its branches or, if applicable, the
24 multidisciplinary team involved in providing the mental or
25 physical examination and evaluation, or both. The
26 multidisciplinary team shall be led by a physician licensed to

1 practice medicine in all of its branches and may consist of one
2 or more or a combination of physicians licensed to practice
3 medicine in all of its branches, licensed chiropractic
4 physicians, licensed clinical psychologists, licensed clinical
5 social workers, licensed clinical professional counselors, and
6 other professional and administrative staff. Any examining
7 physician or member of the multidisciplinary team may require
8 any person ordered to submit to an examination and evaluation
9 pursuant to this Section to submit to any additional
10 supplemental testing deemed necessary to complete any
11 examination or evaluation process, including, but not limited
12 to, blood testing, urinalysis, psychological testing, or
13 neuropsychological testing. The Disciplinary Board, the
14 Licensing Board, or the Department may order the examining
15 physician or any member of the multidisciplinary team to
16 provide to the Department, the Disciplinary Board, or the
17 Licensing Board any and all records, including business
18 records, that relate to the examination and evaluation,
19 including any supplemental testing performed. The Disciplinary
20 Board, the Licensing Board, or the Department may order the
21 examining physician or any member of the multidisciplinary team
22 to present testimony concerning this examination and
23 evaluation of the licensee, permit holder, or applicant,
24 including testimony concerning any supplemental testing or
25 documents relating to the examination and evaluation. No
26 information, report, record, or other documents in any way

1 related to the examination and evaluation shall be excluded by
2 reason of any common law or statutory privilege relating to
3 communication between the licensee, permit holder, or
4 applicant and the examining physician or any member of the
5 multidisciplinary team. No authorization is necessary from the
6 licensee, permit holder, or applicant ordered to undergo an
7 evaluation and examination for the examining physician or any
8 member of the multidisciplinary team to provide information,
9 reports, records, or other documents or to provide any
10 testimony regarding the examination and evaluation. The
11 individual to be examined may have, at his or her own expense,
12 another physician of his or her choice present during all
13 aspects of the examination. Failure of any individual to submit
14 to mental or physical examination and evaluation, or both, when
15 directed, shall result in an automatic suspension, without
16 hearing, until such time as the individual submits to the
17 examination. If the Disciplinary Board or Licensing Board finds
18 a physician unable to practice following an examination and
19 evaluation because of the reasons set forth in this Section,
20 the Disciplinary Board or Licensing Board shall require such
21 physician to submit to care, counseling, or treatment by
22 physicians, or other health care professionals, approved or
23 designated by the Disciplinary Board, as a condition for
24 issued, continued, reinstated, or renewed licensure to
25 practice. Any physician, whose license was granted pursuant to
26 Sections 9, 17, or 19 of this Act, or, continued, reinstated,

1 renewed, disciplined or supervised, subject to such terms,
2 conditions or restrictions who shall fail to comply with such
3 terms, conditions or restrictions, or to complete a required
4 program of care, counseling, or treatment, as determined by the
5 Chief Medical Coordinator or Deputy Medical Coordinators,
6 shall be referred to the Secretary for a determination as to
7 whether the licensee shall have their license suspended
8 immediately, pending a hearing by the Disciplinary Board. In
9 instances in which the Secretary immediately suspends a license
10 under this Section, a hearing upon such person's license must
11 be convened by the Disciplinary Board within 15 days after such
12 suspension and completed without appreciable delay. The
13 Disciplinary Board shall have the authority to review the
14 subject physician's record of treatment and counseling
15 regarding the impairment, to the extent permitted by applicable
16 federal statutes and regulations safeguarding the
17 confidentiality of medical records.

18 An individual licensed under this Act, affected under this
19 Section, shall be afforded an opportunity to demonstrate to the
20 Disciplinary Board that they can resume practice in compliance
21 with acceptable and prevailing standards under the provisions
22 of their license.

23 The Department may promulgate rules for the imposition of
24 fines in disciplinary cases, not to exceed \$10,000 for each
25 violation of this Act. Fines may be imposed in conjunction with
26 other forms of disciplinary action, but shall not be the

1 exclusive disposition of any disciplinary action arising out of
2 conduct resulting in death or injury to a patient. Any funds
3 collected from such fines shall be deposited in the Illinois
4 State Medical Disciplinary Fund.

5 All fines imposed under this Section shall be paid within
6 60 days after the effective date of the order imposing the fine
7 or in accordance with the terms set forth in the order imposing
8 the fine.

9 (B) The Department shall revoke the license or permit
10 issued under this Act to practice medicine or a chiropractic
11 physician who has been convicted a second time of committing
12 any felony under the Illinois Controlled Substances Act or the
13 Methamphetamine Control and Community Protection Act, or who
14 has been convicted a second time of committing a Class 1 felony
15 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
16 person whose license or permit is revoked under this subsection
17 B shall be prohibited from practicing medicine or treating
18 human ailments without the use of drugs and without operative
19 surgery.

20 (C) The Department shall not revoke, suspend, place on
21 probation, reprimand, refuse to issue or renew, or take any
22 other disciplinary or non-disciplinary action against the
23 license or permit issued under this Act to practice medicine to
24 a physician:

25 (1) based solely upon the recommendation of the
26 physician to an eligible patient regarding, or

1 prescription for, or treatment with, an investigational
2 drug, biological product, or device; or

3 (2) for experimental treatment for Lyme disease or
4 other tick-borne diseases, including, but not limited to,
5 the prescription of or treatment with long-term
6 antibiotics.

7 (D) The Disciplinary Board shall recommend to the
8 Department civil penalties and any other appropriate
9 discipline in disciplinary cases when the Board finds that a
10 physician willfully performed an abortion with actual
11 knowledge that the person upon whom the abortion has been
12 performed is a minor or an incompetent person without notice as
13 required under the Parental Notice of Abortion Act of 1995.
14 Upon the Board's recommendation, the Department shall impose,
15 for the first violation, a civil penalty of \$1,000 and for a
16 second or subsequent violation, a civil penalty of \$5,000.

17 (Source: P.A. 99-270, eff. 1-1-16; 99-933, eff. 1-27-17;
18 100-429, eff. 8-25-17; 100-513, eff. 1-1-18; 100-605, eff.
19 1-1-19; 100-863, eff. 8-14-18; 100-1137, eff. 1-1-19; revised
20 12-19-18.)

21 Section 45. The Nurse Practice Act is amended by changing
22 Section 70-5 as follows:

23 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

24 (Section scheduled to be repealed on January 1, 2028)

1 Sec. 70-5. Grounds for disciplinary action.

2 (a) The Department may refuse to issue or to renew, or may
3 revoke, suspend, place on probation, reprimand, or take other
4 disciplinary or non-disciplinary action as the Department may
5 deem appropriate, including fines not to exceed \$10,000 per
6 violation, with regard to a license for any one or combination
7 of the causes set forth in subsection (b) below. All fines
8 collected under this Section shall be deposited in the Nursing
9 Dedicated and Professional Fund.

10 (b) Grounds for disciplinary action include the following:

11 (1) Material deception in furnishing information to
12 the Department.

13 (2) Material violations of any provision of this Act or
14 violation of the rules of or final administrative action of
15 the Secretary, after consideration of the recommendation
16 of the Board.

17 (3) Conviction by plea of guilty or nolo contendere,
18 finding of guilt, jury verdict, or entry of judgment or by
19 sentencing of any crime, including, but not limited to,
20 convictions, preceding sentences of supervision,
21 conditional discharge, or first offender probation, under
22 the laws of any jurisdiction of the United States: (i) that
23 is a felony; or (ii) that is a misdemeanor, an essential
24 element of which is dishonesty, or that is directly related
25 to the practice of the profession.

26 (4) A pattern of practice or other behavior which

1 demonstrates incapacity or incompetency to practice under
2 this Act.

3 (5) Knowingly aiding or assisting another person in
4 violating any provision of this Act or rules.

5 (6) Failing, within 90 days, to provide a response to a
6 request for information in response to a written request
7 made by the Department by certified or registered mail or
8 by email to the email address of record.

9 (7) Engaging in dishonorable, unethical or
10 unprofessional conduct of a character likely to deceive,
11 defraud or harm the public, as defined by rule.

12 (8) Unlawful taking, theft, selling, distributing, or
13 manufacturing of any drug, narcotic, or prescription
14 device.

15 (9) Habitual or excessive use or addiction to alcohol,
16 narcotics, stimulants, or any other chemical agent or drug
17 that could result in a licensee's inability to practice
18 with reasonable judgment, skill or safety.

19 (10) Discipline by another U.S. jurisdiction or
20 foreign nation, if at least one of the grounds for the
21 discipline is the same or substantially equivalent to those
22 set forth in this Section.

23 (11) A finding that the licensee, after having her or
24 his license placed on probationary status or subject to
25 conditions or restrictions, has violated the terms of
26 probation or failed to comply with such terms or

1 conditions.

2 (12) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 and under the Abused and Neglected Child Reporting Act, and
5 upon proof by clear and convincing evidence that the
6 licensee has caused a child to be an abused child or
7 neglected child as defined in the Abused and Neglected
8 Child Reporting Act.

9 (13) Willful omission to file or record, or willfully
10 impeding the filing or recording or inducing another person
11 to omit to file or record medical reports as required by
12 law.

13 (13.5) Willfully failing to report an instance of
14 suspected child abuse or neglect as required by the Abused
15 and Neglected Child Reporting Act.

16 (14) Gross negligence in the practice of practical,
17 professional, or advanced practice registered nursing.

18 (15) Holding oneself out to be practicing nursing under
19 any name other than one's own.

20 (16) Failure of a licensee to report to the Department
21 any adverse final action taken against him or her by
22 another licensing jurisdiction of the United States or any
23 foreign state or country, any peer review body, any health
24 care institution, any professional or nursing society or
25 association, any governmental agency, any law enforcement
26 agency, or any court or a nursing liability claim related

1 to acts or conduct similar to acts or conduct that would
2 constitute grounds for action as defined in this Section.

3 (17) Failure of a licensee to report to the Department
4 surrender by the licensee of a license or authorization to
5 practice nursing or advanced practice registered nursing
6 in another state or jurisdiction or current surrender by
7 the licensee of membership on any nursing staff or in any
8 nursing or advanced practice registered nursing or
9 professional association or society while under
10 disciplinary investigation by any of those authorities or
11 bodies for acts or conduct similar to acts or conduct that
12 would constitute grounds for action as defined by this
13 Section.

14 (18) Failing, within 60 days, to provide information in
15 response to a written request made by the Department.

16 (19) Failure to establish and maintain records of
17 patient care and treatment as required by law.

18 (20) Fraud, deceit or misrepresentation in applying
19 for or procuring a license under this Act or in connection
20 with applying for renewal of a license under this Act.

21 (21) Allowing another person or organization to use the
22 licensees' license to deceive the public.

23 (22) Willfully making or filing false records or
24 reports in the licensee's practice, including but not
25 limited to false records to support claims against the
26 medical assistance program of the Department of Healthcare

1 and Family Services (formerly Department of Public Aid)
2 under the Illinois Public Aid Code.

3 (23) Attempting to subvert or cheat on a licensing
4 examination administered under this Act.

5 (24) Immoral conduct in the commission of an act,
6 including, but not limited to, sexual abuse, sexual
7 misconduct, or sexual exploitation, related to the
8 licensee's practice.

9 (25) Willfully or negligently violating the
10 confidentiality between nurse and patient except as
11 required by law.

12 (26) Practicing under a false or assumed name, except
13 as provided by law.

14 (27) The use of any false, fraudulent, or deceptive
15 statement in any document connected with the licensee's
16 practice.

17 (28) Directly or indirectly giving to or receiving from
18 a person, firm, corporation, partnership, or association a
19 fee, commission, rebate, or other form of compensation for
20 professional services not actually or personally rendered.
21 Nothing in this paragraph (28) affects any bona fide
22 independent contractor or employment arrangements among
23 health care professionals, health facilities, health care
24 providers, or other entities, except as otherwise
25 prohibited by law. Any employment arrangements may include
26 provisions for compensation, health insurance, pension, or

1 other employment benefits for the provision of services
2 within the scope of the licensee's practice under this Act.
3 Nothing in this paragraph (28) shall be construed to
4 require an employment arrangement to receive professional
5 fees for services rendered.

6 (29) A violation of the Health Care Worker
7 Self-Referral Act.

8 (30) Physical illness, mental illness, or disability
9 that results in the inability to practice the profession
10 with reasonable judgment, skill, or safety.

11 (31) Exceeding the terms of a collaborative agreement
12 or the prescriptive authority delegated to a licensee by
13 his or her collaborating physician or podiatric physician
14 in guidelines established under a written collaborative
15 agreement.

16 (32) Making a false or misleading statement regarding a
17 licensee's skill or the efficacy or value of the medicine,
18 treatment, or remedy prescribed by him or her in the course
19 of treatment.

20 (33) Prescribing, selling, administering,
21 distributing, giving, or self-administering a drug
22 classified as a controlled substance (designated product)
23 or narcotic for other than medically accepted therapeutic
24 purposes.

25 (34) Promotion of the sale of drugs, devices,
26 appliances, or goods provided for a patient in a manner to

1 exploit the patient for financial gain.

2 (35) Violating State or federal laws, rules, or
3 regulations relating to controlled substances.

4 (36) Willfully or negligently violating the
5 confidentiality between an advanced practice registered
6 nurse, collaborating physician, dentist, or podiatric
7 physician and a patient, except as required by law.

8 (37) Willfully failing to report an instance of
9 suspected abuse, neglect, financial exploitation, or
10 self-neglect of an eligible adult as defined in and
11 required by the Adult Protective Services Act.

12 (38) Being named as an abuser in a verified report by
13 the Department on Aging and under the Adult Protective
14 Services Act, and upon proof by clear and convincing
15 evidence that the licensee abused, neglected, or
16 financially exploited an eligible adult as defined in the
17 Adult Protective Services Act.

18 (39) A violation of any provision of this Act or any
19 rules adopted under this Act.

20 (40) Violating the Compassionate Use of Medical
21 Cannabis Program Act.

22 (c) The determination by a circuit court that a licensee is
23 subject to involuntary admission or judicial admission as
24 provided in the Mental Health and Developmental Disabilities
25 Code, as amended, operates as an automatic suspension. The
26 suspension will end only upon a finding by a court that the

1 patient is no longer subject to involuntary admission or
2 judicial admission and issues an order so finding and
3 discharging the patient; and upon the recommendation of the
4 Board to the Secretary that the licensee be allowed to resume
5 his or her practice.

6 (d) The Department may refuse to issue or may suspend or
7 otherwise discipline the license of any person who fails to
8 file a return, or to pay the tax, penalty or interest shown in
9 a filed return, or to pay any final assessment of the tax,
10 penalty, or interest as required by any tax Act administered by
11 the Department of Revenue, until such time as the requirements
12 of any such tax Act are satisfied.

13 (e) In enforcing this Act, the Department, upon a showing
14 of a possible violation, may compel an individual licensed to
15 practice under this Act or who has applied for licensure under
16 this Act, to submit to a mental or physical examination, or
17 both, as required by and at the expense of the Department. The
18 Department may order the examining physician to present
19 testimony concerning the mental or physical examination of the
20 licensee or applicant. No information shall be excluded by
21 reason of any common law or statutory privilege relating to
22 communications between the licensee or applicant and the
23 examining physician. The examining physicians shall be
24 specifically designated by the Department. The individual to be
25 examined may have, at his or her own expense, another physician
26 of his or her choice present during all aspects of this

1 examination. Failure of an individual to submit to a mental or
2 physical examination, when directed, shall result in an
3 automatic suspension without hearing.

4 All substance-related violations shall mandate an
5 automatic substance abuse assessment. Failure to submit to an
6 assessment by a licensed physician who is certified as an
7 addictionist or an advanced practice registered nurse with
8 specialty certification in addictions may be grounds for an
9 automatic suspension, as defined by rule.

10 If the Department finds an individual unable to practice or
11 unfit for duty because of the reasons set forth in this
12 subsection (e), the Department may require that individual to
13 submit to a substance abuse evaluation or treatment by
14 individuals or programs approved or designated by the
15 Department, as a condition, term, or restriction for continued,
16 restored, or renewed licensure to practice; or, in lieu of
17 evaluation or treatment, the Department may file, or the Board
18 may recommend to the Department to file, a complaint to
19 immediately suspend, revoke, or otherwise discipline the
20 license of the individual. An individual whose license was
21 granted, continued, restored, renewed, disciplined or
22 supervised subject to such terms, conditions, or restrictions,
23 and who fails to comply with such terms, conditions, or
24 restrictions, shall be referred to the Secretary for a
25 determination as to whether the individual shall have his or
26 her license suspended immediately, pending a hearing by the

1 Department.

2 In instances in which the Secretary immediately suspends a
3 person's license under this subsection (e), a hearing on that
4 person's license must be convened by the Department within 15
5 days after the suspension and completed without appreciable
6 delay. The Department and Board shall have the authority to
7 review the subject individual's record of treatment and
8 counseling regarding the impairment to the extent permitted by
9 applicable federal statutes and regulations safeguarding the
10 confidentiality of medical records.

