

1 AN ACT concerning regulation.

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

4 Section 1. The State Officials and Employees Ethics Act is  
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 430/5-45)

7 Sec. 5-45. Procurement; revolving door prohibition.

8 (a) No former officer, member, or State employee, or spouse  
9 or immediate family member living with such person, shall,  
10 within a period of one year immediately after termination of  
11 State employment, knowingly accept employment or receive  
12 compensation or fees for services from a person or entity if  
13 the officer, member, or State employee, during the year  
14 immediately preceding termination of State employment,  
15 participated personally and substantially in the award of State  
16 contracts, or the issuance of State contract change orders,  
17 with a cumulative value of \$25,000 or more to the person or  
18 entity, or its parent or subsidiary.

19 (a-5) No officer, member, or spouse or immediate family  
20 member living with such person shall, during the officer or  
21 member's term in office or within a period of 2 years  
22 immediately leaving office, hold an ownership interest, other  
23 than a passive interest in a publicly traded company, in any

1 gaming license under the Illinois Gambling Act, the Video  
2 Gaming Act, the Illinois Horse Racing Act of 1975, or the  
3 Sports Wagering Act. Any member of the General Assembly or  
4 spouse or immediate family member living with such person who  
5 has an ownership interest, other than a passive interest in a  
6 publicly traded company, in any gaming license under the  
7 Illinois Gambling Act, the Illinois Horse Racing Act of 1975,  
8 the Video Gaming Act, or the Sports Wagering Act at the time of  
9 the effective date of this amendatory Act of the 101st General  
10 Assembly shall divest himself or herself of such ownership  
11 within one year after the effective date of this amendatory Act  
12 of the 101st General Assembly. No State employee who works for  
13 the Illinois Gaming Board or Illinois Racing Board or spouse or  
14 immediate family member living with such person shall, during  
15 State employment or within a period of 2 years immediately  
16 after termination of State employment, hold an ownership  
17 interest, other than a passive interest in a publicly traded  
18 company, in any gaming license under the Illinois Gambling Act,  
19 the Video Gaming Act, the Illinois Horse Racing Act of 1975, or  
20 the Sports Wagering Act.

21 (a-10) This subsection (a-10) applies on and after June 25,  
22 2021. No officer, member, or spouse or immediate family member  
23 living with such person, shall, during the officer or member's  
24 term in office or within a period of 2 years immediately after  
25 leaving office, hold an ownership interest, other than a  
26 passive interest in a publicly traded company, in any cannabis

1 business establishment which is licensed under the Cannabis  
2 Regulation and Tax Act. Any member of the General Assembly or  
3 spouse or immediate family member living with such person who  
4 has an ownership interest, other than a passive interest in a  
5 publicly traded company, in any cannabis business  
6 establishment which is licensed under the Cannabis Regulation  
7 and Tax Act at the time of the effective date of this  
8 amendatory Act of the 101st General Assembly shall divest  
9 himself or herself of such ownership within one year after the  
10 effective date of this amendatory Act of the 101st General  
11 Assembly.

12 No State employee who works for any State agency that  
13 regulates cannabis business establishment license holders who  
14 participated personally and substantially in the award of  
15 licenses under the Cannabis Regulation and Tax Act or a spouse  
16 or immediate family member living with such person shall,  
17 during State employment or within a period of 2 years  
18 immediately after termination of State employment, hold an  
19 ownership interest, other than a passive interest in a publicly  
20 traded company, in any cannabis license under the Cannabis  
21 Regulation and Tax Act.

22 (b) No former officer of the executive branch or State  
23 employee of the executive branch with regulatory or licensing  
24 authority, or spouse or immediate family member living with  
25 such person, shall, within a period of one year immediately  
26 after termination of State employment, knowingly accept

1 employment or receive compensation or fees for services from a  
2 person or entity if the officer or State employee, during the  
3 year immediately preceding termination of State employment,  
4 participated personally and substantially in making a  
5 regulatory or licensing decision that directly applied to the  
6 person or entity, or its parent or subsidiary.

7 (c) Within 6 months after the effective date of this  
8 amendatory Act of the 96th General Assembly, each executive  
9 branch constitutional officer and legislative leader, the  
10 Auditor General, and the Joint Committee on Legislative Support  
11 Services shall adopt a policy delineating which State positions  
12 under his or her jurisdiction and control, by the nature of  
13 their duties, may have the authority to participate personally  
14 and substantially in the award of State contracts or in  
15 regulatory or licensing decisions. The Governor shall adopt  
16 such a policy for all State employees of the executive branch  
17 not under the jurisdiction and control of any other executive  
18 branch constitutional officer.

19 The policies required under subsection (c) of this Section  
20 shall be filed with the appropriate ethics commission  
21 established under this Act or, for the Auditor General, with  
22 the Office of the Auditor General.

23 (d) Each Inspector General shall have the authority to  
24 determine that additional State positions under his or her  
25 jurisdiction, not otherwise subject to the policies required by  
26 subsection (c) of this Section, are nonetheless subject to the

1 notification requirement of subsection (f) below due to their  
2 involvement in the award of State contracts or in regulatory or  
3 licensing decisions.

4 (e) The Joint Committee on Legislative Support Services,  
5 the Auditor General, and each of the executive branch  
6 constitutional officers and legislative leaders subject to  
7 subsection (c) of this Section shall provide written  
8 notification to all employees in positions subject to the  
9 policies required by subsection (c) or a determination made  
10 under subsection (d): (1) upon hiring, promotion, or transfer  
11 into the relevant position; and (2) at the time the employee's  
12 duties are changed in such a way as to qualify that employee.  
13 An employee receiving notification must certify in writing that  
14 the person was advised of the prohibition and the requirement  
15 to notify the appropriate Inspector General in subsection (f).

16 (f) Any State employee in a position subject to the  
17 policies required by subsection (c) or to a determination under  
18 subsection (d), but who does not fall within the prohibition of  
19 subsection (h) below, who is offered non-State employment  
20 during State employment or within a period of one year  
21 immediately after termination of State employment shall, prior  
22 to accepting such non-State employment, notify the appropriate  
23 Inspector General. Within 10 calendar days after receiving  
24 notification from an employee in a position subject to the  
25 policies required by subsection (c), such Inspector General  
26 shall make a determination as to whether the State employee is

1 restricted from accepting such employment by subsection (a) or  
2 (b). In making a determination, in addition to any other  
3 relevant information, an Inspector General shall assess the  
4 effect of the prospective employment or relationship upon  
5 decisions referred to in subsections (a) and (b), based on the  
6 totality of the participation by the former officer, member, or  
7 State employee in those decisions. A determination by an  
8 Inspector General must be in writing, signed and dated by the  
9 Inspector General, and delivered to the subject of the  
10 determination within 10 calendar days or the person is deemed  
11 eligible for the employment opportunity. For purposes of this  
12 subsection, "appropriate Inspector General" means (i) for  
13 members and employees of the legislative branch, the  
14 Legislative Inspector General; (ii) for the Auditor General and  
15 employees of the Office of the Auditor General, the Inspector  
16 General provided for in Section 30-5 of this Act; and (iii) for  
17 executive branch officers and employees, the Inspector General  
18 having jurisdiction over the officer or employee. Notice of any  
19 determination of an Inspector General and of any such appeal  
20 shall be given to the ultimate jurisdictional authority, the  
21 Attorney General, and the Executive Ethics Commission.

22 (g) An Inspector General's determination regarding  
23 restrictions under subsection (a) or (b) may be appealed to the  
24 appropriate Ethics Commission by the person subject to the  
25 decision or the Attorney General no later than the 10th  
26 calendar day after the date of the determination.

1           On appeal, the Ethics Commission or Auditor General shall  
2 seek, accept, and consider written public comments regarding a  
3 determination. In deciding whether to uphold an Inspector  
4 General's determination, the appropriate Ethics Commission or  
5 Auditor General shall assess, in addition to any other relevant  
6 information, the effect of the prospective employment or  
7 relationship upon the decisions referred to in subsections (a)  
8 and (b), based on the totality of the participation by the  
9 former officer, member, or State employee in those decisions.  
10 The Ethics Commission shall decide whether to uphold an  
11 Inspector General's determination within 10 calendar days or  
12 the person is deemed eligible for the employment opportunity.

13           (h) The following officers, members, or State employees  
14 shall not, within a period of one year immediately after  
15 termination of office or State employment, knowingly accept  
16 employment or receive compensation or fees for services from a  
17 person or entity if the person or entity or its parent or  
18 subsidiary, during the year immediately preceding termination  
19 of State employment, was a party to a State contract or  
20 contracts with a cumulative value of \$25,000 or more involving  
21 the officer, member, or State employee's State agency, or was  
22 the subject of a regulatory or licensing decision involving the  
23 officer, member, or State employee's State agency, regardless  
24 of whether he or she participated personally and substantially  
25 in the award of the State contract or contracts or the making  
26 of the regulatory or licensing decision in question:

- 1 (1) members or officers;
  - 2 (2) members of a commission or board created by the  
3 Illinois Constitution;
  - 4 (3) persons whose appointment to office is subject to  
5 the advice and consent of the Senate;
  - 6 (4) the head of a department, commission, board,  
7 division, bureau, authority, or other administrative unit  
8 within the government of this State;
  - 9 (5) chief procurement officers, State purchasing  
10 officers, and their designees whose duties are directly  
11 related to State procurement;
  - 12 (6) chiefs of staff, deputy chiefs of staff, associate  
13 chiefs of staff, assistant chiefs of staff, and deputy  
14 governors;
  - 15 (7) employees of the Illinois Racing Board; and
  - 16 (8) employees of the Illinois Gaming Board.
- 17 (i) For the purposes of this Section, with respect to  
18 officers or employees of a regional transit board, as defined  
19 in this Act, the phrase "person or entity" does not include:  
20 (i) the United States government, (ii) the State, (iii)  
21 municipalities, as defined under Article VII, Section 1 of the  
22 Illinois Constitution, (iv) units of local government, as  
23 defined under Article VII, Section 1 of the Illinois  
24 Constitution, or (v) school districts.  
25 (Source: P.A. 101-31, eff. 6-28-19.)



1           Section 5. The Criminal Identification Act is amended by  
2 changing Section 5.2 as follows:

3           (20 ILCS 2630/5.2)

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

5           (a) General Provisions.

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

9           (A) The following terms shall have the meanings  
10 ascribed to them in the Unified Code of Corrections,  
11 730 ILCS 5/5-1-2 through 5/5-1-22:

- 12                   (i) Business Offense (730 ILCS 5/5-1-2),
- 13                   (ii) Charge (730 ILCS 5/5-1-3),
- 14                   (iii) Court (730 ILCS 5/5-1-6),
- 15                   (iv) Defendant (730 ILCS 5/5-1-7),
- 16                   (v) Felony (730 ILCS 5/5-1-9),
- 17                   (vi) Imprisonment (730 ILCS 5/5-1-10),
- 18                   (vii) Judgment (730 ILCS 5/5-1-12),
- 19                   (viii) Misdemeanor (730 ILCS 5/5-1-14),
- 20                   (ix) Offense (730 ILCS 5/5-1-15),
- 21                   (x) Parole (730 ILCS 5/5-1-16),
- 22                   (xi) Petty Offense (730 ILCS 5/5-1-17),
- 23                   (xii) Probation (730 ILCS 5/5-1-18),
- 24                   (xiii) Sentence (730 ILCS 5/5-1-19),
- 25                   (xiv) Supervision (730 ILCS 5/5-1-21), and

1 (xv) Victim (730 ILCS 5/5-1-22).

2 (B) As used in this Section, "charge not initiated  
3 by arrest" means a charge (as defined by 730 ILCS  
4 5/5-1-3) brought against a defendant where the  
5 defendant is not arrested prior to or as a direct  
6 result of the charge.

7 (C) "Conviction" means a judgment of conviction or  
8 sentence entered upon a plea of guilty or upon a  
9 verdict or finding of guilty of an offense, rendered by  
10 a legally constituted jury or by a court of competent  
11 jurisdiction authorized to try the case without a jury.  
12 An order of supervision successfully completed by the  
13 petitioner is not a conviction. An order of qualified  
14 probation (as defined in subsection (a)(1)(J))  
15 successfully completed by the petitioner is not a  
16 conviction. An order of supervision or an order of  
17 qualified probation that is terminated  
18 unsatisfactorily is a conviction, unless the  
19 unsatisfactory termination is reversed, vacated, or  
20 modified and the judgment of conviction, if any, is  
21 reversed or vacated.

22 (D) "Criminal offense" means a petty offense,  
23 business offense, misdemeanor, felony, or municipal  
24 ordinance violation (as defined in subsection  
25 (a)(1)(H)). As used in this Section, a minor traffic  
26 offense (as defined in subsection (a)(1)(G)) shall not

1 be considered a criminal offense.

2 (E) "Expunge" means to physically destroy the  
3 records or return them to the petitioner and to  
4 obliterate the petitioner's name from any official  
5 index or public record, or both. Nothing in this Act  
6 shall require the physical destruction of the circuit  
7 court file, but such records relating to arrests or  
8 charges, or both, ordered expunged shall be impounded  
9 as required by subsections (d)(9)(A)(ii) and  
10 (d)(9)(B)(ii).

11 (F) As used in this Section, "last sentence" means  
12 the sentence, order of supervision, or order of  
13 qualified probation (as defined by subsection  
14 (a)(1)(J)), for a criminal offense (as defined by  
15 subsection (a)(1)(D)) that terminates last in time in  
16 any jurisdiction, regardless of whether the petitioner  
17 has included the criminal offense for which the  
18 sentence or order of supervision or qualified  
19 probation was imposed in his or her petition. If  
20 multiple sentences, orders of supervision, or orders  
21 of qualified probation terminate on the same day and  
22 are last in time, they shall be collectively considered  
23 the "last sentence" regardless of whether they were  
24 ordered to run concurrently.

25 (G) "Minor traffic offense" means a petty offense,  
26 business offense, or Class C misdemeanor under the

1 Illinois Vehicle Code or a similar provision of a  
2 municipal or local ordinance.

3 (G-5) "Minor Cannabis Offense" means a violation  
4 of Section 4 or 5 of the Cannabis Control Act  
5 concerning not more than 30 grams of any substance  
6 containing cannabis, provided the violation did not  
7 include a penalty enhancement under Section 7 of the  
8 Cannabis Control Act and is not associated with an  
9 arrest, conviction or other disposition for a violent  
10 crime as defined in subsection (c) of Section 3 of the  
11 Rights of Crime Victims and Witnesses Act.

12 (H) "Municipal ordinance violation" means an  
13 offense defined by a municipal or local ordinance that  
14 is criminal in nature and with which the petitioner was  
15 charged or for which the petitioner was arrested and  
16 released without charging.

17 (I) "Petitioner" means an adult or a minor  
18 prosecuted as an adult who has applied for relief under  
19 this Section.

20 (J) "Qualified probation" means an order of  
21 probation under Section 10 of the Cannabis Control Act,  
22 Section 410 of the Illinois Controlled Substances Act,  
23 Section 70 of the Methamphetamine Control and  
24 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
25 of the Unified Code of Corrections, Section  
26 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as

1           those provisions existed before their deletion by  
2           Public Act 89-313), Section 10-102 of the Illinois  
3           Alcoholism and Other Drug Dependency Act, Section  
4           40-10 of the Substance Use Disorder Act, or Section 10  
5           of the Steroid Control Act. For the purpose of this  
6           Section, "successful completion" of an order of  
7           qualified probation under Section 10-102 of the  
8           Illinois Alcoholism and Other Drug Dependency Act and  
9           Section 40-10 of the Substance Use Disorder Act means  
10          that the probation was terminated satisfactorily and  
11          the judgment of conviction was vacated.

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

22           (L) "Sexual offense committed against a minor"  
23          includes,    but is not limited to,    the offenses of  
24          indecent solicitation of a child or criminal sexual  
25          abuse when the victim of such offense is under 18 years  
26          of age.

1 (M) "Terminate" as it relates to a sentence or  
2 order of supervision or qualified probation includes  
3 either satisfactory or unsatisfactory termination of  
4 the sentence, unless otherwise specified in this  
5 Section. A sentence is terminated notwithstanding any  
6 outstanding financial legal obligation.

7 (2) Minor Traffic Offenses. Orders of supervision or  
8 convictions for minor traffic offenses shall not affect a  
9 petitioner's eligibility to expunge or seal records  
10 pursuant to this Section.

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

1 order of the court, or in the absence of a court order on  
2 or before January 1 and July 1 of each year, the court  
3 records of a person found in the circuit court to have  
4 committed a civil law violation of subsection (a) of  
5 Section 4 of the Cannabis Control Act or subsection (c) of  
6 Section 3.5 of the Drug Paraphernalia Control Act in the  
7 clerk's possession or control and which contains the final  
8 satisfactory disposition which pertain to the person  
9 issued a citation for any of those offenses.

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

13 (A) the sealing or expungement of the records of  
14 arrests or charges not initiated by arrest that result  
15 in an order of supervision for or conviction of: (i)  
16 any sexual offense committed against a minor; (ii)  
17 Section 11-501 of the Illinois Vehicle Code or a  
18 similar provision of a local ordinance; or (iii)  
19 Section 11-503 of the Illinois Vehicle Code or a  
20 similar provision of a local ordinance, unless the  
21 arrest or charge is for a misdemeanor violation of  
22 subsection (a) of Section 11-503 or a similar provision  
23 of a local ordinance, that occurred prior to the  
24 offender reaching the age of 25 years and the offender  
25 has no other conviction for violating Section 11-501 or  
26 11-503 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance.

2 (B) the sealing or expungement of records of minor  
3 traffic offenses (as defined in subsection (a)(1)(G)),  
4 unless the petitioner was arrested and released  
5 without charging.

6 (C) the sealing of the records of arrests or  
7 charges not initiated by arrest which result in an  
8 order of supervision or a conviction for the following  
9 offenses:

10 (i) offenses included in Article 11 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012  
12 or a similar provision of a local ordinance, except  
13 Section 11-14 and a misdemeanor violation of  
14 Section 11-30 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, or a similar provision of a  
16 local ordinance;

17 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
18 26-5, or 48-1 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, or a similar provision of a  
20 local ordinance;

21 (iii) Sections 12-3.1 or 12-3.2 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012,  
23 or Section 125 of the Stalking No Contact Order  
24 Act, or Section 219 of the Civil No Contact Order  
25 Act, or a similar provision of a local ordinance;

26 (iv) Class A misdemeanors or felony offenses



1                   under the Humane Care for Animals Act; or  
2                   (v) any offense or attempted offense that  
3                   would subject a person to registration under the  
4                   Sex Offender Registration Act.

5                   (D) (blank).

6                   (b) Expungement.

7                   (1) A petitioner may petition the circuit court to  
8                   expunge the records of his or her arrests and charges not  
9                   initiated by arrest when each arrest or charge not  
10                  initiated by arrest sought to be expunged resulted in: (i)  
11                  acquittal, dismissal, or the petitioner's release without  
12                  charging, unless excluded by subsection (a)(3)(B); (ii) a  
13                  conviction which was vacated or reversed, unless excluded  
14                  by subsection (a)(3)(B); (iii) an order of supervision and  
15                  such supervision was successfully completed by the  
16                  petitioner, unless excluded by subsection (a)(3)(A) or  
17                  (a)(3)(B); or (iv) an order of qualified probation (as  
18                  defined in subsection (a)(1)(J)) and such probation was  
19                  successfully completed by the petitioner.

20                  (1.5) When a petitioner seeks to have a record of  
21                  arrest expunged under this Section, and the offender has  
22                  been convicted of a criminal offense, the State's Attorney  
23                  may object to the expungement on the grounds that the  
24                  records contain specific relevant information aside from  
25                  the mere fact of the arrest.

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

1           (A) When the arrest or charge not initiated by  
2 arrest sought to be expunged resulted in an acquittal,  
3 dismissal, the petitioner's release without charging,  
4 or the reversal or vacation of a conviction, there is  
5 no waiting period to petition for the expungement of  
6 such records.

7           (B) When the arrest or charge not initiated by  
8 arrest sought to be expunged resulted in an order of  
9 supervision, successfully completed by the petitioner,  
10 the following time frames will apply:

11           (i) Those arrests or charges that resulted in  
12 orders of supervision under Section 3-707, 3-708,  
13 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
14 similar provision of a local ordinance, or under  
15 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012, or a  
17 similar provision of a local ordinance, shall not  
18 be eligible for expungement until 5 years have  
19 passed following the satisfactory termination of  
20 the supervision.

21           (i-5) Those arrests or charges that resulted  
22 in orders of supervision for a misdemeanor  
23 violation of subsection (a) of Section 11-503 of  
24 the Illinois Vehicle Code or a similar provision of  
25 a local ordinance, that occurred prior to the  
26 offender reaching the age of 25 years and the

1           offender has no other conviction for violating  
2           Section 11-501 or 11-503 of the Illinois Vehicle  
3           Code or a similar provision of a local ordinance  
4           shall not be eligible for expungement until the  
5           petitioner has reached the age of 25 years.

6                   (ii) Those arrests or charges that resulted in  
7           orders of supervision for any other offenses shall  
8           not be eligible for expungement until 2 years have  
9           passed following the satisfactory termination of  
10          the supervision.

11                   (C) When the arrest or charge not initiated by  
12          arrest sought to be expunged resulted in an order of  
13          qualified probation, successfully completed by the  
14          petitioner, such records shall not be eligible for  
15          expungement until 5 years have passed following the  
16          satisfactory termination of the probation.

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

21                   (4) Whenever a person has been arrested for or  
22          convicted of any offense, in the name of a person whose  
23          identity he or she has stolen or otherwise come into  
24          possession of, the aggrieved person from whom the identity  
25          was stolen or otherwise obtained without authorization,  
26          upon learning of the person having been arrested using his

1 or her identity, may, upon verified petition to the chief  
2 judge of the circuit wherein the arrest was made, have a  
3 court order entered nunc pro tunc by the Chief Judge to  
4 correct the arrest record, conviction record, if any, and  
5 all official records of the arresting authority, the  
6 Department, other criminal justice agencies, the  
7 prosecutor, and the trial court concerning such arrest, if  
8 any, by removing his or her name from all such records in  
9 connection with the arrest and conviction, if any, and by  
10 inserting in the records the name of the offender, if known  
11 or ascertainable, in lieu of the aggrieved's name. The  
12 records of the circuit court clerk shall be sealed until  
13 further order of the court upon good cause shown and the  
14 name of the aggrieved person obliterated on the official  
15 index required to be kept by the circuit court clerk under  
16 Section 16 of the Clerks of Courts Act, but the order shall  
17 not affect any index issued by the circuit court clerk  
18 before the entry of the order. Nothing in this Section  
19 shall limit the Department of State Police or other  
20 criminal justice agencies or prosecutors from listing  
21 under an offender's name the false names he or she has  
22 used.

23 (5) Whenever a person has been convicted of criminal  
24 sexual assault, aggravated criminal sexual assault,  
25 predatory criminal sexual assault of a child, criminal  
26 sexual abuse, or aggravated criminal sexual abuse, the

1 victim of that offense may request that the State's  
2 Attorney of the county in which the conviction occurred  
3 file a verified petition with the presiding trial judge at  
4 the petitioner's trial to have a court order entered to  
5 seal the records of the circuit court clerk in connection  
6 with the proceedings of the trial court concerning that  
7 offense. However, the records of the arresting authority  
8 and the Department of State Police concerning the offense  
9 shall not be sealed. The court, upon good cause shown,  
10 shall make the records of the circuit court clerk in  
11 connection with the proceedings of the trial court  
12 concerning the offense available for public inspection.

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

21 (7) Nothing in this Section shall prevent the  
22 Department of State Police from maintaining all records of  
23 any person who is admitted to probation upon terms and  
24 conditions and who fulfills those terms and conditions  
25 pursuant to Section 10 of the Cannabis Control Act, Section  
26 410 of the Illinois Controlled Substances Act, Section 70

1 of the Methamphetamine Control and Community Protection  
2 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
3 Corrections, Section 12-4.3 or subdivision (b)(1) of  
4 Section 12-3.05 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, Section 10-102 of the Illinois  
6 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
7 the Substance Use Disorder Act, or Section 10 of the  
8 Steroid Control Act.

9 (8) If the petitioner has been granted a certificate of  
10 innocence under Section 2-702 of the Code of Civil  
11 Procedure, the court that grants the certificate of  
12 innocence shall also enter an order expunging the  
13 conviction for which the petitioner has been determined to  
14 be innocent as provided in subsection (h) of Section 2-702  
15 of the Code of Civil Procedure.

16 (c) Sealing.

17 (1) Applicability. Notwithstanding any other provision  
18 of this Act to the contrary, and cumulative with any rights  
19 to expungement of criminal records, this subsection  
20 authorizes the sealing of criminal records of adults and of  
21 minors prosecuted as adults. Subsection (g) of this Section  
22 provides for immediate sealing of certain records.

23 (2) Eligible Records. The following records may be  
24 sealed:

25 (A) All arrests resulting in release without  
26 charging;

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

5 (C) Arrests or charges not initiated by arrest  
6 resulting in orders of supervision, including orders  
7 of supervision for municipal ordinance violations,  
8 successfully completed by the petitioner, unless  
9 excluded by subsection (a) (3);

10 (D) Arrests or charges not initiated by arrest  
11 resulting in convictions, including convictions on  
12 municipal ordinance violations, unless excluded by  
13 subsection (a) (3);

14 (E) Arrests or charges not initiated by arrest  
15 resulting in orders of first offender probation under  
16 Section 10 of the Cannabis Control Act, Section 410 of  
17 the Illinois Controlled Substances Act, Section 70 of  
18 the Methamphetamine Control and Community Protection  
19 Act, or Section 5-6-3.3 of the Unified Code of  
20 Corrections; and

21 (F) Arrests or charges not initiated by arrest  
22 resulting in felony convictions unless otherwise  
23 excluded by subsection (a) paragraph (3) of this  
24 Section.

25 (3) When Records Are Eligible to Be Sealed. Records  
26 identified as eligible under subsection (c) (2) may be

1 sealed as follows:

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

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

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

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

24 (E) Records identified as eligible under  
25 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or  
26 (c) (2) (F) may be sealed upon termination of the



1 petitioner's last sentence if the petitioner earned a  
2 high school diploma, associate's degree, career  
3 certificate, vocational technical certification, or  
4 bachelor's degree, or passed the high school level Test  
5 of General Educational Development, during the period  
6 of his or her sentence or mandatory supervised release.  
7 This subparagraph shall apply only to a petitioner who  
8 has not completed the same educational goal prior to  
9 the period of his or her sentence or mandatory  
10 supervised release. If a petition for sealing eligible  
11 records filed under this subparagraph is denied by the  
12 court, the time periods under subparagraph (B) or (C)  
13 shall apply to any subsequent petition for sealing  
14 filed by the petitioner.

15 (4) Subsequent felony convictions. A person may not  
16 have subsequent felony conviction records sealed as  
17 provided in this subsection (c) if he or she is convicted  
18 of any felony offense after the date of the sealing of  
19 prior felony convictions as provided in this subsection  
20 (c). The court may, upon conviction for a subsequent felony  
21 offense, order the unsealing of prior felony conviction  
22 records previously ordered sealed by the court.

23 (5) Notice of eligibility for sealing. Upon entry of a  
24 disposition for an eligible record under this subsection  
25 (c), the petitioner shall be informed by the court of the  
26 right to have the records sealed and the procedures for the

1 sealing of the records.

2 (d) Procedure. The following procedures apply to  
3 expungement under subsections (b), (e), and (e-6) and sealing  
4 under subsections (c) and (e-5):

5 (1) Filing the petition. Upon becoming eligible to  
6 petition for the expungement or sealing of records under  
7 this Section, the petitioner shall file a petition  
8 requesting the expungement or sealing of records with the  
9 clerk of the court where the arrests occurred or the  
10 charges were brought, or both. If arrests occurred or  
11 charges were brought in multiple jurisdictions, a petition  
12 must be filed in each such jurisdiction. The petitioner  
13 shall pay the applicable fee, except no fee shall be  
14 required if the petitioner has obtained a court order  
15 waiving fees under Supreme Court Rule 298 or it is  
16 otherwise waived.

17 (1.5) County fee waiver pilot program. From August 9,  
18 2019 (the effective date of Public Act 101-306) ~~this~~  
19 ~~amendatory Act of the 101st General Assembly~~ through  
20 December 31, 2020, in a county of 3,000,000 or more  
21 inhabitants, no fee shall be required to be paid by a  
22 petitioner if the records sought to be expunged or sealed  
23 were arrests resulting in release without charging or  
24 arrests or charges not initiated by arrest resulting in  
25 acquittal, dismissal, or conviction when the conviction  
26 was reversed or vacated, unless excluded by subsection

1 (a) (3) (B). The provisions of this paragraph (1.5), other  
2 than this sentence, are inoperative on and after January 1,  
3 2021.

4 (2) Contents of petition. The petition shall be  
5 verified and shall contain the petitioner's name, date of  
6 birth, current address and, for each arrest or charge not  
7 initiated by arrest sought to be sealed or expunged, the  
8 case number, the date of arrest (if any), the identity of  
9 the arresting authority, and such other information as the  
10 court may require. During the pendency of the proceeding,  
11 the petitioner shall promptly notify the circuit court  
12 clerk of any change of his or her address. If the  
13 petitioner has received a certificate of eligibility for  
14 sealing from the Prisoner Review Board under paragraph (10)  
15 of subsection (a) of Section 3-3-2 of the Unified Code of  
16 Corrections, the certificate shall be attached to the  
17 petition.

18 (3) Drug test. The petitioner must attach to the  
19 petition proof that the petitioner has passed a test taken  
20 within 30 days before the filing of the petition showing  
21 the absence within his or her body of all illegal  
22 substances as defined by the Illinois Controlled  
23 Substances Act, the Methamphetamine Control and Community  
24 Protection Act, and the Cannabis Control Act if he or she  
25 is petitioning to:

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

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

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

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

8 (4) Service of petition. The circuit court clerk shall  
9 promptly serve a copy of the petition and documentation to  
10 support the petition under subsection (e-5) or (e-6) on the  
11 State's Attorney or prosecutor charged with the duty of  
12 prosecuting the offense, the Department of State Police,  
13 the arresting agency and the chief legal officer of the  
14 unit of local government effecting the arrest.

15 (5) Objections.

16 (A) Any party entitled to notice of the petition  
17 may file an objection to the petition. All objections  
18 shall be in writing, shall be filed with the circuit  
19 court clerk, and shall state with specificity the basis  
20 of the objection. Whenever a person who has been  
21 convicted of an offense is granted a pardon by the  
22 Governor which specifically authorizes expungement, an  
23 objection to the petition may not be filed.

24 (B) Objections to a petition to expunge or seal  
25 must be filed within 60 days of the date of service of  
26 the petition.

1           (6) Entry of order.

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

9           (B) Unless the State's Attorney or prosecutor, the  
10 Department of State Police, the arresting agency, or  
11 the chief legal officer files an objection to the  
12 petition to expunge or seal within 60 days from the  
13 date of service of the petition, the court shall enter  
14 an order granting or denying the petition.

15           (C) Notwithstanding any other provision of law,  
16 the court shall not deny a petition for sealing under  
17 this Section because the petitioner has not satisfied  
18 an outstanding legal financial obligation established,  
19 imposed, or originated by a court, law enforcement  
20 agency, or a municipal, State, county, or other unit of  
21 local government, including, but not limited to, any  
22 cost, assessment, fine, or fee. An outstanding legal  
23 financial obligation does not include any court  
24 ordered restitution to a victim under Section 5-5-6 of  
25 the Unified Code of Corrections, unless the  
26 restitution has been converted to a civil judgment.

1           Nothing in this subparagraph (C) waives, rescinds, or  
2           abrogates a legal financial obligation or otherwise  
3           eliminates or affects the right of the holder of any  
4           financial obligation to pursue collection under  
5           applicable federal, State, or local law.

6           (7) Hearings. If an objection is filed, the court shall  
7           set a date for a hearing and notify the petitioner and all  
8           parties entitled to notice of the petition of the hearing  
9           date at least 30 days prior to the hearing. Prior to the  
10          hearing, the State's Attorney shall consult with the  
11          Department as to the appropriateness of the relief sought  
12          in the petition to expunge or seal. At the hearing, the  
13          court shall hear evidence on whether the petition should or  
14          should not be granted, and shall grant or deny the petition  
15          to expunge or seal the records based on the evidence  
16          presented at the hearing. The court may consider the  
17          following:

18                 (A) the strength of the evidence supporting the  
19                 defendant's conviction;

20                 (B) the reasons for retention of the conviction  
21                 records by the State;

22                 (C) the petitioner's age, criminal record history,  
23                 and employment history;

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

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

3           (8) Service of order. After entering an order to  
4 expunge or seal records, the court must provide copies of  
5 the order to the Department, in a form and manner  
6 prescribed by the Department, to the petitioner, to the  
7 State's Attorney or prosecutor charged with the duty of  
8 prosecuting the offense, to the arresting agency, to the  
9 chief legal officer of the unit of local government  
10 effecting the arrest, and to such other criminal justice  
11 agencies as may be ordered by the court.

12           (9) Implementation of order.

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

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

22               (ii) the records of the circuit court clerk  
23 shall be impounded until further order of the court  
24 upon good cause shown and the name of the  
25 petitioner obliterated on the official index  
26 required to be kept by the circuit court clerk

1 under Section 16 of the Clerks of Courts Act, but  
2 the order shall not affect any index issued by the  
3 circuit court clerk before the entry of the order;  
4 and

5 (iii) in response to an inquiry for expunged  
6 records, the court, the Department, or the agency  
7 receiving such inquiry, shall reply as it does in  
8 response to inquiries when no records ever  
9 existed.

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

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

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



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

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

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

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

23               (i) the records shall be expunged (as defined  
24               in subsection (a)(1)(E)) by the arresting agency  
25               and any other agency as ordered by the court,  
26               within 60 days of the date of service of the order,

1           unless a motion to vacate, modify, or reconsider  
2           the order is filed under paragraph (12) of  
3           subsection (d) of this Section;

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

12          (iii) the records shall be impounded by the  
13          Department within 60 days of the date of service of  
14          the order as ordered by the court, unless a motion  
15          to vacate, modify, or reconsider the order is filed  
16          under paragraph (12) of subsection (d) of this  
17          Section;

18          (iv) records impounded by the Department may  
19          be disseminated by the Department only as required  
20          by law or to the arresting authority, the State's  
21          Attorney, and the court upon a later arrest for the  
22          same or a similar offense or for the purpose of  
23          sentencing for any subsequent felony, and to the  
24          Department of Corrections upon conviction for any  
25          offense; and

26          (v) in response to an inquiry for these records

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

6 (C) Upon entry of an order to seal records under  
7 subsection (c), the arresting agency, any other agency  
8 as ordered by the court, the Department, and the court  
9 shall seal the records (as defined in subsection  
10 (a) (1) (K)). In response to an inquiry for such records,  
11 from anyone not authorized by law to access such  
12 records, the court, the Department, or the agency  
13 receiving such inquiry shall reply as it does in  
14 response to inquiries when no records ever existed.

15 (D) The Department shall send written notice to the  
16 petitioner of its compliance with each order to expunge  
17 or seal records within 60 days of the date of service  
18 of that order or, if a motion to vacate, modify, or  
19 reconsider is filed, within 60 days of service of the  
20 order resolving the motion, if that order requires the  
21 Department to expunge or seal records. In the event of  
22 an appeal from the circuit court order, the Department  
23 shall send written notice to the petitioner of its  
24 compliance with an Appellate Court or Supreme Court  
25 judgment to expunge or seal records within 60 days of  
26 the issuance of the court's mandate. The notice is not

1 required while any motion to vacate, modify, or  
2 reconsider, or any appeal or petition for  
3 discretionary appellate review, is pending.

4 (E) Upon motion, the court may order that a sealed  
5 judgment or other court record necessary to  
6 demonstrate the amount of any legal financial  
7 obligation due and owing be made available for the  
8 limited purpose of collecting any legal financial  
9 obligations owed by the petitioner that were  
10 established, imposed, or originated in the criminal  
11 proceeding for which those records have been sealed.  
12 The records made available under this subparagraph (E)  
13 shall not be entered into the official index required  
14 to be kept by the circuit court clerk under Section 16  
15 of the Clerks of Courts Act and shall be immediately  
16 re-impounded upon the collection of the outstanding  
17 financial obligations.

18 (F) Notwithstanding any other provision of this  
19 Section, a circuit court clerk may access a sealed  
20 record for the limited purpose of collecting payment  
21 for any legal financial obligations that were  
22 established, imposed, or originated in the criminal  
23 proceedings for which those records have been sealed.

24 (10) Fees. The Department may charge the petitioner a  
25 fee equivalent to the cost of processing any order to  
26 expunge or seal records. Notwithstanding any provision of

1 the Clerks of Courts Act to the contrary, the circuit court  
2 clerk may charge a fee equivalent to the cost associated  
3 with the sealing or expungement of records by the circuit  
4 court clerk. From the total filing fee collected for the  
5 petition to seal or expunge, the circuit court clerk shall  
6 deposit \$10 into the Circuit Court Clerk Operation and  
7 Administrative Fund, to be used to offset the costs  
8 incurred by the circuit court clerk in performing the  
9 additional duties required to serve the petition to seal or  
10 expunge on all parties. The circuit court clerk shall  
11 collect and forward the Department of State Police portion  
12 of the fee to the Department and it shall be deposited in  
13 the State Police Services Fund. If the record brought under  
14 an expungement petition was previously sealed under this  
15 Section, the fee for the expungement petition for that same  
16 record shall be waived.

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

22 (12) Motion to Vacate, Modify, or Reconsider. Under  
23 Section 2-1203 of the Code of Civil Procedure, the  
24 petitioner or any party entitled to notice may file a  
25 motion to vacate, modify, or reconsider the order granting  
26 or denying the petition to expunge or seal within 60 days

1 of service of the order. If filed more than 60 days after  
2 service of the order, a petition to vacate, modify, or  
3 reconsider shall comply with subsection (c) of Section  
4 2-1401 of the Code of Civil Procedure. Upon filing of a  
5 motion to vacate, modify, or reconsider, notice of the  
6 motion shall be served upon the petitioner and all parties  
7 entitled to notice of the petition.

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

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

25 (15) Compliance with Order Granting Petition to  
26 Expunge Records. While a party is seeking relief from the

1 order granting the petition to expunge through a motion  
2 filed under paragraph (12) of this subsection (d) or is  
3 appealing the order, and unless a court has entered a stay  
4 of that order, the parties entitled to notice of the  
5 petition must seal, but need not expunge, the records until  
6 there is a final order on the motion for relief or, in the  
7 case of an appeal, the issuance of that court's mandate.

8 (16) The changes to this subsection (d) made by Public  
9 Act 98-163 apply to all petitions pending on August 5, 2013  
10 (the effective date of Public Act 98-163) and to all orders  
11 ruling on a petition to expunge or seal on or after August  
12 5, 2013 (the effective date of Public Act 98-163).

13 (e) Whenever a person who has been convicted of an offense  
14 is granted a pardon by the Governor which specifically  
15 authorizes expungement, he or she may, upon verified petition  
16 to the Chief Judge of the circuit where the person had been  
17 convicted, any judge of the circuit designated by the Chief  
18 Judge, or in counties of less than 3,000,000 inhabitants, the  
19 presiding trial judge at the defendant's trial, have a court  
20 order entered expunging the record of arrest from the official  
21 records of the arresting authority and order that the records  
22 of the circuit court clerk and the Department be sealed until  
23 further order of the court upon good cause shown or as  
24 otherwise provided herein, and the name of the defendant  
25 obliterated from the official index requested to be kept by the  
26 circuit court clerk under Section 16 of the Clerks of Courts

1 Act in connection with the arrest and conviction for the  
2 offense for which he or she had been pardoned but the order  
3 shall not affect any index issued by the circuit court clerk  
4 before the entry of the order. All records sealed by the  
5 Department may be disseminated by the Department only to the  
6 arresting authority, the State's Attorney, and the court upon a  
7 later arrest for the same or similar offense or for the purpose  
8 of sentencing for any subsequent felony. Upon conviction for  
9 any subsequent offense, the Department of Corrections shall  
10 have access to all sealed records of the Department pertaining  
11 to that individual. Upon entry of the order of expungement, the  
12 circuit court clerk shall promptly mail a copy of the order to  
13 the person who was pardoned.

14 (e-5) Whenever a person who has been convicted of an  
15 offense is granted a certificate of eligibility for sealing by  
16 the Prisoner Review Board which specifically authorizes  
17 sealing, he or she may, upon verified petition to the Chief  
18 Judge of the circuit where the person had been convicted, any  
19 judge of the circuit designated by the Chief Judge, or in  
20 counties of less than 3,000,000 inhabitants, the presiding  
21 trial judge at the petitioner's trial, have a court order  
22 entered sealing the record of arrest from the official records  
23 of the arresting authority and order that the records of the  
24 circuit court clerk and the Department be sealed until further  
25 order of the court upon good cause shown or as otherwise  
26 provided herein, and the name of the petitioner obliterated



1 from the official index requested to be kept by the circuit  
2 court clerk under Section 16 of the Clerks of Courts Act in  
3 connection with the arrest and conviction for the offense for  
4 which he or she had been granted the certificate but the order  
5 shall not affect any index issued by the circuit court clerk  
6 before the entry of the order. All records sealed by the  
7 Department may be disseminated by the Department only as  
8 required by this Act or to the arresting authority, a law  
9 enforcement agency, the State's Attorney, and the court upon a  
10 later arrest for the same or similar offense or for the purpose  
11 of sentencing for any subsequent felony. Upon conviction for  
12 any subsequent offense, the Department of Corrections shall  
13 have access to all sealed records of the Department pertaining  
14 to that individual. Upon entry of the order of sealing, the  
15 circuit court clerk shall promptly mail a copy of the order to  
16 the person who was granted the certificate of eligibility for  
17 sealing.

