



Rep. Celina Villanueva

Adopted in House on Nov 14, 2019

10100SB1557ham001

LRB101 08168 WGH 64593 a

1 AMENDMENT TO SENATE BILL 1557

2 AMENDMENT NO. _____. Amend Senate Bill 1557 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. The Election Code is amended by changing
5 Section 9-45 as follows:

6 (10 ILCS 5/9-45)

7 Sec. 9-45. Medical cannabis organization; contributions.
8 It is unlawful for any medical cannabis cultivation center or
9 medical cannabis dispensary organization or any political
10 action committee created by any medical cannabis cultivation
11 center or dispensary organization to make a campaign
12 contribution to any political committee established to promote
13 the candidacy of a candidate or public official. It is unlawful
14 for any candidate, political committee, or other person to
15 knowingly accept or receive any contribution prohibited by this
16 Section. It is unlawful for any officer or agent of a medical

1 cannabis cultivation center or dispensary organization to
2 consent to any contribution or expenditure by the medical
3 cannabis organization that is prohibited by this Section. As
4 used in this Section, "medical cannabis cultivation center" and
5 "dispensary organization" have the meanings ~~meaning~~ ascribed
6 to those terms in Section 10 of the Compassionate Use of
7 Medical Cannabis ~~Pilot~~ Program Act.

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

9 Section 5. The Criminal Identification Act is amended by
10 changing Section 5.2 as follows:

11 (20 ILCS 2630/5.2)

12 Sec. 5.2. Expungement, sealing, and immediate sealing.

13 (a) General Provisions.

14 (1) Definitions. In this Act, words and phrases have
15 the meanings set forth in this subsection, except when a
16 particular context clearly requires a different meaning.

17 (A) The following terms shall have the meanings
18 ascribed to them in the Unified Code of Corrections,
19 730 ILCS 5/5-1-2 through 5/5-1-22:

20 (i) Business Offense (730 ILCS 5/5-1-2),

21 (ii) Charge (730 ILCS 5/5-1-3),

22 (iii) Court (730 ILCS 5/5-1-6),

23 (iv) Defendant (730 ILCS 5/5-1-7),

24 (v) Felony (730 ILCS 5/5-1-9),

1 (vi) Imprisonment (730 ILCS 5/5-1-10),
2 (vii) Judgment (730 ILCS 5/5-1-12),
3 (viii) Misdemeanor (730 ILCS 5/5-1-14),
4 (ix) Offense (730 ILCS 5/5-1-15),
5 (x) Parole (730 ILCS 5/5-1-16),
6 (xi) Petty Offense (730 ILCS 5/5-1-17),
7 (xii) Probation (730 ILCS 5/5-1-18),
8 (xiii) Sentence (730 ILCS 5/5-1-19),
9 (xiv) Supervision (730 ILCS 5/5-1-21), and
10 (xv) Victim (730 ILCS 5/5-1-22).

11 (B) As used in this Section, "charge not initiated
12 by arrest" means a charge (as defined by 730 ILCS
13 5/5-1-3) brought against a defendant where the
14 defendant is not arrested prior to or as a direct
15 result of the charge.

16 (C) "Conviction" means a judgment of conviction or
17 sentence entered upon a plea of guilty or upon a
18 verdict or finding of guilty of an offense, rendered by
19 a legally constituted jury or by a court of competent
20 jurisdiction authorized to try the case without a jury.
21 An order of supervision successfully completed by the
22 petitioner is not a conviction. An order of qualified
23 probation (as defined in subsection (a)(1)(J))
24 successfully completed by the petitioner is not a
25 conviction. An order of supervision or an order of
26 qualified probation that is terminated

1 unsatisfactorily is a conviction, unless the
2 unsatisfactory termination is reversed, vacated, or
3 modified and the judgment of conviction, if any, is
4 reversed or vacated.

5 (D) "Criminal offense" means a petty offense,
6 business offense, misdemeanor, felony, or municipal
7 ordinance violation (as defined in subsection
8 (a)(1)(H)). As used in this Section, a minor traffic
9 offense (as defined in subsection (a)(1)(G)) shall not
10 be considered a criminal offense.

11 (E) "Expunge" means to physically destroy the
12 records or return them to the petitioner and to
13 obliterate the petitioner's name from any official
14 index or public record, or both. Nothing in this Act
15 shall require the physical destruction of the circuit
16 court file, but such records relating to arrests or
17 charges, or both, ordered expunged shall be impounded
18 as required by subsections (d)(9)(A)(ii) and
19 (d)(9)(B)(ii).

20 (F) As used in this Section, "last sentence" means
21 the sentence, order of supervision, or order of
22 qualified probation (as defined by subsection
23 (a)(1)(J)), for a criminal offense (as defined by
24 subsection (a)(1)(D)) that terminates last in time in
25 any jurisdiction, regardless of whether the petitioner
26 has included the criminal offense for which the

1 sentence or order of supervision or qualified
2 probation was imposed in his or her petition. If
3 multiple sentences, orders of supervision, or orders
4 of qualified probation terminate on the same day and
5 are last in time, they shall be collectively considered
6 the "last sentence" regardless of whether they were
7 ordered to run concurrently.

8 (G) "Minor traffic offense" means a petty offense,
9 business offense, or Class C misdemeanor under the
10 Illinois Vehicle Code or a similar provision of a
11 municipal or local ordinance.

12 (G-5) "Minor Cannabis Offense" means a violation
13 of Section 4 or 5 of the Cannabis Control Act
14 concerning not more than 30 grams of any substance
15 containing cannabis, provided the violation did not
16 include a penalty enhancement under Section 7 of the
17 Cannabis Control Act and is not associated with a
18 conviction for a violent crime as defined in subsection
19 (c) of Section 3 of the Rights of Crime Victims and
20 Witnesses Act. ~~(G-5) "Minor Cannabis Offense" means a~~
21 ~~violation of Section 4 or 5 of the Cannabis Control Act~~
22 ~~concerning not more than 30 grams of any substance~~
23 ~~containing cannabis, provided the violation did not~~
24 ~~include a penalty enhancement under Section 7 of the~~
25 ~~Cannabis Control Act and is not associated with an~~
26 ~~arrest, conviction or other disposition for a violent~~

1 ~~crime as defined in subsection (c) of Section 3 of the~~
2 ~~Rights of Crime Victims and Witnesses Act.~~

3 (H) "Municipal ordinance violation" means an
4 offense defined by a municipal or local ordinance that
5 is criminal in nature and with which the petitioner was
6 charged or for which the petitioner was arrested and
7 released without charging.

8 (I) "Petitioner" means an adult or a minor
9 prosecuted as an adult who has applied for relief under
10 this Section.

11 (J) "Qualified probation" means an order of
12 probation under Section 10 of the Cannabis Control Act,
13 Section 410 of the Illinois Controlled Substances Act,
14 Section 70 of the Methamphetamine Control and
15 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
16 of the Unified Code of Corrections, Section
17 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
18 those provisions existed before their deletion by
19 Public Act 89-313), Section 10-102 of the Illinois
20 Alcoholism and Other Drug Dependency Act, Section
21 40-10 of the Substance Use Disorder Act, or Section 10
22 of the Steroid Control Act. For the purpose of this
23 Section, "successful completion" of an order of
24 qualified probation under Section 10-102 of the
25 Illinois Alcoholism and Other Drug Dependency Act and
26 Section 40-10 of the Substance Use Disorder Act means

1 that the probation was terminated satisfactorily and
2 the judgment of conviction was vacated.

3 (K) "Seal" means to physically and electronically
4 maintain the records, unless the records would
5 otherwise be destroyed due to age, but to make the
6 records unavailable without a court order, subject to
7 the exceptions in Sections 12 and 13 of this Act. The
8 petitioner's name shall also be obliterated from the
9 official index required to be kept by the circuit court
10 clerk under Section 16 of the Clerks of Courts Act, but
11 any index issued by the circuit court clerk before the
12 entry of the order to seal shall not be affected.

13 (L) "Sexual offense committed against a minor"
14 includes, but is not limited to, the offenses of
15 indecent solicitation of a child or criminal sexual
16 abuse when the victim of such offense is under 18 years
17 of age.

18 (M) "Terminate" as it relates to a sentence or
19 order of supervision or qualified probation includes
20 either satisfactory or unsatisfactory termination of
21 the sentence, unless otherwise specified in this
22 Section. A sentence is terminated notwithstanding any
23 outstanding financial legal obligation.

24 (2) Minor Traffic Offenses. Orders of supervision or
25 convictions for minor traffic offenses shall not affect a
26 petitioner's eligibility to expunge or seal records

1 pursuant to this Section.

2 (2.5) Commencing 180 days after July 29, 2016 (the
3 effective date of Public Act 99-697), the law enforcement
4 agency issuing the citation shall automatically expunge,
5 on or before January 1 and July 1 of each year, the law
6 enforcement records of a person found to have committed a
7 civil law violation of subsection (a) of Section 4 of the
8 Cannabis Control Act or subsection (c) of Section 3.5 of
9 the Drug Paraphernalia Control Act in the law enforcement
10 agency's possession or control and which contains the final
11 satisfactory disposition which pertain to the person
12 issued a citation for that offense. The law enforcement
13 agency shall provide by rule the process for access,
14 review, and to confirm the automatic expungement by the law
15 enforcement agency issuing the citation. Commencing 180
16 days after July 29, 2016 (the effective date of Public Act
17 99-697), the clerk of the circuit court shall expunge, upon
18 order of the court, or in the absence of a court order on
19 or before January 1 and July 1 of each year, the court
20 records of a person found in the circuit court to have
21 committed a civil law violation of subsection (a) of
22 Section 4 of the Cannabis Control Act or subsection (c) of
23 Section 3.5 of the Drug Paraphernalia Control Act in the
24 clerk's possession or control and which contains the final
25 satisfactory disposition which pertain to the person
26 issued a citation for any of those offenses.

1 (3) Exclusions. Except as otherwise provided in
2 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
3 of this Section, the court shall not order:

4 (A) the sealing or expungement of the records of
5 arrests or charges not initiated by arrest that result
6 in an order of supervision for or conviction of: (i)
7 any sexual offense committed against a minor; (ii)
8 Section 11-501 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance; or (iii)
10 Section 11-503 of the Illinois Vehicle Code or a
11 similar provision of a local ordinance, unless the
12 arrest or charge is for a misdemeanor violation of
13 subsection (a) of Section 11-503 or a similar provision
14 of a local ordinance, that occurred prior to the
15 offender reaching the age of 25 years and the offender
16 has no other conviction for violating Section 11-501 or
17 11-503 of the Illinois Vehicle Code or a similar
18 provision of a local ordinance.

19 (B) the sealing or expungement of records of minor
20 traffic offenses (as defined in subsection (a) (1) (G)),
21 unless the petitioner was arrested and released
22 without charging.

23 (C) the sealing of the records of arrests or
24 charges not initiated by arrest which result in an
25 order of supervision or a conviction for the following
26 offenses:

1 (i) offenses included in Article 11 of the
2 Criminal Code of 1961 or the Criminal Code of 2012
3 or a similar provision of a local ordinance, except
4 Section 11-14 and a misdemeanor violation of
5 Section 11-30 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, or a similar provision of a
7 local ordinance;

8 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
9 26-5, or 48-1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, or a similar provision of a
11 local ordinance;

12 (iii) Sections 12-3.1 or 12-3.2 of the
13 Criminal Code of 1961 or the Criminal Code of 2012,
14 or Section 125 of the Stalking No Contact Order
15 Act, or Section 219 of the Civil No Contact Order
16 Act, or a similar provision of a local ordinance;

17 (iv) Class A misdemeanors or felony offenses
18 under the Humane Care for Animals Act; or

19 (v) any offense or attempted offense that
20 would subject a person to registration under the
21 Sex Offender Registration Act.

22 (D) (blank).

23 (b) Expungement.

24 (1) A petitioner may petition the circuit court to
25 expunge the records of his or her arrests and charges not
26 initiated by arrest when each arrest or charge not

1 initiated by arrest sought to be expunged resulted in: (i)
2 acquittal, dismissal, or the petitioner's release without
3 charging, unless excluded by subsection (a)(3)(B); (ii) a
4 conviction which was vacated or reversed, unless excluded
5 by subsection (a)(3)(B); (iii) an order of supervision and
6 such supervision was successfully completed by the
7 petitioner, unless excluded by subsection (a)(3)(A) or
8 (a)(3)(B); or (iv) an order of qualified probation (as
9 defined in subsection (a)(1)(J)) and such probation was
10 successfully completed by the petitioner.

11 (1.5) When a petitioner seeks to have a record of
12 arrest expunged under this Section, and the offender has
13 been convicted of a criminal offense, the State's Attorney
14 may object to the expungement on the grounds that the
15 records contain specific relevant information aside from
16 the mere fact of the arrest.

17 (2) Time frame for filing a petition to expunge.

18 (A) When the arrest or charge not initiated by
19 arrest sought to be expunged resulted in an acquittal,
20 dismissal, the petitioner's release without charging,
21 or the reversal or vacation of a conviction, there is
22 no waiting period to petition for the expungement of
23 such records.

24 (B) When the arrest or charge not initiated by
25 arrest sought to be expunged resulted in an order of
26 supervision, successfully completed by the petitioner,

1 the following time frames will apply:

2 (i) Those arrests or charges that resulted in
3 orders of supervision under Section 3-707, 3-708,
4 3-710, or 5-401.3 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance, or under
6 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
7 Code of 1961 or the Criminal Code of 2012, or a
8 similar provision of a local ordinance, shall not
9 be eligible for expungement until 5 years have
10 passed following the satisfactory termination of
11 the supervision.

12 (i-5) Those arrests or charges that resulted
13 in orders of supervision for a misdemeanor
14 violation of subsection (a) of Section 11-503 of
15 the Illinois Vehicle Code or a similar provision of
16 a local ordinance, that occurred prior to the
17 offender reaching the age of 25 years and the
18 offender has no other conviction for violating
19 Section 11-501 or 11-503 of the Illinois Vehicle
20 Code or a similar provision of a local ordinance
21 shall not be eligible for expungement until the
22 petitioner has reached the age of 25 years.

23 (ii) Those arrests or charges that resulted in
24 orders of supervision for any other offenses shall
25 not be eligible for expungement until 2 years have
26 passed following the satisfactory termination of

1 the supervision.

2 (C) When the arrest or charge not initiated by
3 arrest sought to be expunged resulted in an order of
4 qualified probation, successfully completed by the
5 petitioner, such records shall not be eligible for
6 expungement until 5 years have passed following the
7 satisfactory termination of the probation.

8 (3) Those records maintained by the Department for
9 persons arrested prior to their 17th birthday shall be
10 expunged as provided in Section 5-915 of the Juvenile Court
11 Act of 1987.

12 (4) Whenever a person has been arrested for or
13 convicted of any offense, in the name of a person whose
14 identity he or she has stolen or otherwise come into
15 possession of, the aggrieved person from whom the identity
16 was stolen or otherwise obtained without authorization,
17 upon learning of the person having been arrested using his
18 or her identity, may, upon verified petition to the chief
19 judge of the circuit wherein the arrest was made, have a
20 court order entered nunc pro tunc by the Chief Judge to
21 correct the arrest record, conviction record, if any, and
22 all official records of the arresting authority, the
23 Department, other criminal justice agencies, the
24 prosecutor, and the trial court concerning such arrest, if
25 any, by removing his or her name from all such records in
26 connection with the arrest and conviction, if any, and by

1 inserting in the records the name of the offender, if known
2 or ascertainable, in lieu of the aggrieved's name. The
3 records of the circuit court clerk shall be sealed until
4 further order of the court upon good cause shown and the
5 name of the aggrieved person obliterated on the official
6 index required to be kept by the circuit court clerk under
7 Section 16 of the Clerks of Courts Act, but the order shall
8 not affect any index issued by the circuit court clerk
9 before the entry of the order. Nothing in this Section
10 shall limit the Department of State Police or other
11 criminal justice agencies or prosecutors from listing
12 under an offender's name the false names he or she has
13 used.

14 (5) Whenever a person has been convicted of criminal
15 sexual assault, aggravated criminal sexual assault,
16 predatory criminal sexual assault of a child, criminal
17 sexual abuse, or aggravated criminal sexual abuse, the
18 victim of that offense may request that the State's
19 Attorney of the county in which the conviction occurred
20 file a verified petition with the presiding trial judge at
21 the petitioner's trial to have a court order entered to
22 seal the records of the circuit court clerk in connection
23 with the proceedings of the trial court concerning that
24 offense. However, the records of the arresting authority
25 and the Department of State Police concerning the offense
26 shall not be sealed. The court, upon good cause shown,

1 shall make the records of the circuit court clerk in
2 connection with the proceedings of the trial court
3 concerning the offense available for public inspection.

4 (6) If a conviction has been set aside on direct review
5 or on collateral attack and the court determines by clear
6 and convincing evidence that the petitioner was factually
7 innocent of the charge, the court that finds the petitioner
8 factually innocent of the charge shall enter an expungement
9 order for the conviction for which the petitioner has been
10 determined to be innocent as provided in subsection (b) of
11 Section 5-5-4 of the Unified Code of Corrections.

12 (7) Nothing in this Section shall prevent the
13 Department of State Police from maintaining all records of
14 any person who is admitted to probation upon terms and
15 conditions and who fulfills those terms and conditions
16 pursuant to Section 10 of the Cannabis Control Act, Section
17 410 of the Illinois Controlled Substances Act, Section 70
18 of the Methamphetamine Control and Community Protection
19 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
20 Corrections, Section 12-4.3 or subdivision (b)(1) of
21 Section 12-3.05 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, Section 10-102 of the Illinois
23 Alcoholism and Other Drug Dependency Act, Section 40-10 of
24 the Substance Use Disorder Act, or Section 10 of the
25 Steroid Control Act.

26 (8) If the petitioner has been granted a certificate of

1 innocence under Section 2-702 of the Code of Civil
2 Procedure, the court that grants the certificate of
3 innocence shall also enter an order expunging the
4 conviction for which the petitioner has been determined to
5 be innocent as provided in subsection (h) of Section 2-702
6 of the Code of Civil Procedure.

7 (c) Sealing.

8 (1) Applicability. Notwithstanding any other provision
9 of this Act to the contrary, and cumulative with any rights
10 to expungement of criminal records, this subsection
11 authorizes the sealing of criminal records of adults and of
12 minors prosecuted as adults. Subsection (g) of this Section
13 provides for immediate sealing of certain records.

14 (2) Eligible Records. The following records may be
15 sealed:

16 (A) All arrests resulting in release without
17 charging;

18 (B) Arrests or charges not initiated by arrest
19 resulting in acquittal, dismissal, or conviction when
20 the conviction was reversed or vacated, except as
21 excluded by subsection (a) (3) (B);

22 (C) Arrests or charges not initiated by arrest
23 resulting in orders of supervision, including orders
24 of supervision for municipal ordinance violations,
25 successfully completed by the petitioner, unless
26 excluded by subsection (a) (3);

1 (D) Arrests or charges not initiated by arrest
2 resulting in convictions, including convictions on
3 municipal ordinance violations, unless excluded by
4 subsection (a) (3);

5 (E) Arrests or charges not initiated by arrest
6 resulting in orders of first offender probation under
7 Section 10 of the Cannabis Control Act, Section 410 of
8 the Illinois Controlled Substances Act, Section 70 of
9 the Methamphetamine Control and Community Protection
10 Act, or Section 5-6-3.3 of the Unified Code of
11 Corrections; and

12 (F) Arrests or charges not initiated by arrest
13 resulting in felony convictions unless otherwise
14 excluded by subsection (a) paragraph (3) of this
15 Section.

16 (3) When Records Are Eligible to Be Sealed. Records
17 identified as eligible under subsection (c) (2) may be
18 sealed as follows:

19 (A) Records identified as eligible under
20 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any
21 time.

22 (B) Except as otherwise provided in subparagraph
23 (E) of this paragraph (3), records identified as
24 eligible under subsection (c) (2) (C) may be sealed 2
25 years after the termination of petitioner's last
26 sentence (as defined in subsection (a) (1) (F)).

1 (C) Except as otherwise provided in subparagraph
2 (E) of this paragraph (3), records identified as
3 eligible under subsections (c)(2)(D), (c)(2)(E), and
4 (c)(2)(F) may be sealed 3 years after the termination
5 of the petitioner's last sentence (as defined in
6 subsection (a)(1)(F)). Convictions requiring public
7 registration under the Arsonist Registration Act, the
8 Sex Offender Registration Act, or the Murderer and
9 Violent Offender Against Youth Registration Act may
10 not be sealed until the petitioner is no longer
11 required to register under that relevant Act.

12 (D) Records identified in subsection
13 (a)(3)(A)(iii) may be sealed after the petitioner has
14 reached the age of 25 years.

15 (E) Records identified as eligible under
16 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
17 (c)(2)(F) may be sealed upon termination of the
18 petitioner's last sentence if the petitioner earned a
19 high school diploma, associate's degree, career
20 certificate, vocational technical certification, or
21 bachelor's degree, or passed the high school level Test
22 of General Educational Development, during the period
23 of his or her sentence or mandatory supervised release.
24 This subparagraph shall apply only to a petitioner who
25 has not completed the same educational goal prior to
26 the period of his or her sentence or mandatory

1 supervised release. If a petition for sealing eligible
2 records filed under this subparagraph is denied by the
3 court, the time periods under subparagraph (B) or (C)
4 shall apply to any subsequent petition for sealing
5 filed by the petitioner.

6 (4) Subsequent felony convictions. A person may not
7 have subsequent felony conviction records sealed as
8 provided in this subsection (c) if he or she is convicted
9 of any felony offense after the date of the sealing of
10 prior felony convictions as provided in this subsection
11 (c). The court may, upon conviction for a subsequent felony
12 offense, order the unsealing of prior felony conviction
13 records previously ordered sealed by the court.

14 (5) Notice of eligibility for sealing. Upon entry of a
15 disposition for an eligible record under this subsection
16 (c), the petitioner shall be informed by the court of the
17 right to have the records sealed and the procedures for the
18 sealing of the records.

19 (d) Procedure. The following procedures apply to
20 expungement under subsections (b), (e), and (e-6) and sealing
21 under subsections (c) and (e-5):

22 (1) Filing the petition. Upon becoming eligible to
23 petition for the expungement or sealing of records under
24 this Section, the petitioner shall file a petition
25 requesting the expungement or sealing of records with the
26 clerk of the court where the arrests occurred or the

1 charges were brought, or both. If arrests occurred or
2 charges were brought in multiple jurisdictions, a petition
3 must be filed in each such jurisdiction. The petitioner
4 shall pay the applicable fee, except no fee shall be
5 required if the petitioner has obtained a court order
6 waiving fees under Supreme Court Rule 298 or it is
7 otherwise waived.

8 (1.5) County fee waiver pilot program. From August 9,
9 2019 (the effective date of Public Act 101-306) ~~this~~
10 ~~amendatory Act of the 101st General Assembly~~ through
11 December 31, 2020, in a county of 3,000,000 or more
12 inhabitants, no fee shall be required to be paid by a
13 petitioner if the records sought to be expunged or sealed
14 were arrests resulting in release without charging or
15 arrests or charges not initiated by arrest resulting in
16 acquittal, dismissal, or conviction when the conviction
17 was reversed or vacated, unless excluded by subsection
18 (a)(3)(B). The provisions of this paragraph (1.5), other
19 than this sentence, are inoperative on and after January 1,
20 2021.

21 (2) Contents of petition. The petition shall be
22 verified and shall contain the petitioner's name, date of
23 birth, current address and, for each arrest or charge not
24 initiated by arrest sought to be sealed or expunged, the
25 case number, the date of arrest (if any), the identity of
26 the arresting authority, and such other information as the

1 court may require. During the pendency of the proceeding,
2 the petitioner shall promptly notify the circuit court
3 clerk of any change of his or her address. If the
4 petitioner has received a certificate of eligibility for
5 sealing from the Prisoner Review Board under paragraph (10)
6 of subsection (a) of Section 3-3-2 of the Unified Code of
7 Corrections, the certificate shall be attached to the
8 petition.

9 (3) Drug test. The petitioner must attach to the
10 petition proof that the petitioner has passed a test taken
11 within 30 days before the filing of the petition showing
12 the absence within his or her body of all illegal
13 substances as defined by the Illinois Controlled
14 Substances Act, the Methamphetamine Control and Community
15 Protection Act, and the Cannabis Control Act if he or she
16 is petitioning to:

17 (A) seal felony records under clause (c) (2) (E);

18 (B) seal felony records for a violation of the
19 Illinois Controlled Substances Act, the
20 Methamphetamine Control and Community Protection Act,
21 or the Cannabis Control Act under clause (c) (2) (F);

22 (C) seal felony records under subsection (e-5); or

23 (D) expunge felony records of a qualified
24 probation under clause (b) (1) (iv).

25 (4) Service of petition. The circuit court clerk shall
26 promptly serve a copy of the petition and documentation to

1 support the petition under subsection (e-5) or (e-6) on the
2 State's Attorney or prosecutor charged with the duty of
3 prosecuting the offense, the Department of State Police,
4 the arresting agency and the chief legal officer of the
5 unit of local government effecting the arrest.

6 (5) Objections.

7 (A) Any party entitled to notice of the petition
8 may file an objection to the petition. All objections
9 shall be in writing, shall be filed with the circuit
10 court clerk, and shall state with specificity the basis
11 of the objection. Whenever a person who has been
12 convicted of an offense is granted a pardon by the
13 Governor which specifically authorizes expungement, an
14 objection to the petition may not be filed.

15 (B) Objections to a petition to expunge or seal
16 must be filed within 60 days of the date of service of
17 the petition.

18 (6) Entry of order.

19 (A) The Chief Judge of the circuit wherein the
20 charge was brought, any judge of that circuit
21 designated by the Chief Judge, or in counties of less
22 than 3,000,000 inhabitants, the presiding trial judge
23 at the petitioner's trial, if any, shall rule on the
24 petition to expunge or seal as set forth in this
25 subsection (d) (6).

26 (B) Unless the State's Attorney or prosecutor, the

1 Department of State Police, the arresting agency, or
2 the chief legal officer files an objection to the
3 petition to expunge or seal within 60 days from the
4 date of service of the petition, the court shall enter
5 an order granting or denying the petition.

6 (C) Notwithstanding any other provision of law,
7 the court shall not deny a petition for sealing under
8 this Section because the petitioner has not satisfied
9 an outstanding legal financial obligation established,
10 imposed, or originated by a court, law enforcement
11 agency, or a municipal, State, county, or other unit of
12 local government, including, but not limited to, any
13 cost, assessment, fine, or fee. An outstanding legal
14 financial obligation does not include any court
15 ordered restitution to a victim under Section 5-5-6 of
16 the Unified Code of Corrections, unless the
17 restitution has been converted to a civil judgment.
18 Nothing in this subparagraph (C) waives, rescinds, or
19 abrogates a legal financial obligation or otherwise
20 eliminates or affects the right of the holder of any
21 financial obligation to pursue collection under
22 applicable federal, State, or local law.

23 (7) Hearings. If an objection is filed, the court shall
24 set a date for a hearing and notify the petitioner and all
25 parties entitled to notice of the petition of the hearing
26 date at least 30 days prior to the hearing. Prior to the

1 hearing, the State's Attorney shall consult with the
2 Department as to the appropriateness of the relief sought
3 in the petition to expunge or seal. At the hearing, the
4 court shall hear evidence on whether the petition should or
5 should not be granted, and shall grant or deny the petition
6 to expunge or seal the records based on the evidence
7 presented at the hearing. The court may consider the
8 following:

9 (A) the strength of the evidence supporting the
10 defendant's conviction;

11 (B) the reasons for retention of the conviction
12 records by the State;

13 (C) the petitioner's age, criminal record history,
14 and employment history;

15 (D) the period of time between the petitioner's
16 arrest on the charge resulting in the conviction and
17 the filing of the petition under this Section; and

18 (E) the specific adverse consequences the
19 petitioner may be subject to if the petition is denied.

20 (8) Service of order. After entering an order to
21 expunge or seal records, the court must provide copies of
22 the order to the Department, in a form and manner
23 prescribed by the Department, to the petitioner, to the
24 State's Attorney or prosecutor charged with the duty of
25 prosecuting the offense, to the arresting agency, to the
26 chief legal officer of the unit of local government

1 effecting the arrest, and to such other criminal justice
2 agencies as may be ordered by the court.

3 (9) Implementation of order.

4 (A) Upon entry of an order to expunge records
5 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

6 (i) the records shall be expunged (as defined
7 in subsection (a) (1) (E)) by the arresting agency,
8 the Department, and any other agency as ordered by
9 the court, within 60 days of the date of service of
10 the order, unless a motion to vacate, modify, or
11 reconsider the order is filed pursuant to
12 paragraph (12) of subsection (d) of this Section;

13 (ii) the records of the circuit court clerk
14 shall be impounded until further order of the court
15 upon good cause shown and the name of the
16 petitioner obliterated on the official index
17 required to be kept by the circuit court clerk
18 under Section 16 of the Clerks of Courts Act, but
19 the order shall not affect any index issued by the
20 circuit court clerk before the entry of the order;
21 and

22 (iii) in response to an inquiry for expunged
23 records, the court, the Department, or the agency
24 receiving such inquiry, shall reply as it does in
25 response to inquiries when no records ever
26 existed.

1 (B) Upon entry of an order to expunge records
2 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

3 (i) the records shall be expunged (as defined
4 in subsection (a) (1) (E)) by the arresting agency
5 and any other agency as ordered by the court,
6 within 60 days of the date of service of the order,
7 unless a motion to vacate, modify, or reconsider
8 the order is filed pursuant to paragraph (12) of
9 subsection (d) of this Section;

10 (ii) the records of the circuit court clerk
11 shall be impounded until further order of the court
12 upon good cause shown and the name of the
13 petitioner obliterated on the official index
14 required to be kept by the circuit court clerk
15 under Section 16 of the Clerks of Courts Act, but
16 the order shall not affect any index issued by the
17 circuit court clerk before the entry of the order;

18 (iii) the records shall be impounded by the
19 Department within 60 days of the date of service of
20 the order as ordered by the court, unless a motion
21 to vacate, modify, or reconsider the order is filed
22 pursuant to paragraph (12) of subsection (d) of
23 this Section;

24 (iv) records impounded by the Department may
25 be disseminated by the Department only as required
26 by law or to the arresting authority, the State's

1 Attorney, and the court upon a later arrest for the
2 same or a similar offense or for the purpose of
3 sentencing for any subsequent felony, and to the
4 Department of Corrections upon conviction for any
5 offense; and

6 (v) in response to an inquiry for such records
7 from anyone not authorized by law to access such
8 records, the court, the Department, or the agency
9 receiving such inquiry shall reply as it does in
10 response to inquiries when no records ever
11 existed.

12 (B-5) Upon entry of an order to expunge records
13 under subsection (e-6):

14 (i) the records shall be expunged (as defined
15 in subsection (a)(1)(E)) by the arresting agency
16 and any other agency as ordered by the court,
17 within 60 days of the date of service of the order,
18 unless a motion to vacate, modify, or reconsider
19 the order is filed under paragraph (12) of
20 subsection (d) of this Section;

21 (ii) the records of the circuit court clerk
22 shall be impounded until further order of the court
23 upon good cause shown and the name of the
24 petitioner obliterated on the official index
25 required to be kept by the circuit court clerk
26 under Section 16 of the Clerks of Courts Act, but

1 the order shall not affect any index issued by the
2 circuit court clerk before the entry of the order;

3 (iii) the records shall be impounded by the
4 Department within 60 days of the date of service of
5 the order as ordered by the court, unless a motion
6 to vacate, modify, or reconsider the order is filed
7 under paragraph (12) of subsection (d) of this
8 Section;

9 (iv) records impounded by the Department may
10 be disseminated by the Department only as required
11 by law or to the arresting authority, the State's
12 Attorney, and the court upon a later arrest for the
13 same or a similar offense or for the purpose of
14 sentencing for any subsequent felony, and to the
15 Department of Corrections upon conviction for any
16 offense; and

17 (v) in response to an inquiry for these records
18 from anyone not authorized by law to access the
19 records, the court, the Department, or the agency
20 receiving the inquiry shall reply as it does in
21 response to inquiries when no records ever
22 existed.

23 (C) Upon entry of an order to seal records under
24 subsection (c), the arresting agency, any other agency
25 as ordered by the court, the Department, and the court
26 shall seal the records (as defined in subsection

1 (a) (1) (K)). In response to an inquiry for such records,
2 from anyone not authorized by law to access such
3 records, the court, the Department, or the agency
4 receiving such inquiry shall reply as it does in
5 response to inquiries when no records ever existed.

6 (D) The Department shall send written notice to the
7 petitioner of its compliance with each order to expunge
8 or seal records within 60 days of the date of service
9 of that order or, if a motion to vacate, modify, or
10 reconsider is filed, within 60 days of service of the
11 order resolving the motion, if that order requires the
12 Department to expunge or seal records. In the event of
13 an appeal from the circuit court order, the Department
14 shall send written notice to the petitioner of its
15 compliance with an Appellate Court or Supreme Court
16 judgment to expunge or seal records within 60 days of
17 the issuance of the court's mandate. The notice is not
18 required while any motion to vacate, modify, or
19 reconsider, or any appeal or petition for
20 discretionary appellate review, is pending.

21 (E) Upon motion, the court may order that a sealed
22 judgment or other court record necessary to
23 demonstrate the amount of any legal financial
24 obligation due and owing be made available for the
25 limited purpose of collecting any legal financial
26 obligations owed by the petitioner that were

1 established, imposed, or originated in the criminal
2 proceeding for which those records have been sealed.
3 The records made available under this subparagraph (E)
4 shall not be entered into the official index required
5 to be kept by the circuit court clerk under Section 16
6 of the Clerks of Courts Act and shall be immediately
7 re-impounded upon the collection of the outstanding
8 financial obligations.

9 (F) Notwithstanding any other provision of this
10 Section, a circuit court clerk may access a sealed
11 record for the limited purpose of collecting payment
12 for any legal financial obligations that were
13 established, imposed, or originated in the criminal
14 proceedings for which those records have been sealed.

15 (10) Fees. The Department may charge the petitioner a
16 fee equivalent to the cost of processing any order to
17 expunge or seal records. Notwithstanding any provision of
18 the Clerks of Courts Act to the contrary, the circuit court
19 clerk may charge a fee equivalent to the cost associated
20 with the sealing or expungement of records by the circuit
21 court clerk. From the total filing fee collected for the
22 petition to seal or expunge, the circuit court clerk shall
23 deposit \$10 into the Circuit Court Clerk Operation and
24 Administrative Fund, to be used to offset the costs
25 incurred by the circuit court clerk in performing the
26 additional duties required to serve the petition to seal or

1 expunge on all parties. The circuit court clerk shall
2 collect and forward the Department of State Police portion
3 of the fee to the Department and it shall be deposited in
4 the State Police Services Fund. If the record brought under
5 an expungement petition was previously sealed under this
6 Section, the fee for the expungement petition for that same
7 record shall be waived.

8 (11) Final Order. No court order issued under the
9 expungement or sealing provisions of this Section shall
10 become final for purposes of appeal until 30 days after
11 service of the order on the petitioner and all parties
12 entitled to notice of the petition.

13 (12) Motion to Vacate, Modify, or Reconsider. Under
14 Section 2-1203 of the Code of Civil Procedure, the
15 petitioner or any party entitled to notice may file a
16 motion to vacate, modify, or reconsider the order granting
17 or denying the petition to expunge or seal within 60 days
18 of service of the order. If filed more than 60 days after
19 service of the order, a petition to vacate, modify, or
20 reconsider shall comply with subsection (c) of Section
21 2-1401 of the Code of Civil Procedure. Upon filing of a
22 motion to vacate, modify, or reconsider, notice of the
23 motion shall be served upon the petitioner and all parties
24 entitled to notice of the petition.

25 (13) Effect of Order. An order granting a petition
26 under the expungement or sealing provisions of this Section

1 shall not be considered void because it fails to comply
2 with the provisions of this Section or because of any error
3 asserted in a motion to vacate, modify, or reconsider. The
4 circuit court retains jurisdiction to determine whether
5 the order is voidable and to vacate, modify, or reconsider
6 its terms based on a motion filed under paragraph (12) of
7 this subsection (d).

8 (14) Compliance with Order Granting Petition to Seal
9 Records. Unless a court has entered a stay of an order
10 granting a petition to seal, all parties entitled to notice
11 of the petition must fully comply with the terms of the
12 order within 60 days of service of the order even if a
13 party is seeking relief from the order through a motion
14 filed under paragraph (12) of this subsection (d) or is
15 appealing the order.

16 (15) Compliance with Order Granting Petition to
17 Expunge Records. While a party is seeking relief from the
18 order granting the petition to expunge through a motion
19 filed under paragraph (12) of this subsection (d) or is
20 appealing the order, and unless a court has entered a stay
21 of that order, the parties entitled to notice of the
22 petition must seal, but need not expunge, the records until
23 there is a final order on the motion for relief or, in the
24 case of an appeal, the issuance of that court's mandate.

25 (16) The changes to this subsection (d) made by Public
26 Act 98-163 apply to all petitions pending on August 5, 2013

1 (the effective date of Public Act 98-163) and to all orders
2 ruling on a petition to expunge or seal on or after August
3 5, 2013 (the effective date of Public Act 98-163).

4 (e) Whenever a person who has been convicted of an offense
5 is granted a pardon by the Governor which specifically
6 authorizes expungement, he or she may, upon verified petition
7 to the Chief Judge of the circuit where the person had been
8 convicted, any judge of the circuit designated by the Chief
9 Judge, or in counties of less than 3,000,000 inhabitants, the
10 presiding trial judge at the defendant's trial, have a court
11 order entered expunging the record of arrest from the official
12 records of the arresting authority and order that the records
13 of the circuit court clerk and the Department be sealed until
14 further order of the court upon good cause shown or as
15 otherwise provided herein, and the name of the defendant
16 obliterated from the official index requested to be kept by the
17 circuit court clerk under Section 16 of the Clerks of Courts
18 Act in connection with the arrest and conviction for the
19 offense for which he or she had been pardoned but the order
20 shall not affect any index issued by the circuit court clerk
21 before the entry of the order. All records sealed by the
22 Department may be disseminated by the Department only to the
23 arresting authority, the State's Attorney, and the court upon a
24 later arrest for the same or similar offense or for the purpose
25 of sentencing for any subsequent felony. Upon conviction for
26 any subsequent offense, the Department of Corrections shall

1 have access to all sealed records of the Department pertaining
2 to that individual. Upon entry of the order of expungement, the
3 circuit court clerk shall promptly mail a copy of the order to
4 the person who was pardoned.

5 (e-5) Whenever a person who has been convicted of an
6 offense is granted a certificate of eligibility for sealing by
7 the Prisoner Review Board which specifically authorizes
8 sealing, he or she may, upon verified petition to the Chief
9 Judge of the circuit where the person had been convicted, any
10 judge of the circuit designated by the Chief Judge, or in
11 counties of less than 3,000,000 inhabitants, the presiding
12 trial judge at the petitioner's trial, have a court order
13 entered sealing the record of arrest from the official records
14 of the arresting authority and order that the records of the
15 circuit court clerk and the Department be sealed until further
16 order of the court upon good cause shown or as otherwise
17 provided herein, and the name of the petitioner obliterated
18 from the official index requested to be kept by the circuit
19 court clerk under Section 16 of the Clerks of Courts Act in
20 connection with the arrest and conviction for the offense for
21 which he or she had been granted the certificate but the order
22 shall not affect any index issued by the circuit court clerk
23 before the entry of the order. All records sealed by the
24 Department may be disseminated by the Department only as
25 required by this Act or to the arresting authority, a law
26 enforcement agency, the State's Attorney, and the court upon a

1 later arrest for the same or similar offense or for the purpose
2 of sentencing for any subsequent felony. Upon conviction for
3 any subsequent offense, the Department of Corrections shall
4 have access to all sealed records of the Department pertaining
5 to that individual. Upon entry of the order of sealing, the
6 circuit court clerk shall promptly mail a copy of the order to
7 the person who was granted the certificate of eligibility for
8 sealing.

9 (e-6) Whenever a person who has been convicted of an
10 offense is granted a certificate of eligibility for expungement
11 by the Prisoner Review Board which specifically authorizes
12 expungement, he or she may, upon verified petition to the Chief
13 Judge of the circuit where the person had been convicted, any
14 judge of the circuit designated by the Chief Judge, or in
15 counties of less than 3,000,000 inhabitants, the presiding
16 trial judge at the petitioner's trial, have a court order
17 entered expunging the record of arrest from the official
18 records of the arresting authority and order that the records
19 of the circuit court clerk and the Department be sealed until
20 further order of the court upon good cause shown or as
21 otherwise provided herein, and the name of the petitioner
22 obliterated from the official index requested to be kept by the
23 circuit court clerk under Section 16 of the Clerks of Courts
24 Act in connection with the arrest and conviction for the
25 offense for which he or she had been granted the certificate
26 but the order shall not affect any index issued by the circuit

1 court clerk before the entry of the order. All records sealed
2 by the Department may be disseminated by the Department only as
3 required by this Act or to the arresting authority, a law
4 enforcement agency, the State's Attorney, and the court upon a
5 later arrest for the same or similar offense or for the purpose
6 of sentencing for any subsequent felony. Upon conviction for
7 any subsequent offense, the Department of Corrections shall
8 have access to all expunged records of the Department
9 pertaining to that individual. Upon entry of the order of
10 expungement, the circuit court clerk shall promptly mail a copy
11 of the order to the person who was granted the certificate of
12 eligibility for expungement.

13 (f) Subject to available funding, the Illinois Department
14 of Corrections shall conduct a study of the impact of sealing,
15 especially on employment and recidivism rates, utilizing a
16 random sample of those who apply for the sealing of their
17 criminal records under Public Act 93-211. At the request of the
18 Illinois Department of Corrections, records of the Illinois
19 Department of Employment Security shall be utilized as
20 appropriate to assist in the study. The study shall not
21 disclose any data in a manner that would allow the
22 identification of any particular individual or employing unit.
23 The study shall be made available to the General Assembly no
24 later than September 1, 2010.

25 (g) Immediate Sealing.

26 (1) Applicability. Notwithstanding any other provision

1 of this Act to the contrary, and cumulative with any rights
2 to expungement or sealing of criminal records, this
3 subsection authorizes the immediate sealing of criminal
4 records of adults and of minors prosecuted as adults.

5 (2) Eligible Records. Arrests or charges not initiated
6 by arrest resulting in acquittal or dismissal with
7 prejudice, except as excluded by subsection (a)(3)(B),
8 that occur on or after January 1, 2018 (the effective date
9 of Public Act 100-282), may be sealed immediately if the
10 petition is filed with the circuit court clerk on the same
11 day and during the same hearing in which the case is
12 disposed.

13 (3) When Records are Eligible to be Immediately Sealed.
14 Eligible records under paragraph (2) of this subsection (g)
15 may be sealed immediately after entry of the final
16 disposition of a case, notwithstanding the disposition of
17 other charges in the same case.

18 (4) Notice of Eligibility for Immediate Sealing. Upon
19 entry of a disposition for an eligible record under this
20 subsection (g), the defendant shall be informed by the
21 court of his or her right to have eligible records
22 immediately sealed and the procedure for the immediate
23 sealing of these records.

24 (5) Procedure. The following procedures apply to
25 immediate sealing under this subsection (g).

26 (A) Filing the Petition. Upon entry of the final

1 disposition of the case, the defendant's attorney may
2 immediately petition the court, on behalf of the
3 defendant, for immediate sealing of eligible records
4 under paragraph (2) of this subsection (g) that are
5 entered on or after January 1, 2018 (the effective date
6 of Public Act 100-282). The immediate sealing petition
7 may be filed with the circuit court clerk during the
8 hearing in which the final disposition of the case is
9 entered. If the defendant's attorney does not file the
10 petition for immediate sealing during the hearing, the
11 defendant may file a petition for sealing at any time
12 as authorized under subsection (c) (3) (A).

13 (B) Contents of Petition. The immediate sealing
14 petition shall be verified and shall contain the
15 petitioner's name, date of birth, current address, and
16 for each eligible record, the case number, the date of
17 arrest if applicable, the identity of the arresting
18 authority if applicable, and other information as the
19 court may require.

20 (C) Drug Test. The petitioner shall not be required
21 to attach proof that he or she has passed a drug test.

22 (D) Service of Petition. A copy of the petition
23 shall be served on the State's Attorney in open court.
24 The petitioner shall not be required to serve a copy of
25 the petition on any other agency.

26 (E) Entry of Order. The presiding trial judge shall

1 enter an order granting or denying the petition for
2 immediate sealing during the hearing in which it is
3 filed. Petitions for immediate sealing shall be ruled
4 on in the same hearing in which the final disposition
5 of the case is entered.

6 (F) Hearings. The court shall hear the petition for
7 immediate sealing on the same day and during the same
8 hearing in which the disposition is rendered.

9 (G) Service of Order. An order to immediately seal
10 eligible records shall be served in conformance with
11 subsection (d) (8).

12 (H) Implementation of Order. An order to
13 immediately seal records shall be implemented in
14 conformance with subsections (d) (9) (C) and (d) (9) (D).

15 (I) Fees. The fee imposed by the circuit court
16 clerk and the Department of State Police shall comply
17 with paragraph (1) of subsection (d) of this Section.

18 (J) Final Order. No court order issued under this
19 subsection (g) shall become final for purposes of
20 appeal until 30 days after service of the order on the
21 petitioner and all parties entitled to service of the
22 order in conformance with subsection (d) (8).

23 (K) Motion to Vacate, Modify, or Reconsider. Under
24 Section 2-1203 of the Code of Civil Procedure, the
25 petitioner, State's Attorney, or the Department of
26 State Police may file a motion to vacate, modify, or

1 reconsider the order denying the petition to
2 immediately seal within 60 days of service of the
3 order. If filed more than 60 days after service of the
4 order, a petition to vacate, modify, or reconsider
5 shall comply with subsection (c) of Section 2-1401 of
6 the Code of Civil Procedure.

7 (L) Effect of Order. An order granting an immediate
8 sealing petition shall not be considered void because
9 it fails to comply with the provisions of this Section
10 or because of an error asserted in a motion to vacate,
11 modify, or reconsider. The circuit court retains
12 jurisdiction to determine whether the order is
13 voidable, and to vacate, modify, or reconsider its
14 terms based on a motion filed under subparagraph (L) of
15 this subsection (g).

16 (M) Compliance with Order Granting Petition to
17 Seal Records. Unless a court has entered a stay of an
18 order granting a petition to immediately seal, all
19 parties entitled to service of the order must fully
20 comply with the terms of the order within 60 days of
21 service of the order.

22 (h) Sealing; trafficking victims.

23 (1) A trafficking victim as defined by paragraph (10)
24 of subsection (a) of Section 10-9 of the Criminal Code of
25 2012 shall be eligible to petition for immediate sealing of
26 his or her criminal record upon the completion of his or

1 her last sentence if his or her participation in the
2 underlying offense was a direct result of human trafficking
3 under Section 10-9 of the Criminal Code of 2012 or a severe
4 form of trafficking under the federal Trafficking Victims
5 Protection Act.

6 (2) A petitioner under this subsection (h), in addition
7 to the requirements provided under paragraph (4) of
8 subsection (d) of this Section, shall include in his or her
9 petition a clear and concise statement that: (A) he or she
10 was a victim of human trafficking at the time of the
11 offense; and (B) that his or her participation in the
12 offense was a direct result of human trafficking under
13 Section 10-9 of the Criminal Code of 2012 or a severe form
14 of trafficking under the federal Trafficking Victims
15 Protection Act.

16 (3) If an objection is filed alleging that the
17 petitioner is not entitled to immediate sealing under this
18 subsection (h), the court shall conduct a hearing under
19 paragraph (7) of subsection (d) of this Section and the
20 court shall determine whether the petitioner is entitled to
21 immediate sealing under this subsection (h). A petitioner
22 is eligible for immediate relief under this subsection (h)
23 if he or she shows, by a preponderance of the evidence,
24 that: (A) he or she was a victim of human trafficking at
25 the time of the offense; and (B) that his or her
26 participation in the offense was a direct result of human

1 trafficking under Section 10-9 of the Criminal Code of 2012
2 or a severe form of trafficking under the federal
3 Trafficking Victims Protection Act.

4 (i) Minor Cannabis Offenses under the Cannabis Control Act.

5 (1) Expungement of Arrest Records of Minor Cannabis
6 Offenses.

7 (A) The Department of State Police and all law
8 enforcement agencies within the State shall
9 automatically expunge all criminal history records of
10 an arrest, charge not initiated by arrest, order of
11 supervision, or order of qualified probation for a
12 Minor Cannabis Offense committed prior to June 25, 2019
13 (the effective date of Public Act 101-27) ~~this~~
14 ~~amendatory Act of the 101st General Assembly~~ if:

15 (i) One year or more has elapsed since the date
16 of the arrest or law enforcement interaction
17 documented in the records; ~~and~~

18 (ii) No criminal charges were filed relating
19 to the arrest or law enforcement interaction or
20 criminal charges were filed and subsequently
21 dismissed or vacated or the arrestee was
22 acquitted; and

23 (iii) The arrest is not associated with an
24 arrest for a violent crime as defined in the Rights
25 of Crime Victims and Witnesses Act.

26 (B) If the law enforcement agency is unable to

1 verify satisfaction of condition (ii) in paragraph
2 (A), records that satisfy condition (i) in paragraph
3 (A) shall be automatically expunged.

4 (C) Records shall be expunged by the law
5 enforcement agency pursuant to the procedures set
6 ~~forth in subdivision (d)(9)(A)~~ under the following
7 timelines:

8 (i) Records created prior to June 25, 2019 (the
9 effective date of Public Act 101-27) ~~this~~
10 ~~amendatory Act of the 101st General Assembly~~, but
11 on or after January 1, 2013, shall be automatically
12 expunged prior to January 1, 2021;

13 (ii) Records created prior to January 1, 2013,
14 but on or after January 1, 2000, shall be
15 automatically expunged prior to January 1, 2023;

16 (iii) Records created prior to January 1, 2000
17 shall be automatically expunged prior to January
18 1, 2025.

19 In response to an inquiry for expunged records, the
20 law enforcement agency receiving such inquiry shall
21 reply as it does in response to inquiries when no
22 records ever existed; however, it shall provide a
23 certificate of disposition or confirmation that the
24 record was expunged to the individual whose record was
25 expunged if such a record exists.

26 (D) Nothing in this Section shall be construed to

1 restrict or modify an individual's right to have that
2 individual's records expunged except as otherwise may
3 be provided in this Act, or diminish or abrogate any
4 rights or remedies otherwise available to the
5 individual.

6 (2) Pardons Authorizing Expungement of Minor Cannabis
7 Offenses.

8 (A) Upon June 25, 2019 (the effective date of
9 Public Act 101-27) ~~this amendatory Act of the 101st~~
10 ~~General Assembly~~, the Department of State Police shall
11 review all criminal history record information and
12 identify all records that meet all of the following
13 criteria:

14 (i) one or more convictions for a Minor
15 Cannabis Offense;

16 (ii) the conviction identified in paragraph
17 (2)(A)(i) did not include a penalty enhancement
18 under Section 7 of the Cannabis Control Act; and

19 (iii) the conviction identified in paragraph
20 (2)(A)(i) is not associated with a ~~an arrest,~~
21 ~~conviction or other disposition~~ for a violent
22 crime as defined in subsection (c) of Section 3 of
23 the Rights of Crime Victims and Witnesses Act.

24 (B) Within 180 days after June 25, 2019 (the
25 effective date of Public Act 101-27) ~~this amendatory~~
26 ~~Act of the 101st General Assembly~~, the Department of

1 State Police shall notify the Prisoner Review Board of
2 all such records that meet the criteria established in
3 paragraph (2) (A) .

4 (i) The Prisoner Review Board shall notify the
5 State's Attorney of the county of conviction of
6 each record identified by State Police in
7 paragraph (2) (A) that is classified as a Class 4
8 felony. The State's Attorney may provide a written
9 objection to the Prisoner Review Board on the sole
10 basis that the record identified does not meet the
11 criteria established in paragraph (2) (A) . Such an
12 objection must be filed within 60 days or by such
13 later date set by Prisoner Review Board in the
14 notice after the State's Attorney received notice
15 from the Prisoner Review Board.

16 (ii) In response to a written objection from a
17 State's Attorney, the Prisoner Review Board is
18 authorized to conduct a non-public hearing to
19 evaluate the information provided in the
20 objection.

21 (iii) The Prisoner Review Board shall make a
22 confidential and privileged recommendation to the
23 Governor as to whether to grant a pardon
24 authorizing expungement for each of the records
25 identified by the Department of State Police as
26 described in paragraph (2) (A) .

1 (C) If an individual has been granted a pardon
2 authorizing expungement as described in this Section,
3 the Prisoner Review Board, through the Attorney
4 General, shall file a petition for expungement with the
5 Chief Judge of the circuit or any judge of the circuit
6 designated by the Chief Judge where the individual had
7 been convicted. Such petition may include more than one
8 individual. Whenever an individual who has been
9 convicted of an offense is granted a pardon by the
10 Governor that specifically authorizes expungement, an
11 objection to the petition may not be filed. Petitions
12 to expunge under this subsection (i) may include more
13 than one individual. Within 90 days of the filing of
14 such a petition, the court shall enter an order
15 expunging the records of arrest from the official
16 records of the arresting authority and order that the
17 records of the circuit court clerk and the Department
18 of State Police be expunged and the name of the
19 defendant obliterated from the official index
20 requested to be kept by the circuit court clerk under
21 Section 16 of the Clerks of Courts Act in connection
22 with the arrest and conviction for the offense for
23 which the individual had received a pardon but the
24 order shall not affect any index issued by the circuit
25 court clerk before the entry of the order. Upon entry
26 of the order of expungement, the circuit court clerk

1 shall promptly provide a copy of the order and a
2 certificate of disposition to the individual who was
3 pardoned to the individual's last known address or by
4 electronic means (if available) or otherwise make it
5 available ~~to the individual who was pardoned to the~~
6 ~~individual's last known address or otherwise make~~
7 ~~available~~ to the individual upon request.

8 (D) Nothing in this Section is intended to diminish
9 or abrogate any rights or remedies otherwise available
10 to the individual.

11 (3) Any individual may file a motion to vacate and
12 expunge a conviction for a misdemeanor or Class 4 felony
13 violation of Section 4 or Section 5 of the Cannabis Control
14 Act. Motions to vacate and expunge under this subsection
15 (i) may be filed with the circuit court, Chief Judge of a
16 judicial circuit or any judge of the circuit designated by
17 the Chief Judge. The circuit court clerk shall promptly
18 serve a copy of the motion to vacate and expunge, and any
19 supporting documentation, on the State's Attorney or
20 prosecutor charged with the duty of prosecuting the
21 offense. When considering such a motion to vacate and
22 expunge, a court shall consider the following: the reasons
23 to retain the records provided by law enforcement, the
24 petitioner's age, the petitioner's age at the time of
25 offense, the time since the conviction, and the specific
26 adverse consequences if denied. An individual may file such

1 a petition after the completion of any non-financial
2 sentence or non-financial condition imposed by the
3 conviction. Within 60 days of the filing of such motion, a
4 State's Attorney may file an objection to such a petition
5 along with supporting evidence. If a motion to vacate and
6 expunge is granted, the records shall be expunged in
7 accordance with subparagraphs (d)(8) and ~~sentence or~~
8 ~~condition imposed by the conviction. Within 60 days of the~~
9 ~~filing of such motion, a State's Attorney may file an~~
10 ~~objection to such a petition along with supporting~~
11 ~~evidence. If a motion to vacate and expunge is granted, the~~
12 ~~records shall be expunged in accordance with subparagraph~~
13 (d)(9)(A) of this Section. An agency providing civil legal
14 aid, as defined by Section 15 of the Public Interest
15 Attorney Assistance Act, assisting individuals seeking to
16 file a motion to vacate and expunge under this subsection
17 may file motions to vacate and expunge with the Chief Judge
18 of a judicial circuit or any judge of the circuit
19 designated by the Chief Judge, and the motion may include
20 more than one individual. Motions filed by an agency
21 providing civil legal aid concerning more than one
22 individual may be prepared, presented, and signed
23 electronically.

24 (4) Any State's Attorney may file a motion to vacate
25 and expunge a conviction for a misdemeanor or Class 4
26 felony violation of Section 4 or Section 5 of the Cannabis

1 Control Act. Motions to vacate and expunge under this
2 subsection (i) may be filed with the circuit court, Chief
3 Judge of a judicial circuit or any judge of the circuit
4 designated by the Chief Judge, and may include more than
5 one individual. Motions filed by a State's Attorney
6 concerning more than one individual may be prepared,
7 presented, and signed electronically. When considering
8 such a motion to vacate and expunge, a court shall consider
9 the following: the reasons to retain the records provided
10 by law enforcement, the individual's age, the individual's
11 age at the time of offense, the time since the conviction,
12 and the specific adverse consequences if denied. Upon entry
13 of an order granting a motion to vacate and expunge records
14 pursuant to this Section, the State's Attorney shall notify
15 the Prisoner Review Board within 30 days. Upon entry of the
16 order of expungement, the circuit court clerk shall
17 promptly provide a copy of the order and a certificate of
18 disposition to the individual whose records will be
19 expunged to the individual's last known address or by
20 electronic means (if available) or otherwise make
21 available to the individual upon request. If a motion to
22 vacate and expunge is granted, the records shall be
23 expunged in accordance with subparagraphs (d)(8) and
24 (d)(9)(A) of this Section. ~~If the State's Attorney files a~~
25 ~~motion to vacate and expunge records for Minor Cannabis~~
26 ~~Offenses pursuant to this Section, the State's Attorney~~

1 ~~shall notify the Prisoner Review Board within 30 days of~~
2 ~~such filing. If a motion to vacate and expunge is granted,~~
3 ~~the records shall be expunged in accordance with~~
4 ~~subparagraph (d) (9) (A) of this Section.~~

5 (5) In the public interest, the State's Attorney of a
6 county has standing to file motions to vacate and expunge
7 pursuant to this Section in the circuit court with
8 jurisdiction over the underlying conviction.

9 (6) If a person is arrested for a Minor Cannabis
10 Offense as defined in this Section before June 25, 2019
11 (the effective date of Public Act 101-27) ~~this amendatory~~
12 ~~Act of the 101st General Assembly~~ and the person's case is
13 still pending but a sentence has not been imposed, the
14 person may petition the court in which the charges are
15 pending for an order to summarily dismiss those charges
16 against him or her, and expunge all official records of his
17 or her arrest, plea, trial, conviction, incarceration,
18 supervision, or expungement. If the court determines, upon
19 review, that: (A) the person was arrested before June 25,
20 2019 (the effective date of Public Act 101-27) ~~this~~
21 ~~amendatory Act of the 101st General Assembly~~ for an offense
22 that has been made eligible for expungement; (B) the case
23 is pending at the time; and (C) the person has not been
24 sentenced of the minor cannabis violation eligible for
25 expungement under this subsection, the court shall
26 consider the following: the reasons to retain the records

1 provided by law enforcement, the petitioner's age, the
2 petitioner's age at the time of offense, the time since the
3 conviction, and the specific adverse consequences if
4 denied. If a motion to dismiss and expunge is granted, the
5 records shall be expunged in accordance with subparagraph
6 (d) (9) (A) of this Section.

7 (7) A person imprisoned solely as a result of one or
8 more convictions for Minor Cannabis Offenses under this
9 subsection (i) shall be released from incarceration upon
10 the issuance of an order under this subsection.

11 (8) The Department of State Police shall allow a person
12 to use the access and review process, established in the
13 Department of State Police, for verifying that his or her
14 records relating to Minor Cannabis Offenses of the Cannabis
15 Control Act eligible under this Section have been expunged.

16 (9) No conviction vacated pursuant to this Section
17 shall serve as the basis for damages for time unjustly
18 served as provided in the Court of Claims Act.

