



Rep. Lou Lang

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1 AMENDMENT TO HOUSE BILL 1

2 AMENDMENT NO. _____. Amend House Bill 1 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Compassionate Use of Medical Cannabis Pilot Program Act.

6 Section 5. Findings.

7 (a) The recorded use of cannabis as a medicine goes back
8 nearly 5,000 years. Modern medical research has confirmed the
9 beneficial uses of cannabis in treating or alleviating the
10 pain, nausea, and other symptoms associated with a variety of
11 debilitating medical conditions, including cancer, multiple
12 sclerosis, and HIV/AIDS, as found by the National Academy of
13 Sciences' Institute of Medicine in March 1999.

14 (b) Studies published since the 1999 Institute of Medicine
15 report continue to show the therapeutic value of cannabis in
16 treating a wide array of debilitating medical conditions. These

1 include relief of the neuropathic pain caused by multiple
2 sclerosis, HIV/AIDS, and other illnesses that often fail to
3 respond to conventional treatments and relief of nausea,
4 vomiting, and other side effects of drugs used to treat
5 HIV/AIDS and hepatitis C, increasing the chances of patients
6 continuing on life-saving treatment regimens.

7 (c) Cannabis has many currently accepted medical uses in
8 the United States, having been recommended by thousands of
9 licensed physicians to at least 600,000 patients in states with
10 medical cannabis laws. The medical utility of cannabis is
11 recognized by a wide range of medical and public health
12 organizations, including the American Academy of HIV Medicine,
13 the American College of Physicians, the American Nurses
14 Association, the American Public Health Association, the
15 Leukemia & Lymphoma Society, and many others.

16 (d) Data from the Federal Bureau of Investigation's Uniform
17 Crime Reports and the Compendium of Federal Justice Statistics
18 show that approximately 99 out of every 100 cannabis arrests in
19 the U.S. are made under state law, rather than under federal
20 law. Consequently, changing State law will have the practical
21 effect of protecting from arrest the vast majority of seriously
22 ill patients who have a medical need to use cannabis.

23 (e) Alaska, Arizona, California, Colorado, Connecticut,
24 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,
25 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,
26 Washington, and Washington, D.C. have removed state-level

1 criminal penalties from the medical use and cultivation of
2 cannabis. Illinois joins in this effort for the health and
3 welfare of its citizens.

4 (f) States are not required to enforce federal law or
5 prosecute people for engaging in activities prohibited by
6 federal law. Therefore, compliance with this Act does not put
7 the State of Illinois in violation of federal law.

8 (g) State law should make a distinction between the medical
9 and non-medical uses of cannabis. Hence, the purpose of this
10 Act is to protect patients with debilitating medical
11 conditions, as well as their physicians and providers, from
12 arrest and prosecution, criminal and other penalties, and
13 property forfeiture if the patients engage in the medical use
14 of cannabis.

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

17 (a) "Adequate supply" means:

18 (1) 2.5 ounces of usable cannabis during a period of 14
19 days and that is derived solely from an intrastate source.

20 (2) Subject to the rules of the Department of Public
21 Health, a patient may apply for a waiver where a physician
22 provides a substantial medical basis in a signed, written
23 statement asserting that, based on the patient's medical
24 history, in the physician's professional judgment, 2.5
25 ounces is an insufficient adequate supply for a 14-day

1 period to properly alleviate the patient's debilitating
2 medical condition or symptoms associated with the
3 debilitating medical condition.

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

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

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

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

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

24 (e) "Cultivation center" means a facility operated by an
25 organization or business that is registered by the Department
26 of Agriculture to perform necessary activities to provide only

1 registered medical cannabis dispensing organizations with
2 usable medical cannabis.

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

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

10 (h) "Debilitating medical condition" means one or more of
11 the following:

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

1 Neurofibromatosis, Chronic Inflammatory Demyelinating
2 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
3 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
4 syndrome, or the treatment of these conditions; or

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

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

14 (j) "Dispensing organization agent identification card"
15 means a document issued by the Department of Financial and
16 Professional Regulation that identifies a person as a medical
17 cannabis dispensing organization agent.

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

25 (l) "Excluded offense" means:

26 (1) a violent crime defined in Section 3 of the Rights

1 of Crime Victims and Witnesses Act or a substantially
2 similar offense that was classified as a felony in the
3 jurisdiction where the person was convicted; or

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

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

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

22 (o) "Medical cannabis dispensing organization", or
23 "dispensing organization", or "dispensary organization" means
24 a facility operated by an organization or business that is
25 registered by the Department of Financial and Professional
26 Regulation to acquire medical cannabis from a registered

1 cultivation center for the purpose of dispensing cannabis,
2 paraphernalia, or related supplies and educational materials
3 to registered qualifying patients.

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

9 (q) "Medical cannabis infused product" means food, oils,
10 ointments, or other products containing usable cannabis that
11 are not smoked.

12 (r) "Medical use" means the acquisition; administration;
13 delivery; possession; transfer; transportation; or use of
14 cannabis to treat or alleviate a registered qualifying
15 patient's debilitating medical condition or symptoms
16 associated with the patient's debilitating medical condition.

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

23 (t) "Qualifying patient" means a person who has been
24 diagnosed by a physician as having a debilitating medical
25 condition.

26 (u) "Registered" means licensed, permitted, or otherwise

1 certified by the Department of Agriculture, Department of
2 Public Health, or Department of Financial and Professional
3 Regulation.

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

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

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

25 (y) "Written certification" means a document dated and
26 signed by a physician, stating (1) that in the physician's

1 professional opinion the patient is likely to receive
2 therapeutic or palliative benefit from the medical use of
3 cannabis to treat or alleviate the patient's debilitating
4 medical condition or symptoms associated with the debilitating
5 medical condition; (2) that the qualifying patient has a
6 debilitating medical condition and specifying the debilitating
7 medical condition the qualifying patient has; and (3) that the
8 patient is under the physician's care for the debilitating
9 medical condition. A written certification shall be made only
10 in the course of a bona fide physician-patient relationship,
11 after the physician has completed an assessment of the
12 qualifying patient's medical history, reviewed relevant
13 records related to the patient's debilitating condition, and
14 conducted a physical examination.

15 A veteran who has received treatment at a VA hospital shall
16 be deemed to have a bona fide physician-patient relationship
17 with a VA physician if the patient has been seen for his or her
18 debilitating medical condition at the VA Hospital in accordance
19 with VA Hospital protocols. A VA physician must sign off on any
20 written certification for medical cannabis for use by the
21 qualifying patient.

22 A bona fide physician-patient relationship under this
23 subsection is a privileged communication within the meaning of
24 Section 8-802 of the Code of Civil Procedure.

25 Section 15. Authority.

1 (a) It is the duty of the Department of Public Health to
2 enforce the following provisions of this Act unless otherwise
3 provided for by this Act:

4 (1) establish and maintain a confidential registry of
5 qualifying patients authorized to engage in the medical use
6 of cannabis and their caregivers;

7 (2) distribute educational materials about the health
8 risks associated with the abuse of cannabis and
9 prescription medications;

10 (3) adopt rules to administer the patient and caregiver
11 registration program; and

12 (4) adopt rules establishing food handling
13 requirements for cannabis-infused products that are
14 prepared for human consumption.

15 (b) It is the duty of the Department of Agriculture to
16 enforce the provisions of this Act relating to the registration
17 and oversight of cultivation centers unless otherwise provided
18 for in this Act.

19 (c) It is the duty of the Department of Financial and
20 Professional Regulation to enforce the provisions of this Act
21 relating to the registration and oversight of dispensing
22 organizations unless otherwise provided for in this Act.

23 (d) The Department of Public Health, the Department of
24 Agriculture, or the Department of Financial and Professional
25 Regulation shall enter into intergovernmental agreements, as
26 necessary, to carry out the provisions of this Act including,

1 but not limited to, the provisions relating to the registration
2 and oversight of cultivation centers, dispensing
3 organizations, and qualifying patients and caregivers.

4 (e) The Department of Public Health, Department of
5 Agriculture, or the Department of Financial and Professional
6 Registration may suspend or revoke a registration for
7 violations of this Act and any rules adopted in accordance
8 thereto. The suspension or revocation of a registration is a
9 final Agency action, subject to judicial review. Jurisdiction
10 and venue for judicial review are vested in the Circuit Court.

11 Section 20. Compassionate Use of Medical Cannabis Fund.

12 (a) There is created the Compassionate Use of Medical
13 Cannabis Fund in the State Treasury to be used exclusively for
14 the direct and indirect costs associated with the
15 implementation, administration, and enforcement of this Act.
16 Funds in excess of the direct and indirect costs associated
17 with the implementation, administration, and enforcement of
18 this Act shall be used to fund crime prevention programs.

19 (b) All monies collected under this Act shall be deposited
20 in the Compassionate Use of Medical Cannabis Fund in the State
21 treasury. All earnings received from investment of monies in
22 the Compassionate Use of Medical Cannabis Fund shall be
23 deposited in the Compassionate Use of Medical Cannabis Fund.

24 (c) Notwithstanding any other law to the contrary, the
25 Compassionate Use of Medical Cannabis Fund is not subject to

1 sweeps, administrative charge-backs, or any other fiscal or
2 budgetary maneuver that would in any way transfer any amounts
3 from the Compassionate Use of Medical Cannabis Fund into any
4 other fund of the State.

5 Section 25. Immunities and presumptions related to the
6 medical use of cannabis.

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

19 (b) A registered designated caregiver is not subject to
20 arrest, prosecution, or denial of any right or privilege,
21 including but not limited to civil penalty or disciplinary
22 action by an occupational or professional licensing board, for
23 acting in accordance with this Act to assist a registered
24 qualifying patient to whom he or she is connected through the
25 Department's registration process with the medical use of

1 cannabis if the designated caregiver possesses an amount of
2 cannabis that does not exceed an adequate supply as defined in
3 subsection (a) of Section 10 of this Act of usable cannabis.
4 The total amount possessed between the qualifying patient and
5 caregiver shall not exceed the patient's adequate supply as
6 defined in subsection (a) of Section 10 of this Act.

7 (c) A registered qualifying patient or registered
8 designated caregiver is not subject to arrest, prosecution, or
9 denial of any right or privilege, including but not limited to
10 civil penalty or disciplinary action by an occupational or
11 professional licensing board for possession of cannabis that is
12 incidental to medical use, but is not usable cannabis as
13 defined in this Act.

14 (d) (1) There is a rebuttable presumption that a registered
15 qualifying patient is engaged in, or a designated caregiver is
16 assisting with, the medical use of cannabis in accordance with
17 this Act if the qualifying patient or designated caregiver:

18 (A) is in possession of a valid registry identification
19 card; and

20 (B) is in possession of an amount of cannabis that does
21 not exceed the amount allowed under subsection (a) of
22 Section 10.

23 (2) The presumption may be rebutted by evidence that
24 conduct related to cannabis was not for the purpose of treating
25 or alleviating the qualifying patient's debilitating medical
26 condition or symptoms associated with the debilitating medical

1 condition in compliance with this Act.

2 (e) A physician is not subject to arrest, prosecution, or
3 penalty in any manner, or denied any right or privilege,
4 including but not limited to civil penalty or disciplinary
5 action by the Medical Disciplinary Board or by any other
6 occupational or professional licensing board, solely for
7 providing written certifications or for otherwise stating
8 that, in the physician's professional opinion, a patient is
9 likely to receive therapeutic or palliative benefit from the
10 medical use of cannabis to treat or alleviate the patient's
11 debilitating medical condition or symptoms associated with the
12 debilitating medical condition, provided that nothing shall
13 prevent a professional licensing or disciplinary board from
14 sanctioning a physician for: (1) issuing a written
15 certification to a patient who is not under the physician's
16 care for a debilitating medical condition; or (2) failing to
17 properly evaluate a patient's medical condition or otherwise
18 violating the standard of care for evaluating medical
19 conditions.

20 (f) No person may be subject to arrest, prosecution, or
21 denial of any right or privilege, including but not limited to
22 civil penalty or disciplinary action by an occupational or
23 professional licensing board, solely for: (1) selling cannabis
24 paraphernalia to a cardholder upon presentation of an unexpired
25 registry identification card in the recipient's name, if
26 employed and registered as a dispensing agent by a registered

1 dispensing organization; (2) being in the presence or vicinity
2 of the medical use of cannabis as allowed under this Act; or
3 (3) assisting a registered qualifying patient with the act of
4 administering cannabis.

5 (g) A registered cultivation center is not subject to
6 prosecution; search or inspection, except by the Department of
7 Agriculture, Department of Public Health, or State or local law
8 enforcement under Section 130; seizure; or penalty in any
9 manner, or be denied any right or privilege, including but not
10 limited to civil penalty or disciplinary action by a business
11 licensing board or entity, for acting under this Act and
12 Department of Agriculture rules to: acquire, possess,
13 cultivate, manufacture, deliver, transfer, transport, supply,
14 or sell cannabis to registration registered dispensing
15 organizations.

16 (h) A registered cultivation center agent is not subject to
17 prosecution, search, or penalty in any manner, or be denied any
18 right or privilege, including but not limited to civil penalty
19 or disciplinary action by a business licensing board or entity,
20 for working or volunteering for a registered cannabis
21 cultivation center under this Act and Department of Agriculture
22 rules, including to perform the actions listed under subsection
23 (g).

24 (i) A registered dispensing organization is not subject to
25 prosecution; search or inspection, except by the Department of
26 Financial and Professional Regulation or State or local law

1 enforcement pursuant to Section 130; seizure; or penalty in any
2 manner, or be denied any right or privilege, including but not
3 limited to civil penalty or disciplinary action by a business
4 licensing board or entity, for acting under this Act and
5 Department of Financial and Professional Regulation rules to:
6 acquire, possess, or dispense cannabis, or related supplies,
7 and educational materials to registered qualifying patients or
8 registered designated caregivers on behalf registered
9 qualifying patients.

10 (j) A registered dispensing organization agent is not
11 subject to prosecution, search, or penalty in any manner, or be
12 denied any right or privilege, including but not limited to
13 civil penalty or disciplinary action by a business licensing
14 board or entity, for working or volunteering for a dispensing
15 organization under this Act and Department of Financial and
16 Professional Regulation rules, including to perform the
17 actions listed under subsection (i).

18 (k) Any cannabis, cannabis paraphernalia, illegal
19 property, or interest in legal property that is possessed,
20 owned, or used in connection with the medical use of cannabis
21 as allowed under this Act, or acts incidental to that use, may
22 not be seized or forfeited. This Act does not prevent the
23 seizure or forfeiture of cannabis exceeding the amounts allowed
24 under this Act, nor shall it prevent seizure or forfeiture if
25 the basis for the action is unrelated to the cannabis that is
26 possessed, manufactured, transferred, or used under this Act.

1 (1) Mere possession of, or application for, a registry
2 identification card or registration certificate does not
3 constitute probable cause or reasonable suspicion, nor shall it
4 be used as the sole basis to support the search of the person,
5 property, or home of the person possessing or applying for the
6 registry identification card. The possession of, or
7 application for, a registry identification card does not
8 preclude the existence of probable cause if probable cause
9 exists on other grounds.

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

16 (n) Nothing in this Act shall preclude local or state law
17 enforcement agencies from searching a registered dispensing
18 organization where there is probable cause to believe that the
19 criminal laws of this State have been violated and the search
20 is conducted in conformity with the Illinois Constitution, the
21 Constitution of the United States, and all State statutes.

22 (o) No individual employed by the State of Illinois shall
23 be subject to criminal or civil penalties for taking any action
24 in accordance with the provisions of this Act, when the actions
25 are within the scope of his or her employment. Representation
26 and indemnification of State employees shall be provided to

1 State employees as set forth in Section 2 of the State Employee
2 Indemnification Act.

3 Section 30. Limitations and penalties.

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

7 (1) Undertaking any task under the influence of
8 cannabis, when doing so would constitute negligence,
9 professional malpractice, or professional misconduct;

10 (2) Possessing cannabis:

11 (A) in a school bus;

12 (B) on the grounds of any preschool or primary or
13 secondary school;

14 (C) in any correctional facility;

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

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

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

24 (3) Using cannabis:

25 (A) in a school bus;

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

22 (G) knowingly in close physical proximity to
23 anyone under the age of 18 years of age;

24 (4) Smoking medical cannabis in any public place where
25 an individual could reasonably be expected to be observed
26 by others, in a health care facility, or any other place

1 where smoking is prohibited under the Smoke Free Illinois
2 Act;

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

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

10 (7) Allowing any person who is not allowed to use
11 cannabis under this Act to use cannabis that a cardholder
12 is allowed to possess under this Act;

13 (8) Transferring cannabis to any person contrary to the
14 provisions of this Act;

15 (9) The use of medical cannabis by an active duty law
16 enforcement officer, correctional officer, correctional
17 probation officer, or firefighter; or

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

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

24 (c) Notwithstanding any other criminal penalties related
25 to the unlawful possession of cannabis, knowingly making a
26 misrepresentation to a law enforcement official of any fact or

1 circumstance relating to the medical use of cannabis to avoid
2 arrest or prosecution is a petty offense punishable by a fine
3 of up to \$1,000, which shall be in addition to any other
4 penalties that may apply for making a false statement or for
5 the use of cannabis other than use undertaken under this Act.

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

12 (e) Any cardholder or registered caregiver who sells
13 cannabis shall have his or her registry identification card
14 revoked and is subject to other penalties for the unauthorized
15 sale of cannabis.

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

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

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

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

8 Section 35. Physician requirements.

9 (a) A physician who certifies a debilitating medical
10 condition for a qualifying patient shall comply with all of the
11 following requirements:

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

17 (2) A physician making a medical cannabis
18 recommendation shall comply with generally accepted
19 standards of medical practice, the provisions of the
20 Medical Practice Act of 1987 and all applicable rules.

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

23 (4) The physician shall maintain a record-keeping
24 system for all patients for whom the physician has
25 recommended the medical use of cannabis. These records

1 shall be accessible to and subject to review by the
2 Department of Public Health and the Department of Financial
3 and Professional Regulation upon request.

4 (b) A physician may not:

5 (1) accept, solicit, or offer any form of remuneration
6 from or to a qualifying patient, primary caregiver,
7 cultivation center, or dispensing organization, including
8 each principal officer, board member, agent, and employee
9 other than accepting payment from a patient for the fee
10 associated with the examination required prior to
11 certifying a qualifying patient;

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

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

21 (4) hold a direct or indirect economic interest in a
22 cultivation center or dispensing organization if he or she
23 recommends the use of medical cannabis to qualified
24 patients or is in a partnership or other fee or
25 profit-sharing relationship with a physician who
26 recommends medical cannabis;

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

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

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

8 (c) The Department of Public Health may with reasonable
9 cause refer a physician, who has certified a debilitating
10 medical condition of a patient, to the Illinois Department of
11 Financial and Professional Regulation for potential violations
12 of this 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 Medical Practice Act of 1987.

16 Section 40. Discrimination prohibited.

17 (a) (1) No school, employer, or landlord may refuse to
18 enroll or lease to, or otherwise penalize, a person solely for
19 his or her status as a registered qualifying patient or a
20 registered designated caregiver, unless failing to do so would
21 put the school, employer, or landlord in violation of federal
22 law or unless failing to do so would cause it to lose a
23 monetary or licensing-related benefit under federal law or
24 rules. This does not prevent a landlord from prohibiting the
25 smoking of cannabis on the premises.

1 (2) For the purposes of medical care, including organ
2 transplants, a registered qualifying patient's authorized use
3 of cannabis in accordance with this Act is considered the
4 equivalent of the authorized use of any other medication used
5 at the direction of a physician, and may not constitute the use
6 of an illicit substance or otherwise disqualify a qualifying
7 patient from needed medical care.

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

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

18 (d) Nothing in this Act may be construed to require a
19 government medical assistance program or private health
20 insurer to reimburse a person for costs associated with the
21 medical use of cannabis.

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

1 Section 45. Addition of debilitating medical conditions.
2 Any citizen may petition the Department of Public Health to add
3 debilitating conditions or treatments to the list of
4 debilitating medical conditions listed in subsection (h) of
5 Section 10. The Department of Public Health shall consider
6 petitions in the manner required by Department rule, including
7 public notice and hearing. The Department shall approve or deny
8 a petition within 180 days of its submission, and, upon
9 approval, shall proceed to add that condition by rule in
10 accordance with the Administrative Procedure Act. The approval
11 or denial of any petition is a final decision of the
12 Department, subject to judicial review. Jurisdiction and venue
13 are vested in the Circuit Court.

14 Section 50. Employment; employer liability.

15 (a) Nothing in this Act shall prohibit an employer from
16 adopting reasonable regulations concerning the consumption,
17 storage, or timekeeping requirements for qualifying patients
18 related to the use of medical cannabis.

19 (b) Nothing in this Act shall prohibit an employer from
20 enforcing a policy concerning drug testing, zero-tolerance, or
21 a drug free workplace provided the policy is applied in a
22 nondiscriminatory manner.

23 (c) Nothing in this Act shall limit an employer from
24 disciplining a registered qualifying patient for violating a
25 workplace drug policy.

1 (d) Nothing in this Act shall limit an employer's ability
2 to discipline an employee for failing a drug test if failing to
3 do so would put the employer in violation of federal law or
4 cause it to lose a federal contract or funding.

5 (e) Nothing in this Act shall be construed to create a
6 defense for a third party who fails a drug test.

7 (f) An employer may consider a registered qualifying
8 patient to be impaired when he or she manifests specific,
9 articulable symptoms while working that decrease or lessen his
10 or her performance of the duties or tasks of the employee's job
11 position, including symptoms of the employee's speech,
12 physical dexterity, agility, coordination, demeanor,
13 irrational or unusual behavior, negligence or carelessness in
14 operating equipment or machinery, disregard for the safety of
15 the employee or others, or involvement in an accident that
16 results in serious damage to equipment or property, disruption
17 of a production or manufacturing process, or carelessness that
18 results in any injury to the employee or others. If an employer
19 elects to discipline a qualifying patient under this
20 subsection, it must afford the employee a reasonable
21 opportunity to contest the basis of the determination.

22 (g) Nothing in this Act shall be construed to create or
23 imply a cause of action for any person against an employer for:
24 (1) actions based on the employer's good faith belief that a
25 registered qualifying patient used or possessed cannabis while
26 on the employer's premises or during the hours of employment;

1 (2) actions based on the employer's good faith belief that a
2 registered qualifying patient was impaired while working on the
3 employer's premises during the hours of employment; (3) injury
4 or loss to a third party if the employer neither knew nor had
5 reason to know that the employee was impaired.

6 (h) Nothing in this Act shall be construed to interfere
7 with any federal restrictions on employment including but not
8 limited to the United States Department of Transportation
9 regulation 49 CFR 40.151(e).

10 Section 55. Registration of qualifying patients and
11 designated caregivers.

12 (a) The Department of Public Health shall issue registry
13 identification cards to qualifying patients and designated
14 caregivers who submit a completed application, and at minimum,
15 the following, in accordance with Department of Public Health
16 rules:

17 (1) A written certification, on a form developed by the
18 Department of Public Health and issued by a physician,
19 within 90 days immediately preceding the date of an
20 application;

21 (2) upon the execution of applicable privacy waivers,
22 the patient's medical documentation related to his or her
23 debilitating condition and any other information that may
24 be reasonably required by the Department of Public Health
25 to confirm that the physician and patient have a bona fide

1 physician-patient relationship, that the qualifying
2 patient is in the physician's care for his or her
3 debilitating medical condition, and to substantiate the
4 patient's diagnosis;

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

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

9 (5) the name, address, and telephone number of the
10 qualifying patient's physician;

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

14 (7) the name of the registered medical cannabis
15 dispensing organization the qualifying patient designates;

16 (8) signed statements from the patient and designated
17 caregiver asserting that they will not divert medical
18 cannabis, and

19 (9) completed background checks for the patient and
20 designated caregiver.

21 Section 60. Issuance of registry identification cards.

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

24 (1) verify the information contained in an application
25 or renewal for a registry identification card submitted

1 under this Act, and approve or deny an application or
2 renewal, within 30 days of receiving a completed
3 application or renewal application and all supporting
4 documentation specified in Section 55;

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

9 (3) enter the registry identification number of the
10 registered dispensing organization the patient designates
11 into the verification system; and

12 (4) allow for an electronic application process, and
13 provide a confirmation by electronic or other methods that
14 an application has been submitted.

15 (b) The Department of Public Health may not issue a
16 registry identification card to a qualifying patient who is
17 under 18 years of age.

18 (c) A veteran who has received treatment at a VA hospital
19 is deemed to have a bona fide physician-patient relationship
20 with a VA physician if the patient has been seen for his or her
21 debilitating medical condition at the VA Hospital in accordance
22 with VA Hospital protocols. A VA physician must sign off on any
23 written certification for medical cannabis for use by the
24 qualifying patient. All reasonable inferences regarding the
25 existence of a bona fide physician-patient relationship shall
26 be drawn in favor of an applicant who is a veteran and has

1 undergone treatment at a VA hospital.

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 Section 65. Denial of registry identification cards.

18 (a) The Department of Public Health may deny an application
19 or renewal of a qualifying patient's registry identification
20 card only if the applicant:

21 (1) did not provide the required information and
22 materials;

23 (2) previously had a registry identification card
24 revoked;

25 (3) did not meet the requirements of this Act; or

1 (4) provided false or falsified information.

2 (b) No person who has been convicted of a felony under the
3 Illinois Controlled Substances Act, Cannabis Control Act, or
4 Methamphetamine Control and Community Protection Act, or
5 similar provision in a local ordinance or other jurisdiction is
6 eligible to receive a registry identification card.

7 (c) The Department of Public Health may deny an application
8 or renewal for a designated caregiver chosen by a qualifying
9 patient whose registry identification card was granted only if:

10 (1) the designated caregiver does not meet the
11 requirements of subsection (i) of Section 10;

12 (2) the applicant did not provide the information
13 required;

14 (3) the prospective patient's application was denied;

15 (4) the designated caregiver previously had a registry
16 identification card revoked; or

17 (5) the applicant or the designated caregiver provided
18 false or falsified information.