11 An individual licensed under this Act and affected under
12 this subsection (e) shall be afforded an opportunity to
13 demonstrate to the Department that he or she can resume
14 practice in compliance with nursing standards under the
15 provisions of his or her license.

16 (Source: P.A. 100-513, eff. 1-1-18.)

17 Section 50. The Physician Assistant Practice Act of 1987 is
18 amended by changing Section 21 as follows:

19 (225 ILCS 95/21) (from Ch. 111, par. 4621)

20 (Section scheduled to be repealed on January 1, 2028)

21 Sec. 21. Grounds for disciplinary action.

22 (a) The Department may refuse to issue or to renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary or non-disciplinary action with regard to any

1 license issued under this Act as the Department may deem
2 proper, including the issuance of fines not to exceed \$10,000
3 for each violation, for any one or combination of the following
4 causes:

5 (1) Material misstatement in furnishing information to
6 the Department.

7 (2) Violations of this Act, or the rules adopted under
8 this Act.

9 (3) Conviction by plea of guilty or nolo contendere,
10 finding of guilt, jury verdict, or entry of judgment or
11 sentencing, including, but not limited to, convictions,
12 preceding sentences of supervision, conditional discharge,
13 or first offender probation, under the laws of any
14 jurisdiction of the United States that is: (i) a felony; or
15 (ii) a misdemeanor, an essential element of which is
16 dishonesty, or that is directly related to the practice of
17 the profession.

18 (4) Making any misrepresentation for the purpose of
19 obtaining licenses.

20 (5) Professional incompetence.

21 (6) Aiding or assisting another person in violating any
22 provision of this Act or its rules.

23 (7) Failing, within 60 days, to provide information in
24 response to a written request made by the Department.

25 (8) Engaging in dishonorable, unethical, or
26 unprofessional conduct, as defined by rule, of a character

1 likely to deceive, defraud, or harm the public.

2 (9) Habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug
4 that results in a physician assistant's inability to
5 practice with reasonable judgment, skill, or safety.

6 (10) Discipline by another U.S. jurisdiction or
7 foreign nation, if at least one of the grounds for
8 discipline is the same or substantially equivalent to those
9 set forth in this Section.

10 (11) Directly or indirectly giving to or receiving from
11 any person, firm, corporation, partnership, or association
12 any fee, commission, rebate or other form of compensation
13 for any professional services not actually or personally
14 rendered. Nothing in this paragraph (11) affects any bona
15 fide independent contractor or employment arrangements,
16 which may include provisions for compensation, health
17 insurance, pension, or other employment benefits, with
18 persons or entities authorized under this Act for the
19 provision of services within the scope of the licensee's
20 practice under this Act.

21 (12) A finding by the Disciplinary Board that the
22 licensee, after having his or her license placed on
23 probationary status has violated the terms of probation.

24 (13) Abandonment of a patient.

25 (14) Willfully making or filing false records or
26 reports in his or her practice, including but not limited

1 to false records filed with state agencies or departments.

2 (15) Willfully failing to report an instance of
3 suspected child abuse or neglect as required by the Abused
4 and Neglected Child Reporting Act.

5 (16) Physical illness, or mental illness or impairment
6 that results in the inability to practice the profession
7 with reasonable judgment, skill, or safety, including, but
8 not limited to, deterioration through the aging process or
9 loss of motor skill.

10 (17) Being named as a perpetrator in an indicated
11 report by the Department of Children and Family Services
12 under the Abused and Neglected Child Reporting Act, and
13 upon proof by clear and convincing evidence that the
14 licensee has caused a child to be an abused child or
15 neglected child as defined in the Abused and Neglected
16 Child Reporting Act.

17 (18) (Blank).

18 (19) Gross negligence resulting in permanent injury or
19 death of a patient.

20 (20) Employment of fraud, deception or any unlawful
21 means in applying for or securing a license as a physician
22 assistant.

23 (21) Exceeding the authority delegated to him or her by
24 his or her collaborating physician in a written
25 collaborative agreement.

26 (22) Immoral conduct in the commission of any act, such

1 as sexual abuse, sexual misconduct, or sexual exploitation
2 related to the licensee's practice.

3 (23) Violation of the Health Care Worker Self-Referral
4 Act.

5 (24) Practicing under a false or assumed name, except
6 as provided by law.

7 (25) Making a false or misleading statement regarding
8 his or her skill or the efficacy or value of the medicine,
9 treatment, or remedy prescribed by him or her in the course
10 of treatment.

11 (26) Allowing another person to use his or her license
12 to practice.

13 (27) Prescribing, selling, administering,
14 distributing, giving, or self-administering a drug
15 classified as a controlled substance for other than
16 medically-accepted therapeutic purposes.

17 (28) Promotion of the sale of drugs, devices,
18 appliances, or goods provided for a patient in a manner to
19 exploit the patient for financial gain.

20 (29) A pattern of practice or other behavior that
21 demonstrates incapacity or incompetence to practice under
22 this Act.

23 (30) Violating State or federal laws or regulations
24 relating to controlled substances or other legend drugs or
25 ephedra as defined in the Ephedra Prohibition Act.

26 (31) Exceeding the prescriptive authority delegated by

1 the collaborating physician or violating the written
2 collaborative agreement delegating that authority.

3 (32) Practicing without providing to the Department a
4 notice of collaboration or delegation of prescriptive
5 authority.

6 (33) Failure to establish and maintain records of
7 patient care and treatment as required by law.

8 (34) Attempting to subvert or cheat on the examination
9 of the National Commission on Certification of Physician
10 Assistants or its successor agency.

11 (35) Willfully or negligently violating the
12 confidentiality between physician assistant and patient,
13 except as required by law.

14 (36) Willfully failing to report an instance of
15 suspected abuse, neglect, financial exploitation, or
16 self-neglect of an eligible adult as defined in and
17 required by the Adult Protective Services Act.

18 (37) Being named as an abuser in a verified report by
19 the Department on Aging under the Adult Protective Services
20 Act and upon proof by clear and convincing evidence that
21 the licensee abused, neglected, or financially exploited
22 an eligible adult as defined in the Adult Protective
23 Services Act.

24 (38) Failure to report to the Department an adverse
25 final action taken against him or her by another licensing
26 jurisdiction of the United States or a foreign state or

1 country, a peer review body, a health care institution, a
2 professional society or association, a governmental
3 agency, a law enforcement agency, or a court acts or
4 conduct similar to acts or conduct that would constitute
5 grounds for action under this Section.

6 (39) Failure to provide copies of records of patient
7 care or treatment, except as required by law.

8 (40) Entering into an excessive number of written
9 collaborative agreements with licensed physicians
10 resulting in an inability to adequately collaborate.

11 (41) Repeated failure to adequately collaborate with a
12 collaborating physician.

13 (42) Violating the Compassionate Use of Medical
14 Cannabis Program Act.

15 (b) The Department may, without a hearing, refuse to issue
16 or renew or may suspend the license of any person who fails to
17 file a return, or to pay the tax, penalty or interest shown in
18 a filed return, or to pay any final assessment of the tax,
19 penalty, or interest as required by any tax Act administered by
20 the Illinois Department of Revenue, until such time as the
21 requirements of any such tax Act are satisfied.

22 (c) The determination by a circuit court that a licensee is
23 subject to involuntary admission or judicial admission as
24 provided in the Mental Health and Developmental Disabilities
25 Code operates as an automatic suspension. The suspension will
26 end only upon a finding by a court that the patient is no

1 longer subject to involuntary admission or judicial admission
2 and issues an order so finding and discharging the patient, and
3 upon the recommendation of the Disciplinary Board to the
4 Secretary that the licensee be allowed to resume his or her
5 practice.

6 (d) In enforcing this Section, the Department upon a
7 showing of a possible violation may compel an individual
8 licensed to practice under this Act, or who has applied for
9 licensure under this Act, to submit to a mental or physical
10 examination, or both, which may include a substance abuse or
11 sexual offender evaluation, as required by and at the expense
12 of the Department.

13 The Department shall specifically designate the examining
14 physician licensed to practice medicine in all of its branches
15 or, if applicable, the multidisciplinary team involved in
16 providing the mental or physical examination or both. The
17 multidisciplinary team shall be led by a physician licensed to
18 practice medicine in all of its branches and may consist of one
19 or more or a combination of physicians licensed to practice
20 medicine in all of its branches, licensed clinical
21 psychologists, licensed clinical social workers, licensed
22 clinical professional counselors, and other professional and
23 administrative staff. Any examining physician or member of the
24 multidisciplinary team may require any person ordered to submit
25 to an examination pursuant to this Section to submit to any
26 additional supplemental testing deemed necessary to complete

1 any examination or evaluation process, including, but not
2 limited to, blood testing, urinalysis, psychological testing,
3 or neuropsychological testing.

4 The Department may order the examining physician or any
5 member of the multidisciplinary team to provide to the
6 Department any and all records, including business records,
7 that relate to the examination and evaluation, including any
8 supplemental testing performed.

9 The Department may order the examining physician or any
10 member of the multidisciplinary team to present testimony
11 concerning the mental or physical examination of the licensee
12 or applicant. No information, report, record, or other
13 documents in any way related to the examination shall be
14 excluded by reason of any common law or statutory privilege
15 relating to communications between the licensee or applicant
16 and the examining physician or any member of the
17 multidisciplinary team. No authorization is necessary from the
18 licensee or applicant ordered to undergo an examination for the
19 examining physician or any member of the multidisciplinary team
20 to provide information, reports, records, or other documents or
21 to provide any testimony regarding the examination and
22 evaluation.

23 The individual to be examined may have, at his or her own
24 expense, another physician of his or her choice present during
25 all aspects of this examination. However, that physician shall
26 be present only to observe and may not interfere in any way

1 with the examination.

2 Failure of an individual to submit to a mental or physical
3 examination, when ordered, shall result in an automatic
4 suspension of his or her license until the individual submits
5 to the examination.

6 If the Department finds an individual unable to practice
7 because of the reasons set forth in this Section, the
8 Department may require that individual to submit to care,
9 counseling, or treatment by physicians approved or designated
10 by the Department, as a condition, term, or restriction for
11 continued, reinstated, or renewed licensure to practice; or, in
12 lieu of care, counseling, or treatment, the Department may file
13 a complaint to immediately suspend, revoke, or otherwise
14 discipline the license of the individual. An individual whose
15 license was granted, continued, reinstated, renewed,
16 disciplined, or supervised subject to such terms, conditions,
17 or restrictions, and who fails to comply with such terms,
18 conditions, or restrictions, shall be referred to the Secretary
19 for a determination as to whether the individual shall have his
20 or her license suspended immediately, pending a hearing by the
21 Department.

22 In instances in which the Secretary immediately suspends a
23 person's license under this Section, a hearing on that person's
24 license must be convened by the Department within 30 days after
25 the suspension and completed without appreciable delay. The
26 Department shall have the authority to review the subject

1 individual's record of treatment and counseling regarding the
2 impairment to the extent permitted by applicable federal
3 statutes and regulations safeguarding the confidentiality of
4 medical records.

5 An individual licensed under this Act and affected under
6 this Section shall be afforded an opportunity to demonstrate to
7 the Department that he or she can resume practice in compliance
8 with acceptable and prevailing standards under the provisions
9 of his or her license.

10 (e) An individual or organization acting in good faith, and
11 not in a willful and wanton manner, in complying with this
12 Section by providing a report or other information to the
13 Board, by assisting in the investigation or preparation of a
14 report or information, by participating in proceedings of the
15 Board, or by serving as a member of the Board, shall not be
16 subject to criminal prosecution or civil damages as a result of
17 such actions.

18 (f) Members of the Board and the Disciplinary Board shall
19 be indemnified by the State for any actions occurring within
20 the scope of services on the Disciplinary Board or Board, done
21 in good faith and not willful and wanton in nature. The
22 Attorney General shall defend all such actions unless he or she
23 determines either that there would be a conflict of interest in
24 such representation or that the actions complained of were not
25 in good faith or were willful and wanton.

26 If the Attorney General declines representation, the

1 member has the right to employ counsel of his or her choice,
2 whose fees shall be provided by the State, after approval by
3 the Attorney General, unless there is a determination by a
4 court that the member's actions were not in good faith or were
5 willful and wanton.

6 The member must notify the Attorney General within 7 days
7 after receipt of notice of the initiation of any action
8 involving services of the Disciplinary Board. Failure to so
9 notify the Attorney General constitutes an absolute waiver of
10 the right to a defense and indemnification.

11 The Attorney General shall determine, within 7 days after
12 receiving such notice, whether he or she will undertake to
13 represent the member.

14 (Source: P.A. 100-453, eff. 8-25-17; 100-605, eff. 1-1-19.)

15 Section 55. The Compassionate Use of Medical Cannabis Pilot
16 Program Act is amended by changing Sections 1, 7, 10, 25, 30,
17 35, 36, 40, 45, 55, 57, 60, 62, 75, 105, 115, 130, 145, 160,
18 195, and 200 and adding Section 173 as follows:

19 (410 ILCS 130/1)

20 (Section scheduled to be repealed on July 1, 2020)

21 Sec. 1. Short title. This Act may be cited as the
22 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act.

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

1 (410 ILCS 130/7)

2 (Section scheduled to be repealed on July 1, 2020)

3 Sec. 7. Lawful user and lawful products. For the purposes
4 of this Act and to clarify the legislative findings on the
5 lawful use of cannabis:

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

10 (2) All medical cannabis products purchased by a
11 qualifying patient at a licensed dispensing organization
12 shall be lawful products and a distinction shall be made
13 between medical and non-medical uses of cannabis as a
14 result of the qualifying patient's cardholder status,
15 provisional registration for qualifying patient cardholder
16 status, or participation in the Opioid Alternative Pilot
17 Program under the authorized use granted under State law.

18 (3) An individual with a provisional registration for
19 qualifying patient cardholder status, a qualifying patient
20 in the Compassionate Use of Medical Cannabis Program
21 ~~medical cannabis pilot program~~, or an Opioid Alternative
22 Pilot Program participant under Section 62 shall not be
23 considered an unlawful user or addicted to narcotics solely
24 as a result of his or her application to or participation
25 in the program.

26 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

1 (410 ILCS 130/10)

2 (Section scheduled to be repealed on July 1, 2020)

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

5 (a) "Adequate supply" means:

6 (1) 2.5 ounces of usable cannabis during a period of 14
7 days and that is derived solely from an intrastate source.

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

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

21 (4) The pre-mixed weight of medical cannabis used in
22 making a cannabis infused product shall apply toward the
23 limit on the total amount of medical cannabis a registered
24 qualifying patient may possess at any one time.

25 (a-5) "Advanced practice registered nurse" means a person

1 who is licensed under the Nurse Practice Act as an advanced
2 practice registered nurse and has a controlled substances
3 license under Article III of the Illinois Controlled Substances
4 Act.

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

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

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

18 (d-5) "Certifying health care professional" means a
19 physician, an advanced practice registered nurse, or a
20 physician assistant.

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

26 (f) "Cultivation center agent" means a principal officer,

1 board member, employee, or agent of a registered cultivation
2 center who is 21 years of age or older and has not been
3 convicted of an excluded offense.

4 (g) "Cultivation center agent identification card" means a
5 document issued by the Department of Agriculture that
6 identifies a person as a cultivation center agent.

7 (h) "Debilitating medical condition" means one or more of
8 the following:

9 (1) cancer, glaucoma, positive status for human
10 immunodeficiency virus, acquired immune deficiency
11 syndrome, hepatitis C, amyotrophic lateral sclerosis,
12 Crohn's disease (including, but not limited to, ulcerative
13 colitis), agitation of Alzheimer's disease,
14 cachexia/wasting syndrome, muscular dystrophy, severe
15 fibromyalgia, spinal cord disease, including but not
16 limited to arachnoiditis, Tarlov cysts, hydromyelia,
17 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
18 spinal cord injury, traumatic brain injury and
19 post-concussion syndrome, Multiple Sclerosis,
20 Arnold-Chiari malformation and Syringomyelia,
21 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
22 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
23 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
24 (Complex Regional Pain Syndromes Type II),
25 Neurofibromatosis, Chronic Inflammatory Demyelinating
26 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial

1 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
2 syndrome, residual limb pain, seizures (including those
3 characteristic of epilepsy), post-traumatic stress
4 disorder (PTSD), autism, chronic pain, irritable bowel
5 syndrome, migraines, osteoarthritis, anorexia nervosa,
6 Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune Disease,
7 neuropathy, polycystic kidney disease, superior canal
8 dehiscence syndrome, or the treatment of these conditions;

9 (1.5) terminal illness with a diagnosis of 6 months or
10 less; if the terminal illness is not one of the qualifying
11 debilitating medical conditions, then the certifying
12 health care professional ~~physician~~ shall on the
13 certification form identify the cause of the terminal
14 illness; or

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

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

24 (j) "Dispensing organization agent identification card"
25 means a document issued by the Department of Financial and
26 Professional Regulation that identifies a person as a medical

1 cannabis dispensing organization agent.