19 (10) Effect of Expungement. A person's right to expunge
20 an expungeable offense shall not be limited under this
21 Section. The effect of an order of expungement shall be to
22 restore the person to the status he or she occupied before
23 the arrest, charge, or conviction.

24 (11) Information. The Department of State Police shall
25 post general information on its website about the
26 expungement process described in this subsection (i).

1 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;
2 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.
3 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,
4 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
5 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; revised 9-25-19.)

6 Section 6. The Use Tax Act is amended by changing Section
7 3-10 as follows:

8 (35 ILCS 105/3-10)

9 Sec. 3-10. Rate of tax. Unless otherwise provided in this
10 Section, the tax imposed by this Act is at the rate of 6.25% of
11 either the selling price or the fair market value, if any, of
12 the tangible personal property. In all cases where property
13 functionally used or consumed is the same as the property that
14 was purchased at retail, then the tax is imposed on the selling
15 price of the property. In all cases where property functionally
16 used or consumed is a by-product or waste product that has been
17 refined, manufactured, or produced from property purchased at
18 retail, then the tax is imposed on the lower of the fair market
19 value, if any, of the specific property so used in this State
20 or on the selling price of the property purchased at retail.
21 For purposes of this Section "fair market value" means the
22 price at which property would change hands between a willing
23 buyer and a willing seller, neither being under any compulsion
24 to buy or sell and both having reasonable knowledge of the

1 relevant facts. The fair market value shall be established by
2 Illinois sales by the taxpayer of the same property as that
3 functionally used or consumed, or if there are no such sales by
4 the taxpayer, then comparable sales or purchases of property of
5 like kind and character in Illinois.

6 Beginning on July 1, 2000 and through December 31, 2000,
7 with respect to motor fuel, as defined in Section 1.1 of the
8 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
9 the Use Tax Act, the tax is imposed at the rate of 1.25%.

10 Beginning on August 6, 2010 through August 15, 2010, with
11 respect to sales tax holiday items as defined in Section 3-6 of
12 this Act, the tax is imposed at the rate of 1.25%.

13 With respect to gasohol, the tax imposed by this Act
14 applies to (i) 70% of the proceeds of sales made on or after
15 January 1, 1990, and before July 1, 2003, (ii) 80% of the
16 proceeds of sales made on or after July 1, 2003 and on or
17 before July 1, 2017, and (iii) 100% of the proceeds of sales
18 made thereafter. If, at any time, however, the tax under this
19 Act on sales of gasohol is imposed at the rate of 1.25%, then
20 the tax imposed by this Act applies to 100% of the proceeds of
21 sales of gasohol made during that time.

22 With respect to majority blended ethanol fuel, the tax
23 imposed by this Act does not apply to the proceeds of sales
24 made on or after July 1, 2003 and on or before December 31,
25 2023 but applies to 100% of the proceeds of sales made
26 thereafter.

1 With respect to biodiesel blends with no less than 1% and
2 no more than 10% biodiesel, the tax imposed by this Act applies
3 to (i) 80% of the proceeds of sales made on or after July 1,
4 2003 and on or before December 31, 2018 and (ii) 100% of the
5 proceeds of sales made thereafter. If, at any time, however,
6 the tax under this Act on sales of biodiesel blends with no
7 less than 1% and no more than 10% biodiesel is imposed at the
8 rate of 1.25%, then the tax imposed by this Act applies to 100%
9 of the proceeds of sales of biodiesel blends with no less than
10 1% and no more than 10% biodiesel made during that time.

11 With respect to 100% biodiesel and biodiesel blends with
12 more than 10% but no more than 99% biodiesel, the tax imposed
13 by this Act does not apply to the proceeds of sales made on or
14 after July 1, 2003 and on or before December 31, 2023 but
15 applies to 100% of the proceeds of sales made thereafter.

16 With respect to food for human consumption that is to be
17 consumed off the premises where it is sold (other than
18 alcoholic beverages, food consisting of or infused with adult
19 use cannabis, soft drinks, and food that has been prepared for
20 immediate consumption) and prescription and nonprescription
21 medicines, drugs, medical appliances, products classified as
22 Class III medical devices by the United States Food and Drug
23 Administration that are used for cancer treatment pursuant to a
24 prescription, as well as any accessories and components related
25 to those devices, modifications to a motor vehicle for the
26 purpose of rendering it usable by a person with a disability,

1 and insulin, urine testing materials, syringes, and needles
2 used by diabetics, for human use, the tax is imposed at the
3 rate of 1%. For the purposes of this Section, until September
4 1, 2009: the term "soft drinks" means any complete, finished,
5 ready-to-use, non-alcoholic drink, whether carbonated or not,
6 including but not limited to soda water, cola, fruit juice,
7 vegetable juice, carbonated water, and all other preparations
8 commonly known as soft drinks of whatever kind or description
9 that are contained in any closed or sealed bottle, can, carton,
10 or container, regardless of size; but "soft drinks" does not
11 include coffee, tea, non-carbonated water, infant formula,
12 milk or milk products as defined in the Grade A Pasteurized
13 Milk and Milk Products Act, or drinks containing 50% or more
14 natural fruit or vegetable juice.

15 Notwithstanding any other provisions of this Act,
16 beginning September 1, 2009, "soft drinks" means non-alcoholic
17 beverages that contain natural or artificial sweeteners. "Soft
18 drinks" do not include beverages that contain milk or milk
19 products, soy, rice or similar milk substitutes, or greater
20 than 50% of vegetable or fruit juice by volume.

21 Until August 1, 2009, and notwithstanding any other
22 provisions of this Act, "food for human consumption that is to
23 be consumed off the premises where it is sold" includes all
24 food sold through a vending machine, except soft drinks and
25 food products that are dispensed hot from a vending machine,
26 regardless of the location of the vending machine. Beginning

1 August 1, 2009, and notwithstanding any other provisions of
2 this Act, "food for human consumption that is to be consumed
3 off the premises where it is sold" includes all food sold
4 through a vending machine, except soft drinks, candy, and food
5 products that are dispensed hot from a vending machine,
6 regardless of the location of the vending machine.

7 Notwithstanding any other provisions of this Act,
8 beginning September 1, 2009, "food for human consumption that
9 is to be consumed off the premises where it is sold" does not
10 include candy. For purposes of this Section, "candy" means a
11 preparation of sugar, honey, or other natural or artificial
12 sweeteners in combination with chocolate, fruits, nuts or other
13 ingredients or flavorings in the form of bars, drops, or
14 pieces. "Candy" does not include any preparation that contains
15 flour or requires refrigeration.

16 Notwithstanding any other provisions of this Act,
17 beginning September 1, 2009, "nonprescription medicines and
18 drugs" does not include grooming and hygiene products. For
19 purposes of this Section, "grooming and hygiene products"
20 includes, but is not limited to, soaps and cleaning solutions,
21 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
22 lotions and screens, unless those products are available by
23 prescription only, regardless of whether the products meet the
24 definition of "over-the-counter-drugs". For the purposes of
25 this paragraph, "over-the-counter-drug" means a drug for human
26 use that contains a label that identifies the product as a drug

1 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
2 label includes:

3 (A) A "Drug Facts" panel; or

4 (B) A statement of the "active ingredient(s)" with a
5 list of those ingredients contained in the compound,
6 substance or preparation.

7 Beginning on the effective date of this amendatory Act of
8 the 98th General Assembly, "prescription and nonprescription
9 medicines and drugs" includes medical cannabis purchased from a
10 registered dispensing organization under the Compassionate Use
11 of Medical Cannabis Program Act.

12 As used in this Section, "adult use cannabis" means
13 cannabis subject to tax under the Cannabis Cultivation
14 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and
15 does not include cannabis subject to tax under the
16 Compassionate Use of Medical Cannabis Program Act.

17 If the property that is purchased at retail from a retailer
18 is acquired outside Illinois and used outside Illinois before
19 being brought to Illinois for use here and is taxable under
20 this Act, the "selling price" on which the tax is computed
21 shall be reduced by an amount that represents a reasonable
22 allowance for depreciation for the period of prior out-of-state
23 use.

24 (Source: P.A. 100-22, eff. 7-6-17; 101-363, eff. 8-9-19.)

25 Section 7. The Service Use Tax Act is amended by changing

1 Section 3-10 as follows:

2 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

3 Sec. 3-10. Rate of tax. Unless otherwise provided in this
4 Section, the tax imposed by this Act is at the rate of 6.25% of
5 the selling price of tangible personal property transferred as
6 an incident to the sale of service, but, for the purpose of
7 computing this tax, in no event shall the selling price be less
8 than the cost price of the property to the serviceman.

9 Beginning on July 1, 2000 and through December 31, 2000,
10 with respect to motor fuel, as defined in Section 1.1 of the
11 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
12 the Use Tax Act, the tax is imposed at the rate of 1.25%.

13 With respect to gasohol, as defined in the Use Tax Act, the
14 tax imposed by this Act applies to (i) 70% of the selling price
15 of property transferred as an incident to the sale of service
16 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
17 of the selling price of property transferred as an incident to
18 the sale of service on or after July 1, 2003 and on or before
19 July 1, 2017, and (iii) 100% of the selling price thereafter.
20 If, at any time, however, the tax under this Act on sales of
21 gasohol, as defined in the Use Tax Act, is imposed at the rate
22 of 1.25%, then the tax imposed by this Act applies to 100% of
23 the proceeds of sales of gasohol made during that time.

24 With respect to majority blended ethanol fuel, as defined
25 in the Use Tax Act, the tax imposed by this Act does not apply

1 to the selling price of property transferred as an incident to
2 the sale of service on or after July 1, 2003 and on or before
3 December 31, 2023 but applies to 100% of the selling price
4 thereafter.

5 With respect to biodiesel blends, as defined in the Use Tax
6 Act, with no less than 1% and no more than 10% biodiesel, the
7 tax imposed by this Act applies to (i) 80% of the selling price
8 of property transferred as an incident to the sale of service
9 on or after July 1, 2003 and on or before December 31, 2018 and
10 (ii) 100% of the proceeds of the selling price thereafter. If,
11 at any time, however, the tax under this Act on sales of
12 biodiesel blends, as defined in the Use Tax Act, with no less
13 than 1% and no more than 10% biodiesel is imposed at the rate
14 of 1.25%, then the tax imposed by this Act applies to 100% of
15 the proceeds of sales of biodiesel blends with no less than 1%
16 and no more than 10% biodiesel made during that time.

17 With respect to 100% biodiesel, as defined in the Use Tax
18 Act, and biodiesel blends, as defined in the Use Tax Act, with
19 more than 10% but no more than 99% biodiesel, the tax imposed
20 by this Act does not apply to the proceeds of the selling price
21 of property transferred as an incident to the sale of service
22 on or after July 1, 2003 and on or before December 31, 2023 but
23 applies to 100% of the selling price thereafter.

24 At the election of any registered serviceman made for each
25 fiscal year, sales of service in which the aggregate annual
26 cost price of tangible personal property transferred as an

1 incident to the sales of service is less than 35%, or 75% in
2 the case of servicemen transferring prescription drugs or
3 servicemen engaged in graphic arts production, of the aggregate
4 annual total gross receipts from all sales of service, the tax
5 imposed by this Act shall be based on the serviceman's cost
6 price of the tangible personal property transferred as an
7 incident to the sale of those services.

8 The tax shall be imposed at the rate of 1% on food prepared
9 for immediate consumption and transferred incident to a sale of
10 service subject to this Act or the Service Occupation Tax Act
11 by an entity licensed under the Hospital Licensing Act, the
12 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD
13 Act, the Specialized Mental Health Rehabilitation Act of 2013,
14 or the Child Care Act of 1969. The tax shall also be imposed at
15 the rate of 1% on food for human consumption that is to be
16 consumed off the premises where it is sold (other than
17 alcoholic beverages, food consisting of or infused with adult
18 use cannabis, soft drinks, and food that has been prepared for
19 immediate consumption and is not otherwise included in this
20 paragraph) and prescription and nonprescription medicines,
21 drugs, medical appliances, products classified as Class III
22 medical devices by the United States Food and Drug
23 Administration that are used for cancer treatment pursuant to a
24 prescription, as well as any accessories and components related
25 to those devices, modifications to a motor vehicle for the
26 purpose of rendering it usable by a person with a disability,

1 and insulin, urine testing materials, syringes, and needles
2 used by diabetics, for human use. For the purposes of this
3 Section, until September 1, 2009: the term "soft drinks" means
4 any complete, finished, ready-to-use, non-alcoholic drink,
5 whether carbonated or not, including but not limited to soda
6 water, cola, fruit juice, vegetable juice, carbonated water,
7 and all other preparations commonly known as soft drinks of
8 whatever kind or description that are contained in any closed
9 or sealed bottle, can, carton, or container, regardless of
10 size; but "soft drinks" does not include coffee, tea,
11 non-carbonated water, infant formula, milk or milk products as
12 defined in the Grade A Pasteurized Milk and Milk Products Act,
13 or drinks containing 50% or more natural fruit or vegetable
14 juice.

15 Notwithstanding any other provisions of this Act,
16 beginning September 1, 2009, "soft drinks" means non-alcoholic
17 beverages that contain natural or artificial sweeteners. "Soft
18 drinks" do not include beverages that contain milk or milk
19 products, soy, rice or similar milk substitutes, or greater
20 than 50% of vegetable or fruit juice by volume.

21 Until August 1, 2009, and notwithstanding any other
22 provisions of this Act, "food for human consumption that is to
23 be consumed off the premises where it is sold" includes all
24 food sold through a vending machine, except soft drinks and
25 food products that are dispensed hot from a vending machine,
26 regardless of the location of the vending machine. Beginning

1 August 1, 2009, and notwithstanding any other provisions of
2 this Act, "food for human consumption that is to be consumed
3 off the premises where it is sold" includes all food sold
4 through a vending machine, except soft drinks, candy, and food
5 products that are dispensed hot from a vending machine,
6 regardless of the location of the vending machine.

7 Notwithstanding any other provisions of this Act,
8 beginning September 1, 2009, "food for human consumption that
9 is to be consumed off the premises where it is sold" does not
10 include candy. For purposes of this Section, "candy" means a
11 preparation of sugar, honey, or other natural or artificial
12 sweeteners in combination with chocolate, fruits, nuts or other
13 ingredients or flavorings in the form of bars, drops, or
14 pieces. "Candy" does not include any preparation that contains
15 flour or requires refrigeration.

16 Notwithstanding any other provisions of this Act,
17 beginning September 1, 2009, "nonprescription medicines and
18 drugs" does not include grooming and hygiene products. For
19 purposes of this Section, "grooming and hygiene products"
20 includes, but is not limited to, soaps and cleaning solutions,
21 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
22 lotions and screens, unless those products are available by
23 prescription only, regardless of whether the products meet the
24 definition of "over-the-counter-drugs". For the purposes of
25 this paragraph, "over-the-counter-drug" means a drug for human
26 use that contains a label that identifies the product as a drug

1 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
2 label includes:

3 (A) A "Drug Facts" panel; or

4 (B) A statement of the "active ingredient(s)" with a
5 list of those ingredients contained in the compound,
6 substance or preparation.

7 Beginning on January 1, 2014 (the effective date of Public
8 Act 98-122), "prescription and nonprescription medicines and
9 drugs" includes medical cannabis purchased from a registered
10 dispensing organization under the Compassionate Use of Medical
11 Cannabis Program Act.

12 As used in this Section, "adult use cannabis" means
13 cannabis subject to tax under the Cannabis Cultivation
14 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and
15 does not include cannabis subject to tax under the
16 Compassionate Use of Medical Cannabis Program Act.

17 If the property that is acquired from a serviceman is
18 acquired outside Illinois and used outside Illinois before
19 being brought to Illinois for use here and is taxable under
20 this Act, the "selling price" on which the tax is computed
21 shall be reduced by an amount that represents a reasonable
22 allowance for depreciation for the period of prior out-of-state
23 use.

24 (Source: P.A. 100-22, eff. 7-6-17; 101-363, eff. 8-9-19.)

25 Section 8. The Service Occupation Tax Act is amended by

1 changing Section 3-10 as follows:

2 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

3 Sec. 3-10. Rate of tax. Unless otherwise provided in this
4 Section, the tax imposed by this Act is at the rate of 6.25% of
5 the "selling price", as defined in Section 2 of the Service Use
6 Tax Act, of the tangible personal property. For the purpose of
7 computing this tax, in no event shall the "selling price" be
8 less than the cost price to the serviceman of the tangible
9 personal property transferred. The selling price of each item
10 of tangible personal property transferred as an incident of a
11 sale of service may be shown as a distinct and separate item on
12 the serviceman's billing to the service customer. If the
13 selling price is not so shown, the selling price of the
14 tangible personal property is deemed to be 50% of the
15 serviceman's entire billing to the service customer. When,
16 however, a serviceman contracts to design, develop, and produce
17 special order machinery or equipment, the tax imposed by this
18 Act shall be based on the serviceman's cost price of the
19 tangible personal property transferred incident to the
20 completion of the contract.

21 Beginning on July 1, 2000 and through December 31, 2000,
22 with respect to motor fuel, as defined in Section 1.1 of the
23 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
24 the Use Tax Act, the tax is imposed at the rate of 1.25%.

25 With respect to gasohol, as defined in the Use Tax Act, the

1 tax imposed by this Act shall apply to (i) 70% of the cost
2 price of property transferred as an incident to the sale of
3 service on or after January 1, 1990, and before July 1, 2003,
4 (ii) 80% of the selling price of property transferred as an
5 incident to the sale of service on or after July 1, 2003 and on
6 or before July 1, 2017, and (iii) 100% of the cost price
7 thereafter. If, at any time, however, the tax under this Act on
8 sales of gasohol, as defined in the Use Tax Act, is imposed at
9 the rate of 1.25%, then the tax imposed by this Act applies to
10 100% of the proceeds of sales of gasohol made during that time.

11 With respect to majority blended ethanol fuel, as defined
12 in the Use Tax Act, the tax imposed by this Act does not apply
13 to the selling price of property transferred as an incident to
14 the sale of service on or after July 1, 2003 and on or before
15 December 31, 2023 but applies to 100% of the selling price
16 thereafter.

17 With respect to biodiesel blends, as defined in the Use Tax
18 Act, with no less than 1% and no more than 10% biodiesel, the
19 tax imposed by this Act applies to (i) 80% of the selling price
20 of property transferred as an incident to the sale of service
21 on or after July 1, 2003 and on or before December 31, 2018 and
22 (ii) 100% of the proceeds of the selling price thereafter. If,
23 at any time, however, the tax under this Act on sales of
24 biodiesel blends, as defined in the Use Tax Act, with no less
25 than 1% and no more than 10% biodiesel is imposed at the rate
26 of 1.25%, then the tax imposed by this Act applies to 100% of

1 the proceeds of sales of biodiesel blends with no less than 1%
2 and no more than 10% biodiesel made during that time.

3 With respect to 100% biodiesel, as defined in the Use Tax
4 Act, and biodiesel blends, as defined in the Use Tax Act, with
5 more than 10% but no more than 99% biodiesel material, the tax
6 imposed by this Act does not apply to the proceeds of the
7 selling price of property transferred as an incident to the
8 sale of service on or after July 1, 2003 and on or before
9 December 31, 2023 but applies to 100% of the selling price
10 thereafter.

11 At the election of any registered serviceman made for each
12 fiscal year, sales of service in which the aggregate annual
13 cost price of tangible personal property transferred as an
14 incident to the sales of service is less than 35%, or 75% in
15 the case of servicemen transferring prescription drugs or
16 servicemen engaged in graphic arts production, of the aggregate
17 annual total gross receipts from all sales of service, the tax
18 imposed by this Act shall be based on the serviceman's cost
19 price of the tangible personal property transferred incident to
20 the sale of those services.

21 The tax shall be imposed at the rate of 1% on food prepared
22 for immediate consumption and transferred incident to a sale of
23 service subject to this Act or the Service Occupation Tax Act
24 by an entity licensed under the Hospital Licensing Act, the
25 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD
26 Act, the Specialized Mental Health Rehabilitation Act of 2013,

1 or the Child Care Act of 1969. The tax shall also be imposed at
2 the rate of 1% on food for human consumption that is to be
3 consumed off the premises where it is sold (other than
4 alcoholic beverages, food consisting of or infused with adult
5 use cannabis, soft drinks, and food that has been prepared for
6 immediate consumption and is not otherwise included in this
7 paragraph) and prescription and nonprescription medicines,
8 drugs, medical appliances, products classified as Class III
9 medical devices by the United States Food and Drug
10 Administration that are used for cancer treatment pursuant to a
11 prescription, as well as any accessories and components related
12 to those devices, modifications to a motor vehicle for the
13 purpose of rendering it usable by a person with a disability,
14 and insulin, urine testing materials, syringes, and needles
15 used by diabetics, for human use. For the purposes of this
16 Section, until September 1, 2009: the term "soft drinks" means
17 any complete, finished, ready-to-use, non-alcoholic drink,
18 whether carbonated or not, including but not limited to soda
19 water, cola, fruit juice, vegetable juice, carbonated water,
20 and all other preparations commonly known as soft drinks of
21 whatever kind or description that are contained in any closed
22 or sealed can, carton, or container, regardless of size; but
23 "soft drinks" does not include coffee, tea, non-carbonated
24 water, infant formula, milk or milk products as defined in the
25 Grade A Pasteurized Milk and Milk Products Act, or drinks
26 containing 50% or more natural fruit or vegetable juice.

1 Notwithstanding any other provisions of this Act,
2 beginning September 1, 2009, "soft drinks" means non-alcoholic
3 beverages that contain natural or artificial sweeteners. "Soft
4 drinks" do not include beverages that contain milk or milk
5 products, soy, rice or similar milk substitutes, or greater
6 than 50% of vegetable or fruit juice by volume.

7 Until August 1, 2009, and notwithstanding any other
8 provisions of this Act, "food for human consumption that is to
9 be consumed off the premises where it is sold" includes all
10 food sold through a vending machine, except soft drinks and
11 food products that are dispensed hot from a vending machine,
12 regardless of the location of the vending machine. Beginning
13 August 1, 2009, and notwithstanding any other provisions of
14 this Act, "food for human consumption that is to be consumed
15 off the premises where it is sold" includes all food sold
16 through a vending machine, except soft drinks, candy, and food
17 products that are dispensed hot from a vending machine,
18 regardless of the location of the vending machine.

19 Notwithstanding any other provisions of this Act,
20 beginning September 1, 2009, "food for human consumption that
21 is to be consumed off the premises where it is sold" does not
22 include candy. For purposes of this Section, "candy" means a
23 preparation of sugar, honey, or other natural or artificial
24 sweeteners in combination with chocolate, fruits, nuts or other
25 ingredients or flavorings in the form of bars, drops, or
26 pieces. "Candy" does not include any preparation that contains

1 flour or requires refrigeration.

2 Notwithstanding any other provisions of this Act,
3 beginning September 1, 2009, "nonprescription medicines and
4 drugs" does not include grooming and hygiene products. For
5 purposes of this Section, "grooming and hygiene products"
6 includes, but is not limited to, soaps and cleaning solutions,
7 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
8 lotions and screens, unless those products are available by
9 prescription only, regardless of whether the products meet the
10 definition of "over-the-counter-drugs". For the purposes of
11 this paragraph, "over-the-counter-drug" means a drug for human
12 use that contains a label that identifies the product as a drug
13 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
14 label includes:

15 (A) A "Drug Facts" panel; or

16 (B) A statement of the "active ingredient(s)" with a
17 list of those ingredients contained in the compound,
18 substance or preparation.

19 Beginning on January 1, 2014 (the effective date of Public
20 Act 98-122), "prescription and nonprescription medicines and
21 drugs" includes medical cannabis purchased from a registered
22 dispensing organization under the Compassionate Use of Medical
23 Cannabis Program Act.

24 As used in this Section, "adult use cannabis" means
25 cannabis subject to tax under the Cannabis Cultivation
26 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and

1 does not include cannabis subject to tax under the
2 Compassionate Use of Medical Cannabis Program Act.

3 (Source: P.A. 100-22, eff. 7-6-17; 101-363, eff. 8-9-19.)

4 Section 9. The Retailers' Occupation Tax Act is amended by
5 changing Section 2-10 as follows:

6 (35 ILCS 120/2-10)

7 Sec. 2-10. Rate of tax. Unless otherwise provided in this
8 Section, the tax imposed by this Act is at the rate of 6.25% of
9 gross receipts from sales of tangible personal property made in
10 the course of business.

11 Beginning on July 1, 2000 and through December 31, 2000,
12 with respect to motor fuel, as defined in Section 1.1 of the
13 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
14 the Use Tax Act, the tax is imposed at the rate of 1.25%.

15 Beginning on August 6, 2010 through August 15, 2010, with
16 respect to sales tax holiday items as defined in Section 2-8 of
17 this Act, the tax is imposed at the rate of 1.25%.

18 Within 14 days after the effective date of this amendatory
19 Act of the 91st General Assembly, each retailer of motor fuel
20 and gasohol shall cause the following notice to be posted in a
21 prominently visible place on each retail dispensing device that
22 is used to dispense motor fuel or gasohol in the State of
23 Illinois: "As of July 1, 2000, the State of Illinois has
24 eliminated the State's share of sales tax on motor fuel and

1 gasohol through December 31, 2000. The price on this pump
2 should reflect the elimination of the tax." The notice shall be
3 printed in bold print on a sign that is no smaller than 4
4 inches by 8 inches. The sign shall be clearly visible to
5 customers. Any retailer who fails to post or maintain a
6 required sign through December 31, 2000 is guilty of a petty
7 offense for which the fine shall be \$500 per day per each
8 retail premises where a violation occurs.

9 With respect to gasohol, as defined in the Use Tax Act, the
10 tax imposed by this Act applies to (i) 70% of the proceeds of
11 sales made on or after January 1, 1990, and before July 1,
12 2003, (ii) 80% of the proceeds of sales made on or after July
13 1, 2003 and on or before July 1, 2017, and (iii) 100% of the
14 proceeds of sales made thereafter. If, at any time, however,
15 the tax under this Act on sales of gasohol, as defined in the
16 Use Tax Act, is imposed at the rate of 1.25%, then the tax
17 imposed by this Act applies to 100% of the proceeds of sales of
18 gasohol made during that time.

19 With respect to majority blended ethanol fuel, as defined
20 in the Use Tax Act, the tax imposed by this Act does not apply
21 to the proceeds of sales made on or after July 1, 2003 and on or
22 before December 31, 2023 but applies to 100% of the proceeds of
23 sales made thereafter.

24 With respect to biodiesel blends, as defined in the Use Tax
25 Act, with no less than 1% and no more than 10% biodiesel, the
26 tax imposed by this Act applies to (i) 80% of the proceeds of

1 sales made on or after July 1, 2003 and on or before December
2 31, 2018 and (ii) 100% of the proceeds of sales made
3 thereafter. If, at any time, however, the tax under this Act on
4 sales of biodiesel blends, as defined in the Use Tax Act, with
5 no less than 1% and no more than 10% biodiesel is imposed at
6 the rate of 1.25%, then the tax imposed by this Act applies to
7 100% of the proceeds of sales of biodiesel blends with no less
8 than 1% and no more than 10% biodiesel made during that time.

9 With respect to 100% biodiesel, as defined in the Use Tax
10 Act, and biodiesel blends, as defined in the Use Tax Act, with
11 more than 10% but no more than 99% biodiesel, the tax imposed
12 by this Act does not apply to the proceeds of sales made on or
13 after July 1, 2003 and on or before December 31, 2023 but
14 applies to 100% of the proceeds of sales made thereafter.

15 With respect to food for human consumption that is to be
16 consumed off the premises where it is sold (other than
17 alcoholic beverages, food consisting of or infused with adult
18 use cannabis, soft drinks, and food that has been prepared for
19 immediate consumption) and prescription and nonprescription
20 medicines, drugs, medical appliances, products classified as
21 Class III medical devices by the United States Food and Drug
22 Administration that are used for cancer treatment pursuant to a
23 prescription, as well as any accessories and components related
24 to those devices, modifications to a motor vehicle for the
25 purpose of rendering it usable by a person with a disability,
26 and insulin, urine testing materials, syringes, and needles

1 used by diabetics, for human use, the tax is imposed at the
2 rate of 1%. For the purposes of this Section, until September
3 1, 2009: the term "soft drinks" means any complete, finished,
4 ready-to-use, non-alcoholic drink, whether carbonated or not,
5 including but not limited to soda water, cola, fruit juice,
6 vegetable juice, carbonated water, and all other preparations
7 commonly known as soft drinks of whatever kind or description
8 that are contained in any closed or sealed bottle, can, carton,
9 or container, regardless of size; but "soft drinks" does not
10 include coffee, tea, non-carbonated water, infant formula,
11 milk or milk products as defined in the Grade A Pasteurized
12 Milk and Milk Products Act, or drinks containing 50% or more
13 natural fruit or vegetable juice.

14 Notwithstanding any other provisions of this Act,
15 beginning September 1, 2009, "soft drinks" means non-alcoholic
16 beverages that contain natural or artificial sweeteners. "Soft
17 drinks" do not include beverages that contain milk or milk
18 products, soy, rice or similar milk substitutes, or greater
19 than 50% of vegetable or fruit juice by volume.

20 Until August 1, 2009, and notwithstanding any other
21 provisions of this Act, "food for human consumption that is to
22 be consumed off the premises where it is sold" includes all
23 food sold through a vending machine, except soft drinks and
24 food products that are dispensed hot from a vending machine,
25 regardless of the location of the vending machine. Beginning
26 August 1, 2009, and notwithstanding any other provisions of

1 this Act, "food for human consumption that is to be consumed
2 off the premises where it is sold" includes all food sold
3 through a vending machine, except soft drinks, candy, and food
4 products that are dispensed hot from a vending machine,
5 regardless of the location of the vending machine.

6 Notwithstanding any other provisions of this Act,
7 beginning September 1, 2009, "food for human consumption that
8 is to be consumed off the premises where it is sold" does not
9 include candy. For purposes of this Section, "candy" means a
10 preparation of sugar, honey, or other natural or artificial
11 sweeteners in combination with chocolate, fruits, nuts or other
12 ingredients or flavorings in the form of bars, drops, or
13 pieces. "Candy" does not include any preparation that contains
14 flour or requires refrigeration.

15 Notwithstanding any other provisions of this Act,
16 beginning September 1, 2009, "nonprescription medicines and
17 drugs" does not include grooming and hygiene products. For
18 purposes of this Section, "grooming and hygiene products"
19 includes, but is not limited to, soaps and cleaning solutions,
20 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
21 lotions and screens, unless those products are available by
22 prescription only, regardless of whether the products meet the
23 definition of "over-the-counter-drugs". For the purposes of
24 this paragraph, "over-the-counter-drug" means a drug for human
25 use that contains a label that identifies the product as a drug
26 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"

1 label includes:

2 (A) A "Drug Facts" panel; or

3 (B) A statement of the "active ingredient(s)" with a
4 list of those ingredients contained in the compound,
5 substance or preparation.

6 Beginning on the effective date of this amendatory Act of
7 the 98th General Assembly, "prescription and nonprescription
8 medicines and drugs" includes medical cannabis purchased from a
9 registered dispensing organization under the Compassionate Use
10 of Medical Cannabis Program Act.

11 As used in this Section, "adult use cannabis" means
12 cannabis subject to tax under the Cannabis Cultivation
13 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and
14 does not include cannabis subject to tax under the
15 Compassionate Use of Medical Cannabis Program Act.

16 (Source: P.A. 100-22, eff. 7-6-17; 101-363, eff. 8-9-19.)

17 Section 10. The Tobacco Products Tax Act of 1995 is amended
18 by changing Section 10-5 as follows:

19 (35 ILCS 143/10-5)

20 Sec. 10-5. Definitions. For purposes of this Act:

21 "Business" means any trade, occupation, activity, or
22 enterprise engaged in, at any location whatsoever, for the
23 purpose of selling tobacco products.

24 "Cigarette" has the meaning ascribed to the term in Section

1 1 of the Cigarette Tax Act.

2 "Contraband little cigar" means:

3 (1) packages of little cigars containing 20 or 25
4 little cigars that do not bear a required tax stamp under
5 this Act;

6 (2) packages of little cigars containing 20 or 25
7 little cigars that bear a fraudulent, imitation, or
8 counterfeit tax stamp;

9 (3) packages of little cigars containing 20 or 25
10 little cigars that are improperly tax stamped, including
11 packages of little cigars that bear only a tax stamp of
12 another state or taxing jurisdiction; or

13 (4) packages of little cigars containing other than 20
14 or 25 little cigars in the possession of a distributor,
15 retailer or wholesaler, unless the distributor, retailer,
16 or wholesaler possesses, or produces within the time frame
17 provided in Section 10-27 or 10-28 of this Act, an invoice
18 from a stamping distributor, distributor, or wholesaler
19 showing that the tax on the packages has been or will be
20 paid.

21 "Correctional Industries program" means a program run by a
22 State penal institution in which residents of the penal
23 institution produce tobacco products for sale to persons
24 incarcerated in penal institutions or resident patients of a
25 State operated mental health facility.

26 "Department" means the Illinois Department of Revenue.

1 "Distributor" means any of the following:

2 (1) Any manufacturer or wholesaler in this State
3 engaged in the business of selling tobacco products who
4 sells, exchanges, or distributes tobacco products to
5 retailers or consumers in this State.

6 (2) Any manufacturer or wholesaler engaged in the
7 business of selling tobacco products from without this
8 State who sells, exchanges, distributes, ships, or
9 transports tobacco products to retailers or consumers
10 located in this State, so long as that manufacturer or
11 wholesaler has or maintains within this State, directly or
12 by subsidiary, an office, sales house, or other place of
13 business, or any agent or other representative operating
14 within this State under the authority of the person or
15 subsidiary, irrespective of whether the place of business
16 or agent or other representative is located here
17 permanently or temporarily.

18 (3) Any retailer who receives tobacco products on which
19 the tax has not been or will not be paid by another
20 distributor.

21 "Distributor" does not include any person, wherever
22 resident or located, who makes, manufactures, or fabricates
23 tobacco products as part of a Correctional Industries program
24 for sale to residents incarcerated in penal institutions or
25 resident patients of a State operated mental health facility.

26 "Electronic cigarette" means:

1 (1) any device that employs a battery or other
2 mechanism to heat a solution or substance to produce a
3 vapor or aerosol intended for inhalation;

4 (2) any cartridge or container of a solution or
5 substance intended to be used with or in the device or to
6 refill the device; or

7 (3) any solution or substance, whether or not it
8 contains nicotine, intended for use in the device.

9 "Electronic cigarette" includes, but is not limited to, any
10 electronic nicotine delivery system, electronic cigar,
11 electronic cigarillo, electronic pipe, electronic hookah, vape
12 pen, or similar product or device, and any component or part
13 that can be used to build the product or device. "Electronic
14 cigarette" does not include: cigarettes, as defined in Section
15 1 of the Cigarette Tax Act; any product approved by the United
16 States Food and Drug Administration for sale as a tobacco
17 cessation product, a tobacco dependence product, or for other
18 medical purposes that is marketed and sold solely for that
19 approved purpose; any asthma inhaler prescribed by a physician
20 for that condition that is marketed and sold solely for that
21 approved purpose; or any therapeutic product approved for use
22 under the Compassionate Use of Medical Cannabis ~~Pilot~~ Program
23 Act.

24 "Little cigar" means and includes any roll, made wholly or
25 in part of tobacco, where such roll has an integrated cellulose
26 acetate filter and weighs less than 4 pounds per thousand and

1 the wrapper or cover of which is made in whole or in part of
2 tobacco.

3 "Manufacturer" means any person, wherever resident or
4 located, who manufactures and sells tobacco products, except a
5 person who makes, manufactures, or fabricates tobacco products
6 as a part of a Correctional Industries program for sale to
7 persons incarcerated in penal institutions or resident
8 patients of a State operated mental health facility.

9 Beginning on January 1, 2013, "moist snuff" means any
10 finely cut, ground, or powdered tobacco that is not intended to
11 be smoked, but shall not include any finely cut, ground, or
12 powdered tobacco that is intended to be placed in the nasal
13 cavity.

14 "Person" means any natural individual, firm, partnership,
15 association, joint stock company, joint venture, limited
16 liability company, or public or private corporation, however
17 formed, or a receiver, executor, administrator, trustee,
18 conservator, or other representative appointed by order of any
19 court.

20 "Place of business" means and includes any place where
21 tobacco products are sold or where tobacco products are
22 manufactured, stored, or kept for the purpose of sale or
23 consumption, including any vessel, vehicle, airplane, train,
24 or vending machine.

25 "Retailer" means any person in this State engaged in the
26 business of selling tobacco products to consumers in this

1 State, regardless of quantity or number of sales.

2 "Sale" means any transfer, exchange, or barter in any
3 manner or by any means whatsoever for a consideration and
4 includes all sales made by persons.

5 "Stamp" or "stamps" mean the indicia required to be affixed
6 on a package of little cigars that evidence payment of the tax
7 on packages of little cigars containing 20 or 25 little cigars
8 under Section 10-10 of this Act. These stamps shall be the same
9 stamps used for cigarettes under the Cigarette Tax Act.

10 "Stamping distributor" means a distributor licensed under
11 this Act and also licensed as a distributor under the Cigarette
12 Tax Act or Cigarette Use Tax Act.

13 "Tobacco products" means any cigars, including little
14 cigars; cheroots; stogies; periques; granulated, plug cut,
15 crimp cut, ready rubbed, and other smoking tobacco; snuff
16 (including moist snuff) or snuff flour; cavendish; plug and
17 twist tobacco; fine-cut and other chewing tobaccos; shorts;
18 refuse scraps, clippings, cuttings, and sweeping of tobacco;
19 and other kinds and forms of tobacco, prepared in such manner
20 as to be suitable for chewing or smoking in a pipe or
21 otherwise, or both for chewing and smoking; but does not
22 include cigarettes as defined in Section 1 of the Cigarette Tax
23 Act or tobacco purchased for the manufacture of cigarettes by
24 cigarette distributors and manufacturers defined in the
25 Cigarette Tax Act and persons who make, manufacture, or
26 fabricate cigarettes as a part of a Correctional Industries

1 program for sale to residents incarcerated in penal
2 institutions or resident patients of a State operated mental
3 health facility.

4 Beginning on July 1, 2019, "tobacco products" also includes
5 electronic cigarettes.

6 "Wholesale price" means the established list price for
7 which a manufacturer sells tobacco products to a distributor,
8 before the allowance of any discount, trade allowance, rebate,
9 or other reduction. In the absence of such an established list
10 price, the manufacturer's invoice price at which the
11 manufacturer sells the tobacco product to unaffiliated
12 distributors, before any discounts, trade allowances, rebates,
13 or other reductions, shall be presumed to be the wholesale
14 price.

15 "Wholesaler" means any person, wherever resident or
16 located, engaged in the business of selling tobacco products to
17 others for the purpose of resale. "Wholesaler", when used in
18 this Act, does not include a person licensed as a distributor
19 under Section 10-20 of this Act unless expressly stated in this
20 Act.

21 (Source: P.A. 101-31, eff. 6-28-19.)

22 Section 15. The Counties Code is amended by changing
23 Section 5-1006.8 as follows:

24 (55 ILCS 5/5-1006.8)

1 Sec. 5-1006.8. County Cannabis Retailers' Occupation Tax
2 Law.

3 (a) This Section may be referred to as the County Cannabis
4 Retailers' Occupation Tax Law. ~~The On and after January 1,~~
5 ~~2020,~~ the corporate authorities of any county may, by
6 ordinance, impose a tax upon all persons engaged in the
7 business of selling cannabis, other than cannabis purchased
8 under the Compassionate Use of Medical Cannabis ~~Pilot~~ Program
9 Act, at retail in the county on the gross receipts from these
10 sales made in the course of that business. If imposed, the tax
11 shall be imposed only in 0.25% increments. The tax rate may not
12 exceed: (i) 3.75% of the gross receipts of sales made in
13 unincorporated areas of the county; and (ii) 3% of the gross
14 receipts of sales made in a municipality located in the county.
15 The tax imposed under this Section and all civil penalties that
16 may be assessed as an incident of the tax shall be collected
17 and enforced by the Department of Revenue. The Department of
18 Revenue shall have full power to administer and enforce this
19 Section; to collect all taxes and penalties due hereunder; to
20 dispose of taxes and penalties so collected in the manner
21 hereinafter provided; and to determine all rights to credit
22 memoranda arising on account of the erroneous payment of tax or
23 penalty under this Section. In the administration of and
24 compliance with this Section, the Department of Revenue and
25 persons who are subject to this Section shall have the same
26 rights, remedies, privileges, immunities, powers and duties,

1 and be subject to the same conditions, restrictions,
2 limitations, penalties, and definitions of terms, and employ
3 the same modes of procedure, as are described in Sections 1,
4 1a, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect
5 to all provisions therein other than the State rate of tax),
6 2a, 2b, 2c, 2i, 3 (except as to the disposition of taxes and
7 penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
8 5j, 5k, 5l, 6, 6a, 6bb, 6c, 6d, 7 ~~8~~, 8, 9, 10, 11, 11a, 12, and
9 13 of the Retailers' Occupation Tax Act and Section 3-7 of the
10 Uniform Penalty and Interest Act as fully as if those
11 provisions were set forth in this Section.

12 (b) Persons subject to any tax imposed under the authority
13 granted in this Section may reimburse themselves for their
14 seller's tax liability hereunder by separately stating that tax
15 as an additional charge, which charge may be stated in
16 combination, in a single amount, with any State tax that
17 sellers are required to collect.

18 (c) Whenever the Department of Revenue determines that a
19 refund should be made under this Section to a claimant instead
20 of issuing a credit memorandum, the Department of Revenue shall
21 notify the State Comptroller, who shall cause the order to be
22 drawn for the amount specified and to the person named in the
23 notification from the Department of Revenue.

24 (d) The Department of Revenue shall immediately pay over to
25 the State Treasurer, ex officio, as trustee, all taxes and
26 penalties collected hereunder for deposit into the Local

1 Cannabis Retailers' Occupation ~~Consumer Excise~~ Tax Trust Fund.

2 (e) On or before the 25th day of each calendar month, the
3 Department of Revenue shall prepare and certify to the
4 Comptroller the amount of money to be disbursed from the Local
5 Cannabis Retailers' Occupation ~~Consumer Excise~~ Tax Trust Fund
6 to counties from which retailers have paid taxes or penalties
7 under this Section during the second preceding calendar month.
8 The amount to be paid to each county shall be the amount (not
9 including credit memoranda) collected under this Section from
10 sales made in the county during the second preceding calendar
11 month, plus an amount the Department of Revenue determines is
12 necessary to offset any amounts that were erroneously paid to a
13 different taxing body, and not including an amount equal to the
14 amount of refunds made during the second preceding calendar
15 month by the Department on behalf of such county, and not
16 including any amount that the Department determines is
17 necessary to offset any amounts that were payable to a
18 different taxing body but were erroneously paid to the county,
19 less 1.5% of the remainder, which the Department shall transfer
20 into the Tax Compliance and Administration Fund. The
21 Department, at the time of each monthly disbursement to the
22 counties, shall prepare and certify the State Comptroller the
23 amount to be transferred into the Tax Compliance and
24 Administration Fund under this Section. Within 10 days after
25 receipt by the Comptroller of the disbursement certification to
26 the counties and the Tax Compliance and Administration Fund

1 provided for in this Section to be given to the Comptroller by
2 the Department, the Comptroller shall cause the orders to be
3 drawn for the respective amounts in accordance with the
4 directions contained in the certification.

5 (f) An ordinance or resolution imposing or discontinuing a
6 tax under this Section or effecting a change in the rate
7 thereof ~~that is shall be~~ adopted on or after June 25, 2019 (the
8 effective date of Public Act 101-27) and for which a certified
9 copy is ~~thereof~~ filed with the Department on or before April 1,
10 2020 shall be administered and enforced by the Department
11 beginning on July 1, 2020. For ordinances filed with the
12 Department after April 1, 2020, an ordinance or resolution
13 imposing or discontinuing a tax under this Section or effecting
14 a change in the rate thereof shall either (i) be adopted and a
15 certified copy thereof filed with the Department on or before
16 the first day of April, whereupon the Department shall proceed
17 to administer and enforce this Section as of the first day of
18 July next following the adoption and filing; or (ii) be adopted
19 and a certified copy thereof filed with the Department on or
20 before the first day of October, whereupon the Department shall
21 proceed to administer and enforce this Section as of the first
22 day of January ~~the first day of June, whereupon the Department~~
23 ~~shall proceed to administer and enforce this Section as of the~~
24 ~~first day of September~~ next following the adoption and filing.

25 (Source: P.A. 101-27, eff. 6-25-19; 101-363, eff. 8-9-19.)

1 Section 20. The Illinois Municipal Code is amended by
2 changing and renumbering Section 8-11-22, as added by Public
3 Act 101-27, and by changing Section 8-11-6a as follows:

4 (65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

5 Sec. 8-11-6a. Home rule municipalities; preemption of
6 certain taxes. Except as provided in Sections 8-11-1, 8-11-5,
7 8-11-6, 8-11-6b, 8-11-6c, 8-11-23 ~~8-11-22~~, and 11-74.3-6 on and
8 after September 1, 1990, no home rule municipality has the
9 authority to impose, pursuant to its home rule authority, a
10 retailer's occupation tax, service occupation tax, use tax,
11 sales tax or other tax on the use, sale or purchase of tangible
12 personal property based on the gross receipts from such sales
13 or the selling or purchase price of said tangible personal
14 property. Notwithstanding the foregoing, this Section does not
15 preempt any home rule imposed tax such as the following: (1) a
16 tax on alcoholic beverages, whether based on gross receipts,
17 volume sold or any other measurement; (2) a tax based on the
18 number of units of cigarettes or tobacco products (provided,
19 however, that a home rule municipality that has not imposed a
20 tax based on the number of units of cigarettes or tobacco
21 products before July 1, 1993, shall not impose such a tax after
22 that date); (3) a tax, however measured, based on the use of a
23 hotel or motel room or similar facility; (4) a tax, however
24 measured, on the sale or transfer of real property; (5) a tax,
25 however measured, on lease receipts; (6) a tax on food prepared

1 for immediate consumption and on alcoholic beverages sold by a
2 business which provides for on premise consumption of said food
3 or alcoholic beverages; or (7) other taxes not based on the
4 selling or purchase price or gross receipts from the use, sale
5 or purchase of tangible personal property. This Section does
6 not preempt a home rule municipality with a population of more
7 than 2,000,000 from imposing a tax, however measured, on the
8 use, for consideration, of a parking lot, garage, or other
9 parking facility. This Section is not intended to affect any
10 existing tax on food and beverages prepared for immediate
11 consumption on the premises where the sale occurs, or any
12 existing tax on alcoholic beverages, or any existing tax
13 imposed on the charge for renting a hotel or motel room, which
14 was in effect January 15, 1988, or any extension of the
15 effective date of such an existing tax by ordinance of the
16 municipality imposing the tax, which extension is hereby
17 authorized, in any non-home rule municipality in which the
18 imposition of such a tax has been upheld by judicial
19 determination, nor is this Section intended to preempt the
20 authority granted by Public Act 85-1006. On and after December
21 1, 2019, no home rule municipality has the authority to impose,
22 pursuant to its home rule authority, a tax, however measured,
23 on sales of aviation fuel, as defined in Section 3 of the
24 Retailers' Occupation Tax Act, unless the tax is not subject to
25 the revenue use requirements of 49 U.S.C. 47107(b) ~~47017(b)~~ and
26 49 U.S.C. 47133, or unless the tax revenue is expended for

1 airport-related purposes. For purposes of this Section,
2 "airport-related purposes" has the meaning ascribed in Section
3 6z-20.2 of the State Finance Act. Aviation fuel shall be
4 excluded from tax only if, and for so long as, the revenue use
5 requirements of 49 U.S.C. 47107(b) ~~47017(b)~~ and 49 U.S.C. 47133
6 are binding on the municipality. This Section is a limitation,
7 pursuant to subsection (g) of Section 6 of Article VII of the
8 Illinois Constitution, on the power of home rule units to tax.
9 The changes made to this Section by Public Act 101-10 ~~this~~
10 ~~amendatory Act of the 101st General Assembly~~ are a denial and
11 limitation of home rule powers and functions under subsection
12 (g) of Section 6 of Article VII of the Illinois Constitution.
13 (Source: P.A. 101-10, eff. 6-5-19; 101-27, eff. 6-25-19;
14 revised 8-19-19.)

15 (65 ILCS 5/8-11-23)

16 Sec. 8-11-23 ~~8-11-22~~. Municipal Cannabis Retailers'
17 Occupation Tax Law.

18 (a) This Section may be referred to as the Municipal
19 Cannabis Retailers' Occupation Tax Law. The ~~On and after~~
20 ~~January 1, 2020,~~ the corporate authorities of any municipality
21 may, by ordinance, impose a tax upon all persons engaged in the
22 business of selling cannabis, other than cannabis purchased
23 under the Compassionate Use of Medical Cannabis ~~Pilot~~ Program
24 Act, at retail in the municipality on the gross receipts from
25 these sales made in the course of that business. If imposed,

1 the tax may not exceed 3% of the gross receipts from these
2 sales and shall only be imposed in 1/4% increments. The tax
3 imposed under this Section and all civil penalties that may be
4 assessed as an incident of the tax shall be collected and
5 enforced by the Department of Revenue. The Department of
6 Revenue shall have full power to administer and enforce this
7 Section; to collect all taxes and penalties due hereunder; to
8 dispose of taxes and penalties so collected in the manner
9 hereinafter provided; and to determine all rights to credit
10 memoranda arising on account of the erroneous payment of tax or
11 penalty under this Section. In the administration of and
12 compliance with this Section, the Department and persons who
13 are subject to this Section shall have the same rights,
14 remedies, privileges, immunities, powers and duties, and be
15 subject to the same conditions, restrictions, limitations,
16 penalties and definitions of terms, and employ the same modes
17 of procedure, as are prescribed in Sections 1, 1a, 1d, 1e, 1f,
18 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
19 provisions therein other than the State rate of tax), 2a, 2b,
20 2c, 2i, 3 (except as to the disposition of taxes and penalties
21 collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k,
22 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the
23 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
24 Penalty and Interest Act, as fully as if those provisions were
25 set forth herein.

26 (b) Persons subject to any tax imposed under the authority

1 granted in this Section may reimburse themselves for their
2 seller's tax liability hereunder by separately stating that tax
3 as an additional charge, which charge may be stated in
4 combination, in a single amount, with any State tax that
5 sellers are required to collect.

6 (c) Whenever the Department of Revenue determines that a
7 refund should be made under this Section to a claimant instead
8 of issuing a credit memorandum, the Department of Revenue shall
9 notify the State Comptroller, who shall cause the order to be
10 drawn for the amount specified and to the person named in the
11 notification from the Department of Revenue.

12 (d) The Department of Revenue shall immediately pay over to
13 the State Treasurer, ex officio, as trustee, all taxes and
14 penalties collected hereunder for deposit into the Local
15 Cannabis Retailers' Occupation Tax Trust ~~Regulation~~ Fund.

16 (e) On or before the 25th day of each calendar month, the
17 Department of Revenue shall prepare and certify to the
18 Comptroller the amount of money to be disbursed from the Local
19 Cannabis Retailers' Occupation ~~Consumer-Excise~~ Tax Trust Fund
20 to municipalities from which retailers have paid taxes or
21 penalties under this Section during the second preceding
22 calendar month. The amount to be paid to each municipality
23 shall be the amount (not including credit memoranda) collected
24 under this Section from sales made in the municipality during
25 the second preceding calendar month, plus an amount the
26 Department of Revenue determines is necessary to offset any

1 amounts that were erroneously paid to a different taxing body,
2 and not including an amount equal to the amount of refunds made
3 during the second preceding calendar month by the Department on
4 behalf of such municipality, and not including any amount that
5 the Department determines is necessary to offset any amounts
6 that were payable to a different taxing body but were
7 erroneously paid to the municipality, less 1.5% of the
8 remainder, which the Department shall transfer into the Tax
9 Compliance and Administration Fund. The Department, at the time
10 of each monthly disbursement to the municipalities, shall
11 prepare and certify to the State Comptroller the amount to be
12 transferred into the Tax Compliance and Administration Fund
13 under this Section. Within 10 days after receipt by the
14 Comptroller of the disbursement certification to the
15 municipalities and the Tax Compliance and Administration Fund
16 provided for in this Section to be given to the Comptroller by
17 the Department, the Comptroller shall cause the orders to be
18 drawn for the respective amounts in accordance with the
19 directions contained in the certification.

20 (f) An ordinance or resolution imposing or discontinuing a
21 tax under this Section or effecting a change in the rate
22 thereof that is shall be adopted on or after June 25, 2019 (the
23 effective date of Public Act 101-27) and for which a certified
24 copy is thereof filed with the Department on or before April 1,
25 2020 shall be administered and enforced by the Department
26 beginning on July 1, 2020. For ordinances filed with the

1 Department after April 1, 2020, an ordinance or resolution
2 imposing or discontinuing a tax under this Section or effecting
3 a change in the rate thereof shall either (i) be adopted and a
4 certified copy thereof filed with the Department on or before
5 the first day of April, whereupon the Department shall proceed
6 to administer and enforce this Section as of the first day of
7 July next following the adoption and filing; or (ii) be adopted
8 and a certified copy thereof filed with the Department on or
9 before the first day of October, whereupon the Department shall
10 proceed to administer and enforce this Section as of the first
11 day of January ~~the first day of June, whereupon the Department~~
12 ~~shall proceed to administer and enforce this Section as of the~~
13 ~~first day of September~~ next following the adoption and filing.

14 (Source: P.A. 101-27, eff. 6-25-19; revised 9-17-19.)

15 Section 21. The Savings Bank Act is amended by changing
16 Section 9002 as follows:

17 (205 ILCS 205/9002) (from Ch. 17, par. 7309-2)

18 Sec. 9002. Powers of Secretary.

19 (a) The Secretary shall have the following powers and
20 duties:

21 (1) To exercise the rights, powers, and duties set
22 forth in this Act or in any related Act.

23 (2) To establish regulations as may be reasonable or
24 necessary to accomplish the purposes of this Act.

1 (3) To make an annual report regarding the work of his
2 or her office under this Act as he may consider desirable
3 to the Governor, or as the Governor may request.

4 (4) To cause a suit to be filed in his or her name to
5 enforce any law of this State that applies to savings
6 banks, their service corporations, subsidiaries,
7 affiliates, or holding companies operating under this Act,
8 including the enforcement of any obligation of the
9 officers, directors, agents, or employees of any savings
10 bank.

11 (5) To prescribe a uniform manner in which the books
12 and records of every savings bank are to be maintained.

13 (6) To establish a reasonable fee structure for savings
14 banks and holding companies operating under this Act and
15 for their service corporations and subsidiaries. The fees
16 shall include, but not be limited to, annual fees,
17 application fees, regular and special examination fees,
18 and other fees as the Secretary establishes and
19 demonstrates to be directly resultant from the Secretary's
20 responsibilities under this Act and as are directly
21 attributable to individual entities operating under this
22 Act. The aggregate of all moneys collected by the Secretary
23 on and after the effective date of this Act shall be paid
24 promptly after receipt of the same, accompanied by a
25 detailed statement thereof, into the Savings Bank
26 Regulatory Fund established under Section 9002.1 of this

1 Act. Nothing in this Act shall prevent continuing the
2 practice of paying expenses involving salaries,
3 retirement, social security, and State-paid insurance of
4 State officers by appropriation from the General Revenue
5 Fund. The Secretary may require payment of the fees under
6 this Act by an electronic transfer of funds or an automatic
7 debit of an account of each of the savings banks.

8 (b) Notwithstanding the provisions of subsection (a), the
9 Secretary shall not:

10 (1) issue an order against a savings bank or holding
11 company organized under this Act for unsafe or unsound
12 banking practices solely because the entity provides or has
13 provided financial services to a cannabis-related
14 legitimate business;

15 (2) prohibit, penalize, or otherwise discourage a
16 savings bank or holding company organized under this Act
17 from providing financial services to a cannabis-related
18 legitimate business solely because the entity provides or
19 has provided financial services to a cannabis-related
20 legitimate business;

21 (3) recommend, incentivize, or encourage a savings
22 bank or holding company organized under this Act not to
23 offer financial services to an account holder or to
24 downgrade or cancel the financial services offered to an
25 account holder solely because:

26 (A) the account holder is a manufacturer or

1 producer, or is the owner, operator, or employee of, a
2 cannabis-related legitimate business;

3 (B) the account holder later becomes an owner or
4 operator of a cannabis-related legitimate business; or

5 (C) the savings bank or holding company organized
6 under this Act was not aware that the account holder is
7 the owner or operator of a cannabis-related legitimate
8 business; or

9 (4) take any adverse or corrective supervisory action
10 on a loan made to an owner or operator of:

11 (A) a cannabis-related legitimate business solely
12 because the owner or operator owns or operates a
13 cannabis-related legitimate business; or

14 (B) real estate or equipment that is leased to a
15 cannabis-related legitimate business solely because
16 the owner or operator of the real estate or equipment
17 leased the equipment or real estate to a
18 cannabis-related legitimate business.

19 (Source: P.A. 97-492, eff. 1-1-12; 98-1081, eff. 1-1-15.)

20 Section 23. The Smoke Free Illinois Act is amended by
21 changing Section 35 as follows:

22 (410 ILCS 82/35)

23 Sec. 35. Exemptions. Notwithstanding any other provision
24 of this Act, smoking is allowed in the following areas:

1 (1) Private residences or dwelling places, except when
2 used as a child care, adult day care, or healthcare
3 facility or any other home-based business open to the
4 public.

5 (2) Retail tobacco stores as defined in Section 10 of
6 this Act in operation prior to the effective date of this
7 amendatory Act of the 95th General Assembly. The retail
8 tobacco store shall annually file with the Department by
9 January 31st an affidavit stating the percentage of its
10 gross income during the prior calendar year that was
11 derived from the sale of loose tobacco, plants, or herbs
12 and cigars, cigarettes, pipes, or other smoking devices for
13 smoking tobacco and related smoking accessories. Any
14 retail tobacco store that begins operation after the
15 effective date of this amendatory Act may only qualify for
16 an exemption if located in a freestanding structure
17 occupied solely by the business and smoke from the business
18 does not migrate into an enclosed area where smoking is
19 prohibited. A retail tobacco store may, with authorization
20 or permission from a unit of local government, including a
21 home rule unit, or any non-home rule county within the
22 unincorporated territory of the county, allow the
23 on-premises consumption of cannabis in a specially
24 designated areas.

25 (3) (Blank).

26 (4) Hotel and motel sleeping rooms that are rented to

1 guests and are designated as smoking rooms, provided that
2 all smoking rooms on the same floor must be contiguous and
3 smoke from these rooms must not infiltrate into nonsmoking
4 rooms or other areas where smoking is prohibited. Not more
5 than 25% of the rooms rented to guests in a hotel or motel
6 may be designated as rooms where smoking is allowed. The
7 status of rooms as smoking or nonsmoking may not be
8 changed, except to permanently add additional nonsmoking
9 rooms.

10 (5) Enclosed laboratories that are excluded from the
11 definition of "place of employment" in Section 10 of this
12 Act. Rulemaking authority to implement this amendatory Act
13 of the 95th General Assembly, if any, is conditioned on the
14 rules being adopted in accordance with all provisions of
15 the Illinois Administrative Procedure Act and all rules and
16 procedures of the Joint Committee on Administrative Rules;
17 any purported rule not so adopted, for whatever reason, is
18 unauthorized.

19 (6) Common smoking rooms in long-term care facilities
20 operated under the authority of the Illinois Department of
21 Veterans' Affairs or licensed under the Nursing Home Care
22 Act that are accessible only to residents who are smokers
23 and have requested in writing to have access to the common
24 smoking room where smoking is permitted and the smoke shall
25 not infiltrate other areas of the long-term care facility.
26 Rulemaking authority to implement this amendatory Act of

1 the 95th General Assembly, if any, is conditioned on the
2 rules being adopted in accordance with all provisions of
3 the Illinois Administrative Procedure Act and all rules and
4 procedures of the Joint Committee on Administrative Rules;
5 any purported rule not so adopted, for whatever reason, is
6 unauthorized.