19 (d) The Department of Public Health through the Illinois
20 State Police shall conduct a background check of the
21 prospective qualifying patient and designated caregiver in
22 order to carry out this provision. The Department of State
23 Police shall be reimbursed for the cost of the background check
24 by the Department of Public Health. Each person applying as a
25 qualifying patient or a designated caregiver shall submit a
26 full set of fingerprints to the Department of Public Health for

1 the purpose of obtaining a state and federal criminal records
2 check. The Department of Public Health may exchange this data
3 with the Department of State Police or the Federal Bureau of
4 Investigation without disclosing that the records check is
5 related to this Act. The Department of Public Health shall
6 destroy each set of fingerprints after the criminal records
7 check is completed.

8 (e) The Department of Public Health shall notify the
9 qualifying patient who has designated someone to serve as his
10 or her designated caregiver if a registry identification card
11 will not be issued to the designated caregiver.

12 (f) Denial of an application or renewal is considered a
13 final Department action, subject to judicial review.
14 Jurisdiction and venue for judicial review are vested in the
15 Circuit Court.

16 Section 70. Registry identification cards.

17 (a) A registered qualifying patient or designated
18 caregiver must keep their registry identification card in his
19 or her possession at all times when engaging in the medical use
20 of cannabis.

21 (b) Registry identification cards shall contain the
22 following:

23 (1) the name of the cardholder;

24 (2) a designation of whether the cardholder is a
25 designated caregiver or qualifying patient;

1 (3) the date of issuance and expiration date of the
2 registry identification card;

3 (4) a random alphanumeric identification number that
4 is unique to the cardholder;

5 (5) if the cardholder is a designated caregiver, the
6 random alphanumeric identification number of the
7 registered qualifying patient the designated caregiver is
8 receiving the registry identification card to assist; and

9 (6) a photograph of the cardholder, if required by
10 Department of Public Health rules.

11 (c) To maintain a valid registration identification card, a
12 registered qualifying patient and caregiver must annually
13 resubmit, at least 45 days prior to the expiration date stated
14 on the registry identification card, a completed renewal
15 application, renewal fee, and accompanying documentation as
16 described in Department of Public Health rules. The Department
17 of Public Health shall send a notification to a registered
18 qualifying patient or registered designated caregiver 90 days
19 prior to the expiration of the registered qualifying patient's
20 or registered designated caregiver's identification card. If
21 the Department of Public Health fails to grant or deny a
22 renewal application received in accordance with this Section,
23 then the renewal is deemed granted and the registered
24 qualifying patient or registered designated caregiver may
25 continue to use the expired identification card until the
26 Department of Public Health denies the renewal or issues a new

1 identification card.

2 (d) Except as otherwise provided in this Section, the
3 expiration date is one year after the date of issuance.

4 (e) The Department of Public Health may electronically
5 store in the card any or all of the information listed in
6 subsection (b), along with the address and date of birth of the
7 cardholder and the qualifying patient's designated dispensary
8 organization, to allow it to be read by law enforcement agents.

9 Section 75. Notifications to Department of Public Health
10 and responses; civil penalty.

11 (a) The following notifications and Department of Public
12 Health responses are required:

13 (1) A registered qualifying patient shall notify the
14 Department of Public Health of any change in his or her
15 name or address, or if the registered qualifying patient
16 ceases to have his or her debilitating medical condition,
17 within 10 days of the change.

18 (2) A registered designated caregiver shall notify the
19 Department of Public Health of any change in his or her
20 name or address, or if the designated caregiver becomes
21 aware the registered qualifying patient passed away,
22 within 10 days of the change.

23 (3) Before a registered qualifying patient changes his
24 or her designated caregiver, the qualifying patient must
25 notify the Department of Public Health.

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

4 (b) When a cardholder notifies the Department of Public
5 Health of items listed in subsection (a), but remains eligible
6 under this Act, the Department of Public Health shall issue the
7 cardholder a new registry identification card with a new random
8 alphanumeric identification number within 15 business days of
9 receiving the updated information and a fee as specified in
10 Department of Public Health rules. If the person notifying the
11 Department of Public Health is a registered qualifying patient,
12 the Department shall also issue his or her registered
13 designated caregiver, if any, a new registry identification
14 card within 15 business days of receiving the updated
15 information.

16 (c) If a registered qualifying patient ceases to be a
17 registered qualifying patient or changes his or her registered
18 designated caregiver, the Department of Public Health shall
19 promptly notify the designated caregiver. The registered
20 designated caregiver's protections under this Act as to that
21 qualifying patient shall expire 15 days after notification by
22 the Department.

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

1 (e) A registered qualifying patient shall notify the
2 Department of Public Health of any change to his or her
3 designated registered dispensing organization. Registered
4 dispensing organizations must comply with all requirements of
5 this Act.

6 (f) If the registered qualifying patient's certifying
7 physician notifies the Department in writing that either the
8 registered qualifying patient has ceased to suffer from a
9 debilitating medical condition or that the physician no longer
10 believes the patient would receive therapeutic or palliative
11 benefit from the medical use of cannabis, the card shall become
12 null and void. However, the registered qualifying patient shall
13 have 15 days to destroy his or her remaining medical cannabis
14 and related paraphernalia.

15 Section 80. Preparation of cannabis infused products.

16 (a) Notwithstanding any other provision of law, neither the
17 Department of Public Health nor the Department of Agriculture
18 nor the health department of a unit of local government may
19 regulate the service of food by a registered cultivation center
20 or registered dispensing organization provided that all of the
21 following conditions are met:

22 (1) No cannabis infused products requiring
23 refrigeration or hot-holding shall be manufactured at a
24 cultivation center for sale or distribution at a dispensing
25 organization due to the potential for food-borne illness.

1 (2) Baked products infused with medical cannabis (such
2 as brownies, bars, cookies, cakes), tinctures, and other
3 non-refrigerated items are acceptable for sale at
4 dispensing organizations. The products are allowable for
5 sale only at registered dispensing organizations.

6 (3) All items shall be individually wrapped at the
7 original point of preparation. The packaging of the medical
8 cannabis infused product shall conform to the labeling
9 requirements of the Illinois Food, Drug and Cosmetic Act
10 and shall include the following information on each product
11 offered for sale or distribution:

12 (A) the name and address of the registered
13 cultivation center where the item was manufactured;

14 (B) the common or usual name of the item;

15 (C) all ingredients of the item, including any
16 colors, artificial flavors, and preservatives, listed
17 in descending order by predominance of weight shown
18 with common or usual names;

19 (D) the following phrase: "This product was
20 produced in a medical cannabis cultivation center not
21 subject to public health inspection that may also
22 process common food allergens.";

23 (E) allergen labeling as specified in the Federal
24 Food, Drug and Cosmetics Act, Federal Fair Packaging
25 and Labeling Act, and the Illinois Food, Drug and
26 Cosmetic Act;

1 (F) the pre-mixed total weight (in ounces or grams)
2 of usable cannabis in the package;

3 (G) a warning that the item is a medical cannabis
4 infused product and not a food must be distinctly and
5 clearly legible on the front of the package;

6 (H) a clearly legible warning emphasizing that the
7 product contains medical cannabis and is intended for
8 consumption by registered qualifying patients only;
9 and

10 (I) date of manufacture and "use by date".

11 (4) Any dispensing organization that sells edible
12 cannabis infused products must display a placard that
13 states the following: "Edible cannabis infused products
14 were produced in a kitchen not subject to public health
15 inspections that may also process common food allergens."
16 The placard shall be no smaller than 24" tall by 36" wide,
17 with typed letters no smaller than 2". The placard shall be
18 clearly visible and readable by customers and shall be
19 written in English.

20 (5) Cannabis infused products for sale or distribution
21 at a dispensing organization must be prepared by an
22 approved staff member of a registered cultivation center.

23 (6) A cultivation center that prepares cannabis
24 infused products for sale or distribution at a dispensing
25 organization shall be under the operational supervision of
26 a Department of Public Health certified food service

1 sanitation manager.

2 (b) The Department of Public Health shall adopt rules for
3 the manufacture of medical cannabis-infused products and shall
4 enforce these provisions, and for that purpose it may at all
5 times enter every building, room, basement, enclosure, or
6 premises occupied or used or suspected of being occupied or
7 used for the production, preparation, manufacture for sale,
8 storage, sale, distribution or transportation of medical
9 cannabis edible products, to inspect the premises and all
10 utensils, fixtures, furniture, and machinery used for the
11 preparation of these products.

12 (c) If a local health organization has a reasonable belief
13 that a cultivation center's cannabis-infused product poses a
14 public health hazard, it may refer the cultivation center to
15 the Department of Public Health. If the Department of Public
16 Health finds that a cannabis-infused product poses a health
17 hazard, it may without administrative procedure to bond, bring
18 an action for immediate injunctive relief to require that
19 action be taken as the court may deem necessary to meet the
20 hazard of the cultivation center.

21 Section 85. Issuance and denial of medical cannabis
22 cultivation permit.

23 (a) The Department of Agriculture may register up to 22
24 cultivation center registrations for operation. The Department
25 of Agriculture may not issue more than one registration per

1 each Illinois State Police District boundary as specified on
2 the date of January 1, 2013. The Department of Agriculture may
3 not issue less than the 22 registrations if there are qualified
4 applicants who have applied with the Department.

5 (b) The registrations shall be issued and renewed annually
6 as determined by administrative rule.

7 (c) The Department of Agriculture shall determine a
8 registration fee by rule.

9 (d) A cultivation center may only operate if it has been
10 issued a valid registration from the Department of Agriculture.
11 When applying for a cultivation center registration, the
12 applicant shall submit the following in accordance with
13 Department of Agriculture rules:

14 (1) the proposed legal name of the cultivation center;

15 (2) the proposed physical address of the cultivation
16 center and description of the enclosed, locked facility as
17 it applies to cultivation centers where medical cannabis
18 will be grown, harvested, manufactured, packaged, or
19 otherwise prepared for distribution to a dispensing
20 organization;

21 (3) the name, address, and date of birth of each
22 principal officer and board member of the cultivation
23 center, provided that all those individuals shall be at
24 least 21 years of age;

25 (4) any instance in which a business that any of the
26 prospective board members of the cultivation center had

1 managed or served on the board of the business and was
2 convicted, fined, censured, or had a registration or
3 license suspended or revoked in any administrative or
4 judicial proceeding;

5 (5) cultivation, inventory, and packaging plans;

6 (6) proposed operating by-laws that include procedures
7 for the oversight of the cultivation center, development
8 and implementation of a plant monitoring system, medical
9 cannabis container tracking system, accurate record
10 keeping, staffing plan, and security plan reviewed by the
11 State Police that are in accordance with the rules issued
12 by the Department of Agriculture under this Act. A physical
13 inventory shall be performed of all plants and medical
14 cannabis containers on a weekly basis;

15 (7) experience with agricultural cultivation
16 techniques and industry standards;

17 (8) any academic degrees, certifications, or relevant
18 experience with related businesses;

19 (9) the identity of every person, association, trust,
20 or corporation having any direct or indirect pecuniary
21 interest in the cultivation center operation with respect
22 to which the registration is sought. If the disclosed
23 entity is a trust, the application shall disclose the names
24 and addresses of the beneficiaries; if a corporation, the
25 names and addresses of all stockholders and directors; if a
26 partnership, the names and addresses of all partners, both

1 general and limited;

2 (10) verification from the State Police that all
3 background checks of the principal officer, board members,
4 and registered agents have been conducted and those
5 individuals have not been convicted of an excluded offense;

6 (11) provide a copy of the current local zoning
7 ordinance to the Department of Agriculture and verify that
8 proposed cultivation center is in compliance with the local
9 zoning rules issued in accordance with Section 140;

10 (12) an application fee set by the Department of
11 Agriculture by rule; and

12 (13) any other information required by Department of
13 Agriculture rules, including, but not limited to a
14 cultivation center applicant's experience with the
15 cultivation of agricultural or horticultural products,
16 operating an agriculturally related business, or operating
17 a horticultural business.

18 (e) An application for a cultivation center permit must be
19 denied if any of the following conditions are met:

20 (1) the applicant failed to submit the materials
21 required by this Section, including if the applicant's
22 plans do not satisfy the security, oversight, inventory, or
23 recordkeeping rules issued by the Department of
24 Agriculture;

25 (2) the applicant would not be in compliance with local
26 zoning rules issued in accordance with Section 140;

1 (3) one or more of the prospective principal officers
2 or board members has been convicted of an excluded offense;

3 (4) one or more of the prospective principal officers
4 or board members has served as a principal officer or board
5 member for a registered dispensing organization or
6 cultivation center that has had its registration revoked;

7 (5) one or more of the principal officers or board
8 members is under 21 years of age;

9 (6) a principal officer or board member of the
10 cultivation center has been convicted of a felony under the
11 laws of this State, any other state, or the United States;

12 (7) a principal officer or board member of the
13 cultivation center has been convicted of any violation of
14 Article 28 of the Criminal Code of 2012, or substantially
15 similar laws of any other jurisdiction; or

16 (8) the person has submitted an application for a
17 certificate under this Act which contains false
18 information.

19 Section 90. Renewal of cultivation center registrations.

20 (a) Registrations shall be renewed annually. The
21 registered cultivation center shall receive written notice 90
22 days prior to the expiration of its current registration that
23 the registration will expire. The Department of Agriculture
24 shall grant a renewal application within 45 days of its
25 submission if the following conditions are satisfied:

1 (1) the registered cultivation center submits a
2 renewal application and the required renewal fee
3 established by the Department of Agriculture by rule; and

4 (2) the Department of Agriculture has not suspended the
5 registration of the cultivation center or suspended or
6 revoked the registration for violation of this Act or rules
7 adopted under this Act.

8 Section 95. Background checks.

9 (a) The Department of Agriculture through the Department of
10 State Police shall conduct a background check of the
11 prospective cultivation center agents. The Department of State
12 Police shall be reimbursed for the cost of the background check
13 by the Department of Agriculture. In order to carry out this
14 provision, each person applying as a cultivation center agent
15 shall submit a full set of fingerprints to the Department of
16 Agriculture for the purpose of obtaining a state and federal
17 criminal records check. The Department of Agriculture may
18 exchange this data with the Department of State Police and the
19 Federal Bureau of Investigation without disclosing that the
20 records check is related to this Act. The Department of
21 Agriculture shall destroy each set of fingerprints after the
22 criminal records check is complete.

23 (b) When applying for the initial permit, the background
24 checks for the principal officer, board members, and registered
25 agents shall be completed prior to submitting the application

1 to the Department of Agriculture.

2 Section 100. Cultivation center agent identification card.

3 (a) The Department of Agriculture shall:

4 (1) verify the information contained in an application
5 or renewal for a cultivation center identification card
6 submitted under this Act, and approve or deny an
7 application or renewal, within 30 days of receiving a
8 completed application or renewal application and all
9 supporting documentation required by rule;

10 (2) issue a cultivation center agent identification
11 card to a qualifying agent within 15 business days of
12 approving the application or renewal;

13 (3) enter the registry identification number of the
14 cultivation center where the agent works; and

15 (4) allow for an electronic application process, and
16 provide a confirmation by electronic or other methods that
17 an application has been submitted.

18 (b) A cultivation center agent must keep his or her
19 identification card visible at all times when on the property
20 of a cultivation center and during the transportation of
21 medical cannabis to a registered dispensary organization.

22 (c) The cultivation center agent identification cards
23 shall contain the following:

24 (1) the name of the cardholder;

25 (2) the date of issuance and expiration date of

1 cultivation center agent identification cards;

2 (3) a random 10 digit alphanumeric identification
3 number containing at least 4 numbers and at least 4
4 letters; that is unique to the holder; and

5 (4) a photograph of the cardholder.

6 (d) The cultivation center agent identification cards
7 shall be immediately returned to the cultivation center upon
8 termination of employment.

9 (e) Any card lost by a cultivation center agent shall be
10 reported to the State Police and the Department of Agriculture
11 immediately upon discovery of the loss.

12 (f) An applicant shall be denied a cultivation center agent
13 identification card if he or she has been convicted of an
14 excluded offense.

15 Section 105. Requirements; prohibitions; penalties for
16 cultivation centers.

17 (a) The operating documents of a registered cultivation
18 center shall include procedures for the oversight of the
19 cultivation center, a cannabis plant monitoring system
20 including a physical inventory recorded weekly, a cannabis
21 container system including a physical inventory recorded
22 weekly, accurate record keeping, and a staffing plan.

23 (b) A registered cultivation center shall implement a
24 security plan reviewed by the State Police and including but
25 not limited to: facility access controls, perimeter intrusion

1 detection systems, personnel identification systems, 24-hour
2 surveillance system to monitor the interior and exterior of the
3 registered cultivation center facility and accessible to
4 authorized law enforcement and the Department of Financial and
5 Professional Regulation in real-time.

6 (c) A registered cultivation center may not be located
7 within 2,500 feet of the property line of a pre-existing public
8 or private preschool or elementary or secondary school or day
9 care center, day care home, group day care home, part day child
10 care facility, or an area zoned for residential use.

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

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

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

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

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

8 (i) Registered cultivation centers are subject to random
9 inspections by the Department of Agriculture and the Department
10 of Public Health.

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

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

18 Section 110. Suspension revocation of a registration.

19 (a) The Department of Agriculture may suspend or revoke a
20 registration for violations of this Act and rules issued in
21 accordance with this Section.

22 (b) The suspension or revocation of a certificate is a
23 final Department of Agriculture action, subject to judicial
24 review. Jurisdiction and venue for judicial review are vested
25 in the Circuit Court.

1 Section 115. Registration of dispensing organizations.

2 (a) The Department of Financial and Professional
3 Regulation may issue up to 60 dispensing organization
4 registrations for operation. The Department of Financial and
5 Professional Regulation may not issue less than the 60
6 registrations if there are qualified applicants who have
7 applied with the Department of Financial and Professional
8 Regulation. The organizations shall be geographically
9 dispersed throughout the State to allow all registered
10 qualifying patients reasonable proximity and access to a
11 dispensing organization.

12 (b) A dispensing organization may only operate if it has
13 been issued a registration from the Department of Financial and
14 Professional Regulation. The Department of Financial and
15 Professional Regulation shall adopt rules establishing the
16 procedures for applicants for dispensing organizations.

17 (c) When applying for a dispensing organization
18 registration, the applicant shall submit, at a minimum, the
19 following in accordance with Department of Financial and
20 Professional Regulation rules:

21 (1) a non-refundable application fee established by
22 rule;

23 (2) the proposed legal name of the dispensing
24 organization;

25 (3) the proposed physical address of the dispensing

1 organization;

2 (4) the name, address, and date of birth of each
3 principal officer and board member of the dispensing
4 organization, provided that all those individuals shall be
5 at least 21 years of age;

6 (5) information, in writing, regarding any instances
7 in which a business or not-for-profit that any of the
8 prospective board members managed or served on the board of
9 was convicted, fined, censured, or had a registration or
10 registration suspended or revoked in any administrative or
11 judicial proceeding;

12 (6) proposed operating by-laws that include procedures
13 for the oversight of the medical cannabis dispensing
14 organization and procedures to ensure accurate record
15 keeping and security measures that are in accordance with
16 the rules applied by the Department of Financial and
17 Professional Regulation under this Act. The by-laws shall
18 include a description of the enclosed, locked facility
19 where medical cannabis will be stored by the dispensing
20 organization; and

21 (7) signed statements from each dispensing
22 organization agent stating that they will not divert
23 medical cannabis.

24 (d) The Department of Financial and Professional
25 Regulation shall conduct a background check of the prospective
26 dispensing organization agents in order to carry out this

1 provision. The Department of State Police shall be reimbursed
2 for the cost of the background check by the Department of
3 Financial and Professional Regulation. Each person applying as
4 a dispensing organization agent shall submit a full set of
5 fingerprints to the Department of Financial and Professional
6 Regulation for the purpose of obtaining a state and federal
7 criminal records check. The Department of Financial and
8 Professional Regulation may exchange this data with the
9 Department of State Police and the Federal Bureau of
10 Investigation without disclosing that the records check is
11 related to this Act. The Department of Financial and
12 Professional Regulation shall destroy each set of fingerprints
13 after the criminal records check is completed.

14 (e) A dispensing organization must pay a registration fee
15 set by the Department of Financial and Professional Regulation.

16 (f) An application for a medical cannabis dispensing
17 organization registration must be denied if any of the
18 following conditions are met:

19 (1) the applicant failed to submit the materials
20 required by this Section, including if the applicant's
21 plans do not satisfy the security, oversight, or
22 recordkeeping rules issued by the Department of Financial
23 and Professional Regulation;

24 (2) the applicant would not be in compliance with local
25 zoning rules issued in accordance with Section 140;

26 (3) the applicant does not meet the requirements of

1 Section 130;

2 (4) one or more of the prospective principal officers
3 or board members has been convicted of an excluded offense;

4 (5) one or more of the prospective principal officers
5 or board members has served as a principal officer or board
6 member for a registered medical cannabis dispensing
7 organization that has had its registration revoked;

8 (6) one or more of the principal officers or board
9 members is under 21 years of age; and

10 (7) one or more of the principal officers or board
11 members is a registered qualified patient or a registered
12 caregiver.

13 Section 120. Dispensing organization agent identification
14 card.

15 (a) The Department of Financial and Professional
16 Regulation shall:

17 (1) verify the information contained in an application
18 or renewal for a dispensing organization agent
19 identification card submitted under this Act, and approve
20 or deny an application or renewal, within 30 days of
21 receiving a completed application or renewal application
22 and all supporting documentation required by rule;

23 (2) issue a dispensing organization agent
24 identification card to a qualifying agent within 15
25 business days of approving the application or renewal;

1 (3) enter the registry identification number of the
2 dispensing organization where the agent works; and

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

6 (b) A dispensing agent must keep his or her identification
7 card visible at all times when on the property of a dispensing
8 organization.

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

11 (1) the name of the cardholder;

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

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

17 (4) a photograph of the cardholder.

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

21 (e) Any card lost by a dispensing organization agent shall
22 be reported to the Illinois State Police and the Department of
23 Agriculture immediately upon discovery of the loss.

24 (f) An applicant shall be denied a dispensing organization
25 agent identification card if he or she has been convicted of an
26 excluded offense.

1 Section 125. Medical cannabis dispensing organization
2 certification renewal.

3 (a) The registered dispensing organization shall receive
4 written notice 90 days prior to the expiration of its current
5 registration that the registration will expire. The Department
6 of Financial and Professional Regulation shall grant a renewal
7 application within 45 days of its submission if the following
8 conditions are satisfied:

9 (1) the registered dispensing organization submits a
10 renewal application and the required renewal fee
11 established by the Department of Financial and
12 Professional Regulation rules; and

13 (2) the Department of Financial and Professional
14 Regulation has not suspended the registered dispensing
15 organization or suspended or revoked the registration for
16 violation of this Act or rules adopted under this Act.

17 (b) If a dispensing organization fails to renew its
18 registration prior to expiration, the dispensing organization
19 shall cease operations until registration is renewed.

20 (c) If a dispensing organization agent fails to renew his
21 or her registration prior to its expiration, he or she shall
22 cease to work or volunteer at a dispensing organization until
23 his or her registration is renewed.

24 (d) Any dispensing organization that continues to operate
25 or dispensing agent that continues to work or volunteer at a

1 dispensing organization that fails to renew its registration
2 shall be subject to penalty as provided in Section 130.

3 Section 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.

23 (e) A dispensing organization is prohibited from acquiring
24 cannabis from anyone other than a registered cultivation
25 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.

20 (i) Before medical cannabis may be dispensed to a
21 designated caregiver or a registered qualifying patient, a
22 dispensing organization agent must determine that the
23 individual is a current cardholder in the verification system
24 and must verify each of the following:

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

1 (2) that the person presenting the card is the person
2 identified on the registry identification card presented
3 to the dispensing organization agent;

4 (3) that the dispensing organization is the designated
5 dispensing organization for the registered qualifying
6 patient who is obtaining the cannabis directly or via his
7 or her designated caregiver; and

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

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

18 (k) The physician-patient privilege as set forth by Section
19 8-802 of the Code of Civil Procedure shall apply between a
20 qualifying patient and a registered dispensing organization
21 and its agents with respect to communications and records
22 concerning qualifying patients' debilitating conditions.

23 (l) A dispensing organization may not permit any person to
24 consume cannabis on the property of a medical cannabis
25 organization.

26 (m) A dispensing organization may not share office space

1 with or refer patients to a physician.

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

20 (o) Dispensing organizations are subject to random
21 inspection and cannabis testing by the Department of Financial
22 and Professional Regulation and State Police as provided by
23 rule.

24 Section 135. Change in designated dispensing organization.
25 Nothing contained in this Act shall be construed to prohibit a

1 dispensing organization registered in this State from filling
2 or refilling a valid written certification for medical cannabis
3 that is on file with the Department of Public Health and the
4 designation has been transferred from one dispensing
5 organization to another under this Act upon the following
6 conditions and exceptions:

7 (1) Prior to dispensing medical cannabis under any written
8 certification and the requirements of this Act, the dispensing
9 organization agent shall:

10 (A) advise the patient that the designated dispensing
11 organization on file with the Department of Public Health
12 must be changed before he or she will be able to dispense
13 any quantity of medical cannabis;

14 (B) determine that the patient is registered and in
15 compliance with the Department of Public Health under the
16 requirements of this Act;

17 (C) notify the dispensing organization designated by
18 the registered qualifying patient that the registered
19 qualifying patient is changing his or her designation and
20 the patient may no longer purchase medical cannabis at the
21 original dispensing organization; and

22 (D) notify the Department of Public Health of a
23 patient's change in designation and receive confirmation
24 from the Department of Public Health that it has updated
25 the registered qualifying patient database.

26 (2) The Department of Public Health's electronically

1 accessible database created under this Act shall maintain a
2 registered qualified patient's designated dispensary
3 information. The Department of Public Health may formulate
4 rules, not inconsistent with law, as may be necessary to carry
5 out the purposes of and to enforce the provisions of this
6 Section.

7 (3) Medical Cannabis shall in no event be dispensed more
8 frequently or in larger amounts than permitted under this Act.

