



S.B. 1381 (Medicinal Cannabis) Will Set Some of the Tightest Controls in the U.S.

- I. Only specified “debilitating medical conditions” qualify**
 - A. Only specific diseases scientifically shown to respond to cannabis.
 - B. Mere pain or nausea are not included. Pain or nausea must be
 1. caused by a “debilitating disease or medical condition”;
 2. “intractable, severe, and debilitating”; and
 3. not have “respond[ed] to other reasonable medical efforts.”
- II. Physician’s written certification required – signed by physician & stating:**
 - A. the patient has one of the enumerated debilitating medical conditions;
 - B. the patient is likely to receive therapeutic or palliative benefit; and
 - C. the patient is under the physician’s bona fide and ongoing care for the debilitating medical condition.
- III. Tightly controlled amount, even less than federal medical marijuana program**
 - A. Two ounces and six plants, three of which are mature, collectively between the patient and the caregiver, and the plants to not expand the permitted 2-ounce total.
 - B. Department of Public Health will set further rules.
 - C. Until that time, enumerated amounts provide mere presumption of compliance.
 - D. Physician has option to order less than maximum permitted amount.
- IV. Registry identification card**
 - A. Patients must submit to the department’s registration process and regulations.
 - B. Cards valid only for one year.
 - C. Become null and void once the medical condition resolves.
A fine is imposed if patient does not notify department within 10 days that condition has resolved.
 - D. Patients and caregivers may still be prosecuted if the cannabis is not used for medical use or if the law or rules are violated: only rebuttable presumption of legality.
 - E. Sentencing enhancements, in addition to standard penalties for marijuana transfers, for diverting to unauthorized individuals.

V. The law closely regulates registered patients' use – it prohibits:

- A. negligence and professional malpractice;
- B. possession or use of cannabis in a school bus, on the grounds of any preschool or primary or secondary school, in any correctional facility, on any form of public transportation, or in any public place;
- C. operation of a motor vehicle, aircraft, or boat while under influence of cannabis;
- D. use of cannabis if person does not have a serious or debilitating medical condition; and
- E. diverting cannabis to any person who is not allowed to possess it.

VI. Medical cannabis organizations (MCOs)

- A. Analogous to pharmacies, and regulated in a similar fashion.
- B. \$5,000 registration fee in addition to paying sales tax.
- C. Full disclosure of information about owners and employees.
- D. The department must deny cards to owners/employees based on failed background checks; close record keeping and registry to ensure cannabis is only dispensed to registered patients.
- E. Only limited quantities can be possessed, which must be tied to the number of patients designating the medical cannabis organization.
- F. No cannabis from outside Illinois can be dispensed; it must all be grown by the MCOs.
- G. Department-promulgated rules for operation, e.g. record keeping, department oversight and inspection, security, and location (in addition, the bill itself specifies that MCOs cannot be within 500 feet of any school).

VII. The bill's controls work together

- A. For example, tight requirements before home growth permitted at all.

VIII. The law will sunset in three years unless re-authorized