

Drug Referrals in Illinois
Counting for Clery Act Reporting
As of 3-26-2020

Key to abbreviations:

CCA - Cannabis Control Act ([720 ILCS 550](#))

CRTA – Cannabis Regulation and Tax Act ([410 ILCS 705/](#))

CUMCPA – Compassionate Use of Medical Cannabis Program Act ([410 ILCS 130/](#))

ICSA - Illinois Controlled Substances Act ([720 ILCS 570/](#))

DPCA – Drug Paraphernalia Control Act ([720 ILCS 600/](#))

Illinois Registry Identification Card - a document issued by the Illinois Department of Public Health that identifies a person as a registered qualifying medical cannabis patient or registered designated caregiver. ([410 ILCS 130/10](#))

Illinois resident - Individuals can establish their primary residence is in Illinois by providing any 2 of the following: (1) a signed lease agreement that includes the applicant's name; (2) a property deed that includes the applicant's name; (3) school records; (4) a voter registration card; (5) an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card; (6) a paycheck stub; (7) a utility bill; (8) tax records; or (9) any other proof of residency or other information necessary to establish residence as provided by rule. ([410 ILCS 705/1-10](#))

Situation	Clery Countable	Statutory Reference	Notes
Cannabis and persons under 21			
Cannabis - Possession by person under 21 of any quantity <u>with</u> or <u>without</u> a valid Illinois Registry Identification Card	No	Section 4(a) of CCA , Section 10-15(b) of CRTA , and Section 25(a) of the CUMCPA	Either lawful or civil penalty; however, if it's possession with intent to deliver, evaluate under that offense (below in General Applicability section).
Cannabis and Illinois Residents 21 and over			
Cannabis – Possession of more than 30 grams of Cannabis flower, 500 milligrams of THC contained in a cannabis-infused product, or 5 grams of cannabis concentrate, by a person 21 or older who is a resident of Illinois <u>without</u> a valid Illinois Registry Identification Card	Yes	Section 10-10(a)(1), (2) and (3) of CRTA	Quantities are cumulative.
Cannabis – Possession of more than 30 grams of Cannabis flower, 500 milligrams of THC contained in a cannabis-infused product, or 5 grams of cannabis concentrate, by a person 21 or older who is a resident of Illinois <u>with a valid Illinois Registry Identification Card</u>	Case-by-Case determination required	Section 10-10(a)(1), (2) and (3) of CRTA and Section 25(a) of the CUMCPA	Registered medical cannabis users may possess an “adequate supply” of medical cannabis. You will need to research the particular cardholder to determine if the possession is lawful.

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Cannabis and Non-Illinois Residents 21 and over			
Cannabis – Possession of more than 15 grams of cannabis flower, 2.5 grams of cannabis concentrate, or 250 milligrams of THC contained in a cannabis-infused product, by a person 21 or older who is a non-resident of Illinois.	Yes	Section 10-10(b)(1), (2) and (3) of CRTA	Quantities are cumulative. Only Illinois residents are eligible for an Illinois Registry Identification card , so it is not relevant for non-Illinois residents.
General Applicability			
Drugs other than Cannabis - Possession	Yes	ICSA	
“Casual delivery” of cannabis (not more than 10 grams without consideration)	No	Section 4(a) of CCA and Section 6 of CCA	Civil penalty
Manufacture, deliver, or possess with intent to deliver, or manufacture, cannabis or other drugs.	Yes	ICSA and Section 5 of CCA	But see “casual delivery” of cannabis on previous line.
Cannabis paraphernalia – Possession by ANYONE, whether or not they also possess cannabis	No	Section 4(b) of DPCA	
Possession of drug paraphernalia other than cannabis paraphernalia	Yes	Section 3.5 of DPCA	
PUBLIC USE of cannabis	Case-by-Case determination required	See Section 10-35(a)(3)(F) of CRTA and Section 4 of the CCA , as well as Section 30(a)(3)(F) and (4) of the CUMCPA	Since there is no penalty associated with use of cannabis in public, analyze as a cannabis possession offense regardless of whether the individual possesses a valid Illinois Registry Card because medical cannabis may not be used in public except as authorized by Section 22-33 of the Illinois School Code (105 ILCS 5/22-33) with pertains to K-12 schools.

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Odor of cannabis detected, but no physical evidence (even if person admits to use)	No		Clery Help Desk determination email dated 3-22-2018.
POSSESSING Cannabis in a motor vehicle <u>unless</u> person is over 21, cannabis is in a sealed, odor-proof, child-resistant container, and within applicable quantity limits for possessor	Yes	625 ILCS 5/11-502.15 and Section 4 of CCA , Section 10 of the CUMCPA , and Section 25(a) of the CUMCPA	Quantity limits are found in Section 4 of the CCA, and Sections 10 and 25 of the CUMCPA for Illinois residents with a valid Illinois Registry Identification Card
DRIVER USING cannabis in a motor vehicle	Yes	625 ILCS 5/11-502.15	
PASSENGER USING cannabis in a motor vehicle	Case-by-Case determination	625 ILCS 5/11-502.15 only punishes a driver for using cannabis in a motor vehicle.	If the passenger is also possessing cannabis, treat as a possessing cannabis in a motor vehicle case. If it is odor only, do not count for Clery purposes (see odor entry, above)
Operating, navigating, or being in actual physical control of any motor vehicle, boat, aircraft or snowmobile while using or under the influence of drugs, including cannabis	Yes	Section 11-501 , 11-502.1 , and 11-502.15 of the Illinois Vehicle Code, Section 5-16 of the Boat Registration and Safety Act, Section 5-7 of the Snowmobile Registration and Safety Act, or Section 43d of the Illinois Aeronautics Act	