



# Illinois Department of Financial and Professional Regulation

## Division of Professional Regulation

JB PRITZKER  
Governor

DEBORAH HAGAN  
Secretary

CECILIA ABUNDIS  
Acting Director  
Division of Professional Regulation

February 6, 2020

### Statement on Prioritizing Illinois Medical Cannabis Patients

The Department of Financial and Professional Regulation, Division of Professional Regulation, has received several inquiries regarding what it means for cannabis dispensary locations that hold both a medical cannabis registration and an adult use cannabis license to prioritize serving Illinois medical cannabis patients when there is a shortage of cannabis. 410 ILCS 705/15-15(i). The Department does not issue advisory opinions or provide legal advice. However, because adult use cannabis is a newly regulated business in the State of Illinois, the public interest merits the Department providing guidance to the public and the licensees it regulates on this issue.

Section 15-15(i) of the Cannabis Regulation and Tax Act provides: “If there is a shortage of cannabis or cannabis-infused products, a dispensing organization holding both a dispensing organization license under the Compassionate Use of Medical Cannabis Pilot Program Act and this Act *shall prioritize* serving qualifying patients, caregivers, provisional patients, and Opioid Alternative Pilot Program participants before serving purchasers.” (emphasis added). Therefore, cannabis dispensary locations holding both licenses are required to prioritize Illinois qualifying patients, caregivers, provisional patients, and Opioid Alternative Pilot Program participants (collectively “patients”). While the Act does not specifically define how a dispensary location holding both licenses is to prioritize Illinois patients, it is the Department’s view that under current market conditions the following practices would satisfy the minimum requirements of Section 15-15(i):

1. The dispensary maintains at least one active point-of-sale station exclusively for Illinois patients for every five active stations in the dispensary, when patients are present.
2. The dispensary permits Illinois patients to purchase any cannabis product in the dispensary’s inventory at the medical cannabis tax rate. No product should be separately designated or marked for adult use sale, and no product should be withheld from sale to Illinois patients.
3. If the dispensary implements purchase limits, any limits on patient purchases are set at least 2.5 times greater than the purchase limit for adult use purchasers, whether that limit is set using per purchase dollar totals, items sold, weight, or any other metric used to limit per purchase limits.

This guidance from the Department may be revised, rescinded or superseded at any time. Parties seeking legal advice or a legal opinion as to how this guidance may apply to them should consult with their attorney.