2 (k) "Enclosed, locked facility" means a room, greenhouse,
3 building, or other enclosed area equipped with locks or other
4 security devices that permit access only by a cultivation
5 center's agents or a dispensing organization's agent working
6 for the registered cultivation center or the registered
7 dispensing organization to cultivate, store, and distribute
8 cannabis for registered qualifying patients.

9 (l) "Excluded offense" for cultivation center agents and
10 dispensing organizations means:

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

15 (2) a violation of a state or federal controlled
16 substance law, the Cannabis Control Act, or the
17 Methamphetamine Control and Community Protection Act that
18 was classified as a felony in the jurisdiction where the
19 person was convicted, except that the registering
20 Department may waive this restriction if the person
21 demonstrates to the registering Department's satisfaction
22 that his or her conviction was for the possession,
23 cultivation, transfer, or delivery of a reasonable amount
24 of cannabis intended for medical use. This exception does
25 not apply if the conviction was under state law and
26 involved a violation of an existing medical cannabis law.

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

5 (l-5) (Blank).

6 (l-10) "Illinois Cannabis Tracking System" means a
7 web-based system established and maintained by the Department
8 of Public Health that is available to the Department of
9 Agriculture, the Department of Financial and Professional
10 Regulation, the Illinois State Police, and registered medical
11 cannabis dispensing organizations on a 24-hour basis to upload
12 written certifications for Opioid Alternative Pilot Program
13 participants, to verify Opioid Alternative Pilot Program
14 participants, to verify Opioid Alternative Pilot Program
15 participants' available cannabis allotment and assigned
16 dispensary, and the tracking of the date of sale, amount, and
17 price of medical cannabis purchased by an Opioid Alternative
18 Pilot Program participant.

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

21 (n) "Medical cannabis container" means a sealed,
22 traceable, food compliant, tamper resistant, tamper evident
23 container, or package used for the purpose of containment of
24 medical cannabis from a cultivation center to a dispensing
25 organization.

26 (o) "Medical cannabis dispensing organization", or

1 "dispensing organization", or "dispensary organization" means
2 a facility operated by an organization or business that is
3 registered by the Department of Financial and Professional
4 Regulation to acquire medical cannabis from a registered
5 cultivation center for the purpose of dispensing cannabis,
6 paraphernalia, or related supplies and educational materials
7 to registered qualifying patients, individuals with a
8 provisional registration for qualifying patient cardholder
9 status, or an Opioid Alternative Pilot Program participant.

10 (p) "Medical cannabis dispensing organization agent" or
11 "dispensing organization agent" means a principal officer,
12 board member, employee, or agent of a registered medical
13 cannabis dispensing organization who is 21 years of age or
14 older and has not been convicted of an excluded offense.

15 (q) "Medical cannabis infused product" means food, oils,
16 ointments, or other products containing usable cannabis that
17 are not smoked.

18 (r) "Medical use" means the acquisition; administration;
19 delivery; possession; transfer; transportation; or use of
20 cannabis to treat or alleviate a registered qualifying
21 patient's debilitating medical condition or symptoms
22 associated with the patient's debilitating medical condition.

23 (r-5) "Opioid" means a narcotic drug or substance that is a
24 Schedule II controlled substance under paragraph (1), (2), (3),
25 or (5) of subsection (b) or under subsection (c) of Section 206
26 of the Illinois Controlled Substances Act.

1 (r-10) "Opioid Alternative Pilot Program participant"
2 means an individual who has received a valid written
3 certification to participate in the Opioid Alternative Pilot
4 Program for a medical condition for which an opioid has been or
5 could be prescribed by a certifying health care professional
6 ~~physician~~ based on generally accepted standards of care.

7 (s) "Physician" means a doctor of medicine or doctor of
8 osteopathy licensed under the Medical Practice Act of 1987 to
9 practice medicine and who has a controlled substances license
10 under Article III of the Illinois Controlled Substances Act. It
11 does not include a licensed practitioner under any other Act
12 including but not limited to the Illinois Dental Practice Act.

13 (s-1) "Physician assistant" means a physician assistant
14 licensed under the Physician Assistant Practice Act of 1987 and
15 who has a controlled substances license under Article III of
16 the Illinois Controlled Substances Act.

17 (s-5) "Provisional registration" means a document issued
18 by the Department of Public Health to a qualifying patient who
19 has submitted: (1) an online application and paid a fee to
20 participate in Compassionate Use of Medical Cannabis ~~Pilot~~
21 Program pending approval or denial of the patient's
22 application; or (2) a completed application for terminal
23 illness.

24 (t) "Qualifying patient" means a person who has been
25 diagnosed by a certifying health care professional ~~physician~~ as
26 having a debilitating medical condition.

1 (u) "Registered" means licensed, permitted, or otherwise
2 certified by the Department of Agriculture, Department of
3 Public Health, or Department of Financial and Professional
4 Regulation.

5 (v) "Registry identification card" means a document issued
6 by the Department of Public Health that identifies a person as
7 a registered qualifying patient or registered designated
8 caregiver.

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

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

26 (y) "Written certification" means a document dated and

1 signed by a certifying health care professional ~~physician~~,
2 stating (1) that the qualifying patient has a debilitating
3 medical condition and specifying the debilitating medical
4 condition the qualifying patient has; and (2) that (A) the
5 certifying health care professional ~~physician~~ is treating or
6 managing treatment of the patient's debilitating medical
7 condition; or (B) an Opioid Alternative Pilot Program
8 participant has a medical condition for which opioids have been
9 or could be prescribed. A written certification shall be made
10 only in the course of a bona fide health care
11 professional-patient ~~physician-patient~~ relationship, after the
12 certifying health care professional ~~physician~~ has completed an
13 assessment of either a qualifying patient's medical history or
14 Opioid Alternative Pilot Program participant, reviewed
15 relevant records related to the patient's debilitating
16 condition, and conducted a physical examination.

17 (z) "Bona fide health care professional-patient
18 ~~physician-patient~~ relationship" means a relationship
19 established at a hospital, certifying health care
20 professional's ~~physician's~~ office, or other health care
21 facility in which the certifying health care professional
22 ~~physician~~ has an ongoing responsibility for the assessment,
23 care, and treatment of a patient's debilitating medical
24 condition or a symptom of the patient's debilitating medical
25 condition.

26 A veteran who has received treatment at a VA hospital shall

1 be deemed to have a bona fide health care professional-patient
2 ~~physician-patient~~ relationship with a VA certifying health
3 care professional ~~physician~~ if the patient has been seen for
4 his or her debilitating medical condition at the VA Hospital in
5 accordance with VA Hospital protocols.

6 A bona fide health care professional-patient
7 ~~physician-patient~~ relationship under this subsection is a
8 privileged communication within the meaning of Section 8-802 of
9 the Code of Civil Procedure.

10 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

11 (410 ILCS 130/25)

12 (Section scheduled to be repealed on July 1, 2020)

13 Sec. 25. Immunities and presumptions related to the medical
14 use of cannabis.

15 (a) A registered qualifying patient is not subject to
16 arrest, prosecution, or denial of any right or privilege,
17 including but not limited to civil penalty or disciplinary
18 action by an occupational or professional licensing board, for
19 the medical use of cannabis in accordance with this Act, if the
20 registered qualifying patient possesses an amount of cannabis
21 that does not exceed an adequate supply as defined in
22 subsection (a) of Section 10 of this Act of usable cannabis
23 and, where the registered qualifying patient is a licensed
24 professional, the use of cannabis does not impair that licensed
25 professional when he or she is engaged in the practice of the

1 profession for which he or she is licensed.

2 (b) A registered designated caregiver is not subject to
3 arrest, prosecution, or denial of any right or privilege,
4 including but not limited to civil penalty or disciplinary
5 action by an occupational or professional licensing board, for
6 acting in accordance with this Act to assist a registered
7 qualifying patient to whom he or she is connected through the
8 Department's registration process with the medical use of
9 cannabis if the designated caregiver possesses an amount of
10 cannabis that does not exceed an adequate supply as defined in
11 subsection (a) of Section 10 of this Act of usable cannabis.
12 The total amount possessed between the qualifying patient and
13 caregiver shall not exceed the patient's adequate supply as
14 defined in subsection (a) of Section 10 of this Act.

15 (c) A registered qualifying patient or registered
16 designated caregiver is not subject to arrest, prosecution, or
17 denial of any right or privilege, including but not limited to
18 civil penalty or disciplinary action by an occupational or
19 professional licensing board for possession of cannabis that is
20 incidental to medical use, but is not usable cannabis as
21 defined in this Act.

22 (d) (1) There is a rebuttable presumption that a registered
23 qualifying patient is engaged in, or a designated caregiver is
24 assisting with, the medical use of cannabis in accordance with
25 this Act if the qualifying patient or designated caregiver:

26 (A) is in possession of a valid registry identification

1 card; and

2 (B) is in possession of an amount of cannabis that does
3 not exceed the amount allowed under subsection (a) of
4 Section 10.

5 (2) The presumption may be rebutted by evidence that
6 conduct related to cannabis was not for the purpose of treating
7 or alleviating the qualifying patient's debilitating medical
8 condition or symptoms associated with the debilitating medical
9 condition in compliance with this Act.

10 (e) A certifying health care professional ~~physician~~ is not
11 subject to arrest, prosecution, or penalty in any manner, or
12 denied any right or privilege, including but not limited to
13 civil penalty or disciplinary action by the Medical
14 Disciplinary Board or by any other occupational or professional
15 licensing board, solely for providing written certifications
16 or for otherwise stating that, in the certifying health care
17 professional's ~~physician's~~ professional opinion, a patient is
18 likely to receive therapeutic or palliative benefit from the
19 medical use of cannabis to treat or alleviate the patient's
20 debilitating medical condition or symptoms associated with the
21 debilitating medical condition, provided that nothing shall
22 prevent a professional licensing or disciplinary board from
23 sanctioning a certifying health care professional ~~physician~~
24 for: (1) issuing a written certification to a patient who is
25 not under the certifying health care professional's
26 ~~physician's~~ care for a debilitating medical condition; or (2)

1 failing to properly evaluate a patient's medical condition or
2 otherwise violating the standard of care for evaluating medical
3 conditions.

4 (f) No person may be subject to arrest, prosecution, or
5 denial of any right or privilege, including but not limited to
6 civil penalty or disciplinary action by an occupational or
7 professional licensing board, solely for: (1) selling cannabis
8 paraphernalia to a cardholder upon presentation of an unexpired
9 registry identification card in the recipient's name, if
10 employed and registered as a dispensing agent by a registered
11 dispensing organization; (2) being in the presence or vicinity
12 of the medical use of cannabis as allowed under this Act; or
13 (3) assisting a registered qualifying patient with the act of
14 administering cannabis.

15 (g) A registered cultivation center is not subject to
16 prosecution; search or inspection, except by the Department of
17 Agriculture, Department of Public Health, or State or local law
18 enforcement under Section 130; seizure; or penalty in any
19 manner, or be denied any right or privilege, including but not
20 limited to civil penalty or disciplinary action by a business
21 licensing board or entity, for acting under this Act and
22 Department of Agriculture rules to: acquire, possess,
23 cultivate, manufacture, deliver, transfer, transport, supply,
24 or sell cannabis to registered dispensing organizations.

25 (h) A registered cultivation center agent is not subject to
26 prosecution, search, or penalty in any manner, or be denied any

1 right or privilege, including but not limited to civil penalty
2 or disciplinary action by a business licensing board or entity,
3 for working or volunteering for a registered cannabis
4 cultivation center under this Act and Department of Agriculture
5 rules, including to perform the actions listed under subsection
6 (g).

7 (i) A registered dispensing organization is not subject to
8 prosecution; search or inspection, except by the Department of
9 Financial and Professional Regulation or State or local law
10 enforcement pursuant to Section 130; seizure; or penalty in any
11 manner, or be denied any right or privilege, including but not
12 limited to civil penalty or disciplinary action by a business
13 licensing board or entity, for acting under this Act and
14 Department of Financial and Professional Regulation rules to:
15 acquire, possess, or dispense cannabis, or related supplies,
16 and educational materials to registered qualifying patients or
17 registered designated caregivers on behalf of registered
18 qualifying patients.

19 (j) A registered dispensing organization agent is not
20 subject to prosecution, search, or penalty in any manner, or be
21 denied any right or privilege, including but not limited to
22 civil penalty or disciplinary action by a business licensing
23 board or entity, for working or volunteering for a dispensing
24 organization under this Act and Department of Financial and
25 Professional Regulation rules, including to perform the
26 actions listed under subsection (i).

1 (k) Any cannabis, cannabis paraphernalia, illegal
2 property, or interest in legal property that is possessed,
3 owned, or used in connection with the medical use of cannabis
4 as allowed under this Act, or acts incidental to that use, may
5 not be seized or forfeited. This Act does not prevent the
6 seizure or forfeiture of cannabis exceeding the amounts allowed
7 under this Act, nor shall it prevent seizure or forfeiture if
8 the basis for the action is unrelated to the cannabis that is
9 possessed, manufactured, transferred, or used under this Act.

10 (l) Mere possession of, or application for, a registry
11 identification card or registration certificate does not
12 constitute probable cause or reasonable suspicion, nor shall it
13 be used as the sole basis to support the search of the person,
14 property, or home of the person possessing or applying for the
15 registry identification card. The possession of, or
16 application for, a registry identification card does not
17 preclude the existence of probable cause if probable cause
18 exists on other grounds.

19 (m) Nothing in this Act shall preclude local or State law
20 enforcement agencies from searching a registered cultivation
21 center where there is probable cause to believe that the
22 criminal laws of this State have been violated and the search
23 is conducted in conformity with the Illinois Constitution, the
24 Constitution of the United States, and all State statutes.

25 (n) Nothing in this Act shall preclude local or state law
26 enforcement agencies from searching a registered dispensing

1 organization where there is probable cause to believe that the
2 criminal laws of this State have been violated and the search
3 is conducted in conformity with the Illinois Constitution, the
4 Constitution of the United States, and all State statutes.

5 (o) No individual employed by the State of Illinois shall
6 be subject to criminal or civil penalties for taking any action
7 in accordance with the provisions of this Act, when the actions
8 are within the scope of his or her employment. Representation
9 and indemnification of State employees shall be provided to
10 State employees as set forth in Section 2 of the State Employee
11 Indemnification Act.

12 (p) No law enforcement or correctional agency, nor any
13 individual employed by a law enforcement or correctional
14 agency, shall be subject to criminal or civil liability, except
15 for willful and wanton misconduct, as a result of taking any
16 action within the scope of the official duties of the agency or
17 individual to prohibit or prevent the possession or use of
18 cannabis by a cardholder incarcerated at a correctional
19 facility, jail, or municipal lockup facility, on parole or
20 mandatory supervised release, or otherwise under the lawful
21 jurisdiction of the agency or individual.

22 (Source: P.A. 98-122, eff. 1-1-14; 99-96, eff. 7-22-15.)

23 (410 ILCS 130/30)

24 (Section scheduled to be repealed on July 1, 2020)

25 Sec. 30. Limitations and penalties.

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

4 (1) Undertaking any task under the influence of
5 cannabis, when doing so would constitute negligence,
6 professional malpractice, or professional misconduct;

7 (2) Possessing cannabis:

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

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

13 (C) in any correctional facility;

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

16 (E) in a vehicle not open to the public unless the
17 medical cannabis is in a reasonably secured, sealed,
18 ~~tamper evident~~ container and reasonably inaccessible
19 while the vehicle is moving; or

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

23 (3) Using cannabis:

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

26 (B) except as provided under Section 22-33 of the

1 School Code, on the grounds of any preschool or primary
2 or secondary school;

3 (C) in any correctional facility;

4 (D) in any motor vehicle;

5 (E) 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 (F) except as provided under Section 22-33 of the
9 School Code, in any public place. "Public place" as
10 used in this subsection means any place where an
11 individual could reasonably be expected to be observed
12 by others. A "public place" includes all parts of
13 buildings owned in whole or in part, or leased, by the
14 State or a local unit of government. A "public place"
15 does not include a private residence unless the private
16 residence is used to provide licensed child care,
17 foster care, or other similar social service care on
18 the premises. For purposes of this subsection, a
19 "public place" does not include a health care facility.
20 For purposes of this Section, a "health care facility"
21 includes, but is not limited to, hospitals, nursing
22 homes, hospice care centers, and long-term care
23 facilities;

24 (G) except as provided under Section 22-33 of the
25 School Code, knowingly in close physical proximity to
26 anyone under the age of 18 years of age;

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

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

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

13 (7) Allowing any person who is not allowed to use
14 cannabis under this Act to use cannabis that a cardholder
15 is allowed to possess under this Act;

16 (8) Transferring cannabis to any person contrary to the
17 provisions of this Act;

18 (9) The use of medical cannabis by an active duty law
19 enforcement officer, correctional officer, correctional
20 probation officer, or firefighter; or

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

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

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

9 (d) Notwithstanding any other criminal penalties related
10 to the unlawful possession of cannabis, any person who makes a
11 misrepresentation of a medical condition to a certifying health
12 care professional ~~physician~~ or fraudulently provides material
13 misinformation to a certifying health care professional
14 ~~physician~~ in order to obtain a written certification is guilty
15 of a petty offense punishable by a fine of up to \$1,000.

