

1 AN ACT concerning alternative treatment for serious
2 diseases causing chronic pain and debilitating conditions.

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

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

7 Section 5. Findings.

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

15 (b) Studies published since the 1999 Institute of Medicine
16 report continue to show the therapeutic value of cannabis in
17 treating a wide array of debilitating medical conditions. These
18 include relief of the neuropathic pain caused by multiple
19 sclerosis, HIV/AIDS, and other illnesses that often fail to
20 respond to conventional treatments and relief of nausea,
21 vomiting, and other side effects of drugs used to treat
22 HIV/AIDS and hepatitis C, increasing the chances of patients
23 continuing on life-saving treatment regimens.

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

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

17 (e) Alaska, Arizona, California, Colorado, Connecticut,
18 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,
19 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,
20 Washington, and Washington, D.C. have removed state-level
21 criminal penalties from the medical use and cultivation of
22 cannabis. Illinois joins in this effort for the health and
23 welfare of its citizens.

24 (f) States are not required to enforce federal law or
25 prosecute people for engaging in activities prohibited by
26 federal law. Therefore, compliance with this Act does not put

1 the State of Illinois in violation of federal law.

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

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

11 (a) "Adequate supply" means:

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

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

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

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

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

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

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

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

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

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

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

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

26 (2) any other debilitating medical condition or its

1 treatment that is added by the Department of Public Health
2 by rule as provided in Section 45.

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

9 (j) "Dispensing organization agent identification card"
10 means a document issued by the Department of Financial and
11 Professional Regulation that identifies a person as a medical
12 cannabis dispensing organization agent.

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

20 (l) "Excluded offense" means:

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

25 (2) a violation of a state or federal controlled
26 substance law that was classified as a felony in the

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

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

12 (n) "Medical cannabis container" means a sealed,
13 traceable, food compliant, tamper resistant, tamper evident
14 container, or package used for the purpose of containment of
15 medical cannabis from a cultivation center to a dispensing
16 organization.

17 (o) "Medical cannabis dispensing organization", or
18 "dispensing organization", or "dispensary organization" means
19 a facility operated by an organization or business that is
20 registered by the Department of Financial and Professional
21 Regulation to acquire medical cannabis from a registered
22 cultivation center for the purpose of dispensing cannabis,
23 paraphernalia, or related supplies and educational materials
24 to registered qualifying patients.

25 (p) "Medical cannabis dispensing organization agent" or
26 "dispensing organization agent" means a principal officer,

1 board member, employee, or agent of a registered medical
2 cannabis dispensing organization who is 21 years of age or
3 older and has not been convicted of an excluded offense.

4 (q) "Medical cannabis infused product" means food, oils,
5 ointments, or other products containing usable cannabis that
6 are not smoked.

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

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

18 (t) "Qualifying patient" means a person who has been
19 diagnosed by a physician as having a debilitating medical
20 condition.

21 (u) "Registered" means licensed, permitted, or otherwise
22 certified by the Department of Agriculture, Department of
23 Public Health, or Department of Financial and Professional
24 Regulation.

25 (v) "Registry identification card" means a document issued
26 by the Department of Public Health that identifies a person as

1 a registered qualifying patient or registered designated
2 caregiver.

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

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

20 (y) "Written certification" means a document dated and
21 signed by a physician, stating (1) that in the physician's
22 professional opinion the patient is likely to receive
23 therapeutic or palliative benefit from the medical use of
24 cannabis to treat or alleviate the patient's debilitating
25 medical condition or symptoms associated with the debilitating
26 medical condition; (2) that the qualifying patient has a

1 debilitating medical condition and specifying the debilitating
2 medical condition the qualifying patient has; and (3) that the
3 patient is under the physician's care for the debilitating
4 medical condition. A written certification shall be made only
5 in the course of a bona fide physician-patient relationship,
6 after the physician has completed an assessment of the
7 qualifying patient's medical history, reviewed relevant
8 records related to the patient's debilitating condition, and
9 conducted a physical examination.

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

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

18 Section 15. Authority.

19 (a) It is the duty of the Department of Public Health to
20 enforce the following provisions of this Act unless otherwise
21 provided for by this Act:

22 (1) establish and maintain a confidential registry of
23 qualifying patients authorized to engage in the medical use
24 of cannabis and their caregivers;

25 (2) distribute educational materials about the health

1 risks associated with the abuse of cannabis and
2 prescription medications;

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

5 (4) adopt rules establishing food handling
6 requirements for cannabis-infused products that are
7 prepared for human consumption.

8 (b) It is the duty of the Department of Agriculture to
9 enforce the provisions of this Act relating to the registration
10 and oversight of cultivation centers unless otherwise provided
11 for in this Act.

12 (c) It is the duty of the Department of Financial and
13 Professional Regulation to enforce the provisions of this Act
14 relating to the registration and oversight of dispensing
15 organizations unless otherwise provided for in this Act.

16 (d) The Department of Public Health, the Department of
17 Agriculture, or the Department of Financial and Professional
18 Regulation shall enter into intergovernmental agreements, as
19 necessary, to carry out the provisions of this Act including,
20 but not limited to, the provisions relating to the registration
21 and oversight of cultivation centers, dispensing
22 organizations, and qualifying patients and caregivers.

23 (e) The Department of Public Health, Department of
24 Agriculture, or the Department of Financial and Professional
25 Regulation may suspend or revoke a registration for violations
26 of this Act and any rules adopted in accordance thereto. The

1 suspension or revocation of a registration is a final Agency
2 action, subject to judicial review. Jurisdiction and venue for
3 judicial review are vested in the Circuit Court.

4 Section 20. Compassionate Use of Medical Cannabis Fund.

5 (a) There is created the Compassionate Use of Medical
6 Cannabis Fund in the State Treasury to be used exclusively for
7 the direct and indirect costs associated with the
8 implementation, administration, and enforcement of this Act.
9 Funds in excess of the direct and indirect costs associated
10 with the implementation, administration, and enforcement of
11 this Act shall be used to fund crime prevention programs.

12 (b) All monies collected under this Act shall be deposited
13 in the Compassionate Use of Medical Cannabis Fund in the State
14 treasury. All earnings received from investment of monies in
15 the Compassionate Use of Medical Cannabis Fund shall be
16 deposited in the Compassionate Use of Medical Cannabis Fund.

17 (c) Notwithstanding any other law to the contrary, the
18 Compassionate Use of Medical Cannabis Fund is not subject to
19 sweeps, administrative charge-backs, or any other fiscal or
20 budgetary maneuver that would in any way transfer any amounts
21 from the Compassionate Use of Medical Cannabis Fund into any
22 other fund of the State.

23 Section 25. Immunities and presumptions related to the
24 medical use of cannabis.

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

13 (b) A registered designated caregiver is not subject to
14 arrest, prosecution, or denial of any right or privilege,
15 including but not limited to civil penalty or disciplinary
16 action by an occupational or professional licensing board, for
17 acting in accordance with this Act to assist a registered
18 qualifying patient to whom he or she is connected through the
19 Department's registration process with the medical use of
20 cannabis if the designated caregiver possesses an amount of
21 cannabis that does not exceed an adequate supply as defined in
22 subsection (a) of Section 10 of this Act of usable cannabis.
23 The total amount possessed between the qualifying patient and
24 caregiver shall not exceed the patient's adequate supply as
25 defined in subsection (a) of Section 10 of this Act.

26 (c) A registered qualifying patient or registered

1 designated caregiver is not subject to arrest, prosecution, or
2 denial of any right or privilege, including but not limited to
3 civil penalty or disciplinary action by an occupational or
4 professional licensing board for possession of cannabis that is
5 incidental to medical use, but is not usable cannabis as
6 defined in this Act.

7 (d) (1) There is a rebuttable presumption that a registered
8 qualifying patient is engaged in, or a designated caregiver is
9 assisting with, the medical use of cannabis in accordance with
10 this Act if the qualifying patient or designated caregiver:

11 (A) is in possession of a valid registry identification
12 card; and

13 (B) is in possession of an amount of cannabis that does
14 not exceed the amount allowed under subsection (a) of
15 Section 10.

16 (2) The presumption may be rebutted by evidence that
17 conduct related to cannabis was not for the purpose of treating
18 or alleviating the qualifying patient's debilitating medical
19 condition or symptoms associated with the debilitating medical
20 condition in compliance with this Act.

21 (e) A physician is not subject to arrest, prosecution, or
22 penalty in any manner, or denied any right or privilege,
23 including but not limited to civil penalty or disciplinary
24 action by the Medical Disciplinary Board or by any other
25 occupational or professional licensing board, solely for
26 providing written certifications or for otherwise stating

1 that, in the physician's professional opinion, a patient is
2 likely to receive therapeutic or palliative benefit from the
3 medical use of cannabis to treat or alleviate the patient's
4 debilitating medical condition or symptoms associated with the
5 debilitating medical condition, provided that nothing shall
6 prevent a professional licensing or disciplinary board from
7 sanctioning a physician for: (1) issuing a written
8 certification to a patient who is not under the physician's
9 care for a debilitating medical condition; or (2) failing to
10 properly evaluate a patient's medical condition or otherwise
11 violating the standard of care for evaluating medical
12 conditions.

13 (f) No person may be subject to arrest, prosecution, or
14 denial of any right or privilege, including but not limited to
15 civil penalty or disciplinary action by an occupational or
16 professional licensing board, solely for: (1) selling cannabis
17 paraphernalia to a cardholder upon presentation of an unexpired
18 registry identification card in the recipient's name, if
19 employed and registered as a dispensing agent by a registered
20 dispensing organization; (2) being in the presence or vicinity
21 of the medical use of cannabis as allowed under this Act; or
22 (3) assisting a registered qualifying patient with the act of
23 administering cannabis.

24 (g) A registered cultivation center is not subject to
25 prosecution; search or inspection, except by the Department of
26 Agriculture, Department of Public Health, or State or local law

1 enforcement under 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 Agriculture rules to: acquire, possess,
6 cultivate, manufacture, deliver, transfer, transport, supply,
7 or sell cannabis to registered dispensing organizations.

8 (h) A registered cultivation center agent is not subject to
9 prosecution, search, or penalty in any manner, or be denied any
10 right or privilege, including but not limited to civil penalty
11 or disciplinary action by a business licensing board or entity,
12 for working or volunteering for a registered cannabis
13 cultivation center under this Act and Department of Agriculture
14 rules, including to perform the actions listed under subsection
15 (g).

16 (i) A registered dispensing organization is not subject to
17 prosecution; search or inspection, except by the Department of
18 Financial and Professional Regulation or State or local law
19 enforcement pursuant to Section 130; seizure; or penalty in any
20 manner, or be denied any right or privilege, including but not
21 limited to civil penalty or disciplinary action by a business
22 licensing board or entity, for acting under this Act and
23 Department of Financial and Professional Regulation rules to:
24 acquire, possess, or dispense cannabis, or related supplies,
25 and educational materials to registered qualifying patients or
26 registered designated caregivers on behalf of registered

1 qualifying patients.

2 (j) A registered dispensing organization agent is not
3 subject to prosecution, search, or penalty in any manner, or be
4 denied any right or privilege, including but not limited to
5 civil penalty or disciplinary action by a business licensing
6 board or entity, for working or volunteering for a dispensing
7 organization under this Act and Department of Financial and
8 Professional Regulation rules, including to perform the
9 actions listed under subsection (i).

10 (k) Any cannabis, cannabis paraphernalia, illegal
11 property, or interest in legal property that is possessed,
12 owned, or used in connection with the medical use of cannabis
13 as allowed under this Act, or acts incidental to that use, may
14 not be seized or forfeited. This Act does not prevent the
15 seizure or forfeiture of cannabis exceeding the amounts allowed
16 under this Act, nor shall it prevent seizure or forfeiture if
17 the basis for the action is unrelated to the cannabis that is
18 possessed, manufactured, transferred, or used under this Act.

19 (l) Mere possession of, or application for, a registry
20 identification card or registration certificate does not
21 constitute probable cause or reasonable suspicion, nor shall it
22 be used as the sole basis to support the search of the person,
23 property, or home of the person possessing or applying for the
24 registry identification card. The possession of, or
25 application for, a registry identification card does not
26 preclude the existence of probable cause if probable cause

1 exists on other grounds.

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

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

14 (o) No individual employed by the State of Illinois shall
15 be subject to criminal or civil penalties for taking any action
16 in accordance with the provisions of this Act, when the actions
17 are within the scope of his or her employment. Representation
18 and indemnification of State employees shall be provided to
19 State employees as set forth in Section 2 of the State Employee
20 Indemnification Act.

21 Section 30. Limitations and penalties.

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

25 (1) Undertaking any task under the influence of

1 cannabis, when doing so would constitute negligence,
2 professional malpractice, or professional misconduct;

3 (2) Possessing cannabis:

4 (A) in a school bus;

5 (B) on the grounds of any preschool or primary or
6 secondary school;

7 (C) in any correctional facility;

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

10 (E) in a vehicle not open to the public unless the
11 medical cannabis is in a reasonably secured, sealed,
12 tamper-evident container and reasonably inaccessible
13 while the vehicle is moving; or

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

17 (3) Using cannabis:

18 (A) in a school bus;

19 (B) on the grounds of any preschool or primary or
20 secondary school;

21 (C) in any correctional facility;

22 (D) in any motor vehicle;

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

26 (F) in any public place. "Public place" as used in

1 this subsection means any place where an individual
2 could reasonably be expected to be observed by others.
3 A "public place" includes all parts of buildings owned
4 in whole or in part, or leased, by the State or a local
5 unit of government. A "public place" does not include a
6 private residence unless the private residence is used
7 to provide licensed child care, foster care, or other
8 similar social service care on the premises. For
9 purposes of this subsection, a "public place" does not
10 include a health care facility. For purposes of this
11 Section, a "health care facility" includes, but is not
12 limited to, hospitals, nursing homes, hospice care
13 centers, and long-term care facilities;

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

16 (4) Smoking medical cannabis in any public place where
17 an individual could reasonably be expected to be observed
18 by others, in a health care facility, or any other place
19 where smoking is prohibited under the Smoke Free Illinois
20 Act;

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

25 (6) Using or possessing cannabis if that person does
26 not have a debilitating medical condition and is not a

1 registered qualifying patient or caregiver;

2 (7) Allowing any person who is not allowed to use
3 cannabis under this Act to use cannabis that a cardholder
4 is allowed to possess under this Act;

5 (8) Transferring cannabis to any person contrary to the
6 provisions of this Act;

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

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

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

16 (c) Notwithstanding any other criminal penalties related
17 to the unlawful possession of cannabis, knowingly making a
18 misrepresentation to a law enforcement official of any fact or
19 circumstance relating to the medical use of cannabis to avoid
20 arrest or prosecution is a petty offense punishable by a fine
21 of up to \$1,000, which shall be in addition to any other
22 penalties that may apply for making a false statement or for
23 the use of cannabis other than use undertaken under this Act.

24 (d) Notwithstanding any other criminal penalties related
25 to the unlawful possession of cannabis, any person who makes a
26 misrepresentation of a medical condition to a physician or

1 fraudulently provides material misinformation to a physician
2 in order to obtain a written certification is guilty of a petty
3 offense punishable by a fine of up to \$1,000.

4 (e) Any cardholder or registered caregiver who sells
5 cannabis shall have his or her registry identification card
6 revoked and is subject to other penalties for the unauthorized
7 sale of cannabis.

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

13 (g) No registered qualifying patient or designated
14 caregiver shall knowingly obtain, seek to obtain, or possess,
15 individually or collectively, an amount of usable cannabis from
16 a registered medical cannabis dispensing organization that
17 would cause him or her to exceed the authorized adequate supply
18 under subsection (a) of Section 10.

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

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

1 Section 35. Physician requirements.

2 (a) A physician who certifies a debilitating medical
3 condition for a qualifying patient shall comply with all of the
4 following requirements:

5 (1) The Physician shall be currently licensed under the
6 Medical Practice Act of 1987 to practice medicine in all
7 its branches and in good standing, and must hold a
8 controlled substances license under Article III of the
9 Illinois Controlled Substances Act.

10 (2) A physician making a medical cannabis
11 recommendation shall comply with generally accepted
12 standards of medical practice, the provisions of the
13 Medical Practice Act of 1987 and all applicable rules.

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

16 (4) The physician shall maintain a record-keeping
17 system for all patients for whom the physician has
18 recommended the medical use of cannabis. These records
19 shall be accessible to and subject to review by the
20 Department of Public Health and the Department of Financial
21 and Professional Regulation upon request.

22 (b) A physician may not:

23 (1) accept, solicit, or offer any form of remuneration
24 from or to a qualifying patient, primary caregiver,
25 cultivation center, or dispensing organization, including
26 each principal officer, board member, agent, and employee

1 other than accepting payment from a patient for the fee
2 associated with the examination required prior to
3 certifying a qualifying patient;

4 (2) offer a discount of any other item of value to a
5 qualifying patient who uses or agrees to use a particular
6 primary caregiver or dispensing organization to obtain
7 medical cannabis;

8 (3) conduct a personal physical examination of a
9 patient for purposes of diagnosing a debilitating medical
10 condition at a location where medical cannabis is sold or
11 distributed or at the address of a principal officer,
12 agent, or employee or a medical cannabis organization;

13 (4) hold a direct or indirect economic interest in a
14 cultivation center or dispensing organization if he or she
15 recommends the use of medical cannabis to qualified
16 patients or is in a partnership or other fee or
17 profit-sharing relationship with a physician who
18 recommends medical cannabis;

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

21 (6) refer patients to a cultivation center, a
22 dispensing organization, or a registered designated
23 caregiver; or

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

26 (c) The Department of Public Health may with reasonable

1 cause refer a physician, who has certified a debilitating
2 medical condition of a patient, to the Illinois Department of
3 Financial and Professional Regulation for potential violations
4 of this Section.

5 (d) Any violation of this Section or any other provision of
6 this Act or rules adopted under this Act is a violation of the
7 Medical Practice Act of 1987.

8 Section 40. Discrimination prohibited.

9 (a)(1) No school, employer, or landlord may refuse to
10 enroll or lease to, or otherwise penalize, a person solely for
11 his or her status as a registered qualifying patient or a
12 registered designated caregiver, unless failing to do so would
13 put the school, employer, or landlord in violation of federal
14 law or unless failing to do so would cause it to lose a
15 monetary or licensing-related benefit under federal law or
16 rules. This does not prevent a landlord from prohibiting the
17 smoking of cannabis on the premises.

18 (2) For the purposes of medical care, including organ
19 transplants, a registered qualifying patient's authorized use
20 of cannabis in accordance with this Act is considered the
21 equivalent of the authorized use of any other medication used
22 at the direction of a physician, and may not constitute the use
23 of an illicit substance or otherwise disqualify a qualifying
24 patient from needed medical care.

25 (b) A person otherwise entitled to custody of or visitation

1 or parenting time with a minor may not be denied that right,
2 and there is no presumption of neglect or child endangerment,
3 for conduct allowed under this Act, unless the person's actions
4 in relation to cannabis were such that they created an
5 unreasonable danger to the safety of the minor as established
6 by clear and convincing evidence.

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

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

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

18 Section 45. Addition of debilitating medical conditions.
19 Any citizen may petition the Department of Public Health to add
20 debilitating conditions or treatments to the list of
21 debilitating medical conditions listed in subsection (h) of
22 Section 10. The Department of Public Health shall consider
23 petitions in the manner required by Department rule, including
24 public notice and hearing. The Department shall approve or deny
25 a petition within 180 days of its submission, and, upon

1 approval, shall proceed to add that condition by rule in
2 accordance with the Administrative Procedure Act. The approval
3 or denial of any petition is a final decision of the
4 Department, subject to judicial review. Jurisdiction and venue
5 are vested in the Circuit Court.