7 (7) A convention hall of the Donald E. Stephens
8 Convention Center where a meeting or trade show for
9 manufacturers and suppliers of tobacco and tobacco
10 products and accessories is being held, during the time the
11 meeting or trade show is occurring, if the meeting or trade
12 show:

13 (i) is a trade-only event and not open to the
14 public;

15 (ii) is limited to attendees and exhibitors that
16 are 21 years of age or older;

17 (iii) is being produced or organized by a business
18 relating to tobacco or a professional association for
19 convenience stores; and

20 (iv) involves the display of tobacco products.

21 Smoking is not allowed in any public area outside of
22 the hall designated for the meeting or trade show.

23 This paragraph (7) is inoperative on and after October
24 1, 2015.

25 (8) A dispensing organization, as defined in the
26 Cannabis Regulation and Tax Act, authorized or permitted by

1 a unit local government to allow on-site consumption of
2 cannabis, if the establishment: (1) maintains a specially
3 designated area or areas for the purpose of heating,
4 burning, smoking, or lighting cannabis; (2) is limited to
5 individuals 21 or older; and (3) maintains a locked door or
6 barrier to any specially designated areas for the purpose
7 of heating, burning, smoking or lighting cannabis.

8 (Source: P.A. 98-1023, eff. 8-22-14.)

9 Section 24. The Compassionate Use of Medical Cannabis
10 Program Act is amended by changing Sections 60 and 210 as
11 follows:

12 (410 ILCS 130/60)

13 Sec. 60. Issuance of registry identification cards.

14 (a) Except as provided in subsection (b), the Department of
15 Public Health shall:

16 (1) verify the information contained in an application
17 or renewal for a registry identification card submitted
18 under this Act, and approve or deny an application or
19 renewal, within 90 days of receiving a completed
20 application or renewal application and all supporting
21 documentation specified in Section 55;

22 (2) issue registry identification cards to a
23 qualifying patient and his or her designated caregiver, if
24 any, within 15 business days of approving the application

1 or renewal;

2 (3) enter the registry identification number of the
3 registered dispensing organization the patient designates
4 into the verification system; and

5 (4) allow for an electronic application process, and
6 provide a confirmation by electronic or other methods that
7 an application has been submitted.

8 Notwithstanding any other provision of this Act, the
9 Department of Public Health shall adopt rules for qualifying
10 patients and applicants with life-long debilitating medical
11 conditions, who may be charged annual renewal fees. The
12 Department of Public Health shall not require patients and
13 applicants with life-long debilitating medical conditions to
14 apply to renew registry identification cards.

15 (b) The Department of Public Health may not issue a
16 registry identification card to a qualifying patient who is
17 under 18 years of age, unless that patient suffers from
18 seizures, including those characteristic of epilepsy, or as
19 provided by administrative rule. The Department of Public
20 Health shall adopt rules for the issuance of a registry
21 identification card for qualifying patients who are under 18
22 years of age and suffering from seizures, including those
23 characteristic of epilepsy. The Department of Public Health may
24 adopt rules to allow other individuals under 18 years of age to
25 become registered qualifying patients under this Act with the
26 consent of a parent or legal guardian. Registered qualifying

1 patients under 18 ~~21~~ years of age shall be prohibited from
2 consuming forms of cannabis other than medical cannabis infused
3 products and purchasing any usable cannabis ~~or paraphernalia~~
4 ~~used for smoking or vaping medical cannabis.~~

5 (c) A veteran who has received treatment at a VA hospital
6 is deemed to have a bona fide health care professional-patient
7 relationship with a VA certifying health care professional if
8 the patient has been seen for his or her debilitating medical
9 condition at the VA hospital in accordance with VA hospital
10 protocols. All reasonable inferences regarding the existence
11 of a bona fide health care professional-patient relationship
12 shall be drawn in favor of an applicant who is a veteran and
13 has undergone treatment at a VA hospital.

14 (c-10) An individual who submits an application as someone
15 who is terminally ill shall have all fees waived. The
16 Department of Public Health shall within 30 days after this
17 amendatory Act of the 99th General Assembly adopt emergency
18 rules to expedite approval for terminally ill individuals.
19 These rules shall include, but not be limited to, rules that
20 provide that applications by individuals with terminal
21 illnesses shall be approved or denied within 14 days of their
22 submission.

23 (d) No later than 6 months after the effective date of this
24 amendatory Act of the 101st General Assembly, the Secretary of
25 State shall remove all existing notations on driving records
26 that the person is a registered qualifying patient or his or

1 ~~her caregiver under this Act. Upon the approval of the~~
2 ~~registration and issuance of a registry card under this~~
3 ~~Section, the Department of Public Health shall forward the~~
4 ~~designated caregiver or registered qualified patient's~~
5 ~~driver's registration number to the Secretary of State and~~
6 ~~certify that the individual is permitted to engage in the~~
7 ~~medical use of cannabis. For the purposes of law enforcement,~~
8 ~~the Secretary of State shall make a notation on the person's~~
9 ~~driving record stating the person is a registered qualifying~~
10 ~~patient who is entitled to the lawful medical use of cannabis.~~
11 ~~If the person no longer holds a valid registry card, the~~
12 ~~Department shall notify the Secretary of State and the~~
13 ~~Secretary of State shall remove the notation from the person's~~
14 ~~driving record. The Department and the Secretary of State may~~
15 ~~establish a system by which the information may be shared~~
16 ~~electronically.~~

17 (e) Upon the approval of the registration and issuance of a
18 registry card under this Section, the Department of Public
19 Health shall electronically forward the registered qualifying
20 patient's identification card information to the Prescription
21 Monitoring Program established under the Illinois Controlled
22 Substances Act and certify that the individual is permitted to
23 engage in the medical use of cannabis. For the purposes of
24 patient care, the Prescription Monitoring Program shall make a
25 notation on the person's prescription record stating that the
26 person is a registered qualifying patient who is entitled to

1 the lawful medical use of cannabis. If the person no longer
2 holds a valid registry card, the Department of Public Health
3 shall notify the Prescription Monitoring Program and
4 Department of Human Services to remove the notation from the
5 person's record. The Department of Human Services and the
6 Prescription Monitoring Program shall establish a system by
7 which the information may be shared electronically. This
8 confidential list may not be combined or linked in any manner
9 with any other list or database except as provided in this
10 Section.

11 (f) (Blank).

12 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

13 (410 ILCS 130/210)

14 Sec. 210. Returns.

15 (a) This subsection (a) applies to returns due on or before
16 the effective date of this amendatory Act of the 101st General
17 Assembly. On or before the twentieth day of each calendar
18 month, every person subject to the tax imposed under this Law
19 during the preceding calendar month shall file a return with
20 the Department, stating:

21 (1) The name of the taxpayer;

22 (2) The number of ounces of medical cannabis sold to a
23 dispensing ~~dispensary~~ organization or a registered
24 qualifying patient during the preceding calendar month;

25 (3) The amount of tax due;

1 (4) The signature of the taxpayer; and

2 (5) Such other reasonable information as the
3 Department may require.

4 If a taxpayer fails to sign a return within 30 days after
5 the proper notice and demand for signature by the Department,
6 the return shall be considered valid and any amount shown to be
7 due on the return shall be deemed assessed.

8 The taxpayer shall remit the amount of the tax due to the
9 Department at the time the taxpayer files his or her return.

10 (b) Beginning on the effective date of this amendatory Act
11 of the 101st General Assembly, Section 65-20 of the Cannabis
12 Regulation and Tax Act shall apply to returns filed and taxes
13 paid under this Act to the same extent as if those provisions
14 were set forth in full in this Section.

15 (Source: P.A. 101-27, eff. 6-25-19.)

16 Section 25. The Cannabis Regulation and Tax Act is amended
17 by changing Sections 1-5, 1-10, 5-5, 5-15, 5-20, 5-25, 7-1,
18 7-10, 7-15, 7-25, 10-5, 10-10, 10-15, 10-25, 10-30, 10-35,
19 10-40, 10-50, 15-15, 15-20, 15-25, 15-30, 15-35, 15-36, 15-40,
20 15-55, 15-65, 15-70, 15-75, 15-85, 15-95, 15-100, 15-145,
21 15-155, 20-10, 20-15, 20-20, 20-30, 25-1, 25-10, 30-5, 30-10,
22 30-15, 30-30, 35-5, 35-15, 35-25, 35-31, 40-5, 40-10, 40-15,
23 40-20, 40-25, 40-30, 40-35, 40-40, 45-5, 50-5, 55-10, 55-20,
24 55-21, 55-25, 55-28, 55-30, 55-35, 55-65, 55-80, 55-85, 55-95,
25 60-5, 60-20, 65-5, 65-10, and 65-15 and by adding Section 1-7

1 as follows:

2 (410 ILCS 705/1-5)

3 Sec. 1-5. Findings.

4 (a) In the interest of allowing law enforcement to focus on
5 violent and property crimes, generating revenue for education,
6 substance abuse prevention and treatment, freeing public
7 resources to invest in communities and other public purposes,
8 and individual freedom, the General Assembly finds and declares
9 that the use of cannabis should be legal for persons 21 years
10 of age or older and should be taxed in a manner similar to
11 alcohol.

12 (b) In the interest of the health and public safety of the
13 residents of Illinois, the General Assembly further finds and
14 declares that cannabis should be regulated in a manner similar
15 to alcohol so that:

16 (1) persons will have to show proof of age before
17 purchasing cannabis;

18 (2) selling, distributing, or transferring cannabis to
19 minors and other persons under 21 years of age shall remain
20 illegal;

21 (3) driving under the influence of cannabis, operating
22 a watercraft under the influence of cannabis, and operating
23 a snowmobile under the influence of cannabis shall remain
24 illegal;

25 (4) legitimate, taxpaying business people, and not

1 criminal actors, will conduct sales of cannabis;

2 (5) cannabis sold in this State will be tested,
3 labeled, and subject to additional regulation to ensure
4 that purchasers are informed and protected; and

5 (6) purchasers will be informed of any known health
6 risks associated with the use of cannabis, as concluded by
7 evidence-based, peer reviewed research.

8 (c) The General Assembly further finds and declares that it
9 is necessary to ensure consistency and fairness in the
10 application of this Act throughout the State and that,
11 therefore, the matters addressed by this Act are, except as
12 specified in this Act, matters of statewide concern.

13 (d) The General Assembly further finds and declares that
14 this Act shall not diminish the State's duties and commitment
15 to seriously ill patients registered under the Compassionate
16 Use of Medical Cannabis ~~Pilot~~ Program Act, nor alter the
17 protections granted to them.

18 (e) The General Assembly supports and encourages labor
19 neutrality in the cannabis industry and further finds and
20 declares that employee workplace safety shall not be diminished
21 and employer workplace policies shall be interpreted broadly to
22 protect employee safety.

23 (Source: P.A. 101-27, eff. 6-25-19.)

24 (410 ILCS 705/1-7 new)

25 Sec. 1-7. Lawful user and lawful products. For the purposes

1 of this Act and to clarify the legislative findings on the
2 lawful use of cannabis, a person shall not be considered an
3 unlawful user or addicted to narcotics solely as a result of
4 his or her possession or use of cannabis or cannabis
5 paraphernalia in accordance with this Act.

6 (410 ILCS 705/1-10)

7 Sec. 1-10. Definitions. In this Act:

8 "Adult Use Cultivation Center License" means a license
9 issued by the Department of Agriculture that permits a person
10 to act as a cultivation center under this Act and any
11 administrative rule made in furtherance of this Act.

12 "Adult Use Dispensing Organization License" means a
13 license issued by the Department of Financial and Professional
14 Regulation that permits a person to act as a dispensing
15 organization under this Act and any administrative rule made in
16 furtherance of this Act.

17 "Advertise" means to engage in promotional activities
18 including, but not limited to: newspaper, radio, Internet and
19 electronic media, and television advertising; the distribution
20 of fliers and circulars; billboard advertising; and the display
21 of window and interior signs. "Advertise" does not mean
22 exterior signage displaying only the name of the licensed
23 cannabis business establishment.

24 "BLS Region" means a region in Illinois used by the United
25 States Bureau of Labor Statistics to gather and categorize

1 certain employment and wage data. The 17 such regions in
2 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
3 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
4 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
5 Rockford, St. Louis, Springfield, Northwest Illinois
6 nonmetropolitan area, West Central Illinois nonmetropolitan
7 area, East Central Illinois nonmetropolitan area, and South
8 Illinois nonmetropolitan area.

9 "Cannabis" means marijuana, hashish, and other substances
10 that are identified as including any parts of the plant
11 Cannabis sativa and including derivatives or subspecies, such
12 as indica, of all strains of cannabis, whether growing or not;
13 the seeds thereof, the resin extracted from any part of the
14 plant; and any compound, manufacture, salt, derivative,
15 mixture, or preparation of the plant, its seeds, or resin,
16 including tetrahydrocannabinol (THC) and all other naturally
17 produced cannabinol derivatives, whether produced directly or
18 indirectly by extraction; however, "cannabis" does not include
19 the mature stalks of the plant, fiber produced from the stalks,
20 oil or cake made from the seeds of the plant, any other
21 compound, manufacture, salt, derivative, mixture, or
22 preparation of the mature stalks (except the resin extracted
23 from it), fiber, oil or cake, or the sterilized seed of the
24 plant that is incapable of germination. ~~"Cannabis" does not~~
25 ~~include industrial hemp as defined and authorized under the~~
26 ~~Industrial Hemp Act.~~ "Cannabis" also means cannabis flower,

1 concentrate, and cannabis-infused products.

2 "Cannabis business establishment" means a cultivation
3 center, craft grower, processing organization, dispensing
4 organization, or transporting organization.

5 "Cannabis concentrate" means a product derived from
6 cannabis that is produced by extracting cannabinoids,
7 including tetrahydrocannabinol (THC), from the plant through
8 the use of propylene glycol, glycerin, butter, olive oil or
9 other typical cooking fats; water, ice, or dry ice; or butane,
10 propane, CO₂, ethanol, or isopropanol and with the intended use
11 of smoking or making a cannabis-infused product. The use of any
12 other solvent is expressly prohibited unless and until it is
13 approved by the Department of Agriculture.

14 "Cannabis container" means a sealed, traceable, container,
15 or package used for the purpose of containment of cannabis or
16 cannabis-infused product during transportation.

17 "Cannabis flower" means marijuana, hashish, and other
18 substances that are identified as including any parts of the
19 plant Cannabis sativa and including derivatives or subspecies,
20 such as indica, of all strains of cannabis; including raw kief,
21 leaves, and buds, but not resin that has been extracted from
22 any part of such plant; nor any compound, manufacture, salt,
23 derivative, mixture, or preparation of such plant, its seeds,
24 or resin.

25 "Cannabis-infused product" means a beverage, food, oil,
26 ointment, tincture, topical formulation, or another product

1 containing cannabis or cannabis concentrate that is not
2 intended to be smoked.

3 "Cannabis paraphernalia" means equipment, products, or
4 materials intended to be used for planting, propagating,
5 cultivating, growing, harvesting, manufacturing, producing,
6 processing, preparing, testing, analyzing, packaging,
7 repackaging, storing, containing, concealing, ingesting, or
8 otherwise introducing cannabis into the human body.

9 "Cannabis plant monitoring system" or "plant monitoring
10 system" means a system that includes, but is not limited to,
11 testing and data collection established and maintained by the
12 cultivation center, craft grower, or processing organization
13 and that is available to the Department of Revenue, the
14 Department of Agriculture, the Department of Financial and
15 Professional Regulation, and the Department of State Police for
16 the purposes of documenting each cannabis plant and monitoring
17 plant development throughout the life cycle of a cannabis plant
18 cultivated for the intended use by a customer from seed
19 planting to final packaging.

20 "Cannabis testing facility" means an entity registered by
21 the Department of Agriculture to test cannabis for potency and
22 contaminants.

23 "Clone" means a plant section from a female cannabis plant
24 not yet rootbound, growing in a water solution or other
25 propagation matrix, that is capable of developing into a new
26 plant.

1 "Community College Cannabis Vocational Training Pilot
2 Program faculty participant" means a person who is 21 years of
3 age or older, licensed by the Department of Agriculture, and is
4 employed or contracted by an Illinois community college to
5 provide student instruction using cannabis plants at an
6 Illinois Community College.

7 "Community College Cannabis Vocational Training Pilot
8 Program faculty participant Agent Identification Card" means a
9 document issued by the Department of Agriculture that
10 identifies a person as Community College Cannabis Vocational
11 Training Pilot Program faculty participant.

12 "Conditional Adult Use Dispensing Organization License"
13 means a license awarded to top-scoring applicants for an Adult
14 Use Dispensing Organization License that reserves the right to
15 an Adult Use Dispensing Organization License ~~adult-use~~
16 ~~dispensing organization license~~ if the applicant meets certain
17 conditions described in this Act, but does not entitle the
18 recipient to begin purchasing or selling cannabis or
19 cannabis-infused products.

20 "Conditional Adult Use Cultivation Center License" means a
21 license awarded to top-scoring applicants for an Adult Use
22 Cultivation Center License that reserves the right to an Adult
23 Use Cultivation Center License if the applicant meets certain
24 conditions as determined by the Department of Agriculture by
25 rule, but does not entitle the recipient to begin growing,
26 processing, or selling cannabis or cannabis-infused products.

1 "Craft grower" means a facility operated by an organization
2 or business that is licensed by the Department of Agriculture
3 to cultivate, dry, cure, and package cannabis and perform other
4 necessary activities to make cannabis available for sale at a
5 dispensing organization or use at a processing organization. A
6 craft grower may contain up to 5,000 square feet of canopy
7 space on its premises for plants in the flowering state. The
8 Department of Agriculture may authorize an increase or decrease
9 of flowering stage cultivation space in increments of 3,000
10 square feet by rule based on market need, craft grower
11 capacity, and the licensee's history of compliance or
12 noncompliance, with a maximum space of 14,000 square feet for
13 cultivating plants in the flowering stage, which must be
14 cultivated in all stages of growth in an enclosed and secure
15 area. A craft grower may share premises with a processing
16 organization or a dispensing organization, or both, provided
17 each licensee stores currency and cannabis or cannabis-infused
18 products in a separate secured vault to which the other
19 licensee does not have access or all licensees sharing a vault
20 share more than 50% of the same ownership.

21 "Craft grower agent" means a principal officer, board
22 member, employee, or other agent of a craft grower who is 21
23 years of age or older.

24 "Craft Grower Agent Identification Card" means a document
25 issued by the Department of Agriculture that identifies a
26 person as a craft grower agent.

1 "Cultivation center" means a facility operated by an
2 organization or business that is licensed by the Department of
3 Agriculture to cultivate, process, transport (unless otherwise
4 limited by this Act), and perform other necessary activities to
5 provide cannabis and cannabis-infused products to cannabis
6 business establishments.

7 "Cultivation center agent" means a principal officer,
8 board member, employee, or other agent of a cultivation center
9 who is 21 years of age or older.

10 "Cultivation Center Agent Identification Card" means a
11 document issued by the Department of Agriculture that
12 identifies a person as a cultivation center agent.

13 "Currency" means currency and coin of the United States.

14 "Dispensary" means a facility operated by a dispensing
15 organization at which activities licensed by this Act may
16 occur.

17 "Dispensing organization" means a facility operated by an
18 organization or business that is licensed by the Department of
19 Financial and Professional Regulation to acquire cannabis from
20 a cultivation center, craft grower, processing organization,
21 or another dispensary for the purpose of selling or dispensing
22 cannabis, cannabis-infused products, cannabis seeds,
23 paraphernalia, or related supplies under this Act to purchasers
24 or to qualified registered medical cannabis patients and
25 caregivers. As used in this Act, "dispensing dispensary
26 organization" includes ~~shall include~~ a registered medical

1 cannabis organization as defined in the Compassionate Use of
2 Medical Cannabis ~~Pilot~~ Program Act or its successor Act that
3 has obtained an Early Approval Adult Use Dispensing
4 Organization License.

5 "Dispensing organization agent" means a principal officer,
6 employee, or agent of a dispensing organization who is 21 years
7 of age or older.

8 "Dispensing organization agent identification card" means
9 a document issued by the Department of Financial and
10 Professional Regulation that identifies a person as a
11 dispensing organization agent.

12 "Disproportionately Impacted Area" means a census tract or
13 comparable geographic area that satisfies the following
14 criteria as determined by the Department of Commerce and
15 Economic Opportunity, that:

16 (1) meets at least one of the following criteria:

17 (A) the area has a poverty rate of at least 20%
18 according to the latest federal decennial census; or

19 (B) 75% or more of the children in the area
20 participate in the federal free lunch program
21 according to reported statistics from the State Board
22 of Education; or

23 (C) at least 20% of the households in the area
24 receive assistance under the Supplemental Nutrition
25 Assistance Program; or

26 (D) the area has an average unemployment rate, as

1 determined by the Illinois Department of Employment
2 Security, that is more than 120% of the national
3 unemployment average, as determined by the United
4 States Department of Labor, for a period of at least 2
5 consecutive calendar years preceding the date of the
6 application; and

7 (2) has high rates of arrest, conviction, and
8 incarceration related to the sale, possession, use,
9 cultivation, manufacture, or transport of cannabis.

10 "Early Approval Adult Use Cultivation Center License"
11 means a license that permits a medical cannabis cultivation
12 center licensed under the Compassionate Use of Medical Cannabis
13 ~~Pilot~~ Program Act as of the effective date of this Act to begin
14 cultivating, infusing, packaging, transporting (unless
15 otherwise provided in this Act), processing and selling
16 cannabis or cannabis-infused product to cannabis business
17 establishments for resale to purchasers as permitted by this
18 Act as of January 1, 2020.

19 "Early Approval Adult Use Dispensing Organization License"
20 means a license that permits a medical cannabis dispensing
21 organization licensed under the Compassionate Use of Medical
22 Cannabis ~~Pilot~~ Program Act as of the effective date of this Act
23 to begin selling cannabis or cannabis-infused product to
24 purchasers as permitted by this Act as of January 1, 2020.

25 "Early Approval Adult Use Dispensing Organization at a
26 secondary site" means a license that permits a medical cannabis

1 dispensing organization licensed under the Compassionate Use
2 of Medical Cannabis ~~Pilot~~ Program Act as of the effective date
3 of this Act to begin selling cannabis or cannabis-infused
4 product to purchasers as permitted by this Act on January 1,
5 2020 at a different dispensary location from its existing
6 registered medical dispensary location.

7 "Enclosed, locked facility" means a room, greenhouse,
8 building, or other enclosed area equipped with locks or other
9 security devices that permit access only by cannabis business
10 establishment agents working for the licensed cannabis
11 business establishment or acting pursuant to this Act to
12 cultivate, process, store, or distribute cannabis.

13 "Enclosed, locked space" means a closet, room, greenhouse,
14 building or other enclosed area equipped with locks or other
15 security devices that permit access only by authorized
16 individuals under this Act. "Enclosed, locked space" may
17 include:

18 (1) a space within a residential building that (i) is
19 the primary residence of the individual cultivating 5 or
20 fewer cannabis plants that are more than 5 inches tall and
21 (ii) includes sleeping quarters and indoor plumbing. The
22 space must only be accessible by a key or code that is
23 different from any key or code that can be used to access
24 the residential building from the exterior; or

25 (2) a structure, such as a shed or greenhouse, that
26 lies on the same plot of land as a residential building

1 that (i) includes sleeping quarters and indoor plumbing and
2 (ii) is used as a primary residence by the person
3 cultivating 5 or fewer cannabis plants that are more than 5
4 inches tall, such as a shed or greenhouse. The structure
5 must remain locked when it is unoccupied by people.

6 "Financial institution" has the same meaning as "financial
7 organization" as defined in Section 1501 of the Illinois Income
8 Tax Act, and also includes the holding companies, subsidiaries,
9 and affiliates of such financial organizations.

10 "Flowering stage" means the stage of cultivation where and
11 when a cannabis plant is cultivated to produce plant material
12 for cannabis products. This includes mature plants as follows:

13 (1) if greater than 2 stigmas are visible at each
14 internode of the plant; or

15 (2) if the cannabis plant is in an area that has been
16 intentionally deprived of light for a period of time
17 intended to produce flower buds and induce maturation, from
18 the moment the light deprivation began through the
19 remainder of the marijuana plant growth cycle.

20 "Individual" means a natural person.

21 "Infuser organization" or "infuser" means a facility
22 operated by an organization or business that is licensed by the
23 Department of Agriculture to directly incorporate cannabis or
24 cannabis concentrate into a product formulation to produce a
25 cannabis-infused product.

26 "Kief" means the resinous crystal-like trichomes that are

1 found on cannabis and that are accumulated, resulting in a
2 higher concentration of cannabinoids, untreated by heat or
3 pressure, or extracted using a solvent.

4 "Labor peace agreement" means an agreement between a
5 cannabis business establishment and any labor organization
6 recognized under the National Labor Relations Act, referred to
7 in this Act as a bona fide labor organization, that prohibits
8 labor organizations and members from engaging in picketing,
9 work stoppages, boycotts, and any other economic interference
10 with the cannabis business establishment. This agreement means
11 that the cannabis business establishment has agreed not to
12 disrupt efforts by the bona fide labor organization to
13 communicate with, and attempt to organize and represent, the
14 cannabis business establishment's employees. The agreement
15 shall provide a bona fide labor organization access at
16 reasonable times to areas in which the cannabis business
17 establishment's employees work, for the purpose of meeting with
18 employees to discuss their right to representation, employment
19 rights under State law, and terms and conditions of employment.
20 This type of agreement shall not mandate a particular method of
21 election or certification of the bona fide labor organization.

22 "Limited access area" means a ~~building, room,~~ or other area
23 under the control of a cannabis dispensing organization
24 licensed under this Act and upon the licensed premises where
25 cannabis sales occur with access limited to purchasers,
26 dispensing organization owners and other dispensing

1 organization agents, or service professionals conducting
2 business with the dispensing organization, or, if sales to
3 registered qualifying patients, caregivers, provisional
4 patients, and Opioid Alternative Pilot Program participants
5 licensed pursuant to the Compassionate Use of Medical Cannabis
6 Program Act are also permitted at the dispensary, registered
7 qualifying patients, caregivers, provisional patients, and
8 Opioid Alternative Pilot Program participants.

9 "Member of an impacted family" means an individual who has
10 a parent, legal guardian, child, spouse, or dependent, or was a
11 dependent of an individual who, prior to the effective date of
12 this Act, was arrested for, convicted of, or adjudicated
13 delinquent for any offense that is eligible for expungement
14 under this Act.

15 "Mother plant" means a cannabis plant that is cultivated or
16 maintained for the purpose of generating clones, and that will
17 not be used to produce plant material for sale to an infuser or
18 dispensing organization.

19 "Ordinary public view" means within the sight line with
20 normal visual range of a person, unassisted by visual aids,
21 from a public street or sidewalk adjacent to real property, or
22 from within an adjacent property.

23 "Ownership and control" means ownership of at least 51% of
24 the business, including corporate stock if a corporation, and
25 control over the management and day-to-day operations of the
26 business and an interest in the capital, assets, and profits

1 and losses of the business proportionate to percentage of
2 ownership.

3 "Person" means a natural individual, firm, partnership,
4 association, joint stock company, joint venture, public or
5 private corporation, limited liability company, or a receiver,
6 executor, trustee, guardian, or other representative appointed
7 by order of any court.

8 "Possession limit" means the amount of cannabis under
9 Section 10-10 that may be possessed at any one time by a person
10 21 years of age or older or who is a registered qualifying
11 medical cannabis patient or caregiver under the Compassionate
12 Use of Medical Cannabis ~~Pilot~~ Program Act.

13 "Principal officer" includes a cannabis business
14 establishment applicant or licensed cannabis business
15 establishment's board member, owner with more than 1% interest
16 of the total cannabis business establishment or more than 5%
17 interest of the total cannabis business establishment of a
18 publicly traded company, president, vice president, secretary,
19 treasurer, partner, officer, member, manager member, or person
20 with a profit sharing, financial interest, or revenue sharing
21 arrangement. The definition includes a person with authority to
22 control the cannabis business establishment, a person who
23 assumes responsibility for the debts of the cannabis business
24 establishment and who is further defined in this Act.

25 "Primary residence" means a dwelling where a person usually
26 stays or stays more often than other locations. It may be

1 determined by, without limitation, presence, tax filings;
2 address on an Illinois driver's license, an Illinois
3 Identification Card, or an Illinois Person with a Disability
4 Identification Card; or voter registration. No person may have
5 more than one primary residence.

6 "Processing organization" or "processor" means a facility
7 operated by an organization or business that is licensed by the
8 Department of Agriculture to either extract constituent
9 chemicals or compounds to produce cannabis concentrate or
10 incorporate cannabis or cannabis concentrate into a product
11 formulation to produce a cannabis product.

12 "Processing organization agent" means a principal officer,
13 board member, employee, or agent of a processing organization.

14 "Processing organization agent identification card" means
15 a document issued by the Department of Agriculture that
16 identifies a person as a processing organization agent.

17 "Purchaser" means a person 21 years of age or older who
18 acquires cannabis for a valuable consideration. "Purchaser"
19 does not include a cardholder under the Compassionate Use of
20 Medical Cannabis ~~Pilot~~ Program Act.

21 "Qualified Social Equity Applicant" means a Social Equity
22 Applicant who has been awarded a conditional license under this
23 Act to operate a cannabis business establishment.

24 "Resided" means an individual's primary residence was
25 located within the relevant geographic area as established by 2
26 of the following:

1 (1) a signed lease agreement that includes the
2 applicant's name;

3 (2) a property deed that includes the applicant's name;

4 (3) school records;

5 (4) a voter registration card;

6 (5) an Illinois driver's license, an Illinois
7 Identification Card, or an Illinois Person with a
8 Disability Identification Card;

9 (6) a paycheck stub;

10 (7) a utility bill;

11 (8) tax records; or

12 (9) ~~(8)~~ any other proof of residency or other
13 information necessary to establish residence as provided
14 by rule.

15 "Smoking" means the inhalation of smoke caused by the
16 combustion of cannabis.

17 "Social Equity Applicant" means an applicant that is an
18 Illinois resident that meets one of the following criteria:

19 (1) an applicant with at least 51% ownership and
20 control by one or more individuals who have resided for at
21 least 5 of the preceding 10 years in a Disproportionately
22 Impacted Area;

23 (2) an applicant with at least 51% ownership and
24 control by one or more individuals who:

25 (i) have been arrested for, convicted of, or
26 adjudicated delinquent for any offense that is

1 eligible for expungement under this Act; or
2 (ii) is a member of an impacted family;
3 (3) for applicants with a minimum of 10 full-time
4 employees, an applicant with at least 51% of current
5 employees who:
6 (i) currently reside in a Disproportionately
7 Impacted Area; or
8 (ii) have been arrested for, convicted of, or
9 adjudicated delinquent for any offense that is
10 eligible for expungement under this Act or member of an
11 impacted family.

12 Nothing in this Act shall be construed to preempt or limit
13 the duties of any employer under the Job Opportunities for
14 Qualified Applicants Act. Nothing in this Act shall permit an
15 employer to require an employee to disclose sealed or expunged
16 offenses, unless otherwise required by law.

17 "Tincture" means a cannabis-infused solution, typically
18 comprised of alcohol, glycerin, or vegetable oils, derived
19 either directly from the cannabis plant or from a processed
20 cannabis extract. A tincture is not an alcoholic liquor as
21 defined in the Liquor Control Act of 1934. A tincture shall
22 include a calibrated dropper or other similar device capable of
23 accurately measuring servings.

24 "Transporting organization" or "transporter" means an
25 organization or business that is licensed by the Department of
26 Agriculture to transport cannabis or cannabis-infused product

1 on behalf of a cannabis business establishment or a community
2 college licensed under the Community College Cannabis
3 Vocational Training Pilot Program.

4 "Transporting organization agent" means a principal
5 officer, board member, employee, or agent of a transporting
6 organization.

7 "Transporting organization agent identification card"
8 means a document issued by the Department of Agriculture that
9 identifies a person as a transporting organization agent.

10 "Unit of local government" means any county, city, village,
11 or incorporated town.

12 "Vegetative stage" means the stage of cultivation in which
13 a cannabis plant is propagated to produce additional cannabis
14 plants or reach a sufficient size for production. This includes
15 seedlings, clones, mothers, and other immature cannabis plants
16 as follows:

17 (1) if the cannabis plant is in an area that has not
18 been intentionally deprived of light for a period of time
19 intended to produce flower buds and induce maturation, it
20 has no more than 2 stigmas visible at each internode of the
21 cannabis plant; or

22 (2) any cannabis plant that is cultivated solely for
23 the purpose of propagating clones and is never used to
24 produce cannabis.

25 (Source: P.A. 101-27, eff. 6-25-19.)

1 (410 ILCS 705/5-5)

2 Sec. 5-5. Sharing of authority. Notwithstanding any
3 provision of ~~or~~ law to the contrary, any authority granted to
4 any State agency or State employees or appointees under the
5 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act shall
6 be shared by any State agency or State employees or appointees
7 given authority to license, discipline, revoke, regulate, or
8 make rules under this Act.

9 (Source: P.A. 101-27, eff. 6-25-19.)

10 (410 ILCS 705/5-15)

11 Sec. 5-15. Department of Financial and Professional
12 Regulation. The Department of Financial and Professional
13 Regulation shall enforce the provisions of this Act relating to
14 the oversight and registration of dispensing organizations and
15 agents, including the issuance of identification cards for
16 dispensing organization agents. The Department of Financial
17 and Professional Regulation may suspend or revoke the license
18 of, or otherwise discipline dispensing organizations,
19 principal officers, agents-in-charge, and agents ~~impose other~~
20 ~~penalties upon, dispensing organizations~~ for violations of
21 this Act and any rules adopted under this Act.

22 (Source: P.A. 101-27, eff. 6-25-19.)

23 (410 ILCS 705/5-20)

24 Sec. 5-20. Background checks.

1 (a) Through the Department of State Police, the licensing
2 or issuing Department shall conduct a criminal history record
3 check of the prospective principal officers, board members, and
4 agents of a cannabis business establishment applying for a
5 license or identification card under this Act.

6 Each cannabis business establishment prospective principal
7 officer, board member, or agent shall submit his or her
8 fingerprints to the Department of State Police in the form and
9 manner prescribed by the Department of State Police.

10 Unless otherwise provided in this Act, such ~~Such~~
11 fingerprints shall be transmitted through a live scan
12 fingerprint vendor licensed by the Department of Financial and
13 Professional Regulation. These fingerprints shall be checked
14 against the fingerprint records now and hereafter filed in the
15 Department of State Police and Federal Bureau of Investigation
16 criminal history records databases. The Department of State
17 Police shall charge a fee for conducting the criminal history
18 record check, which shall be deposited into the State Police
19 Services Fund and shall not exceed the actual cost of the State
20 and national criminal history record check. The Department of
21 State Police shall furnish, pursuant to positive
22 identification, all Illinois conviction information and shall
23 forward the national criminal history record information to:

24 (i) the Department of Agriculture, with respect to a
25 cultivation center, craft grower, infuser organization, or
26 transporting organization; or

1 (ii) the Department of Financial and Professional
2 Regulation, with respect to a dispensing organization.

3 (b) When applying for the initial license or identification
4 card, the background checks for all prospective principal
5 officers, board members, and agents shall be completed before
6 submitting the application to the licensing or issuing agency.

7 (c) All applications for licensure under this Act by
8 applicants with criminal convictions shall be subject to
9 Sections 2105-131, 2105-135, and 2105-205 of the Department of
10 Professional Regulation Law of the Civil Administrative Code of
11 Illinois.

12 (Source: P.A. 101-27, eff. 6-25-19.)

13 (410 ILCS 705/5-25)

14 Sec. 5-25. Department of Public Health to make health
15 warning recommendations.

16 (a) The Department of Public Health shall make
17 recommendations to the Department of Agriculture and the
18 Department of Financial and Professional Regulation on
19 appropriate health warnings for dispensaries and advertising,
20 which may apply to all cannabis products, including item-type
21 specific labeling or warning requirements, regulate the
22 facility where cannabis-infused products are made, regulate
23 cannabis-infused products as provided in subsection (e) of
24 Section 55-5, and facilitate the Adult Use Cannabis Health
25 Advisory Committee.

1 (b) An Adult Use Cannabis Health Advisory Committee is
2 hereby created and shall meet at least twice annually. The
3 Chairperson may schedule meetings more frequently upon his or
4 her initiative or upon the request of a Committee member.
5 Meetings may be held in person or by teleconference. The
6 Committee shall discuss and monitor changes in drug use data in
7 Illinois and the emerging science and medical information
8 relevant to the health effects associated with cannabis use and
9 may provide recommendations to the Department of Human Services
10 about public health awareness campaigns and messages. The
11 Committee shall include the following members appointed by the
12 Governor and shall represent the geographic, ethnic, and racial
13 diversity of the State:

14 (1) The Director of Public Health, or his or her
15 designee, who shall serve as the Chairperson.

16 (2) The Secretary of Human Services, or his or her
17 designee, who shall serve as the Co-Chairperson.

18 (3) A representative of the poison control center.

19 (4) A pharmacologist.

20 (5) A pulmonologist.

21 (6) An emergency room physician.

22 (7) An emergency medical technician, paramedic, or
23 other first responder.

24 (8) A nurse practicing in a school-based setting.

25 (9) A psychologist.

26 (10) A neonatologist.

1 (11) An obstetrician-gynecologist.

2 (12) A drug epidemiologist.

3 (13) A medical toxicologist.

4 (14) An addiction psychiatrist.

5 (15) A pediatrician.

6 (16) A representative of a statewide professional
7 public health organization.

8 (17) A representative of a statewide hospital/health
9 system association.

10 (18) An individual registered as a patient in the
11 Compassionate Use of Medical Cannabis ~~Pilot~~ Program.

12 (19) An individual registered as a caregiver in the
13 Compassionate Use of Medical Cannabis ~~Pilot~~ Program.

14 (20) A representative of an organization focusing on
15 cannabis-related policy.

16 (21) A representative of an organization focusing on
17 the civil liberties of individuals who reside in Illinois.

18 (22) A representative of the criminal defense or civil
19 aid community of attorneys serving Disproportionately
20 Impacted Areas.

21 (23) A representative of licensed cannabis business
22 establishments.

23 (24) A Social Equity Applicant.

24 (25) A representative of a statewide community-based
25 substance use disorder treatment provider association.

26 (26) A representative of a statewide community-based

1 mental health treatment provider association.

2 (27) A representative of a community-based substance
3 use disorder treatment provider.

4 (28) A representative of a community-based mental
5 health treatment provider.

6 (29) A substance use disorder treatment patient
7 representative.

8 (30) A mental health treatment patient representative.

9 (c) The Committee shall provide a report by September 30,
10 2021, and every year thereafter, to the General Assembly. The
11 Department of Public Health shall make the report available on
12 its website.

13 (Source: P.A. 101-27, eff. 6-25-19.)

14 (410 ILCS 705/7-1)

15 Sec. 7-1. Findings.

16 (a) The General Assembly finds that the medical cannabis
17 industry, established in 2014 through the Compassionate Use of
18 Medical Cannabis ~~Pilot~~ Program Act, has shown that additional
19 efforts are needed to reduce barriers to ownership. Through
20 that program, 55 licenses for dispensing organizations and 20
21 licenses for cultivation centers have been issued. Those
22 licenses are held by only a small number of businesses, the
23 ownership of which does not sufficiently meet the General
24 Assembly's interest in business ownership that reflects the
25 population of the State of Illinois and that demonstrates the

1 need to reduce barriers to entry for individuals and
2 communities most adversely impacted by the enforcement of
3 cannabis-related laws.

4 (b) In the interest of establishing a legal cannabis
5 industry that is equitable and accessible to those most
6 adversely impacted by the enforcement of drug-related laws in
7 this State, including cannabis-related laws, the General
8 Assembly finds and declares that a social equity program should
9 be established.

10 (c) The General Assembly also finds and declares that
11 individuals who have been arrested or incarcerated due to drug
12 laws suffer long-lasting negative consequences, including
13 impacts to employment, business ownership, housing, health,
14 and long-term financial well-being.

15 (d) The General Assembly also finds and declares that
16 family members, especially children, and communities of those
17 who have been arrested or incarcerated due to drug laws, suffer
18 from emotional, psychological, and financial harms as a result
19 of such arrests or incarcerations.

20 (e) Furthermore, the General Assembly finds and declares
21 that certain communities have disproportionately suffered the
22 harms of enforcement of cannabis-related laws. Those
23 communities face greater difficulties accessing traditional
24 banking systems and capital for establishing businesses.

25 (f) The General Assembly also finds that individuals who
26 have resided in areas of high poverty suffer negative

1 consequences, including barriers to entry in employment,
2 business ownership, housing, health, and long-term financial
3 well-being.

4 (g) The General Assembly also finds and declares that
5 promotion of business ownership by individuals who have resided
6 in areas of high poverty and high enforcement of
7 cannabis-related laws furthers an equitable cannabis industry.

8 (h) Therefore, in the interest of remedying the harms
9 resulting from the disproportionate enforcement of
10 cannabis-related laws, the General Assembly finds and declares
11 that a social equity program should offer, among other things,
12 financial assistance and license application benefits to
13 individuals most directly and adversely impacted by the
14 enforcement of cannabis-related laws who are interested in
15 starting cannabis business establishments.

16 (Source: P.A. 101-27, eff. 6-25-19.)

17 (410 ILCS 705/7-10)

18 Sec. 7-10. Cannabis Business Development Fund.

19 (a) There is created in the State treasury a special fund,
20 which shall be held separate and apart from all other State
21 moneys, to be known as the Cannabis Business Development Fund.
22 The Cannabis Business Development Fund shall be exclusively
23 used for the following purposes:

24 (1) to provide low-interest rate loans to Qualified
25 Social Equity Applicants to pay for ordinary and necessary

1 expenses to start and operate a cannabis business
2 establishment permitted by this Act;

3 (2) to provide grants to Qualified Social Equity
4 Applicants to pay for ordinary and necessary expenses to
5 start and operate a cannabis business establishment
6 permitted by this Act;

7 (3) to compensate the Department of Commerce and
8 Economic Opportunity for any costs related to the provision
9 of low-interest loans and grants to Qualified Social Equity
10 Applicants;

11 (4) to pay for outreach that may be provided or
12 targeted to attract and support Social Equity Applicants
13 and Qualified Social Equity Applicants;

14 (5) (blank);

15 (6) to conduct any study or research concerning the
16 participation of minorities, women, veterans, or people
17 with disabilities in the cannabis industry, including,
18 without limitation, barriers to such individuals entering
19 the industry as equity owners of cannabis business
20 establishments;

21 (7) (blank); and

22 (8) to assist with job training and technical
23 assistance for residents in Disproportionately Impacted
24 Areas.

25 (b) All moneys collected under Sections 15-15 and 15-20 for
26 Early Approval Adult Use Dispensing Organization Licenses

1 issued before January 1, 2021 and remunerations made as a
2 result of transfers of permits awarded to Qualified Social
3 Equity Applicants shall be deposited into the Cannabis Business
4 Development Fund.

5 (c) As soon as practical after July 1, 2019, the
6 Comptroller shall order and the Treasurer shall transfer
7 \$12,000,000 from the Compassionate Use of Medical Cannabis Fund
8 to the Cannabis Business Development Fund.

9 (d) Notwithstanding any other law to the contrary, the
10 Cannabis Business Development Fund is not subject to sweeps,
11 administrative charge-backs, or any other fiscal or budgetary
12 maneuver that would in any way transfer any amounts from the
13 Cannabis Business Development Fund into any other fund of the
14 State.

15 (Source: P.A. 101-27, eff. 6-25-19.)

16 (410 ILCS 705/7-15)

17 Sec. 7-15. Loans and grants to Social Equity Applicants.

18 (a) The Department of Commerce and Economic Opportunity
19 shall establish grant and loan programs, subject to
20 appropriations from the Cannabis Business Development Fund,
21 for the purposes of providing financial assistance, loans,
22 grants, and technical assistance to Social Equity Applicants.

23 (b) The Department of Commerce and Economic Opportunity has
24 the power to:

25 (1) provide Cannabis Social Equity loans and grants

1 from appropriations from the Cannabis Business Development
2 Fund to assist Qualified Social Equity Applicants in
3 gaining entry to, and successfully operating in, the
4 State's regulated cannabis marketplace;

5 (2) enter into agreements that set forth terms and
6 conditions of the financial assistance, accept funds or
7 grants, and engage in cooperation with private entities and
8 agencies of State or local government to carry out the
9 purposes of this Section;

10 (3) fix, determine, charge, and collect any premiums,
11 fees, charges, costs and expenses, including application
12 fees, commitment fees, program fees, financing charges, or
13 publication fees in connection with its activities under
14 this Section;

15 (4) coordinate assistance under these loan programs
16 with activities of the Illinois Department of Financial and
17 Professional Regulation, the Illinois Department of
18 Agriculture, and other agencies as needed to maximize the
19 effectiveness and efficiency of this Act;

20 (5) provide staff, administration, and related support
21 required to administer this Section;

22 (6) take whatever actions are necessary or appropriate
23 to protect the State's interest in the event of bankruptcy,
24 default, foreclosure, or noncompliance with the terms and
25 conditions of financial assistance provided under this
26 Section, including the ability to recapture funds if the

1 recipient is found to be noncompliant with the terms and
2 conditions of the financial assistance agreement;

3 (7) establish application, notification, contract, and
4 other forms, procedures, or rules deemed necessary and
5 appropriate; and

6 (8) utilize vendors or contract work to carry out the
7 purposes of this Act.

8 (c) Loans made under this Section:

9 (1) shall only be made if, in the Department's
10 judgment, the project furthers the goals set forth in this
11 Act; and

12 (2) shall be in such principal amount and form and
13 contain such terms and provisions with respect to security,
14 insurance, reporting, delinquency charges, default
15 remedies, and other matters as the Department shall
16 determine appropriate to protect the public interest and to
17 be consistent with the purposes of this Section. The terms
18 and provisions may be less than required for similar loans
19 not covered by this Section.

20 (d) Grants made under this Section shall be awarded on a
21 competitive and annual basis under the Grant Accountability and
22 Transparency Act. Grants made under this Section shall further
23 and promote the goals of this Act, including promotion of
24 Social Equity Applicants, job training and workforce
25 development, and technical assistance to Social Equity
26 Applicants.

1 (e) Beginning January 1, 2021 and each year thereafter, the
2 Department shall annually report to the Governor and the
3 General Assembly on the outcomes and effectiveness of this
4 Section that shall include the following:

5 (1) the number of persons or businesses receiving
6 financial assistance under this Section;

7 (2) the amount in financial assistance awarded in the
8 aggregate, in addition to the amount of loans made that are
9 outstanding and the amount of grants awarded;

10 (3) the location of the project engaged in by the
11 person or business; and

12 (4) if applicable, the number of new jobs and other
13 forms of economic output created as a result of the
14 financial assistance.

15 (f) The Department of Commerce and Economic Opportunity
16 shall include engagement with individuals with limited English
17 proficiency as part of its outreach provided or targeted to
18 attract and support Social Equity Applicants.

19 (Source: P.A. 101-27, eff. 6-25-19.)

20 (410 ILCS 705/7-25)

21 Sec. 7-25. Transfer of license awarded to Qualified Social
22 Equity Applicant.

23 (a) In the event a Qualified Social Equity Applicant seeks
24 to transfer, sell, or grant a cannabis business establishment
25 license within 5 years after it was issued to a person or

1 entity that does not qualify as a Social Equity Applicant, the
2 transfer agreement shall require the new license holder to pay
3 the Cannabis Business Development Fund an amount equal to:

4 (1) any fees that were waived by any State agency based
5 on the applicant's status as a Social Equity Applicant, if
6 applicable;

7 (2) any outstanding amount owed by the Qualified Social
8 Equity Applicant for a loan through the Cannabis Business
9 Development Fund, if applicable; and

10 (3) the full amount of any grants that the Qualified
11 Social Equity Applicant received from the Department of
12 Commerce and Economic Opportunity, if applicable.

13 (b) Transfers of cannabis business establishment licenses
14 awarded to a Social Equity Applicant are subject to all other
15 provisions of this Act, the Compassionate Use of Medical
16 Cannabis ~~Pilot~~ Program Act, and rules regarding transfers.

17 (Source: P.A. 101-27, eff. 6-25-19.)

18 (410 ILCS 705/10-5)

19 Sec. 10-5. Personal use of cannabis; restrictions on
20 cultivation; penalties.

21 (a) Beginning January 1, 2020, notwithstanding any other
22 provision of law, and except as otherwise provided in this Act,
23 the following acts are not a violation of this Act and shall
24 not be a criminal or civil offense under State law or the
25 ordinances of any unit of local government of this State or be

1 a basis for seizure or forfeiture of assets under State law for
2 persons other than natural individuals under 21 years of age:

3 (1) possession, consumption, use, purchase, obtaining,
4 or transporting cannabis paraphernalia or an amount of
5 cannabis for personal use that does not exceed the
6 possession limit under Section 10-10 or otherwise in
7 accordance with the requirements of this Act;

8 (2) cultivation of cannabis for personal use in
9 accordance with the requirements of this Act; and

10 (3) controlling property if actions that are
11 authorized by this Act occur on the property in accordance
12 with this Act.

13 (a-1) Beginning January 1, 2020, notwithstanding any other
14 provision of law, and except as otherwise provided in this Act,
15 possessing, consuming, using, purchasing, obtaining, or
16 transporting cannabis paraphernalia or an amount of cannabis
17 purchased or produced in accordance with this Act that does not
18 exceed the possession limit under subsection (a) of Section
19 10-10 shall not be a basis for seizure or forfeiture of assets
20 under State law.

21 (b) Cultivating cannabis for personal use is subject to the
22 following limitations:

23 (1) An Illinois resident 21 years of age or older who
24 is a registered qualifying patient under the Compassionate
25 Use of Medical Cannabis ~~Pilot~~ Program Act may cultivate
26 cannabis plants, with a limit of 5 plants that are more

1 than 5 inches tall, per household without a cultivation
2 center or craft grower license. In this Section, "resident"
3 means a person who has been domiciled in the State of
4 Illinois for a period of 30 days before cultivation.

5 (2) Cannabis cultivation must take place in an
6 enclosed, locked space.

7 (3) Adult registered qualifying patients may purchase
8 cannabis seeds from a dispensary for the purpose of home
9 cultivation. Seeds may not be given or sold to any other
10 person.

11 (4) Cannabis plants shall not be stored or placed in a
12 location where they are subject to ordinary public view, as
13 defined in this Act. A registered qualifying patient who
14 cultivates cannabis under this Section shall take
15 reasonable precautions to ensure the plants are secure from
16 unauthorized access, including unauthorized access by a
17 person under 21 years of age.

18 (5) Cannabis cultivation may occur only on residential
19 property lawfully in possession of the cultivator or with
20 the consent of the person in lawful possession of the
21 property. An owner or lessor of residential property may
22 prohibit the cultivation of cannabis by a lessee.

23 (6) (Blank).

24 (7) A dwelling, residence, apartment, condominium
25 unit, enclosed, locked space, or piece of property not
26 divided into multiple dwelling units shall not contain more

1 than 5 plants at any one time.

2 (8) Cannabis plants may only be tended by registered
3 qualifying patients who reside at the residence, or their
4 authorized agent attending to the residence for brief
5 periods, such as when the qualifying patient is temporarily
6 away from the residence.

7 (9) A registered qualifying patient who cultivates
8 more than the allowable number of cannabis plants, or who
9 sells or gives away cannabis plants, cannabis, or
10 cannabis-infused products produced under this Section, is
11 liable for penalties as provided by law, including the
12 Cannabis Control Act, in addition to loss of home
13 cultivation privileges as established by rule.

14 (Source: P.A. 101-27, eff. 6-25-19.)

15 (410 ILCS 705/10-10)

16 Sec. 10-10. Possession limit.

17 (a) Except if otherwise authorized by this Act, for a
18 person who is 21 years of age or older and a resident of this
19 State, the possession limit is as follows:

20 (1) 30 grams of cannabis flower;

21 (2) no more than 500 milligrams of THC contained in
22 cannabis-infused product;

23 (3) 5 grams of cannabis concentrate; and

24 (4) for registered qualifying patients, any cannabis
25 produced by cannabis plants grown under subsection (b) of

1 Section 10-5, provided any amount of cannabis produced in
2 excess of 30 grams of raw cannabis or its equivalent must
3 remain secured within the residence or residential
4 property in which it was grown.

5 (b) For a person who is 21 years of age or older and who is
6 not a resident of this State, the possession limit is:

7 (1) 15 grams of cannabis flower;

8 (2) 2.5 grams of cannabis concentrate; and

9 (3) 250 milligrams of THC contained in a
10 cannabis-infused product.

11 (c) The possession limits found in subsections (a) and (b)
12 of this Section are to be considered cumulative.

13 (d) No person shall knowingly obtain, seek to obtain, or
14 possess an amount of cannabis from a dispensing organization or
15 craft grower that would cause him or her to exceed the
16 possession limit under this Section, including cannabis that is
17 cultivated by a person under this Act or obtained under the
18 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act.

19 (e) Cannabis and cannabis-derived substances regulated
20 under the Industrial Hemp Act are not covered by this Act.

21 (Source: P.A. 101-27, eff. 6-25-19.)

22 (410 ILCS 705/10-15)

23 Sec. 10-15. Persons under 21 years of age.

24 (a) Nothing in this Act is intended to permit the transfer
25 of cannabis, with or without remuneration, to a person under 21

1 years of age, or to allow a person under 21 years of age to
2 purchase, possess, use, process, transport, grow, or consume
3 cannabis except where authorized by the Compassionate Use of
4 Medical Cannabis ~~Pilot~~ Program Act or by the Community College
5 Cannabis Vocational Pilot Program.

6 (b) Notwithstanding any other provisions of law
7 authorizing the possession of medical cannabis, nothing in this
8 Act authorizes a person who is under 21 years of age to possess
9 cannabis. A person under 21 years of age with cannabis in his
10 or her possession is guilty of a civil law violation as
11 outlined in paragraph (a) of Section 4 of the Cannabis Control
12 Act.

13 (c) If the person under the age of 21 was in a motor
14 vehicle at the time of the offense, the Secretary of State may
15 suspend or revoke the driving privileges of any person for a
16 violation of this Section under Section 6-206 of the Illinois
17 Vehicle Code and the rules adopted under it.

18 (d) It is unlawful for any parent or guardian to knowingly
19 permit his or her residence, any other private property under
20 his or her control, or any vehicle, conveyance, or watercraft
21 under his or her control to be used by an invitee of the
22 parent's child or the guardian's ward, if the invitee is under
23 the age of 21, in a manner that constitutes a violation of this
24 Section. A parent or guardian is deemed to have knowingly
25 permitted his or her residence, any other private property
26 under his or her control, or any vehicle, conveyance, or

1 watercraft under his or her control to be used in violation of
2 this Section if he or she knowingly authorizes or permits
3 consumption of cannabis by underage invitees. Any person who
4 violates this subsection (d) is guilty of a Class A misdemeanor
5 and the person's sentence shall include, but shall not be
6 limited to, a fine of not less than \$500. If a violation of
7 this subsection (d) directly or indirectly results in great
8 bodily harm or death to any person, the person violating this
9 subsection is guilty of a Class 4 felony. In this subsection
10 (d), where the residence or other property has an owner and a
11 tenant or lessee, the trier of fact may infer that the
12 residence or other property is occupied only by the tenant or
13 lessee.

14 (Source: P.A. 101-27, eff. 6-25-19.)

15 (410 ILCS 705/10-25)

16 Sec. 10-25. Immunities and presumptions related to the use
17 of cannabis by purchasers.

18 (a) A purchaser who is 21 years of age or older is not
19 subject to arrest, prosecution, denial of any right or
20 privilege, or other punishment including, but not limited to,
21 any civil penalty or disciplinary action taken by an
22 occupational or professional licensing board, based solely on
23 the use of cannabis if (1) the purchaser possesses an amount of
24 cannabis that does not exceed the possession limit under
25 Section 10-10 and, if the purchaser is licensed, certified, or

1 registered to practice any trade or profession under any Act
2 and (2) the use of cannabis does not impair that person when he
3 or she is engaged in the practice of the profession for which
4 he or she is licensed, certified, or registered.

5 (b) A purchaser 21 years of age or older is not subject to
6 arrest, prosecution, denial of any right or privilege, or other
7 punishment, including, but not limited to, any civil penalty or
8 disciplinary action taken by an occupational or professional
9 licensing board, based solely for (i) selling cannabis
10 paraphernalia if employed and licensed as a dispensing agent by
11 a dispensing organization; ~~or~~ (ii) being in the presence or
12 vicinity of the use of cannabis or cannabis paraphernalia as
13 allowed under this Act; or (iii) possessing cannabis
14 paraphernalia.

15 (c) Mere possession of, or application for, an agent
16 identification card or license does not constitute probable
17 cause or reasonable suspicion to believe that a crime has been
18 committed, nor shall it be used as the sole basis to support
19 the search of the person, property, or home of the person
20 possessing or applying for the agent identification card. The
21 possession of, or application for, an agent identification card
22 does not preclude the existence of probable cause if probable
23 cause exists based on other grounds.

24 (d) No person employed by the State of Illinois shall be
25 subject to criminal or civil penalties for taking any action in
26 good faith in reliance on this Act when acting within the scope

1 of his or her employment. Representation and indemnification
2 shall be provided to State employees as set forth in Section 2
3 of the State Employee Indemnification Act.

4 (e) No law enforcement or correctional agency, nor any
5 person employed by a law enforcement or correctional agency,
6 shall be subject to criminal or civil liability, except for
7 willful and wanton misconduct, as a result of taking any action
8 within the scope of the official duties of the agency or person
9 to prohibit or prevent the possession or use of cannabis by a
10 person incarcerated at a correctional facility, jail, or
11 municipal lockup facility, on parole or mandatory supervised
12 release, or otherwise under the lawful jurisdiction of the
13 agency or person.

14 (f) For purposes of receiving medical care, including organ
15 transplants, a person's use of cannabis under this Act does not
16 constitute the use of an illicit substance or otherwise
17 disqualify a person from medical care.

18 (Source: P.A. 101-27, eff. 6-25-19.)

19 (410 ILCS 705/10-30)

20 Sec. 10-30. Discrimination prohibited.

21 (a) Neither the presence of cannabinoid components or
22 metabolites in a person's bodily fluids nor possession of
23 cannabis-related paraphernalia, nor conduct related to the use
24 of cannabis or the participation in cannabis-related
25 activities lawful under this Act by a custodial or noncustodial

1 parent, grandparent, legal guardian, foster parent, or other
2 person charged with the well-being of a child, shall form the
3 sole or primary basis or supporting basis for any action or
4 proceeding by a child welfare agency or in a family or juvenile
5 court, any adverse finding, adverse evidence, or restriction of
6 any right or privilege in a proceeding related to adoption of a
7 child, acting as a foster parent of a child, or a person's
8 fitness to adopt a child or act as a foster parent of a child,
9 or serve as the basis of any adverse finding, adverse evidence,
10 or restriction of any right of privilege in a proceeding
11 related to guardianship, conservatorship, trusteeship, the
12 execution of a will, or the management of an estate, unless the
13 person's actions in relation to cannabis created an
14 unreasonable danger to the safety of the minor or otherwise
15 show the person to not be competent as established by clear and
16 convincing evidence. This subsection applies only to conduct
17 protected under this Act.

18 (b) No landlord may be penalized or denied any benefit
19 under State law for leasing to a person who uses cannabis under
20 this Act.

21 (c) Nothing in this Act may be construed to require any
22 person or establishment in lawful possession of property to
23 allow a guest, client, lessee, customer, or visitor to use
24 cannabis on or in that property, including on any land owned in
25 whole or in part or managed in whole or in part by the State.

26 (Source: P.A. 101-27, eff. 6-25-19.)