16 (e) Any cardholder or registered caregiver who sells
17 cannabis shall have his or her registry identification card
18 revoked and is subject to other penalties for the unauthorized
19 sale of cannabis.

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

25 (g) No registered qualifying patient or designated
26 caregiver shall knowingly obtain, seek to obtain, or possess,

1 individually or collectively, an amount of usable cannabis from
2 a registered medical cannabis dispensing organization that
3 would cause him or her to exceed the authorized adequate supply
4 under subsection (a) of Section 10.

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

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

12 (Source: P.A. 100-660, eff. 8-1-18.)

13 (410 ILCS 130/35)

14 (Section scheduled to be repealed on July 1, 2020)

15 Sec. 35. Certifying health care professional ~~Physician~~
16 requirements.

17 (a) A certifying health care professional ~~physician~~ who
18 certifies a debilitating medical condition for a qualifying
19 patient shall comply with all of the following requirements:

20 (1) The certifying health care professional ~~Physician~~
21 shall be currently licensed under the Medical Practice Act
22 of 1987 to practice medicine in all its branches, the Nurse
23 Practice Act, or the Physician Assistant Practice Act of
24 1987, shall be ~~and~~ in good standing, and must hold a
25 controlled substances license under Article III of the

1 Illinois Controlled Substances Act.

2 (2) A certifying health care professional ~~physician~~
3 certifying a patient's condition shall comply with
4 generally accepted standards of medical practice, the
5 provisions of the ~~Medical Practice~~ Act under which he or
6 she is licensed ~~of 1987~~ and all applicable rules.

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

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

16 (b) A certifying health care professional ~~physician~~ may
17 not:

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

26 (1.5) accept, solicit, or offer any form of

1 remuneration from or to a medical cannabis cultivation
2 center or dispensary organization for the purposes of
3 referring a patient to a specific dispensary organization;

4 (1.10) engage in any activity that is prohibited under
5 Section 22.2 of the Medical Practice Act of 1987,
6 regardless of whether the certifying health care
7 professional is a physician, advanced practice registered
8 nurse, or physician assistant;

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

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

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

26 (5) serve on the board of directors or as an employee

1 of a cultivation center or dispensing organization;

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

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

7 (c) The Department of Public Health may with reasonable
8 cause refer a certifying health care professional ~~physician~~,
9 who has certified a debilitating medical condition of a
10 patient, to the Illinois Department of Financial and
11 Professional Regulation for potential violations of this
12 Section.

13 (d) Any violation of this Section or any other provision of
14 this Act or rules adopted under this Act is a violation of the
15 certifying health care professional's licensure act ~~Medical~~
16 ~~Practice Act of 1987~~.

17 (e) A certifying health care professional ~~physician~~ who
18 certifies a debilitating medical condition for a qualifying
19 patient may notify the Department of Public Health in writing:

20 (1) if the certifying health care professional ~~physician~~ has
21 reason to believe either that the registered qualifying patient
22 has ceased to suffer from a debilitating medical condition; (2)
23 that the bona fide health care professional-patient
24 ~~physician-patient~~ relationship has terminated; or (3) that
25 continued use of medical cannabis would result in
26 contraindication with the patient's other medication. The

1 registered qualifying patient's registry identification card
2 shall be revoked by the Department of Public Health after
3 receiving the certifying health care professional's
4 ~~physician's~~ notification.

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

9 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

10 (410 ILCS 130/36)

11 Sec. 36. Written certification.

12 (a) A certification confirming a patient's debilitating
13 medical condition shall be written on a form provided by the
14 Department of Public Health and shall include, at a minimum,
15 the following:

16 (1) the qualifying patient's name, date of birth, home
17 address, and primary telephone number;

18 (2) the certifying health care professional's
19 ~~physician's~~ name, address, telephone number, email
20 address, and medical, advance practice registered nurse,
21 or physician assistant license number, and the last 4
22 digits, only, of his or her active controlled substances
23 license under the Illinois Controlled Substances Act and
24 indication of specialty or primary area of clinical
25 practice, if any;

1 (3) the qualifying patient's debilitating medical
2 condition;

3 (4) a statement that the certifying health care
4 professional ~~physician~~ has confirmed a diagnosis of a
5 debilitating condition; is treating or managing treatment
6 of the patient's debilitating condition; has a bona fide
7 health care professional-patient ~~physician-patient~~
8 relationship; has conducted an in-person physical
9 examination; and has conducted a review of the patient's
10 medical history, including reviewing medical records from
11 other treating health care professionals ~~physicians~~, if
12 any, from the previous 12 months;

13 (5) the certifying health care professional's
14 ~~physician's~~ signature and date of certification; and

15 (6) a statement that a participant in possession of a
16 written certification indicating a debilitating medical
17 condition shall not be considered an unlawful user or
18 addicted to narcotics solely as a result of his or her
19 pending application to or participation in the
20 Compassionate Use of Medical Cannabis ~~Pilot~~ Program.

21 (b) A written certification does not constitute a
22 prescription for medical cannabis.

23 (c) Applications for qualifying patients under 18 years old
24 shall require a written certification from a certifying health
25 care professional ~~physician~~ and a reviewing certifying health
26 care professional ~~physician~~.

1 (d) A certification confirming the patient's eligibility
2 to participate in the Opioid Alternative Pilot Program shall be
3 written on a form provided by the Department of Public Health
4 and shall include, at a minimum, the following:

5 (1) the participant's name, date of birth, home
6 address, and primary telephone number;

7 (2) the certifying health care professional's
8 ~~physician's~~ name, address, telephone number, email
9 address, and medical, advance practice registered nurse,
10 or physician assistant license number, and the last 4
11 digits, only, of his or her active controlled substances
12 license under the Illinois Controlled Substances Act and
13 indication of specialty or primary area of clinical
14 practice, if any;

15 (3) the certifying health care professional's
16 ~~physician's~~ signature and date;

17 (4) the length of participation in the program, which
18 shall be limited to no more than 90 days;

19 (5) a statement identifying the patient has been
20 diagnosed with and is currently undergoing treatment for a
21 medical condition where an opioid has been or could be
22 prescribed; and

23 (6) a statement that a participant in possession of a
24 written certification indicating eligibility to
25 participate in the Opioid Alternative Pilot Program shall
26 not be considered an unlawful user or addicted to narcotics

1 solely as a result of his or her eligibility or
2 participation in the program.

3 (e) The Department of Public Health may provide a single
4 certification form for subsections (a) and (d) of this Section,
5 provided that all requirements of those subsections are
6 included on the form.

7 (f) The Department of Public Health shall not include the
8 word "cannabis" on any application forms or written
9 certification forms that it issues under this Section.

10 (g) A written certification does not constitute a
11 prescription.

12 (h) It is unlawful for any person to knowingly submit a
13 fraudulent certification to be a qualifying patient in the
14 Compassionate Use of Medical Cannabis ~~Pilot~~ Program or an
15 Opioid Alternative Pilot Program participant. A violation of
16 this subsection shall result in the person who has knowingly
17 submitted the fraudulent certification being permanently
18 banned from participating in the Compassionate Use of Medical
19 Cannabis ~~Pilot~~ Program or the Opioid Alternative Pilot Program.

20 (Source: P.A. 100-1114, eff. 8-28-18.)

21 (410 ILCS 130/40)

22 (Section scheduled to be repealed on July 1, 2020)

23 Sec. 40. Discrimination prohibited.

24 (a)(1) No school, employer, or landlord may refuse to
25 enroll or lease to, or otherwise penalize, a person solely for

1 his or her status as a registered qualifying patient or a
2 registered designated caregiver, unless failing to do so would
3 put the school, employer, or landlord in violation of federal
4 law or unless failing to do so would cause it to lose a
5 monetary or licensing-related benefit under federal law or
6 rules. This does not prevent a landlord from prohibiting the
7 smoking of cannabis on the premises.

8 (2) For the purposes of medical care, including organ
9 transplants, a registered qualifying patient's authorized use
10 of cannabis in accordance with this Act is considered the
11 equivalent of the authorized use of any other medication used
12 at the direction of a certifying health care professional
13 ~~physician~~, and may not constitute the use of an illicit
14 substance or otherwise disqualify a qualifying patient from
15 needed medical care.

16 (b) A person otherwise entitled to custody of or visitation
17 or parenting time with a minor may not be denied that right,
18 and there is no presumption of neglect or child endangerment,
19 for conduct allowed under this Act, unless the person's actions
20 in relation to cannabis were such that they created an
21 unreasonable danger to the safety of the minor as established
22 by clear and convincing evidence.

23 (c) No school, landlord, or employer may be penalized or
24 denied any benefit under State law for enrolling, leasing to,
25 or employing a cardholder.

26 (d) Nothing in this Act may be construed to require a

1 government medical assistance program, employer, property and
2 casualty insurer, or private health insurer to reimburse a
3 person for costs associated with the medical use of cannabis.

4 (e) Nothing in this Act may be construed to require any
5 person or establishment in lawful possession of property to
6 allow a guest, client, customer, or visitor who is a registered
7 qualifying patient to use cannabis on or in that property.

8 (Source: P.A. 98-122, eff. 1-1-14; 99-31, eff. 1-1-16.)

9 (410 ILCS 130/45)

10 (Section scheduled to be repealed on July 1, 2020)

11 Sec. 45. Addition of debilitating medical conditions.

12 (a) Any resident may petition the Department of Public
13 Health to add debilitating conditions or treatments to the list
14 of debilitating medical conditions listed in subsection (h) of
15 Section 10. The Department shall approve or deny a petition
16 within 180 days of its submission, and, upon approval, shall
17 proceed to add that condition by rule in accordance with the
18 Illinois Administrative Procedure Act. The approval or denial
19 of any petition is a final decision of the Department, subject
20 to judicial review. Jurisdiction and venue are vested in the
21 Circuit Court.

22 (b) The Department shall accept petitions once annually for
23 a one-month period determined by the Department. During the
24 open period, the Department shall accept petitions from any
25 resident requesting the addition of a new debilitating medical

1 condition or disease to the list of approved debilitating
2 medical conditions for which the use of cannabis has been shown
3 to have a therapeutic or palliative effect. The Department
4 shall provide public notice 30 days before the open period for
5 accepting petitions, which shall describe the time period for
6 submission, the required format of the submission, and the
7 submission address.

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

10 (d) A petitioner shall file one original petition in the
11 format provided by the Department and in the manner specified
12 by the Department. For a petition to be processed and reviewed,
13 the following information shall be included:

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

16 (2) A specific description of the medical condition or
17 disease that is the subject of the petition. Each petition
18 shall be limited to a single condition or disease.
19 Information about the proposed condition or disease shall
20 include:

21 (A) the extent to which the condition or disease
22 itself or the treatments cause severe suffering, such
23 as severe or chronic pain, severe nausea or vomiting,
24 or otherwise severely impair a person's ability to
25 conduct activities of daily living;

26 (B) information about why conventional medical

1 therapies are not sufficient to alleviate the
2 suffering caused by the disease or condition and its
3 treatment;

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

6 (D) evidence from the medical community and other
7 experts supporting the use of medical cannabis to
8 alleviate suffering caused by the condition, disease,
9 or treatment;

10 (E) letters of support from physicians or other
11 licensed health care providers knowledgeable about the
12 condition or disease, including, if feasible, a letter
13 from a physician, advanced practice registered nurse,
14 or physician assistant with whom the petitioner has a
15 bona fide health care professional-patient
16 ~~physician-patient~~ relationship;

17 (F) any additional medical, testimonial, or
18 scientific documentation; and

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

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

21 (A) determine whether the petition meets the
22 standards for submission and, if so, shall accept the
23 petition for further review; or

24 (B) determine whether the petition does not meet
25 the standards for submission and, if so, shall deny the
26 petition without further review.

1 (4) If the petition does not fulfill the standards for
2 submission, the petition shall be considered deficient.
3 The Department shall notify the petitioner, who may correct
4 any deficiencies and resubmit the petition during the next
5 open period.

6 (e) The petitioner may withdraw his or her petition by
7 submitting a written statement to the Department indicating
8 withdrawal.

9 (f) Upon review of accepted petitions, the Director shall
10 render a final decision regarding the acceptance or denial of
11 the proposed debilitating medical conditions or diseases.

12 (g) The Department shall convene a Medical Cannabis
13 Advisory Board (Advisory Board) composed of 16 members, which
14 shall include:

15 (1) one medical cannabis patient advocate or
16 designated caregiver;

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

20 (3) two registered nurses or nurse practitioners;

21 (4) three registered qualifying patients, including
22 one veteran; and

23 (5) nine health care practitioners with current
24 professional licensure in their field. The Advisory Board
25 shall be composed of health care practitioners
26 representing the following areas:

- 1 (A) neurology;
- 2 (B) pain management;
- 3 (C) medical oncology;
- 4 (D) psychiatry or mental health;
- 5 (E) infectious disease;
- 6 (F) family medicine;
- 7 (G) general primary care;
- 8 (H) medical ethics;
- 9 (I) pharmacy;
- 10 (J) pediatrics; or
- 11 (K) psychiatry or mental health for children or
- 12 adolescents.

13 At least one appointed health care practitioner shall have
14 direct experience related to the health care needs of veterans
15 and at least one individual shall have pediatric experience.

16 (h) Members of the Advisory Board shall be appointed by the
17 Governor.

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

22 (2) The Governor shall select a chairperson.

23 (3) Members may serve multiple terms.

24 (4) Members shall not have an affiliation with, serve
25 on the board of, or have a business relationship with a
26 registered cultivation center or a registered medical

1 cannabis dispensary.

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

8 (6) Members shall not be paid but shall be reimbursed
9 for travel expenses incurred while fulfilling the
10 responsibilities of the Advisory Board.

11 (i) On June 30, 2016 (the effective date of Public Act
12 99-519), the terms of office of the members of the Advisory
13 Board serving on that date shall terminate and the Board shall
14 be reconstituted.

15 (j) The Advisory Board shall convene at the call of the
16 Chair:

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

19 (2) to review new medical and scientific evidence
20 pertaining to currently approved conditions.

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

23 (l) The Advisory Board shall receive administrative
24 support from the Department.

25 (Source: P.A. 99-519, eff. 6-30-16; 99-642, eff. 7-28-16;
26 100-201, eff. 8-18-17.)

1 (410 ILCS 130/55)

2 (Section scheduled to be repealed on July 1, 2020)

3 Sec. 55. Registration of qualifying patients and
4 designated caregivers.

5 (a) The Department of Public Health shall issue registry
6 identification cards to qualifying patients and designated
7 caregivers who submit a completed application, and at minimum,
8 the following, in accordance with Department of Public Health
9 rules:

10 (1) A written certification, on a form developed by the
11 Department of Public Health consistent with Section 36 and
12 issued by a certifying health care professional ~~physician~~,
13 within 90 days immediately preceding the date of an
14 application and submitted by the qualifying patient or his
15 or her designated caregiver;

16 (2) upon the execution of applicable privacy waivers,
17 the patient's medical documentation related to his or her
18 debilitating condition and any other information that may
19 be reasonably required by the Department of Public Health
20 to confirm that the certifying health care professional
21 ~~physician~~ and patient have a bona fide health care
22 professional-patient ~~physician-patient~~ relationship, that
23 the qualifying patient is in the certifying health care
24 professional's ~~physician's~~ care for his or her
25 debilitating medical condition, and to substantiate the

1 patient's diagnosis;

2 (3) the application or renewal fee as set by rule;

3 (4) the name, address, date of birth, and social
4 security number of the qualifying patient, except that if
5 the applicant is homeless no address is required;

6 (5) the name, address, and telephone number of the
7 qualifying patient's certifying health care professional
8 ~~physician~~;

9 (6) the name, address, and date of birth of the
10 designated caregiver, if any, chosen by the qualifying
11 patient;

12 (7) the name of the registered medical cannabis
13 dispensing organization the qualifying patient designates;

14 (8) signed statements from the patient and designated
15 caregiver asserting that they will not divert medical
16 cannabis; and

17 (9) (blank).

18 (b) Notwithstanding any other provision of this Act, a
19 person provided a written certification for a debilitating
20 medical condition who has submitted a completed online
21 application to the Department of Public Health shall receive a
22 provisional registration and be entitled to purchase medical
23 cannabis from a specified licensed dispensing organization for
24 a period of 90 days or until his or her application has been
25 denied or he or she receives a registry identification card,
26 whichever is earlier. However, a person may obtain an

1 additional provisional registration after the expiration of 90
2 days after the date of application if the Department of Public
3 Health does not provide the individual with a registry
4 identification card or deny the individual's application
5 within those 90 days.

6 The provisional registration may not be extended if the
7 individual does not respond to the Department of Public
8 Health's request for additional information or corrections to
9 required application documentation.

10 In order for a person to receive medical cannabis under
11 this subsection, a person must present his or her provisional
12 registration along with a valid driver's license or State
13 identification card to the licensed dispensing organization
14 specified in his or her application. The dispensing
15 organization shall verify the person's provisional
16 registration through the Department of Public Health's online
17 verification system.