6 Section 50. Employment; employer liability.

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

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

15 (c) Nothing in this Act shall limit an employer from
16 disciplining a registered qualifying patient for violating a
17 workplace drug policy.

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

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

24 (f) An employer may consider a registered qualifying
25 patient to be impaired when he or she manifests specific,

1 articulable symptoms while working that decrease or lessen his
2 or her performance of the duties or tasks of the employee's job
3 position, including symptoms of the employee's speech,
4 physical dexterity, agility, coordination, demeanor,
5 irrational or unusual behavior, negligence or carelessness in
6 operating equipment or machinery, disregard for the safety of
7 the employee or others, or involvement in an accident that
8 results in serious damage to equipment or property, disruption
9 of a production or manufacturing process, or carelessness that
10 results in any injury to the employee or others. If an employer
11 elects to discipline a qualifying patient under this
12 subsection, it must afford the employee a reasonable
13 opportunity to contest the basis of the determination.

14 (g) Nothing in this Act shall be construed to create or
15 imply a cause of action for any person against an employer for:
16 (1) actions based on the employer's good faith belief that a
17 registered qualifying patient used or possessed cannabis while
18 on the employer's premises or during the hours of employment;
19 (2) actions based on the employer's good faith belief that a
20 registered qualifying patient was impaired while working on the
21 employer's premises during the hours of employment; (3) injury
22 or loss to a third party if the employer neither knew nor had
23 reason to know that the employee was impaired.

24 (h) Nothing in this Act shall be construed to interfere
25 with any federal restrictions on employment including but not
26 limited to the United States Department of Transportation

1 regulation 49 CFR 40.151(e).

2 Section 55. Registration of qualifying patients and
3 designated caregivers.

4 (a) The Department of Public Health shall issue registry
5 identification cards to qualifying patients and designated
6 caregivers who submit a completed application, and at minimum,
7 the following, in accordance with Department of Public Health
8 rules:

9 (1) A written certification, on a form developed by the
10 Department of Public Health and issued by a physician,
11 within 90 days immediately preceding the date of an
12 application;

13 (2) upon the execution of applicable privacy waivers,
14 the patient's medical documentation related to his or her
15 debilitating condition and any other information that may
16 be reasonably required by the Department of Public Health
17 to confirm that the physician and patient have a bona fide
18 physician-patient relationship, that the qualifying
19 patient is in the physician's care for his or her
20 debilitating medical condition, and to substantiate the
21 patient's diagnosis;

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

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

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

3 (6) the name, address, and date of birth of the
4 designated caregiver, if any, chosen by the qualifying
5 patient;

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

8 (8) signed statements from the patient and designated
9 caregiver asserting that they will not divert medical
10 cannabis; and

11 (9) completed background checks for the patient and
12 designated caregiver.

13 Section 60. Issuance of registry identification cards.

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

16 (1) verify the information contained in an application
17 or renewal for a registry identification card submitted
18 under this Act, and approve or deny an application or
19 renewal, within 30 days of receiving a completed
20 application or renewal application and all supporting
21 documentation specified in Section 55;

22 (2) issue registry identification cards to a
23 qualifying patient and his or her designated caregiver, if
24 any, within 15 business days of approving the application
25 or renewal;

1 (3) enter the registry identification number of the
2 registered dispensing organization the patient designates
3 into the verification system; and

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

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

10 (c) A veteran who has received treatment at a VA hospital
11 is deemed to have a bona fide physician-patient relationship
12 with a VA physician if the patient has been seen for his or her
13 debilitating medical condition at the VA Hospital in accordance
14 with VA Hospital protocols. All reasonable inferences
15 regarding the existence of a bona fide physician-patient
16 relationship shall be drawn in favor of an applicant who is a
17 veteran and has undergone treatment at a VA hospital.

18 (d) Upon the approval of the registration and issuance of a
19 registry card under this Section, the Department of Public
20 Health shall forward the designated caregiver or registered
21 qualified patient's driver's registration number to the
22 Secretary of State and certify that the individual is permitted
23 to engage in the medical use of cannabis. For the purposes of
24 law enforcement, the Secretary of State shall make a notation
25 on the person's driving record stating the person is a
26 registered qualifying patient who is entitled to the lawful

1 medical use of cannabis. If the person no longer holds a valid
2 registry card, the Department shall notify the Secretary of
3 State and the Secretary of State shall remove the notation from
4 the person's driving record. The Department and the Secretary
5 of State may establish a system by which the information may be
6 shared electronically.

7 Section 65. Denial of registry identification cards.

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

11 (1) did not provide the required information and
12 materials;

13 (2) previously had a registry identification card
14 revoked;

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

16 (4) provided false or falsified information.

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

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

25 (1) the designated caregiver does not meet the

1 requirements of subsection (i) of Section 10;

2 (2) the applicant did not provide the information
3 required;

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

5 (4) the designated caregiver previously had a registry
6 identification card revoked; or

7 (5) the applicant or the designated caregiver provided
8 false or falsified information.

9 (d) The Department of Public Health through the Illinois
10 State Police shall conduct a background check of the
11 prospective qualifying patient and designated caregiver in
12 order to carry out this provision. The Department of State
13 Police shall be reimbursed for the cost of the background check
14 by the Department of Public Health. Each person applying as a
15 qualifying patient or a designated caregiver shall submit a
16 full set of fingerprints to the Department of Public Health for
17 the purpose of obtaining a state and federal criminal records
18 check. The Department of Public Health may exchange this data
19 with the Department of State Police or the Federal Bureau of
20 Investigation without disclosing that the records check is
21 related to this Act. The Department of Public Health shall
22 destroy each set of fingerprints after the criminal records
23 check is completed. The Department of Public Health may waive
24 the submission of a qualifying patient's complete fingerprints
25 based on (1) the severity of the patient's illness and (2) the
26 inability of the qualifying patient to obtain those

1 fingerprints, provided that a complete criminal background
2 check is conducted by the Department of State Police prior to
3 the issuance of a registry identification card.

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

8 (f) Denial of an application or renewal is considered a
9 final Department action, subject to judicial review.
10 Jurisdiction and venue for judicial review are vested in the
11 Circuit Court.

12 Section 70. Registry identification cards.

13 (a) A registered qualifying patient or designated
14 caregiver must keep their registry identification card in his
15 or her possession at all times when engaging in the medical use
16 of cannabis.

17 (b) Registry identification cards shall contain the
18 following:

19 (1) the name of the cardholder;

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

22 (3) the date of issuance and expiration date of the
23 registry identification card;

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

1 (5) if the cardholder is a designated caregiver, the
2 random alphanumeric identification number of the
3 registered qualifying patient the designated caregiver is
4 receiving the registry identification card to assist; and

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

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

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

26 (e) The Department of Public Health may electronically

1 store in the card any or all of the information listed in
2 subsection (b), along with the address and date of birth of the
3 cardholder and the qualifying patient's designated dispensary
4 organization, to allow it to be read by law enforcement agents.

5 Section 75. Notifications to Department of Public Health
6 and responses; civil penalty.

7 (a) The following notifications and Department of Public
8 Health responses are required:

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

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

19 (3) Before a registered qualifying patient changes his
20 or her designated caregiver, the qualifying patient must
21 notify the Department of Public Health.

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

25 (b) When a cardholder notifies the Department of Public

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

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

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

23 (e) A registered qualifying patient shall notify the
24 Department of Public Health of any change to his or her
25 designated registered dispensing organization. Registered
26 dispensing organizations must comply with all requirements of

1 this Act.

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

11 Section 80. Preparation of cannabis infused products.

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

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

22 (2) Baked products infused with medical cannabis (such
23 as brownies, bars, cookies, cakes), tinctures, and other
24 non-refrigerated items are acceptable for sale at
25 dispensing organizations. The products are allowable for

1 sale only at registered dispensing organizations.

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

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

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

11 (C) all ingredients of the item, including any
12 colors, artificial flavors, and preservatives, listed
13 in descending order by predominance of weight shown
14 with common or usual names;

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

19 (E) allergen labeling as specified in the Federal
20 Food, Drug and Cosmetics Act, Federal Fair Packaging
21 and Labeling Act, and the Illinois Food, Drug and
22 Cosmetic Act;

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

25 (G) a warning that the item is a medical cannabis
26 infused product and not a food must be distinctly and

1 clearly legible on the front of the package;

2 (H) a clearly legible warning emphasizing that the
3 product contains medical cannabis and is intended for
4 consumption by registered qualifying patients only;
5 and

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

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

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

19 (6) A cultivation center that prepares cannabis
20 infused products for sale or distribution at a dispensing
21 organization shall be under the operational supervision of
22 a Department of Public Health certified food service
23 sanitation manager.

24 (b) The Department of Public Health shall adopt rules for
25 the manufacture of medical cannabis-infused products and shall
26 enforce these provisions, and for that purpose it may at all

1 times enter every building, room, basement, enclosure, or
2 premises occupied or used or suspected of being occupied or
3 used for the production, preparation, manufacture for sale,
4 storage, sale, distribution or transportation of medical
5 cannabis edible products, to inspect the premises and all
6 utensils, fixtures, furniture, and machinery used for the
7 preparation of these products.

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

17 Section 85. Issuance and denial of medical cannabis
18 cultivation permit.

19 (a) The Department of Agriculture may register up to 22
20 cultivation center registrations for operation. The Department
21 of Agriculture may not issue more than one registration per
22 each Illinois State Police District boundary as specified on
23 the date of January 1, 2013. The Department of Agriculture may
24 not issue less than the 22 registrations if there are qualified
25 applicants who have applied with the Department.

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

3 (c) The Department of Agriculture shall determine a
4 registration fee by rule.

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

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

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

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

21 (4) any instance in which a business that any of the
22 prospective board members of the cultivation center had
23 managed or served on the board of the business and was
24 convicted, fined, censured, or had a registration or
25 license suspended or revoked in any administrative or
26 judicial proceeding;

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

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

11 (7) experience with agricultural cultivation
12 techniques and industry standards;

13 (8) any academic degrees, certifications, or relevant
14 experience with related businesses;

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

24 (10) verification from the State Police that all
25 background checks of the principal officer, board members,
26 and registered agents have been conducted and those

1 individuals have not been convicted of an excluded offense;

2 (11) provide a copy of the current local zoning
3 ordinance to the Department of Agriculture and verify that
4 proposed cultivation center is in compliance with the local
5 zoning rules issued in accordance with Section 140;

6 (12) an application fee set by the Department of
7 Agriculture by rule; and

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

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

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

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

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

25 (4) one or more of the prospective principal officers
26 or board members has served as a principal officer or board

1 member for a registered dispensing organization or
2 cultivation center that has had its registration revoked;

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

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

8 (7) a principal officer or board member of the
9 cultivation center has been convicted of any violation of
10 Article 28 of the Criminal Code of 2012, or substantially
11 similar laws of any other jurisdiction; or

12 (8) the person has submitted an application for a
13 certificate under this Act which contains false
14 information.

15 Section 90. Renewal of cultivation center registrations.

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

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

25 (2) the Department of Agriculture has not suspended the

1 registration of the cultivation center or suspended or
2 revoked the registration for violation of this Act or rules
3 adopted under this Act.

4 Section 95. Background checks.

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

19 (b) When applying for the initial permit, the background
20 checks for the principal officer, board members, and registered
21 agents shall be completed prior to submitting the application
22 to the Department of Agriculture.

23 Section 100. Cultivation center agent identification card.

24 (a) The Department of Agriculture shall:

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

7 (2) issue a cultivation center agent identification
8 card to a qualifying agent within 15 business days of
9 approving the application or renewal;

10 (3) enter the registry identification number of the
11 cultivation center where the agent works; 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) A cultivation center agent must keep his or her
16 identification card visible at all times when on the property
17 of a cultivation center and during the transportation of
18 medical cannabis to a registered dispensary organization.

19 (c) The cultivation center agent identification cards
20 shall contain the following:

21 (1) the name of the cardholder;

22 (2) the date of issuance and expiration date of
23 cultivation center agent identification cards;

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

1 (4) a photograph of the cardholder.

2 (d) The cultivation center agent identification cards
3 shall be immediately returned to the cultivation center upon
4 termination of employment.

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

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

11 Section 105. Requirements; prohibitions; penalties for
12 cultivation centers.

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

19 (b) A registered cultivation center shall implement a
20 security plan reviewed by the State Police and including but
21 not limited to: facility access controls, perimeter intrusion
22 detection systems, personnel identification systems, 24-hour
23 surveillance system to monitor the interior and exterior of the
24 registered cultivation center facility and accessible to
25 authorized law enforcement and the Department of Financial and

1 Professional Regulation in real-time.

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

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

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

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

26 (g) No person who has been convicted of an excluded offense

1 may be a cultivation center agent.

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

4 (i) Registered cultivation centers are subject to random
5 inspections by the Department of Agriculture and the Department
6 of Public Health.

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

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

14 Section 110. Suspension revocation of a registration.

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

18 (b) The suspension or revocation of a certificate is a
19 final Department of Agriculture action, subject to judicial
20 review. Jurisdiction and venue for judicial review are vested
21 in the Circuit Court.

22 Section 115. Registration of dispensing organizations.

23 (a) The Department of Financial and Professional
24 Regulation may issue up to 60 dispensing organization

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

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

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

18 (1) a non-refundable application fee established by
19 rule;

20 (2) the proposed legal name of the dispensing
21 organization;

22 (3) the proposed physical address of the dispensing
23 organization;

24 (4) the name, address, and date of birth of each
25 principal officer and board member of the dispensing
26 organization, provided that all those individuals shall be

1 at least 21 years of age;

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

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

17 (7) signed statements from each dispensing
18 organization agent stating that they will not divert
19 medical cannabis.

20 (d) The Department of Financial and Professional
21 Regulation shall conduct a background check of the prospective
22 dispensing organization agents in order to carry out this
23 provision. The Department of State Police shall be reimbursed
24 for the cost of the background check by the Department of
25 Financial and Professional Regulation. Each person applying as
26 a dispensing organization agent shall submit a full set of

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

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

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

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

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

22 (3) the applicant does not meet the requirements of
23 Section 130;

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

26 (5) one or more of the prospective principal officers

1 or board members has served as a principal officer or board
2 member for a registered medical cannabis dispensing
3 organization that has had its registration revoked;

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

6 (7) one or more of the principal officers or board
7 members is a registered qualified patient or a registered
8 caregiver.

9 Section 120. Dispensing organization agent identification
10 card.

11 (a) The Department of Financial and Professional
12 Regulation shall:

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

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

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

24 (4) allow for an electronic application process, and
25 provide a confirmation by electronic or other methods that

1 an application has been submitted.

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

5 (c) The dispensing organization agent identification cards
6 shall contain the following:

7 (1) the name of the cardholder;

8 (2) the date of issuance and expiration date of the
9 dispensing organization agent identification cards;

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

13 (4) a photograph of the cardholder.

14 (d) The dispensing organization agent identification cards
15 shall be immediately returned to the cultivation center upon
16 termination of employment.

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

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

23 Section 125. Medical cannabis dispensing organization
24 certification renewal.

25 (a) The registered dispensing organization shall receive

1 written notice 90 days prior to the expiration of its current
2 registration that the registration will expire. The Department
3 of Financial and Professional Regulation shall grant a renewal
4 application within 45 days of its submission if the following
5 conditions are satisfied:

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

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

14 (b) If a dispensing organization fails to renew its
15 registration prior to expiration, the dispensing organization
16 shall cease operations until registration is renewed.

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

21 (d) Any dispensing organization that continues to operate
22 or dispensing agent that continues to work or volunteer at a
23 dispensing organization that fails to renew its registration
24 shall be subject to penalty as provided in Section 130.

25 Section 130. Requirements; prohibitions; penalties;

1 dispensing organizations.

2 (a) The Department of Financial and Professional
3 Regulation shall implement the provisions of this Section by
4 rule.

5 (b) A dispensing organization shall maintain operating
6 documents which shall include procedures for the oversight of
7 the registered dispensing organization and procedures to
8 ensure accurate recordkeeping.

9 (c) A dispensing organization shall implement appropriate
10 security measures, as provided by rule, to deter and prevent
11 the theft of cannabis and unauthorized entrance into areas
12 containing cannabis.

13 (d) A dispensing organization may not be located within
14 1,000 feet of the property line of a pre-existing public or
15 private preschool or elementary or secondary school or day care
16 center, day care home, group day care home, or part day child
17 care facility. A registered dispensing organization may not be
18 located in a house, apartment, condominium, or an area zoned
19 for residential use.

20 (e) A dispensing organization is prohibited from acquiring
21 cannabis from anyone other than a registered cultivation
22 center. A dispensing organization is prohibited from obtaining
23 cannabis from outside the State of Illinois.

24 (f) A registered dispensing organization is prohibited
25 from dispensing cannabis for any purpose except to assist
26 registered qualifying patients with the medical use of cannabis

1 directly or through the qualifying patients' designated
2 caregivers.

3 (g) The area in a dispensing organization where medical
4 cannabis is stored can only be accessed by dispensing
5 organization agents working for the dispensing organization,
6 Department of Financial and Professional Regulation staff
7 performing inspections, law enforcement or other emergency
8 personnel, and contractors working on jobs unrelated to medical
9 cannabis, such as installing or maintaining security devices or
10 performing electrical wiring.

11 (h) A dispensing organization may not dispense more than
12 2.5 ounces of cannabis to a registered qualifying patient,
13 directly or via a designated caregiver, in any 14-day period
14 unless the qualifying patient has a Department of Public
15 Health-approved quantity waiver.

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

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

23 (2) that the person presenting the card is the person
24 identified on the registry identification card presented
25 to the dispensing organization agent;

26 (3) that the dispensing organization is the designated

1 dispensing organization for the registered qualifying
2 patient who is obtaining the cannabis directly or via his
3 or her designated caregiver; and

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

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

14 (k) The physician-patient privilege as set forth by Section
15 8-802 of the Code of Civil Procedure shall apply between a
16 qualifying patient and a registered dispensing organization
17 and its agents with respect to communications and records
18 concerning qualifying patients' debilitating conditions.

19 (l) A dispensing organization may not permit any person to
20 consume cannabis on the property of a medical cannabis
21 organization.

22 (m) A dispensing organization may not share office space
23 with or refer patients to a physician.

24 (n) Notwithstanding any other criminal penalties related
25 to the unlawful possession of cannabis, the Department of
26 Financial and Professional Regulation may revoke, suspend,

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

16 (o) Dispensing organizations are subject to random
17 inspection and cannabis testing by the Department of Financial
18 and Professional Regulation and State Police as provided by
19 rule.

20 Section 135. Change in designated dispensing organization.
21 Nothing contained in this Act shall be construed to prohibit a
22 dispensing organization registered in this State from filling
23 or refilling a valid written certification for medical cannabis
24 that is on file with the Department of Public Health and the
25 designation has been transferred from one dispensing

1 organization to another under this Act upon the following
2 conditions and exceptions:

3 (1) Prior to dispensing medical cannabis under any written
4 certification and the requirements of this Act, the dispensing
5 organization agent shall:

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

10 (B) determine that the patient is registered and in
11 compliance with the Department of Public Health under the
12 requirements of this Act;

13 (C) notify the dispensing organization designated by
14 the registered qualifying patient that the registered
15 qualifying patient is changing his or her designation and
16 the patient may no longer purchase medical cannabis at the
17 original dispensing organization; and

18 (D) notify the Department of Public Health of a
19 patient's change in designation and receive confirmation
20 from the Department of Public Health that it has updated
21 the registered qualifying patient database.