18 (e-6) Whenever a person who has been convicted of an  
19 offense is granted a certificate of eligibility for expungement  
20 by the Prisoner Review Board which specifically authorizes  
21 expungement, he or she may, upon verified petition to the Chief  
22 Judge of the circuit where the person had been convicted, any  
23 judge of the circuit designated by the Chief Judge, or in  
24 counties of less than 3,000,000 inhabitants, the presiding  
25 trial judge at the petitioner's trial, have a court order  
26 entered expunging the record of arrest from the official

1 records of the arresting authority and order that the records  
2 of the circuit court clerk and the Department be sealed until  
3 further order of the court upon good cause shown or as  
4 otherwise provided herein, and the name of the petitioner  
5 obliterated from the official index requested to be kept by the  
6 circuit court clerk under Section 16 of the Clerks of Courts  
7 Act in connection with the arrest and conviction for the  
8 offense for which he or she had been granted the certificate  
9 but the order shall not affect any index issued by the circuit  
10 court clerk before the entry of the order. All records sealed  
11 by the Department may be disseminated by the Department only as  
12 required by this Act or to the arresting authority, a law  
13 enforcement agency, the State's Attorney, and the court upon a  
14 later arrest for the same or similar offense or for the purpose  
15 of sentencing for any subsequent felony. Upon conviction for  
16 any subsequent offense, the Department of Corrections shall  
17 have access to all expunged records of the Department  
18 pertaining to that individual. Upon entry of the order of  
19 expungement, the circuit court clerk shall promptly mail a copy  
20 of the order to the person who was granted the certificate of  
21 eligibility for expungement.

22 (f) Subject to available funding, the Illinois Department  
23 of Corrections shall conduct a study of the impact of sealing,  
24 especially on employment and recidivism rates, utilizing a  
25 random sample of those who apply for the sealing of their  
26 criminal records under Public Act 93-211. At the request of the

1 Illinois Department of Corrections, records of the Illinois  
2 Department of Employment Security shall be utilized as  
3 appropriate to assist in the study. The study shall not  
4 disclose any data in a manner that would allow the  
5 identification of any particular individual or employing unit.  
6 The study shall be made available to the General Assembly no  
7 later than September 1, 2010.

8 (g) Immediate Sealing.

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

14 (2) Eligible Records. Arrests or charges not initiated  
15 by arrest resulting in acquittal or dismissal with  
16 prejudice, except as excluded by subsection (a)(3)(B),  
17 that occur on or after January 1, 2018 (the effective date  
18 of Public Act 100-282), may be sealed immediately if the  
19 petition is filed with the circuit court clerk on the same  
20 day and during the same hearing in which the case is  
21 disposed.

22 (3) When Records are Eligible to be Immediately Sealed.  
23 Eligible records under paragraph (2) of this subsection (g)  
24 may be sealed immediately after entry of the final  
25 disposition of a case, notwithstanding the disposition of  
26 other charges in the same case.

1           (4) Notice of Eligibility for Immediate Sealing. Upon  
2 entry of a disposition for an eligible record under this  
3 subsection (g), the defendant shall be informed by the  
4 court of his or her right to have eligible records  
5 immediately sealed and the procedure for the immediate  
6 sealing of these records.

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

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

22           (B) Contents of Petition. The immediate sealing  
23 petition shall be verified and shall contain the  
24 petitioner's name, date of birth, current address, and  
25 for each eligible record, the case number, the date of  
26 arrest if applicable, the identity of the arresting

1 authority if applicable, and other information as the  
2 court may require.

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

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

9 (E) Entry of Order. The presiding trial judge shall  
10 enter an order granting or denying the petition for  
11 immediate sealing during the hearing in which it is  
12 filed. Petitions for immediate sealing shall be ruled  
13 on in the same hearing in which the final disposition  
14 of the case is entered.

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

18 (G) Service of Order. An order to immediately seal  
19 eligible records shall be served in conformance with  
20 subsection (d) (8).

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

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

1           (J) Final Order. No court order issued under this  
2 subsection (g) shall become final for purposes of  
3 appeal until 30 days after service of the order on the  
4 petitioner and all parties entitled to service of the  
5 order in conformance with subsection (d) (8).

6           (K) Motion to Vacate, Modify, or Reconsider. Under  
7 Section 2-1203 of the Code of Civil Procedure, the  
8 petitioner, State's Attorney, or the Department of  
9 State Police may file a motion to vacate, modify, or  
10 reconsider the order denying the petition to  
11 immediately seal within 60 days of service of the  
12 order. If filed more than 60 days after service of the  
13 order, a petition to vacate, modify, or reconsider  
14 shall comply with subsection (c) of Section 2-1401 of  
15 the Code of Civil Procedure.

16           (L) Effect of Order. An order granting an immediate  
17 sealing petition shall not be considered void because  
18 it fails to comply with the provisions of this Section  
19 or because of an error asserted in a motion to vacate,  
20 modify, or reconsider. The circuit court retains  
21 jurisdiction to determine whether the order is  
22 voidable, and to vacate, modify, or reconsider its  
23 terms based on a motion filed under subparagraph (L) of  
24 this subsection (g).

25           (M) Compliance with Order Granting Petition to  
26 Seal Records. Unless a court has entered a stay of an

1           order granting a petition to immediately seal, all  
2           parties entitled to service of the order must fully  
3           comply with the terms of the order within 60 days of  
4           service of the order.

5           (h) Sealing; trafficking victims.

6           (1) A trafficking victim as defined by paragraph (10)  
7           of subsection (a) of Section 10-9 of the Criminal Code of  
8           2012 shall be eligible to petition for immediate sealing of  
9           his or her criminal record upon the completion of his or  
10          her last sentence if his or her participation in the  
11          underlying offense was a direct result of human trafficking  
12          under Section 10-9 of the Criminal Code of 2012 or a severe  
13          form of trafficking under the federal Trafficking Victims  
14          Protection Act.

15          (2) A petitioner under this subsection (h), in addition  
16          to the requirements provided under paragraph (4) of  
17          subsection (d) of this Section, shall include in his or her  
18          petition a clear and concise statement that: (A) he or she  
19          was a victim of human trafficking at the time of the  
20          offense; and (B) that his or her participation in the  
21          offense was a direct result of human trafficking under  
22          Section 10-9 of the Criminal Code of 2012 or a severe form  
23          of trafficking under the federal Trafficking Victims  
24          Protection Act.

25          (3) If an objection is filed alleging that the  
26          petitioner is not entitled to immediate sealing under this

1 subsection (h), the court shall conduct a hearing under  
2 paragraph (7) of subsection (d) of this Section and the  
3 court shall determine whether the petitioner is entitled to  
4 immediate sealing under this subsection (h). A petitioner  
5 is eligible for immediate relief under this subsection (h)  
6 if he or she shows, by a preponderance of the evidence,  
7 that: (A) he or she was a victim of human trafficking at  
8 the time of the offense; and (B) that his or her  
9 participation in the offense was a direct result of human  
10 trafficking under Section 10-9 of the Criminal Code of 2012  
11 or a severe form of trafficking under the federal  
12 Trafficking Victims Protection Act.

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

14 (1) Expungement of Arrest Records of Minor Cannabis  
15 Offenses.

16 (A) The Department of State Police and all law  
17 enforcement agencies within the State shall  
18 automatically expunge all criminal history records of  
19 an arrest, charge not initiated by arrest, order of  
20 supervision, or order of qualified probation for a  
21 Minor Cannabis Offense committed prior to June 25, 2019  
22 (the effective date of Public Act 101-27) ~~this~~  
23 ~~amendatory Act of the 101st General Assembly~~ if:

24 (i) One year or more has elapsed since the date  
25 of the arrest or law enforcement interaction  
26 documented in the records; and



1 (ii) No criminal charges were filed relating  
2 to the arrest or law enforcement interaction or  
3 criminal charges were filed and subsequently  
4 dismissed or vacated or the arrestee was  
5 acquitted.

6 (B) If the law enforcement agency is unable to  
7 verify satisfaction of condition (ii) in paragraph  
8 (A), records that satisfy condition (i) in paragraph  
9 (A) shall be automatically expunged.

10 (C) Records shall be expunged by the law  
11 enforcement agency pursuant to the procedures set  
12 forth in subdivision (d)(9)(A) under the following  
13 timelines:

14 (i) Records created prior to June 25, 2019 (the  
15 effective date of Public Act 101-27) ~~this~~  
16 ~~amendatory Act of the 101st General Assembly~~, but  
17 on or after January 1, 2013, shall be automatically  
18 expunged prior to January 1, 2021;

19 (ii) Records created prior to January 1, 2013,  
20 but on or after January 1, 2000, shall be  
21 automatically expunged prior to January 1, 2023;

22 (iii) Records created prior to January 1, 2000  
23 shall be automatically expunged prior to January  
24 1, 2025.

25 In response to an inquiry for expunged records, the  
26 law enforcement agency receiving such inquiry shall

1       reply as it does in response to inquiries when no  
2       records ever existed; however, it shall provide a  
3       certificate of disposition or confirmation that the  
4       record was expunged to the individual whose record was  
5       expunged if such a record exists.

6               (D) Nothing in this Section shall be construed to  
7       restrict or modify an individual's right to have that  
8       individual's records expunged except as otherwise may  
9       be provided in this Act, or diminish or abrogate any  
10      rights or remedies otherwise available to the  
11      individual.

12              (2) Pardons Authorizing Expungement of Minor Cannabis  
13      Offenses.

14              (A) Upon June 25, 2019 (the effective date of  
15      Public Act 101-27) ~~this amendatory Act of the 101st~~  
16      ~~General Assembly~~, the Department of State Police shall  
17      review all criminal history record information and  
18      identify all records that meet all of the following  
19      criteria:

20                      (i) one or more convictions for a Minor  
21      Cannabis Offense;

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

25                      (iii) the conviction identified in paragraph  
26      (2) (A) (i) is not associated with a ~~an~~ ~~arrest~~,

1 conviction ~~or other disposition~~ for a violent  
2 crime as defined in subsection (c) of Section 3 of  
3 the Rights of Crime Victims and Witnesses Act.

4 (B) Within 180 days after June 25, 2019 (the  
5 effective date of Public Act 101-27) ~~this amendatory~~  
6 ~~Act of the 101st General Assembly~~, the Department of  
7 State Police shall notify the Prisoner Review Board of  
8 all such records that meet the criteria established in  
9 paragraph (2) (A).

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

22 (ii) In response to a written objection from a  
23 State's Attorney, the Prisoner Review Board is  
24 authorized to conduct a non-public hearing to  
25 evaluate the information provided in the  
26 objection.

1           (iii) The Prisoner Review Board shall make a  
2           confidential and privileged recommendation to the  
3           Governor as to whether to grant a pardon  
4           authorizing expungement for each of the records  
5           identified by the Department of State Police as  
6           described in paragraph (2) (A).

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

1 Section 16 of the Clerks of Courts Act in connection  
2 with the arrest and conviction for the offense for  
3 which the individual had received a pardon but the  
4 order shall not affect any index issued by the circuit  
5 court clerk before the entry of the order. Upon entry  
6 of the order of expungement, the circuit court clerk  
7 shall promptly provide a copy of the order and a  
8 certificate of disposition to the individual who was  
9 pardoned to the individual's last known address or by  
10 electronic means (if available) or otherwise make it  
11 available to the individual who was pardoned to the  
12 individual's last known address or otherwise make  
13 available to the individual upon request.

14 (D) Nothing in this Section is intended to diminish  
15 or abrogate any rights or remedies otherwise available  
16 to the individual.

17 (3) Any individual may file a motion to vacate and  
18 expunge a conviction for a misdemeanor or Class 4 felony  
19 violation of Section 4 or Section 5 of the Cannabis Control  
20 Act. Motions to vacate and expunge under this subsection  
21 (i) may be filed with the circuit court, Chief Judge of a  
22 judicial circuit or any judge of the circuit designated by  
23 the Chief Judge. The circuit court clerk shall promptly  
24 serve a copy of the motion to vacate and expunge, and any  
25 supporting documentation, on the State's Attorney or  
26 prosecutor charged with the duty of prosecuting the

1 offense. When considering such a motion to vacate and  
2 expunge, a court shall consider the following: the reasons  
3 to retain the records provided by law enforcement, the  
4 petitioner's age, the petitioner's age at the time of  
5 offense, the time since the conviction, and the specific  
6 adverse consequences if denied. An individual may file such  
7 a petition after the completion of any non-financial  
8 sentence or non-financial condition imposed by the  
9 conviction. Within 60 days of the filing of such motion, a  
10 State's Attorney may file an objection to such a petition  
11 along with supporting evidence. If a motion to vacate and  
12 expunge is granted, the records shall be expunged in  
13 accordance with subparagraphs (d)(8) and ~~sentence or~~  
14 ~~condition imposed by the conviction. Within 60 days of the~~  
15 ~~filing of such motion, a State's Attorney may file an~~  
16 ~~objection to such a petition along with supporting~~  
17 ~~evidence. If a motion to vacate and expunge is granted, the~~  
18 ~~records shall be expunged in accordance with subparagraph~~  
19 (d)(9)(A) of this Section. An agency providing civil legal  
20 aid, as defined by Section 15 of the Public Interest  
21 Attorney Assistance Act, assisting individuals seeking to  
22 file a motion to vacate and expunge under this subsection  
23 may file motions to vacate and expunge with the Chief Judge  
24 of a judicial circuit or any judge of the circuit  
25 designated by the Chief Judge, and the motion may include  
26 more than one individual. Motions filed by an agency

1 providing civil legal aid concerning more than one  
2 individual may be prepared, presented, and signed  
3 electronically.

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

1 available to the individual upon request. If a motion to  
2 vacate and expunge is granted, the records shall be  
3 expunged in accordance with subparagraphs (d)(8) and  
4 (d)(9)(A) of this Section. If the State's Attorney files a  
5 motion to vacate and expunge records for Minor Cannabis  
6 Offenses pursuant to this Section, the State's Attorney  
7 shall notify the Prisoner Review Board within 30 days of  
8 such filing. If a motion to vacate and expunge is granted,  
9 the records shall be expunged in accordance with  
10 subparagraph (d)(9)(A) of this Section.

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

15 (6) If a person is arrested for a Minor Cannabis  
16 Offense as defined in this Section before June 25, 2019  
17 (the effective date of Public Act 101-27) ~~this amendatory~~  
18 ~~Act of the 101st General Assembly~~ and the person's case is  
19 still pending but a sentence has not been imposed, the  
20 person may petition the court in which the charges are  
21 pending for an order to summarily dismiss those charges  
22 against him or her, and expunge all official records of his  
23 or her arrest, plea, trial, conviction, incarceration,  
24 supervision, or expungement. If the court determines, upon  
25 review, that: (A) the person was arrested before June 25,  
26 2019 (the effective date of Public Act 101-27) ~~this~~



1 ~~amendatory Act of the 101st General Assembly~~ for an offense  
2 that has been made eligible for expungement; (B) the case  
3 is pending at the time; and (C) the person has not been  
4 sentenced of the minor cannabis violation eligible for  
5 expungement under this subsection, the court shall  
6 consider the following: the reasons to retain the records  
7 provided by law enforcement, the petitioner's age, the  
8 petitioner's age at the time of offense, the time since the  
9 conviction, and the specific adverse consequences if  
10 denied. If a motion to dismiss and expunge is granted, the  
11 records shall be expunged in accordance with subparagraph  
12 (d) (9) (A) of this Section.

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

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

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

25 (10) Effect of Expungement. A person's right to expunge  
26 an expungeable offense shall not be limited under this

1 Section. The effect of an order of expungement shall be to  
2 restore the person to the status he or she occupied before  
3 the arrest, charge, or conviction.

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

7 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;  
8 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.  
9 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,  
10 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
11 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; revised 9-25-19.)

12 Section 6. The Use Tax Act is amended by changing Section  
13 3-10 as follows:

14 (35 ILCS 105/3-10)

15 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
16 Section, the tax imposed by this Act is at the rate of 6.25% of  
17 either the selling price or the fair market value, if any, of  
18 the tangible personal property. In all cases where property  
19 functionally used or consumed is the same as the property that  
20 was purchased at retail, then the tax is imposed on the selling  
21 price of the property. In all cases where property functionally  
22 used or consumed is a by-product or waste product that has been  
23 refined, manufactured, or produced from property purchased at  
24 retail, then the tax is imposed on the lower of the fair market

1 value, if any, of the specific property so used in this State  
2 or on the selling price of the property purchased at retail.  
3 For purposes of this Section "fair market value" means the  
4 price at which property would change hands between a willing  
5 buyer and a willing seller, neither being under any compulsion  
6 to buy or sell and both having reasonable knowledge of the  
7 relevant facts. The fair market value shall be established by  
8 Illinois sales by the taxpayer of the same property as that  
9 functionally used or consumed, or if there are no such sales by  
10 the taxpayer, then comparable sales or purchases of property of  
11 like kind and character in Illinois.

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

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

19 With respect to gasohol, the tax imposed by this Act  
20 applies to (i) 70% of the proceeds of sales made on or after  
21 January 1, 1990, and before July 1, 2003, (ii) 80% of the  
22 proceeds of sales made on or after July 1, 2003 and on or  
23 before July 1, 2017, and (iii) 100% of the proceeds of sales  
24 made thereafter. If, at any time, however, the tax under this  
25 Act on sales of gasohol is imposed at the rate of 1.25%, then  
26 the tax imposed by this Act applies to 100% of the proceeds of

1 sales of gasohol made during that time.

2 With respect to majority blended ethanol fuel, the tax  
3 imposed by this Act does not apply to the proceeds of sales  
4 made on or after July 1, 2003 and on or before December 31,  
5 2023 but applies to 100% of the proceeds of sales made  
6 thereafter.

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

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

22 With respect to food for human consumption that is to be  
23 consumed off the premises where it is sold (other than  
24 alcoholic beverages, food consisting of or infused with adult  
25 use cannabis, soft drinks, and food that has been prepared for  
26 immediate consumption) and prescription and nonprescription

1 medicines, drugs, medical appliances, products classified as  
2 Class III medical devices by the United States Food and Drug  
3 Administration that are used for cancer treatment pursuant to a  
4 prescription, as well as any accessories and components related  
5 to those devices, modifications to a motor vehicle for the  
6 purpose of rendering it usable by a person with a disability,  
7 and insulin, urine testing materials, syringes, and needles  
8 used by diabetics, for human use, the tax is imposed at the  
9 rate of 1%. For the purposes of this Section, until September  
10 1, 2009: the term "soft drinks" means any complete, finished,  
11 ready-to-use, non-alcoholic drink, whether carbonated or not,  
12 including but not limited to soda water, cola, fruit juice,  
13 vegetable juice, carbonated water, and all other preparations  
14 commonly known as soft drinks of whatever kind or description  
15 that are contained in any closed or sealed bottle, can, carton,  
16 or container, regardless of size; but "soft drinks" does not  
17 include coffee, tea, non-carbonated water, infant formula,  
18 milk or milk products as defined in the Grade A Pasteurized  
19 Milk and Milk Products Act, or drinks containing 50% or more  
20 natural fruit or vegetable juice.

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

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

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

22           Notwithstanding any other provisions of this Act,  
23 beginning September 1, 2009, "nonprescription medicines and  
24 drugs" does not include grooming and hygiene products. For  
25 purposes of this Section, "grooming and hygiene products"  
26 includes, but is not limited to, soaps and cleaning solutions,

1 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
2 lotions and screens, unless those products are available by  
3 prescription only, regardless of whether the products meet the  
4 definition of "over-the-counter-drugs". For the purposes of  
5 this paragraph, "over-the-counter-drug" means a drug for human  
6 use that contains a label that identifies the product as a drug  
7 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
8 label includes:

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

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

13 Beginning on the effective date of this amendatory Act of  
14 the 98th General Assembly, "prescription and nonprescription  
15 medicines and drugs" includes medical cannabis purchased from a  
16 registered dispensing organization under the Compassionate Use  
17 of Medical Cannabis Program Act.

18 As used in this Section, "adult use cannabis" means  
19 cannabis subject to tax under the Cannabis Cultivation  
20 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and  
21 does not include cannabis subject to tax under the  
22 Compassionate Use of Medical Cannabis Program Act.

23 If the property that is purchased at retail from a retailer  
24 is acquired outside Illinois and used outside Illinois before  
25 being brought to Illinois for use here and is taxable under  
26 this Act, the "selling price" on which the tax is computed

1 shall be reduced by an amount that represents a reasonable  
2 allowance for depreciation for the period of prior out-of-state  
3 use.

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

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

7 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

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

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

18 With respect to gasohol, as defined in the Use Tax Act, the  
19 tax imposed by this Act applies to (i) 70% of the selling price  
20 of property transferred as an incident to the sale of service  
21 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
22 of the selling price of property transferred as an incident to  
23 the sale of service on or after July 1, 2003 and on or before  
24 July 1, 2017, and (iii) 100% of the selling price thereafter.



1 If, at any time, however, the tax under this Act on sales of  
2 gasohol, as defined in the Use Tax Act, is imposed at the rate  
3 of 1.25%, then the tax imposed by this Act applies to 100% of  
4 the proceeds of sales of gasohol made during that time.

5 With respect to majority blended ethanol fuel, as defined  
6 in the Use Tax Act, the tax imposed by this Act does not apply  
7 to the selling price of property transferred as an incident to  
8 the 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 With respect to biodiesel blends, as defined in the Use Tax  
12 Act, with no less than 1% and no more than 10% biodiesel, the  
13 tax imposed by this Act applies to (i) 80% of the selling price  
14 of property transferred as an incident to the sale of service  
15 on or after July 1, 2003 and on or before December 31, 2018 and  
16 (ii) 100% of the proceeds of the selling price thereafter. If,  
17 at any time, however, the tax under this Act on sales of  
18 biodiesel blends, as defined in the Use Tax Act, with no less  
19 than 1% and no more than 10% biodiesel is imposed at the rate  
20 of 1.25%, then the tax imposed by this Act applies to 100% of  
21 the proceeds of sales of biodiesel blends with no less than 1%  
22 and no more than 10% biodiesel made during that time.

23 With respect to 100% biodiesel, as defined in the Use Tax  
24 Act, and biodiesel blends, as defined in the Use Tax Act, with  
25 more than 10% but no more than 99% biodiesel, the tax imposed  
26 by this Act does not apply to the proceeds of the selling price

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

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

14 The tax shall be imposed at the rate of 1% on food prepared  
15 for immediate consumption and transferred incident to a sale of  
16 service subject to this Act or the Service Occupation Tax Act  
17 by an entity licensed under the Hospital Licensing Act, the  
18 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD  
19 Act, the Specialized Mental Health Rehabilitation Act of 2013,  
20 or the Child Care Act of 1969. The tax shall also be imposed at  
21 the rate of 1% on food for human consumption that is to be  
22 consumed off the premises where it is sold (other than  
23 alcoholic beverages, food consisting of or infused with adult  
24 use cannabis, soft drinks, and food that has been prepared for  
25 immediate consumption and is not otherwise included in this  
26 paragraph) and prescription and nonprescription medicines,

1 drugs, medical appliances, products classified as Class III  
2 medical devices by the United States Food and Drug  
3 Administration that are used for cancer treatment pursuant to a  
4 prescription, as well as any accessories and components related  
5 to those devices, modifications to a motor vehicle for the  
6 purpose of rendering it usable by a person with a disability,  
7 and insulin, urine testing materials, syringes, and needles  
8 used by diabetics, for human use. For the purposes of this  
9 Section, until September 1, 2009: the term "soft drinks" means  
10 any complete, finished, ready-to-use, non-alcoholic drink,  
11 whether carbonated or not, including but not limited to soda  
12 water, cola, fruit juice, vegetable juice, carbonated water,  
13 and all other preparations commonly known as soft drinks of  
14 whatever kind or description that are contained in any closed  
15 or sealed bottle, can, carton, or container, regardless of  
16 size; but "soft drinks" does not include coffee, tea,  
17 non-carbonated water, infant formula, milk or milk products as  
18 defined in the Grade A Pasteurized Milk and Milk Products Act,  
19 or drinks containing 50% or more natural fruit or vegetable  
20 juice.

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

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

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

22           Notwithstanding any other provisions of this Act,  
23 beginning September 1, 2009, "nonprescription medicines and  
24 drugs" does not include grooming and hygiene products. For  
25 purposes of this Section, "grooming and hygiene products"  
26 includes, but is not limited to, soaps and cleaning solutions,

1 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
2 lotions and screens, unless those products are available by  
3 prescription only, regardless of whether the products meet the  
4 definition of "over-the-counter-drugs". For the purposes of  
5 this paragraph, "over-the-counter-drug" means a drug for human  
6 use that contains a label that identifies the product as a drug  
7 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
8 label includes:

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

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

13 Beginning on January 1, 2014 (the effective date of Public  
14 Act 98-122), "prescription and nonprescription medicines and  
15 drugs" includes medical cannabis purchased from a registered  
16 dispensing organization under the Compassionate Use of Medical  
17 Cannabis Program Act.

18 As used in this Section, "adult use cannabis" means  
19 cannabis subject to tax under the Cannabis Cultivation  
20 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and  
21 does not include cannabis subject to tax under the  
22 Compassionate Use of Medical Cannabis Program Act.

23 If the property that is acquired from a serviceman is  
24 acquired outside Illinois and used outside Illinois before  
25 being brought to Illinois for use here and is taxable under  
26 this Act, the "selling price" on which the tax is computed

1 shall be reduced by an amount that represents a reasonable  
2 allowance for depreciation for the period of prior out-of-state  
3 use.

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

5 Section 8. The Service Occupation Tax Act is amended by  
6 changing Section 3-10 as follows:

7 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

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

1 completion of the contract.

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

6 With respect to gasohol, as defined in the Use Tax Act, the  
7 tax imposed by this Act shall apply to (i) 70% of the cost  
8 price of property transferred as an incident to the sale of  
9 service on or after January 1, 1990, and before July 1, 2003,  
10 (ii) 80% of the selling price of property transferred as an  
11 incident to the sale of service on or after July 1, 2003 and on  
12 or before July 1, 2017, and (iii) 100% of the cost price  
13 thereafter. If, at any time, however, the tax under this Act on  
14 sales of gasohol, as defined in the Use Tax Act, is imposed at  
15 the rate of 1.25%, then the tax imposed by this Act applies to  
16 100% of the proceeds of sales of gasohol made during that time.

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

23 With respect to biodiesel blends, as defined in the Use Tax  
24 Act, with no less than 1% and no more than 10% biodiesel, the  
25 tax imposed by this Act applies to (i) 80% of the selling price  
26 of property transferred as an incident to the sale of service

1 on or after July 1, 2003 and on or before December 31, 2018 and  
2 (ii) 100% of the proceeds of the selling price thereafter. If,  
3 at any time, however, the tax under this Act on sales of  
4 biodiesel blends, as defined in the Use Tax Act, with no less  
5 than 1% and no more than 10% biodiesel is imposed at the rate  
6 of 1.25%, then the tax imposed by this Act applies to 100% of  
7 the proceeds of sales of biodiesel blends with no less than 1%  
8 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 material, the tax  
12 imposed by this Act does not apply to the proceeds of the  
13 selling price of property transferred as an incident to the  
14 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 At the election of any registered serviceman made for each  
18 fiscal year, sales of service in which the aggregate annual  
19 cost price of tangible personal property transferred as an  
20 incident to the sales of service is less than 35%, or 75% in  
21 the case of servicemen transferring prescription drugs or  
22 servicemen engaged in graphic arts production, of the aggregate  
23 annual total gross receipts from all sales of service, the tax  
24 imposed by this Act shall be based on the serviceman's cost  
25 price of the tangible personal property transferred incident to  
26 the sale of those services.



1           The tax shall be imposed at the rate of 1% on food prepared  
2 for immediate consumption and transferred incident to a sale of  
3 service subject to this Act or the Service Occupation Tax Act  
4 by an entity licensed under the Hospital Licensing Act, the  
5 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD  
6 Act, the Specialized Mental Health Rehabilitation Act of 2013,  
7 or the Child Care Act of 1969. The tax shall also be imposed at  
8 the rate of 1% on food for human consumption that is to be  
9 consumed off the premises where it is sold (other than  
10 alcoholic beverages, food consisting of or infused with adult  
11 use cannabis, soft drinks, and food that has been prepared for  
12 immediate consumption and is not otherwise included in this  
13 paragraph) and prescription and nonprescription medicines,  
14 drugs, medical appliances, products classified as Class III  
15 medical devices by the United States Food and Drug  
16 Administration that are used for cancer treatment pursuant to a  
17 prescription, as well as any accessories and components related  
18 to those devices, modifications to a motor vehicle for the  
19 purpose of rendering it usable by a person with a disability,  
20 and insulin, urine testing materials, syringes, and needles  
21 used by diabetics, for human use. For the purposes of this  
22 Section, until September 1, 2009: the term "soft drinks" means  
23 any complete, finished, ready-to-use, non-alcoholic drink,  
24 whether carbonated or not, including but not limited to soda  
25 water, cola, fruit juice, vegetable juice, carbonated water,  
26 and all other preparations commonly known as soft drinks of

1 whatever kind or description that are contained in any closed  
2 or sealed can, carton, or container, regardless of size; but  
3 "soft drinks" does not include coffee, tea, non-carbonated  
4 water, infant formula, milk or milk products as defined in the  
5 Grade A Pasteurized Milk and Milk Products Act, or drinks  
6 containing 50% or more natural fruit or vegetable juice.

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

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

25 Notwithstanding any other provisions of this Act,  
26 beginning September 1, 2009, "food for human consumption that

1 is to be consumed off the premises where it is sold" does not  
2 include candy. For purposes of this Section, "candy" means a  
3 preparation of sugar, honey, or other natural or artificial  
4 sweeteners in combination with chocolate, fruits, nuts or other  
5 ingredients or flavorings in the form of bars, drops, or  
6 pieces. "Candy" does not include any preparation that contains  
7 flour or requires refrigeration.

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

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

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

25 Beginning on January 1, 2014 (the effective date of Public  
26 Act 98-122), "prescription and nonprescription medicines and

1 drugs" includes medical cannabis purchased from a registered  
2 dispensing organization under the Compassionate Use of Medical  
3 Cannabis Program Act.

4 As used in this Section, "adult use cannabis" means  
5 cannabis subject to tax under the Cannabis Cultivation  
6 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and  
7 does not include cannabis subject to tax under the  
8 Compassionate Use of Medical Cannabis Program Act.

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

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

12 (35 ILCS 120/2-10)

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

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

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

24 Within 14 days after the effective date of this amendatory

1 Act of the 91st General Assembly, each retailer of motor fuel  
2 and gasohol shall cause the following notice to be posted in a  
3 prominently visible place on each retail dispensing device that  
4 is used to dispense motor fuel or gasohol in the State of  
5 Illinois: "As of July 1, 2000, the State of Illinois has  
6 eliminated the State's share of sales tax on motor fuel and  
7 gasohol through December 31, 2000. The price on this pump  
8 should reflect the elimination of the tax." The notice shall be  
9 printed in bold print on a sign that is no smaller than 4  
10 inches by 8 inches. The sign shall be clearly visible to  
11 customers. Any retailer who fails to post or maintain a  
12 required sign through December 31, 2000 is guilty of a petty  
13 offense for which the fine shall be \$500 per day per each  
14 retail premises where a violation occurs.

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

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

1 to the proceeds of sales made on or after July 1, 2003 and on or  
2 before December 31, 2023 but applies to 100% of the proceeds of  
3 sales made thereafter.

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

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

21 With respect to food for human consumption that is to be  
22 consumed off the premises where it is sold (other than  
23 alcoholic beverages, food consisting of or infused with adult  
24 use cannabis, soft drinks, and food that has been prepared for  
25 immediate consumption) and prescription and nonprescription  
26 medicines, drugs, medical appliances, products classified as

1 Class III medical devices by the United States Food and Drug  
2 Administration that are used for cancer treatment pursuant to a  
3 prescription, as well as any accessories and components related  
4 to those devices, modifications to a motor vehicle for the  
5 purpose of rendering it usable by a person with a disability,  
6 and insulin, urine testing materials, syringes, and needles  
7 used by diabetics, for human use, the tax is imposed at the  
8 rate of 1%. For the purposes of this Section, until September  
9 1, 2009: the term "soft drinks" means any complete, finished,  
10 ready-to-use, non-alcoholic drink, whether carbonated or not,  
11 including but not limited to soda water, cola, fruit juice,  
12 vegetable juice, carbonated water, and all other preparations  
13 commonly known as soft drinks of whatever kind or description  
14 that are contained in any closed or sealed bottle, can, carton,  
15 or container, regardless of size; but "soft drinks" does not  
16 include coffee, tea, non-carbonated water, infant formula,  
17 milk or milk products as defined in the Grade A Pasteurized  
18 Milk and Milk Products Act, or drinks containing 50% or more  
19 natural fruit or vegetable juice.

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

26 Until August 1, 2009, and notwithstanding any other

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

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

21 Notwithstanding any other provisions of this Act,  
22 beginning September 1, 2009, "nonprescription medicines and  
23 drugs" does not include grooming and hygiene products. For  
24 purposes of this Section, "grooming and hygiene products"  
25 includes, but is not limited to, soaps and cleaning solutions,  
26 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan



1     lotions and screens, unless those products are available by  
2     prescription only, regardless of whether the products meet the  
3     definition of "over-the-counter-drugs". For the purposes of  
4     this paragraph, "over-the-counter-drug" means a drug for human  
5     use that contains a label that identifies the product as a drug  
6     as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
7     label includes:

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

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

12           Beginning on the effective date of this amendatory Act of  
13           the 98th General Assembly, "prescription and nonprescription  
14           medicines and drugs" includes medical cannabis purchased from a  
15           registered dispensing organization under the Compassionate Use  
16           of Medical Cannabis Program Act.

17           As used in this Section, "adult use cannabis" means  
18           cannabis subject to tax under the Cannabis Cultivation  
19           Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and  
20           does not include cannabis subject to tax under the  
21           Compassionate Use of Medical Cannabis Program Act.

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

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

1 (35 ILCS 143/10-5)

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

3 "Business" means any trade, occupation, activity, or  
4 enterprise engaged in, at any location whatsoever, for the  
5 purpose of selling tobacco products.

6 "Cigarette" has the meaning ascribed to the term in Section  
7 1 of the Cigarette Tax Act.

8 "Contraband little cigar" means:

9 (1) packages of little cigars containing 20 or 25  
10 little cigars that do not bear a required tax stamp under  
11 this Act;

12 (2) packages of little cigars containing 20 or 25  
13 little cigars that bear a fraudulent, imitation, or  
14 counterfeit tax stamp;

15 (3) packages of little cigars containing 20 or 25  
16 little cigars that are improperly tax stamped, including  
17 packages of little cigars that bear only a tax stamp of  
18 another state or taxing jurisdiction; or

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

1 "Correctional Industries program" means a program run by a  
2 State penal institution in which residents of the penal  
3 institution produce tobacco products for sale to persons  
4 incarcerated in penal institutions or resident patients of a  
5 State operated mental health facility.

6 "Department" means the Illinois Department of Revenue.

7 "Distributor" means any of the following:

8 (1) Any manufacturer or wholesaler in this State  
9 engaged in the business of selling tobacco products who  
10 sells, exchanges, or distributes tobacco products to  
11 retailers or consumers in this State.

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

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

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

6 "Electronic cigarette" means:

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

10 (2) any cartridge or container of a solution or  
11 substance intended to be used with or in the device or to  
12 refill the device; or

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

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

1 approved purpose; or any therapeutic product approved for use  
2 under the Compassionate Use of Medical Cannabis ~~Pilot~~ Program  
3 Act.

4 "Little cigar" means and includes any roll, made wholly or  
5 in part of tobacco, where such roll has an integrated cellulose  
6 acetate filter and weighs less than 4 pounds per thousand and  
7 the wrapper or cover of which is made in whole or in part of  
8 tobacco.

9 "Manufacturer" means any person, wherever resident or  
10 located, who manufactures and sells tobacco products, except a  
11 person who makes, manufactures, or fabricates tobacco products  
12 as a part of a Correctional Industries program for sale to  
13 persons incarcerated in penal institutions or resident  
14 patients of a State operated mental health facility.

15 Beginning on January 1, 2013, "moist snuff" means any  
16 finely cut, ground, or powdered tobacco that is not intended to  
17 be smoked, but shall not include any finely cut, ground, or  
18 powdered tobacco that is intended to be placed in the nasal  
19 cavity.

20 "Person" means any natural individual, firm, partnership,  
21 association, joint stock company, joint venture, limited  
22 liability company, or public or private corporation, however  
23 formed, or a receiver, executor, administrator, trustee,  
24 conservator, or other representative appointed by order of any  
25 court.

26 "Place of business" means and includes any place where

1 tobacco products are sold or where tobacco products are  
2 manufactured, stored, or kept for the purpose of sale or  
3 consumption, including any vessel, vehicle, airplane, train,  
4 or vending machine.

5 "Retailer" means any person in this State engaged in the  
6 business of selling tobacco products to consumers in this  
7 State, regardless of quantity or number of sales.

8 "Sale" means any transfer, exchange, or barter in any  
9 manner or by any means whatsoever for a consideration and  
10 includes all sales made by persons.

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

16 "Stamping distributor" means a distributor licensed under  
17 this Act and also licensed as a distributor under the Cigarette  
18 Tax Act or Cigarette Use Tax Act.

19 "Tobacco products" means any cigars, including little  
20 cigars; cheroots; stogies; periques; granulated, plug cut,  
21 crimp cut, ready rubbed, and other smoking tobacco; snuff  
22 (including moist snuff) or snuff flour; cavendish; plug and  
23 twist tobacco; fine-cut and other chewing tobaccos; shorts;  
24 refuse scraps, clippings, cuttings, and sweeping of tobacco;  
25 and other kinds and forms of tobacco, prepared in such manner  
26 as to be suitable for chewing or smoking in a pipe or

1 otherwise, or both for chewing and smoking; but does not  
2 include cigarettes as defined in Section 1 of the Cigarette Tax  
3 Act or tobacco purchased for the manufacture of cigarettes by  
4 cigarette distributors and manufacturers defined in the  
5 Cigarette Tax Act and persons who make, manufacture, or  
6 fabricate cigarettes as a part of a Correctional Industries  
7 program for sale to residents incarcerated in penal  
8 institutions or resident patients of a State operated mental  
9 health facility.

10 Beginning on July 1, 2019, "tobacco products" also includes  
11 electronic cigarettes.

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

21 "Wholesaler" means any person, wherever resident or  
22 located, engaged in the business of selling tobacco products to  
23 others for the purpose of resale. "Wholesaler", when used in  
24 this Act, does not include a person licensed as a distributor  
25 under Section 10-20 of this Act unless expressly stated in this  
26 Act.

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

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

4 (55 ILCS 5/5-1006.8)

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

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



1 hereinafter provided; and to determine all rights to credit  
2 memoranda arising on account of the erroneous payment of tax or  
3 penalty under this Section. In the administration of and  
4 compliance with this Section, the Department of Revenue and  
5 persons who are subject to this Section shall have the same  
6 rights, remedies, privileges, immunities, powers and duties,  
7 and be subject to the same conditions, restrictions,  
8 limitations, penalties, and definitions of terms, and employ  
9 the same modes of procedure, as are described in Sections 1,  
10 1a, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect  
11 to all provisions therein other than the State rate of tax),  
12 2a, 2b, 2c, 2i, 3 (except as to the disposition of taxes and  
13 penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
14 5j, 5k, 5l, 6, 6a, 6bb, 6c, 6d, 7 ~~8~~, 8, 9, 10, 11, 11a, 12, and  
15 13 of the Retailers' Occupation Tax Act and Section 3-7 of the  
16 Uniform Penalty and Interest Act as fully as if those  
17 provisions were set forth in this Section.

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

24 (c) Whenever the Department of Revenue determines that a  
25 refund should be made under this Section to a claimant instead  
26 of issuing a credit memorandum, the Department of Revenue shall

1 notify the State Comptroller, who shall cause the order to be  
2 drawn for the amount specified and to the person named in the  
3 notification from the Department of Revenue.

4 (d) The Department of Revenue shall immediately pay over to  
5 the State Treasurer, ex officio, as trustee, all taxes and  
6 penalties collected hereunder for deposit into the Local  
7 Cannabis Retailers' Occupation ~~Consumer Excise~~ Tax Trust Fund.

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

1 Department, at the time of each monthly disbursement to the  
2 counties, shall prepare and certify the State Comptroller the  
3 amount to be transferred into the Tax Compliance and  
4 Administration Fund under this Section. Within 10 days after  
5 receipt by the Comptroller of the disbursement certification to  
6 the counties and the Tax Compliance and Administration Fund  
7 provided for in this Section to be given to the Comptroller by  
8 the Department, the Comptroller shall cause the orders to be  
9 drawn for the respective amounts in accordance with the  
10 directions contained in the certification.

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

1 proceed to administer and enforce this Section as of the first  
2 day of January ~~the first day of June, whereupon the Department~~  
3 ~~shall proceed to administer and enforce this Section as of the~~  
4 ~~first day of September~~ next following the adoption and filing.