18 Upon verification of the provided documents, the
19 dispensing organization shall dispense no more than 2.5 ounces
20 of medical cannabis during a 14-day period to the person for a
21 period of 90 days, until his or her application has been
22 denied, or until he or she receives a registry identification
23 card from the Department of Public Health, whichever is
24 earlier.

25 Persons with provisional registrations must keep their
26 provisional registration in his or her possession at all times

1 when transporting or engaging in the medical use of cannabis.

2 (c) No person or business shall charge a fee for assistance
3 in the preparation, compilation, or submission of an
4 application to the Compassionate Use of Medical Cannabis ~~Pilot~~
5 Program or the Opioid Alternative Pilot Program. A violation of
6 this subsection is a Class C misdemeanor, for which restitution
7 to the applicant and a fine of up to \$1,500 may be imposed. All
8 fines shall be deposited into the Compassionate Use of Medical
9 Cannabis Fund after restitution has been made to the applicant.
10 The Department of Public Health shall refer individuals making
11 complaints against a person or business under this Section to
12 the Illinois State Police, who shall enforce violations of this
13 provision. All application forms issued by the Department shall
14 state that no person or business may charge a fee for
15 assistance in the preparation, compilation, or submission of an
16 application to the Compassionate Use of Medical Cannabis ~~Pilot~~
17 Program or the Opioid Alternative Pilot Program.

18 (Source: P.A. 100-1114, eff. 8-28-18.)

19 (410 ILCS 130/57)

20 (Section scheduled to be repealed on July 1, 2020)

21 Sec. 57. Qualifying patients ~~under 18~~.

22 (a) Qualifying patients that are under the age of 18 years
23 shall not be prohibited from appointing up to 3 ~~having 2~~
24 ~~designated caregivers as follows: if both biological parents or~~
25 ~~2 legal guardians of a qualifying patient under 18 both have~~

1 ~~significant decision-making responsibilities over the~~
2 ~~qualifying patient, then both may serve as a designated~~
3 ~~caregiver if they otherwise meet the definition of "designated~~
4 ~~caregiver" under Section 10; however, if only one biological~~
5 ~~parent or legal guardian has significant decision making~~
6 ~~responsibilities for the qualifying patient under 18, then he~~
7 ~~or she may appoint a second designated caregivers caregiver who~~
8 meet ~~meets~~ the definition of "designated caregiver" under
9 Section 10 so long as at least one designated caregiver is a
10 biological parent or legal guardian.

11 (b) Qualifying patients that are 18 years of age or older
12 shall not be prohibited from appointing up to 3 designated
13 caregivers who meet the definition of "designated caregiver"
14 under Section 10.

15 (Source: P.A. 99-519, eff. 6-30-16.)

16 (410 ILCS 130/60)

17 (Section scheduled to be repealed on July 1, 2020)

18 Sec. 60. Issuance of registry identification cards.

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

21 (1) verify the information contained in an application
22 or renewal for a registry identification card submitted
23 under this Act, and approve or deny an application or
24 renewal, within 90 days of receiving a completed
25 application or renewal application and all supporting

1 documentation specified in Section 55;

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

6 (3) enter the registry identification number of the
7 registered dispensing organization the patient designates
8 into the verification system; and

9 (4) allow for an electronic application process, and
10 provide a confirmation by electronic or other methods that
11 an application has been submitted.

12 Notwithstanding any other provision of this Act, the
13 Department of Public Health shall adopt rules for qualifying
14 patients and applicants with life-long debilitating medical
15 conditions, who may be charged annual renewal fees. The
16 Department of Public Health shall not require patients and
17 applicants with life-long debilitating medical conditions to
18 apply to renew registry identification cards.

19 (b) The Department of Public Health may not issue a
20 registry identification card to a qualifying patient who is
21 under 18 years of age, unless that patient suffers from
22 seizures, including those characteristic of epilepsy, or as
23 provided by administrative rule. The Department of Public
24 Health shall adopt rules for the issuance of a registry
25 identification card for qualifying patients who are under 18
26 years of age and suffering from seizures, including those

1 characteristic of epilepsy. The Department of Public Health may
2 adopt rules to allow other individuals under 18 years of age to
3 become registered qualifying patients under this Act with the
4 consent of a parent or legal guardian. Registered qualifying
5 patients under 21 ~~18~~ years of age shall be prohibited from
6 consuming forms of cannabis other than medical cannabis infused
7 products and purchasing any usable cannabis or paraphernalia
8 used for smoking or vaping medical cannabis.

9 (c) A veteran who has received treatment at a VA hospital
10 is deemed to have a bona fide health care professional-patient
11 ~~physician-patient~~ relationship with a VA certifying health
12 care professional ~~physician~~ if the patient has been seen for
13 his or her debilitating medical condition at the VA hospital in
14 accordance with VA hospital protocols. All reasonable
15 inferences regarding the existence of a bona fide health care
16 professional-patient ~~physician-patient~~ relationship shall be
17 drawn in favor of an applicant who is a veteran and has
18 undergone treatment at a VA hospital.

19 (c-10) An individual who submits an application as someone
20 who is terminally ill shall have all fees waived. The
21 Department of Public Health shall within 30 days after this
22 amendatory Act of the 99th General Assembly adopt emergency
23 rules to expedite approval for terminally ill individuals.
24 These rules shall include, but not be limited to, rules that
25 provide that applications by individuals with terminal
26 illnesses shall be approved or denied within 14 days of their

1 submission.

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

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

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

11 (f) (Blank).

12 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

13 (410 ILCS 130/62)

14 Sec. 62. Opioid Alternative Pilot Program.

15 (a) The Department of Public Health shall establish the
16 Opioid Alternative Pilot Program. Licensed dispensing
17 organizations shall allow persons with a written certification
18 from a certifying health care professional ~~licensed physician~~
19 under Section 36 to purchase medical cannabis upon enrollment
20 in the Opioid Alternative Pilot Program. The Department of
21 Public Health shall adopt rules or establish procedures
22 allowing qualified veterans to participate in the Opioid
23 Alternative Pilot Program. For a person to receive medical
24 cannabis under this Section, the person must present the
25 written certification along with a valid driver's license or

1 state identification card to the licensed dispensing
2 organization specified in his or her application. The
3 dispensing organization shall verify the person's status as an
4 Opioid Alternative Pilot Program participant through the
5 Department of Public Health's online verification system.

6 (b) The Opioid Alternative Pilot Program shall be limited
7 to participation by Illinois residents age 21 and older.

8 (c) The Department of Financial and Professional
9 Regulation shall specify that all licensed dispensing
10 organizations participating in the Opioid Alternative Pilot
11 Program use the Illinois Cannabis Tracking System. The
12 Department of Public Health shall establish and maintain the
13 Illinois Cannabis Tracking System. The Illinois Cannabis
14 Tracking System shall be used to collect information about all
15 persons participating in the Opioid Alternative Pilot Program
16 and shall be used to track the sale of medical cannabis for
17 verification purposes.

18 Each dispensing organization shall retain a copy of the
19 Opioid Alternative Pilot Program certification and other
20 identifying information as required by the Department of
21 Financial and Professional Regulation, the Department of
22 Public Health, and the Illinois State Police in the Illinois
23 Cannabis Tracking System.

24 The Illinois Cannabis Tracking System shall be accessible
25 to the Department of Financial and Professional Regulation,
26 Department of Public Health, Department of Agriculture, and the

1 Illinois State Police.

2 The Department of Financial and Professional Regulation in
3 collaboration with the Department of Public Health shall
4 specify the data requirements for the Opioid Alternative Pilot
5 Program by licensed dispensing organizations; including, but
6 not limited to, the participant's full legal name, address, and
7 date of birth, date on which the Opioid Alternative Pilot
8 Program certification was issued, length of the participation
9 in the Program, including the start and end date to purchase
10 medical cannabis, name of the issuing physician, copy of the
11 participant's current driver's license or State identification
12 card, and phone number.

13 The Illinois Cannabis Tracking System shall provide
14 verification of a person's participation in the Opioid
15 Alternative Pilot Program for law enforcement at any time and
16 on any day.

17 (d) The certification for Opioid Alternative Pilot Program
18 participant must be issued by a certifying health care
19 professional who is ~~physician~~ licensed to practice in Illinois
20 under the Medical Practice Act of 1987, the Nurse Practice Act,
21 or the Physician Assistant Practice Act of 1987 and who is in
22 good standing and ~~who~~ holds a controlled substances license
23 under Article III of the Illinois Controlled Substances Act.

24 The certification for an Opioid Alternative Pilot Program
25 participant shall be written within 90 days before the
26 participant submits his or her certification to the dispensing

1 organization.

2 The written certification uploaded to the Illinois
3 Cannabis Tracking System shall be accessible to the Department
4 of Public Health.

5 (e) Upon verification of the individual's valid
6 certification and enrollment in the Illinois Cannabis Tracking
7 System, the dispensing organization may dispense the medical
8 cannabis, in amounts not exceeding 2.5 ounces of medical
9 cannabis per 14-day period to the participant at the
10 participant's specified dispensary for no more than 90 days.

11 An Opioid Alternative Pilot Program participant shall not
12 be registered as a medical cannabis cardholder. The dispensing
13 organization shall verify that the person is not an active
14 registered qualifying patient prior to enrollment in the Opioid
15 Alternative Pilot Program and each time medical cannabis is
16 dispensed.

17 Upon receipt of a written certification under the Opioid
18 Alternative Pilot Program, the Department of Public Health
19 shall electronically forward the patient's identification
20 information to the Prescription Monitoring Program established
21 under the Illinois Controlled Substances Act and certify that
22 the individual is permitted to engage in the medical use of
23 cannabis. For the purposes of patient care, the Prescription
24 Monitoring Program shall make a notation on the person's
25 prescription record stating that the person has a written
26 certification under the Opioid Alternative Pilot Program and is

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

12 (f) An Opioid Alternative Pilot Program participant shall
13 not be considered a qualifying patient with a debilitating
14 medical condition under this Act and shall be provided access
15 to medical cannabis solely for the duration of the
16 participant's certification. Nothing in this Section shall be
17 construed to limit or prohibit an Opioid Alternative Pilot
18 Program participant who has a debilitating medical condition
19 from applying to the Compassionate Use of Medical Cannabis
20 ~~Pilot~~ Program.

21 (g) A person with a provisional registration under Section
22 55 shall not be considered an Opioid Alternative Pilot Program
23 participant.

24 (h) The Department of Financial and Professional
25 Regulation and the Department of Public Health shall submit
26 emergency rulemaking to implement the changes made by this

1 amendatory Act of the 100th General Assembly by December 1,
2 2018. The Department of Financial and Professional Regulation,
3 the Department of Agriculture, the Department of Human
4 Services, the Department of Public Health, and the Illinois
5 State Police shall utilize emergency purchase authority for 12
6 months after the effective date of this amendatory Act of the
7 100th General Assembly for the purpose of implementing the
8 changes made by this amendatory Act of the 100th General
9 Assembly.

10 (i) Dispensing organizations are not authorized to
11 dispense medical cannabis to Opioid Alternative Pilot Program
12 participants until administrative rules are approved by the
13 Joint Committee on Administrative Rules and go into effect.

14 (j) The provisions of this Section are inoperative on and
15 after July 1, 2020.

16 (Source: P.A. 100-1114, eff. 8-28-18.)

17 (410 ILCS 130/75)

18 (Section scheduled to be repealed on July 1, 2020)

19 Sec. 75. Notifications to Department of Public Health and
20 responses; civil penalty.

21 (a) The following notifications and Department of Public
22 Health responses are required:

23 (1) A registered qualifying patient shall notify the
24 Department of Public Health of any change in his or her
25 name or address, or if the registered qualifying patient

1 ceases to have his or her debilitating medical condition,
2 within 10 days of the change.

3 (2) A registered designated caregiver shall notify the
4 Department of Public Health of any change in his or her
5 name or address, or if the designated caregiver becomes
6 aware the registered qualifying patient passed away,
7 within 10 days of the change.

8 (3) Before a registered qualifying patient changes his
9 or her designated caregiver, the qualifying patient must
10 notify the Department of Public Health.

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

14 (b) When a cardholder notifies the Department of Public
15 Health of items listed in subsection (a), but remains eligible
16 under this Act, the Department of Public Health shall issue the
17 cardholder a new registry identification card with a new random
18 alphanumeric identification number within 15 business days of
19 receiving the updated information and a fee as specified in
20 Department of Public Health rules. If the person notifying the
21 Department of Public Health is a registered qualifying patient,
22 the Department shall also issue his or her registered
23 designated caregiver, if any, a new registry identification
24 card within 15 business days of receiving the updated
25 information.

26 (c) If a registered qualifying patient ceases to be a

1 registered qualifying patient or changes his or her registered
2 designated caregiver, the Department of Public Health shall
3 promptly notify the designated caregiver. The registered
4 designated caregiver's protections under this Act as to that
5 qualifying patient shall expire 15 days after notification by
6 the Department.

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

11 (e) A registered qualifying patient shall notify the
12 Department of Public Health of any change to his or her
13 designated registered dispensing organization. The Department
14 of Public Health shall provide for immediate changes of a
15 registered qualifying patient's designated registered
16 dispensing organization. Registered dispensing organizations
17 must comply with all requirements of this Act.

18 (f) If the registered qualifying patient's certifying
19 certifying health care professional ~~physician~~ notifies the
20 Department in writing that either the registered qualifying
21 patient has ceased to suffer from a debilitating medical
22 condition, that the bona fide health care professional-patient
23 ~~physician-patient~~ relationship has terminated, or that
24 continued use of medical cannabis would result in
25 contraindication with the patient's other medication, the card
26 shall become null and void. However, the registered qualifying

1 patient shall have 15 days to destroy his or her remaining
2 medical cannabis and related paraphernalia.

3 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

4 (410 ILCS 130/105)

5 (Section scheduled to be repealed on July 1, 2020)

6 Sec. 105. Requirements; prohibitions; penalties for
7 cultivation centers.

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

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

22 (c) A registered cultivation center may not be located
23 within 2,500 feet of the property line of a pre-existing public
24 or private preschool or elementary or secondary school or day
25 care center, day care home, group day care home, part day child

1 care facility, or an area zoned for residential use.

2 (d) All cultivation of cannabis for distribution to a
3 registered dispensing organization must take place in an
4 enclosed, locked facility as it applies to cultivation centers
5 at the physical address provided to the Department of
6 Agriculture during the registration process. The cultivation
7 center location shall only be accessed by the cultivation
8 center agents working for the registered cultivation center,
9 Department of Agriculture staff performing inspections,
10 Department of Public Health staff performing inspections, law
11 enforcement or other emergency personnel, and contractors
12 working on jobs unrelated to medical cannabis, such as
13 installing or maintaining security devices or performing
14 electrical wiring.

15 (e) A cultivation center may not sell or distribute any
16 cannabis to any individual or entity other than another
17 cultivation center, a dispensing organization registered under
18 this Act, or a laboratory licensed by the Department of
19 Agriculture ~~a dispensary organization registered under this~~
20 ~~Act.~~

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

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

26 (h) Registered cultivation centers are subject to random

1 inspection by the State Police.

2 (i) Registered cultivation centers are subject to random
3 inspections by the Department of Agriculture and the Department
4 of Public Health.

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

10 (k) A cultivation center shall comply with all State and
11 federal rules and regulations regarding the use of pesticides.
12 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

13 (410 ILCS 130/115)

14 (Section scheduled to be repealed on July 1, 2020)

15 Sec. 115. Registration of dispensing organizations.

16 (a) The Department of Financial and Professional
17 Regulation may issue up to 60 dispensing organization
18 registrations for operation. The Department of Financial and
19 Professional Regulation may not issue less than the 60
20 registrations if there are qualified applicants who have
21 applied with the Department of Financial and Professional
22 Regulation. The organizations shall be geographically
23 dispersed throughout the State to allow all registered
24 qualifying patients reasonable proximity and access to a
25 dispensing organization.

1 (a-5) For any dispensing organization registered on or
2 after July 1, 2019, the Department of Financial and
3 Professional Regulation shall award not less than 20% of all
4 available points to applicants that qualify as Social Equity
5 Applicants. For purposes of this Section:

6 "Disproportionately Impacted Area" means a census tract or
7 comparable geographic area that satisfies the following
8 criteria as determined by the Department of Commerce and
9 Economic Opportunity, that:

10 (1) meets at least one of the following criteria:

11 (A) the area has a poverty rate of at least 20%
12 according to the latest federal decennial census; or

13 (B) 75% or more of the children in the area
14 participate in the federal free lunch program
15 according to reported statistics from the State Board
16 of Education; or

17 (C) at least 20% of the households in the area
18 receive assistance under the Supplemental Nutrition
19 Assistance Program; or

20 (D) the area has an average unemployment rate, as
21 determined by the Illinois Department of Employment
22 Security, that is more than 120% of the national
23 unemployment average, as determined by the United
24 States Department of Labor, for a period of at least 2
25 consecutive calendar years preceding the date of the
26 application; and

1 (2) has high rates of arrest, conviction, and
2 incarceration related to sale, possession, use,
3 cultivation, manufacture, or transport of cannabis.