22 (2) The Department of Public Health's electronically
23 accessible database created under this Act shall maintain a
24 registered qualified patient's designated dispensary
25 information. The Department of Public Health may formulate
26 rules, not inconsistent with law, as may be necessary to carry

1 out the purposes of and to enforce the provisions of this
2 Section.

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

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

19 Section 145. Confidentiality.

20 (a) The following information received and records kept by
21 the Department of Public Health, Department of Financial and
22 Professional Regulation, Department of Agriculture, or
23 Department of State Police under their rules for purposes of
24 administering this Act are subject to all applicable federal

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

11 (1) Applications and renewals, their contents, and
12 supporting information submitted by qualifying patients
13 and designated caregivers, including information regarding
14 their designated caregivers and physicians.

15 (2) Applications and renewals, their contents, and
16 supporting information submitted by or on behalf of
17 cultivation centers and dispensing organizations in
18 compliance with this Act, including their physical
19 addresses.

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

23 (4) Any dispensing information required to be kept
24 under Section 135, Section 150, or Department of Public
25 Health, Department of Agriculture, or Department of
26 Financial and Professional Regulation rules shall identify

1 cardholders and registered cultivation centers by their
2 registry identification numbers and medical cannabis
3 dispensing organizations by their registration number and
4 not contain names or other personally identifying
5 information.

6 (5) All medical records provided to the Department of
7 Public Health in connection with an application for a
8 registry card.

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

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

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

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

26 (B) issued a written certification to a person who

1 was not under the physician's care for the debilitating
2 medical condition; or

3 (C) failed to abide by the acceptable and
4 prevailing standard of care when evaluating a
5 patient's medical condition.

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

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

19 (5) Each Department may verify registry identification
20 cards under Section 150.

21 (6) The submission of the report to the General
22 Assembly under Section 160.

23 (c) It is a Class B misdemeanor with a \$1,000 fine for any
24 person, including an employee or official of the Department of
25 Public Health, Department of Financial and Professional
26 Regulation, or Department of Agriculture or another State

1 agency or local government, to breach the confidentiality of
2 information obtained under this Act.

3 Section 150. Registry identification and registration
4 certificate verification.

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

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

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

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

20 Section 160. Annual reports.

21 (a) The Department of Public Health shall submit to the
22 General Assembly a report, by September 30 of each year, that
23 does not disclose any identifying information about registered
24 qualifying patients, registered caregivers, or physicians, but

1 does contain, at a minimum, all of the following information
2 based on the fiscal year for reporting purposes:

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

5 (2) the number of qualifying patients and designated
6 caregivers served by each dispensary during the report
7 year;

8 (3) the nature of the debilitating medical conditions
9 of the qualifying patients;

10 (4) the number of registry identification cards or
11 registrations revoked for misconduct;

12 (5) the number of physicians providing written
13 certifications for qualifying patients; and

14 (6) the number of registered medical cannabis
15 cultivation centers or registered dispensing
16 organizations.

17 Section 165. Administrative rulemaking.

18 (a) Not later than 120 days after the effective date of
19 this Act, the Department of Public Health, Department of
20 Agriculture, and the Department of Financial and Professional
21 Regulation shall develop rules in accordance to their
22 responsibilities under this Act and file those rules with the
23 Joint Committee on Administrative Rules.

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

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

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

6 (3) governing the manner in which it shall consider
7 applications for and renewals of registry identification
8 cards;

9 (4) the manufacture of medical cannabis-infused
10 products;

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

14 (6) any other matters as are necessary for the fair,
15 impartial, stringent, and comprehensive administration of
16 this Act; and

17 (7) reasonable rules concerning the medical use of
18 cannabis at a nursing care institution, hospice, assisted
19 living center, assisted living facility, assisted living
20 home, residential care institution, or adult day health
21 care facility.

22 (c) The Department of Agriculture rules shall address, but
23 not be limited to the following related to registered
24 cultivation centers, with the goal of protecting against
25 diversion and theft, without imposing an undue burden on the
26 registered cultivation centers:

1 (1) oversight requirements for registered cultivation
2 centers;

3 (2) recordkeeping requirements for registered
4 cultivation centers;

5 (3) security requirements for registered cultivation
6 centers, which shall include that each registered
7 cultivation center location must be protected by a fully
8 operational security alarm system;

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

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

16 (6) rules concerning the intrastate transportation of
17 medical cannabis from a cultivation center to a dispensing
18 organization;

19 (7) standards concerning the testing, quality, and
20 cultivation of medical cannabis;

21 (8) any other matters as are necessary for the fair,
22 impartial, stringent, and comprehensive administration of
23 this Act;

24 (9) application and renewal fees for cultivation
25 center agents; and

26 (10) application, renewal, and registration fees for

1 cultivation centers.

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

9 (1) application and renewal and registration fees for
10 dispensing organizations and dispensing organizations
11 agents;

12 (2) medical cannabis dispensing agent-in-charge
13 oversight requirements for dispensing organizations;

14 (3) recordkeeping requirements for dispensing
15 organizations;

16 (4) security requirements for medical cannabis
17 dispensing organizations, which shall include that each
18 registered dispensing organization location must be
19 protected by a fully operational security alarm system;

20 (5) procedures for suspending or suspending the
21 registrations of dispensing organizations and dispensing
22 organization agents that commit violations of the
23 provisions of this Act or the rules adopted under this Act;

24 (6) application and renewal fees for dispensing
25 organizations; and

26 (7) application and renewal fees for dispensing

1 organization agents.

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

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

16 (g) The Department of Public Health shall develop and
17 disseminate educational information about the health risks
18 associated with the abuse of cannabis and prescription
19 medications.

20 Section 170. Enforcement of this Act.

21 (a) If a Department fails to adopt rules to implement this
22 Act within the times provided for in this Act, any citizen may
23 commence a mandamus action in the Circuit Court to compel the
24 Departments to perform the actions mandated under the
25 provisions of this Act.

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

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

17 Section 175. Administrative hearings. All administrative
18 hearings under this Act shall be conducted in accordance with
19 the Department of Public Health's rules governing
20 administrative hearings.

21 Section 180. Destruction of medical cannabis.

22 (a) All cannabis byproduct, scrap, and harvested cannabis
23 not intended for distribution to a medical cannabis
24 organization must be destroyed and disposed of pursuant to

1 State law. Documentation of destruction and disposal shall be
2 retained at the cultivation center for a period of not less
3 than 5 years.

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

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

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

13 (e) A dispensary organization shall prior to the
14 destruction, notify the Department of Financial and
15 Professional Regulation and the State Police.

16 Section 185. Suspension revocation of a registration.

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

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

1 Section 190. Medical Cannabis Cultivation Privilege Tax
2 Law. Sections 190 through 215 may be cited as the Medical
3 Cannabis Cultivation Privilege Tax Law.

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

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

7 "Department" means the Department of Revenue.

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

11 "Person" means an individual, partnership, corporation, or
12 public or private organization.

13 "Qualifying patient" means a qualifying patient registered
14 under the Compassionate Use of Medical Cannabis Pilot Program
15 Act.

16 Section 200. Tax imposed.

17 (a) Beginning on the effective date of this Act, a tax is
18 imposed upon the privilege of cultivating medical cannabis at a
19 rate of 7% of the sales price per ounce. The proceeds from this
20 tax shall be deposited into the Compassionate Use of Medical
21 Cannabis Fund created under the Compassionate Use of Medical
22 Cannabis Pilot Program Act. This tax shall be paid by a
23 cultivation center and is not the responsibility of a
24 dispensing organization or a qualifying patient.

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

5 Section 205. Department enforcement.

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

16 (b) The Department shall have full power to administer and
17 enforce this Law, to collect all taxes and penalties due
18 hereunder, to dispose of taxes and penalties so collected in
19 the manner hereinafter provided, and to determine all rights to
20 credit memoranda, arising on account of the erroneous payment
21 of tax or penalty hereunder. In the administration of, and
22 compliance with, this Law, the Department and persons who are
23 subject to this Law shall have the same rights, remedies,
24 privileges, immunities, powers and duties, and be subject to
25 the same conditions, restrictions, limitations, penalties and

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

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

- 15 (1) The name of the taxpayer;
16 (2) The number of ounces of medical cannabis sold to a
17 dispensary organization or a registered qualifying patient
18 during the preceding calendar month;
19 (3) The amount of tax due;
20 (4) The signature of the taxpayer; and
21 (5) Such other reasonable information as the
22 Department may require.

23 If a taxpayer fails to sign a return within 30 days after
24 the proper notice and demand for signature by the Department,
25 the return shall be considered valid and any amount shown to be

1 due on the return shall be deemed assessed.

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

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

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

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

10 (10 ILCS 5/9-45 new)

11 Sec. 9-45. Medical cannabis organization; contributions.
12 It is unlawful for any medical cannabis cultivation center or
13 medical cannabis dispensary organization or any political
14 action committee created by any medical cannabis cultivation
15 center or dispensary organization to make a campaign
16 contribution to any political committee established to promote
17 the candidacy of a candidate or public official. It is unlawful
18 for any candidate, political committee, or other person to
19 knowingly accept or receive any contribution prohibited by this
20 Section. It is unlawful for any officer or agent of a medical
21 cannabis cultivation center or dispensary organization to
22 consent to any contribution or expenditure by the medical

1 cannabis organization that is prohibited by this Section. As
2 used in this Section, "medical cannabis cultivation center" and
3 "dispensary organization" have the meaning ascribed to those
4 terms in Section 10 of the Compassionate Use of Medical
5 Cannabis Pilot Program Act.

6 Section 905. The State Finance Act is amended by adding
7 Section 5.826 as follows:

8 (30 ILCS 105/5.826 new)

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

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

12 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

13 Sec. 201. Tax Imposed.

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

21 (b) Rates. The tax imposed by subsection (a) of this
22 Section shall be determined as follows, except as adjusted by

1 subsection (d-1):

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

6 (2) In the case of an individual, trust or estate, for
7 taxable years beginning prior to July 1, 1989 and ending
8 after June 30, 1989, an amount equal to the sum of (i) 2
9 1/2% of the taxpayer's net income for the period prior to
10 July 1, 1989, as calculated under Section 202.3, and (ii)
11 3% of the taxpayer's net income for the period after June
12 30, 1989, as calculated under Section 202.3.

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

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

24 (5) In the case of an individual, trust, or estate, for
25 taxable years beginning on or after January 1, 2011, and
26 ending prior to January 1, 2015, an amount equal to 5% of

1 the taxpayer's net income for the taxable year.

2 (5.1) In the case of an individual, trust, or estate,
3 for taxable years beginning prior to January 1, 2015, and
4 ending after December 31, 2014, an amount equal to the sum
5 of (i) 5% of the taxpayer's net income for the period prior
6 to January 1, 2015, as calculated under Section 202.5, and
7 (ii) 3.75% of the taxpayer's net income for the period
8 after December 31, 2014, as calculated under Section 202.5.

9 (5.2) In the case of an individual, trust, or estate,
10 for taxable years beginning on or after January 1, 2015,
11 and ending prior to January 1, 2025, an amount equal to
12 3.75% of the taxpayer's net income for the taxable year.

13 (5.3) In the case of an individual, trust, or estate,
14 for taxable years beginning prior to January 1, 2025, and
15 ending after December 31, 2024, an amount equal to the sum
16 of (i) 3.75% of the taxpayer's net income for the period
17 prior to January 1, 2025, as calculated under Section
18 202.5, and (ii) 3.25% of the taxpayer's net income for the
19 period after December 31, 2024, as calculated under Section
20 202.5.

21 (5.4) In the case of an individual, trust, or estate,
22 for taxable years beginning on or after January 1, 2025, an
23 amount equal to 3.25% of the taxpayer's net income for the
24 taxable year.

25 (6) In the case of a corporation, for taxable years
26 ending prior to July 1, 1989, an amount equal to 4% of the

1 taxpayer's net income for the taxable year.

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

9 (8) In the case of a corporation, for taxable years
10 beginning after June 30, 1989, and ending prior to January
11 1, 2011, an amount equal to 4.8% of the taxpayer's net
12 income for the taxable year.

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

20 (10) In the case of a corporation, for taxable years
21 beginning on or after January 1, 2011, and ending prior to
22 January 1, 2015, an amount equal to 7% of the taxpayer's
23 net income for the taxable year.

24 (11) In the case of a corporation, for taxable years
25 beginning prior to January 1, 2015, and ending after
26 December 31, 2014, an amount equal to the sum of (i) 7% of

1 the taxpayer's net income for the period prior to January
2 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
3 of the taxpayer's net income for the period after December
4 31, 2014, as calculated under Section 202.5.

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

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

16 (14) In the case of a corporation, for taxable years
17 beginning on or after January 1, 2025, an amount equal to
18 4.8% of the taxpayer's net income for the taxable year.

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

21 (c) Personal Property Tax Replacement Income Tax.
22 Beginning on July 1, 1979 and thereafter, in addition to such
23 income tax, there is also hereby imposed the Personal Property
24 Tax Replacement Income Tax measured by net income on every
25 corporation (including Subchapter S corporations), partnership
26 and trust, for each taxable year ending after June 30, 1979.

1 Such taxes are imposed on the privilege of earning or receiving
2 income in or as a resident of this State. The Personal Property
3 Tax Replacement Income Tax shall be in addition to the income
4 tax imposed by subsections (a) and (b) of this Section and in
5 addition to all other occupation or privilege taxes imposed by
6 this State or by any municipal corporation or political
7 subdivision thereof.

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

20 (d-1) Rate reduction for certain foreign insurers. In the
21 case of a foreign insurer, as defined by Section 35A-5 of the
22 Illinois Insurance Code, whose state or country of domicile
23 imposes on insurers domiciled in Illinois a retaliatory tax
24 (excluding any insurer whose premiums from reinsurance assumed
25 are 50% or more of its total insurance premiums as determined
26 under paragraph (2) of subsection (b) of Section 304, except

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

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

21 (A) the total amount of tax imposed on such foreign
22 insurer under this Act for a taxable year, net of all
23 credits allowed under this Act, plus

24 (B) the privilege tax imposed by Section 409 of the
25 Illinois Insurance Code, the fire insurance company
26 tax imposed by Section 12 of the Fire Investigation

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

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

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

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

22 (1) A taxpayer shall be allowed a credit equal to .5%
23 of the basis of qualified property placed in service during
24 the taxable year, provided such property is placed in
25 service on or after July 1, 1984. There shall be allowed an
26 additional credit equal to .5% of the basis of qualified

1 property placed in service during the taxable year,
2 provided such property is placed in service on or after
3 July 1, 1986, and the taxpayer's base employment within
4 Illinois has increased by 1% or more over the preceding
5 year as determined by the taxpayer's employment records
6 filed with the Illinois Department of Employment Security.
7 Taxpayers who are new to Illinois shall be deemed to have
8 met the 1% growth in base employment for the first year in
9 which they file employment records with the Illinois
10 Department of Employment Security. The provisions added to
11 this Section by Public Act 85-1200 (and restored by Public
12 Act 87-895) shall be construed as declaratory of existing
13 law and not as a new enactment. If, in any year, the
14 increase in base employment within Illinois over the
15 preceding year is less than 1%, the additional credit shall
16 be limited to that percentage times a fraction, the
17 numerator of which is .5% and the denominator of which is
18 1%, but shall not exceed .5%. The investment credit shall
19 not be allowed to the extent that it would reduce a
20 taxpayer's liability in any tax year below zero, nor may
21 any credit for qualified property be allowed for any year
22 other than the year in which the property was placed in
23 service in Illinois. For tax years ending on or after
24 December 31, 1987, and on or before December 31, 1988, the
25 credit shall be allowed for the tax year in which the
26 property is placed in service, or, if the amount of the

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

1 shall be applied first.

2 (2) The term "qualified property" means property
3 which:

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

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

16 (C) is acquired by purchase as defined in Section
17 179(d) of the Internal Revenue Code;

18 (D) is used in Illinois by a taxpayer who is
19 primarily engaged in manufacturing, or in mining coal
20 or fluorite, or in retailing, or was placed in service
21 on or after July 1, 2006 in a River Edge Redevelopment
22 Zone established pursuant to the River Edge
23 Redevelopment Zone Act; and

24 (E) has not previously been used in Illinois in
25 such a manner and by such a person as would qualify for
26 the credit provided by this subsection (e) or

1 subsection (f).

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

21 (4) The basis of qualified property shall be the basis
22 used to compute the depreciation deduction for federal
23 income tax purposes.

24 (5) If the basis of the property for federal income tax
25 depreciation purposes is increased after it has been placed
26 in service in Illinois by the taxpayer, the amount of such

1 increase shall be deemed property placed in service on the
2 date of such increase in basis.

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

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

21 (8) Unless the investment credit is extended by law,
22 the basis of qualified property shall not include costs
23 incurred after December 31, 2018, except for costs incurred
24 pursuant to a binding contract entered into on or before
25 December 31, 2018.

26 (9) Each taxable year ending before December 31, 2000,

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

16 For taxable years ending on or after December 31, 2000,
17 a partner that qualifies its partnership for a subtraction
18 under subparagraph (I) of paragraph (2) of subsection (d)
19 of Section 203 or a shareholder that qualifies a Subchapter
20 S corporation for a subtraction under subparagraph (S) of
21 paragraph (2) of subsection (b) of Section 203 shall be
22 allowed a credit under this subsection (e) equal to its
23 share of the credit earned under this subsection (e) during
24 the taxable year by the partnership or Subchapter S
25 corporation, determined in accordance with the
26 determination of income and distributive share of income

1 under Sections 702 and 704 and Subchapter S of the Internal
2 Revenue Code. This paragraph is exempt from the provisions
3 of Section 250.

4 (f) Investment credit; Enterprise Zone; River Edge
5 Redevelopment Zone.

6 (1) A taxpayer shall be allowed a credit against the
7 tax imposed by subsections (a) and (b) of this Section for
8 investment in qualified property which is placed in service
9 in an Enterprise Zone created pursuant to the Illinois
10 Enterprise Zone Act or, for property placed in service on
11 or after July 1, 2006, a River Edge Redevelopment Zone
12 established pursuant to the River Edge Redevelopment Zone
13 Act. For partners, shareholders of Subchapter S
14 corporations, and owners of limited liability companies,
15 if the liability company is treated as a partnership for
16 purposes of federal and State income taxation, there shall
17 be allowed a credit under this subsection (f) to be
18 determined in accordance with the determination of income
19 and distributive share of income under Sections 702 and 704
20 and Subchapter S of the Internal Revenue Code. The credit
21 shall be .5% of the basis for such property. The credit
22 shall be available only in the taxable year in which the
23 property is placed in service in the Enterprise Zone or
24 River Edge Redevelopment Zone and shall not be allowed to
25 the extent that it would reduce a taxpayer's liability for
26 the tax imposed by subsections (a) and (b) of this Section

1 to below zero. For tax years ending on or after December
2 31, 1985, the credit shall be allowed for the tax year in
3 which the property is placed in service, or, if the amount
4 of the credit exceeds the tax liability for that year,
5 whether it exceeds the original liability or the liability
6 as later amended, such excess may be carried forward and
7 applied to the tax liability of the 5 taxable years
8 following the excess credit year. The credit shall be
9 applied to the earliest year for which there is a
10 liability. If there is credit from more than one tax year
11 that is available to offset a liability, the credit
12 accruing first in time shall be applied first.

