



Illinois Medical Cannabis Act Reference Sheet

All references below refer to the corresponding numbers and letters found within the Medical Cannabis Act (the “Act”) as it appears online at <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3503&ChapterID=35>. Abbreviations are defined on page 19.

This document is a guide, is not intended to serve as legal advice, and was created to assist readers in identifying relevant sections of the Act and should be used for reference purposes only.

Name of the Act 410 ILCS 130/1	<ul style="list-style-type: none">• “Compassionate Use of Medical Cannabis Pilot Program Act”
“Adequate supply” 410 ILCS 130/10(a)	<ul style="list-style-type: none">• 2.5 ounces during 14-day period• Process for waiver for more than 2.5 ounces if approved by DPH• CIP weight calculated as pre-mixed weight of medical cannabis
“Cannabis” 410 ILCS 130/10(b)	720 ILCS 550/1 Section 3(a) of Cannabis Control Act: <ul style="list-style-type: none">• Marihuana [sic], hashish, and other substances which are identified as including any parts of the plant Cannabis Sativa• Growing or not• Seeds or the resin extracted from any part of such plant• Any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin• Including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients• Produced directly or indirectly by extraction, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis• Does not include the mature stalks, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed incapable of germination
“Cannabis plant monitoring system” 410 ILCS 130/10(c)	<ul style="list-style-type: none">• Includes testing data collection established and maintained by cultivation center and available to DPH• Purpose is to document and monitor plant development throughout life cycle of each plant from seed to final packaging
“Cardholder” 410 ILCS 130/10(d)	<ul style="list-style-type: none">• Qualifying patient or designated caregiver who was issued and possesses a valid ID card by DPH
“Cultivation center” 410 ILCS 130/10(e)	<ul style="list-style-type: none">• Facility registered by DA to perform activities to provide dispensing organizations with usable medical cannabis
“Cultivation center agent” 410 ILCS 130/10(f)	<ul style="list-style-type: none">• Principal officer, board member, employee, or agent• 21 years or older• Not convicted of excluded offense

“Cultivation center agent ID card” 410 ILCS 130/10(g)	<ul style="list-style-type: none"> • Document issued by DA that identifies a person as a cultivation center agent 		
“Debilitating medical condition” 410 ILCS 130/10(h)	<ul style="list-style-type: none"> • cancer • glaucoma • HIV/AIDS • hepatitis C • amyotrophic lateral sclerosis (ALS) • Crohn's disease • agitation of Alzheimer's disease • cachexia/wasting syndrome • muscular dystrophy • severe fibromyalgia • spinal cord disease • Tarlov cysts • hydromyelia 	<ul style="list-style-type: none"> • syringomyelia • spinal cord injury • traumatic brain injury and post-concussion syndrome • multiple sclerosis • Arnold Chiari malformation • spinocerebellar ataxia (SCA) • Parkinson's disease • Tourette's syndrome • myoclonus • dystonia • reflex sympathetic dystrophy (RSD) • rheumatoid arthritis 	<ul style="list-style-type: none"> • causalgia • CRPS • neurofibromatosis • chronic inflammatory demyelinating polyneuropathy • Sjogren's syndrome • lupus • interstitial cystitis • myasthenia gravis • hydrocephalus • nail patella syndrome • residual limb pain • additional conditions as added by DPH
“Designated caregiver” 410 ILCS 130/10(i)	<ul style="list-style-type: none"> • A person who is: <ol style="list-style-type: none"> (1) At least 21 years old (2) Has agreed to assist a patient with medical use (3) Has not been convicted of excluded offense (4) Assists no more than one patient 		
“Dispensing agent ID card” 410 ILCS 130/10(j)	<ul style="list-style-type: none"> • Document issued by DFPR that identifies a person as a dispensary agent 		
“Enclosed, locked facility” 410 ILCS 130/10(k)	<ul style="list-style-type: none"> • Room, greenhouse building, or other enclosed area • Equipped with locks or other security devices that restrict access to agents 		
“Excluded offense” 410 ILCS 130/10(l)	<ul style="list-style-type: none"> • Includes either <ul style="list-style-type: none"> ○ Violent crime <ul style="list-style-type: none"> ▪ defined in Section 3 of Rights of Crime Victims and Witnesses Act, or ▪ substantially similar offense ○ Felony violation of state or federal controlled substances act • Department may waive restriction if applicant demonstrates that conviction related to possession, cultivation, transfer, or delivery of reasonable amount for medical use • No exception allowed if conviction related to violation of Medical Cannabis Act 		
“Cultivation center registration” 410 ILCS 130/10(m)	<ul style="list-style-type: none"> • Registration issued by the DA 		

<p>“Medical cannabis container” 410 ILCS 130/10(n)</p>	<ul style="list-style-type: none"> • Sealed, traceable, food compliant, tamper resistant, tamper evident container or package • Used from cultivation center to dispensing organization
<p>“Medical cannabis dispensing organization” 410 ILCS 130/10(o)</p>	<ul style="list-style-type: none"> • Facility registered by DFPR to acquire medical cannabis from cultivation center for purpose of dispensing, paraphernalia, related supplies and educational materials
<p>“Medical cannabis dispensing organization agent” 410 ILCS 130/10(p)</p>	<ul style="list-style-type: none"> • Substantively the same as “Cultivation center agent”
<p>“Medical cannabis infused product” (“CIP”) 410 ILCS 130/10(q)</p>	<ul style="list-style-type: none"> • Food, oils, ointments, or other products containing usable cannabis • Not smoked
<p>“Medical use” 410 ILCS 130/10(r)</p>	<ul style="list-style-type: none"> • Limited to patients and caregivers (not cultivation center or dispensary agents) • Acquisition, administration, delivery, possession, transfer, transportation, or use of cannabis • For the purpose of treating a debilitating medical condition or symptoms of the condition
<p>“Physician” 410 ILCS 130/10(s)</p>	<ul style="list-style-type: none"> • Doctor of medicine or osteopathy licensed under Medical Practice Act of 1987 to practice medicine • Must have a controlled substances license under Article III of Illinois Controlled Substances Act • Does not include licensed practitioner under any other state act, including dentists
<p>“Public place” 410 ILCS 130/30(F)</p>	<ul style="list-style-type: none"> • Any place where an individual could reasonably be expected to be observed by others • All parts of buildings owned or leased in whole or in part by the state or local government • Does not include private residences unless used for child care, foster care, or other similar social service • Includes health care facilities • Does include hospitals, nursing homes, hospice care, and long-term care facilities
<p>“Qualifying patient” 410 ILCS 130/10(t)</p>	<ul style="list-style-type: none"> • Person who has been diagnosed by a physician as having a debilitating medical condition
<p>“Registered” 410 ILCS 130/10(u)</p>	<ul style="list-style-type: none"> • Licensed, permitted, or otherwise certified by appropriate agency (DA, DPH, DFPR)
<p>“Registry ID card” 410 ILCS 130/10(v)</p>	<ul style="list-style-type: none"> • Document issued by DPH that identifies a person or caregiver

