

Cannabis News Quick Hitters, August 2019 – IL Expands and Makes Permanent Medical Use; ABA Supports Cannabis Law Reform

Cannabis Business Legal News

By Darren Grady on August 15, 2019

[Gov. Pritzker Signs Law Expanding Illinois' Medical Cannabis Program & Makes it Permanent](#)

Until recently, Illinois' medical cannabis program was technically a pilot program and it even had an expiration date in 2020. This changed when Gov. J.B. Pritzker signed a new medical cannabis law for Illinois, which will also legalize recreational adult-use cannabis on January 1, 2020.

The new medical cannabis law had bipartisan support in the Illinois legislature and votes cast earlier this year showed lawmakers' desire to not only make the medical cannabis program permanent, but to also expand the list of conditions for which medical cannabis could be recommended. Additions to the prior list of qualifying conditions (which was regarded as one of the most restrictive in the nation) include migraine headaches, chronic pain, IBS, anorexia, and autism (among others). The new law will also allow medical patients to home grow up to five cannabis plants. Finally, the law allows registered nurses and PA's to become certifying professionals.

The passage of the new medical cannabis law is a clear sign that Illinois has no intention of neglecting medical cannabis patients as the state prepares for the legalization of recreational cannabis in 2020. While the market for recreational cannabis is set to explode next year, the medical cannabis market is sure to expand greatly as well, as patients suffering from the newly-included qualifying conditions seek recommendations. Those in the medical cannabis industry should plan accordingly for this new influx of patients, keeping in mind that the new recreational cannabis law requires retail locations that have licenses issued under the old medical pilot program to maintain an adequate supply of cannabis for purchase by qualifying medical patients.

The American Bar Association Formally Supports Cannabis Law Reform with Recent Resolution

In yet another indication that there is growing support for cannabis legalization nationwide, earlier this week, the American Bar Association passed a resolution supporting the removal of marijuana from the Controlled Substances Act. Currently, marijuana remains a Schedule I drug under the CSA, along with heroin, LSD, and ecstasy. The CSA states that drugs in this schedule have no currently accepted medical use and a high potential for abuse. The federal illegality of marijuana has caused headaches and created practical problems for those operating in the industry in strict compliance with state law (in particular, with the ability of these businesses to bank their earnings and secure trademark protection).

The resolution is a direct plea to Congress. Along with the removal of marijuana from Schedule I of the CSA, the ABA urges Congress to enact legislation to exempt from the CSA any production, distribution, possession, or use of marijuana carried out in compliance with state laws. With the resolution, the ABA also asks Congress to enact legislation to encourage scientific research into the efficacy, dose, routes of administration, or side effects of commonly used and commercially available cannabis products.

This is an assertive and bold statement by the ABA that it is time to reconcile the ever-conflicted state and federal laws addressing cannabis in our country. Action by Congress in response to the ABA's resolution would free compliant businesses from the fear of federal crackdowns and would allow federally-regulated businesses, such as banks, to enter the cannabis space without risk or apprehension. Not to mention, such legislation would likely enable other businesses currently taking a "wait-and-see" approach to enter the direct market or to begin providing ancillary services. With this resolution, the ABA is recognizing that legitimately operating cannabis businesses are worthy of all of the same opportunities and access as other businesses operating in the United States and that reconciliation of the laws will create the opportunity to provide a better and safer product to consumers.

While there is some legislation that has been proposed which would address this federal / state conflict in some respects, such as The STATES Act and The SAFE Banking Act, there has been no clear indication that Congress has any intention of working on or passing these pieces of legislation in the immediate future. Perhaps this resolution will be part of a catalyst to move this legislation forward and inspire Congress to begin addressing these critical issues in a more urgent fashion. While it is unknown whether the ABA resolution will have any affect on this Congress, it is certainly indicative of the ever-increasing push to cure this regulatory and legal quagmire and open up the cannabis market for business owners and customers all over the country. Individuals and businesses wishing to enter the marketplace, but also adopting a "wait-and-see" approach, should take notice of this resolution as an indicator that it is only a matter of time before

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