4 "Social Equity Applicant" means an applicant that is an
5 Illinois resident that meets one of the following criteria:

6 (1) an applicant with at least 51% ownership and
7 control by one or more individuals who have resided for at
8 least 5 of the preceding 10 years in a Disproportionately
9 Impacted Area;

10 (2) an applicant with at least 51% of ownership and
11 control by one or more individuals who have been arrested
12 for, convicted of, or adjudicated delinquent for any
13 offense that is eligible for expungement or member of an
14 impacted family;

15 (3) for applicants with a minimum of 10 full-time
16 employees, an applicant with at least 51% of current
17 employees who:

18 (A) currently reside in a Disproportionately
19 Impacted Area; or

20 (B) have been arrested for, convicted of, or
21 adjudicated delinquent for any offense that is
22 eligible for expungement or member of an impacted
23 family.

24 (b) A dispensing organization may only operate if it has
25 been issued a registration from the Department of Financial and
26 Professional Regulation. The Department of Financial and

1 Professional Regulation shall adopt rules establishing the
2 procedures for applicants for dispensing organizations.

3 (c) When applying for a dispensing organization
4 registration, the applicant shall submit, at a minimum, the
5 following in accordance with Department of Financial and
6 Professional Regulation rules:

7 (1) a non-refundable application fee established by
8 rule;

9 (2) the proposed legal name of the dispensing
10 organization;

11 (3) the proposed physical address of the dispensing
12 organization;

13 (4) the name, address, and date of birth of each
14 principal officer and board member of the dispensing
15 organization, provided that all those individuals shall be
16 at least 21 years of age;

17 (5) information, in writing, regarding any instances
18 in which a business or not-for-profit that any of the
19 prospective board members managed or served on the board
20 was convicted, fined, censured, or had a registration
21 suspended or revoked in any administrative or judicial
22 proceeding;

23 (6) proposed operating by-laws that include procedures
24 for the oversight of the medical cannabis dispensing
25 organization and procedures to ensure accurate record
26 keeping and security measures that are in accordance with

1 the rules applied by the Department of Financial and
2 Professional Regulation under this Act. The by-laws shall
3 include a description of the enclosed, locked facility
4 where medical cannabis will be stored by the dispensing
5 organization; and

6 (7) signed statements from each dispensing
7 organization agent stating that they will not divert
8 medical cannabis.

9 (d) The Department of Financial and Professional
10 Regulation shall conduct a background check of the prospective
11 dispensing organization agents in order to carry out this
12 Section. The Department of State Police shall charge a fee for
13 conducting the criminal history record check, which shall be
14 deposited in the State Police Services Fund and shall not
15 exceed the actual cost of the record check. Each person
16 applying as a dispensing organization agent shall submit a full
17 set of fingerprints to the Department of State Police for the
18 purpose of obtaining a State and federal criminal records
19 check. These fingerprints shall be checked against the
20 fingerprint records now and hereafter, to the extent allowed by
21 law, filed in the Department of State Police and Federal Bureau
22 of Investigation criminal history records databases. The
23 Department of State Police shall furnish, following positive
24 identification, all Illinois conviction information to the
25 Department of Financial and Professional Regulation.

26 (e) A dispensing organization must pay a registration fee

1 set by the Department of Financial and Professional Regulation.

2 (f) An application for a medical cannabis dispensing
3 organization registration must be denied if any of the
4 following conditions are met:

5 (1) the applicant failed to submit the materials
6 required by this Section, including if the applicant's
7 plans do not satisfy the security, oversight, or
8 recordkeeping rules issued by the Department of Financial
9 and Professional Regulation;

10 (2) the applicant would not be in compliance with local
11 zoning rules issued in accordance with Section 140;

12 (3) the applicant does not meet the requirements of
13 Section 130;

14 (4) one or more of the prospective principal officers
15 or board members has been convicted of an excluded offense;

16 (5) one or more of the prospective principal officers
17 or board members has served as a principal officer or board
18 member for a registered medical cannabis dispensing
19 organization that has had its registration revoked; and

20 (6) one or more of the principal officers or board
21 members is under 21 years of age. ~~;~~ and

22 ~~(7) one or more of the principal officers or board~~
23 ~~members is a registered qualified patient or a registered~~
24 ~~caregiver.~~

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

1 (410 ILCS 130/130)

2 (Section scheduled to be repealed on July 1, 2020)

3 Sec. 130. Requirements; prohibitions; penalties;
4 dispensing organizations.

5 (a) The Department of Financial and Professional
6 Regulation shall implement the provisions of this Section by
7 rule.

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

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

16 (d) A dispensing organization may not be located within
17 1,000 feet of the property line of a pre-existing public or
18 private preschool or elementary or secondary school or day care
19 center, day care home, group day care home, or part day child
20 care facility. A registered dispensing organization may not be
21 located in a house, apartment, condominium, or an area zoned
22 for residential use. This subsection shall not apply to any
23 dispensing organizations registered on or after July 1, 2019.

24 (e) A dispensing organization is prohibited from acquiring
25 cannabis from anyone other than a registered cultivation
26 center. A dispensing organization is prohibited from obtaining

1 cannabis from outside the State of Illinois.

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

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

15 (h) A dispensing organization may not dispense more than
16 2.5 ounces of cannabis to a registered qualifying patient,
17 directly or via a designated caregiver, in any 14-day period
18 unless the qualifying patient has a Department of Public
19 Health-approved quantity waiver. Any Department of Public
20 Health-approved quantity waiver process must be made available
21 to qualified veterans.

22 (i) Except as provided in subsection (i-5), before medical
23 cannabis may be dispensed to a designated caregiver or a
24 registered qualifying patient, a dispensing organization agent
25 must determine that the individual is a current cardholder in
26 the verification system and must verify each of the following:

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

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

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

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

12 (i-5) A dispensing organization may dispense medical
13 cannabis to an Opioid Alternative Pilot Program participant
14 under Section 62 and to a person presenting proof of
15 provisional registration under Section 55. Before dispensing
16 medical cannabis, the dispensing organization shall comply
17 with the requirements of Section 62 or Section 55, whichever is
18 applicable, and verify the following:

19 (1) that the written certification presented to the
20 registered dispensing organization is valid and an
21 original document;

22 (2) that the person presenting the written
23 certification is the person identified on the written
24 certification; and

25 (3) that the participant has not exceeded his or her
26 adequate supply.

1 (j) Dispensing organizations shall ensure compliance with
2 this limitation by maintaining internal, confidential records
3 that include records specifying how much medical cannabis is
4 dispensed to the registered qualifying patient and whether it
5 was dispensed directly to the registered qualifying patient or
6 to the designated caregiver. Each entry must include the date
7 and time the cannabis was dispensed. Additional recordkeeping
8 requirements may be set by rule.

9 (k) The health care professional-patient ~~physician-patient~~
10 privilege as set forth by Section 8-802 of the Code of Civil
11 Procedure shall apply between a qualifying patient and a
12 registered dispensing organization and its agents with respect
13 to communications and records concerning qualifying patients'
14 debilitating conditions.

15 (l) A dispensing organization may not permit any person to
16 consume cannabis on the property of a medical cannabis
17 organization.

18 (m) A dispensing organization may not share office space
19 with or refer patients to a certifying health care professional
20 ~~physician~~.

21 (n) Notwithstanding any other criminal penalties related
22 to the unlawful possession of cannabis, the Department of
23 Financial and Professional Regulation may revoke, suspend,
24 place on probation, reprimand, refuse to issue or renew, or
25 take any other disciplinary or non-disciplinary action as the
26 Department of Financial and Professional Regulation may deem

1 proper with regard to the registration of any person issued
2 under this Act to operate a dispensing organization or act as a
3 dispensing organization agent, including imposing fines not to
4 exceed \$10,000 for each violation, for any violations of this
5 Act and rules adopted in accordance with this Act. The
6 procedures for disciplining a registered dispensing
7 organization shall be determined by rule. All final
8 administrative decisions of the Department of Financial and
9 Professional Regulation are subject to judicial review under
10 the Administrative Review Law and its rules. The term
11 "administrative decision" is defined as in Section 3-101 of the
12 Code of Civil Procedure.

13 (o) Dispensing organizations are subject to random
14 inspection and cannabis testing by the Department of Financial
15 and Professional Regulation and State Police as provided by
16 rule.

17 (p) The Department of Financial and Professional
18 Regulation shall adopt rules permitting returns, and potential
19 refunds, for damaged or inadequate products.

20 (q) The Department of Financial and Professional
21 Regulation may issue nondisciplinary citations for minor
22 violations which may be accompanied by a civil penalty not to
23 exceed \$10,000 per violation. The penalty shall be a civil
24 penalty or other condition as established by rule. The citation
25 shall be issued to the licensee and shall contain the
26 licensee's name, address, and license number, a brief factual

1 statement, the Sections of the law or rule allegedly violated,
2 and the civil penalty, if any, imposed. The citation must
3 clearly state that the licensee may choose, in lieu of
4 accepting the citation, to request a hearing. If the licensee
5 does not dispute the matter in the citation with the Department
6 of Financial and Professional Regulation within 30 days after
7 the citation is served, then the citation shall become final
8 and shall not be subject to appeal.

9 (Source: P.A. 100-1114, eff. 8-28-18.)

10 (410 ILCS 130/145)

11 (Section scheduled to be repealed on July 1, 2020)

12 Sec. 145. Confidentiality.

13 (a) The following information received and records kept by
14 the Department of Public Health, Department of Financial and
15 Professional Regulation, Department of Agriculture, or
16 Department of State Police for purposes of administering this
17 Act are subject to all applicable federal privacy laws,
18 confidential, and exempt from the Freedom of Information Act,
19 and not subject to disclosure to any individual or public or
20 private entity, except as necessary for authorized employees of
21 those authorized agencies to perform official duties under this
22 Act and the following information received and records kept by
23 Department of Public Health, Department of Agriculture,
24 Department of Financial and Professional Regulation, and
25 Department of State Police, excluding any existing or

1 non-existing Illinois or national criminal history record
2 information as defined in subsection (d), may be disclosed to
3 each other upon request:

4 (1) Applications and renewals, their contents, and
5 supporting information submitted by qualifying patients
6 and designated caregivers, including information regarding
7 their designated caregivers and certifying health care
8 professionals ~~physicians~~.

9 (2) Applications and renewals, their contents, and
10 supporting information submitted by or on behalf of
11 cultivation centers and dispensing organizations in
12 compliance with this Act, including their physical
13 addresses.

14 (3) The individual names and other information
15 identifying persons to whom the Department of Public Health
16 has issued registry identification cards.

17 (4) Any dispensing information required to be kept
18 under Section 135, Section 150, or Department of Public
19 Health, Department of Agriculture, or Department of
20 Financial and Professional Regulation rules shall identify
21 cardholders and registered cultivation centers by their
22 registry identification numbers and medical cannabis
23 dispensing organizations by their registration number and
24 not contain names or other personally identifying
25 information.

26 (5) All medical records provided to the Department of

1 Public Health in connection with an application for a
2 registry card.

3 (b) Nothing in this Section precludes the following:

4 (1) Department of Agriculture, Department of Financial
5 and Professional Regulation, or Public Health employees
6 may notify law enforcement about falsified or fraudulent
7 information submitted to the Departments if the employee
8 who suspects that falsified or fraudulent information has
9 been submitted conferred with his or her supervisor and
10 both agree that circumstances exist that warrant
11 reporting.

12 (2) If the employee conferred with his or her
13 supervisor and both agree that circumstances exist that
14 warrant reporting, Department of Public Health employees
15 may notify the Department of Financial and Professional
16 Regulation if there is reasonable cause to believe a
17 certifying health care professional ~~physician~~:

18 (A) issued a written certification without a bona
19 fide health care professional-patient
20 ~~physician-patient~~ relationship under this Act;

21 (B) issued a written certification to a person who
22 was not under the certifying health care
23 professional's ~~physician's~~ care for the debilitating
24 medical condition; or

25 (C) failed to abide by the acceptable and
26 prevailing standard of care when evaluating a

1 patient's medical condition.

2 (3) The Department of Public Health, Department of
3 Agriculture, and Department of Financial and Professional
4 Regulation may notify State or local law enforcement about
5 apparent criminal violations of this Act if the employee
6 who suspects the offense has conferred with his or her
7 supervisor and both agree that circumstances exist that
8 warrant reporting.

9 (4) Medical cannabis cultivation center agents and
10 medical cannabis dispensing organizations may notify the
11 Department of Public Health, Department of Financial and
12 Professional Regulation, or Department of Agriculture of a
13 suspected violation or attempted violation of this Act or
14 the rules issued under it.

15 (5) Each Department may verify registry identification
16 cards under Section 150.

17 (6) The submission of the report to the General
18 Assembly under Section 160.

19 (c) It is a Class B misdemeanor with a \$1,000 fine for any
20 person, including an employee or official of the Department of
21 Public Health, Department of Financial and Professional
22 Regulation, or Department of Agriculture or another State
23 agency or local government, to breach the confidentiality of
24 information obtained under this Act.

25 (d) The Department of Public Health, the Department of
26 Agriculture, the Department of State Police, and the Department

1 of Financial and Professional Regulation shall not share or
2 disclose any existing or non-existing Illinois or national
3 criminal history record information. For the purposes of this
4 Section, "any existing or non-existing Illinois or national
5 criminal history record information" means any Illinois or
6 national criminal history record information, including but
7 not limited to the lack of or non-existence of these records.

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

9 (410 ILCS 130/160)

10 (Section scheduled to be repealed on July 1, 2020)

11 Sec. 160. Annual reports. The Department of Public Health
12 shall submit to the General Assembly a report, by September 30
13 of each year, that does not disclose any identifying
14 information about registered qualifying patients, registered
15 caregivers, or certifying health care professionals
16 ~~physicians~~, but does contain, at a minimum, all of the
17 following information based on the fiscal year for reporting
18 purposes:

19 (1) the number of applications and renewals filed for
20 registry identification cards or registrations;

21 (2) the number of qualifying patients and designated
22 caregivers served by each dispensary during the report
23 year;

24 (3) the nature of the debilitating medical conditions
25 of the qualifying patients;

1 (4) the number of registry identification cards or
2 registrations revoked for misconduct;

3 (5) the number of certifying health care professionals
4 ~~physicians~~ providing written certifications for qualifying
5 patients; and

6 (6) the number of registered medical cannabis
7 cultivation centers or registered dispensing
8 organizations;

9 (7) the number of Opioid Alternative Pilot Program
10 participants.

11 (Source: P.A. 100-863, eff. 8-14-18; 100-1114, eff. 8-28-18.)

12 (410 ILCS 130/173 new)

13 Sec. 173. Conflicts of law. To the extent that any
14 provision of this Act conflicts with any Act that allows the
15 recreational use of cannabis, the provisions of that Act shall
16 control.

17 (410 ILCS 130/195)

18 (Section scheduled to be repealed on July 1, 2020)

19 Sec. 195. Definitions. For the purposes of this Law:

20 "Cultivation center" has the meaning ascribed to that term
21 in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act.

22 "Department" means the Department of Revenue.

23 "Dispensing organization" has the meaning ascribed to that
24 term in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program

1 Act.

2 "Person" means an individual, partnership, corporation, or
3 public or private organization.

4 "Qualifying patient" means a qualifying patient registered
5 under the Compassionate Use of Medical Cannabis ~~Pilot~~ Program
6 Act.

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

8 (410 ILCS 130/200)

9 (Section scheduled to be repealed on July 1, 2020)

10 Sec. 200. Tax imposed.

11 (a) Beginning on the effective date of this Act, a tax is
12 imposed upon the privilege of cultivating medical cannabis at a
13 rate of 7% of the sales price per ounce. The proceeds from this
14 tax shall be deposited into the Compassionate Use of Medical
15 Cannabis Fund created under the Compassionate Use of Medical
16 Cannabis ~~Pilot~~ Program Act. This tax shall be paid by a
17 cultivation center and is not the responsibility of a
18 dispensing organization or a qualifying patient.

19 (b) The tax imposed under this Act shall be in addition to
20 all other occupation or privilege taxes imposed by the State of
21 Illinois or by any municipal corporation or political
22 subdivision thereof.

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

24 (410 ILCS 130/135 rep.)

1 (410 ILCS 130/220 rep.)

2 Section 60. The Compassionate Use of Medical Cannabis Pilot
3 Program Act is amended by repealing Sections 135 and 220.

4 Section 65. The Illinois Vehicle Code is amended by
5 changing Sections 2-118.2, 6-206.1, 11-501, and 11-501.9 as
6 follows:

7 (625 ILCS 5/2-118.2)

8 Sec. 2-118.2. Opportunity for hearing; medical
9 cannabis-related suspension under Section 11-501.9.

10 (a) A suspension of driving privileges under Section
11 11-501.9 of this Code shall not become effective until the
12 person is notified in writing of the impending suspension and
13 informed that he or she may request a hearing in the circuit
14 court of venue under subsection (b) of this Section and the
15 suspension shall become effective as provided in Section
16 11-501.9.