<p>“Usable cannabis” 410 ILCS 130/10(w)</p>	<ul style="list-style-type: none"> • Seeds, leaves, buds, and flowers of the cannabis plant, and any mixture or preparation thereof • Does not include stalks or roots • Does not include weight of non-cannabis ingredients
<p>“Verification system” 410 ILCS 130/10(x)</p>	<ul style="list-style-type: none"> • Web-based system • Established and maintained by DPH • Available to DA, DFPR, law enforcement and dispensaries 24/7 • Used to: <ul style="list-style-type: none"> ○ Verify registry ID cards ○ Track delivery between cultivators and dispensaries ○ Track date of sale amount and price of medical cannabis purchases by patients
<p>“Written certification” 410 ILCS 130/10(y)</p>	<ul style="list-style-type: none"> • Document dated and signed by physician • States: <ul style="list-style-type: none"> ○ In physician’s professional opinion, patient is likely to receive therapeutic or palliative benefit from medical use to treat or alleviate condition or symptoms ○ Qualifying patient has debilitating medical condition ○ Patient is under physician’s care for that condition • Made in course of bona fide physician-patient relationship • Following assessment of medical history, relevant records, and physical exam
<p>Dept. of Public Health Authority 410 ILCS 130/15(a)</p>	<ul style="list-style-type: none"> • Enforce provisions of Medical Cannabis Act • DPH to establish confidential registry for patients and caregivers • Must distribute educational materials about health risks associated with marijuana and prescription medical abuse • Adopt rules to administer registration program • Adopt rules establishing food handling requirements for CIPs
<p>Dept. of Ag Authority 410 ILCS 130/15(b)</p>	<ul style="list-style-type: none"> • Enforce provisions of Medical Cannabis Act relating to registration and oversight of cultivation centers
<p>Dept. of Financial and Professional Regulation 410 ILCS 130/15(c) Page 11</p>	<ul style="list-style-type: none"> • Enforce provisions of the Medical Cannabis Act relating to registration and oversight of dispensing organizations
<p>Immunities and Presumptions 410 ILCS 130/25</p>	<ul style="list-style-type: none"> • (a) <i>Patient</i> not subject to arrest, prosecution, denial of right or privilege for medical use of cannabis if in compliance with Act and amount limits • (a) Professional license for <i>patient</i> similarly not at risk, but only when impairment occurs in the course of professional practice • (b) <i>Caregiver</i> not subject to arrest, prosecution, denial of right or privilege for assisting in his or her patient’s medical use of cannabis if otherwise in compliance with Act and amount limits • (b) Total amount between <i>patient and caregiver</i> cannot exceed patient’s “adequate supply” • (c) Neither <i>patient nor caregiver</i> subject to arrest, prosecution, or denial of right or privilege for possession of cannabis incidental to medical use, even if not

“usable cannabis”

- (d) Rebuttable presumption that *patient or caregiver* is engaged in “medical use” if either is in possession of registry ID card and in possession of amount not in excess of amount allowed
 - Presumption is rebuttable with evidence that conduct was not related to treating or alleviating medical condition
- (e) *Physician* not subject to arrest, prosecution, denial of right or privilege, including disciplinary action by Medical Disciplinary Board or other occupational or professional licensing board, solely for providing written certifications or stating benefits of medical marijuana
 - Board may sanction if physician issues certification to person not in care, or
 - Fails to meet standard of care
- (f) *No person* may be subject to arrest, prosecution, or denial of any right or privilege solely for:
 - Selling paraphernalia to cardholder if shown an unexpired card in person’s name if agent of dispensing organization
 - Being in presence or vicinity of medical use of cannabis
 - Assisting registered qualifying patient with act of administering cannabis
- (g) *Cultivation center* not subject to prosecution, search, or inspection except by DA, DPH, state or local law enforcement; seizure or penalty for acting under provisions of Act and DA rules for acting to acquire, transport, supply, or sell to dispensing organizations
- (h) *Cultivation center agent* not subject to prosecution, search, penalty, or denied any right or privilege for working or volunteering for a cultivation center for acts similar to (g) above
- (i) *Dispensary* not subject to prosecution, search, or inspection except by DFPR or state or local law enforcement, seizure or other penalty or be denied any right or privilege for acting under Act and agency rules to acquire, possess, or dispense cannabis or related supplies and educational materials to patients or caregivers
- (j) *Dispensary agent* not subject to prosecution, search, penalty, or denied any right or privilege for working or volunteering at dispensary pursuant to Act and DFPR rules in performance of activities described in (i) above
- (k) *Property*, including cannabis, paraphernalia, illegal property, interest in legal property possessed, which is owned or used in connection with medical use may not be seized or forfeited
 - Does not prevent seizure or forfeiture of cannabis exceeding allowable limits, or
 - If purpose of seizure is unrelated to possession, manufacture, transfer, or use pursuant to Medical Cannabis Act
- (l) Application or receipt of registry ID card not sufficient for probable cause or reasonable suspicion, and may not be used as sole basis for search of *any person, property, or home of person applying or receiving registry ID or certification*
 - Does not mean there cannot be probable cause or reasonable suspicion on some other basis
- (m) Reiterates local or state law enforcement may search *cultivation center* where there is probable cause or reasonable suspicion to lawfully do so
- (n) Reiterates local or state law enforcement may search *dispensary* where there is probable cause or reasonable suspicion to lawfully do so
- (o) *Employees of the State of Illinois* are not subject to criminal or civil

