



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3800

Introduced 2/9/2024, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

410 ILCS 130/10
410 ILCS 130/103 new
410 ILCS 705/5-22 new
410 ILCS 705/15-40
410 ILCS 130/100 rep.
410 ILCS 130/120 rep.

Amends the Compassionate Use of Medical Cannabis Program Act. Provides that the Department of Agriculture shall follow specified requirements of the Cannabis Regulation and Tax Act regarding the administration of cultivation center agent identification cards. Repeals provisions regarding cultivation center agent identification cards and dispensing organization agent identification cards. Makes other changes. Amends the Cannabis Regulation and Tax Act. Provides that the Department of Agriculture and the Department of Financial and Professional Regulation shall issue all agent identification cards under the Act via an online application portal. Provides that all notifications of acceptance or denial for applications under specified provisions shall be sent directly to the agent applicant.

LRB103 38968 CES 69105 b

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 10 and by adding
6 Section 103 as follows:

7 (410 ILCS 130/10)

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

10 (a) "Adequate supply" means:

11 (1) 2.5 ounces of usable cannabis during a period of
12 14 days and that is derived solely from an intrastate
13 source.

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

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

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

8 (a-5) "Advanced practice registered nurse" means a person
9 who is licensed under the Nurse Practice Act as an advanced
10 practice registered nurse and has a controlled substances
11 license under Article III of the Illinois Controlled
12 Substances Act.

13 (b) "Cannabis" has the meaning given that term in Section
14 3 of the Cannabis Control Act.

15 (c) "Cannabis plant monitoring system" means a system that
16 includes, but is not limited to, testing and data collection
17 established and maintained by the registered cultivation
18 center and available to the Department for the purposes of
19 documenting each cannabis plant and for monitoring plant
20 development throughout the life cycle of a cannabis plant
21 cultivated for the intended use by a qualifying patient from
22 seed planting to final packaging.

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

1 (d-5) "Certifying health care professional" means a
2 physician, an advanced practice registered nurse, or a
3 physician assistant.

4 (e) "Cultivation center" means a facility operated by an
5 organization or business that is registered by the Department
6 of Agriculture to perform necessary activities to provide only
7 registered medical cannabis dispensing organizations with
8 usable medical cannabis.

9 (f) "Cultivation center agent" means a principal officer,
10 board member, employee, or agent of a registered cultivation
11 center who is 21 years of age or older and has not been
12 convicted of an excluded offense.

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

16 (h) "Debilitating medical condition" means one or more of
17 the following:

18 (1) cancer, glaucoma, positive status for human
19 immunodeficiency virus, acquired immune deficiency
20 syndrome, hepatitis C, amyotrophic lateral sclerosis,
21 Crohn's disease (including, but not limited to, ulcerative
22 colitis), agitation of Alzheimer's disease,
23 cachexia/wasting syndrome, muscular dystrophy, severe
24 fibromyalgia, spinal cord disease, including but not
25 limited to arachnoiditis, Tarlov cysts, hydromyelia,
26 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,

1 spinal cord injury, traumatic brain injury and
2 post-concussion syndrome, Multiple Sclerosis,
3 Arnold-Chiari malformation and Syringomyelia,
4 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
5 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
6 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
7 (Complex Regional Pain Syndromes Type II),
8 Neurofibromatosis, Chronic Inflammatory Demyelinating
9 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
10 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
11 syndrome, residual limb pain, seizures (including those
12 characteristic of epilepsy), post-traumatic stress
13 disorder (PTSD), autism, chronic pain, irritable bowel
14 syndrome, migraines, osteoarthritis, anorexia nervosa,
15 Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune
16 Disease, neuropathy, polycystic kidney disease, superior
17 canal dehiscence syndrome, or the treatment of these
18 conditions;

19 (1.5) terminal illness with a diagnosis of 6 months or
20 less; if the terminal illness is not one of the qualifying
21 debilitating medical conditions, then the certifying
22 health care professional shall on the certification form
23 identify the cause of the terminal illness; or

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

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

7 (j) "Dispensing organization agent identification card"
8 means a document issued by the Department of Financial and
9 Professional Regulation that identifies a person as a ~~medical~~
10 ~~cannabis~~ dispensing organization agent, as that term is
11 defined under Section 1-10 of the Cannabis Regulation and Tax
12 Act.

13 (k) "Enclosed, locked facility" means a room, greenhouse,
14 building, or other enclosed area equipped with locks or other
15 security devices that permit access only by a cultivation
16 center's agents or a dispensing organization's agent working
17 for the registered cultivation center or the registered
18 dispensing organization to cultivate, store, and distribute
19 cannabis for registered qualifying patients.