1 (410 ILCS 705/10-35)

2 Sec. 10-35. Limitations and penalties.

3 (a) This Act does not permit any person to engage in, and
4 does not prevent the imposition of any civil, criminal, or
5 other penalties for engaging in, any of the following conduct:

6 (1) undertaking any task under the influence of
7 cannabis when doing so would constitute negligence,
8 professional malpractice, or professional misconduct;

9 (2) possessing cannabis:

10 (A) in a school bus, unless permitted for a
11 qualifying patient or caregiver pursuant to the
12 Compassionate Use of Medical Cannabis ~~Pilot~~ Program
13 Act;

14 (B) on the grounds of any preschool or primary or
15 secondary school, unless permitted for a qualifying
16 patient or caregiver pursuant to the Compassionate Use
17 of Medical Cannabis ~~Pilot~~ Program Act;

18 (C) in any correctional facility;

19 (D) in a vehicle not open to the public unless the
20 cannabis is in a reasonably secured, sealed container
21 and reasonably inaccessible while the vehicle is
22 moving; or

23 (E) in a private residence that is used at any time
24 to provide licensed child care or other similar social
25 service care on the premises;

1 (3) using cannabis:

2 (A) in a school bus, unless permitted for a
3 qualifying patient or caregiver pursuant to the
4 Compassionate Use of Medical Cannabis ~~Pilot~~ Program
5 Act;

6 (B) on the grounds of any preschool or primary or
7 secondary school, unless permitted for a qualifying
8 patient or caregiver pursuant to the Compassionate Use
9 of Medical Cannabis ~~Pilot~~ Program Act;

10 (C) in any correctional facility;

11 (D) in any motor vehicle;

12 (E) in a private residence that is used at any time
13 to provide licensed child care or other similar social
14 service care on the premises;

15 (F) in any public place; or

16 (G) knowingly in close physical proximity to
17 anyone under 21 years of age who is not a registered
18 medical cannabis patient under the Compassionate Use
19 of Medical Cannabis ~~Pilot~~ Program Act;

20 (4) smoking cannabis in any place where smoking is
21 prohibited under the Smoke Free Illinois Act;

22 (5) operating, navigating, or being in actual physical
23 control of any motor vehicle, aircraft, watercraft, or
24 snowmobile while using or under the influence of cannabis
25 in violation of Section 11-501 or 11-502.1 of the Illinois
26 Vehicle Code, Section 5-16 of the Boat Registration and

1 Safety Act, or Section 5-7 of the Snowmobile Registration
2 and Safety Act ~~or motorboat while using or under the~~
3 ~~influence of cannabis in violation of Section 11-501 or~~
4 ~~11-502.1 of the Illinois Vehicle Code;~~

5 (6) facilitating the use of cannabis by any person who
6 is not allowed to use cannabis under this Act or the
7 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act;

8 (7) transferring cannabis to any person contrary to
9 this Act or the Compassionate Use of Medical Cannabis ~~Pilot~~
10 Program Act;

11 (8) the use of cannabis by a law enforcement officer,
12 corrections officer, probation officer, or firefighter
13 while on duty; nothing in this Act prevents a public
14 employer of law enforcement officers, corrections
15 officers, probation officers, paramedics, or firefighters
16 from prohibiting or taking disciplinary action for the
17 consumption, possession, sales, purchase, or delivery of
18 cannabis or cannabis-infused substances while on or off
19 duty, unless provided for in the employer's policies.
20 However, an employer may not take adverse employment action
21 against an employee based solely on the lawful possession
22 or consumption of cannabis or cannabis-infused substances
23 by members of the employee's household. To the extent that
24 this Section conflicts with any applicable collective
25 bargaining agreement, the provisions of the collective
26 bargaining agreement shall prevail. Further, nothing in

1 this Act shall be construed to limit in any way the right
2 to collectively bargain over the subject matters contained
3 in this Act; or

4 (9) the use of cannabis by a person who has a school
5 bus permit or a Commercial Driver's License while on duty.

6 As used in this Section, "public place" means any place
7 where a person could reasonably be expected to be observed by
8 others. "Public place" includes all parts of buildings owned in
9 whole or in part, or leased, by the State or a unit of local
10 government. "Public place" includes all areas in a park,
11 recreation area, wildlife area or playground owned in whole or
12 in part, leased, or managed by the State. "Public place" does
13 not include a private residence unless the private residence is
14 used to provide licensed child care, foster care, or other
15 similar social service care on the premises.

16 (b) Nothing in this Act shall be construed to prevent the
17 arrest or prosecution of a person for reckless driving or
18 driving under the influence of cannabis, operating a watercraft
19 under the influence of cannabis, or operating a snowmobile
20 under the influence of cannabis if probable cause exists.

21 (c) Nothing in this Act shall prevent a private business
22 from restricting or prohibiting the use of cannabis on its
23 property, including areas where motor vehicles are parked.

24 (d) Nothing in this Act shall require an individual or
25 business entity to violate the provisions of federal law,
26 including colleges or universities that must abide by the

1 Drug-Free Schools and Communities Act Amendments of 1989, that
2 require campuses to be drug free.

3 (Source: P.A. 101-27, eff. 6-25-19.)

4 (410 ILCS 705/10-40)

5 Sec. 10-40. Restore, Reinvest, and Renew Program.

6 (a) The General Assembly finds that in order to address the
7 disparities described below, aggressive approaches and
8 targeted resources to support local design and control of
9 community-based responses to these outcomes are required. To
10 carry out this intent, the Restore, Reinvest, and Renew (R3)
11 Program is created for the following purposes:

12 (1) to directly address the impact of economic
13 disinvestment, violence, and the historical overuse of
14 criminal justice responses to community and individual
15 needs by providing resources to support local design and
16 control of community-based responses to these impacts;

17 (2) to substantially reduce both the total amount of
18 gun violence and concentrated poverty in this State;

19 (3) to protect communities from gun violence through
20 targeted investments and intervention programs, including
21 economic growth and improving family violence prevention,
22 community trauma treatment rates, gun injury victim
23 services, and public health prevention activities;

24 (4) to promote employment infrastructure and capacity
25 building related to the social determinants of health in

1 the eligible community areas.

2 (b) In this Section, "Authority" means the Illinois
3 Criminal Justice Information Authority in coordination with
4 the Justice, Equity, and Opportunity Initiative of the
5 Lieutenant Governor's Office.

6 (c) Eligibility of R3 Areas. Within 180 days after the
7 effective date of this Act, the Authority shall identify as
8 eligible, areas in this State by way of historically recognized
9 geographic boundaries, to be designated by the Restore,
10 Reinvest, and Renew Program Board as R3 Areas and therefore
11 eligible to apply for R3 funding. Local groups within R3 Areas
12 will be eligible to apply for State funding through the
13 Restore, Reinvest, and Renew Program Board. Qualifications for
14 designation as an R3 Area are as follows:

15 (1) Based on an analysis of data, communities in this
16 State that are high need, underserved, disproportionately
17 impacted by historical economic disinvestment, and ravaged
18 by violence as indicated by the highest rates of gun
19 injury, unemployment, child poverty rates, and commitments
20 to and returns from the Illinois Department of Corrections.

21 (2) The Authority shall send to the Legislative Audit
22 Commission and make publicly available its analysis and
23 identification of eligible R3 Areas and shall recalculate
24 the ~~he~~ eligibility data every 4 years. On an annual basis,
25 the Authority shall analyze data and indicate if data
26 covering any R3 Area or portion of an Area has, for 4

1 consecutive years, substantially deviated from the average
2 of statewide data on which the original calculation was
3 made to determine the Areas, including disinvestment,
4 violence, gun injury, unemployment, child poverty rates,
5 or commitments to or returns from the Illinois Department
6 of Corrections.

7 (d) The Restore, Reinvest, and Renew Program Board shall
8 encourage collaborative partnerships within each R3 Area to
9 minimize multiple partnerships per Area.

10 (e) The Restore, Reinvest, and Renew Program Board is
11 created and shall reflect the diversity of the State of
12 Illinois, including geographic, racial, and ethnic diversity.
13 Using the data provided by the Authority, the Restore,
14 Reinvest, and Renew Program Board shall be responsible for
15 designating the R3 Area boundaries and for the selection and
16 oversight of R3 Area grantees. The Restore, Reinvest, and Renew
17 Program Board ex officio members shall, within 4 months after
18 the effective date of this Act, convene the Board to appoint a
19 full Restore, Reinvest, and Renew Program Board and oversee,
20 provide guidance to, and develop an administrative structure
21 for the R3 Program.

22 (1) The ex officio members are:

23 (A) The Lieutenant Governor, or his or her
24 designee, who shall serve as chair.

25 (B) The Attorney General, or his or her
26 designee.

1 (C) The Director of Commerce and Economic
2 Opportunity, or his or her designee.

3 (D) The Director of Public Health, or his or
4 her designee.

5 (E) The Director of Corrections, or his or her
6 designee.

7 (F) The Director of Juvenile Justice, or his or
8 her designee.

9 (G) The Director of Children and Family
10 Services, or his or her designee.

11 (H) ~~(F)~~ The Executive Director of the Illinois
12 Criminal Justice Information Authority, or his or
13 her designee.

14 (I) ~~(G)~~ The Director of Employment Security,
15 or his or her designee.

16 (J) ~~(H)~~ The Secretary of Human Services, or his
17 or her designee.

18 (K) ~~(I)~~ A member of the Senate, designated by
19 the President of the Senate.

20 (L) ~~(J)~~ A member of the House of
21 Representatives, designated by the Speaker of the
22 House of Representatives.

23 (M) ~~(K)~~ A member of the Senate, designated by
24 the Minority Leader of the Senate.

25 (N) ~~(L)~~ A member of the House of
26 Representatives, designated by the Minority Leader

1 of the House of Representatives.

2 (2) Within 90 days after the R3 Areas have been
3 designated by the Restore, Reinvest, and Renew Program
4 Board, the following members shall be appointed to the
5 Board by the R3 board chair:

6 (A) Eight public officials of municipal geographic
7 jurisdictions in the State that include an R3 Area, or
8 their designees;

9 (B) Four 4 community-based providers or community
10 development organization representatives who provide
11 services to treat violence and address the social
12 determinants of health, or promote community
13 investment, including, but not limited to, services
14 such as job placement and training, educational
15 services, workforce development programming, and
16 wealth building. The community-based organization
17 representatives shall work primarily in jurisdictions
18 that include an R3 Area and no more than 2
19 representatives shall work primarily in Cook County.
20 At least one of the community-based providers shall
21 have expertise in providing services to an immigrant
22 population;

23 (C) Two experts in the field of violence reduction;

24 (D) One male who has previously been incarcerated
25 and is over the age of 24 at the time of appointment;

26 (E) One female who has previously been

1 incarcerated and is over the age of 24 at the time of
2 appointment;

3 (F) Two individuals who have previously been
4 incarcerated and are between the ages of 17 and 24 at
5 the time of appointment.

6 As used in this paragraph (2), "an individual who has
7 been previously incarcerated" means a person who has been
8 convicted of or pled guilty to one or more felonies, who
9 was sentenced to a term of imprisonment, and who has
10 completed his or her sentence. Board members shall serve
11 without compensation and may be reimbursed for reasonable
12 expenses incurred in the performance of their duties from
13 funds appropriated for that purpose. Once all its members
14 have been appointed as outlined in items (A) through (F) of
15 this paragraph (2), the Board may exercise any power,
16 perform any function, take any action, or do anything in
17 furtherance of its purposes and goals upon the appointment
18 of a quorum of its members. The Board terms of the non-ex
19 officio and General Assembly Board members shall end 4
20 years from the date of appointment.

21 (f) Within 12 months after the effective date of this Act,
22 the Board shall:

23 (1) develop a process to solicit applications from
24 eligible R3 Areas;

25 (2) develop a standard template for both planning and
26 implementation activities to be submitted by R3 Areas to

1 the State;

2 (3) identify resources sufficient to support the full
3 administration and evaluation of the R3 Program, including
4 building and sustaining core program capacity at the
5 community and State levels;

6 (4) review R3 Area grant applications and proposed
7 agreements and approve the distribution of resources;

8 (5) develop a performance measurement system that
9 focuses on positive outcomes;

10 (6) develop a process to support ongoing monitoring and
11 evaluation of R3 programs; and

12 (7) deliver an annual report to the General Assembly
13 and to the Governor to be posted on the Governor's Office
14 and General Assembly websites and provide to the public an
15 annual report on its progress.

16 (g) R3 Area grants.

17 (1) Grant funds shall be awarded by the Illinois
18 Criminal Justice Information Authority, in coordination
19 with the R3 board, based on the likelihood that the plan
20 will achieve the outcomes outlined in subsection (a) and
21 consistent with the requirements of the Grant
22 Accountability and Transparency Act. The R3 Program shall
23 also facilitate the provision of training and technical
24 assistance for capacity building within and among R3 Areas.

25 (2) R3 Program Board grants shall be used to address
26 economic development, violence prevention services,

1 re-entry services, youth development, and civil legal aid.

2 (3) The Restore, Reinvest, and Renew Program Board and
3 the R3 Area grantees shall, within a period of no more than
4 120 days from the completion of planning activities
5 described in this Section, finalize an agreement on the
6 plan for implementation. Implementation activities may:

7 (A) have a basis in evidence or best practice
8 research or have evaluations demonstrating the
9 capacity to address the purpose of the program in
10 subsection (a);

11 (B) collect data from the inception of planning
12 activities through implementation, with data
13 collection technical assistance when needed, including
14 cost data and data related to identified meaningful
15 short-term, mid-term, and long-term goals and metrics;

16 (C) report data to the Restore, Reinvest, and Renew
17 Program Board biannually; and

18 (D) report information as requested by the R3
19 Program Board.

20 (Source: P.A. 101-27, eff. 6-25-19.)

21 (410 ILCS 705/10-50)

22 Sec. 10-50. Employment; employer liability.

23 (a) Nothing in this Act shall prohibit an employer from
24 adopting reasonable zero tolerance or drug free workplace
25 policies, or employment policies concerning drug testing,

1 smoking, consumption, storage, or use of cannabis in the
2 workplace or while on call provided that the policy is applied
3 in a nondiscriminatory manner.

4 (b) Nothing in this Act shall require an employer to permit
5 an employee to be under the influence of or use cannabis in the
6 employer's workplace or while performing the employee's job
7 duties or while on call.

8 (c) Nothing in this Act shall limit or prevent an employer
9 from disciplining an employee or terminating employment of an
10 employee for violating an employer's employment policies or
11 workplace drug policy.

12 (d) An employer may consider an employee to be impaired or
13 under the influence of cannabis if the employer has a good
14 faith belief that an employee manifests specific, articulable
15 symptoms while working that decrease or lessen the employee's
16 performance of the duties or tasks of the employee's job
17 position, including symptoms of the employee's speech,
18 physical dexterity, agility, coordination, demeanor,
19 irrational or unusual behavior, or negligence or carelessness
20 in operating equipment or machinery; disregard for the safety
21 of the employee or others, or involvement in any accident that
22 results in serious damage to equipment or property; disruption
23 of a production or manufacturing process; or carelessness that
24 results in any injury to the employee or others. If an employer
25 elects to discipline an employee on the basis that the employee
26 is under the influence or impaired by cannabis, the employer

1 must afford the employee a reasonable opportunity to contest
2 the basis of the determination.

3 (e) Nothing in this Act shall be construed to create or
4 imply a cause of action for any person against an employer for:

5 (1) actions taken pursuant to an employer's reasonable
6 workplace drug policy, including but not limited to
7 subjecting an employee or applicant to reasonable drug and
8 alcohol testing, reasonable and nondiscriminatory random
9 drug testing, and discipline, termination of employment,
10 or withdrawal of a job offer due to a failure of a drug
11 test; ~~, including but not limited to subjecting an employee~~
12 ~~or applicant to reasonable drug and alcohol testing under~~
13 ~~the employer's workplace drug policy, including an~~
14 ~~employee's refusal to be tested or to cooperate in testing~~
15 ~~procedures or disciplining or termination of employment,~~

16 (2) actions based on the employer's good faith belief
17 that an employee used or possessed cannabis in the
18 employer's workplace or while performing the employee's
19 job duties or while on call in violation of the employer's
20 employment policies;

21 (3) ~~(2)~~ actions, including discipline or termination
22 of employment, based on the employer's good faith belief
23 that an employee was impaired as a result of the use of
24 cannabis, or under the influence of cannabis, while at the
25 employer's workplace or while performing the employee's
26 job duties or while on call in violation of the employer's

1 workplace drug policy; or

2 (4) ~~(3)~~ injury, loss, or liability to a third party if
3 the employer neither knew nor had reason to know that the
4 employee was impaired.

5 (f) Nothing in this Act shall be construed to enhance or
6 diminish protections afforded by any other law, including but
7 not limited to the Compassionate Use of Medical Cannabis ~~Pilot~~
8 Program Act or the Opioid Alternative Pilot Program.

9 (g) Nothing in this Act shall be construed to interfere
10 with any federal, State, or local restrictions on employment
11 including, but not limited to, the United States Department of
12 Transportation regulation 49 CFR 40.151(e) or impact an
13 employer's ability to comply with federal or State law or cause
14 it to lose a federal or State contract or funding.

15 (h) As used in this Section, "workplace" means the
16 employer's premises, including any building, real property,
17 and parking area under the control of the employer or area used
18 by an employee while in the performance of the employee's job
19 duties, and vehicles, whether leased, rented, or owned.
20 "Workplace" may be further defined by the employer's written
21 employment policy, provided that the policy is consistent with
22 this Section.

23 (i) For purposes of this Section, an employee is deemed "on
24 call" when such employee is scheduled with at least 24 hours'
25 notice by his or her employer to be on standby or otherwise
26 responsible for performing tasks related to his or her

1 employment either at the employer's premises or other
2 previously designated location by his or her employer or
3 supervisor to perform a work-related task.

4 (Source: P.A. 101-27, eff. 6-25-19.)

5 (410 ILCS 705/15-15)

6 Sec. 15-15. Early Approval Adult Use Dispensing
7 Organization License.

8 (a) Any medical cannabis dispensing organization holding a
9 valid registration under the Compassionate Use of Medical
10 Cannabis ~~Pilot~~ Program Act as of the effective date of this Act
11 may, within 60 days of the effective date of this Act, apply to
12 the Department for an Early Approval Adult Use Dispensing
13 Organization License to serve purchasers at any medical
14 cannabis dispensing location in operation on the effective date
15 of this Act, pursuant to this Section.

16 (b) A medical cannabis dispensing organization seeking
17 issuance of an Early Approval Adult Use Dispensing Organization
18 License to serve purchasers at any medical cannabis dispensing
19 location in operation as of the effective date of this Act
20 shall submit an application on forms provided by the
21 Department. The application must be submitted by the same
22 person or entity that holds the medical cannabis dispensing
23 organization registration and include the following:

24 (1) Payment of a nonrefundable fee of \$30,000 to be
25 deposited into the Cannabis Regulation Fund;

1 (2) Proof of registration as a medical cannabis
2 dispensing organization that is in good standing;

3 (3) Certification that the applicant will comply with
4 the requirements contained in the Compassionate Use of
5 Medical Cannabis ~~Pilot~~ Program Act except as provided in
6 this Act;

7 (4) The legal name of the dispensing organization;

8 (5) The physical address of the dispensing
9 organization;

10 (6) The name, address, social security number, and date
11 of birth of each principal officer and board member of the
12 dispensing organization, each of whom must be at least 21
13 years of age;

14 (7) A nonrefundable Cannabis Business Development Fee
15 equal to 3% of the dispensing organization's total sales
16 between June 1, 2018 to June 1, 2019, or \$100,000,
17 whichever is less, to be deposited into the Cannabis
18 Business Development Fund; and

19 (8) Identification of one of the following Social
20 Equity Inclusion Plans to be completed by March 31, 2021:

21 (A) Make a contribution of 3% of total sales from
22 June 1, 2018 to June 1, 2019, or \$100,000, whichever is
23 less, to the Cannabis Business Development Fund. This
24 is in addition to the fee required by item (7) of this
25 subsection (b);

26 (B) Make a grant of 3% of total sales from June 1,

1 2018 to June 1, 2019, or \$100,000, whichever is less,
2 to a cannabis industry training or education program at
3 an Illinois community college as defined in the Public
4 Community College Act;

5 (C) Make a donation of \$100,000 or more to a
6 program that provides job training services to persons
7 recently incarcerated or that operates in a
8 Disproportionately Impacted Area;

9 (D) Participate as a host in a cannabis business
10 establishment incubator program approved by the
11 Department of Commerce and Economic Opportunity, and
12 in which an Early Approval Adult Use Dispensing
13 Organization License holder agrees to provide a loan of
14 at least \$100,000 and mentorship to incubate, for at
15 least a year, a Social Equity Applicant intending to
16 seek a license ~~a licensee that qualifies as a Social~~
17 ~~Equity Applicant for at least a year.~~ As used in this
18 Section, "incubate" means providing direct financial
19 assistance and training necessary to engage in
20 licensed cannabis industry activity similar to that of
21 the host licensee. The Early Approval Adult Use
22 Dispensing Organization License holder or the same
23 entity holding any other licenses issued pursuant to
24 this Act shall not take an ownership stake of greater
25 than 10% in any business receiving incubation services
26 to comply with this subsection. If an Early Approval

1 Adult Use Dispensing Organization License holder fails
2 to find a business to incubate to comply with this
3 subsection before its Early Approval Adult Use
4 Dispensing Organization License expires, it may opt to
5 meet the requirement of this subsection by completing
6 another item from this subsection; or

7 (E) Participate in a sponsorship program for at
8 least 2 years approved by the Department of Commerce
9 and Economic Opportunity in which an Early Approval
10 Adult Use Dispensing Organization License holder
11 agrees to provide an interest-free loan of at least
12 \$200,000 to a Social Equity Applicant. The sponsor
13 shall not take an ownership stake in any cannabis
14 business establishment receiving sponsorship services
15 to comply with this subsection.

16 (c) The license fee required by paragraph (1) of subsection
17 (b) of this Section shall be in addition to any license fee
18 required for the renewal of a registered medical cannabis
19 dispensing organization license.

20 (d) Applicants must submit all required information,
21 including the requirements in subsection (b) of this Section,
22 to the Department. Failure by an applicant to submit all
23 required information may result in the application being
24 disqualified.

25 (e) If the Department receives an application that fails to
26 provide the required elements contained in subsection (b), the

1 Department shall issue a deficiency notice to the applicant.
2 The applicant shall have 10 calendar days from the date of the
3 deficiency notice to submit complete information. Applications
4 that are still incomplete after this opportunity to cure may be
5 disqualified.

6 (f) If an applicant meets all the requirements of
7 subsection (b) of this Section, the Department shall issue the
8 Early Approval Adult Use Dispensing Organization License
9 within 14 days of receiving a completed application unless:

10 (1) The licensee or a principal officer is delinquent
11 in filing any required tax returns or paying any amounts
12 owed to the State of Illinois;

13 (2) The Secretary of Financial and Professional
14 Regulation determines there is reason, based on documented
15 compliance violations, the licensee is not entitled to an
16 Early Approval Adult Use Dispensing Organization License;
17 or

18 (3) Any principal officer fails to register and remain
19 in compliance with this Act or the Compassionate Use of
20 Medical Cannabis ~~Pilot~~ Program Act.

21 (g) A registered medical cannabis dispensing organization
22 that obtains an Early Approval Adult Use Dispensing
23 Organization License may begin selling cannabis,
24 cannabis-infused products, paraphernalia, and related items to
25 purchasers under the rules of this Act no sooner than January
26 1, 2020.

1 (h) A dispensing organization holding a medical cannabis
2 dispensing organization license issued under the Compassionate
3 Use of Medical Cannabis ~~Pilot~~ Program Act must maintain an
4 adequate supply of cannabis and cannabis-infused products for
5 purchase by qualifying patients, caregivers, provisional
6 patients, and Opioid Alternative Pilot Program participants.
7 For the purposes of this subsection, "adequate supply" means a
8 monthly inventory level that is comparable in type and quantity
9 to those medical cannabis products provided to patients and
10 caregivers on an average monthly basis for the 6 months before
11 the effective date of this Act.

12 (i) If there is a shortage of cannabis or cannabis-infused
13 products, a dispensing organization holding both a dispensing
14 organization license under the Compassionate Use of Medical
15 Cannabis ~~Pilot~~ Program Act and this Act shall prioritize
16 serving qualifying patients, caregivers, provisional patients,
17 and Opioid Alternative Pilot Program participants before
18 serving purchasers.

19 (j) Notwithstanding any law or rule to the contrary, a
20 person that holds a medical cannabis dispensing organization
21 license issued under the Compassionate Use of Medical Cannabis
22 ~~Pilot~~ Program Act and an Early Approval Adult Use Dispensing
23 Organization License may permit purchasers into a limited
24 access area as that term is defined in administrative rules
25 made under the authority in the Compassionate Use of Medical
26 Cannabis ~~Pilot~~ Program Act.

1 (k) An Early Approval Adult Use Dispensing Organization
2 License is valid until March 31, 2021. A dispensing
3 organization that obtains an Early Approval Adult Use
4 Dispensing Organization License shall receive written or
5 electronic notice 90 days before the expiration of the license
6 that the license will expire, and that informs ~~inform~~ the
7 license holder that it may apply to renew its Early Approval
8 Adult Use Dispensing Organization License on forms provided by
9 the Department. The Department shall renew the Early Approval
10 Adult Use Dispensing Organization License within 60 days of the
11 renewal application being deemed complete if:

12 (1) the dispensing organization submits an application
13 and the required nonrefundable renewal fee of \$30,000, to
14 be deposited into the Cannabis Regulation Fund;

15 (2) the Department has not suspended or permanently
16 revoked the Early Approval Adult Use Dispensing
17 Organization License or a medical cannabis dispensing
18 organization license on the same premises for violations of
19 this Act, the Compassionate Use of Medical Cannabis ~~Pilot~~
20 Program Act, or rules adopted pursuant to those Acts; ~~and~~

21 (3) the dispensing organization has completed a Social
22 Equity Inclusion Plan as provided ~~required~~ by parts (A),
23 (B), and (C) of paragraph (8) of subsection (b) of this
24 Section or has made substantial progress toward completing
25 a Social Equity Inclusion Plan as provided by parts (D) and
26 (E) of paragraph (8) of subsection (b) of this Section; and

1 (4) the dispensing organization is in compliance with
2 this Act and rules.

3 (1) The Early Approval Adult Use Dispensing Organization
4 License renewed pursuant to subsection (k) of this Section
5 shall expire March 31, 2022. The Early Approval Adult Use
6 Dispensing Organization Licensee shall receive written or
7 electronic notice 90 days before the expiration of the license
8 that the license will expire, and that informs ~~inform~~ the
9 license holder that it may apply for an Adult Use Dispensing
10 Organization License on forms provided by the Department. The
11 Department shall grant an Adult Use Dispensing Organization
12 License within 60 days of an application being deemed complete
13 if the applicant has met all of the criteria in Section 15-36.

14 (m) If a dispensing organization ~~dispensary~~ fails to submit
15 an application for renewal of an Early Approval Adult Use
16 Dispensing Organization License or for an Adult Use Dispensing
17 Organization License before the expiration dates provided in
18 subsections (k) and (l) of the Early Approval Adult Use
19 ~~Dispensing Organization License pursuant to subsection (k) of~~
20 this Section, the dispensing organization shall cease serving
21 purchasers and cease all operations until it receives a renewal
22 or an Adult Use Dispensing Organization License, as the case
23 may be.

24 (n) A dispensing organization agent who holds a valid
25 dispensing organization agent identification card issued under
26 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act and

1 is an officer, director, manager, or employee of the dispensing
2 organization licensed under this Section may engage in all
3 activities authorized by this Article to be performed by a
4 dispensing organization agent.

5 (o) If the Department suspends, permanently revokes, or
6 otherwise disciplines the Early Approval Adult Use Dispensing
7 Organization License of a dispensing organization that also
8 holds a medical cannabis dispensing organization license
9 issued under the Compassionate Use of Medical Cannabis Program
10 Act, the Department may consider the suspension, permanent
11 revocation, or other discipline of the medical cannabis
12 dispensing organization license.

13 (p) ~~(o)~~ All fees collected pursuant to this Section shall
14 be deposited into the Cannabis Regulation Fund, unless
15 otherwise specified.

16 (Source: P.A. 101-27, eff. 6-25-19.)

17 (410 ILCS 705/15-20)

18 Sec. 15-20. Early Approval Adult Use Dispensing
19 Organization License; secondary site.

20 ~~(a) If the Department suspends or revokes the Early~~
21 ~~Approval Adult Use Dispensing Organization License of a~~
22 ~~dispensing organization that also holds a medical cannabis~~
23 ~~dispensing organization license issued under the Compassionate~~
24 ~~Use of Medical Cannabis Pilot Program Act, the Department may~~
25 ~~consider the suspension or revocation as grounds to take~~

1 ~~disciplinary action against the medical cannabis dispensing~~
2 ~~organization license.~~

3 ~~(a-5) If, within 360 days of the effective date of this~~
4 ~~Act, a dispensing organization is unable to find a location~~
5 ~~within the BLS Regions prescribed in subsection (a) of this~~
6 ~~Section in which to operate an Early Approval Adult Use~~
7 ~~Dispensing Organization at a secondary site because no~~
8 ~~jurisdiction within the prescribed area allows the operation of~~
9 ~~an Adult Use Cannabis Dispensing Organization, the Department~~
10 ~~of Financial and Professional Regulation may waive the~~
11 ~~geographic restrictions of subsection (a) of this Section and~~
12 ~~specify another BLS Region into which the dispensary may be~~
13 ~~placed.~~

14 (a) ~~(b)~~ Any medical cannabis dispensing organization
15 holding a valid registration under the Compassionate Use of
16 Medical Cannabis ~~Pilot~~ Program Act as of the effective date of
17 this Act may, within 60 days of the effective date of this Act,
18 apply to the Department for an Early Approval Adult Use
19 Dispensing Organization License to operate a dispensing
20 organization to serve purchasers at a secondary site not within
21 1,500 feet of another medical cannabis dispensing organization
22 or adult use dispensing organization. The Early Approval Adult
23 Use Dispensing Organization secondary site shall be within any
24 BLS Region ~~region~~ that shares territory with the dispensing
25 organization district to which the medical cannabis dispensing
26 organization is assigned under the administrative rules for

1 dispensing organizations under the Compassionate Use of
2 Medical Cannabis ~~Pilot~~ Program Act.

3 (a-5) If, within 360 days of the effective date of this
4 Act, a dispensing organization is unable to find a location
5 within the BLS Regions prescribed in subsection (a) of this
6 Section in which to operate an Early Approval Adult Use
7 Dispensing Organization at a secondary site because no
8 jurisdiction within the prescribed area allows the operation of
9 an Adult Use Cannabis Dispensing Organization, the Department
10 of Financial and Professional Regulation may waive the
11 geographic restrictions of subsection (a) of this Section and
12 specify another BLS Region into which the dispensary may be
13 placed.

14 (b) (Blank).

15 (c) A medical cannabis dispensing organization seeking
16 issuance of an Early Approval Adult Use Dispensing Organization
17 License at a secondary site to serve purchasers at a secondary
18 site as prescribed in subsection (a) ~~(b)~~ of this Section shall
19 submit an application on forms provided by the Department. The
20 application must meet or include the following qualifications:

21 (1) a payment of a nonrefundable application fee of
22 \$30,000;

23 (2) proof of registration as a medical cannabis
24 dispensing organization that is in good standing;

25 (3) submission of the application by the same person or
26 entity that holds the medical cannabis dispensing

1 organization registration;

2 (4) the legal name of the medical cannabis dispensing
3 organization;

4 (5) the physical address of the medical cannabis
5 dispensing organization and the proposed physical address
6 of the secondary site;

7 (6) a copy of the current local zoning ordinance
8 Sections relevant to dispensary operations and
9 documentation of the approval, the conditional approval or
10 the status of a request for zoning approval from the local
11 zoning office that the proposed dispensary location is in
12 compliance with the local zoning rules;

13 (7) a plot plan of the dispensary drawn to scale. The
14 applicant shall submit general specifications of the
15 building exterior and interior layout;

16 (8) a statement that the dispensing organization
17 agrees to respond to the Department's supplemental
18 requests for information;

19 (9) for the building or land to be used as the proposed
20 dispensary:

21 (A) if the property is not owned by the applicant,
22 a written statement from the property owner and
23 landlord, if any, certifying consent that the
24 applicant may operate a dispensary on the premises; or

25 (B) if the property is owned by the applicant,
26 confirmation of ownership;

1 (10) a copy of the proposed operating bylaws;

2 (11) a copy of the proposed business plan that complies
3 with the requirements in this Act, including, at a minimum,
4 the following:

5 (A) a description of services to be offered; and

6 (B) a description of the process of dispensing
7 cannabis;

8 (12) a copy of the proposed security plan that complies
9 with the requirements in this Article, including:

10 (A) a description of the delivery process by which
11 cannabis will be received from a transporting
12 organization, including receipt of manifests and
13 protocols that will be used to avoid diversion, theft,
14 or loss at the dispensary acceptance point; and

15 (B) the process or controls that will be
16 implemented to monitor the dispensary, secure the
17 premises, agents, patients, and currency, and prevent
18 the diversion, theft, or loss of cannabis; and

19 (C) the process to ensure that access to the
20 restricted access areas is restricted to, registered
21 agents, service professionals, transporting
22 organization agents, Department inspectors, and
23 security personnel;

24 (13) a proposed inventory control plan that complies
25 with this Section;

26 (14) the name, address, social security number, and

1 date of birth of each principal officer and board member of
2 the dispensing organization; each of those individuals
3 shall be at least 21 years of age;

4 (15) a nonrefundable Cannabis Business Development Fee
5 equal to \$200,000, to be deposited into the Cannabis
6 Business Development Fund; and

7 (16) a commitment to completing one of the following
8 Social Equity Inclusion Plans in subsection (d).

9 (d) Before receiving an Early Approval Adult Use Dispensing
10 Organization License at a secondary site, a dispensing
11 organization shall indicate the Social Equity Inclusion Plan
12 that the applicant plans to achieve before the expiration of
13 the Early Approval Adult Use Dispensing Organization License
14 from the list below:

15 (1) make a contribution of 3% of total sales from June
16 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to
17 the Cannabis Business Development Fund. This is in addition
18 to the fee required by paragraph (16) of subsection (c) of
19 this Section;

20 (2) make a grant of 3% of total sales from June 1, 2018
21 to June 1, 2019, or \$100,000, whichever is less, to a
22 cannabis industry training or education program at an
23 Illinois community college as defined in the Public
24 Community College Act;

25 (3) make a donation of \$100,000 or more to a program
26 that provides job training services to persons recently

1 incarcerated or that operates in a Disproportionately
2 Impacted Area;

3 (4) participate as a host in a cannabis business
4 establishment incubator program approved by the Department
5 of Commerce and Economic Opportunity, and in which an Early
6 Approval Adult Use Dispensing Organization License at a
7 secondary site holder agrees to provide a loan of at least
8 \$100,000 and mentorship to incubate a licensee that
9 qualifies as a Social Equity Applicant for at least a year.

10 In this paragraph (4), "incubate" means providing direct
11 financial assistance and training necessary to engage in
12 licensed cannabis industry activity similar to that of the
13 host licensee. The Early Approval Adult Use Dispensing
14 Organization License holder or the same entity holding any
15 other licenses issued under this Act shall not take an
16 ownership stake of greater than 10% in any business
17 receiving incubation services to comply with this
18 subsection. If an Early Approval Adult Use Dispensing
19 Organization License at a secondary site holder fails to
20 find a business to incubate in order to comply with this
21 subsection before its Early Approval Adult Use Dispensing
22 Organization License at a secondary site expires, it may
23 opt to meet the requirement of this subsection by
24 completing another item from this subsection before the
25 expiration of its Early Approval Adult Use Dispensing
26 Organization License at a secondary site to avoid a

1 penalty; or

2 (5) participate in a sponsorship program for at least 2
3 years approved by the Department of Commerce and Economic
4 Opportunity in which an Early Approval Adult Use Dispensing
5 Organization License at a secondary site holder agrees to
6 provide an interest-free loan of at least \$200,000 to a
7 Social Equity Applicant. The sponsor shall not take an
8 ownership stake of greater than 10% in any business
9 receiving sponsorship services to comply with this
10 subsection.

11 (e) The license fee required by paragraph (1) of subsection
12 (c) of this Section is in addition to any license fee required
13 for the renewal of a registered medical cannabis dispensing
14 organization license.

15 (f) Applicants must submit all required information,
16 including the requirements in subsection (c) of this Section,
17 to the Department. Failure by an applicant to submit all
18 required information may result in the application being
19 disqualified. Principal officers shall not be required to
20 submit to the fingerprint and background check requirements of
21 Section 5-20.

22 (g) If the Department receives an application that fails to
23 provide the required elements contained in subsection (c), the
24 Department shall issue a deficiency notice to the applicant.
25 The applicant shall have 10 calendar days from the date of the
26 deficiency notice to submit complete information. Applications

1 that are still incomplete after this opportunity to cure may be
2 disqualified.

3 (h) Once all required information and documents have been
4 submitted, the Department will review the application. The
5 Department may request revisions and retains final approval
6 over dispensary features. Once the application is complete and
7 meets the Department's approval, the Department shall
8 conditionally approve the license. Final approval is
9 contingent on the build-out and Department inspection.

10 (i) Upon submission of the Early Approval Adult Use
11 Dispensing Organization at a secondary site application, the
12 applicant shall request an inspection and the Department may
13 inspect the Early Approval Adult Use Dispensing Organization's
14 secondary site to confirm compliance with the application and
15 this Act.

16 (j) The Department shall only issue an Early Approval Adult
17 Use Dispensing Organization License at a secondary site after
18 the completion of a successful inspection.

19 (k) If an applicant passes the inspection under this
20 Section, the Department shall issue the Early Approval Adult
21 Use Dispensing Organization License at a secondary site within
22 10 business days unless:

23 (1) The licensee, any principal officer or board member
24 of the licensee, or any person having a financial or voting
25 interest of 5% or greater in the licensee ~~; principal~~
26 ~~officer, board member, or person having a financial or~~

1 ~~voting interest of 5% or greater in the licensee; or agent~~
2 is delinquent in filing any required tax returns or paying
3 any amounts owed to the State of Illinois; or

4 (2) The Secretary of Financial and Professional
5 Regulation determines there is reason, based on documented
6 compliance violations, the licensee is not entitled to an
7 Early Approval Adult Use Dispensing Organization License
8 at its secondary site.

9 (1) Once the Department has issued a license, the
10 dispensing organization shall notify the Department of the
11 proposed opening date.

12 (m) A registered medical cannabis dispensing organization
13 that obtains an Early Approval Adult Use Dispensing
14 Organization License at a secondary site may begin selling
15 cannabis, cannabis-infused products, paraphernalia, and
16 related items to purchasers under the rules of this Act no
17 sooner than January 1, 2020.

18 (n) If there is a shortage of cannabis or cannabis-infused
19 products, a dispensing organization holding both a dispensing
20 organization license under the Compassionate Use of Medical
21 Cannabis ~~Pilot~~ Program Act and this Article shall prioritize
22 serving qualifying patients and caregivers before serving
23 purchasers.

24 (o) An Early Approval Adult Use Dispensing Organization
25 License at a secondary site is valid until March 31, 2021. A
26 dispensing organization that obtains an Early Approval Adult

1 Use Dispensing Organization License at a secondary site shall
2 receive written or electronic notice 90 days before the
3 expiration of the license that the license will expire, and
4 inform the license holder that it may renew its Early Approval
5 Adult Use Dispensing Organization License at a secondary site.
6 The Department shall renew an Early Approval Adult Use
7 Dispensing Organization License at a secondary site within 60
8 days of submission of the renewal application being deemed
9 complete if:

10 (1) the dispensing organization submits an application
11 and the required nonrefundable renewal fee of \$30,000, to
12 be deposited into the Cannabis Regulation Fund;

13 (2) the Department has not suspended or permanently
14 revoked the Early Approval Adult Use Dispensing
15 Organization License or a medical cannabis dispensing
16 organization license held by the same person or entity for
17 violating this Act or rules adopted under this Act or the
18 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act or
19 rules adopted under that Act; and

20 (3) the dispensing organization has completed a Social
21 Equity Inclusion Plan provided ~~as required~~ by paragraph
22 (1), (2), or (3) ~~(16)~~ of subsection (d) ~~(e)~~ of this Section
23 or has made substantial progress toward completing a Social
24 Equity Inclusion Plan provided by paragraph (4) or (5) of
25 subsection (d) of this Section.

26 (p) The Early Approval Adult Use Dispensing Organization

1 Licensee at a secondary site renewed pursuant to subsection (o)
2 shall receive written or electronic notice 90 days before the
3 expiration of the license that the license will expire, and
4 that informs ~~inform~~ the license holder that it may apply for an
5 Adult Use Dispensing Organization License on forms provided by
6 the Department. The Department shall grant an Adult Use
7 Dispensing Organization License within 60 days of an
8 application being deemed complete if the applicant has meet all
9 of the criteria in Section 15-36.

10 (q) If a dispensing organization fails to submit an
11 application for renewal of an Early Approval Adult Use
12 Dispensing Organization License or for an Adult Use Dispensing
13 Organization License before the expiration dates provided in
14 subsections (o) and (p) of this Section, the dispensing
15 organization shall cease serving purchasers until it receives a
16 renewal or an Adult Use Dispensing Organization License.

17 (r) A dispensing organization agent who holds a valid
18 dispensing organization agent identification card issued under
19 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act and
20 is an officer, director, manager, or employee of the dispensing
21 organization licensed under this Section may engage in all
22 activities authorized by this Article to be performed by a
23 dispensing organization agent.

24 (s) If the Department suspends, permanently revokes, or
25 otherwise disciplines the Early Approval Adult Use Dispensing
26 Organization License of a dispensing organization that also

1 holds a medical cannabis dispensing organization license
2 issued under the Compassionate Use of Medical Cannabis Program
3 Act, the Department may consider the suspension, permanent
4 revocation, or other discipline ~~or revokes the Early Approval~~
5 ~~Adult Use Dispensing Organization License of a dispensing~~
6 ~~organization that also holds a medical cannabis dispensing~~
7 ~~organization license issued under the Compassionate Use of~~
8 ~~Medical Cannabis Pilot Program Act, the Department may consider~~
9 ~~the suspension or revocation~~ as grounds to take disciplinary
10 action against the medical cannabis dispensing organization.

11 (t) All fees collected pursuant to this Section shall be
12 deposited into the Cannabis Regulation Fund, unless otherwise
13 specified ~~or fines collected from an Early Approval Adult Use~~
14 ~~Dispensary Organization License at a secondary site holder as a~~
15 ~~result of a disciplinary action in the enforcement of this Act~~
16 ~~shall be deposited into the Cannabis Regulation Fund and be~~
17 ~~appropriated to the Department for the ordinary and contingent~~
18 ~~expenses of the Department in the administration and~~
19 ~~enforcement of this Section.~~

20 (Source: P.A. 101-27, eff. 6-25-19.)

21 (410 ILCS 705/15-25)

22 Sec. 15-25. Awarding of Conditional Adult Use Dispensing
23 Organization Licenses prior to January 1, 2021.

24 (a) The Department shall issue up to 75 Conditional Adult
25 Use Dispensing Organization Licenses before May 1, 2020.

1 (b) The Department shall make the application for a
2 Conditional Adult Use Dispensing Organization License
3 available no later than October 1, 2019 and shall accept
4 applications no later than January 1, 2020.

5 (c) To ensure the geographic dispersion of Conditional
6 Adult Use Dispensing Organization License holders, the
7 following number of licenses shall be awarded in each BLS
8 Region as determined by each region's percentage of the State's
9 population:

- 10 (1) Bloomington: 1
11 (2) Cape Girardeau: 1
12 (3) Carbondale-Marion: 1
13 (4) Champaign-Urbana: 1
14 (5) Chicago-Naperville-Elgin: 47
15 (6) Danville: 1
16 (7) Davenport-Moline-Rock Island: 1
17 (8) Decatur: 1
18 (9) Kankakee: 1
19 (10) Peoria: 3
20 (11) Rockford: 2
21 (12) St. Louis: 4
22 (13) Springfield: 1
23 (14) Northwest Illinois nonmetropolitan: 3
24 (15) West Central Illinois nonmetropolitan: 3
25 (16) East Central Illinois nonmetropolitan: 2
26 (17) South Illinois nonmetropolitan: 2

1 (d) An applicant seeking issuance of a Conditional Adult
2 Use Dispensing Organization License shall submit an
3 application on forms provided by the Department. An applicant
4 must meet the following requirements:

5 (1) Payment of a nonrefundable application fee of
6 \$5,000 for each license for which the applicant is
7 applying, which shall be deposited into the Cannabis
8 Regulation Fund;

9 (2) Certification that the applicant will comply with
10 the requirements contained in this Act;

11 (3) The legal name of the proposed dispensing
12 organization;

13 (4) A statement that the dispensing organization
14 agrees to respond to the Department's supplemental
15 requests for information;

16 (5) From each principal officer, a statement
17 indicating whether that person:

18 (A) has previously held or currently holds an
19 ownership interest in a cannabis business
20 establishment in Illinois; or

21 (B) has held an ownership interest in a dispensing
22 organization or its equivalent in another state or
23 territory of the United States that had the dispensing
24 organization registration or license suspended,
25 revoked, placed on probationary status, or subjected
26 to other disciplinary action;

1 (6) Disclosure of whether any principal officer has
2 ever filed for bankruptcy or defaulted on spousal support
3 or child support obligation;

4 (7) A resume for each principal officer, including
5 whether that person has an academic degree, certification,
6 or relevant experience with a cannabis business
7 establishment or in a related industry;

8 (8) A description of the training and education that
9 will be provided to dispensing organization agents;

10 (9) A copy of the proposed operating bylaws;

11 (10) A copy of the proposed business plan that complies
12 with the requirements in this Act, including, at a minimum,
13 the following:

14 (A) A description of services to be offered; and

15 (B) A description of the process of dispensing
16 cannabis;

17 (11) A copy of the proposed security plan that complies
18 with the requirements in this Article, including:

19 (A) The process or controls that will be
20 implemented to monitor the dispensary, secure the
21 premises, agents, and currency, and prevent the
22 diversion, theft, or loss of cannabis; and

23 (B) The process to ensure that access to the
24 restricted access areas is restricted to, registered
25 agents, service professionals, transporting
26 organization agents, Department inspectors, and

1 security personnel;

2 (12) A proposed inventory control plan that complies
3 with this Section;

4 (13) A proposed floor plan, a square footage estimate,
5 and a description of proposed security devices, including,
6 without limitation, cameras, motion detectors, servers,
7 video storage capabilities, and alarm service providers;

8 (14) The name, address, social security number, and
9 date of birth of each principal officer and board member of
10 the dispensing organization; each of those individuals
11 shall be at least 21 years of age;

12 (15) Evidence of the applicant's status as a Social
13 Equity Applicant, if applicable, and whether a Social
14 Equity Applicant plans to apply for a loan or grant issued
15 by the Department of Commerce and Economic Opportunity;

16 (16) The address, telephone number, and email address
17 of the applicant's principal place of business, if
18 applicable. A post office box is not permitted;

19 (17) Written summaries of any information regarding
20 instances in which a business or not-for-profit that a
21 prospective board member previously managed or served on
22 were fined or censured, or any instances in which a
23 business or not-for-profit that a prospective board member
24 previously managed or served on had its registration
25 suspended or revoked in any administrative or judicial
26 proceeding;

1 (18) A plan for community engagement;

2 (19) Procedures to ensure accurate recordkeeping and
3 security measures that are in accordance with this Article
4 and Department rules;

5 (20) The estimated volume of cannabis it plans to store
6 at the dispensary;

7 (21) A description of the features that will provide
8 accessibility to purchasers as required by the Americans
9 with Disabilities Act;

10 (22) A detailed description of air treatment systems
11 that will be installed to reduce odors;

12 (23) A reasonable assurance that the issuance of a
13 license will not have a detrimental impact on the community
14 in which the applicant wishes to locate;

15 (24) The dated signature of each principal officer;

16 (25) A description of the enclosed, locked facility
17 where cannabis will be stored by the dispensing
18 organization;

19 (26) Signed statements from each dispensing
20 organization agent stating that he or she will not divert
21 cannabis;

22 (27) The number of licenses it is applying for in each
23 BLS Region;

24 (28) A diversity plan that includes a narrative of at
25 least 2,500 words that establishes a goal of diversity in
26 ownership, management, employment, and contracting to

1 ensure that diverse participants and groups are afforded
2 equality of opportunity;

3 (29) A contract with a private security contractor that
4 is licensed under Section 10-5 of the Private Detective,
5 Private Alarm, Private Security, Fingerprint Vendor, and
6 Locksmith Act of 2004 in order for the dispensary to have
7 adequate security at its facility; and

8 (30) Other information deemed necessary by the
9 Illinois Cannabis Regulation Oversight Officer to conduct
10 the disparity and availability study referenced in
11 subsection (e) of Section 5-45.

12 (e) An applicant who receives a Conditional Adult Use
13 Dispensing Organization License under this Section has 180 days
14 from the date of award to identify a physical location for the
15 dispensing organization retail storefront. Before a
16 conditional licensee receives an authorization to build out the
17 dispensing organization from the Department, the Department
18 shall inspect the physical space selected by the conditional
19 licensee. The Department shall verify the site is suitable for
20 public access, the layout promotes the safe dispensing of
21 cannabis, the location is sufficient in size, power allocation,
22 lighting, parking, handicapped accessible parking spaces,
23 accessible entry and exits as required by the Americans with
24 Disabilities Act, product handling, and storage. The applicant
25 shall also provide a statement of reasonable assurance that the
26 issuance of a license will not have a detrimental impact on the

1 community. The applicant shall also provide evidence that the
2 location is not within 1,500 feet of an existing dispensing
3 organization. If an applicant is unable to find a suitable
4 physical address in the opinion of the Department within 180
5 days of the issuance of the Conditional Adult Use Dispensing
6 Organization License, the Department may extend the period for
7 finding a physical address another 180 days if the Conditional
8 Adult Use Dispensing Organization License holder demonstrates
9 concrete attempts to secure a location and a hardship. If the
10 Department denies the extension or the Conditional Adult Use
11 Dispensing Organization License holder is unable to find a
12 location or become operational within 360 days of being awarded
13 a conditional license, the Department shall rescind the
14 conditional license and award it to the next highest scoring
15 applicant in the BLS Region for which the license was assigned,
16 provided the applicant receiving the license: (i) confirms a
17 continued interest in operating a dispensing organization;
18 (ii) can provide evidence that the applicant continues to meet
19 all requirements for holding a Conditional Adult Use Dispensing
20 Organization License set forth in this Act ~~the financial~~
21 ~~requirements provided in subsection (c) of this Section;~~ and
22 (iii) has not otherwise become ineligible to be awarded a
23 dispensing organization license. If the new awardee is unable
24 to accept the Conditional Adult Use Dispensing Organization
25 License, the Department shall award the Conditional Adult Use
26 Dispensing Organization License to the next highest scoring

1 applicant in the same manner. The new awardee shall be subject
2 to the same required deadlines as provided in this subsection.

3 (e-5) If, within 180 days of being awarded a Conditional
4 Adult Use Dispensing Organization License ~~license~~, a
5 dispensing organization is unable to find a location within the
6 BLS Region in which it was awarded a Conditional Adult Use
7 Dispensing Organization License ~~license~~ because no
8 jurisdiction within the BLS Region allows for the operation of
9 an Adult Use Dispensing Organization, the Department of
10 Financial and Professional Regulation may authorize the
11 Conditional Adult Use Dispensing Organization License holder
12 to transfer its license to a BLS Region specified by the
13 Department.

14 (f) A dispensing organization that is awarded a Conditional
15 Adult Use Dispensing Organization License pursuant to the
16 criteria in Section 15-30 shall not purchase, possess, sell, or
17 dispense cannabis or cannabis-infused products until the
18 person has received an Adult Use Dispensing Organization
19 License issued by the Department pursuant to Section 15-36 of
20 this Act. ~~The Department shall not issue an Adult Use~~
21 ~~Dispensing Organization License until:~~

22 ~~(1) the Department has inspected the dispensary site~~
23 ~~and proposed operations and verified that they are in~~
24 ~~compliance with this Act and local zoning laws; and~~

25 ~~(2) the Conditional Adult Use Dispensing Organization~~
26 ~~License holder has paid a registration fee of \$60,000, or a~~

1 ~~prorated amount accounting for the difference of time~~
2 ~~between when the Adult Use Dispensing Organization License~~
3 ~~is issued and March 31 of the next even-numbered year.~~

4 (g) The Department shall conduct a background check of the
5 prospective organization agents in order to carry out this
6 Article. The Department of State Police shall charge the
7 applicant a fee for conducting the criminal history record
8 check, which shall be deposited into the State Police Services
9 Fund and shall not exceed the actual cost of the record check.
10 Each person applying as a dispensing organization agent shall
11 submit a full set of fingerprints to the Department of State
12 Police for the purpose of obtaining a State and federal
13 criminal records check. These fingerprints shall be checked
14 against the fingerprint records now and hereafter, to the
15 extent allowed by law, filed in the Department of State Police
16 and Federal Bureau of Identification criminal history records
17 databases. The Department of State Police shall furnish,
18 following positive identification, all Illinois conviction
19 information to the Department.

20 (Source: P.A. 101-27, eff. 6-25-19.)

21 (410 ILCS 705/15-30)

22 Sec. 15-30. Selection criteria for conditional licenses
23 awarded under Section 15-25.

24 (a) Applicants for a Conditional Adult Use Dispensing
25 Organization License must submit all required information,

1 including the information required in Section 15-25, to the
2 Department. Failure by an applicant to submit all required
3 information may result in the application being disqualified.

4 (b) If the Department receives an application that fails to
5 provide the required elements contained in this Section, the
6 Department shall issue a deficiency notice to the applicant.
7 The applicant shall have 10 calendar days from the date of the
8 deficiency notice to resubmit the incomplete information.
9 Applications that are still incomplete after this opportunity
10 to cure will not be scored and will be disqualified.

11 (c) The Department will award up to 250 points to complete
12 applications based on the sufficiency of the applicant's
13 responses to required information. Applicants will be awarded
14 points based on a determination that the application
15 satisfactorily includes the following elements:

16 (1) Suitability of Employee Training Plan (15 points).

17 The plan includes an employee training plan that
18 demonstrates that employees will understand the rules
19 and laws to be followed by dispensary employees, have
20 knowledge of any security measures and operating
21 procedures of the dispensary, and are able to advise
22 purchasers on how to safely consume cannabis and use
23 individual products offered by the dispensary.

24 (2) Security and Recordkeeping (65 points).

25 (A) The security plan accounts for the prevention
26 of the theft or diversion of cannabis. The security

1 plan demonstrates safety procedures for dispensing
2 organization ~~dispensary~~ agents and purchasers, and
3 safe delivery and storage of cannabis and currency. It
4 demonstrates compliance with all security requirements
5 in this Act and rules.

6 (B) A plan for recordkeeping, tracking, and
7 monitoring inventory, quality control, and other
8 policies and procedures that will promote standard
9 recordkeeping and discourage unlawful activity. This
10 plan includes the applicant's strategy to communicate
11 with the Department and the Department of State Police
12 on the destruction and disposal of cannabis. The plan
13 must also demonstrate compliance with this Act and
14 rules.

15 (C) The security plan shall also detail which
16 private security contractor licensed under Section
17 10-5 of the Private Detective, Private Alarm, Private
18 Security, Fingerprint Vendor, and Locksmith Act of
19 2004 the dispensary will contract with in order to
20 provide adequate security at its facility.

21 (3) Applicant's Business Plan, Financials, Operating
22 and Floor Plan (65 points).

23 (A) The business plan shall describe, at a minimum,
24 how the dispensing organization will be managed on a
25 long-term basis. This shall include a description of
26 the dispensing organization's point-of-sale system,

1 purchases and denials of sale, confidentiality, and
2 products and services to be offered. It will
3 demonstrate compliance with this Act and rules.

4 (B) The operating plan shall include, at a minimum,
5 best practices for day-to-day dispensary operation and
6 staffing. The operating plan may also include
7 information about employment practices, including
8 information about the percentage of full-time
9 employees who will be provided a living wage.

10 (C) The proposed floor plan is suitable for public
11 access, the layout promotes safe dispensing of
12 cannabis, is compliant with the Americans with
13 Disabilities Act and the Environmental Barriers Act,
14 and facilitates safe product handling and storage.

15 (4) Knowledge and Experience (30 points).

16 (A) The applicant's principal officers must
17 demonstrate experience and qualifications in business
18 management or experience with the cannabis industry.
19 This includes ensuring optimal safety and accuracy in
20 the dispensing and sale of cannabis.

21 (B) The applicant's principal officers must
22 demonstrate knowledge of various cannabis product
23 strains or varieties and describe the types and
24 quantities of products planned to be sold. This
25 includes confirmation of whether the dispensing
26 organization plans to sell cannabis paraphernalia or

1 edibles.

2 (C) Knowledge and experience may be demonstrated
3 through experience in other comparable industries that
4 reflect on the applicant's ability to operate a
5 cannabis business establishment.

6 (5) Status as a Social Equity Applicant (50 points).

7 The applicant meets the qualifications for a
8 Social Equity Applicant as set forth in this Act.

9 (6) Labor and employment practices (5 points): The
10 applicant may describe plans to provide a safe, healthy,
11 and economically beneficial working environment for its
12 agents, including, but not limited to, codes of conduct,
13 health care benefits, educational benefits, retirement
14 benefits, living wage standards, and entering a labor peace
15 agreement with employees.

16 (7) Environmental Plan (5 points): The applicant may
17 demonstrate an environmental plan of action to minimize the
18 carbon footprint, environmental impact, and resource needs
19 for the dispensary, which may include, without limitation,
20 recycling cannabis product packaging.

21 (8) Illinois owner (5 points): The applicant is 51% or
22 more owned and controlled by an Illinois resident, who can
23 prove residency in each of the past 5 years with tax
24 records or 2 of the following:-

25 (A) a signed lease agreement that includes the
26 applicant's name;

1 (B) a property deed that includes the applicant's
2 name;

3 (C) school records;

4 (D) a voter registration card;

5 (E) an Illinois driver's license, an Illinois
6 Identification Card, or an Illinois Person with a
7 Disability Identification Card;

8 (F) a paycheck stub;

9 (G) a utility bill; or

10 (H) any other proof of residency or other
11 information necessary to establish residence as
12 provided by rule.

13 (9) Status as veteran (5 points): The applicant is 51%
14 or more controlled and owned by an individual or
15 individuals who meet the qualifications of a veteran as
16 defined by Section 45-57 of the Illinois Procurement Code.

17 (10) A diversity plan (5 points): that includes a
18 narrative of not more than 2,500 words that establishes a
19 goal of diversity in ownership, management, employment,
20 and contracting to ensure that diverse participants and
21 groups are afforded equality of opportunity.

22 (d) The Department may also award up to 2 bonus points for
23 a plan to engage with the community. The applicant may
24 demonstrate a desire to engage with its community by
25 participating in one or more of, but not limited to, the
26 following actions: (i) establishment of an incubator program

1 designed to increase participation in the cannabis industry by
2 persons who would qualify as Social Equity Applicants; (ii)
3 providing financial assistance to substance abuse treatment
4 centers; (iii) educating children and teens about the potential
5 harms of cannabis use; or (iv) other measures demonstrating a
6 commitment to the applicant's community. Bonus points will only
7 be awarded if the Department receives applications that receive
8 an equal score for a particular region.

9 (e) The Department may verify information contained in each
10 application and accompanying documentation to assess the
11 applicant's veracity and fitness to operate a dispensing
12 organization.