	penalties for taking action pursuant to Medical Cannabis Act
<p>Limitations and Penalties 410 ILCS 130/30</p>	<ul style="list-style-type: none"> • (a) <i>No person may:</i> <ol style="list-style-type: none"> (1) <i>Undertake any task under the influence</i> if it constitutes negligence, professional malpractice, or misconduct (2) <i>Possess</i> cannabis: <ul style="list-style-type: none"> ▪ (A) On a school bus ▪ (B) On the grounds of any preschool, primary, or secondary school ▪ (C) In a correctional facility ▪ (D) In a vehicle in a manner inconsistent with requirements of 11-502.1 (prohibiting use in a vehicle and requiring transport via a sealed, tamper-evident container by agents) ▪ (E) In a private vehicle unless in a secured, sealed, tamper-evident container and reasonably inaccessible while vehicle is moving ▪ (F) In a private residence that is used to provide licensed child care or other similar social service on premises (3) <i>Use</i> cannabis: <ul style="list-style-type: none"> ▪ (A) On a school bus ▪ (B) On the grounds of any preschool, primary, or secondary school ▪ (C) In a correctional facility ▪ (D) In a motor vehicle ▪ (E) In a private residence used at any time to provide day care or other similar social service on premises ▪ (F) In any “public place” ▪ (G) Knowingly in close proximity to anyone under the age of 18 years old (4) <i>Smoke</i> cannabis: <ul style="list-style-type: none"> ▪ In any “public place” ▪ Any health care facility ▪ Any other place where smoking is prohibited by state law (5) <i>Operate, navigate, or being in actual physical control of a motor vehicle</i> while either: <ul style="list-style-type: none"> ▪ Using cannabis, or ▪ Driving under the influence (DUI) (6) <i>Use or possess:</i> <ul style="list-style-type: none"> ▪ If not qualifying condition, or ▪ If not registered (7) <i>Allow use</i> by a person not authorized (8) <i>Give or sell</i> to any person unless authorized to dispense (9) <i>Use cannabis</i> if active duty law enforcement officer, correctional officer, probation officer, or firefighter (10) <i>Use cannabis</i> if person has a school bus permit or CDL • (b) <i>No person may drive recklessly or drive under the influence (DUI)</i> • (c) <i>No person may lie to law enforcement</i> over any fact or circumstance related to medical use to avoid arrest or prosecution <ul style="list-style-type: none"> ○ Petty offense punishable by fine of up to \$1000 ○ Other more serious charges possible • (d) <i>No person may misrepresent medical condition</i> to physician or provide

	<p>fraudulent material in order to obtain certification</p> <ul style="list-style-type: none"> ○ Petty offense punishable by fine of up to \$1000 • (e) <i>No cardholder or caregiver may sell</i> <ul style="list-style-type: none"> ○ Will have card revoked and may face other penalties • (f) <i>Card revoked if cardholder</i> who drives: <ul style="list-style-type: none"> ○ consumes ○ fails to properly secure cannabis, or ○ refuses a test by law enforcement • (g) <i>Patient or caregiver cannot seek, obtain, or possess</i> more than allowable amount • (h) <i>Private businesses</i> may restrict or ban medical use • (i) <i>Universities, colleges, and post-secondary institutions</i> may restrict or ban medical use
<p>Physician Requirements 410 ILCS 130/35</p>	<ul style="list-style-type: none"> • (a) <i>Physician must:</i> <ol style="list-style-type: none"> (1) <i>Be currently licensed</i> in state in all branches (1) <i>Be in good standing</i> (1) <i>Hold controlled substances license</i> under state law (2) <i>Comply with standards of practice</i> (3) <i>Not perform exam through remote means</i> (telemedicine) (4) <i>Maintain records</i> available for inspection by DFPR • (b) <i>Physician may not:</i> <ol style="list-style-type: none"> (1) <i>Receive pay from anyone in program</i> except from patient for fee for exam prior to certification (2) <i>Offer a discount</i> if patient uses or agrees to use particular caregiver or dispensary (3) <i>Conduct exam at location where medical marijuana is sold</i> or distributed, or at address of officer, agent, or employee of a medical marijuana organization (4) <i>Have a direct or indirect economic interest</i> in grower or dispensary if a physician is a medical marijuana recommender, or be in a business relationship with another physician who is (5) <i>Serve on the board of directors or as an employee</i> of a grower or dispensary (6) <i>Refer patients</i> to grower, dispensary, or caregiver (7) <i>Advertise</i> in a cultivation center or dispensary • (c) <i>DPH may report physician</i> to DFPR for potential violations • (d) <i>Any violations of Medical Cannabis Act</i> are a violation of Medical Practices Act
<p>Discrimination Prohibited 410 ILCS 130/40</p>	<ul style="list-style-type: none"> • (a) <i>Protections against discrimination</i> against patient by school, employer, landlord under certain circumstances, or in medical care • (b) <i>Prohibition on using patient status as leverage in custody or visitation</i> schedule without proof of unreasonable danger to safety of minor • (c) <i>Protections for schools, landlords, and employers</i> for enrolling, leasing to, or employing cardholder • (d) <i>Neither governmental medical assistance programs nor private insurers required to reimburse costs</i> • (e) <i>No person or establishment required to allow guest, client, customer, or visitor to use cannabis</i> on property
<p>Adding Conditions 410 ILCS 130/45</p>	<ul style="list-style-type: none"> • <i>Citizens of Illinois may petition</i> DPH to add conditions • <i>DPH must develop rules</i> for petition process, including notice and hearing