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

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

9 (65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

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

1 tax based on the number of units of cigarettes or tobacco  
2 products before July 1, 1993, shall not impose such a tax after  
3 that date); (3) a tax, however measured, based on the use of a  
4 hotel or motel room or similar facility; (4) a tax, however  
5 measured, on the sale or transfer of real property; (5) a tax,  
6 however measured, on lease receipts; (6) a tax on food prepared  
7 for immediate consumption and on alcoholic beverages sold by a  
8 business which provides for on premise consumption of said food  
9 or alcoholic beverages; or (7) other taxes not based on the  
10 selling or purchase price or gross receipts from the use, sale  
11 or purchase of tangible personal property. This Section does  
12 not preempt a home rule municipality with a population of more  
13 than 2,000,000 from imposing a tax, however measured, on the  
14 use, for consideration, of a parking lot, garage, or other  
15 parking facility. This Section is not intended to affect any  
16 existing tax on food and beverages prepared for immediate  
17 consumption on the premises where the sale occurs, or any  
18 existing tax on alcoholic beverages, or any existing tax  
19 imposed on the charge for renting a hotel or motel room, which  
20 was in effect January 15, 1988, or any extension of the  
21 effective date of such an existing tax by ordinance of the  
22 municipality imposing the tax, which extension is hereby  
23 authorized, in any non-home rule municipality in which the  
24 imposition of such a tax has been upheld by judicial  
25 determination, nor is this Section intended to preempt the  
26 authority granted by Public Act 85-1006. On and after December

1 1, 2019, no home rule municipality has the authority to impose,  
2 pursuant to its home rule authority, a tax, however measured,  
3 on sales of aviation fuel, as defined in Section 3 of the  
4 Retailers' Occupation Tax Act, unless the tax is not subject to  
5 the revenue use requirements of 49 U.S.C. 47107(b) ~~47017(b)~~ and  
6 49 U.S.C. 47133, or unless the tax revenue is expended for  
7 airport-related purposes. For purposes of this Section,  
8 "airport-related purposes" has the meaning ascribed in Section  
9 6z-20.2 of the State Finance Act. Aviation fuel shall be  
10 excluded from tax only if, and for so long as, the revenue use  
11 requirements of 49 U.S.C. 47107(b) ~~47017(b)~~ and 49 U.S.C. 47133  
12 are binding on the municipality. This Section is a limitation,  
13 pursuant to subsection (g) of Section 6 of Article VII of the  
14 Illinois Constitution, on the power of home rule units to tax.  
15 The changes made to this Section by Public Act 101-10 ~~this~~  
16 ~~amendatory Act of the 101st General Assembly~~ are a denial and  
17 limitation of home rule powers and functions under subsection  
18 (g) of Section 6 of Article VII of the Illinois Constitution.  
19 (Source: P.A. 101-10, eff. 6-5-19; 101-27, eff. 6-25-19;  
20 revised 8-19-19.)

21 (65 ILCS 5/8-11-23)

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

24 (a) This Section may be referred to as the Municipal  
25 Cannabis Retailers' Occupation Tax Law. The ~~On and after~~

1 ~~January 1, 2020,~~ the corporate authorities of any municipality  
2 may, by ordinance, impose a tax upon all persons engaged in the  
3 business of selling cannabis, other than cannabis purchased  
4 under the Compassionate Use of Medical Cannabis ~~Pilot~~ Program  
5 Act, at retail in the municipality on the gross receipts from  
6 these sales made in the course of that business. If imposed,  
7 the tax may not exceed 3% of the gross receipts from these  
8 sales and shall only be imposed in 1/4% increments. The tax  
9 imposed under this Section and all civil penalties that may be  
10 assessed as an incident of the tax shall be collected and  
11 enforced by the Department of Revenue. The Department of  
12 Revenue shall have full power to administer and enforce this  
13 Section; to collect all taxes and penalties due hereunder; to  
14 dispose of taxes and penalties so collected in the manner  
15 hereinafter provided; and to determine all rights to credit  
16 memoranda arising on account of the erroneous payment of tax or  
17 penalty under this Section. In the administration of and  
18 compliance with this Section, the Department and persons who  
19 are subject to this Section shall have the same rights,  
20 remedies, privileges, immunities, powers and duties, and be  
21 subject to the same conditions, restrictions, limitations,  
22 penalties and definitions of terms, and employ the same modes  
23 of procedure, as are prescribed in Sections 1, 1a, 1d, 1e, 1f,  
24 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all  
25 provisions therein other than the State rate of tax), 2a, 2b,  
26 2c, 2i, 3 (except as to the disposition of taxes and penalties

1 collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k,  
2 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the  
3 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
4 Penalty and Interest Act, as fully as if those provisions were  
5 set forth herein.

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

12 (c) Whenever the Department of Revenue determines that a  
13 refund should be made under this Section to a claimant instead  
14 of issuing a credit memorandum, the Department of Revenue shall  
15 notify the State Comptroller, who shall cause the order to be  
16 drawn for the amount specified and to the person named in the  
17 notification from the Department of Revenue.

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

22 (e) On or before the 25th day of each calendar month, the  
23 Department of Revenue shall prepare and certify to the  
24 Comptroller the amount of money to be disbursed from the Local  
25 Cannabis Retailers' Occupation ~~Consumer Excise~~ Tax Trust Fund  
26 to municipalities from which retailers have paid taxes or



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

26 (f) An ordinance or resolution imposing or discontinuing a

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

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

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

23 (205 ILCS 205/9002) (from Ch. 17, par. 7309-2)

24 Sec. 9002. Powers of Secretary.

1       (a) The Secretary shall have the following powers and  
2 duties:

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

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

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

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

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

19          (6) To establish a reasonable fee structure for savings  
20 banks and holding companies operating under this Act and  
21 for their service corporations and subsidiaries. The fees  
22 shall include, but not be limited to, annual fees,  
23 application fees, regular and special examination fees,  
24 and other fees as the Secretary establishes and  
25 demonstrates to be directly resultant from the Secretary's  
26 responsibilities under this Act and as are directly

1       attributable to individual entities operating under this  
2       Act. The aggregate of all moneys collected by the Secretary  
3       on and after the effective date of this Act shall be paid  
4       promptly after receipt of the same, accompanied by a  
5       detailed statement thereof, into the Savings Bank  
6       Regulatory Fund established under Section 9002.1 of this  
7       Act. Nothing in this Act shall prevent continuing the  
8       practice of paying expenses involving salaries,  
9       retirement, social security, and State-paid insurance of  
10      State officers by appropriation from the General Revenue  
11      Fund. The Secretary may require payment of the fees under  
12      this Act by an electronic transfer of funds or an automatic  
13      debit of an account of each of the savings banks.

14      (b) Notwithstanding the provisions of subsection (a), the  
15      Secretary shall not:

16           (1) issue an order against a savings bank or holding  
17           company organized under this Act for unsafe or unsound  
18           banking practices solely because the entity provides or has  
19           provided financial services to a cannabis-related  
20           legitimate business;

21           (2) prohibit, penalize, or otherwise discourage a  
22           savings bank or holding company organized under this Act  
23           from providing financial services to a cannabis-related  
24           legitimate business solely because the entity provides or  
25           has provided financial services to a cannabis-related  
26           legitimate business;

1           (3) recommend, incentivize, or encourage a savings  
2           bank or holding company organized under this Act not to  
3           offer financial services to an account holder or to  
4           downgrade or cancel the financial services offered to an  
5           account holder solely because:

6                   (A) the account holder is a manufacturer or  
7                   producer, or is the owner, operator, or employee of, a  
8                   cannabis-related legitimate business;

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

11                  (C) the savings bank or holding company organized  
12                  under this Act was not aware that the account holder is  
13                  the owner or operator of a cannabis-related legitimate  
14                  business; or

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

17                   (A) a cannabis-related legitimate business solely  
18                   because the owner or operator owns or operates a  
19                   cannabis-related legitimate business; or

20                   (B) real estate or equipment that is leased to a  
21                   cannabis-related legitimate business solely because  
22                   the owner or operator of the real estate or equipment  
23                   leased the equipment or real estate to a  
24                   cannabis-related legitimate business.

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

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

3 (410 ILCS 82/35)

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

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

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

1       home rule unit, or any non-home rule county within the  
2       unincorporated territory of the county, allow the  
3       on-premises consumption of cannabis in a specially  
4       designated areas.

5           (3) (Blank).

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

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

25          (6) Common smoking rooms in long-term care facilities  
26      operated under the authority of the Illinois Department of

1 Veterans' Affairs or licensed under the Nursing Home Care  
2 Act that are accessible only to residents who are smokers  
3 and have requested in writing to have access to the common  
4 smoking room where smoking is permitted and the smoke shall  
5 not infiltrate other areas of the long-term care facility.  
6 Rulemaking authority to implement this amendatory Act of  
7 the 95th General Assembly, if any, is conditioned on the  
8 rules being adopted in accordance with all provisions of  
9 the Illinois Administrative Procedure Act and all rules and  
10 procedures of the Joint Committee on Administrative Rules;  
11 any purported rule not so adopted, for whatever reason, is  
12 unauthorized.

13 (7) A convention hall of the Donald E. Stephens  
14 Convention Center where a meeting or trade show for  
15 manufacturers and suppliers of tobacco and tobacco  
16 products and accessories is being held, during the time the  
17 meeting or trade show is occurring, if the meeting or trade  
18 show:

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

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

23 (iii) is being produced or organized by a business  
24 relating to tobacco or a professional association for  
25 convenience stores; and

26 (iv) involves the display of tobacco products.



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

3 This paragraph (7) is inoperative on and after October  
4 1, 2015.

5 (8) A dispensing organization, as defined in the  
6 Cannabis Regulation and Tax Act, authorized or permitted by  
7 a unit local government to allow on-site consumption of  
8 cannabis, if the establishment: (1) maintains a specially  
9 designated area or areas for the purpose of heating,  
10 burning, smoking, or lighting cannabis; (2) is limited to  
11 individuals 21 or older; and (3) maintains a locked door or  
12 barrier to any specially designated areas for the purpose  
13 of heating, burning, smoking or lighting cannabis.

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

15 Section 24. The Compassionate Use of Medical Cannabis  
16 Program Act is amended by changing Sections 60 and 210 as  
17 follows:

18 (410 ILCS 130/60)

19 Sec. 60. Issuance of registry identification cards.

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

22 (1) verify the information contained in an application  
23 or renewal for a registry identification card submitted  
24 under this Act, and approve or deny an application or

1 renewal, within 90 days of receiving a completed  
2 application or renewal application and all supporting  
3 documentation specified in Section 55;

4 (2) issue registry identification cards to a  
5 qualifying patient and his or her designated caregiver, if  
6 any, within 15 business days of approving the application  
7 or renewal;

8 (3) enter the registry identification number of the  
9 registered dispensing organization the patient designates  
10 into the verification system; and

11 (4) allow for an electronic application process, and  
12 provide a confirmation by electronic or other methods that  
13 an application has been submitted.

14 Notwithstanding any other provision of this Act, the  
15 Department of Public Health shall adopt rules for qualifying  
16 patients and applicants with life-long debilitating medical  
17 conditions, who may be charged annual renewal fees. The  
18 Department of Public Health shall not require patients and  
19 applicants with life-long debilitating medical conditions to  
20 apply to renew registry identification cards.

21 (b) The Department of Public Health may not issue a  
22 registry identification card to a qualifying patient who is  
23 under 18 years of age, unless that patient suffers from  
24 seizures, including those characteristic of epilepsy, or as  
25 provided by administrative rule. The Department of Public  
26 Health shall adopt rules for the issuance of a registry

1 identification card for qualifying patients who are under 18  
2 years of age and suffering from seizures, including those  
3 characteristic of epilepsy. The Department of Public Health may  
4 adopt rules to allow other individuals under 18 years of age to  
5 become registered qualifying patients under this Act with the  
6 consent of a parent or legal guardian. Registered qualifying  
7 patients under 18 ~~21~~ years of age shall be prohibited from  
8 consuming forms of cannabis other than medical cannabis infused  
9 products and purchasing any usable cannabis ~~or paraphernalia~~  
10 ~~used for smoking or vaping medical cannabis.~~

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

20 (c-10) An individual who submits an application as someone  
21 who is terminally ill shall have all fees waived. The  
22 Department of Public Health shall within 30 days after this  
23 amendatory Act of the 99th General Assembly adopt emergency  
24 rules to expedite approval for terminally ill individuals.  
25 These rules shall include, but not be limited to, rules that  
26 provide that applications by individuals with terminal

1 illnesses shall be approved or denied within 14 days of their  
2 submission.

3 (d) No later than 6 months after the effective date of this  
4 amendatory Act of the 101st General Assembly, the Secretary of  
5 State shall remove all existing notations on driving records  
6 that the person is a registered qualifying patient or his or  
7 her caregiver under this Act. ~~Upon the approval of the~~  
8 ~~registration and issuance of a registry card under this~~  
9 ~~Section, the Department of Public Health shall forward the~~  
10 ~~designated caregiver or registered qualified patient's~~  
11 ~~driver's registration number to the Secretary of State and~~  
12 ~~certify that the individual is permitted to engage in the~~  
13 ~~medical use of cannabis. For the purposes of law enforcement,~~  
14 ~~the Secretary of State shall make a notation on the person's~~  
15 ~~driving record stating the person is a registered qualifying~~  
16 ~~patient who is entitled to the lawful medical use of cannabis.~~  
17 ~~If the person no longer holds a valid registry card, the~~  
18 ~~Department shall notify the Secretary of State and the~~  
19 ~~Secretary of State shall remove the notation from the person's~~  
20 ~~driving record. The Department and the Secretary of State may~~  
21 ~~establish a system by which the information may be shared~~  
22 ~~electronically.~~

23 (e) Upon the approval of the registration and issuance of a  
24 registry card under this Section, the Department of Public  
25 Health shall electronically forward the registered qualifying  
26 patient's identification card information to the Prescription

1 Monitoring Program established under the Illinois Controlled  
2 Substances Act and certify that the individual is permitted to  
3 engage in the medical use of cannabis. For the purposes of  
4 patient care, the Prescription Monitoring Program shall make a  
5 notation on the person's prescription record stating that the  
6 person is a registered qualifying patient who is entitled to  
7 the lawful medical use of cannabis. If the person no longer  
8 holds a valid registry card, the Department of Public Health  
9 shall notify the Prescription Monitoring Program and  
10 Department of Human Services to remove the notation from the  
11 person's record. The Department of Human Services and the  
12 Prescription Monitoring Program shall establish a system by  
13 which the information may be shared electronically. This  
14 confidential list may not be combined or linked in any manner  
15 with any other list or database except as provided in this  
16 Section.

17 (f) (Blank).

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

19 (410 ILCS 130/210)

20 Sec. 210. Returns.

21 (a) This subsection (a) applies to returns due on or before  
22 the effective date of this amendatory Act of the 101st General  
23 Assembly. On or before the twentieth day of each calendar  
24 month, every person subject to the tax imposed under this Law  
25 during the preceding calendar month shall file a return with

1 the Department, stating:

2 (1) The name of the taxpayer;

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

6 (3) The amount of tax due;

7 (4) The signature of the taxpayer; and

8 (5) Such other reasonable information as the  
9 Department may require.

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

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

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

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

22 Section 25. The Cannabis Regulation and Tax Act is amended  
23 by changing Sections 1-5, 1-10, 5-5, 5-15, 5-20, 5-25, 7-1,  
24 7-10, 7-15, 7-25, 10-5, 10-10, 10-15, 10-25, 10-30, 10-35,  
25 10-40, 10-50, 15-15, 15-20, 15-25, 15-30, 15-35, 15-36, 15-40,

1 15-55, 15-65, 15-70, 15-75, 15-85, 15-95, 15-100, 15-145,  
2 15-155, 20-10, 20-15, 20-20, 20-30, 25-1, 25-10, 30-5, 30-10,  
3 30-15, 30-30, 35-5, 35-15, 35-25, 35-31, 40-5, 40-10, 40-15,  
4 40-20, 40-25, 40-30, 40-35, 40-40, 45-5, 50-5, 55-10, 55-20,  
5 55-21, 55-25, 55-28, 55-30, 55-35, 55-65, 55-80, 55-85, 55-95,  
6 60-5, 60-20, 65-5, 65-10, and 65-15 and by adding Section 1-7  
7 as follows:

8 (410 ILCS 705/1-5)

9 Sec. 1-5. Findings.

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

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

22 (1) persons will have to show proof of age before  
23 purchasing cannabis;

24 (2) selling, distributing, or transferring cannabis to  
25 minors and other persons under 21 years of age shall remain

1 illegal;

2 (3) driving under the influence of cannabis, operating  
3 a watercraft under the influence of cannabis, and operating  
4 a snowmobile under the influence of cannabis shall remain  
5 illegal;

6 (4) legitimate, taxpaying business people, and not  
7 criminal actors, will conduct sales of cannabis;

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

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

14 (c) The General Assembly further finds and declares that it  
15 is necessary to ensure consistency and fairness in the  
16 application of this Act throughout the State and that,  
17 therefore, the matters addressed by this Act are, except as  
18 specified in this Act, matters of statewide concern.

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

24 (e) The General Assembly supports and encourages labor  
25 neutrality in the cannabis industry and further finds and  
26 declares that employee workplace safety shall not be diminished



1 and employer workplace policies shall be interpreted broadly to  
2 protect employee safety.

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

4 (410 ILCS 705/1-7 new)

5 Sec. 1-7. Lawful user and lawful products. For the purposes  
6 of this Act and to clarify the legislative findings on the  
7 lawful use of cannabis, a person shall not be considered an  
8 unlawful user or addicted to narcotics solely as a result of  
9 his or her possession or use of cannabis or cannabis  
10 paraphernalia in accordance with this Act.

11 (410 ILCS 705/1-10)

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

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

17 "Adult Use Dispensing Organization License" means a  
18 license issued by the Department of Financial and Professional  
19 Regulation that permits a person to act as a dispensing  
20 organization under this Act and any administrative rule made in  
21 furtherance of this Act.

22 "Advertise" means to engage in promotional activities  
23 including, but not limited to: newspaper, radio, Internet and  
24 electronic media, and television advertising; the distribution

1 of fliers and circulars; billboard advertising; and the display  
2 of window and interior signs. "Advertise" does not mean  
3 exterior signage displaying only the name of the licensed  
4 cannabis business establishment.

5 "BLS Region" means a region in Illinois used by the United  
6 States Bureau of Labor Statistics to gather and categorize  
7 certain employment and wage data. The 17 such regions in  
8 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,  
9 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,  
10 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,  
11 Rockford, St. Louis, Springfield, Northwest Illinois  
12 nonmetropolitan area, West Central Illinois nonmetropolitan  
13 area, East Central Illinois nonmetropolitan area, and South  
14 Illinois nonmetropolitan area.

15 "Cannabis" means marijuana, hashish, and other substances  
16 that are identified as including any parts of the plant  
17 Cannabis sativa and including derivatives or subspecies, such  
18 as indica, of all strains of cannabis, whether growing or not;  
19 the seeds thereof, the resin extracted from any part of the  
20 plant; and any compound, manufacture, salt, derivative,  
21 mixture, or preparation of the plant, its seeds, or resin,  
22 including tetrahydrocannabinol (THC) and all other naturally  
23 produced cannabinol derivatives, whether produced directly or  
24 indirectly by extraction; however, "cannabis" does not include  
25 the mature stalks of the plant, fiber produced from the stalks,  
26 oil or cake made from the seeds of the plant, any other

1 compound, manufacture, salt, derivative, mixture, or  
2 preparation of the mature stalks (except the resin extracted  
3 from it), fiber, oil or cake, or the sterilized seed of the  
4 plant that is incapable of germination. "Cannabis" does not  
5 include industrial hemp as defined and authorized under the  
6 Industrial Hemp Act. "Cannabis" also means cannabis flower,  
7 concentrate, and cannabis-infused products.

8 "Cannabis business establishment" means a cultivation  
9 center, craft grower, processing organization, infuser  
10 organization, dispensing organization, or transporting  
11 organization.

12 "Cannabis concentrate" means a product derived from  
13 cannabis that is produced by extracting cannabinoids,  
14 including tetrahydrocannabinol (THC), from the plant through  
15 the use of propylene glycol, glycerin, butter, olive oil or  
16 other typical cooking fats; water, ice, or dry ice; or butane,  
17 propane, CO<sub>2</sub>, ethanol, or isopropanol and with the intended use  
18 of smoking or making a cannabis-infused product. The use of any  
19 other solvent is expressly prohibited unless and until it is  
20 approved by the Department of Agriculture.

21 "Cannabis container" means a sealed, traceable, container,  
22 or package used for the purpose of containment of cannabis or  
23 cannabis-infused product during transportation.

24 "Cannabis flower" means marijuana, hashish, and other  
25 substances that are identified as including any parts of the  
26 plant Cannabis sativa and including derivatives or subspecies,

1 such as indica, of all strains of cannabis; including raw kief,  
2 leaves, and buds, but not resin that has been extracted from  
3 any part of such plant; nor any compound, manufacture, salt,  
4 derivative, mixture, or preparation of such plant, its seeds,  
5 or resin.

6 "Cannabis-infused product" means a beverage, food, oil,  
7 ointment, tincture, topical formulation, or another product  
8 containing cannabis or cannabis concentrate that is not  
9 intended to be smoked.

10 "Cannabis paraphernalia" means equipment, products, or  
11 materials intended to be used for planting, propagating,  
12 cultivating, growing, harvesting, manufacturing, producing,  
13 processing, preparing, testing, analyzing, packaging,  
14 repackaging, storing, containing, concealing, ingesting, or  
15 otherwise introducing cannabis into the human body.

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

1 "Cannabis testing facility" means an entity registered by  
2 the Department of Agriculture to test cannabis for potency and  
3 contaminants.

4 "Clone" means a plant section from a female cannabis plant  
5 not yet rootbound, growing in a water solution or other  
6 propagation matrix, that is capable of developing into a new  
7 plant.

8 "Community College Cannabis Vocational Training Pilot  
9 Program faculty participant" means a person who is 21 years of  
10 age or older, licensed by the Department of Agriculture, and is  
11 employed or contracted by an Illinois community college to  
12 provide student instruction using cannabis plants at an  
13 Illinois Community College.

14 "Community College Cannabis Vocational Training Pilot  
15 Program faculty participant Agent Identification Card" means a  
16 document issued by the Department of Agriculture that  
17 identifies a person as Community College Cannabis Vocational  
18 Training Pilot Program faculty participant.

19 "Conditional Adult Use Dispensing Organization License"  
20 means a license awarded to top-scoring applicants for an Adult  
21 Use Dispensing Organization License that reserves the right to  
22 an Adult Use Dispensing Organization License ~~adult-use~~  
23 ~~dispensing organization license~~ if the applicant meets certain  
24 conditions described in this Act, but does not entitle the  
25 recipient to begin purchasing or selling cannabis or  
26 cannabis-infused products.

1 "Conditional Adult Use Cultivation Center License" means a  
2 license awarded to top-scoring applicants for an Adult Use  
3 Cultivation Center License that reserves the right to an Adult  
4 Use Cultivation Center License if the applicant meets certain  
5 conditions as determined by the Department of Agriculture by  
6 rule, but does not entitle the recipient to begin growing,  
7 processing, or selling cannabis or cannabis-infused products.

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

1 share more than 50% of the same ownership.

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

5 "Craft Grower Agent Identification Card" means a document  
6 issued by the Department of Agriculture that identifies a  
7 person as a craft grower agent.

8 "Cultivation center" means a facility operated by an  
9 organization or business that is licensed by the Department of  
10 Agriculture to cultivate, process, transport (unless otherwise  
11 limited by this Act), and perform other necessary activities to  
12 provide cannabis and cannabis-infused products to cannabis  
13 business establishments.

14 "Cultivation center agent" means a principal officer,  
15 board member, employee, or other agent of a cultivation center  
16 who is 21 years of age or older.

17 "Cultivation Center Agent Identification Card" means a  
18 document issued by the Department of Agriculture that  
19 identifies a person as a cultivation center agent.

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

21 "Dispensary" means a facility operated by a dispensing  
22 organization at which activities licensed by this Act may  
23 occur.

24 "Dispensing organization" means a facility operated by an  
25 organization or business that is licensed by the Department of  
26 Financial and Professional Regulation to acquire cannabis from

1 a cultivation center, craft grower, processing organization,  
2 or another dispensary for the purpose of selling or dispensing  
3 cannabis, cannabis-infused products, cannabis seeds,  
4 paraphernalia, or related supplies under this Act to purchasers  
5 or to qualified registered medical cannabis patients and  
6 caregivers. As used in this Act, "dispensing dispensary  
7 organization" includes ~~shall include~~ a registered medical  
8 cannabis organization as defined in the Compassionate Use of  
9 Medical Cannabis ~~Pilot~~ Program Act or its successor Act that  
10 has obtained an Early Approval Adult Use Dispensing  
11 Organization License.

12 "Dispensing organization agent" means a principal officer,  
13 employee, or agent of a dispensing organization who is 21 years  
14 of age or older.

15 "Dispensing organization agent identification card" means  
16 a document issued by the Department of Financial and  
17 Professional Regulation that identifies a person as a  
18 dispensing organization agent.

19 "Disproportionately Impacted Area" means a census tract or  
20 comparable geographic area that satisfies the following  
21 criteria as determined by the Department of Commerce and  
22 Economic Opportunity, that:

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

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

26 (B) 75% or more of the children in the area



1           participate in the federal free lunch program  
2           according to reported statistics from the State Board  
3           of Education; or

4           (C) at least 20% of the households in the area  
5           receive assistance under the Supplemental Nutrition  
6           Assistance Program; or

7           (D) the area has an average unemployment rate, as  
8           determined by the Illinois Department of Employment  
9           Security, that is more than 120% of the national  
10          unemployment average, as determined by the United  
11          States Department of Labor, for a period of at least 2  
12          consecutive calendar years preceding the date of the  
13          application; and

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

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

26          "Early Approval Adult Use Dispensing Organization License"

1 means a license that permits a medical cannabis dispensing  
2 organization licensed under the Compassionate Use of Medical  
3 Cannabis ~~Pilot~~ Program Act as of the effective date of this Act  
4 to begin selling cannabis or cannabis-infused product to  
5 purchasers as permitted by this Act as of January 1, 2020.

6 "Early Approval Adult Use Dispensing Organization at a  
7 secondary site" means a license that permits a medical cannabis  
8 dispensing organization licensed under the Compassionate Use  
9 of Medical Cannabis ~~Pilot~~ Program Act as of the effective date  
10 of this Act to begin selling cannabis or cannabis-infused  
11 product to purchasers as permitted by this Act on January 1,  
12 2020 at a different dispensary location from its existing  
13 registered medical dispensary location.

14 "Enclosed, locked facility" means a room, greenhouse,  
15 building, or other enclosed area equipped with locks or other  
16 security devices that permit access only by cannabis business  
17 establishment agents working for the licensed cannabis  
18 business establishment or acting pursuant to this Act to  
19 cultivate, process, store, or distribute cannabis.

20 "Enclosed, locked space" means a closet, room, greenhouse,  
21 building or other enclosed area equipped with locks or other  
22 security devices that permit access only by authorized  
23 individuals under this Act. "Enclosed, locked space" may  
24 include:

- 25 (1) a space within a residential building that (i) is  
26 the primary residence of the individual cultivating 5 or

1 fewer cannabis plants that are more than 5 inches tall and  
2 (ii) includes sleeping quarters and indoor plumbing. The  
3 space must only be accessible by a key or code that is  
4 different from any key or code that can be used to access  
5 the residential building from the exterior; or

6 (2) a structure, such as a shed or greenhouse, that  
7 lies on the same plot of land as a residential building  
8 that (i) includes sleeping quarters and indoor plumbing and  
9 (ii) is used as a primary residence by the person  
10 cultivating 5 or fewer cannabis plants that are more than 5  
11 inches tall, such as a shed or greenhouse. The structure  
12 must remain locked when it is unoccupied by people.

13 "Financial institution" has the same meaning as "financial  
14 organization" as defined in Section 1501 of the Illinois Income  
15 Tax Act, and also includes the holding companies, subsidiaries,  
16 and affiliates of such financial organizations.

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

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

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

1 "Individual" means a natural person.

2 "Infuser organization" or "infuser" means a facility  
3 operated by an organization or business that is licensed by the  
4 Department of Agriculture to directly incorporate cannabis or  
5 cannabis concentrate into a product formulation to produce a  
6 cannabis-infused product.

7 "Kief" means the resinous crystal-like trichomes that are  
8 found on cannabis and that are accumulated, resulting in a  
9 higher concentration of cannabinoids, untreated by heat or  
10 pressure, or extracted using a solvent.

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

1 This type of agreement shall not mandate a particular method of  
2 election or certification of the bona fide labor organization.

3 "Limited access area" means a ~~building, room,~~ or other area  
4 under the control of a cannabis dispensing organization  
5 licensed under this Act and upon the licensed premises where  
6 cannabis sales occur with access limited to purchasers,  
7 dispensing organization owners and other dispensing  
8 organization agents, or service professionals conducting  
9 business with the dispensing organization, or, if sales to  
10 registered qualifying patients, caregivers, provisional  
11 patients, and Opioid Alternative Pilot Program participants  
12 licensed pursuant to the Compassionate Use of Medical Cannabis  
13 Program Act are also permitted at the dispensary, registered  
14 qualifying patients, caregivers, provisional patients, and  
15 Opioid Alternative Pilot Program participants.

16 "Member of an impacted family" means an individual who has  
17 a parent, legal guardian, child, spouse, or dependent, or was a  
18 dependent of an individual who, prior to the effective date of  
19 this Act, was arrested for, convicted of, or adjudicated  
20 delinquent for any offense that is eligible for expungement  
21 under this Act.

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

26 "Ordinary public view" means within the sight line with

1 normal visual range of a person, unassisted by visual aids,  
2 from a public street or sidewalk adjacent to real property, or  
3 from within an adjacent property.

4 "Ownership and control" means ownership of at least 51% of  
5 the business, including corporate stock if a corporation, and  
6 control over the management and day-to-day operations of the  
7 business and an interest in the capital, assets, and profits  
8 and losses of the business proportionate to percentage of  
9 ownership.

10 "Person" means a natural individual, firm, partnership,  
11 association, joint stock company, joint venture, public or  
12 private corporation, limited liability company, or a receiver,  
13 executor, trustee, guardian, or other representative appointed  
14 by order of any court.

15 "Possession limit" means the amount of cannabis under  
16 Section 10-10 that may be possessed at any one time by a person  
17 21 years of age or older or who is a registered qualifying  
18 medical cannabis patient or caregiver under the Compassionate  
19 Use of Medical Cannabis ~~Pilot~~ Program Act.

20 "Principal officer" includes a cannabis business  
21 establishment applicant or licensed cannabis business  
22 establishment's board member, owner with more than 1% interest  
23 of the total cannabis business establishment or more than 5%  
24 interest of the total cannabis business establishment of a  
25 publicly traded company, president, vice president, secretary,  
26 treasurer, partner, officer, member, manager member, or person

1 with a profit sharing, financial interest, or revenue sharing  
2 arrangement. The definition includes a person with authority to  
3 control the cannabis business establishment, a person who  
4 assumes responsibility for the debts of the cannabis business  
5 establishment and who is further defined in this Act.

6 "Primary residence" means a dwelling where a person usually  
7 stays or stays more often than other locations. It may be  
8 determined by, without limitation, presence, tax filings;  
9 address on an Illinois driver's license, an Illinois  
10 Identification Card, or an Illinois Person with a Disability  
11 Identification Card; or voter registration. No person may have  
12 more than one primary residence.

13 "Processing organization" or "processor" means a facility  
14 operated by an organization or business that is licensed by the  
15 Department of Agriculture to either extract constituent  
16 chemicals or compounds to produce cannabis concentrate or  
17 incorporate cannabis or cannabis concentrate into a product  
18 formulation to produce a cannabis product.

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

21 "Processing organization agent identification card" means  
22 a document issued by the Department of Agriculture that  
23 identifies a person as a processing organization agent.

24 "Purchaser" means a person 21 years of age or older who  
25 acquires cannabis for a valuable consideration. "Purchaser"  
26 does not include a cardholder under the Compassionate Use of

1 Medical Cannabis ~~Pilot~~ Program Act.

2 "Qualified Social Equity Applicant" means a Social Equity  
3 Applicant who has been awarded a conditional license under this  
4 Act to operate a cannabis business establishment.

5 "Resided" means an individual's primary residence was  
6 located within the relevant geographic area as established by 2  
7 of the following:

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

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

11 (3) school records;

12 (4) a voter registration card;

13 (5) an Illinois driver's license, an Illinois  
14 Identification Card, or an Illinois Person with a  
15 Disability Identification Card;

16 (6) a paycheck stub;

17 (7) a utility bill;

18 (8) tax records; or

19 (9) ~~(8)~~ any other proof of residency or other  
20 information necessary to establish residence as provided  
21 by rule.

22 "Smoking" means the inhalation of smoke caused by the  
23 combustion of cannabis.

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

26 (1) an applicant with at least 51% ownership and



1 control by one or more individuals who have resided for at  
2 least 5 of the preceding 10 years in a Disproportionately  
3 Impacted Area;

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

6 (i) have been arrested for, convicted of, or  
7 adjudicated delinquent for any offense that is  
8 eligible for expungement under this Act; or

9 (ii) is a member of an impacted family;

10 (3) for applicants with a minimum of 10 full-time  
11 employees, an applicant with at least 51% of current  
12 employees who:

13 (i) currently reside in a Disproportionately  
14 Impacted Area; or

15 (ii) have been arrested for, convicted of, or  
16 adjudicated delinquent for any offense that is  
17 eligible for expungement under this Act or member of an  
18 impacted family.

19 Nothing in this Act shall be construed to preempt or limit  
20 the duties of any employer under the Job Opportunities for  
21 Qualified Applicants Act. Nothing in this Act shall permit an  
22 employer to require an employee to disclose sealed or expunged  
23 offenses, unless otherwise required by law.

24 "Tincture" means a cannabis-infused solution, typically  
25 comprised of alcohol, glycerin, or vegetable oils, derived  
26 either directly from the cannabis plant or from a processed

1 cannabis extract. A tincture is not an alcoholic liquor as  
2 defined in the Liquor Control Act of 1934. A tincture shall  
3 include a calibrated dropper or other similar device capable of  
4 accurately measuring servings.

5 "Transporting organization" or "transporter" means an  
6 organization or business that is licensed by the Department of  
7 Agriculture to transport cannabis or cannabis-infused product  
8 on behalf of a cannabis business establishment or a community  
9 college licensed under the Community College Cannabis  
10 Vocational Training Pilot Program.

11 "Transporting organization agent" means a principal  
12 officer, board member, employee, or agent of a transporting  
13 organization.

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

17 "Unit of local government" means any county, city, village,  
18 or incorporated town.

19 "Vegetative stage" means the stage of cultivation in which  
20 a cannabis plant is propagated to produce additional cannabis  
21 plants or reach a sufficient size for production. This includes  
22 seedlings, clones, mothers, and other immature cannabis plants  
23 as follows:

24 (1) if the cannabis plant is in an area that has not  
25 been intentionally deprived of light for a period of time  
26 intended to produce flower buds and induce maturation, it

1 has no more than 2 stigmas visible at each internode of the  
2 cannabis plant; or

3 (2) any cannabis plant that is cultivated solely for  
4 the purpose of propagating clones and is never used to  
5 produce cannabis.

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

7 (410 ILCS 705/5-5)

8 Sec. 5-5. Sharing of authority. Notwithstanding any  
9 provision of ~~or~~ law to the contrary, any authority granted to  
10 any State agency or State employees or appointees under the  
11 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act shall  
12 be shared by any State agency or State employees or appointees  
13 given authority to license, discipline, revoke, regulate, or  
14 make rules under this Act.

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

16 (410 ILCS 705/5-15)

17 Sec. 5-15. Department of Financial and Professional  
18 Regulation. The Department of Financial and Professional  
19 Regulation shall enforce the provisions of this Act relating to  
20 the oversight and registration of dispensing organizations and  
21 agents, including the issuance of identification cards for  
22 dispensing organization agents. The Department of Financial  
23 and Professional Regulation may suspend or revoke the license  
24 of, or otherwise discipline dispensing organizations,

1 principal officers, agents-in-charge, and agents ~~impose other~~  
2 ~~penalties upon, dispensing organizations~~ for violations of  
3 this Act and any rules adopted under this Act.

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

5 (410 ILCS 705/5-20)

6 Sec. 5-20. Background checks.

7 (a) Through the Department of State Police, the licensing  
8 or issuing Department shall conduct a criminal history record  
9 check of the prospective principal officers, board members, and  
10 agents of a cannabis business establishment applying for a  
11 license or identification card under this Act.

12 Each cannabis business establishment prospective principal  
13 officer, board member, or agent shall submit his or her  
14 fingerprints to the Department of State Police in the form and  
15 manner prescribed by the Department of State Police.

16 Unless otherwise provided in this Act, such ~~Such~~  
17 fingerprints shall be transmitted through a live scan  
18 fingerprint vendor licensed by the Department of Financial and  
19 Professional Regulation. These fingerprints shall be checked  
20 against the fingerprint records now and hereafter filed in the  
21 Department of State Police and Federal Bureau of Investigation  
22 criminal history records databases. The Department of State  
23 Police shall charge a fee for conducting the criminal history  
24 record check, which shall be deposited into the State Police  
25 Services Fund and shall not exceed the actual cost of the State

1 and national criminal history record check. The Department of  
2 State Police shall furnish, pursuant to positive  
3 identification, all Illinois conviction information and shall  
4 forward the national criminal history record information to:

5 (i) the Department of Agriculture, with respect to a  
6 cultivation center, craft grower, infuser organization, or  
7 transporting organization; or

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

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

14 (c) All applications for licensure under this Act by  
15 applicants with criminal convictions shall be subject to  
16 Sections 2105-131, 2105-135, and 2105-205 of the Department of  
17 Professional Regulation Law of the Civil Administrative Code of  
18 Illinois.

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

20 (410 ILCS 705/5-25)

21 Sec. 5-25. Department of Public Health to make health  
22 warning recommendations.

23 (a) The Department of Public Health shall make  
24 recommendations to the Department of Agriculture and the  
25 Department of Financial and Professional Regulation on

1 appropriate health warnings for dispensaries and advertising,  
2 which may apply to all cannabis products, including item-type  
3 specific labeling or warning requirements, regulate the  
4 facility where cannabis-infused products are made, regulate  
5 cannabis-infused products as provided in subsection (e) of  
6 Section 55-5, and facilitate the Adult Use Cannabis Health  
7 Advisory Committee.

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

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

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

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

26 (4) A pharmacologist.

- 1 (5) A pulmonologist.
- 2 (6) An emergency room physician.
- 3 (7) An emergency medical technician, paramedic, or  
4 other first responder.
- 5 (8) A nurse practicing in a school-based setting.
- 6 (9) A psychologist.
- 7 (10) A neonatologist.
- 8 (11) An obstetrician-gynecologist.
- 9 (12) A drug epidemiologist.
- 10 (13) A medical toxicologist.
- 11 (14) An addiction psychiatrist.
- 12 (15) A pediatrician.
- 13 (16) A representative of a statewide professional  
14 public health organization.
- 15 (17) A representative of a statewide hospital/health  
16 system association.
- 17 (18) An individual registered as a patient in the  
18 Compassionate Use of Medical Cannabis ~~Pilot~~ Program.
- 19 (19) An individual registered as a caregiver in the  
20 Compassionate Use of Medical Cannabis ~~Pilot~~ Program.
- 21 (20) A representative of an organization focusing on  
22 cannabis-related policy.
- 23 (21) A representative of an organization focusing on  
24 the civil liberties of individuals who reside in Illinois.
- 25 (22) A representative of the criminal defense or civil  
26 aid community of attorneys serving Disproportionately

1 Impacted Areas.

2 (23) A representative of licensed cannabis business  
3 establishments.

4 (24) A Social Equity Applicant.

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

7 (26) A representative of a statewide community-based  
8 mental health treatment provider association.

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

11 (28) A representative of a community-based mental  
12 health treatment provider.

13 (29) A substance use disorder treatment patient  
14 representative.

15 (30) A mental health treatment patient representative.

16 (c) The Committee shall provide a report by September 30,  
17 2021, and every year thereafter, to the General Assembly. The  
18 Department of Public Health shall make the report available on  
19 its website.

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

21 (410 ILCS 705/7-1)

22 Sec. 7-1. Findings.

23 (a) The General Assembly finds that the medical cannabis  
24 industry, established in 2014 through the Compassionate Use of  
25 Medical Cannabis ~~Pilot~~ Program Act, has shown that additional



1 efforts are needed to reduce barriers to ownership. Through  
2 that program, 55 licenses for dispensing organizations and 20  
3 licenses for cultivation centers have been issued. Those  
4 licenses are held by only a small number of businesses, the  
5 ownership of which does not sufficiently meet the General  
6 Assembly's interest in business ownership that reflects the  
7 population of the State of Illinois and that demonstrates the  
8 need to reduce barriers to entry for individuals and  
9 communities most adversely impacted by the enforcement of  
10 cannabis-related laws.

11 (b) In the interest of establishing a legal cannabis  
12 industry that is equitable and accessible to those most  
13 adversely impacted by the enforcement of drug-related laws in  
14 this State, including cannabis-related laws, the General  
15 Assembly finds and declares that a social equity program should  
16 be established.

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

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

1           (e) Furthermore, the General Assembly finds and declares  
2 that certain communities have disproportionately suffered the  
3 harms of enforcement of cannabis-related laws. Those  
4 communities face greater difficulties accessing traditional  
5 banking systems and capital for establishing businesses.

6           (f) The General Assembly also finds that individuals who  
7 have resided in areas of high poverty suffer negative  
8 consequences, including barriers to entry in employment,  
9 business ownership, housing, health, and long-term financial  
10 well-being.

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

15           (h) Therefore, in the interest of remedying the harms  
16 resulting from the disproportionate enforcement of  
17 cannabis-related laws, the General Assembly finds and declares  
18 that a social equity program should offer, among other things,  
19 financial assistance and license application benefits to  
20 individuals most directly and adversely impacted by the  
21 enforcement of cannabis-related laws who are interested in  
22 starting cannabis business establishments.

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

24           (410 ILCS 705/7-10)

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

1           (a) There is created in the State treasury a special fund,  
2 which shall be held separate and apart from all other State  
3 moneys, to be known as the Cannabis Business Development Fund.  
4 The Cannabis Business Development Fund shall be exclusively  
5 used for the following purposes:

6           (1) to provide low-interest rate loans to Qualified  
7 Social Equity Applicants to pay for ordinary and necessary  
8 expenses to start and operate a cannabis business  
9 establishment permitted by this Act;

10           (2) to provide grants to Qualified Social Equity  
11 Applicants to pay for ordinary and necessary expenses to  
12 start and operate a cannabis business establishment  
13 permitted by this Act;

14           (3) to compensate the Department of Commerce and  
15 Economic Opportunity for any costs related to the provision  
16 of low-interest loans and grants to Qualified Social Equity  
17 Applicants;

18           (4) to pay for outreach that may be provided or  
19 targeted to attract and support Social Equity Applicants  
20 and Qualified Social Equity Applicants;

21           (5) (blank);

22           (6) to conduct any study or research concerning the  
23 participation of minorities, women, veterans, or people  
24 with disabilities in the cannabis industry, including,  
25 without limitation, barriers to such individuals entering  
26 the industry as equity owners of cannabis business

1 establishments;

2 (7) (blank); and

3 (8) to assist with job training and technical  
4 assistance for residents in Disproportionately Impacted  
5 Areas.