9 Section 140. Local ordinances. A unit of local government
10 may enact reasonable zoning ordinances or resolutions, not in
11 conflict with this Act or with Department of Agriculture or
12 Department of Public Health rules, regulating registered
13 medical cannabis cultivation center or medical cannabis
14 dispensing organizations. No unit of local government,
15 including a home rule unit, or school district may regulate
16 registered medical cannabis organizations other than as
17 provided in this Act and may not unreasonably prohibit the
18 cultivation, dispensing, and use of medical cannabis
19 authorized by this Act. This Section is a denial and limitation
20 under subsection (i) of Section 6 of Article VII of the
21 Illinois Constitution on the concurrent exercise by home rule
22 units of powers and functions exercised by the State.

23 Section 145. Confidentiality.

24 (a) The following information received and records kept by

1 the Department of Public Health, Department of Financial and
2 Professional Regulation, Department of Agriculture, or
3 Department of State Police under their rules for purposes of
4 administering this Act are subject to all applicable federal
5 privacy laws, confidential, and exempt from the Freedom of
6 Information Act, and not subject to disclosure to any
7 individual or public or private entity, except as necessary for
8 authorized employees of those authorized agencies to perform
9 official duties under this Act, except that the information
10 received and records kept by Department of Public Health,
11 Department of Agriculture, Department of Financial and
12 Professional Regulation, and Department of State Police may
13 disclose this information and records to each other upon
14 request:

15 (1) Applications and renewals, their contents, and
16 supporting information submitted by qualifying patients
17 and designated caregivers, including information regarding
18 their designated caregivers and physicians.

19 (2) Applications and renewals, their contents, and
20 supporting information submitted by or on behalf of
21 cultivation centers and dispensing organizations in
22 compliance with this Act, including their physical
23 addresses.

24 (3) The individual names and other information
25 identifying persons to whom the Department of Public Health
26 has issued registry identification cards.

1 (4) Any dispensing information required to be kept
2 under Section 135, Section 150, or Department of Public
3 Health, Department of Agriculture, or Department of
4 Financial and Professional Regulation rules shall identify
5 cardholders and registered cultivation centers by their
6 registry identification numbers and medical cannabis
7 dispensing organizations by their registration number and
8 not contain names or other personally identifying
9 information.

10 (5) All medical records provided to the Department of
11 Public Health in connection with an application for a
12 registry card.

13 (b) Nothing in this Section precludes the following:

14 (1) Department of Agriculture, Department of Financial
15 and Professional Regulation, or Public Health employees
16 may notify law enforcement about falsified or fraudulent
17 information submitted to the Departments if the employee
18 who suspects that falsified or fraudulent information has
19 been submitted conferred with his or her supervisor and
20 both agree that circumstances exist that warrant
21 reporting.

22 (2) If the employee conferred with his or her
23 supervisor and both agree that circumstances exist that
24 warrant reporting, Department of Public Health employees
25 may notify the Department of Financial and Professional
26 Regulation if there is reasonable cause to believe a

1 physician:

2 (A) issued a written certification without a bona
3 fide physician-patient relationship under this Act;

4 (B) issued a written certification to a person who
5 was not under the physician's care for the debilitating
6 medical condition; or

7 (C) failed to abide by the acceptable and
8 prevailing standard of care when evaluating a
9 patient's medical condition.

10 (3) The Department of Public Health, Department of
11 Agriculture, and Department of Financial and Professional
12 Regulation may notify State or local law enforcement about
13 apparent criminal violations of this Act if the employee
14 who suspects the offense has conferred with his or her
15 supervisor and both agree that circumstances exist that
16 warrant reporting.

17 (4) Medical cannabis cultivation center agents and
18 medical cannabis dispensing organizations may notify the
19 Department of Public Health, Department of Financial and
20 Professional Regulation, or Department of Agriculture of a
21 suspected violation or attempted violation of this Act or
22 the rules issued under it.

23 (5) Each Department may verify registry identification
24 cards under Section 150.

25 (6) The submission of the report to the General
26 Assembly under Section 160.

1 (c) It is a Class B misdemeanor with a \$1,000 fine for any
2 person, including an employee or official of the Department of
3 Public Health, Department of Financial and Professional
4 Regulation, or Department of Agriculture or another State
5 agency or local government, to breach the confidentiality of
6 information obtained under this Act.

7 Section 150. Registry identification and registration
8 certificate verification.

9 (a) The Department of Public Health shall maintain a
10 confidential list of the persons to whom the Department of
11 Public Health has issued registry identification cards and
12 their addresses, phone numbers, and registry identification
13 numbers. This confidential list may not be combined or linked
14 in any manner with any other list or database except as
15 provided in this Section.

16 (b) Within 180 days of the effective date of this Act, the
17 Department of Public Health, Department of Financial and
18 Professional Registration, and Department of Agriculture shall
19 together establish a computerized database or verification
20 system. The database or verification system must allow law
21 enforcement personnel and medical cannabis dispensary
22 organization agents to determine whether or not the
23 identification number corresponds with a current, valid
24 registry identification card. The system shall only disclose
25 whether the identification card is valid, whether the

1 cardholder is a registered qualifying patient or a registered
2 designated caregiver, the registry identification number of
3 the registered medical cannabis dispensing organization
4 designated to serve the registered qualifying patient who holds
5 the card, and the registry identification number of the patient
6 who is assisted by a registered designated caregiver who holds
7 the card. Notwithstanding any other requirements established
8 by this subsection, the Department of Public Health shall issue
9 registry cards to qualifying patients, the Department of
10 Financial and Professional Registration may issue registration
11 to medical cannabis dispensing organizations for the period
12 during which the database is being established, and the
13 Department of Agriculture may issue registration to medical
14 cannabis cultivation organizations for the period during which
15 the database is being established.

16 Section 155. Review of administrative decisions. All final
17 administrative decisions of the Departments of Public Health,
18 Department of Agriculture, and Department of Financial and
19 Professional Regulation are subject to direct judicial review
20 under the provisions of the Administrative Review Law and the
21 rules adopted under that Law. The term "administrative
22 decision" is defined as in Section 3-101 of the Code of Civil
23 Procedure.

24 Section 160. Annual reports.

1 (a) The Department of Public Health shall submit to the
2 General Assembly a report, by September 30 of each year, that
3 does not disclose any identifying information about registered
4 qualifying patients, registered caregivers, or physicians, but
5 does contain, at a minimum, all of the following information
6 based on the fiscal year for reporting purposes:

7 (1) the number of applications and renewals filed for
8 registry identification cards or registrations;

9 (2) the number of qualifying patients and designated
10 caregivers served by each dispensary during the report
11 year;

12 (3) the nature of the debilitating medical conditions
13 of the qualifying patients;

14 (4) the number of registry identification cards or
15 registrations revoked for misconduct;

16 (5) the number of physicians providing written
17 certifications for qualifying patients; and

18 (6) the number of registered medical cannabis
19 cultivation centers or registered dispensing
20 organizations.

21 Section 165. Administrative rulemaking.

22 (a) Not later than 120 days after the effective date of
23 this Act, the Department of Public Health, Department of
24 Agriculture, and the Department of Financial and Professional
25 Regulation shall develop rules in accordance to their

1 responsibilities under this Act and file those rules with the
2 Joint Committee on Administrative Rules.

3 (b) The Department of Public Health rules shall address,
4 but not be limited to, the following:

5 (1) fees for applications for registration as a
6 qualified patient or caregiver;

7 (2) establishing the form and content of registration
8 and renewal applications submitted under this Act,
9 including a standard form for written certifications;

10 (3) governing the manner in which it shall consider
11 applications for and renewals of registry identification
12 cards;

13 (4) the manufacture of medical cannabis-infused
14 products;

15 (5) fees for the application and renewal of registry
16 identification cards. Fee revenue may be offset or
17 supplemented by private donations;

18 (6) any other matters as are necessary for the fair,
19 impartial, stringent, and comprehensive administration of
20 this Act; and

21 (7) reasonable rules concerning the medical use of
22 cannabis at a nursing care institution, hospice, assisted
23 living center, assisted living facility, assisted living
24 home, residential care institution, or adult day health
25 care facility.

26 (c) The Department of Agriculture rules shall address, but

1 not be limited to the following related to registered
2 cultivation centers, with the goal of protecting against
3 diversion and theft, without imposing an undue burden on the
4 registered cultivation centers:

5 (1) oversight requirements for registered cultivation
6 centers;

7 (2) recordkeeping requirements for registered
8 cultivation centers;

9 (3) security requirements for registered cultivation
10 centers, which shall include that each registered
11 cultivation center location must be protected by a fully
12 operational security alarm system;

13 (4) rules and standards for what constitutes an
14 enclosed, locked facility under this Act;

15 (5) procedures for suspending or revoking the
16 registration certificates or registry identification cards
17 of registered cultivation centers and their agents that
18 commit violations of the provisions of this Act or the
19 rules adopted under this Section;

20 (6) rules concerning the intrastate transportation of
21 medical cannabis from a cultivation center to a dispensing
22 organization;

23 (7) standards concerning the testing, quality, and
24 cultivation of medical cannabis;

25 (8) any other matters as are necessary for the fair,
26 impartial, stringent, and comprehensive administration of

1 this Act;

2 (9) application and renewal fees for cultivation
3 center agents; and

4 (10) application, renewal, and registration fees for
5 cultivation centers.

6 (d) The Department of Financial and Professional
7 Regulation rules shall address, but not be limited to the
8 following matters related to registered dispensing
9 organizations, with the goal of protecting against diversion
10 and theft, without imposing an undue burden on the registered
11 dispensing organizations or compromising the confidentiality
12 of cardholders:

13 (1) application and renewal and registration fees for
14 dispensing organizations and dispensing organizations
15 agents;

16 (2) medical cannabis dispensing agent-in-charge
17 oversight requirements for s dispensing organizations;

18 (3) recordkeeping requirements for dispensing
19 organizations;

20 (4) security requirements for medical cannabis
21 dispensing organizations, which shall include that each
22 registered dispensing organization location must be
23 protected by a fully operational security alarm system;

24 (5) procedures for suspending or suspending the
25 registrations of dispensing organizations and dispensing
26 organization agents that commit violations of the

1 provisions of this Act or the rules adopted under this Act;

2 (6) application and renewal fees for dispensing
3 organizations; and

4 (7) application and renewal fees for dispensing
5 organization agents.

6 (e) The Department of Public Health may establish a sliding
7 scale of patient application and renewal fees based upon a
8 qualifying patient's household income. The Department of
9 Public health may accept donations from private sources to
10 reduce application and renewal fees, and registry
11 identification card fees shall include an additional fee set by
12 rule which shall be used to develop and disseminate educational
13 information about the health risks associated with the abuse of
14 cannabis and prescription medications.

15 (f) During the rule-making process, each Department shall
16 make a good faith effort to consult with stakeholders
17 identified in the rule-making analysis as being impacted by the
18 rules, including patients or a representative of an
19 organization advocating on behalf of patients.

20 (g) The Department of Public Health shall develop and
21 disseminate educational information about the health risks
22 associated with the abuse of cannabis and prescription
23 medications.

24 Section 170. Enforcement of this Act.

25 (a) If a Department fails to adopt rules to implement this

1 Act within the times provided for in this Act, any citizen may
2 commence a mandamus action in the Circuit Court to compel the
3 Departments to perform the actions mandated under the
4 provisions of this Act.

5 (b) If the Department of Public Health, Department of
6 Agriculture, or Department of Financial and Professional
7 Regulation fails to issue a valid identification card in
8 response to a valid application or renewal submitted under this
9 Act or fails to issue a verbal or written notice of denial of
10 the application within 30 days of its submission, the
11 identification card is deemed granted, and a copy of the
12 registry identification application, including a valid written
13 certification in the case of patients, or renewal shall be
14 deemed a valid registry identification card.

15 (c) Authorized employees of State or local law enforcement
16 agencies shall immediately notify the Department of Public
17 Health when any person in possession of a registry
18 identification card has been determined by a court of law to
19 have willfully violated the provisions of this Act or has pled
20 guilty to the offense.

21 Section 175. Administrative hearings. All administrative
22 hearings under this Act shall be conducted in accordance with
23 the Department of Public Health's rules governing
24 administrative hearings.

1 Section 180. Destruction of medical cannabis.

2 (a) All cannabis byproduct, scrap, and harvested cannabis
3 not intended for distribution to a medical cannabis
4 organization must be destroyed and disposed of pursuant to
5 State law. Documentation of destruction and disposal shall be
6 retained at the cultivation center for a period of not less
7 than 5 years.

8 (b) A cultivation center shall prior to the destruction,
9 notify the Department of Agriculture and the State Police.

10 (c) The cultivation center shall keep record of the date of
11 destruction and how much was destroyed.

12 (d) A dispensary organization shall destroy all cannabis,
13 including cannabis-infused products, that are not sold to
14 registered qualifying patients. Documentation of destruction
15 and disposal shall be retained at the dispensary organization
16 for a period of not less than 5 years.

17 (e) A dispensary organization shall prior to the
18 destruction, notify the Department of Financial and
19 Professional Regulation and the State Police.

20 Section 185. Suspension revocation of a registration.

21 (a) The Department of Agriculture and the Department of
22 Public Health may suspend or revoke a registration for
23 violations of this Act and rules issued in accordance with this
24 Section.

25 (b) The suspension or revocation of a registration is a

1 final Department action, subject to judicial review.
2 Jurisdiction and venue for judicial review are vested in the
3 Circuit Court.

4 Section 190. Medical Cannabis Cultivation Privilege Tax
5 Law. Sections 190 through 215 may be cited as the Medical
6 Cannabis Cultivation Privilege Tax Law.

7 Section 195. Definitions. For the purposes of this Law:

8 "Cultivation center" has the meaning ascribed to that term
9 in the Compassionate Use of Medical Cannabis Pilot Program Act.

10 "Department" means the Department of Revenue.

11 "Dispensing organization" has the meaning ascribed to that
12 term in the Compassionate Use of Medical Cannabis Pilot Program
13 Act.

14 "Person" means an individual, partnership, corporation, or
15 public or private organization.

16 "Qualifying patient" means a qualifying patient registered
17 under the Compassionate Use of Medical Cannabis Pilot Program
18 Act.

19 Section 200. Tax imposed.

20 (a) Beginning on the effective date of this Act, a tax is
21 imposed upon the privilege of cultivating medical cannabis at a
22 rate of 7% of the sales price per ounce. The proceeds from this
23 tax shall be deposited into the Compassionate Use of Medical

1 Cannabis Fund created under the Compassionate Use of Medical
2 Cannabis Pilot Program Act. This tax shall be paid by a
3 cultivation center and is not the responsibility of a
4 dispensing organization or a qualifying patient.

5 (b) The tax imposed under this Act shall be in addition to
6 all other occupation or privilege taxes imposed by the State of
7 Illinois or by any municipal corporation or political
8 subdivision thereof.

9 Section 205. Department enforcement.

10 (a) Every person subject to the tax under this Law shall
11 apply to the Department (upon a form prescribed and furnished
12 by the Department) for a certificate of registration under this
13 Law. Application for a certificate of registration shall be
14 made to the Department upon forms furnished by the Department.
15 The certificate of registration which is issued by the
16 Department to a retailer under the Retailers' Occupation Tax
17 Act shall permit the taxpayer to engage in a business which is
18 taxable under this Law without registering separately with the
19 Department.

20 (b) The Department shall have full power to administer and
21 enforce this Law, to collect all taxes and penalties due
22 hereunder, to dispose of taxes and penalties so collected in
23 the manner hereinafter provided, and to determine all rights to
24 credit memoranda, arising on account of the erroneous payment
25 of tax or penalty hereunder. In the administration of, and

1 compliance with, this Law, the Department and persons who are
2 subject to this Law shall have the same rights, remedies,
3 privileges, immunities, powers and duties, and be subject to
4 the same conditions, restrictions, limitations, penalties and
5 definitions of terms, and employ the same modes of procedure,
6 as are prescribed in Sections 1, 1a, 2 through 2-65 (in respect
7 to all provisions therein other than the State rate of tax),
8 2a, 2b, 2c, 3 (except provisions relating to transaction
9 returns and quarter monthly payments, and except for provisions
10 that are inconsistent with this Law), 4, 5, 5a, 5b, 5c, 5d, 5e,
11 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12 and 13
12 of the Retailers' Occupation Tax Act and Section 3-7 of the
13 Uniform Penalty and Interest Act as fully as if those
14 provisions were set forth herein.

15 Section 210. Returns. On or before the twentieth day of
16 each calendar month, every person subject to the tax imposed
17 under this Law during the preceding calendar month shall file a
18 return with the Department, stating:

19 (1) The name of the taxpayer;

20 (2) The number of ounces of medical cannabis sold to a
21 dispensary organization or a registered qualifying patient
22 during the preceding calendar month;

23 (3) The amount of tax due;

24 (4) The signature of the taxpayer; and

25 (5) Such other reasonable information as the

1 Department may require.

2 If a taxpayer fails to sign a return within 30 days after
3 the proper notice and demand for signature by the Department,
4 the return shall be considered valid and any amount shown to be
5 due on the return shall be deemed assessed.

6 The taxpayer shall remit the amount of the tax due to the
7 Department at the time the taxpayer files his or her return.

8 Section 215. Rules. The Department may adopt rules related
9 to the enforcement of this Law.

10 Section 220. Repeal of Act. This Act is repealed 4 years
11 after the effective date of this Act.

12 Section 900. The Election Code is amended by adding Section
13 9-45 as follows:

14 (10 ILCS 5/9-45 new)

15 Sec. 9-45. Medical cannabis organization; contributions.
16 It is unlawful for any medical cannabis cultivation center or
17 medical cannabis dispensary organization or any political
18 action committee created by any medical cannabis cultivation
19 center or dispensary organization to make a campaign
20 contribution to any political committee established to promote
21 the candidacy of a candidate or public official. It is unlawful
22 for any candidate, political committee, or other person to

1 knowingly accept or receive any contribution prohibited by this
2 Section. It is unlawful for any officer or agent of a medical
3 cannabis cultivation center or dispensary organization to
4 consent to any contribution or expenditure by the medical
5 cannabis organization that is prohibited by this Section. As
6 used in this Section, "medical cannabis cultivation center" and
7 "dispensary organization" have the meaning ascribed to those
8 terms in Section 10 of the Compassionate Use of Medical
9 Cannabis Pilot Program Act.

10 Section 905. The State Finance Act is amended by adding
11 Section 5.826 as follows:

12 (30 ILCS 105/5.826 new)

13 Sec. 5.826. The Compassionate Use of Medical Cannabis Fund.

14 Section 910. The Illinois Income Tax Act is amended by
15 changing Section 201 as follows:

16 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

17 Sec. 201. Tax Imposed.

18 (a) In general. A tax measured by net income is hereby
19 imposed on every individual, corporation, trust and estate for
20 each taxable year ending after July 31, 1969 on the privilege
21 of earning or receiving income in or as a resident of this
22 State. Such tax shall be in addition to all other occupation or

1 privilege taxes imposed by this State or by any municipal
2 corporation or political subdivision thereof.

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

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

10 (2) In the case of an individual, trust or estate, for
11 taxable years beginning prior to July 1, 1989 and ending
12 after June 30, 1989, an amount equal to the sum of (i) 2
13 1/2% of the taxpayer's net income for the period prior to
14 July 1, 1989, as calculated under Section 202.3, and (ii)
15 3% of the taxpayer's net income for the period after June
16 30, 1989, as calculated under Section 202.3.

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

21 (4) In the case of an individual, trust, or estate, for
22 taxable years beginning prior to January 1, 2011, and
23 ending after December 31, 2010, an amount equal to the sum
24 of (i) 3% of the taxpayer's net income for the period prior
25 to January 1, 2011, as calculated under Section 202.5, and
26 (ii) 5% of the taxpayer's net income for the period after

1 December 31, 2010, as calculated under Section 202.5.

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

6 (5.1) In the case of an individual, trust, or estate,
7 for taxable years beginning prior to January 1, 2015, and
8 ending after December 31, 2014, an amount equal to the sum
9 of (i) 5% of the taxpayer's net income for the period prior
10 to January 1, 2015, as calculated under Section 202.5, and
11 (ii) 3.75% of the taxpayer's net income for the period
12 after December 31, 2014, as calculated under Section 202.5.

13 (5.2) In the case of an individual, trust, or estate,
14 for taxable years beginning on or after January 1, 2015,
15 and ending prior to January 1, 2025, an amount equal to
16 3.75% of the taxpayer's net income for the taxable year.

17 (5.3) In the case of an individual, trust, or estate,
18 for taxable years beginning prior to January 1, 2025, and
19 ending after December 31, 2024, an amount equal to the sum
20 of (i) 3.75% of the taxpayer's net income for the period
21 prior to January 1, 2025, as calculated under Section
22 202.5, and (ii) 3.25% of the taxpayer's net income for the
23 period after December 31, 2024, as calculated under Section
24 202.5.

25 (5.4) In the case of an individual, trust, or estate,
26 for taxable years beginning on or after January 1, 2025, an

1 amount equal to 3.25% of the taxpayer's net income for the
2 taxable year.

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

6 (7) In the case of a corporation, for taxable years
7 beginning prior to July 1, 1989 and ending after June 30,
8 1989, an amount equal to the sum of (i) 4% of the
9 taxpayer's net income for the period prior to July 1, 1989,
10 as calculated under Section 202.3, and (ii) 4.8% of the
11 taxpayer's net income for the period after June 30, 1989,
12 as calculated under Section 202.3.

13 (8) In the case of a corporation, for taxable years
14 beginning after June 30, 1989, and ending prior to January
15 1, 2011, an amount equal to 4.8% of the taxpayer's net
16 income for the taxable year.

17 (9) In the case of a corporation, for taxable years
18 beginning prior to January 1, 2011, and ending after
19 December 31, 2010, an amount equal to the sum of (i) 4.8%
20 of the taxpayer's net income for the period prior to
21 January 1, 2011, as calculated under Section 202.5, and
22 (ii) 7% of the taxpayer's net income for the period after
23 December 31, 2010, as calculated under Section 202.5.

24 (10) In the case of a corporation, for taxable years
25 beginning on or after January 1, 2011, and ending prior to
26 January 1, 2015, an amount equal to 7% of the taxpayer's

1 net income for the taxable year.

2 (11) In the case of a corporation, for taxable years
3 beginning prior to January 1, 2015, and ending after
4 December 31, 2014, an amount equal to the sum of (i) 7% of
5 the taxpayer's net income for the period prior to January
6 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
7 of the taxpayer's net income for the period after December
8 31, 2014, as calculated under Section 202.5.

9 (12) In the case of a corporation, for taxable years
10 beginning on or after January 1, 2015, and ending prior to
11 January 1, 2025, an amount equal to 5.25% of the taxpayer's
12 net income for the taxable year.

13 (13) In the case of a corporation, for taxable years
14 beginning prior to January 1, 2025, and ending after
15 December 31, 2024, an amount equal to the sum of (i) 5.25%
16 of the taxpayer's net income for the period prior to
17 January 1, 2025, as calculated under Section 202.5, and
18 (ii) 4.8% of the taxpayer's net income for the period after
19 December 31, 2024, as calculated under Section 202.5.

20 (14) In the case of a corporation, for taxable years
21 beginning on or after January 1, 2025, an amount equal to
22 4.8% of the taxpayer's net income for the taxable year.

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

25 (c) Personal Property Tax Replacement Income Tax.
26 Beginning on July 1, 1979 and thereafter, in addition to such

1 income tax, there is also hereby imposed the Personal Property
2 Tax Replacement Income Tax measured by net income on every
3 corporation (including Subchapter S corporations), partnership
4 and trust, for each taxable year ending after June 30, 1979.
5 Such taxes are imposed on the privilege of earning or receiving
6 income in or as a resident of this State. The Personal Property
7 Tax Replacement Income Tax shall be in addition to the income
8 tax imposed by subsections (a) and (b) of this Section and in
9 addition to all other occupation or privilege taxes imposed by
10 this State or by any municipal corporation or political
11 subdivision thereof.

12 (d) Additional Personal Property Tax Replacement Income
13 Tax Rates. The personal property tax replacement income tax
14 imposed by this subsection and subsection (c) of this Section
15 in the case of a corporation, other than a Subchapter S
16 corporation and except as adjusted by subsection (d-1), shall
17 be an additional amount equal to 2.85% of such taxpayer's net
18 income for the taxable year, except that beginning on January
19 1, 1981, and thereafter, the rate of 2.85% specified in this
20 subsection shall be reduced to 2.5%, and in the case of a
21 partnership, trust or a Subchapter S corporation shall be an
22 additional amount equal to 1.5% of such taxpayer's net income
23 for the taxable year.

24 (d-1) Rate reduction for certain foreign insurers. In the
25 case of a foreign insurer, as defined by Section 35A-5 of the
26 Illinois Insurance Code, whose state or country of domicile

1 imposes on insurers domiciled in Illinois a retaliatory tax
2 (excluding any insurer whose premiums from reinsurance assumed
3 are 50% or more of its total insurance premiums as determined
4 under paragraph (2) of subsection (b) of Section 304, except
5 that for purposes of this determination premiums from
6 reinsurance do not include premiums from inter-affiliate
7 reinsurance arrangements), beginning with taxable years ending
8 on or after December 31, 1999, the sum of the rates of tax
9 imposed by subsections (b) and (d) shall be reduced (but not
10 increased) to the rate at which the total amount of tax imposed
11 under this Act, net of all credits allowed under this Act,
12 shall equal (i) the total amount of tax that would be imposed
13 on the foreign insurer's net income allocable to Illinois for
14 the taxable year by such foreign insurer's state or country of
15 domicile if that net income were subject to all income taxes
16 and taxes measured by net income imposed by such foreign
17 insurer's state or country of domicile, net of all credits
18 allowed or (ii) a rate of zero if no such tax is imposed on such
19 income by the foreign insurer's state of domicile. For the
20 purposes of this subsection (d-1), an inter-affiliate includes
21 a mutual insurer under common management.

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

25 (A) the total amount of tax imposed on such foreign
26 insurer under this Act for a taxable year, net of all

1 credits allowed under this Act, plus

2 (B) the privilege tax imposed by Section 409 of the
3 Illinois Insurance Code, the fire insurance company
4 tax imposed by Section 12 of the Fire Investigation
5 Act, and the fire department taxes imposed under
6 Section 11-10-1 of the Illinois Municipal Code,
7 equals 1.25% for taxable years ending prior to December 31,
8 2003, or 1.75% for taxable years ending on or after
9 December 31, 2003, of the net taxable premiums written for
10 the taxable year, as described by subsection (1) of Section
11 409 of the Illinois Insurance Code. This paragraph will in
12 no event increase the rates imposed under subsections (b)
13 and (d).