	<ul style="list-style-type: none"> • DPH has <i>180 days</i> to approve or deny • Subject to <i>judicial review</i>
<p>Employer liability 410 ILCS 130/50</p>	<ul style="list-style-type: none"> • (a) <i>Employers may adopt regulations</i> on consumption, storage, and timekeeping requirements for patients • (b) <i>May adopt zero-tolerance</i> rules, drug test, maintain a drug-free workplace • (c) <i>May discipline patients</i> for violating workplace rules • (d) <i>Medical Cannabis Act cannot be used to compel employer to violate federal law</i> or cause it to lose federal funding or contract • (e) Employees <i>cannot use Act as a defense to failure of drug test</i> • (f) <i>Employer may consider employee impaired</i> when: <ul style="list-style-type: none"> ○ He or she <i>manifests specific symptoms</i> while working that decrease or lessen performance ○ May include <i>speech, dexterity, agility, coordination, demeanor, or irrational or unusual behavior</i> ○ <i>Negligence or carelessness in operating equipment</i> or machinery ○ <i>Disregard for safety</i> of others ○ <i>Involvement in accident</i> that results in serious damage to equipment or property, disruption of manufacturing process ○ <i>Carelessness that results in any injury</i> to employee or others • (g) <i>Employee disciplined must be given opportunity to contest</i> basis for determination • (h) Employee has <i>no cause of action</i> for: <ul style="list-style-type: none"> ○ Good faith actions by employer based on belief that employee used or was in possession while on premises or during hours of employment ○ Good faith belief patient was impaired while working ○ Injury or loss if employer did not know or have reason to know employee was impaired • (i) Medical Cannabis Act cannot be used to interfere with federal restrictions, including Dept. of Transportation rules
<p>Patient and Caregiver Registration 410 ILCS 130/55</p>	<ul style="list-style-type: none"> • (a) DPH must issue ID cards to patients and caregivers who provide, at a minimum, the following: <ol style="list-style-type: none"> (1) Written certification issued by doctor within last 90 days (2) Patient’s documentation to corroborate medical condition (2) Anything else DPH thinks it needs to verify bona-fide doctor-patient relationship and to substantiate diagnosis (3) Fees (4) Name, address, DOB, SSN of patient (5) Name, address, phone number of recommending physician (6) Name, address, DOB of caregiver (if any) (7) Name of designated dispensary (8) Signed statement from patient and caregiver they will not divert (9) Background checks for patient and caregiver
<p>Issuance of ID cards 410 ILCS 130/60</p>	<ul style="list-style-type: none"> • (a) DPH must: <ol style="list-style-type: none"> (1) Verify information provided (1) Approve or deny within 30 days (2) Issue ID card with 15 days of approval (3) Enter ID number into verification system (4) Allow for electronic application process and confirmation that

	<p>application was submitted</p> <ul style="list-style-type: none"> • (b) DPH may not issue ID card to patient who is under 18 years old • (c) Establishes work-around regarding bona-fide physician-patient relationship for patients at VA hospitals • (d) DPH forwards approvals to Secretary of State and certifies status • (d) Secretary of State enters patient status info into patient’s driving record • (d) When patient no longer valid in registry, DPH notifies Sec. of State and notation is removed from driver’s record
<p>Denial of ID cards 410 ILCS 130/65</p>	<ul style="list-style-type: none"> • (a) DPH may deny <i>patient</i> only if applicant: <ul style="list-style-type: none"> (1) Did not provide required information (2) Had a previous card revoked (3) Did not meet requirements of Medical Cannabis Act (4) Provided false information • (b) Persons convicted of a drug-related felony or similar local ordinance ineligible • (c) DPH may deny <i>caregiver</i> only if applicant: <ul style="list-style-type: none"> (1) Does not meet definition of “designated caregiver” (2) Did not provide required information (3) Was named by a patient whose application was denied (4) Had previous card revoked (5) Provided false information • (d) DPH may conduct background check of patient and caregiver <ul style="list-style-type: none"> ○ Applicant must provide fingerprints for state and federal background check ○ State not to disclose purpose of background check to FBI ○ DPH to destroy fingerprints after check complete ○ DPH may waive fingerprints based on: <ul style="list-style-type: none"> ▪ Severity of patient illness, and ▪ Inability of patient to obtain fingerprints ▪ State police may provide complete criminal record in lieu • (e) DPH must notify patient with designated caregiver if caregiver is denied • (f) Denial is subject to judicial review
<p>Registry ID cards 410 ILCS 130/70</p>	<ul style="list-style-type: none"> • (a) Patient and caregiver must keep ID card in possession whenever engaged in medical use • (b) ID cards must contain: <ul style="list-style-type: none"> (1) Name of cardholder (2) Designation of either patient or caregiver (3) Date of issuance and expiration (4) Unique, random alphanumeric number (5) If a caregiver, card must contain number of patient (6) If required by DPH, a photo of the cardholder • (c) To maintain an ID card, patient and caregiver must: <ul style="list-style-type: none"> ○ Resubmit renewal application at least 45 days prior to expiration ○ Submit renewal fee ○ Provide any additional documentation as required by DPH rules • (c) DPH must: <ul style="list-style-type: none"> ○ Send notice of need to renew 90 days before expiration • (c) Failure of DPH to grant or deny means renewal is granted <ul style="list-style-type: none"> ○ Patient or caregiver may continue to use expired card until DPH denies or renews and re-issues new ID card

