

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 1. Short title. This Act may be cited as the
5 Commercial Low THC Hemp Extract Act.

6 Section 5. Definitions. In this Act:

7 "Certificate of analysis" means a certificate from an
8 independent testing laboratory describing the results of the
9 laboratory's testing of a sample of a product.

10 "Hemp" means cannabis sativa L. that has no more than 0.3%
11 total THC available, upon heating, or maximum delta-9 THC
12 content possible.

13 "Independent testing laboratory" means a laboratory:

14 (1) with respect to which no person having a direct or
15 indirect interest in the laboratory also has a direct or
16 indirect interest in a facility that:

17 (A) processes, distributes, or sells low THC hemp
18 extract or a substantially similar substance;

19 (B) cultivates, processes, distributes, dispenses,
20 or sells either medical or recreational cannabis; or

21 (C) cultivates, processes, or distributes
22 industrial hemp; and

23 (2) that has been accredited as a testing laboratory

1 according to the standards of the International
2 Organization for Standardization by a third-party
3 accrediting body, such as the American Association for
4 Laboratory Accreditation or the Assured Calibration and
5 Laboratory Accreditation Select Services.

6 "Label" means a display of written, printed, or graphic
7 matter upon the immediate container of any article; and a
8 requirement made by or under the authority of this Act that any
9 word, statement, or other information appearing on the label
10 shall not be considered to be complied with unless the word,
11 statement, or other information also appears on the outside
12 container or wrapper, if any, of the retail package of the
13 article, or is easily legible through the outside container or
14 wrapper.

15 "Labeling" means all labels and other written, printed, or
16 graphic matter upon an article or any of its containers or
17 wrappers or accompanying the article.

18 "Low THC hemp extract" means a substance or compound that:

19 (1) is derived from hemp and is produced by extracting
20 cannabinoids from the plant through the use of propylene
21 glycol, glycerin, butter, olive oil, or other typical
22 cooking fats; water, ice, or dry ice; or butane, propane,
23 CO₂, ethanol, or isopropanol;

24 (2) contains no more than 0.3% total THC by weight; and

25 (3) contains no other controlled substances.

26 "THC" means tetrahydrocannabinol.

1 Section 10. Distribution and sale of low THC hemp extract.

2 (a) A person or commercial enterprise may distribute or
3 sell low THC hemp extract if the person or commercial
4 enterprise can produce a certificate of analysis for the
5 product that shows that it contains no more than 0.3% total THC
6 by weight.

7 (b) A person or commercial enterprise may not distribute
8 low THC hemp extract without having obtained the certificate of
9 analysis for the product.

10 (c) Low THC hemp extract must be clearly labeled. The label
11 must include the following:

12 (1) a scannable bar code or Quick Response code linked
13 to a document that contains information with respect to the
14 manufacture of the low THC hemp extract, including:

15 (A) the product name;

16 (B) the batch identification number for the tested
17 product;

18 (C) the expiration date, which must be not more
19 than 2 years from the date of manufacture;

20 (D) the ingredients used; and

21 (E) a download link for a certificate of analysis
22 for the product;

23 (2) the batch number for the tested product;

24 (3) a download link for the certificate of analysis for
25 the batch number;

- 1 (4) the expiration date;
- 2 (5) the number of milligrams of low THC hemp extract;
- 3 (6) the ingredients used;
- 4 (7) the manufacturer of the product; and
- 5 (8) the fact that the product contains no more than
- 6 0.3% total THC by weight.

7 (d) Nothing in this Act prevents a person who knowingly
8 distributes, sells, or uses a hemp extract that contains more
9 than 0.3% THC or who knowingly sells, distributes, or uses a
10 misbranded low THC hemp extract product from being prosecuted
11 under the Cannabis Control Act, the Illinois Controlled
12 Substances Act, or the Illinois Food, Drug and Cosmetic Act.

13 (e) Low THC hemp extract shall be considered misbranded if:

14 (1) it is falsely labeled or offered for sale under the
15 name of another product; or

16 (2) any word, statement, or other information required
17 by or under the authority of this Act to appear on the
18 label or labeling is not prominently and conspicuously
19 placed as compared with other words, statements, designs,
20 or devices in the labeling, and in terms that render it
21 likely to be read and understood by the ordinary individual
22 under customary conditions of purchase and use.

23 (f) Nothing in this Act shall be construed to change
24 current State laws on the cultivation or production of hemp or
25 any strain of cannabis.

1 Section 90. The Cannabis Control Act is amended by changing
2 Section 3 as follows:

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

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

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

25 (b) "Casual delivery" means the delivery of not more than

1 10 grams of any substance containing cannabis without
2 consideration.

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

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

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

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

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

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

26 (i) "Person" means any individual, corporation, government

1 or governmental subdivision or agency, business trust, estate,
2 trust, partnership or association, or any other entity.

3 (j) "Produce" or "production" means planting, cultivating,
4 tending or harvesting.

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

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

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