17 (b) Within 90 days after the notice of suspension served
18 under Section 11-501.9, the person may make a written request
19 for a judicial hearing in the circuit court of venue. The
20 request to the circuit court shall state the grounds upon which
21 the person seeks to have the suspension rescinded. Within 30
22 days after receipt of the written request or the first
23 appearance date on the Uniform Traffic Ticket issued for a
24 violation of Section 11-501 of this Code, or a similar

1 provision of a local ordinance, the hearing shall be conducted
2 by the circuit court having jurisdiction. This judicial
3 hearing, request, or process shall not stay or delay the
4 suspension. The hearing shall proceed in the court in the same
5 manner as in other civil proceedings.

6 The hearing may be conducted upon a review of the law
7 enforcement officer's own official reports; provided however,
8 that the person may subpoena the officer. Failure of the
9 officer to answer the subpoena shall be considered grounds for
10 a continuance if in the court's discretion the continuance is
11 appropriate.

12 The scope of the hearing shall be limited to the issues of:

13 (1) Whether the person was issued a registry
14 identification card under the Compassionate Use of Medical
15 Cannabis ~~Pilot~~ Program Act; and

16 (2) Whether the officer had reasonable suspicion to
17 believe that the person was driving or in actual physical
18 control of a motor vehicle upon a highway while impaired by
19 the use of cannabis; and

20 (3) Whether the person, after being advised by the
21 officer that the privilege to operate a motor vehicle would
22 be suspended if the person refused to submit to and
23 complete the field sobriety tests, did refuse to submit to
24 or complete the field sobriety tests authorized under
25 Section 11-501.9; and

26 (4) Whether the person after being advised by the

1 officer that the privilege to operate a motor vehicle would
2 be suspended if the person submitted to field sobriety
3 tests that disclosed the person was impaired by the use of
4 cannabis, did submit to field sobriety tests that disclosed
5 that the person was impaired by the use of cannabis.

6 Upon the conclusion of the judicial hearing, the circuit
7 court shall sustain or rescind the suspension and immediately
8 notify the Secretary of State. Reports received by the
9 Secretary of State under this Section shall be privileged
10 information and for use only by the courts, police officers,
11 and Secretary of State.

12 (Source: P.A. 98-1172, eff. 1-12-15.)

13 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

14 Sec. 6-206.1. Monitoring Device Driving Permit.
15 Declaration of Policy. It is hereby declared a policy of the
16 State of Illinois that the driver who is impaired by alcohol,
17 other drug or drugs, or intoxicating compound or compounds is a
18 threat to the public safety and welfare. Therefore, to provide
19 a deterrent to such practice, a statutory summary driver's
20 license suspension is appropriate. It is also recognized that
21 driving is a privilege and therefore, that the granting of
22 driving privileges, in a manner consistent with public safety,
23 is warranted during the period of suspension in the form of a
24 monitoring device driving permit. A person who drives and fails
25 to comply with the requirements of the monitoring device

1 driving permit commits a violation of Section 6-303 of this
2 Code.

3 The following procedures shall apply whenever a first
4 offender, as defined in Section 11-500 of this Code, is
5 arrested for any offense as defined in Section 11-501 or a
6 similar provision of a local ordinance and is subject to the
7 provisions of Section 11-501.1:

8 (a) Upon mailing of the notice of suspension of driving
9 privileges as provided in subsection (h) of Section 11-501.1 of
10 this Code, the Secretary shall also send written notice
11 informing the person that he or she will be issued a monitoring
12 device driving permit (MDDP). The notice shall include, at
13 minimum, information summarizing the procedure to be followed
14 for issuance of the MDDP, installation of the breath alcohol
15 ignition installation device (BAIID), as provided in this
16 Section, exemption from BAIID installation requirements, and
17 procedures to be followed by those seeking indigent status, as
18 provided in this Section. The notice shall also include
19 information summarizing the procedure to be followed if the
20 person wishes to decline issuance of the MDDP. A copy of the
21 notice shall also be sent to the court of venue together with
22 the notice of suspension of driving privileges, as provided in
23 subsection (h) of Section 11-501. However, a MDDP shall not be
24 issued if the Secretary finds that:

25 (1) the offender's driver's license is otherwise
26 invalid;

1 (2) death or great bodily harm to another resulted from
2 the arrest for Section 11-501;

3 (3) the offender has been previously convicted of
4 reckless homicide or aggravated driving under the
5 influence involving death;

6 (4) the offender is less than 18 years of age; or

7 (5) the offender is a qualifying patient licensed under
8 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act
9 who is in possession of a valid registry card issued under
10 that Act and refused to submit to standardized field
11 sobriety tests as required by subsection (a) of Section
12 11-501.9 or did submit to testing which disclosed the
13 person was impaired by the use of cannabis.

14 Any offender participating in the MDDP program must pay the
15 Secretary a MDDP Administration Fee in an amount not to exceed
16 \$30 per month, to be deposited into the Monitoring Device
17 Driving Permit Administration Fee Fund. The Secretary shall
18 establish by rule the amount and the procedures, terms, and
19 conditions relating to these fees. The offender must have an
20 ignition interlock device installed within 14 days of the date
21 the Secretary issues the MDDP. The ignition interlock device
22 provider must notify the Secretary, in a manner and form
23 prescribed by the Secretary, of the installation. If the
24 Secretary does not receive notice of installation, the
25 Secretary shall cancel the MDDP.

26 Upon receipt of the notice, as provided in paragraph (a) of

1 this Section, the person may file a petition to decline
2 issuance of the MDDP with the court of venue. The court shall
3 admonish the offender of all consequences of declining issuance
4 of the MDDP including, but not limited to, the enhanced
5 penalties for driving while suspended. After being so
6 admonished, the offender shall be permitted, in writing, to
7 execute a notice declining issuance of the MDDP. This notice
8 shall be filed with the court and forwarded by the clerk of the
9 court to the Secretary. The offender may, at any time
10 thereafter, apply to the Secretary for issuance of a MDDP.

11 (a-1) A person issued a MDDP may drive for any purpose and
12 at any time, subject to the rules adopted by the Secretary
13 under subsection (g). The person must, at his or her own
14 expense, drive only vehicles equipped with an ignition
15 interlock device as defined in Section 1-129.1, but in no event
16 shall such person drive a commercial motor vehicle.

17 (a-2) Persons who are issued a MDDP and must drive
18 employer-owned vehicles in the course of their employment
19 duties may seek permission to drive an employer-owned vehicle
20 that does not have an ignition interlock device. The employer
21 shall provide to the Secretary a form, as prescribed by the
22 Secretary, completed by the employer verifying that the
23 employee must drive an employer-owned vehicle in the course of
24 employment. If approved by the Secretary, the form must be in
25 the driver's possession while operating an employer-owner
26 vehicle not equipped with an ignition interlock device. No

1 person may use this exemption to drive a school bus, school
2 vehicle, or a vehicle designed to transport more than 15
3 passengers. No person may use this exemption to drive an
4 employer-owned motor vehicle that is owned by an entity that is
5 wholly or partially owned by the person holding the MDDP, or by
6 a family member of the person holding the MDDP. No person may
7 use this exemption to drive an employer-owned vehicle that is
8 made available to the employee for personal use. No person may
9 drive the exempted vehicle more than 12 hours per day, 6 days
10 per week.

11 (a-3) Persons who are issued a MDDP and who must drive a
12 farm tractor to and from a farm, within 50 air miles from the
13 originating farm are exempt from installation of a BAIID on the
14 farm tractor, so long as the farm tractor is being used for the
15 exclusive purpose of conducting farm operations.

16 (b) (Blank).

17 (c) (Blank).

18 (c-1) If the holder of the MDDP is convicted of or receives
19 court supervision for a violation of Section 6-206.2, 6-303,
20 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
21 provision of a local ordinance or a similar out-of-state
22 offense or is convicted of or receives court supervision for
23 any offense for which alcohol or drugs is an element of the
24 offense and in which a motor vehicle was involved (for an
25 arrest other than the one for which the MDDP is issued), or
26 de-installs the BAIID without prior authorization from the

1 Secretary, the MDDP shall be cancelled.

2 (c-5) If the Secretary determines that the person seeking
3 the MDDP is indigent, the Secretary shall provide the person
4 with a written document as evidence of that determination, and
5 the person shall provide that written document to an ignition
6 interlock device provider. The provider shall install an
7 ignition interlock device on that person's vehicle without
8 charge to the person, and seek reimbursement from the Indigent
9 BAIID Fund. If the Secretary has deemed an offender indigent,
10 the BAIID provider shall also provide the normal monthly
11 monitoring services and the de-installation without charge to
12 the offender and seek reimbursement from the Indigent BAIID
13 Fund. Any other monetary charges, such as a lockout fee or
14 reset fee, shall be the responsibility of the MDDP holder. A
15 BAIID provider may not seek a security deposit from the
16 Indigent BAIID Fund.

17 (d) MDDP information shall be available only to the courts,
18 police officers, and the Secretary, except during the actual
19 period the MDDP is valid, during which time it shall be a
20 public record.

21 (e) (Blank).

22 (f) (Blank).

23 (g) The Secretary shall adopt rules for implementing this
24 Section. The rules adopted shall address issues including, but
25 not limited to: compliance with the requirements of the MDDP;
26 methods for determining compliance with those requirements;

1 the consequences of noncompliance with those requirements;
2 what constitutes a violation of the MDDP; methods for
3 determining indigency; and the duties of a person or entity
4 that supplies the ignition interlock device.

5 (h) The rules adopted under subsection (g) shall provide,
6 at a minimum, that the person is not in compliance with the
7 requirements of the MDDP if he or she:

8 (1) tampers or attempts to tamper with or circumvent
9 the proper operation of the ignition interlock device;

10 (2) provides valid breath samples that register blood
11 alcohol levels in excess of the number of times allowed
12 under the rules;

13 (3) fails to provide evidence sufficient to satisfy the
14 Secretary that the ignition interlock device has been
15 installed in the designated vehicle or vehicles; or

16 (4) fails to follow any other applicable rules adopted
17 by the Secretary.

18 (i) Any person or entity that supplies an ignition
19 interlock device as provided under this Section shall, in
20 addition to supplying only those devices which fully comply
21 with all the rules adopted under subsection (g), provide the
22 Secretary, within 7 days of inspection, all monitoring reports
23 of each person who has had an ignition interlock device
24 installed. These reports shall be furnished in a manner or form
25 as prescribed by the Secretary.

26 (j) Upon making a determination that a violation of the

1 requirements of the MDDP has occurred, the Secretary shall
2 extend the summary suspension period for an additional 3 months
3 beyond the originally imposed summary suspension period,
4 during which time the person shall only be allowed to drive
5 vehicles equipped with an ignition interlock device; provided
6 further there are no limitations on the total number of times
7 the summary suspension may be extended. The Secretary may,
8 however, limit the number of extensions imposed for violations
9 occurring during any one monitoring period, as set forth by
10 rule. Any person whose summary suspension is extended pursuant
11 to this Section shall have the right to contest the extension
12 through a hearing with the Secretary, pursuant to Section 2-118
13 of this Code. If the summary suspension has already terminated
14 prior to the Secretary receiving the monitoring report that
15 shows a violation, the Secretary shall be authorized to suspend
16 the person's driving privileges for 3 months, provided that the
17 Secretary may, by rule, limit the number of suspensions to be
18 entered pursuant to this paragraph for violations occurring
19 during any one monitoring period. Any person whose license is
20 suspended pursuant to this paragraph, after the summary
21 suspension had already terminated, shall have the right to
22 contest the suspension through a hearing with the Secretary,
23 pursuant to Section 2-118 of this Code. The only permit the
24 person shall be eligible for during this new suspension period
25 is a MDDP.

26 (k) A person who has had his or her summary suspension

1 extended for the third time, or has any combination of 3
2 extensions and new suspensions, entered as a result of a
3 violation that occurred while holding the MDDP, so long as the
4 extensions and new suspensions relate to the same summary
5 suspension, shall have his or her vehicle impounded for a
6 period of 30 days, at the person's own expense. A person who
7 has his or her summary suspension extended for the fourth time,
8 or has any combination of 4 extensions and new suspensions,
9 entered as a result of a violation that occurred while holding
10 the MDDP, so long as the extensions and new suspensions relate
11 to the same summary suspension, shall have his or her vehicle
12 subject to seizure and forfeiture. The Secretary shall notify
13 the prosecuting authority of any third or fourth extensions or
14 new suspension entered as a result of a violation that occurred
15 while the person held a MDDP. Upon receipt of the notification,
16 the prosecuting authority shall impound or forfeit the vehicle.
17 The impoundment or forfeiture of a vehicle shall be conducted
18 pursuant to the procedure specified in Article 36 of the
19 Criminal Code of 2012.

20 (1) A person whose driving privileges have been suspended
21 under Section 11-501.1 of this Code and who had a MDDP that was
22 cancelled, or would have been cancelled had notification of a
23 violation been received prior to expiration of the MDDP,
24 pursuant to subsection (c-1) of this Section, shall not be
25 eligible for reinstatement when the summary suspension is
26 scheduled to terminate. Instead, the person's driving

1 privileges shall be suspended for a period of not less than
2 twice the original summary suspension period, or for the length
3 of any extensions entered under subsection (j), whichever is
4 longer. During the period of suspension, the person shall be
5 eligible only to apply for a restricted driving permit. If a
6 restricted driving permit is granted, the offender may only
7 operate vehicles equipped with a BAIID in accordance with this
8 Section.

9 (m) Any person or entity that supplies an ignition
10 interlock device under this Section shall, for each ignition
11 interlock device installed, pay 5% of the total gross revenue
12 received for the device, including monthly monitoring fees,
13 into the Indigent BAIID Fund. This 5% shall be clearly
14 indicated as a separate surcharge on each invoice that is
15 issued. The Secretary shall conduct an annual review of the
16 fund to determine whether the surcharge is sufficient to
17 provide for indigent users. The Secretary may increase or
18 decrease this surcharge requirement as needed.

19 (n) Any person or entity that supplies an ignition
20 interlock device under this Section that is requested to
21 provide an ignition interlock device to a person who presents
22 written documentation of indigency from the Secretary, as
23 provided in subsection (c-5) of this Section, shall install the
24 device on the person's vehicle without charge to the person and
25 shall seek reimbursement from the Indigent BAIID Fund.

26 (o) The Indigent BAIID Fund is created as a special fund in

1 the State treasury. The Secretary shall, subject to
2 appropriation by the General Assembly, use all money in the
3 Indigent BAIID Fund to reimburse ignition interlock device
4 providers who have installed devices in vehicles of indigent
5 persons. The Secretary shall make payments to such providers
6 every 3 months. If the amount of money in the fund at the time
7 payments are made is not sufficient to pay all requests for
8 reimbursement submitted during that 3 month period, the
9 Secretary shall make payments on a pro-rata basis, and those
10 payments shall be considered payment in full for the requests
11 submitted.

12 (p) The Monitoring Device Driving Permit Administration
13 Fee Fund is created as a special fund in the State treasury.
14 The Secretary shall, subject to appropriation by the General
15 Assembly, use the money paid into this fund to offset its
16 administrative costs for administering MDDPs.

17 (q) The Secretary is authorized to prescribe such forms as
18 it deems necessary to carry out the provisions of this Section.
19 (Source: P.A. 98-122, eff. 1-1-14; 98-1015, eff. 8-22-14;
20 98-1172, eff. 1-12-15; 99-467, eff. 1-1-16.)

21 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

22 Sec. 11-501. Driving while under the influence of alcohol,
23 other drug or drugs, intoxicating compound or compounds or any
24 combination thereof.

25 (a) A person shall not drive or be in actual physical

1 control of any vehicle within this State while:

2 (1) the alcohol concentration in the person's blood,
3 other bodily substance, or breath is 0.08 or more based on
4 the definition of blood and breath units in Section
5 11-501.2;

6 (2) under the influence of alcohol;

7 (3) under the influence of any intoxicating compound or
8 combination of intoxicating compounds to a degree that
9 renders the person incapable of driving safely;

10 (4) under the influence of any other drug or
11 combination of drugs to a degree that renders the person
12 incapable of safely driving;

13 (5) under the combined influence of alcohol, other drug
14 or drugs, or intoxicating compound or compounds to a degree
15 that renders the person incapable of safely driving;

16 (6) there is any amount of a drug, substance, or
17 compound in the person's breath, blood, other bodily
18 substance, or urine resulting from the unlawful use or
19 consumption of a controlled substance listed in the
20 Illinois Controlled Substances Act, an intoxicating
21 compound listed in the Use of Intoxicating Compounds Act,
22 or methamphetamine as listed in the Methamphetamine
23 Control and Community Protection Act; or

24 (7) the person has, within 2 hours of driving or being
25 in actual physical control of a vehicle, a
26 tetrahydrocannabinol concentration in the person's whole

1 blood or other bodily substance as defined in paragraph 6
2 of subsection (a) of Section 11-501.2 of this Code. Subject
3 to all other requirements and provisions under this
4 Section, this paragraph (7) does not apply to the lawful
5 consumption of cannabis by a qualifying patient licensed
6 under the Compassionate Use of Medical Cannabis ~~Pilot~~
7 Program Act who is in possession of a valid registry card
8 issued under that Act, unless that person is impaired by
9 the use of cannabis.