	<ul style="list-style-type: none"> • (d) By default, registration expires 1 year after date of issuance • (e) DPH may store data contained on card and DOB and address electronically so it is viewable by law enforcement
<p>Notifications to DPH 410 ILCS 130/75</p>	<ul style="list-style-type: none"> • (a) Notifications required: <ul style="list-style-type: none"> (1) Patient must notify DPH of change of name, address, or if he or she no longer has condition within 10 days of change (2) Caregiver must notify DPH of change of name or address, or death of patient within 10 days of change (3) Before patient changes caregiver, must first notify DPH (4) If cardholder loses card, must notify DPH within 10 days of becoming aware of loss • (b) If patient still eligible after notification of change: <ul style="list-style-type: none"> ○ DPH to issue new card with new alphanumeric number ○ If DPH rules specify, new fee required ○ DPH to issue new card within 15 days ○ If patient has a caregiver, caregiver gets new card too, also issued within 15 days • (c) If patient drops out of registry, DPH must notify caregiver (if any) <ul style="list-style-type: none"> ○ Caregiver’s protections under the Act expire 15 days after notification by DPH • (d) Cardholder who fails to notify DPH of required change information is subject to civil infraction of up to \$150 fine • (e) Patient must notify DPH of any change to designated dispensary • (f) If physician notifies DPH that patient no longer has condition or would no longer benefit from use of medical marijuana, the card is void <ul style="list-style-type: none"> ○ Patient has 15 days to destroy medical marijuana and paraphernalia <i>(caregiver not mentioned)</i>
<p>Cannabis Infused Products 410 ILCS 130/80</p>	<ul style="list-style-type: none"> • (a) If all the following conditions are met, neither DPH, DA, nor health department of local government may regulate service of food at cultivation center or dispensary <ul style="list-style-type: none"> ○ (1) No CIP requiring refrigeration or hot-holding manufactured ○ (2) Baked products, tinctures, and other non-refrigerated items are acceptable for sale at dispensaries, and sold only at dispensaries ○ (3) CIP individually wrapped at point of preparation ○ (3) Must conform to labeling requirements of state law and contain the following: <ul style="list-style-type: none"> ▪ (A) Name and address of cultivation center where manufactured ▪ (B) Common or usual name of item ▪ (C) All ingredients listed in descending order of predominance of weight ▪ (D) Contain specific warning phrase: “This product was produced in a medical cannabis cultivation center not subject to public health inspection that may also process common food allergens.” ▪ (E) Allergen labeling as required by state law ▪ (F) Pre-mixed total weight of usable cannabis ▪ (G) Warning that item is CIP and not a food must be distinct and clearly legible on front of package ▪ (H) Clearly legible warning that product contains cannabis and intended for use by patients only

	<ul style="list-style-type: none"> <ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ (I) Manufacture and “use by” date ○ (4) Any dispensary that sells edible CIP must place warning sign: <ul style="list-style-type: none"> ▪ “Edible cannabis infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens.” ▪ No smaller than 24” x 36”, and letters no smaller than 2” ▪ Clearly visible and readable by customers ▪ English ○ (5) CIP for sale at dispensaries must be prepared by approved staff member of a registered cultivation center ○ (6) Cultivation center that prepares CIP for sale at dispensary must be under operational supervision of DPH certified food service sanitation manager • (b) DPH must adopt and enforce agency rules for manufacture of CIP <ul style="list-style-type: none"> ○ May inspect any part of the facility including utensils, fixtures, furniture, and machinery used in preparation of CIP for enforcement purposes • (c) Based on reasonable belief CIP poses health risk, local health organization may refer cultivation center to DPH <ul style="list-style-type: none"> ○ If DPH finds CIP poses a risk, it may seek injunctive relief and take necessary steps as determined by a court of law to address the hazard
<p>Issuance and Denial of Cultivation Permit 410 ILCS 130/85</p>	<ul style="list-style-type: none"> • (a) DA to register up to 22 cultivation centers <ul style="list-style-type: none"> ○ One registration per Illinois State Police District ○ DA may not issue less than 22 if there are qualified applicants for all slots • (b) Renewed annually • (c) DA to determine fee • (d) Operation authorized only with valid registration. Must provide the following in application: <ul style="list-style-type: none"> ○ (1) Name ○ (2) Physical address and description ○ (3) Name, address, DOB of each principal, board member; all must be at least 21 years old ○ (4) Any instance in which board members managed or served business that was convicted, fined, censured, or had license suspended or revoked ○ (5) Cultivation, inventory, and packaging plans ○ (6) Proposed by-laws with specific requirements: <ul style="list-style-type: none"> ▪ Oversight procedures ▪ Plant monitoring system ▪ Record keeping ▪ Staffing plan ▪ Security plan reviewed by State Police and in accordance with DA rules ○ (6) Weekly physical inventory required ○ (7) Experience with agricultural cultivation techniques and industry standards ○ (8) Applicable academic degrees, certifications, or relevant experience ○ (9) Identity of every person, association, trust, or corporation having any direct or indirect financial interest in the cultivation operation; specific requirements based on type of legal entity ○ (10) Verification from State Police that all background checks required

	<p>have been performed and no parties have been convicted of an “excluded offense”</p> <ul style="list-style-type: none"> ○ (11) Include copy of current local zoning ordinance and verification of compliance ○ (12) Application fee as set by DA ○ (13) Any other information required by DA <ul style="list-style-type: none"> • (d) Application must be denied if: <ul style="list-style-type: none"> ○ (1) Application failed to submit required materials ○ (2) Applicant would not be in compliance with local zoning ○ (3) Any principal officers or board members convicted of excluded offense ○ (4) Any principal officer or board member serves as principal or board member for dispensary or cultivation center whose registration was revoked ○ (5) Any principal officer or board member has been convicted of felony under state or federal law ○ (6) Any principal officer or board member has been convicted of any gambling or related offenses (Article 28 of Criminal Code, 2012) ○ (7) Application contains false information
<p>Renewals of cultivation center registrations 410 ILCS 130/90</p>	<ul style="list-style-type: none"> • (a) Annual renewal • (a) Cultivation center shall receive notice 90 days prior to expiration • (a) DA will grant renewal within 45 days of submission so long as: <ul style="list-style-type: none"> ○ (1) Cultivation center submits renewal application and includes fee as established by DA ○ (2) DA has not suspended the cultivation center or the registration
<p>Background checks 410 ILCS 130/95</p>	<ul style="list-style-type: none"> • (a) DA, through State Police, will conduct background checks of all agents • (a) Each person applying must submit fingerprints • (a) DA may share information with State Police and FBI without disclosing purpose of records check • (a) DA must destroy sets of fingerprints following check • (b) For initial application, background checks must be completed before submitting application to DA
<p>Cultivation center ID cards 410 ILCS 130/100</p>	<ul style="list-style-type: none"> • (a) The DA must: <ul style="list-style-type: none"> ○ (1) Verify application information ○ (1) Approve or deny within 30 days of receiving complete application and supporting material ○ (2) Issue ID cards within 15 days of approval ○ (3) Enter the registry ID number of the cultivation center where agent works ○ (4) Allow an electronic application process ○ (4) Provide confirmation that application was submitted • (b) Agent must keep ID card visible at all times on property and during transportation to dispensary • (c) ID cards must contain: <ul style="list-style-type: none"> ○ (1) Name