20 (l) "Excluded offense" for cultivation center agents and
21 dispensing organizations means:

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

26 (2) a violation of a state or federal controlled

1 substance law, the Cannabis Control Act, or the
2 Methamphetamine Control and Community Protection Act that
3 was classified as a felony in the jurisdiction where the
4 person was convicted, except that the registering
5 Department may waive this restriction if the person
6 demonstrates to the registering Department's satisfaction
7 that his or her conviction was for the possession,
8 cultivation, transfer, or delivery of a reasonable amount
9 of cannabis intended for medical use. This exception does
10 not apply if the conviction was under state law and
11 involved a violation of an existing medical cannabis law.

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

16 (1-5) (Blank).

17 (1-10) "Illinois Cannabis Tracking System" means a
18 web-based system established and maintained by the Department
19 of Public Health that is available to the Department of
20 Agriculture, the Department of Financial and Professional
21 Regulation, the Illinois State Police, and registered medical
22 cannabis dispensing organizations on a 24-hour basis to upload
23 written certifications for Opioid Alternative Pilot Program
24 participants, to verify Opioid Alternative Pilot Program
25 participants, to verify Opioid Alternative Pilot Program
26 participants' available cannabis allotment and assigned

1 dispensary, and the tracking of the date of sale, amount, and
2 price of medical cannabis purchased by an Opioid Alternative
3 Pilot Program participant.

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

6 (n) "Medical cannabis container" means a sealed,
7 traceable, food compliant, tamper resistant, tamper evident
8 container, or package used for the purpose of containment of
9 medical cannabis from a cultivation center to a dispensing
10 organization.

11 (o) "Medical cannabis dispensing organization", or
12 "dispensing organization", or "dispensary organization" means
13 a facility operated by an organization or business that is
14 registered by the Department of Financial and Professional
15 Regulation to acquire medical cannabis from a registered
16 cultivation center for the purpose of dispensing cannabis,
17 paraphernalia, or related supplies and educational materials
18 to registered qualifying patients, individuals with a
19 provisional registration for qualifying patient cardholder
20 status, or an Opioid Alternative Pilot Program participant.

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

26 (q) "Medical cannabis infused product" means food, oils,

1 ointments, or other products containing usable cannabis that
2 are not smoked.

3 (r) "Medical use" means the acquisition; administration;
4 delivery; possession; transfer; transportation; or use of
5 cannabis to treat or alleviate a registered qualifying
6 patient's debilitating medical condition or symptoms
7 associated with the patient's debilitating medical condition.

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

12 (r-10) "Opioid Alternative Pilot Program participant"
13 means an individual who has received a valid written
14 certification to participate in the Opioid Alternative Pilot
15 Program for a medical condition for which an opioid has been or
16 could be prescribed by a certifying health care professional
17 based on generally accepted standards of care.

18 (s) "Physician" means a doctor of medicine or doctor of
19 osteopathy licensed under the Medical Practice Act of 1987 to
20 practice medicine and who has a controlled substances license
21 under Article III of the Illinois Controlled Substances Act.
22 It does not include a licensed practitioner under any other
23 Act including but not limited to the Illinois Dental Practice
24 Act.

25 (s-1) "Physician assistant" means a physician assistant
26 licensed under the Physician Assistant Practice Act of 1987

1 and who has a controlled substances license under Article III
2 of the Illinois Controlled Substances Act.

3 (s-5) "Provisional registration" means a document issued
4 by the Department of Public Health to a qualifying patient who
5 has submitted: (1) an online application and paid a fee to
6 participate in Compassionate Use of Medical Cannabis Program
7 pending approval or denial of the patient's application; or
8 (2) a completed application for terminal illness.

9 (t) "Qualifying patient" means a person who has been
10 diagnosed by a certifying health care professional as having a
11 debilitating medical condition.

12 (u) "Registered" means licensed, permitted, or otherwise
13 certified by the Department of Agriculture, Department of
14 Public Health, or Department of Financial and Professional
15 Regulation.

16 (v) "Registry identification card" means a document issued
17 by the Department of Public Health that identifies a person as
18 a registered qualifying patient or registered designated
19 caregiver.

20 (w) "Usable cannabis" means the seeds, leaves, buds, and
21 flowers of the cannabis plant and any mixture or preparation
22 thereof, but does not include the stalks, and roots of the
23 plant. It does not include the weight of any non-cannabis
24 ingredients combined with cannabis, such as ingredients added
25 to prepare a topical administration, food, or drink.

26 (x) "Verification system" means a Web-based system

1 established and maintained by the Department of Public Health
2 that is available to the Department of Agriculture, the
3 Department of Financial and Professional Regulation, law
4 enforcement personnel, and registered medical cannabis
5 dispensing organization agents on a 24-hour basis for the
6 verification of registry identification cards, the tracking of
7 delivery of medical cannabis to medical cannabis dispensing
8 organizations, and the tracking of the date of sale, amount,
9 and price of medical cannabis purchased by a registered
10 qualifying patient.