13 (f) The Department may, in its discretion, refuse to issue
14 an authorization to any applicant:

15 (1) Who is unqualified to perform the duties required
16 of the applicant;

17 (2) Who fails to disclose or states falsely any
18 information called for in the application;

19 (3) Who has been found guilty of a violation of this
20 Act, or whose medical cannabis dispensing organization,
21 medical cannabis cultivation organization, or Early
22 Approval Adult Use Dispensing Organization License, or
23 Early Approval Adult Use Dispensing Organization License
24 at a secondary site, or Early Approval Cultivation Center
25 License was suspended, restricted, revoked, or denied for
26 just cause, or the applicant's cannabis business

1 establishment license was suspended, restricted, revoked,
2 or denied in any other state; or

3 (4) Who has engaged in a pattern or practice of unfair
4 or illegal practices, methods, or activities in the conduct
5 of owning a cannabis business establishment or other
6 business.

7 (g) The Department shall deny the license if any principal
8 officer, board member, or person having a financial or voting
9 interest of 5% or greater in the licensee is delinquent in
10 filing any required tax returns or paying any amounts owed to
11 the State of Illinois.

12 (h) The Department shall verify an applicant's compliance
13 with the requirements of this Article and rules before issuing
14 a dispensing organization license.

15 (i) Should the applicant be awarded a license, the
16 information and plans provided in the application, including
17 any plans submitted for bonus points, shall become a condition
18 of the Conditional Adult Use Dispensing Organization Licenses
19 and any Adult Use Dispensing Organization License issued to the
20 holder of the Conditional Adult Use Dispensing Organization
21 License, except as otherwise provided by this Act or rule.
22 Dispensing organizations have a duty to disclose any material
23 changes to the application. The Department shall review all
24 material changes disclosed by the dispensing organization, and
25 may re-evaluate its prior decision regarding the awarding of a
26 license, including, but not limited to, suspending or

1 permanently revoking a license. Failure to comply with the
2 conditions or requirements in the application may subject the
3 dispensing organization to discipline, up to and including
4 suspension or permanent revocation of its authorization or
5 license by the Department.

6 (j) If an applicant has not begun operating as a dispensing
7 organization within one year of the issuance of the Conditional
8 Adult Use Dispensing Organization License, the Department may
9 permanently revoke the Conditional Adult Use Dispensing
10 Organization License and award it to the next highest scoring
11 applicant in the BLS Region if a suitable applicant indicates a
12 continued interest in the license or begin a new selection
13 process to award a Conditional Adult Use Dispensing
14 Organization License.

15 (k) The Department shall deny an application if granting
16 that application would result in a single person or entity
17 having a direct or indirect financial interest in more than 10
18 Early Approval Adult Use Dispensing Organization Licenses,
19 Conditional Adult Use Dispensing Organization Licenses, or
20 Adult Use Dispensing Organization Licenses. Any entity that is
21 awarded a license that results in a single person or entity
22 having a direct or indirect financial interest in more than 10
23 licenses shall forfeit the most recently issued license and
24 suffer a penalty to be determined by the Department, unless the
25 entity declines the license at the time it is awarded.

26 (Source: P.A. 101-27, eff. 6-25-19.)

1 (410 ILCS 705/15-35)

2 Sec. 15-35. Conditional Adult Use Dispensing Organization
3 License after January 1, 2021.

4 (a) In addition to any of the licenses issued in Sections
5 15-15, Section 15-20, or Section 15-25 of this Act, by December
6 21, 2021, the Department shall issue up to 110 Conditional
7 Adult Use Dispensing Organization Licenses, pursuant to the
8 application process adopted under this Section. Prior to
9 issuing such licenses, the Department may adopt rules through
10 emergency rulemaking in accordance with subsection (gg) of
11 Section 5-45 of the Illinois Administrative Procedure Act. The
12 General Assembly finds that the adoption of rules to regulate
13 cannabis use is deemed an emergency and necessary for the
14 public interest, safety, and welfare. Such rules may:

15 (1) Modify or change the BLS Regions as they apply to
16 this Article or modify or raise the number of Adult
17 Conditional Use Dispensing Organization Licenses assigned
18 to each region based on the following factors:

19 (A) Purchaser wait times;

20 (B) Travel time to the nearest dispensary for
21 potential purchasers;

22 (C) Percentage of cannabis sales occurring in
23 Illinois not in the regulated market using data from
24 the Substance Abuse and Mental Health Services
25 Administration, National Survey on Drug Use and

1 Health, Illinois Behavioral Risk Factor Surveillance
2 System, and tourism data from the Illinois Office of
3 Tourism to ascertain total cannabis consumption in
4 Illinois compared to the amount of sales in licensed
5 dispensing organizations;

6 (D) Whether there is an adequate supply of cannabis
7 and cannabis-infused products to serve registered
8 medical cannabis patients;

9 (E) Population increases or shifts;

10 (F) Density of dispensing organizations in a
11 region;

12 (G) The Department's capacity to appropriately
13 regulate additional licenses;

14 (H) The findings and recommendations from the
15 disparity and availability study commissioned by the
16 Illinois Cannabis Regulation Oversight Officer in
17 subsection (e) of Section 5-45 to reduce or eliminate
18 any identified barriers to entry in the cannabis
19 industry; and

20 (I) Any other criteria the Department deems
21 relevant.

22 (2) Modify or change the licensing application process
23 to reduce or eliminate the barriers identified in the
24 disparity and availability study commissioned by the
25 Illinois Cannabis Regulation Oversight Officer and make
26 modifications to remedy evidence of discrimination.

1 (b) After January 1, 2022, the Department may by rule
2 modify or raise the number of Adult Use Dispensing Organization
3 Licenses assigned to each region, and modify or change the
4 licensing application process to reduce or eliminate barriers
5 based on the criteria in subsection (a). At no time shall the
6 Department issue more than 500 Adult Use Dispensing ~~Dispensary~~
7 Organization Licenses.

8 (Source: P.A. 101-27, eff. 6-25-19.)

9 (410 ILCS 705/15-36)

10 Sec. 15-36. Adult Use Dispensing Organization License.

11 (a) A person is only eligible to receive an Adult Use
12 Dispensing Organization if the person has been awarded a
13 Conditional Adult Use Dispensing Organization License pursuant
14 to this Act or has renewed its license pursuant to subsection
15 (k) of Section 15-15 or subsection (p) of Section 15-20.

16 (b) The Department shall not issue an Adult Use Dispensing
17 Organization License until:

18 (1) the Department has inspected the dispensary site
19 and proposed operations and verified that they are in
20 compliance with this Act and local zoning laws;

21 (2) the Conditional Adult Use Dispensing Organization
22 License holder has paid a license ~~registration~~ fee of
23 \$60,000 or a prorated amount accounting for the difference
24 of time between when the Adult Use Dispensing Organization
25 License is issued and March 31 of the next even-numbered

1 year; and

2 (3) the Conditional Adult Use Dispensing Organization
3 License holder has met all the requirements in this ~~the~~ Act
4 and rules.

5 (c) No person or entity shall hold any legal, equitable,
6 ownership, or beneficial interest, directly or indirectly, of
7 more than 10 dispensing organizations licensed under this
8 Article. Further, no person or entity that is:

9 (1) employed by, is an agent of, or participates in the
10 management of a dispensing organization or registered
11 medical cannabis dispensing organization;

12 (2) a principal officer of a dispensing organization or
13 registered medical cannabis dispensing organization; or

14 (3) an entity controlled by or affiliated with a
15 principal officer of a dispensing organization or
16 registered medical cannabis dispensing organization;

17 shall hold any legal, equitable, ownership, or beneficial
18 interest, directly or indirectly, in a dispensing organization
19 that would result in such person or entity owning or
20 participating in the management of more than 10 Early Approval
21 Adult Use Dispensing Organization Licenses, Early Approval
22 Adult Use Dispensing Organization Licenses at a secondary site,
23 Conditional Adult Use Dispensing Organization Licenses, or
24 Adult Use Dispensing Organization Licenses ~~dispensing~~
25 ~~organizations~~. For the purpose of this subsection,
26 participating in management may include, without limitation,

1 controlling decisions regarding staffing, pricing, purchasing,
2 marketing, store design, hiring, and website design.

3 (d) The Department shall deny an application if granting
4 that application would result in a person or entity obtaining
5 direct or indirect financial interest in more than 10 Early
6 Approval Adult Use Dispensing Organization Licenses,
7 Conditional Adult Use Dispensing Organization Licenses, Adult
8 Use Dispensing Organization Licenses, or any combination
9 thereof. If a person or entity is awarded a Conditional Adult
10 Use Dispensing Organization License that would cause the person
11 or entity to be in violation of this subsection, he, she, or it
12 shall choose which license application it wants to abandon and
13 such licenses shall become available to the next qualified
14 applicant in the region in which the abandoned license was
15 awarded.

16 (Source: P.A. 101-27, eff. 6-25-19.)

17 (410 ILCS 705/15-40)

18 Sec. 15-40. Dispensing organization agent identification
19 card; agent training.

20 (a) The Department shall:

21 (1) verify the information contained in an application
22 or renewal for a dispensing organization agent
23 identification card submitted under this Article, and
24 approve or deny an application or renewal, within 30 days
25 of receiving a completed application or renewal

1 application and all supporting documentation required by
2 rule;

3 (2) issue a dispensing organization agent
4 identification card to a qualifying agent within 15
5 business days of approving the application or renewal;

6 (3) enter the registry identification number of the
7 dispensing organization where the agent works;

8 (4) within one year from the effective date of this
9 Act, allow for an electronic application process and
10 provide a confirmation by electronic or other methods that
11 an application has been submitted; and

12 (5) collect a \$100 nonrefundable fee from the applicant
13 to be deposited into the Cannabis Regulation Fund.

14 (b) A dispensing organization agent must keep his or her
15 identification card visible at all times when in the dispensary
16 ~~on the property of the dispensing organization.~~

17 (c) The dispensing organization agent identification cards
18 shall contain the following:

19 (1) the name of the cardholder;

20 (2) the date of issuance and expiration date of the
21 dispensing organization agent identification cards;

22 (3) a random 10-digit alphanumeric identification
23 number containing at least 4 numbers and at least 4 letters
24 that is unique to the cardholder; and

25 (4) a photograph of the cardholder.

26 (d) The dispensing organization agent identification cards

1 shall be immediately returned to the dispensing organization
2 upon termination of employment.

3 (e) The Department shall not issue an agent identification
4 card if the applicant is delinquent in filing any required tax
5 returns or paying any amounts owed to the State of Illinois.

6 (f) Any card lost by a dispensing organization agent shall
7 be reported to the Department of State Police and the
8 Department immediately upon discovery of the loss.

9 (g) An applicant shall be denied a dispensing organization
10 agent identification card renewal if he or she fails to
11 complete the training provided for in this Section.

12 (h) A dispensing organization agent shall only be required
13 to hold one card for the same employer regardless of what type
14 of dispensing organization license the employer holds.

15 (i) Cannabis retail sales training requirements.

16 (1) Within 90 days of September 1, 2019, or 90 days of
17 employment, whichever is later, all owners, managers,
18 employees, and agents involved in the handling or sale of
19 cannabis or cannabis-infused product employed by an adult
20 use dispensing organization or medical cannabis dispensing
21 organization as defined in Section 10 of the Compassionate
22 Use of Medical Cannabis ~~Pilot~~ Program Act shall attend and
23 successfully complete a Responsible Vendor Program.

24 (2) Each owner, manager, employee, and agent of an
25 adult use dispensing organization or medical cannabis
26 dispensing organization shall successfully complete the

1 program annually.

2 (3) Responsible Vendor Program Training modules shall
3 include at least 2 hours of instruction time approved by
4 the Department including:

5 (i) Health and safety concerns of cannabis use,
6 including the responsible use of cannabis, its
7 physical effects, onset of physiological effects,
8 recognizing signs of impairment, and appropriate
9 responses in the event of overconsumption.

10 (ii) Training on laws and regulations on driving
11 while under the influence and operating a watercraft or
12 snowmobile while under the influence.

13 (iii) Sales to minors prohibition. Training shall
14 cover all relevant Illinois laws and rules.

15 (iv) Quantity limitations on sales to purchasers.
16 Training shall cover all relevant Illinois laws and
17 rules.

18 (v) Acceptable forms of identification. Training
19 shall include:

20 (I) How to check identification; and

21 (II) Common mistakes made in verification;

22 (vi) Safe storage of cannabis;

23 (vii) Compliance with all inventory tracking
24 system regulations;

25 (viii) Waste handling, management, and disposal;

26 (ix) Health and safety standards;

1 (x) Maintenance of records;

2 (xi) Security and surveillance requirements;

3 (xii) Permitting inspections by State and local
4 licensing and enforcement authorities;

5 (xiii) Privacy issues;

6 (xiv) Packaging and labeling requirement for sales
7 to purchasers; and

8 (xv) Other areas as determined by rule.

9 (j) Blank.

10 (k) Upon the successful completion of the Responsible
11 Vendor Program, the provider shall deliver proof of completion
12 either through mail or electronic communication to the
13 dispensing organization, which shall retain a copy of the
14 certificate.

15 (l) The license of a dispensing organization or medical
16 cannabis dispensing organization whose owners, managers,
17 employees, or agents fail to comply with this Section may be
18 suspended or permanently revoked under Section 15-145 or may
19 face other disciplinary action.

20 (m) The regulation of dispensing organization and medical
21 cannabis dispensing employer and employee training is an
22 exclusive function of the State, and regulation by a unit of
23 local government, including a home rule unit, is prohibited.
24 This subsection (m) is a denial and limitation of home rule
25 powers and functions under subsection (h) of Section 6 of
26 Article VII of the Illinois Constitution.

1 (n) Persons seeking Department approval to offer the
2 training required by paragraph (3) of subsection (i) may apply
3 for such approval between August 1 and August 15 of each
4 odd-numbered year in a manner prescribed by the Department.

5 (o) Persons seeking Department approval to offer the
6 training required by paragraph (3) of subsection (i) shall
7 submit a nonrefundable ~~non-refundable~~ application fee of
8 \$2,000 to be deposited into the Cannabis Regulation Fund or a
9 fee as may be set by rule. Any changes made to the training
10 module shall be approved by the Department.

11 (p) The Department shall not unreasonably deny approval of
12 a training module that meets all the requirements of paragraph
13 (3) of subsection (i). A denial of approval shall include a
14 detailed description of the reasons for the denial.

15 (q) Any person approved to provide the training required by
16 paragraph (3) of subsection (i) shall submit an application for
17 re-approval between August 1 and August 15 of each odd-numbered
18 year and include a nonrefundable ~~non-refundable~~ application
19 fee of \$2,000 to be deposited into the Cannabis Regulation Fund
20 or a fee as may be set by rule.

21 (r) All persons applying to become or renewing their
22 registrations to be agents, including agents-in-charge and
23 principal officers, shall disclose any disciplinary action
24 taken against them that may have occurred in Illinois, another
25 state, or another country in relation to their employment at a
26 cannabis business establishment or at any cannabis cultivation

1 center, processor, infuser, dispensary, or other cannabis
2 business establishment.

3 (Source: P.A. 101-27, eff. 6-25-19.)

4 (410 ILCS 705/15-55)

5 Sec. 15-55. Financial responsibility. Evidence of
6 financial responsibility is a requirement for the issuance,
7 maintenance, or reactivation of a license under this Article.
8 Evidence of financial responsibility shall be used to guarantee
9 that the dispensing organization timely and successfully
10 completes dispensary construction, operates in a manner that
11 provides an uninterrupted supply of cannabis, faithfully pays
12 registration renewal fees, keeps accurate books and records,
13 makes regularly required reports, complies with State tax
14 requirements, and conducts the dispensing organization in
15 conformity with this Act and rules. Evidence of financial
16 responsibility shall be provided by one of the following:

17 (1) Establishing and maintaining an escrow or surety
18 account in a financial institution in the amount of
19 \$50,000, with escrow terms, approved by the Department,
20 that it shall be payable to the Department in the event of
21 circumstances outlined in this Act and rules.

22 (A) A financial institution may not return money in
23 an escrow or surety account to the dispensing
24 organization that established the account or a
25 representative of the organization unless the

1 organization or representative presents a statement
2 issued by the Department indicating that the account
3 may be released.

4 (B) The escrow or surety account shall not be
5 canceled on less than 30 days' notice in writing to the
6 Department, unless otherwise approved by the
7 Department. If an escrow or surety account is canceled
8 and the registrant fails to secure a new account with
9 the required amount on or before the effective date of
10 cancellation, the registrant's registration may be
11 permanently revoked. The total and aggregate liability
12 of the surety on the bond is limited to the amount
13 specified in the escrow or surety account.

14 (2) Providing a surety bond in the amount of \$50,000,
15 naming the dispensing organization as principal of the
16 bond, with terms, approved by the Department, that the bond
17 defaults to the Department in the event of circumstances
18 outlined in this Act and rules. Bond terms shall include:

19 (A) The business name and registration number on
20 the bond must correspond exactly with the business name
21 and registration number in the Department's records.

22 (B) The bond must be written on a form approved by
23 the Department.

24 (C) A copy of the bond must be received by the
25 Department within 90 days after the effective date.

26 (D) The bond shall not be canceled by a surety on

1 less than 30 days' notice in writing to the Department.
2 If a bond is canceled and the registrant fails to file
3 a new bond with the Department in the required amount
4 on or before the effective date of cancellation, the
5 registrant's registration may be permanently revoked.
6 The total and aggregate liability of the surety on the
7 bond is limited to the amount specified in the bond.

8 (Source: P.A. 101-27, eff. 6-25-19.)

9 (410 ILCS 705/15-65)

10 Sec. 15-65. Administration.

11 (a) A dispensing organization shall establish, maintain,
12 and comply with written policies and procedures as submitted in
13 the Business, Financial and Operating plan as required in this
14 Article or by rules established by the Department, and approved
15 by the Department, for the security, storage, inventory, and
16 distribution of cannabis. These policies and procedures shall
17 include methods for identifying, recording, and reporting
18 diversion, theft, or loss, and for correcting errors and
19 inaccuracies in inventories. At a minimum, dispensing
20 organizations shall ensure the written policies and procedures
21 provide for the following:

22 (1) Mandatory and voluntary recalls of cannabis
23 products. The policies shall be adequate to deal with
24 recalls due to any action initiated at the request of the
25 Department and any voluntary action by the dispensing

1 organization to remove defective or potentially defective
2 cannabis from the market or any action undertaken to
3 promote public health and safety, including:

4 (i) A mechanism reasonably calculated to contact
5 purchasers who have, or likely have, obtained the
6 product from the dispensary, including information on
7 the policy for return of the recalled product;

8 (ii) A mechanism to identify and contact the adult
9 use cultivation center, craft grower, or infuser that
10 manufactured the cannabis;

11 (iii) Policies for communicating with the
12 Department, the Department of Agriculture, and the
13 Department of Public Health within 24 hours of
14 discovering defective or potentially defective
15 cannabis; and

16 (iv) Policies for destruction of any recalled
17 cannabis product;

18 (2) Responses to local, State, or national
19 emergencies, including natural disasters, that affect the
20 security or operation of a dispensary;

21 (3) Segregation and destruction of outdated, damaged,
22 deteriorated, misbranded, or adulterated cannabis. This
23 procedure shall provide for written documentation of the
24 cannabis disposition;

25 (4) Ensure the oldest stock of a cannabis product is
26 distributed first. The procedure may permit deviation from

1 this requirement, if such deviation is temporary and
2 appropriate;

3 (5) Training of dispensing organization agents in the
4 provisions of this Act and rules, to effectively operate
5 the point-of-sale system and the State's verification
6 system, proper inventory handling and tracking, specific
7 uses of cannabis or cannabis-infused products, instruction
8 regarding regulatory inspection preparedness and law
9 enforcement interaction, awareness of the legal
10 requirements for maintaining status as an agent, and other
11 topics as specified by the dispensing organization or the
12 Department. The dispensing organization shall maintain
13 evidence of all training provided to each agent in its
14 files that is subject to inspection and audit by the
15 Department. The dispensing organization shall ensure
16 agents receive a minimum of 8 hours of training subject to
17 the requirements in subsection (i) of Section 15-40
18 annually, unless otherwise approved by the Department;

19 (6) Maintenance of business records consistent with
20 industry standards, including bylaws, consents, manual or
21 computerized records of assets and liabilities, audits,
22 monetary transactions, journals, ledgers, and supporting
23 documents, including agreements, checks, invoices,
24 receipts, and vouchers. Records shall be maintained in a
25 manner consistent with this Act and shall be retained for 5
26 years;

1 (7) Inventory control, including:

2 (i) Tracking purchases and denials of sale;

3 (ii) Disposal of unusable or damaged cannabis as
4 required by this Act and rules; and

5 (8) Purchaser education and support, including:

6 (i) Whether possession of cannabis is illegal
7 under federal law;

8 (ii) Current educational information issued by the
9 Department of Public Health about the health risks
10 associated with the use or abuse of cannabis;

11 (iii) Information about possible side effects;

12 (iv) Prohibition on smoking cannabis in public
13 places; and

14 (v) Offering any other appropriate purchaser
15 education or support materials.

16 (b) Blank.

17 (c) A dispensing organization shall maintain copies of the
18 policies and procedures on the dispensary premises and provide
19 copies to the Department upon request. The dispensing
20 organization shall review the dispensing organization policies
21 and procedures at least once every 12 months from the issue
22 date of the license and update as needed due to changes in
23 industry standards or as requested by the Department.

24 (d) A dispensing organization shall ensure that each
25 principal officer and each dispensing organization agent has a
26 current agent identification card in the agent's immediate

1 possession when the agent is at the dispensary.

2 (e) A dispensing organization shall provide prompt written
3 notice to the Department, including the date of the event, when
4 a dispensing organization agent no longer is employed by the
5 dispensing organization.

6 (f) A dispensing organization shall promptly document and
7 report any loss or theft of cannabis from the dispensary to the
8 Department of State Police and the Department. It is the duty
9 of any dispensing organization agent who becomes aware of the
10 loss or theft to report it as provided in this Article.

11 (g) A dispensing organization shall post the following
12 information in a conspicuous location in an area of the
13 dispensary accessible to consumers:

14 (1) The dispensing organization's license;

15 (2) The hours of operation.

16 (h) Signage that shall be posted inside the premises.

17 (1) All dispensing organizations must display a
18 placard that states the following: "Cannabis consumption
19 can impair cognition and driving, is for adult use only,
20 may be habit forming, and should not be used by pregnant or
21 breastfeeding women."

22 (2) Any dispensing organization that sells edible
23 cannabis-infused products must display a placard that
24 states the following:

25 (A) "Edible cannabis-infused products were
26 produced in a kitchen that may also process common food

1 allergens."; and

2 (B) "The effects of cannabis products can vary from
3 person to person, and it can take as long as two hours
4 to feel the effects of some cannabis-infused products.
5 Carefully review the portion size information and
6 warnings contained on the product packaging before
7 consuming.".

8 (3) All of the required signage in this subsection (h)
9 shall be no smaller than 24 inches tall by 36 inches wide,
10 with typed letters no smaller than 2 inches. The signage
11 shall be clearly visible and readable by customers. The
12 signage shall be placed in the area where cannabis and
13 cannabis-infused products are sold and may be translated
14 into additional languages as needed. The Department may
15 require a dispensary to display the required signage in a
16 different language, other than English, if the Secretary
17 deems it necessary.

18 (i) A dispensing organization shall prominently post
19 notices inside the dispensing organization that state
20 activities that are strictly prohibited and punishable by law,
21 including, but not limited to:

22 (1) no minors permitted on the premises unless the
23 minor is a minor qualifying patient under the Compassionate
24 Use of Medical Cannabis ~~Pilot~~ Program Act;

25 (2) distribution to persons under the age of 21 is
26 prohibited;

1 (3) transportation of cannabis or cannabis products
2 across state lines is prohibited.

3 (Source: P.A. 101-27, eff. 6-25-19.)

4 (410 ILCS 705/15-70)

5 Sec. 15-70. Operational requirements; prohibitions.

6 (a) A dispensing organization shall operate in accordance
7 with the representations made in its application and license
8 materials. It shall be in compliance with this Act and rules.

9 (b) A dispensing organization must include the legal name
10 of the dispensary on the packaging of any cannabis product it
11 sells.

12 (c) All cannabis, cannabis-infused products, and cannabis
13 seeds must be obtained from an Illinois registered adult use
14 cultivation center, craft grower, infuser, or another
15 dispensary.

16 (d) Dispensing organizations are prohibited from selling
17 any product containing alcohol except tinctures, which must be
18 limited to containers that are no larger than 100 milliliters.

19 (e) A dispensing organization shall inspect and count
20 product received from a transporting organization, by the adult
21 use cultivation center, craft grower, infuser organization, or
22 other dispensing organization before dispensing it.

23 (f) A dispensing organization may only accept cannabis
24 deliveries into a restricted access area. Deliveries may not be
25 accepted through the public or limited access areas unless

1 otherwise approved by the Department.

2 (g) A dispensing organization shall maintain compliance
3 with State and local building, fire, and zoning requirements or
4 regulations.

5 (h) A dispensing organization shall submit a list to the
6 Department of the names of all service professionals that will
7 work at the dispensary. The list shall include a description of
8 the type of business or service provided. Changes to the
9 service professional list shall be promptly provided. No
10 service professional shall work in the dispensary until the
11 name is provided to the Department on the service professional
12 list.

13 (i) A dispensing organization's license allows for a
14 dispensary to be operated only at a single location.

15 (j) A dispensary may operate between 6 a.m. and 10 p.m.
16 local time.

17 (k) A dispensing organization must keep all lighting
18 outside and inside the dispensary in good working order and
19 wattage sufficient for security cameras.

20 (l) A dispensing organization must keep all air treatment
21 systems that will be installed to reduce odors in good working
22 order.

23 (m) A dispensing organization must contract with a private
24 security contractor that is licensed under Section 10-5 of the
25 Private Detective, Private Alarm, Private Security,
26 Fingerprint Vendor, and Locksmith Act of 2004 to provide

1 on-site security at all hours of the dispensary's operation.

2 (n) ~~(l)~~ A dispensing organization shall ensure that any
3 building or equipment used by a dispensing organization for the
4 storage or sale of cannabis is maintained in a clean and
5 sanitary condition.

6 (o) ~~(m)~~ The dispensary shall be free from infestation by
7 insects, rodents, or pests.

8 (p) ~~(n)~~ A dispensing organization shall not:

9 (1) Produce or manufacture cannabis;

10 (2) Accept a cannabis product from an adult use
11 cultivation center, craft grower, infuser, dispensing
12 organization, or transporting organization unless it is
13 pre-packaged and labeled in accordance with this Act and
14 any rules that may be adopted pursuant to this Act;

15 (3) Obtain cannabis or cannabis-infused products from
16 outside the State of Illinois;

17 (4) Sell cannabis or cannabis-infused products to a
18 purchaser unless the dispensing dispensary organization is
19 licensed under the Compassionate Use of Medical Cannabis
20 ~~Pilot~~ Program Act, and the individual is registered under
21 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program or
22 the purchaser has been verified to be ~~over the age of~~ 21
23 years of age or older;

24 (5) Enter into an exclusive agreement with any adult
25 use cultivation center, craft grower, or infuser.
26 Dispensaries shall provide consumers an assortment of

1 products from various cannabis business establishment
2 licensees such that the inventory available for sale at any
3 dispensary from any single cultivation center, craft
4 grower, processor, transporter, or infuser entity shall
5 not be more than 40% of the total inventory available for
6 sale. For the purpose of this subsection, a cultivation
7 center, craft grower, processor, or infuser shall be
8 considered part of the same entity if the licensees share
9 at least one principal officer. The Department may request
10 that a dispensary diversify its products as needed or
11 otherwise discipline a dispensing organization for
12 violating this requirement;

13 (6) Refuse to conduct business with an adult use
14 cultivation center, craft grower, transporting
15 organization, or infuser that has the ability to properly
16 deliver the product and is permitted by the Department of
17 Agriculture, on the same terms as other adult use
18 cultivation centers, craft growers, infusers, or
19 transporters with whom it is dealing;

20 (7) Operate drive-through windows;

21 (8) Allow for the dispensing of cannabis or
22 cannabis-infused products in vending machines;

23 (9) Transport cannabis to residences or other
24 locations where purchasers may be for delivery;

25 (10) Enter into agreements to allow persons who are not
26 dispensing organization agents to deliver cannabis or to

1 transport cannabis to purchasers; ~~;~~

2 (11) Operate a dispensary if its video surveillance
3 equipment is inoperative;

4 (12) Operate a dispensary if the point-of-sale
5 equipment is inoperative;

6 (13) Operate a dispensary if the State's cannabis
7 electronic verification system is inoperative;

8 (14) Have fewer than 2 people working at the dispensary
9 at any time while the dispensary is open;

10 (15) Be located within 1,500 feet of the property line
11 of a pre-existing dispensing organization;

12 (16) Sell clones or any other live plant material;

13 (17) Sell cannabis, cannabis concentrate, or
14 cannabis-infused products in combination or bundled with
15 each other or any other items for one price, and each item
16 of cannabis, concentrate, or cannabis-infused product must
17 be separately identified by quantity and price on the
18 receipt;

19 (18) Violate any other requirements or prohibitions
20 set by Department rules.

21 (g) ~~(e)~~ It is unlawful for any person having an Early
22 Approval Adult Use Cannabis Dispensing Organization License, a
23 Conditional Adult Use Cannabis Dispensing Organization, an
24 Adult Use Dispensing Organization License, or a medical
25 cannabis dispensing organization license issued under the
26 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act or any

1 officer, associate, member, representative, or agent of such
2 licensee to accept, receive, or borrow money or anything else
3 of value or accept or receive credit (other than merchandising
4 credit in the ordinary course of business for a period not to
5 exceed 30 days) directly or indirectly from any adult use
6 cultivation center, craft grower, infuser, or transporting
7 organization in exchange for preferential placement on the
8 dispensing organization's shelves, display cases, or website.

9 This includes anything received or borrowed or from any
10 stockholders, officers, agents, or persons connected with an
11 adult use cultivation center, craft grower, infuser, or
12 transporting organization. ~~This also excludes any received or~~
13 ~~borrowed in exchange for preferential placement by the~~
14 ~~dispensing organization, including preferential placement on~~
15 ~~the dispensing organization's shelves, display cases, or~~
16 ~~website.~~

17 (r) ~~(p)~~ It is unlawful for any person having an Early
18 Approval Adult Use Cannabis Dispensing Organization License, a
19 Conditional Adult Use Cannabis Dispensing Organization, an
20 Adult Use Dispensing Organization License, or a medical
21 cannabis dispensing organization license issued under the
22 Compassionate Use of Medical Cannabis ~~Pilot~~ Program to enter
23 into any contract with any person licensed to cultivate,
24 process, or transport cannabis whereby such dispensing
25 ~~dispensary~~ organization agrees not to sell any cannabis
26 cultivated, processed, transported, manufactured, or

1 distributed by any other cultivator, transporter, or infuser,
2 and any provision in any contract violative of this Section
3 shall render the whole of such contract void and no action
4 shall be brought thereon in any court.

5 (Source: P.A. 101-27, eff. 6-25-19.)

6 (410 ILCS 705/15-75)

7 Sec. 15-75. Inventory control system.

8 (a) A dispensing organization agent-in-charge shall have
9 primary oversight of the dispensing organization's cannabis
10 inventory verification system, and its point-of-sale system.
11 The inventory point-of-sale system shall be real-time,
12 web-based, and accessible by the Department at any time. The
13 point-of-sale system shall track, at a minimum the date of
14 sale, amount, price, and currency.

15 (b) A dispensing organization shall establish an account
16 with the State's verification system that documents:

17 (1) Each sales transaction at the time of sale and each
18 day's beginning inventory, acquisitions, sales, disposal,
19 and ending inventory.

20 (2) Acquisition of cannabis and cannabis-infused
21 products from a licensed adult use cultivation center,
22 craft grower, infuser, or transporter, including:

23 (i) A description of the products, including the
24 quantity, strain, variety, and batch number of each
25 product received;

1 (ii) The name and registry identification number
2 of the licensed adult use cultivation center, craft
3 grower, or infuser providing the cannabis and
4 cannabis-infused products;

5 (iii) The name and registry identification number
6 of the licensed adult use cultivation center, craft
7 grower, infuser, or transporting ~~transportation~~ agent
8 delivering the cannabis;

9 (iv) The name and registry identification number
10 of the dispensing organization agent receiving the
11 cannabis; and

12 (v) The date of acquisition.

13 (3) The disposal of cannabis, including:

14 (i) A description of the products, including the
15 quantity, strain, variety, batch number, and reason
16 for the cannabis being disposed;

17 (ii) The method of disposal; and

18 (iii) The date and time of disposal.

19 (c) Upon cannabis delivery, a dispensing organization
20 shall confirm the product's name, strain name, weight, and
21 identification number on the manifest matches the information
22 on the cannabis product label and package. The product name
23 listed and the weight listed in the State's verification system
24 shall match the product packaging.

25 (d) The agent-in-charge shall conduct daily inventory
26 reconciliation documenting and balancing cannabis inventory by

1 confirming the State's verification system matches the
2 dispensing organization's point-of-sale system and the amount
3 of physical product at the dispensary.

4 (1) A dispensing organization must receive Department
5 approval before completing an inventory adjustment. It
6 shall provide a detailed reason for the adjustment.
7 Inventory adjustment documentation shall be kept at the
8 dispensary for 2 years from the date performed.

9 (2) If the dispensing organization identifies an
10 imbalance in the amount of cannabis after the daily
11 inventory reconciliation due to mistake, the dispensing
12 organization shall determine how the imbalance occurred
13 and immediately upon discovery take and document
14 corrective action. If the dispensing organization cannot
15 identify the reason for the mistake within 2 calendar days
16 after first discovery, it shall inform the Department
17 immediately in writing of the imbalance and the corrective
18 action taken to date. The dispensing organization shall
19 work diligently to determine the reason for the mistake.

20 (3) If the dispensing organization identifies an
21 imbalance in the amount of cannabis after the daily
22 inventory reconciliation or through other means due to
23 theft, criminal activity, or suspected criminal activity,
24 the dispensing organization shall immediately determine
25 how the reduction occurred and take and document corrective
26 action. Within 24 hours after the first discovery of the

1 reduction due to theft, criminal activity, or suspected
2 criminal activity, the dispensing organization shall
3 inform the Department and the Department of State Police in
4 writing.

5 (4) The dispensing organization shall file an annual
6 compilation report with the Department, including a
7 financial statement that shall include, but not be limited
8 to, an income statement, balance sheet, profit and loss
9 statement, statement of cash flow, wholesale cost and
10 sales, and any other documentation requested by the
11 Department in writing. The financial statement shall
12 include any other information the Department deems
13 necessary in order to effectively administer this Act and
14 all rules, orders, and final decisions promulgated under
15 this Act. Statements required by this Section shall be
16 filed with the Department within 60 days after the end of
17 the calendar year. The compilation report shall include a
18 letter authored by a licensed certified public accountant
19 that it has been reviewed and is accurate based on the
20 information provided. The dispensing organization,
21 financial statement, and accompanying documents are not
22 required to be audited unless specifically requested by the
23 Department.

24 (e) A dispensing organization shall:

25 (1) Maintain the documentation required in this
26 Section in a secure locked location at the dispensing

1 organization for 5 years from the date on the document;

2 (2) Provide any documentation required to be
3 maintained in this Section to the Department for review
4 upon request; and

5 (3) If maintaining a bank account, retain for a period
6 of 5 years a record of each deposit or withdrawal from the
7 account.

8 (f) If a dispensing organization chooses to have a return
9 policy for cannabis and cannabis products, the dispensing
10 organization shall seek prior approval from the Department.

11 (Source: P.A. 101-27, eff. 6-25-19.)

12 (410 ILCS 705/15-85)

13 Sec. 15-85. Dispensing cannabis.

14 (a) Before a dispensing organization agent dispenses
15 cannabis to a purchaser, the agent shall:

16 (1) Verify the age of the purchaser by checking a
17 government-issued identification card by use of an
18 electronic reader or electronic scanning device to scan a
19 purchaser's government-issued identification, if
20 applicable, to determine the purchaser's age and the
21 validity of the identification;

22 (2) Verify the validity of the government-issued
23 identification card by use of an electronic reader or
24 electronic scanning device to scan a purchaser's
25 government-issued identification, if applicable, to

1 determine the purchaser's age and the validity of the
2 identification;

3 (3) Offer any appropriate purchaser education or
4 support materials;

5 (4) Enter the following information into the State's
6 cannabis electronic verification system:

7 (i) The dispensing organization agent's
8 identification number;

9 (ii) The dispensing organization's identification
10 number;

11 (iii) The amount, type (including strain, if
12 applicable) of cannabis or cannabis-infused product
13 dispensed;

14 (iv) The date and time the cannabis was dispensed.

15 (b) A dispensing organization shall refuse to sell cannabis
16 or cannabis-infused products to any person unless the person
17 produces a valid identification showing that the person is 21
18 years of age or older. A medical cannabis dispensing
19 organization may sell cannabis or cannabis-infused products to
20 a person who is under 21 years of age if the sale complies with
21 the provisions of the Compassionate Use of Medical Cannabis
22 ~~Pilot~~ Program Act and rules.

23 (c) For the purposes of this Section, valid identification
24 must:

25 (1) Be valid and unexpired;

26 (2) Contain a photograph and the date of birth of the

1 person.

2 (Source: P.A. 101-27, eff. 6-25-19.)

3 (410 ILCS 705/15-95)

4 Sec. 15-95. Agent-in-charge.

5 (a) Every dispensing organization shall designate, at a
6 minimum, one agent-in-charge for each licensed dispensary. The
7 designated agent-in-charge must hold a dispensing organization
8 agent identification card. Maintaining an agent-in-charge is a
9 continuing requirement for the license, except as provided in
10 subsection (f).

11 (b) The agent-in-charge shall be a principal officer or a
12 full-time agent of the dispensing organization and shall manage
13 the dispensary. Managing the dispensary includes, but is not
14 limited to, responsibility for opening and closing the
15 dispensary, delivery acceptance, oversight of sales and
16 dispensing organization agents, recordkeeping, inventory,
17 dispensing organization agent training, and compliance with
18 this Act and rules. Participation in affairs also includes the
19 responsibility for maintaining all files subject to audit or
20 inspection by the Department at the dispensary.

21 (c) The agent-in-charge is responsible for promptly
22 notifying the Department of any change of information required
23 to be reported to the Department.

24 (d) In determining whether an agent-in-charge manages the
25 dispensary, the Department may consider the responsibilities

1 identified in this Section, the number of dispensing
2 organization agents under the supervision of the
3 agent-in-charge, and the employment relationship between the
4 agent-in-charge and the dispensing organization, including the
5 existence of a contract for employment and any other relevant
6 fact or circumstance.

7 (e) The agent-in-charge is responsible for notifying the
8 Department of a change in the employment status of all
9 dispensing organization agents within 5 business days after the
10 change, including notice to the Department if the termination
11 of an agent was for diversion of product or theft of currency.

12 (f) In the event of the separation of an agent-in-charge
13 due to death, incapacity, termination, or any other reason and
14 if the dispensary does not have an active agent-in-charge, the
15 dispensing organization shall immediately contact the
16 Department and request a temporary certificate of authority
17 allowing the continuing operation. The request shall include
18 the name of an interim agent-in-charge until a replacement is
19 identified, or shall include the name of the replacement. The
20 Department shall issue the temporary certificate of authority
21 promptly after it approves the request. If a dispensing
22 organization fails to promptly request a temporary certificate
23 of authority after the separation of the agent-in-charge, its
24 registration shall cease until the Department approves the
25 temporary certificate of authority or registers a new
26 agent-in-charge. No temporary certificate of authority shall

1 be valid for more than 90 days. The succeeding agent-in-charge
2 shall register with the Department in compliance with this
3 Article. Once the permanent succeeding agent-in-charge is
4 registered with the Department, the temporary certificate of
5 authority is void. No temporary certificate of authority shall
6 be issued for the separation of an agent-in-charge due to
7 disciplinary action by the Department related to his or her
8 conduct on behalf of the dispensing organization.

9 (g) The dispensing organization agent-in-charge
10 registration shall expire one year from the date it is issued.
11 The agent-in-charge's registration shall be renewed annually.
12 The Department shall review the dispensing organization's
13 compliance history when determining whether to grant the
14 request to renew.

15 (h) Upon termination of an agent-in-charge's employment,
16 the dispensing organization shall immediately reclaim the
17 dispensing agent identification card. The dispensing
18 organization shall promptly return the identification card to
19 the Department.

20 (i) The Department may deny an application or renewal or
21 discipline or revoke an agent-in-charge identification card
22 for any of the following reasons:

23 (1) Submission of misleading, incorrect, false, or
24 fraudulent information in the application or renewal
25 application;

26 (2) Violation of the requirements of this Act or rules;

1 (3) Fraudulent use of the agent-in-charge
2 identification card;

3 (4) Selling, distributing, transferring in any manner,
4 or giving cannabis to any unauthorized person;

5 (5) Theft of cannabis, currency, or any other items
6 from a dispensary;

7 (6) Tampering with, falsifying, altering, modifying,
8 or duplicating an agent-in-charge identification card;

9 (7) Tampering with, falsifying, altering, or modifying
10 the surveillance video footage, point-of-sale system, or
11 the State's verification system;

12 (8) Failure to notify the Department immediately upon
13 discovery that the agent-in-charge identification card has
14 been lost, stolen, or destroyed;

15 (9) Failure to notify the Department within 5 business
16 days after a change in the information provided in the
17 application for an agent-in-charge identification card;

18 (10) Conviction of a felony offense in accordance with
19 Sections 2105-131, 2105-135, and 2105-205 of the
20 Department of Professional Regulation Law of the Civil
21 Administrative Code of Illinois or any incident listed in
22 this Act or rules following the issuance of an
23 agent-in-charge identification card;

24 (11) Dispensing to purchasers in amounts above the
25 limits provided in this Act; or

26 (12) Delinquency in filing any required tax returns or

1 paying any amounts owed to the State of Illinois.

2 (Source: P.A. 101-27, eff. 6-25-19; revised 9-4-19.)

3 (410 ILCS 705/15-100)

4 Sec. 15-100. Security.

5 (a) A dispensing organization shall implement security
6 measures to deter and prevent entry into and theft of cannabis
7 or currency.

8 (b) A dispensing organization shall submit any changes to
9 the floor plan or security plan to the Department for
10 pre-approval. All cannabis shall be maintained and stored in a
11 restricted access area during construction.

12 (c) The dispensing organization shall implement security
13 measures to protect the premises, purchasers, and dispensing
14 organization agents including, but not limited to the
15 following:

16 (1) Establish a locked door or barrier between the
17 facility's entrance and the limited access area;

18 (2) Prevent individuals from remaining on the premises
19 if they are not engaging in activity permitted by this Act
20 or rules;

21 (3) Develop a policy that addresses the maximum
22 capacity and purchaser flow in the waiting rooms and
23 limited access areas;

24 (4) Dispose of cannabis in accordance with this Act and
25 rules;

1 (5) During hours of operation, store and dispense all
2 cannabis from the restricted access area. During
3 operational hours, cannabis shall be stored in an enclosed
4 locked room or cabinet and accessible only to specifically
5 authorized dispensing organization agents;

6 (6) When the dispensary is closed, store all cannabis
7 and currency in a reinforced vault room in the restricted
8 access area and in a manner as to prevent diversion, theft,
9 or loss;

10 (7) Keep the reinforced vault room and any other
11 equipment or cannabis storage areas securely locked and
12 protected from unauthorized entry;

13 (8) Keep an electronic daily log of dispensing
14 organization agents with access to the reinforced vault
15 room and knowledge of the access code or combination;

16 (9) Keep all locks and security equipment in good
17 working order;

18 (10) Maintain an operational security and alarm system
19 at all times;

20 (11) Prohibit keys, if applicable, from being left in
21 the locks, or stored or placed in a location accessible to
22 persons other than specifically authorized personnel;

23 (12) Prohibit accessibility of security measures,
24 including combination numbers, passwords, or electronic or
25 biometric security systems to persons other than
26 specifically authorized dispensing organization agents;

1 (13) Ensure that the dispensary interior and exterior
2 premises are sufficiently lit to facilitate surveillance;

3 (14) Ensure that trees, bushes, and other foliage
4 outside of the dispensary premises do not allow for a
5 person or persons to conceal themselves from sight;

6 (15) Develop emergency policies and procedures for
7 securing all product and currency following any instance of
8 diversion, theft, or loss of cannabis, and conduct an
9 assessment to determine whether additional safeguards are
10 necessary; and

11 (16) Develop sufficient additional safeguards in
12 response to any special security concerns, or as required
13 by the Department.

14 (d) The Department may request or approve alternative
15 security provisions that it determines are an adequate
16 substitute for a security requirement specified in this
17 Article. Any additional protections may be considered by the
18 Department in evaluating overall security measures.

19 (e) A dispensing ~~dispensary~~ organization may share
20 premises with a craft grower or an infuser organization, or
21 both, provided each licensee stores currency and cannabis or
22 cannabis-infused products in a separate secured vault to which
23 the other licensee does not have access or all licensees
24 sharing a vault share more than 50% of the same ownership.

25 (f) A dispensing organization shall provide additional
26 security as needed and in a manner appropriate for the

1 community where it operates.

2 (g) Restricted access areas.

3 (1) All restricted access areas must be identified by
4 the posting of a sign that is a minimum of 12 inches by 12
5 inches and that states "Do Not Enter - Restricted Access
6 Area - Authorized Personnel Only" in lettering no smaller
7 than one inch in height.

8 (2) All restricted access areas shall be clearly
9 described in the floor plan of the premises, in the form
10 and manner determined by the Department, reflecting walls,
11 partitions, counters, and all areas of entry and exit. The
12 floor plan shall show all storage, disposal, and retail
13 sales areas.

14 (3) All restricted access areas must be secure, with
15 locking devices that prevent access from the limited access
16 areas.

17 (h) Security and alarm.

18 (1) A dispensing organization shall have an adequate
19 security plan and security system to prevent and detect
20 diversion, theft, or loss of cannabis, currency, or
21 unauthorized intrusion using commercial grade equipment
22 installed by an Illinois licensed private alarm contractor
23 or private alarm contractor agency that shall, at a
24 minimum, include:

25 (i) A perimeter alarm on all entry points and glass
26 break protection on perimeter windows;

1 (ii) Security shatterproof tinted film on exterior
2 windows;

3 (iii) A failure notification system that provides
4 an audible, text, or visual notification of any failure
5 in the surveillance system, including, but not limited
6 to, panic buttons, alarms, and video monitoring
7 system. The failure notification system shall provide
8 an alert to designated dispensing organization agents
9 within 5 minutes after the failure, either by telephone
10 or text message;

11 (iv) A duress alarm, panic button, and alarm, or
12 holdup alarm and after-hours intrusion detection alarm
13 that by design and purpose will directly or indirectly
14 notify, by the most efficient means, the Public Safety
15 Answering Point for the law enforcement agency having
16 primary jurisdiction;

17 (v) Security equipment to deter and prevent
18 unauthorized entrance into the dispensary, including
19 electronic door locks on the limited and restricted
20 access areas that include devices or a series of
21 devices to detect unauthorized intrusion that may
22 include a signal system interconnected with a radio
23 frequency method, cellular, private radio signals or
24 other mechanical or electronic device.

25 (2) All security system equipment and recordings shall
26 be maintained in good working order, in a secure location

1 so as to prevent theft, loss, destruction, or alterations.

2 (3) Access to surveillance monitoring recording
3 equipment shall be limited to persons who are essential to
4 surveillance operations, law enforcement authorities
5 acting within their jurisdiction, security system service
6 personnel, and the Department. A current list of authorized
7 dispensing organization agents and service personnel that
8 have access to the surveillance equipment must be available
9 to the Department upon request.

10 (4) All security equipment shall be inspected and
11 tested at regular intervals, not to exceed one month from
12 the previous inspection, and tested to ensure the systems
13 remain functional.

14 (5) The security system shall provide protection
15 against theft and diversion that is facilitated or hidden
16 by tampering with computers or electronic records.

17 (6) The dispensary shall ensure all access doors are
18 not solely controlled by an electronic access panel to
19 ensure that locks are not released during a power outage.

20 (i) To monitor the dispensary, the dispensing organization
21 shall incorporate continuous electronic video monitoring
22 including the following:

23 (1) All monitors must be 19 inches or greater;

24 (2) Unobstructed video surveillance of all enclosed
25 dispensary areas, unless prohibited by law, including all
26 points of entry and exit that shall be appropriate for the

1 normal lighting conditions of the area under surveillance.
2 The cameras shall be directed so all areas are captured,
3 including, but not limited to, safes, vaults, sales areas,
4 and areas where cannabis is stored, handled, dispensed, or
5 destroyed. Cameras shall be angled to allow for facial
6 recognition, the capture of clear and certain
7 identification of any person entering or exiting the
8 dispensary area and in lighting sufficient during all times
9 of night or day;

10 (3) Unobstructed video surveillance of outside areas,
11 the storefront, and the parking lot, that shall be
12 appropriate for the normal lighting conditions of the area
13 under surveillance. Cameras shall be angled so as to allow
14 for the capture of facial recognition, clear and certain
15 identification of any person entering or exiting the
16 dispensary and the immediate surrounding area, and license
17 plates of vehicles in the parking lot;

18 (4) 24-hour recordings from all video cameras
19 available for immediate viewing by the Department upon
20 request. Recordings shall not be destroyed or altered and
21 shall be retained for at least 90 days. Recordings shall be
22 retained as long as necessary if the dispensing
23 organization is aware of the loss or theft of cannabis or a
24 pending criminal, civil, or administrative investigation
25 or legal proceeding for which the recording may contain
26 relevant information;

1 (5) The ability to immediately produce a clear, color
2 still photo from the surveillance video, either live or
3 recorded;

4 (6) A date and time stamp embedded on all video
5 surveillance recordings. The date and time shall be
6 synchronized and set correctly and shall not significantly
7 obscure the picture;

8 (7) The ability to remain operational during a power
9 outage and ensure all access doors are not solely
10 controlled by an electronic access panel to ensure that
11 locks are not released during a power outage;

12 (8) All video surveillance equipment shall allow for
13 the exporting of still images in an industry standard image
14 format, including .jpg, .bmp, and .gif. Exported video
15 shall have the ability to be archived in a proprietary
16 format that ensures authentication of the video and
17 guarantees that no alteration of the recorded image has
18 taken place. Exported video shall also have the ability to
19 be saved in an industry standard file format that can be
20 played on a standard computer operating system. All
21 recordings shall be erased or destroyed before disposal;

22 (9) The video surveillance system shall be operational
23 during a power outage with a 4-hour minimum battery backup;

24 (10) A video camera or cameras recording at each
25 point-of-sale location allowing for the identification of
26 the dispensing organization agent distributing the

1 cannabis and any purchaser. The camera or cameras shall
2 capture the sale, the individuals and the computer monitors
3 used for the sale;

4 (11) A failure notification system that provides an
5 audible and visual notification of any failure in the
6 electronic video monitoring system; and

7 (12) All electronic video surveillance monitoring must
8 record at least the equivalent of 8 frames per second and
9 be available as recordings to the Department and the
10 Department of State Police 24 hours a day via a secure
11 web-based portal with reverse functionality.

12 (j) The requirements contained in this Act are minimum
13 requirements for operating a dispensing organization. The
14 Department may establish additional requirements by rule.

15 (Source: P.A. 101-27, eff. 6-25-19.)

16 (410 ILCS 705/15-145)

17 Sec. 15-145. Grounds for discipline.

18 (a) The Department may deny issuance, refuse to renew or
19 restore, or may reprimand, place on probation, suspend, revoke,
20 or take other disciplinary or nondisciplinary action against
21 any license or agent identification card or may impose a fine
22 for any of the following:

23 (1) Material misstatement in furnishing information to
24 the Department;

25 (2) Violations of this Act or rules;

1 (3) Obtaining an authorization or license by fraud or
2 misrepresentation;

3 (4) A pattern of conduct that demonstrates
4 incompetence or that the applicant has engaged in conduct
5 or actions that would constitute grounds for discipline
6 under this ~~the~~ Act;

7 (5) Aiding or assisting another person in violating any
8 provision of this Act or rules;

9 (6) Failing to respond to a written request for
10 information by the Department within 30 days;

11 (7) Engaging in unprofessional, dishonorable, or
12 unethical conduct of a character likely to deceive,
13 defraud, or harm the public;

14 (8) Adverse action by another United States
15 jurisdiction or foreign nation;

16 (9) A finding by the Department that the licensee,
17 after having his or her license placed on suspended or
18 probationary status, has violated the terms of the
19 suspension or probation;

20 (10) Conviction, entry of a plea of guilty, nolo
21 contendere, or the equivalent in a State or federal court
22 of a principal officer or agent-in-charge of a felony
23 offense in accordance with Sections 2105-131, 2105-135,
24 and 2105-205 of the Department of Professional Regulation
25 Law of the Civil Administrative Code of Illinois;

26 (11) Excessive use of or addiction to alcohol,

1 narcotics, stimulants, or any other chemical agent or drug;

2 (12) A finding by the Department of a discrepancy in a
3 Department audit of cannabis;

4 (13) A finding by the Department of a discrepancy in a
5 Department audit of capital or funds;

6 (14) A finding by the Department of acceptance of
7 cannabis from a source other than an Adult Use Cultivation
8 Center, craft grower, infuser, or transporting
9 organization licensed by the Department of Agriculture, or
10 a dispensing organization licensed by the Department;

11 (15) An inability to operate using reasonable
12 judgment, skill, or safety due to physical or mental
13 illness or other impairment or disability, including,
14 without limitation, deterioration through the aging
15 process or loss of motor skills or mental incompetence;

16 (16) Failing to report to the Department within the
17 time frames established, or if not identified, 14 days, of
18 any adverse action taken against the dispensing
19 organization or an agent by a licensing jurisdiction in any
20 state or any territory of the United States or any foreign
21 jurisdiction, any governmental agency, any law enforcement
22 agency or any court defined in this Section;

23 (17) Any violation of the dispensing organization's
24 policies and procedures submitted to the Department
25 annually as a condition for licensure;

26 (18) Failure to inform the Department of any change of

1 address within 10 business days;

2 (19) Disclosing customer names, personal information,
3 or protected health information in violation of any State
4 or federal law;

5 (20) Operating a dispensary before obtaining a license
6 from the Department;

7 (21) Performing duties authorized by this Act prior to
8 receiving a license to perform such duties;

9 (22) Dispensing cannabis when prohibited by this Act or
10 rules;

11 (23) Any fact or condition that, if it had existed at
12 the time of the original application for the license, would
13 have warranted the denial of the license;

14 (24) Permitting a person without a valid agent
15 identification card to perform licensed activities under
16 this Act;

17 (25) Failure to assign an agent-in-charge as required
18 by this Article;

19 (26) Failure to provide the training required by
20 paragraph (3) of subsection (i) of Section 15-40 within the
21 provided timeframe;

22 (27) Personnel insufficient in number or unqualified
23 in training or experience to properly operate the
24 dispensary business;

25 (28) Any pattern of activity that causes a harmful
26 impact on the community; and

1 (29) Failing to prevent diversion, theft, or loss of
2 cannabis.

3 (b) All fines and fees imposed under this Section shall be
4 paid within 60 days after the effective date of the order
5 imposing the fine or as otherwise specified in the order.

6 (c) A circuit court order establishing that an
7 agent-in-charge or principal officer holding an agent
8 identification card is subject to involuntary admission as that
9 term is defined in Section 1-119 or 1-119.1 of the Mental
10 Health and Developmental Disabilities Code shall operate as a
11 suspension of that card.

12 (Source: P.A. 101-27, eff. 6-25-19; revised 9-4-19.)

13 (410 ILCS 705/15-155)

14 Sec. 15-155. Unlicensed practice; violation; civil penalty
15 Consent to administrative supervision order.

16 (a) In addition to any other penalty provided by law, any
17 person who practices, offers to practice, attempts to practice,
18 or holds oneself out to practice as a licensed dispensing
19 organization owner, principal officer, agent-in-charge, or
20 agent without being licensed under this Act shall, in addition
21 to any other penalty provided by law, pay a civil penalty to
22 the Department of Financial and Professional Regulation in an
23 amount not to exceed \$10,000 for each offense as determined by
24 the Department. The civil penalty shall be assessed by the
25 Department after a hearing is held in accordance with the

1 provisions set forth in this Act regarding the provision of a
2 hearing for the discipline of a licensee.

3 (b) The Department has the authority and power to
4 investigate any and all unlicensed activity.

5 (c) The civil penalty shall be paid within 60 days after
6 the effective date of the order imposing the civil penalty or
7 in accordance with the order imposing the civil penalty. The
8 order shall constitute a judgment and may be filed and
9 execution had thereon in the same manner as any judgment from
10 any court of this State.

11 ~~In appropriate cases, the Department may resolve a complaint~~
12 ~~against a licensee or agent through the issuance of a consent~~
13 ~~order for administrative supervision. A license or agent~~
14 ~~subject to a consent order shall be considered by the~~
15 ~~Department to hold a license or registration in good standing.~~

16 (Source: P.A. 101-27, eff. 6-25-19.)

17 (410 ILCS 705/20-10)

18 Sec. 20-10. Early Approval of Adult Use Cultivation Center
19 License.

20 (a) Any medical cannabis cultivation center registered and
21 in good standing under the Compassionate Use of Medical
22 Cannabis ~~Pilot~~ Program Act as of the effective date of this Act
23 may, within 60 days of the effective date of this Act but no
24 later than 180 days from the effective date of this Act, apply
25 to the Department of Agriculture for an Early Approval Adult

1 Use Cultivation Center License to produce cannabis and
2 cannabis-infused products at its existing facilities as of the
3 effective date of this Act.

4 (b) A medical cannabis cultivation center seeking issuance
5 of an Early Approval Adult Use Cultivation Center License shall
6 submit an application on forms provided by the Department of
7 Agriculture. The application must meet or include the following
8 qualifications:

9 (1) Payment of a nonrefundable application fee of
10 \$100,000 to be deposited into the Cannabis Regulation Fund;

11 (2) Proof of registration as a medical cannabis
12 cultivation center that is in good standing;

13 (3) Submission of the application by the same person or
14 entity that holds the medical cannabis cultivation center
15 registration;

16 (4) Certification that the applicant will comply with
17 the requirements of Section 20-30;

18 (5) The legal name of the cultivation center;

19 (6) The physical address of the cultivation center;

20 (7) The name, address, social security number, and date
21 of birth of each principal officer and board member of the
22 cultivation center; each of those individuals shall be at
23 least 21 years of age;

24 (8) A nonrefundable Cannabis Business Development Fee
25 equal to 5% of the cultivation center's total sales between
26 June 1, 2018 to June 1, 2019 or \$750,000, whichever is

1 less, but at not less than \$250,000, to be deposited into
2 the Cannabis Business Development Fund; and

3 (9) A commitment to completing one of the following
4 Social Equity Inclusion Plans provided for in this
5 subsection (b) before the expiration of the Early Approval
6 Adult Use Cultivation Center License:

7 (A) A contribution of 5% of the cultivation
8 center's total sales from June 1, 2018 to June 1, 2019,
9 or \$100,000, whichever is less, to one of the
10 following:

11 (i) the Cannabis Business Development Fund.
12 This is in addition to the fee required by item (8)
13 of this subsection (b);

14 (ii) a cannabis industry training or education
15 program at an Illinois community college as
16 defined in the Public Community College Act;

17 (iii) a program that provides job training
18 services to persons recently incarcerated or that
19 operates in a Disproportionately Impacted Area.

20 (B) Participate as a host in a cannabis business
21 incubator program for at least one year approved by the
22 Department of Commerce and Economic Opportunity, and
23 in which an Early Approval Adult Use Cultivation Center
24 License holder agrees to provide a loan of at least
25 \$100,000 and mentorship to incubate a licensee that
26 qualifies as a Social Equity Applicant. As used in this

1 Section, "incubate" means providing direct financial
2 assistance and training necessary to engage in
3 licensed cannabis industry activity similar to that of
4 the host licensee. The Early Approval Adult Use
5 Cultivation Center License holder or the same entity
6 holding any other licenses issued pursuant to this Act
7 shall not take an ownership stake of greater than 10%
8 in any business receiving incubation services to
9 comply with this subsection. If an Early Approval Adult
10 Use Cultivation Center License holder fails to find a
11 business to incubate to comply with this subsection
12 before its Early Approval Adult Use Cultivation Center
13 License expires, it may opt to meet the requirement of
14 this subsection by completing another item from this
15 subsection prior to the expiration of its Early
16 Approval Adult Use Cultivation Center License to avoid
17 a penalty.