	<ul style="list-style-type: none"> ○ (2) Date of issuance and expiration ○ (3) Random 10-digit alphanumeric number unique to ID cardholder ○ (4) Photograph of cardholder • (d) ID cards must be returned to cultivation center upon termination • (e) Lost or stolen cards must be reported to State Police and DA immediately upon discovery of loss • (f) Application will be denied if convicted of “excluded offense”
<p>Requirements, prohibitions, and penalties for cultivation centers 410 ILCS 130/105</p>	<ul style="list-style-type: none"> • (a) Operating documents must include: <ul style="list-style-type: none"> ○ Procedures for oversight ○ Cannabis plant monitoring system including physical weekly inventory ○ Cannabis container system including physical weekly inventory ○ Record keeping ○ Staffing plan • (b) Center must implement a security plan reviewed by State Police, including: <ul style="list-style-type: none"> ○ Facility access controls ○ Perimeter intrusion detection systems ○ Personnel ID system ○ 24-hour surveillance system for interior and exterior accessible by law enforcement and DFPR in real time • (c) Cultivation center may not be located within 2,500 feet of a preschool, elementary, or secondary school, day care, or any area zoned for residential use • (d) Cultivation activity must: <ul style="list-style-type: none"> ○ Take place in an enclosed, locked facility ○ Only be accessed by agents, inspectors, law enforcement, emergency personnel, and contractors • (e) Cultivation center may not distribute any cannabis except to dispensaries • (f) All cannabis must be packaged in a labeled cannabis container and tracked • (g) No agent may be convicted of an “excluded offense” • (h) Cultivation centers are subject to random inspections by DA and DPH • (j) Agent must notify local law enforcement, State Police, and DA of any loss or theft within 24 hours <ul style="list-style-type: none"> ○ Notification by phone, in-person, or by written or electronic means • (k) Cultivation center must comply with state and federal rules related to use of pesticides
<p>Suspension and revocation of registration 410 ILCS 130/110</p>	<ul style="list-style-type: none"> • (a) DA may suspend or revoke registration for violation of Medical Cannabis Act or agency rules • (b) Suspensions and revocations are subject to judicial review
<p>Registration of dispensaries 410 ILCS 130/115</p>	<ul style="list-style-type: none"> • (a) DFPR may issue up to 60 dispensary licenses • (a) May not issue less than 60 if there are a sufficient number of qualified applicants • (a) Dispensaries must be geographically dispersed throughout the state • (b) Dispensary may only operate if licensed • (b) DFPR must adopt rules • (c) Dispensary applicants must submit at least the following: <ul style="list-style-type: none"> ○ (1) Non-refundable application fee ○ (2) Name

	<ul style="list-style-type: none"> ○ (3) Physical address ○ (4) Name, address, DOB of each principal officer and board member <ul style="list-style-type: none"> ▪ Each must be at least 21 years old ○ (5) Written information regarding any instances in which any business or not-for-profit in which any board members served were convicted, fined, censured, or had registrations suspended or revoked ○ (6) By-laws that include: <ul style="list-style-type: none"> ▪ Procedures for oversight ▪ Procedures to ensure accurate record-keeping ▪ Procedures for security measures in accordance with rules adopted by DFPR ▪ Description of enclosed, locked facility ○ (7) Signed statements from each agent that they will not divert • (d) DFPR must conduct background checks of all agents <ul style="list-style-type: none"> ○ Agents must provide fingerprints for state and federal background checks ○ DFPR may exchange information with State Police and FBI without disclosing the purpose of the records check ○ DFPR must destroy fingerprints after background check • (e) Dispensary must pay registration fee as established by DFPR • (f) Application must be denied if: <ul style="list-style-type: none"> ○ (1) Applicant failed to submit materials required ○ (2) Applicant would not be compliant with local zoning rules ○ (3) Applicant not compliant with Section 130 ○ (4) Any principal officers or board members have been convicted of an “excluded offense” ○ (5) Any board member served as principal officer or board member of dispensary whose license was revoked ○ (6) Any principal officer is under 21 years old ○ (7) Any principal officer or board member is a registered patient or caregiver
<p>Dispensary agent ID card 410 ILCS 130/120</p>	<ul style="list-style-type: none"> • (a) The DFPR must: <ul style="list-style-type: none"> ○ (1) Verify information contained in application ○ (1) Approve or deny application within 30 days of receipt of complete application materials ○ (2) Issue ID card within 15 days of approving application ○ (3) Enter ID number of dispensary ○ (4) Allow for an electronic application process ○ (4) Provide confirmation by electronic or other means that application submitted • (b) Agent must keep ID card visible at all times while on property • (c) ID card must contain: <ul style="list-style-type: none"> ○ (1) Name ○ (2) Date of issuance and expiration ○ (3) Random alphanumeric number unique to agent ○ (4) Photo of agent • (d) ID card must be immediately returned upon termination from employment • (e) Lost or stolen cards must be reported to Illinois State Police and DA immediately upon discovery of loss • (f) Applicant must be denied if agent convicted of “excluded offense”

