

HB5284



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5284

Introduced 2/9/2024, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

410 ILCS 130/30

Amends the Compassionate Use of Medical Cannabis Program Act. Provides that no health care facility shall prohibit the use of medical cannabis by a registered qualifying patient within a health care facility, unless the patient is receiving emergency services and care that is deemed medically necessary by the patient's health care provider. Provides that no health care facility shall unreasonably restrict the manner in which the registered qualifying patient stores and uses medical cannabis.

LRB103 38914 RLC 69051 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Compassionate Use of Medical Cannabis
5 Program Act is amended by changing Section 30 as follows:

6 (410 ILCS 130/30)

7 Sec. 30. Limitations and penalties.

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

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

14 (2) Possessing cannabis:

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

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

20 (C) in any correctional facility;

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

23 (E) in a vehicle not open to the public unless the

1 medical cannabis is in a reasonably secured, sealed
2 container and reasonably inaccessible while the
3 vehicle is moving; or

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

7 (3) Using 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
12 primary or secondary school;

13 (C) in any correctional facility;

14 (D) in any motor vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (d) Notwithstanding any other criminal penalties related
21 to the unlawful possession of cannabis, any person who makes a
22 misrepresentation of a medical condition to a certifying
23 health care professional or fraudulently provides material
24 misinformation to a certifying health care professional in
25 order to obtain a written certification is guilty of a petty
26 offense punishable by a fine of up to \$1,000.

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

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

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

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

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

23 (j) No health care facility shall prohibit the use of
24 medical cannabis by a registered qualifying patient within a
25 health care facility, unless the patient is receiving
26 emergency services and care that is deemed medically necessary

1 by the patient's health care provider.

2 (k) No health care facility shall unreasonably restrict
3 the manner in which the registered qualifying patient stores
4 and uses medical cannabis.

5 (Source: P.A. 101-363, eff. 8-9-19; 102-67, eff. 7-9-21.)