14 (2) Any reduction in the rates of tax imposed by this
15 subsection shall be applied first against the rates imposed
16 by subsection (b) and only after the tax imposed by
17 subsection (a) net of all credits allowed under this
18 Section other than the credit allowed under subsection (i)
19 has been reduced to zero, against the rates imposed by
20 subsection (d).

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

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

26 (1) A taxpayer shall be allowed a credit equal to .5%

1 of the basis of qualified property placed in service during
2 the taxable year, provided such property is placed in
3 service on or after July 1, 1984. There shall be allowed an
4 additional credit equal to .5% of the basis of qualified
5 property placed in service during the taxable year,
6 provided such property is placed in service on or after
7 July 1, 1986, and the taxpayer's base employment within
8 Illinois has increased by 1% or more over the preceding
9 year as determined by the taxpayer's employment records
10 filed with the Illinois Department of Employment Security.
11 Taxpayers who are new to Illinois shall be deemed to have
12 met the 1% growth in base employment for the first year in
13 which they file employment records with the Illinois
14 Department of Employment Security. The provisions added to
15 this Section by Public Act 85-1200 (and restored by Public
16 Act 87-895) shall be construed as declaratory of existing
17 law and not as a new enactment. If, in any year, the
18 increase in base employment within Illinois over the
19 preceding year is less than 1%, the additional credit shall
20 be limited to that percentage times a fraction, the
21 numerator of which is .5% and the denominator of which is
22 1%, but shall not exceed .5%. The investment credit shall
23 not be allowed to the extent that it would reduce a
24 taxpayer's liability in any tax year below zero, nor may
25 any credit for qualified property be allowed for any year
26 other than the year in which the property was placed in

1 service in Illinois. For tax years ending on or after
2 December 31, 1987, and on or before December 31, 1988, the
3 credit shall be allowed for the tax year in which the
4 property is placed in service, or, if the amount of the
5 credit exceeds the tax liability for that year, whether it
6 exceeds the original liability or the liability as later
7 amended, such excess may be carried forward and applied to
8 the tax liability of the 5 taxable years following the
9 excess credit years if the taxpayer (i) makes investments
10 which cause the creation of a minimum of 2,000 full-time
11 equivalent jobs in Illinois, (ii) is located in an
12 enterprise zone established pursuant to the Illinois
13 Enterprise Zone Act and (iii) is certified by the
14 Department of Commerce and Community Affairs (now
15 Department of Commerce and Economic Opportunity) as
16 complying with the requirements specified in clause (i) and
17 (ii) by July 1, 1986. The Department of Commerce and
18 Community Affairs (now Department of Commerce and Economic
19 Opportunity) shall notify the Department of Revenue of all
20 such certifications immediately. For tax years ending
21 after December 31, 1988, the credit shall be allowed for
22 the tax year in which the property is placed in service,
23 or, if the amount of the credit exceeds the tax liability
24 for that year, whether it exceeds the original liability or
25 the liability as later amended, such excess may be carried
26 forward and applied to the tax liability of the 5 taxable

1 years following the excess credit years. The credit shall
2 be 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, earlier credit
5 shall be applied first.

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

8 (A) is tangible, whether new or used, including
9 buildings and structural components of buildings and
10 signs that are real property, but not including land or
11 improvements to real property that are not a structural
12 component of a building such as landscaping, sewer
13 lines, local access roads, fencing, parking lots, and
14 other appurtenances;

15 (B) is depreciable pursuant to Section 167 of the
16 Internal Revenue Code, except that "3-year property"
17 as defined in Section 168(c)(2)(A) of that Code is not
18 eligible for the credit provided by this subsection
19 (e);

20 (C) is acquired by purchase as defined in Section
21 179(d) of the Internal Revenue Code;

22 (D) is used in Illinois by a taxpayer who is
23 primarily engaged in manufacturing, or in mining coal
24 or fluorite, or in retailing, or was placed in service
25 on or after July 1, 2006 in a River Edge Redevelopment
26 Zone established pursuant to the River Edge

1 Redevelopment Zone Act; and

2 (E) has not previously been used in Illinois in
3 such a manner and by such a person as would qualify for
4 the credit provided by this subsection (e) or
5 subsection (f).

6 (3) For purposes of this subsection (e),
7 "manufacturing" means the material staging and production
8 of tangible personal property by procedures commonly
9 regarded as manufacturing, processing, fabrication, or
10 assembling which changes some existing material into new
11 shapes, new qualities, or new combinations. For purposes of
12 this subsection (e) the term "mining" shall have the same
13 meaning as the term "mining" in Section 613(c) of the
14 Internal Revenue Code. For purposes of this subsection (e),
15 the term "retailing" means the sale of tangible personal
16 property for use or consumption and not for resale, or
17 services rendered in conjunction with the sale of tangible
18 personal property for use or consumption and not for
19 resale. For purposes of this subsection (e), "tangible
20 personal property" has the same meaning as when that term
21 is used in the Retailers' Occupation Tax Act, and, for
22 taxable years ending after December 31, 2008, does not
23 include the generation, transmission, or distribution of
24 electricity.

25 (4) The basis of qualified property shall be the basis
26 used to compute the depreciation deduction for federal

1 income tax purposes.

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

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

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

25 (8) Unless the investment credit is extended by law,
26 the basis of qualified property shall not include costs

1 incurred after December 31, 2018, except for costs incurred
2 pursuant to a binding contract entered into on or before
3 December 31, 2018.

4 (9) Each taxable year ending before December 31, 2000,
5 a partnership may elect to pass through to its partners the
6 credits to which the partnership is entitled under this
7 subsection (e) for the taxable year. A partner may use the
8 credit allocated to him or her under this paragraph only
9 against the tax imposed in subsections (c) and (d) of this
10 Section. If the partnership makes that election, those
11 credits shall be allocated among the partners in the
12 partnership in accordance with the rules set forth in
13 Section 704(b) of the Internal Revenue Code, and the rules
14 promulgated under that Section, and the allocated amount of
15 the credits shall be allowed to the partners for that
16 taxable year. The partnership shall make this election on
17 its Personal Property Tax Replacement Income Tax return for
18 that taxable year. The election to pass through the credits
19 shall be irrevocable.

20 For taxable years ending on or after December 31, 2000,
21 a partner that qualifies its partnership for a subtraction
22 under subparagraph (I) of paragraph (2) of subsection (d)
23 of Section 203 or a shareholder that qualifies a Subchapter
24 S corporation for a subtraction under subparagraph (S) of
25 paragraph (2) of subsection (b) of Section 203 shall be
26 allowed a credit under this subsection (e) equal to its

1 share of the credit earned under this subsection (e) during
2 the taxable year by the partnership or Subchapter S
3 corporation, determined in accordance with the
4 determination of income and distributive share of income
5 under Sections 702 and 704 and Subchapter S of the Internal
6 Revenue Code. This paragraph is exempt from the provisions
7 of Section 250.

8 (f) Investment credit; Enterprise Zone; River Edge
9 Redevelopment Zone.

10 (1) A taxpayer shall be allowed a credit against the
11 tax imposed by subsections (a) and (b) of this Section for
12 investment in qualified property which is placed in service
13 in an Enterprise Zone created pursuant to the Illinois
14 Enterprise Zone Act or, for property placed in service on
15 or after July 1, 2006, a River Edge Redevelopment Zone
16 established pursuant to the River Edge Redevelopment Zone
17 Act. For partners, shareholders of Subchapter S
18 corporations, and owners of limited liability companies,
19 if the liability company is treated as a partnership for
20 purposes of federal and State income taxation, there shall
21 be allowed a credit under this subsection (f) to be
22 determined in accordance with the determination of income
23 and distributive share of income under Sections 702 and 704
24 and Subchapter S of the Internal Revenue Code. The credit
25 shall be .5% of the basis for such property. The credit
26 shall be available only in the taxable year in which the

1 property is placed in service in the Enterprise Zone or
2 River Edge Redevelopment Zone and shall not be allowed to
3 the extent that it would reduce a taxpayer's liability for
4 the tax imposed by subsections (a) and (b) of this Section
5 to below zero. For tax years ending on or after December
6 31, 1985, the credit shall be allowed for the tax year in
7 which the property is placed in service, or, if the amount
8 of the credit exceeds the tax liability for that year,
9 whether it exceeds the original liability or the liability
10 as later amended, such excess may be carried forward and
11 applied to the tax liability of the 5 taxable years
12 following the excess credit year. The credit shall be
13 applied to the earliest year for which there is a
14 liability. If there is credit from more than one tax year
15 that is available to offset a liability, the credit
16 accruing first in time shall be applied first.

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

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

20 (B) is depreciable pursuant to Section 167 of the
21 Internal Revenue Code, except that "3-year property"
22 as defined in Section 168(c)(2)(A) of that Code is not
23 eligible for the credit provided by this subsection
24 (f);

25 (C) is acquired by purchase as defined in Section
26 179(d) of the Internal Revenue Code;

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

3 (E) has not been previously used in Illinois in
4 such a manner and by such a person as would qualify for
5 the credit provided by this subsection (f) or
6 subsection (e).

7 (3) The basis of qualified property shall be the basis
8 used to compute the depreciation deduction for federal
9 income tax purposes.

10 (4) If the basis of the property for federal income tax
11 depreciation purposes is increased after it has been placed
12 in service in the Enterprise Zone or River Edge
13 Redevelopment Zone by the taxpayer, the amount of such
14 increase shall be deemed property placed in service on the
15 date of such increase in basis.

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

18 (6) If during any taxable year, any property ceases to
19 be qualified property in the hands of the taxpayer within
20 48 months after being placed in service, or the situs of
21 any qualified property is moved outside the Enterprise Zone
22 or River Edge Redevelopment Zone within 48 months after
23 being placed in service, the tax imposed under subsections
24 (a) and (b) of this Section for such taxable year shall be
25 increased. Such increase shall be determined by (i)
26 recomputing the investment credit which would have been

1 allowed for the year in which credit for such property was
2 originally allowed by eliminating such property from such
3 computation, and (ii) subtracting such recomputed credit
4 from the amount of credit previously allowed. For the
5 purposes of this paragraph (6), a reduction of the basis of
6 qualified property resulting from a redetermination of the
7 purchase price shall be deemed a disposition of qualified
8 property to the extent of such reduction.

9 (7) There shall be allowed an additional credit equal
10 to 0.5% of the basis of qualified property placed in
11 service during the taxable year in a River Edge
12 Redevelopment Zone, provided such property is placed in
13 service on or after July 1, 2006, and the taxpayer's base
14 employment within Illinois has increased by 1% or more over
15 the preceding year as determined by the taxpayer's
16 employment records filed with the Illinois Department of
17 Employment Security. Taxpayers who are new to Illinois
18 shall be deemed to have met the 1% growth in base
19 employment for the first year in which they file employment
20 records with the Illinois Department of Employment
21 Security. If, in any year, the increase in base employment
22 within Illinois over the preceding year is less than 1%,
23 the additional credit shall be limited to that percentage
24 times a fraction, the numerator of which is 0.5% and the
25 denominator of which is 1%, but shall not exceed 0.5%.

26 (g) Jobs Tax Credit; River Edge Redevelopment Zone and

1 Foreign Trade Zone or Sub-Zone.

2 (1) A taxpayer conducting a trade or business, for
3 taxable years ending on or after December 31, 2006, in a
4 River Edge Redevelopment Zone or conducting a trade or
5 business in a federally designated Foreign Trade Zone or
6 Sub-Zone shall be allowed a credit against the tax imposed
7 by subsections (a) and (b) of this Section in the amount of
8 \$500 per eligible employee hired to work in the zone during
9 the taxable year.

10 (2) To qualify for the credit:

11 (A) the taxpayer must hire 5 or more eligible
12 employees to work in a River Edge Redevelopment Zone or
13 federally designated Foreign Trade Zone or Sub-Zone
14 during the taxable year;

15 (B) the taxpayer's total employment within the
16 River Edge Redevelopment Zone or federally designated
17 Foreign Trade Zone or Sub-Zone must increase by 5 or
18 more full-time employees beyond the total employed in
19 that zone at the end of the previous tax year for which
20 a jobs tax credit under this Section was taken, or
21 beyond the total employed by the taxpayer as of
22 December 31, 1985, whichever is later; and

23 (C) the eligible employees must be employed 180
24 consecutive days in order to be deemed hired for
25 purposes of this subsection.

26 (3) An "eligible employee" means an employee who is:

1 (A) Certified by the Department of Commerce and
2 Economic Opportunity as "eligible for services"
3 pursuant to regulations promulgated in accordance with
4 Title II of the Job Training Partnership Act, Training
5 Services for the Disadvantaged or Title III of the Job
6 Training Partnership Act, Employment and Training
7 Assistance for Dislocated Workers Program.

8 (B) Hired after the River Edge Redevelopment Zone
9 or federally designated Foreign Trade Zone or Sub-Zone
10 was designated or the trade or business was located in
11 that zone, whichever is later.

12 (C) Employed in the River Edge Redevelopment Zone
13 or Foreign Trade Zone or Sub-Zone. An employee is
14 employed in a federally designated Foreign Trade Zone
15 or Sub-Zone if his services are rendered there or it is
16 the base of operations for the services performed.

17 (D) A full-time employee working 30 or more hours
18 per week.

19 (4) For tax years ending on or after December 31, 1985
20 and prior to December 31, 1988, the credit shall be allowed
21 for the tax year in which the eligible employees are hired.
22 For tax years ending on or after December 31, 1988, the
23 credit shall be allowed for the tax year immediately
24 following the tax year in which the eligible employees are
25 hired. If the amount of the credit exceeds the tax
26 liability for that year, whether it exceeds the original

1 liability or the liability as later amended, such excess
2 may be carried forward and applied to the tax liability of
3 the 5 taxable years following the excess credit year. The
4 credit shall be applied to the earliest year for which
5 there is a liability. If there is credit from more than one
6 tax year that is available to offset a liability, earlier
7 credit shall be applied first.

8 (5) The Department of Revenue shall promulgate such
9 rules and regulations as may be deemed necessary to carry
10 out the purposes of this subsection (g).

11 (6) The credit shall be available for eligible
12 employees hired on or after January 1, 1986.

13 (h) Investment credit; High Impact Business.

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

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

1 Changes made in this subdivision (h) (1) by Public Act
2 88-670 restore changes made by Public Act 85-1182 and
3 reflect existing law.

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

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

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

12 (C) is acquired by purchase as defined in Section
13 179(d) of the Internal Revenue Code; and

14 (D) is not eligible for the Enterprise Zone
15 Investment Credit provided by subsection (f) of this
16 Section.

17 (3) The basis of qualified property shall be the basis
18 used to compute the depreciation deduction for federal
19 income tax purposes.

20 (4) If the basis of the property for federal income tax
21 depreciation purposes is increased after it has been placed
22 in service in a federally designated Foreign Trade Zone or
23 Sub-Zone located in Illinois by the taxpayer, the amount of
24 such increase shall be deemed property placed in service on
25 the date of such increase in basis.

26 (5) The term "placed in service" shall have the same

1 meaning as under Section 46 of the Internal Revenue Code.

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

20 (7) Beginning with tax years ending after December 31,
21 1996, if a taxpayer qualifies for the credit under this
22 subsection (h) and thereby is granted a tax abatement and
23 the taxpayer relocates its entire facility in violation of
24 the explicit terms and length of the contract under Section
25 18-183 of the Property Tax Code, the tax imposed under
26 subsections (a) and (b) of this Section shall be increased

1 for the taxable year in which the taxpayer relocated its
2 facility by an amount equal to the amount of credit
3 received by the taxpayer under this subsection (h).

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

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

1 first.

2 If, during any taxable year ending on or after December 31,
3 1986, the tax imposed by subsections (c) and (d) of this
4 Section for which a taxpayer has claimed a credit under this
5 subsection (i) is reduced, the amount of credit for such tax
6 shall also be reduced. Such reduction shall be determined by
7 recomputing the credit to take into account the reduced tax
8 imposed by subsections (c) and (d). If any portion of the
9 reduced amount of credit has been carried to a different
10 taxable year, an amended return shall be filed for such taxable
11 year to reduce the amount of credit claimed.

12 (j) Training expense credit. Beginning with tax years
13 ending on or after December 31, 1986 and prior to December 31,
14 2003, a taxpayer shall be allowed a credit against the tax
15 imposed by subsections (a) and (b) under this Section for all
16 amounts paid or accrued, on behalf of all persons employed by
17 the taxpayer in Illinois or Illinois residents employed outside
18 of Illinois by a taxpayer, for educational or vocational
19 training in semi-technical or technical fields or semi-skilled
20 or skilled fields, which were deducted from gross income in the
21 computation of taxable income. The credit against the tax
22 imposed by subsections (a) and (b) shall be 1.6% of such
23 training expenses. For partners, shareholders of subchapter S
24 corporations, and owners of limited liability companies, if the
25 liability company is treated as a partnership for purposes of
26 federal and State income taxation, there shall be allowed a

1 credit under this subsection (j) to be determined in accordance
2 with the determination of income and distributive share of
3 income under Sections 702 and 704 and subchapter S of the
4 Internal Revenue Code.

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

15 (k) Research and development credit. For tax years ending
16 after July 1, 1990 and prior to December 31, 2003, and
17 beginning again for tax years ending on or after December 31,
18 2004, and ending prior to January 1, 2016, a taxpayer shall be
19 allowed a credit against the tax imposed by subsections (a) and
20 (b) of this Section for increasing research activities in this
21 State. The credit allowed against the tax imposed by
22 subsections (a) and (b) shall be equal to 6 1/2% of the
23 qualifying expenditures for increasing research activities in
24 this State. For partners, shareholders of subchapter S
25 corporations, and owners of limited liability companies, if the
26 liability company is treated as a partnership for purposes of

1 federal and State income taxation, there shall be allowed a
2 credit under this subsection to be determined in accordance
3 with the determination of income and distributive share of
4 income under Sections 702 and 704 and subchapter S of the
5 Internal Revenue Code.

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

19 Any credit in excess of the tax liability for the taxable
20 year may be carried forward. A taxpayer may elect to have the
21 unused credit shown on its final completed return carried over
22 as a credit against the tax liability for the following 5
23 taxable years or until it has been fully used, whichever occurs
24 first; provided that no credit earned in a tax year ending
25 prior to December 31, 2003 may be carried forward to any year
26 ending on or after December 31, 2003.

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

13 No inference shall be drawn from this amendatory Act of the
14 91st General Assembly in construing this Section for taxable
15 years beginning before January 1, 1999.

16 (1) Environmental Remediation Tax Credit.

17 (i) For tax years ending after December 31, 1997 and on
18 or before December 31, 2001, a taxpayer shall be allowed a
19 credit against the tax imposed by subsections (a) and (b)
20 of this Section for certain amounts paid for unreimbursed
21 eligible remediation costs, as specified in this
22 subsection. For purposes of this Section, "unreimbursed
23 eligible remediation costs" means costs approved by the
24 Illinois Environmental Protection Agency ("Agency") under
25 Section 58.14 of the Environmental Protection Act that were
26 paid in performing environmental remediation at a site for

1 which a No Further Remediation Letter was issued by the
2 Agency and recorded under Section 58.10 of the
3 Environmental Protection Act. The credit must be claimed
4 for the taxable year in which Agency approval of the
5 eligible remediation costs is granted. The credit is not
6 available to any taxpayer if the taxpayer or any related
7 party caused or contributed to, in any material respect, a
8 release of regulated substances on, in, or under the site
9 that was identified and addressed by the remedial action
10 pursuant to the Site Remediation Program of the
11 Environmental Protection Act. After the Pollution Control
12 Board rules are adopted pursuant to the Illinois
13 Administrative Procedure Act for the administration and
14 enforcement of Section 58.9 of the Environmental
15 Protection Act, determinations as to credit availability
16 for purposes of this Section shall be made consistent with
17 those rules. For purposes of this Section, "taxpayer"
18 includes a person whose tax attributes the taxpayer has
19 succeeded to under Section 381 of the Internal Revenue Code
20 and "related party" includes the persons disallowed a
21 deduction for losses by paragraphs (b), (c), and (f)(1) of
22 Section 267 of the Internal Revenue Code by virtue of being
23 a related taxpayer, as well as any of its partners. The
24 credit allowed against the tax imposed by subsections (a)
25 and (b) shall be equal to 25% of the unreimbursed eligible
26 remediation costs in excess of \$100,000 per site, except

1 that the \$100,000 threshold shall not apply to any site
2 contained in an enterprise zone as determined by the
3 Department of Commerce and Community Affairs (now
4 Department of Commerce and Economic Opportunity). The
5 total credit allowed shall not exceed \$40,000 per year with
6 a maximum total of \$150,000 per site. For partners and
7 shareholders of subchapter S corporations, there shall be
8 allowed a credit under this subsection to be determined in
9 accordance with the determination of income and
10 distributive share of income under Sections 702 and 704 and
11 subchapter S of the Internal Revenue Code.

12 (ii) A credit allowed under this subsection that is
13 unused in the year the credit is earned may be carried
14 forward to each of the 5 taxable years following the year
15 for which the credit is first earned until it is used. The
16 term "unused credit" does not include any amounts of
17 unreimbursed eligible remediation costs in excess of the
18 maximum credit per site authorized under paragraph (i).
19 This credit shall be applied first to the earliest year for
20 which there is a liability. If there is a credit under this
21 subsection from more than one tax year that is available to
22 offset a liability, the earliest credit arising under this
23 subsection shall be applied first. A credit allowed under
24 this subsection may be sold to a buyer as part of a sale of
25 all or part of the remediation site for which the credit
26 was granted. The purchaser of a remediation site and the

1 tax credit shall succeed to the unused credit and remaining
2 carry-forward period of the seller. To perfect the
3 transfer, the assignor shall record the transfer in the
4 chain of title for the site and provide written notice to
5 the Director of the Illinois Department of Revenue of the
6 assignor's intent to sell the remediation site and the
7 amount of the tax credit to be transferred as a portion of
8 the sale. In no event may a credit be transferred to any
9 taxpayer if the taxpayer or a related party would not be
10 eligible under the provisions of subsection (i).

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

14 (m) Education expense credit. Beginning with tax years
15 ending after December 31, 1999, a taxpayer who is the custodian
16 of one or more qualifying pupils shall be allowed a credit
17 against the tax imposed by subsections (a) and (b) of this
18 Section for qualified education expenses incurred on behalf of
19 the qualifying pupils. The credit shall be equal to 25% of
20 qualified education expenses, but in no event may the total
21 credit under this subsection claimed by a family that is the
22 custodian of qualifying pupils exceed \$500. In no event shall a
23 credit under this subsection reduce the taxpayer's liability
24 under this Act to less than zero. This subsection is exempt
25 from the provisions of Section 250 of this Act.

26 For purposes of this subsection:

1 "Qualifying pupils" means individuals who (i) are
2 residents of the State of Illinois, (ii) are under the age of
3 21 at the close of the school year for which a credit is
4 sought, and (iii) during the school year for which a credit is
5 sought were full-time pupils enrolled in a kindergarten through
6 twelfth grade education program at any school, as defined in
7 this subsection.

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

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

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

22 (n) River Edge Redevelopment Zone site remediation tax
23 credit.

24 (i) For tax years ending on or after December 31, 2006,
25 a taxpayer shall be allowed a credit against the tax
26 imposed by subsections (a) and (b) of this Section for

1 certain amounts paid for unreimbursed eligible remediation
2 costs, as specified in this subsection. For purposes of
3 this Section, "unreimbursed eligible remediation costs"
4 means costs approved by the Illinois Environmental
5 Protection Agency ("Agency") under Section 58.14a of the
6 Environmental Protection Act that were paid in performing
7 environmental remediation at a site within a River Edge
8 Redevelopment Zone for which a No Further Remediation
9 Letter was issued by the Agency and recorded under Section
10 58.10 of the Environmental Protection Act. The credit must
11 be claimed for the taxable year in which Agency approval of
12 the eligible remediation costs is granted. The credit is
13 not available to any taxpayer if the taxpayer or any
14 related party caused or contributed to, in any material
15 respect, a release of regulated substances on, in, or under
16 the site that was identified and addressed by the remedial
17 action pursuant to the Site Remediation Program of the
18 Environmental Protection Act. Determinations as to credit
19 availability for purposes of this Section shall be made
20 consistent with rules adopted by the Pollution Control
21 Board pursuant to the Illinois Administrative Procedure
22 Act for the administration and enforcement of Section 58.9
23 of the Environmental Protection Act. For purposes of this
24 Section, "taxpayer" includes a person whose tax attributes
25 the taxpayer has succeeded to under Section 381 of the
26 Internal Revenue Code and "related party" includes the

1 persons disallowed a deduction for losses by paragraphs
2 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
3 Code by virtue of being a related taxpayer, as well as any
4 of its partners. The credit allowed against the tax imposed
5 by subsections (a) and (b) shall be equal to 25% of the
6 unreimbursed eligible remediation costs in excess of
7 \$100,000 per site.

8 (ii) A credit allowed under this subsection that is
9 unused in the year the credit is earned may be carried
10 forward to each of the 5 taxable years following the year
11 for which the credit is first earned until it is used. This
12 credit shall be applied first to the earliest year for
13 which there is a liability. If there is a credit under this
14 subsection from more than one tax year that is available to
15 offset a liability, the earliest credit arising under this
16 subsection shall be applied first. A credit allowed under
17 this subsection may be sold to a buyer as part of a sale of
18 all or part of the remediation site for which the credit
19 was granted. The purchaser of a remediation site and the
20 tax credit shall succeed to the unused credit and remaining
21 carry-forward period of the seller. To perfect the
22 transfer, the assignor shall record the transfer in the
23 chain of title for the site and provide written notice to
24 the Director of the Illinois Department of Revenue of the
25 assignor's intent to sell the remediation site and the
26 amount of the tax credit to be transferred as a portion of

1 the sale. In no event may a credit be transferred to any
2 taxpayer if the taxpayer or a related party would not be
3 eligible under the provisions of subsection (i).