6 (b) All moneys collected under Sections 15-15 and 15-20 for  
7 Early Approval Adult Use Dispensing Organization Licenses  
8 issued before January 1, 2021 and remunerations made as a  
9 result of transfers of permits awarded to Qualified Social  
10 Equity Applicants shall be deposited into the Cannabis Business  
11 Development Fund.

12 (c) As soon as practical after July 1, 2019, the  
13 Comptroller shall order and the Treasurer shall transfer  
14 \$12,000,000 from the Compassionate Use of Medical Cannabis Fund  
15 to the Cannabis Business Development Fund.

16 (d) Notwithstanding any other law to the contrary, the  
17 Cannabis Business Development Fund is not subject to sweeps,  
18 administrative charge-backs, or any other fiscal or budgetary  
19 maneuver that would in any way transfer any amounts from the  
20 Cannabis Business Development Fund into any other fund of the  
21 State.

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

23 (410 ILCS 705/7-15)

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

25 (a) The Department of Commerce and Economic Opportunity

1 shall establish grant and loan programs, subject to  
2 appropriations from the Cannabis Business Development Fund,  
3 for the purposes of providing financial assistance, loans,  
4 grants, and technical assistance to Social Equity Applicants.

5 (b) The Department of Commerce and Economic Opportunity has  
6 the power to:

7 (1) provide Cannabis Social Equity loans and grants  
8 from appropriations from the Cannabis Business Development  
9 Fund to assist Qualified Social Equity Applicants in  
10 gaining entry to, and successfully operating in, the  
11 State's regulated cannabis marketplace;

12 (2) enter into agreements that set forth terms and  
13 conditions of the financial assistance, accept funds or  
14 grants, and engage in cooperation with private entities and  
15 agencies of State or local government to carry out the  
16 purposes of this Section;

17 (3) fix, determine, charge, and collect any premiums,  
18 fees, charges, costs and expenses, including application  
19 fees, commitment fees, program fees, financing charges, or  
20 publication fees in connection with its activities under  
21 this Section;

22 (4) coordinate assistance under these loan programs  
23 with activities of the Illinois Department of Financial and  
24 Professional Regulation, the Illinois Department of  
25 Agriculture, and other agencies as needed to maximize the  
26 effectiveness and efficiency of this Act;

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

3           (6) take whatever actions are necessary or appropriate  
4 to protect the State's interest in the event of bankruptcy,  
5 default, foreclosure, or noncompliance with the terms and  
6 conditions of financial assistance provided under this  
7 Section, including the ability to recapture funds if the  
8 recipient is found to be noncompliant with the terms and  
9 conditions of the financial assistance agreement;

10          (7) establish application, notification, contract, and  
11 other forms, procedures, or rules deemed necessary and  
12 appropriate; and

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

15          (c) Loans made under this Section:

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

19           (2) shall be in such principal amount and form and  
20 contain such terms and provisions with respect to security,  
21 insurance, reporting, delinquency charges, default  
22 remedies, and other matters as the Department shall  
23 determine appropriate to protect the public interest and to  
24 be consistent with the purposes of this Section. The terms  
25 and provisions may be less than required for similar loans  
26 not covered by this Section.

1 (d) Grants made under this Section shall be awarded on a  
2 competitive and annual basis under the Grant Accountability and  
3 Transparency Act. Grants made under this Section shall further  
4 and promote the goals of this Act, including promotion of  
5 Social Equity Applicants, job training and workforce  
6 development, and technical assistance to Social Equity  
7 Applicants.

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

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

14 (2) the amount in financial assistance awarded in the  
15 aggregate, in addition to the amount of loans made that are  
16 outstanding and the amount of grants awarded;

17 (3) the location of the project engaged in by the  
18 person or business; and

19 (4) if applicable, the number of new jobs and other  
20 forms of economic output created as a result of the  
21 financial assistance.

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

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

1 (410 ILCS 705/7-25)

2 Sec. 7-25. Transfer of license awarded to Qualified Social  
3 Equity Applicant.

4 (a) In the event a Qualified Social Equity Applicant seeks  
5 to transfer, sell, or grant a cannabis business establishment  
6 license within 5 years after it was issued to a person or  
7 entity that does not qualify as a Social Equity Applicant, the  
8 transfer agreement shall require the new license holder to pay  
9 the Cannabis Business Development Fund an amount equal to:

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

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

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

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

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

24 (410 ILCS 705/10-5)



1           Sec. 10-5. Personal use of cannabis; restrictions on  
2 cultivation; penalties.

3           (a) Beginning January 1, 2020, notwithstanding any other  
4 provision of law, and except as otherwise provided in this Act,  
5 the following acts are not a violation of this Act and shall  
6 not be a criminal or civil offense under State law or the  
7 ordinances of any unit of local government of this State or be  
8 a basis for seizure or forfeiture of assets under State law for  
9 persons other than natural individuals under 21 years of age:

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

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

17           (3) controlling property if actions that are  
18 authorized by this Act occur on the property in accordance  
19 with this Act.

20           (a-1) Beginning January 1, 2020, notwithstanding any other  
21 provision of law, and except as otherwise provided in this Act,  
22 possessing, consuming, using, purchasing, obtaining, or  
23 transporting cannabis paraphernalia or an amount of cannabis  
24 purchased or produced in accordance with this Act that does not  
25 exceed the possession limit under subsection (a) of Section  
26 10-10 shall not be a basis for seizure or forfeiture of assets

1 under State law.

2 (b) Cultivating cannabis for personal use is subject to the  
3 following limitations:

4 (1) An Illinois resident 21 years of age or older who  
5 is a registered qualifying patient under the Compassionate  
6 Use of Medical Cannabis ~~Pilot~~ Program Act may cultivate  
7 cannabis plants, with a limit of 5 plants that are more  
8 than 5 inches tall, per household without a cultivation  
9 center or craft grower license. In this Section, "resident"  
10 means a person who has been domiciled in the State of  
11 Illinois for a period of 30 days before cultivation.

12 (2) Cannabis cultivation must take place in an  
13 enclosed, locked space.

14 (3) Adult registered qualifying patients may purchase  
15 cannabis seeds from a dispensary for the purpose of home  
16 cultivation. Seeds may not be given or sold to any other  
17 person.

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

25 (5) Cannabis cultivation may occur only on residential  
26 property lawfully in possession of the cultivator or with

1 the consent of the person in lawful possession of the  
2 property. An owner or lessor of residential property may  
3 prohibit the cultivation of cannabis by a lessee.

4 (6) (Blank).

5 (7) A dwelling, residence, apartment, condominium  
6 unit, enclosed, locked space, or piece of property not  
7 divided into multiple dwelling units shall not contain more  
8 than 5 plants at any one time.

9 (8) Cannabis plants may only be tended by registered  
10 qualifying patients who reside at the residence, or their  
11 authorized agent attending to the residence for brief  
12 periods, such as when the qualifying patient is temporarily  
13 away from the residence.

14 (9) A registered qualifying patient who cultivates  
15 more than the allowable number of cannabis plants, or who  
16 sells or gives away cannabis plants, cannabis, or  
17 cannabis-infused products produced under this Section, is  
18 liable for penalties as provided by law, including the  
19 Cannabis Control Act, in addition to loss of home  
20 cultivation privileges as established by rule.

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

22 (410 ILCS 705/10-10)

23 Sec. 10-10. Possession limit.

24 (a) Except if otherwise authorized by this Act, for a  
25 person who is 21 years of age or older and a resident of this

1 State, the possession limit is as follows:

2 (1) 30 grams of cannabis flower;

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

5 (3) 5 grams of cannabis concentrate; and

6 (4) for registered qualifying patients, any cannabis  
7 produced by cannabis plants grown under subsection (b) of  
8 Section 10-5, provided any amount of cannabis produced in  
9 excess of 30 grams of raw cannabis or its equivalent must  
10 remain secured within the residence or residential  
11 property in which it was grown.

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

14 (1) 15 grams of cannabis flower;

15 (2) 2.5 grams of cannabis concentrate; and

16 (3) 250 milligrams of THC contained in a  
17 cannabis-infused product.

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

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

26 (e) Cannabis and cannabis-derived substances regulated

1 under the Industrial Hemp Act are not covered by this Act.

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

3 (410 ILCS 705/10-15)

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

5 (a) Nothing in this Act is intended to permit the transfer  
6 of cannabis, with or without remuneration, to a person under 21  
7 years of age, or to allow a person under 21 years of age to  
8 purchase, possess, use, process, transport, grow, or consume  
9 cannabis except where authorized by the Compassionate Use of  
10 Medical Cannabis ~~Pilot~~ Program Act or by the Community College  
11 Cannabis Vocational Pilot Program.

12 (b) Notwithstanding any other provisions of law  
13 authorizing the possession of medical cannabis, nothing in this  
14 Act authorizes a person who is under 21 years of age to possess  
15 cannabis. A person under 21 years of age with cannabis in his  
16 or her possession is guilty of a civil law violation as  
17 outlined in paragraph (a) of Section 4 of the Cannabis Control  
18 Act.

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

24 (d) It is unlawful for any parent or guardian to knowingly  
25 permit his or her residence, any other private property under

1 his or her control, or any vehicle, conveyance, or watercraft  
2 under his or her control to be used by an invitee of the  
3 parent's child or the guardian's ward, if the invitee is under  
4 the age of 21, in a manner that constitutes a violation of this  
5 Section. A parent or guardian is deemed to have knowingly  
6 permitted his or her residence, any other private property  
7 under his or her control, or any vehicle, conveyance, or  
8 watercraft under his or her control to be used in violation of  
9 this Section if he or she knowingly authorizes or permits  
10 consumption of cannabis by underage invitees. Any person who  
11 violates this subsection (d) is guilty of a Class A misdemeanor  
12 and the person's sentence shall include, but shall not be  
13 limited to, a fine of not less than \$500. If a violation of  
14 this subsection (d) directly or indirectly results in great  
15 bodily harm or death to any person, the person violating this  
16 subsection is guilty of a Class 4 felony. In this subsection  
17 (d), where the residence or other property has an owner and a  
18 tenant or lessee, the trier of fact may infer that the  
19 residence or other property is occupied only by the tenant or  
20 lessee.

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

22 (410 ILCS 705/10-25)

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

25 (a) A purchaser who is 21 years of age or older is not

1 subject to arrest, prosecution, denial of any right or  
2 privilege, or other punishment including, but not limited to,  
3 any civil penalty or disciplinary action taken by an  
4 occupational or professional licensing board, based solely on  
5 the use of cannabis if (1) the purchaser possesses an amount of  
6 cannabis that does not exceed the possession limit under  
7 Section 10-10 and, if the purchaser is licensed, certified, or  
8 registered to practice any trade or profession under any Act  
9 and (2) the use of cannabis does not impair that person when he  
10 or she is engaged in the practice of the profession for which  
11 he or she is licensed, certified, or registered.

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

22 (c) Mere possession of, or application for, an agent  
23 identification card or license does not constitute probable  
24 cause or reasonable suspicion to believe that a crime has been  
25 committed, nor shall it be used as the sole basis to support  
26 the search of the person, property, or home of the person

1 possessing or applying for the agent identification card. The  
2 possession of, or application for, an agent identification card  
3 does not preclude the existence of probable cause if probable  
4 cause exists based on other grounds.

5 (d) No person employed by the State of Illinois shall be  
6 subject to criminal or civil penalties for taking any action in  
7 good faith in reliance on this Act when acting within the scope  
8 of his or her employment. Representation and indemnification  
9 shall be provided to State employees as set forth in Section 2  
10 of the State Employee Indemnification Act.

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

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

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



1 (410 ILCS 705/10-30)

2 Sec. 10-30. Discrimination prohibited.

3 (a) Neither the presence of cannabinoid components or  
4 metabolites in a person's bodily fluids nor possession of  
5 cannabis-related paraphernalia, nor conduct related to the use  
6 of cannabis or the participation in cannabis-related  
7 activities lawful under this Act by a custodial or noncustodial  
8 parent, grandparent, legal guardian, foster parent, or other  
9 person charged with the well-being of a child, shall form the  
10 sole or primary basis or supporting basis for any action or  
11 proceeding by a child welfare agency or in a family or juvenile  
12 court, any adverse finding, adverse evidence, or restriction of  
13 any right or privilege in a proceeding related to adoption of a  
14 child, acting as a foster parent of a child, or a person's  
15 fitness to adopt a child or act as a foster parent of a child,  
16 or serve as the basis of any adverse finding, adverse evidence,  
17 or restriction of any right of privilege in a proceeding  
18 related to guardianship, conservatorship, trusteeship, the  
19 execution of a will, or the management of an estate, unless the  
20 person's actions in relation to cannabis created an  
21 unreasonable danger to the safety of the minor or otherwise  
22 show the person to not be competent as established by clear and  
23 convincing evidence. This subsection applies only to conduct  
24 protected under this Act.

25 (b) No landlord may be penalized or denied any benefit  
26 under State law for leasing to a person who uses cannabis under

1 this Act.

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

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

8 (410 ILCS 705/10-35)

9 Sec. 10-35. Limitations and penalties.

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

13 (1) undertaking any task under the influence of  
14 cannabis when doing so would constitute negligence,  
15 professional malpractice, or professional misconduct;

16 (2) possessing cannabis:

17 (A) in a school bus, unless permitted for a  
18 qualifying patient or caregiver pursuant to the  
19 Compassionate Use of Medical Cannabis ~~Pilot~~ Program  
20 Act;

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

25 (C) in any correctional facility;

1 (D) in a vehicle not open to the public unless the  
2 cannabis is in a reasonably secured, sealed container  
3 and reasonably inaccessible while the vehicle is  
4 moving; or

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

8 (3) using cannabis:

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

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

17 (C) in any correctional facility;

18 (D) in any motor vehicle;

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

22 (F) in any public place; or

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

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

3 (5) operating, navigating, or being in actual physical  
4 control of any motor vehicle, aircraft, watercraft, or  
5 snowmobile while using or under the influence of cannabis  
6 in violation of Section 11-501 or 11-502.1 of the Illinois  
7 Vehicle Code, Section 5-16 of the Boat Registration and  
8 Safety Act, or Section 5-7 of the Snowmobile Registration  
9 and Safety Act ~~or motorboat while using or under the~~  
10 ~~influence of cannabis in violation of Section 11-501 or~~  
11 ~~11-502.1 of the Illinois Vehicle Code;~~

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

15 (7) transferring cannabis to any person contrary to  
16 this Act or the Compassionate Use of Medical Cannabis ~~Pilot~~  
17 Program Act;

18 (8) the use of cannabis by a law enforcement officer,  
19 corrections officer, probation officer, or firefighter  
20 while on duty; nothing in this Act prevents a public  
21 employer of law enforcement officers, corrections  
22 officers, probation officers, paramedics, or firefighters  
23 from prohibiting or taking disciplinary action for the  
24 consumption, possession, sales, purchase, or delivery of  
25 cannabis or cannabis-infused substances while on or off  
26 duty, unless provided for in the employer's policies.

1 However, an employer may not take adverse employment action  
2 against an employee based solely on the lawful possession  
3 or consumption of cannabis or cannabis-infused substances  
4 by members of the employee's household. To the extent that  
5 this Section conflicts with any applicable collective  
6 bargaining agreement, the provisions of the collective  
7 bargaining agreement shall prevail. Further, nothing in  
8 this Act shall be construed to limit in any way the right  
9 to collectively bargain over the subject matters contained  
10 in this Act; or

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

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

24 (b) Nothing in this Act shall be construed to prevent the  
25 arrest or prosecution of a person for reckless driving or  
26 driving under the influence of cannabis, operating a watercraft

1 under the influence of cannabis, or operating a snowmobile  
2 under the influence of cannabis if probable cause exists.

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

6 (d) Nothing in this Act shall require an individual or  
7 business entity to violate the provisions of federal law,  
8 including colleges or universities that must abide by the  
9 Drug-Free Schools and Communities Act Amendments of 1989, that  
10 require campuses to be drug free.

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

12 (410 ILCS 705/10-40)

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

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

20 (1) to directly address the impact of economic  
21 disinvestment, violence, and the historical overuse of  
22 criminal justice responses to community and individual  
23 needs by providing resources to support local design and  
24 control of community-based responses to these impacts;

25 (2) to substantially reduce both the total amount of

1 gun violence and concentrated poverty in this State;

2 (3) to protect communities from gun violence through  
3 targeted investments and intervention programs, including  
4 economic growth and improving family violence prevention,  
5 community trauma treatment rates, gun injury victim  
6 services, and public health prevention activities;

7 (4) to promote employment infrastructure and capacity  
8 building related to the social determinants of health in  
9 the eligible community areas.

10 (b) In this Section, "Authority" means the Illinois  
11 Criminal Justice Information Authority in coordination with  
12 the Justice, Equity, and Opportunity Initiative of the  
13 Lieutenant Governor's Office.

14 (c) Eligibility of R3 Areas. Within 180 days after the  
15 effective date of this Act, the Authority shall identify as  
16 eligible, areas in this State by way of historically recognized  
17 geographic boundaries, to be designated by the Restore,  
18 Reinvest, and Renew Program Board as R3 Areas and therefore  
19 eligible to apply for R3 funding. Local groups within R3 Areas  
20 will be eligible to apply for State funding through the  
21 Restore, Reinvest, and Renew Program Board. Qualifications for  
22 designation as an R3 Area are as follows:

23 (1) Based on an analysis of data, communities in this  
24 State that are high need, underserved, disproportionately  
25 impacted by historical economic disinvestment, and ravaged  
26 by violence as indicated by the highest rates of gun

1 injury, unemployment, child poverty rates, and commitments  
2 to and returns from the Illinois Department of Corrections.

3 (2) The Authority shall send to the Legislative Audit  
4 Commission and make publicly available its analysis and  
5 identification of eligible R3 Areas and shall recalculate  
6 the ~~he~~ eligibility data every 4 years. On an annual basis,  
7 the Authority shall analyze data and indicate if data  
8 covering any R3 Area or portion of an Area has, for 4  
9 consecutive years, substantially deviated from the average  
10 of statewide data on which the original calculation was  
11 made to determine the Areas, including disinvestment,  
12 violence, gun injury, unemployment, child poverty rates,  
13 or commitments to or returns from the Illinois Department  
14 of Corrections.

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

18 (e) The Restore, Reinvest, and Renew Program Board is  
19 created and shall reflect the diversity of the State of  
20 Illinois, including geographic, racial, and ethnic diversity.  
21 Using the data provided by the Authority, the Restore,  
22 Reinvest, and Renew Program Board shall be responsible for  
23 designating the R3 Area boundaries and for the selection and  
24 oversight of R3 Area grantees. The Restore, Reinvest, and Renew  
25 Program Board ex officio members shall, within 4 months after  
26 the effective date of this Act, convene the Board to appoint a



1 full Restore, Reinvest, and Renew Program Board and oversee,  
2 provide guidance to, and develop an administrative structure  
3 for the R3 Program.

4 (1) The ex officio members are:

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

7 (B) The Attorney General, or his or her  
8 designee.

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

11 (D) The Director of Public Health, or his or  
12 her designee.

13 (E) The Director of Corrections, or his or her  
14 designee.

15 (F) The Director of Juvenile Justice, or his or  
16 her designee.

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

19 (H) ~~(F)~~ The Executive Director of the Illinois  
20 Criminal Justice Information Authority, or his or  
21 her designee.

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

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

26 (K) ~~(I)~~ A member of the Senate, designated by

1 the President of the Senate.

2 (L) ~~(J)~~ A member of the House of  
3 Representatives, designated by the Speaker of the  
4 House of Representatives.

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

7 (N) ~~(I)~~ A member of the House of  
8 Representatives, designated by the Minority Leader  
9 of the House of Representatives.

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

14 (A) Eight public officials of municipal geographic  
15 jurisdictions in the State that include an R3 Area, or  
16 their designees;

17 (B) Four ~~4~~ community-based providers or community  
18 development organization representatives who provide  
19 services to treat violence and address the social  
20 determinants of health, or promote community  
21 investment, including, but not limited to, services  
22 such as job placement and training, educational  
23 services, workforce development programming, and  
24 wealth building. The community-based organization  
25 representatives shall work primarily in jurisdictions  
26 that include an R3 Area and no more than 2

1           representatives shall work primarily in Cook County.  
2           At least one of the community-based providers shall  
3           have expertise in providing services to an immigrant  
4           population;

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

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

8                   (E) One female who has previously been  
9           incarcerated and is over the age of 24 at the time of  
10          appointment;

11                   (F) Two individuals who have previously been  
12          incarcerated and are between the ages of 17 and 24 at  
13          the time of appointment.

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

1 officio and General Assembly Board members shall end 4  
2 years from the date of appointment.

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

5 (1) develop a process to solicit applications from  
6 eligible R3 Areas;

7 (2) develop a standard template for both planning and  
8 implementation activities to be submitted by R3 Areas to  
9 the State;

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

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

16 (5) develop a performance measurement system that  
17 focuses on positive outcomes;

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

20 (7) deliver an annual report to the General Assembly  
21 and to the Governor to be posted on the Governor's Office  
22 and General Assembly websites and provide to the public an  
23 annual report on its progress.

24 (g) R3 Area grants.

25 (1) Grant funds shall be awarded by the Illinois  
26 Criminal Justice Information Authority, in coordination

1 with the R3 board, based on the likelihood that the plan  
2 will achieve the outcomes outlined in subsection (a) and  
3 consistent with the requirements of the Grant  
4 Accountability and Transparency Act. The R3 Program shall  
5 also facilitate the provision of training and technical  
6 assistance for capacity building within and among R3 Areas.

7 (2) R3 Program Board grants shall be used to address  
8 economic development, violence prevention services,  
9 re-entry services, youth development, and civil legal aid.

10 (3) The Restore, Reinvest, and Renew Program Board and  
11 the R3 Area grantees shall, within a period of no more than  
12 120 days from the completion of planning activities  
13 described in this Section, finalize an agreement on the  
14 plan for implementation. Implementation activities may:

15 (A) have a basis in evidence or best practice  
16 research or have evaluations demonstrating the  
17 capacity to address the purpose of the program in  
18 subsection (a);

19 (B) collect data from the inception of planning  
20 activities through implementation, with data  
21 collection technical assistance when needed, including  
22 cost data and data related to identified meaningful  
23 short-term, mid-term, and long-term goals and metrics;

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

26 (D) report information as requested by the R3

1           Program Board.

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

3           (410 ILCS 705/10-50)

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

5           (a) Nothing in this Act shall prohibit an employer from  
6           adopting reasonable zero tolerance or drug free workplace  
7           policies, or employment policies concerning drug testing,  
8           smoking, consumption, storage, or use of cannabis in the  
9           workplace or while on call provided that the policy is applied  
10          in a nondiscriminatory manner.

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

15          (c) Nothing in this Act shall limit or prevent an employer  
16          from disciplining an employee or terminating employment of an  
17          employee for violating an employer's employment policies or  
18          workplace drug policy.

19          (d) An employer may consider an employee to be impaired or  
20          under the influence of cannabis if the employer has a good  
21          faith belief that an employee manifests specific, articulable  
22          symptoms while working that decrease or lessen the employee's  
23          performance of the duties or tasks of the employee's job  
24          position, including symptoms of the employee's speech,  
25          physical dexterity, agility, coordination, demeanor,

1 irrational or unusual behavior, or negligence or carelessness  
2 in operating equipment or machinery; disregard for the safety  
3 of the employee or others, or involvement in any accident that  
4 results in serious damage to equipment or property; disruption  
5 of a production or manufacturing process; or carelessness that  
6 results in any injury to the employee or others. If an employer  
7 elects to discipline an employee on the basis that the employee  
8 is under the influence or impaired by cannabis, the employer  
9 must afford the employee a reasonable opportunity to contest  
10 the basis of the determination.

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

13 (1) actions taken pursuant to an employer's reasonable  
14 workplace drug policy, including but not limited to  
15 subjecting an employee or applicant to reasonable drug and  
16 alcohol testing, reasonable and nondiscriminatory random  
17 drug testing, and discipline, termination of employment,  
18 or withdrawal of a job offer due to a failure of a drug  
19 test; , including but not limited to subjecting an employee  
20 or applicant to reasonable drug and alcohol testing under  
21 the employer's workplace drug policy, including an  
22 employee's refusal to be tested or to cooperate in testing  
23 procedures or disciplining or termination of employment,

24 (2) actions based on the employer's good faith belief  
25 that an employee used or possessed cannabis in the  
26 employer's workplace or while performing the employee's

1 job duties or while on call in violation of the employer's  
2 employment policies;

3 (3) ~~(2)~~ actions, including discipline or termination  
4 of employment, based on the employer's good faith belief  
5 that an employee was impaired as a result of the use of  
6 cannabis, or under the influence of cannabis, while at the  
7 employer's workplace or while performing the employee's  
8 job duties or while on call in violation of the employer's  
9 workplace drug policy; or

10 (4) ~~(3)~~ injury, loss, or liability to a third party if  
11 the employer neither knew nor had reason to know that the  
12 employee was impaired.

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

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

23 (h) As used in this Section, "workplace" means the  
24 employer's premises, including any building, real property,  
25 and parking area under the control of the employer or area used  
26 by an employee while in the performance of the employee's job



1 duties, and vehicles, whether leased, rented, or owned.  
2 "Workplace" may be further defined by the employer's written  
3 employment policy, provided that the policy is consistent with  
4 this Section.

5 (i) For purposes of this Section, an employee is deemed "on  
6 call" when such employee is scheduled with at least 24 hours'  
7 notice by his or her employer to be on standby or otherwise  
8 responsible for performing tasks related to his or her  
9 employment either at the employer's premises or other  
10 previously designated location by his or her employer or  
11 supervisor to perform a work-related task.

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

13 (410 ILCS 705/15-15)

14 Sec. 15-15. Early Approval Adult Use Dispensing  
15 Organization License.

16 (a) Any medical cannabis dispensing organization holding a  
17 valid registration under the Compassionate Use of Medical  
18 Cannabis ~~Pilot~~ Program Act as of the effective date of this Act  
19 may, within 60 days of the effective date of this Act, apply to  
20 the Department for an Early Approval Adult Use Dispensing  
21 Organization License to serve purchasers at any medical  
22 cannabis dispensing location in operation on the effective date  
23 of this Act, pursuant to this Section.

24 (b) A medical cannabis dispensing organization seeking  
25 issuance of an Early Approval Adult Use Dispensing Organization

1 License to serve purchasers at any medical cannabis dispensing  
2 location in operation as of the effective date of this Act  
3 shall submit an application on forms provided by the  
4 Department. The application must be submitted by the same  
5 person or entity that holds the medical cannabis dispensing  
6 organization registration and include the following:

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

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

11 (3) Certification that the applicant will comply with  
12 the requirements contained in the Compassionate Use of  
13 Medical Cannabis ~~Pilot~~ Program Act except as provided in  
14 this Act;

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

16 (5) The physical address of the dispensing  
17 organization;

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

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

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

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

8           (B) Make a grant of 3% of total sales from June 1,  
9 2018 to June 1, 2019, or \$100,000, whichever is less,  
10 to a cannabis industry training or education program at  
11 an Illinois community college as defined in the Public  
12 Community College Act;

13           (C) Make a donation of \$100,000 or more to a  
14 program that provides job training services to persons  
15 recently incarcerated or that operates in a  
16 Disproportionately Impacted Area;

17           (D) Participate as a host in a cannabis business  
18 establishment incubator program approved by the  
19 Department of Commerce and Economic Opportunity, and  
20 in which an Early Approval Adult Use Dispensing  
21 Organization License holder agrees to provide a loan of  
22 at least \$100,000 and mentorship to incubate, for at  
23 least a year, a Social Equity Applicant intending to  
24 seek a license or a licensee that qualifies as a Social  
25 Equity Applicant ~~for at least a year~~. As used in this  
26 Section, "incubate" means providing direct financial

1 assistance and training necessary to engage in  
2 licensed cannabis industry activity similar to that of  
3 the host licensee. The Early Approval Adult Use  
4 Dispensing Organization License holder or the same  
5 entity holding any other licenses issued pursuant to  
6 this Act shall not take an ownership stake of greater  
7 than 10% in any business receiving incubation services  
8 to comply with this subsection. If an Early Approval  
9 Adult Use Dispensing Organization License holder fails  
10 to find a business to incubate to comply with this  
11 subsection before its Early Approval Adult Use  
12 Dispensing Organization License expires, it may opt to  
13 meet the requirement of this subsection by completing  
14 another item from this subsection; or

15 (E) Participate in a sponsorship program for at  
16 least 2 years approved by the Department of Commerce  
17 and Economic Opportunity in which an Early Approval  
18 Adult Use Dispensing Organization License holder  
19 agrees to provide an interest-free loan of at least  
20 \$200,000 to a Social Equity Applicant. The sponsor  
21 shall not take an ownership stake in any cannabis  
22 business establishment receiving sponsorship services  
23 to comply with this subsection.

24 (c) The license fee required by paragraph (1) of subsection  
25 (b) of this Section shall be in addition to any license fee  
26 required for the renewal of a registered medical cannabis

1 dispensing organization license.

2 (d) Applicants must submit all required information,  
3 including the requirements in subsection (b) of this Section,  
4 to the Department. Failure by an applicant to submit all  
5 required information may result in the application being  
6 disqualified.

7 (e) If the Department receives an application that fails to  
8 provide the required elements contained in subsection (b), the  
9 Department shall issue a deficiency notice to the applicant.  
10 The applicant shall have 10 calendar days from the date of the  
11 deficiency notice to submit complete information. Applications  
12 that are still incomplete after this opportunity to cure may be  
13 disqualified.

14 (f) If an applicant meets all the requirements of  
15 subsection (b) of this Section, the Department shall issue the  
16 Early Approval Adult Use Dispensing Organization License  
17 within 14 days of receiving a completed application unless:

18 (1) The licensee or a principal officer is delinquent  
19 in filing any required tax returns or paying any amounts  
20 owed to the State of Illinois;

21 (2) The Secretary of Financial and Professional  
22 Regulation determines there is reason, based on documented  
23 compliance violations, the licensee is not entitled to an  
24 Early Approval Adult Use Dispensing Organization License;  
25 or

26 (3) Any principal officer fails to register and remain

1 in compliance with this Act or the Compassionate Use of  
2 Medical Cannabis ~~Pilot~~ Program Act.

3 (g) A registered medical cannabis dispensing organization  
4 that obtains an Early Approval Adult Use Dispensing  
5 Organization License may begin selling cannabis,  
6 cannabis-infused products, paraphernalia, and related items to  
7 purchasers under the rules of this Act no sooner than January  
8 1, 2020.

9 (h) A dispensing organization holding a medical cannabis  
10 dispensing organization license issued under the Compassionate  
11 Use of Medical Cannabis ~~Pilot~~ Program Act must maintain an  
12 adequate supply of cannabis and cannabis-infused products for  
13 purchase by qualifying patients, caregivers, provisional  
14 patients, and Opioid Alternative Pilot Program participants.  
15 For the purposes of this subsection, "adequate supply" means a  
16 monthly inventory level that is comparable in type and quantity  
17 to those medical cannabis products provided to patients and  
18 caregivers on an average monthly basis for the 6 months before  
19 the effective date of this Act.

20 (i) If there is a shortage of cannabis or cannabis-infused  
21 products, a dispensing organization holding both a dispensing  
22 organization license under the Compassionate Use of Medical  
23 Cannabis ~~Pilot~~ Program Act and this Act shall prioritize  
24 serving qualifying patients, caregivers, provisional patients,  
25 and Opioid Alternative Pilot Program participants before  
26 serving purchasers.

1 (j) Notwithstanding any law or rule to the contrary, a  
2 person that holds a medical cannabis dispensing organization  
3 license issued under the Compassionate Use of Medical Cannabis  
4 ~~Pilot~~ Program Act and an Early Approval Adult Use Dispensing  
5 Organization License may permit purchasers into a limited  
6 access area as that term is defined in administrative rules  
7 made under the authority in the Compassionate Use of Medical  
8 Cannabis ~~Pilot~~ Program Act.

9 (k) An Early Approval Adult Use Dispensing Organization  
10 License is valid until March 31, 2021. A dispensing  
11 organization that obtains an Early Approval Adult Use  
12 Dispensing Organization License shall receive written or  
13 electronic notice 90 days before the expiration of the license  
14 that the license will expire, and that informs ~~inform~~ the  
15 license holder that it may apply to renew its Early Approval  
16 Adult Use Dispensing Organization License on forms provided by  
17 the Department. The Department shall renew the Early Approval  
18 Adult Use Dispensing Organization License within 60 days of the  
19 renewal application being deemed complete if:

20 (1) the dispensing organization submits an application  
21 and the required nonrefundable renewal fee of \$30,000, to  
22 be deposited into the Cannabis Regulation Fund;

23 (2) the Department has not suspended or permanently  
24 revoked the Early Approval Adult Use Dispensing  
25 Organization License or a medical cannabis dispensing  
26 organization license on the same premises for violations of

1 this Act, the Compassionate Use of Medical Cannabis ~~Pilot~~  
2 Program Act, or rules adopted pursuant to those Acts; ~~and~~

3 (3) the dispensing organization has completed a Social  
4 Equity Inclusion Plan as provided ~~required~~ by parts (A),  
5 (B), and (C) of paragraph (8) of subsection (b) of this  
6 Section or has made substantial progress toward completing  
7 a Social Equity Inclusion Plan as provided by parts (D) and  
8 (E) of paragraph (8) of subsection (b) of this Section; and

9 (4) the dispensing organization is in compliance with  
10 this Act and rules.

11 (l) The Early Approval Adult Use Dispensing Organization  
12 License renewed pursuant to subsection (k) of this Section  
13 shall expire March 31, 2022. The Early Approval Adult Use  
14 Dispensing Organization Licensee shall receive written or  
15 electronic notice 90 days before the expiration of the license  
16 that the license will expire, and that informs ~~inform~~ the  
17 license holder that it may apply for an Adult Use Dispensing  
18 Organization License on forms provided by the Department. The  
19 Department shall grant an Adult Use Dispensing Organization  
20 License within 60 days of an application being deemed complete  
21 if the applicant has met all of the criteria in Section 15-36.

22 (m) If a dispensing organization ~~dispensary~~ fails to submit  
23 an application for renewal of an Early Approval Adult Use  
24 Dispensing Organization License or for an Adult Use Dispensing  
25 Organization License before the expiration dates provided in  
26 subsections (k) and (l) of the Early Approval Adult Use



1 ~~Dispensing Organization License pursuant to subsection (k)~~ of  
2 this Section, the dispensing organization shall cease serving  
3 purchasers and cease all operations until it receives a renewal  
4 or an Adult Use Dispensing Organization License, as the case  
5 may be.

6 (n) A dispensing organization agent who holds a valid  
7 dispensing organization agent identification card issued under  
8 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act and  
9 is an officer, director, manager, or employee of the dispensing  
10 organization licensed under this Section may engage in all  
11 activities authorized by this Article to be performed by a  
12 dispensing organization agent.

13 (o) If the Department suspends, permanently revokes, or  
14 otherwise disciplines the Early Approval Adult Use Dispensing  
15 Organization License of a dispensing organization that also  
16 holds a medical cannabis dispensing organization license  
17 issued under the Compassionate Use of Medical Cannabis Program  
18 Act, the Department may consider the suspension, permanent  
19 revocation, or other discipline of the medical cannabis  
20 dispensing organization license.

21 (p) ~~(o)~~ All fees collected pursuant to this Section shall  
22 be deposited into the Cannabis Regulation Fund, unless  
23 otherwise specified.

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

1           Sec. 15-20. Early Approval Adult Use Dispensing  
2 Organization License; secondary site.

3           ~~(a) If the Department suspends or revokes the Early~~  
4 ~~Approval Adult Use Dispensing Organization License of a~~  
5 ~~dispensing organization that also holds a medical cannabis~~  
6 ~~dispensing organization license issued under the Compassionate~~  
7 ~~Use of Medical Cannabis Pilot Program Act, the Department may~~  
8 ~~consider the suspension or revocation as grounds to take~~  
9 ~~disciplinary action against the medical cannabis dispensing~~  
10 ~~organization license.~~

11           ~~(a-5) If, within 360 days of the effective date of this~~  
12 ~~Act, a dispensing organization is unable to find a location~~  
13 ~~within the BLS Regions prescribed in subsection (a) of this~~  
14 ~~Section in which to operate an Early Approval Adult Use~~  
15 ~~Dispensing Organization at a secondary site because no~~  
16 ~~jurisdiction within the prescribed area allows the operation of~~  
17 ~~an Adult Use Cannabis Dispensing Organization, the Department~~  
18 ~~of Financial and Professional Regulation may waive the~~  
19 ~~geographic restrictions of subsection (a) of this Section and~~  
20 ~~specify another BLS Region into which the dispensary may be~~  
21 ~~placed.~~

22           (a) ~~(b)~~ Any medical cannabis dispensing organization  
23 holding a valid registration under the Compassionate Use of  
24 Medical Cannabis ~~Pilot~~ Program Act as of the effective date of  
25 this Act may, within 60 days of the effective date of this Act,  
26 apply to the Department for an Early Approval Adult Use

1 Dispensing Organization License to operate a dispensing  
2 organization to serve purchasers at a secondary site not within  
3 1,500 feet of another medical cannabis dispensing organization  
4 or adult use dispensing organization. The Early Approval Adult  
5 Use Dispensing Organization secondary site shall be within any  
6 BLS Region ~~region~~ that shares territory with the dispensing  
7 organization district to which the medical cannabis dispensing  
8 organization is assigned under the administrative rules for  
9 dispensing organizations under the Compassionate Use of  
10 Medical Cannabis ~~Pilot~~ Program Act.

11 (a-5) If, within 360 days of the effective date of this  
12 Act, a dispensing organization is unable to find a location  
13 within the BLS Regions prescribed in subsection (a) of this  
14 Section in which to operate an Early Approval Adult Use  
15 Dispensing Organization at a secondary site because no  
16 jurisdiction within the prescribed area allows the operation of  
17 an Adult Use Cannabis Dispensing Organization, the Department  
18 of Financial and Professional Regulation may waive the  
19 geographic restrictions of subsection (a) of this Section and  
20 specify another BLS Region into which the dispensary may be  
21 placed.

22 (b) (Blank).

23 (c) A medical cannabis dispensing organization seeking  
24 issuance of an Early Approval Adult Use Dispensing Organization  
25 License at a secondary site to serve purchasers at a secondary  
26 site as prescribed in subsection (a) ~~(b)~~ of this Section shall

1 submit an application on forms provided by the Department. The  
2 application must meet or include the following qualifications:

3 (1) a payment of a nonrefundable application fee of  
4 \$30,000;

5 (2) proof of registration as a medical cannabis  
6 dispensing organization that is in good standing;

7 (3) submission of the application by the same person or  
8 entity that holds the medical cannabis dispensing  
9 organization registration;

10 (4) the legal name of the medical cannabis dispensing  
11 organization;

12 (5) the physical address of the medical cannabis  
13 dispensing organization and the proposed physical address  
14 of the secondary site;

15 (6) a copy of the current local zoning ordinance  
16 Sections relevant to dispensary operations and  
17 documentation of the approval, the conditional approval or  
18 the status of a request for zoning approval from the local  
19 zoning office that the proposed dispensary location is in  
20 compliance with the local zoning rules;

21 (7) a plot plan of the dispensary drawn to scale. The  
22 applicant shall submit general specifications of the  
23 building exterior and interior layout;

24 (8) a statement that the dispensing organization  
25 agrees to respond to the Department's supplemental  
26 requests for information;

1 (9) for the building or land to be used as the proposed  
2 dispensary:

3 (A) if the property is not owned by the applicant,  
4 a written statement from the property owner and  
5 landlord, if any, certifying consent that the  
6 applicant may operate a dispensary on the premises; or

7 (B) if the property is owned by the applicant,  
8 confirmation of ownership;

9 (10) a copy of the proposed operating bylaws;

10 (11) a copy of the proposed business plan that complies  
11 with the requirements in this Act, including, at a minimum,  
12 the following:

13 (A) a description of services to be offered; and

14 (B) a description of the process of dispensing  
15 cannabis;

16 (12) a copy of the proposed security plan that complies  
17 with the requirements in this Article, including:

18 (A) a description of the delivery process by which  
19 cannabis will be received from a transporting  
20 organization, including receipt of manifests and  
21 protocols that will be used to avoid diversion, theft,  
22 or loss at the dispensary acceptance point; and

23 (B) the process or controls that will be  
24 implemented to monitor the dispensary, secure the  
25 premises, agents, patients, and currency, and prevent  
26 the diversion, theft, or loss of cannabis; and

1 (C) the process to ensure that access to the  
2 restricted access areas is restricted to, registered  
3 agents, service professionals, transporting  
4 organization agents, Department inspectors, and  
5 security personnel;

6 (13) a proposed inventory control plan that complies  
7 with this Section;

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) a nonrefundable Cannabis Business Development Fee  
13 equal to \$200,000, to be deposited into the Cannabis  
14 Business Development Fund; and

15 (16) a commitment to completing one of the following  
16 Social Equity Inclusion Plans in subsection (d).