11 (y) "Written certification" means a document dated and
12 signed by a certifying health care professional, stating (1)
13 that the qualifying patient has a debilitating medical
14 condition and specifying the debilitating medical condition
15 the qualifying patient has; and (2) that (A) the certifying
16 health care professional is treating or managing treatment of
17 the patient's debilitating medical condition; or (B) an Opioid
18 Alternative Pilot Program participant has a medical condition
19 for which opioids have been or could be prescribed. A written
20 certification shall be made only in the course of a bona fide
21 health care professional-patient relationship, after the
22 certifying health care professional has completed an
23 assessment of either a qualifying patient's medical history or
24 Opioid Alternative Pilot Program participant, reviewed
25 relevant records related to the patient's debilitating
26 condition, and conducted a physical examination.

1 (z) "Bona fide health care professional-patient
2 relationship" means a relationship established at a hospital,
3 certifying health care professional's office, or other health
4 care facility in which the certifying health care professional
5 has an ongoing responsibility for the assessment, care, and
6 treatment of a patient's debilitating medical condition or a
7 symptom of the patient's debilitating medical condition.

8 A veteran who has received treatment at a VA hospital
9 shall be deemed to have a bona fide health care
10 professional-patient relationship with a VA certifying health
11 care professional if the patient has been seen for his or her
12 debilitating medical condition at the VA Hospital in
13 accordance with VA Hospital protocols.

14 A bona fide health care professional-patient relationship
15 under this subsection is a privileged communication within the
16 meaning of Section 8-802 of the Code of Civil Procedure.

17 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

18 (410 ILCS 130/103 new)

19 Sec. 103. Cultivation center agent identification cards.
20 The Department of Agriculture shall follow the requirements
21 set forth in Section 20-35 of the Cannabis Regulation and Tax
22 Act regarding the administration of cultivation center agent
23 identification cards under this Act.

24 Section 10. The Cannabis Regulation and Tax Act is amended

1 by adding Section 5-22 and by changing Section 15-40 as
2 follows:

3 (410 ILCS 705/5-22 new)

4 Sec. 5-22. Identification cards. The Department of
5 Agriculture and the Department of Financial and Professional
6 Regulation shall issue all identification cards under this Act
7 via an online application portal.

8 (410 ILCS 705/15-40)

9 Sec. 15-40. Dispensing organization agent identification
10 card; agent training.

11 (a) The Department shall:

12 (1) verify the information contained in an application
13 or renewal for a dispensing organization agent
14 identification card submitted under this Article, and
15 approve or deny an application or renewal, within 30 days
16 of receiving a completed application or renewal
17 application and all supporting documentation required by
18 rule;

19 (2) issue a dispensing organization agent
20 identification card to a qualifying agent within 15
21 business days of approving the application or renewal;

22 (3) enter the registry identification number of the
23 dispensing organization where the agent works;

24 (4) within one year from the effective date of this

1 Act, allow for an electronic application process and
2 provide a confirmation by electronic or other methods that
3 an application has been submitted; and

4 (5) collect a \$100 nonrefundable fee from the
5 applicant to be deposited into the Cannabis Regulation
6 Fund.

7 (b) A dispensing organization agent must keep his or her
8 identification card visible at all times when in the
9 dispensary.

10 (c) The dispensing organization agent identification cards
11 shall contain the following:

12 (1) the name of the cardholder;

13 (2) the date of issuance and expiration date of the
14 dispensing organization agent identification cards;

15 (3) a random 10-digit alphanumeric identification
16 number containing at least 4 numbers and at least 4
17 letters that is unique to the cardholder; and

18 (4) a photograph of the cardholder.

19 (d) The dispensing organization agent identification cards
20 shall be immediately returned to the dispensing organization
21 upon termination of employment.

22 (e) The Department shall not issue an agent identification
23 card if the applicant is delinquent in filing any required tax
24 returns or paying any amounts owed to the State of Illinois.

25 (f) Any card lost by a dispensing organization agent shall
26 be reported to the Illinois State Police and the Department

1 immediately upon discovery of the loss.

2 (g) An applicant shall be denied a dispensing organization
3 agent identification card renewal if he or she fails to
4 complete the training provided for in this Section.

5 (h) A dispensing organization agent shall only be required
6 to hold one card for the same employer regardless of what type
7 of dispensing organization license the employer holds.

8 (i) Cannabis retail sales training requirements.