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

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

17 (1) the medical cannabis cultivation center
18 registration, medical cannabis dispensary registration, or
19 the property of a registration is transferred as a result
20 of any of the following:

21 (A) bankruptcy, a receivership, or a debt
22 adjustment initiated by or against the initial
23 registration or the substantial owners of the initial
24 registration;

25 (B) cancellation, revocation, or termination of
26 any registration by the Illinois Department of Public

1 Health;

2 (C) a determination by the Illinois Department of
3 Public Health that transfer of the registration is in
4 the best interests of Illinois qualifying patients as
5 defined by the Compassionate Use of Medical Cannabis
6 Pilot Program Act;

7 (D) the death of an owner of the equity interest in
8 a registrant;

9 (E) the acquisition of a controlling interest in
10 the stock or substantially all of the assets of a
11 publicly traded company;

12 (F) a transfer by a parent company to a wholly
13 owned subsidiary; or

14 (G) the transfer or sale to or by one person to
15 another person where both persons were initial owners
16 of the registration when the registration was issued;
17 or

18 (2) the cannabis cultivation center registration,
19 medical cannabis dispensary registration, or the
20 controlling interest in a registrant's property is
21 transferred in a transaction to lineal descendants in which
22 no gain or loss is recognized or as a result of a
23 transaction in accordance with Section 351 of the Internal
24 Revenue Code in which no gain or loss is recognized.

25 (Source: P.A. 96-115, eff. 7-31-09; 96-116, eff. 7-31-09;
26 96-937, eff. 6-23-10; 96-1000, eff. 7-2-10; 96-1496, eff.

1 1-13-11; 97-2, eff. 5-6-11; 97-636, eff. 6-1-12; 97-905, eff.
2 8-7-12.)

3 Section 915. The Use Tax Act is amended by changing Section
4 3-10 as follows:

5 (35 ILCS 105/3-10)

6 Sec. 3-10. Rate of tax. Unless otherwise provided in this
7 Section, the tax imposed by this Act is at the rate of 6.25% of
8 either the selling price or the fair market value, if any, of
9 the tangible personal property. In all cases where property
10 functionally used or consumed is the same as the property that
11 was purchased at retail, then the tax is imposed on the selling
12 price of the property. In all cases where property functionally
13 used or consumed is a by-product or waste product that has been
14 refined, manufactured, or produced from property purchased at
15 retail, then the tax is imposed on the lower of the fair market
16 value, if any, of the specific property so used in this State
17 or on the selling price of the property purchased at retail.
18 For purposes of this Section "fair market value" means the
19 price at which property would change hands between a willing
20 buyer and a willing seller, neither being under any compulsion
21 to buy or sell and both having reasonable knowledge of the
22 relevant facts. The fair market value shall be established by
23 Illinois sales by the taxpayer of the same property as that
24 functionally used or consumed, or if there are no such sales by

1 the taxpayer, then comparable sales or purchases of property of
2 like kind and character in Illinois.

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

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

10 With respect to gasohol, the tax imposed by this Act
11 applies to (i) 70% of the proceeds of sales made on or after
12 January 1, 1990, and before July 1, 2003, (ii) 80% of the
13 proceeds of sales made on or after July 1, 2003 and on or
14 before December 31, 2018, and (iii) 100% of the proceeds of
15 sales made thereafter. If, at any time, however, the tax under
16 this Act on sales of gasohol is imposed at the rate of 1.25%,
17 then the tax imposed by this Act applies to 100% of the
18 proceeds of sales of gasohol made during that time.

19 With respect to majority blended ethanol fuel, the tax
20 imposed by this Act does not apply to the proceeds of sales
21 made on or after July 1, 2003 and on or before December 31,
22 2018 but applies to 100% of the proceeds of sales made
23 thereafter.

24 With respect to biodiesel blends with no less than 1% and
25 no more than 10% biodiesel, the tax imposed by this Act applies
26 to (i) 80% of the proceeds of sales made on or after July 1,

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

8 With respect to 100% biodiesel and biodiesel blends with
9 more than 10% but no more than 99% biodiesel, the tax imposed
10 by this Act does not apply to the proceeds of sales made on or
11 after July 1, 2003 and on or before December 31, 2018 but
12 applies to 100% of the proceeds of sales made thereafter.

13 With respect to food for human consumption that is to be
14 consumed off the premises where it is sold (other than
15 alcoholic beverages, soft drinks, and food that has been
16 prepared for immediate consumption) and prescription and
17 nonprescription medicines, drugs, medical appliances,
18 modifications to a motor vehicle for the purpose of rendering
19 it usable by a disabled person, and insulin, urine testing
20 materials, syringes, and needles used by diabetics, for human
21 use, the tax is imposed at the rate of 1%. For the purposes of
22 this Section, until September 1, 2009: the term "soft drinks"
23 means any complete, finished, ready-to-use, non-alcoholic
24 drink, whether carbonated or not, including but not limited to
25 soda water, cola, fruit juice, vegetable juice, carbonated
26 water, and all other preparations commonly known as soft drinks

1 of whatever kind or description that are contained in any
2 closed or sealed bottle, can, carton, or container, regardless
3 of size; but "soft drinks" does not include coffee, tea,
4 non-carbonated water, infant formula, milk or milk products as
5 defined in the Grade A Pasteurized Milk and Milk Products Act,
6 or drinks containing 50% or more natural fruit or vegetable
7 juice.

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

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

26 Notwithstanding any other provisions of this Act,

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

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

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

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

26 Beginning on the effective date of this amendatory Act of

1 the 98th General Assembly, "prescription and nonprescription
2 medicines and drugs" includes medical cannabis purchased from a
3 registered dispensing organization under the Compassionate Use
4 of Medical Cannabis Pilot Program Act.

5 If the property that is purchased at retail from a retailer
6 is acquired outside Illinois and used outside Illinois before
7 being brought to Illinois for use here and is taxable under
8 this Act, the "selling price" on which the tax is computed
9 shall be reduced by an amount that represents a reasonable
10 allowance for depreciation for the period of prior out-of-state
11 use.

12 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
13 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10;
14 97-636, eff. 6-1-12.)

15 Section 920. The Service Use Tax Act is amended by changing
16 Section 3-10 as follows:

17 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

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

24 Beginning on July 1, 2000 and through December 31, 2000,

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

4 With respect to gasohol, as defined in the Use Tax Act, the
5 tax imposed by this Act applies to (i) 70% of the selling price
6 of property transferred as an incident to the sale of service
7 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
8 of the selling price of property transferred as an incident to
9 the sale of service on or after July 1, 2003 and on or before
10 December 31, 2018, and (iii) 100% of the selling price
11 thereafter. If, at any time, however, the tax under this Act on
12 sales of gasohol, as defined in the Use Tax Act, is imposed at
13 the rate of 1.25%, then the tax imposed by this Act applies to
14 100% of the proceeds of sales of gasohol made during that time.

15 With respect to majority blended ethanol fuel, as defined
16 in the Use Tax Act, the tax imposed by this Act does not apply
17 to the selling price of property transferred as an incident to
18 the sale of service on or after July 1, 2003 and on or before
19 December 31, 2018 but applies to 100% of the selling price
20 thereafter.

21 With respect to biodiesel blends, as defined in the Use Tax
22 Act, with no less than 1% and no more than 10% biodiesel, the
23 tax imposed by this Act applies to (i) 80% of the selling price
24 of property transferred as an incident to the sale of service
25 on or after July 1, 2003 and on or before December 31, 2018 and
26 (ii) 100% of the proceeds of the selling price thereafter. If,

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

7 With respect to 100% biodiesel, as defined in the Use Tax
8 Act, and biodiesel blends, as defined in the Use Tax Act, with
9 more than 10% but no more than 99% biodiesel, the tax imposed
10 by this Act does not apply to the proceeds of the selling price
11 of property transferred as an incident to the sale of service
12 on or after July 1, 2003 and on or before December 31, 2018 but
13 applies to 100% of the selling price thereafter.

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

24 The tax shall be imposed at the rate of 1% on food prepared
25 for immediate consumption and transferred incident to a sale of
26 service subject to this Act or the Service Occupation Tax Act

1 by an entity licensed under the Hospital Licensing Act, the
2 Nursing Home Care Act, the ID/DD Community Care Act, the
3 Specialized Mental Health Rehabilitation Act, or the Child Care
4 Act of 1969. The tax shall also be imposed at the rate of 1% on
5 food for human consumption that is to be consumed off the
6 premises where it is sold (other than alcoholic beverages, soft
7 drinks, and food that has been prepared for immediate
8 consumption and is not otherwise included in this paragraph)
9 and prescription and nonprescription medicines, drugs, medical
10 appliances, modifications to a motor vehicle for the purpose of
11 rendering it usable by a disabled person, and insulin, urine
12 testing materials, syringes, and needles used by diabetics, for
13 human use. For the purposes of this Section, until September 1,
14 2009: the term "soft drinks" means any complete, finished,
15 ready-to-use, non-alcoholic drink, whether carbonated or not,
16 including but not limited to soda water, cola, fruit juice,
17 vegetable juice, carbonated water, and all other preparations
18 commonly known as soft drinks of whatever kind or description
19 that are contained in any closed or sealed bottle, can, carton,
20 or container, regardless of size; but "soft drinks" does not
21 include coffee, tea, non-carbonated water, infant formula,
22 milk or milk products as defined in the Grade A Pasteurized
23 Milk and Milk Products Act, or drinks containing 50% or more
24 natural fruit or vegetable juice.

25 Notwithstanding any other provisions of this Act,
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft
2 drinks" do not include beverages that contain milk or milk
3 products, soy, rice or similar milk substitutes, or greater
4 than 50% of vegetable or fruit juice by volume.

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

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

26 Notwithstanding any other provisions of this Act,

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

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

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

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

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

1 allowance for depreciation for the period of prior out-of-state
2 use.

3 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
4 eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38,
5 eff. 6-28-11; 97-227, eff. 1-1-12; 97-636, eff. 6-1-12.)

6 Section 925. The Service Occupation Tax Act is amended by
7 changing Section 3-10 as follows:

8 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

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

1 tangible personal property transferred incident to the
2 completion of the contract.

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

7 With respect to gasohol, as defined in the Use Tax Act, the
8 tax imposed by this Act shall apply to (i) 70% of the cost
9 price of property transferred as an incident to the sale of
10 service on or after January 1, 1990, and before July 1, 2003,
11 (ii) 80% of the selling price of property transferred as an
12 incident to the sale of service on or after July 1, 2003 and on
13 or before December 31, 2018, and (iii) 100% of the cost price
14 thereafter. If, at any time, however, the tax under this Act on
15 sales of gasohol, as defined in the Use Tax Act, is imposed at
16 the rate of 1.25%, then the tax imposed by this Act applies to
17 100% of the proceeds of sales of gasohol made during that time.

18 With respect to majority blended ethanol fuel, as defined
19 in the Use Tax Act, the tax imposed by this Act does not apply
20 to the selling price of property transferred as an incident to
21 the sale of service on or after July 1, 2003 and on or before
22 December 31, 2018 but applies to 100% of the selling price
23 thereafter.

24 With respect to biodiesel blends, as defined in the Use Tax
25 Act, with no less than 1% and no more than 10% biodiesel, the
26 tax imposed by this Act applies to (i) 80% of the selling price

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

10 With respect to 100% biodiesel, as defined in the Use Tax
11 Act, and biodiesel blends, as defined in the Use Tax Act, with
12 more than 10% but no more than 99% biodiesel material, the tax
13 imposed by this Act does not apply to the proceeds of the
14 selling price of property transferred as an incident to the
15 sale of service on or after July 1, 2003 and on or before
16 December 31, 2018 but applies to 100% of the selling price
17 thereafter.

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

1 the sale of those services.

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

1 Milk and Milk Products Act, or drinks containing 50% or more
2 natural fruit or vegetable juice.

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

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

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

1 ingredients or flavorings in the form of bars, drops, or
2 pieces. "Candy" does not include any preparation that contains
3 flour or requires refrigeration.

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

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

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

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

26 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,

1 eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38,
2 eff. 6-28-11; 97-227, eff. 1-1-12; 97-636, eff. 6-1-12.)

3 Section 930. The Retailers' Occupation Tax Act is amended
4 by changing Section 2-10 as follows:

5 (35 ILCS 120/2-10)

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

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

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

17 Within 14 days after the effective date of this amendatory
18 Act of the 91st General Assembly, each retailer of motor fuel
19 and gasohol shall cause the following notice to be posted in a
20 prominently visible place on each retail dispensing device that
21 is used to dispense motor fuel or gasohol in the State of
22 Illinois: "As of July 1, 2000, the State of Illinois has
23 eliminated the State's share of sales tax on motor fuel and
24 gasohol through December 31, 2000. The price on this pump

1 should reflect the elimination of the tax." The notice shall be
2 printed in bold print on a sign that is no smaller than 4
3 inches by 8 inches. The sign shall be clearly visible to
4 customers. Any retailer who fails to post or maintain a
5 required sign through December 31, 2000 is guilty of a petty
6 offense for which the fine shall be \$500 per day per each
7 retail premises where a violation occurs.

8 With respect to gasohol, as defined in the Use Tax Act, the
9 tax imposed by this Act applies to (i) 70% of the proceeds of
10 sales made on or after January 1, 1990, and before July 1,
11 2003, (ii) 80% of the proceeds of sales made on or after July
12 1, 2003 and on or before December 31, 2018, and (iii) 100% of
13 the proceeds of sales made thereafter. If, at any time,
14 however, the tax under this Act on sales of gasohol, as defined
15 in the Use Tax Act, is imposed at the rate of 1.25%, then the
16 tax imposed by this Act applies to 100% of the proceeds of
17 sales of gasohol made during that time.

18 With respect to majority blended ethanol fuel, as defined
19 in the Use Tax Act, the tax imposed by this Act does not apply
20 to the proceeds of sales made on or after July 1, 2003 and on or
21 before December 31, 2018 but applies to 100% of the proceeds of
22 sales made thereafter.

23 With respect to biodiesel blends, as defined in the Use Tax
24 Act, with no less than 1% and no more than 10% biodiesel, the
25 tax imposed by this Act applies to (i) 80% of the proceeds of
26 sales made on or after July 1, 2003 and on or before December

1 31, 2018 and (ii) 100% of the proceeds of sales made
2 thereafter. If, at any time, however, the tax under this Act on
3 sales of biodiesel blends, as defined in the Use Tax Act, with
4 no less than 1% and no more than 10% biodiesel is imposed at
5 the rate of 1.25%, then the tax imposed by this Act applies to
6 100% of the proceeds of sales of biodiesel blends with no less
7 than 1% 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, the tax imposed
11 by this Act does not apply to the proceeds of sales made on or
12 after July 1, 2003 and on or before December 31, 2018 but
13 applies to 100% of the proceeds of sales made thereafter.

14 With respect to food for human consumption that is to be
15 consumed off the premises where it is sold (other than
16 alcoholic beverages, soft drinks, and food that has been
17 prepared for immediate consumption) and prescription and
18 nonprescription medicines, drugs, medical appliances,
19 modifications to a motor vehicle for the purpose of rendering
20 it usable by a disabled person, and insulin, urine testing
21 materials, syringes, and needles used by diabetics, for human
22 use, the tax is imposed at the rate of 1%. For the purposes of
23 this Section, until September 1, 2009: the term "soft drinks"
24 means any complete, finished, ready-to-use, non-alcoholic
25 drink, whether carbonated or not, including but not limited to
26 soda water, cola, fruit juice, vegetable juice, carbonated

1 water, and all other preparations commonly known as soft drinks
2 of whatever kind or description that are contained in any
3 closed or sealed bottle, can, carton, or container, regardless
4 of size; but "soft drinks" does not include coffee, tea,
5 non-carbonated water, infant formula, milk or milk products as
6 defined in the Grade A Pasteurized Milk and Milk Products Act,
7 or drinks containing 50% or more natural fruit or vegetable
8 juice.

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

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

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

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

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

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

1 Beginning on the effective date of this amendatory Act of
2 the 98th General Assembly, "prescription and nonprescription
3 medicines and drugs" includes medical cannabis purchased from a
4 registered dispensing organization under the Compassionate Use
5 of Medical Cannabis Pilot Program Act.

6 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
7 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10;
8 97-636, eff. 6-1-12.)

9 Section 935. The Illinois Vehicle Code is amended by
10 changing Sections 2-118.1, 6-206, 6-206.1, 6-208.1, 6-514,
11 11-501, 11-501.1, and 11-501.2 and by adding Section 11-502.1
12 as follows:

13 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

14 Sec. 2-118.1. Opportunity for hearing; statutory summary
15 alcohol or other drug related suspension or revocation pursuant
16 to Section 11-501.1.

17 (a) A statutory summary suspension or revocation of driving
18 privileges under Section 11-501.1 shall not become effective
19 until the person is notified in writing of the impending
20 suspension or revocation and informed that he may request a
21 hearing in the circuit court of venue under paragraph (b) of
22 this Section and the statutory summary suspension or revocation
23 shall become effective as provided in Section 11-501.1.

24 (b) Within 90 days after the notice of statutory summary

1 suspension or revocation served under Section 11-501.1, the
2 person may make a written request for a judicial hearing in the
3 circuit court of venue. The request to the circuit court shall
4 state the grounds upon which the person seeks to have the
5 statutory summary suspension or revocation rescinded. Within
6 30 days after receipt of the written request or the first
7 appearance date on the Uniform Traffic Ticket issued pursuant
8 to a violation of Section 11-501, or a similar provision of a
9 local ordinance, the hearing shall be conducted by the circuit
10 court having jurisdiction. This judicial hearing, request, or
11 process shall not stay or delay the statutory summary
12 suspension or revocation. The hearings shall proceed in the
13 court in the same manner as in other civil proceedings.

14 The hearing may be conducted upon a review of the law
15 enforcement officer's own official reports; provided however,
16 that the person may subpoena the officer. Failure of the
17 officer to answer the subpoena shall be considered grounds for
18 a continuance if in the court's discretion the continuance is
19 appropriate.

20 The scope of the hearing shall be limited to the issues of:

21 1. Whether the person was placed under arrest for an
22 offense as defined in Section 11-501, or a similar
23 provision of a local ordinance, as evidenced by the
24 issuance of a Uniform Traffic Ticket, or issued a Uniform
25 Traffic Ticket out of state as provided in subsection (a)
26 or (a-5) of Section 11-501.1; and

1 2. Whether the officer had reasonable grounds to
2 believe that the person was driving or in actual physical
3 control of a motor vehicle upon a highway while under the
4 influence of alcohol, other drug, or combination of both;
5 and

6 3. Whether the person, after being advised by the
7 officer that the privilege to operate a motor vehicle would
8 be suspended or revoked if the person refused to submit to
9 and complete the test or tests, did refuse to submit to or
10 complete the test or tests authorized under Section
11 11-501.1 ~~to determine the person's alcohol or drug~~
12 ~~concentration;~~ or

13 4. Whether the person, after being advised by the
14 officer that the privilege to operate a motor vehicle would
15 be suspended if the person submits to a chemical test, or
16 tests, and the test discloses an alcohol concentration of
17 0.08 or more, or any amount of a drug, substance, or
18 compound in the person's blood or urine resulting from the
19 unlawful use or consumption of cannabis listed in the
20 Cannabis Control Act, a controlled substance listed in the
21 Illinois Controlled Substances Act, an intoxicating
22 compound as listed in the Use of Intoxicating Compounds
23 Act, or methamphetamine as listed in the Methamphetamine
24 Control and Community Protection Act, and the person did
25 submit to and complete the test or tests that determined an
26 alcohol concentration of 0.08 or more.

1 4.2. If the person is a qualifying patient licensed
2 under the Compassionate Use of Medical Cannabis Pilot
3 Program Act who is in possession of a valid registry card
4 issued under that Act, after being advised by the officer
5 that the privilege to operate a motor vehicle would be
6 suspended or revoked if the person refused to submit to and
7 complete the test or tests, did refuse to submit to or
8 complete the test or tests authorized under Section
9 11-501.1.

10 4.5. If the person is a qualifying patient licensed
11 under the Compassionate Use of Medical Cannabis Pilot
12 Program Act who is in possession of a valid registry card
13 issued under that Act, whether that person, after being
14 advised by the officer that the privilege to operate a
15 motor vehicle would be suspended if the person submits to a
16 standardized field sobriety test, or tests, and the test
17 indicates impairment resulting from the consumption of
18 cannabis, did submit to and complete the test or tests that
19 indicated impairment.

20 5. If the person's driving privileges were revoked,
21 whether the person was involved in a motor vehicle accident
22 that caused Type A injury or death to another.

23 Upon the conclusion of the judicial hearing, the circuit
24 court shall sustain or rescind the statutory summary suspension
25 or revocation and immediately notify the Secretary of State.
26 Reports received by the Secretary of State under this Section

1 shall be privileged information and for use only by the courts,
2 police officers, and Secretary of State.

3 (Source: P.A. 95-355, eff. 1-1-08; 96-1344, eff. 7-1-11.)

4 (625 ILCS 5/6-206)

5 Sec. 6-206. Discretionary authority to suspend or revoke
6 license or permit; Right to a hearing.

7 (a) The Secretary of State is authorized to suspend or
8 revoke the driving privileges of any person without preliminary
9 hearing upon a showing of the person's records or other
10 sufficient evidence that the person:

11 1. Has committed an offense for which mandatory
12 revocation of a driver's license or permit is required upon
13 conviction;

14 2. Has been convicted of not less than 3 offenses
15 against traffic regulations governing the movement of
16 vehicles committed within any 12 month period. No
17 revocation or suspension shall be entered more than 6
18 months after the date of last conviction;

19 3. Has been repeatedly involved as a driver in motor
20 vehicle collisions or has been repeatedly convicted of
21 offenses against laws and ordinances regulating the
22 movement of traffic, to a degree that indicates lack of
23 ability to exercise ordinary and reasonable care in the
24 safe operation of a motor vehicle or disrespect for the
25 traffic laws and the safety of other persons upon the

1 highway;

2 4. Has by the unlawful operation of a motor vehicle
3 caused or contributed to an accident resulting in injury
4 requiring immediate professional treatment in a medical
5 facility or doctor's office to any person, except that any
6 suspension or revocation imposed by the Secretary of State
7 under the provisions of this subsection shall start no
8 later than 6 months after being convicted of violating a
9 law or ordinance regulating the movement of traffic, which
10 violation is related to the accident, or shall start not
11 more than one year after the date of the accident,
12 whichever date occurs later;

13 5. Has permitted an unlawful or fraudulent use of a
14 driver's license, identification card, or permit;

15 6. Has been lawfully convicted of an offense or
16 offenses in another state, including the authorization
17 contained in Section 6-203.1, which if committed within
18 this State would be grounds for suspension or revocation;

19 7. Has refused or failed to submit to an examination
20 provided for by Section 6-207 or has failed to pass the
21 examination;

22 8. Is ineligible for a driver's license or permit under
23 the provisions of Section 6-103;

24 9. Has made a false statement or knowingly concealed a
25 material fact or has used false information or
26 identification in any application for a license,

1 identification card, or permit;

2 10. Has possessed, displayed, or attempted to
3 fraudulently use any license, identification card, or
4 permit not issued to the person;

5 11. Has operated a motor vehicle upon a highway of this
6 State when the person's driving privilege or privilege to
7 obtain a driver's license or permit was revoked or
8 suspended unless the operation was authorized by a
9 monitoring device driving permit, judicial driving permit
10 issued prior to January 1, 2009, probationary license to
11 drive, or a restricted driving permit issued under this
12 Code;

13 12. Has submitted to any portion of the application
14 process for another person or has obtained the services of
15 another person to submit to any portion of the application
16 process for the purpose of obtaining a license,
17 identification card, or permit for some other person;

18 13. Has operated a motor vehicle upon a highway of this
19 State when the person's driver's license or permit was
20 invalid under the provisions of Sections 6-107.1 and 6-110;

21 14. Has committed a violation of Section 6-301,
22 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
23 of the Illinois Identification Card Act;

24 15. Has been convicted of violating Section 21-2 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 relating
26 to criminal trespass to vehicles in which case, the

1 suspension shall be for one year;

2 16. Has been convicted of violating Section 11-204 of
3 this Code relating to fleeing from a peace officer;

4 17. Has refused to submit to a test, or tests, as
5 required under Section 11-501.1 of this Code and the person
6 has not sought a hearing as provided for in Section
7 11-501.1;

8 18. Has, since issuance of a driver's license or
9 permit, been adjudged to be afflicted with or suffering
10 from any mental disability or disease;

11 19. Has committed a violation of paragraph (a) or (b)
12 of Section 6-101 relating to driving without a driver's
13 license;

14 20. Has been convicted of violating Section 6-104
15 relating to classification of driver's license;

16 21. Has been convicted of violating Section 11-402 of
17 this Code relating to leaving the scene of an accident
18 resulting in damage to a vehicle in excess of \$1,000, in
19 which case the suspension shall be for one year;

20 22. Has used a motor vehicle in violating paragraph
21 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
22 the Criminal Code of 1961 or the Criminal Code of 2012
23 relating to unlawful use of weapons, in which case the
24 suspension shall be for one year;

25 23. Has, as a driver, been convicted of committing a
26 violation of paragraph (a) of Section 11-502 of this Code

1 for a second or subsequent time within one year of a
2 similar violation;

3 24. Has been convicted by a court-martial or punished
4 by non-judicial punishment by military authorities of the
5 United States at a military installation in Illinois of or
6 for a traffic related offense that is the same as or
7 similar to an offense specified under Section 6-205 or
8 6-206 of this Code;

9 25. Has permitted any form of identification to be used
10 by another in the application process in order to obtain or
11 attempt to obtain a license, identification card, or
12 permit;

13 26. Has altered or attempted to alter a license or has
14 possessed an altered license, identification card, or
15 permit;

16 27. Has violated Section 6-16 of the Liquor Control Act
17 of 1934;

18 28. Has been convicted for a first time of the illegal
19 possession, while operating or in actual physical control,
20 as a driver, of a motor vehicle, of any controlled
21 substance prohibited under the Illinois Controlled
22 Substances Act, any cannabis prohibited under the Cannabis
23 Control Act, or any methamphetamine prohibited under the
24 Methamphetamine Control and Community Protection Act, in
25 which case the person's driving privileges shall be
26 suspended for one year. Any defendant found guilty of this