17 (d) Before receiving an Early Approval Adult Use Dispensing  
18 Organization License at a secondary site, a dispensing  
19 organization shall indicate the Social Equity Inclusion Plan  
20 that the applicant plans to achieve before the expiration of  
21 the Early Approval Adult Use Dispensing Organization License  
22 from the list below:

23 (1) make a contribution of 3% of total sales from June  
24 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to  
25 the Cannabis Business Development Fund. This is in addition  
26 to the fee required by paragraph (16) of subsection (c) of

1 this Section;

2 (2) make a grant of 3% of total sales from June 1, 2018  
3 to June 1, 2019, or \$100,000, whichever is less, to a  
4 cannabis industry training or education program at an  
5 Illinois community college as defined in the Public  
6 Community College Act;

7 (3) make a donation of \$100,000 or more to a program  
8 that provides job training services to persons recently  
9 incarcerated or that operates in a Disproportionately  
10 Impacted Area;

11 (4) participate as a host in a cannabis business  
12 establishment incubator program approved by the Department  
13 of Commerce and Economic Opportunity, and in which an Early  
14 Approval Adult Use Dispensing Organization License at a  
15 secondary site holder agrees to provide a loan of at least  
16 \$100,000 and mentorship to incubate, for at least a year, a  
17 Social Equity Applicant intending to seek a license or a  
18 licensee that qualifies as a Social Equity Applicant ~~for at~~  
19 ~~least a year~~. In this paragraph (4), "incubate" means  
20 providing direct financial assistance and training  
21 necessary to engage in licensed cannabis industry activity  
22 similar to that of the host licensee. The Early Approval  
23 Adult Use Dispensing Organization License holder or the  
24 same entity holding any other licenses issued under this  
25 Act shall not take an ownership stake of greater than 10%  
26 in any business receiving incubation services to comply

1 with this subsection. If an Early Approval Adult Use  
2 Dispensing Organization License at a secondary site holder  
3 fails to find a business to incubate in order to comply  
4 with this subsection before its Early Approval Adult Use  
5 Dispensing Organization License at a secondary site  
6 expires, it may opt to meet the requirement of this  
7 subsection by completing another item from this subsection  
8 before the expiration of its Early Approval Adult Use  
9 Dispensing Organization License at a secondary site to  
10 avoid a penalty; or

11 (5) participate in a sponsorship program for at least 2  
12 years approved by the Department of Commerce and Economic  
13 Opportunity in which an Early Approval Adult Use Dispensing  
14 Organization License at a secondary site holder agrees to  
15 provide an interest-free loan of at least \$200,000 to a  
16 Social Equity Applicant. The sponsor shall not take an  
17 ownership stake of greater than 10% in any business  
18 receiving sponsorship services to comply with this  
19 subsection.

20 (e) The license fee required by paragraph (1) of subsection  
21 (c) of this Section is in addition to any license fee required  
22 for the renewal of a registered medical cannabis dispensing  
23 organization license.

24 (f) Applicants must submit all required information,  
25 including the requirements in subsection (c) of this Section,  
26 to the Department. Failure by an applicant to submit all



1 required information may result in the application being  
2 disqualified. Principal officers shall not be required to  
3 submit to the fingerprint and background check requirements of  
4 Section 5-20.

5 (g) If the Department receives an application that fails to  
6 provide the required elements contained in subsection (c), the  
7 Department shall issue a deficiency notice to the applicant.  
8 The applicant shall have 10 calendar days from the date of the  
9 deficiency notice to submit complete information. Applications  
10 that are still incomplete after this opportunity to cure may be  
11 disqualified.

12 (h) Once all required information and documents have been  
13 submitted, the Department will review the application. The  
14 Department may request revisions and retains final approval  
15 over dispensary features. Once the application is complete and  
16 meets the Department's approval, the Department shall  
17 conditionally approve the license. Final approval is  
18 contingent on the build-out and Department inspection.

19 (i) Upon submission of the Early Approval Adult Use  
20 Dispensing Organization at a secondary site application, the  
21 applicant shall request an inspection and the Department may  
22 inspect the Early Approval Adult Use Dispensing Organization's  
23 secondary site to confirm compliance with the application and  
24 this Act.

25 (j) The Department shall only issue an Early Approval Adult  
26 Use Dispensing Organization License at a secondary site after

1 the completion of a successful inspection.

2 (k) If an applicant passes the inspection under this  
3 Section, the Department shall issue the Early Approval Adult  
4 Use Dispensing Organization License at a secondary site within  
5 10 business days unless:

6 (1) The licensee, any principal officer or board member  
7 of the licensee, or any person having a financial or voting  
8 interest of 5% or greater in the licensee ~~; principal~~  
9 ~~officer, board member, or person having a financial or~~  
10 ~~voting interest of 5% or greater in the licensee; or agent~~  
11 is delinquent in filing any required tax returns or paying  
12 any amounts owed to the State of Illinois; or

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 at its secondary site.

18 (l) Once the Department has issued a license, the  
19 dispensing organization shall notify the Department of the  
20 proposed opening date.

21 (m) A registered medical cannabis dispensing organization  
22 that obtains an Early Approval Adult Use Dispensing  
23 Organization License at a secondary site may begin selling  
24 cannabis, cannabis-infused products, paraphernalia, and  
25 related items to purchasers under the rules of this Act no  
26 sooner than January 1, 2020.

1 (n) If there is a shortage of cannabis or cannabis-infused  
2 products, a dispensing organization holding both a dispensing  
3 organization license under the Compassionate Use of Medical  
4 Cannabis ~~Pilot~~ Program Act and this Article shall prioritize  
5 serving qualifying patients and caregivers before serving  
6 purchasers.

7 (o) An Early Approval Adult Use Dispensing Organization  
8 License at a secondary site is valid until March 31, 2021. A  
9 dispensing organization that obtains an Early Approval Adult  
10 Use Dispensing Organization License at a secondary site shall  
11 receive written or electronic notice 90 days before the  
12 expiration of the license that the license will expire, and  
13 inform the license holder that it may renew its Early Approval  
14 Adult Use Dispensing Organization License at a secondary site.  
15 The Department shall renew an Early Approval Adult Use  
16 Dispensing Organization License at a secondary site within 60  
17 days of submission of the renewal application being deemed  
18 complete if:

19 (1) the dispensing organization submits an application  
20 and the required nonrefundable renewal fee of \$30,000, to  
21 be deposited into the Cannabis Regulation Fund;

22 (2) the Department has not suspended or permanently  
23 revoked the Early Approval Adult Use Dispensing  
24 Organization License or a medical cannabis dispensing  
25 organization license held by the same person or entity for  
26 violating this Act or rules adopted under this Act or the

1 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act or  
2 rules adopted under that Act; and

3 (3) the dispensing organization has completed a Social  
4 Equity Inclusion Plan provided ~~as required~~ by paragraph  
5 (1), (2), or (3) ~~(16)~~ of subsection (d) ~~(e)~~ of this Section  
6 or has made substantial progress toward completing a Social  
7 Equity Inclusion Plan provided by paragraph (4) or (5) of  
8 subsection (d) of this Section.

9 (p) The Early Approval Adult Use Dispensing Organization  
10 Licensee at a secondary site renewed pursuant to subsection (o)  
11 shall receive written or electronic notice 90 days before the  
12 expiration of the license that the license will expire, and  
13 that informs ~~inform~~ the license holder that it may apply for an  
14 Adult Use Dispensing Organization License on forms provided by  
15 the Department. The Department shall grant an Adult Use  
16 Dispensing Organization License within 60 days of an  
17 application being deemed complete if the applicant has meet all  
18 of the criteria in Section 15-36.

19 (q) If a dispensing organization fails to submit an  
20 application for renewal of an Early Approval Adult Use  
21 Dispensing Organization License or for an Adult Use Dispensing  
22 Organization License before the expiration dates provided in  
23 subsections (o) and (p) of this Section, the dispensing  
24 organization shall cease serving purchasers until it receives a  
25 renewal or an Adult Use Dispensing Organization License.

26 (r) A dispensing organization agent who holds a valid

1 dispensing organization agent identification card issued under  
2 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act and  
3 is an officer, director, manager, or employee of the dispensing  
4 organization licensed under this Section may engage in all  
5 activities authorized by this Article to be performed by a  
6 dispensing organization agent.

7 (s) If the Department suspends, permanently revokes, or  
8 otherwise disciplines the Early Approval Adult Use Dispensing  
9 Organization License of a dispensing organization that also  
10 holds a medical cannabis dispensing organization license  
11 issued under the Compassionate Use of Medical Cannabis Program  
12 Act, the Department may consider the suspension, permanent  
13 revocation, or other discipline ~~or revokes the Early Approval~~  
14 ~~Adult Use Dispensing Organization License of a dispensing~~  
15 ~~organization that also holds a medical cannabis dispensing~~  
16 ~~organization license issued under the Compassionate Use of~~  
17 ~~Medical Cannabis Pilot Program Act, the Department may consider~~  
18 ~~the suspension or revocation~~ as grounds to take disciplinary  
19 action against the medical cannabis dispensing organization.

20 (t) All fees collected pursuant to this Section shall be  
21 deposited into the Cannabis Regulation Fund, unless otherwise  
22 specified ~~or fines collected from an Early Approval Adult Use~~  
23 ~~Dispensary Organization License at a secondary site holder as a~~  
24 ~~result of a disciplinary action in the enforcement of this Act~~  
25 ~~shall be deposited into the Cannabis Regulation Fund and be~~  
26 ~~appropriated to the Department for the ordinary and contingent~~

1 ~~expenses of the Department in the administration and~~  
2 ~~enforcement of this Section.~~

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

4 (410 ILCS 705/15-25)

5 Sec. 15-25. Awarding of Conditional Adult Use Dispensing  
6 Organization Licenses prior to January 1, 2021.

7 (a) The Department shall issue up to 75 Conditional Adult  
8 Use Dispensing Organization Licenses before May 1, 2020.

9 (b) The Department shall make the application for a  
10 Conditional Adult Use Dispensing Organization License  
11 available no later than October 1, 2019 and shall accept  
12 applications no later than January 1, 2020.

13 (c) To ensure the geographic dispersion of Conditional  
14 Adult Use Dispensing Organization License holders, the  
15 following number of licenses shall be awarded in each BLS  
16 Region as determined by each region's percentage of the State's  
17 population:

18 (1) Bloomington: 1

19 (2) Cape Girardeau: 1

20 (3) Carbondale-Marion: 1

21 (4) Champaign-Urbana: 1

22 (5) Chicago-Naperville-Elgin: 47

23 (6) Danville: 1

24 (7) Davenport-Moline-Rock Island: 1

25 (8) Decatur: 1

- 1 (9) Kankakee: 1
- 2 (10) Peoria: 3
- 3 (11) Rockford: 2
- 4 (12) St. Louis: 4
- 5 (13) Springfield: 1
- 6 (14) Northwest Illinois nonmetropolitan: 3
- 7 (15) West Central Illinois nonmetropolitan: 3
- 8 (16) East Central Illinois nonmetropolitan: 2
- 9 (17) South Illinois nonmetropolitan: 2

10 (d) An applicant seeking issuance of a Conditional Adult  
11 Use Dispensing Organization License shall submit an  
12 application on forms provided by the Department. An applicant  
13 must meet the following requirements:

14 (1) Payment of a nonrefundable application fee of  
15 \$5,000 for each license for which the applicant is  
16 applying, which shall be deposited into the Cannabis  
17 Regulation Fund;

18 (2) Certification that the applicant will comply with  
19 the requirements contained in this Act;

20 (3) The legal name of the proposed dispensing  
21 organization;

22 (4) A statement that the dispensing organization  
23 agrees to respond to the Department's supplemental  
24 requests for information;

25 (5) From each principal officer, a statement  
26 indicating whether that person:

1 (A) has previously held or currently holds an  
2 ownership interest in a cannabis business  
3 establishment in Illinois; or

4 (B) has held an ownership interest in a dispensing  
5 organization or its equivalent in another state or  
6 territory of the United States that had the dispensing  
7 organization registration or license suspended,  
8 revoked, placed on probationary status, or subjected  
9 to other disciplinary action;

10 (6) Disclosure of whether any principal officer has  
11 ever filed for bankruptcy or defaulted on spousal support  
12 or child support obligation;

13 (7) A resume for each principal officer, including  
14 whether that person has an academic degree, certification,  
15 or relevant experience with a cannabis business  
16 establishment or in a related industry;

17 (8) A description of the training and education that  
18 will be provided to dispensing organization agents;

19 (9) A copy of the proposed operating bylaws;

20 (10) A copy of the proposed business plan that complies  
21 with the requirements in this Act, including, at a minimum,  
22 the following:

23 (A) A description of services to be offered; and

24 (B) A description of the process of dispensing  
25 cannabis;

26 (11) A copy of the proposed security plan that complies



1 with the requirements in this Article, including:

2 (A) The process or controls that will be  
3 implemented to monitor the dispensary, secure the  
4 premises, agents, and currency, and prevent the  
5 diversion, theft, or loss of cannabis; and

6 (B) The process to ensure that access to the  
7 restricted access areas is restricted to, registered  
8 agents, service professionals, transporting  
9 organization agents, Department inspectors, and  
10 security personnel;

11 (12) A proposed inventory control plan that complies  
12 with this Section;

13 (13) A proposed floor plan, a square footage estimate,  
14 and a description of proposed security devices, including,  
15 without limitation, cameras, motion detectors, servers,  
16 video storage capabilities, and alarm service providers;

17 (14) The name, address, social security number, and  
18 date of birth of each principal officer and board member of  
19 the dispensing organization; each of those individuals  
20 shall be at least 21 years of age;

21 (15) Evidence of the applicant's status as a Social  
22 Equity Applicant, if applicable, and whether a Social  
23 Equity Applicant plans to apply for a loan or grant issued  
24 by the Department of Commerce and Economic Opportunity;

25 (16) The address, telephone number, and email address  
26 of the applicant's principal place of business, if

1 applicable. A post office box is not permitted;

2 (17) Written summaries of any information regarding  
3 instances in which a business or not-for-profit that a  
4 prospective board member previously managed or served on  
5 were fined or censured, or any instances in which a  
6 business or not-for-profit that a prospective board member  
7 previously managed or served on had its registration  
8 suspended or revoked in any administrative or judicial  
9 proceeding;

10 (18) A plan for community engagement;

11 (19) Procedures to ensure accurate recordkeeping and  
12 security measures that are in accordance with this Article  
13 and Department rules;

14 (20) The estimated volume of cannabis it plans to store  
15 at the dispensary;

16 (21) A description of the features that will provide  
17 accessibility to purchasers as required by the Americans  
18 with Disabilities Act;

19 (22) A detailed description of air treatment systems  
20 that will be installed to reduce odors;

21 (23) A reasonable assurance that the issuance of a  
22 license will not have a detrimental impact on the community  
23 in which the applicant wishes to locate;

24 (24) The dated signature of each principal officer;

25 (25) A description of the enclosed, locked facility  
26 where cannabis will be stored by the dispensing

1 organization;

2 (26) Signed statements from each dispensing  
3 organization agent stating that he or she will not divert  
4 cannabis;

5 (27) The number of licenses it is applying for in each  
6 BLS Region;

7 (28) A diversity plan that includes a narrative of at  
8 least 2,500 words that establishes a goal of diversity in  
9 ownership, management, employment, and contracting to  
10 ensure that diverse participants and groups are afforded  
11 equality of opportunity;

12 (29) A contract with a private security contractor that  
13 is licensed under Section 10-5 of the Private Detective,  
14 Private Alarm, Private Security, Fingerprint Vendor, and  
15 Locksmith Act of 2004 in order for the dispensary to have  
16 adequate security at its facility; and

17 (30) Other information deemed necessary by the  
18 Illinois Cannabis Regulation Oversight Officer to conduct  
19 the disparity and availability study referenced in  
20 subsection (e) of Section 5-45.

21 (e) An applicant who receives a Conditional Adult Use  
22 Dispensing Organization License under this Section has 180 days  
23 from the date of award to identify a physical location for the  
24 dispensing organization retail storefront. Before a  
25 conditional licensee receives an authorization to build out the  
26 dispensing organization from the Department, the Department

1 shall inspect the physical space selected by the conditional  
2 licensee. The Department shall verify the site is suitable for  
3 public access, the layout promotes the safe dispensing of  
4 cannabis, the location is sufficient in size, power allocation,  
5 lighting, parking, handicapped accessible parking spaces,  
6 accessible entry and exits as required by the Americans with  
7 Disabilities Act, product handling, and storage. The applicant  
8 shall also provide a statement of reasonable assurance that the  
9 issuance of a license will not have a detrimental impact on the  
10 community. The applicant shall also provide evidence that the  
11 location is not within 1,500 feet of an existing dispensing  
12 organization. If an applicant is unable to find a suitable  
13 physical address in the opinion of the Department within 180  
14 days of the issuance of the Conditional Adult Use Dispensing  
15 Organization License, the Department may extend the period for  
16 finding a physical address another 180 days if the Conditional  
17 Adult Use Dispensing Organization License holder demonstrates  
18 concrete attempts to secure a location and a hardship. If the  
19 Department denies the extension or the Conditional Adult Use  
20 Dispensing Organization License holder is unable to find a  
21 location or become operational within 360 days of being awarded  
22 a conditional license, the Department shall rescind the  
23 conditional license and award it to the next highest scoring  
24 applicant in the BLS Region for which the license was assigned,  
25 provided the applicant receiving the license: (i) confirms a  
26 continued interest in operating a dispensing organization;

1 (ii) can provide evidence that the applicant continues to meet  
2 all requirements for holding a Conditional Adult Use Dispensing  
3 Organization License set forth in this Act ~~the financial~~  
4 ~~requirements provided in subsection (c) of this Section;~~ and  
5 (iii) has not otherwise become ineligible to be awarded a  
6 dispensing organization license. If the new awardee is unable  
7 to accept the Conditional Adult Use Dispensing Organization  
8 License, the Department shall award the Conditional Adult Use  
9 Dispensing Organization License to the next highest scoring  
10 applicant in the same manner. The new awardee shall be subject  
11 to the same required deadlines as provided in this subsection.

12 (e-5) If, within 180 days of being awarded a Conditional  
13 Adult Use Dispensing Organization License ~~license~~, a  
14 dispensing organization is unable to find a location within the  
15 BLS Region in which it was awarded a Conditional Adult Use  
16 Dispensing Organization License ~~license~~ because no  
17 jurisdiction within the BLS Region allows for the operation of  
18 an Adult Use Dispensing Organization, the Department of  
19 Financial and Professional Regulation may authorize the  
20 Conditional Adult Use Dispensing Organization License holder  
21 to transfer its license to a BLS Region specified by the  
22 Department.

23 (f) A dispensing organization that is awarded a Conditional  
24 Adult Use Dispensing Organization License pursuant to the  
25 criteria in Section 15-30 shall not purchase, possess, sell, or  
26 dispense cannabis or cannabis-infused products until the

1 person has received an Adult Use Dispensing Organization  
2 License issued by the Department pursuant to Section 15-36 of  
3 this Act. ~~The Department shall not issue an Adult Use  
4 Dispensing Organization License until:~~

5 ~~(1) the Department has inspected the dispensary site  
6 and proposed operations and verified that they are in  
7 compliance with this Act and local zoning laws; and~~

8 ~~(2) the Conditional Adult Use Dispensing Organization  
9 License holder has paid a registration fee of \$60,000, or a  
10 prorated amount accounting for the difference of time  
11 between when the Adult Use Dispensing Organization License  
12 is issued and March 31 of the next even-numbered year.~~

13 (g) The Department shall conduct a background check of the  
14 prospective organization agents in order to carry out this  
15 Article. The Department of State Police shall charge the  
16 applicant a fee for conducting the criminal history record  
17 check, which shall be deposited into the State Police Services  
18 Fund and shall not exceed the actual cost of the record check.  
19 Each person applying as a dispensing organization agent shall  
20 submit a full set of fingerprints to the Department of State  
21 Police for the purpose of obtaining a State and federal  
22 criminal records check. These fingerprints shall be checked  
23 against the fingerprint records now and hereafter, to the  
24 extent allowed by law, filed in the Department of State Police  
25 and Federal Bureau of Identification criminal history records  
26 databases. The Department of State Police shall furnish,

1 following positive identification, all Illinois conviction  
2 information to the Department.

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

4 (410 ILCS 705/15-30)

5 Sec. 15-30. Selection criteria for conditional licenses  
6 awarded under Section 15-25.

7 (a) Applicants for a Conditional Adult Use Dispensing  
8 Organization License must submit all required information,  
9 including the information required in Section 15-25, to the  
10 Department. Failure by an applicant to submit all required  
11 information may result in the application being disqualified.

12 (b) If the Department receives an application that fails to  
13 provide the required elements contained in this Section, the  
14 Department shall issue a deficiency notice to the applicant.  
15 The applicant shall have 10 calendar days from the date of the  
16 deficiency notice to resubmit the incomplete information.  
17 Applications that are still incomplete after this opportunity  
18 to cure will not be scored and will be disqualified.

19 (c) The Department will award up to 250 points to complete  
20 applications based on the sufficiency of the applicant's  
21 responses to required information. Applicants will be awarded  
22 points based on a determination that the application  
23 satisfactorily includes the following elements:

24 (1) Suitability of Employee Training Plan (15 points).

25 The plan includes an employee training plan that

1 demonstrates that employees will understand the rules  
2 and laws to be followed by dispensary employees, have  
3 knowledge of any security measures and operating  
4 procedures of the dispensary, and are able to advise  
5 purchasers on how to safely consume cannabis and use  
6 individual products offered by the dispensary.

7 (2) Security and Recordkeeping (65 points).

8 (A) The security plan accounts for the prevention  
9 of the theft or diversion of cannabis. The security  
10 plan demonstrates safety procedures for dispensing  
11 organization ~~dispensary~~ agents and purchasers, and  
12 safe delivery and storage of cannabis and currency. It  
13 demonstrates compliance with all security requirements  
14 in this Act and rules.

15 (B) A plan for recordkeeping, tracking, and  
16 monitoring inventory, quality control, and other  
17 policies and procedures that will promote standard  
18 recordkeeping and discourage unlawful activity. This  
19 plan includes the applicant's strategy to communicate  
20 with the Department and the Department of State Police  
21 on the destruction and disposal of cannabis. The plan  
22 must also demonstrate compliance with this Act and  
23 rules.

24 (C) The security plan shall also detail which  
25 private security contractor licensed under Section  
26 10-5 of the Private Detective, Private Alarm, Private



1 Security, Fingerprint Vendor, and Locksmith Act of  
2 2004 the dispensary will contract with in order to  
3 provide adequate security at its facility.

4 (3) Applicant's Business Plan, Financials, Operating  
5 and Floor Plan (65 points).

6 (A) The business plan shall describe, at a minimum,  
7 how the dispensing organization will be managed on a  
8 long-term basis. This shall include a description of  
9 the dispensing organization's point-of-sale system,  
10 purchases and denials of sale, confidentiality, and  
11 products and services to be offered. It will  
12 demonstrate compliance with this Act and rules.

13 (B) The operating plan shall include, at a minimum,  
14 best practices for day-to-day dispensary operation and  
15 staffing. The operating plan may also include  
16 information about employment practices, including  
17 information about the percentage of full-time  
18 employees who will be provided a living wage.

19 (C) The proposed floor plan is suitable for public  
20 access, the layout promotes safe dispensing of  
21 cannabis, is compliant with the Americans with  
22 Disabilities Act and the Environmental Barriers Act,  
23 and facilitates safe product handling and storage.

24 (4) Knowledge and Experience (30 points).

25 (A) The applicant's principal officers must  
26 demonstrate experience and qualifications in business

1 management or experience with the cannabis industry.  
2 This includes ensuring optimal safety and accuracy in  
3 the dispensing and sale of cannabis.

4 (B) The applicant's principal officers must  
5 demonstrate knowledge of various cannabis product  
6 strains or varieties and describe the types and  
7 quantities of products planned to be sold. This  
8 includes confirmation of whether the dispensing  
9 organization plans to sell cannabis paraphernalia or  
10 edibles.

11 (C) Knowledge and experience may be demonstrated  
12 through experience in other comparable industries that  
13 reflect on the applicant's ability to operate a  
14 cannabis business establishment.

15 (5) Status as a Social Equity Applicant (50 points).

16 The applicant meets the qualifications for a  
17 Social Equity Applicant as set forth in this Act.

18 (6) Labor and employment practices (5 points): The  
19 applicant may describe plans to provide a safe, healthy,  
20 and economically beneficial working environment for its  
21 agents, including, but not limited to, codes of conduct,  
22 health care benefits, educational benefits, retirement  
23 benefits, living wage standards, and entering a labor peace  
24 agreement with employees.

25 (7) Environmental Plan (5 points): The applicant may  
26 demonstrate an environmental plan of action to minimize the

1 carbon footprint, environmental impact, and resource needs  
2 for the dispensary, which may include, without limitation,  
3 recycling cannabis product packaging.

4 (8) Illinois owner (5 points): The applicant is 51% or  
5 more owned and controlled by an Illinois resident, who can  
6 prove residency in each of the past 5 years with tax  
7 records or 2 of the following:-

8 (A) a signed lease agreement that includes the  
9 applicant's name;

10 (B) a property deed that includes the applicant's  
11 name;

12 (C) school records;

13 (D) a voter registration card;

14 (E) an Illinois driver's license, an Illinois  
15 Identification Card, or an Illinois Person with a  
16 Disability Identification Card;

17 (F) a paycheck stub;

18 (G) a utility bill; or

19 (H) any other proof of residency or other  
20 information necessary to establish residence as  
21 provided by rule.

22 (9) Status as veteran (5 points): The applicant is 51%  
23 or more controlled and owned by an individual or  
24 individuals who meet the qualifications of a veteran as  
25 defined by Section 45-57 of the Illinois Procurement Code.

26 (10) A diversity plan (5 points): that includes a

1 narrative of not more than 2,500 words that establishes a  
2 goal of diversity in ownership, management, employment,  
3 and contracting to ensure that diverse participants and  
4 groups are afforded equality of opportunity.

5 (d) The Department may also award up to 2 bonus points for  
6 a plan to engage with the community. The applicant may  
7 demonstrate a desire to engage with its community by  
8 participating in one or more of, but not limited to, the  
9 following actions: (i) establishment of an incubator program  
10 designed to increase participation in the cannabis industry by  
11 persons who would qualify as Social Equity Applicants; (ii)  
12 providing financial assistance to substance abuse treatment  
13 centers; (iii) educating children and teens about the potential  
14 harms of cannabis use; or (iv) other measures demonstrating a  
15 commitment to the applicant's community. Bonus points will only  
16 be awarded if the Department receives applications that receive  
17 an equal score for a particular region.

18 (e) The Department may verify information contained in each  
19 application and accompanying documentation to assess the  
20 applicant's veracity and fitness to operate a dispensing  
21 organization.

22 (f) The Department may, in its discretion, refuse to issue  
23 an authorization to any applicant:

24 (1) Who is unqualified to perform the duties required  
25 of the applicant;

26 (2) Who fails to disclose or states falsely any

1 information called for in the application;

2 (3) Who has been found guilty of a violation of this  
3 Act, or whose medical cannabis dispensing organization,  
4 medical cannabis cultivation organization, or Early  
5 Approval Adult Use Dispensing Organization License, or  
6 Early Approval Adult Use Dispensing Organization License  
7 at a secondary site, or Early Approval Cultivation Center  
8 License was suspended, restricted, revoked, or denied for  
9 just cause, or the applicant's cannabis business  
10 establishment license was suspended, restricted, revoked,  
11 or denied in any other state; or

12 (4) Who has engaged in a pattern or practice of unfair  
13 or illegal practices, methods, or activities in the conduct  
14 of owning a cannabis business establishment or other  
15 business.

16 (g) The Department shall deny the license if any principal  
17 officer, board member, or person having a financial or voting  
18 interest of 5% or greater in the licensee is delinquent in  
19 filing any required tax returns or paying any amounts owed to  
20 the State of Illinois.

21 (h) The Department shall verify an applicant's compliance  
22 with the requirements of this Article and rules before issuing  
23 a dispensing organization license.

24 (i) Should the applicant be awarded a license, the  
25 information and plans provided in the application, including  
26 any plans submitted for bonus points, shall become a condition

1 of the Conditional Adult Use Dispensing Organization Licenses  
2 and any Adult Use Dispensing Organization License issued to the  
3 holder of the Conditional Adult Use Dispensing Organization  
4 License, except as otherwise provided by this Act or rule.  
5 Dispensing organizations have a duty to disclose any material  
6 changes to the application. The Department shall review all  
7 material changes disclosed by the dispensing organization, and  
8 may re-evaluate its prior decision regarding the awarding of a  
9 license, including, but not limited to, suspending or  
10 permanently revoking a license. Failure to comply with the  
11 conditions or requirements in the application may subject the  
12 dispensing organization to discipline, up to and including  
13 suspension or permanent revocation of its authorization or  
14 license by the Department.

15 (j) If an applicant has not begun operating as a dispensing  
16 organization within one year of the issuance of the Conditional  
17 Adult Use Dispensing Organization License, the Department may  
18 permanently revoke the Conditional Adult Use Dispensing  
19 Organization License and award it to the next highest scoring  
20 applicant in the BLS Region if a suitable applicant indicates a  
21 continued interest in the license or begin a new selection  
22 process to award a Conditional Adult Use Dispensing  
23 Organization License.

24 (k) The Department shall deny an application if granting  
25 that application would result in a single person or entity  
26 having a direct or indirect financial interest in more than 10

1 Early Approval Adult Use Dispensing Organization Licenses,  
2 Conditional Adult Use Dispensing Organization Licenses, or  
3 Adult Use Dispensing Organization Licenses. Any entity that is  
4 awarded a license that results in a single person or entity  
5 having a direct or indirect financial interest in more than 10  
6 licenses shall forfeit the most recently issued license and  
7 suffer a penalty to be determined by the Department, unless the  
8 entity declines the license at the time it is awarded.

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

10 (410 ILCS 705/15-35)

11 Sec. 15-35. Conditional Adult Use Dispensing Organization  
12 License after January 1, 2021.

13 (a) In addition to any of the licenses issued in Sections  
14 15-15, Section 15-20, or Section 15-25 of this Act, by December  
15 21, 2021, the Department shall issue up to 110 Conditional  
16 Adult Use Dispensing Organization Licenses, pursuant to the  
17 application process adopted under this Section. Prior to  
18 issuing such licenses, the Department may adopt rules through  
19 emergency rulemaking in accordance with subsection (gg) of  
20 Section 5-45 of the Illinois Administrative Procedure Act. The  
21 General Assembly finds that the adoption of rules to regulate  
22 cannabis use is deemed an emergency and necessary for the  
23 public interest, safety, and welfare. Such rules may:

24 (1) Modify or change the BLS Regions as they apply to  
25 this Article or modify or raise the number of Adult

1 Conditional Use Dispensing Organization Licenses assigned  
2 to each region based on the following factors:

3 (A) Purchaser wait times;

4 (B) Travel time to the nearest dispensary for  
5 potential purchasers;

6 (C) Percentage of cannabis sales occurring in  
7 Illinois not in the regulated market using data from  
8 the Substance Abuse and Mental Health Services  
9 Administration, National Survey on Drug Use and  
10 Health, Illinois Behavioral Risk Factor Surveillance  
11 System, and tourism data from the Illinois Office of  
12 Tourism to ascertain total cannabis consumption in  
13 Illinois compared to the amount of sales in licensed  
14 dispensing organizations;

15 (D) Whether there is an adequate supply of cannabis  
16 and cannabis-infused products to serve registered  
17 medical cannabis patients;

18 (E) Population increases or shifts;

19 (F) Density of dispensing organizations in a  
20 region;

21 (G) The Department's capacity to appropriately  
22 regulate additional licenses;

23 (H) The findings and recommendations from the  
24 disparity and availability study commissioned by the  
25 Illinois Cannabis Regulation Oversight Officer in  
26 subsection (e) of Section 5-45 to reduce or eliminate



1 any identified barriers to entry in the cannabis  
2 industry; and

3 (I) Any other criteria the Department deems  
4 relevant.

5 (2) Modify or change the licensing application process  
6 to reduce or eliminate the barriers identified in the  
7 disparity and availability study commissioned by the  
8 Illinois Cannabis Regulation Oversight Officer and make  
9 modifications to remedy evidence of discrimination.

10 (b) After January 1, 2022, the Department may by rule  
11 modify or raise the number of Adult Use Dispensing Organization  
12 Licenses assigned to each region, and modify or change the  
13 licensing application process to reduce or eliminate barriers  
14 based on the criteria in subsection (a). At no time shall the  
15 Department issue more than 500 Adult Use Dispensing ~~Dispensary~~  
16 Organization Licenses.

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

18 (410 ILCS 705/15-36)

19 Sec. 15-36. Adult Use Dispensing Organization License.

20 (a) A person is only eligible to receive an Adult Use  
21 Dispensing Organization if the person has been awarded a  
22 Conditional Adult Use Dispensing Organization License pursuant  
23 to this Act or has renewed its license pursuant to subsection  
24 (k) of Section 15-15 or subsection (p) of Section 15-20.

25 (b) The Department shall not issue an Adult Use Dispensing

1 Organization License until:

2 (1) the Department has inspected the dispensary site  
3 and proposed operations and verified that they are in  
4 compliance with this Act and local zoning laws;

5 (2) the Conditional Adult Use Dispensing Organization  
6 License holder has paid a license ~~registration~~ fee of  
7 \$60,000 or a prorated amount accounting for the difference  
8 of time between when the Adult Use Dispensing Organization  
9 License is issued and March 31 of the next even-numbered  
10 year; and

11 (3) the Conditional Adult Use Dispensing Organization  
12 License holder has met all the requirements in this ~~the~~ Act  
13 and rules.

14 (c) No person or entity shall hold any legal, equitable,  
15 ownership, or beneficial interest, directly or indirectly, of  
16 more than 10 dispensing organizations licensed under this  
17 Article. Further, no person or entity that is:

18 (1) employed by, is an agent of, or participates in the  
19 management of a dispensing organization or registered  
20 medical cannabis dispensing organization;

21 (2) a principal officer of a dispensing organization or  
22 registered medical cannabis dispensing organization; or

23 (3) an entity controlled by or affiliated with a  
24 principal officer of a dispensing organization or  
25 registered medical cannabis dispensing organization;

26 shall hold any legal, equitable, ownership, or beneficial

1 interest, directly or indirectly, in a dispensing organization  
2 that would result in such person or entity owning or  
3 participating in the management of more than 10 Early Approval  
4 Adult Use Dispensing Organization Licenses, Early Approval  
5 Adult Use Dispensing Organization Licenses at a secondary site,  
6 Conditional Adult Use Dispensing Organization Licenses, or  
7 Adult Use Dispensing Organization Licenses ~~dispensing~~  
8 ~~organizations~~. For the purpose of this subsection,  
9 participating in management may include, without limitation,  
10 controlling decisions regarding staffing, pricing, purchasing,  
11 marketing, store design, hiring, and website design.

12 (d) The Department shall deny an application if granting  
13 that application would result in a person or entity obtaining  
14 direct or indirect financial interest in more than 10 Early  
15 Approval Adult Use Dispensing Organization Licenses,  
16 Conditional Adult Use Dispensing Organization Licenses, Adult  
17 Use Dispensing Organization Licenses, or any combination  
18 thereof. If a person or entity is awarded a Conditional Adult  
19 Use Dispensing Organization License that would cause the person  
20 or entity to be in violation of this subsection, he, she, or it  
21 shall choose which license application it wants to abandon and  
22 such licenses shall become available to the next qualified  
23 applicant in the region in which the abandoned license was  
24 awarded.

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

1 (410 ILCS 705/15-40)

2 Sec. 15-40. Dispensing organization agent identification  
3 card; agent training.

4 (a) The Department shall:

5 (1) verify the information contained in an application  
6 or renewal for a dispensing organization agent  
7 identification card submitted under this Article, and  
8 approve or deny an application or renewal, within 30 days  
9 of receiving a completed application or renewal  
10 application and all supporting documentation required by  
11 rule;

12 (2) issue a dispensing organization agent  
13 identification card to a qualifying agent within 15  
14 business days of approving the application or renewal;

15 (3) enter the registry identification number of the  
16 dispensing organization where the agent works;

17 (4) within one year from the effective date of this  
18 Act, allow for an electronic application process and  
19 provide a confirmation by electronic or other methods that  
20 an application has been submitted; and

21 (5) collect a \$100 nonrefundable fee from the applicant  
22 to be deposited into the Cannabis Regulation Fund.

23 (b) A dispensing organization agent must keep his or her  
24 identification card visible at all times when in the dispensary  
25 ~~on the property of the dispensing organization.~~

26 (c) The dispensing organization agent identification cards

1 shall contain the following:

2 (1) the name of the cardholder;

3 (2) the date of issuance and expiration date of the  
4 dispensing organization agent identification cards;

5 (3) a random 10-digit alphanumeric identification  
6 number containing at least 4 numbers and at least 4 letters  
7 that is unique to the cardholder; and

8 (4) a photograph of the cardholder.

9 (d) The dispensing organization agent identification cards  
10 shall be immediately returned to the dispensing organization  
11 upon termination of employment.

12 (e) The Department shall not issue an agent identification  
13 card if the applicant is delinquent in filing any required tax  
14 returns or paying any amounts owed to the State of Illinois.

15 (f) Any card lost by a dispensing organization agent shall  
16 be reported to the Department of State Police and the  
17 Department immediately upon discovery of the loss.

18 (g) An applicant shall be denied a dispensing organization  
19 agent identification card renewal if he or she fails to  
20 complete the training provided for in this Section.

21 (h) A dispensing organization agent shall only be required  
22 to hold one card for the same employer regardless of what type  
23 of dispensing organization license the employer holds.

24 (i) Cannabis retail sales training requirements.

25 (1) Within 90 days of September 1, 2019, or 90 days of  
26 employment, whichever is later, all owners, managers,

1 employees, and agents involved in the handling or sale of  
2 cannabis or cannabis-infused product employed by an adult  
3 use dispensing organization or medical cannabis dispensing  
4 organization as defined in Section 10 of the Compassionate  
5 Use of Medical Cannabis ~~Pilot~~ Program Act shall attend and  
6 successfully complete a Responsible Vendor Program.

7 (2) Each owner, manager, employee, and agent of an  
8 adult use dispensing organization or medical cannabis  
9 dispensing organization shall successfully complete the  
10 program annually.

11 (3) Responsible Vendor Program Training modules shall  
12 include at least 2 hours of instruction time approved by  
13 the Department including:

14 (i) Health and safety concerns of cannabis use,  
15 including the responsible use of cannabis, its  
16 physical effects, onset of physiological effects,  
17 recognizing signs of impairment, and appropriate  
18 responses in the event of overconsumption.

19 (ii) Training on laws and regulations on driving  
20 while under the influence and operating a watercraft or  
21 snowmobile while under the influence.

22 (iii) Sales to minors prohibition. Training shall  
23 cover all relevant Illinois laws and rules.

24 (iv) Quantity limitations on sales to purchasers.  
25 Training shall cover all relevant Illinois laws and  
26 rules.

1 (v) Acceptable forms of identification. Training  
2 shall include:

3 (I) How to check identification; and

4 (II) Common mistakes made in verification;

5 (vi) Safe storage of cannabis;

6 (vii) Compliance with all inventory tracking  
7 system regulations;

8 (viii) Waste handling, management, and disposal;

9 (ix) Health and safety standards;

10 (x) Maintenance of records;

11 (xi) Security and surveillance requirements;

12 (xii) Permitting inspections by State and local  
13 licensing and enforcement authorities;

14 (xiii) Privacy issues;

15 (xiv) Packaging and labeling requirement for sales  
16 to purchasers; and

17 (xv) Other areas as determined by rule.

18 (j) Blank.

19 (k) Upon the successful completion of the Responsible  
20 Vendor Program, the provider shall deliver proof of completion  
21 either through mail or electronic communication to the  
22 dispensing organization, which shall retain a copy of the  
23 certificate.

24 (l) The license of a dispensing organization or medical  
25 cannabis dispensing organization whose owners, managers,  
26 employees, or agents fail to comply with this Section may be

1 suspended or permanently revoked under Section 15-145 or may  
2 face other disciplinary action.

3 (m) The regulation of dispensing organization and medical  
4 cannabis dispensing employer and employee training is an  
5 exclusive function of the State, and regulation by a unit of  
6 local government, including a home rule unit, is prohibited.  
7 This subsection (m) is a denial and limitation of home rule  
8 powers and functions under subsection (h) of Section 6 of  
9 Article VII of the Illinois Constitution.

10 (n) Persons seeking Department approval to offer the  
11 training required by paragraph (3) of subsection (i) may apply  
12 for such approval between August 1 and August 15 of each  
13 odd-numbered year in a manner prescribed by the Department.

14 (o) Persons seeking Department approval to offer the  
15 training required by paragraph (3) of subsection (i) shall  
16 submit a nonrefundable ~~non-refundable~~ application fee of  
17 \$2,000 to be deposited into the Cannabis Regulation Fund or a  
18 fee as may be set by rule. Any changes made to the training  
19 module shall be approved by the Department.

20 (p) The Department shall not unreasonably deny approval of  
21 a training module that meets all the requirements of paragraph  
22 (3) of subsection (i). A denial of approval shall include a  
23 detailed description of the reasons for the denial.

24 (q) Any person approved to provide the training required by  
25 paragraph (3) of subsection (i) shall submit an application for  
26 re-approval between August 1 and August 15 of each odd-numbered



1 year and include a nonrefundable ~~non-refundable~~ application  
2 fee of \$2,000 to be deposited into the Cannabis Regulation Fund  
3 or a fee as may be set by rule.

4 (r) All persons applying to become or renewing their  
5 registrations to be agents, including agents-in-charge and  
6 principal officers, shall disclose any disciplinary action  
7 taken against them that may have occurred in Illinois, another  
8 state, or another country in relation to their employment at a  
9 cannabis business establishment or at any cannabis cultivation  
10 center, processor, infuser, dispensary, or other cannabis  
11 business establishment.

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

13 (410 ILCS 705/15-55)

14 Sec. 15-55. Financial responsibility. Evidence of  
15 financial responsibility is a requirement for the issuance,  
16 maintenance, or reactivation of a license under this Article.  
17 Evidence of financial responsibility shall be used to guarantee  
18 that the dispensing organization timely and successfully  
19 completes dispensary construction, operates in a manner that  
20 provides an uninterrupted supply of cannabis, faithfully pays  
21 registration renewal fees, keeps accurate books and records,  
22 makes regularly required reports, complies with State tax  
23 requirements, and conducts the dispensing organization in  
24 conformity with this Act and rules. Evidence of financial  
25 responsibility shall be provided by one of the following:

1           (1) Establishing and maintaining an escrow or surety  
2           account in a financial institution in the amount of  
3           \$50,000, with escrow terms, approved by the Department,  
4           that it shall be payable to the Department in the event of  
5           circumstances outlined in this Act and rules.

