Workers' Comp

Illinois Piloting Opioid Alternative Cannabis Program

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On August 28, 2018, Illinois Governor Bruce Rauner signed into law SB336, the Alternatives to Opioids Act of 2018. The act would allow a treating physician to refer a patient to the Opioid Alternative Pilot Program for conditions where an opioid might otherwise be prescribed.
The Opioid Alternative Pilot Program would allow patients to use medical cannabis to treat their condition instead of an opioid. To be eligible for the program, the patient must be qualified by their physician to participate. Additionally, the physician must submit:

- Written certification to the Department of Public Health detailing the patient's condition and providing the identifying information about the patient
- Statement that the physician has confirmed the condition, has conducted a review of the patient's medical history and has a bona fide physician-patient relationship.

The eligible patient must also apply to the Department of Health to receive certification to participate in the Opioid Alternative Pilot Program. Certification to participate in the pilot program can be granted for up to 90 days. Once approved, an eligible patient may receive up to 2.5 ounces of medical cannabis every 14 days. Dispensaries are required to verify patient eligibility every time medical cannabis is dispensed.

The legislation was effective upon the signature of the governor. The Opioid Alternative Pilot Program does not become operational until after emergency rulemaking is completed on or before December 1, 2018. The legislation also imposes a sunset date on the pilot program of July 1, 2020. Should the pilot program prove successful, the legislature could amend the law to remove the sunset.
There is no language in the bill that addresses whether or not insurers would be required to reimburse patients for medical cannabis obtained while participating in the pilot program. That is a question that will likely be settled via a dispute process or litigation.

A complete copy of the enrolled version of SB336 can be found here.

For questions regarding this alert or other legislative or regulatory initiatives, please contact Brian Allen, Vice President of Government Affairs, at Brian.Allen@mitchell.com or at 801.903.5754.



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