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

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

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

21 (C) is acquired by purchase as defined in Section
22 179(d) of the Internal Revenue Code;

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

25 (E) has not been previously used in Illinois in
26 such a manner and by such a person as would qualify for

1 the credit provided by this subsection (f) or
2 subsection (e).

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

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

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

14 (6) If during any taxable year, any property ceases to
15 be qualified property in the hands of the taxpayer within
16 48 months after being placed in service, or the situs of
17 any qualified property is moved outside the Enterprise Zone
18 or River Edge Redevelopment Zone within 48 months after
19 being placed in service, the tax imposed under subsections
20 (a) and (b) of this Section for such taxable year shall be
21 increased. Such increase shall be determined by (i)
22 recomputing the investment credit which would have been
23 allowed for the year in which credit for such property was
24 originally allowed by eliminating such property from such
25 computation, and (ii) subtracting such recomputed credit
26 from the amount of credit previously allowed. For the

1 purposes of this paragraph (6), a reduction of the basis of
2 qualified property resulting from a redetermination of the
3 purchase price shall be deemed a disposition of qualified
4 property to the extent of such reduction.

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

22 (g) Jobs Tax Credit; River Edge Redevelopment Zone and
23 Foreign Trade Zone or Sub-Zone.

24 (1) A taxpayer conducting a trade or business, for
25 taxable years ending on or after December 31, 2006, in a
26 River Edge Redevelopment Zone or conducting a trade or

1 business in a federally designated Foreign Trade Zone or
2 Sub-Zone shall be allowed a credit against the tax imposed
3 by subsections (a) and (b) of this Section in the amount of
4 \$500 per eligible employee hired to work in the zone during
5 the taxable year.

6 (2) To qualify for the credit:

7 (A) the taxpayer must hire 5 or more eligible
8 employees to work in a River Edge Redevelopment Zone or
9 federally designated Foreign Trade Zone or Sub-Zone
10 during the taxable year;

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

19 (C) the eligible employees must be employed 180
20 consecutive days in order to be deemed hired for
21 purposes of this subsection.

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

23 (A) Certified by the Department of Commerce and
24 Economic Opportunity as "eligible for services"
25 pursuant to regulations promulgated in accordance with
26 Title II of the Job Training Partnership Act, Training

1 Services for the Disadvantaged or Title III of the Job
2 Training Partnership Act, Employment and Training
3 Assistance for Dislocated Workers Program.

4 (B) Hired after the River Edge Redevelopment Zone
5 or federally designated Foreign Trade Zone or Sub-Zone
6 was designated or the trade or business was located in
7 that zone, whichever is later.

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

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

15 (4) For tax years ending on or after December 31, 1985
16 and prior to December 31, 1988, the credit shall be allowed
17 for the tax year in which the eligible employees are hired.
18 For tax years ending on or after December 31, 1988, the
19 credit shall be allowed for the tax year immediately
20 following the tax year in which the eligible employees are
21 hired. If the amount of the credit exceeds the tax
22 liability for that year, whether it exceeds the original
23 liability or the liability as later amended, such excess
24 may be carried forward and applied to the tax liability of
25 the 5 taxable years following the excess credit year. The
26 credit shall be applied to the earliest year for which

1 there is a liability. If there is credit from more than one
2 tax year that is available to offset a liability, earlier
3 credit shall be applied first.

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

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

9 (h) Investment credit; High Impact Business.

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

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

23 Changes made in this subdivision (h) (1) by Public Act
24 88-670 restore changes made by Public Act 85-1182 and
25 reflect existing law.

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

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

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

8 (C) is acquired by purchase as defined in Section
9 179(d) of the Internal Revenue Code; and

10 (D) is not eligible for the Enterprise Zone
11 Investment Credit provided by subsection (f) of this
12 Section.

13 (3) The basis of qualified property shall be the basis
14 used to compute the depreciation deduction for federal
15 income tax purposes.

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

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

24 (6) If during any taxable year ending on or before
25 December 31, 1996, any property ceases to be qualified
26 property in the hands of the taxpayer within 48 months

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

16 (7) Beginning with tax years ending after December 31,
17 1996, if a taxpayer qualifies for the credit under this
18 subsection (h) and thereby is granted a tax abatement and
19 the taxpayer relocates its entire facility in violation of
20 the explicit terms and length of the contract under Section
21 18-183 of the Property Tax Code, the tax imposed under
22 subsections (a) and (b) of this Section shall be increased
23 for the taxable year in which the taxpayer relocated its
24 facility by an amount equal to the amount of credit
25 received by the taxpayer under this subsection (h).

26 (i) Credit for Personal Property Tax Replacement Income

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

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

24 If, during any taxable year ending on or after December 31,
25 1986, the tax imposed by subsections (c) and (d) of this
26 Section for which a taxpayer has claimed a credit under this

1 subsection (i) is reduced, the amount of credit for such tax
2 shall also be reduced. Such reduction shall be determined by
3 recomputing the credit to take into account the reduced tax
4 imposed by subsections (c) and (d). If any portion of the
5 reduced amount of credit has been carried to a different
6 taxable year, an amended return shall be filed for such taxable
7 year to reduce the amount of credit claimed.

8 (j) Training expense credit. Beginning with tax years
9 ending on or after December 31, 1986 and prior to December 31,
10 2003, a taxpayer shall be allowed a credit against the tax
11 imposed by subsections (a) and (b) under this Section for all
12 amounts paid or accrued, on behalf of all persons employed by
13 the taxpayer in Illinois or Illinois residents employed outside
14 of Illinois by a taxpayer, for educational or vocational
15 training in semi-technical or technical fields or semi-skilled
16 or skilled fields, which were deducted from gross income in the
17 computation of taxable income. The credit against the tax
18 imposed by subsections (a) and (b) shall be 1.6% of such
19 training expenses. For partners, shareholders of subchapter S
20 corporations, and owners of limited liability companies, if the
21 liability company is treated as a partnership for purposes of
22 federal and State income taxation, there shall be allowed a
23 credit under this subsection (j) to be determined in accordance
24 with the determination of income and distributive share of
25 income under Sections 702 and 704 and subchapter S of the
26 Internal Revenue Code.

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

11 (k) Research and development credit. For tax years ending
12 after July 1, 1990 and prior to December 31, 2003, and
13 beginning again for tax years ending on or after December 31,
14 2004, and ending prior to January 1, 2016, a taxpayer shall be
15 allowed a credit against the tax imposed by subsections (a) and
16 (b) of this Section for increasing research activities in this
17 State. The credit allowed against the tax imposed by
18 subsections (a) and (b) shall be equal to 6 1/2% of the
19 qualifying expenditures for increasing research activities in
20 this State. For partners, shareholders of subchapter S
21 corporations, and owners of limited liability companies, if the
22 liability company is treated as a partnership for purposes of
23 federal and State income taxation, there shall be allowed a
24 credit under this subsection to be determined in accordance
25 with the determination of income and distributive share of
26 income under Sections 702 and 704 and subchapter S of the

1 Internal Revenue Code.

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

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

23 If an unused credit is carried forward to a given year from
24 2 or more earlier years, that credit arising in the earliest
25 year will be applied first against the tax liability for the
26 given year. If a tax liability for the given year still

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

9 No inference shall be drawn from this amendatory Act of the
10 91st General Assembly in construing this Section for taxable
11 years beginning before January 1, 1999.

12 (1) Environmental Remediation Tax Credit.

13 (i) For tax years ending after December 31, 1997 and on
14 or before December 31, 2001, a taxpayer shall be allowed a
15 credit against the tax imposed by subsections (a) and (b)
16 of this Section for certain amounts paid for unreimbursed
17 eligible remediation costs, as specified in this
18 subsection. For purposes of this Section, "unreimbursed
19 eligible remediation costs" means costs approved by the
20 Illinois Environmental Protection Agency ("Agency") under
21 Section 58.14 of the Environmental Protection Act that were
22 paid in performing environmental remediation at a site for
23 which a No Further Remediation Letter was issued by the
24 Agency and recorded under Section 58.10 of the
25 Environmental Protection Act. The credit must be claimed
26 for the taxable year in which Agency approval of the

1 eligible remediation costs is granted. The credit is not
2 available to any taxpayer if the taxpayer or any related
3 party caused or contributed to, in any material respect, a
4 release of regulated substances on, in, or under the site
5 that was identified and addressed by the remedial action
6 pursuant to the Site Remediation Program of the
7 Environmental Protection Act. After the Pollution Control
8 Board rules are adopted pursuant to the Illinois
9 Administrative Procedure Act for the administration and
10 enforcement of Section 58.9 of the Environmental
11 Protection Act, determinations as to credit availability
12 for purposes of this Section shall be made consistent with
13 those rules. For purposes of this Section, "taxpayer"
14 includes a person whose tax attributes the taxpayer has
15 succeeded to under Section 381 of the Internal Revenue Code
16 and "related party" includes the persons disallowed a
17 deduction for losses by paragraphs (b), (c), and (f)(1) of
18 Section 267 of the Internal Revenue Code by virtue of being
19 a related taxpayer, as well as any of its partners. The
20 credit allowed against the tax imposed by subsections (a)
21 and (b) shall be equal to 25% of the unreimbursed eligible
22 remediation costs in excess of \$100,000 per site, except
23 that the \$100,000 threshold shall not apply to any site
24 contained in an enterprise zone as determined by the
25 Department of Commerce and Community Affairs (now
26 Department of Commerce and Economic Opportunity). The

1 total credit allowed shall not exceed \$40,000 per year with
2 a maximum total of \$150,000 per site. For partners and
3 shareholders of subchapter S corporations, there shall be
4 allowed a credit under this subsection to be determined in
5 accordance with the determination of income and
6 distributive share of income under Sections 702 and 704 and
7 subchapter S of the Internal Revenue Code.

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. The
12 term "unused credit" does not include any amounts of
13 unreimbursed eligible remediation costs in excess of the
14 maximum credit per site authorized under paragraph (i).
15 This credit shall be applied first to the earliest year for
16 which there is a liability. If there is a credit under this
17 subsection from more than one tax year that is available to
18 offset a liability, the earliest credit arising under this
19 subsection shall be applied first. A credit allowed under
20 this subsection may be sold to a buyer as part of a sale of
21 all or part of the remediation site for which the credit
22 was granted. The purchaser of a remediation site and the
23 tax credit shall succeed to the unused credit and remaining
24 carry-forward period of the seller. To perfect the
25 transfer, the assignor shall record the transfer in the
26 chain of title for the site and provide written notice to

1 the Director of the Illinois Department of Revenue of the
2 assignor's intent to sell the remediation site and the
3 amount of the tax credit to be transferred as a portion of
4 the sale. In no event may a credit be transferred to any
5 taxpayer if the taxpayer or a related party would not be
6 eligible under the provisions of subsection (i).

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

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

22 For purposes of this subsection:

23 "Qualifying pupils" means individuals who (i) are
24 residents of the State of Illinois, (ii) are under the age of
25 21 at the close of the school year for which a credit is
26 sought, and (iii) during the school year for which a credit is

1 sought were full-time pupils enrolled in a kindergarten through
2 twelfth grade education program at any school, as defined in
3 this subsection.

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

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

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

18 (n) River Edge Redevelopment Zone site remediation tax
19 credit.

20 (i) For tax years ending on or after December 31, 2006,
21 a taxpayer shall be allowed a credit against the tax
22 imposed by subsections (a) and (b) of this Section for
23 certain amounts paid for unreimbursed eligible remediation
24 costs, as specified in this subsection. For purposes of
25 this Section, "unreimbursed eligible remediation costs"
26 means costs approved by the Illinois Environmental

1 Protection Agency ("Agency") under Section 58.14a of the
2 Environmental Protection Act that were paid in performing
3 environmental remediation at a site within a River Edge
4 Redevelopment Zone for which a No Further Remediation
5 Letter was issued by the Agency and recorded under Section
6 58.10 of the Environmental Protection Act. The credit must
7 be claimed for the taxable year in which Agency approval of
8 the eligible remediation costs is granted. The credit is
9 not available to any taxpayer if the taxpayer or any
10 related party caused or contributed to, in any material
11 respect, a release of regulated substances on, in, or under
12 the site that was identified and addressed by the remedial
13 action pursuant to the Site Remediation Program of the
14 Environmental Protection Act. Determinations as to credit
15 availability for purposes of this Section shall be made
16 consistent with rules adopted by the Pollution Control
17 Board pursuant to the Illinois Administrative Procedure
18 Act for the administration and enforcement of Section 58.9
19 of the Environmental Protection Act. For purposes of this
20 Section, "taxpayer" includes a person whose tax attributes
21 the taxpayer has succeeded to under Section 381 of the
22 Internal Revenue Code and "related party" includes the
23 persons disallowed a deduction for losses by paragraphs
24 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
25 Code by virtue of being a related taxpayer, as well as any
26 of its partners. The credit allowed against the tax imposed

1 by subsections (a) and (b) shall be equal to 25% of the
2 unreimbursed eligible remediation costs in excess of
3 \$100,000 per site.

4 (ii) A credit allowed under this subsection that is
5 unused in the year the credit is earned may be carried
6 forward to each of the 5 taxable years following the year
7 for which the credit is first earned until it is used. This
8 credit shall be applied first to the earliest year for
9 which there is a liability. If there is a credit under this
10 subsection from more than one tax year that is available to
11 offset a liability, the earliest credit arising under this
12 subsection shall be applied first. A credit allowed under
13 this subsection may be sold to a buyer as part of a sale of
14 all or part of the remediation site for which the credit
15 was granted. The purchaser of a remediation site and the
16 tax credit shall succeed to the unused credit and remaining
17 carry-forward period of the seller. To perfect the
18 transfer, the assignor shall record the transfer in the
19 chain of title for the site and provide written notice to
20 the Director of the Illinois Department of Revenue of the
21 assignor's intent to sell the remediation site and the
22 amount of the tax credit to be transferred as a portion of
23 the sale. In no event may a credit be transferred to any
24 taxpayer if the taxpayer or a related party would not be
25 eligible under the provisions of subsection (i).

26 (iii) For purposes of this Section, the term "site"

1 shall have the same meaning as under Section 58.2 of the
2 Environmental Protection Act.

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

13 (1) the medical cannabis cultivation center
14 registration, medical cannabis dispensary registration, or
15 the property of a registration is transferred as a result
16 of any of the following:

17 (A) bankruptcy, a receivership, or a debt
18 adjustment initiated by or against the initial
19 registration or the substantial owners of the initial
20 registration;

21 (B) cancellation, revocation, or termination of
22 any registration by the Illinois Department of Public
23 Health;

24 (C) a determination by the Illinois Department of
25 Public Health that transfer of the registration is in
26 the best interests of Illinois qualifying patients as

1 defined by the Compassionate Use of Medical Cannabis
2 Pilot Program Act;

3 (D) the death of an owner of the equity interest in
4 a registrant;

5 (E) the acquisition of a controlling interest in
6 the stock or substantially all of the assets of a
7 publicly traded company;

8 (F) a transfer by a parent company to a wholly
9 owned subsidiary; or

10 (G) the transfer or sale to or by one person to
11 another person where both persons were initial owners
12 of the registration when the registration was issued;
13 or

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

21 (Source: P.A. 96-115, eff. 7-31-09; 96-116, eff. 7-31-09;
22 96-937, eff. 6-23-10; 96-1000, eff. 7-2-10; 96-1496, eff.
23 1-13-11; 97-2, eff. 5-6-11; 97-636, eff. 6-1-12; 97-905, eff.
24 8-7-12.)

25 Section 915. The Use Tax Act is amended by changing Section

1 3-10 as follows:

2 (35 ILCS 105/3-10)

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

24 Beginning on July 1, 2000 and through December 31, 2000,
25 with respect to motor fuel, as defined in Section 1.1 of the

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

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

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

15 With respect to majority blended ethanol fuel, the tax
16 imposed by this Act does not apply to the proceeds of sales
17 made on or after July 1, 2003 and on or before December 31,
18 2018 but applies to 100% of the proceeds of sales made
19 thereafter.

20 With respect to biodiesel blends with no less than 1% and
21 no more than 10% biodiesel, the tax imposed by this Act applies
22 to (i) 80% of the proceeds of sales made on or after July 1,
23 2003 and on or before December 31, 2018 and (ii) 100% of the
24 proceeds of sales made thereafter. If, at any time, however,
25 the tax under this Act on sales of biodiesel blends with no
26 less than 1% and no more than 10% biodiesel is imposed at the

1 rate of 1.25%, then the tax imposed by this Act applies to 100%
2 of the proceeds of sales of biodiesel blends with no less than
3 1% and no more than 10% biodiesel made during that time.

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

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

1 defined in the Grade A Pasteurized Milk and Milk Products Act,
2 or drinks containing 50% or more natural fruit or vegetable
3 juice.

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

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

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

1 sweeteners in combination with chocolate, fruits, nuts or other
2 ingredients or flavorings in the form of bars, drops, or
3 pieces. "Candy" does not include any preparation that contains
4 flour or requires refrigeration.

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

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

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

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

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

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

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

13 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

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

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

24 With respect to gasohol, as defined in the Use Tax Act, the

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

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

17 With respect to biodiesel blends, as defined in the Use Tax
18 Act, with no less than 1% and no more than 10% biodiesel, the
19 tax imposed by this Act applies to (i) 80% of the selling price
20 of property transferred as an incident to the sale of service
21 on or after July 1, 2003 and on or before December 31, 2018 and
22 (ii) 100% of the proceeds of the selling price thereafter. If,
23 at any time, however, the tax under this Act on sales of
24 biodiesel blends, as defined in the Use Tax Act, with no less
25 than 1% and no more than 10% biodiesel is imposed at the rate
26 of 1.25%, then the tax imposed by this Act applies to 100% of

1 the proceeds of sales of biodiesel blends with no less than 1%
2 and no more than 10% biodiesel made during that time.

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

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

20 The tax shall be imposed at the rate of 1% on food prepared
21 for immediate consumption and transferred incident to a sale of
22 service subject to this Act or the Service Occupation Tax Act
23 by an entity licensed under the Hospital Licensing Act, the
24 Nursing Home Care Act, the ID/DD Community Care Act, the
25 Specialized Mental Health Rehabilitation Act, or the Child Care
26 Act of 1969. The tax shall also be imposed at the rate of 1% on

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

21 Notwithstanding any other provisions of this Act,
22 beginning September 1, 2009, "soft drinks" means non-alcoholic
23 beverages that contain natural or artificial sweeteners. "Soft
24 drinks" do not include beverages that contain milk or milk
25 products, soy, rice or similar milk substitutes, or greater
26 than 50% of vegetable or fruit juice by volume.

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

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

22 Notwithstanding any other provisions of this Act,
23 beginning September 1, 2009, "nonprescription medicines and
24 drugs" does not include grooming and hygiene products. For
25 purposes of this Section, "grooming and hygiene products"
26 includes, but is not limited to, soaps and cleaning solutions,

1 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
2 lotions and screens, unless those products are available by
3 prescription only, regardless of whether the products meet the
4 definition of "over-the-counter-drugs". For the purposes of
5 this paragraph, "over-the-counter-drug" means a drug for human
6 use that contains a label that identifies the product as a drug
7 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
8 label includes:

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

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

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

18 If the property that is acquired from a serviceman is
19 acquired outside Illinois and used outside Illinois before
20 being brought to Illinois for use here and is taxable under
21 this Act, the "selling price" on which the tax is computed
22 shall be reduced by an amount that represents a reasonable
23 allowance for depreciation for the period of prior out-of-state
24 use.