6           (A) A financial institution may not return money in  
7           an escrow or surety account to the dispensing  
8           organization that established the account or a  
9           representative of the organization unless the  
10          organization or representative presents a statement  
11          issued by the Department indicating that the account  
12          may be released.

13          (B) The escrow or surety account shall not be  
14          canceled on less than 30 days' notice in writing to the  
15          Department, unless otherwise approved by the  
16          Department. If an escrow or surety account is canceled  
17          and the registrant fails to secure a new account with  
18          the required amount on or before the effective date of  
19          cancellation, the registrant's registration may be  
20          permanently revoked. The total and aggregate liability  
21          of the surety on the bond is limited to the amount  
22          specified in the escrow or surety account.

23          (2) Providing a surety bond in the amount of \$50,000,  
24          naming the dispensing organization as principal of the  
25          bond, with terms, approved by the Department, that the bond  
26          defaults to the Department in the event of circumstances

1 outlined in this Act and rules. Bond terms shall include:

2 (A) The business name and registration number on  
3 the bond must correspond exactly with the business name  
4 and registration number in the Department's records.

5 (B) The bond must be written on a form approved by  
6 the Department.

7 (C) A copy of the bond must be received by the  
8 Department within 90 days after the effective date.

9 (D) The bond shall not be canceled by a surety on  
10 less than 30 days' notice in writing to the Department.  
11 If a bond is canceled and the registrant fails to file  
12 a new bond with the Department in the required amount  
13 on or before the effective date of cancellation, the  
14 registrant's registration may be permanently revoked.  
15 The total and aggregate liability of the surety on the  
16 bond is limited to the amount specified in the bond.

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

18 (410 ILCS 705/15-65)

19 Sec. 15-65. Administration.

20 (a) A dispensing organization shall establish, maintain,  
21 and comply with written policies and procedures as submitted in  
22 the Business, Financial and Operating plan as required in this  
23 Article or by rules established by the Department, and approved  
24 by the Department, for the security, storage, inventory, and  
25 distribution of cannabis. These policies and procedures shall

1 include methods for identifying, recording, and reporting  
2 diversion, theft, or loss, and for correcting errors and  
3 inaccuracies in inventories. At a minimum, dispensing  
4 organizations shall ensure the written policies and procedures  
5 provide for the following:

6 (1) Mandatory and voluntary recalls of cannabis  
7 products. The policies shall be adequate to deal with  
8 recalls due to any action initiated at the request of the  
9 Department and any voluntary action by the dispensing  
10 organization to remove defective or potentially defective  
11 cannabis from the market or any action undertaken to  
12 promote public health and safety, including:

13 (i) A mechanism reasonably calculated to contact  
14 purchasers who have, or likely have, obtained the  
15 product from the dispensary, including information on  
16 the policy for return of the recalled product;

17 (ii) A mechanism to identify and contact the adult  
18 use cultivation center, craft grower, or infuser that  
19 manufactured the cannabis;

20 (iii) Policies for communicating with the  
21 Department, the Department of Agriculture, and the  
22 Department of Public Health within 24 hours of  
23 discovering defective or potentially defective  
24 cannabis; and

25 (iv) Policies for destruction of any recalled  
26 cannabis product;

1           (2) Responses to local, State, or national  
2 emergencies, including natural disasters, that affect the  
3 security or operation of a dispensary;

4           (3) Segregation and destruction of outdated, damaged,  
5 deteriorated, misbranded, or adulterated cannabis. This  
6 procedure shall provide for written documentation of the  
7 cannabis disposition;

8           (4) Ensure the oldest stock of a cannabis product is  
9 distributed first. The procedure may permit deviation from  
10 this requirement, if such deviation is temporary and  
11 appropriate;

12           (5) Training of dispensing organization agents in the  
13 provisions of this Act and rules, to effectively operate  
14 the point-of-sale system and the State's verification  
15 system, proper inventory handling and tracking, specific  
16 uses of cannabis or cannabis-infused products, instruction  
17 regarding regulatory inspection preparedness and law  
18 enforcement interaction, awareness of the legal  
19 requirements for maintaining status as an agent, and other  
20 topics as specified by the dispensing organization or the  
21 Department. The dispensing organization shall maintain  
22 evidence of all training provided to each agent in its  
23 files that is subject to inspection and audit by the  
24 Department. The dispensing organization shall ensure  
25 agents receive a minimum of 8 hours of training subject to  
26 the requirements in subsection (i) of Section 15-40

1 annually, unless otherwise approved by the Department;

2 (6) Maintenance of business records consistent with  
3 industry standards, including bylaws, consents, manual or  
4 computerized records of assets and liabilities, audits,  
5 monetary transactions, journals, ledgers, and supporting  
6 documents, including agreements, checks, invoices,  
7 receipts, and vouchers. Records shall be maintained in a  
8 manner consistent with this Act and shall be retained for 5  
9 years;

10 (7) Inventory control, including:

11 (i) Tracking purchases and denials of sale;

12 (ii) Disposal of unusable or damaged cannabis as  
13 required by this Act and rules; and

14 (8) Purchaser education and support, including:

15 (i) Whether possession of cannabis is illegal  
16 under federal law;

17 (ii) Current educational information issued by the  
18 Department of Public Health about the health risks  
19 associated with the use or abuse of cannabis;

20 (iii) Information about possible side effects;

21 (iv) Prohibition on smoking cannabis in public  
22 places; and

23 (v) Offering any other appropriate purchaser  
24 education or support materials.

25 (b) Blank.

26 (c) A dispensing organization shall maintain copies of the

1 policies and procedures on the dispensary premises and provide  
2 copies to the Department upon request. The dispensing  
3 organization shall review the dispensing organization policies  
4 and procedures at least once every 12 months from the issue  
5 date of the license and update as needed due to changes in  
6 industry standards or as requested by the Department.

7 (d) A dispensing organization shall ensure that each  
8 principal officer and each dispensing organization agent has a  
9 current agent identification card in the agent's immediate  
10 possession when the agent is at the dispensary.

11 (e) A dispensing organization shall provide prompt written  
12 notice to the Department, including the date of the event, when  
13 a dispensing organization agent no longer is employed by the  
14 dispensing organization.

15 (f) A dispensing organization shall promptly document and  
16 report any loss or theft of cannabis from the dispensary to the  
17 Department of State Police and the Department. It is the duty  
18 of any dispensing organization agent who becomes aware of the  
19 loss or theft to report it as provided in this Article.

20 (g) A dispensing organization shall post the following  
21 information in a conspicuous location in an area of the  
22 dispensary accessible to consumers:

23 (1) The dispensing organization's license;

24 (2) The hours of operation.

25 (h) Signage that shall be posted inside the premises.

26 (1) All dispensing organizations must display a

1 placard that states the following: "Cannabis consumption  
2 can impair cognition and driving, is for adult use only,  
3 may be habit forming, and should not be used by pregnant or  
4 breastfeeding women."

5 (2) Any dispensing organization that sells edible  
6 cannabis-infused products must display a placard that  
7 states the following:

8 (A) "Edible cannabis-infused products were  
9 produced in a kitchen that may also process common food  
10 allergens."; and

11 (B) "The effects of cannabis products can vary from  
12 person to person, and it can take as long as two hours  
13 to feel the effects of some cannabis-infused products.  
14 Carefully review the portion size information and  
15 warnings contained on the product packaging before  
16 consuming."

17 (3) All of the required signage in this subsection (h)  
18 shall be no smaller than 24 inches tall by 36 inches wide,  
19 with typed letters no smaller than 2 inches. The signage  
20 shall be clearly visible and readable by customers. The  
21 signage shall be placed in the area where cannabis and  
22 cannabis-infused products are sold and may be translated  
23 into additional languages as needed. The Department may  
24 require a dispensary to display the required signage in a  
25 different language, other than English, if the Secretary  
26 deems it necessary.



1 (i) A dispensing organization shall prominently post  
2 notices inside the dispensing organization that state  
3 activities that are strictly prohibited and punishable by law,  
4 including, but not limited to:

5 (1) no minors permitted on the premises unless the  
6 minor is a minor qualifying patient under the Compassionate  
7 Use of Medical Cannabis ~~Pilot~~ Program Act;

8 (2) distribution to persons under the age of 21 is  
9 prohibited;

10 (3) transportation of cannabis or cannabis products  
11 across state lines is prohibited.

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

13 (410 ILCS 705/15-70)

14 Sec. 15-70. Operational requirements; prohibitions.

15 (a) A dispensing organization shall operate in accordance  
16 with the representations made in its application and license  
17 materials. It shall be in compliance with this Act and rules.

18 (b) A dispensing organization must include the legal name  
19 of the dispensary on the packaging of any cannabis product it  
20 sells.

21 (c) All cannabis, cannabis-infused products, and cannabis  
22 seeds must be obtained from an Illinois registered adult use  
23 cultivation center, craft grower, infuser, or another  
24 dispensary.

25 (d) Dispensing organizations are prohibited from selling

1 any product containing alcohol except tinctures, which must be  
2 limited to containers that are no larger than 100 milliliters.

3 (e) A dispensing organization shall inspect and count  
4 product received from a transporting organization, by the adult  
5 use cultivation center, craft grower, infuser organization, or  
6 other dispensing organization before dispensing it.

7 (f) A dispensing organization may only accept cannabis  
8 deliveries into a restricted access area. Deliveries may not be  
9 accepted through the public or limited access areas unless  
10 otherwise approved by the Department.

11 (g) A dispensing organization shall maintain compliance  
12 with State and local building, fire, and zoning requirements or  
13 regulations.

14 (h) A dispensing organization shall submit a list to the  
15 Department of the names of all service professionals that will  
16 work at the dispensary. The list shall include a description of  
17 the type of business or service provided. Changes to the  
18 service professional list shall be promptly provided. No  
19 service professional shall work in the dispensary until the  
20 name is provided to the Department on the service professional  
21 list.

22 (i) A dispensing organization's license allows for a  
23 dispensary to be operated only at a single location.

24 (j) A dispensary may operate between 6 a.m. and 10 p.m.  
25 local time.

26 (k) A dispensing organization must keep all lighting

1 outside and inside the dispensary in good working order and  
2 wattage sufficient for security cameras.

3 (l) A dispensing organization must keep all air treatment  
4 systems that will be installed to reduce odors in good working  
5 order.

6 (m) A dispensing organization must contract with a private  
7 security contractor that is licensed under Section 10-5 of the  
8 Private Detective, Private Alarm, Private Security,  
9 Fingerprint Vendor, and Locksmith Act of 2004 to provide  
10 on-site security at all hours of the dispensary's operation.

11 (n) ~~(l)~~ A dispensing organization shall ensure that any  
12 building or equipment used by a dispensing organization for the  
13 storage or sale of cannabis is maintained in a clean and  
14 sanitary condition.

15 (o) ~~(m)~~ The dispensary shall be free from infestation by  
16 insects, rodents, or pests.

17 (p) ~~(n)~~ A dispensing organization shall not:

18 (1) Produce or manufacture cannabis;

19 (2) Accept a cannabis product from an adult use  
20 cultivation center, craft grower, infuser, dispensing  
21 organization, or transporting organization unless it is  
22 pre-packaged and labeled in accordance with this Act and  
23 any rules that may be adopted pursuant to this Act;

24 (3) Obtain cannabis or cannabis-infused products from  
25 outside the State of Illinois;

26 (4) Sell cannabis or cannabis-infused products to a

1 purchaser unless the dispensing ~~dispensary~~ organization is  
2 licensed under the Compassionate Use of Medical Cannabis  
3 ~~Pilot~~ Program Act, and the individual is registered under  
4 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program or  
5 the purchaser has been verified to be ~~over the age of~~ 21  
6 years of age or older;

7 (5) Enter into an exclusive agreement with any adult  
8 use cultivation center, craft grower, or infuser.  
9 Dispensaries shall provide consumers an assortment of  
10 products from various cannabis business establishment  
11 licensees such that the inventory available for sale at any  
12 dispensary from any single cultivation center, craft  
13 grower, processor, transporter, or infuser entity shall  
14 not be more than 40% of the total inventory available for  
15 sale. For the purpose of this subsection, a cultivation  
16 center, craft grower, processor, or infuser shall be  
17 considered part of the same entity if the licensees share  
18 at least one principal officer. The Department may request  
19 that a dispensary diversify its products as needed or  
20 otherwise discipline a dispensing organization for  
21 violating this requirement;

22 (6) Refuse to conduct business with an adult use  
23 cultivation center, craft grower, transporting  
24 organization, or infuser that has the ability to properly  
25 deliver the product and is permitted by the Department of  
26 Agriculture, on the same terms as other adult use

1 cultivation centers, craft growers, infusers, or  
2 transporters with whom it is dealing;

3 (7) Operate drive-through windows;

4 (8) Allow for the dispensing of cannabis or  
5 cannabis-infused products in vending machines;

6 (9) Transport cannabis to residences or other  
7 locations where purchasers may be for delivery;

8 (10) Enter into agreements to allow persons who are not  
9 dispensing organization agents to deliver cannabis or to  
10 transport cannabis to purchasers; ~~;~~

11 (11) Operate a dispensary if its video surveillance  
12 equipment is inoperative;

13 (12) Operate a dispensary if the point-of-sale  
14 equipment is inoperative;

15 (13) Operate a dispensary if the State's cannabis  
16 electronic verification system is inoperative;

17 (14) Have fewer than 2 people working at the dispensary  
18 at any time while the dispensary is open;

19 (15) Be located within 1,500 feet of the property line  
20 of a pre-existing dispensing organization;

21 (16) Sell clones or any other live plant material;

22 (17) Sell cannabis, cannabis concentrate, or  
23 cannabis-infused products in combination or bundled with  
24 each other or any other items for one price, and each item  
25 of cannabis, concentrate, or cannabis-infused product must  
26 be separately identified by quantity and price on the

1 receipt;

2 (18) Violate any other requirements or prohibitions  
3 set by Department rules.

4 (g) ~~(e)~~ It is unlawful for any person having an Early  
5 Approval Adult Use Cannabis Dispensing Organization License, a  
6 Conditional Adult Use Cannabis Dispensing Organization, an  
7 Adult Use Dispensing Organization License, or a medical  
8 cannabis dispensing organization license issued under the  
9 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act or any  
10 officer, associate, member, representative, or agent of such  
11 licensee to accept, receive, or borrow money or anything else  
12 of value or accept or receive credit (other than merchandising  
13 credit in the ordinary course of business for a period not to  
14 exceed 30 days) directly or indirectly from any adult use  
15 cultivation center, craft grower, infuser, or transporting  
16 organization in exchange for preferential placement on the  
17 dispensing organization's shelves, display cases, or website.

18 This includes anything received or borrowed or from any  
19 stockholders, officers, agents, or persons connected with an  
20 adult use cultivation center, craft grower, infuser, or  
21 transporting organization. ~~This also excludes any received or~~  
22 ~~borrowed in exchange for preferential placement by the~~  
23 ~~dispensing organization, including preferential placement on~~  
24 ~~the dispensing organization's shelves, display cases, or~~  
25 ~~website.~~

26 (r) ~~(p)~~ It is unlawful for any person having an Early

1 Approval Adult Use Cannabis Dispensing Organization License, a  
2 Conditional Adult Use Cannabis Dispensing Organization, an  
3 Adult Use Dispensing Organization License, or a medical  
4 cannabis dispensing organization license issued under the  
5 Compassionate Use of Medical Cannabis ~~Pilot~~ Program to enter  
6 into any contract with any person licensed to cultivate,  
7 process, or transport cannabis whereby such dispensing  
8 ~~dispensary~~ organization agrees not to sell any cannabis  
9 cultivated, processed, transported, manufactured, or  
10 distributed by any other cultivator, transporter, or infuser,  
11 and any provision in any contract violative of this Section  
12 shall render the whole of such contract void and no action  
13 shall be brought thereon in any court.

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

15 (410 ILCS 705/15-75)

16 Sec. 15-75. Inventory control system.

17 (a) A dispensing organization agent-in-charge shall have  
18 primary oversight of the dispensing organization's cannabis  
19 inventory verification system, and its point-of-sale system.  
20 The inventory point-of-sale system shall be real-time,  
21 web-based, and accessible by the Department at any time. The  
22 point-of-sale system shall track, at a minimum the date of  
23 sale, amount, price, and currency.

24 (b) A dispensing organization shall establish an account  
25 with the State's verification system that documents:

1           (1) Each sales transaction at the time of sale and each  
2           day's beginning inventory, acquisitions, sales, disposal,  
3           and ending inventory.

4           (2) Acquisition of cannabis and cannabis-infused  
5           products from a licensed adult use cultivation center,  
6           craft grower, infuser, or transporter, including:

7                   (i) A description of the products, including the  
8                   quantity, strain, variety, and batch number of each  
9                   product received;

10                   (ii) The name and registry identification number  
11                   of the licensed adult use cultivation center, craft  
12                   grower, or infuser providing the cannabis and  
13                   cannabis-infused products;

14                   (iii) The name and registry identification number  
15                   of the licensed adult use cultivation center, craft  
16                   grower, infuser, or transporting ~~transportation~~ agent  
17                   delivering the cannabis;

18                   (iv) The name and registry identification number  
19                   of the dispensing organization agent receiving the  
20                   cannabis; and

21                   (v) The date of acquisition.

22           (3) The disposal of cannabis, including:

23                   (i) A description of the products, including the  
24                   quantity, strain, variety, batch number, and reason  
25                   for the cannabis being disposed;

26                   (ii) The method of disposal; and



1 (iii) The date and time of disposal.

2 (c) Upon cannabis delivery, a dispensing organization  
3 shall confirm the product's name, strain name, weight, and  
4 identification number on the manifest matches the information  
5 on the cannabis product label and package. The product name  
6 listed and the weight listed in the State's verification system  
7 shall match the product packaging.

8 (d) The agent-in-charge shall conduct daily inventory  
9 reconciliation documenting and balancing cannabis inventory by  
10 confirming the State's verification system matches the  
11 dispensing organization's point-of-sale system and the amount  
12 of physical product at the dispensary.

13 (1) A dispensing organization must receive Department  
14 approval before completing an inventory adjustment. It  
15 shall provide a detailed reason for the adjustment.  
16 Inventory adjustment documentation shall be kept at the  
17 dispensary for 2 years from the date performed.

18 (2) If the dispensing organization identifies an  
19 imbalance in the amount of cannabis after the daily  
20 inventory reconciliation due to mistake, the dispensing  
21 organization shall determine how the imbalance occurred  
22 and immediately upon discovery take and document  
23 corrective action. If the dispensing organization cannot  
24 identify the reason for the mistake within 2 calendar days  
25 after first discovery, it shall inform the Department  
26 immediately in writing of the imbalance and the corrective

1 action taken to date. The dispensing organization shall  
2 work diligently to determine the reason for the mistake.

3 (3) If the dispensing organization identifies an  
4 imbalance in the amount of cannabis after the daily  
5 inventory reconciliation or through other means due to  
6 theft, criminal activity, or suspected criminal activity,  
7 the dispensing organization shall immediately determine  
8 how the reduction occurred and take and document corrective  
9 action. Within 24 hours after the first discovery of the  
10 reduction due to theft, criminal activity, or suspected  
11 criminal activity, the dispensing organization shall  
12 inform the Department and the Department of State Police in  
13 writing.

14 (4) The dispensing organization shall file an annual  
15 compilation report with the Department, including a  
16 financial statement that shall include, but not be limited  
17 to, an income statement, balance sheet, profit and loss  
18 statement, statement of cash flow, wholesale cost and  
19 sales, and any other documentation requested by the  
20 Department in writing. The financial statement shall  
21 include any other information the Department deems  
22 necessary in order to effectively administer this Act and  
23 all rules, orders, and final decisions promulgated under  
24 this Act. Statements required by this Section shall be  
25 filed with the Department within 60 days after the end of  
26 the calendar year. The compilation report shall include a

1 letter authored by a licensed certified public accountant  
2 that it has been reviewed and is accurate based on the  
3 information provided. The dispensing organization,  
4 financial statement, and accompanying documents are not  
5 required to be audited unless specifically requested by the  
6 Department.

7 (e) A dispensing organization shall:

8 (1) Maintain the documentation required in this  
9 Section in a secure locked location at the dispensing  
10 organization for 5 years from the date on the document;

11 (2) Provide any documentation required to be  
12 maintained in this Section to the Department for review  
13 upon request; and

14 (3) If maintaining a bank account, retain for a period  
15 of 5 years a record of each deposit or withdrawal from the  
16 account.

17 (f) If a dispensing organization chooses to have a return  
18 policy for cannabis and cannabis products, the dispensing  
19 organization shall seek prior approval from the Department.

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

21 (410 ILCS 705/15-85)

22 Sec. 15-85. Dispensing cannabis.

23 (a) Before a dispensing organization agent dispenses  
24 cannabis to a purchaser, the agent shall:

25 (1) Verify the age of the purchaser by checking a

1 government-issued identification card by use of an  
2 electronic reader or electronic scanning device to scan a  
3 purchaser's government-issued identification, if  
4 applicable, to determine the purchaser's age and the  
5 validity of the identification;

6 (2) Verify the validity of the government-issued  
7 identification card by use of an electronic reader or  
8 electronic scanning device to scan a purchaser's  
9 government-issued identification, if applicable, to  
10 determine the purchaser's age and the validity of the  
11 identification;

12 (3) Offer any appropriate purchaser education or  
13 support materials;

14 (4) Enter the following information into the State's  
15 cannabis electronic verification system:

16 (i) The dispensing organization agent's  
17 identification number;

18 (ii) The dispensing organization's identification  
19 number;

20 (iii) The amount, type (including strain, if  
21 applicable) of cannabis or cannabis-infused product  
22 dispensed;

23 (iv) The date and time the cannabis was dispensed.

24 (b) A dispensing organization shall refuse to sell cannabis  
25 or cannabis-infused products to any person unless the person  
26 produces a valid identification showing that the person is 21

1 years of age or older. A medical cannabis dispensing  
2 organization may sell cannabis or cannabis-infused products to  
3 a person who is under 21 years of age if the sale complies with  
4 the provisions of the Compassionate Use of Medical Cannabis  
5 ~~Pilot~~ Program Act and rules.

6 (c) For the purposes of this Section, valid identification  
7 must:

8 (1) Be valid and unexpired;

9 (2) Contain a photograph and the date of birth of the  
10 person.

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

12 (410 ILCS 705/15-95)

13 Sec. 15-95. Agent-in-charge.

14 (a) Every dispensing organization shall designate, at a  
15 minimum, one agent-in-charge for each licensed dispensary. The  
16 designated agent-in-charge must hold a dispensing organization  
17 agent identification card. Maintaining an agent-in-charge is a  
18 continuing requirement for the license, except as provided in  
19 subsection (f).

20 (b) The agent-in-charge shall be a principal officer or a  
21 full-time agent of the dispensing organization and shall manage  
22 the dispensary. Managing the dispensary includes, but is not  
23 limited to, responsibility for opening and closing the  
24 dispensary, delivery acceptance, oversight of sales and  
25 dispensing organization agents, recordkeeping, inventory,

1 dispensing organization agent training, and compliance with  
2 this Act and rules. Participation in affairs also includes the  
3 responsibility for maintaining all files subject to audit or  
4 inspection by the Department at the dispensary.

5 (c) The agent-in-charge is responsible for promptly  
6 notifying the Department of any change of information required  
7 to be reported to the Department.

8 (d) In determining whether an agent-in-charge manages the  
9 dispensary, the Department may consider the responsibilities  
10 identified in this Section, the number of dispensing  
11 organization agents under the supervision of the  
12 agent-in-charge, and the employment relationship between the  
13 agent-in-charge and the dispensing organization, including the  
14 existence of a contract for employment and any other relevant  
15 fact or circumstance.

16 (e) The agent-in-charge is responsible for notifying the  
17 Department of a change in the employment status of all  
18 dispensing organization agents within 5 business days after the  
19 change, including notice to the Department if the termination  
20 of an agent was for diversion of product or theft of currency.

21 (f) In the event of the separation of an agent-in-charge  
22 due to death, incapacity, termination, or any other reason and  
23 if the dispensary does not have an active agent-in-charge, the  
24 dispensing organization shall immediately contact the  
25 Department and request a temporary certificate of authority  
26 allowing the continuing operation. The request shall include

1 the name of an interim agent-in-charge until a replacement is  
2 identified, or shall include the name of the replacement. The  
3 Department shall issue the temporary certificate of authority  
4 promptly after it approves the request. If a dispensing  
5 organization fails to promptly request a temporary certificate  
6 of authority after the separation of the agent-in-charge, its  
7 registration shall cease until the Department approves the  
8 temporary certificate of authority or registers a new  
9 agent-in-charge. No temporary certificate of authority shall  
10 be valid for more than 90 days. The succeeding agent-in-charge  
11 shall register with the Department in compliance with this  
12 Article. Once the permanent succeeding agent-in-charge is  
13 registered with the Department, the temporary certificate of  
14 authority is void. No temporary certificate of authority shall  
15 be issued for the separation of an agent-in-charge due to  
16 disciplinary action by the Department related to his or her  
17 conduct on behalf of the dispensing organization.

18 (g) The dispensing organization agent-in-charge  
19 registration shall expire one year from the date it is issued.  
20 The agent-in-charge's registration shall be renewed annually.  
21 The Department shall review the dispensing organization's  
22 compliance history when determining whether to grant the  
23 request to renew.

24 (h) Upon termination of an agent-in-charge's employment,  
25 the dispensing organization shall immediately reclaim the  
26 dispensing agent identification card. The dispensing

1 organization shall promptly return the identification card to  
2 the Department.

3 (i) The Department may deny an application or renewal or  
4 discipline or revoke an agent-in-charge identification card  
5 for any of the following reasons:

6 (1) Submission of misleading, incorrect, false, or  
7 fraudulent information in the application or renewal  
8 application;

9 (2) Violation of the requirements of this Act or rules;

10 (3) Fraudulent use of the agent-in-charge  
11 identification card;

12 (4) Selling, distributing, transferring in any manner,  
13 or giving cannabis to any unauthorized person;

14 (5) Theft of cannabis, currency, or any other items  
15 from a dispensary;~~;~~

16 (6) Tampering with, falsifying, altering, modifying,  
17 or duplicating an agent-in-charge identification card;

18 (7) Tampering with, falsifying, altering, or modifying  
19 the surveillance video footage, point-of-sale system, or  
20 the State's verification system;

21 (8) Failure to notify the Department immediately upon  
22 discovery that the agent-in-charge identification card has  
23 been lost, stolen, or destroyed;

24 (9) Failure to notify the Department within 5 business  
25 days after a change in the information provided in the  
26 application for an agent-in-charge identification card;



1           (10) Conviction of a felony offense in accordance with  
2           Sections 2105-131, 2105-135, and 2105-205 of the  
3           Department of Professional Regulation Law of the Civil  
4           Administrative Code of Illinois or any incident listed in  
5           this Act or rules following the issuance of an  
6           agent-in-charge identification card;

7           (11) Dispensing to purchasers in amounts above the  
8           limits provided in this Act; or

9           (12) Delinquency in filing any required tax returns or  
10          paying any amounts owed to the State of Illinois.

11         (Source: P.A. 101-27, eff. 6-25-19; revised 9-4-19.)

12           (410 ILCS 705/15-100)

13           Sec. 15-100. Security.

14           (a) A dispensing organization shall implement security  
15           measures to deter and prevent entry into and theft of cannabis  
16           or currency.

17           (b) A dispensing organization shall submit any changes to  
18           the floor plan or security plan to the Department for  
19           pre-approval. All cannabis shall be maintained and stored in a  
20           restricted access area during construction.

21           (c) The dispensing organization shall implement security  
22           measures to protect the premises, purchasers, and dispensing  
23           organization agents including, but not limited to the  
24           following:

25           (1) Establish a locked door or barrier between the

1 facility's entrance and the limited access area;

2 (2) Prevent individuals from remaining on the premises  
3 if they are not engaging in activity permitted by this Act  
4 or rules;

5 (3) Develop a policy that addresses the maximum  
6 capacity and purchaser flow in the waiting rooms and  
7 limited access areas;

8 (4) Dispose of cannabis in accordance with this Act and  
9 rules;

10 (5) During hours of operation, store and dispense all  
11 cannabis from the restricted access area. During  
12 operational hours, cannabis shall be stored in an enclosed  
13 locked room or cabinet and accessible only to specifically  
14 authorized dispensing organization agents;

15 (6) When the dispensary is closed, store all cannabis  
16 and currency in a reinforced vault room in the restricted  
17 access area and in a manner as to prevent diversion, theft,  
18 or loss;

19 (7) Keep the reinforced vault room and any other  
20 equipment or cannabis storage areas securely locked and  
21 protected from unauthorized entry;

22 (8) Keep an electronic daily log of dispensing  
23 organization agents with access to the reinforced vault  
24 room and knowledge of the access code or combination;

25 (9) Keep all locks and security equipment in good  
26 working order;

1           (10) Maintain an operational security and alarm system  
2           at all times;

3           (11) Prohibit keys, if applicable, from being left in  
4           the locks, or stored or placed in a location accessible to  
5           persons other than specifically authorized personnel;

6           (12) Prohibit accessibility of security measures,  
7           including combination numbers, passwords, or electronic or  
8           biometric security systems to persons other than  
9           specifically authorized dispensing organization agents;

10          (13) Ensure that the dispensary interior and exterior  
11          premises are sufficiently lit to facilitate surveillance;

12          (14) Ensure that trees, bushes, and other foliage  
13          outside of the dispensary premises do not allow for a  
14          person or persons to conceal themselves from sight;

15          (15) Develop emergency policies and procedures for  
16          securing all product and currency following any instance of  
17          diversion, theft, or loss of cannabis, and conduct an  
18          assessment to determine whether additional safeguards are  
19          necessary; and

20          (16) Develop sufficient additional safeguards in  
21          response to any special security concerns, or as required  
22          by the Department.

23          (d) The Department may request or approve alternative  
24          security provisions that it determines are an adequate  
25          substitute for a security requirement specified in this  
26          Article. Any additional protections may be considered by the

1 Department in evaluating overall security measures.

2 (e) A dispensing ~~dispensary~~ organization may share  
3 premises with a craft grower or an infuser organization, or  
4 both, provided each licensee stores currency and cannabis or  
5 cannabis-infused products in a separate secured vault to which  
6 the other licensee does not have access or all licensees  
7 sharing a vault share more than 50% of the same ownership.

8 (f) A dispensing organization shall provide additional  
9 security as needed and in a manner appropriate for the  
10 community where it operates.

11 (g) Restricted access areas.

12 (1) All restricted access areas must be identified by  
13 the posting of a sign that is a minimum of 12 inches by 12  
14 inches and that states "Do Not Enter - Restricted Access  
15 Area - Authorized Personnel Only" in lettering no smaller  
16 than one inch in height.

17 (2) All restricted access areas shall be clearly  
18 described in the floor plan of the premises, in the form  
19 and manner determined by the Department, reflecting walls,  
20 partitions, counters, and all areas of entry and exit. The  
21 floor plan shall show all storage, disposal, and retail  
22 sales areas.

23 (3) All restricted access areas must be secure, with  
24 locking devices that prevent access from the limited access  
25 areas.

26 (h) Security and alarm.

1           (1) A dispensing organization shall have an adequate  
2 security plan and security system to prevent and detect  
3 diversion, theft, or loss of cannabis, currency, or  
4 unauthorized intrusion using commercial grade equipment  
5 installed by an Illinois licensed private alarm contractor  
6 or private alarm contractor agency that shall, at a  
7 minimum, include:

8           (i) A perimeter alarm on all entry points and glass  
9 break protection on perimeter windows;

10           (ii) Security shatterproof tinted film on exterior  
11 windows;

12           (iii) A failure notification system that provides  
13 an audible, text, or visual notification of any failure  
14 in the surveillance system, including, but not limited  
15 to, panic buttons, alarms, and video monitoring  
16 system. The failure notification system shall provide  
17 an alert to designated dispensing organization agents  
18 within 5 minutes after the failure, either by telephone  
19 or text message;

20           (iv) A duress alarm, panic button, and alarm, or  
21 holdup alarm and after-hours intrusion detection alarm  
22 that by design and purpose will directly or indirectly  
23 notify, by the most efficient means, the Public Safety  
24 Answering Point for the law enforcement agency having  
25 primary jurisdiction;

26           (v) Security equipment to deter and prevent

1           unauthorized entrance into the dispensary, including  
2           electronic door locks on the limited and restricted  
3           access areas that include devices or a series of  
4           devices to detect unauthorized intrusion that may  
5           include a signal system interconnected with a radio  
6           frequency method, cellular, private radio signals or  
7           other mechanical or electronic device.

8           (2) All security system equipment and recordings shall  
9           be maintained in good working order, in a secure location  
10          so as to prevent theft, loss, destruction, or alterations.

11          (3) Access to surveillance monitoring recording  
12          equipment shall be limited to persons who are essential to  
13          surveillance operations, law enforcement authorities  
14          acting within their jurisdiction, security system service  
15          personnel, and the Department. A current list of authorized  
16          dispensing organization agents and service personnel that  
17          have access to the surveillance equipment must be available  
18          to the Department upon request.

19          (4) All security equipment shall be inspected and  
20          tested at regular intervals, not to exceed one month from  
21          the previous inspection, and tested to ensure the systems  
22          remain functional.

23          (5) The security system shall provide protection  
24          against theft and diversion that is facilitated or hidden  
25          by tampering with computers or electronic records.

26          (6) The dispensary shall ensure all access doors are

1 not solely controlled by an electronic access panel to  
2 ensure that locks are not released during a power outage.

3 (i) To monitor the dispensary, the dispensing organization  
4 shall incorporate continuous electronic video monitoring  
5 including the following:

6 (1) All monitors must be 19 inches or greater;

7 (2) Unobstructed video surveillance of all enclosed  
8 dispensary areas, unless prohibited by law, including all  
9 points of entry and exit that shall be appropriate for the  
10 normal lighting conditions of the area under surveillance.  
11 The cameras shall be directed so all areas are captured,  
12 including, but not limited to, safes, vaults, sales areas,  
13 and areas where cannabis is stored, handled, dispensed, or  
14 destroyed. Cameras shall be angled to allow for facial  
15 recognition, the capture of clear and certain  
16 identification of any person entering or exiting the  
17 dispensary area and in lighting sufficient during all times  
18 of night or day;

19 (3) Unobstructed video surveillance of outside areas,  
20 the storefront, and the parking lot, that shall be  
21 appropriate for the normal lighting conditions of the area  
22 under surveillance. Cameras shall be angled so as to allow  
23 for the capture of facial recognition, clear and certain  
24 identification of any person entering or exiting the  
25 dispensary and the immediate surrounding area, and license  
26 plates of vehicles in the parking lot;

1           (4) 24-hour recordings from all video cameras  
2 available for immediate viewing by the Department upon  
3 request. Recordings shall not be destroyed or altered and  
4 shall be retained for at least 90 days. Recordings shall be  
5 retained as long as necessary if the dispensing  
6 organization is aware of the loss or theft of cannabis or a  
7 pending criminal, civil, or administrative investigation  
8 or legal proceeding for which the recording may contain  
9 relevant information;

10           (5) The ability to immediately produce a clear, color  
11 still photo from the surveillance video, either live or  
12 recorded;

13           (6) A date and time stamp embedded on all video  
14 surveillance recordings. The date and time shall be  
15 synchronized and set correctly and shall not significantly  
16 obscure the picture;

17           (7) The ability to remain operational during a power  
18 outage and ensure all access doors are not solely  
19 controlled by an electronic access panel to ensure that  
20 locks are not released during a power outage;

21           (8) All video surveillance equipment shall allow for  
22 the exporting of still images in an industry standard image  
23 format, including .jpg, .bmp, and .gif. Exported video  
24 shall have the ability to be archived in a proprietary  
25 format that ensures authentication of the video and  
26 guarantees that no alteration of the recorded image has



1 taken place. Exported video shall also have the ability to  
2 be saved in an industry standard file format that can be  
3 played on a standard computer operating system. All  
4 recordings shall be erased or destroyed before disposal;

5 (9) The video surveillance system shall be operational  
6 during a power outage with a 4-hour minimum battery backup;

7 (10) A video camera or cameras recording at each  
8 point-of-sale location allowing for the identification of  
9 the dispensing organization agent distributing the  
10 cannabis and any purchaser. The camera or cameras shall  
11 capture the sale, the individuals and the computer monitors  
12 used for the sale;

13 (11) A failure notification system that provides an  
14 audible and visual notification of any failure in the  
15 electronic video monitoring system; and

16 (12) All electronic video surveillance monitoring must  
17 record at least the equivalent of 8 frames per second and  
18 be available as recordings to the Department and the  
19 Department of State Police 24 hours a day via a secure  
20 web-based portal with reverse functionality.

21 (j) The requirements contained in this Act are minimum  
22 requirements for operating a dispensing organization. The  
23 Department may establish additional requirements by rule.

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

1           Sec. 15-145. Grounds for discipline.

2           (a) The Department may deny issuance, refuse to renew or  
3 restore, or may reprimand, place on probation, suspend, revoke,  
4 or take other disciplinary or nondisciplinary action against  
5 any license or agent identification card or may impose a fine  
6 for any of the following:

7           (1) Material misstatement in furnishing information to  
8 the Department;

9           (2) Violations of this Act or rules;

10           (3) Obtaining an authorization or license by fraud or  
11 misrepresentation;

12           (4) A pattern of conduct that demonstrates  
13 incompetence or that the applicant has engaged in conduct  
14 or actions that would constitute grounds for discipline  
15 under this ~~the~~ Act;

16           (5) Aiding or assisting another person in violating any  
17 provision of this Act or rules;

18           (6) Failing to respond to a written request for  
19 information by the Department within 30 days;

20           (7) Engaging in unprofessional, dishonorable, or  
21 unethical conduct of a character likely to deceive,  
22 defraud, or harm the public;

23           (8) Adverse action by another United States  
24 jurisdiction or foreign nation;

25           (9) A finding by the Department that the licensee,  
26 after having his or her license placed on suspended or

1           probationary status, has violated the terms of the  
2           suspension or probation;

3           (10) Conviction, entry of a plea of guilty, nolo  
4           contendere, or the equivalent in a State or federal court  
5           of a principal officer or agent-in-charge of a felony  
6           offense in accordance with Sections 2105-131, 2105-135,  
7           and 2105-205 of the Department of Professional Regulation  
8           Law of the Civil Administrative Code of Illinois;

9           (11) Excessive use of or addiction to alcohol,  
10          narcotics, stimulants, or any other chemical agent or drug;

11          (12) A finding by the Department of a discrepancy in a  
12          Department audit of cannabis;

13          (13) A finding by the Department of a discrepancy in a  
14          Department audit of capital or funds;

15          (14) A finding by the Department of acceptance of  
16          cannabis from a source other than an Adult Use Cultivation  
17          Center, craft grower, infuser, or transporting  
18          organization licensed by the Department of Agriculture, or  
19          a dispensing organization licensed by the Department;

20          (15) An inability to operate using reasonable  
21          judgment, skill, or safety due to physical or mental  
22          illness or other impairment or disability, including,  
23          without limitation, deterioration through the aging  
24          process or loss of motor skills or mental incompetence;

25          (16) Failing to report to the Department within the  
26          time frames established, or if not identified, 14 days, of

1 any adverse action taken against the dispensing  
2 organization or an agent by a licensing jurisdiction in any  
3 state or any territory of the United States or any foreign  
4 jurisdiction, any governmental agency, any law enforcement  
5 agency or any court defined in this Section;

6 (17) Any violation of the dispensing organization's  
7 policies and procedures submitted to the Department  
8 annually as a condition for licensure;

9 (18) Failure to inform the Department of any change of  
10 address within 10 business days;

11 (19) Disclosing customer names, personal information,  
12 or protected health information in violation of any State  
13 or federal law;

14 (20) Operating a dispensary before obtaining a license  
15 from the Department;

16 (21) Performing duties authorized by this Act prior to  
17 receiving a license to perform such duties;

18 (22) Dispensing cannabis when prohibited by this Act or  
19 rules;

20 (23) Any fact or condition that, if it had existed at  
21 the time of the original application for the license, would  
22 have warranted the denial of the license;

23 (24) Permitting a person without a valid agent  
24 identification card to perform licensed activities under  
25 this Act;

26 (25) Failure to assign an agent-in-charge as required

1 by this Article;

2 (26) Failure to provide the training required by  
3 paragraph (3) of subsection (i) of Section 15-40 within the  
4 provided timeframe;

5 (27) Personnel insufficient in number or unqualified  
6 in training or experience to properly operate the  
7 dispensary business;

8 (28) Any pattern of activity that causes a harmful  
9 impact on the community; and

10 (29) Failing to prevent diversion, theft, or loss of  
11 cannabis.

12 (b) All fines and fees imposed under this Section shall be  
13 paid within 60 days after the effective date of the order  
14 imposing the fine or as otherwise specified in the order.

15 (c) A circuit court order establishing that an  
16 agent-in-charge or principal officer holding an agent  
17 identification card is subject to involuntary admission as that  
18 term is defined in Section 1-119 or 1-119.1 of the Mental  
19 Health and Developmental Disabilities Code shall operate as a  
20 suspension of that card.

21 (Source: P.A. 101-27, eff. 6-25-19; revised 9-4-19.)

22 (410 ILCS 705/15-155)

23 Sec. 15-155. Unlicensed practice; violation; civil penalty  
24 ~~Consent to administrative supervision order.~~

25 (a) In addition to any other penalty provided by law, any

1 person who practices, offers to practice, attempts to practice,  
2 or holds oneself out to practice as a licensed dispensing  
3 organization owner, principal officer, agent-in-charge, or  
4 agent without being licensed under this Act shall, in addition  
5 to any other penalty provided by law, pay a civil penalty to  
6 the Department of Financial and Professional Regulation in an  
7 amount not to exceed \$10,000 for each offense as determined by  
8 the Department. The civil penalty shall be assessed by the  
9 Department after a hearing is held in accordance with the  
10 provisions set forth in this Act regarding the provision of a  
11 hearing for the discipline of a licensee.

12 (b) The Department has the authority and power to  
13 investigate any and all unlicensed activity.

