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“We change laws.”

Illinois’ Medical Marijuana Law A Guide for Doctors and Patients

On August 1, 2013, Gov. Pat Quinn signed the state’s medical marijuana pilot program into law, which will protect registered patients and their physicians from civil and criminal penalties. That law went into effect January 1, 2014, and the department began accepting some patient applications on September 2. Currently, 23 states and the District of Columbia have medical marijuana laws that work well by protecting hundreds of thousands of seriously ill patients from arrest.

What is the doctor’s role?

Physicians must fill out a form created by the Department of Public Health certifying that the patient has a qualifying medical condition, he or she is likely to receive medical benefit from the medical use of marijuana, and the patient is under the physician’s care for the qualifying condition.

What conditions qualify?

Cancer, glaucoma, HIV/AIDS, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, agitation of Alzheimer’s disease, wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, Tarlov cysts, hydromyelia, syringomyelia, spinal cord injury, traumatic brain injury and post-concussion syndrome, multiple sclerosis, Arnold-Chiari malformation, spinocerebellar ataxia, Parkinson’s disease, Tourette syndrome, myoclonus, dystonia, reflex sympathetic dystrophy, causalgia, neurofibromatosis, chronic inflammatory demyelinating polyneuropathy, Sjögren’s syndrome, lupus, interstitial cystitis, myasthenia gravis, hydrocephalus, nail patella syndrome, residual limb pain, seizures, including those characteristic of epilepsy, or the treatment of these conditions. In addition, the Department of Public Health can approve additional debilitating medical conditions.

Has the federal government punished practitioners who recommend medical marijuana?

No. The U.S. Court of Appeals for the Ninth Circuit ruled that doctors cannot be punished — or even investigated — solely for recommending medical marijuana, because doing so is protected free speech (*Conant v. Walters*). The U.S. Supreme Court let the decision stand.

Can doctors be prosecuted for signing a certification?

Illinois’ new law explicitly protects doctors from punishment. It states that a physician is not subject to arrest, prosecution, or penalty in any manner for providing a written certification. 410 ILCS 130/25, Section 25(e)

To date, according to our best information, no doctors have been prosecuted for recommending medical marijuana in these states, and no patients have been convicted for possessing marijuana consistent with the law in Illinois.

What *must* a doctor do before making a recommendation?

- Be currently licensed and in good standing
- Hold a state-issued controlled substances license
- Comply with the standards of practice
- Maintain records of exams
- Treat the patient for the underlying condition

What *can't* a doctor do when making a recommendation?

- Conduct an exam using telemedicine technology
- Receive pay from or refer patients to marijuana businesses
- Conduct an exam at a location where medical marijuana is sold
- Have a direct or indirect economic interest in a cultivator or dispensary
- Advertise in a cultivation center or dispensary
- Help patients obtain marijuana or offer advice on usage

When can patients apply?

Applicants whose last names begin with the letters A through L may apply between September 2 and October 31. Applicants with last names that start with M through Z may apply between November 1 and December 31. Beginning January 1, 2015, all applications for registry identification cards will be accepted year round.

What restrictions are there for patients?

Patients may not:

- Grow marijuana
- Obtain more than 2.5 ounces every 14 days
- Drive under the influence of marijuana
- Give or sell marijuana to anybody
- Possess marijuana on a school bus or school grounds
- Possess marijuana in a vehicle that is outside a secure, sealed, and tamper-proof container that is inaccessible
- Use cannabis in a public place or in knowing proximity to anyone under 18
- Smoke marijuana where smoking is prohibited

More information: A summary of research on the medical value of marijuana in alleviating conditions and their symptoms is available at www.mpp.org/research.

This is not intended as a substitute for reading the entire law and all regulations. A link to the applicable law may be found at:

<http://www.idph.state.il.us/HealthWellness/MedicalCannabis/index.htm>