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“We change laws.”

An Overview of Illinois’ Medical Marijuana Law

On August 1, 2013, Gov. Pat Quinn signed HB 1, creating the Compassionate Use of Medical Cannabis Pilot Program, originally designed to be a temporary program that would expire in 2018. In 2014, the governor and legislature improved the law by adding seizures as a qualifying medical condition and allowing minors to qualify. In 2016, the program added Post Traumatic Stress Disorder (PTSD), and the life of the program was extended through July 2020. In 2018, the program was significantly updated by allowing those who could obtain a prescription for an opiate to qualify for the medical cannabis program, and by streamlining key aspects of the application process. A separate bill passed the same year allowed minors in school to have limited access while on school grounds.

Why is it called a “pilot program?”

The law was created with a “sunset” provision, meaning that, if the legislature does not renew the program or create a new law, the program will cease to operate on the sunset date.

How do patients qualify for the program?

The law allows patients to qualify for the program if they have one of several qualifying medical conditions which is recognized and acknowledged by a treating physician. Patients register with the state Department of Public Health for legal status as a medical marijuana patient.

What medical conditions are included?

The qualifying medical conditions are: Agitation of Alzheimer’s disease, HIV/AIDS, amyotrophic lateral sclerosis (ALS), Arnold-Chiari malformation, cancer, causalgia, chronic inflammatory demyelinating polyneuropathy, Crohn’s disease, CRPS (complex regional pain syndrome Type II), dystonia, fibrous dysplasia, glaucoma, hepatitis C, hydrocephalus, hydromyelia, interstitial cystitis, lupus, multiple sclerosis, muscular dystrophy, myasthenia gravis, myoclonus, nail-patella syndrome, neurofibromatosis, Parkinson’s disease, post-concussion syndrome, post-traumatic stress disorder (PTSD), reflex sympathetic dystrophy, residual limb pain, rheumatoid arthritis, seizures (including those characteristic of Epilepsy), severe fibromyalgia, Sjogren’s syndrome, spinal cord disease (including but not limited to arachnoiditis), spinal cord injury is damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, spinocerebellar ataxia, syringomyelia, Tarlov cysts, Tourette syndrome, traumatic brain injury, and cachexia or wasting syndrome. Patients may also qualify if they could be prescribed an opioid medication. The Department of Public Health can approve additional debilitating medical conditions.

What protections do patients have once in the program?

Registered patients may not be arrested or prosecuted, or face criminal or other penalties, including property forfeiture, for engaging in the medical use of marijuana in compliance with the law. There are also protections against patients being discriminated against in medical care — such as organ transplants — and in child custody proceedings. In addition, landlords may not refuse to rent to a person solely due to his or her status as a registered patient or caregiver unless housing the applicant violates federal law on the part of the landlord. Landlords may prohibit smoking medical marijuana on their premises. Similarly, schools and employers are prohibited from discriminating based on patient status unless they face restrictions under federal law. Employers may continue to enforce drug-free work place policies, and they do not have to allow employees to possess marijuana at work or work while they are impaired.

How much medical marijuana can patients possess?

The law authorizes registered patients to obtain up to 2 ½ ounces of medical marijuana every two weeks from a dispensary selected by the patient during the application process. Patients may apply for a waiver to use more marijuana if their physicians explain that that amount is insufficient for the patient.

Can patients grow their own medical marijuana?

No. Only state-regulated cultivation centers are authorized to grow marijuana.

Can patients have a caregiver pick up their medicine for them?

Yes. Patients may designate a caregiver who is 21 years of age or older and does not have a disqualifying conviction. The caregiver may obtain marijuana from a dispensary on behalf of a single patient.

Can anyone participate if he or she has a qualifying medical condition?

No. Those who work in certain professions, including law enforcement personnel, firefighters, and commercial drivers, are not allowed to participate in the program. The program formerly prohibited those with certain felony convictions from becoming patients, but that limitation was removed in 2018.

How do patients obtain medical marijuana?

All patients are required to name a state-regulated dispensary from which the patient or his or her designated caregiver will obtain medical marijuana. There is a cap of 60 dispensaries throughout the state set by law.

How much does medical marijuana cost?

Prices are set by individual medical marijuana dispensaries.

Is medical marijuana be taxed?

Medical marijuana sold from cultivation centers to dispensaries is subject to a 7% excise tax, in addition to a 1% sales tax.

How do dispensaries operate?

Dispensaries are licensed by the state and subject to rules created by the Department of Financial and Professional Regulation as well as local zoning laws. All dispensary staff must receive a photo ID from the department after submitting to a background check.

How is medical marijuana cultivated for patients?

Dispensaries obtain medical marijuana from up to 22 cultivation centers, with a limit of one cultivation center for each state police district. Cultivation centers are subject to a strict set of rules developed by the Department of Agriculture, including labeling and marijuana testing requirements, 24-hour video surveillance, photo IDs for staff, cannabis tracking systems, and inventory control measures.

When did the law go into effect?

The law went into effect January 1, 2014, but the program was not fully functional with operating cultivation centers and dispensaries until early 2015.

Does the state pilot program recognize patients from other states?

No. Only patients who are registered with the Illinois Department of Public Health qualify.

Are there restrictions on where a patient can possess or consume medical marijuana?

Patients may not possess or consume marijuana in a correctional facility. Likewise, patients may not possess or consume marijuana in a private residence that is used to provide childcare or a day care services, and they may not possess it in a vehicle unless it is secured in a sealed, tamper-evident container that is inaccessible while the vehicle is moving. As with alcohol and prescription drugs, patients may not operate or be in control of a vehicle while impaired. Patients are also prohibited from consuming medical marijuana in a public place, near anyone under the age of 18, or where doing so would violate the Smoke Free Illinois Act. Patients are generally prohibited from being in possession on a school bus or on school grounds unless the individual qualifies for an exception, and limitations apply.