

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Compassionate Use of Medical Cannabis Patient Registry
- 2) Code Citation: 77 Ill. Adm. Code 946
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
946.10	Amendment
946.25	New Section
946.30	Amendment
946.35	New Section
946.60	Amendment
946.200	Amendment
946.201	Amendment
946.205	Amendment
946.210	Amendment
946.220	Amendment
946.240	Amendment
946.290	Amendment
946.300	Amendment
946.310	Amendment
946.315	New Section
946.500	Amendment
- 4) Statutory Authority: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements P.A. 99-0519, effective June 30, 2016, to set forth the requirements for qualifying patients to participate in the Department's Compassionate Use of Medical Cannabis Patient Registry Program. The amendments provide for additional debilitating conditions; add an eligibility category for persons diagnosed with a terminal illness; make changes in the physician written certification; change fees to correspond with the lengthened time frame for a valid registry identification card; add requirements for increasing the adequate supply of medical cannabis and make other changes.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

(217) 782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - i) Types of small businesses, small municipalities and not for profit corporations affected: A doctor of medicine or osteopathy who is licensed under the Medical Practice Act of 1987 and in good standing to practice medicine and who has a controlled substances license under Article III of the Illinois Controlled Substances Act
 - ii) Reporting, bookkeeping or other procedures required for compliance: A physician completing a written certification for a qualifying patient who is

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seeking to apply for a medical cannabis registry identification card shall establish a medical record for the qualifying patient with regard to his or her medical condition and his or her continued treatment for the condition or conditions under the physician's care. The physician shall maintain a record-keeping system for all patients for whom the physician has signed a written certification. These records shall be accessible to and subject to review by the Departments of Public Health and Financial and Professional Regulation upon request.

- iii) Types of Professional skills necessary for compliance: Understanding of HIPAA requirements, general recordkeeping and records retention.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas as the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

The full text of the Proposed amendments is identical to that of the text of the Emergency amendments, and begins in this issue of the *Illinois Register* on page_____.