18 (c) An Early Approval Adult Use Cultivation Center License
19 is valid until March 31, 2021. A cultivation center that
20 obtains an Early Approval Adult Use Cultivation Center License
21 shall receive written or electronic notice 90 days before the
22 expiration of the license that the license will expire, and
23 inform the license holder that it may renew its Early Approval
24 Adult Use Cultivation Center License. The Department of
25 Agriculture shall grant a renewal of an Early Approval Adult
26 Use Cultivation Center License within 60 days of submission of

1 an application if:

2 (1) the cultivation center submits an application and
3 the required renewal fee of \$100,000 for an Early Approval
4 Adult Use Cultivation Center License;

5 (2) the Department of Agriculture has not suspended the
6 license of the cultivation center or suspended or revoked
7 the license for violating this Act or rules adopted under
8 this Act; and

9 (3) the cultivation center has completed a Social
10 Equity Inclusion Plan as required by item (9) of subsection
11 (b) of this Section.

12 (c-5) The Early Approval Adult Use Cultivation Center
13 License renewed pursuant to subsection (c) of this Section
14 shall expire March 31, 2022. The Early Approval Adult Use
15 Cultivation Center Licensee shall receive written or
16 electronic notice 90 days before the expiration of the license
17 that the license will expire, and inform the license holder
18 that it may apply for an Adult Use Cultivation Center License.
19 The Department of Agriculture shall grant an Adult Use
20 Dispensing Organization License within 60 days of an
21 application being deemed complete if the applicant meets all of
22 the criteria in Section 20-21.

23 (d) The license fee required by paragraph (1) of subsection
24 (c) of this Section shall be in addition to any license fee
25 required for the renewal of a registered medical cannabis
26 cultivation center license that expires during the effective

1 period of the Early Approval Adult Use Cultivation Center
2 License.

3 (e) Applicants must submit all required information,
4 including the requirements in subsection (b) of this Section,
5 to the Department of Agriculture. Failure by an applicant to
6 submit all required information may result in the application
7 being disqualified.

8 (f) If the Department of Agriculture receives an
9 application with missing information, the Department may issue
10 a deficiency notice to the applicant. The applicant shall have
11 10 calendar days from the date of the deficiency notice to
12 submit complete information. Applications that are still
13 incomplete after this opportunity to cure may be disqualified.

14 (g) If an applicant meets all the requirements of
15 subsection (b) of this Section, the Department of Agriculture
16 shall issue the Early Approval Adult Use Cultivation Center
17 License within 14 days of receiving the application unless:

18 (1) The licensee; principal officer, board member, or
19 person having a financial or voting interest of 5% or
20 greater in the licensee; or agent is delinquent in filing
21 any required tax returns or paying any amounts owed to the
22 State of Illinois;

23 (2) The Director of Agriculture determines there is
24 reason, based on an inordinate number of documented
25 compliance violations, the licensee is not entitled to an
26 Early Approval Adult Use Cultivation Center License; or

1 (3) The licensee fails to commit to the Social Equity
2 Inclusion Plan.

3 (h) A cultivation center may begin producing cannabis and
4 cannabis-infused products once the Early Approval Adult Use
5 Cultivation Center License is approved. A cultivation center
6 that obtains an Early Approval Adult Use Cultivation Center
7 License may begin selling cannabis and cannabis-infused
8 products on December 1, 2019.

9 (i) An Early Approval Adult Use Cultivation Center License
10 holder must continue to produce and provide an adequate supply
11 of cannabis and cannabis-infused products for purchase by
12 qualifying patients and caregivers. For the purposes of this
13 subsection, "adequate supply" means a monthly production level
14 that is comparable in type and quantity to those medical
15 cannabis products produced for patients and caregivers on an
16 average monthly basis for the 6 months before the effective
17 date of this Act.

18 (j) If there is a shortage of cannabis or cannabis-infused
19 products, a license holder shall prioritize patients
20 registered under the Compassionate Use of Medical Cannabis
21 ~~Pilot~~ Program Act over adult use purchasers.

22 (k) If an Early Approval Adult Use Cultivation Center
23 licensee fails to submit an application for an Adult Use
24 Cultivation Center License before the expiration of the Early
25 Approval Adult Use Cultivation Center License pursuant to
26 subsection (c-5) of this Section, the cultivation center shall

1 cease adult use cultivation until it receives an Adult Use
2 Cultivation Center License.

3 (l) A cultivation center agent who holds a valid
4 cultivation center agent identification card issued under the
5 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act and is
6 an officer, director, manager, or employee of the cultivation
7 center licensed under this Section may engage in all activities
8 authorized by this Article to be performed by a cultivation
9 center agent.

10 (m) If the Department of Agriculture suspends or revokes
11 the Early Approval Adult Use Cultivation Center License of a
12 cultivation center that also holds a medical cannabis
13 cultivation center license issued under the Compassionate Use
14 of Medical Cannabis ~~Pilot~~ Program Act, the Department of
15 Agriculture may suspend or revoke the medical cannabis
16 cultivation center license concurrently with the Early
17 Approval Adult Use Cultivation Center License.

18 (n) All fees or fines collected from an Early Approval
19 Adult Use Cultivation Center License holder as a result of a
20 disciplinary action in the enforcement of this Act shall be
21 deposited into the Cannabis Regulation Fund.

22 (Source: P.A. 101-27, eff. 6-25-19.)

23 (410 ILCS 705/20-15)

24 Sec. 20-15. Conditional Adult Use Cultivation Center
25 application.

1 (a) If the Department of Agriculture makes available
2 additional cultivation center licenses pursuant to Section
3 20-5, applicants for a Conditional Adult Use Cultivation Center
4 License shall electronically submit the following in such form
5 as the Department of Agriculture may direct:

6 (1) the nonrefundable application fee set by rule by
7 the Department of Agriculture, to be deposited into the
8 Cannabis Regulation Fund;

9 (2) the legal name of the cultivation center;

10 (3) the proposed physical address of the cultivation
11 center;

12 (4) the name, address, social security number, and date
13 of birth of each principal officer and board member of the
14 cultivation center; each principal officer and board
15 member shall be at least 21 years of age;

16 (5) the details of any administrative or judicial
17 proceeding in which any of the principal officers or board
18 members of the cultivation center (i) pled guilty, were
19 convicted, were fined, or had a registration or license
20 suspended or revoked, or (ii) managed or served on the
21 board of a business or non-profit organization that pled
22 guilty, was convicted, was fined, or had a registration or
23 license suspended or revoked;

24 (6) proposed operating bylaws that include procedures
25 for the oversight of the cultivation center, including the
26 development and implementation of a plant monitoring

1 system, accurate recordkeeping, staffing plan, and
2 security plan approved by the Department of State Police
3 that are in accordance with the rules issued by the
4 Department of Agriculture under this Act. A physical
5 inventory shall be performed of all plants and cannabis on
6 a weekly basis by the cultivation center;

7 (7) verification from the Department of State Police
8 that all background checks of the prospective principal
9 officers, board members, and agents of the cannabis
10 business establishment have been conducted;

11 (8) a copy of the current local zoning ordinance or
12 permit and verification that the proposed cultivation
13 center is in compliance with the local zoning rules and
14 distance limitations established by the local
15 jurisdiction;

16 (9) proposed employment practices, in which the
17 applicant must demonstrate a plan of action to inform,
18 hire, and educate minorities, women, veterans, and persons
19 with disabilities, engage in fair labor practices, and
20 provide worker protections;

21 (10) whether an applicant can demonstrate experience
22 in or business practices that promote economic empowerment
23 in Disproportionately Impacted Areas;

24 (11) experience with the cultivation of agricultural
25 or horticultural products, operating an agriculturally
26 related business, or operating a horticultural business;

1 (12) a description of the enclosed, locked facility
2 where cannabis will be grown, harvested, manufactured,
3 processed, packaged, or otherwise prepared for
4 distribution to a dispensing organization;

5 (13) a survey of the enclosed, locked facility,
6 including the space used for cultivation;

7 (14) cultivation, processing, inventory, and packaging
8 plans;

9 (15) a description of the applicant's experience with
10 agricultural cultivation techniques and industry
11 standards;

12 (16) a list of any academic degrees, certifications, or
13 relevant experience of all prospective principal officers,
14 board members, and agents of the related business;

15 (17) the identity of every person having a financial or
16 voting interest of 5% or greater in the cultivation center
17 operation with respect to which the license is sought,
18 whether a trust, corporation, partnership, limited
19 liability company, or sole proprietorship, including the
20 name and address of each person;

21 (18) a plan describing how the cultivation center will
22 address each of the following:

23 (i) energy needs, including estimates of monthly
24 electricity and gas usage, to what extent it will
25 procure energy from a local utility or from on-site
26 generation, and if it has or will adopt a sustainable

1 energy use and energy conservation policy;

2 (ii) water needs, including estimated water draw
3 and if it has or will adopt a sustainable water use and
4 water conservation policy; and

5 (iii) waste management, including if it has or will
6 adopt a waste reduction policy;

7 (19) a diversity plan that includes a narrative of not
8 more than 2,500 words that establishes a goal of diversity
9 in ownership, management, employment, and contracting to
10 ensure that diverse participants and groups are afforded
11 equality of opportunity;

12 (20) any other information required by rule;

13 (21) a recycling plan:

14 (A) Purchaser packaging, including cartridges,
15 shall be accepted by the applicant and recycled.

16 (B) Any recyclable waste generated by the cannabis
17 cultivation facility shall be recycled per applicable
18 State and local laws, ordinances, and rules.

19 (C) Any cannabis waste, liquid waste, or hazardous
20 waste shall be disposed of in accordance with 8 Ill.
21 Adm. Code 1000.460, except, to the greatest extent
22 feasible, all cannabis plant waste will be rendered
23 unusable by grinding and incorporating the cannabis
24 plant waste with compostable mixed waste to be disposed
25 of in accordance with 8 Ill. Adm. Code 1000.460(g)(1);

26 (22) commitment to comply with local waste provisions:

1 a cultivation facility must remain in compliance with
2 applicable State and federal environmental requirements,
3 including, but not limited to:

4 (A) storing, securing, and managing all
5 recyclables and waste, including organic waste
6 composed of or containing finished cannabis and
7 cannabis products, in accordance with applicable State
8 and local laws, ordinances, and rules; and

9 (B) disposing ~~Disposing~~ liquid waste containing
10 cannabis or byproducts of cannabis processing in
11 compliance with all applicable State and federal
12 requirements, including, but not limited to, the
13 cannabis cultivation facility's permits under Title X
14 of the Environmental Protection Act; and

15 (23) a commitment to a technology standard for resource
16 efficiency of the cultivation center facility.

17 (A) A cannabis cultivation facility commits to use
18 resources efficiently, including energy and water. For
19 the following, a cannabis cultivation facility commits
20 to meet or exceed the technology standard identified in
21 items (i), (ii), (iii), and (iv), which may be modified
22 by rule:

23 (i) lighting systems, including light bulbs;

24 (ii) HVAC system;

25 (iii) water application system to the crop;

26 and

1 (iv) filtration system for removing
2 contaminants from wastewater.

3 (B) Lighting. The Lighting Power Densities (LPD)
4 for cultivation space commits to not exceed an average
5 of 36 watts per gross square foot of active and growing
6 space canopy, or all installed lighting technology
7 shall meet a photosynthetic photon efficacy (PPE) of no
8 less than 2.2 micromoles per joule fixture and shall be
9 featured on the DesignLights Consortium (DLC)
10 Horticultural Specification Qualified Products List
11 (QPL). In the event that DLC requirement for minimum
12 efficacy exceeds 2.2 micromoles per joule fixture,
13 that PPE shall become the new standard.

14 (C) HVAC.

15 (i) For cannabis grow operations with less
16 than 6,000 square feet of canopy, the licensee
17 commits that all HVAC units will be
18 high-efficiency ductless split HVAC units, or
19 other more energy efficient equipment.

20 (ii) For cannabis grow operations with 6,000
21 square feet of canopy or more, the licensee commits
22 that all HVAC units will be variable refrigerant
23 flow HVAC units, or other more energy efficient
24 equipment.

25 (D) Water application.

26 (i) The cannabis cultivation facility commits

1 to use automated watering systems, including, but
2 not limited to, drip irrigation and flood tables,
3 to irrigate cannabis crop.

4 (ii) The cannabis cultivation facility commits
5 to measure runoff from watering events and report
6 this volume in its water usage plan, and that on
7 average, watering events shall have no more than
8 20% of runoff of water.

9 (E) Filtration. The cultivator commits that HVAC
10 condensate, dehumidification water, excess runoff, and
11 other wastewater produced by the cannabis cultivation
12 facility shall be captured and filtered to the best of
13 the facility's ability to achieve the quality needed to
14 be reused in subsequent watering rounds.

15 (F) Reporting energy use and efficiency as
16 required by rule.

17 (b) Applicants must submit all required information,
18 including the information required in Section 20-10, to the
19 Department of Agriculture. Failure by an applicant to submit
20 all required information may result in the application being
21 disqualified.

22 (c) If the Department of Agriculture receives an
23 application with missing information, the Department of
24 Agriculture may issue a deficiency notice to the applicant. The
25 applicant shall have 10 calendar days from the date of the
26 deficiency notice to resubmit the incomplete information.

1 Applications that are still incomplete after this opportunity
2 to cure will not be scored and will be disqualified.

3 (e) A cultivation center that is awarded a Conditional
4 Adult Use Cultivation Center License pursuant to the criteria
5 in Section 20-20 shall not grow, purchase, possess, or sell
6 cannabis or cannabis-infused products until the person has
7 received an Adult Use Cultivation Center License issued by the
8 Department of Agriculture pursuant to Section 20-21 of this
9 Act.

10 (Source: P.A. 101-27, eff. 6-25-19; revised 9-10-19.)

11 (410 ILCS 705/20-20)

12 Sec. 20-20. Conditional Adult Use License scoring
13 applications.

14 (a) The Department of Agriculture shall by rule develop a
15 system to score cultivation center applications to
16 administratively rank applications based on the clarity,
17 organization, and quality of the applicant's responses to
18 required information. Applicants shall be awarded points based
19 on the following categories:

- 20 (1) Suitability of the proposed facility;
- 21 (2) Suitability of employee training plan;
- 22 (3) Security and recordkeeping;
- 23 (4) Cultivation plan;
- 24 (5) Product safety and labeling plan;
- 25 (6) Business plan;

1 (7) The applicant's status as a Social Equity
2 Applicant, which shall constitute no less than 20% of total
3 available points;

4 (8) Labor and employment practices, which shall
5 constitute no less than 2% of total available points;

6 (9) Environmental plan as described in paragraphs
7 (18), (21), (22), and (23) of subsection (a) of Section
8 20-15;

9 (10) The applicant is 51% or more owned and controlled
10 by an individual or individuals who have been an Illinois
11 resident for the past 5 years as proved by tax records or 2
12 of the following:➤

13 (A) a signed lease agreement that includes the
14 applicant's name;

15 (B) a property deed that includes the applicant's
16 name;

17 (C) school records;

18 (D) a voter registration card;

19 (E) an Illinois driver's license, an Illinois
20 Identification Card, or an Illinois Person with a
21 Disability Identification Card;

22 (F) a paycheck stub;

23 (G) a utility bill; or

24 (H) any other proof of residency or other
25 information necessary to establish residence as
26 provided by rule;

1 (11) The applicant is 51% or more controlled and owned
2 by an individual or individuals who meet the qualifications
3 of a veteran as defined by Section 45-57 of the Illinois
4 Procurement Code;

5 (12) a diversity plan that includes a narrative of not
6 more than 2,500 words that establishes a goal of diversity
7 in ownership, management, employment, and contracting to
8 ensure that diverse participants and groups are afforded
9 equality of opportunity; and

10 (13) Any other criteria the Department of Agriculture
11 may set by rule for points.

12 (b) The Department may also award bonus points for the
13 applicant's plan to engage with the community. Bonus points
14 will only be awarded if the Department receives applications
15 that receive an equal score for a particular region.

16 (c) Should the applicant be awarded a cultivation center
17 license, the information and plans that an applicant provided
18 in its application, including any plans submitted for the
19 acquiring of bonus points, becomes a mandatory condition of the
20 permit. Any variation from or failure to perform such plans may
21 result in discipline, including the revocation or nonrenewal of
22 a license.

23 (d) Should the applicant be awarded a cultivation center
24 license, it shall pay a fee of \$100,000 prior to receiving the
25 license, to be deposited into the Cannabis Regulation Fund. The
26 Department of Agriculture may by rule adjust the fee in this

1 Section after January 1, 2021.

2 (Source: P.A. 101-27, eff. 6-25-19.)

3 (410 ILCS 705/20-30)

4 Sec. 20-30. Cultivation center requirements; prohibitions.

5 (a) The operating documents of a cultivation center shall
6 include procedures for the oversight of the cultivation center
7 a cannabis plant monitoring system including a physical
8 inventory recorded weekly, accurate recordkeeping, and a
9 staffing plan.

10 (b) A cultivation center shall implement a security plan
11 reviewed by the Department of State Police that includes, but
12 is not limited to: facility access controls, perimeter
13 intrusion detection systems, personnel identification systems,
14 24-hour surveillance system to monitor the interior and
15 exterior of the cultivation center facility and accessibility
16 to authorized law enforcement, the Department of Public Health
17 where processing takes place, and the Department of Agriculture
18 in real time.

19 (c) All cultivation of cannabis by a cultivation center
20 must take place in an enclosed, locked facility at the physical
21 address provided to the Department of Agriculture during the
22 licensing process. The cultivation center location shall only
23 be accessed by the agents working for the cultivation center,
24 the Department of Agriculture staff performing inspections,
25 the Department of Public Health staff performing inspections,

1 local and State law enforcement or other emergency personnel,
2 contractors working on jobs unrelated to cannabis, such as
3 installing or maintaining security devices or performing
4 electrical wiring, transporting organization agents as
5 provided in this Act, individuals in a mentoring or educational
6 program approved by the State, or other individuals as provided
7 by rule.

8 (d) A cultivation center may not sell or distribute any
9 cannabis or cannabis-infused products to any person other than
10 a dispensing organization, craft grower, infuser ~~infusing~~
11 organization, transporter, or as otherwise authorized by rule.

12 (e) A cultivation center may not either directly or
13 indirectly discriminate in price between different dispensing
14 organizations, craft growers, or infuser organizations that
15 are purchasing a like grade, strain, brand, and quality of
16 cannabis or cannabis-infused product. Nothing in this
17 subsection (e) prevents a cultivation centers from pricing
18 cannabis differently based on differences in the cost of
19 manufacturing or processing, the quantities sold, such as
20 volume discounts, or the way the products are delivered.

21 (f) All cannabis harvested by a cultivation center and
22 intended for distribution to a dispensing organization must be
23 entered into a data collection system, packaged and labeled
24 under Section 55-21, and placed into a cannabis container for
25 transport. All cannabis harvested by a cultivation center and
26 intended for distribution to a craft grower or infuser

1 organization must be packaged in a labeled cannabis container
2 and entered into a data collection system before transport.

3 (g) Cultivation centers are subject to random inspections
4 by the Department of Agriculture, the Department of Public
5 Health, local safety or health inspectors, and the Department
6 of State Police.

7 (h) A cultivation center agent shall notify local law
8 enforcement, the Department of State Police, and the Department
9 of Agriculture within 24 hours of the discovery of any loss or
10 theft. Notification shall be made by phone or in person, or by
11 written or electronic communication.

12 (i) A cultivation center shall comply with all State and
13 any applicable federal rules and regulations regarding the use
14 of pesticides on cannabis plants.

15 (j) No person or entity shall hold any legal, equitable,
16 ownership, or beneficial interest, directly or indirectly, of
17 more than 3 cultivation centers licensed under this Article.
18 Further, no person or entity that is employed by, an agent of,
19 has a contract to receive payment in any form from a
20 cultivation center, is a principal officer of a cultivation
21 center, or entity controlled by or affiliated with a principal
22 officer of a cultivation shall hold any legal, equitable,
23 ownership, or beneficial interest, directly or indirectly, in a
24 cultivation that would result in the person or entity owning or
25 controlling in combination with any cultivation center,
26 principal officer of a cultivation center, or entity controlled

1 or affiliated with a principal officer of a cultivation center
2 by which he, she, or it is employed, is an agent of, or
3 participates in the management of, more than 3 cultivation
4 center licenses.

5 (k) A cultivation center may not contain more than 210,000
6 square feet of canopy space for plants in the flowering stage
7 for cultivation of adult use cannabis as provided in this Act.

8 (l) A cultivation center may process cannabis, cannabis
9 concentrates, and cannabis-infused products.

10 (m) Beginning July 1, 2020, a cultivation center shall not
11 transport cannabis or cannabis-infused products to a craft
12 grower, dispensing organization, infuser organization, or
13 laboratory licensed under this Act, unless it has obtained a
14 transporting organization license.

15 (n) It is unlawful for any person having a cultivation
16 center license or any officer, associate, member,
17 representative, or agent of such licensee to offer or deliver
18 money, or anything else of value, directly or indirectly to any
19 person having an Early Approval Adult Use Dispensing
20 Organization License, a Conditional Adult Use Dispensing
21 Organization License, an Adult Use Dispensing Organization
22 License, or a medical cannabis dispensing organization license
23 issued under the Compassionate Use of Medical Cannabis ~~Pilot~~
24 Program Act, or to any person connected with or in any way
25 representing, or to any member of the family of, such person
26 holding an Early Approval Adult Use Dispensing Organization

1 License, a Conditional Adult Use Dispensing Organization
2 License, an Adult Use Dispensing Organization License, or a
3 medical cannabis dispensing organization license issued under
4 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act, or
5 to any stockholders in any corporation engaged in the retail
6 sale of cannabis, or to any officer, manager, agent, or
7 representative of the Early Approval Adult Use Dispensing
8 Organization License, a Conditional Adult Use Dispensing
9 Organization License, an Adult Use Dispensing Organization
10 License, or a medical cannabis dispensing organization license
11 issued under the Compassionate Use of Medical Cannabis ~~Pilot~~
12 Program Act to obtain preferential placement within the
13 dispensing organization, including, without limitation, on
14 shelves and in display cases where purchasers can view
15 products, or on the dispensing organization's website.

16 (o) A cultivation center must comply with any other
17 requirements or prohibitions set by administrative rule of the
18 Department of Agriculture.

19 (Source: P.A. 101-27, eff. 6-25-19.)

20 (410 ILCS 705/25-1)

21 (Section scheduled to be repealed on July 1, 2026)

22 Sec. 25-1. Definitions. In this Article:

23 "Board" means the Illinois Community College Board.

24 "Career in Cannabis Certificate" or "Certificate" means
25 the certification awarded to a community college student who

1 completes a prescribed course of study in cannabis and cannabis
2 business industry related classes and curriculum at a community
3 college awarded a Community College Cannabis Vocational Pilot
4 Program license.

5 "Community college" means a public community college
6 organized under the Public Community College Act.

7 "Department" means the Department of Agriculture.

8 "Licensee" means a community college awarded a Community
9 College Cannabis Vocational Pilot Program license under this
10 Article.

11 "Program" means the Community College Cannabis Vocational
12 Pilot Program.

13 "Program license" means a Community College Cannabis
14 Vocational Pilot Program license issued to a community college
15 under this Article.

16 (Source: P.A. 101-27, eff. 6-25-19; revised 8-16-19.)

17 (410 ILCS 705/25-10)

18 (Section scheduled to be repealed on July 1, 2026)

19 Sec. 25-10. Issuance of Community College Cannabis
20 Vocational Pilot Program licenses.

21 (a) The Department shall issue rules regulating the
22 selection criteria for applicants by January 1, 2020. The
23 Department shall make the application for a Program license
24 available no later than February 1, 2020, and shall require
25 that applicants submit the completed application no later than

1 July 1, 2020. If the Department issues fewer than 8 Program
2 licenses by September 1, 2020, the Department may accept
3 applications at a future date as prescribed by rule.

4 (b) The Department shall by rule develop a system to score
5 Program licenses to administratively rank applications based
6 on the clarity, organization, and quality of the applicant's
7 responses to required information. Applicants shall be awarded
8 points that are based on or that meet the following categories:

9 (1) Geographic diversity of the applicants;

10 (2) Experience and credentials of the applicant's
11 faculty;

12 (3) At least 5 Program license awardees must have a
13 student population that is more than 50% low-income in each
14 of the past 4 years;

15 (4) Security plan, including a requirement that all
16 cannabis plants be in an enclosed, locked facility;

17 (5) Curriculum plan, including processing and testing
18 curriculum for the Career in Cannabis Certificate;

19 (6) Career advising and placement plan for
20 participating students; and

21 (7) Any other criteria the Department may set by rule.

22 (Source: P.A. 101-27, eff. 6-25-19.)

23 (410 ILCS 705/30-5)

24 Sec. 30-5. Issuance of licenses.

25 (a) The Department of Agriculture shall issue up to 40

1 craft grower licenses by July 1, 2020. Any person or entity
2 awarded a license pursuant to this subsection shall only hold
3 one craft grower license and may not sell that license until
4 after December 21, 2021.

5 (b) By December 21, 2021, the Department of Agriculture
6 shall issue up to 60 additional craft grower licenses. Any
7 person or entity awarded a license pursuant to this subsection
8 shall not hold more than 2 craft grower licenses. The person or
9 entity awarded a license pursuant to this subsection or
10 subsection (a) of this Section may sell its craft grower
11 license subject to the restrictions of this Act or as
12 determined by administrative rule. Prior to issuing such
13 licenses, the Department may adopt rules through emergency
14 rulemaking in accordance with subsection (gg) of Section 5-45
15 of the Illinois Administrative Procedure Act, to modify or
16 raise the number of craft grower licenses ~~assigned to each~~
17 ~~region~~ and modify or change the licensing application process
18 to reduce or eliminate barriers. The General Assembly finds
19 that the adoption of rules to regulate cannabis use is deemed
20 an emergency and necessary for the public interest, safety, and
21 welfare. In determining whether to exercise the authority
22 granted by this subsection, the Department of Agriculture must
23 consider the following factors:

24 (1) the percentage of cannabis sales occurring in
25 Illinois not in the regulated market using data from the
26 Substance Abuse and Mental Health Services Administration,

1 National Survey on Drug Use and Health, Illinois Behavioral
2 Risk Factor Surveillance System, and tourism data from the
3 Illinois Office of Tourism to ascertain total cannabis
4 consumption in Illinois compared to the amount of sales in
5 licensed dispensing organizations;

6 (2) whether there is an adequate supply of cannabis and
7 cannabis-infused products to serve registered medical
8 cannabis patients;

9 (3) whether there is an adequate supply of cannabis and
10 cannabis-infused products to serve purchasers;

11 (4) whether there is an oversupply of cannabis in
12 Illinois leading to trafficking of cannabis to states where
13 the sale of cannabis is not permitted by law;

14 (5) population increases or shifts;

15 (6) the density of craft growers in any area of the
16 State;

17 (7) perceived security risks of increasing the number
18 or location of craft growers;

19 (8) the past safety record of craft growers;

20 (9) the Department of Agriculture's capacity to
21 appropriately regulate additional licensees;

22 (10) the findings and recommendations from the
23 disparity and availability study commissioned by the
24 Illinois Cannabis Regulation Oversight Officer to reduce
25 or eliminate any identified barriers to entry in the
26 cannabis industry; and

1 (3) the proposed physical address of the craft grower;

2 (4) the name, address, social security number, and date
3 of birth of each principal officer and board member of the
4 craft grower; each principal officer and board member shall
5 be at least 21 years of age;

6 (5) the details of any administrative or judicial
7 proceeding in which any of the principal officers or board
8 members of the craft grower (i) pled guilty, were
9 convicted, were fined, or had a registration or license
10 suspended or revoked or (ii) managed or served on the board
11 of a business or non-profit organization that pled guilty,
12 was convicted, was fined, or had a registration or license
13 suspended or revoked;

14 (6) proposed operating bylaws that include procedures
15 for the oversight of the craft grower, including the
16 development and implementation of a plant monitoring
17 system, accurate recordkeeping, staffing plan, and
18 security plan approved by the Department of State Police
19 that are in accordance with the rules issued by the
20 Department of Agriculture under this Act; a physical
21 inventory shall be performed of all plants and on a weekly
22 basis by the craft grower;

23 (7) verification from the Department of State Police
24 that all background checks of the prospective principal
25 officers, board members, and agents of the cannabis
26 business establishment have been conducted;

1 (8) a copy of the current local zoning ordinance or
2 permit and verification that the proposed craft grower is
3 in compliance with the local zoning rules and distance
4 limitations established by the local jurisdiction;

5 (9) proposed employment practices, in which the
6 applicant must demonstrate a plan of action to inform,
7 hire, and educate minorities, women, veterans, and persons
8 with disabilities, engage in fair labor practices, and
9 provide worker protections;

10 (10) whether an applicant can demonstrate experience
11 in or business practices that promote economic empowerment
12 in Disproportionately Impacted Areas;

13 (11) experience with the cultivation of agricultural
14 or horticultural products, operating an agriculturally
15 related business, or operating a horticultural business;

16 (12) a description of the enclosed, locked facility
17 where cannabis will be grown, harvested, manufactured,
18 packaged, or otherwise prepared for distribution to a
19 dispensing organization or other cannabis business
20 establishment;

21 (13) a survey of the enclosed, locked facility,
22 including the space used for cultivation;

23 (14) cultivation, processing, inventory, and packaging
24 plans;

25 (15) a description of the applicant's experience with
26 agricultural cultivation techniques and industry

1 standards;

2 (16) a list of any academic degrees, certifications, or
3 relevant experience of all prospective principal officers,
4 board members, and agents of the related business;

5 (17) the identity of every person having a financial or
6 voting interest of 5% or greater in the craft grower
7 operation, whether a trust, corporation, partnership,
8 limited liability company, or sole proprietorship,
9 including the name and address of each person;

10 (18) a plan describing how the craft grower will
11 address each of the following:

12 (i) energy needs, including estimates of monthly
13 electricity and gas usage, to what extent it will
14 procure energy from a local utility or from on-site
15 generation, and if it has or will adopt a sustainable
16 energy use and energy conservation policy;

17 (ii) water needs, including estimated water draw
18 and if it has or will adopt a sustainable water use and
19 water conservation policy; and

20 (iii) waste management, including if it has or will
21 adopt a waste reduction policy;

22 (19) a recycling plan:

23 (A) Purchaser packaging, including cartridges,
24 shall be accepted by the applicant and recycled.

25 (B) Any recyclable waste generated by the craft
26 grower facility shall be recycled per applicable State

1 and local laws, ordinances, and rules.

2 (C) Any cannabis waste, liquid waste, or hazardous
3 waste shall be disposed of in accordance with 8 Ill.
4 Adm. Code 1000.460, except, to the greatest extent
5 feasible, all cannabis plant waste will be rendered
6 unusable by grinding and incorporating the cannabis
7 plant waste with compostable mixed waste to be disposed
8 of in accordance with 8 Ill. Adm. Code 1000.460 (g) (1) ~~;~~

9 (20) a commitment to comply with local waste
10 provisions: a craft grower facility must remain in
11 compliance with applicable State and federal environmental
12 requirements, including, but not limited to:

13 (A) storing, securing, and managing all
14 recyclables and waste, including organic waste
15 composed of or containing finished cannabis and
16 cannabis products, in accordance with applicable State
17 and local laws, ordinances, and rules; and

18 (B) ~~disposing~~ Disposing liquid waste containing
19 cannabis or byproducts of cannabis processing in
20 compliance with all applicable State and federal
21 requirements, including, but not limited to, the
22 cannabis cultivation facility's permits under Title X
23 of the Environmental Protection Act ~~;~~

24 (21) a commitment to a technology standard for resource
25 efficiency of the craft grower facility.

26 (A) A craft grower facility commits to use

1 resources efficiently, including energy and water. For
2 the following, a cannabis cultivation facility commits
3 to meet or exceed the technology standard identified in
4 paragraphs (i), (ii), (iii), and (iv), which may be
5 modified by rule:

6 (i) lighting systems, including light bulbs;

7 (ii) HVAC system;

8 (iii) water application system to the crop;

9 and

10 (iv) filtration system for removing
11 contaminants from wastewater.

12 (B) Lighting. The Lighting Power Densities (LPD)
13 for cultivation space commits to not exceed an average
14 of 36 watts per gross square foot of active and growing
15 space canopy, or all installed lighting technology
16 shall meet a photosynthetic photon efficacy (PPE) of no
17 less than 2.2 micromoles per joule fixture and shall be
18 featured on the DesignLights Consortium (DLC)
19 Horticultural Specification Qualified Products List
20 (QPL). In the event that DLC requirement for minimum
21 efficacy exceeds 2.2 micromoles per joule fixture,
22 that PPE shall become the new standard.

23 (C) HVAC.

24 (i) For cannabis grow operations with less
25 than 6,000 square feet of canopy, the licensee
26 commits that all HVAC units will be

1 high-efficiency ductless split HVAC units, or
2 other more energy efficient equipment.

3 (ii) For cannabis grow operations with 6,000
4 square feet of canopy or more, the licensee commits
5 that all HVAC units will be variable refrigerant
6 flow HVAC units, or other more energy efficient
7 equipment.

8 (D) Water application.

9 (i) The craft grower facility commits to use
10 automated watering systems, including, but not
11 limited to, drip irrigation and flood tables, to
12 irrigate cannabis crop.

13 (ii) The craft grower facility commits to
14 measure runoff from watering events and report
15 this volume in its water usage plan, and that on
16 average, watering events shall have no more than
17 20% of runoff of water.

18 (E) Filtration. The craft grower commits that HVAC
19 condensate, dehumidification water, excess runoff, and
20 other wastewater produced by the craft grower facility
21 shall be captured and filtered to the best of the
22 facility's ability to achieve the quality needed to be
23 reused in subsequent watering rounds.

24 (F) Reporting energy use and efficiency as
25 required by rule; and

26 (22) any other information required by rule.

1 (b) Applicants must submit all required information,
2 including the information required in Section 30-15, to the
3 Department of Agriculture. Failure by an applicant to submit
4 all required information may result in the application being
5 disqualified.

6 (c) If the Department of Agriculture receives an
7 application with missing information, the Department of
8 Agriculture may issue a deficiency notice to the applicant. The
9 applicant shall have 10 calendar days from the date of the
10 deficiency notice to resubmit the incomplete information.
11 Applications that are still incomplete after this opportunity
12 to cure will not be scored and will be disqualified.

13 (Source: P.A. 101-27, eff. 6-25-19; revised 9-4-19.)

14 (410 ILCS 705/30-15)

15 Sec. 30-15. Scoring applications.

16 (a) The Department of Agriculture shall by rule develop a
17 system to score craft grower applications to administratively
18 rank applications based on the clarity, organization, and
19 quality of the applicant's responses to required information.
20 Applicants shall be awarded points based on the following
21 categories:

- 22 (1) Suitability of the proposed facility;
- 23 (2) Suitability of the employee training plan;
- 24 (3) Security and recordkeeping;
- 25 (4) Cultivation plan;

1 (5) Product safety and labeling plan;

2 (6) Business plan;

3 (7) The applicant's status as a Social Equity
4 Applicant, which shall constitute no less than 20% of total
5 available points;

6 (8) Labor and employment practices, which shall
7 constitute no less than 2% of total available points;

8 (9) Environmental plan as described in paragraphs
9 (18), (19), (20), and (21) of subsection (a) of Section
10 30-10;

11 (10) The applicant is 51% or more owned and controlled
12 by an individual or individuals who have been an Illinois
13 resident for the past 5 years as proved by tax records or 2
14 of the following:

15 (A) a signed lease agreement that includes the
16 applicant's name;

17 (B) a property deed that includes the applicant's
18 name;

19 (C) school records;

20 (D) a voter registration card;

21 (E) an Illinois driver's license, an Illinois
22 Identification Card, or an Illinois Person with a
23 Disability Identification Card;

24 (F) a paycheck stub;

25 (G) a utility bill; or

26 (H) any other proof of residency or other

1 information necessary to establish residence as
2 provided by rule;

3 (11) The applicant is 51% or more controlled and owned
4 by an individual or individuals who meet the qualifications
5 of a veteran as defined in Section 45-57 of the Illinois
6 Procurement Code;

7 (12) A diversity plan that includes a narrative of not
8 more than 2,500 words that establishes a goal of diversity
9 in ownership, management, employment, and contracting to
10 ensure that diverse participants and groups are afforded
11 equality of opportunity; and

12 (13) Any other criteria the Department of Agriculture
13 may set by rule for points.

14 (b) The Department may also award up to 2 bonus points for
15 the applicant's plan to engage with the community. The
16 applicant may demonstrate a desire to engage with its community
17 by participating in one or more of, but not limited to, the
18 following actions: (i) establishment of an incubator program
19 designed to increase participation in the cannabis industry by
20 persons who would qualify as Social Equity Applicants; (ii)
21 providing financial assistance to substance abuse treatment
22 centers; (iii) educating children and teens about the potential
23 harms of cannabis use; or (iv) other measures demonstrating a
24 commitment to the applicant's community. Bonus points will only
25 be awarded if the Department receives applications that receive
26 an equal score ~~for a particular region.~~

1 (c) Should the applicant be awarded a craft grower license,
2 the information and plans that an applicant provided in its
3 application, including any plans submitted for the acquiring of
4 bonus points, shall be a mandatory condition of the license.
5 Any variation from or failure to perform such plans may result
6 in discipline, including the revocation or nonrenewal of a
7 license.

8 (d) Should the applicant be awarded a craft grower license,
9 the applicant shall pay a prorated fee of \$40,000 prior to
10 receiving the license, to be deposited into the Cannabis
11 Regulation Fund. The Department of Agriculture may by rule
12 adjust the fee in this Section after January 1, 2021.

13 (Source: P.A. 101-27, eff. 6-25-19.)

14 (410 ILCS 705/30-30)

15 Sec. 30-30. Craft grower requirements; prohibitions.

16 (a) The operating documents of a craft grower shall include
17 procedures for the oversight of the craft grower, a cannabis
18 plant monitoring system including a physical inventory
19 recorded weekly, accurate recordkeeping, and a staffing plan.

20 (b) A craft grower shall implement a security plan reviewed
21 by the Department of State Police that includes, but is not
22 limited to: facility access controls, perimeter intrusion
23 detection systems, personnel identification systems, and a
24 24-hour surveillance system to monitor the interior and
25 exterior of the craft grower facility and that is accessible to

1 authorized law enforcement and the Department of Agriculture in
2 real time.

3 (c) All cultivation of cannabis by a craft grower must take
4 place in an enclosed, locked facility at the physical address
5 provided to the Department of Agriculture during the licensing
6 process. The craft grower location shall only be accessed by
7 the agents working for the craft grower, the Department of
8 Agriculture staff performing inspections, the Department of
9 Public Health staff performing inspections, State and local law
10 enforcement or other emergency personnel, contractors working
11 on jobs unrelated to cannabis, such as installing or
12 maintaining security devices or performing electrical wiring,
13 transporting organization agents as provided in this Act, or
14 participants in the incubator program, individuals in a
15 mentoring or educational program approved by the State, or
16 other individuals as provided by rule. However, if a craft
17 grower shares a premises with an infuser or dispensing
18 organization, agents from those other licensees may access the
19 craft grower portion of the premises if that is the location of
20 common bathrooms, lunchrooms, locker rooms, or other areas of
21 the building where work or cultivation of cannabis is not
22 performed. At no time may an infuser or dispensing organization
23 agent perform work at a craft grower without being a registered
24 agent of the craft grower.

25 (d) A craft grower may not sell or distribute any cannabis
26 to any person other than a cultivation center, a craft grower,

1 an infuser organization, a dispensing organization, or as
2 otherwise authorized by rule.

3 (e) A craft grower may not be located in an area zoned for
4 residential use.

5 (f) A craft grower may not either directly or indirectly
6 discriminate in price between different cannabis business
7 establishments that are purchasing a like grade, strain, brand,
8 and quality of cannabis or cannabis-infused product. Nothing in
9 this subsection (f) prevents a craft grower from pricing
10 cannabis differently based on differences in the cost of
11 manufacturing or processing, the quantities sold, such as
12 volume discounts, or the way the products are delivered.

13 (g) All cannabis harvested by a craft grower and intended
14 for distribution to a dispensing organization must be entered
15 into a data collection system, packaged and labeled under
16 Section 55-21, and, if distribution is to a dispensing
17 organization that does not share a premises with the dispensing
18 organization receiving the cannabis, placed into a cannabis
19 container for transport. All cannabis harvested by a craft
20 grower and intended for distribution to a cultivation center,
21 to an infuser organization, or to a craft grower with which it
22 does not share a premises, must be packaged in a labeled
23 cannabis container and entered into a data collection system
24 before transport.

25 (h) Craft growers are subject to random inspections by the
26 Department of Agriculture, local safety or health inspectors,

1 and the Department of State Police.

2 (i) A craft grower agent shall notify local law
3 enforcement, the Department of State Police, and the Department
4 of Agriculture within 24 hours of the discovery of any loss or
5 theft. Notification shall be made by phone, in person, or
6 written or electronic communication.

7 (j) A craft grower shall comply with all State and any
8 applicable federal rules and regulations regarding the use of
9 pesticides.

10 (k) A craft grower or craft grower agent shall not
11 transport cannabis or cannabis-infused products to any other
12 cannabis business establishment without a transport
13 organization license unless:

14 (i) If the craft grower is located in a county with a
15 population of 3,000,000 or more, the cannabis business
16 establishment receiving the cannabis is within 2,000 feet
17 of the property line of the craft grower;

18 (ii) If the craft grower is located in a county with a
19 population of more than 700,000 but fewer than 3,000,000,
20 the cannabis business establishment receiving the cannabis
21 is within 2 miles of the craft grower; or

22 (iii) If the craft grower is located in a county with a
23 population of fewer than ~~the~~ 700,000, the cannabis business
24 establishment receiving the cannabis is within 15 miles of
25 the craft grower.

26 (l) A craft grower may enter into a contract with a

1 transporting organization to transport cannabis to a
2 cultivation center, a craft grower, an infuser organization, a
3 dispensing organization, or a laboratory.

4 (m) No person or entity shall hold any legal, equitable,
5 ownership, or beneficial interest, directly or indirectly, of
6 more than 3 craft grower licenses. Further, no person or entity
7 that is employed by, an agent of, or has a contract to receive
8 payment from or participate in the management of a craft
9 grower, is a principal officer of a craft grower, or entity
10 controlled by or affiliated with a principal officer of a craft
11 grower shall hold any legal, equitable, ownership, or
12 beneficial interest, directly or indirectly, in a craft grower
13 license that would result in the person or entity owning or
14 controlling in combination with any craft grower, principal
15 officer of a craft grower, or entity controlled or affiliated
16 with a principal officer of a craft grower by which he, she, or
17 it is employed, is an agent of, or participates in the
18 management of more than 3 craft grower licenses.

19 (n) It is unlawful for any person having a craft grower
20 license or any officer, associate, member, representative, or
21 agent of the licensee to offer or deliver money, or anything
22 else of value, directly or indirectly, to any person having an
23 Early Approval Adult Use Dispensing Organization License, a
24 Conditional Adult Use Dispensing Organization License, an
25 Adult Use Dispensing Organization License, or a medical
26 cannabis dispensing organization license issued under the

1 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act, or to
2 any person connected with or in any way representing, or to any
3 member of the family of, the person holding an Early Approval
4 Adult Use Dispensing Organization License, a Conditional Adult
5 Use Dispensing Organization License, an Adult Use Dispensing
6 Organization License, or a medical cannabis dispensing
7 organization license issued under the Compassionate Use of
8 Medical Cannabis ~~Pilot~~ Program Act, or to any stockholders in
9 any corporation engaged in the retail sale of cannabis, or to
10 any officer, manager, agent, or representative of the Early
11 Approval Adult Use Dispensing Organization License, a
12 Conditional Adult Use Dispensing Organization License, an
13 Adult Use Dispensing Organization License, or a medical
14 cannabis dispensing organization license issued under the
15 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act to
16 obtain preferential placement within the dispensing
17 organization, including, without limitation, on shelves and in
18 display cases where purchasers can view products, or on the
19 dispensing organization's website.

20 (o) A craft grower shall not be located within 1,500 feet
21 of another craft grower or a cultivation center.

22 (p) A craft ~~craft~~ grower may process cannabis, cannabis
23 concentrates, and cannabis-infused products.

24 (q) A craft grower must comply with any other requirements
25 or prohibitions set by administrative rule of the Department of
26 Agriculture.

1 (Source: P.A. 101-27, eff. 6-25-19; revised 9-10-19.)

2 (410 ILCS 705/35-5)

3 Sec. 35-5. Issuance of licenses.

4 (a) The Department of Agriculture shall issue up to 40
5 infuser licenses through a process provided for in this Article
6 no later than July 1, 2020.

7 (b) The Department of Agriculture shall make the
8 application for infuser licenses available on January 7, 2020,
9 or if that date falls on a weekend or holiday, the business day
10 immediately succeeding the weekend or holiday and every January
11 7 or succeeding business day thereafter, and shall receive such
12 applications no later than March 15, 2020, or, if that date
13 falls on a weekend or holiday, the business day immediately
14 succeeding the weekend or holiday and every March 15 or
15 succeeding business day thereafter.

16 (c) By December 21, 2021, the Department of Agriculture may
17 issue up to 60 additional infuser licenses. Prior to issuing
18 such licenses, the Department may adopt rules through emergency
19 rulemaking in accordance with subsection (gg) of Section 5-45
20 of the Illinois Administrative Procedure Act, to modify or
21 raise the number of infuser licenses and modify or change the
22 licensing application process to reduce or eliminate barriers.
23 The General Assembly finds that the adoption of rules to
24 regulate cannabis use is deemed an emergency and necessary for
25 the public interest, safety, and welfare.

1 In determining whether to exercise the authority granted by
2 this subsection, the Department of Agriculture must consider
3 the following factors:

4 (1) the percentage of cannabis sales occurring in
5 Illinois not in the regulated market using data from the
6 Substance Abuse and Mental Health Services Administration,
7 National Survey on Drug Use and Health, Illinois Behavioral
8 Risk Factor Surveillance System, and tourism data from the
9 Illinois Office of Tourism to ascertain total cannabis
10 consumption in Illinois compared to the amount of sales in
11 licensed dispensing organizations;

12 (2) whether there is an adequate supply of cannabis and
13 cannabis-infused products to serve registered medical
14 cannabis patients;

15 (3) whether there is an adequate supply of cannabis and
16 cannabis-infused products to serve ~~serve~~ purchasers;†

17 (4) whether there is an oversupply of cannabis in
18 Illinois leading to trafficking of cannabis to any other
19 state;

20 (5) population increases or shifts;

21 (6) changes to federal law;

22 (7) perceived security risks of increasing the number
23 or location of infuser organizations;

24 (8) the past security records of infuser
25 organizations;

26 (9) the Department of Agriculture's capacity to

1 appropriately regulate additional licenses;

2 (10) the findings and recommendations from the
3 disparity and availability study commissioned by the
4 Illinois Cannabis Regulation Oversight Officer to reduce
5 or eliminate any identified barriers to entry in the
6 cannabis industry; and

7 (11) any other criteria the Department of Agriculture
8 deems relevant.

9 (d) After January 1, 2022, the Department of Agriculture
10 may by rule modify or raise the number of infuser licenses, and
11 modify or change the licensing application process to reduce or
12 eliminate barriers based on the criteria in subsection (c).

13 (Source: P.A. 101-27, eff. 6-25-19; revised 9-10-19.)

14 (410 ILCS 705/35-15)

15 Sec. 35-15. Issuing licenses.

16 (a) The Department of Agriculture shall by rule develop a
17 system to score infuser applications to administratively rank
18 applications based on the clarity, organization, and quality of
19 the applicant's responses to required information. Applicants
20 shall be awarded points based on the following categories:

21 (1) Suitability of the proposed facility;

22 (2) Suitability of the employee training plan;

23 (3) Security and recordkeeping plan;

24 (4) Infusing plan;

25 (5) Product safety and labeling plan;

1 (6) Business plan;

2 (7) The applicant's status as a Social Equity
3 Applicant, which shall constitute no less than 20% of total
4 available points;

5 (8) Labor and employment practices, which shall
6 constitute no less than 2% of total available points;

7 (9) Environmental plan as described in paragraphs (17)
8 and (18) of subsection (a) of Section 35-10;

9 (10) The applicant is 51% or more owned and controlled
10 by an individual or individuals who have been an Illinois
11 resident for the past 5 years as proved by tax records or 2
12 of the following:➔

13 (A) a signed lease agreement that includes the
14 applicant's name;

15 (B) a property deed that includes the applicant's
16 name;

17 (C) school records;

18 (D) a voter registration card;

19 (E) an Illinois driver's license, an Illinois
20 Identification Card, or an Illinois Person with a
21 Disability Identification Card;

22 (F) a paycheck stub;

23 (G) a utility bill; or

24 (H) any other proof of residency or other
25 information necessary to establish residence as
26 provided by rule;

1 (11) The applicant is 51% or more controlled and owned
2 by an individual or individuals who meet the qualifications
3 of a veteran as defined by Section 45-57 of the Illinois
4 Procurement Code; ~~and~~

5 (12) A diversity plan that includes a narrative of not
6 more than 2,500 words that establishes a goal of diversity
7 in ownership, management, employment, and contracting to
8 ensure that diverse participants and groups are afforded
9 equality of opportunity; and

10 (13) Any other criteria the Department of Agriculture
11 may set by rule for points.

12 (b) The Department may also award up to 2 bonus points for
13 the applicant's plan to engage with the community. The
14 applicant may demonstrate a desire to engage with its community
15 by participating in one or more of, but not limited to, the
16 following actions: (i) establishment of an incubator program
17 designed to increase participation in the cannabis industry by
18 persons who would qualify as Social Equity Applicants; (ii)
19 providing financial assistance to substance abuse treatment
20 centers; (iii) educating children and teens about the potential
21 harms of cannabis use; or (iv) other measures demonstrating a
22 commitment to the applicant's community. Bonus points will only
23 be awarded if the Department receives applications that receive
24 an equal score ~~for a particular region~~.

25 (c) Should the applicant be awarded an infuser license, the
26 information and plans that an applicant provided in its

1 application, including any plans submitted for the acquiring of
2 bonus points, becomes a mandatory condition of the permit. Any
3 variation from or failure to perform such plans may result in
4 discipline, including the revocation or nonrenewal of a
5 license.

6 (d) Should the applicant be awarded an infuser organization
7 license, it shall pay a fee of \$5,000 prior to receiving the
8 license, to be deposited into the Cannabis Regulation Fund. The
9 Department of Agriculture may by rule adjust the fee in this
10 Section after January 1, 2021.

11 (Source: P.A. 101-27, eff. 6-25-19.)

12 (410 ILCS 705/35-25)

13 Sec. 35-25. Infuser organization requirements;
14 prohibitions.

15 (a) The operating documents of an infuser shall include
16 procedures for the oversight of the infuser, an inventory
17 monitoring system including a physical inventory recorded
18 weekly, accurate recordkeeping, and a staffing plan.

19 (b) An infuser shall implement a security plan reviewed by
20 the Department of State Police that includes, but is not
21 limited to: facility access controls, perimeter intrusion
22 detection systems, personnel identification systems, and a
23 24-hour surveillance system to monitor the interior and
24 exterior of the infuser facility and that is accessible to
25 authorized law enforcement, the Department of Public Health,

1 and the Department of Agriculture in real time.

2 (c) All processing of cannabis by an infuser must take
3 place in an enclosed, locked facility at the physical address
4 provided to the Department of Agriculture during the licensing
5 process. The infuser location shall only be accessed by the
6 agents working for the infuser, the Department of Agriculture
7 staff performing inspections, the Department of Public Health
8 staff performing inspections, State and local law enforcement
9 or other emergency personnel, contractors working on jobs
10 unrelated to cannabis, such as installing or maintaining
11 security devices or performing electrical wiring, transporting
12 organization agents as provided in this Act, participants in
13 the incubator program, individuals in a mentoring or
14 educational program approved by the State, local safety or
15 health inspectors, or other individuals as provided by rule.
16 However, if an infuser shares a premises with a craft grower or
17 dispensing organization, agents from these other licensees may
18 access the infuser portion of the premises if that is the
19 location of common bathrooms, lunchrooms, locker rooms, or
20 other areas of the building where processing of cannabis is not
21 performed. At no time may a craft grower or dispensing
22 organization agent perform work at an infuser without being a
23 registered agent of the infuser.

24 (d) An infuser may not sell or distribute any cannabis to
25 any person other than a dispensing organization, or as
26 otherwise authorized by rule.

1 (e) An infuser may not either directly or indirectly
2 discriminate in price between different cannabis business
3 establishments that are purchasing a like grade, strain, brand,
4 and quality of cannabis or cannabis-infused product. Nothing in
5 this subsection (e) prevents an infuser from pricing cannabis
6 differently based on differences in the cost of manufacturing
7 or processing, the quantities sold, such volume discounts, or
8 the way the products are delivered.

9 (f) All cannabis infused by an infuser and intended for
10 distribution to a dispensing organization must be entered into
11 a data collection system, packaged and labeled under Section
12 55-21, and, if distribution is to a dispensing organization
13 that does not share a premises with the infuser, placed into a
14 cannabis container for transport. All cannabis produced by an
15 infuser and intended for distribution to a cultivation center,
16 infuser organization, or craft grower with which it does not
17 share a premises, must be packaged in a labeled cannabis
18 container and entered into a data collection system before
19 transport.

20 (g) Infusers are subject to random inspections by the
21 Department of Agriculture, the Department of Public Health, the
22 Department of State Police, and local law enforcement.

23 (h) An infuser agent shall notify local law enforcement,
24 the Department of State Police, and the Department of
25 Agriculture within 24 hours of the discovery of any loss or
26 theft. Notification shall be made by phone, in person, or by

1 written or electronic communication.

2 (i) An infuser organization may not be located in an area
3 zoned for residential use.

4 (j) An infuser or infuser agent shall not transport
5 cannabis or cannabis-infused products to any other cannabis
6 business establishment without a transport organization
7 license unless:

8 (i) If the infuser is located in a county with a
9 population of 3,000,000 or more, the cannabis business
10 establishment receiving the cannabis or cannabis-infused
11 product is within 2,000 feet of the property line of the
12 infuser;

13 (ii) If the infuser is located in a county with a
14 population of more than 700,000 but fewer than 3,000,000,
15 the cannabis business establishment receiving the cannabis
16 or cannabis-infused product is within 2 miles of the
17 infuser; or

18 (iii) If the infuser is located in a county with a
19 population of fewer than 700,000, the cannabis business
20 establishment receiving the cannabis or cannabis-infused
21 product is within 15 miles of the infuser.

22 (k) An infuser may enter into a contract with a
23 transporting organization to transport cannabis to a
24 dispensing organization or a laboratory.

25 (l) An infuser organization may share premises with a craft
26 grower or a dispensing organization, or both, provided each

1 licensee stores currency and cannabis or cannabis-infused
2 products in a separate secured vault to which the other
3 licensee does not have access or all licensees sharing a vault
4 share more than 50% of the same ownership.

5 (m) It is unlawful for any person or entity having an
6 infuser organization license or any officer, associate,
7 member, representative or agent of such licensee to offer or
8 deliver money, or anything else of value, directly or
9 indirectly to any person having an Early Approval Adult Use
10 Dispensing Organization License, a Conditional Adult Use
11 Dispensing Organization License, an Adult Use Dispensing
12 Organization License, or a medical cannabis dispensing
13 organization license issued under the Compassionate Use of
14 Medical Cannabis ~~Pilot~~ Program Act, or to any person connected
15 with or in any way representing, or to any member of the family
16 of, such person holding an Early Approval Adult Use Dispensing
17 Organization License, a Conditional Adult Use Dispensing
18 Organization License, an Adult Use Dispensing Organization
19 License, or a medical cannabis dispensing organization license
20 issued under the Compassionate Use of Medical Cannabis ~~Pilot~~
21 Program Act, or to any stockholders in any corporation engaged
22 the retail sales of cannabis, or to any officer, manager,
23 agent, or representative of the Early Approval Adult Use
24 Dispensing Organization License, a Conditional Adult Use
25 Dispensing Organization License, an Adult Use Dispensing
26 Organization License, or a medical cannabis dispensing

1 organization license issued under the Compassionate Use of
2 Medical Cannabis ~~Pilot~~ Program Act to obtain preferential
3 placement within the dispensing organization, including,
4 without limitation, on shelves and in display cases where
5 purchasers can view products, or on the dispensing
6 organization's website.

7 (n) At no time shall an infuser organization or an infuser
8 agent perform the extraction of cannabis concentrate from
9 cannabis flower.

10 (Source: P.A. 101-27, eff. 6-25-19.)

11 (410 ILCS 705/35-31)

12 Sec. 35-31. Ensuring an adequate supply of raw materials to
13 serve infusers.

14 (a) As used in this Section, "raw materials" includes, but
15 is not limited to, CO₂ hash oil, "crude", "distillate", or any
16 other cannabis concentrate extracted from cannabis flower by
17 use of a solvent or a mechanical process.

18 (b) The Department of Agriculture may by rule design a
19 method for assessing whether licensed infusers have access to
20 an adequate supply of reasonably affordable raw materials,
21 which may include but not be limited to: (i) a survey of
22 infusers; (ii) a market study on the sales trends of
23 cannabis-infused products manufactured by infusers; and (iii)
24 the costs cultivation centers and craft growers assume for the
25 raw materials they use in any cannabis-infused products they

1 manufacture.

2 (c) The Department of Agriculture shall perform an
3 assessment of whether infusers have access to an adequate
4 supply of reasonably affordable raw materials that shall start
5 no sooner than January 1, 2022 and shall conclude no later than
6 April 1, 2022. The Department of Agriculture may rely on data
7 from the Illinois Cannabis Regulation Oversight Officer as part
8 of this assessment.

9 (d) The Department of Agriculture shall perform an
10 assessment of whether infusers have access to an adequate
11 supply of reasonably affordable raw materials that shall start
12 no sooner than January 1, 2023 and shall conclude no later than
13 April 1, 2023. The Department of Agriculture may rely on data
14 from the Cannabis Regulation Oversight Officer as part of this
15 assessment.

16 (e) The Department of Agriculture may by rule adopt
17 measures to ensure infusers have access to an adequate supply
18 of reasonably affordable raw materials necessary for the
19 manufacture of cannabis-infused products. Such measures may
20 include, but not be limited to (i) requiring cultivation
21 centers and craft growers to set aside a minimum amount of raw
22 materials for the wholesale market or (ii) enabling infusers to
23 apply for a processor license to extract raw materials from
24 cannabis flower.

25 (f) If the Department of Agriculture determines processor
26 licenses may be available to infuser ~~infusing~~ organizations

1 based upon findings made pursuant to subsection (e), infuser
2 organizations may submit to the Department of Agriculture on
3 forms provided by the Department of Agriculture the following
4 information as part of an application to receive a processor
5 license:

6 (1) experience with the extraction, processing, or
7 infusing of oils similar to those derived from cannabis, or
8 other business practices to be performed by the infuser;

9 (2) a description of the applicant's experience with
10 manufacturing equipment and chemicals to be used in
11 processing;

12 (3) expertise in relevant scientific fields;

13 (4) a commitment that any cannabis waste, liquid waste,
14 or hazardous waste shall be disposed of in accordance with
15 8 Ill. Adm. Code 1000.460, except, to the greatest extent
16 feasible, all cannabis plant waste will be rendered
17 unusable by grinding and incorporating the cannabis plant
18 waste with compostable mixed waste to be disposed of in
19 accordance with Ill. Adm. Code 1000.460(g)(1); and

20 (5) any other information the Department of
21 Agriculture deems relevant.