25 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
26 eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38,

1 eff. 6-28-11; 97-227, eff. 1-1-12; 97-636, eff. 6-1-12.)

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

4 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

5 Sec. 3-10. Rate of tax. Unless otherwise provided in this
6 Section, the tax imposed by this Act is at the rate of 6.25% of
7 the "selling price", as defined in Section 2 of the Service Use
8 Tax Act, of the tangible personal property. For the purpose of
9 computing this tax, in no event shall the "selling price" be
10 less than the cost price to the serviceman of the tangible
11 personal property transferred. The selling price of each item
12 of tangible personal property transferred as an incident of a
13 sale of service may be shown as a distinct and separate item on
14 the serviceman's billing to the service customer. If the
15 selling price is not so shown, the selling price of the
16 tangible personal property is deemed to be 50% of the
17 serviceman's entire billing to the service customer. When,
18 however, a serviceman contracts to design, develop, and produce
19 special order machinery or equipment, the tax imposed by this
20 Act shall be based on the serviceman's cost price of the
21 tangible personal property transferred incident to the
22 completion of the contract.

23 Beginning on July 1, 2000 and through December 31, 2000,
24 with respect to motor fuel, as defined in Section 1.1 of the

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

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

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

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

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

6 With respect to 100% biodiesel, as defined in the Use Tax
7 Act, and biodiesel blends, as defined in the Use Tax Act, with
8 more than 10% but no more than 99% biodiesel material, the tax
9 imposed by this Act does not apply to the proceeds of the
10 selling price of property transferred as an incident to the
11 sale of service on or after July 1, 2003 and on or before
12 December 31, 2018 but applies to 100% of the selling price
13 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 incident to
23 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 can, carton, or
20 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 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
23 eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38,
24 eff. 6-28-11; 97-227, eff. 1-1-12; 97-636, eff. 6-1-12.)

25 Section 930. The Retailers' Occupation Tax Act is amended

1 by changing Section 2-10 as follows:

2 (35 ILCS 120/2-10)

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

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

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

14 Within 14 days after the effective date of this amendatory
15 Act of the 91st General Assembly, each retailer of motor fuel
16 and gasohol shall cause the following notice to be posted in a
17 prominently visible place on each retail dispensing device that
18 is used to dispense motor fuel or gasohol in the State of
19 Illinois: "As of July 1, 2000, the State of Illinois has
20 eliminated the State's share of sales tax on motor fuel and
21 gasohol through December 31, 2000. The price on this pump
22 should reflect the elimination of the tax." The notice shall be
23 printed in bold print on a sign that is no smaller than 4
24 inches by 8 inches. The sign shall be clearly visible to
25 customers. Any retailer who fails to post or maintain a

1 required sign through December 31, 2000 is guilty of a petty
2 offense for which the fine shall be \$500 per day per each
3 retail premises where a violation occurs.

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

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

19 With respect to biodiesel blends, as defined in the Use Tax
20 Act, with no less than 1% and no more than 10% biodiesel, the
21 tax imposed by this Act applies to (i) 80% of the proceeds of
22 sales made on or after July 1, 2003 and on or before December
23 31, 2018 and (ii) 100% of the proceeds of sales made
24 thereafter. If, at any time, however, the tax under this Act on
25 sales of biodiesel blends, as defined in the Use Tax Act, with
26 no less than 1% and no more than 10% biodiesel is imposed at

1 the rate of 1.25%, then the tax imposed by this Act applies to
2 100% of the proceeds of sales of biodiesel blends with no less
3 than 1% and no more than 10% biodiesel made during that time.

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

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

1 non-carbonated water, infant formula, milk or milk products as
2 defined in the Grade A Pasteurized Milk and Milk Products Act,
3 or drinks containing 50% or more natural fruit or vegetable
4 juice.

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

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

23 Notwithstanding any other provisions of this Act,
24 beginning September 1, 2009, "food for human consumption that
25 is to be consumed off the premises where it is sold" does not
26 include candy. For purposes of this Section, "candy" means a

1 preparation of sugar, honey, or other natural or artificial
2 sweeteners in combination with chocolate, fruits, nuts or other
3 ingredients or flavorings in the form of bars, drops, or
4 pieces. "Candy" does not include any preparation that contains
5 flour or requires refrigeration.

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

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

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

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

1 of Medical Cannabis Pilot Program Act.

2 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
3 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10;
4 97-636, eff. 6-1-12.)

5 Section 935. The Illinois Vehicle Code is amended by
6 changing Sections 2-118.1, 6-206, 6-206.1, 6-208.1, 6-514,
7 11-501, 11-501.1, and 11-501.2 and by adding Section 11-502.1
8 as follows:

9 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

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

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

20 (b) Within 90 days after the notice of statutory summary
21 suspension or revocation served under Section 11-501.1, the
22 person may make a written request for a judicial hearing in the
23 circuit court of venue. The request to the circuit court shall
24 state the grounds upon which the person seeks to have the

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

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

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

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

23 2. Whether the officer had reasonable grounds to
24 believe that the person was driving or in actual physical
25 control of a motor vehicle upon a highway while under the
26 influence of alcohol, other drug, or combination of both;

1 and

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

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

23 4.2. If the person is a qualifying patient licensed
24 under the Compassionate Use of Medical Cannabis Pilot
25 Program Act who is in possession of a valid registry card
26 issued under that Act, after being advised by the officer

1 that the privilege to operate a motor vehicle would be
2 suspended or revoked if the person refused to submit to and
3 complete the test or tests, did refuse to submit to or
4 complete the test or tests authorized under Section
5 11-501.1.

6 4.5. If the person is a qualifying patient licensed
7 under the Compassionate Use of Medical Cannabis Pilot
8 Program Act who is in possession of a valid registry card
9 issued under that Act, whether that person, after being
10 advised by the officer that the privilege to operate a
11 motor vehicle would be suspended if the person submits to a
12 standardized field sobriety test, or tests, and the test
13 indicates impairment resulting from the consumption of
14 cannabis, did submit to and complete the test or tests that
15 indicated impairment.

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

19 Upon the conclusion of the judicial hearing, the circuit
20 court shall sustain or rescind the statutory summary suspension
21 or revocation and immediately notify the Secretary of State.
22 Reports received by the Secretary of State under this Section
23 shall be privileged information and for use only by the courts,
24 police officers, and Secretary of State.

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

1 (625 ILCS 5/6-206)

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

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

8 1. Has committed an offense for which mandatory
9 revocation of a driver's license or permit is required upon
10 conviction;

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

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

24 4. Has by the unlawful operation of a motor vehicle
25 caused or contributed to an accident resulting in injury
26 requiring immediate professional treatment in a medical

1 facility or doctor's office to any person, except that any
2 suspension or revocation imposed by the Secretary of State
3 under the provisions of this subsection shall start no
4 later than 6 months after being convicted of violating a
5 law or ordinance regulating the movement of traffic, which
6 violation is related to the accident, or shall start not
7 more than one year after the date of the accident,
8 whichever date occurs later;

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

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

15 7. Has refused or failed to submit to an examination
16 provided for by Section 6-207 or has failed to pass the
17 examination;

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

20 9. Has made a false statement or knowingly concealed a
21 material fact or has used false information or
22 identification in any application for a license,
23 identification card, or permit;

24 10. Has possessed, displayed, or attempted to
25 fraudulently use any license, identification card, or
26 permit not issued to the person;

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

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

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

17 14. Has committed a violation of Section 6-301,
18 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
19 of the Illinois Identification Card Act;

20 15. Has been convicted of violating Section 21-2 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 relating
22 to criminal trespass to vehicles in which case, the
23 suspension shall be for one year;

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

26 17. Has refused to submit to a test, or tests, as

1 required under Section 11-501.1 of this Code and the person
2 has not sought a hearing as provided for in Section
3 11-501.1;

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

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

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

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

16 22. Has used a motor vehicle in violating paragraph
17 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
18 the Criminal Code of 1961 or the Criminal Code of 2012
19 relating to unlawful use of weapons, in which case the
20 suspension shall be for one year;

21 23. Has, as a driver, been convicted of committing a
22 violation of paragraph (a) of Section 11-502 of this Code
23 for a second or subsequent time within one year of a
24 similar violation;

25 24. Has been convicted by a court-martial or punished
26 by non-judicial punishment by military authorities of the

1 United States at a military installation in Illinois of or
2 for a traffic related offense that is the same as or
3 similar to an offense specified under Section 6-205 or
4 6-206 of this Code;

5 25. Has permitted any form of identification to be used
6 by another in the application process in order to obtain or
7 attempt to obtain a license, identification card, or
8 permit;

9 26. Has altered or attempted to alter a license or has
10 possessed an altered license, identification card, or
11 permit;

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

14 28. Has been convicted for a first time of the illegal
15 possession, while operating or in actual physical control,
16 as a driver, of a motor vehicle, of any controlled
17 substance prohibited under the Illinois Controlled
18 Substances Act, any cannabis prohibited under the Cannabis
19 Control Act, or any methamphetamine prohibited under the
20 Methamphetamine Control and Community Protection Act, in
21 which case the person's driving privileges shall be
22 suspended for one year. Any defendant found guilty of this
23 offense while operating a motor vehicle, shall have an
24 entry made in the court record by the presiding judge that
25 this offense did occur while the defendant was operating a
26 motor vehicle and order the clerk of the court to report

1 the violation to the Secretary of State;

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

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

19 31. Has refused to submit to a test as required by
20 Section 11-501.6 or has submitted to a test resulting in an
21 alcohol concentration of 0.08 or more or any amount of a
22 drug, substance, or compound resulting from the unlawful
23 use or consumption of cannabis as listed in the Cannabis
24 Control Act, a controlled substance as listed in the
25 Illinois Controlled Substances Act, an intoxicating
26 compound as listed in the Use of Intoxicating Compounds

1 Act, or methamphetamine as listed in the Methamphetamine
2 Control and Community Protection Act, in which case the
3 penalty shall be as prescribed in Section 6-208.1;

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

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

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

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

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

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

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

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

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

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

13 42. Has committed a violation of subsection (a-1) of
14 Section 11-1301.3 of this Code or a similar provision of a
15 local ordinance;

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

21 44. Is under the age of 21 years at the time of arrest
22 and has been convicted of an offense against traffic
23 regulations governing the movement of vehicles after
24 having previously had his or her driving privileges
25 suspended or revoked pursuant to subparagraph 36 of this
26 Section;

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

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

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

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

19 (b) If any conviction forming the basis of a suspension or
20 revocation authorized under this Section is appealed, the
21 Secretary of State may rescind or withhold the entry of the
22 order of suspension or revocation, as the case may be, provided
23 that a certified copy of a stay order of a court is filed with
24 the Secretary of State. If the conviction is affirmed on
25 appeal, the date of the conviction shall relate back to the
26 time the original judgment of conviction was entered and the 6

1 month limitation prescribed shall not apply.

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

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

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

9 The provisions of this subparagraph shall not apply to
10 any driver required to possess a CDL for the purpose of
11 operating a commercial motor vehicle.

12 Any person who falsely states any fact in the affidavit
13 required herein shall be guilty of perjury under Section
14 6-302 and upon conviction thereof shall have all driving
15 privileges revoked without further rights.

16 3. At the conclusion of a hearing under Section 2-118
17 of this Code, the Secretary of State shall either rescind
18 or continue an order of revocation or shall substitute an
19 order of suspension; or, good cause appearing therefor,
20 rescind, continue, change, or extend the order of
21 suspension. If the Secretary of State does not rescind the
22 order, the Secretary may upon application, to relieve undue
23 hardship (as defined by the rules of the Secretary of
24 State), issue a restricted driving permit granting the
25 privilege of driving a motor vehicle between the
26 petitioner's residence and petitioner's place of

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

21 (A) If a person's license or permit is revoked or
22 suspended due to 2 or more convictions of violating
23 Section 11-501 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense, or
25 Section 9-3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, where the use of alcohol or

1 other drugs is recited as an element of the offense, or
2 a similar out-of-state offense, or a combination of
3 these offenses, arising out of separate occurrences,
4 that person, if issued a restricted driving permit, may
5 not operate a vehicle unless it has been equipped with
6 an ignition interlock device as defined in Section
7 1-129.1.

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

11 (i) a single conviction of violating Section
12 11-501 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense
14 or Section 9-3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, where the use of alcohol or
16 other drugs is recited as an element of the
17 offense, or a similar out-of-state offense; or

18 (ii) a statutory summary suspension or
19 revocation under Section 11-501.1; or

20 (iii) a suspension under Section 6-203.1;
21 arising out of separate occurrences; that person, if
22 issued a restricted driving permit, may not operate a
23 vehicle unless it has been equipped with an ignition
24 interlock device as defined in Section 1-129.1.

25 (C) The person issued a permit conditioned upon the
26 use of an ignition interlock device must pay to the

1 Secretary of State DUI Administration Fund an amount
2 not to exceed \$30 per month. The Secretary shall
3 establish by rule the amount and the procedures, terms,
4 and conditions relating to these fees.

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

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

1 revocation. A restricted driving permit issued under
2 this Section shall be subject to cancellation,
3 revocation, and suspension by the Secretary of State in
4 like manner and for like cause as a driver's license
5 issued under this Code may be cancelled, revoked, or
6 suspended; except that a conviction upon one or more
7 offenses against laws or ordinances regulating the
8 movement of traffic shall be deemed sufficient cause
9 for the revocation, suspension, or cancellation of a
10 restricted driving permit. The Secretary of State may,
11 as a condition to the issuance of a restricted driving
12 permit, require the applicant to participate in a
13 designated driver remedial or rehabilitative program.
14 The Secretary of State is authorized to cancel a
15 restricted driving permit if the permit holder does not
16 successfully complete the program.

17 (c-3) In the case of a suspension under paragraph 43 of
18 subsection (a), reports received by the Secretary of State
19 under this Section shall, except during the actual time the
20 suspension is in effect, be privileged information and for use
21 only by the courts, police officers, prosecuting authorities,
22 the driver licensing administrator of any other state, the
23 Secretary of State, or the parent or legal guardian of a driver
24 under the age of 18. However, beginning January 1, 2008, if the
25 person is a CDL holder, the suspension shall also be made
26 available to the driver licensing administrator of any other

1 state, the U.S. Department of Transportation, and the affected
2 driver or motor carrier or prospective motor carrier upon
3 request.

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

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

16 (d) This Section is subject to the provisions of the
17 Drivers License Compact.

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

22 (f) In accordance with 49 C.F.R. 384, the Secretary of
23 State may not issue a restricted driving permit for the
24 operation of a commercial motor vehicle to a person holding a
25 CDL whose driving privileges have been suspended, revoked,
26 cancelled, or disqualified under any provisions of this Code.

1 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
2 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
3 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
4 eff. 8-12-11; 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844,
5 eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

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

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

21 The following procedures shall apply whenever a first
22 offender, as defined in Section 11-500 of this Code, is
23 arrested for any offense as defined in Section 11-501 or a
24 similar provision of a local ordinance and is subject to the
25 provisions of Section 11-501.1:

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

18 (1) The offender's driver's license is otherwise
19 invalid;

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

22 (3) The offender has been previously convicted of
23 reckless homicide or aggravated driving under the
24 influence involving death; ~~or~~

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

26 (5) The offender is a qualifying patient licensed under

1 the Compassionate Use of Medical Cannabis Pilot Program Act
2 who is in possession of a valid registry card issued under
3 that Act and refused to submit to standardized field
4 sobriety tests as required by subsection (a-5) of Section
5 11-501.1 or did submit to testing and failed the test or
6 tests.

7 Any offender participating in the MDDP program must pay the
8 Secretary a MDDP Administration Fee in an amount not to exceed
9 \$30 per month, to be deposited into the Monitoring Device
10 Driving Permit Administration Fee Fund. The Secretary shall
11 establish by rule the amount and the procedures, terms, and
12 conditions relating to these fees. The offender must have an
13 ignition interlock device installed within 14 days of the date
14 the Secretary issues the MDDP. The ignition interlock device
15 provider must notify the Secretary, in a manner and form
16 prescribed by the Secretary, of the installation. If the
17 Secretary does not receive notice of installation, the
18 Secretary shall cancel the MDDP.

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

21 Upon receipt of the notice, as provided in paragraph (a) of
22 this Section, the person may file a petition to decline
23 issuance of the MDDP with the court of venue. The court shall
24 admonish the offender of all consequences of declining issuance
25 of the MDDP including, but not limited to, the enhanced
26 penalties for driving while suspended. After being so

1 admonished, the offender shall be permitted, in writing, to
2 execute a notice declining issuance of the MDDP. This notice
3 shall be filed with the court and forwarded by the clerk of the
4 court to the Secretary. The offender may, at any time
5 thereafter, apply to the Secretary for issuance of a MDDP.

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

12 (a-2) Persons who are issued a MDDP and must drive
13 employer-owned vehicles in the course of their employment
14 duties may seek permission to drive an employer-owned vehicle
15 that does not have an ignition interlock device. The employer
16 shall provide to the Secretary a form, as prescribed by the
17 Secretary, completed by the employer verifying that the
18 employee must drive an employer-owned vehicle in the course of
19 employment. If approved by the Secretary, the form must be in
20 the driver's possession while operating an employer-owner
21 vehicle not equipped with an ignition interlock device. No
22 person may use this exemption to drive a school bus, school
23 vehicle, or a vehicle designed to transport more than 15
24 passengers. No person may use this exemption to drive an
25 employer-owned motor vehicle that is owned by an entity that is
26 wholly or partially owned by the person holding the MDDP, or by

1 a family member of the person holding the MDDP. No person may
2 use this exemption to drive an employer-owned vehicle that is
3 made available to the employee for personal use. No person may
4 drive the exempted vehicle more than 12 hours per day, 6 days
5 per week.

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

11 (b) (Blank).

12 (c) (Blank).

13 (c-1) If the holder of the MDDP is convicted of or receives
14 court supervision for a violation of Section 6-206.2, 6-303,
15 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
16 provision of a local ordinance or a similar out-of-state
17 offense or is convicted of or receives court supervision for
18 any offense for which alcohol or drugs is an element of the
19 offense and in which a motor vehicle was involved (for an
20 arrest other than the one for which the MDDP is issued), or
21 de-installs the BAIID without prior authorization from the
22 Secretary, the MDDP shall be cancelled.

23 (c-5) If the Secretary determines that the person seeking
24 the MDDP is indigent, the Secretary shall provide the person
25 with a written document as evidence of that determination, and
26 the person shall provide that written document to an ignition

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

12 (d) MDDP information shall be available only to the courts,
13 police officers, and the Secretary, except during the actual
14 period the MDDP is valid, during which time it shall be a
15 public record.

16 (e) (Blank).

17 (f) (Blank).

18 (g) The Secretary shall adopt rules for implementing this
19 Section. The rules adopted shall address issues including, but
20 not limited to: compliance with the requirements of the MDDP;
21 methods for determining compliance with those requirements;
22 the consequences of noncompliance with those requirements;
23 what constitutes a violation of the MDDP; methods for
24 determining indigency; and the duties of a person or entity
25 that supplies the ignition interlock device.