10 (b) The fact that any person charged with violating this
11 Section is or has been legally entitled to use alcohol,
12 cannabis under the Compassionate Use of Medical Cannabis ~~Pilot~~
13 Program Act, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof, shall not constitute a
15 defense against any charge of violating this Section.

16 (c) Penalties.

17 (1) Except as otherwise provided in this Section, any
18 person convicted of violating subsection (a) of this
19 Section is guilty of a Class A misdemeanor.

20 (2) A person who violates subsection (a) or a similar
21 provision a second time shall be sentenced to a mandatory
22 minimum term of either 5 days of imprisonment or 240 hours
23 of community service in addition to any other criminal or
24 administrative sanction.

25 (3) A person who violates subsection (a) is subject to
26 6 months of imprisonment, an additional mandatory minimum

1 fine of \$1,000, and 25 days of community service in a
2 program benefiting children if the person was transporting
3 a person under the age of 16 at the time of the violation.

4 (4) A person who violates subsection (a) a first time,
5 if the alcohol concentration in his or her blood, breath,
6 other bodily substance, or urine was 0.16 or more based on
7 the definition of blood, breath, other bodily substance, or
8 urine units in Section 11-501.2, shall be subject, in
9 addition to any other penalty that may be imposed, to a
10 mandatory minimum of 100 hours of community service and a
11 mandatory minimum fine of \$500.

12 (5) A person who violates subsection (a) a second time,
13 if at the time of the second violation the alcohol
14 concentration in his or her blood, breath, other bodily
15 substance, or urine was 0.16 or more based on the
16 definition of blood, breath, other bodily substance, or
17 urine units in Section 11-501.2, shall be subject, in
18 addition to any other penalty that may be imposed, to a
19 mandatory minimum of 2 days of imprisonment and a mandatory
20 minimum fine of \$1,250.

21 (d) Aggravated driving under the influence of alcohol,
22 other drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof.

24 (1) Every person convicted of committing a violation of
25 this Section shall be guilty of aggravated driving under
26 the influence of alcohol, other drug or drugs, or

1 intoxicating compound or compounds, or any combination
2 thereof if:

3 (A) the person committed a violation of subsection
4 (a) or a similar provision for the third or subsequent
5 time;

6 (B) the person committed a violation of subsection
7 (a) while driving a school bus with one or more
8 passengers on board;

9 (C) the person in committing a violation of
10 subsection (a) was involved in a motor vehicle accident
11 that resulted in great bodily harm or permanent
12 disability or disfigurement to another, when the
13 violation was a proximate cause of the injuries;

14 (D) the person committed a violation of subsection
15 (a) and has been previously convicted of violating
16 Section 9-3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 or a similar provision of a law
18 of another state relating to reckless homicide in which
19 the person was determined to have been under the
20 influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds as an element of the
22 offense or the person has previously been convicted
23 under subparagraph (C) or subparagraph (F) of this
24 paragraph (1);

25 (E) the person, in committing a violation of
26 subsection (a) while driving at any speed in a school

1 speed zone at a time when a speed limit of 20 miles per
2 hour was in effect under subsection (a) of Section
3 11-605 of this Code, was involved in a motor vehicle
4 accident that resulted in bodily harm, other than great
5 bodily harm or permanent disability or disfigurement,
6 to another person, when the violation of subsection (a)
7 was a proximate cause of the bodily harm;

8 (F) the person, in committing a violation of
9 subsection (a), was involved in a motor vehicle,
10 snowmobile, all-terrain vehicle, or watercraft
11 accident that resulted in the death of another person,
12 when the violation of subsection (a) was a proximate
13 cause of the death;

14 (G) the person committed a violation of subsection
15 (a) during a period in which the defendant's driving
16 privileges are revoked or suspended, where the
17 revocation or suspension was for a violation of
18 subsection (a) or a similar provision, Section
19 11-501.1, paragraph (b) of Section 11-401, or for
20 reckless homicide as defined in Section 9-3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012;

22 (H) the person committed the violation while he or
23 she did not possess a driver's license or permit or a
24 restricted driving permit or a judicial driving permit
25 or a monitoring device driving permit;

26 (I) the person committed the violation while he or

1 she knew or should have known that the vehicle he or
2 she was driving was not covered by a liability
3 insurance policy;

4 (J) the person in committing a violation of
5 subsection (a) was involved in a motor vehicle accident
6 that resulted in bodily harm, but not great bodily
7 harm, to the child under the age of 16 being
8 transported by the person, if the violation was the
9 proximate cause of the injury;

10 (K) the person in committing a second violation of
11 subsection (a) or a similar provision was transporting
12 a person under the age of 16; or

13 (L) the person committed a violation of subsection
14 (a) of this Section while transporting one or more
15 passengers in a vehicle for-hire.

16 (2) (A) Except as provided otherwise, a person
17 convicted of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof is guilty of a Class
20 4 felony.

21 (B) A third violation of this Section or a similar
22 provision is a Class 2 felony. If at the time of the third
23 violation the alcohol concentration in his or her blood,
24 breath, other bodily substance, or urine was 0.16 or more
25 based on the definition of blood, breath, other bodily
26 substance, or urine units in Section 11-501.2, a mandatory

1 minimum of 90 days of imprisonment and a mandatory minimum
2 fine of \$2,500 shall be imposed in addition to any other
3 criminal or administrative sanction. If at the time of the
4 third violation, the defendant was transporting a person
5 under the age of 16, a mandatory fine of \$25,000 and 25
6 days of community service in a program benefiting children
7 shall be imposed in addition to any other criminal or
8 administrative sanction.

9 (C) A fourth violation of this Section or a similar
10 provision is a Class 2 felony, for which a sentence of
11 probation or conditional discharge may not be imposed. If
12 at the time of the violation, the alcohol concentration in
13 the defendant's blood, breath, other bodily substance, or
14 urine was 0.16 or more based on the definition of blood,
15 breath, other bodily substance, or urine units in Section
16 11-501.2, a mandatory minimum fine of \$5,000 shall be
17 imposed in addition to any other criminal or administrative
18 sanction. If at the time of the fourth violation, the
19 defendant was transporting a person under the age of 16 a
20 mandatory fine of \$25,000 and 25 days of community service
21 in a program benefiting children shall be imposed in
22 addition to any other criminal or administrative sanction.

23 (D) A fifth violation of this Section or a similar
24 provision is a Class 1 felony, for which a sentence of
25 probation or conditional discharge may not be imposed. If
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, other bodily substance, or
2 urine was 0.16 or more based on the definition of blood,
3 breath, other bodily substance, or urine units in Section
4 11-501.2, a mandatory minimum fine of \$5,000 shall be
5 imposed in addition to any other criminal or administrative
6 sanction. If at the time of the fifth violation, the
7 defendant was transporting a person under the age of 16, a
8 mandatory fine of \$25,000, and 25 days of community service
9 in a program benefiting children shall be imposed in
10 addition to any other criminal or administrative sanction.

11 (E) A sixth or subsequent violation of this Section or
12 similar provision is a Class X felony. If at the time of
13 the violation, the alcohol concentration in the
14 defendant's blood, breath, other bodily substance, or
15 urine was 0.16 or more based on the definition of blood,
16 breath, other bodily substance, or urine units in Section
17 11-501.2, a mandatory minimum fine of \$5,000 shall be
18 imposed in addition to any other criminal or administrative
19 sanction. If at the time of the violation, the defendant
20 was transporting a person under the age of 16, a mandatory
21 fine of \$25,000 and 25 days of community service in a
22 program benefiting children shall be imposed in addition to
23 any other criminal or administrative sanction.

24 (F) For a violation of subparagraph (C) of paragraph
25 (1) of this subsection (d), the defendant, if sentenced to
26 a term of imprisonment, shall be sentenced to not less than

1 one year nor more than 12 years.

2 (G) A violation of subparagraph (F) of paragraph (1) of
3 this subsection (d) is a Class 2 felony, for which the
4 defendant, unless the court determines that extraordinary
5 circumstances exist and require probation, shall be
6 sentenced to: (i) a term of imprisonment of not less than 3
7 years and not more than 14 years if the violation resulted
8 in the death of one person; or (ii) a term of imprisonment
9 of not less than 6 years and not more than 28 years if the
10 violation resulted in the deaths of 2 or more persons.

11 (H) For a violation of subparagraph (J) of paragraph
12 (1) of this subsection (d), a mandatory fine of \$2,500, and
13 25 days of community service in a program benefiting
14 children shall be imposed in addition to any other criminal
15 or administrative sanction.

16 (I) A violation of subparagraph (K) of paragraph (1) of
17 this subsection (d), is a Class 2 felony and a mandatory
18 fine of \$2,500, and 25 days of community service in a
19 program benefiting children shall be imposed in addition to
20 any other criminal or administrative sanction. If the child
21 being transported suffered bodily harm, but not great
22 bodily harm, in a motor vehicle accident, and the violation
23 was the proximate cause of that injury, a mandatory fine of
24 \$5,000 and 25 days of community service in a program
25 benefiting children shall be imposed in addition to any
26 other criminal or administrative sanction.

1 (J) A violation of subparagraph (D) of paragraph (1) of
2 this subsection (d) is a Class 3 felony, for which a
3 sentence of probation or conditional discharge may not be
4 imposed.

5 (3) Any person sentenced under this subsection (d) who
6 receives a term of probation or conditional discharge must
7 serve a minimum term of either 480 hours of community
8 service or 10 days of imprisonment as a condition of the
9 probation or conditional discharge in addition to any other
10 criminal or administrative sanction.

11 (e) Any reference to a prior violation of subsection (a) or
12 a similar provision includes any violation of a provision of a
13 local ordinance or a provision of a law of another state or an
14 offense committed on a military installation that is similar to
15 a violation of subsection (a) of this Section.

16 (f) The imposition of a mandatory term of imprisonment or
17 assignment of community service for a violation of this Section
18 shall not be suspended or reduced by the court.

19 (g) Any penalty imposed for driving with a license that has
20 been revoked for a previous violation of subsection (a) of this
21 Section shall be in addition to the penalty imposed for any
22 subsequent violation of subsection (a).

23 (h) For any prosecution under this Section, a certified
24 copy of the driving abstract of the defendant shall be admitted
25 as proof of any prior conviction.

26 (Source: P.A. 98-122, eff. 1-1-14; 98-573, eff. 8-27-13;

1 98-756, eff. 7-16-14; 99-697, eff. 7-29-16.)

2 (625 ILCS 5/11-501.9)

3 Sec. 11-501.9. Suspension of driver's license; medical
4 cannabis card holder; failure or refusal of field sobriety
5 tests; implied consent.

6 (a) A person who has been issued a registry identification
7 card under the Compassionate Use of Medical Cannabis ~~Pilot~~
8 Program Act who drives or is in actual physical control of a
9 motor vehicle upon the public highways of this State shall be
10 deemed to have given consent to standardized field sobriety
11 tests approved by the National Highway Traffic Safety
12 Administration, under subsection (a-5) of Section 11-501.2 of
13 this Code, if detained by a law enforcement officer who has a
14 reasonable suspicion that the person is driving or is in actual
15 physical control of a motor vehicle while impaired by the use
16 of cannabis. The law enforcement officer must have an
17 independent, cannabis-related factual basis giving reasonable
18 suspicion that the person is driving or in actual physical
19 control of a motor vehicle while impaired by the use of
20 cannabis for conducting standardized field sobriety tests,
21 which shall be included with the results of the field sobriety
22 tests in any report made by the law enforcement officer who
23 requests the test. The person's possession of a registry
24 identification card issued under the Compassionate Use of
25 Medical Cannabis ~~Pilot~~ Program Act alone is not a sufficient

1 basis for reasonable suspicion.

2 For purposes of this Section, a law enforcement officer of
3 this State who is investigating a person for an offense under
4 Section 11-501 of this Code may travel into an adjoining state
5 where the person has been transported for medical care to
6 complete an investigation and to request that the person submit
7 to field sobriety tests under this Section.

8 (b) A person who is unconscious, or otherwise in a
9 condition rendering the person incapable of refusal, shall be
10 deemed to have withdrawn the consent provided by subsection (a)
11 of this Section.

12 (c) A person requested to submit to field sobriety tests,
13 as provided in this Section, shall be warned by the law
14 enforcement officer requesting the field sobriety tests that a
15 refusal to submit to the field sobriety tests will result in
16 the suspension of the person's privilege to operate a motor
17 vehicle, as provided in subsection (f) of this Section. The
18 person shall also be warned by the law enforcement officer that
19 if the person submits to field sobriety tests as provided in
20 this Section which disclose the person is impaired by the use
21 of cannabis, a suspension of the person's privilege to operate
22 a motor vehicle, as provided in subsection (f) of this Section,
23 will be imposed.

24 (d) The results of field sobriety tests administered under
25 this Section shall be admissible in a civil or criminal action
26 or proceeding arising from an arrest for an offense as defined

1 in Section 11-501 of this Code or a similar provision of a
2 local ordinance. These test results shall be admissible only in
3 actions or proceedings directly related to the incident upon
4 which the test request was made.

5 (e) If the person refuses field sobriety tests or submits
6 to field sobriety tests that disclose the person is impaired by
7 the use of cannabis, the law enforcement officer shall
8 immediately submit a sworn report to the circuit court of venue
9 and the Secretary of State certifying that testing was
10 requested under this Section and that the person refused to
11 submit to field sobriety tests or submitted to field sobriety
12 tests that disclosed the person was impaired by the use of
13 cannabis. The sworn report must include the law enforcement
14 officer's factual basis for reasonable suspicion that the
15 person was impaired by the use of cannabis.

16 (f) Upon receipt of the sworn report of a law enforcement
17 officer submitted under subsection (e) of this Section, the
18 Secretary of State shall enter the suspension to the driving
19 record as follows:

20 (1) for refusal or failure to complete field sobriety
21 tests, a 12 month suspension shall be entered; or

22 (2) for submitting to field sobriety tests that
23 disclosed the driver was impaired by the use of cannabis, a
24 6 month suspension shall be entered.

25 The Secretary of State shall confirm the suspension by
26 mailing a notice of the effective date of the suspension to the

1 person and the court of venue. However, should the sworn report
2 be defective for insufficient information or be completed in
3 error, the confirmation of the suspension shall not be mailed
4 to the person or entered to the record; instead, the sworn
5 report shall be forwarded to the court of venue with a copy
6 returned to the issuing agency identifying the defect.

7 (g) The law enforcement officer submitting the sworn report
8 under subsection (e) of this Section shall serve immediate
9 notice of the suspension on the person and the suspension shall
10 be effective as provided in subsection (h) of this Section. If
11 immediate notice of the suspension cannot be given, the
12 arresting officer or arresting agency shall give notice by
13 deposit in the United States mail of the notice in an envelope
14 with postage prepaid and addressed to the person at his or her
15 address as shown on the Uniform Traffic Ticket and the
16 suspension shall begin as provided in subsection (h) of this
17 Section. The officer shall confiscate any Illinois driver's
18 license or permit on the person at the time of arrest. If the
19 person has a valid driver's license or permit, the officer
20 shall issue the person a receipt, in a form prescribed by the
21 Secretary of State, that will allow the person to drive during
22 the period provided for in subsection (h) of this Section. The
23 officer shall immediately forward the driver's license or
24 permit to the circuit court of venue along with the sworn
25 report under subsection (e) of this Section.

26 (h) The suspension under subsection (f) of this Section

1 shall take effect on the 46th day following the date the notice
2 of the suspension was given to the person.

3 (i) When a driving privilege has been suspended under this
4 Section and the person is subsequently convicted of violating
5 Section 11-501 of this Code, or a similar provision of a local
6 ordinance, for the same incident, any period served on
7 suspension under this Section shall be credited toward the
8 minimum period of revocation of driving privileges imposed
9 under Section 6-205 of this Code.

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

11 Section 70. The Cannabis Control Act is amended by changing
12 Section 5.3 as follows:

13 (720 ILCS 550/5.3)

14 Sec. 5.3. Unlawful use of cannabis-based product
15 manufacturing equipment.

16 (a) A person commits unlawful use of cannabis-based product
17 manufacturing equipment when he or she knowingly engages in the
18 possession, procurement, transportation, storage, or delivery
19 of any equipment used in the manufacturing of any
20 cannabis-based product using volatile or explosive gas,
21 including, but not limited to, canisters of butane gas, with
22 the intent to manufacture, compound, covert, produce, derive,
23 process, or prepare either directly or indirectly any
24 cannabis-based product.

1 (b) This Section does not apply to a cultivation center or
2 cultivation center agent that prepares medical cannabis or
3 cannabis-infused products in compliance with the Compassionate
4 Use of Medical Cannabis ~~Pilot~~ Program Act and Department of
5 Public Health and Department of Agriculture rules.

6 (c) Sentence. A person who violates this Section is guilty
7 of a Class 2 felony.

8 (Source: P.A. 99-697, eff. 7-29-16.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law, except that Section 33, if it becomes law, takes
11 effect upon becoming law or on the date House Bill 1438 of the
12 101st General Assembly takes effect, whichever is later.