1 offense while operating a motor vehicle, shall have an
2 entry made in the court record by the presiding judge that
3 this offense did occur while the defendant was operating a
4 motor vehicle and order the clerk of the court to report
5 the violation to the Secretary of State;

6 29. Has been convicted of the following offenses that
7 were committed while the person was operating or in actual
8 physical control, as a driver, of a motor vehicle: criminal
9 sexual assault, predatory criminal sexual assault of a
10 child, aggravated criminal sexual assault, criminal sexual
11 abuse, aggravated criminal sexual abuse, juvenile pimping,
12 soliciting for a juvenile prostitute, promoting juvenile
13 prostitution as described in subdivision (a)(1), (a)(2),
14 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
15 or the Criminal Code of 2012, and the manufacture, sale or
16 delivery of controlled substances or instruments used for
17 illegal drug use or abuse in which case the driver's
18 driving privileges shall be suspended for one year;

19 30. Has been convicted a second or subsequent time for
20 any combination of the offenses named in paragraph 29 of
21 this subsection, in which case the person's driving
22 privileges shall be suspended for 5 years;

23 31. Has refused to submit to a test as required by
24 Section 11-501.6 or has submitted to a test resulting in an
25 alcohol concentration of 0.08 or more or any amount of a
26 drug, substance, or compound resulting from the unlawful

1 use or consumption of cannabis as listed in the Cannabis
2 Control Act, a controlled substance as listed in the
3 Illinois Controlled Substances Act, an intoxicating
4 compound as listed in the Use of Intoxicating Compounds
5 Act, or methamphetamine as listed in the Methamphetamine
6 Control and Community Protection Act, in which case the
7 penalty shall be as prescribed in Section 6-208.1;

8 32. Has been convicted of Section 24-1.2 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 relating
10 to the aggravated discharge of a firearm if the offender
11 was located in a motor vehicle at the time the firearm was
12 discharged, in which case the suspension shall be for 3
13 years;

14 33. Has as a driver, who was less than 21 years of age
15 on the date of the offense, been convicted a first time of
16 a violation of paragraph (a) of Section 11-502 of this Code
17 or a similar provision of a local ordinance;

18 34. Has committed a violation of Section 11-1301.5 of
19 this Code or a similar provision of a local ordinance;

20 35. Has committed a violation of Section 11-1301.6 of
21 this Code or a similar provision of a local ordinance;

22 36. Is under the age of 21 years at the time of arrest
23 and has been convicted of not less than 2 offenses against
24 traffic regulations governing the movement of vehicles
25 committed within any 24 month period. No revocation or
26 suspension shall be entered more than 6 months after the

1 date of last conviction;

2 37. Has committed a violation of subsection (c) of
3 Section 11-907 of this Code that resulted in damage to the
4 property of another or the death or injury of another;

5 38. Has been convicted of a violation of Section 6-20
6 of the Liquor Control Act of 1934 or a similar provision of
7 a local ordinance;

8 39. Has committed a second or subsequent violation of
9 Section 11-1201 of this Code;

10 40. Has committed a violation of subsection (a-1) of
11 Section 11-908 of this Code;

12 41. Has committed a second or subsequent violation of
13 Section 11-605.1 of this Code, a similar provision of a
14 local ordinance, or a similar violation in any other state
15 within 2 years of the date of the previous violation, in
16 which case the suspension shall be for 90 days;

17 42. Has committed a violation of subsection (a-1) of
18 Section 11-1301.3 of this Code or a similar provision of a
19 local ordinance;

20 43. Has received a disposition of court supervision for
21 a violation of subsection (a), (d), or (e) of Section 6-20
22 of the Liquor Control Act of 1934 or a similar provision of
23 a local ordinance, in which case the suspension shall be
24 for a period of 3 months;

25 44. Is under the age of 21 years at the time of arrest
26 and has been convicted of an offense against traffic

1 regulations governing the movement of vehicles after
2 having previously had his or her driving privileges
3 suspended or revoked pursuant to subparagraph 36 of this
4 Section;

5 45. Has, in connection with or during the course of a
6 formal hearing conducted under Section 2-118 of this Code:
7 (i) committed perjury; (ii) submitted fraudulent or
8 falsified documents; (iii) submitted documents that have
9 been materially altered; or (iv) submitted, as his or her
10 own, documents that were in fact prepared or composed for
11 another person; ~~or~~

12 46. Has committed a violation of subsection (j) of
13 Section 3-413 of this Code; or ~~or~~

14 47. Has committed a violation of Section 11-502.1 of
15 this Code.

16 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
17 and 27 of this subsection, license means any driver's license,
18 any traffic ticket issued when the person's driver's license is
19 deposited in lieu of bail, a suspension notice issued by the
20 Secretary of State, a duplicate or corrected driver's license,
21 a probationary driver's license or a temporary driver's
22 license.

23 (b) If any conviction forming the basis of a suspension or
24 revocation authorized under this Section is appealed, the
25 Secretary of State may rescind or withhold the entry of the
26 order of suspension or revocation, as the case may be, provided

1 that a certified copy of a stay order of a court is filed with
2 the Secretary of State. If the conviction is affirmed on
3 appeal, the date of the conviction shall relate back to the
4 time the original judgment of conviction was entered and the 6
5 month limitation prescribed shall not apply.

6 (c) 1. Upon suspending or revoking the driver's license or
7 permit of any person as authorized in this Section, the
8 Secretary of State shall immediately notify the person in
9 writing of the revocation or suspension. The notice to be
10 deposited in the United States mail, postage prepaid, to the
11 last known address of the person.

12 2. If the Secretary of State suspends the driver's
13 license of a person under subsection 2 of paragraph (a) of
14 this Section, a person's privilege to operate a vehicle as
15 an occupation shall not be suspended, provided an affidavit
16 is properly completed, the appropriate fee received, and a
17 permit issued prior to the effective date of the
18 suspension, unless 5 offenses were committed, at least 2 of
19 which occurred while operating a commercial vehicle in
20 connection with the driver's regular occupation. All other
21 driving privileges shall be suspended by the Secretary of
22 State. Any driver prior to operating a vehicle for
23 occupational purposes only must submit the affidavit on
24 forms to be provided by the Secretary of State setting
25 forth the facts of the person's occupation. The affidavit
26 shall also state the number of offenses committed while

1 operating a vehicle in connection with the driver's regular
2 occupation. The affidavit shall be accompanied by the
3 driver's license. Upon receipt of a properly completed
4 affidavit, the Secretary of State shall issue the driver a
5 permit to operate a vehicle in connection with the driver's
6 regular occupation only. Unless the permit is issued by the
7 Secretary of State prior to the date of suspension, the
8 privilege to drive any motor vehicle shall be suspended as
9 set forth in the notice that was mailed under this Section.
10 If an affidavit is received subsequent to the effective
11 date of this suspension, a permit may be issued for the
12 remainder of the suspension period.

13 The provisions of this subparagraph shall not apply to
14 any driver required to possess a CDL for the purpose of
15 operating a commercial motor vehicle.

16 Any person who falsely states any fact in the affidavit
17 required herein shall be guilty of perjury under Section
18 6-302 and upon conviction thereof shall have all driving
19 privileges revoked without further rights.

20 3. At the conclusion of a hearing under Section 2-118
21 of this Code, the Secretary of State shall either rescind
22 or continue an order of revocation or shall substitute an
23 order of suspension; or, good cause appearing therefor,
24 rescind, continue, change, or extend the order of
25 suspension. If the Secretary of State does not rescind the
26 order, the Secretary may upon application, to relieve undue

1 hardship (as defined by the rules of the Secretary of
2 State), issue a restricted driving permit granting the
3 privilege of driving a motor vehicle between the
4 petitioner's residence and petitioner's place of
5 employment or within the scope of the petitioner's
6 employment related duties, or to allow the petitioner to
7 transport himself or herself, or a family member of the
8 petitioner's household to a medical facility, to receive
9 necessary medical care, to allow the petitioner to
10 transport himself or herself to and from alcohol or drug
11 remedial or rehabilitative activity recommended by a
12 licensed service provider, or to allow the petitioner to
13 transport himself or herself or a family member of the
14 petitioner's household to classes, as a student, at an
15 accredited educational institution, or to allow the
16 petitioner to transport children, elderly persons, or
17 disabled persons who do not hold driving privileges and are
18 living in the petitioner's household to and from daycare.
19 The petitioner must demonstrate that no alternative means
20 of transportation is reasonably available and that the
21 petitioner will not endanger the public safety or welfare.
22 Those multiple offenders identified in subdivision (b)4 of
23 Section 6-208 of this Code, however, shall not be eligible
24 for the issuance of a restricted driving permit.

25 (A) If a person's license or permit is revoked or
26 suspended due to 2 or more convictions of violating

1 Section 11-501 of this Code or a similar provision of a
2 local ordinance or a similar out-of-state offense, or
3 Section 9-3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, where the use of alcohol or
5 other drugs is recited as an element of the offense, or
6 a similar out-of-state offense, or a combination of
7 these offenses, arising out of separate occurrences,
8 that person, if issued a restricted driving permit, may
9 not operate a vehicle unless it has been equipped with
10 an ignition interlock device as defined in Section
11 1-129.1.

12 (B) If a person's license or permit is revoked or
13 suspended 2 or more times within a 10 year period due
14 to any combination of:

15 (i) a single conviction of violating Section
16 11-501 of this Code or a similar provision of a
17 local ordinance or a similar out-of-state offense
18 or Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, where the use of alcohol or
20 other drugs is recited as an element of the
21 offense, or a similar out-of-state offense; or

22 (ii) a statutory summary suspension or
23 revocation under Section 11-501.1; or

24 (iii) a suspension under Section 6-203.1;
25 arising out of separate occurrences; that person, if
26 issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1.

3 (C) The person issued a permit conditioned upon the
4 use of an ignition interlock device must pay to the
5 Secretary of State DUI Administration Fund an amount
6 not to exceed \$30 per month. The Secretary shall
7 establish by rule the amount and the procedures, terms,
8 and conditions relating to these fees.

9 (D) If the restricted driving permit is issued for
10 employment purposes, then the prohibition against
11 operating a motor vehicle that is not equipped with an
12 ignition interlock device does not apply to the
13 operation of an occupational vehicle owned or leased by
14 that person's employer when used solely for employment
15 purposes.

16 (E) In each case the Secretary may issue a
17 restricted driving permit for a period deemed
18 appropriate, except that all permits shall expire
19 within one year from the date of issuance. The
20 Secretary may not, however, issue a restricted driving
21 permit to any person whose current revocation is the
22 result of a second or subsequent conviction for a
23 violation of Section 11-501 of this Code or a similar
24 provision of a local ordinance or any similar
25 out-of-state offense, or Section 9-3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, where the

1 use of alcohol or other drugs is recited as an element
2 of the offense, or any similar out-of-state offense, or
3 any combination of those offenses, until the
4 expiration of at least one year from the date of the
5 revocation. A restricted driving permit issued under
6 this Section shall be subject to cancellation,
7 revocation, and suspension by the Secretary of State in
8 like manner and for like cause as a driver's license
9 issued under this Code may be cancelled, revoked, or
10 suspended; except that a conviction upon one or more
11 offenses against laws or ordinances regulating the
12 movement of traffic shall be deemed sufficient cause
13 for the revocation, suspension, or cancellation of a
14 restricted driving permit. The Secretary of State may,
15 as a condition to the issuance of a restricted driving
16 permit, require the applicant to participate in a
17 designated driver remedial or rehabilitative program.
18 The Secretary of State is authorized to cancel a
19 restricted driving permit if the permit holder does not
20 successfully complete the program.

21 (c-3) In the case of a suspension under paragraph 43 of
22 subsection (a), reports received by the Secretary of State
23 under this Section shall, except during the actual time the
24 suspension is in effect, be privileged information and for use
25 only by the courts, police officers, prosecuting authorities,
26 the driver licensing administrator of any other state, the

1 Secretary of State, or the parent or legal guardian of a driver
2 under the age of 18. However, beginning January 1, 2008, if the
3 person is a CDL holder, the suspension shall also be made
4 available to the driver licensing administrator of any other
5 state, the U.S. Department of Transportation, and the affected
6 driver or motor carrier or prospective motor carrier upon
7 request.

8 (c-4) In the case of a suspension under paragraph 43 of
9 subsection (a), the Secretary of State shall notify the person
10 by mail that his or her driving privileges and driver's license
11 will be suspended one month after the date of the mailing of
12 the notice.

13 (c-5) The Secretary of State may, as a condition of the
14 reissuance of a driver's license or permit to an applicant
15 whose driver's license or permit has been suspended before he
16 or she reached the age of 21 years pursuant to any of the
17 provisions of this Section, require the applicant to
18 participate in a driver remedial education course and be
19 retested under Section 6-109 of this Code.

20 (d) This Section is subject to the provisions of the
21 Drivers License Compact.

22 (e) The Secretary of State shall not issue a restricted
23 driving permit to a person under the age of 16 years whose
24 driving privileges have been suspended or revoked under any
25 provisions of this Code.

26 (f) In accordance with 49 C.F.R. 384, the Secretary of

1 State may not issue a restricted driving permit for the
2 operation of a commercial motor vehicle to a person holding a
3 CDL whose driving privileges have been suspended, revoked,
4 cancelled, or disqualified under any provisions of this Code.

5 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
6 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
7 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
8 eff. 8-12-11; 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844,
9 eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

10 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

11 Sec. 6-206.1. Monitoring Device Driving Permit.
12 Declaration of Policy. It is hereby declared a policy of the
13 State of Illinois that the driver who is impaired by alcohol,
14 other drug or drugs, or intoxicating compound or compounds is a
15 threat to the public safety and welfare. Therefore, to provide
16 a deterrent to such practice, a statutory summary driver's
17 license suspension is appropriate. It is also recognized that
18 driving is a privilege and therefore, that the granting of
19 driving privileges, in a manner consistent with public safety,
20 is warranted during the period of suspension in the form of a
21 monitoring device driving permit. A person who drives and fails
22 to comply with the requirements of the monitoring device
23 driving permit commits a violation of Section 6-303 of this
24 Code.

25 The following procedures shall apply whenever a first

1 offender, as defined in Section 11-500 of this Code, is
2 arrested for any offense as defined in Section 11-501 or a
3 similar provision of a local ordinance and is subject to the
4 provisions of Section 11-501.1:

5 (a) Upon mailing of the notice of suspension of driving
6 privileges as provided in subsection (h) of Section 11-501.1 of
7 this Code, the Secretary shall also send written notice
8 informing the person that he or she will be issued a monitoring
9 device driving permit (MDDP). The notice shall include, at
10 minimum, information summarizing the procedure to be followed
11 for issuance of the MDDP, installation of the breath alcohol
12 ignition installation device (BAIID), as provided in this
13 Section, exemption from BAIID installation requirements, and
14 procedures to be followed by those seeking indigent status, as
15 provided in this Section. The notice shall also include
16 information summarizing the procedure to be followed if the
17 person wishes to decline issuance of the MDDP. A copy of the
18 notice shall also be sent to the court of venue together with
19 the notice of suspension of driving privileges, as provided in
20 subsection (h) of Section 11-501. However, a MDDP shall not be
21 issued if the Secretary finds that:

22 (1) The offender's driver's license is otherwise
23 invalid;

24 (2) Death or great bodily harm resulted from the arrest
25 for Section 11-501;

26 (3) The offender has been previously convicted of

1 reckless homicide or aggravated driving under the
2 influence involving death; ~~or~~

3 (4) The offender is less than 18 years of age; or

4 (5) The offender is a qualifying patient licensed under
5 the Compassionate Use of Medical Cannabis Pilot Program Act
6 who is in possession of a valid registry card issued under
7 that Act and refused to submit to standardized field
8 sobriety tests as required by subsection (a-5) of Section
9 11-501.1 or did submit to testing and failed the test or
10 tests.

11 Any offender participating in the MDDP program must pay the
12 Secretary a MDDP Administration Fee in an amount not to exceed
13 \$30 per month, to be deposited into the Monitoring Device
14 Driving Permit Administration Fee Fund. The Secretary shall
15 establish by rule the amount and the procedures, terms, and
16 conditions relating to these fees. The offender must have an
17 ignition interlock device installed within 14 days of the date
18 the Secretary issues the MDDP. The ignition interlock device
19 provider must notify the Secretary, in a manner and form
20 prescribed by the Secretary, of the installation. If the
21 Secretary does not receive notice of installation, the
22 Secretary shall cancel the MDDP.

23 A MDDP shall not become effective prior to the 31st day of
24 the original statutory summary suspension.

25 Upon receipt of the notice, as provided in paragraph (a) of
26 this Section, the person may file a petition to decline

1 issuance of the MDDP with the court of venue. The court shall
2 admonish the offender of all consequences of declining issuance
3 of the MDDP including, but not limited to, the enhanced
4 penalties for driving while suspended. After being so
5 admonished, the offender shall be permitted, in writing, to
6 execute a notice declining issuance of the MDDP. This notice
7 shall be filed with the court and forwarded by the clerk of the
8 court to the Secretary. The offender may, at any time
9 thereafter, apply to the Secretary for issuance of a MDDP.

10 (a-1) A person issued a MDDP may drive for any purpose and
11 at any time, subject to the rules adopted by the Secretary
12 under subsection (g). The person must, at his or her own
13 expense, drive only vehicles equipped with an ignition
14 interlock device as defined in Section 1-129.1, but in no event
15 shall such person drive a commercial motor vehicle.

16 (a-2) Persons who are issued a MDDP and must drive
17 employer-owned vehicles in the course of their employment
18 duties may seek permission to drive an employer-owned vehicle
19 that does not have an ignition interlock device. The employer
20 shall provide to the Secretary a form, as prescribed by the
21 Secretary, completed by the employer verifying that the
22 employee must drive an employer-owned vehicle in the course of
23 employment. If approved by the Secretary, the form must be in
24 the driver's possession while operating an employer-owner
25 vehicle not equipped with an ignition interlock device. No
26 person may use this exemption to drive a school bus, school

1 vehicle, or a vehicle designed to transport more than 15
2 passengers. No person may use this exemption to drive an
3 employer-owned motor vehicle that is owned by an entity that is
4 wholly or partially owned by the person holding the MDDP, or by
5 a family member of the person holding the MDDP. No person may
6 use this exemption to drive an employer-owned vehicle that is
7 made available to the employee for personal use. No person may
8 drive the exempted vehicle more than 12 hours per day, 6 days
9 per week.

10 (a-3) Persons who are issued a MDDP and who must drive a
11 farm tractor to and from a farm, within 50 air miles from the
12 originating farm are exempt from installation of a BAIID on the
13 farm tractor, so long as the farm tractor is being used for the
14 exclusive purpose of conducting farm operations.

15 (b) (Blank).

16 (c) (Blank).

17 (c-1) If the holder of the MDDP is convicted of or receives
18 court supervision for a violation of Section 6-206.2, 6-303,
19 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
20 provision of a local ordinance or a similar out-of-state
21 offense or is convicted of or receives court supervision for
22 any offense for which alcohol or drugs is an element of the
23 offense and in which a motor vehicle was involved (for an
24 arrest other than the one for which the MDDP is issued), or
25 de-installs the BAIID without prior authorization from the
26 Secretary, the MDDP shall be cancelled.

1 (c-5) If the Secretary determines that the person seeking
2 the MDDP is indigent, the Secretary shall provide the person
3 with a written document as evidence of that determination, and
4 the person shall provide that written document to an ignition
5 interlock device provider. The provider shall install an
6 ignition interlock device on that person's vehicle without
7 charge to the person, and seek reimbursement from the Indigent
8 BAIID Fund. If the Secretary has deemed an offender indigent,
9 the BAIID provider shall also provide the normal monthly
10 monitoring services and the de-installation without charge to
11 the offender and seek reimbursement from the Indigent BAIID
12 Fund. Any other monetary charges, such as a lockout fee or
13 reset fee, shall be the responsibility of the MDDP holder. A
14 BAIID provider may not seek a security deposit from the
15 Indigent BAIID Fund.

16 (d) MDDP information shall be available only to the courts,
17 police officers, and the Secretary, except during the actual
18 period the MDDP is valid, during which time it shall be a
19 public record.

20 (e) (Blank).

21 (f) (Blank).

22 (g) The Secretary shall adopt rules for implementing this
23 Section. The rules adopted shall address issues including, but
24 not limited to: compliance with the requirements of the MDDP;
25 methods for determining compliance with those requirements;
26 the consequences of noncompliance with those requirements;

1 what constitutes a violation of the MDDP; methods for
2 determining indigency; and the duties of a person or entity
3 that supplies the ignition interlock device.

4 (h) The rules adopted under subsection (g) shall provide,
5 at a minimum, that the person is not in compliance with the
6 requirements of the MDDP if he or she:

7 (1) tampers or attempts to tamper with or circumvent
8 the proper operation of the ignition interlock device;

9 (2) provides valid breath samples that register blood
10 alcohol levels in excess of the number of times allowed
11 under the rules;

12 (3) fails to provide evidence sufficient to satisfy the
13 Secretary that the ignition interlock device has been
14 installed in the designated vehicle or vehicles; or

15 (4) fails to follow any other applicable rules adopted
16 by the Secretary.

17 (i) Any person or entity that supplies an ignition
18 interlock device as provided under this Section shall, in
19 addition to supplying only those devices which fully comply
20 with all the rules adopted under subsection (g), provide the
21 Secretary, within 7 days of inspection, all monitoring reports
22 of each person who has had an ignition interlock device
23 installed. These reports shall be furnished in a manner or form
24 as prescribed by the Secretary.

25 (j) Upon making a determination that a violation of the
26 requirements of the MDDP has occurred, the Secretary shall

1 extend the summary suspension period for an additional 3 months
2 beyond the originally imposed summary suspension period,
3 during which time the person shall only be allowed to drive
4 vehicles equipped with an ignition interlock device; provided
5 further there are no limitations on the total number of times
6 the summary suspension may be extended. The Secretary may,
7 however, limit the number of extensions imposed for violations
8 occurring during any one monitoring period, as set forth by
9 rule. Any person whose summary suspension is extended pursuant
10 to this Section shall have the right to contest the extension
11 through a hearing with the Secretary, pursuant to Section 2-118
12 of this Code. If the summary suspension has already terminated
13 prior to the Secretary receiving the monitoring report that
14 shows a violation, the Secretary shall be authorized to suspend
15 the person's driving privileges for 3 months, provided that the
16 Secretary may, by rule, limit the number of suspensions to be
17 entered pursuant to this paragraph for violations occurring
18 during any one monitoring period. Any person whose license is
19 suspended pursuant to this paragraph, after the summary
20 suspension had already terminated, shall have the right to
21 contest the suspension through a hearing with the Secretary,
22 pursuant to Section 2-118 of this Code. The only permit the
23 person shall be eligible for during this new suspension period
24 is a MDDP.

25 (k) A person who has had his or her summary suspension
26 extended for the third time, or has any combination of 3

1 extensions and new suspensions, entered as a result of a
2 violation that occurred while holding the MDDP, so long as the
3 extensions and new suspensions relate to the same summary
4 suspension, shall have his or her vehicle impounded for a
5 period of 30 days, at the person's own expense. A person who
6 has his or her summary suspension extended for the fourth time,
7 or has any combination of 4 extensions and new suspensions,
8 entered as a result of a violation that occurred while holding
9 the MDDP, so long as the extensions and new suspensions relate
10 to the same summary suspension, shall have his or her vehicle
11 subject to seizure and forfeiture. The Secretary shall notify
12 the prosecuting authority of any third or fourth extensions or
13 new suspension entered as a result of a violation that occurred
14 while the person held a MDDP. Upon receipt of the notification,
15 the prosecuting authority shall impound or forfeit the vehicle.
16 The impoundment or forfeiture of a vehicle shall be conducted
17 pursuant to the procedure specified in Article 36 of the
18 Criminal Code of 2012.

19 (1) A person whose driving privileges have been suspended
20 under Section 11-501.1 of this Code and who had a MDDP that was
21 cancelled, or would have been cancelled had notification of a
22 violation been received prior to expiration of the MDDP,
23 pursuant to subsection (c-1) of this Section, shall not be
24 eligible for reinstatement when the summary suspension is
25 scheduled to terminate. Instead, the person's driving
26 privileges shall be suspended for a period of not less than

1 twice the original summary suspension period, or for the length
2 of any extensions entered under subsection (j), whichever is
3 longer. During the period of suspension, the person shall be
4 eligible only to apply for a restricted driving permit. If a
5 restricted driving permit is granted, the offender may only
6 operate vehicles equipped with a BAIID in accordance with this
7 Section.

8 (m) Any person or entity that supplies an ignition
9 interlock device under this Section shall, for each ignition
10 interlock device installed, pay 5% of the total gross revenue
11 received for the device, including monthly monitoring fees,
12 into the Indigent BAIID Fund. This 5% shall be clearly
13 indicated as a separate surcharge on each invoice that is
14 issued. The Secretary shall conduct an annual review of the
15 fund to determine whether the surcharge is sufficient to
16 provide for indigent users. The Secretary may increase or
17 decrease this surcharge requirement as needed.

18 (n) Any person or entity that supplies an ignition
19 interlock device under this Section that is requested to
20 provide an ignition interlock device to a person who presents
21 written documentation of indigency from the Secretary, as
22 provided in subsection (c-5) of this Section, shall install the
23 device on the person's vehicle without charge to the person and
24 shall seek reimbursement from the Indigent BAIID Fund.

25 (o) The Indigent BAIID Fund is created as a special fund in
26 the State treasury. The Secretary shall, subject to

1 appropriation by the General Assembly, use all money in the
2 Indigent BAIID Fund to reimburse ignition interlock device
3 providers who have installed devices in vehicles of indigent
4 persons. The Secretary shall make payments to such providers
5 every 3 months. If the amount of money in the fund at the time
6 payments are made is not sufficient to pay all requests for
7 reimbursement submitted during that 3 month period, the
8 Secretary shall make payments on a pro-rata basis, and those
9 payments shall be considered payment in full for the requests
10 submitted.

11 (p) The Monitoring Device Driving Permit Administration
12 Fee Fund is created as a special fund in the State treasury.
13 The Secretary shall, subject to appropriation by the General
14 Assembly, use the money paid into this fund to offset its
15 administrative costs for administering MDDPs.

