

# MEDICAL CANNABIS IN ILLINOIS

## What do local governments need to know?

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# Compassionate Use of Medical Cannabis Pilot Program Act

- 410 ILCS 130/et seq
- Effective January 1, 2014
- Terminates December 31, 2017 without legislative action
- Illinois Department of Public Health Medical Cannabis Pilot Program website: <http://www2.illinois.gov/gov/mcpp/Pages/default.aspx>

# WARNING: Growing, using, or possessing cannabis is still illegal in Illinois.

- The rule making process is currently underway. Rules were submitted to the Joint Committee on Administrative Review (JCAR) on April 18, 2014 and are available for public review and comment. The comment period expires on June 2, 2014. The JCAR process generally lasts at least 90 days.
- Members of the public should be aware that full implementation of the Medical Cannabis Pilot Protection Act will take time. The State of Illinois is warning that it will not be legal for anyone to grow, offer to provide, or to possess, medical cannabis until licenses have been issued and the program is up and running.

# PATIENTS AND CAREGIVERS

- Regulated by the Illinois Department of Public Health
- A patient must:
  - be over the age of 18
  - have a debilitating medical condition as defined in the Act – 40 ILCS 130/10
  - must have a bona fide relationship with a physician who is treating him for a debilitating medical condition
  - must obtain a written certification from his physician
    - proposed rules create an exception for veterans who are receiving treatment for a debilitating medical condition at a VA Hospital
- Who is not eligible to be a patient?
  - Active duty law enforcement, correctional officers, probation officers or firefighters
  - Individuals with a school bus permit or Commercial Driver's License (CDL)
  - Individuals with a felony drug conviction

# CULTIVATION CENTERS

- Regulated by the Illinois Department of Agriculture
- The Act allows the registration of 22 cultivation centers statewide (one per Illinois State Police District)
- Cannabis can only be grown in a registered cultivation center
- Will sell to registered dispensaries
- Must comply with all federal, state and local building, zoning and fire codes and all local ordinances
- Must comply with local zoning regulations:
  - Cultivation Centers must be located more than 2500 feet from a school or daycare or area zoned for residential use

# DISPENSARIES

- Regulated by the Illinois Department of Financial and Professional Regulation
- The Act allows the Department to register up to 60 dispensaries geographically distributed throughout the state
- Will sell to patients and caregivers
- Must comply with local zoning regulations
- A Dispensing Organization must comply with State and local building, fire and zoning requirements or regulations:
  - Cannot be located within 1000 feet of a school or daycare
  - Cannot be located in an area zoned for residential use or in a house, apartment or condominium



# KEY POINTS FOR LOCAL GOVERNMENTS

- Zoning Issues
- Employment Issues

# Zoning Regulations

- A local government cannot prohibit dispensaries or cultivation centers but can impose reasonable regulations.
- Dispensaries and cultivation centers must comply with local zoning regulations.



# EMPLOYMENT ISSUES

- Cannabis cannot be used or smoked in a public place, which means a place where a person could reasonably be expected to be observed others. This includes any building owned or leased by the State or a local government.
- Cannabis cannot be smoked or used in a vehicle; cannabis that is possessed in a vehicle must be stored in a sealed, tamper evident container and reasonably inaccessible while the vehicle is moving.
- The Smoke Free Illinois Act, which prohibits smoking in public places, places of employment and government vehicles, also applies.
- An employer cannot discriminate against a registered qualifying patient.
- An employer can enforce a zero tolerance drug policy.
- An employer can discipline a registered qualifying patient for violating a drug free workplace policy.

# Commercial Driver's License

- An individual with a CDL cannot use Medical Cannabis
- An individual with a CDL is not qualified to obtain an identification card.
- If a registered qualifying patient operates a commercial motor vehicle under impairment resulting from the use of cannabis, he shall be disqualified from driving a commercial motor vehicle for 12 months