<p>Dispensary renewal 410 ILCS 130/125</p>	<ul style="list-style-type: none"> • (a) Dispensary must receive written notice 90 days before expiration • (a) DFPR must grant renewal within 45 days of submission if: <ul style="list-style-type: none"> ○ (1) Dispensary submits application and fee ○ (2) DFPR has not suspended the organization or suspended or revoked the registration • (b) If dispensary fails to renew, dispensary must cease operations until renewed • (c) If agent fails to renew prior to expiration, he or she must cease work until renewed • (d) Any dispensary or agent that continues to operate or work after failure to renew is subject to penalty as provided in Section 130
<p>Requirements, prohibitions, and penalties for dispensaries 410 ILCS 130/130</p>	<ul style="list-style-type: none"> • (a) DFPR must adopt rules • (b) Dispensary must maintain operating documents, including: <ul style="list-style-type: none"> ○ Procedures for oversight ○ Procedures to ensure accurate recordkeeping • (c) Dispensary must implement security measures • (d) Dispensary may not be located within 1,000 feet of preschool or elementary school or day care • (d) Dispensary may not be located in a house, apartment, condominium, or area zoned for residential use • (e) Dispensary prohibited from acquiring marijuana from anyone other than cultivation center • (e) Dispensary may not obtain marijuana from outside Illinois • (f) Dispensary prohibited from dispensing for any purpose other than patient or caregiver “medical use” • (g) Dispensing and storage areas may only be accessed by agents, staff of DFPR, law enforcement, emergency personnel, and contractors • (h) Dispensary may not dispense more than 2.5 ounces to patient or caregiver in a 14-day period unless patient has DPH quantity waiver • (i) Before dispensing, dispensary must determine that person is a current cardholder including each of the following: <ul style="list-style-type: none"> ○ (1) Card is valid ○ (2) Person presenting card is person authorized by card ○ (3) Dispensary is the dispensary registered with state to serve cardholder ○ (4) Patient has not exceeded weight limit for 14-day period • (j) Dispensary must ensure compliance with weight sale limit through internal, confidential records indicating: <ul style="list-style-type: none"> ○ Amount provided ○ Whom it was provided to (patient or caregiver) ○ Date and time cannabis dispensed ○ Additional requirements as set by rule • (k) Physician-patient relationship protecting confidential patient information applies between patient and dispensary and its agents • (l) Dispensary may not allow consumption of cannabis on its property • (m) Dispensary may not share office space with physician • (m) Dispensary may not refer patients to any particular physician • (n) DFPR may revoke or suspend, place on probation, reprimand, refuse to renew, or take any other disciplinary or non-disciplinary action as it deems proper <ul style="list-style-type: none"> ○ May include fines up to \$10,000 for each violation of Medical Cannabis

	<ul style="list-style-type: none"> Act or rule <ul style="list-style-type: none"> ○ Subject to judicial review ○ May be in addition to any other penalty under law or rule • (o) Dispensaries subject to random inspection by DFPR and State Police
Change in dispensary 410 ILCS 130/135	<ul style="list-style-type: none"> • Dispensary may fill or refill certification once transferred from another dispensary as long as: <ul style="list-style-type: none"> ○ (1) Before dispensing: <ul style="list-style-type: none"> ▪ (A) Dispensary advises patient that designated dispensary on file with DPH must be changed before dispensing any amount ▪ (B) Dispensary must determine that patient is registered and in compliance with DPH ▪ (C) Dispensary must notify current dispensing organization that patient is changing dispensary and that patient may no longer obtain cannabis from original dispensary ▪ (D) Dispensary must notify DPH of change and receive confirmation from DPH that it has updated database ○ (2) DPH's electronic database must maintain dispensary information ○ (3) No cannabis may be dispensed in more weight or frequency than provided for in Medical Cannabis Act
Local ordinances 410 ILCS 130/140	<ul style="list-style-type: none"> • Local governments may enact reasonable zoning ordinances • No unit of local government may unreasonably prohibit cultivation, dispensing, and use of medical cannabis authorized by the Act <ul style="list-style-type: none"> ○ This section limits home rule under the Illinois Constitution
Confidentiality 410 ILCS 130/145	<ul style="list-style-type: none"> • (a) The following information received by any agency under the Act and State Police is confidential: <ul style="list-style-type: none"> ○ (1) Applications and renewals by patients and all information they contain ○ (2) Applications and renewals by cultivation centers and dispensaries and all information they contain ○ (3) Names and identifying information of people to whom DPH has issued registry ID cards ○ (4) Any dispensing information required to be kept under Section 135, 150, or agency rule must identify cardholders by registry ID number or alternately by dispensary registration number ○ (5) All medical records provided to DPH are confidential • (a) Agencies may disclose confidential information to each other, and employees of those agencies may carry out official duties in connection with confidential information • (b) Nothing prevents: <ul style="list-style-type: none"> ○ (1) Agency employees from notifying law enforcement of falsified information ○ (2) Notification to DFPR that a physician: <ul style="list-style-type: none"> ▪ (A) Issued a certification without a bona fide physician-patient relationship ▪ (B) Issued a certification to a person who was not under the physician's care ▪ (C) Failed to follow standard of care ○ (3) Agency employees reporting suspected criminal activity to law enforcement ○ (4) Agents from notifying agencies of suspected violation or attempt to