16 (q) The Secretary is authorized to prescribe such forms as
17 it deems necessary to carry out the provisions of this Section.
18 (Source: P.A. 96-184, eff. 8-10-09; 96-1526, eff. 2-14-11;
19 97-229; 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)

20 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

21 (Text of Section from P.A. 96-1526)

22 Sec. 6-208.1. Period of statutory summary alcohol, other
23 drug, or intoxicating compound related suspension.

24 (a) Unless the statutory summary suspension has been
25 rescinded, any person whose privilege to drive a motor vehicle

1 on the public highways has been summarily suspended, pursuant
2 to Section 11-501.1, shall not be eligible for restoration of
3 the privilege until the expiration of:

4 1. Twelve months from the effective date of the
5 statutory summary suspension for a refusal or failure to
6 complete a test or tests authorized under ~~to determine the~~
7 ~~alcohol, drug, or intoxicating compound concentration,~~
8 ~~pursuant to~~ Section 11-501.1; or

9 2. Six months from the effective date of the statutory
10 summary suspension imposed following the person's
11 submission to a chemical test which disclosed an alcohol
12 concentration of 0.08 or more, or any amount of a drug,
13 substance, or intoxicating compound in such person's
14 breath, blood, or urine resulting from the unlawful use or
15 consumption of cannabis listed in the Cannabis Control Act,
16 a controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use
18 of Intoxicating Compounds Act, or methamphetamine as
19 listed in the Methamphetamine Control and Community
20 Protection Act, pursuant to Section 11-501.1; or

21 3. Three years from the effective date of the statutory
22 summary suspension for any person other than a first
23 offender who refuses or fails to complete a test or tests
24 to determine the alcohol, drug, or intoxicating compound
25 concentration pursuant to Section 11-501.1; or

26 4. One year from the effective date of the summary

1 suspension imposed for any person other than a first
2 offender following submission to a chemical test which
3 disclosed an alcohol concentration of 0.08 or more pursuant
4 to Section 11-501.1 or any amount of a drug, substance or
5 compound in such person's blood or urine resulting from the
6 unlawful use or consumption of cannabis listed in the
7 Cannabis Control Act, a controlled substance listed in the
8 Illinois Controlled Substances Act, an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act,
10 or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act; or.

12 5. Six months from the effective date of the statutory
13 summary suspension imposed for any person following
14 submission to a standardized field sobriety test that
15 disclosed impairment if the person is a qualifying patient
16 licensed under the Compassionate Use of Medical Cannabis
17 Pilot Program Act who is in possession of a valid registry
18 card issued under that Act and submitted to testing under
19 subsection (a-5) of Section 11-501.1.

20 (b) Following a statutory summary suspension of the
21 privilege to drive a motor vehicle under Section 11-501.1,
22 driving privileges shall be restored unless the person is
23 otherwise suspended, revoked, or cancelled by this Code. If the
24 court has reason to believe that the person's driving privilege
25 should not be restored, the court shall notify the Secretary of
26 State prior to the expiration of the statutory summary

1 suspension so appropriate action may be taken pursuant to this
2 Code.

3 (c) Driving privileges may not be restored until all
4 applicable reinstatement fees, as provided by this Code, have
5 been paid to the Secretary of State and the appropriate entry
6 made to the driver's record.

7 (d) Where a driving privilege has been summarily suspended
8 under Section 11-501.1 and the person is subsequently convicted
9 of violating Section 11-501, or a similar provision of a local
10 ordinance, for the same incident, any period served on
11 statutory summary suspension shall be credited toward the
12 minimum period of revocation of driving privileges imposed
13 pursuant to Section 6-205.

14 (e) (Blank).

15 (f) (Blank).

16 (g) Following a statutory summary suspension of driving
17 privileges pursuant to Section 11-501.1 where the person was
18 not a first offender, as defined in Section 11-500, the
19 Secretary of State may not issue a restricted driving permit.

20 (h) (Blank).

21 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,
22 eff. 8-21-08; 96-1526, eff. 2-14-11.)

23 (Text of Section from P.A. 96-1344 and 97-229)

24 Sec. 6-208.1. Period of statutory summary alcohol, other
25 drug, or intoxicating compound related suspension or

1 revocation.

2 (a) Unless the statutory summary suspension has been
3 rescinded, any person whose privilege to drive a motor vehicle
4 on the public highways has been summarily suspended, pursuant
5 to Section 11-501.1, shall not be eligible for restoration of
6 the privilege until the expiration of:

7 1. Twelve months from the effective date of the
8 statutory summary suspension for a refusal or failure to
9 complete a test or tests authorized under ~~to determine the~~
10 ~~alcohol, drug, or intoxicating compound concentration,~~
11 ~~pursuant to~~ Section 11-501.1, if the person was not
12 involved in a motor vehicle crash that caused personal
13 injury or death to another; or

14 2. Six months from the effective date of the statutory
15 summary suspension imposed following the person's
16 submission to a chemical test which disclosed an alcohol
17 concentration of 0.08 or more, or any amount of a drug,
18 substance, or intoxicating compound in such person's
19 breath, blood, or urine resulting from the unlawful use or
20 consumption of cannabis listed in the Cannabis Control Act,
21 a controlled substance listed in the Illinois Controlled
22 Substances Act, an intoxicating compound listed in the Use
23 of Intoxicating Compounds Act, or methamphetamine as
24 listed in the Methamphetamine Control and Community
25 Protection Act, pursuant to Section 11-501.1; or

26 3. Three years from the effective date of the statutory

1 summary suspension for any person other than a first
2 offender who refuses or fails to complete a test or tests
3 to determine the alcohol, drug, or intoxicating compound
4 concentration pursuant to Section 11-501.1; or

5 4. One year from the effective date of the summary
6 suspension imposed for any person other than a first
7 offender following submission to a chemical test which
8 disclosed an alcohol concentration of 0.08 or more pursuant
9 to Section 11-501.1 or any amount of a drug, substance or
10 compound in such person's blood or urine resulting from the
11 unlawful use or consumption of cannabis listed in the
12 Cannabis Control Act, a controlled substance listed in the
13 Illinois Controlled Substances Act, an intoxicating
14 compound listed in the Use of Intoxicating Compounds Act,
15 or methamphetamine as listed in the Methamphetamine
16 Control and Community Protection Act; or.

17 5. Six months from the effective date of the statutory
18 summary suspension imposed for any person following
19 submission to a standardized field sobriety test that
20 disclosed impairment if the person is a qualifying patient
21 licensed under the Compassionate Use of Medical Cannabis
22 Pilot Program Act who is in possession of a valid registry
23 card issued under that Act and submitted to testing under
24 subsection (a-5) of Section 11-501.1.

25 (a-1) Unless the statutory summary revocation has been
26 rescinded, any person whose privilege to drive has been

1 summarily revoked pursuant to Section 11-501.1 may not make
2 application for a license or permit until the expiration of one
3 year from the effective date of the summary revocation.

4 (b) Following a statutory summary suspension of the
5 privilege to drive a motor vehicle under Section 11-501.1,
6 driving privileges shall be restored unless the person is
7 otherwise suspended, revoked, or cancelled by this Code. If the
8 court has reason to believe that the person's driving privilege
9 should not be restored, the court shall notify the Secretary of
10 State prior to the expiration of the statutory summary
11 suspension so appropriate action may be taken pursuant to this
12 Code.

13 (c) Driving privileges may not be restored until all
14 applicable reinstatement fees, as provided by this Code, have
15 been paid to the Secretary of State and the appropriate entry
16 made to the driver's record.

17 (d) Where a driving privilege has been summarily suspended
18 or revoked under Section 11-501.1 and the person is
19 subsequently convicted of violating Section 11-501, or a
20 similar provision of a local ordinance, for the same incident,
21 any period served on statutory summary suspension or revocation
22 shall be credited toward the minimum period of revocation of
23 driving privileges imposed pursuant to Section 6-205.

24 (e) Following a statutory summary suspension of driving
25 privileges pursuant to Section 11-501.1, for a first offender,
26 the circuit court shall, unless the offender has opted in

1 writing not to have a monitoring device driving permit issued,
2 order the Secretary of State to issue a monitoring device
3 driving permit as provided in Section 6-206.1. A monitoring
4 device driving permit shall not be effective prior to the 31st
5 day of the statutory summary suspension. A first offender who
6 refused chemical testing and whose driving privileges were
7 summarily revoked pursuant to Section 11-501.1 shall not be
8 eligible for a monitoring device driving permit, but may make
9 application for reinstatement or for a restricted driving
10 permit after a period of one year has elapsed from the
11 effective date of the revocation.

12 (f) (Blank).

13 (g) Following a statutory summary suspension of driving
14 privileges pursuant to Section 11-501.1 where the person was
15 not a first offender, as defined in Section 11-500, the
16 Secretary of State may not issue a restricted driving permit.

17 (h) (Blank).

18 (Source: P.A. 96-1344, eff. 7-1-11; 97-229, eff. 7-28-11.)

19 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

20 Sec. 6-514. Commercial Driver's License (CDL) -
21 Disqualifications.

22 (a) A person shall be disqualified from driving a
23 commercial motor vehicle for a period of not less than 12
24 months for the first violation of:

25 (1) Refusing to submit to or failure to complete a test

1 or tests authorized under Section 11-501.1 ~~to determine the~~
2 ~~driver's blood concentration of alcohol, other drug, or~~
3 ~~both,~~ while driving a commercial motor vehicle or, if the
4 driver is a CDL holder, while driving a non-CMV; or

5 (2) Operating a commercial motor vehicle while the
6 alcohol concentration of the person's blood, breath or
7 urine is at least 0.04, or any amount of a drug, substance,
8 or compound in the person's blood or urine resulting from
9 the unlawful use or consumption of cannabis listed in the
10 Cannabis Control Act, a controlled substance listed in the
11 Illinois Controlled Substances Act, or methamphetamine as
12 listed in the Methamphetamine Control and Community
13 Protection Act as indicated by a police officer's sworn
14 report or other verified evidence; or operating a
15 non-commercial motor vehicle while the alcohol
16 concentration of the person's blood, breath, or urine was
17 above the legal limit defined in Section 11-501.1 or
18 11-501.8 or any amount of a drug, substance, or compound in
19 the person's blood or urine resulting from the unlawful use
20 or consumption of cannabis listed in the Cannabis Control
21 Act, a controlled substance listed in the Illinois
22 Controlled Substances Act, or methamphetamine as listed in
23 the Methamphetamine Control and Community Protection Act
24 as indicated by a police officer's sworn report or other
25 verified evidence while holding a commercial driver's
26 license; or

1 (3) Conviction for a first violation of:

2 (i) Driving a commercial motor vehicle or, if the
3 driver is a CDL holder, driving a non-CMV while under
4 the influence of alcohol, or any other drug, or
5 combination of drugs to a degree which renders such
6 person incapable of safely driving; or

7 (ii) Knowingly leaving the scene of an accident
8 while operating a commercial motor vehicle or, if the
9 driver is a CDL holder, while driving a non-CMV; or

10 (iii) Driving a commercial motor vehicle or, if the
11 driver is a CDL holder, driving a non-CMV while
12 committing any felony; or

13 (iv) Driving a commercial motor vehicle while the
14 person's driving privileges or driver's license or
15 permit is revoked, suspended, or cancelled or the
16 driver is disqualified from operating a commercial
17 motor vehicle; or

18 (v) Causing a fatality through the negligent
19 operation of a commercial motor vehicle, including but
20 not limited to the crimes of motor vehicle
21 manslaughter, homicide by a motor vehicle, and
22 negligent homicide.

23 As used in this subdivision (a)(3)(v), "motor
24 vehicle manslaughter" means the offense of involuntary
25 manslaughter if committed by means of a vehicle;
26 "homicide by a motor vehicle" means the offense of

1 first degree murder or second degree murder, if either
2 offense is committed by means of a vehicle; and
3 "negligent homicide" means reckless homicide under
4 Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 and aggravated driving under the
6 influence of alcohol, other drug or drugs,
7 intoxicating compound or compounds, or any combination
8 thereof under subdivision (d) (1) (F) of Section 11-501
9 of this Code.

10 If any of the above violations or refusals occurred
11 while transporting hazardous material(s) required to be
12 placarded, the person shall be disqualified for a period of
13 not less than 3 years; or -

14 (4) If the person is a qualifying patient licensed
15 under the Compassionate Use of Medical Cannabis Pilot
16 Program Act who is in possession of a valid registry card
17 issued under that Act, operating a commercial motor vehicle
18 under impairment resulting from the consumption of
19 cannabis, as determined by failure of standardized field
20 sobriety tests administered by a law enforcement officer as
21 directed by subsection (a-5) of Section 11-501.2.

22 (b) A person is disqualified for life for a second
23 conviction of any of the offenses specified in paragraph (a),
24 or any combination of those offenses, arising from 2 or more
25 separate incidents.

26 (c) A person is disqualified from driving a commercial

1 motor vehicle for life if the person either (i) uses a
2 commercial motor vehicle in the commission of any felony
3 involving the manufacture, distribution, or dispensing of a
4 controlled substance, or possession with intent to
5 manufacture, distribute or dispense a controlled substance or
6 (ii) if the person is a CDL holder, uses a non-CMV in the
7 commission of a felony involving any of those activities.

8 (d) The Secretary of State may, when the United States
9 Secretary of Transportation so authorizes, issue regulations
10 in which a disqualification for life under paragraph (b) may be
11 reduced to a period of not less than 10 years. If a reinstated
12 driver is subsequently convicted of another disqualifying
13 offense, as specified in subsection (a) of this Section, he or
14 she shall be permanently disqualified for life and shall be
15 ineligible to again apply for a reduction of the lifetime
16 disqualification.

17 (e) A person is disqualified from driving a commercial
18 motor vehicle for a period of not less than 2 months if
19 convicted of 2 serious traffic violations, committed in a
20 commercial motor vehicle, non-CMV while holding a CDL, or any
21 combination thereof, arising from separate incidents,
22 occurring within a 3 year period, provided the serious traffic
23 violation committed in a non-CMV would result in the suspension
24 or revocation of the CDL holder's non-CMV privileges. However,
25 a person will be disqualified from driving a commercial motor
26 vehicle for a period of not less than 4 months if convicted of

1 3 serious traffic violations, committed in a commercial motor
2 vehicle, non-CMV while holding a CDL, or any combination
3 thereof, arising from separate incidents, occurring within a 3
4 year period, provided the serious traffic violation committed
5 in a non-CMV would result in the suspension or revocation of
6 the CDL holder's non-CMV privileges. If all the convictions
7 occurred in a non-CMV, the disqualification shall be entered
8 only if the convictions would result in the suspension or
9 revocation of the CDL holder's non-CMV privileges.

10 (e-1) (Blank).

11 (f) Notwithstanding any other provision of this Code, any
12 driver disqualified from operating a commercial motor vehicle,
13 pursuant to this UCDLA, shall not be eligible for restoration
14 of commercial driving privileges during any such period of
15 disqualification.

16 (g) After suspending, revoking, or cancelling a commercial
17 driver's license, the Secretary of State must update the
18 driver's records to reflect such action within 10 days. After
19 suspending or revoking the driving privilege of any person who
20 has been issued a CDL or commercial driver instruction permit
21 from another jurisdiction, the Secretary shall originate
22 notification to such issuing jurisdiction within 10 days.

23 (h) The "disqualifications" referred to in this Section
24 shall not be imposed upon any commercial motor vehicle driver,
25 by the Secretary of State, unless the prohibited action(s)
26 occurred after March 31, 1992.

1 (i) A person is disqualified from driving a commercial
2 motor vehicle in accordance with the following:

3 (1) For 6 months upon a first conviction of paragraph
4 (2) of subsection (b) or subsection (b-3) of Section 6-507
5 of this Code.

6 (2) For 2 years upon a second conviction of paragraph
7 (2) of subsection (b) or subsection (b-3) or any
8 combination of paragraphs (2) or (3) of subsection (b) or
9 subsections (b-3) or (b-5) of Section 6-507 of this Code
10 within a 10-year period if the second conviction is a
11 violation of paragraph (2) of subsection (b) or subsection
12 (b-3).

13 (3) For 3 years upon a third or subsequent conviction
14 of paragraph (2) of subsection (b) or subsection (b-3) or
15 any combination of paragraphs (2) or (3) of subsection (b)
16 or subsections (b-3) or (b-5) of Section 6-507 of this Code
17 within a 10-year period if the third or subsequent
18 conviction is a violation of paragraph (2) of subsection
19 (b) or subsection (b-3).

20 (4) For one year upon a first conviction of paragraph
21 (3) of subsection (b) or subsection (b-5) of Section 6-507
22 of this Code.

23 (5) For 3 years upon a second conviction of paragraph
24 (3) of subsection (b) or subsection (b-5) or any
25 combination of paragraphs (2) or (3) of subsection (b) or
26 subsections (b-3) or (b-5) of Section 6-507 of this Code

1 within a 10-year period if the second conviction is a
2 violation of paragraph (3) of subsection (b) or (b-5).

3 (6) For 5 years upon a third or subsequent conviction
4 of paragraph (3) of subsection (b) or subsection (b-5) or
5 any combination of paragraphs (2) or (3) of subsection (b)
6 or subsections (b-3) or (b-5) of Section 6-507 of this Code
7 within a 10-year period if the third or subsequent
8 conviction is a violation of paragraph (3) of subsection
9 (b) or (b-5).

10 (j) Disqualification for railroad-highway grade crossing
11 violation.

12 (1) General rule. A driver who is convicted of a
13 violation of a federal, State, or local law or regulation
14 pertaining to one of the following 6 offenses at a
15 railroad-highway grade crossing must be disqualified from
16 operating a commercial motor vehicle for the period of time
17 specified in paragraph (2) of this subsection (j) if the
18 offense was committed while operating a commercial motor
19 vehicle:

20 (i) For drivers who are not required to always
21 stop, failing to slow down and check that the tracks
22 are clear of an approaching train or railroad track
23 equipment, as described in subsection (a-5) of Section
24 11-1201 of this Code;

25 (ii) For drivers who are not required to always
26 stop, failing to stop before reaching the crossing, if

1 the tracks are not clear, as described in subsection
2 (a) of Section 11-1201 of this Code;

3 (iii) For drivers who are always required to stop,
4 failing to stop before driving onto the crossing, as
5 described in Section 11-1202 of this Code;

6 (iv) For all drivers, failing to have sufficient
7 space to drive completely through the crossing without
8 stopping, as described in subsection (b) of Section
9 11-1425 of this Code;

10 (v) For all drivers, failing to obey a traffic
11 control device or the directions of an enforcement
12 official at the crossing, as described in subdivision
13 (a)2 of Section 11-1201 of this Code;

14 (vi) For all drivers, failing to negotiate a
15 crossing because of insufficient undercarriage
16 clearance, as described in subsection (d-1) of Section
17 11-1201 of this Code.

18 (2) Duration of disqualification for railroad-highway
19 grade crossing violation.

20 (i) First violation. A driver must be disqualified
21 from operating a commercial motor vehicle for not less
22 than 60 days if the driver is convicted of a violation
23 described in paragraph (1) of this subsection (j) and,
24 in the three-year period preceding the conviction, the
25 driver had no convictions for a violation described in
26 paragraph (1) of this subsection (j).

1 (ii) Second violation. A driver must be
2 disqualified from operating a commercial motor vehicle
3 for not less than 120 days if the driver is convicted
4 of a violation described in paragraph (1) of this
5 subsection (j) and, in the three-year period preceding
6 the conviction, the driver had one other conviction for
7 a violation described in paragraph (1) of this
8 subsection (j) that was committed in a separate
9 incident.

10 (iii) Third or subsequent violation. A driver must
11 be disqualified from operating a commercial motor
12 vehicle for not less than one year if the driver is
13 convicted of a violation described in paragraph (1) of
14 this subsection (j) and, in the three-year period
15 preceding the conviction, the driver had 2 or more
16 other convictions for violations described in
17 paragraph (1) of this subsection (j) that were
18 committed in separate incidents.

19 (k) Upon notification of a disqualification of a driver's
20 commercial motor vehicle privileges imposed by the U.S.
21 Department of Transportation, Federal Motor Carrier Safety
22 Administration, in accordance with 49 C.F.R. 383.52, the
23 Secretary of State shall immediately record to the driving
24 record the notice of disqualification and confirm to the driver
25 the action that has been taken.

26 (Source: P.A. 96-544, eff. 1-1-10; 96-1080, eff. 7-16-10;

1 96-1244, eff. 1-1-11; 97-333, eff. 8-12-11; 97-1150, eff.
2 1-25-13.)

3 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

4 Sec. 11-501. Driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof.

7 (a) A person shall not drive or be in actual physical
8 control of any vehicle within this State while:

9 (1) the alcohol concentration in the person's blood or
10 breath is 0.08 or more based on the definition of blood and
11 breath units in Section 11-501.2;

12 (2) under the influence of alcohol;

13 (3) under the influence of any intoxicating compound or
14 combination of intoxicating compounds to a degree that
15 renders the person incapable of driving safely;

16 (4) under the influence of any other drug or
17 combination of drugs to a degree that renders the person
18 incapable of safely driving;

19 (5) under the combined influence of alcohol, other drug
20 or drugs, or intoxicating compound or compounds to a degree
21 that renders the person incapable of safely driving; or

22 (6) there is any amount of a drug, substance, or
23 compound in the person's breath, blood, or urine resulting
24 from the unlawful use or consumption of cannabis listed in
25 the Cannabis Control Act, a controlled substance listed in

1 the Illinois Controlled Substances Act, an intoxicating
2 compound listed in the Use of Intoxicating Compounds Act,
3 or methamphetamine as listed in the Methamphetamine
4 Control and Community Protection Act. Subject to all other
5 requirements and provisions under this Section, this
6 paragraph (6) does not apply to the lawful consumption of
7 cannabis by a qualifying patient licensed under the
8 Compassionate Use of Medical Cannabis Pilot Program Act who
9 is in possession of a valid registry card issued under that
10 Act, unless that person is impaired by the use of cannabis.

11 (b) The fact that any person charged with violating this
12 Section is or has been legally entitled to use alcohol,
13 cannabis under the Compassionate Use of Medical Cannabis Pilot
14 Program Act, other drug or drugs, or intoxicating compound or
15 compounds, or any combination thereof, shall not constitute a
16 defense against any charge of violating this Section.

17 (c) Penalties.

18 (1) Except as otherwise provided in this Section, any
19 person convicted of violating subsection (a) of this
20 Section is guilty of a Class A misdemeanor.

21 (2) A person who violates subsection (a) or a similar
22 provision a second time shall be sentenced to a mandatory
23 minimum term of either 5 days of imprisonment or 240 hours
24 of community service in addition to any other criminal or
25 administrative sanction.

26 (3) A person who violates subsection (a) is subject to

1 6 months of imprisonment, an additional mandatory minimum
2 fine of \$1,000, and 25 days of community service in a
3 program benefiting children if the person was transporting
4 a person under the age of 16 at the time of the violation.

5 (4) A person who violates subsection (a) a first time,
6 if the alcohol concentration in his or her blood, breath,
7 or urine was 0.16 or more based on the definition of blood,
8 breath, or urine units in Section 11-501.2, shall be
9 subject, in addition to any other penalty that may be
10 imposed, to a mandatory minimum of 100 hours of community
11 service and a 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, or urine was
15 0.16 or more based on the definition of blood, breath, or
16 urine units in Section 11-501.2, shall be subject, in
17 addition to any other penalty that may be imposed, to a
18 mandatory minimum of 2 days of imprisonment and a mandatory
19 minimum fine of \$1,250.

20 (d) Aggravated driving under the influence of alcohol,
21 other drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof.

23 (1) Every person convicted of committing a violation of
24 this Section shall be guilty of aggravated driving under
25 the influence of alcohol, other drug or drugs, or
26 intoxicating compound or compounds, or any combination

1 thereof if:

2 (A) the person committed a violation of subsection
3 (a) or a similar provision for the third or subsequent
4 time;

5 (B) the person committed a violation of subsection
6 (a) while driving a school bus with persons 18 years of
7 age or younger on board;

8 (C) the person in committing a violation of
9 subsection (a) was involved in a motor vehicle accident
10 that resulted in great bodily harm or permanent
11 disability or disfigurement to another, when the
12 violation was a proximate cause of the injuries;

13 (D) the person committed a violation of subsection
14 (a) and has been previously convicted of violating
15 Section 9-3 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 or a similar provision of a law
17 of another state relating to reckless homicide in which
18 the person was determined to have been under the
19 influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds as an element of the
21 offense or the person has previously been convicted
22 under subparagraph (C) or subparagraph (F) of this
23 paragraph (1);

24 (E) the person, in committing a violation of
25 subsection (a) while driving at any speed in a school
26 speed zone at a time when a speed limit of 20 miles per

1 hour was in effect under subsection (a) of Section
2 11-605 of this Code, was involved in a motor vehicle
3 accident that resulted in bodily harm, other than great
4 bodily harm or permanent disability or disfigurement,
5 to another person, when the violation of subsection (a)
6 was a proximate cause of the bodily harm;

7 (F) the person, in committing a violation of
8 subsection (a), was involved in a motor vehicle,
9 snowmobile, all-terrain vehicle, or watercraft
10 accident that resulted in the death of another person,
11 when the violation of subsection (a) was a proximate
12 cause of the death;

13 (G) the person committed a violation of subsection
14 (a) during a period in which the defendant's driving
15 privileges are revoked or suspended, where the
16 revocation or suspension was for a violation of
17 subsection (a) or a similar provision, Section
18 11-501.1, paragraph (b) of Section 11-401, or for
19 reckless homicide as defined in Section 9-3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012;

21 (H) the person committed the violation while he or
22 she did not possess a driver's license or permit or a
23 restricted driving permit or a judicial driving permit
24 or a monitoring device driving permit;

25 (I) the person committed the violation while he or
26 she knew or should have known that the vehicle he or

1 she was driving was not covered by a liability
2 insurance policy;

3 (J) the person in committing a violation of
4 subsection (a) was involved in a motor vehicle accident
5 that resulted in bodily harm, but not great bodily
6 harm, to the child under the age of 16 being
7 transported by the person, if the violation was the
8 proximate cause of the injury; or

9 (K) the person in committing a second violation of
10 subsection (a) or a similar provision was transporting
11 a person under the age of 16.