22 (g) The Department of Agriculture may only issue an infuser
23 ~~infusing~~ organization a processor license if, based on the
24 information pursuant to subsection (f) and any other criteria
25 set by the Department of Agriculture, which may include but not
26 be limited an inspection of the site where processing would

1 occur, the Department of Agriculture is reasonably certain the
2 infuser ~~infusing~~ organization will process cannabis in a safe
3 and compliant manner.

4 (Source: P.A. 101-27, eff. 6-25-19.)

5 (410 ILCS 705/40-5)

6 Sec. 40-5. Issuance of licenses.

7 (a) The Department shall issue transporting licenses
8 through a process provided for in this Article no later than
9 July 1, 2020.

10 (b) The Department shall make the application for
11 transporting organization licenses available on January 7,
12 2020 and shall receive such applications no later than March
13 15, 2020. ~~The Thereafter,~~ the Department of Agriculture shall
14 make available such applications on every January 7 thereafter
15 or if that date falls on a weekend or holiday, the business day
16 immediately succeeding the weekend or holiday and shall receive
17 such applications no later than March 15 or the succeeding
18 business day thereafter.

19 (Source: P.A. 101-27, eff. 6-25-19.)

20 (410 ILCS 705/40-10)

21 Sec. 40-10. Application.

22 (a) When applying for a transporting organization license,
23 the applicant shall ~~electronically~~ submit the following in such
24 form as the Department of Agriculture may direct:

1 (1) the nonrefundable application fee of \$5,000 or,
2 after January 1, 2021, another amount as set by rule by the
3 Department of Agriculture, to be deposited into the
4 Cannabis Regulation Fund;

5 (2) the legal name of the transporting organization;

6 (3) the proposed physical address of the transporting
7 organization, if one is proposed;

8 (4) the name, address, social security number, and date
9 of birth of each principal officer and board member of the
10 transporting organization; each principal officer and
11 board member shall be at least 21 years of age;

12 (5) the details of any administrative or judicial
13 proceeding in which any of the principal officers or board
14 members of the transporting organization (i) pled guilty,
15 were convicted, fined, or had a registration or license
16 suspended or revoked, or (ii) managed or served on the
17 board of a business or non-profit organization that pled
18 guilty, was convicted, fined, or had a registration or
19 license suspended or revoked;

20 (6) proposed operating bylaws that include procedures
21 for the oversight of the transporting organization,
22 including the development and implementation of an
23 accurate recordkeeping plan, staffing plan, and security
24 plan approved by the Department of State Police that are in
25 accordance with the rules issued by the Department of
26 Agriculture under this Act; a physical inventory shall be

1 performed of all cannabis on a weekly basis by the
2 transporting organization;

3 (7) verification from the Department of State Police
4 that all background checks of the prospective principal
5 officers, board members, and agents of the transporting
6 organization have been conducted;

7 (8) a copy of the current local zoning ordinance or
8 permit and verification that the proposed transporting
9 organization is in compliance with the local zoning rules
10 and distance limitations established by the local
11 jurisdiction, if the transporting organization has a
12 business address;

13 (9) proposed employment practices, in which the
14 applicant must demonstrate a plan of action to inform,
15 hire, and educate minorities, women, veterans, and persons
16 with disabilities, engage in fair labor practices, and
17 provide worker protections;

18 (10) whether an applicant can demonstrate experience
19 in or business practices that promote economic empowerment
20 in Disproportionately Impacted Areas;

21 (11) the number and type of equipment the transporting
22 organization will use to transport cannabis and
23 cannabis-infused products;

24 (12) loading, transporting, and unloading plans;

25 (13) a description of the applicant's experience in the
26 distribution or security business;

1 (14) the identity of every person having a financial or
2 voting interest of 5% or more in the transporting
3 organization with respect to which the license is sought,
4 whether a trust, corporation, partnership, limited
5 liability company, or sole proprietorship, including the
6 name and address of each person; and

7 (15) any other information required by rule.

8 (b) Applicants must submit all required information,
9 including the information required in Section 40-35 to the
10 Department. Failure by an applicant to submit all required
11 information may result in the application being disqualified.

12 (c) If the Department receives an application with missing
13 information, the Department of Agriculture may issue a
14 deficiency notice to the applicant. The applicant shall have 10
15 calendar days from the date of the deficiency notice to
16 resubmit the incomplete information. Applications that are
17 still incomplete after this opportunity to cure will not be
18 scored and will be disqualified.

19 (Source: P.A. 101-27, eff. 6-25-19.)

20 (410 ILCS 705/40-15)

21 Sec. 40-15. Issuing licenses.

22 (a) The Department of Agriculture shall by rule develop a
23 system to score transporter applications to administratively
24 rank applications based on the clarity, organization, and
25 quality of the applicant's responses to required information.

1 Applicants shall be awarded points based on the following
2 categories:

3 (1) suitability of employee training plan;

4 (2) security and recordkeeping plan;

5 (3) business plan;

6 (4) the applicant's status as a Social Equity
7 Applicant, which shall constitute no less than 20% of total
8 available points;

9 (5) labor and employment practices, which shall
10 constitute no less than 2% of total available points;

11 (6) environmental plan that demonstrates an
12 environmental plan of action to minimize the carbon
13 footprint, environmental impact, and resource needs for
14 the transporter, which may include, without limitation,
15 recycling cannabis product packaging;

16 (7) the applicant is 51% or more owned and controlled
17 by an individual or individuals who have been an Illinois
18 resident for the past 5 years as proved by tax records or 2
19 of the following:

20 (A) a signed lease agreement that includes the
21 applicant's name;

22 (B) a property deed that includes the applicant's
23 name;

24 (C) school records;

25 (D) a voter registration card;

26 (E) an Illinois driver's license, an Illinois

1 Identification Card, or an Illinois Person with a
2 Disability Identification Card;

3 (F) a paycheck stub;

4 (G) a utility bill; or

5 (H) any other proof of residency or other
6 information necessary to establish residence as
7 provided by rule;

8 (8) the applicant is 51% or more controlled and owned
9 by an individual or individuals who meet the qualifications
10 of a veteran as defined by Section 45-57 of the Illinois
11 Procurement Code;

12 (9) a diversity plan that includes a narrative of not
13 more than 2,500 words that establishes a goal of diversity
14 in ownership, management, employment, and contracting to
15 ensure that diverse participants and groups are afforded
16 equality of opportunity; and

17 (10) any other criteria the Department of Agriculture
18 may set by rule for points.

19 (b) The Department may also award up to 2 bonus points for
20 the applicant's plan to engage with the community. The
21 applicant may demonstrate a desire to engage with its community
22 by participating in one or more of, but not limited to, the
23 following actions: (i) establishment of an incubator program
24 designed to increase participation in the cannabis industry by
25 persons who would qualify as Social Equity Applicants; (ii)
26 providing financial assistance to substance abuse treatment

1 centers; (iii) educating children and teens about the potential
2 harms of cannabis use; or (iv) other measures demonstrating a
3 commitment to the applicant's community. Bonus points will only
4 be awarded if the Department receives applications that receive
5 an equal score ~~for a particular region~~.

6 (c) Applicants for transporting ~~transportation~~
7 organization licenses that score at least 75% ~~85%~~ of the
8 available points according to the system developed by rule and
9 meet all other requirements for a transporter license shall be
10 issued a license by the Department of Agriculture within 60
11 days of receiving the application. Applicants that were
12 registered as medical cannabis cultivation centers prior to
13 January 1, 2020 and who meet all other requirements for a
14 transporter license shall be issued a license by the Department
15 of Agriculture within 60 days of receiving the application.

16 (d) Should the applicant be awarded a transporting
17 ~~transportation~~ organization license, the information and plans
18 that an applicant provided in its application, including any
19 plans submitted for the acquiring of bonus points, shall be a
20 mandatory condition of the permit. Any variation from or
21 failure to perform such plans may result in discipline,
22 including the revocation or nonrenewal of a license.

23 (e) Should the applicant be awarded a transporting
24 organization license, the applicant shall pay a prorated fee of
25 \$10,000 prior to receiving the license, to be deposited into
26 the Cannabis Regulation Fund. The Department of Agriculture may

1 by rule adjust the fee in this Section after January 1, 2021.

2 (Source: P.A. 101-27, eff. 6-25-19.)

3 (410 ILCS 705/40-20)

4 Sec. 40-20. Denial of application. An application for a
5 transporting ~~transportation~~ organization license shall be
6 denied if any of the following conditions are met:

7 (1) the applicant failed to submit the materials
8 required by this Article;

9 (2) the applicant would not be in compliance with local
10 zoning rules or permit requirements;

11 (3) one or more of the prospective principal officers
12 or board members causes a violation of Section 40-25;

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

15 (5) the person has submitted an application for a
16 license under this Act that contains false information; or

17 (6) the licensee, principal officer, board member, or
18 person having a financial or voting interest of 5% or
19 greater in the licensee is delinquent in filing any
20 required tax returns or paying any amounts owed to the
21 State of Illinois.

22 (Source: P.A. 101-27, eff. 6-25-19.)

23 (410 ILCS 705/40-25)

24 Sec. 40-25. Transporting organization requirements;

1 prohibitions.

2 (a) The operating documents of a transporting organization
3 shall include procedures for the oversight of the transporter,
4 an inventory monitoring system including a physical inventory
5 recorded weekly, accurate recordkeeping, and a staffing plan.

6 (b) A transporting organization may not transport cannabis
7 or cannabis-infused products to any person other than a
8 cultivation center, a craft grower, an infuser organization, a
9 dispensing organization, a testing facility, or as otherwise
10 authorized by rule.

11 (c) All cannabis transported by a transporting
12 organization must be entered into a data collection system and
13 placed into a cannabis container for transport.

14 (d) Transporters are subject to random inspections by the
15 Department of Agriculture, the Department of Public Health, and
16 the Department of State Police.

17 (e) A transporting organization agent shall notify local
18 law enforcement, the Department of State Police, and the
19 Department of Agriculture within 24 hours of the discovery of
20 any loss or theft. Notification shall be made by phone, in
21 person, or by written or electronic communication.

22 (f) No person under the age of 21 years shall be in a
23 commercial vehicle or trailer transporting cannabis goods.

24 (g) No person or individual who is not a transporting
25 organization agent shall be in a vehicle while transporting
26 cannabis goods.

1 (h) Transporters may not use commercial motor vehicles with
2 a weight rating of over 10,001 pounds.

3 (i) It is unlawful for any person to offer or deliver
4 money, or anything else of value, directly or indirectly, to
5 any of the following persons to obtain preferential placement
6 within the dispensing organization, including, without
7 limitation, on shelves and in display cases where purchasers
8 can view products, or on the dispensing organization's website:

9 (1) a person having a transporting organization
10 license, or any officer, associate, member,
11 representative, or agent of the licensee;

12 (2) a person having an Early Applicant Adult Use
13 Dispensing Organization License, an Adult Use Dispensing
14 Organization License, or a medical cannabis dispensing
15 organization license issued under the Compassionate Use of
16 Medical Cannabis ~~Pilot~~ Program Act;

17 (3) a person connected with or in any way representing,
18 or a member of the family of, a person holding an Early
19 Applicant Adult Use Dispensing Organization License, an
20 Adult Use Dispensing Organization License, or a medical
21 cannabis dispensing organization license issued under the
22 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act; or

23 (4) a stockholder, officer, manager, agent, or
24 representative of a corporation engaged in the retail sale
25 of cannabis, an Early Applicant Adult Use Dispensing
26 Organization License, an Adult Use Dispensing Organization

1 License, or a medical cannabis dispensing organization
2 license issued under the Compassionate Use of Medical
3 Cannabis ~~Pilot~~ Program Act.

4 (j) A transporting ~~transportation~~ organization agent must
5 keep his or her identification card visible at all times when
6 on the property of a cannabis business establishment and during
7 the transporting ~~transportation~~ of cannabis when acting under
8 his or her duties as a transportation organization agent.
9 During these times, the transporting ~~transporter~~ organization
10 agent must also provide the identification card upon request of
11 any law enforcement officer engaged in his or her official
12 duties.

13 (k) A copy of the transporting organization's registration
14 and a manifest for the delivery shall be present in any vehicle
15 transporting cannabis.

16 (l) Cannabis shall be transported so it is not visible or
17 recognizable from outside the vehicle.

18 (m) A vehicle transporting cannabis must not bear any
19 markings to indicate the vehicle contains cannabis or bear the
20 name or logo of the cannabis business establishment.

21 (n) Cannabis must be transported in an enclosed, locked
22 storage compartment that is secured or affixed to the vehicle.

23 (o) The Department of Agriculture may, by rule, impose any
24 other requirements or prohibitions on the transportation of
25 cannabis.

26 (Source: P.A. 101-27, eff. 6-25-19.)

1 (410 ILCS 705/40-30)

2 Sec. 40-30. Transporting agent identification card.

3 (a) The Department of Agriculture shall:

4 (1) establish by rule the information required in an
5 initial application or renewal application for an agent
6 identification card submitted under this Act and the
7 nonrefundable fee to accompany the initial application or
8 renewal application;

9 (2) verify the information contained in an initial
10 application or renewal application for an agent
11 identification card submitted under this Act and approve or
12 deny an application within 30 days of receiving a completed
13 initial application or renewal application and all
14 supporting documentation required by rule;

15 (3) issue an agent identification card to a qualifying
16 agent within 15 business days of approving the initial
17 application or renewal application;

18 (4) enter the license number of the transporting
19 organization where the agent works; and

20 (5) allow for an electronic initial application and
21 renewal application process, and provide a confirmation by
22 electronic or other methods that an application has been
23 submitted. The Department of Agriculture may by rule
24 require prospective agents to file their applications by
25 electronic means and provide notices to the agents by

1 electronic means.

2 (b) An agent must keep his or her identification card
3 visible at all times when on the property of a cannabis
4 business establishment, including the cannabis business
5 establishment for which he or she is an agent.

6 (c) The agent identification cards shall contain the
7 following:

8 (1) the name of the cardholder;

9 (2) the date of issuance and expiration date of the
10 identification card;

11 (3) a random 10-digit alphanumeric identification
12 number containing at least 4 numbers and at least 4 letters
13 that is unique to the holder;

14 (4) a photograph of the cardholder; and

15 (5) the legal name of the transporting ~~transporter~~
16 organization employing the agent.

17 (d) An agent identification card shall be immediately
18 returned to the transporting ~~transporter~~ organization of the
19 agent upon termination of his or her employment.

20 (e) Any agent identification card lost by a transporting
21 agent shall be reported to the Department of State Police and
22 the Department of Agriculture immediately upon discovery of the
23 loss.

24 (f) An application for an agent identification card shall
25 be denied if the applicant is delinquent in filing any required
26 tax returns or paying any amounts owed to the State of

1 Illinois.

2 (Source: P.A. 101-27, eff. 6-25-19.)

3 (410 ILCS 705/40-35)

4 Sec. 40-35. Transporting organization background checks.

5 (a) Through the Department of State Police, the Department
6 of Agriculture shall conduct a background check of the
7 prospective principal officers, board members, and agents of a
8 transporter applying for a license or identification card under
9 this Act. The Department of State Police shall charge a fee set
10 by rule for conducting the criminal history record check, which
11 shall be deposited into the State Police Services Fund and
12 shall not exceed the actual cost of the record check. In order
13 to carry out this provision, each transporting ~~transporter~~
14 organization's prospective principal officer, board member, or
15 agent shall submit a full set of fingerprints to the Department
16 of State Police for the purpose of obtaining a State and
17 federal criminal records check. These fingerprints shall be
18 checked against the fingerprint records now and hereafter, to
19 the extent allowed by law, filed in the Department of State
20 Police and Federal Bureau of Investigation criminal history
21 records databases. The Department of State Police shall
22 furnish, following positive identification, all conviction
23 information to the Department of Agriculture.

24 (b) When applying for the initial license or identification
25 card, the background checks for all prospective principal

1 officers, board members, and agents shall be completed before
2 submitting the application to the Department of Agriculture.

3 (Source: P.A. 101-27, eff. 6-25-19.)

4 (410 ILCS 705/40-40)

5 Sec. 40-40. Renewal of transporting organization licenses
6 and agent identification cards.

7 (a) Licenses and identification cards issued under this Act
8 shall be renewed annually. A transporting organization shall
9 receive written or electronic notice 90 days before the
10 expiration of its current license that the license will expire.
11 The Department of Agriculture shall grant a renewal within 45
12 days of submission of a renewal application if:

13 (1) the transporting organization submits a renewal
14 application and the required nonrefundable renewal fee of
15 \$10,000, or after January 1, 2021, another amount set by
16 rule by the Department of Agriculture, to be deposited into
17 the Cannabis Regulation Fund;

18 (2) the Department of Agriculture has not suspended or
19 revoked the license of the transporting organization for
20 violating this Act or rules adopted under this Act;

21 (3) the transporting organization has continued to
22 operate in accordance with all plans submitted as part of
23 its application and approved by the Department of
24 Agriculture or any amendments thereto that have been
25 approved by the Department of Agriculture; and

1 (4) the transporter has submitted an agent, employee,
2 contracting, and subcontracting diversity report as
3 required by the Department.

4 (b) If a transporting organization fails to renew its
5 license before expiration, it shall cease operations until its
6 license is renewed.

7 (c) If a transporting organization agent fails to renew his
8 or her identification card before its expiration, he or she
9 shall cease to work as an agent of the transporting ~~transporter~~
10 organization until his or her identification card is renewed.

11 (d) Any transporting organization that continues to
12 operate, or any transporting organization agent who continues
13 to work as an agent, after the applicable license or
14 identification card has expired without renewal is subject to
15 the penalties provided under Section 45-5.

16 (e) The Department shall not renew a license or an agent
17 identification card if the applicant is delinquent in filing
18 any required tax returns or paying any amounts owed to the
19 State of Illinois.

20 (Source: P.A. 101-27, eff. 6-25-19.)

21 (410 ILCS 705/45-5)

22 Sec. 45-5. License suspension; revocation; other
23 penalties.

24 (a) Notwithstanding any other criminal penalties related
25 to the unlawful possession of cannabis, the Department of

1 Financial and Professional Regulation and the Department of
2 Agriculture may revoke, suspend, place on probation,
3 reprimand, issue cease and desist orders, refuse to issue or
4 renew a license, or take any other disciplinary or
5 nondisciplinary action as each department may deem proper with
6 regard to a cannabis business establishment or cannabis
7 business establishment agent, including fines not to exceed:

8 (1) \$50,000 for each violation of this Act or rules
9 adopted under this Act by a cultivation center or
10 cultivation center agent;

11 (2) \$20,000 ~~\$10,000~~ for each violation of this Act or
12 rules adopted under this Act by a dispensing organization
13 or dispensing organization agent;

14 (3) \$15,000 for each violation of this Act or rules
15 adopted under this Act by a craft grower or craft grower
16 agent;

17 (4) \$10,000 for each violation of this Act or rules
18 adopted under this Act by an infuser organization or
19 infuser organization agent; and

20 (5) \$10,000 for each violation of this Act or rules
21 adopted under this Act by a transporting organization or
22 transporting organization agent.

23 (b) The Department of Financial and Professional
24 Regulation and the Department of Agriculture, as the case may
25 be, shall consider licensee cooperation in any agency or other
26 investigation in its determination of penalties imposed under

1 this Section.

2 (c) The procedures for disciplining a cannabis business
3 establishment or cannabis business establishment agent and for
4 administrative hearings shall be determined by rule, and shall
5 provide for the review of final decisions under the
6 Administrative Review Law.

7 (d) The Attorney General may also enforce a violation of
8 Section 55-20, Section 55-21, and Section 15-155 as an unlawful
9 practice under the Consumer Fraud and Deceptive Business
10 Practices Act.

11 (Source: P.A. 101-27, eff. 6-25-19.)

12 (410 ILCS 705/50-5)

13 Sec. 50-5. Laboratory testing.

14 (a) Notwithstanding any other provision of law, the
15 following acts, when performed by a cannabis testing facility
16 with a current, valid registration, or a person 21 years of age
17 or older who is acting in his or her capacity as an owner,
18 employee, or agent of a cannabis testing facility, are not
19 unlawful and shall not be an offense under Illinois law or be a
20 basis for seizure or forfeiture of assets under Illinois law:

21 (1) possessing, repackaging, transporting, storing, or
22 displaying cannabis or cannabis-infused products;

23 (2) receiving or transporting cannabis or
24 cannabis-infused products from a cannabis business
25 establishment, a community college licensed under the

1 Community College Cannabis Vocational Training Pilot
2 Program, or a person 21 years of age or older; and

3 (3) returning or transporting cannabis or
4 cannabis-infused products to a cannabis business
5 establishment, a community college licensed under the
6 Community College Cannabis Vocational Training Pilot
7 Program, or a person 21 years of age or older.

8 (b)(1) No laboratory shall handle, test, or analyze
9 cannabis unless approved by the Department of Agriculture in
10 accordance with this Section.

11 (2) No laboratory shall be approved to handle, test, or
12 analyze cannabis unless the laboratory:

13 (A) is accredited by a private laboratory accrediting
14 organization;

15 (B) is independent from all other persons involved in
16 the cannabis industry in Illinois and no person with a
17 direct or indirect interest in the laboratory has a direct
18 or indirect financial, management, or other interest in an
19 Illinois cultivation center, craft grower, dispensary,
20 infuser, transporter, certifying physician, or any other
21 entity in the State that may benefit from the production,
22 manufacture, dispensing, sale, purchase, or use of
23 cannabis; and

24 (C) has employed at least one person to oversee and be
25 responsible for the laboratory testing who has earned, from
26 a college or university accredited by a national or

1 regional certifying authority, at least:

2 (i) a master's level degree in chemical or
3 biological sciences and a minimum of 2 years'
4 post-degree laboratory experience; or

5 (ii) a bachelor's degree in chemical or biological
6 sciences and a minimum of 4 years' post-degree
7 laboratory experience.

8 (3) Each independent testing laboratory that claims to be
9 accredited must provide the Department of Agriculture with a
10 copy of the most recent annual inspection report granting
11 accreditation and every annual report thereafter.

12 (c) Immediately before manufacturing or natural processing
13 of any cannabis or cannabis-infused product or packaging
14 cannabis for sale to a dispensary, each batch shall be made
15 available by the cultivation center, craft grower, or infuser
16 for an employee of an approved laboratory to select a random
17 sample, which shall be tested by the approved laboratory for:

18 (1) microbiological contaminants;

19 (2) mycotoxins;

20 (3) pesticide active ingredients;

21 (4) residual solvent; and

22 (5) an active ingredient analysis.

23 (d) The Department of Agriculture may select a random
24 sample that shall, for the purposes of conducting an active
25 ingredient analysis, be tested by the Department of Agriculture
26 for verification of label information.

1 (e) A laboratory shall immediately return or dispose of any
2 cannabis upon the completion of any testing, use, or research.
3 If cannabis is disposed of, it shall be done in compliance with
4 Department of Agriculture rule.

5 (f) If a sample of cannabis does not pass the
6 microbiological, mycotoxin, pesticide chemical residue, or
7 solvent residue test, based on the standards established by the
8 Department of Agriculture, the following shall apply:

9 (1) If the sample failed the pesticide chemical residue
10 test, the entire batch from which the sample was taken
11 shall, if applicable, be recalled as provided by rule.

12 (2) If the sample failed any other test, the batch may
13 be used to make a CO₂-based or solvent based extract. After
14 processing, the CO₂-based or solvent based extract must
15 still pass all required tests.

16 (g) The Department of Agriculture shall establish
17 standards for microbial, mycotoxin, pesticide residue, solvent
18 residue, or other standards for the presence of possible
19 contaminants, in addition to labeling requirements for
20 contents and potency.

21 (h) The laboratory shall file with the Department of
22 Agriculture an electronic copy of each laboratory test result
23 for any batch that does not pass the microbiological,
24 mycotoxin, or pesticide chemical residue test, at the same time
25 that it transmits those results to the cultivation center. In
26 addition, the laboratory shall maintain the laboratory test

1 results for at least 5 years and make them available at the
2 Department of Agriculture's request.

3 (i) A cultivation center, craft grower, and infuser shall
4 provide to a dispensing organization the laboratory test
5 results for each batch of cannabis product purchased by the
6 dispensing organization, if sampled. Each dispensing
7 ~~dispensary~~ organization must have those laboratory results
8 available upon request to purchasers.

9 (j) The Department of Agriculture may adopt rules related
10 to testing in furtherance of this Act.

11 (Source: P.A. 101-27, eff. 6-25-19.)

12 (410 ILCS 705/55-10)

13 Sec. 55-10. Maintenance of inventory. All dispensing
14 organizations authorized to serve both registered qualifying
15 patients and caregivers and purchasers are required to report
16 which cannabis and cannabis-infused products are purchased for
17 sale under the Compassionate Use of Medical Cannabis ~~Pilot~~
18 Program Act, and which cannabis and cannabis-infused products
19 are purchased under this Act. Nothing in this Section prohibits
20 a registered qualifying patient under the Compassionate Use of
21 Medical Cannabis ~~Pilot~~ Program Act from purchasing cannabis as
22 a purchaser under this Act.

23 (Source: P.A. 101-27, eff. 6-25-19.)

24 (410 ILCS 705/55-20)

1 Sec. 55-20. Advertising and promotions.

2 (a) No cannabis business establishment nor any other person
3 or entity shall engage in advertising that contains any
4 statement or illustration that:

5 (1) is false or misleading;

6 (2) promotes overconsumption of cannabis or cannabis
7 products;

8 (3) depicts the actual consumption of cannabis or
9 cannabis products;

10 (4) depicts a person under 21 years of age consuming
11 cannabis;

12 (5) makes any health, medicinal, or therapeutic claims
13 about cannabis or cannabis-infused products;

14 (6) includes the image of a cannabis leaf or bud; or

15 (7) includes any image designed or likely to appeal to
16 minors, including cartoons, toys, animals, or children, or
17 any other likeness to images, characters, or phrases that
18 is designed in any manner to be appealing to or encourage
19 consumption by ~~of~~ persons under 21 years of age.

20 (b) No cannabis business establishment nor any other person
21 or entity shall place or maintain, or cause to be placed or
22 maintained, an advertisement of cannabis or a cannabis-infused
23 product in any form or through any medium:

24 (1) within 1,000 feet of the perimeter of school
25 grounds, a playground, a recreation center or facility, a
26 child care center, a public park or public library, or a

1 game arcade to which admission is not restricted to persons
2 21 years of age or older;

3 (2) on or in a public transit vehicle or public transit
4 shelter;

5 (3) on or in publicly owned or publicly operated
6 property; or

7 (4) that contains information that:

8 (A) is false or misleading;

9 (B) promotes excessive consumption;

10 (C) depicts a person under 21 years of age
11 consuming cannabis;

12 (D) includes the image of a cannabis leaf; or

13 (E) includes any image designed or likely to appeal
14 to minors, including cartoons, toys, animals, or
15 children, or any other likeness to images, characters,
16 or phrases that are popularly used to advertise to
17 children, or any imitation of candy packaging or
18 labeling, or that promotes consumption of cannabis.

19 (c) Subsections (a) and (b) do not apply to an educational
20 message.

21 (d) Sales promotions. No cannabis business establishment
22 nor any other person or entity may encourage the sale of
23 cannabis or cannabis products by giving away cannabis or
24 cannabis products, by conducting games or competitions related
25 to the consumption of cannabis or cannabis products, or by
26 providing promotional materials or activities of a manner or

1 type that would be appealing to children.

2 (Source: P.A. 101-27, eff. 6-25-19.)

3 (410 ILCS 705/55-21)

4 Sec. 55-21. Cannabis product packaging and labeling.

5 (a) Each cannabis product produced for sale shall be
6 registered with the Department of Agriculture on forms provided
7 by the Department of Agriculture. Each product registration
8 shall include a label and the required registration fee at the
9 rate established by the Department of Agriculture for a
10 comparable medical cannabis product, or as established by rule.
11 The registration fee is for the name of the product offered for
12 sale and one fee shall be sufficient for all package sizes.

13 (b) All harvested cannabis intended for distribution to a
14 cannabis enterprise must be packaged in a sealed, labeled
15 container.

16 (c) Any product containing cannabis shall be packaged in a
17 sealed, odor-proof, and child-resistant cannabis container
18 consistent with current standards, including the Consumer
19 Product Safety Commission standards referenced by the Poison
20 Prevention Act.

21 (d) All cannabis-infused products shall be individually
22 wrapped or packaged at the original point of preparation. The
23 packaging of the cannabis-infused product shall conform to the
24 labeling requirements of the Illinois Food, Drug and Cosmetic
25 Act, in addition to the other requirements set forth in this

1 Section.

2 (e) Each cannabis product shall be labeled before sale and
3 each label shall be securely affixed to the package and shall
4 state in legible English and any languages required by the
5 Department of Agriculture:

6 (1) the name and post office box of the registered
7 cultivation center or craft grower where the item was
8 manufactured;

9 (2) the common or usual name of the item and the
10 registered name of the cannabis product that was registered
11 with the Department of Agriculture under subsection (a);

12 (3) a unique serial number that will match the product
13 with a cultivation center or craft grower batch and lot
14 number to facilitate any warnings or recalls the Department
15 of Agriculture, cultivation center, or craft grower deems
16 appropriate;

17 (4) the date of final testing and packaging, if
18 sampled, and the identification of the independent testing
19 laboratory;

20 (5) the date of harvest and "use by" date;

21 (6) the quantity (in ounces or grams) of cannabis
22 contained in the product;

23 (7) a pass/fail rating based on the laboratory's
24 microbiological, mycotoxins, and pesticide and solvent
25 residue analyses, if sampled;~~;~~

26 (8) content list.

1 (A) A list of the following, including the minimum
2 and maximum percentage content by weight for
3 subdivisions (e)~~(d)~~ (8) (A) (i) through (iv):

4 (i) delta-9-tetrahydrocannabinol (THC);

5 (ii) tetrahydrocannabinolic acid (THCA);

6 (iii) cannabidiol (CBD);

7 (iv) cannabidiolic acid (CBDA); and

8 (v) all other ingredients of the item,
9 including any colors, artificial flavors, and
10 preservatives, listed in descending order by
11 predominance of weight shown with common or usual
12 names.

13 (B) The acceptable tolerances for the minimum
14 percentage printed on the label for any of subdivisions
15 (e)~~(d)~~ (8) (A) (i) through (iv) shall not be below 85% or
16 above 115% of the labeled amount.+

17 (f) Packaging must not contain information that:

18 (1) is false or misleading;

19 (2) promotes excessive consumption;

20 (3) depicts a person under 21 years of age consuming
21 cannabis;

22 (4) includes the image of a cannabis leaf;

23 (5) includes any image designed or likely to appeal to
24 minors, including cartoons, toys, animals, or children, or
25 any other likeness to images, characters, or phrases that
26 are popularly used to advertise to children, or any

1 packaging or labeling that bears reasonable resemblance to
2 any product available for consumption as a commercially
3 available candy, or that promotes consumption of cannabis;

4 (6) contains any seal, flag, crest, coat of arms, or
5 other insignia likely to mislead the purchaser to believe
6 that the product has been endorsed, made, or used by the
7 State of Illinois or any of its representatives except
8 where authorized by this Act.

9 (g) Cannabis products produced by concentrating or
10 extracting ingredients from the cannabis plant shall contain
11 the following information, where applicable:

12 (1) If solvents were used to create the concentrate or
13 extract, a statement that discloses the type of extraction
14 method, including any solvents or gases used to create the
15 concentrate or extract; and

16 (2) Any other chemicals or compounds used to produce or
17 were added to the concentrate or extract.

18 (h) All cannabis products must contain warning statements
19 established for purchasers, of a size that is legible and
20 readily visible to a consumer inspecting a package, which may
21 not be covered or obscured in any way. The Department of Public
22 Health shall define and update appropriate health warnings for
23 packages including specific labeling or warning requirements
24 for specific cannabis products.

25 (i) Unless modified by rule to strengthen or respond to new
26 evidence and science, the following warnings shall apply to all

1 cannabis products unless modified by rule: "This product
2 contains cannabis and is intended for use by adults 21 and
3 over. Its use can impair cognition and may be habit forming.
4 This product should not be used by pregnant or breastfeeding
5 women. It is unlawful to sell or provide this item to any
6 individual, and it may not be transported outside the State of
7 Illinois. It is illegal to operate a motor vehicle while under
8 the influence of cannabis. Possession or use of this product
9 may carry significant legal penalties in some jurisdictions and
10 under federal law."

11 (j) Warnings for each of the following product types must
12 be present on labels when offered for sale to a purchaser:

13 (1) Cannabis that may be smoked must contain a
14 statement that "Smoking is hazardous to your health."

15 (2) Cannabis-infused products (other than those
16 intended for topical application) must contain a statement
17 "CAUTION: This product contains cannabis, and intoxication
18 following use may be delayed 2 or more hours. This product
19 was produced in a facility that cultivates cannabis, and
20 that may also process common food allergens."

21 (3) Cannabis-infused products intended for topical
22 application must contain a statement "DO NOT EAT" in bold,
23 capital letters.

24 (k) Each cannabis-infused product intended for consumption
25 must be individually packaged, must include the total milligram
26 content of THC and CBD, and may not include more than a total

1 of 100 milligrams of THC per package. A package may contain
2 multiple servings of 10 milligrams of THC, ~~and~~ indicated by
3 scoring, wrapping, or by other indicators designating
4 individual serving sizes. The Department of Agriculture may
5 change the total amount of THC allowed for each package, or the
6 total amount of THC allowed for each serving size, by rule.

7 (l) No individual other than the purchaser may alter or
8 destroy any labeling affixed to the primary packaging of
9 cannabis or cannabis-infused products.

10 (m) For each commercial weighing and measuring device used
11 at a facility, the cultivation center or craft grower must:

12 (1) Ensure that the commercial device is licensed under
13 the Weights and Measures Act and the associated
14 administrative rules (8 Ill. Adm. Code 600);

15 (2) Maintain documentation of the licensure of the
16 commercial device; and

17 (3) Provide a copy of the license of the commercial
18 device to the Department of Agriculture for review upon
19 request.

20 (n) It is the responsibility of the Department to ensure
21 that packaging and labeling requirements, including product
22 warnings, are enforced at all times for products provided to
23 purchasers. Product registration requirements and container
24 requirements may be modified by rule by the Department of
25 Agriculture.

26 (o) Labeling, including warning labels, may be modified by

1 rule by the Department of Agriculture.

2 (Source: P.A. 101-27, eff. 6-25-19; revised 8-30-19.)

3 (410 ILCS 705/55-25)

4 Sec. 55-25. Local ordinances. Unless otherwise provided
5 under this Act or otherwise in accordance with State law:

6 (1) A unit of local government, including a home rule
7 unit or any non-home rule county within the unincorporated
8 territory of the county, may enact reasonable zoning
9 ordinances or resolutions, not in conflict with this Act or
10 rules adopted pursuant to this Act, regulating cannabis
11 business establishments. No unit of local government,
12 including a home rule unit or any non-home rule county
13 within the unincorporated territory of the county, may
14 prohibit home cultivation or unreasonably prohibit use of
15 cannabis authorized by this Act.

16 (2) A unit of local government, including a home rule
17 unit or any non-home rule county within the unincorporated
18 territory of the county, may enact ordinances or rules not
19 in conflict with this Act or with rules adopted pursuant to
20 this Act governing the time, place, manner, and number of
21 cannabis business establishment operations, including
22 minimum distance limitations between cannabis business
23 establishments and locations it deems sensitive, including
24 colleges and universities, through the use of conditional
25 use permits. A unit of local government, including a home

1 rule unit, may establish civil penalties for violation of
2 an ordinance or rules governing the time, place, and manner
3 of operation of a cannabis business establishment or a
4 conditional use permit in the jurisdiction of the unit of
5 local government. No unit of local government, including a
6 home rule unit or non-home rule county within an
7 unincorporated territory of the county, may unreasonably
8 restrict the time, place, manner, and number of cannabis
9 business establishment operations authorized by this Act.

10 (3) A unit of local government, including a home rule
11 unit, or any non-home rule county within the unincorporated
12 territory of the county may authorize or permit the
13 on-premises consumption of cannabis at or in a dispensing
14 organization or retail tobacco store (as defined in Section
15 10 of the Smoke Free Illinois Act) within its jurisdiction
16 in a manner consistent with this Act. A dispensing
17 organization or retail tobacco store ~~regulate the~~
18 ~~on premises consumption of cannabis at or in a cannabis~~
19 ~~business establishment within its jurisdiction in a manner~~
20 ~~consistent with this Act. A cannabis business~~
21 ~~establishment or other entity~~ authorized or permitted by a
22 unit of local government to allow on-site consumption shall
23 not be deemed a public place within the meaning of the
24 Smoke Free Illinois Act.

25 (4) A unit of local government, including a home rule
26 unit or any non-home rule county within the unincorporated

1 territory of the county, may not regulate the activities
2 described in paragraph (1), (2), or (3) in a manner more
3 restrictive than the regulation of those activities by the
4 State under this Act. This Section is a limitation under
5 subsection (i) of Section 6 of Article VII of the Illinois
6 Constitution on the concurrent exercise by home rule units
7 of powers and functions exercised by the State.

8 (5) A unit of local government, including a home rule
9 unit or any non-home rule county within the unincorporated
10 territory of the county, may enact ordinances to prohibit
11 or significantly limit a cannabis business establishment's
12 location.

13 (Source: P.A. 101-27, eff. 6-25-19.)

14 (410 ILCS 705/55-28)

15 Sec. 55-28. Restricted cannabis zones.

16 (a) As used in this Section:

17 "Legal voter" means a person:

18 (1) who is duly registered to vote in a municipality
19 with a population of over 500,000;

20 (2) whose name appears on a poll list compiled by the
21 city board of election commissioners since the last
22 preceding election, regardless of whether the election was
23 a primary, general, or special election;

24 (3) who, at the relevant time, is a resident of the
25 address at which he or she is registered to vote; and

1 (4) whose address, at the relevant time, is located in
2 the precinct where such person seeks to file a notice of
3 intent to initiate a petition process, circulate a
4 petition, or sign a petition under this Section.

5 As used in the definition of "legal voter", "relevant time"
6 means any time that:

7 (i) a notice of intent is filed, pursuant to subsection
8 (c) of this Section, to initiate the petition process under
9 this Section;

10 (ii) the petition is circulated for signature in the
11 applicable precinct; or

12 (iii) the petition is signed by registered voters in
13 the applicable precinct.

14 "Petition" means the petition described in this Section.

15 "Precinct" means the smallest constituent territory within
16 a municipality with a population of over 500,000 in which
17 electors vote as a unit at the same polling place in any
18 election governed by the Election Code.

19 "Restricted cannabis zone" means a precinct within which
20 home cultivation, one or more types of cannabis business
21 establishments, or both has been prohibited pursuant to an
22 ordinance initiated by a petition under this Section.

23 (b) The legal voters of any precinct within a municipality
24 with a population of over 500,000 may petition their local
25 alderman, using a petition form made available online by the
26 city clerk, to introduce an ordinance establishing the precinct

1 as a restricted zone. Such petition shall specify whether it
2 seeks an ordinance to prohibit, within the precinct: (i) home
3 cultivation; (ii) one or more types of cannabis business
4 establishments; or (iii) home cultivation and one or more types
5 of cannabis business establishments.

6 Upon receiving a petition containing the signatures of at
7 least 25% of the registered voters of the precinct, and
8 concluding that the petition is legally sufficient following
9 the posting and review process in subsection (c) of this
10 Section, the city clerk shall notify the local alderman of the
11 ward in which the precinct is located. Upon being notified,
12 that alderman, following an assessment of relevant factors
13 within the precinct, including but not limited to, its
14 geography, density and character, the prevalence of
15 residentially zoned property, current licensed cannabis
16 business establishments in the precinct, the current amount of
17 home cultivation in the precinct, and the prevailing viewpoint
18 with regard to the issue raised in the petition, may introduce
19 an ordinance to the municipality's governing body creating a
20 restricted cannabis zone in that precinct.

21 (c) A person seeking to initiate the petition process
22 described in this Section shall first submit to the city clerk
23 notice of intent to do so, on a form made available online by
24 the city clerk. That notice shall include a description of the
25 potentially affected area and the scope of the restriction
26 sought. The city clerk shall publicly post the submitted notice

1 online.

2 To be legally sufficient, a petition must contain the
3 requisite number of valid signatures and all such signatures
4 must be obtained within 90 days of the date that the city clerk
5 publicly posts the notice of intent. Upon receipt, the city
6 clerk shall post the petition on the municipality's website for
7 a 30-day comment period. The city clerk is authorized to take
8 all necessary and appropriate steps to verify the legal
9 sufficiency of a submitted petition. Following the petition
10 review and comment period, the city clerk shall publicly post
11 online the status of the petition as accepted or rejected, and
12 if rejected, the reasons therefor. If the city clerk rejects a
13 petition as legally insufficient, a minimum of 12 months must
14 elapse from the time the city clerk posts the rejection notice
15 before a new notice of intent for that same precinct may be
16 submitted.

17 (c-5) Within 3 days after receiving an application for
18 zoning approval to locate a cannabis business establishment
19 within a municipality with a population of over 500,000, the
20 municipality shall post a public notice of the filing on its
21 website and notify the alderman of the ward in which the
22 proposed cannabis business establishment is to be located of
23 the filing. No action shall be taken on the zoning application
24 for 7 business days following the notice of the filing for
25 zoning approval.

26 If a notice of intent to initiate the petition process to

1 prohibit the type of cannabis business establishment proposed
2 in the precinct of the proposed cannabis business establishment
3 is filed prior to the filing of the application or within the
4 7-day period after the filing of the application, the
5 municipality shall not approve the application for at least 90
6 days after the city clerk publicly posts the notice of intent
7 to initiate the petition process. If a petition is filed within
8 the 90-day petition-gathering period described in subsection
9 (c), the municipality shall not approve the application for an
10 additional 90 days after the city clerk's receipt of the
11 petition; provided that if the city clerk rejects a petition as
12 legally insufficient, the municipality may approve the
13 application prior to the end of the 90 days. If a petition is
14 not submitted within the 90-day petition-gathering period
15 described in subsection (c), the municipality may approve the
16 application unless the approval is otherwise stayed pursuant to
17 this subsection by a separate notice of intent to initiate the
18 petition process filed timely within the 7-day period.

19 If no legally sufficient petition is timely filed, a
20 minimum of 12 months must elapse before a new notice of intent
21 for that same precinct may be submitted.

22 (d) Notwithstanding any law to the contrary, the
23 municipality may enact an ordinance creating a restricted
24 cannabis zone. The ordinance shall:

- 25 (1) identify the applicable precinct boundaries as of
26 the date of the petition;

1 (2) state whether the ordinance prohibits within the
2 defined boundaries of the precinct, and in what
3 combination: (A) one or more types of cannabis business
4 establishments; or (B) home cultivation;

5 (3) be in effect for 4 years, unless repealed earlier;
6 and

7 (4) once in effect, be subject to renewal by ordinance
8 at the expiration of the 4-year period without the need for
9 another supporting petition.

10 (Source: P.A. 101-27, eff. 6-25-19.)

11 (410 ILCS 705/55-30)

12 Sec. 55-30. Confidentiality.

13 (a) Information provided by the cannabis business
14 establishment licensees or applicants to the Department of
15 Agriculture, the Department of Public Health, the Department of
16 Financial and Professional Regulation, the Department of
17 Commerce and Economic Opportunity, or other agency shall be
18 limited to information necessary for the purposes of
19 administering this Act. The information is subject to the
20 provisions and limitations contained in the Freedom of
21 Information Act and may be disclosed in accordance with Section
22 55-65.

23 (b) The following information received and records kept by
24 the Department of Agriculture, the Department of Public Health,
25 the Department of State Police, and the Department of Financial

1 and Professional Regulation for purposes of administering this
2 Article are subject to all applicable federal privacy laws, are
3 confidential and exempt from disclosure under the Freedom of
4 Information Act, except as provided in this Act, and not
5 subject to disclosure to any individual or public or private
6 entity, except to the Department of Financial and Professional
7 Regulation, the Department of Agriculture, the Department of
8 Public Health, and the Department of State Police as necessary
9 to perform official duties under this Article and to the
10 Attorney General as necessary to enforce the provisions of this
11 Act. The following information received and kept by the
12 Department of Financial and Professional Regulation or the
13 Department of Agriculture may be disclosed to the Department of
14 Public Health, the Department of Agriculture, the Department of
15 Revenue, the Department of State Police, or the Attorney
16 General upon proper . ~~The following information received and~~
17 ~~kept by the Department of Financial and Professional Regulation~~
18 ~~or the Department of Agriculture, excluding any existing or~~
19 ~~non existing Illinois or national criminal history record~~
20 ~~information, may be disclosed to the Department of Public~~
21 ~~Health, the Department of Agriculture, the Department of~~
22 ~~Revenue, or the Department of State Police upon request:~~

23 (1) Applications and renewals, their contents, and
24 supporting information submitted by or on behalf of
25 dispensing organizations in compliance with this Article,
26 including their physical addresses;

1 (2) Any plans, procedures, policies, or other records
2 relating to dispensing organization security; and

3 (3) Information otherwise exempt from disclosure by
4 State or federal law.

5 Illinois or national criminal history record information,
6 or the nonexistence or lack of such information, may not be
7 disclosed by the Department of Financial and Professional
8 Regulation or the Department of Agriculture, except as
9 necessary to the Attorney General to enforce this Act.

10 (c) The name and address of a dispensing organization
11 licensed under this Act shall be subject to disclosure under
12 the Freedom of Information Act. The name and cannabis business
13 establishment address of the person or entity holding each
14 cannabis business establishment license shall be subject to
15 disclosure.

16 (d) All information collected by the Department of
17 Financial and Professional Regulation in the course of an
18 examination, inspection, or investigation of a licensee or
19 applicant, including, but not limited to, any complaint against
20 a licensee or applicant filed with the Department and
21 information collected to investigate any such complaint, shall
22 be maintained for the confidential use of the Department and
23 shall not be disclosed, except as otherwise provided in this
24 ~~the~~ Act. A formal complaint against a licensee by the
25 Department or any disciplinary order issued by the Department
26 against a licensee or applicant shall be a public record,

1 except as otherwise provided by law ~~prohibited by law, as~~
2 ~~required by law, or as necessary to enforce the provisions of~~
3 ~~this Act.~~ Complaints from consumers or members of the general
4 public received regarding a specific, named licensee or
5 complaints regarding conduct by unlicensed entities shall be
6 subject to disclosure under the Freedom of Information Act.

7 (e) The Department of Agriculture, the Department of State
8 Police, and the Department of Financial and Professional
9 Regulation shall not share or disclose any Illinois or national
10 criminal history record information, or the nonexistence or
11 lack of such information, ~~existing or non-existing Illinois or~~
12 ~~national criminal history record information~~ to any person or
13 entity not expressly authorized by this Act. ~~As used in this~~
14 ~~Section, "any existing or non existing Illinois or national~~
15 ~~criminal history record information" means any Illinois or~~
16 ~~national criminal history record information, including but~~
17 ~~not limited to the lack of or non existence of these records.~~

18 (f) Each Department responsible for licensure under this
19 Act shall publish on the Department's website a list of the
20 ownership information of cannabis business establishment
21 licensees under the Department's jurisdiction. The list shall
22 include, but is not limited to: the name of the person or
23 entity holding each cannabis business establishment license;
24 and the address at which the entity is operating under this
25 Act. This list shall be published and updated monthly.

26 (Source: P.A. 101-27, eff. 6-25-19; revised 9-10-19.)

1 (410 ILCS 705/55-35)

2 Sec. 55-35. Administrative rulemaking.

3 (a) No later than 180 days after the effective date of this
4 Act, the Department of Agriculture, the Department of State
5 Police, the Department of Financial and Professional
6 Regulation, the Department of Revenue, the Department of
7 Commerce and Economic Opportunity, and the Treasurer's Office
8 shall adopt permanent rules in accordance with their
9 responsibilities under this Act. The Department of
10 Agriculture, the Department of State Police, the Department of
11 Financial and Professional Regulation, the Department of
12 Revenue, and the Department of Commerce and Economic
13 Opportunity may adopt rules necessary to regulate personal
14 cannabis use through the use of emergency rulemaking in
15 accordance with subsection (gg) of Section 5-45 of the Illinois
16 Administrative Procedure Act. The General Assembly finds that
17 the adoption of rules to regulate cannabis use is deemed an
18 emergency and necessary for the public interest, safety, and
19 welfare.

20 (b) The Department of Agriculture rules may address, but
21 are not limited to, the following matters related to
22 cultivation centers, craft growers, infuser organizations, and
23 transporting organizations with the goal of protecting against
24 diversion and theft, without imposing an undue burden on the
25 cultivation centers, craft growers, infuser organizations, or

1 transporting organizations:

2 (1) oversight requirements for cultivation centers,
3 craft growers, infuser organizations, and transporting
4 organizations;

5 (2) recordkeeping requirements for cultivation
6 centers, craft growers, infuser organizations, and
7 transporting organizations;

8 (3) security requirements for cultivation centers,
9 craft growers, infuser organizations, and transporting
10 organizations, which shall include that each cultivation
11 center, craft grower, infuser organization, and
12 transporting organization location must be protected by a
13 fully operational security alarm system;

14 (4) standards for enclosed, locked facilities under
15 this Act;

16 (5) procedures for suspending or revoking the
17 identification cards of agents of cultivation centers,
18 craft growers, infuser organizations, and transporting
19 organizations that commit violations of this Act or the
20 rules adopted under this Section;

21 (6) rules concerning the intrastate transportation of
22 cannabis from a cultivation center, craft grower, infuser
23 organization, and transporting organization to a
24 dispensing organization;

25 (7) standards concerning the testing, quality,
26 cultivation, and processing of cannabis; and

1 (8) any other matters under oversight by the Department
2 of Agriculture as are necessary for the fair, impartial,
3 stringent, and comprehensive administration of this Act.

4 (c) The Department of Financial and Professional
5 Regulation rules may address, but are not limited to, the
6 following matters related to dispensing organizations, with
7 the goal of protecting against diversion and theft, without
8 imposing an undue burden on the dispensing organizations:

9 (1) oversight requirements for dispensing
10 organizations;

11 (2) recordkeeping requirements for dispensing
12 organizations;

13 (3) security requirements for dispensing
14 organizations, which shall include that each dispensing
15 organization location must be protected by a fully
16 operational security alarm system;

17 (4) procedures for suspending or revoking the licenses
18 of dispensing organization agents that commit violations
19 of this Act or the rules adopted under this Act;

20 (5) any other matters under oversight by the Department
21 of Financial and Professional Regulation that are
22 necessary for the fair, impartial, stringent, and
23 comprehensive administration of this Act.

24 (d) The Department of Revenue rules may address, but are
25 not limited to, the following matters related to the payment of
26 taxes by cannabis business establishments:

- 1 (1) recording of sales;
- 2 (2) documentation of taxable income and expenses;
- 3 (3) transfer of funds for the payment of taxes; or
- 4 (4) any other matter under the oversight of the
- 5 Department of Revenue.

6 (e) The Department of Commerce and Economic Opportunity

7 rules may address, but are not limited to, a loan program or

8 grant program to assist Social Equity Applicants access the

9 capital needed to start a cannabis business establishment. The

10 names of recipients and the amounts of any moneys received

11 through a loan program or grant program shall be a public

12 record.

13 (f) The Department of State Police rules may address

14 enforcement of its authority under this Act. The Department of

15 State Police shall not make rules that infringe on the

16 exclusive authority of the Department of Financial and

17 Professional Regulation or the Department of Agriculture over

18 licensees under this Act.

19 ~~(g) The Department of Public Health shall develop and~~

20 ~~disseminate:~~

21 ~~(1) educational information about the health risks~~

22 ~~associated with the use of cannabis; and~~

23 ~~(2) one or more public education campaigns in~~

24 ~~coordination with local health departments and community~~

25 ~~organizations, including one or more prevention campaigns~~

26 ~~directed at children, adolescents, parents, and pregnant~~

1 ~~or breastfeeding women, to inform them of the potential~~
2 ~~health risks associated with intentional or unintentional~~
3 ~~cannabis use.~~

4 (Source: P.A. 101-27, eff. 6-25-19.)

5 (410 ILCS 705/55-65)

6 Sec. 55-65. Financial institutions.

7 (a) A financial institution that provides financial
8 services customarily provided by financial institutions to a
9 cannabis business establishment authorized under this Act or
10 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act, or
11 to a person that is affiliated with such cannabis business
12 establishment, is exempt from any criminal law of this State as
13 it relates to cannabis-related conduct authorized under State
14 law.

15 (b) Upon request of a financial institution, a cannabis
16 business establishment or proposed cannabis business
17 establishment may provide to the financial institution the
18 following information:

19 (1) Whether a cannabis business establishment with
20 which the financial institution is doing or is considering
21 doing business holds a license under this Act or the
22 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act;

23 (2) The name of any other business or individual
24 affiliate with the cannabis business establishment;

25 (3) A copy of the application, and any supporting

1 documentation submitted with the application, for a
2 license or a permit submitted on behalf of the proposed
3 cannabis business establishment;

4 (4) If applicable, data relating to sales and the
5 volume of product sold by the cannabis business
6 establishment;

7 (5) Any past or pending violation by the person of this
8 Act, the Compassionate Use of Medical Cannabis ~~Pilot~~
9 Program Act, or the rules adopted under these Acts where
10 applicable; and

11 (6) Any penalty imposed upon the person for violating
12 this Act, the Compassionate Use of Medical Cannabis ~~Pilot~~
13 Program Act, or the rules adopted under these Acts.

14 (c) (Blank).

15 (d) (Blank).

16 (e) Information received by a financial institution under
17 this Section is confidential. Except as otherwise required or
18 permitted by this Act, State law or rule, or federal law or
19 regulation, a financial institution may not make the
20 information available to any person other than:

21 (1) the customer to whom the information applies;

22 (2) a trustee, conservator, guardian, personal
23 representative, or agent of the customer to whom the
24 information applies; a federal or State regulator when
25 requested in connection with an examination of the
26 financial institution or if otherwise necessary for

1 complying with federal or State law;

2 (3) a federal or State regulator when requested in
3 connection with an examination of the financial
4 institution or if otherwise necessary for complying with
5 federal or State law; and

6 (4) a third party performing services for the financial
7 institution, provided the third party is performing such
8 services under a written agreement that expressly or by
9 operation of law prohibits the third party's sharing and
10 use of such confidential information for any purpose other
11 than as provided in its agreement to provide services to
12 the financial institution.

13 (Source: P.A. 101-27, eff. 6-25-19.)

14 (410 ILCS 705/55-80)

15 Sec. 55-80. Annual reports.

16 (a) The Department of Financial and Professional
17 Regulation shall submit to the General Assembly and Governor a
18 report, by September 30 of each year, that does not disclose
19 any information identifying information about cultivation
20 centers, craft growers, infuser organizations, transporting
21 organizations, or dispensing organizations, but does contain,
22 at a minimum, all of the following information for the previous
23 fiscal year:

24 (1) The number of licenses issued to dispensing
25 organizations by county, or, in counties with greater than

1 3,000,000 residents, by zip code;

2 (2) The total number of dispensing organization owners
3 that are Social Equity Applicants or minority persons,
4 women, or persons with disabilities as those terms are
5 defined in the Business Enterprise for Minorities, Women,
6 and Persons with Disabilities Act;

7 (3) The total number of revenues received from
8 dispensing organizations, segregated from revenues
9 received from dispensing organizations under the
10 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act by
11 county, separated by source of revenue;

12 (4) The total amount of revenue received from
13 dispensing organizations that share a premises or majority
14 ownership with a craft grower;

15 (5) The total amount of revenue received from
16 dispensing organizations that share a premises or majority
17 ownership with an infuser; and

18 (6) An analysis of revenue generated from taxation,
19 licensing, and other fees for the State, including
20 recommendations to change the tax rate applied.

21 (b) The Department of Agriculture shall submit to the
22 General Assembly and Governor a report, by September 30 of each
23 year, that does not disclose any information identifying
24 information about cultivation centers, craft growers, infuser
25 organizations, transporting organizations, or dispensing
26 organizations, but does contain, at a minimum, all of the

1 following information for the previous fiscal year:

2 (1) The number of licenses issued to cultivation
3 centers, craft growers, infusers, and transporters by
4 license type, and, in counties with more than 3,000,000
5 residents, by zip code;

6 (2) The total number of cultivation centers, craft
7 growers, infusers, and transporters by license type that
8 are Social Equity Applicants or minority persons, women, or
9 persons with disabilities as those terms are defined in the
10 Business Enterprise for Minorities, Women, and Persons
11 with Disabilities Act;

12 (3) The total amount of revenue received from
13 cultivation centers, craft growers, infusers, and
14 transporters, separated by license types and source of
15 revenue;

16 (4) The total amount of revenue received from craft
17 growers and infusers that share a premises or majority
18 ownership with a dispensing organization;

19 (5) The total amount of revenue received from craft
20 growers that share a premises or majority ownership with an
21 infuser, but do not share a premises or ownership with a
22 dispensary;

23 (6) The total amount of revenue received from infusers
24 that share a premises or majority ownership with a craft
25 grower, but do not share a premises or ownership with a
26 dispensary;

1 (7) The total amount of revenue received from craft
2 growers that share a premises or majority ownership with a
3 dispensing organization, but do not share a premises or
4 ownership with an infuser;

5 (8) The total amount of revenue received from infusers
6 that share a premises or majority ownership with a
7 dispensing organization, but do not share a premises or
8 ownership with a craft grower;

9 (9) The total amount of revenue received from
10 transporters; and

11 (10) An analysis of revenue generated from taxation,
12 licensing, and other fees for the State, including
13 recommendations to change the tax rate applied.

14 (c) The Department of State Police shall submit to the
15 General Assembly and Governor a report, by September 30 of each
16 year that contains, at a minimum, all of the following
17 information for the previous fiscal year:

18 (1) The effect of regulation and taxation of cannabis
19 on law enforcement resources;

20 (2) The impact of regulation and taxation of cannabis
21 on highway and waterway safety and rates of impaired
22 driving or operating ~~safety and rates of impaired driving,~~
23 where impairment was determined based on failure of a field
24 sobriety test;

25 (3) The available and emerging methods for detecting
26 the metabolites for delta-9-tetrahydrocannabinol in bodily

1 fluids, including, without limitation, blood and saliva;

2 (4) The effectiveness of current DUI laws and
3 recommendations for improvements to policy to better
4 ensure safe highways and fair laws.

5 (d) The Adult Use Cannabis Health Advisory Committee shall
6 submit to the General Assembly and Governor a report, by
7 September 30 of each year, that does not disclose any
8 identifying information about any individuals, but does
9 contain, at a minimum:

10 (1) Self-reported youth cannabis use, as published in
11 the most recent Illinois Youth Survey available;

12 (2) Self-reported adult cannabis use, as published in
13 the most recent Behavioral Risk Factor Surveillance Survey
14 available;

15 (3) Hospital room admissions and hospital utilization
16 rates caused by cannabis consumption, including the
17 presence or detection of other drugs;

18 (4) Overdoses of cannabis and poison control data,
19 including the presence of other drugs that may have
20 contributed;

21 (5) Incidents of impaired driving caused by the
22 consumption of cannabis or cannabis products, including
23 the presence of other drugs or alcohol that may have
24 contributed to the impaired driving;

25 (6) Prevalence of infants born testing positive for
26 cannabis or delta-9-tetrahydrocannabinol, including

1 demographic and racial information on which infants are
2 tested;

3 (7) Public perceptions of use and risk of harm;

4 (8) Revenue collected from cannabis taxation and how
5 that revenue was used;

6 (9) Cannabis retail licenses granted and locations;

7 (10) Cannabis-related arrests; and

8 (11) The number of individuals completing required bud
9 tender training.

10 (e) Each agency or committee submitting reports under this
11 Section may consult with one another in the preparation of each
12 report.

13 (Source: P.A. 101-27, eff. 6-25-19.)