26 (h) The rules adopted under subsection (g) shall provide,

1 at a minimum, that the person is not in compliance with the
2 requirements of the MDDP if he or she:

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

5 (2) provides valid breath samples that register blood
6 alcohol levels in excess of the number of times allowed
7 under the rules;

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

11 (4) fails to follow any other applicable rules adopted
12 by the Secretary.

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

21 (j) Upon making a determination that a violation of the
22 requirements of the MDDP has occurred, the Secretary shall
23 extend the summary suspension period for an additional 3 months
24 beyond the originally imposed summary suspension period,
25 during which time the person shall only be allowed to drive
26 vehicles equipped with an ignition interlock device; provided

1 further there are no limitations on the total number of times
2 the summary suspension may be extended. The Secretary may,
3 however, limit the number of extensions imposed for violations
4 occurring during any one monitoring period, as set forth by
5 rule. Any person whose summary suspension is extended pursuant
6 to this Section shall have the right to contest the extension
7 through a hearing with the Secretary, pursuant to Section 2-118
8 of this Code. If the summary suspension has already terminated
9 prior to the Secretary receiving the monitoring report that
10 shows a violation, the Secretary shall be authorized to suspend
11 the person's driving privileges for 3 months, provided that the
12 Secretary may, by rule, limit the number of suspensions to be
13 entered pursuant to this paragraph for violations occurring
14 during any one monitoring period. Any person whose license is
15 suspended pursuant to this paragraph, after the summary
16 suspension had already terminated, shall have the right to
17 contest the suspension through a hearing with the Secretary,
18 pursuant to Section 2-118 of this Code. The only permit the
19 person shall be eligible for during this new suspension period
20 is a MDDP.

21 (k) A person who has had his or her summary suspension
22 extended for the third time, or has any combination of 3
23 extensions and new suspensions, entered as a result of a
24 violation that occurred while holding the MDDP, so long as the
25 extensions and new suspensions relate to the same summary
26 suspension, shall have his or her vehicle impounded for a

1 period of 30 days, at the person's own expense. A person who
2 has his or her summary suspension extended for the fourth time,
3 or has any combination of 4 extensions and new suspensions,
4 entered as a result of a violation that occurred while holding
5 the MDDP, so long as the extensions and new suspensions relate
6 to the same summary suspension, shall have his or her vehicle
7 subject to seizure and forfeiture. The Secretary shall notify
8 the prosecuting authority of any third or fourth extensions or
9 new suspension entered as a result of a violation that occurred
10 while the person held a MDDP. Upon receipt of the notification,
11 the prosecuting authority shall impound or forfeit the vehicle.
12 The impoundment or forfeiture of a vehicle shall be conducted
13 pursuant to the procedure specified in Article 36 of the
14 Criminal Code of 2012.

15 (1) A person whose driving privileges have been suspended
16 under Section 11-501.1 of this Code and who had a MDDP that was
17 cancelled, or would have been cancelled had notification of a
18 violation been received prior to expiration of the MDDP,
19 pursuant to subsection (c-1) of this Section, shall not be
20 eligible for reinstatement when the summary suspension is
21 scheduled to terminate. Instead, the person's driving
22 privileges shall be suspended for a period of not less than
23 twice the original summary suspension period, or for the length
24 of any extensions entered under subsection (j), whichever is
25 longer. During the period of suspension, the person shall be
26 eligible only to apply for a restricted driving permit. If a

1 restricted driving permit is granted, the offender may only
2 operate vehicles equipped with a BAIID in accordance with this
3 Section.

4 (m) Any person or entity that supplies an ignition
5 interlock device under this Section shall, for each ignition
6 interlock device installed, pay 5% of the total gross revenue
7 received for the device, including monthly monitoring fees,
8 into the Indigent BAIID Fund. This 5% shall be clearly
9 indicated as a separate surcharge on each invoice that is
10 issued. The Secretary shall conduct an annual review of the
11 fund to determine whether the surcharge is sufficient to
12 provide for indigent users. The Secretary may increase or
13 decrease this surcharge requirement as needed.

14 (n) Any person or entity that supplies an ignition
15 interlock device under this Section that is requested to
16 provide an ignition interlock device to a person who presents
17 written documentation of indigency from the Secretary, as
18 provided in subsection (c-5) of this Section, shall install the
19 device on the person's vehicle without charge to the person and
20 shall seek reimbursement from the Indigent BAIID Fund.

21 (o) The Indigent BAIID Fund is created as a special fund in
22 the State treasury. The Secretary shall, subject to
23 appropriation by the General Assembly, use all money in the
24 Indigent BAIID Fund to reimburse ignition interlock device
25 providers who have installed devices in vehicles of indigent
26 persons. The Secretary shall make payments to such providers

1 every 3 months. If the amount of money in the fund at the time
2 payments are made is not sufficient to pay all requests for
3 reimbursement submitted during that 3 month period, the
4 Secretary shall make payments on a pro-rata basis, and those
5 payments shall be considered payment in full for the requests
6 submitted.

7 (p) The Monitoring Device Driving Permit Administration
8 Fee Fund is created as a special fund in the State treasury.
9 The Secretary shall, subject to appropriation by the General
10 Assembly, use the money paid into this fund to offset its
11 administrative costs for administering MDDPs.

12 (q) The Secretary is authorized to prescribe such forms as
13 it deems necessary to carry out the provisions of this Section.
14 (Source: P.A. 96-184, eff. 8-10-09; 96-1526, eff. 2-14-11;
15 97-229; 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)

16 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

17 (Text of Section from P.A. 96-1526)

18 Sec. 6-208.1. Period of statutory summary alcohol, other
19 drug, or intoxicating compound related suspension.

20 (a) Unless the statutory summary suspension has been
21 rescinded, any person whose privilege to drive a motor vehicle
22 on the public highways has been summarily suspended, pursuant
23 to Section 11-501.1, shall not be eligible for restoration of
24 the privilege until the expiration of:

25 1. Twelve months from the effective date of the

1 statutory summary suspension for a refusal or failure to
2 complete a test or tests authorized under ~~to determine the~~
3 ~~alcohol, drug, or intoxicating compound concentration,~~
4 ~~pursuant to~~ Section 11-501.1; or

5 2. Six months from the effective date of the statutory
6 summary suspension imposed following the person's
7 submission to a chemical test which disclosed an alcohol
8 concentration of 0.08 or more, or any amount of a drug,
9 substance, or intoxicating compound in such person's
10 breath, blood, or urine resulting from the unlawful use or
11 consumption of cannabis listed in the Cannabis Control Act,
12 a controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use
14 of Intoxicating Compounds Act, or methamphetamine as
15 listed in the Methamphetamine Control and Community
16 Protection Act, pursuant to Section 11-501.1; or

17 3. Three years from the effective date of the statutory
18 summary suspension for any person other than a first
19 offender who refuses or fails to complete a test or tests
20 to determine the alcohol, drug, or intoxicating compound
21 concentration pursuant to Section 11-501.1; or

22 4. One year from the effective date of the summary
23 suspension imposed for any person other than a first
24 offender following submission to a chemical test which
25 disclosed an alcohol concentration of 0.08 or more pursuant
26 to Section 11-501.1 or any amount of a drug, substance or

1 compound in such person's blood or urine resulting from the
2 unlawful use or consumption of cannabis listed in the
3 Cannabis Control Act, a controlled substance listed in the
4 Illinois Controlled Substances Act, an intoxicating
5 compound listed in the Use of Intoxicating Compounds Act,
6 or methamphetamine as listed in the Methamphetamine
7 Control and Community Protection Act; or-

8 5. Six months from the effective date of the statutory
9 summary suspension imposed for any person following
10 submission to a standardized field sobriety test that
11 disclosed impairment if the person is a qualifying patient
12 licensed under the Compassionate Use of Medical Cannabis
13 Pilot Program Act who is in possession of a valid registry
14 card issued under that Act and submitted to testing under
15 subsection (a-5) of Section 11-501.1.

16 (b) Following a statutory summary suspension of the
17 privilege to drive a motor vehicle under Section 11-501.1,
18 driving privileges shall be restored unless the person is
19 otherwise suspended, revoked, or cancelled by this Code. If the
20 court has reason to believe that the person's driving privilege
21 should not be restored, the court shall notify the Secretary of
22 State prior to the expiration of the statutory summary
23 suspension so appropriate action may be taken pursuant to this
24 Code.

25 (c) Driving privileges may not be restored until all
26 applicable reinstatement fees, as provided by this Code, have

1 been paid to the Secretary of State and the appropriate entry
2 made to the driver's record.

3 (d) Where a driving privilege has been summarily suspended
4 under Section 11-501.1 and the person is subsequently convicted
5 of violating Section 11-501, or a similar provision of a local
6 ordinance, for the same incident, any period served on
7 statutory summary suspension shall be credited toward the
8 minimum period of revocation of driving privileges imposed
9 pursuant to Section 6-205.

10 (e) (Blank).

11 (f) (Blank).

12 (g) Following a statutory summary suspension of driving
13 privileges pursuant to Section 11-501.1 where the person was
14 not a first offender, as defined in Section 11-500, the
15 Secretary of State may not issue a restricted driving permit.

16 (h) (Blank).

17 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,
18 eff. 8-21-08; 96-1526, eff. 2-14-11.)

19 (Text of Section from P.A. 96-1344 and 97-229)

20 Sec. 6-208.1. Period of statutory summary alcohol, other
21 drug, or intoxicating compound related suspension or
22 revocation.

23 (a) Unless the statutory summary suspension has been
24 rescinded, any person whose privilege to drive a motor vehicle
25 on the public highways has been summarily suspended, pursuant

1 to Section 11-501.1, shall not be eligible for restoration of
2 the privilege until the expiration of:

3 1. Twelve months from the effective date of the
4 statutory summary suspension for a refusal or failure to
5 complete a test or tests authorized under ~~to determine the~~
6 ~~alcohol, drug, or intoxicating compound concentration,~~
7 ~~pursuant to~~ Section 11-501.1, if the person was not
8 involved in a motor vehicle crash that caused personal
9 injury or death to another; or

10 2. Six months from the effective date of the statutory
11 summary suspension imposed following the person's
12 submission to a chemical test which disclosed an alcohol
13 concentration of 0.08 or more, or any amount of a drug,
14 substance, or intoxicating compound in such person's
15 breath, blood, or urine resulting from the unlawful use or
16 consumption of cannabis listed in the Cannabis Control Act,
17 a controlled substance listed in the Illinois Controlled
18 Substances Act, an intoxicating compound listed in the Use
19 of Intoxicating Compounds Act, or methamphetamine as
20 listed in the Methamphetamine Control and Community
21 Protection Act, pursuant to Section 11-501.1; or

22 3. Three years from the effective date of the statutory
23 summary suspension for any person other than a first
24 offender who refuses or fails to complete a test or tests
25 to determine the alcohol, drug, or intoxicating compound
26 concentration pursuant to Section 11-501.1; or

1 4. One year from the effective date of the summary
2 suspension imposed for any person other than a first
3 offender following submission to a chemical test which
4 disclosed an alcohol concentration of 0.08 or more pursuant
5 to Section 11-501.1 or any amount of a drug, substance or
6 compound in such person's blood or urine resulting from the
7 unlawful use or consumption of cannabis listed in the
8 Cannabis Control Act, a controlled substance listed in the
9 Illinois Controlled Substances Act, an intoxicating
10 compound listed in the Use of Intoxicating Compounds Act,
11 or methamphetamine as listed in the Methamphetamine
12 Control and Community Protection Act; ~~or-~~

13 5. Six months from the effective date of the statutory
14 summary suspension imposed for any person following
15 submission to a standardized field sobriety test that
16 disclosed impairment if the person is a qualifying patient
17 licensed under the Compassionate Use of Medical Cannabis
18 Pilot Program Act who is in possession of a valid registry
19 card issued under that Act and submitted to testing under
20 subsection (a-5) of Section 11-501.1.

21 (a-1) Unless the statutory summary revocation has been
22 rescinded, any person whose privilege to drive has been
23 summarily revoked pursuant to Section 11-501.1 may not make
24 application for a license or permit until the expiration of one
25 year from the effective date of the summary revocation.

26 (b) Following a statutory summary suspension of the

1 privilege to drive a motor vehicle under Section 11-501.1,
2 driving privileges shall be restored unless the person is
3 otherwise suspended, revoked, or cancelled by this Code. If the
4 court has reason to believe that the person's driving privilege
5 should not be restored, the court shall notify the Secretary of
6 State prior to the expiration of the statutory summary
7 suspension so appropriate action may be taken pursuant to this
8 Code.

9 (c) Driving privileges may not be restored until all
10 applicable reinstatement fees, as provided by this Code, have
11 been paid to the Secretary of State and the appropriate entry
12 made to the driver's record.

13 (d) Where a driving privilege has been summarily suspended
14 or revoked under Section 11-501.1 and the person is
15 subsequently convicted of violating Section 11-501, or a
16 similar provision of a local ordinance, for the same incident,
17 any period served on statutory summary suspension or revocation
18 shall be credited toward the minimum period of revocation of
19 driving privileges imposed pursuant to Section 6-205.

20 (e) Following a statutory summary suspension of driving
21 privileges pursuant to Section 11-501.1, for a first offender,
22 the circuit court shall, unless the offender has opted in
23 writing not to have a monitoring device driving permit issued,
24 order the Secretary of State to issue a monitoring device
25 driving permit as provided in Section 6-206.1. A monitoring
26 device driving permit shall not be effective prior to the 31st

1 day of the statutory summary suspension. A first offender who
2 refused chemical testing and whose driving privileges were
3 summarily revoked pursuant to Section 11-501.1 shall not be
4 eligible for a monitoring device driving permit, but may make
5 application for reinstatement or for a restricted driving
6 permit after a period of one year has elapsed from the
7 effective date of the revocation.

8 (f) (Blank).

9 (g) Following a statutory summary suspension of driving
10 privileges pursuant to Section 11-501.1 where the person was
11 not a first offender, as defined in Section 11-500, the
12 Secretary of State may not issue a restricted driving permit.

13 (h) (Blank).

14 (Source: P.A. 96-1344, eff. 7-1-11; 97-229, eff. 7-28-11.)

15 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

16 Sec. 6-514. Commercial Driver's License (CDL) -
17 Disqualifications.

18 (a) A person shall be disqualified from driving a
19 commercial motor vehicle for a period of not less than 12
20 months for the first violation of:

21 (1) Refusing to submit to or failure to complete a test
22 or tests authorized under Section 11-501.1 ~~to determine the~~
23 ~~driver's blood concentration of alcohol, other drug, or~~
24 ~~both,~~ while driving a commercial motor vehicle or, if the
25 driver is a CDL holder, while driving a non-CMV; or

1 (2) Operating a commercial motor vehicle while the
2 alcohol concentration of the person's blood, breath or
3 urine is at least 0.04, or any amount of a drug, substance,
4 or compound in the person's blood or urine resulting from
5 the unlawful use or consumption of cannabis listed in the
6 Cannabis Control Act, a controlled substance listed in the
7 Illinois Controlled Substances Act, or methamphetamine as
8 listed in the Methamphetamine Control and Community
9 Protection Act as indicated by a police officer's sworn
10 report or other verified evidence; or operating a
11 non-commercial motor vehicle while the alcohol
12 concentration of the person's blood, breath, or urine was
13 above the legal limit defined in Section 11-501.1 or
14 11-501.8 or any amount of a drug, substance, or compound in
15 the person's blood or urine resulting from the unlawful use
16 or consumption of cannabis listed in the Cannabis Control
17 Act, a controlled substance listed in the Illinois
18 Controlled Substances Act, or methamphetamine as listed in
19 the Methamphetamine Control and Community Protection Act
20 as indicated by a police officer's sworn report or other
21 verified evidence while holding a commercial driver's
22 license; or

23 (3) Conviction for a first violation of:

24 (i) Driving a commercial motor vehicle or, if the
25 driver is a CDL holder, driving a non-CMV while under
26 the influence of alcohol, or any other drug, or

1 combination of drugs to a degree which renders such
2 person incapable of safely driving; or

3 (ii) Knowingly leaving the scene of an accident
4 while operating a commercial motor vehicle or, if the
5 driver is a CDL holder, while driving a non-CMV; or

6 (iii) Driving a commercial motor vehicle or, if the
7 driver is a CDL holder, driving a non-CMV while
8 committing any felony; or

9 (iv) Driving a commercial motor vehicle while the
10 person's driving privileges or driver's license or
11 permit is revoked, suspended, or cancelled or the
12 driver is disqualified from operating a commercial
13 motor vehicle; or

14 (v) Causing a fatality through the negligent
15 operation of a commercial motor vehicle, including but
16 not limited to the crimes of motor vehicle
17 manslaughter, homicide by a motor vehicle, and
18 negligent homicide.

19 As used in this subdivision (a)(3)(v), "motor
20 vehicle manslaughter" means the offense of involuntary
21 manslaughter if committed by means of a vehicle;
22 "homicide by a motor vehicle" means the offense of
23 first degree murder or second degree murder, if either
24 offense is committed by means of a vehicle; and
25 "negligent homicide" means reckless homicide under
26 Section 9-3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 and aggravated driving under the
2 influence of alcohol, other drug or drugs,
3 intoxicating compound or compounds, or any combination
4 thereof under subdivision (d)(1)(F) of Section 11-501
5 of this Code.

6 If any of the above violations or refusals occurred
7 while transporting hazardous material(s) required to be
8 placarded, the person shall be disqualified for a period of
9 not less than 3 years; or ~~or~~

10 (4) 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, operating a commercial motor vehicle
14 under impairment resulting from the consumption of
15 cannabis, as determined by failure of standardized field
16 sobriety tests administered by a law enforcement officer as
17 directed by subsection (a-5) of Section 11-501.2.

18 (b) A person is disqualified for life for a second
19 conviction of any of the offenses specified in paragraph (a),
20 or any combination of those offenses, arising from 2 or more
21 separate incidents.

22 (c) A person is disqualified from driving a commercial
23 motor vehicle for life if the person either (i) uses a
24 commercial motor vehicle in the commission of any felony
25 involving the manufacture, distribution, or dispensing of a
26 controlled substance, or possession with intent to

1 manufacture, distribute or dispense a controlled substance or
2 (ii) if the person is a CDL holder, uses a non-CMV in the
3 commission of a felony involving any of those activities.

4 (d) The Secretary of State may, when the United States
5 Secretary of Transportation so authorizes, issue regulations
6 in which a disqualification for life under paragraph (b) may be
7 reduced to a period of not less than 10 years. If a reinstated
8 driver is subsequently convicted of another disqualifying
9 offense, as specified in subsection (a) of this Section, he or
10 she shall be permanently disqualified for life and shall be
11 ineligible to again apply for a reduction of the lifetime
12 disqualification.

13 (e) A person is disqualified from driving a commercial
14 motor vehicle for a period of not less than 2 months if
15 convicted of 2 serious traffic violations, committed in a
16 commercial motor vehicle, non-CMV while holding a CDL, or any
17 combination thereof, arising from separate incidents,
18 occurring within a 3 year period, provided the serious traffic
19 violation committed in a non-CMV would result in the suspension
20 or revocation of the CDL holder's non-CMV privileges. However,
21 a person will be disqualified from driving a commercial motor
22 vehicle for a period of not less than 4 months if convicted of
23 3 serious traffic violations, committed in a commercial motor
24 vehicle, non-CMV while holding a CDL, or any combination
25 thereof, arising from separate incidents, occurring within a 3
26 year period, provided the serious traffic violation committed

1 in a non-CMV would result in the suspension or revocation of
2 the CDL holder's non-CMV privileges. If all the convictions
3 occurred in a non-CMV, the disqualification shall be entered
4 only if the convictions would result in the suspension or
5 revocation of the CDL holder's non-CMV privileges.

