

SB2295



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2295

Introduced 10/29/2019, by

SYNOPSIS AS INTRODUCED:

410 ILCS 130/85

Amends the Compassionate Use of Medical Cannabis Program Act. Provides that the Department of Agriculture shall (rather than may) register exactly (rather than up to) 22 cultivation centers by January 1, 2020 (currently, no date). Provides that if fewer than 22 qualified applicants have applied to the Department by January 1, 2020, the Department may issue registrations to applicants in any other Illinois State Police District. Prohibits the Department from registering a cultivation center after March 1, 2020. Effective immediately.

LRB101 15127 CPF 64260 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Compassionate Use of Medical Cannabis
5 Program Act is amended by changing Section 85 as follows:

6 (410 ILCS 130/85)

7 Sec. 85. Issuance and denial of medical cannabis
8 cultivation permit.

9 (a) The Department of Agriculture shall ~~may~~ register ~~up to~~
10 22 cultivation center registrations for operation by January 1,
11 2020. Except as otherwise provided under subsection (a-5), the
12 ~~The~~ Department of Agriculture may not issue more than one
13 registration per each Illinois State Police District boundary
14 as specified on the date of January 1, 2013. ~~The Department of~~
15 ~~Agriculture may not issue less than the 22 registrations if~~
16 ~~there are qualified applicants who have applied with the~~
17 ~~Department.~~

18 (a-5) If fewer than 22 qualified applicants under
19 subsection (a) have applied to the Department of Agriculture by
20 January 1, 2020, the Department of Agriculture may issue
21 registrations to applicants in any other Illinois State Police
22 District, as specified on January 1, 2013. Under no
23 circumstances shall the Department of Agriculture register a

1 cultivation center after March 1, 2020.

2 (b) The registrations shall be issued and renewed annually
3 as determined by administrative rule.

4 (c) The Department of Agriculture shall determine a
5 registration fee by rule.

6 (d) A cultivation center may only operate if it has been
7 issued a valid registration from the Department of Agriculture.
8 When applying for a cultivation center registration, the
9 applicant shall submit the following in accordance with
10 Department of Agriculture rules:

11 (1) the proposed legal name of the cultivation center;

12 (2) the proposed physical address of the cultivation
13 center and description of the enclosed, locked facility as
14 it applies to cultivation centers where medical cannabis
15 will be grown, harvested, manufactured, packaged, or
16 otherwise prepared for distribution to a dispensing
17 organization;

18 (3) the name, address, and date of birth of each
19 principal officer and board member of the cultivation
20 center, provided that all those individuals shall be at
21 least 21 years of age;

22 (4) any instance in which a business that any of the
23 prospective board members of the cultivation center had
24 managed or served on the board of the business and was
25 convicted, fined, censured, or had a registration or
26 license suspended or revoked in any administrative or

1 judicial proceeding;

2 (5) cultivation, inventory, and packaging plans;

3 (6) proposed operating by-laws that include procedures
4 for the oversight of the cultivation center, development
5 and implementation of a plant monitoring system, medical
6 cannabis container tracking system, accurate record
7 keeping, staffing plan, and security plan reviewed by the
8 State Police that are in accordance with the rules issued
9 by the Department of Agriculture under this Act. A physical
10 inventory shall be performed of all plants and medical
11 cannabis containers on a weekly basis;

12 (7) experience with agricultural cultivation
13 techniques and industry standards;

14 (8) any academic degrees, certifications, or relevant
15 experience with related businesses;

16 (9) the identity of every person, association, trust,
17 or corporation having any direct or indirect pecuniary
18 interest in the cultivation center operation with respect
19 to which the registration is sought. If the disclosed
20 entity is a trust, the application shall disclose the names
21 and addresses of the beneficiaries; if a corporation, the
22 names and addresses of all stockholders and directors; if a
23 partnership, the names and addresses of all partners, both
24 general and limited;

25 (10) verification from the State Police that all
26 background checks of the principal officer, board members,

1 and registered agents have been conducted and those
2 individuals have not been convicted of an excluded offense;

3 (11) provide a copy of the current local zoning
4 ordinance to the Department of Agriculture and verify that
5 proposed cultivation center is in compliance with the local
6 zoning rules issued in accordance with Section 140;

7 (12) an application fee set by the Department of
8 Agriculture by rule; and

9 (13) any other information required by Department of
10 Agriculture rules, including, but not limited to a
11 cultivation center applicant's experience with the
12 cultivation of agricultural or horticultural products,
13 operating an agriculturally related business, or operating
14 a horticultural business.

15 (e) An application for a cultivation center permit must be
16 denied if any of the following conditions are met:

17 (1) the applicant failed to submit the materials
18 required by this Section, including if the applicant's
19 plans do not satisfy the security, oversight, inventory, or
20 recordkeeping rules issued by the Department of
21 Agriculture;

22 (2) the applicant would not be in compliance with local
23 zoning rules issued in accordance with Section 140;

24 (3) one or more of the prospective principal officers
25 or board members has been convicted of an excluded offense;

26 (4) one or more of the prospective principal officers

1 or board members has served as a principal officer or board
2 member for a registered dispensing organization or
3 cultivation center that has had its registration revoked;

4 (5) one or more of the principal officers or board
5 members is under 21 years of age;

6 (6) a principal officer or board member of the
7 cultivation center has been convicted of a felony under the
8 laws of this State, any other state, or the United States;

9 (7) a principal officer or board member of the
10 cultivation center has been convicted of any violation of
11 Article 28 of the Criminal Code of 2012, or substantially
12 similar laws of any other jurisdiction; or

13 (8) the person has submitted an application for a
14 certificate under this Act which contains false
15 information.

16 (Source: P.A. 98-122, eff. 1-1-14.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.