

HB5534



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5534

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

410 ILCS 130/10

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Makes changes to the definition of "designated caregiver". Effective immediately.

LRB099 20117 RPS 44546 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Section 10 as follows:

6 (410 ILCS 130/10)

7 (Section scheduled to be repealed on January 1, 2018)

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

10 (a) "Adequate supply" means:

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

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

22 (3) This subsection may not be construed to authorize
23 the possession of more than 2.5 ounces at any time without

1 authority from the Department of Public Health.

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

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

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

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

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

24 (f) "Cultivation center agent" means a principal officer,
25 board member, employee, or agent of a registered cultivation
26 center who is 21 years of age or older and has not been

1 convicted of an excluded offense.

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

5 (h) "Debilitating medical condition" means one or more of
6 the following:

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

1 conditions; or

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

5 (i) "Designated caregiver" means a person who: (1) is at
6 least 21 years of age; (2) has agreed to assist with a
7 patient's medical use of cannabis; (3) has not been convicted
8 of an excluded offense; and (4) assists no more than one
9 registered qualifying patient with his or her medical use of
10 cannabis, unless the person is overseen by an Illinois-licensed
11 pharmacist specializing in medical cannabis and is employed by
12 a company that is in the business of providing medication and
13 medication management to elderly patients in residential care
14 facilities, including assisted living facilities, supportive
15 living facilities, and community-integrated living
16 arrangements.

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

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

1 cannabis for registered qualifying patients.

2 (l) "Excluded offense" means:

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

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

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

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

25 (o) "Medical cannabis dispensing organization", or
26 "dispensing organization", or "dispensary organization" means

1 a facility operated by an organization or business that is
2 registered by the Department of Financial and Professional
3 Regulation to acquire medical cannabis from a registered
4 cultivation center for the purpose of dispensing cannabis,
5 paraphernalia, or related supplies and educational materials
6 to registered qualifying patients.

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

12 (q) "Medical cannabis infused product" means food, oils,
13 ointments, or other products containing usable cannabis that
14 are not smoked.

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

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

26 (t) "Qualifying patient" means a person who has been

1 diagnosed by a physician as having a debilitating medical
2 condition.

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

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

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

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

1 qualifying patient.

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

18 A veteran who has received treatment at a VA hospital shall
19 be 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.

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

26 (Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.