9 (1) Within 90 days of September 1, 2019, or 90 days of
10 employment, whichever is later, all owners, managers,
11 employees, and agents involved in the handling or sale of
12 cannabis or cannabis-infused product employed by an adult
13 use dispensing organization or medical cannabis dispensing
14 organization as defined in Section 10 of the Compassionate
15 Use of Medical Cannabis Program Act shall attend and
16 successfully complete a Responsible Vendor Program.

17 (2) Each owner, manager, employee, and agent of an
18 adult use dispensing organization or medical cannabis
19 dispensing organization shall successfully complete the
20 program annually.

21 (3) Responsible Vendor Program Training modules shall
22 include at least 2 hours of instruction time approved by
23 the Department including:

24 (i) Health and safety concerns of cannabis use,
25 including the responsible use of cannabis, its
26 physical effects, onset of physiological effects,

1 recognizing signs of impairment, and appropriate
2 responses in the event of overconsumption.

3 (ii) Training on laws and regulations on driving
4 while under the influence and operating a watercraft
5 or snowmobile while under the influence.

6 (iii) Sales to minors prohibition. Training shall
7 cover all relevant Illinois laws and rules.

8 (iv) Quantity limitations on sales to purchasers.
9 Training shall cover all relevant Illinois laws and
10 rules.

11 (v) Acceptable forms of identification. Training
12 shall include:

13 (I) How to check identification; and

14 (II) Common mistakes made in verification;

15 (vi) Safe storage of cannabis;

16 (vii) Compliance with all inventory tracking
17 system regulations;

18 (viii) Waste handling, management, and disposal;

19 (ix) Health and safety standards;

20 (x) Maintenance of records;

21 (xi) Security and surveillance requirements;

22 (xii) Permitting inspections by State and local
23 licensing and enforcement authorities;

24 (xiii) Privacy issues;

25 (xiv) Packaging and labeling requirement for sales
26 to purchasers; and

1 (xv) Other areas as determined by rule.

2 (j) Blank.

3 (k) Upon the successful completion of the Responsible
4 Vendor Program, the provider shall deliver proof of completion
5 either through mail or electronic communication to the
6 dispensing organization, which shall retain a copy of the
7 certificate.

8 (l) The license of a dispensing organization or medical
9 cannabis dispensing organization whose owners, managers,
10 employees, or agents fail to comply with this Section may be
11 suspended or permanently revoked under Section 15-145 or may
12 face other disciplinary action.

13 (m) The regulation of dispensing organization and medical
14 cannabis dispensing employer and employee training is an
15 exclusive function of the State, and regulation by a unit of
16 local government, including a home rule unit, is prohibited.
17 This subsection (m) is a denial and limitation of home rule
18 powers and functions under subsection (h) of Section 6 of
19 Article VII of the Illinois Constitution.

20 (n) Persons seeking Department approval to offer the
21 training required by paragraph (3) of subsection (i) may apply
22 for such approval between August 1 and August 15 of each
23 odd-numbered year in a manner prescribed by the Department.

24 (o) Persons seeking Department approval to offer the
25 training required by paragraph (3) of subsection (i) shall
26 submit a nonrefundable application fee of \$2,000 to be

1 deposited into the Cannabis Regulation Fund or a fee as may be
2 set by rule. Any changes made to the training module shall be
3 approved by the Department.

4 (p) The Department shall not unreasonably deny approval of
5 a training module that meets all the requirements of paragraph
6 (3) of subsection (i). A denial of approval shall include a
7 detailed description of the reasons for the denial.

8 (q) Any person approved to provide the training required
9 by paragraph (3) of subsection (i) shall submit an application
10 for re-approval between August 1 and August 15 of each
11 odd-numbered year and include a nonrefundable application fee
12 of \$2,000 to be deposited into the Cannabis Regulation Fund or
13 a fee as may be set by rule.

14 (r) All persons applying to become or renewing their
15 registrations to be agents, including agents-in-charge and
16 principal officers, shall disclose any disciplinary action
17 taken against them that may have occurred in Illinois, another
18 state, or another country in relation to their employment at a
19 cannabis business establishment or at any cannabis cultivation
20 center, processor, infuser, dispensary, or other cannabis
21 business establishment.

22 (s) An agent applicant may begin employment at a
23 dispensing organization while the agent applicant's
24 identification card application is pending. Upon approval, the
25 Department shall issue the agent's identification card to the
26 agent. If denied, the dispensing organization and the agent

1 applicant shall be notified and the agent applicant must cease
2 all activity at the dispensing organization immediately.

3 (t) All notifications of acceptance or denial for
4 applications under this Section shall be sent directly to the
5 agent applicant.

6 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
7 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
8 5-13-22.)

9 (410 ILCS 130/100 rep.)

10 (410 ILCS 130/120 rep.)

11 Section 20. The Compassionate Use of Medical Cannabis
12 Program Act is amended by repealing Sections 100 and 120.