



Sen. Toi W. Hutchinson

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LRB100 16654 SLF 37955 a

1 AMENDMENT TO SENATE BILL 2298

2 AMENDMENT NO. _____. Amend Senate Bill 2298 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Industrial Hemp Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Agriculture.

8 "Director" means the Director of Agriculture.

9 "Industrial hemp" means the plant *Cannabis sativa* L. and
10 any part of that plant, whether growing or not, with a delta-9
11 tetrahydrocannabinol concentration of not more than 0.3
12 percent on a dry weight basis that has been cultivated under a
13 license issued under this Act or is otherwise lawfully present
14 in this State, and includes any intermediate or finished
15 product made or derived from industrial hemp.

16 "Land area" means a farm as defined in Section 1-60 of the

1 Property Tax Code in this State or land or facilities under the
2 control of an institution of higher education.

3 "Person" means any individual, partnership, firm,
4 corporation, company, society, association, the State or any
5 department, agency, or subdivision thereof, or any other
6 entity.

7 "Process" means the conversion of raw industrial hemp plant
8 material into a form that is presently legal to import from
9 outside the United States under federal law.

10 "THC" means delta-9 tetrahydrocannabinol.

11 Section 10. Licenses and registration.

12 (a) Under Section 5940 of Title 7 of the United States
13 Code, no person shall cultivate industrial hemp in this State
14 without a license issued by the Department.

15 (b) The application for a license shall include:

16 (1) the name and address of the applicant;

17 (2) the legal description of the land area, including
18 Global Positioning System coordinates, to be used to
19 cultivate industrial hemp; and

20 (3) if federal law requires a research purpose for the
21 cultivation of industrial hemp, a description of one or
22 more research purposes planned for the cultivation of
23 industrial hemp which may include the study of the growth,
24 cultivation, or marketing of industrial hemp; however, the
25 research purpose requirement shall not be construed to

1 limit the commercial sale of industrial hemp.

2 (b-5) A person shall not process industrial hemp in this
3 State without registering with the Department on a form
4 prescribed by the Department.

5 (c) The Department may determine, by rule, the duration of
6 a license or registration; application, registration, and
7 license fees; and the requirements for license or registration
8 renewal.

9 Section 15. Rules.

10 (a) The application and licensing requirements shall be
11 determined by the Department and set by rule within 120 days of
12 the effective date of this Act.

13 (b) The rules set by the Department shall include one
14 yearly inspection of a licensed industrial hemp cultivation
15 operation and allow for additional unannounced inspections of a
16 licensed industrial hemp cultivation operation at the
17 Department's discretion.

18 (c) The Department shall adopt rules necessary for the
19 administration and enforcement of this Act, including rules
20 concerning standards and criteria for licensure and
21 registration, for the payment of applicable fees, signage, and
22 for forms required for the administration of this Act.

23 (d) The Department shall adopt rules for the testing of the
24 industrial hemp THC levels and the disposal of plant matter
25 exceeding lawful THC levels, including an option for a

1 cultivator to retest for a minor violation, with the retest
2 threshold determined by the Department and set in rule. Those
3 rules may provide for the use of seed certified to meet the THC
4 levels mandated by this Act as an alternative to testing.

5 Section 17. Administrative hearings. Administrative
6 hearings involving licensees under the Act shall be conducted
7 under the Department's rules governing formal administrative
8 proceedings.

9 Section 18. Industrial Hemp Regulatory Fund. There is
10 created in the State treasury a special fund to be known as the
11 Industrial Hemp Regulatory Fund. All fees and fines collected
12 by the Department under this Act shall be deposited into the
13 Fund. Moneys in the Fund shall be utilized by the Department
14 for the purposes of implementation, administration, and
15 enforcement of this Act.

16 Section 19. Immunity. A person employed by the Department
17 shall not be subject to criminal or civil penalties for taking
18 any action under this Act when the actions are within the scope
19 of his or her employment. Representation and indemnification of
20 Department employees shall be provided to Department employees
21 as set forth in Section 2 of the State Employee Indemnification
22 Act.

1 Section 20. Hemp products. Nothing in this Act shall alter
2 the legality of hemp or hemp products that are presently legal
3 to possess or own.

4 Section 25. Violation of federal law. Nothing in this Act
5 shall be construed to authorize any person to violate federal
6 rules, regulations, or laws. If any part of this Act conflicts
7 with a provision of the federal laws regarding industrial hemp,
8 the federal provisions shall control to the extent of the
9 conflict.