6 (e-1) (Blank).

7 (f) Notwithstanding any other provision of this Code, any
8 driver disqualified from operating a commercial motor vehicle,
9 pursuant to this UCDLA, shall not be eligible for restoration
10 of commercial driving privileges during any such period of
11 disqualification.

12 (g) After suspending, revoking, or cancelling a commercial
13 driver's license, the Secretary of State must update the
14 driver's records to reflect such action within 10 days. After
15 suspending or revoking the driving privilege of any person who
16 has been issued a CDL or commercial driver instruction permit
17 from another jurisdiction, the Secretary shall originate
18 notification to such issuing jurisdiction within 10 days.

19 (h) The "disqualifications" referred to in this Section
20 shall not be imposed upon any commercial motor vehicle driver,
21 by the Secretary of State, unless the prohibited action(s)
22 occurred after March 31, 1992.

23 (i) A person is disqualified from driving a commercial
24 motor vehicle in accordance with the following:

25 (1) For 6 months upon a first conviction of paragraph

26 (2) of subsection (b) or subsection (b-3) of Section 6-507

1 of this Code.

2 (2) For 2 years upon a second conviction of paragraph
3 (2) of subsection (b) or subsection (b-3) or any
4 combination of paragraphs (2) or (3) of subsection (b) or
5 subsections (b-3) or (b-5) of Section 6-507 of this Code
6 within a 10-year period if the second conviction is a
7 violation of paragraph (2) of subsection (b) or subsection
8 (b-3).

9 (3) For 3 years upon a third or subsequent conviction
10 of paragraph (2) of subsection (b) or subsection (b-3) or
11 any combination of paragraphs (2) or (3) of subsection (b)
12 or subsections (b-3) or (b-5) of Section 6-507 of this Code
13 within a 10-year period if the third or subsequent
14 conviction is a violation of paragraph (2) of subsection
15 (b) or subsection (b-3).

16 (4) For one year upon a first conviction of paragraph
17 (3) of subsection (b) or subsection (b-5) of Section 6-507
18 of this Code.

19 (5) For 3 years upon a second conviction of paragraph
20 (3) of subsection (b) or subsection (b-5) or any
21 combination of paragraphs (2) or (3) of subsection (b) or
22 subsections (b-3) or (b-5) of Section 6-507 of this Code
23 within a 10-year period if the second conviction is a
24 violation of paragraph (3) of subsection (b) or (b-5).

25 (6) For 5 years upon a third or subsequent conviction
26 of paragraph (3) of subsection (b) or subsection (b-5) or

1 any combination of paragraphs (2) or (3) of subsection (b)
2 or subsections (b-3) or (b-5) of Section 6-507 of this Code
3 within a 10-year period if the third or subsequent
4 conviction is a violation of paragraph (3) of subsection
5 (b) or (b-5).

6 (j) Disqualification for railroad-highway grade crossing
7 violation.

8 (1) General rule. A driver who is convicted of a
9 violation of a federal, State, or local law or regulation
10 pertaining to one of the following 6 offenses at a
11 railroad-highway grade crossing must be disqualified from
12 operating a commercial motor vehicle for the period of time
13 specified in paragraph (2) of this subsection (j) if the
14 offense was committed while operating a commercial motor
15 vehicle:

16 (i) For drivers who are not required to always
17 stop, failing to slow down and check that the tracks
18 are clear of an approaching train or railroad track
19 equipment, as described in subsection (a-5) of Section
20 11-1201 of this Code;

21 (ii) For drivers who are not required to always
22 stop, failing to stop before reaching the crossing, if
23 the tracks are not clear, as described in subsection
24 (a) of Section 11-1201 of this Code;

25 (iii) For drivers who are always required to stop,
26 failing to stop before driving onto the crossing, as

1 described in Section 11-1202 of this Code;

2 (iv) For all drivers, failing to have sufficient
3 space to drive completely through the crossing without
4 stopping, as described in subsection (b) of Section
5 11-1425 of this Code;

6 (v) For all drivers, failing to obey a traffic
7 control device or the directions of an enforcement
8 official at the crossing, as described in subdivision
9 (a)2 of Section 11-1201 of this Code;

10 (vi) For all drivers, failing to negotiate a
11 crossing because of insufficient undercarriage
12 clearance, as described in subsection (d-1) of Section
13 11-1201 of this Code.

14 (2) Duration of disqualification for railroad-highway
15 grade crossing violation.

16 (i) First violation. A driver must be disqualified
17 from operating a commercial motor vehicle for not less
18 than 60 days if the driver is convicted of a violation
19 described in paragraph (1) of this subsection (j) and,
20 in the three-year period preceding the conviction, the
21 driver had no convictions for a violation described in
22 paragraph (1) of this subsection (j).

23 (ii) Second violation. A driver must be
24 disqualified from operating a commercial motor vehicle
25 for not less than 120 days if the driver is convicted
26 of a violation described in paragraph (1) of this

1 subsection (j) and, in the three-year period preceding
2 the conviction, the driver had one other conviction for
3 a violation described in paragraph (1) of this
4 subsection (j) that was committed in a separate
5 incident.

6 (iii) Third or subsequent violation. A driver must
7 be disqualified from operating a commercial motor
8 vehicle for not less than one year if the driver is
9 convicted of a violation described in paragraph (1) of
10 this subsection (j) and, in the three-year period
11 preceding the conviction, the driver had 2 or more
12 other convictions for violations described in
13 paragraph (1) of this subsection (j) that were
14 committed in separate incidents.

15 (k) Upon notification of a disqualification of a driver's
16 commercial motor vehicle privileges imposed by the U.S.
17 Department of Transportation, Federal Motor Carrier Safety
18 Administration, in accordance with 49 C.F.R. 383.52, the
19 Secretary of State shall immediately record to the driving
20 record the notice of disqualification and confirm to the driver
21 the action that has been taken.

22 (Source: P.A. 96-544, eff. 1-1-10; 96-1080, eff. 7-16-10;
23 96-1244, eff. 1-1-11; 97-333, eff. 8-12-11; 97-1150, eff.
24 1-25-13.)

25 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

1 Sec. 11-501. Driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof.

4 (a) A person shall not drive or be in actual physical
5 control of any vehicle within this State while:

6 (1) the alcohol concentration in the person's blood or
7 breath is 0.08 or more based on the definition of blood and
8 breath units in Section 11-501.2;

9 (2) under the influence of alcohol;

10 (3) under the influence of any intoxicating compound or
11 combination of intoxicating compounds to a degree that
12 renders the person incapable of driving safely;

13 (4) under the influence of any other drug or
14 combination of drugs to a degree that renders the person
15 incapable of safely driving;

16 (5) under the combined influence of alcohol, other drug
17 or drugs, or intoxicating compound or compounds to a degree
18 that renders the person incapable of safely driving; or

19 (6) there is any amount of a drug, substance, or
20 compound in the person's breath, blood, or urine resulting
21 from the unlawful use or consumption of cannabis listed in
22 the Cannabis Control Act, a controlled substance listed in
23 the Illinois Controlled Substances Act, an intoxicating
24 compound listed in the Use of Intoxicating Compounds Act,
25 or methamphetamine as listed in the Methamphetamine
26 Control and Community Protection Act. Subject to all other

1 requirements and provisions under this Section, this
2 paragraph (6) does not apply to the lawful consumption of
3 cannabis by a qualifying patient licensed under the
4 Compassionate Use of Medical Cannabis Pilot Program Act who
5 is in possession of a valid registry card issued under that
6 Act, unless that person is impaired by the use of cannabis.

7 (b) The fact that any person charged with violating this
8 Section is or has been legally entitled to use alcohol,
9 cannabis under the Compassionate Use of Medical Cannabis Pilot
10 Program Act, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof, shall not constitute a
12 defense against any charge of violating this Section.

13 (c) Penalties.

14 (1) Except as otherwise provided in this Section, any
15 person convicted of violating subsection (a) of this
16 Section is guilty of a Class A misdemeanor.

17 (2) A person who violates subsection (a) or a similar
18 provision a second time shall be sentenced to a mandatory
19 minimum term of either 5 days of imprisonment or 240 hours
20 of community service in addition to any other criminal or
21 administrative sanction.

22 (3) A person who violates subsection (a) is subject to
23 6 months of imprisonment, an additional mandatory minimum
24 fine of \$1,000, and 25 days of community service in a
25 program benefiting children if the person was transporting
26 a person under the age of 16 at the time of the violation.

1 (4) A person who violates subsection (a) a first time,
2 if the alcohol concentration in his or her blood, breath,
3 or urine was 0.16 or more based on the definition of blood,
4 breath, or urine units in Section 11-501.2, shall be
5 subject, in addition to any other penalty that may be
6 imposed, to a mandatory minimum of 100 hours of community
7 service and a mandatory minimum fine of \$500.

8 (5) A person who violates subsection (a) a second time,
9 if at the time of the second violation the alcohol
10 concentration in his or her blood, breath, or urine was
11 0.16 or more based on the definition of blood, breath, or
12 urine units in Section 11-501.2, shall be subject, in
13 addition to any other penalty that may be imposed, to a
14 mandatory minimum of 2 days of imprisonment and a mandatory
15 minimum fine of \$1,250.

16 (d) Aggravated driving under the influence of alcohol,
17 other drug or drugs, or intoxicating compound or compounds, or
18 any combination thereof.

19 (1) Every person convicted of committing a violation of
20 this Section shall be guilty of aggravated driving under
21 the influence of alcohol, other drug or drugs, or
22 intoxicating compound or compounds, or any combination
23 thereof if:

24 (A) the person committed a violation of subsection
25 (a) or a similar provision for the third or subsequent
26 time;

1 (B) the person committed a violation of subsection
2 (a) while driving a school bus with persons 18 years of
3 age or younger on board;

4 (C) the person in committing a violation of
5 subsection (a) was involved in a motor vehicle accident
6 that resulted in great bodily harm or permanent
7 disability or disfigurement to another, when the
8 violation was a proximate cause of the injuries;

9 (D) the person committed a violation of subsection
10 (a) and has been previously convicted of violating
11 Section 9-3 of the Criminal Code of 1961 or the
12 Criminal Code of 2012 or a similar provision of a law
13 of another state relating to reckless homicide in which
14 the person was determined to have been under the
15 influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds as an element of the
17 offense or the person has previously been convicted
18 under subparagraph (C) or subparagraph (F) of this
19 paragraph (1);

20 (E) the person, in committing a violation of
21 subsection (a) while driving at any speed in a school
22 speed zone at a time when a speed limit of 20 miles per
23 hour was in effect under subsection (a) of Section
24 11-605 of this Code, was involved in a motor vehicle
25 accident that resulted in bodily harm, other than great
26 bodily harm or permanent disability or disfigurement,

1 to another person, when the violation of subsection (a)
2 was a proximate cause of the bodily harm;

3 (F) the person, in committing a violation of
4 subsection (a), was involved in a motor vehicle,
5 snowmobile, all-terrain vehicle, or watercraft
6 accident that resulted in the death of another person,
7 when the violation of subsection (a) was a proximate
8 cause of the death;

9 (G) the person committed a violation of subsection
10 (a) during a period in which the defendant's driving
11 privileges are revoked or suspended, where the
12 revocation or suspension was for a violation of
13 subsection (a) or a similar provision, Section
14 11-501.1, paragraph (b) of Section 11-401, or for
15 reckless homicide as defined in Section 9-3 of the
16 Criminal Code of 1961 or the Criminal Code of 2012;

17 (H) the person committed the violation while he or
18 she did not possess a driver's license or permit or a
19 restricted driving permit or a judicial driving permit
20 or a monitoring device driving permit;

21 (I) the person committed the violation while he or
22 she knew or should have known that the vehicle he or
23 she was driving was not covered by a liability
24 insurance policy;

25 (J) the person in committing a violation of
26 subsection (a) was involved in a motor vehicle accident

1 that resulted in bodily harm, but not great bodily
2 harm, to the child under the age of 16 being
3 transported by the person, if the violation was the
4 proximate cause of the injury; or

5 (K) the person in committing a second violation of
6 subsection (a) or a similar provision was transporting
7 a person under the age of 16.

8 (2) (A) Except as provided otherwise, a person
9 convicted of aggravated driving under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof is guilty of a Class
12 4 felony.

13 (B) A third violation of this Section or a similar
14 provision is a Class 2 felony. If at the time of the third
15 violation the alcohol concentration in his or her blood,
16 breath, or urine was 0.16 or more based on the definition
17 of blood, breath, or urine units in Section 11-501.2, a
18 mandatory minimum of 90 days of imprisonment and a
19 mandatory minimum fine of \$2,500 shall be imposed in
20 addition to any other criminal or administrative sanction.
21 If at the time of the third violation, the defendant was
22 transporting a person under the age of 16, a mandatory fine
23 of \$25,000 and 25 days of community service in a program
24 benefiting children shall be imposed in addition to any
25 other criminal or administrative sanction.

26 (C) A fourth violation of this Section or a similar

1 provision is a Class 2 felony, for which a sentence of
2 probation or conditional discharge may not be imposed. If
3 at the time of the violation, the alcohol concentration in
4 the defendant's blood, breath, or urine was 0.16 or more
5 based on the definition of blood, breath, or urine units in
6 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
7 be imposed in addition to any other criminal or
8 administrative sanction. If at the time of the fourth
9 violation, the defendant was transporting a person under
10 the age of 16 a mandatory fine of \$25,000 and 25 days of
11 community service in a program benefiting children shall be
12 imposed in addition to any other criminal or administrative
13 sanction.

14 (D) A fifth violation of this Section or a similar
15 provision is a Class 1 felony, for which a sentence of
16 probation or conditional discharge may not be imposed. If
17 at the time of the violation, the alcohol concentration in
18 the defendant's blood, breath, or urine was 0.16 or more
19 based on the definition of blood, breath, or urine units in
20 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
21 be imposed in addition to any other criminal or
22 administrative sanction. If at the time of the fifth
23 violation, the defendant was transporting a person under
24 the age of 16, a mandatory fine of \$25,000, and 25 days of
25 community service in a program benefiting children shall be
26 imposed in addition to any other criminal or administrative

1 sanction.

2 (E) A sixth or subsequent violation of this Section or
3 similar provision is a Class X felony. If at the time of
4 the violation, the alcohol concentration in the
5 defendant's blood, breath, or urine was 0.16 or more based
6 on the definition of blood, breath, or urine units in
7 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
8 be imposed in addition to any other criminal or
9 administrative sanction. If at the time of the violation,
10 the defendant was transporting a person under the age of
11 16, a mandatory fine of \$25,000 and 25 days of community
12 service in a program benefiting children shall be imposed
13 in addition to any other criminal or administrative
14 sanction.

15 (F) For a violation of subparagraph (C) of paragraph
16 (1) of this subsection (d), the defendant, if sentenced to
17 a term of imprisonment, shall be sentenced to not less than
18 one year nor more than 12 years.

19 (G) A violation of subparagraph (F) of paragraph (1) of
20 this subsection (d) is a Class 2 felony, for which the
21 defendant, unless the court determines that extraordinary
22 circumstances exist and require probation, shall be
23 sentenced to: (i) a term of imprisonment of not less than 3
24 years and not more than 14 years if the violation resulted
25 in the death of one person; or (ii) a term of imprisonment
26 of not less than 6 years and not more than 28 years if the

1 violation resulted in the deaths of 2 or more persons.

2 (H) For a violation of subparagraph (J) of paragraph
3 (1) of this subsection (d), a mandatory fine of \$2,500, and
4 25 days of community service in a program benefiting
5 children shall be imposed in addition to any other criminal
6 or administrative sanction.

7 (I) A violation of subparagraph (K) of paragraph (1) of
8 this subsection (d), is a Class 2 felony and a mandatory
9 fine of \$2,500, and 25 days of community service in a
10 program benefiting children shall be imposed in addition to
11 any other criminal or administrative sanction. If the child
12 being transported suffered bodily harm, but not great
13 bodily harm, in a motor vehicle accident, and the violation
14 was the proximate cause of that injury, a mandatory fine of
15 \$5,000 and 25 days of community service in a program
16 benefiting children shall be imposed in addition to any
17 other criminal or administrative sanction.

18 (J) A violation of subparagraph (D) of paragraph (1) of
19 this subsection (d) is a Class 3 felony, for which a
20 sentence of probation or conditional discharge may not be
21 imposed.

22 (3) Any person sentenced under this subsection (d) who
23 receives a term of probation or conditional discharge must
24 serve a minimum term of either 480 hours of community
25 service or 10 days of imprisonment as a condition of the
26 probation or conditional discharge in addition to any other

1 criminal or administrative sanction.

2 (e) Any reference to a prior violation of subsection (a) or
3 a similar provision includes any violation of a provision of a
4 local ordinance or a provision of a law of another state or an
5 offense committed on a military installation that is similar to
6 a violation of subsection (a) of this Section.

7 (f) The imposition of a mandatory term of imprisonment or
8 assignment of community service for a violation of this Section
9 shall not be suspended or reduced by the court.

10 (g) Any penalty imposed for driving with a license that has
11 been revoked for a previous violation of subsection (a) of this
12 Section shall be in addition to the penalty imposed for any
13 subsequent violation of subsection (a).

14 (h) For any prosecution under this Section, a certified
15 copy of the driving abstract of the defendant shall be admitted
16 as proof of any prior conviction.

17 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

18 (625 ILCS 5/11-501.1)

19 Sec. 11-501.1. Suspension of drivers license; statutory
20 summary alcohol, other drug or drugs, or intoxicating compound
21 or compounds related suspension or revocation; implied
22 consent.

23 (a) Any person who drives or is in actual physical control
24 of a motor vehicle upon the public highways of this State shall
25 be deemed to have given consent, subject to the provisions of

1 Section 11-501.2, to a chemical test or tests of blood, breath,
2 or urine for the purpose of determining the content of alcohol,
3 other drug or drugs, or intoxicating compound or compounds or
4 any combination thereof in the person's blood if arrested, as
5 evidenced by the issuance of a Uniform Traffic Ticket, for any
6 offense as defined in Section 11-501 or a similar provision of
7 a local ordinance, or if arrested for violating Section 11-401.
8 If a law enforcement officer has probable cause to believe the
9 person was under the influence of alcohol, other drug or drugs,
10 intoxicating compound or compounds, or any combination
11 thereof, the law enforcement officer shall request a chemical
12 test or tests which shall be administered at the direction of
13 the arresting officer. The law enforcement agency employing the
14 officer shall designate which of the aforesaid tests shall be
15 administered. A urine test may be administered even after a
16 blood or breath test or both has been administered. For
17 purposes of this Section, an Illinois law enforcement officer
18 of this State who is investigating the person for any offense
19 defined in Section 11-501 may travel into an adjoining state,
20 where the person has been transported for medical care, to
21 complete an investigation and to request that the person submit
22 to the test or tests set forth in this Section. The
23 requirements of this Section that the person be arrested are
24 inapplicable, but the officer shall issue the person a Uniform
25 Traffic Ticket for an offense as defined in Section 11-501 or a
26 similar provision of a local ordinance prior to requesting that

1 the person submit to the test or tests. The issuance of the
2 Uniform Traffic Ticket shall not constitute an arrest, but
3 shall be for the purpose of notifying the person that he or she
4 is subject to the provisions of this Section and of the
5 officer's belief of the existence of probable cause to arrest.
6 Upon returning to this State, the officer shall file the
7 Uniform Traffic Ticket with the Circuit Clerk of the county
8 where the offense was committed, and shall seek the issuance of
9 an arrest warrant or a summons for the person.