12 (2) (A) Except as provided otherwise, a person
13 convicted of aggravated driving under the influence of
14 alcohol, other drug or drugs, or intoxicating compound or
15 compounds, or any combination thereof is guilty of a Class
16 4 felony.

17 (B) A third violation of this Section or a similar
18 provision is a Class 2 felony. If at the time of the third
19 violation the alcohol concentration in his or her blood,
20 breath, or urine was 0.16 or more based on the definition
21 of blood, breath, or urine units in Section 11-501.2, a
22 mandatory minimum of 90 days of imprisonment and a
23 mandatory minimum fine of \$2,500 shall be imposed in
24 addition to any other criminal or administrative sanction.
25 If at the time of the third violation, the defendant was
26 transporting a person under the age of 16, a mandatory fine

1 of \$25,000 and 25 days of community service in a program
2 benefiting children shall be imposed in addition to any
3 other criminal or administrative sanction.

4 (C) A fourth violation of this Section or a similar
5 provision is a Class 2 felony, for which a sentence of
6 probation or conditional discharge may not be imposed. If
7 at the time of the violation, the alcohol concentration in
8 the defendant's blood, breath, or urine was 0.16 or more
9 based on the definition of blood, breath, or urine units in
10 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
11 be imposed in addition to any other criminal or
12 administrative sanction. If at the time of the fourth
13 violation, the defendant was transporting a person under
14 the age of 16 a mandatory fine of \$25,000 and 25 days of
15 community service in a program benefiting children shall be
16 imposed in addition to any other criminal or administrative
17 sanction.

18 (D) A fifth violation of this Section or a similar
19 provision is a Class 1 felony, for which a sentence of
20 probation or conditional discharge may not be imposed. If
21 at the time of the violation, the alcohol concentration in
22 the defendant's blood, breath, or urine was 0.16 or more
23 based on the definition of blood, breath, or urine units in
24 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
25 be imposed in addition to any other criminal or
26 administrative sanction. If at the time of the fifth

1 violation, the defendant was transporting a person under
2 the age of 16, a mandatory fine of \$25,000, and 25 days of
3 community service in a program benefiting children shall be
4 imposed in addition to any other criminal or administrative
5 sanction.

6 (E) A sixth or subsequent violation of this Section or
7 similar provision is a Class X felony. If at the time of
8 the violation, the alcohol concentration in the
9 defendant's blood, breath, or urine was 0.16 or more based
10 on the definition of blood, breath, or urine units in
11 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
12 be imposed in addition to any other criminal or
13 administrative sanction. If at the time of the violation,
14 the defendant was transporting a person under the age of
15 16, a mandatory fine of \$25,000 and 25 days of community
16 service in a program benefiting children shall be imposed
17 in addition to any other criminal or administrative
18 sanction.

19 (F) For a violation of subparagraph (C) of paragraph
20 (1) of this subsection (d), the defendant, if sentenced to
21 a term of imprisonment, shall be sentenced to not less than
22 one year nor more than 12 years.

23 (G) A violation of subparagraph (F) of paragraph (1) of
24 this subsection (d) is a Class 2 felony, for which the
25 defendant, unless the court determines that extraordinary
26 circumstances exist and require probation, shall be

1 sentenced to: (i) a term of imprisonment of not less than 3
2 years and not more than 14 years if the violation resulted
3 in the death of one person; or (ii) a term of imprisonment
4 of not less than 6 years and not more than 28 years if the
5 violation resulted in the deaths of 2 or more persons.

6 (H) For a violation of subparagraph (J) of paragraph
7 (1) of this subsection (d), a mandatory fine of \$2,500, and
8 25 days of community service in a program benefiting
9 children shall be imposed in addition to any other criminal
10 or administrative sanction.

11 (I) A violation of subparagraph (K) of paragraph (1) of
12 this subsection (d), is a Class 2 felony and a mandatory
13 fine of \$2,500, and 25 days of community service in a
14 program benefiting children shall be imposed in addition to
15 any other criminal or administrative sanction. If the child
16 being transported suffered bodily harm, but not great
17 bodily harm, in a motor vehicle accident, and the violation
18 was the proximate cause of that injury, a mandatory fine of
19 \$5,000 and 25 days of community service in a program
20 benefiting children shall be imposed in addition to any
21 other criminal or administrative sanction.

22 (J) A violation of subparagraph (D) of paragraph (1) of
23 this subsection (d) is a Class 3 felony, for which a
24 sentence of probation or conditional discharge may not be
25 imposed.

26 (3) Any person sentenced under this subsection (d) who

1 receives a term of probation or conditional discharge must
2 serve a minimum term of either 480 hours of community
3 service or 10 days of imprisonment as a condition of the
4 probation or conditional discharge in addition to any other
5 criminal or administrative sanction.

6 (e) Any reference to a prior violation of subsection (a) or
7 a similar provision includes any violation of a provision of a
8 local ordinance or a provision of a law of another state or an
9 offense committed on a military installation that is similar to
10 a violation of subsection (a) of this Section.

11 (f) The imposition of a mandatory term of imprisonment or
12 assignment of community service for a violation of this Section
13 shall not be suspended or reduced by the court.

14 (g) Any penalty imposed for driving with a license that has
15 been revoked for a previous violation of subsection (a) of this
16 Section shall be in addition to the penalty imposed for any
17 subsequent violation of subsection (a).

18 (h) For any prosecution under this Section, a certified
19 copy of the driving abstract of the defendant shall be admitted
20 as proof of any prior conviction.

21 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

22 (625 ILCS 5/11-501.1)

23 Sec. 11-501.1. Suspension of drivers license; statutory
24 summary alcohol, other drug or drugs, or intoxicating compound
25 or compounds related suspension or revocation; implied

1 consent.

2 (a) Any person who drives or is in actual physical control
3 of a motor vehicle upon the public highways of this State shall
4 be deemed to have given consent, subject to the provisions of
5 Section 11-501.2, to a chemical test or tests of blood, breath,
6 or urine for the purpose of determining the content of alcohol,
7 other drug or drugs, or intoxicating compound or compounds or
8 any combination thereof in the person's blood if arrested, as
9 evidenced by the issuance of a Uniform Traffic Ticket, for any
10 offense as defined in Section 11-501 or a similar provision of
11 a local ordinance, or if arrested for violating Section 11-401.
12 If a law enforcement officer has probable cause to believe the
13 person was under the influence of alcohol, other drug or drugs,
14 intoxicating compound or compounds, or any combination
15 thereof, the law enforcement officer shall request a chemical
16 test or tests which shall be administered at the direction of
17 the arresting officer. The law enforcement agency employing the
18 officer shall designate which of the aforesaid tests shall be
19 administered. A urine test may be administered even after a
20 blood or breath test or both has been administered. For
21 purposes of this Section, an Illinois law enforcement officer
22 of this State who is investigating the person for any offense
23 defined in Section 11-501 may travel into an adjoining state,
24 where the person has been transported for medical care, to
25 complete an investigation and to request that the person submit
26 to the test or tests set forth in this Section. The

1 requirements of this Section that the person be arrested are
2 inapplicable, but the officer shall issue the person a Uniform
3 Traffic Ticket for an offense as defined in Section 11-501 or a
4 similar provision of a local ordinance prior to requesting that
5 the person submit to the test or tests. The issuance of the
6 Uniform Traffic Ticket shall not constitute an arrest, but
7 shall be for the purpose of notifying the person that he or she
8 is subject to the provisions of this Section and of the
9 officer's belief of the existence of probable cause to arrest.
10 Upon returning to this State, the officer shall file the
11 Uniform Traffic Ticket with the Circuit Clerk of the county
12 where the offense was committed, and shall seek the issuance of
13 an arrest warrant or a summons for the person.

14 (a-5) In addition to the requirements and provisions of
15 subsection (a), any person issued a registry card under the
16 Compassionate Use of Medical Cannabis Pilot Program Act who
17 drives or is in actual physical control of a motor vehicle upon
18 the public highways of this State shall be deemed to have given
19 consent, subject to the provisions of Section 11-501.2, to
20 standardized field sobriety tests approved by the National
21 Highway Traffic Safety Administration if arrested, as
22 evidenced by the issuance of a Uniform Traffic Ticket, for any
23 offense as defined in Section 11-501 or a similar provision of
24 a local ordinance, or if arrested for violating Section 11-401.
25 The person's status as a registry card holder alone is not a
26 sufficient basis for conducting these tests. The officer must

1 have an independent, cannabis-related factual basis giving
2 reasonable suspicion that the person is driving under the
3 influence of cannabis for conducting standardized field
4 sobriety tests. This independent basis of suspicion shall be
5 listed on the standardized field sobriety test results and any
6 influence reports made by the arresting officer.

7 (b) Any person who is dead, unconscious, or who is
8 otherwise in a condition rendering the person incapable of
9 refusal, shall be deemed not to have withdrawn the consent
10 provided by paragraph (a) of this Section and the test or tests
11 may be administered, subject to the provisions of Section
12 11-501.2.

13 (c) A person requested to submit to a test as provided
14 above shall be warned by the law enforcement officer requesting
15 the test that a refusal to submit to the test will result in
16 the statutory summary suspension of the person's privilege to
17 operate a motor vehicle, as provided in Section 6-208.1 of this
18 Code, and will also result in the disqualification of the
19 person's privilege to operate a commercial motor vehicle, as
20 provided in Section 6-514 of this Code, if the person is a CDL
21 holder. The person shall also be warned that a refusal to
22 submit to the test, when the person was involved in a motor
23 vehicle accident that caused personal injury or death to
24 another, will result in the statutory summary revocation of the
25 person's privilege to operate a motor vehicle, as provided in
26 Section 6-208.1, and will also result in the disqualification

1 of the person's privilege to operate a commercial motor
2 vehicle, as provided in Section 6-514 of this Code, if the
3 person is a CDL holder. The person shall also be warned by the
4 law enforcement officer that if the person submits to the test
5 or tests provided in paragraph (a) of this Section and the
6 alcohol concentration in the person's blood or breath is 0.08
7 or greater, or any amount of a drug, substance, or compound
8 resulting from the unlawful use or consumption of cannabis as
9 covered by the Cannabis Control Act, a controlled substance
10 listed in the Illinois Controlled Substances Act, an
11 intoxicating compound listed in the Use of Intoxicating
12 Compounds Act, or methamphetamine as listed in the
13 Methamphetamine Control and Community Protection Act is
14 detected in the person's blood or urine, or if the person fails
15 the standardized field sobriety tests as required by paragraph
16 (a-5), a statutory summary suspension of the person's privilege
17 to operate a motor vehicle, as provided in Sections 6-208.1 and
18 11-501.1 of this Code, and a disqualification of the person's
19 privilege to operate a commercial motor vehicle, as provided in
20 Section 6-514 of this Code, if the person is a CDL holder, will
21 be imposed.

22 A person who is under the age of 21 at the time the person
23 is requested to submit to a test as provided above shall, in
24 addition to the warnings provided for in this Section, be
25 further warned by the law enforcement officer requesting the
26 test that if the person submits to the test or tests provided

1 in paragraph (a) or (a-5) of this Section and the alcohol
2 concentration in the person's blood or breath is greater than
3 0.00 and less than 0.08, a suspension of the person's privilege
4 to operate a motor vehicle, as provided under Sections 6-208.2
5 and 11-501.8 of this Code, will be imposed. The results of this
6 test shall be admissible in a civil or criminal action or
7 proceeding arising from an arrest for an offense as defined in
8 Section 11-501 of this Code or a similar provision of a local
9 ordinance or pursuant to Section 11-501.4 in prosecutions for
10 reckless homicide brought under the Criminal Code of 1961 or
11 the Criminal Code of 2012. These test results, however, shall
12 be admissible only in actions or proceedings directly related
13 to the incident upon which the test request was made.

14 (d) If the person refuses testing or submits to a test that
15 discloses an alcohol concentration of 0.08 or more, or any
16 amount of a drug, substance, or intoxicating compound in the
17 person's breath, blood, or urine resulting from the unlawful
18 use or consumption of cannabis listed in the Cannabis Control
19 Act, a controlled substance listed in the Illinois Controlled
20 Substances Act, an intoxicating compound listed in the Use of
21 Intoxicating Compounds Act, or methamphetamine as listed in the
22 Methamphetamine Control and Community Protection Act, the law
23 enforcement officer shall immediately submit a sworn report to
24 the circuit court of venue and the Secretary of State,
25 certifying that the test or tests was or were requested under
26 paragraph (a) or (a-5) and the person refused to submit to a

1 test, or tests, or submitted to testing that disclosed an
2 alcohol concentration of 0.08 or more. A sworn report
3 indicating refusal or failure of testing under paragraph (a-5)
4 of this Section shall include the factual basis of the
5 arresting officer's reasonable suspicion that the person was
6 under the influence of cannabis. The person's possession of a
7 valid registry card under the Compassionate Use of Medical
8 Cannabis Pilot Program Act alone is not sufficient basis for
9 reasonable suspicion.

10 (e) Upon receipt of the sworn report of a law enforcement
11 officer submitted under paragraph (d), the Secretary of State
12 shall enter the statutory summary suspension or revocation and
13 disqualification for the periods specified in Sections 6-208.1
14 and 6-514, respectively, and effective as provided in paragraph
15 (g).

16 If the person is a first offender as defined in Section
17 11-500 of this Code, and is not convicted of a violation of
18 Section 11-501 of this Code or a similar provision of a local
19 ordinance, then reports received by the Secretary of State
20 under this Section shall, except during the actual time the
21 Statutory Summary Suspension is in effect, be privileged
22 information and for use only by the courts, police officers,
23 prosecuting authorities or the Secretary of State, unless the
24 person is a CDL holder, is operating a commercial motor vehicle
25 or vehicle required to be placarded for hazardous materials, in
26 which case the suspension shall not be privileged. Reports

1 received by the Secretary of State under this Section shall
2 also be made available to the parent or guardian of a person
3 under the age of 18 years that holds an instruction permit or a
4 graduated driver's license, regardless of whether the
5 statutory summary suspension is in effect. A statutory summary
6 revocation shall not be privileged information.

7 (f) The law enforcement officer submitting the sworn report
8 under paragraph (d) shall serve immediate notice of the
9 statutory summary suspension or revocation on the person and
10 the suspension or revocation and disqualification shall be
11 effective as provided in paragraph (g).

12 (1) In cases where the blood alcohol concentration of
13 0.08 or greater or any amount of a drug, substance, or
14 compound resulting from the unlawful use or consumption of
15 cannabis as covered by the Cannabis Control Act, a
16 controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use
18 of Intoxicating Compounds Act, or methamphetamine as
19 listed in the Methamphetamine Control and Community
20 Protection Act is established by a subsequent analysis of
21 blood or urine collected at the time of arrest, the
22 arresting officer or arresting agency shall give notice as
23 provided in this Section or by deposit in the United States
24 mail of the notice in an envelope with postage prepaid and
25 addressed to the person at his address as shown on the
26 Uniform Traffic Ticket and the statutory summary

1 suspension and disqualification shall begin as provided in
2 paragraph (g). The officer shall confiscate any Illinois
3 driver's license or permit on the person at the time of
4 arrest. If the person has a valid driver's license or
5 permit, the officer shall issue the person a receipt, in a
6 form prescribed by the Secretary of State, that will allow
7 that person to drive during the periods provided for in
8 paragraph (g). The officer shall immediately forward the
9 driver's license or permit to the circuit court of venue
10 along with the sworn report provided for in paragraph (d).

11 (2) In cases indicating refusal or failure of testing
12 under paragraph (a-5) of this Section the arresting officer
13 or arresting agency shall give notice as provided in this
14 Section or by deposit in the United States mail of the
15 notice in an envelope with postage prepaid and addressed to
16 the person at his or her address as shown on the Uniform
17 Traffic Ticket and the statutory summary suspension and
18 disqualification shall begin as provided in paragraph (g).
19 This notice shall include the factual basis of the
20 arresting officer's reasonable suspicion that the person
21 was under the influence of cannabis. The person's
22 possession of a valid registry card under the Compassionate
23 Use of Medical Cannabis Pilot Program Act alone is not
24 sufficient basis for reasonable suspicion.

25 (g) The statutory summary suspension or revocation and
26 disqualification referred to in this Section shall take effect

1 on the 46th day following the date the notice of the statutory
2 summary suspension or revocation was given to the person.

3 (h) The following procedure shall apply whenever a person
4 is arrested for any offense as defined in Section 11-501 or a
5 similar provision of a local ordinance:

6 Upon receipt of the sworn report from the law enforcement
7 officer, the Secretary of State shall confirm the statutory
8 summary suspension or revocation by mailing a notice of the
9 effective date of the suspension or revocation to the person
10 and the court of venue. The Secretary of State shall also mail
11 notice of the effective date of the disqualification to the
12 person. However, should the sworn report be defective by not
13 containing sufficient information or be completed in error, the
14 confirmation of the statutory summary suspension or revocation
15 shall not be mailed to the person or entered to the record;
16 instead, the sworn report shall be forwarded to the court of
17 venue with a copy returned to the issuing agency identifying
18 any defect.

19 (i) As used in this Section, "personal injury" includes any
20 Type A injury as indicated on the traffic accident report
21 completed by a law enforcement officer that requires immediate
22 professional attention in either a doctor's office or a medical
23 facility. A Type A injury includes severely bleeding wounds,
24 distorted extremities, and injuries that require the injured
25 party to be carried from the scene.

26 (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;

1 97-333, eff. 8-12-11; 97-471, eff. 8-22-11; 97-1150, eff.
2 1-25-13.)

3 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

4 Sec. 11-501.2. Chemical and other tests.

5 (a) Upon the trial of any civil or criminal action or
6 proceeding arising out of an arrest for an offense as defined
7 in Section 11-501 or a similar local ordinance or proceedings
8 pursuant to Section 2-118.1, evidence of the concentration of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof in a person's blood or
11 breath at the time alleged, as determined by analysis of the
12 person's blood, urine, breath or other bodily substance, shall
13 be admissible. Where such test is made the following provisions
14 shall apply:

15 1. Chemical analyses of the person's blood, urine,
16 breath or other bodily substance to be considered valid
17 under the provisions of this Section shall have been
18 performed according to standards promulgated by the
19 Department of State Police by a licensed physician,
20 registered nurse, trained phlebotomist, certified
21 paramedic, or other individual possessing a valid permit
22 issued by that Department for this purpose. The Director of
23 State Police is authorized to approve satisfactory
24 techniques or methods, to ascertain the qualifications and
25 competence of individuals to conduct such analyses, to

1 issue permits which shall be subject to termination or
2 revocation at the discretion of that Department and to
3 certify the accuracy of breath testing equipment. The
4 Department of State Police shall prescribe regulations as
5 necessary to implement this Section.

6 2. When a person in this State shall submit to a blood
7 test at the request of a law enforcement officer under the
8 provisions of Section 11-501.1, only a physician
9 authorized to practice medicine, a licensed physician
10 assistant, a licensed advanced practice nurse, a
11 registered nurse, trained phlebotomist, or certified
12 paramedic, or other qualified person approved by the
13 Department of State Police may withdraw blood for the
14 purpose of determining the alcohol, drug, or alcohol and
15 drug content therein. This limitation shall not apply to
16 the taking of breath or urine specimens.

17 When a blood test of a person who has been taken to an
18 adjoining state for medical treatment is requested by an
19 Illinois law enforcement officer, the blood may be
20 withdrawn only by a physician authorized to practice
21 medicine in the adjoining state, a licensed physician
22 assistant, a licensed advanced practice nurse, a
23 registered nurse, a trained phlebotomist acting under the
24 direction of the physician, or certified paramedic. The law
25 enforcement officer requesting the test shall take custody
26 of the blood sample, and the blood sample shall be analyzed

1 by a laboratory certified by the Department of State Police
2 for that purpose.

3 3. The person tested may have a physician, or a
4 qualified technician, chemist, registered nurse, or other
5 qualified person of their own choosing administer a
6 chemical test or tests in addition to any administered at
7 the direction of a law enforcement officer. The failure or
8 inability to obtain an additional test by a person shall
9 not preclude the admission of evidence relating to the test
10 or tests taken at the direction of a law enforcement
11 officer.

12 4. Upon the request of the person who shall submit to a
13 chemical test or tests at the request of a law enforcement
14 officer, full information concerning the test or tests
15 shall be made available to the person or such person's
16 attorney.

17 5. Alcohol concentration shall mean either grams of
18 alcohol per 100 milliliters of blood or grams of alcohol
19 per 210 liters of breath.

20 (a-5) Law enforcement officials may use standardized field
21 sobriety tests approved by the National Highway Traffic Safety
22 Administration when conducting investigations of a violation
23 of Section 11-501 or similar local ordinance by drivers
24 suspected of driving under the influence of cannabis. The
25 General Assembly finds that standardized field sobriety tests
26 approved by the National Highway Traffic Safety Administration

1 are divided attention tasks that are intended to determine if a
2 person is under the influence of cannabis. The purpose of these
3 tests is to determine the effect of the use of cannabis on a
4 person's capacity to think and act with ordinary care and
5 therefore operate a motor vehicle safely. Therefore, the
6 results of these standardized field sobriety tests,
7 appropriately administered, shall be admissible in the trial of
8 any civil or criminal action or proceeding arising out of an
9 arrest for a cannabis-related offense as defined in Section
10 11-501 or a similar local ordinance or proceedings under
11 Section 2-118.1. Where a test is made the following provisions
12 shall apply:

13 1. The person tested may have a physician, or a
14 qualified technician, chemist, registered nurse, or other
15 qualified person of their own choosing administer a
16 chemical test or tests in addition to the standardized
17 field sobriety test or tests administered at the direction
18 of a law enforcement officer. The failure or inability to
19 obtain an additional test by a person does not preclude the
20 admission of evidence relating to the test or tests taken
21 at the direction of a law enforcement officer.

22 2. Upon the request of the person who shall submit to a
23 standardized field sobriety test or tests at the request of
24 a law enforcement officer, full information concerning the
25 test or tests shall be made available to the person or the
26 person's attorney.

1 3. At the trial of any civil or criminal action or
2 proceeding arising out of an arrest for an offense as
3 defined in Section 11-501 or a similar local ordinance or
4 proceedings under Section 2-118.1 in which the results of
5 these standardized field sobriety tests are admitted, the
6 cardholder may present and the trier of fact may consider
7 evidence that the card holder lacked the physical capacity
8 to perform the standardized field sobriety tests.

9 (b) Upon the trial of any civil or criminal action or
10 proceeding arising out of acts alleged to have been committed
11 by any person while driving or in actual physical control of a
12 vehicle while under the influence of alcohol, the concentration
13 of alcohol in the person's blood or breath at the time alleged
14 as shown by analysis of the person's blood, urine, breath, or
15 other bodily substance shall give rise to the following
16 presumptions:

17 1. If there was at that time an alcohol concentration
18 of 0.05 or less, it shall be presumed that the person was
19 not under the influence of alcohol.

20 2. If there was at that time an alcohol concentration
21 in excess of 0.05 but less than 0.08, such facts shall not
22 give rise to any presumption that the person was or was not
23 under the influence of alcohol, but such fact may be
24 considered with other competent evidence in determining
25 whether the person was under the influence of alcohol.

26 3. If there was at that time an alcohol concentration

1 of 0.08 or more, it shall be presumed that the person was
2 under the influence of alcohol.

3 4. The foregoing provisions of this Section shall not
4 be construed as limiting the introduction of any other
5 relevant evidence bearing upon the question whether the
6 person was under the influence of alcohol.

7 (c) 1. If a person under arrest refuses to submit to a
8 chemical test under the provisions of Section 11-501.1,
9 evidence of refusal shall be admissible in any civil or
10 criminal action or proceeding arising out of acts alleged to
11 have been committed while the person under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof was driving or in actual
14 physical control of a motor vehicle.

15 2. Notwithstanding any ability to refuse under this Code to
16 submit to these tests or any ability to revoke the implied
17 consent to these tests, if a law enforcement officer has
18 probable cause to believe that a motor vehicle driven by or in
19 actual physical control of a person under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof has caused the death or
22 personal injury to another, the law enforcement officer shall
23 request, and that person shall submit, upon the request of a
24 law enforcement officer, to a chemical test or tests of his or
25 her blood, breath or urine for the purpose of determining the
26 alcohol content thereof or the presence of any other drug or

1 combination of both.

2 This provision does not affect the applicability of or
3 imposition of driver's license sanctions under Section
4 11-501.1 of this Code.

5 3. For purposes of this Section, a personal injury includes
6 any Type A injury as indicated on the traffic accident report
7 completed by a law enforcement officer that requires immediate
8 professional attention in either a doctor's office or a medical
9 facility. A Type A injury includes severe bleeding wounds,
10 distorted extremities, and injuries that require the injured
11 party to be carried from the scene.

12 (Source: P.A. 96-289, eff. 8-11-09; 97-450, eff. 8-19-11;
13 97-471, eff. 8-22-11; 97-813, eff. 7-13-12.)

14 (625 ILCS 5/11-502.1 new)

15 Sec. 11-502.1. Possession of medical cannabis in a motor
16 vehicle.

17 (a) No driver, who is a medical cannabis cardholder, may
18 use medical cannabis within the passenger area of any motor
19 vehicle upon a highway in this State.

20 (b) No driver, who is a medical cannabis cardholder, a
21 medical cannabis designated caregiver, medical cannabis
22 cultivation center agent, or dispensing organization agent may
23 possess medical cannabis within any area of any motor vehicle
24 upon a highway in this State except in a sealed, tamper-evident
25 medical cannabis container.

1 (c) No passenger, who is a medical cannabis card holder, a
2 medical cannabis designated caregiver, or medical cannabis
3 dispensing organization agent may possess medical cannabis
4 within any passenger area of any motor vehicle upon a highway
5 in this State except in a sealed, tamper-evident medical
6 cannabis container.

7 (d) Any person who violates subsections (a) through (c) of
8 this Section:

9 (1) commits a Class A misdemeanor;

10 (2) shall be subject to revocation of his or her
11 medical cannabis card for a period of 2 years from the end
12 of the sentence imposed;

13 (4) shall be subject to revocation of his or her status
14 as a medical cannabis caregiver, medical cannabis
15 cultivation center agent, or medical cannabis dispensing
16 organization agent for a period of 2 years from the end of
17 the sentence imposed.

18 Section 997. Severability. The provisions of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.".