10 Section 895. The State Finance Act is amended by adding
11 Section 5.886 as follows:

12 (30 ILCS 105/5.886 new)

13 Sec. 5.886. The Industrial Hemp Regulatory Fund.

14 Section 900. The Illinois Noxious Weed Law is amended by
15 changing Section 2 as follows:

16 (505 ILCS 100/2) (from Ch. 5, par. 952)

17 Sec. 2. As used in this Act:

18 (1) "Person" means any individual, partnership, firm,
19 corporation, company, society, association, the State or any
20 department, agency, or subdivision thereof, or any other
21 entity.

1 (2) "Control", "controlled" or "controlling" includes
2 being in charge of or being in possession, whether as owner,
3 lessee, renter, or tenant, under statutory authority, or
4 otherwise.

5 (3) "Director" means the Director of the Department of
6 Agriculture of the State of Illinois, or his or her duly
7 appointed representative.

8 (4) "Department" means the Department of Agriculture of the
9 State of Illinois.

10 (5) "Noxious weed" means any plant which is determined by
11 the Director, the Dean of the College of Agricultural, Consumer
12 and Environmental Sciences of the University of Illinois and
13 the Director of the Agricultural Experiment Station at the
14 University of Illinois, to be injurious to public health,
15 crops, livestock, land or other property. "Noxious weed" does
16 not include industrial hemp as defined and authorized under the
17 Industrial Hemp Act.

18 (6) "Control Authority" means the governing body of each
19 county, and shall represent all rural areas and cities,
20 villages and townships within the county boundaries.

21 (7) "Applicable fund" means the fund current at the time
22 the work is performed or the money is received.

23 (Source: P.A. 99-539, eff. 7-8-16.)

24 Section 905. The Cannabis Control Act is amended by
25 changing Sections 3 and 8 as follows:

1 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

2 Sec. 3. As used in this Act, unless the context otherwise
3 requires:

4 (a) "Cannabis" includes marihuana, hashish and other
5 substances which are identified as including any parts of the
6 plant Cannabis Sativa, whether growing or not; the seeds
7 thereof, the resin extracted from any part of such plant; and
8 any compound, manufacture, salt, derivative, mixture, or
9 preparation of such plant, its seeds, or resin, including
10 tetrahydrocannabinol (THC) and all other cannabinol
11 derivatives, including its naturally occurring or
12 synthetically produced ingredients, whether produced directly
13 or indirectly by extraction, or independently by means of
14 chemical synthesis or by a combination of extraction and
15 chemical synthesis; but shall not include the mature stalks of
16 such plant, fiber produced from such stalks, oil or cake made
17 from the seeds of such plant, any other compound, manufacture,
18 salt, derivative, mixture, or preparation of such mature stalks
19 (except the resin extracted therefrom), fiber, oil or cake, or
20 the sterilized seed of such plant which is incapable of
21 germination. "Cannabis" does not include industrial hemp as
22 defined and authorized under the Industrial Hemp Act.

23 (b) "Casual delivery" means the delivery of not more than
24 10 grams of any substance containing cannabis without
25 consideration.

1 (c) "Department" means the Illinois Department of Human
2 Services (as successor to the Department of Alcoholism and
3 Substance Abuse) or its successor agency.

4 (d) "Deliver" or "delivery" means the actual, constructive
5 or attempted transfer of possession of cannabis, with or
6 without consideration, whether or not there is an agency
7 relationship.

8 (e) "Department of State Police" means the Department of
9 State Police of the State of Illinois or its successor agency.

10 (f) "Director" means the Director of the Department of
11 State Police or his designated agent.

12 (g) "Local authorities" means a duly organized State,
13 county, or municipal peace unit or police force.

14 (h) "Manufacture" means the production, preparation,
15 propagation, compounding, conversion or processing of
16 cannabis, either directly or indirectly, by extraction from
17 substances of natural origin, or independently by means of
18 chemical synthesis, or by a combination of extraction and
19 chemical synthesis, and includes any packaging or repackaging
20 of cannabis or labeling of its container, except that this term
21 does not include the preparation, compounding, packaging, or
22 labeling of cannabis as an incident to lawful research,
23 teaching, or chemical analysis and not for sale.

24 (i) "Person" means any individual, corporation, government
25 or governmental subdivision or agency, business trust, estate,
26 trust, partnership or association, or any other entity.

1 (j) "Produce" or "production" means planting, cultivating,
2 tending or harvesting.

3 (k) "State" includes the State of Illinois and any state,
4 district, commonwealth, territory, insular possession thereof,
5 and any area subject to the legal authority of the United
6 States of America.

7 (l) "Subsequent offense" means an offense under this Act,
8 the offender of which, prior to his conviction of the offense,
9 has at any time been convicted under this Act or under any laws
10 of the United States or of any state relating to cannabis, or
11 any controlled substance as defined in the Illinois Controlled
12 Substances Act.

13 (Source: P.A. 89-507, eff. 7-1-97.)

14 Section 999. Effective date. This Act takes effect upon
15 becoming law."