10 (a-5) In addition to the requirements and provisions of
11 subsection (a), any person issued a registry card under the
12 Compassionate Use of Medical Cannabis Pilot Program Act who
13 drives or is in actual physical control of a motor vehicle upon
14 the public highways of this State shall be deemed to have given
15 consent, subject to the provisions of Section 11-501.2, to
16 standardized field sobriety tests approved by the National
17 Highway Traffic Safety Administration if arrested, as
18 evidenced by the issuance of a Uniform Traffic Ticket, for any
19 offense as defined in Section 11-501 or a similar provision of
20 a local ordinance, or if arrested for violating Section 11-401.
21 The person's status as a registry card holder alone is not a
22 sufficient basis for conducting these tests. The officer must
23 have an independent, cannabis-related factual basis giving
24 reasonable suspicion that the person is driving under the
25 influence of cannabis for conducting standardized field
26 sobriety tests. This independent basis of suspicion shall be

1 listed on the standardized field sobriety test results and any
2 influence reports made by the arresting officer.

3 (b) Any person who is dead, unconscious, or who is
4 otherwise in a condition rendering the person incapable of
5 refusal, shall be deemed not to have withdrawn the consent
6 provided by paragraph (a) of this Section and the test or tests
7 may be administered, subject to the provisions of Section
8 11-501.2.

9 (c) A person requested to submit to a test as provided
10 above shall be warned by the law enforcement officer requesting
11 the test that a refusal to submit to the test will result in
12 the statutory summary suspension of the person's privilege to
13 operate a motor vehicle, as provided in Section 6-208.1 of this
14 Code, and will also result in the disqualification of the
15 person's privilege to operate a commercial motor vehicle, as
16 provided in Section 6-514 of this Code, if the person is a CDL
17 holder. The person shall also be warned that a refusal to
18 submit to the test, when the person was involved in a motor
19 vehicle accident that caused personal injury or death to
20 another, will result in the statutory summary revocation of the
21 person's privilege to operate a motor vehicle, as provided in
22 Section 6-208.1, and will also result in the disqualification
23 of the person's privilege to operate a commercial motor
24 vehicle, as provided in Section 6-514 of this Code, if the
25 person is a CDL holder. The person shall also be warned by the
26 law enforcement officer that if the person submits to the test

1 or tests provided in paragraph (a) of this Section and the
2 alcohol concentration in the person's blood or breath is 0.08
3 or greater, or any amount of a drug, substance, or compound
4 resulting from the unlawful use or consumption of cannabis as
5 covered by the Cannabis Control Act, a controlled substance
6 listed in the Illinois Controlled Substances Act, an
7 intoxicating compound listed in the Use of Intoxicating
8 Compounds Act, or methamphetamine as listed in the
9 Methamphetamine Control and Community Protection Act is
10 detected in the person's blood or urine, or if the person fails
11 the standardized field sobriety tests as required by paragraph
12 (a-5), a statutory summary suspension of the person's privilege
13 to operate a motor vehicle, as provided in Sections 6-208.1 and
14 11-501.1 of this Code, and a disqualification of the person's
15 privilege to operate a commercial motor vehicle, as provided in
16 Section 6-514 of this Code, if the person is a CDL holder, will
17 be imposed.

18 A person who is under the age of 21 at the time the person
19 is requested to submit to a test as provided above shall, in
20 addition to the warnings provided for in this Section, be
21 further warned by the law enforcement officer requesting the
22 test that if the person submits to the test or tests provided
23 in paragraph (a) or (a-5) of this Section and the alcohol
24 concentration in the person's blood or breath is greater than
25 0.00 and less than 0.08, a suspension of the person's privilege
26 to operate a motor vehicle, as provided under Sections 6-208.2

1 and 11-501.8 of this Code, will be imposed. The results of this
2 test shall be admissible in a civil or criminal action or
3 proceeding arising from an arrest for an offense as defined in
4 Section 11-501 of this Code or a similar provision of a local
5 ordinance or pursuant to Section 11-501.4 in prosecutions for
6 reckless homicide brought under the Criminal Code of 1961 or
7 the Criminal Code of 2012. These test results, however, shall
8 be admissible only in actions or proceedings directly related
9 to the incident upon which the test request was made.

10 (d) If the person refuses testing or submits to a test that
11 discloses an alcohol concentration of 0.08 or more, or any
12 amount of a drug, substance, or intoxicating compound in the
13 person's breath, blood, or urine resulting from the unlawful
14 use or consumption of cannabis listed in the Cannabis Control
15 Act, a controlled substance listed in the Illinois Controlled
16 Substances Act, an intoxicating compound listed in the Use of
17 Intoxicating Compounds Act, or methamphetamine as listed in the
18 Methamphetamine Control and Community Protection Act, the law
19 enforcement officer shall immediately submit a sworn report to
20 the circuit court of venue and the Secretary of State,
21 certifying that the test or tests was or were requested under
22 paragraph (a) or (a-5) and the person refused to submit to a
23 test, or tests, or submitted to testing that disclosed an
24 alcohol concentration of 0.08 or more. A sworn report
25 indicating refusal or failure of testing under paragraph (a-5)
26 of this Section shall include the factual basis of the

1 arresting officer's reasonable suspicion that the person was
2 under the influence of cannabis. The person's possession of a
3 valid registry card under the Compassionate Use of Medical
4 Cannabis Pilot Program Act alone is not sufficient basis for
5 reasonable suspicion.

6 (e) Upon receipt of the sworn report of a law enforcement
7 officer submitted under paragraph (d), the Secretary of State
8 shall enter the statutory summary suspension or revocation and
9 disqualification for the periods specified in Sections 6-208.1
10 and 6-514, respectively, and effective as provided in paragraph
11 (g).

12 If the person is a first offender as defined in Section
13 11-500 of this Code, and is not convicted of a violation of
14 Section 11-501 of this Code or a similar provision of a local
15 ordinance, then reports received by the Secretary of State
16 under this Section shall, except during the actual time the
17 Statutory Summary Suspension is in effect, be privileged
18 information and for use only by the courts, police officers,
19 prosecuting authorities or the Secretary of State, unless the
20 person is a CDL holder, is operating a commercial motor vehicle
21 or vehicle required to be placarded for hazardous materials, in
22 which case the suspension shall not be privileged. Reports
23 received by the Secretary of State under this Section shall
24 also be made available to the parent or guardian of a person
25 under the age of 18 years that holds an instruction permit or a
26 graduated driver's license, regardless of whether the

1 statutory summary suspension is in effect. A statutory summary
2 revocation shall not be privileged information.

3 (f) The law enforcement officer submitting the sworn report
4 under paragraph (d) shall serve immediate notice of the
5 statutory summary suspension or revocation on the person and
6 the suspension or revocation and disqualification shall be
7 effective as provided in paragraph (g).

8 (1) In cases where the blood alcohol concentration of
9 0.08 or greater or any amount of a drug, substance, or
10 compound resulting from the unlawful use or consumption of
11 cannabis as covered by the Cannabis Control Act, a
12 controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use
14 of Intoxicating Compounds Act, or methamphetamine as
15 listed in the Methamphetamine Control and Community
16 Protection Act is established by a subsequent analysis of
17 blood or urine collected at the time of arrest, the
18 arresting officer or arresting agency shall give notice as
19 provided in this Section or by deposit in the United States
20 mail of the notice in an envelope with postage prepaid and
21 addressed to the person at his address as shown on the
22 Uniform Traffic Ticket and the statutory summary
23 suspension and disqualification shall begin as provided in
24 paragraph (g). The officer shall confiscate any Illinois
25 driver's license or permit on the person at the time of
26 arrest. If the person has a valid driver's license or

1 permit, the officer shall issue the person a receipt, in a
2 form prescribed by the Secretary of State, that will allow
3 that person to drive during the periods provided for in
4 paragraph (g). The officer shall immediately forward the
5 driver's license or permit to the circuit court of venue
6 along with the sworn report provided for in paragraph (d).

7 (2) In cases indicating refusal or failure of testing
8 under paragraph (a-5) of this Section the arresting officer
9 or arresting agency shall give notice as provided in this
10 Section or by deposit in the United States mail of the
11 notice in an envelope with postage prepaid and addressed to
12 the person at his or her address as shown on the Uniform
13 Traffic Ticket and the statutory summary suspension and
14 disqualification shall begin as provided in paragraph (g).
15 This notice shall include the factual basis of the
16 arresting officer's reasonable suspicion that the person
17 was under the influence of cannabis. The person's
18 possession of a valid registry card under the Compassionate
19 Use of Medical Cannabis Pilot Program Act alone is not
20 sufficient basis for reasonable suspicion.

21 (g) The statutory summary suspension or revocation and
22 disqualification referred to in this Section shall take effect
23 on the 46th day following the date the notice of the statutory
24 summary suspension or revocation was given to the person.

25 (h) The following procedure shall apply whenever a person
26 is arrested for any offense as defined in Section 11-501 or a

1 similar provision of a local ordinance:

2 Upon receipt of the sworn report from the law enforcement
3 officer, the Secretary of State shall confirm the statutory
4 summary suspension or revocation by mailing a notice of the
5 effective date of the suspension or revocation to the person
6 and the court of venue. The Secretary of State shall also mail
7 notice of the effective date of the disqualification to the
8 person. However, should the sworn report be defective by not
9 containing sufficient information or be completed in error, the
10 confirmation of the statutory summary suspension or revocation
11 shall not be mailed to the person or entered to the record;
12 instead, the sworn report shall be forwarded to the court of
13 venue with a copy returned to the issuing agency identifying
14 any defect.

15 (i) As used in this Section, "personal injury" includes any
16 Type A injury as indicated on the traffic accident report
17 completed by a law enforcement officer that requires immediate
18 professional attention in either a doctor's office or a medical
19 facility. A Type A injury includes severely bleeding wounds,
20 distorted extremities, and injuries that require the injured
21 party to be carried from the scene.

22 (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;
23 97-333, eff. 8-12-11; 97-471, eff. 8-22-11; 97-1150, eff.
24 1-25-13.)

25 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

1 Sec. 11-501.2. Chemical and other tests.

2 (a) Upon the trial of any civil or criminal action or
3 proceeding arising out of an arrest for an offense as defined
4 in Section 11-501 or a similar local ordinance or proceedings
5 pursuant to Section 2-118.1, evidence of the concentration of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof in a person's blood or
8 breath at the time alleged, as determined by analysis of the
9 person's blood, urine, breath or other bodily substance, shall
10 be admissible. Where such test is made the following provisions
11 shall apply:

12 1. Chemical analyses of the person's blood, urine,
13 breath or other bodily substance to be considered valid
14 under the provisions of this Section shall have been
15 performed according to standards promulgated by the
16 Department of State Police by a licensed physician,
17 registered nurse, trained phlebotomist, certified
18 paramedic, or other individual possessing a valid permit
19 issued by that Department for this purpose. The Director of
20 State Police is authorized to approve satisfactory
21 techniques or methods, to ascertain the qualifications and
22 competence of individuals to conduct such analyses, to
23 issue permits which shall be subject to termination or
24 revocation at the discretion of that Department and to
25 certify the accuracy of breath testing equipment. The
26 Department of State Police shall prescribe regulations as

1 necessary to implement this Section.

2 2. When a person in this State shall submit to a blood
3 test at the request of a law enforcement officer under the
4 provisions of Section 11-501.1, only a physician
5 authorized to practice medicine, a licensed physician
6 assistant, a licensed advanced practice nurse, a
7 registered nurse, trained phlebotomist, or certified
8 paramedic, or other qualified person approved by the
9 Department of State Police may withdraw blood for the
10 purpose of determining the alcohol, drug, or alcohol and
11 drug content therein. This limitation shall not apply to
12 the taking of breath or urine specimens.

13 When a blood test of a person who has been taken to an
14 adjoining state for medical treatment is requested by an
15 Illinois law enforcement officer, the blood may be
16 withdrawn only by a physician authorized to practice
17 medicine in the adjoining state, a licensed physician
18 assistant, a licensed advanced practice nurse, a
19 registered nurse, a trained phlebotomist acting under the
20 direction of the physician, or certified paramedic. The law
21 enforcement officer requesting the test shall take custody
22 of the blood sample, and the blood sample shall be analyzed
23 by a laboratory certified by the Department of State Police
24 for that purpose.

25 3. The person tested may have a physician, or a
26 qualified technician, chemist, registered nurse, or other

1 qualified person of their own choosing administer a
2 chemical test or tests in addition to any administered at
3 the direction of a law enforcement officer. The failure or
4 inability to obtain an additional test by a person shall
5 not preclude the admission of evidence relating to the test
6 or tests taken at the direction of a law enforcement
7 officer.

8 4. Upon the request of the person who shall submit to a
9 chemical test or tests at the request of a law enforcement
10 officer, full information concerning the test or tests
11 shall be made available to the person or such person's
12 attorney.

13 5. Alcohol concentration shall mean either grams of
14 alcohol per 100 milliliters of blood or grams of alcohol
15 per 210 liters of breath.

16 (a-5) Law enforcement officials may use standardized field
17 sobriety tests approved by the National Highway Traffic Safety
18 Administration when conducting investigations of a violation
19 of Section 11-501 or similar local ordinance by drivers
20 suspected of driving under the influence of cannabis. The
21 General Assembly finds that standardized field sobriety tests
22 approved by the National Highway Traffic Safety Administration
23 are divided attention tasks that are intended to determine if a
24 person is under the influence of cannabis. The purpose of these
25 tests is to determine the effect of the use of cannabis on a
26 person's capacity to think and act with ordinary care and

1 therefore operate a motor vehicle safely. Therefore, the
2 results of these standardized field sobriety tests,
3 appropriately administered, shall be admissible in the trial of
4 any civil or criminal action or proceeding arising out of an
5 arrest for a cannabis-related offense as defined in Section
6 11-501 or a similar local ordinance or proceedings under
7 Section 2-118.1. Where a test is made the following provisions
8 shall apply:

9 1. The person tested may have a physician, or a
10 qualified technician, chemist, registered nurse, or other
11 qualified person of their own choosing administer a
12 chemical test or tests in addition to the standardized
13 field sobriety test or tests administered at the direction
14 of a law enforcement officer. The failure or inability to
15 obtain an additional test by a person does not preclude the
16 admission of evidence relating to the test or tests taken
17 at the direction of a law enforcement officer.

18 2. Upon the request of the person who shall submit to a
19 standardized field sobriety test or tests at the request of
20 a law enforcement officer, full information concerning the
21 test or tests shall be made available to the person or the
22 person's attorney.

23 3. At the trial of any civil or criminal action or
24 proceeding arising out of an arrest for an offense as
25 defined in Section 11-501 or a similar local ordinance or
26 proceedings under Section 2-118.1 in which the results of

1 these standardized field sobriety tests are admitted, the
2 cardholder may present and the trier of fact may consider
3 evidence that the card holder lacked the physical capacity
4 to perform the standardized field sobriety tests.

5 (b) Upon the trial of any civil or criminal action or
6 proceeding arising out of acts alleged to have been committed
7 by any person while driving or in actual physical control of a
8 vehicle while under the influence of alcohol, the concentration
9 of alcohol in the person's blood or breath at the time alleged
10 as shown by analysis of the person's blood, urine, breath, or
11 other bodily substance shall give rise to the following
12 presumptions:

13 1. If there was at that time an alcohol concentration
14 of 0.05 or less, it shall be presumed that the person was
15 not under the influence of alcohol.

16 2. If there was at that time an alcohol concentration
17 in excess of 0.05 but less than 0.08, such facts shall not
18 give rise to any presumption that the person was or was not
19 under the influence of alcohol, but such fact may be
20 considered with other competent evidence in determining
21 whether the person was under the influence of alcohol.

22 3. If there was at that time an alcohol concentration
23 of 0.08 or more, it shall be presumed that the person was
24 under the influence of alcohol.

25 4. The foregoing provisions of this Section shall not
26 be construed as limiting the introduction of any other

1 relevant evidence bearing upon the question whether the
2 person was under the influence of alcohol.

3 (c) 1. If a person under arrest refuses to submit to a
4 chemical test under the provisions of Section 11-501.1,
5 evidence of refusal shall be admissible in any civil or
6 criminal action or proceeding arising out of acts alleged to
7 have been committed while the person under the influence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof was driving or in actual
10 physical control of a motor vehicle.

11 2. Notwithstanding any ability to refuse under this Code to
12 submit to these tests or any ability to revoke the implied
13 consent to these tests, if a law enforcement officer has
14 probable cause to believe that a motor vehicle driven by or in
15 actual physical control of a person under the influence of
16 alcohol, other drug or drugs, or intoxicating compound or
17 compounds, or any combination thereof has caused the death or
18 personal injury to another, the law enforcement officer shall
19 request, and that person shall submit, upon the request of a
20 law enforcement officer, to a chemical test or tests of his or
21 her blood, breath or urine for the purpose of determining the
22 alcohol content thereof or the presence of any other drug or
23 combination of both.

24 This provision does not affect the applicability of or
25 imposition of driver's license sanctions under Section
26 11-501.1 of this Code.

1 3. For purposes of this Section, a personal injury includes
2 any Type A injury as indicated on the traffic accident report
3 completed by a law enforcement officer that requires immediate
4 professional attention in either a doctor's office or a medical
5 facility. A Type A injury includes severe bleeding wounds,
6 distorted extremities, and injuries that require the injured
7 party to be carried from the scene.

8 (Source: P.A. 96-289, eff. 8-11-09; 97-450, eff. 8-19-11;
9 97-471, eff. 8-22-11; 97-813, eff. 7-13-12.)

10 (625 ILCS 5/11-502.1 new)

11 Sec. 11-502.1. Possession of medical cannabis in a motor
12 vehicle.

13 (a) No driver, who is a medical cannabis cardholder, may
14 use medical cannabis within the passenger area of any motor
15 vehicle upon a highway in this State.

16 (b) No driver, who is a medical cannabis cardholder, a
17 medical cannabis designated caregiver, medical cannabis
18 cultivation center agent, or dispensing organization agent may
19 possess medical cannabis within any area of any motor vehicle
20 upon a highway in this State except in a sealed, tamper-evident
21 medical cannabis container.

22 (c) No passenger, who is a medical cannabis card holder, a
23 medical cannabis designated caregiver, or medical cannabis
24 dispensing organization agent may possess medical cannabis
25 within any passenger area of any motor vehicle upon a highway

1 in this State except in a sealed, tamper-evident medical
2 cannabis container.

3 (d) Any person who violates subsections (a) through (c) of
4 this Section:

5 (1) commits a Class A misdemeanor;

6 (2) shall be subject to revocation of his or her
7 medical cannabis card for a period of 2 years from the end
8 of the sentence imposed;

9 (4) shall be subject to revocation of his or her status
10 as a medical cannabis caregiver, medical cannabis
11 cultivation center agent, or medical cannabis dispensing
12 organization agent for a period of 2 years from the end of
13 the sentence imposed.

14 Section 997. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 999. Effective date. This Act takes effect on
17 January 1, 2014.