14 (c) The civil penalty shall be paid within 60 days after  
15 the effective date of the order imposing the civil penalty or  
16 in accordance with the order imposing the civil penalty. The  
17 order shall constitute a judgment and may be filed and  
18 execution had thereon in the same manner as any judgment from  
19 any court of this State.

20 ~~In appropriate cases, the Department may resolve a complaint~~  
21 ~~against a licensee or agent through the issuance of a consent~~  
22 ~~order for administrative supervision. A licensee or agent~~  
23 ~~subject to a consent order shall be considered by the~~  
24 ~~Department to hold a license or registration in good standing.~~

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

1 (410 ILCS 705/20-10)

2 Sec. 20-10. Early Approval of Adult Use Cultivation Center  
3 License.

4 (a) Any medical cannabis cultivation center registered and  
5 in good standing under the Compassionate Use of Medical  
6 Cannabis ~~Pilot~~ Program Act as of the effective date of this Act  
7 may, within 60 days of the effective date of this Act but no  
8 later than 180 days from the effective date of this Act, apply  
9 to the Department of Agriculture for an Early Approval Adult  
10 Use Cultivation Center License to produce cannabis and  
11 cannabis-infused products at its existing facilities as of the  
12 effective date of this Act.

13 (b) A medical cannabis cultivation center seeking issuance  
14 of an Early Approval Adult Use Cultivation Center License shall  
15 submit an application on forms provided by the Department of  
16 Agriculture. The application must meet or include the following  
17 qualifications:

18 (1) Payment of a nonrefundable application fee of  
19 \$100,000 to be deposited into the Cannabis Regulation Fund;

20 (2) Proof of registration as a medical cannabis  
21 cultivation center that is in good standing;

22 (3) Submission of the application by the same person or  
23 entity that holds the medical cannabis cultivation center  
24 registration;

25 (4) Certification that the applicant will comply with  
26 the requirements of Section 20-30;

- 1           (5) The legal name of the cultivation center;
- 2           (6) The physical address of the cultivation center;
- 3           (7) The name, address, social security number, and date  
4 of birth of each principal officer and board member of the  
5 cultivation center; each of those individuals shall be at  
6 least 21 years of age;
- 7           (8) A nonrefundable Cannabis Business Development Fee  
8 equal to 5% of the cultivation center's total sales between  
9 June 1, 2018 to June 1, 2019 or \$750,000, whichever is  
10 less, but at not less than \$250,000, to be deposited into  
11 the Cannabis Business Development Fund; and
- 12           (9) A commitment to completing one of the following  
13 Social Equity Inclusion Plans provided for in this  
14 subsection (b) before the expiration of the Early Approval  
15 Adult Use Cultivation Center License:
- 16           (A) A contribution of 5% of the cultivation  
17 center's total sales from June 1, 2018 to June 1, 2019,  
18 or \$100,000, whichever is less, to one of the  
19 following:
- 20           (i) the Cannabis Business Development Fund.  
21 This is in addition to the fee required by item (8)  
22 of this subsection (b);
- 23           (ii) a cannabis industry training or education  
24 program at an Illinois community college as  
25 defined in the Public Community College Act;
- 26           (iii) a program that provides job training



1 services to persons recently incarcerated or that  
2 operates in a Disproportionately Impacted Area.

3 (B) Participate as a host in a cannabis business  
4 incubator program for at least one year approved by the  
5 Department of Commerce and Economic Opportunity, and  
6 in which an Early Approval Adult Use Cultivation Center  
7 License holder agrees to provide a loan of at least  
8 \$100,000 and mentorship to incubate, for at least a  
9 year, a Social Equity Applicant intending to seek a  
10 license or a licensee that qualifies as a Social Equity  
11 Applicant. As used in this Section, "incubate" means  
12 providing direct financial assistance and training  
13 necessary to engage in licensed cannabis industry  
14 activity similar to that of the host licensee. The  
15 Early Approval Adult Use Cultivation Center License  
16 holder or the same entity holding any other licenses  
17 issued pursuant to this Act shall not take an ownership  
18 stake of greater than 10% in any business receiving  
19 incubation services to comply with this subsection. If  
20 an Early Approval Adult Use Cultivation Center License  
21 holder fails to find a business to incubate to comply  
22 with this subsection before its Early Approval Adult  
23 Use Cultivation Center License expires, it may opt to  
24 meet the requirement of this subsection by completing  
25 another item from this subsection prior to the  
26 expiration of its Early Approval Adult Use Cultivation

1 Center License to avoid a penalty.

2 (c) An Early Approval Adult Use Cultivation Center License  
3 is valid until March 31, 2021. A cultivation center that  
4 obtains an Early Approval Adult Use Cultivation Center License  
5 shall receive written or electronic notice 90 days before the  
6 expiration of the license that the license will expire, and  
7 inform the license holder that it may renew its Early Approval  
8 Adult Use Cultivation Center License. The Department of  
9 Agriculture shall grant a renewal of an Early Approval Adult  
10 Use Cultivation Center License within 60 days of submission of  
11 an application if:

12 (1) the cultivation center submits an application and  
13 the required renewal fee of \$100,000 for an Early Approval  
14 Adult Use Cultivation Center License;

15 (2) the Department of Agriculture has not suspended the  
16 license of the cultivation center or suspended or revoked  
17 the license for violating this Act or rules adopted under  
18 this Act; and

19 (3) the cultivation center has completed a Social  
20 Equity Inclusion Plan as required by item (9) of subsection  
21 (b) of this Section.

22 (c-5) The Early Approval Adult Use Cultivation Center  
23 License renewed pursuant to subsection (c) of this Section  
24 shall expire March 31, 2022. The Early Approval Adult Use  
25 Cultivation Center Licensee shall receive written or  
26 electronic notice 90 days before the expiration of the license

1 that the license will expire, and inform the license holder  
2 that it may apply for an Adult Use Cultivation Center License.  
3 The Department of Agriculture shall grant an Adult Use  
4 Dispensing Organization License within 60 days of an  
5 application being deemed complete if the applicant meets all of  
6 the criteria in Section 20-21.

7 (d) The license fee required by paragraph (1) of subsection  
8 (c) of this Section shall be in addition to any license fee  
9 required for the renewal of a registered medical cannabis  
10 cultivation center license that expires during the effective  
11 period of the Early Approval Adult Use Cultivation Center  
12 License.

13 (e) Applicants must submit all required information,  
14 including the requirements in subsection (b) of this Section,  
15 to the Department of Agriculture. Failure by an applicant to  
16 submit all required information may result in the application  
17 being disqualified.

18 (f) If the Department of Agriculture receives an  
19 application with missing information, the Department may issue  
20 a deficiency notice to the applicant. The applicant shall have  
21 10 calendar days from the date of the deficiency notice to  
22 submit complete information. Applications that are still  
23 incomplete after this opportunity to cure may be disqualified.

24 (g) If an applicant meets all the requirements of  
25 subsection (b) of this Section, the Department of Agriculture  
26 shall issue the Early Approval Adult Use Cultivation Center

1 License within 14 days of receiving the application unless:

2 (1) The licensee; principal officer, board member, or  
3 person having a financial or voting interest of 5% or  
4 greater in the licensee; or agent is delinquent in filing  
5 any required tax returns or paying any amounts owed to the  
6 State of Illinois;

7 (2) The Director of Agriculture determines there is  
8 reason, based on an inordinate number of documented  
9 compliance violations, the licensee is not entitled to an  
10 Early Approval Adult Use Cultivation Center License; or

11 (3) The licensee fails to commit to the Social Equity  
12 Inclusion Plan.

13 (h) A cultivation center may begin producing cannabis and  
14 cannabis-infused products once the Early Approval Adult Use  
15 Cultivation Center License is approved. A cultivation center  
16 that obtains an Early Approval Adult Use Cultivation Center  
17 License may begin selling cannabis and cannabis-infused  
18 products on December 1, 2019.

19 (i) An Early Approval Adult Use Cultivation Center License  
20 holder must continue to produce and provide an adequate supply  
21 of cannabis and cannabis-infused products for purchase by  
22 qualifying patients and caregivers. For the purposes of this  
23 subsection, "adequate supply" means a monthly production level  
24 that is comparable in type and quantity to those medical  
25 cannabis products produced for patients and caregivers on an  
26 average monthly basis for the 6 months before the effective

1 date of this Act.

2 (j) If there is a shortage of cannabis or cannabis-infused  
3 products, a license holder shall prioritize patients  
4 registered under the Compassionate Use of Medical Cannabis  
5 ~~Pilot~~ Program Act over adult use purchasers.

6 (k) If an Early Approval Adult Use Cultivation Center  
7 licensee fails to submit an application for an Adult Use  
8 Cultivation Center License before the expiration of the Early  
9 Approval Adult Use Cultivation Center License pursuant to  
10 subsection (c-5) of this Section, the cultivation center shall  
11 cease adult use cultivation until it receives an Adult Use  
12 Cultivation Center License.

13 (l) A cultivation center agent who holds a valid  
14 cultivation center agent identification card issued under the  
15 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act and is  
16 an officer, director, manager, or employee of the cultivation  
17 center licensed under this Section may engage in all activities  
18 authorized by this Article to be performed by a cultivation  
19 center agent.

20 (m) If the Department of Agriculture suspends or revokes  
21 the Early Approval Adult Use Cultivation Center License of a  
22 cultivation center that also holds a medical cannabis  
23 cultivation center license issued under the Compassionate Use  
24 of Medical Cannabis ~~Pilot~~ Program Act, the Department of  
25 Agriculture may suspend or revoke the medical cannabis  
26 cultivation center license concurrently with the Early

1 Approval Adult Use Cultivation Center License.

2 (n) All fees or fines collected from an Early Approval  
3 Adult Use Cultivation Center License holder as a result of a  
4 disciplinary action in the enforcement of this Act shall be  
5 deposited into the Cannabis Regulation Fund.

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

7 (410 ILCS 705/20-15)

8 Sec. 20-15. Conditional Adult Use Cultivation Center  
9 application.

10 (a) If the Department of Agriculture makes available  
11 additional cultivation center licenses pursuant to Section  
12 20-5, applicants for a Conditional Adult Use Cultivation Center  
13 License shall electronically submit the following in such form  
14 as the Department of Agriculture may direct:

15 (1) the nonrefundable application fee set by rule by  
16 the Department of Agriculture, to be deposited into the  
17 Cannabis Regulation Fund;

18 (2) the legal name of the cultivation center;

19 (3) the proposed physical address of the cultivation  
20 center;

21 (4) the name, address, social security number, and date  
22 of birth of each principal officer and board member of the  
23 cultivation center; each principal officer and board  
24 member shall be at least 21 years of age;

25 (5) the details of any administrative or judicial

1 proceeding in which any of the principal officers or board  
2 members of the cultivation center (i) pled guilty, were  
3 convicted, were fined, or had a registration or license  
4 suspended or revoked, or (ii) managed or served on the  
5 board of a business or non-profit organization that pled  
6 guilty, was convicted, was fined, or had a registration or  
7 license suspended or revoked;

8 (6) proposed operating bylaws that include procedures  
9 for the oversight of the cultivation center, including the  
10 development and implementation of a plant monitoring  
11 system, accurate recordkeeping, staffing plan, and  
12 security plan approved by the Department of State Police  
13 that are in accordance with the rules issued by the  
14 Department of Agriculture under this Act. A physical  
15 inventory shall be performed of all plants and cannabis on  
16 a weekly basis by the cultivation center;

17 (7) verification from the Department of State Police  
18 that all background checks of the prospective principal  
19 officers, board members, and agents of the cannabis  
20 business establishment have been conducted;

21 (8) a copy of the current local zoning ordinance or  
22 permit and verification that the proposed cultivation  
23 center is in compliance with the local zoning rules and  
24 distance limitations established by the local  
25 jurisdiction;

26 (9) proposed employment practices, in which the

1 applicant must demonstrate a plan of action to inform,  
2 hire, and educate minorities, women, veterans, and persons  
3 with disabilities, engage in fair labor practices, and  
4 provide worker protections;

5 (10) whether an applicant can demonstrate experience  
6 in or business practices that promote economic empowerment  
7 in Disproportionately Impacted Areas;

8 (11) experience with the cultivation of agricultural  
9 or horticultural products, operating an agriculturally  
10 related business, or operating a horticultural business;

11 (12) a description of the enclosed, locked facility  
12 where cannabis will be grown, harvested, manufactured,  
13 processed, packaged, or otherwise prepared for  
14 distribution to a dispensing organization;

15 (13) a survey of the enclosed, locked facility,  
16 including the space used for cultivation;

17 (14) cultivation, processing, inventory, and packaging  
18 plans;

19 (15) a description of the applicant's experience with  
20 agricultural cultivation techniques and industry  
21 standards;

22 (16) a list of any academic degrees, certifications, or  
23 relevant experience of all prospective principal officers,  
24 board members, and agents of the related business;

25 (17) the identity of every person having a financial or  
26 voting interest of 5% or greater in the cultivation center



1 operation with respect to which the license is sought,  
2 whether a trust, corporation, partnership, limited  
3 liability company, or sole proprietorship, including the  
4 name and address of each person;

5 (18) a plan describing how the cultivation center will  
6 address each of the following:

7 (i) energy needs, including estimates of monthly  
8 electricity and gas usage, to what extent it will  
9 procure energy from a local utility or from on-site  
10 generation, and if it has or will adopt a sustainable  
11 energy use and energy conservation policy;

12 (ii) water needs, including estimated water draw  
13 and if it has or will adopt a sustainable water use and  
14 water conservation policy; and

15 (iii) waste management, including if it has or will  
16 adopt a waste reduction policy;

17 (19) a diversity plan that includes a narrative of not  
18 more than 2,500 words that establishes a goal of diversity  
19 in ownership, management, employment, and contracting to  
20 ensure that diverse participants and groups are afforded  
21 equality of opportunity;

22 (20) any other information required by rule;

23 (21) a recycling plan:

24 (A) Purchaser packaging, including cartridges,  
25 shall be accepted by the applicant and recycled.

26 (B) Any recyclable waste generated by the cannabis

1 cultivation facility shall be recycled per applicable  
2 State and local laws, ordinances, and rules.

3 (C) Any cannabis waste, liquid waste, or hazardous  
4 waste shall be disposed of in accordance with 8 Ill.  
5 Adm. Code 1000.460, except, to the greatest extent  
6 feasible, all cannabis plant waste will be rendered  
7 unusable by grinding and incorporating the cannabis  
8 plant waste with compostable mixed waste to be disposed  
9 of in accordance with 8 Ill. Adm. Code 1000.460(g)(1);

10 (22) commitment to comply with local waste provisions:  
11 a cultivation facility must remain in compliance with  
12 applicable State and federal environmental requirements,  
13 including, but not limited to:

14 (A) storing, securing, and managing all  
15 recyclables and waste, including organic waste  
16 composed of or containing finished cannabis and  
17 cannabis products, in accordance with applicable State  
18 and local laws, ordinances, and rules; and

19 (B) ~~disposing~~ disposing liquid waste containing  
20 cannabis or byproducts of cannabis processing in  
21 compliance with all applicable State and federal  
22 requirements, including, but not limited to, the  
23 cannabis cultivation facility's permits under Title X  
24 of the Environmental Protection Act; and

25 (23) a commitment to a technology standard for resource  
26 efficiency of the cultivation center facility.

1 (A) A cannabis cultivation facility commits to use  
2 resources efficiently, including energy and water. For  
3 the following, a cannabis cultivation facility commits  
4 to meet or exceed the technology standard identified in  
5 items (i), (ii), (iii), and (iv), which may be modified  
6 by rule:

7 (i) lighting systems, including light bulbs;

8 (ii) HVAC system;

9 (iii) water application system to the crop;

10 and

11 (iv) filtration system for removing  
12 contaminants from wastewater.

13 (B) Lighting. The Lighting Power Densities (LPD)  
14 for cultivation space commits to not exceed an average  
15 of 36 watts per gross square foot of active and growing  
16 space canopy, or all installed lighting technology  
17 shall meet a photosynthetic photon efficacy (PPE) of no  
18 less than 2.2 micromoles per joule fixture and shall be  
19 featured on the DesignLights Consortium (DLC)  
20 Horticultural Specification Qualified Products List  
21 (QPL). In the event that DLC requirement for minimum  
22 efficacy exceeds 2.2 micromoles per joule fixture,  
23 that PPE shall become the new standard.

24 (C) HVAC.

25 (i) For cannabis grow operations with less  
26 than 6,000 square feet of canopy, the licensee

1           commits that all HVAC units will be  
2           high-efficiency ductless split HVAC units, or  
3           other more energy efficient equipment.

4           (ii) For cannabis grow operations with 6,000  
5           square feet of canopy or more, the licensee commits  
6           that all HVAC units will be variable refrigerant  
7           flow HVAC units, or other more energy efficient  
8           equipment.

9           (D) Water application.

10           (i) The cannabis cultivation facility commits  
11           to use automated watering systems, including, but  
12           not limited to, drip irrigation and flood tables,  
13           to irrigate cannabis crop.

14           (ii) The cannabis cultivation facility commits  
15           to measure runoff from watering events and report  
16           this volume in its water usage plan, and that on  
17           average, watering events shall have no more than  
18           20% of runoff of water.

19           (E) Filtration. The cultivator commits that HVAC  
20           condensate, dehumidification water, excess runoff, and  
21           other wastewater produced by the cannabis cultivation  
22           facility shall be captured and filtered to the best of  
23           the facility's ability to achieve the quality needed to  
24           be reused in subsequent watering rounds.

25           (F) Reporting energy use and efficiency as  
26           required by rule.

1           (b) Applicants must submit all required information,  
2 including the information required in Section 20-10, 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           (e) A cultivation center that is awarded a Conditional  
14 Adult Use Cultivation Center License pursuant to the criteria  
15 in Section 20-20 shall not grow, purchase, possess, or sell  
16 cannabis or cannabis-infused products until the person has  
17 received an Adult Use Cultivation Center License issued by the  
18 Department of Agriculture pursuant to Section 20-21 of this  
19 Act.

20           (Source: P.A. 101-27, eff. 6-25-19; revised 9-10-19.)

21           (410 ILCS 705/20-20)

22           Sec. 20-20. Conditional Adult Use License scoring  
23 applications.

24           (a) The Department of Agriculture shall by rule develop a  
25 system to score cultivation center applications to

1 administratively rank applications based on the clarity,  
2 organization, and quality of the applicant's responses to  
3 required information. Applicants shall be awarded points based  
4 on the following categories:

5 (1) Suitability of the proposed facility;

6 (2) Suitability of employee training plan;

7 (3) Security and recordkeeping;

8 (4) Cultivation plan;

9 (5) Product safety and labeling plan;

10 (6) Business plan;

11 (7) The applicant's status as a Social Equity  
12 Applicant, which shall constitute no less than 20% of total  
13 available points;

14 (8) Labor and employment practices, which shall  
15 constitute no less than 2% of total available points;

16 (9) Environmental plan as described in paragraphs  
17 (18), (21), (22), and (23) of subsection (a) of Section  
18 20-15;

19 (10) The applicant is 51% or more owned and controlled  
20 by an individual or individuals who have been an Illinois  
21 resident for the past 5 years as proved by tax records or 2  
22 of the following:

23 (A) a signed lease agreement that includes the  
24 applicant's name;

25 (B) a property deed that includes the applicant's  
26 name;

- 1           (C) school records;  
2           (D) a voter registration card;  
3           (E) an Illinois driver's license, an Illinois  
4           Identification Card, or an Illinois Person with a  
5           Disability Identification Card;  
6           (F) a paycheck stub;  
7           (G) a utility bill; or  
8           (H) any other proof of residency or other  
9           information necessary to establish residence as  
10          provided by rule;

11           (11) The applicant is 51% or more controlled and owned  
12          by an individual or individuals who meet the qualifications  
13          of a veteran as defined by Section 45-57 of the Illinois  
14          Procurement Code;

15           (12) a diversity plan that includes a narrative of not  
16          more than 2,500 words that establishes a goal of diversity  
17          in ownership, management, employment, and contracting to  
18          ensure that diverse participants and groups are afforded  
19          equality of opportunity; and

20           (13) Any other criteria the Department of Agriculture  
21          may set by rule for points.

22           (b) The Department may also award bonus points for the  
23          applicant's plan to engage with the community. Bonus points  
24          will only be awarded if the Department receives applications  
25          that receive an equal score for a particular region.

26           (c) Should the applicant be awarded a cultivation center

1 license, the information and plans that an applicant provided  
2 in its application, including any plans submitted for the  
3 acquiring of bonus points, becomes a mandatory condition of the  
4 permit. Any variation from or failure to perform such plans may  
5 result in discipline, including the revocation or nonrenewal of  
6 a license.

7 (d) Should the applicant be awarded a cultivation center  
8 license, it shall pay a fee of \$100,000 prior to receiving the  
9 license, to be deposited into the Cannabis Regulation Fund. The  
10 Department of Agriculture may by rule adjust the fee in this  
11 Section after January 1, 2021.

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

13 (410 ILCS 705/20-30)

14 Sec. 20-30. Cultivation center requirements; prohibitions.

15 (a) The operating documents of a cultivation center shall  
16 include procedures for the oversight of the cultivation center  
17 a cannabis plant monitoring system including a physical  
18 inventory recorded weekly, accurate recordkeeping, and a  
19 staffing plan.

20 (b) A cultivation center shall implement a security plan  
21 reviewed by the Department of State Police that includes, but  
22 is not limited to: facility access controls, perimeter  
23 intrusion detection systems, personnel identification systems,  
24 24-hour surveillance system to monitor the interior and  
25 exterior of the cultivation center facility and accessibility



1 to authorized law enforcement, the Department of Public Health  
2 where processing takes place, and the Department of Agriculture  
3 in real time.

4 (c) All cultivation of cannabis by a cultivation center  
5 must take place in an enclosed, locked facility at the physical  
6 address provided to the Department of Agriculture during the  
7 licensing process. The cultivation center location shall only  
8 be accessed by the agents working for the cultivation center,  
9 the Department of Agriculture staff performing inspections,  
10 the Department of Public Health staff performing inspections,  
11 local and State law enforcement or other emergency personnel,  
12 contractors working on jobs unrelated to cannabis, such as  
13 installing or maintaining security devices or performing  
14 electrical wiring, transporting organization agents as  
15 provided in this Act, individuals in a mentoring or educational  
16 program approved by the State, or other individuals as provided  
17 by rule.

18 (d) A cultivation center may not sell or distribute any  
19 cannabis or cannabis-infused products to any person other than  
20 a dispensing organization, craft grower, infuser ~~infusing~~  
21 organization, transporter, or as otherwise authorized by rule.

22 (e) A cultivation center may not either directly or  
23 indirectly discriminate in price between different dispensing  
24 organizations, craft growers, or infuser organizations that  
25 are purchasing a like grade, strain, brand, and quality of  
26 cannabis or cannabis-infused product. Nothing in this

1 subsection (e) prevents a cultivation centers from pricing  
2 cannabis differently based on differences in the cost of  
3 manufacturing or processing, the quantities sold, such as  
4 volume discounts, or the way the products are delivered.

5 (f) All cannabis harvested by a cultivation center and  
6 intended for distribution to a dispensing organization must be  
7 entered into a data collection system, packaged and labeled  
8 under Section 55-21, and placed into a cannabis container for  
9 transport. All cannabis harvested by a cultivation center and  
10 intended for distribution to a craft grower or infuser  
11 organization must be packaged in a labeled cannabis container  
12 and entered into a data collection system before transport.

13 (g) Cultivation centers are subject to random inspections  
14 by the Department of Agriculture, the Department of Public  
15 Health, local safety or health inspectors, and the Department  
16 of State Police.

17 (h) A cultivation center agent shall notify local law  
18 enforcement, the Department of State Police, and the Department  
19 of Agriculture within 24 hours of the discovery of any loss or  
20 theft. Notification shall be made by phone or in person, or by  
21 written or electronic communication.

22 (i) A cultivation center shall comply with all State and  
23 any applicable federal rules and regulations regarding the use  
24 of pesticides on cannabis plants.

25 (j) No person or entity shall hold any legal, equitable,  
26 ownership, or beneficial interest, directly or indirectly, of

1 more than 3 cultivation centers licensed under this Article.  
2 Further, no person or entity that is employed by, an agent of,  
3 has a contract to receive payment in any form from a  
4 cultivation center, is a principal officer of a cultivation  
5 center, or entity controlled by or affiliated with a principal  
6 officer of a cultivation shall hold any legal, equitable,  
7 ownership, or beneficial interest, directly or indirectly, in a  
8 cultivation that would result in the person or entity owning or  
9 controlling in combination with any cultivation center,  
10 principal officer of a cultivation center, or entity controlled  
11 or affiliated with a principal officer of a cultivation center  
12 by which he, she, or it is employed, is an agent of, or  
13 participates in the management of, more than 3 cultivation  
14 center licenses.

15 (k) A cultivation center may not contain more than 210,000  
16 square feet of canopy space for plants in the flowering stage  
17 for cultivation of adult use cannabis as provided in this Act.

18 (l) A cultivation center may process cannabis, cannabis  
19 concentrates, and cannabis-infused products.

20 (m) Beginning July 1, 2020, a cultivation center shall not  
21 transport cannabis or cannabis-infused products to a craft  
22 grower, dispensing organization, infuser organization, or  
23 laboratory licensed under this Act, unless it has obtained a  
24 transporting organization license.

25 (n) It is unlawful for any person having a cultivation  
26 center license or any officer, associate, member,

1 representative, or agent of such licensee to offer or deliver  
2 money, or anything else of value, directly or indirectly to any  
3 person having an Early Approval Adult Use Dispensing  
4 Organization License, a Conditional Adult Use Dispensing  
5 Organization License, an Adult Use Dispensing Organization  
6 License, or a medical cannabis dispensing organization license  
7 issued under the Compassionate Use of Medical Cannabis ~~Pilot~~  
8 Program Act, or to any person connected with or in any way  
9 representing, or to any member of the family of, such person  
10 holding an Early Approval Adult Use Dispensing Organization  
11 License, a Conditional Adult Use Dispensing Organization  
12 License, an Adult Use Dispensing Organization License, or a  
13 medical cannabis dispensing organization license issued under  
14 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act, or  
15 to any stockholders in any corporation engaged in the retail  
16 sale of cannabis, or to any officer, manager, agent, or  
17 representative of the Early Approval Adult Use Dispensing  
18 Organization License, a Conditional Adult Use Dispensing  
19 Organization License, an Adult Use Dispensing Organization  
20 License, or a medical cannabis dispensing organization license  
21 issued under the Compassionate Use of Medical Cannabis ~~Pilot~~  
22 Program Act to obtain preferential placement within the  
23 dispensing organization, including, without limitation, on  
24 shelves and in display cases where purchasers can view  
25 products, or on the dispensing organization's website.

26 (o) A cultivation center must comply with any other

1 requirements or prohibitions set by administrative rule of the  
2 Department of Agriculture.

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

4 (410 ILCS 705/25-1)

5 (Section scheduled to be repealed on July 1, 2026)

6 Sec. 25-1. Definitions. In this Article:

7 "Board" means the Illinois Community College Board.

8 "Career in Cannabis Certificate" or "Certificate" means  
9 the certification awarded to a community college student who  
10 completes a prescribed course of study in cannabis and cannabis  
11 business industry related classes and curriculum at a community  
12 college awarded a Community College Cannabis Vocational Pilot  
13 Program license.

14 "Community college" means a public community college  
15 organized under the Public Community College Act.

16 "Department" means the Department of Agriculture.

17 "Licensee" means a community college awarded a Community  
18 College Cannabis Vocational Pilot Program license under this  
19 Article.

20 "Program" means the Community College Cannabis Vocational  
21 Pilot Program.

22 "Program license" means a Community College Cannabis  
23 Vocational Pilot Program license issued to a community college  
24 under this Article.

25 (Source: P.A. 101-27, eff. 6-25-19; revised 8-16-19.)

1 (410 ILCS 705/25-10)

2 (Section scheduled to be repealed on July 1, 2026)

3 Sec. 25-10. Issuance of Community College Cannabis  
4 Vocational Pilot Program licenses.

5 (a) The Department shall issue rules regulating the  
6 selection criteria for applicants by January 1, 2020. The  
7 Department shall make the application for a Program license  
8 available no later than February 1, 2020, and shall require  
9 that applicants submit the completed application no later than  
10 July 1, 2020. If the Department issues fewer than 8 Program  
11 licenses by September 1, 2020, the Department may accept  
12 applications at a future date as prescribed by rule.

13 (b) The Department shall by rule develop a system to score  
14 Program licenses to administratively rank applications based  
15 on the clarity, organization, and quality of the applicant's  
16 responses to required information. Applicants shall be awarded  
17 points that are based on or that meet the following categories:

18 (1) Geographic diversity of the applicants;

19 (2) Experience and credentials of the applicant's  
20 faculty;

21 (3) At least 5 Program license awardees must have a  
22 student population that is more than 50% low-income in each  
23 of the past 4 years;

24 (4) Security plan, including a requirement that all  
25 cannabis plants be in an enclosed, locked facility;

1 (5) Curriculum plan, including processing and testing  
2 curriculum for the Career in Cannabis Certificate;

3 (6) Career advising and placement plan for  
4 participating students; and

5 (7) Any other criteria the Department may set by rule.

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

7 (410 ILCS 705/30-5)

8 Sec. 30-5. Issuance of licenses.

9 (a) The Department of Agriculture shall issue up to 40  
10 craft grower licenses by July 1, 2020. Any person or entity  
11 awarded a license pursuant to this subsection shall only hold  
12 one craft grower license and may not sell that license until  
13 after December 21, 2021.

14 (b) By December 21, 2021, the Department of Agriculture  
15 shall issue up to 60 additional craft grower licenses. Any  
16 person or entity awarded a license pursuant to this subsection  
17 shall not hold more than 2 craft grower licenses. The person or  
18 entity awarded a license pursuant to this subsection or  
19 subsection (a) of this Section may sell its craft grower  
20 license subject to the restrictions of this Act or as  
21 determined by administrative rule. Prior to issuing such  
22 licenses, the Department may adopt rules through emergency  
23 rulemaking in accordance with subsection (gg) of Section 5-45  
24 of the Illinois Administrative Procedure Act, to modify or  
25 raise the number of craft grower licenses ~~assigned to each~~

1 ~~region~~ and modify or change the licensing application process  
2 to reduce or eliminate barriers. The General Assembly finds  
3 that the adoption of rules to regulate cannabis use is deemed  
4 an emergency and necessary for the public interest, safety, and  
5 welfare. In determining whether to exercise the authority  
6 granted by this subsection, the Department of Agriculture must  
7 consider the following factors:

8 (1) the percentage of cannabis sales occurring in  
9 Illinois not in the regulated market using data from the  
10 Substance Abuse and Mental Health Services Administration,  
11 National Survey on Drug Use and Health, Illinois Behavioral  
12 Risk Factor Surveillance System, and tourism data from the  
13 Illinois Office of Tourism to ascertain total cannabis  
14 consumption in Illinois compared to the amount of sales in  
15 licensed dispensing organizations;

16 (2) whether there is an adequate supply of cannabis and  
17 cannabis-infused products to serve registered medical  
18 cannabis patients;

19 (3) whether there is an adequate supply of cannabis and  
20 cannabis-infused products to serve purchasers;

21 (4) whether there is an oversupply of cannabis in  
22 Illinois leading to trafficking of cannabis to states where  
23 the sale of cannabis is not permitted by law;

24 (5) population increases or shifts;

25 (6) the density of craft growers in any area of the  
26 State;



1           (7) perceived security risks of increasing the number  
2           or location of craft growers;

3           (8) the past safety record of craft growers;

4           (9) the Department of Agriculture's capacity to  
5           appropriately regulate additional licensees;

6           (10) the findings and recommendations from the  
7           disparity and availability study commissioned by the  
8           Illinois Cannabis Regulation Oversight Officer to reduce  
9           or eliminate any identified barriers to entry in the  
10          cannabis industry; and

11          (11) any other criteria the Department of Agriculture  
12          deems relevant.

13          (c) After January 1, 2022, the Department of Agriculture  
14          may by rule modify or raise the number of craft grower licenses  
15          ~~assigned to each region,~~ and modify or change the licensing  
16          application process to reduce or eliminate barriers based on  
17          the criteria in subsection (b). At no time may the number of  
18          craft grower licenses exceed 150. Any person or entity awarded  
19          a license pursuant to this subsection shall not hold more than  
20          3 craft grower licenses. A person or entity awarded a license  
21          pursuant to this subsection or subsection (a) or subsection (b)  
22          of this Section may sell its craft grower license or licenses  
23          subject to the restrictions of this Act or as determined by  
24          administrative rule.

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

1 (410 ILCS 705/30-10)

2 Sec. 30-10. Application.

3 (a) When applying for a license, the applicant shall  
4 electronically submit the following in such form as the  
5 Department of Agriculture may direct:

6 (1) the nonrefundable application fee of \$5,000 to be  
7 deposited into the Cannabis Regulation Fund, or another  
8 amount as the Department of Agriculture may set by rule  
9 after January 1, 2021;

10 (2) the legal name of the craft grower;

11 (3) the proposed physical address of the craft grower;

12 (4) the name, address, social security number, and date  
13 of birth of each principal officer and board member of the  
14 craft grower; each principal officer and board member shall  
15 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 craft grower (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 board  
21 of a business or non-profit organization that pled guilty,  
22 was convicted, was fined, or had a registration or license  
23 suspended or revoked;

24 (6) proposed operating bylaws that include procedures  
25 for the oversight of the craft grower, 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 on a weekly  
6 basis by the craft grower;

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 craft grower is  
13 in compliance with the local zoning rules and distance  
14 limitations established by the local jurisdiction;

15 (9) proposed employment practices, in which the  
16 applicant must demonstrate a plan of action to inform,  
17 hire, and educate minorities, women, veterans, and persons  
18 with disabilities, engage in fair labor practices, and  
19 provide worker protections;

20 (10) whether an applicant can demonstrate experience  
21 in or business practices that promote economic empowerment  
22 in Disproportionately Impacted Areas;

23 (11) experience with the cultivation of agricultural  
24 or horticultural products, operating an agriculturally  
25 related business, or operating a horticultural business;

26 (12) a description of the enclosed, locked facility

1 where cannabis will be grown, harvested, manufactured,  
2 packaged, or otherwise prepared for distribution to a  
3 dispensing organization or other cannabis business  
4 establishment;

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 craft grower  
17 operation, whether a trust, corporation, partnership,  
18 limited liability company, or sole proprietorship,  
19 including the name and address of each person;

20 (18) a plan describing how the craft grower will  
21 address each of the following:

22 (i) energy needs, including estimates of monthly  
23 electricity and gas usage, to what extent it will  
24 procure energy from a local utility or from on-site  
25 generation, and if it has or will adopt a sustainable  
26 energy use and energy conservation policy;

1 (ii) water needs, including estimated water draw  
2 and if it has or will adopt a sustainable water use and  
3 water conservation policy; and

4 (iii) waste management, including if it has or will  
5 adopt a waste reduction policy;

6 (19) a recycling plan:

7 (A) Purchaser packaging, including cartridges,  
8 shall be accepted by the applicant and recycled.

9 (B) Any recyclable waste generated by the craft  
10 grower facility shall be recycled per applicable State  
11 and local laws, ordinances, and rules.

12 (C) Any cannabis waste, liquid waste, or hazardous  
13 waste shall be disposed of in accordance with 8 Ill.  
14 Adm. Code 1000.460, except, to the greatest extent  
15 feasible, all cannabis plant waste will be rendered  
16 unusable by grinding and incorporating the cannabis  
17 plant waste with compostable mixed waste to be disposed  
18 of in accordance with 8 Ill. Adm. Code 1000.460(g)(1);

19 (20) a commitment to comply with local waste  
20 provisions: a craft grower facility must remain in  
21 compliance with applicable State and federal environmental  
22 requirements, including, but not limited to:

23 (A) storing, securing, and managing all  
24 recyclables and waste, including organic waste  
25 composed of or containing finished cannabis and  
26 cannabis products, in accordance with applicable State

1 and local laws, ordinances, and rules; and

2 (B) disposing ~~Disposing~~ liquid waste containing  
3 cannabis or byproducts of cannabis processing in  
4 compliance with all applicable State and federal  
5 requirements, including, but not limited to, the  
6 cannabis cultivation facility's permits under Title X  
7 of the Environmental Protection Act;~~;~~

8 (21) a commitment to a technology standard for resource  
9 efficiency of the craft grower facility.

10 (A) A craft grower facility commits to use  
11 resources efficiently, including energy and water. For  
12 the following, a cannabis cultivation facility commits  
13 to meet or exceed the technology standard identified in  
14 paragraphs (i), (ii), (iii), and (iv), which may be  
15 modified by rule:

16 (i) lighting systems, including light bulbs;

17 (ii) HVAC system;

18 (iii) water application system to the crop;

19 and

20 (iv) filtration system for removing  
21 contaminants from wastewater.

22 (B) Lighting. The Lighting Power Densities (LPD)  
23 for cultivation space commits to not exceed an average  
24 of 36 watts per gross square foot of active and growing  
25 space canopy, or all installed lighting technology  
26 shall meet a photosynthetic photon efficacy (PPE) of no

1 less than 2.2 micromoles per joule fixture and shall be  
2 featured on the DesignLights Consortium (DLC)  
3 Horticultural Specification Qualified Products List  
4 (QPL). In the event that DLC requirement for minimum  
5 efficacy exceeds 2.2 micromoles per joule fixture,  
6 that PPE shall become the new standard.

7 (C) HVAC.

8 (i) For cannabis grow operations with less  
9 than 6,000 square feet of canopy, the licensee  
10 commits that all HVAC units will be  
11 high-efficiency ductless split HVAC units, or  
12 other more energy efficient equipment.

13 (ii) For cannabis grow operations with 6,000  
14 square feet of canopy or more, the licensee commits  
15 that all HVAC units will be variable refrigerant  
16 flow HVAC units, or other more energy efficient  
17 equipment.

18 (D) Water application.

19 (i) The craft grower facility commits to use  
20 automated watering systems, including, but not  
21 limited to, drip irrigation and flood tables, to  
22 irrigate cannabis crop.

23 (ii) The craft grower facility commits to  
24 measure runoff from watering events and report  
25 this volume in its water usage plan, and that on  
26 average, watering events shall have no more than

1           20% of runoff of water.

2           (E) Filtration. The craft grower commits that HVAC  
3           condensate, dehumidification water, excess runoff, and  
4           other wastewater produced by the craft grower facility  
5           shall be captured and filtered to the best of the  
6           facility's ability to achieve the quality needed to be  
7           reused in subsequent watering rounds.

8           (F) Reporting energy use and efficiency as  
9           required by rule; and

10          (22) any other information required by rule.

11          (b) Applicants must submit all required information,  
12          including the information required in Section 30-15, to the  
13          Department of Agriculture. Failure by an applicant to submit  
14          all required information may result in the application being  
15          disqualified.

16          (c) If the Department of Agriculture receives an  
17          application with missing information, the Department of  
18          Agriculture may issue a deficiency notice to the applicant. The  
19          applicant shall have 10 calendar days from the date of the  
20          deficiency notice to resubmit the incomplete information.  
21          Applications that are still incomplete after this opportunity  
22          to cure will not be scored and will be disqualified.

23          (Source: P.A. 101-27, eff. 6-25-19; revised 9-4-19.)

24          (410 ILCS 705/30-15)

25          Sec. 30-15. Scoring applications.



1 (a) The Department of Agriculture shall by rule develop a  
2 system to score craft grower applications to administratively  
3 rank applications based on the clarity, organization, and  
4 quality of the applicant's responses to required information.  
5 Applicants shall be awarded points based on the following  
6 categories:

7 (1) Suitability of the proposed facility;

8 (2) Suitability of the employee training plan;

9 (3) Security and recordkeeping;

10 (4) Cultivation plan;

11 (5) Product safety and labeling plan;

12 (6) Business plan;

13 (7) The applicant's status as a Social Equity  
14 Applicant, which shall constitute no less than 20% of total  
15 available points;

16 (8) Labor and employment practices, which shall  
17 constitute no less than 2% of total available points;

18 (9) Environmental plan as described in paragraphs  
19 (18), (19), (20), and (21) of subsection (a) of Section  
20 30-10;

21 (10) The applicant is 51% or more owned and controlled  
22 by an individual or individuals who have been an Illinois  
23 resident for the past 5 years as proved by tax records or 2  
24 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           (11) The applicant is 51% or more controlled and owned  
14           by an individual or individuals who meet the qualifications  
15           of a veteran as defined in Section 45-57 of the Illinois  
16           Procurement Code;

17           (12) A diversity plan that includes a narrative of not  
18           more than 2,500 words that establishes a goal of diversity  
19           in ownership, management, employment, and contracting to  
20           ensure that diverse participants and groups are afforded  
21           equality of opportunity; and

22           (13) Any other criteria the Department of Agriculture  
23           may set by rule for points.

24           (b) The Department may also award up to 2 bonus points for  
25           the applicant's plan to engage with the community. The  
26           applicant may demonstrate a desire to engage with its community

1 by participating in one or more of, but not limited to, the  
2 following actions: (i) establishment of an incubator program  
3 designed to increase participation in the cannabis industry by  
4 persons who would qualify as Social Equity Applicants; (ii)  
5 providing financial assistance to substance abuse treatment  
6 centers; (iii) educating children and teens about the potential  
7 harms of cannabis use; or (iv) other measures demonstrating a  
8 commitment to the applicant's community. Bonus points will only  
9 be awarded if the Department receives applications that receive  
10 an equal score ~~for a particular region.~~

11 (c) Should the applicant be awarded a craft grower license,  
12 the information and plans that an applicant provided in its  
13 application, including any plans submitted for the acquiring of  
14 bonus points, shall be a mandatory condition of the license.  
15 Any variation from or failure to perform such plans may result  
16 in discipline, including the revocation or nonrenewal of a  
17 license.

18 (d) Should the applicant be awarded a craft grower license,  
19 the applicant shall pay a prorated fee of \$40,000 prior to  
20 receiving the license, to be deposited into the Cannabis  
21 Regulation Fund. The Department of Agriculture may by rule  
22 adjust the fee in this Section after January 1, 2021.