	<ul style="list-style-type: none"> ○ violate the Act or rule ○ (5) Verification of registry identification cards by any agency pursuant to Section 150 ○ (6) General Assembly report required by Section 160 • (c) Disclosure of confidential information is a Class B misdemeanor and punishable by \$1,000 fine
Registry ID and registration certificate verification 410 ILCS 130/150	<ul style="list-style-type: none"> • (a) DPH must maintain a confidential list of people registered, including name, address, phone number, and registry ID number <ul style="list-style-type: none"> ○ May not be linked with any other list or database unless provided in Section 150 (this section) • (b) Within 180 days of effective date of the Act, the three agencies must establish a database or verification system <ul style="list-style-type: none"> ○ Must allow law enforcement agencies and dispensary agents to verify ID number corresponds with current valid card ○ System is limited to: <ul style="list-style-type: none"> ▪ Verification of valid card ▪ Whether or not cardholder is registered ▪ Registry ID number of dispensary ▪ Registry ID number of patient who may be assisted by caregiver ○ All three agencies must issue card during period in which database system is being established
Review of agency decisions 410 ILCS 130/155	<ul style="list-style-type: none"> • All final agency decisions are subject to judicial review in accordance with state law and rules adopted pursuant to state law
Annual reports 410 ILCS 130/160	<ul style="list-style-type: none"> • (a) DPH must submit an annual report to the General Assembly by September 30 of each year <ul style="list-style-type: none"> ○ Cannot disclose identifying information about patients, caregivers, or physicians ○ Must contain, at a minimum: <ul style="list-style-type: none"> ▪ (1) Number of applications and renewals ▪ (2) Number of patients and caregivers served by each dispensary ▪ (3) Debilitating conditions of patients ▪ (4) Number of ID cards or registrations revoked for misconduct ▪ (5) Number of physicians providing certifications ▪ (6) Number of cultivation centers and dispensaries
Administrative rulemaking 410 ILCS 130/165	<ul style="list-style-type: none"> • (a) DPH, DA and DFPR must develop rules and file them with the Joint Committee on Administrative Rules not later than 120 days after the effective date of the Act • (b) DPH rules must address at least the following: <ul style="list-style-type: none"> ○ (1) Application fees for patients ○ (2) Establishing registration and renewal applications ○ (2) Establishing written certification documents ○ (3) The manner in which it will consider applications for and renewals of registry ID cards ○ (4) The manufacture of CIPs ○ (5) Fees for application and renewal of registry ID cards <ul style="list-style-type: none"> ▪ May be offset by private donations ○ (6) Any other matters deemed necessary, fair, impartial, stringent and comprehensive ○ (7) Medical use of cannabis at nursing homes, hospice, assisted living

	<p>centers, residential care institutions, or adult day health care facilities</p> <ul style="list-style-type: none"> • (c) DA rules for cultivation centers must protect against diversion and theft without imposing undue burden, but must address at least the following: <ul style="list-style-type: none"> ○ (1) Oversight requirements ○ (2) Recordkeeping requirements ○ (3) Security requirements <ul style="list-style-type: none"> ▪ Each cultivation center must include fully operational security alarm system ○ (4) Rules and standards for what constitutes an “enclosed, locked facility” ○ (5) Procedures for suspending or revoking registration certificates or registry ID cards for centers and agents when in violation of Act or rules ○ (6) Rules concerning intrastate transportation of cannabis from cultivation center to dispensary ○ (7) Standards concerning testing, quality and cultivation of medical cannabis ○ (8) Any other matters deemed necessary, fair, impartial, stringent and comprehensive ○ (9) Application and renewal fees for cultivation center agents ○ (10) Application, renewal and registration fees for cultivation centers • (d) DFPR rules for dispensaries must protect against diversion and theft without imposing undue burden, but must address at least the following: <ul style="list-style-type: none"> ○ (1) Application and renewal and registration fees for dispensaries and agents ○ (2) Dispensary agent-in-charge oversight requirements ○ (3) Recordkeeping requirements ○ (4) Security requirements <ul style="list-style-type: none"> ▪ Each location must be protected by fully operational security system ○ (5) Procedures for suspending or suspending registrations of dispensaries and agents that commit violations of the Act or rules ○ (6) Application and renewal fees for dispensaries ○ (7) Application and renewal fees for agents • (e) DPH may establish sliding scale fee based on household income • (e) DPH may accept donations from private sources to reduce application and renewal fees • (e) ID card fees must include additional fee used to develop and distribute educational information about health risks associated with abuse of cannabis and prescription drugs • (f) During rulemaking process, each agency must make a good faith effort to consult with stakeholders, including patients and organizations representing patients • (g) DPH must develop and distribute educational information on health risks of abuse of cannabis and prescription drugs
<p>Enforcement of the Act 410 ILCS 130/170</p>	<ul style="list-style-type: none"> • (a) If any agency fails to implement rules within the time set by the Act, citizens may commence legal action to compel agencies to take action • (b) If any agency fails to issue a valid ID card in response to a valid application or renewal, or fails to issue a notice of denial within 30 days of submission, ID card is deemed granted and registry ID application including certification (in the case of patients), or renewal shall be deemed a valid ID card

	<ul style="list-style-type: none"> • (c) State employees or local law enforcement are required to notify DPH when a person with a registry ID card is found by a court to have violated the provisions of the Act or pled guilty to such an offense
Administrative hearings 410 ILCS 130/175	<ul style="list-style-type: none"> • Administrative hearings must be conducted in accordance with DPH rules for administrative hearings
Destruction of medical cannabis 410 ILCS 130/180	<ul style="list-style-type: none"> • (a) All cannabis byproduct, scrap, harvested cannabis not intended for distribution must be destroyed and disposed of in accordance with state law • (a) Records of destruction and disposal must be kept at cultivation center for at least 5 years • (b) Prior to destruction, a cultivation center must notify DA and State Police • (c) Cultivation center must keep record of date of destruction and how much was destroyed • (d) Dispensaries are required to destroy all cannabis, including CIPs, not sold to patients • (d) Records of destruction and disposal must be kept at dispensary for at least 5 years • (e) Dispensaries must notify DFPR and State Police prior to destruction
Suspension, revocation of registration 410 ILCS 130/185	<ul style="list-style-type: none"> • (a) DA and DPH may suspend or revoke registration for violations of the Act or rule • (b) Suspension or revocation is subject to judicial review

“DPH” – Department of Public Health

“DA” – Department of Agriculture

“DFPR” – Department of Financial and Professional Regulation

“CIP” – Cannabis Infused Product