14 (410 ILCS 705/55-85)

15 Sec. 55-85. Medical cannabis.

16 (a) Nothing in this Act shall be construed to limit any
17 privileges or rights of a medical cannabis patient including
18 minor patients, primary caregiver, medical cannabis
19 cultivation center, or medical cannabis dispensing
20 organization under the Compassionate Use of Medical Cannabis
21 ~~Pilot~~ Program Act, and where there is conflict between this Act
22 and the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act
23 as they relate to medical cannabis patients, the Compassionate
24 Use of Medical Cannabis ~~Pilot~~ Program Act shall prevail.

25 (b) Dispensary locations that obtain an Early Approval

1 Adult Use Dispensary Organization License or an Adult Use
2 Dispensary Organization License in accordance with this Act at
3 the same location as a medical cannabis dispensing organization
4 registered under the Compassionate Use of Medical Cannabis
5 ~~Pilot~~ Program Act shall maintain an inventory of medical
6 cannabis and medical cannabis products on a monthly basis that
7 is substantially similar in variety and quantity to the
8 products offered at the dispensary during the 6-month period
9 immediately before the effective date of this Act.

10 (c) Beginning June 30, 2020, the Department of Agriculture
11 shall make a quarterly determination whether inventory
12 requirements established for dispensaries in subsection (b)
13 should be adjusted due to changing patient need.

14 (Source: P.A. 101-27, eff. 6-25-19.)

15 (410 ILCS 705/55-95)

16 Sec. 55-95. Conflict of interest. A person is ineligible to
17 apply for, hold, or own financial or voting interest, other
18 than a passive interest in a publicly traded company, in any
19 cannabis business license under this Act during the 2-year
20 period following the effective date of this Act if, on ~~within a~~
21 ~~2-year period from~~ the effective date of this Act, the person
22 or his or her spouse or immediate ~~immediately~~ family member was
23 a member of the General Assembly or a State employee at an
24 agency that regulates cannabis business establishment license
25 holders who participated personally and substantially in the

1 award of licenses under this Act. A person who violates this
2 Section shall be guilty under subsection (b) of Section 50-5 of
3 the State Officials and Employees Ethics Act.

4 (Source: P.A. 101-27, eff. 6-25-19.)

5 (410 ILCS 705/60-5)

6 Sec. 60-5. Definitions. In this Article:

7 "Cannabis" has the meaning given to that term in Article 1
8 of this Act, except that it does not include cannabis that is
9 subject to tax under the Compassionate Use of Medical Cannabis
10 ~~Pilot~~ Program Act.

11 "Craft grower" has the meaning given to that term in
12 Article 1 of this Act.

13 "Cultivation center" has the meaning given to that term in
14 Article 1 of this Act.

15 "Cultivator" or "taxpayer" means a cultivation center or
16 craft grower who is subject to tax under this Article.

17 "Department" means the Department of Revenue.

18 "Director" means the Director of Revenue.

19 "Dispensing organization" or "dispensary" has the meaning
20 given to that term in Article 1 of this Act.

21 "Gross receipts" from the sales of cannabis by a cultivator
22 means the total selling price or the amount of such sales, as
23 defined in this Article. In the case of charges and time sales,
24 the amount thereof shall be included only when payments are
25 received by the cultivator.

1 "Person" means a natural individual, firm, partnership,
2 association, joint stock company, joint adventure, public or
3 private corporation, limited liability company, or a receiver,
4 executor, trustee, guardian, or other representative appointed
5 by order of any court.

6 "Infuser" means "infuser organization" or "infuser" as
7 defined in Article 1 of this Act.

8 "Selling price" or "amount of sale" means the consideration
9 for a sale valued in money whether received in money or
10 otherwise, including cash, credits, property, and services,
11 and shall be determined without any deduction on account of the
12 cost of the property sold, the cost of materials used, labor or
13 service cost, or any other expense whatsoever, but does not
14 include separately stated charges identified on the invoice by
15 cultivators to reimburse themselves for their tax liability
16 under this Article.

17 (Source: P.A. 101-27, eff. 6-25-19.)

18 (410 ILCS 705/60-20)

19 Sec. 60-20. Return and payment of cannabis cultivation
20 privilege tax. Each person who is required to pay the tax
21 imposed by this Article shall make a return to the Department
22 on or before the 20th day of each month for the preceding
23 calendar month stating the following:

24 (1) the taxpayer's name;

25 (2) the address of the taxpayer's principal place of

1 business and the address of the principal place of business
2 (if that is a different address) from which the taxpayer is
3 engaged in the business of cultivating cannabis subject to
4 tax under this Article;

5 (3) the total amount of receipts received by the
6 taxpayer during the preceding calendar month from sales of
7 cannabis subject to tax under this Article by the taxpayer
8 during the preceding calendar month;

9 (4) the total amount received by the taxpayer during
10 the preceding calendar month on charge and time sales of
11 cannabis subject to tax imposed under this Article by the
12 taxpayer before the month for which the return is filed;

13 (5) deductions allowed by law;

14 (6) gross receipts that were received by the taxpayer
15 during the preceding calendar month and upon the basis of
16 which the tax is imposed;

17 (7) the amount of tax due;

18 (8) the signature of the taxpayer; and

19 (9) any other information as the Department may
20 reasonably require.

21 All returns required to be filed and payments required to
22 be made under this Article shall be by electronic means.
23 Taxpayers who demonstrate hardship in paying electronically
24 may petition the Department to waive the electronic payment
25 requirement. The Department may require a separate return for
26 the tax under this Article or combine the return for the tax

1 under this Article with the return for the tax under the
2 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act. If the
3 return for the tax under this Article is combined with the
4 return for tax under the Compassionate Use of Medical Cannabis
5 ~~Pilot~~ Program Act, then the vendor's discount allowed under
6 this Section and any cap on that discount shall apply to the
7 combined return. The taxpayer making the return provided for in
8 this Section shall also pay to the Department, in accordance
9 with this Section, the amount of tax imposed by this Article,
10 less a discount of 1.75%, but not to exceed \$1,000 per return
11 period, which is allowed to reimburse the taxpayer for the
12 expenses incurred in keeping records, collecting tax,
13 preparing and filing returns, remitting the tax, and supplying
14 data to the Department upon request. No discount may be claimed
15 by a taxpayer on returns not timely filed and for taxes not
16 timely remitted. No discount may be claimed by a taxpayer for
17 any return that is not filed electronically. No discount may be
18 claimed by a taxpayer for any payment that is not made
19 electronically, unless a waiver has been granted under this
20 Section. Any amount that is required to be shown or reported on
21 any return or other document under this Article shall, if the
22 amount is not a whole-dollar amount, be increased to the
23 nearest whole-dollar amount if the fractional part of a dollar
24 is \$0.50 or more and decreased to the nearest whole-dollar
25 amount if the fractional part of a dollar is less than \$0.50.
26 If a total amount of less than \$1 is payable, refundable, or

1 creditable, the amount shall be disregarded if it is less than
2 \$0.50 and shall be increased to \$1 if it is \$0.50 or more.
3 Notwithstanding any other provision of this Article concerning
4 the time within which a taxpayer may file a return, any such
5 taxpayer who ceases to engage in the kind of business that
6 makes the person responsible for filing returns under this
7 Article shall file a final return under this Article with the
8 Department within one month after discontinuing such business.

9 Each taxpayer under this Article shall make estimated
10 payments to the Department on or before the 7th, 15th, 22nd,
11 and last day of the month during which tax liability to the
12 Department is incurred. The payments shall be in an amount not
13 less than the lower of either 22.5% of the taxpayer's actual
14 tax liability for the month or 25% of the taxpayer's actual tax
15 liability for the same calendar month of the preceding year.
16 The amount of the quarter-monthly payments shall be credited
17 against the final tax liability of the taxpayer's return for
18 that month. If any quarter-monthly payment is not paid at the
19 time or in the amount required by this Section, then the
20 taxpayer shall be liable for penalties and interest on the
21 difference between the minimum amount due as a payment and the
22 amount of the quarter-monthly payment actually and timely paid,
23 except insofar as the taxpayer has previously made payments for
24 that month to the Department in excess of the minimum payments
25 previously due as provided in this Section.

26 If any payment provided for in this Section exceeds the

1 taxpayer's liabilities under this Article, as shown on an
2 original monthly return, the Department shall, if requested by
3 the taxpayer, issue to the taxpayer a credit memorandum no
4 later than 30 days after the date of payment. The credit
5 evidenced by the credit memorandum may be assigned by the
6 taxpayer to a similar taxpayer under this Act, in accordance
7 with reasonable rules to be prescribed by the Department. If no
8 such request is made, the taxpayer may credit the excess
9 payment against tax liability subsequently to be remitted to
10 the Department under this Act, in accordance with reasonable
11 rules prescribed by the Department. If the Department
12 subsequently determines that all or any part of the credit
13 taken was not actually due to the taxpayer, the taxpayer's
14 discount shall be reduced, if necessary, to reflect the
15 difference between the credit taken and that actually due, and
16 that taxpayer shall be liable for penalties and interest on the
17 difference.

18 If a taxpayer fails to sign a return within 30 days after
19 the proper notice and demand for signature by the Department is
20 received by the taxpayer, the return shall be considered valid
21 and any amount shown to be due on the return shall be deemed
22 assessed.

23 (Source: P.A. 101-27, eff. 6-25-19.)

24 (410 ILCS 705/65-5)

25 Sec. 65-5. Definitions. In this Article:

1 "Adjusted delta-9-tetrahydrocannabinol level" means, for a
2 delta-9-tetrahydrocannabinol dominant product, the sum of the
3 percentage of delta-9-tetrahydrocannabinol plus .877
4 multiplied by the percentage of tetrahydrocannabinolic acid.

5 "Cannabis" has the meaning given to that term in Article 1
6 of this Act, except that it does not include cannabis that is
7 subject to tax under the Compassionate Use of Medical Cannabis
8 ~~Pilot~~ Program Act.

9 "Cannabis-infused product" means beverage food, oils,
10 ointments, tincture, topical formulation, or another product
11 containing cannabis that is not intended to be smoked.

12 "Cannabis retailer" means a dispensing organization that
13 sells cannabis for use and not for resale.

14 "Craft grower" has the meaning given to that term in
15 Article 1 of this Act.

16 "Department" means the Department of Revenue.

17 "Director" means the Director of Revenue.

18 "Dispensing organization" or "dispensary" has the meaning
19 given to that term in Article 1 of this Act.

20 "Person" means a natural individual, firm, partnership,
21 association, joint stock company, joint adventure, public or
22 private corporation, limited liability company, or a receiver,
23 executor, trustee, guardian, or other representative appointed
24 by order of any court.

25 "Infuser organization" or "infuser" means a facility
26 operated by an organization or business that is licensed by the

1 Department of Agriculture to directly incorporate cannabis or
2 cannabis concentrate into a product formulation to produce a
3 cannabis-infused product.

4 "Purchase price" means the consideration paid for a
5 purchase of cannabis, valued in money, whether received in
6 money or otherwise, including cash, gift cards, credits, and
7 property and shall be determined without any deduction on
8 account of the cost of materials used, labor or service costs,
9 or any other expense whatsoever. However, "purchase price" does
10 not include consideration paid for:

11 (1) any charge for a payment that is not honored by a
12 financial institution;

13 (2) any finance or credit charge, penalty or charge for
14 delayed payment, or discount for prompt payment; and

15 (3) any amounts added to a purchaser's bill because of
16 charges made under the tax imposed by this Article, the
17 Municipal Cannabis Retailers' Occupation Tax Law, the
18 County Cannabis Retailers' Occupation Tax Law, the
19 Retailers' Occupation Tax Act, the Use Tax Act, the Service
20 Occupation Tax Act, the Service Use Tax Act, or any locally
21 imposed occupation or use tax.

22 "Purchaser" means a person who acquires cannabis for a
23 valuable consideration.

24 "Taxpayer" means a cannabis retailer who is required to
25 collect the tax imposed under this Article.

26 (Source: P.A. 101-27, eff. 6-25-19.)

1 (410 ILCS 705/65-10)

2 Sec. 65-10. Tax imposed.

3 (a) Beginning January 1, 2020, a tax is imposed upon
4 purchasers for the privilege of using cannabis at the following
5 rates:

6 (1) Any cannabis, other than a cannabis-infused
7 product, with an adjusted delta-9-tetrahydrocannabinol
8 level at or below 35% shall be taxed at a rate of 10% of the
9 purchase price;

10 (2) Any cannabis, other than a cannabis-infused
11 product, with an adjusted delta-9-tetrahydrocannabinol
12 level above 35% shall be taxed at a rate of 25% of the
13 purchase price; and

14 (3) A cannabis-infused product shall be taxed at a rate
15 of 20% of the purchase price.

16 (b) The purchase of any product that contains any amount of
17 cannabis or any derivative thereof is subject to the tax under
18 subsection (a) of this Section on the full purchase price of
19 the product.

20 (c) The tax imposed under this Section is not imposed on
21 cannabis that is subject to tax under the Compassionate Use of
22 Medical Cannabis ~~Pilot~~ Program Act. The tax imposed by this
23 Section is not imposed with respect to any transaction in
24 interstate commerce, to the extent the transaction may not,
25 under the Constitution and statutes of the United States, be

1 made the subject of taxation by this State.

2 (d) The tax imposed under this Article shall be in addition
3 to all other occupation, privilege, or excise taxes imposed by
4 the State of Illinois or by any municipal corporation or
5 political subdivision thereof.

6 (e) The tax imposed under this Article shall not be imposed
7 on any purchase by a purchaser if the cannabis retailer is
8 prohibited by federal or State Constitution, treaty,
9 convention, statute, or court decision from collecting the tax
10 from the purchaser.

11 (Source: P.A. 101-27, eff. 6-25-19.)

12 (410 ILCS 705/65-15)

13 Sec. 65-15. Collection of tax.

14 (a) The tax imposed by this Article shall be collected from
15 the purchaser by the cannabis retailer at the rate stated in
16 Section 65-10 with respect to cannabis sold by the cannabis
17 retailer to the purchaser, and shall be remitted to the
18 Department as provided in Section 65-30. All sales to a
19 purchaser who is not a cardholder under the Compassionate Use
20 of Medical Cannabis ~~Pilot~~ Program Act are presumed subject to
21 tax collection. Cannabis retailers shall collect the tax from
22 purchasers by adding the tax to the amount of the purchase
23 price received from the purchaser for selling cannabis to the
24 purchaser. The tax imposed by this Article shall, when
25 collected, be stated as a distinct item separate and apart from

1 the purchase price of the cannabis.

2 (b) If a cannabis retailer collects Cannabis Purchaser
3 Excise Tax measured by a purchase price that is not subject to
4 Cannabis Purchaser Excise Tax, or if a cannabis retailer, in
5 collecting Cannabis Purchaser Excise Tax measured by a purchase
6 price that is subject to tax under this Act, collects more from
7 the purchaser than the required amount of the Cannabis
8 Purchaser Excise Tax on the transaction, the purchaser shall
9 have a legal right to claim a refund of that amount from the
10 cannabis retailer. If, however, that amount is not refunded to
11 the purchaser for any reason, the cannabis retailer is liable
12 to pay that amount to the Department.

13 (c) Any person purchasing cannabis subject to tax under
14 this Article as to which there has been no charge made to him
15 or her of the tax imposed by Section 65-10 shall make payment
16 of the tax imposed by Section 65-10 in the form and manner
17 provided by the Department not later than the 20th day of the
18 month following the month of purchase of the cannabis.

19 (Source: P.A. 101-27, eff. 6-25-19.)

20 Section 30. The Illinois Vehicle Code is amended by
21 changing Sections 2-118.2, 6-206.1, and 11-501.10 as follows:

22 (625 ILCS 5/2-118.2)

23 Sec. 2-118.2. Opportunity for hearing; cannabis-related
24 suspension under Section 11-501.9.

1 (a) A suspension of driving privileges under Section
2 11-501.9 of this Code shall not become effective until the
3 person is notified in writing of the impending suspension and
4 informed that he or she may request a hearing in the circuit
5 court of venue under subsection (b) of this Section and the
6 suspension shall become effective as provided in Section
7 11-501.9.

8 (b) Within 90 days after the notice of suspension served
9 under Section 11-501.9, the person may make a written request
10 for a judicial hearing in the circuit court of venue. The
11 request to the circuit court shall state the grounds upon which
12 the person seeks to have the suspension rescinded. Within 30
13 days after receipt of the written request or the first
14 appearance date on the Uniform Traffic Ticket issued for a
15 violation of Section 11-501 of this Code, or a similar
16 provision of a local ordinance, the hearing shall be conducted
17 by the circuit court having jurisdiction. This judicial
18 hearing, request, or process shall not stay or delay the
19 suspension. The hearing shall proceed in the court in the same
20 manner as in other civil proceedings.

21 The hearing may be conducted upon a review of the law
22 enforcement officer's own official reports; provided however,
23 that the person may subpoena the officer. Failure of the
24 officer to answer the subpoena shall be considered grounds for
25 a continuance if in the court's discretion the continuance is
26 appropriate.

1 The scope of the hearing shall be limited to the issues of:

2 (1) Whether the officer had reasonable suspicion to
3 believe that the person was driving or in actual physical
4 control of a motor vehicle upon a highway while impaired by
5 the use of cannabis; and

6 (2) Whether the person, after being advised by the
7 officer that the privilege to operate a motor vehicle would
8 be suspended if the person refused to submit to and
9 complete ~~the~~ field sobriety tests or validated roadside
10 chemical tests, did refuse to submit to or complete ~~the~~
11 field sobriety tests or validated roadside chemical tests
12 authorized under Section 11-501.9; and

13 (3) Whether the person after being advised by the
14 officer that the privilege to operate a motor vehicle would
15 be suspended if the person submitted to field sobriety
16 tests or validated roadside chemical tests that disclosed
17 the person was impaired by the use of cannabis, did submit
18 to field sobriety tests or validated roadside chemical
19 tests that disclosed that the person was impaired by the
20 use of cannabis.

21 Upon the conclusion of the judicial hearing, the circuit
22 court shall sustain or rescind the suspension and immediately
23 notify the Secretary of State. Reports received by the
24 Secretary of State under this Section shall be privileged
25 information and for use only by the courts, police officers,
26 and Secretary of State.

1 (Source: P.A. 101-27, eff. 6-25-19; 101-363, eff. 8-9-19.)

2 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

3 Sec. 6-206.1. Monitoring Device Driving Permit.
4 Declaration of Policy. It is hereby declared a policy of the
5 State of Illinois that the driver who is impaired by alcohol,
6 other drug or drugs, or intoxicating compound or compounds is a
7 threat to the public safety and welfare. Therefore, to provide
8 a deterrent to such practice, a statutory summary driver's
9 license suspension is appropriate. It is also recognized that
10 driving is a privilege and therefore, that the granting of
11 driving privileges, in a manner consistent with public safety,
12 is warranted during the period of suspension in the form of a
13 monitoring device driving permit. A person who drives and fails
14 to comply with the requirements of the monitoring device
15 driving permit commits a violation of Section 6-303 of this
16 Code.

17 The following procedures shall apply whenever a first
18 offender, as defined in Section 11-500 of this Code, is
19 arrested for any offense as defined in Section 11-501 or a
20 similar provision of a local ordinance and is subject to the
21 provisions of Section 11-501.1:

22 (a) Upon mailing of the notice of suspension of driving
23 privileges as provided in subsection (h) of Section 11-501.1 of
24 this Code, the Secretary shall also send written notice
25 informing the person that he or she will be issued a monitoring

1 device driving permit (MDDP). The notice shall include, at
2 minimum, information summarizing the procedure to be followed
3 for issuance of the MDDP, installation of the breath alcohol
4 ignition installation device (BAIID), as provided in this
5 Section, exemption from BAIID installation requirements, and
6 procedures to be followed by those seeking indigent status, as
7 provided in this Section. The notice shall also include
8 information summarizing the procedure to be followed if the
9 person wishes to decline issuance of the MDDP. A copy of the
10 notice shall also be sent to the court of venue together with
11 the notice of suspension of driving privileges, as provided in
12 subsection (h) of Section 11-501. However, a MDDP shall not be
13 issued if the Secretary finds that:

14 (1) the offender's driver's license is otherwise
15 invalid;

16 (2) death or great bodily harm to another resulted from
17 the arrest for Section 11-501;

18 (3) the offender has been previously convicted of
19 reckless homicide or aggravated driving under the
20 influence involving death; or

21 (4) the offender is less than 18 years of age. ~~or~~

22 ~~(5) the offender is a qualifying patient licensed under~~
23 ~~the Compassionate Use of Medical Cannabis Program Act who~~
24 ~~is in possession of a valid registry card issued under that~~
25 ~~Act and refused to submit to standardized field sobriety~~
26 ~~tests as required by subsection (a) of Section 11-501.9 or~~

1 ~~did submit to testing which disclosed the person was~~
2 ~~impaired by the use of cannabis.~~

3 Any offender participating in the MDDP program must pay the
4 Secretary a MDDP Administration Fee in an amount not to exceed
5 \$30 per month, to be deposited into the Monitoring Device
6 Driving Permit Administration Fee Fund. The Secretary shall
7 establish by rule the amount and the procedures, terms, and
8 conditions relating to these fees. The offender must have an
9 ignition interlock device installed within 14 days of the date
10 the Secretary issues the MDDP. The ignition interlock device
11 provider must notify the Secretary, in a manner and form
12 prescribed by the Secretary, of the installation. If the
13 Secretary does not receive notice of installation, the
14 Secretary shall cancel the MDDP.

15 Upon receipt of the notice, as provided in paragraph (a) of
16 this Section, the person may file a petition to decline
17 issuance of the MDDP with the court of venue. The court shall
18 admonish the offender of all consequences of declining issuance
19 of the MDDP including, but not limited to, the enhanced
20 penalties for driving while suspended. After being so
21 admonished, the offender shall be permitted, in writing, to
22 execute a notice declining issuance of the MDDP. This notice
23 shall be filed with the court and forwarded by the clerk of the
24 court to the Secretary. The offender may, at any time
25 thereafter, apply to the Secretary for issuance of a MDDP.

26 (a-1) A person issued a MDDP may drive for any purpose and

1 at any time, subject to the rules adopted by the Secretary
2 under subsection (g). The person must, at his or her own
3 expense, drive only vehicles equipped with an ignition
4 interlock device as defined in Section 1-129.1, but in no event
5 shall such person drive a commercial motor vehicle.

6 (a-2) Persons who are issued a MDDP and must drive
7 employer-owned vehicles in the course of their employment
8 duties may seek permission to drive an employer-owned vehicle
9 that does not have an ignition interlock device. The employer
10 shall provide to the Secretary a form, as prescribed by the
11 Secretary, completed by the employer verifying that the
12 employee must drive an employer-owned vehicle in the course of
13 employment. If approved by the Secretary, the form must be in
14 the driver's possession while operating an employer-owner
15 vehicle not equipped with an ignition interlock device. No
16 person may use this exemption to drive a school bus, school
17 vehicle, or a vehicle designed to transport more than 15
18 passengers. No person may use this exemption to drive an
19 employer-owned motor vehicle that is owned by an entity that is
20 wholly or partially owned by the person holding the MDDP, or by
21 a family member of the person holding the MDDP. No person may
22 use this exemption to drive an employer-owned vehicle that is
23 made available to the employee for personal use. No person may
24 drive the exempted vehicle more than 12 hours per day, 6 days
25 per week.

26 (a-3) Persons who are issued a MDDP and who must drive a

1 farm tractor to and from a farm, within 50 air miles from the
2 originating farm are exempt from installation of a BAIID on the
3 farm tractor, so long as the farm tractor is being used for the
4 exclusive purpose of conducting farm operations.

5 (b) (Blank).

6 (c) (Blank).

7 (c-1) If the holder of the MDDP is convicted of or receives
8 court supervision for a violation of Section 6-206.2, 6-303,
9 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
10 provision of a local ordinance or a similar out-of-state
11 offense or is convicted of or receives court supervision for
12 any offense for which alcohol or drugs is an element of the
13 offense and in which a motor vehicle was involved (for an
14 arrest other than the one for which the MDDP is issued), or
15 de-installs the BAIID without prior authorization from the
16 Secretary, the MDDP shall be cancelled.

17 (c-5) If the Secretary determines that the person seeking
18 the MDDP is indigent, the Secretary shall provide the person
19 with a written document as evidence of that determination, and
20 the person shall provide that written document to an ignition
21 interlock device provider. The provider shall install an
22 ignition interlock device on that person's vehicle without
23 charge to the person, and seek reimbursement from the Indigent
24 BAIID Fund. If the Secretary has deemed an offender indigent,
25 the BAIID provider shall also provide the normal monthly
26 monitoring services and the de-installation without charge to

1 the offender and seek reimbursement from the Indigent BAIID
2 Fund. Any other monetary charges, such as a lockout fee or
3 reset fee, shall be the responsibility of the MDDP holder. A
4 BAIID provider may not seek a security deposit from the
5 Indigent BAIID Fund.

6 (d) MDDP information shall be available only to the courts,
7 police officers, and the Secretary, except during the actual
8 period the MDDP is valid, during which time it shall be a
9 public record.

10 (e) (Blank).

11 (f) (Blank).

12 (g) The Secretary shall adopt rules for implementing this
13 Section. The rules adopted shall address issues including, but
14 not limited to: compliance with the requirements of the MDDP;
15 methods for determining compliance with those requirements;
16 the consequences of noncompliance with those requirements;
17 what constitutes a violation of the MDDP; methods for
18 determining indigency; and the duties of a person or entity
19 that supplies the ignition interlock device.

20 (h) The rules adopted under subsection (g) shall provide,
21 at a minimum, that the person is not in compliance with the
22 requirements of the MDDP if he or she:

23 (1) tampers or attempts to tamper with or circumvent
24 the proper operation of the ignition interlock device;

25 (2) provides valid breath samples that register blood
26 alcohol levels in excess of the number of times allowed

1 under the rules;

2 (3) fails to provide evidence sufficient to satisfy the
3 Secretary that the ignition interlock device has been
4 installed in the designated vehicle or vehicles; or

5 (4) fails to follow any other applicable rules adopted
6 by the Secretary.

7 (i) Any person or entity that supplies an ignition
8 interlock device as provided under this Section shall, in
9 addition to supplying only those devices which fully comply
10 with all the rules adopted under subsection (g), provide the
11 Secretary, within 7 days of inspection, all monitoring reports
12 of each person who has had an ignition interlock device
13 installed. These reports shall be furnished in a manner or form
14 as prescribed by the Secretary.

15 (j) Upon making a determination that a violation of the
16 requirements of the MDDP has occurred, the Secretary shall
17 extend the summary suspension period for an additional 3 months
18 beyond the originally imposed summary suspension period,
19 during which time the person shall only be allowed to drive
20 vehicles equipped with an ignition interlock device; provided
21 further there are no limitations on the total number of times
22 the summary suspension may be extended. The Secretary may,
23 however, limit the number of extensions imposed for violations
24 occurring during any one monitoring period, as set forth by
25 rule. Any person whose summary suspension is extended pursuant
26 to this Section shall have the right to contest the extension

1 through a hearing with the Secretary, pursuant to Section 2-118
2 of this Code. If the summary suspension has already terminated
3 prior to the Secretary receiving the monitoring report that
4 shows a violation, the Secretary shall be authorized to suspend
5 the person's driving privileges for 3 months, provided that the
6 Secretary may, by rule, limit the number of suspensions to be
7 entered pursuant to this paragraph for violations occurring
8 during any one monitoring period. Any person whose license is
9 suspended pursuant to this paragraph, after the summary
10 suspension had already terminated, shall have the right to
11 contest the suspension through a hearing with the Secretary,
12 pursuant to Section 2-118 of this Code. The only permit the
13 person shall be eligible for during this new suspension period
14 is a MDDP.

15 (k) A person who has had his or her summary suspension
16 extended for the third time, or has any combination of 3
17 extensions and new suspensions, entered as a result of a
18 violation that occurred while holding the MDDP, so long as the
19 extensions and new suspensions relate to the same summary
20 suspension, shall have his or her vehicle impounded for a
21 period of 30 days, at the person's own expense. A person who
22 has his or her summary suspension extended for the fourth time,
23 or has any combination of 4 extensions and new suspensions,
24 entered as a result of a violation that occurred while holding
25 the MDDP, so long as the extensions and new suspensions relate
26 to the same summary suspension, shall have his or her vehicle

1 subject to seizure and forfeiture. The Secretary shall notify
2 the prosecuting authority of any third or fourth extensions or
3 new suspension entered as a result of a violation that occurred
4 while the person held a MDDP. Upon receipt of the notification,
5 the prosecuting authority shall impound or forfeit the vehicle.
6 The impoundment or forfeiture of a vehicle shall be conducted
7 pursuant to the procedure specified in Article 36 of the
8 Criminal Code of 2012.

9 (l) A person whose driving privileges have been suspended
10 under Section 11-501.1 of this Code and who had a MDDP that was
11 cancelled, or would have been cancelled had notification of a
12 violation been received prior to expiration of the MDDP,
13 pursuant to subsection (c-1) of this Section, shall not be
14 eligible for reinstatement when the summary suspension is
15 scheduled to terminate. Instead, the person's driving
16 privileges shall be suspended for a period of not less than
17 twice the original summary suspension period, or for the length
18 of any extensions entered under subsection (j), whichever is
19 longer. During the period of suspension, the person shall be
20 eligible only to apply for a restricted driving permit. If a
21 restricted driving permit is granted, the offender may only
22 operate vehicles equipped with a BAIID in accordance with this
23 Section.

24 (m) Any person or entity that supplies an ignition
25 interlock device under this Section shall, for each ignition
26 interlock device installed, pay 5% of the total gross revenue

1 received for the device, including monthly monitoring fees,
2 into the Indigent BAIID Fund. This 5% shall be clearly
3 indicated as a separate surcharge on each invoice that is
4 issued. The Secretary shall conduct an annual review of the
5 fund to determine whether the surcharge is sufficient to
6 provide for indigent users. The Secretary may increase or
7 decrease this surcharge requirement as needed.

8 (n) Any person or entity that supplies an ignition
9 interlock device under this Section that is requested to
10 provide an ignition interlock device to a person who presents
11 written documentation of indigency from the Secretary, as
12 provided in subsection (c-5) of this Section, shall install the
13 device on the person's vehicle without charge to the person and
14 shall seek reimbursement from the Indigent BAIID Fund.

15 (o) The Indigent BAIID Fund is created as a special fund in
16 the State treasury. The Secretary shall, subject to
17 appropriation by the General Assembly, use all money in the
18 Indigent BAIID Fund to reimburse ignition interlock device
19 providers who have installed devices in vehicles of indigent
20 persons. The Secretary shall make payments to such providers
21 every 3 months. If the amount of money in the fund at the time
22 payments are made is not sufficient to pay all requests for
23 reimbursement submitted during that 3 month period, the
24 Secretary shall make payments on a pro-rata basis, and those
25 payments shall be considered payment in full for the requests
26 submitted.

1 (p) The Monitoring Device Driving Permit Administration
2 Fee Fund is created as a special fund in the State treasury.
3 The Secretary shall, subject to appropriation by the General
4 Assembly, use the money paid into this fund to offset its
5 administrative costs for administering MDDPs.

6 (q) The Secretary is authorized to prescribe such forms as
7 it deems necessary to carry out the provisions of this Section.
8 (Source: P.A. 101-363, eff. 8-9-19.)

9 (625 ILCS 5/11-501.10)

10 (Section scheduled to be repealed on July 1, 2021)

11 Sec. 11-501.10. DUI Cannabis Task Force.

12 (a) The DUI Cannabis Task Force is hereby created to study
13 the issue of driving under the influence of cannabis. The Task
14 Force shall consist of the following members:

15 (1) The Director of State Police, or his or her
16 designee, who shall serve as chair;

17 (2) The Secretary of State, or his or her designee;

18 (3) The President of the Illinois State's Attorneys
19 Association, or his or her designee;

20 (4) The President of the Illinois Association of
21 Criminal Defense Lawyers, or his or her designee;

22 (5) One member appointed by the Speaker of the House of
23 Representatives;

24 (6) One member appointed by the Minority Leader of the
25 House of Representatives;

1 (7) One member appointed by the President of the
2 Senate;

3 (8) One member appointed by the Minority Leader of the
4 Senate;

5 (9) One member of an organization dedicated to end
6 drunk driving and drugged driving;

7 (10) The president of a statewide bar association,
8 appointed by the Governor; ~~and~~

9 (11) One member of a statewide organization
10 representing civil and constitutional rights, appointed by
11 the Governor;

12 (12) One member of a statewide association
13 representing chiefs of police, appointed by the Governor;
14 and

15 (13) One member of a statewide association
16 representing sheriffs, appointed by the Governor.

17 (b) The members of the Task Force shall serve without
18 compensation.

19 (c) The Task Force shall examine best practices in the area
20 of driving under the influence of cannabis enforcement,
21 including examining emerging technology in roadside testing.

22 (d) The Task Force shall meet no fewer than 3 times and
23 shall present its report and recommendations on improvements to
24 enforcement of driving under the influence of cannabis, in
25 electronic format, to the Governor and the General Assembly no
26 later than July 1, 2020.

1 (e) The Department of State Police shall provide
2 administrative support to the Task Force as needed. The
3 Sentencing Policy Advisory Council shall provide data on
4 driving under the influence of cannabis offenses and other data
5 to the Task Force as needed.

6 (f) This Section is repealed on July 1, 2021.
7 (Source: P.A. 101-27, eff. 6-25-19.)

8 Section 35. The Cannabis Control Act is amended by changing
9 Sections 3, 4, 5, 5.1, and 8 as follows:

10 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

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

13 (a) "Cannabis" includes marihuana, hashish and other
14 substances which are identified as including any parts of the
15 plant Cannabis Sativa, whether growing or not; the seeds
16 thereof, the resin extracted from any part of such plant; and
17 any compound, manufacture, salt, derivative, mixture, or
18 preparation of such plant, its seeds, or resin, including
19 tetrahydrocannabinol (THC) and all other cannabinol
20 derivatives, including its naturally occurring or
21 synthetically produced ingredients, whether produced directly
22 or indirectly by extraction, or independently by means of
23 chemical synthesis or by a combination of extraction and
24 chemical synthesis; but shall not include the mature stalks of

1 such plant, fiber produced from such stalks, oil or cake made
2 from the seeds of such plant, any other compound, manufacture,
3 salt, derivative, mixture, or preparation of such mature stalks
4 (except the resin extracted therefrom), fiber, oil or cake, or
5 the sterilized seed of such plant which is incapable of
6 germination. ~~"Cannabis" does not include industrial hemp as
7 defined and authorized under the Industrial Hemp Act.~~

8 (b) "Casual delivery" means the delivery of not more than
9 10 grams of any substance containing cannabis without
10 consideration.

11 (c) "Department" means the Illinois Department of Human
12 Services (as successor to the Department of Alcoholism and
13 Substance Abuse) or its successor agency.

14 (d) "Deliver" or "delivery" means the actual, constructive
15 or attempted transfer of possession of cannabis, with or
16 without consideration, whether or not there is an agency
17 relationship.

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

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

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

24 (h) "Manufacture" means the production, preparation,
25 propagation, compounding, conversion or processing of
26 cannabis, either directly or indirectly, by extraction from

1 substances of natural origin, or independently by means of
2 chemical synthesis, or by a combination of extraction and
3 chemical synthesis, and includes any packaging or repackaging
4 of cannabis or labeling of its container, except that this term
5 does not include the preparation, compounding, packaging, or
6 labeling of cannabis as an incident to lawful research,
7 teaching, or chemical analysis and not for sale.

8 (i) "Person" means any individual, corporation, government
9 or governmental subdivision or agency, business trust, estate,
10 trust, partnership or association, or any other entity.

11 (j) "Produce" or "production" means planting, cultivating,
12 tending or harvesting.

13 (k) "State" includes the State of Illinois and any state,
14 district, commonwealth, territory, insular possession thereof,
15 and any area subject to the legal authority of the United
16 States of America.

17 (l) "Subsequent offense" means an offense under this Act,
18 the offender of which, prior to his conviction of the offense,
19 has at any time been convicted under this Act or under any laws
20 of the United States or of any state relating to cannabis, or
21 any controlled substance as defined in the Illinois Controlled
22 Substances Act.

23 (Source: P.A. 100-1091, eff. 8-26-18.)

24 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

25 Sec. 4. Except as otherwise provided in the Cannabis

1 Regulation and Tax Act and the Industrial Hemp Act, it is
2 unlawful for any person knowingly to possess cannabis.

3 Any person who violates this Section with respect to:

4 (a) not more than 10 grams of any substance containing
5 cannabis is guilty of a civil law violation punishable by a
6 minimum fine of \$100 and a maximum fine of \$200. The
7 proceeds of the fine shall be payable to the clerk of the
8 circuit court. Within 30 days after the deposit of the
9 fine, the clerk shall distribute the proceeds of the fine
10 as follows:

11 (1) \$10 of the fine to the circuit clerk and \$10 of
12 the fine to the law enforcement agency that issued the
13 citation; the proceeds of each \$10 fine distributed to
14 the circuit clerk and each \$10 fine distributed to the
15 law enforcement agency that issued the citation for the
16 violation shall be used to defer the cost of automatic
17 expungements under paragraph (2.5) of subsection (a)
18 of Section 5.2 of the Criminal Identification Act;

19 (2) \$15 to the county to fund drug addiction
20 services;

21 (3) \$10 to the Office of the State's Attorneys
22 Appellate Prosecutor for use in training programs;

23 (4) \$10 to the State's Attorney; and

24 (5) any remainder of the fine to the law
25 enforcement agency that issued the citation for the
26 violation.

1 With respect to funds designated for the Department of
2 State Police, the moneys shall be remitted by the circuit
3 court clerk to the Department of State Police within one
4 month after receipt for deposit into the State Police
5 Operations Assistance Fund. With respect to funds
6 designated for the Department of Natural Resources, the
7 Department of Natural Resources shall deposit the moneys
8 into the Conservation Police Operations Assistance Fund;

9 (b) more than 10 grams but not more than 30 grams of
10 any substance containing cannabis is guilty of a Class B
11 misdemeanor;

12 (c) more than 30 grams but not more than 100 grams of
13 any substance containing cannabis is guilty of a Class A
14 misdemeanor; provided, that if any offense under this
15 subsection (c) is a subsequent offense, the offender shall
16 be guilty of a Class 4 felony;

17 (d) more than 100 grams but not more than 500 grams of
18 any substance containing cannabis is guilty of a Class 4
19 felony; provided that if any offense under this subsection
20 (d) is a subsequent offense, the offender shall be guilty
21 of a Class 3 felony;

22 (e) more than 500 grams but not more than 2,000 grams
23 of any substance containing cannabis is guilty of a Class 3
24 felony;

25 (f) more than 2,000 grams but not more than 5,000 grams
26 of any substance containing cannabis is guilty of a Class 2

1 felony;

2 (g) more than 5,000 grams of any substance containing
3 cannabis is guilty of a Class 1 felony.

4 (Source: P.A. 101-27, eff. 6-25-19.)

5 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

6 Sec. 5. Except as otherwise provided in the Cannabis
7 Regulation and Tax Act and the Industrial Hemp Act, it is
8 unlawful for any person knowingly to manufacture, deliver, or
9 possess with intent to deliver, or manufacture, cannabis. Any
10 person who violates this Section with respect to:

11 (a) not more than 2.5 grams of any substance containing
12 cannabis is guilty of a Class B misdemeanor;

13 (b) more than 2.5 grams but not more than 10 grams of
14 any substance containing cannabis is guilty of a Class A
15 misdemeanor;

16 (c) more than 10 grams but not more than 30 grams of
17 any substance containing cannabis is guilty of a Class 4
18 felony;

19 (d) more than 30 grams but not more than 500 grams of
20 any substance containing cannabis is guilty of a Class 3
21 felony for which a fine not to exceed \$50,000 may be
22 imposed;

23 (e) more than 500 grams but not more than 2,000 grams
24 of any substance containing cannabis is guilty of a Class 2
25 felony for which a fine not to exceed \$100,000 may be

1 imposed;

2 (f) more than 2,000 grams but not more than 5,000 grams
3 of any substance containing cannabis is guilty of a Class 1
4 felony for which a fine not to exceed \$150,000 may be
5 imposed;

6 (g) more than 5,000 grams of any substance containing
7 cannabis is guilty of a Class X felony for which a fine not
8 to exceed \$200,000 may be imposed.

9 (Source: P.A. 101-27, eff. 6-25-19.)

10 (720 ILCS 550/5.1) (from Ch. 56 1/2, par. 705.1)

11 Sec. 5.1. Cannabis trafficking.

12 (a) Except for purposes authorized by this Act, the
13 Industrial Hemp Act, or the Cannabis Regulation and Tax Act,
14 any person who knowingly brings or causes to be brought into
15 this State for the purpose of manufacture or delivery or with
16 the intent to manufacture or deliver 2,500 grams or more of
17 cannabis in this State or any other state or country is guilty
18 of cannabis trafficking.

19 (b) A person convicted of cannabis trafficking shall be
20 sentenced to a term of imprisonment not less than twice the
21 minimum term and fined an amount as authorized by subsection
22 (f) or (g) of Section 5 of this Act, based upon the amount of
23 cannabis brought or caused to be brought into this State, and
24 not more than twice the maximum term of imprisonment and fined
25 twice the amount as authorized by subsection (f) or (g) of

1 Section 5 of this Act, based upon the amount of cannabis
2 brought or caused to be brought into this State.

3 (Source: P.A. 101-27, eff. 6-25-19.)

4 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

5 Sec. 8. Except as otherwise provided in the Cannabis
6 Regulation and Tax Act and the Industrial Hemp Act, it is
7 unlawful for any person knowingly to produce the Cannabis
8 sativa plant or to possess such plants unless production or
9 possession has been authorized pursuant to the provisions of
10 Section 11 or 15.2 of the Act. Any person who violates this
11 Section with respect to production or possession of:

12 (a) Not more than 5 plants is guilty of a civil
13 violation punishable by a minimum fine of \$100 and a
14 maximum fine of \$200. The proceeds of the fine are payable
15 to the clerk of the circuit court. Within 30 days after the
16 deposit of the fine, the clerk shall distribute the
17 proceeds of the fine as follows:

18 (1) \$10 of the fine to the circuit clerk and \$10 of
19 the fine to the law enforcement agency that issued the
20 citation; the proceeds of each \$10 fine distributed to
21 the circuit clerk and each \$10 fine distributed to the
22 law enforcement agency that issued the citation for the
23 violation shall be used to defer the cost of automatic
24 expungements under paragraph (2.5) of subsection (a)
25 of Section 5.2 of the Criminal Identification Act;

1 (2) \$15 to the county to fund drug addiction
2 services;

3 (3) \$10 to the Office of the State's Attorneys
4 Appellate Prosecutor for use in training programs;

5 (4) \$10 to the State's Attorney; and

6 (5) any remainder of the fine to the law
7 enforcement agency that issued the citation for the
8 violation.

9 With respect to funds designated for the Department of
10 State Police, the moneys shall be remitted by the circuit
11 court clerk to the Department of State Police within one
12 month after receipt for deposit into the State Police
13 Operations Assistance Fund. With respect to funds
14 designated for the Department of Natural Resources, the
15 Department of Natural Resources shall deposit the moneys
16 into the Conservation Police Operations Assistance Fund.

17 (b) More than 5, but not more than 20 plants, is guilty
18 of a Class 4 felony.

19 (c) More than 20, but not more than 50 plants, is
20 guilty of a Class 3 felony.

21 (d) More than 50, but not more than 200 plants, is
22 guilty of a Class 2 felony for which a fine not to exceed
23 \$100,000 may be imposed and for which liability for the
24 cost of conducting the investigation and eradicating such
25 plants may be assessed. Compensation for expenses incurred
26 in the enforcement of this provision shall be transmitted

1 to and deposited in the treasurer's office at the level of
2 government represented by the Illinois law enforcement
3 agency whose officers or employees conducted the
4 investigation or caused the arrest or arrests leading to
5 the prosecution, to be subsequently made available to that
6 law enforcement agency as expendable receipts for use in
7 the enforcement of laws regulating controlled substances
8 and cannabis. If such seizure was made by a combination of
9 law enforcement personnel representing different levels of
10 government, the court levying the assessment shall
11 determine the allocation of such assessment. The proceeds
12 of assessment awarded to the State treasury shall be
13 deposited in a special fund known as the Drug Traffic
14 Prevention Fund.

15 (e) More than 200 plants is guilty of a Class 1 felony
16 for which a fine not to exceed \$100,000 may be imposed and
17 for which liability for the cost of conducting the
18 investigation and eradicating such plants may be assessed.
19 Compensation for expenses incurred in the enforcement of
20 this provision shall be transmitted to and deposited in the
21 treasurer's office at the level of government represented
22 by the Illinois law enforcement agency whose officers or
23 employees conducted the investigation or caused the arrest
24 or arrests leading to the prosecution, to be subsequently
25 made available to that law enforcement agency as expendable
26 receipts for use in the enforcement of laws regulating

1 controlled substances and cannabis. If such seizure was
2 made by a combination of law enforcement personnel
3 representing different levels of government, the court
4 levying the assessment shall determine the allocation of
5 such assessment. The proceeds of assessment awarded to the
6 State treasury shall be deposited in a special fund known
7 as the Drug Traffic Prevention Fund.

8 (Source: P.A. 101-27, eff. 6-25-19.)

9 Section 40. The Drug Paraphernalia Control Act is amended
10 by changing Sections 2, 3.5, 4, and 6 as follows:

11 (720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)

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

14 (a) The term "cannabis" shall have the meaning ascribed to
15 it in Section 3 of the Cannabis Control Act, as if that
16 definition were incorporated herein.

17 (b) The term "controlled substance" shall have the meaning
18 ascribed to it in Section 102 of the Illinois Controlled
19 Substances Act, as if that definition were incorporated herein.

20 (c) "Deliver" or "delivery" means the actual, constructive
21 or attempted transfer of possession, with or without
22 consideration, whether or not there is an agency relationship.

23 (d) "Drug paraphernalia" means all equipment, products and
24 materials of any kind, other than methamphetamine

1 manufacturing materials as defined in Section 10 of the
2 Methamphetamine Control and Community Protection Act and
3 cannabis paraphernalia as defined in Section 1-10 of the
4 Cannabis Regulation and Tax Act, which are intended to be used
5 unlawfully in planting, propagating, cultivating, growing,
6 harvesting, manufacturing, compounding, converting, producing,
7 processing, preparing, testing, analyzing, packaging,
8 repackaging, storing, containing, concealing, injecting,
9 ingesting, inhaling or otherwise introducing into the human
10 body ~~cannabis or~~ a controlled substance in violation of the
11 ~~Cannabis Control Act, the~~ Illinois Controlled Substances Act,
12 or the Methamphetamine Control and Community Protection Act or
13 a synthetic drug product or misbranded drug in violation of the
14 Illinois Food, Drug and Cosmetic Act. It includes, but is not
15 limited to:

16 (1) kits intended to be used unlawfully in
17 manufacturing, compounding, converting, producing,
18 processing or preparing ~~cannabis or~~ a controlled
19 substance;

20 (2) isomerization devices intended to be used
21 unlawfully in increasing the potency of any species of
22 plant which is ~~cannabis or~~ a controlled substance;

23 (3) testing equipment intended to be used unlawfully in
24 a private home for identifying or in analyzing the
25 strength, effectiveness or purity of ~~cannabis or~~
26 controlled substances;

1 (4) diluents and adulterants intended to be used
2 unlawfully for cutting ~~cannabis~~ or a controlled substance
3 by private persons;

4 (5) objects intended to be used unlawfully in
5 ingesting, inhaling, or otherwise introducing ~~cannabis,~~
6 ~~cocaine, hashish, hashish oil,~~ or a synthetic drug product
7 or misbranded drug in violation of the Illinois Food, Drug
8 and Cosmetic Act into the human body including, where
9 applicable, the following items:

10 (A) water pipes;

11 (B) carburetion tubes and devices;

12 (C) smoking and carburetion masks;

13 (D) miniature cocaine spoons and cocaine vials;

14 (E) carburetor pipes;

15 (F) electric pipes;

16 (G) air-driven pipes;

17 (H) chillums;

18 (I) bongs;

19 (J) ice pipes or chillers;

20 (6) any item whose purpose, as announced or described
21 by the seller, is for use in violation of this Act.

22 (Source: P.A. 97-872, eff. 7-31-12.)

23 (720 ILCS 600/3.5)

24 Sec. 3.5. Possession of drug paraphernalia.

25 (a) A person who knowingly possesses an item of drug

1 paraphernalia with the intent to use it in ingesting, inhaling,
2 or otherwise introducing ~~cannabis or~~ a controlled substance
3 into the human body, or in preparing ~~cannabis or~~ a controlled
4 substance for that use, is guilty of a Class A misdemeanor for
5 which the court shall impose a minimum fine of \$750 in addition
6 to any other penalty prescribed for a Class A misdemeanor. This
7 subsection (a) does not apply to a person who is legally
8 authorized to possess hypodermic syringes or needles under the
9 Hypodermic Syringes and Needles Act.

10 (b) In determining intent under subsection (a), the trier
11 of fact may take into consideration the proximity of the
12 ~~cannabis or~~ controlled substances to drug paraphernalia or the
13 presence of ~~cannabis or~~ a controlled substance on the drug
14 paraphernalia.

15 ~~(c) If a person violates subsection (a) of Section 4 of the~~
16 ~~Cannabis Control Act, the penalty for possession of any drug~~
17 ~~paraphernalia seized during the violation for that offense~~
18 ~~shall be a civil law violation punishable by a minimum fine of~~
19 ~~\$100 and a maximum fine of \$200. The proceeds of the fine shall~~
20 ~~be payable to the clerk of the circuit court. Within 30 days~~
21 ~~after the deposit of the fine, the clerk shall distribute the~~
22 ~~proceeds of the fine as follows:~~

23 ~~(1) \$10 of the fine to the circuit clerk and \$10 of the~~
24 ~~fine to the law enforcement agency that issued the~~
25 ~~citation; the proceeds of each \$10 fine distributed to the~~
26 ~~circuit clerk and each \$10 fine distributed to the law~~

1 ~~enforcement agency that issued the citation for the~~
2 ~~violation shall be used to defer the cost of automatic~~
3 ~~expungements under paragraph (2.5) of subsection (a) of~~
4 ~~Section 5.2 of the Criminal Identification Act;~~

5 ~~(2) \$15 to the county to fund drug addiction services;~~

6 ~~(3) \$10 to the Office of the State's Attorneys~~
7 ~~Appellate Prosecutor for use in training programs;~~

8 ~~(4) \$10 to the State's Attorney; and~~

9 ~~(5) any remainder of the fine to the law enforcement~~
10 ~~agency that issued the citation for the violation.~~

11 ~~With respect to funds designated for the Department of~~
12 ~~State Police, the moneys shall be remitted by the circuit court~~
13 ~~clerk to the Department of State Police within one month after~~
14 ~~receipt for deposit into the State Police Operations Assistance~~
15 ~~Fund. With respect to funds designated for the Department of~~
16 ~~Natural Resources, the Department of Natural Resources shall~~
17 ~~deposit the moneys into the Conservation Police Operations~~
18 ~~Assistance Fund.~~

19 (Source: P.A. 99-697, eff. 7-29-16.)

20 (720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

21 Sec. 4. Exemptions. This Act does not apply to:

22 (a) Items used in the preparation, compounding,
23 packaging, labeling, or other use of cannabis or a
24 controlled substance as an incident to lawful research,
25 teaching, or chemical analysis and not for sale.

1 (b) Items historically and customarily used in
2 connection with the planting, propagating, cultivating,
3 growing, harvesting, manufacturing, compounding,
4 converting, producing, processing, preparing, testing,
5 analyzing, packaging, repackaging, storing, containing,
6 concealing, injecting, ingesting, or inhaling of cannabis,
7 tobacco, or any other lawful substance.

8 Items exempt under this subsection include, but are not
9 limited to, garden hoes, rakes, sickles, baggies, tobacco
10 pipes, and cigarette-rolling papers.

11 (c) Items listed in Section 2 of this Act which are
12 used for decorative purposes, when such items have been
13 rendered completely inoperable or incapable of being used
14 for any illicit purpose prohibited by this Act.

15 (d) A person who is legally authorized to possess
16 hypodermic syringes or needles under the Hypodermic
17 Syringes and Needles Act.

18 In determining whether or not a particular item is exempt under
19 this Section, the trier of fact should consider, in addition to
20 all other logically relevant factors, the following:

21 (1) the general, usual, customary, and historical use
22 to which the item involved has been put;

23 (2) expert evidence concerning the ordinary or
24 customary use of the item and the effect of any
25 peculiarity in the design or engineering of the device
26 upon its functioning;

1 (3) any written instructions accompanying the delivery
2 of the item concerning the purposes or uses to which
3 the item can or may be put;

4 (4) any oral instructions provided by the seller of the
5 item at the time and place of sale or commercial
6 delivery;

7 (5) any national or local advertising concerning the
8 design, purpose or use of the item involved, and the
9 entire context in which such advertising occurs;

10 (6) the manner, place and circumstances in which the
11 item was displayed for sale, as well as any item or
12 items displayed for sale or otherwise exhibited upon
13 the premises where the sale was made;

14 (7) whether the owner or anyone in control of the
15 object is a legitimate supplier of like or related
16 items to the community, such as a licensed distributor
17 or dealer of cannabis or tobacco products;

18 (8) the existence and scope of legitimate uses for the
19 object in the community.

20 (Source: P.A. 95-331, eff. 8-21-07.)

21 (720 ILCS 600/6) (from Ch. 56 1/2, par. 2106)

22 Sec. 6. This Act is intended to be used solely for the
23 suppression of the commercial traffic in and possession of
24 items that, within the context of the sale or offering for
25 sale, or possession, are clearly and beyond a reasonable doubt

1 intended for the illegal and unlawful use of ~~cannabis~~ or
2 controlled substances. To this end all reasonable and
3 common-sense inferences shall be drawn in favor of the
4 legitimacy of any transaction or item.

5 (Source: P.A. 93-526, eff. 8-12-03.)

6 Section 45. The Statewide Grand Jury Act is amended by
7 changing Sections 2 and 3 as follows:

8 (725 ILCS 215/2) (from Ch. 38, par. 1702)

9 Sec. 2. (a) County grand juries and State's Attorneys have
10 always had and shall continue to have primary responsibility
11 for investigating, indicting, and prosecuting persons who
12 violate the criminal laws of the State of Illinois. However, in
13 recent years organized terrorist activity directed against
14 innocent civilians and certain criminal enterprises have
15 developed that require investigation, indictment, and
16 prosecution on a statewide or multicounty level. The criminal
17 enterprises exist as a result of the allure of profitability
18 present in narcotic activity, the unlawful sale and transfer of
19 firearms, and streetgang related felonies and organized
20 terrorist activity is supported by the contribution of money
21 and expert assistance from geographically diverse sources. In
22 order to shut off the life blood of terrorism and weaken or
23 eliminate the criminal enterprises, assets, and property used
24 to further these offenses must be frozen, and any profit must

1 be removed. State statutes exist that can accomplish that goal.
2 Among them are the offense of money laundering, ~~the Cannabis~~
3 ~~and Controlled Substances Tax Act,~~ violations of Article 29D of
4 the Criminal Code of 1961 or the Criminal Code of 2012, the
5 Narcotics Profit Forfeiture Act, and gunrunning. Local
6 prosecutors need investigative personnel and specialized
7 training to attack and eliminate these profits. In light of the
8 transitory and complex nature of conduct that constitutes these
9 criminal activities, the many diverse property interests that
10 may be used, acquired directly or indirectly as a result of
11 these criminal activities, and the many places that illegally
12 obtained property may be located, it is the purpose of this Act
13 to create a limited, multicounty Statewide Grand Jury with
14 authority to investigate, indict, and prosecute: narcotic
15 activity, including cannabis and controlled substance
16 trafficking, narcotics racketeering, money laundering,
17 violations of the Cannabis and Controlled Substances Tax Act,
18 and violations of Article 29D of the Criminal Code of 1961 or
19 the Criminal Code of 2012; the unlawful sale and transfer of
20 firearms; gunrunning; and streetgang related felonies.

21 (b) A Statewide Grand Jury may also investigate, indict,
22 and prosecute violations facilitated by the use of a computer
23 of any of the following offenses: indecent solicitation of a
24 child, sexual exploitation of a child, soliciting for a
25 juvenile prostitute, keeping a place of juvenile prostitution,
26 juvenile pimping, child pornography, aggravated child

1 pornography, or promoting juvenile prostitution except as
2 described in subdivision (a)(4) of Section 11-14.4 of the
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

5 (725 ILCS 215/3) (from Ch. 38, par. 1703)

6 Sec. 3. Written application for the appointment of a
7 Circuit Judge to convene and preside over a Statewide Grand
8 Jury, with jurisdiction extending throughout the State, shall
9 be made to the Chief Justice of the Supreme Court. Upon such
10 written application, the Chief Justice of the Supreme Court
11 shall appoint a Circuit Judge from the circuit where the
12 Statewide Grand Jury is being sought to be convened, who shall
13 make a determination that the convening of a Statewide Grand
14 Jury is necessary.

15 In such application the Attorney General shall state that
16 the convening of a Statewide Grand Jury is necessary because of
17 an alleged offense or offenses set forth in this Section
18 involving more than one county of the State and identifying any
19 such offense alleged; and

20 (a) that he or she believes that the grand jury
21 function for the investigation and indictment of the
22 offense or offenses cannot effectively be performed by a
23 county grand jury together with the reasons for such
24 belief, and

25 (b) (1) that each State's Attorney with jurisdiction

1 over an offense or offenses to be investigated has
2 consented to the impaneling of the Statewide Grand Jury, or

3 (2) if one or more of the State's Attorneys having
4 jurisdiction over an offense or offenses to be investigated
5 fails to consent to the impaneling of the Statewide Grand
6 Jury, the Attorney General shall set forth good cause for
7 impaneling the Statewide Grand Jury.

8 If the Circuit Judge determines that the convening of a
9 Statewide Grand Jury is necessary, he or she shall convene and
10 impanel the Statewide Grand Jury with jurisdiction extending
11 throughout the State to investigate and return indictments:

12 (a) For violations of any of the following or for any
13 other criminal offense committed in the course of violating
14 any of the following: Article 29D of the Criminal Code of
15 1961 or the Criminal Code of 2012, the Illinois Controlled
16 Substances Act, the Cannabis Control Act, the
17 Methamphetamine Control and Community Protection Act, or
18 the Narcotics Profit Forfeiture Act, ~~or the Cannabis and~~
19 ~~Controlled Substances Tax Act~~; a streetgang related felony
20 offense; Section 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1,
21 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4),
22 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or
23 24-1(c) of the Criminal Code of 1961 or the Criminal Code
24 of 2012; or a money laundering offense; provided that the
25 violation or offense involves acts occurring in more than
26 one county of this State; and

1 (a-5) For violations facilitated by the use of a
2 computer, including the use of the Internet, the World Wide
3 Web, electronic mail, message board, newsgroup, or any
4 other commercial or noncommercial on-line service, of any
5 of the following offenses: indecent solicitation of a
6 child, sexual exploitation of a child, soliciting for a
7 juvenile prostitute, keeping a place of juvenile
8 prostitution, juvenile pimping, child pornography,
9 aggravated child pornography, or promoting juvenile
10 prostitution except as described in subdivision (a)(4) of
11 Section 11-14.4 of the Criminal Code of 1961 or the
12 Criminal Code of 2012; and

13 (b) For the offenses of perjury, subornation of
14 perjury, communicating with jurors and witnesses, and
15 harassment of jurors and witnesses, as they relate to
16 matters before the Statewide Grand Jury.

17 "Streetgang related" has the meaning ascribed to it in
18 Section 10 of the Illinois Streetgang Terrorism Omnibus
19 Prevention Act.

20 Upon written application by the Attorney General for the
21 convening of an additional Statewide Grand Jury, the Chief
22 Justice of the Supreme Court shall appoint a Circuit Judge from
23 the circuit for which the additional Statewide Grand Jury is
24 sought. The Circuit Judge shall determine the necessity for an
25 additional Statewide Grand Jury in accordance with the
26 provisions of this Section. No more than 2 Statewide Grand

1 Juries may be empaneled at any time.

2 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".