

SMART ALERT

ILLINOIS DEPARTMENT OF HUMAN SERVICES
Division of Substance Use Prevention and Recovery

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JB Pritzker, Governor · Grace B. Hou, Secretary · Danielle L. Kirby, Director

SPECIAL CONDITION FROM SAMHSA AFFECTS IDHS/SUPR GRANT AGREEMENTS

The Illinois Department of Human Services, Division of Substance Use Prevention and Recovery (IDHS/SUPR) has received notice of an additional special condition that is associated with each grant awarded to IDHS/SUPR from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). The below additional special condition is applicable to the Substance Abuse Block Grant (SABG) and each discretionary grant awarded to IDHS/SUPR from SAMHSA. Our sister Division of Mental Health (DMH) is also affected by this requirement. Therefore, funded providers may receive a separate communication from DMH. IDHS/SUPR is required to submit a statement that attests to compliance with the following statement as a condition of continued SAMHSA funding:

Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. § 75.300(a) (requiring HHS to “ensure that Federal funding is expended . . . in full accordance with U.S. statutory . . . requirements.”); 21 U.S.C. §§812(c) (10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the DEA and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

As indicated in the above statement, not only IDHS/SUPR, but any organization that receives funds supported through a SAMHSA grant administered by our Division is also expected to comply with this special condition. We are in the process of amending all SFY20 grant agreements and contracts that are wholly or in part supported through SAMHSA grants awarded to our Division, effective upon the execution date of the grant agreement or contract, to include the following language:

Uniform Grant Agreements for all organizations that receive funding supported through a SAMHSA grant administered by IDHS/SUPR will be amended to include the special condition described in this Smart Alert.

Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. § 75.300(a) (requiring HHS to “ensure that Federal funding is expended . . . in full accordance with U.S. statutory . . . requirements.”); 21 U.S.C. §§812(c) (10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the DEA and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

This requirement does not reflect the position of Governor JB Pritzker, Secretary Grace B. Hou, or Director Danielle L. Kirby, but rather that of the federal government.

If you have any questions about complying with this requirement, you may send them to DoIT.SUPRHelp@illinois.gov. Please use “**MJ Amendment**” in your subject line. IDHS/SUPR will forward your questions to SAMHSA, but we have not been given a timeline for responses.