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

24 (410 ILCS 705/30-30)

25 Sec. 30-30. Craft grower requirements; prohibitions.

1           (a) The operating documents of a craft grower shall include  
2 procedures for the oversight of the craft grower, a cannabis  
3 plant monitoring system including a physical inventory  
4 recorded weekly, accurate recordkeeping, and a staffing plan.

5           (b) A craft grower shall implement a security plan reviewed  
6 by the Department of State Police that includes, but is not  
7 limited to: facility access controls, perimeter intrusion  
8 detection systems, personnel identification systems, and a  
9 24-hour surveillance system to monitor the interior and  
10 exterior of the craft grower facility and that is accessible to  
11 authorized law enforcement and the Department of Agriculture in  
12 real time.

13           (c) All cultivation of cannabis by a craft grower must take  
14 place in an enclosed, locked facility at the physical address  
15 provided to the Department of Agriculture during the licensing  
16 process. The craft grower location shall only be accessed by  
17 the agents working for the craft grower, the Department of  
18 Agriculture staff performing inspections, the Department of  
19 Public Health staff performing inspections, State and local law  
20 enforcement or other emergency personnel, contractors working  
21 on jobs unrelated to cannabis, such as installing or  
22 maintaining security devices or performing electrical wiring,  
23 transporting organization agents as provided in this Act, or  
24 participants in the incubator program, individuals in a  
25 mentoring or educational program approved by the State, or  
26 other individuals as provided by rule. However, if a craft

1 grower shares a premises with an infuser or dispensing  
2 organization, agents from those other licensees may access the  
3 craft grower portion of the premises if that is the location of  
4 common bathrooms, lunchrooms, locker rooms, or other areas of  
5 the building where work or cultivation of cannabis is not  
6 performed. At no time may an infuser or dispensing organization  
7 agent perform work at a craft grower without being a registered  
8 agent of the craft grower.

9 (d) A craft grower may not sell or distribute any cannabis  
10 to any person other than a cultivation center, a craft grower,  
11 an infuser organization, a dispensing organization, or as  
12 otherwise authorized by rule.

13 (e) A craft grower may not be located in an area zoned for  
14 residential use.

15 (f) A craft grower may not either directly or indirectly  
16 discriminate in price between different cannabis business  
17 establishments that are purchasing a like grade, strain, brand,  
18 and quality of cannabis or cannabis-infused product. Nothing in  
19 this subsection (f) prevents a craft grower from pricing  
20 cannabis differently based on differences in the cost of  
21 manufacturing or processing, the quantities sold, such as  
22 volume discounts, or the way the products are delivered.

23 (g) All cannabis harvested by a craft grower and intended  
24 for distribution to a dispensing organization must be entered  
25 into a data collection system, packaged and labeled under  
26 Section 55-21, and, if distribution is to a dispensing

1 organization that does not share a premises with the dispensing  
2 organization receiving the cannabis, placed into a cannabis  
3 container for transport. All cannabis harvested by a craft  
4 grower and intended for distribution to a cultivation center,  
5 to an infuser organization, or to a craft grower with which it  
6 does not share a premises, must be packaged in a labeled  
7 cannabis container and entered into a data collection system  
8 before transport.

9 (h) Craft growers are subject to random inspections by the  
10 Department of Agriculture, local safety or health inspectors,  
11 and the Department of State Police.

12 (i) A craft grower agent shall notify local law  
13 enforcement, the Department of State Police, and the Department  
14 of Agriculture within 24 hours of the discovery of any loss or  
15 theft. Notification shall be made by phone, in person, or  
16 written or electronic communication.

17 (j) A craft grower shall comply with all State and any  
18 applicable federal rules and regulations regarding the use of  
19 pesticides.

20 (k) A craft grower or craft grower agent shall not  
21 transport cannabis or cannabis-infused products to any other  
22 cannabis business establishment without a transport  
23 organization license unless:

24 (i) If the craft grower is located in a county with a  
25 population of 3,000,000 or more, the cannabis business  
26 establishment receiving the cannabis is within 2,000 feet

1 of the property line of the craft grower;

2 (ii) If the craft grower is located in a county with a  
3 population of more than 700,000 but fewer than 3,000,000,  
4 the cannabis business establishment receiving the cannabis  
5 is within 2 miles of the craft grower; or

6 (iii) If the craft grower is located in a county with a  
7 population of fewer than ~~the~~ 700,000, the cannabis business  
8 establishment receiving the cannabis is within 15 miles of  
9 the craft grower.

10 (l) A craft grower may enter into a contract with a  
11 transporting organization to transport cannabis to a  
12 cultivation center, a craft grower, an infuser organization, a  
13 dispensing organization, or a laboratory.

14 (m) No person or entity shall hold any legal, equitable,  
15 ownership, or beneficial interest, directly or indirectly, of  
16 more than 3 craft grower licenses. Further, no person or entity  
17 that is employed by, an agent of, or has a contract to receive  
18 payment from or participate in the management of a craft  
19 grower, is a principal officer of a craft grower, or entity  
20 controlled by or affiliated with a principal officer of a craft  
21 grower shall hold any legal, equitable, ownership, or  
22 beneficial interest, directly or indirectly, in a craft grower  
23 license that would result in the person or entity owning or  
24 controlling in combination with any craft grower, principal  
25 officer of a craft grower, or entity controlled or affiliated  
26 with a principal officer of a craft grower by which he, she, or

1 it is employed, is an agent of, or participates in the  
2 management of more than 3 craft grower licenses.

3 (n) It is unlawful for any person having a craft grower  
4 license or any officer, associate, member, representative, or  
5 agent of the licensee to offer or deliver money, or anything  
6 else of value, directly or indirectly, to any person having an  
7 Early Approval Adult Use Dispensing Organization License, a  
8 Conditional Adult Use Dispensing Organization License, an  
9 Adult Use Dispensing Organization License, or a medical  
10 cannabis dispensing organization license issued under the  
11 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act, or to  
12 any person connected with or in any way representing, or to any  
13 member of the family of, the person holding an Early Approval  
14 Adult Use Dispensing Organization License, a Conditional Adult  
15 Use Dispensing Organization License, an Adult Use Dispensing  
16 Organization License, or a medical cannabis dispensing  
17 organization license issued under the Compassionate Use of  
18 Medical Cannabis ~~Pilot~~ Program Act, or to any stockholders in  
19 any corporation engaged in the retail sale of cannabis, or to  
20 any officer, manager, agent, or representative of the Early  
21 Approval Adult Use Dispensing Organization License, a  
22 Conditional Adult Use Dispensing Organization License, an  
23 Adult Use Dispensing Organization License, or a medical  
24 cannabis dispensing organization license issued under the  
25 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act to  
26 obtain preferential placement within the dispensing



1 organization, including, without limitation, on shelves and in  
2 display cases where purchasers can view products, or on the  
3 dispensing organization's website.

4 (o) A craft grower shall not be located within 1,500 feet  
5 of another craft grower or a cultivation center.

6 (p) A craft ~~craft~~ grower may process cannabis, cannabis  
7 concentrates, and cannabis-infused products.

8 (q) A craft grower must comply with any other requirements  
9 or prohibitions set by administrative rule of the Department of  
10 Agriculture.

11 (Source: P.A. 101-27, eff. 6-25-19; revised 9-10-19.)

12 (410 ILCS 705/35-5)

13 Sec. 35-5. Issuance of licenses.

14 (a) The Department of Agriculture shall issue up to 40  
15 infuser licenses through a process provided for in this Article  
16 no later than July 1, 2020.

17 (b) The Department of Agriculture shall make the  
18 application for infuser licenses available on January 7, 2020,  
19 or if that date falls on a weekend or holiday, the business day  
20 immediately succeeding the weekend or holiday and every January  
21 7 or succeeding business day thereafter, and shall receive such  
22 applications no later than March 15, 2020, or, if that date  
23 falls on a weekend or holiday, the business day immediately  
24 succeeding the weekend or holiday and every March 15 or  
25 succeeding business day thereafter.

1 (c) By December 21, 2021, the Department of Agriculture may  
2 issue up to 60 additional infuser licenses. Prior to issuing  
3 such licenses, the Department may adopt rules through emergency  
4 rulemaking in accordance with subsection (gg) of Section 5-45  
5 of the Illinois Administrative Procedure Act, to modify or  
6 raise the number of infuser licenses and modify or change the  
7 licensing application process to reduce or eliminate barriers.  
8 The General Assembly finds that the adoption of rules to  
9 regulate cannabis use is deemed an emergency and necessary for  
10 the public interest, safety, and welfare.

11 In determining whether to exercise the authority granted by  
12 this subsection, the Department of Agriculture must consider  
13 the following factors:

14 (1) the percentage of cannabis sales occurring in  
15 Illinois not in the regulated market using data from the  
16 Substance Abuse and Mental Health Services Administration,  
17 National Survey on Drug Use and Health, Illinois Behavioral  
18 Risk Factor Surveillance System, and tourism data from the  
19 Illinois Office of Tourism to ascertain total cannabis  
20 consumption in Illinois compared to the amount of sales in  
21 licensed dispensing organizations;

22 (2) whether there is an adequate supply of cannabis and  
23 cannabis-infused products to serve registered medical  
24 cannabis patients;

25 (3) whether there is an adequate supply of cannabis and  
26 cannabis-infused products to serve ~~serve~~ purchasers;+;

1 (4) whether there is an oversupply of cannabis in  
2 Illinois leading to trafficking of cannabis to any other  
3 state;

4 (5) population increases or shifts;

5 (6) changes to federal law;

6 (7) perceived security risks of increasing the number  
7 or location of infuser organizations;

8 (8) the past security records of infuser  
9 organizations;

10 (9) the Department of Agriculture's capacity to  
11 appropriately regulate additional licenses;

12 (10) the findings and recommendations from the  
13 disparity and availability study commissioned by the  
14 Illinois Cannabis Regulation Oversight Officer to reduce  
15 or eliminate any identified barriers to entry in the  
16 cannabis industry; and

17 (11) any other criteria the Department of Agriculture  
18 deems relevant.

19 (d) After January 1, 2022, the Department of Agriculture  
20 may by rule modify or raise the number of infuser licenses, and  
21 modify or change the licensing application process to reduce or  
22 eliminate barriers based on the criteria in subsection (c).

23 (Source: P.A. 101-27, eff. 6-25-19; revised 9-10-19.)

24 (410 ILCS 705/35-15)

25 Sec. 35-15. Issuing licenses.

1 (a) The Department of Agriculture shall by rule develop a  
2 system to score infuser applications to administratively rank  
3 applications based on the clarity, organization, and quality of  
4 the applicant's responses to required information. Applicants  
5 shall be awarded points based on the following categories:

6 (1) Suitability of the proposed facility;

7 (2) Suitability of the employee training plan;

8 (3) Security and recordkeeping plan;

9 (4) Infusing plan;

10 (5) Product safety and labeling plan;

11 (6) Business plan;

12 (7) The applicant's status as a Social Equity  
13 Applicant, which shall constitute no less than 20% of total  
14 available points;

15 (8) Labor and employment practices, which shall  
16 constitute no less than 2% of total available points;

17 (9) Environmental plan as described in paragraphs (17)  
18 and (18) of subsection (a) of Section 35-10;

19 (10) The applicant is 51% or more owned and controlled  
20 by an individual or individuals who have been an Illinois  
21 resident for the past 5 years as proved by tax records or 2  
22 of the following:

23 (A) a signed lease agreement that includes the  
24 applicant's name;

25 (B) a property deed that includes the applicant's  
26 name;

- 1                   (C) school records;  
2                   (D) a voter registration card;  
3                   (E) an Illinois driver's license, an Illinois  
4                   Identification Card, or an Illinois Person with a  
5                   Disability Identification Card;  
6                   (F) a paycheck stub;  
7                   (G) a utility bill; or  
8                   (H) any other proof of residency or other  
9                   information necessary to establish residence as  
10                  provided by rule;

11                  (11) The applicant is 51% or more controlled and owned  
12                  by an individual or individuals who meet the qualifications  
13                  of a veteran as defined by Section 45-57 of the Illinois  
14                  Procurement Code; ~~and~~

15                  (12) A diversity plan that includes a narrative of not  
16                  more than 2,500 words that establishes a goal of diversity  
17                  in ownership, management, employment, and contracting to  
18                  ensure that diverse participants and groups are afforded  
19                  equality of opportunity; and

20                  (13) Any other criteria the Department of Agriculture  
21                  may set by rule for points.

22                  (b) The Department may also award up to 2 bonus points for  
23                  the applicant's plan to engage with the community. The  
24                  applicant may demonstrate a desire to engage with its community  
25                  by 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 (c) Should the applicant be awarded an infuser license, the  
10 information and plans that an applicant provided in its  
11 application, including any plans submitted for the acquiring of  
12 bonus points, becomes a mandatory condition of the permit. Any  
13 variation from or failure to perform such plans may result in  
14 discipline, including the revocation or nonrenewal of a  
15 license.

16 (d) Should the applicant be awarded an infuser organization  
17 license, it shall pay a fee of \$5,000 prior to receiving the  
18 license, to be deposited into the Cannabis Regulation Fund. The  
19 Department of Agriculture may by rule adjust the fee in this  
20 Section after January 1, 2021.

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

22 (410 ILCS 705/35-25)

23 Sec. 35-25. Infuser organization requirements;  
24 prohibitions.

25 (a) The operating documents of an infuser shall include

1 procedures for the oversight of the infuser, an inventory  
2 monitoring system including a physical inventory recorded  
3 weekly, accurate recordkeeping, and a staffing plan.

4 (b) An infuser shall implement a security plan reviewed by  
5 the Department of State Police that includes, but is not  
6 limited to: facility access controls, perimeter intrusion  
7 detection systems, personnel identification systems, and a  
8 24-hour surveillance system to monitor the interior and  
9 exterior of the infuser facility and that is accessible to  
10 authorized law enforcement, the Department of Public Health,  
11 and the Department of Agriculture in real time.

12 (c) All processing of cannabis by an infuser must take  
13 place in an enclosed, locked facility at the physical address  
14 provided to the Department of Agriculture during the licensing  
15 process. The infuser location shall only be accessed by the  
16 agents working for the infuser, the Department of Agriculture  
17 staff performing inspections, the Department of Public Health  
18 staff performing inspections, State and local law enforcement  
19 or other emergency personnel, contractors working on jobs  
20 unrelated to cannabis, such as installing or maintaining  
21 security devices or performing electrical wiring, transporting  
22 organization agents as provided in this Act, participants in  
23 the incubator program, individuals in a mentoring or  
24 educational program approved by the State, local safety or  
25 health inspectors, or other individuals as provided by rule.  
26 However, if an infuser shares a premises with a craft grower or

1 dispensing organization, agents from these other licensees may  
2 access the infuser portion of the premises if that is the  
3 location of common bathrooms, lunchrooms, locker rooms, or  
4 other areas of the building where processing of cannabis is not  
5 performed. At no time may a craft grower or dispensing  
6 organization agent perform work at an infuser without being a  
7 registered agent of the infuser.

8 (d) An infuser may not sell or distribute any cannabis to  
9 any person other than a dispensing organization, or as  
10 otherwise authorized by rule.

11 (e) An infuser may not either directly or indirectly  
12 discriminate in price between different cannabis business  
13 establishments that are purchasing a like grade, strain, brand,  
14 and quality of cannabis or cannabis-infused product. Nothing in  
15 this subsection (e) prevents an infuser from pricing cannabis  
16 differently based on differences in the cost of manufacturing  
17 or processing, the quantities sold, such volume discounts, or  
18 the way the products are delivered.

19 (f) All cannabis infused by an infuser and intended for  
20 distribution to a dispensing organization must be entered into  
21 a data collection system, packaged and labeled under Section  
22 55-21, and, if distribution is to a dispensing organization  
23 that does not share a premises with the infuser, placed into a  
24 cannabis container for transport. All cannabis produced by an  
25 infuser and intended for distribution to a cultivation center,  
26 infuser organization, or craft grower with which it does not



1 share a premises, must be packaged in a labeled cannabis  
2 container and entered into a data collection system before  
3 transport.

4 (g) Infusers are subject to random inspections by the  
5 Department of Agriculture, the Department of Public Health, the  
6 Department of State Police, and local law enforcement.

7 (h) An infuser agent shall notify local law enforcement,  
8 the Department of State Police, and the Department of  
9 Agriculture within 24 hours of the discovery of any loss or  
10 theft. Notification shall be made by phone, in person, or by  
11 written or electronic communication.

12 (i) An infuser organization may not be located in an area  
13 zoned for residential use.

14 (j) An infuser or infuser agent shall not transport  
15 cannabis or cannabis-infused products to any other cannabis  
16 business establishment without a transport organization  
17 license unless:

18 (i) If the infuser is located in a county with a  
19 population of 3,000,000 or more, the cannabis business  
20 establishment receiving the cannabis or cannabis-infused  
21 product is within 2,000 feet of the property line of the  
22 infuser;

23 (ii) If the infuser is located in a county with a  
24 population of more than 700,000 but fewer than 3,000,000,  
25 the cannabis business establishment receiving the cannabis  
26 or cannabis-infused product is within 2 miles of the

1 infuser; or

2 (iii) If the infuser is located in a county with a  
3 population of fewer than 700,000, the cannabis business  
4 establishment receiving the cannabis or cannabis-infused  
5 product is within 15 miles of the infuser.

6 (k) An infuser may enter into a contract with a  
7 transporting organization to transport cannabis to a  
8 dispensing organization or a laboratory.

9 (l) An infuser organization may share premises with a craft  
10 grower or a dispensing organization, or both, provided each  
11 licensee stores currency and cannabis or cannabis-infused  
12 products in a separate secured vault to which the other  
13 licensee does not have access or all licensees sharing a vault  
14 share more than 50% of the same ownership.

15 (m) It is unlawful for any person or entity having an  
16 infuser organization license or any officer, associate,  
17 member, representative or agent of such licensee to offer or  
18 deliver money, or anything else of value, directly or  
19 indirectly to any person having an Early Approval Adult Use  
20 Dispensing Organization License, a Conditional Adult Use  
21 Dispensing Organization License, an Adult Use Dispensing  
22 Organization License, or a medical cannabis dispensing  
23 organization license issued under the Compassionate Use of  
24 Medical Cannabis ~~Pilot~~ Program Act, or to any person connected  
25 with or in any way representing, or to any member of the family  
26 of, such person holding an Early Approval Adult Use Dispensing

1 Organization License, a Conditional Adult Use Dispensing  
2 Organization License, an Adult Use Dispensing Organization  
3 License, or a medical cannabis dispensing organization license  
4 issued under the Compassionate Use of Medical Cannabis ~~Pilot~~  
5 Program Act, or to any stockholders in any corporation engaged  
6 the retail sales of cannabis, or to any officer, manager,  
7 agent, or representative of the Early Approval Adult Use  
8 Dispensing Organization License, a Conditional Adult Use  
9 Dispensing Organization License, an Adult Use Dispensing  
10 Organization License, or a medical cannabis dispensing  
11 organization license issued under the Compassionate Use of  
12 Medical Cannabis ~~Pilot~~ Program Act to obtain preferential  
13 placement within the dispensing organization, including,  
14 without limitation, on shelves and in display cases where  
15 purchasers can view products, or on the dispensing  
16 organization's website.

17 (n) At no time shall an infuser organization or an infuser  
18 agent perform the extraction of cannabis concentrate from  
19 cannabis flower.

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

21 (410 ILCS 705/35-31)

22 Sec. 35-31. Ensuring an adequate supply of raw materials to  
23 serve infusers.

24 (a) As used in this Section, "raw materials" includes, but  
25 is not limited to, CO<sub>2</sub> hash oil, "crude", "distillate", or any

1 other cannabis concentrate extracted from cannabis flower by  
2 use of a solvent or a mechanical process.

3 (b) The Department of Agriculture may by rule design a  
4 method for assessing whether licensed infusers have access to  
5 an adequate supply of reasonably affordable raw materials,  
6 which may include but not be limited to: (i) a survey of  
7 infusers; (ii) a market study on the sales trends of  
8 cannabis-infused products manufactured by infusers; and (iii)  
9 the costs cultivation centers and craft growers assume for the  
10 raw materials they use in any cannabis-infused products they  
11 manufacture.

12 (c) The Department of Agriculture shall perform an  
13 assessment of whether infusers have access to an adequate  
14 supply of reasonably affordable raw materials that shall start  
15 no sooner than January 1, 2022 and shall conclude no later than  
16 April 1, 2022. The Department of Agriculture may rely on data  
17 from the Illinois Cannabis Regulation Oversight Officer as part  
18 of this assessment.

19 (d) The Department of Agriculture shall perform an  
20 assessment of whether infusers have access to an adequate  
21 supply of reasonably affordable raw materials that shall start  
22 no sooner than January 1, 2023 and shall conclude no later than  
23 April 1, 2023. The Department of Agriculture may rely on data  
24 from the Cannabis Regulation Oversight Officer as part of this  
25 assessment.

26 (e) The Department of Agriculture may by rule adopt

1 measures to ensure infusers have access to an adequate supply  
2 of reasonably affordable raw materials necessary for the  
3 manufacture of cannabis-infused products. Such measures may  
4 include, but not be limited to (i) requiring cultivation  
5 centers and craft growers to set aside a minimum amount of raw  
6 materials for the wholesale market or (ii) enabling infusers to  
7 apply for a processor license to extract raw materials from  
8 cannabis flower.

9 (f) If the Department of Agriculture determines processor  
10 licenses may be available to infuser ~~infusing~~ organizations  
11 based upon findings made pursuant to subsection (e), infuser  
12 organizations may submit to the Department of Agriculture on  
13 forms provided by the Department of Agriculture the following  
14 information as part of an application to receive a processor  
15 license:

16 (1) experience with the extraction, processing, or  
17 infusing of oils similar to those derived from cannabis, or  
18 other business practices to be performed by the infuser;

19 (2) a description of the applicant's experience with  
20 manufacturing equipment and chemicals to be used in  
21 processing;

22 (3) expertise in relevant scientific fields;

23 (4) a commitment that any cannabis waste, liquid waste,  
24 or hazardous waste shall be disposed of in accordance with  
25 8 Ill. Adm. Code 1000.460, except, to the greatest extent  
26 feasible, all cannabis plant waste will be rendered

1 unusable by grinding and incorporating the cannabis plant  
2 waste with compostable mixed waste to be disposed of in  
3 accordance with Ill. Adm. Code 1000.460(g) (1); and  
4 (5) any other information the Department of  
5 Agriculture deems relevant.

6 (g) The Department of Agriculture may only issue an infuser  
7 ~~infusing~~ organization a processor license if, based on the  
8 information pursuant to subsection (f) and any other criteria  
9 set by the Department of Agriculture, which may include but not  
10 be limited an inspection of the site where processing would  
11 occur, the Department of Agriculture is reasonably certain the  
12 infuser ~~infusing~~ organization will process cannabis in a safe  
13 and compliant manner.

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

15 (410 ILCS 705/40-5)

16 Sec. 40-5. Issuance of licenses.

17 (a) The Department shall issue transporting licenses  
18 through a process provided for in this Article no later than  
19 July 1, 2020.

20 (b) The Department shall make the application for  
21 transporting organization licenses available on January 7,  
22 2020 and shall receive such applications no later than March  
23 15, 2020. ~~The Thereafter, the~~ Department of Agriculture shall  
24 make available such applications on every January 7 thereafter  
25 or if that date falls on a weekend or holiday, the business day

1 immediately succeeding the weekend or holiday and shall receive  
2 such applications no later than March 15 or the succeeding  
3 business day thereafter.

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

5 (410 ILCS 705/40-10)

6 Sec. 40-10. Application.

7 (a) When applying for a transporting organization license,  
8 the applicant shall ~~electronically~~ submit the following in such  
9 form as the Department of Agriculture may direct:

10 (1) the nonrefundable application fee of \$5,000 or,  
11 after January 1, 2021, another amount as set by rule by the  
12 Department of Agriculture, to be deposited into the  
13 Cannabis Regulation Fund;

14 (2) the legal name of the transporting organization;

15 (3) the proposed physical address of the transporting  
16 organization, if one is proposed;

17 (4) the name, address, social security number, and date  
18 of birth of each principal officer and board member of the  
19 transporting organization; each principal officer and  
20 board member shall be at least 21 years of age;

21 (5) the details of any administrative or judicial  
22 proceeding in which any of the principal officers or board  
23 members of the transporting organization (i) pled guilty,  
24 were convicted, fined, or had a registration or license  
25 suspended or revoked, or (ii) managed or served on the

1 board of a business or non-profit organization that pled  
2 guilty, was convicted, fined, or had a registration or  
3 license suspended or revoked;

4 (6) proposed operating bylaws that include procedures  
5 for the oversight of the transporting organization,  
6 including the development and implementation of an  
7 accurate recordkeeping plan, staffing plan, and security  
8 plan approved by the Department of State Police that are in  
9 accordance with the rules issued by the Department of  
10 Agriculture under this Act; a physical inventory shall be  
11 performed of all cannabis on a weekly basis by the  
12 transporting organization;

13 (7) verification from the Department of State Police  
14 that all background checks of the prospective principal  
15 officers, board members, and agents of the transporting  
16 organization have been conducted;

17 (8) a copy of the current local zoning ordinance or  
18 permit and verification that the proposed transporting  
19 organization is in compliance with the local zoning rules  
20 and distance limitations established by the local  
21 jurisdiction, if the transporting organization has a  
22 business address;

23 (9) proposed employment practices, in which the  
24 applicant must demonstrate a plan of action to inform,  
25 hire, and educate minorities, women, veterans, and persons  
26 with disabilities, engage in fair labor practices, and



1 provide worker protections;

2 (10) whether an applicant can demonstrate experience  
3 in or business practices that promote economic empowerment  
4 in Disproportionately Impacted Areas;

5 (11) the number and type of equipment the transporting  
6 organization will use to transport cannabis and  
7 cannabis-infused products;

8 (12) loading, transporting, and unloading plans;

9 (13) a description of the applicant's experience in the  
10 distribution or security business;

11 (14) the identity of every person having a financial or  
12 voting interest of 5% or more in the transporting  
13 organization with respect to which the license is sought,  
14 whether a trust, corporation, partnership, limited  
15 liability company, or sole proprietorship, including the  
16 name and address of each person; and

17 (15) any other information required by rule.

18 (b) Applicants must submit all required information,  
19 including the information required in Section 40-35 to the  
20 Department. Failure by an applicant to submit all required  
21 information may result in the application being disqualified.

22 (c) If the Department receives an application with missing  
23 information, the Department of Agriculture may issue a  
24 deficiency notice to the applicant. The applicant shall have 10  
25 calendar days from the date of the deficiency notice to  
26 resubmit the incomplete information. Applications that are

1 still incomplete after this opportunity to cure will not be  
2 scored and will be disqualified.

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

4 (410 ILCS 705/40-15)

5 Sec. 40-15. Issuing licenses.

6 (a) The Department of Agriculture shall by rule develop a  
7 system to score transporter applications to administratively  
8 rank applications based on the clarity, organization, and  
9 quality of the applicant's responses to required information.  
10 Applicants shall be awarded points based on the following  
11 categories:

12 (1) suitability of employee training plan;

13 (2) security and recordkeeping plan;

14 (3) business plan;

15 (4) the applicant's status as a Social Equity  
16 Applicant, which shall constitute no less than 20% of total  
17 available points;

18 (5) labor and employment practices, which shall  
19 constitute no less than 2% of total available points;

20 (6) environmental plan that demonstrates an  
21 environmental plan of action to minimize the carbon  
22 footprint, environmental impact, and resource needs for  
23 the transporter, which may include, without limitation,  
24 recycling cannabis product packaging;

25 (7) the applicant is 51% or more owned and controlled

1 by an individual or individuals who have been an Illinois  
2 resident for the past 5 years as proved by tax records or 2  
3 of the following:

4 (A) a signed lease agreement that includes the  
5 applicant's name;

6 (B) a property deed that includes the applicant's  
7 name;

8 (C) school records;

9 (D) a voter registration card;

10 (E) an Illinois driver's license, an Illinois  
11 Identification Card, or an Illinois Person with a  
12 Disability Identification Card;

13 (F) a paycheck stub;

14 (G) a utility bill; or

15 (H) any other proof of residency or other  
16 information necessary to establish residence as  
17 provided by rule;

18 (8) the applicant is 51% or more controlled and owned  
19 by an individual or individuals who meet the qualifications  
20 of a veteran as defined by Section 45-57 of the Illinois  
21 Procurement Code;

22 (9) a diversity plan that includes a narrative of not  
23 more than 2,500 words that establishes a goal of diversity  
24 in ownership, management, employment, and contracting to  
25 ensure that diverse participants and groups are afforded  
26 equality of opportunity; and

1           (10) any other criteria the Department of Agriculture  
2           may set by rule for points.

3           (b) The Department may also award up to 2 bonus points for  
4           the applicant's plan to engage with the community. The  
5           applicant may demonstrate a desire to engage with its community  
6           by participating in one or more of, but not limited to, the  
7           following actions: (i) establishment of an incubator program  
8           designed to increase participation in the cannabis industry by  
9           persons who would qualify as Social Equity Applicants; (ii)  
10          providing financial assistance to substance abuse treatment  
11          centers; (iii) educating children and teens about the potential  
12          harms of cannabis use; or (iv) other measures demonstrating a  
13          commitment to the applicant's community. Bonus points will only  
14          be awarded if the Department receives applications that receive  
15          an equal score ~~for a particular region~~.

16          (c) Applicants for transporting ~~transportation~~  
17          organization licenses that score at least 75% ~~85%~~ of the  
18          available points according to the system developed by rule and  
19          meet all other requirements for a transporter license shall be  
20          issued a license by the Department of Agriculture within 60  
21          days of receiving the application. Applicants that were  
22          registered as medical cannabis cultivation centers prior to  
23          January 1, 2020 and who meet all other requirements for a  
24          transporter license shall be issued a license by the Department  
25          of Agriculture within 60 days of receiving the application.

26          (d) Should the applicant be awarded a transporting

1 ~~transportation~~ organization license, the information and plans  
2 that an applicant provided in its application, including any  
3 plans submitted for the acquiring of bonus points, shall be a  
4 mandatory condition of the permit. Any variation from or  
5 failure to perform such plans may result in discipline,  
6 including the revocation or nonrenewal of a license.

7 (e) Should the applicant be awarded a transporting  
8 organization license, the applicant shall pay a prorated fee of  
9 \$10,000 prior to receiving the license, to be deposited into  
10 the Cannabis Regulation Fund. The Department of Agriculture may  
11 by rule adjust the fee in this Section after January 1, 2021.

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

13 (410 ILCS 705/40-20)

14 Sec. 40-20. Denial of application. An application for a  
15 transporting ~~transportation~~ organization license shall be  
16 denied if any of the following conditions are met:

17 (1) the applicant failed to submit the materials  
18 required by this Article;

19 (2) the applicant would not be in compliance with local  
20 zoning rules or permit requirements;

21 (3) one or more of the prospective principal officers  
22 or board members causes a violation of Section 40-25;

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

25 (5) the person has submitted an application for a

1 license under this Act that contains false information; or  
2 (6) the licensee, principal officer, board member, or  
3 person having a financial or voting interest of 5% or  
4 greater in the licensee is delinquent in filing any  
5 required tax returns or paying any amounts owed to the  
6 State of Illinois.

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

8 (410 ILCS 705/40-25)

9 Sec. 40-25. Transporting organization requirements;  
10 prohibitions.

11 (a) The operating documents of a transporting organization  
12 shall include procedures for the oversight of the transporter,  
13 an inventory monitoring system including a physical inventory  
14 recorded weekly, accurate recordkeeping, and a staffing plan.

15 (b) A transporting organization may not transport cannabis  
16 or cannabis-infused products to any person other than a  
17 cultivation center, a craft grower, an infuser organization, a  
18 dispensing organization, a testing facility, or as otherwise  
19 authorized by rule.

20 (c) All cannabis transported by a transporting  
21 organization must be entered into a data collection system and  
22 placed into a cannabis container for transport.

23 (d) Transporters are subject to random inspections by the  
24 Department of Agriculture, the Department of Public Health, and  
25 the Department of State Police.

1 (e) A transporting organization agent shall notify local  
2 law enforcement, the Department of State Police, and the  
3 Department of Agriculture within 24 hours of the discovery of  
4 any loss or theft. Notification shall be made by phone, in  
5 person, or by written or electronic communication.

6 (f) No person under the age of 21 years shall be in a  
7 commercial vehicle or trailer transporting cannabis goods.

8 (g) No person or individual who is not a transporting  
9 organization agent shall be in a vehicle while transporting  
10 cannabis goods.

11 (h) Transporters may not use commercial motor vehicles with  
12 a weight rating of over 10,001 pounds.

13 (i) It is unlawful for any person to offer or deliver  
14 money, or anything else of value, directly or indirectly, to  
15 any of the following persons to obtain preferential placement  
16 within the dispensing organization, including, without  
17 limitation, on shelves and in display cases where purchasers  
18 can view products, or on the dispensing organization's website:

19 (1) a person having a transporting organization  
20 license, or any officer, associate, member,  
21 representative, or agent of the licensee;

22 (2) a person having an Early Applicant Adult Use  
23 Dispensing Organization License, an Adult Use Dispensing  
24 Organization License, or a medical cannabis dispensing  
25 organization license issued under the Compassionate Use of  
26 Medical Cannabis ~~Pilot~~ Program Act;

1           (3) a person connected with or in any way representing,  
2           or a member of the family of, a person holding an Early  
3           Applicant Adult Use Dispensing Organization License, an  
4           Adult Use Dispensing Organization License, or a medical  
5           cannabis dispensing organization license issued under the  
6           Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act; or

7           (4) a stockholder, officer, manager, agent, or  
8           representative of a corporation engaged in the retail sale  
9           of cannabis, an Early Applicant Adult Use Dispensing  
10          Organization License, an Adult Use Dispensing Organization  
11          License, or a medical cannabis dispensing organization  
12          license issued under the Compassionate Use of Medical  
13          Cannabis ~~Pilot~~ Program Act.

14          (j) A transporting ~~transportation~~ organization agent must  
15          keep his or her identification card visible at all times when  
16          on the property of a cannabis business establishment and during  
17          the transporting ~~transportation~~ of cannabis when acting under  
18          his or her duties as a transportation organization agent.  
19          During these times, the transporting ~~transporter~~ organization  
20          agent must also provide the identification card upon request of  
21          any law enforcement officer engaged in his or her official  
22          duties.

23          (k) A copy of the transporting organization's registration  
24          and a manifest for the delivery shall be present in any vehicle  
25          transporting cannabis.

26          (l) Cannabis shall be transported so it is not visible or



1 recognizable from outside the vehicle.

2 (m) A vehicle transporting cannabis must not bear any  
3 markings to indicate the vehicle contains cannabis or bear the  
4 name or logo of the cannabis business establishment.

5 (n) Cannabis must be transported in an enclosed, locked  
6 storage compartment that is secured or affixed to the vehicle.

7 (o) The Department of Agriculture may, by rule, impose any  
8 other requirements or prohibitions on the transportation of  
9 cannabis.

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

11 (410 ILCS 705/40-30)

12 Sec. 40-30. Transporting agent identification card.

13 (a) The Department of Agriculture shall:

14 (1) establish by rule the information required in an  
15 initial application or renewal application for an agent  
16 identification card submitted under this Act and the  
17 nonrefundable fee to accompany the initial application or  
18 renewal application;

19 (2) verify the information contained in an initial  
20 application or renewal application for an agent  
21 identification card submitted under this Act and approve or  
22 deny an application within 30 days of receiving a completed  
23 initial application or renewal application and all  
24 supporting documentation required by rule;

25 (3) issue an agent identification card to a qualifying

1 agent within 15 business days of approving the initial  
2 application or renewal application;

3 (4) enter the license number of the transporting  
4 organization where the agent works; and

5 (5) allow for an electronic initial application and  
6 renewal application process, and provide a confirmation by  
7 electronic or other methods that an application has been  
8 submitted. The Department of Agriculture may by rule  
9 require prospective agents to file their applications by  
10 electronic means and provide notices to the agents by  
11 electronic means.

12 (b) An agent must keep his or her identification card  
13 visible at all times when on the property of a cannabis  
14 business establishment, including the cannabis business  
15 establishment for which he or she is an agent.

16 (c) The agent identification cards shall contain the  
17 following:

18 (1) the name of the cardholder;

19 (2) the date of issuance and expiration date of the  
20 identification card;

21 (3) a random 10-digit alphanumeric identification  
22 number containing at least 4 numbers and at least 4 letters  
23 that is unique to the holder;

24 (4) a photograph of the cardholder; and

25 (5) the legal name of the transporting ~~transporter~~  
26 organization employing the agent.

1 (d) An agent identification card shall be immediately  
2 returned to the transporting ~~transporter~~ organization of the  
3 agent upon termination of his or her employment.

4 (e) Any agent identification card lost by a transporting  
5 agent shall be reported to the Department of State Police and  
6 the Department of Agriculture immediately upon discovery of the  
7 loss.

8 (f) An application for an agent identification card shall  
9 be denied if the applicant is delinquent in filing any required  
10 tax returns or paying any amounts owed to the State of  
11 Illinois.

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

13 (410 ILCS 705/40-35)

14 Sec. 40-35. Transporting organization background checks.

15 (a) Through the Department of State Police, the Department  
16 of Agriculture shall conduct a background check of the  
17 prospective principal officers, board members, and agents of a  
18 transporter applying for a license or identification card under  
19 this Act. The Department of State Police shall charge a fee set  
20 by rule for conducting the criminal history record check, which  
21 shall be deposited into the State Police Services Fund and  
22 shall not exceed the actual cost of the record check. In order  
23 to carry out this provision, each transporting ~~transporter~~  
24 organization's prospective principal officer, board member, or  
25 agent shall submit a full set of fingerprints to the Department

1 of State Police for the purpose of obtaining a State and  
2 federal criminal records check. These fingerprints shall be  
3 checked against the fingerprint records now and hereafter, to  
4 the extent allowed by law, filed in the Department of State  
5 Police and Federal Bureau of Investigation criminal history  
6 records databases. The Department of State Police shall  
7 furnish, following positive identification, all conviction  
8 information to the Department of Agriculture.

9 (b) When applying for the initial license or identification  
10 card, the background checks for all prospective principal  
11 officers, board members, and agents shall be completed before  
12 submitting the application to the Department of Agriculture.

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

14 (410 ILCS 705/40-40)

15 Sec. 40-40. Renewal of transporting organization licenses  
16 and agent identification cards.

17 (a) Licenses and identification cards issued under this Act  
18 shall be renewed annually. A transporting organization shall  
19 receive written or electronic notice 90 days before the  
20 expiration of its current license that the license will expire.  
21 The Department of Agriculture shall grant a renewal within 45  
22 days of submission of a renewal application if:

23 (1) the transporting organization submits a renewal  
24 application and the required nonrefundable renewal fee of  
25 \$10,000, or after January 1, 2021, another amount set by

1 rule by the Department of Agriculture, to be deposited into  
2 the Cannabis Regulation Fund;

3 (2) the Department of Agriculture has not suspended or  
4 revoked the license of the transporting organization for  
5 violating this Act or rules adopted under this Act;

6 (3) the transporting organization has continued to  
7 operate in accordance with all plans submitted as part of  
8 its application and approved by the Department of  
9 Agriculture or any amendments thereto that have been  
10 approved by the Department of Agriculture; and

11 (4) the transporter has submitted an agent, employee,  
12 contracting, and subcontracting diversity report as  
13 required by the Department.

14 (b) If a transporting organization fails to renew its  
15 license before expiration, it shall cease operations until its  
16 license is renewed.

17 (c) If a transporting organization agent fails to renew his  
18 or her identification card before its expiration, he or she  
19 shall cease to work as an agent of the transporting ~~transporter~~  
20 organization until his or her identification card is renewed.

21 (d) Any transporting organization that continues to  
22 operate, or any transporting organization agent who continues  
23 to work as an agent, after the applicable license or  
24 identification card has expired without renewal is subject to  
25 the penalties provided under Section 45-5.

26 (e) The Department shall not renew a license or an agent

1 identification card if the applicant is delinquent in filing  
2 any required tax returns or paying any amounts owed to the  
3 State of Illinois.

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

5 (410 ILCS 705/45-5)

6 Sec. 45-5. License suspension; revocation; other  
7 penalties.

8 (a) Notwithstanding any other criminal penalties related  
9 to the unlawful possession of cannabis, the Department of  
10 Financial and Professional Regulation and the Department of  
11 Agriculture may revoke, suspend, place on probation,  
12 reprimand, issue cease and desist orders, refuse to issue or  
13 renew a license, or take any other disciplinary or  
14 nondisciplinary action as each department may deem proper with  
15 regard to a cannabis business establishment or cannabis  
16 business establishment agent, including fines not to exceed:

17 (1) \$50,000 for each violation of this Act or rules  
18 adopted under this Act by a cultivation center or  
19 cultivation center agent;

20 (2) \$20,000 ~~\$10,000~~ for each violation of this Act or  
21 rules adopted under this Act by a dispensing organization  
22 or dispensing organization agent;

23 (3) \$15,000 for each violation of this Act or rules  
24 adopted under this Act by a craft grower or craft grower  
25 agent;

1           (4) \$10,000 for each violation of this Act or rules  
2           adopted under this Act by an infuser organization or  
3           infuser organization agent; and

4           (5) \$10,000 for each violation of this Act or rules  
5           adopted under this Act by a transporting organization or  
6           transporting organization agent.

7           (b) The Department of Financial and Professional  
8           Regulation and the Department of Agriculture, as the case may  
9           be, shall consider licensee cooperation in any agency or other  
10          investigation in its determination of penalties imposed under  
11          this Section.

12          (c) The procedures for disciplining a cannabis business  
13          establishment or cannabis business establishment agent and for  
14          administrative hearings shall be determined by rule, and shall  
15          provide for the review of final decisions under the  
16          Administrative Review Law.

17          (d) The Attorney General may also enforce a violation of  
18          Section 55-20, Section 55-21, and Section 15-155 as an unlawful  
19          practice under the Consumer Fraud and Deceptive Business  
20          Practices Act.

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

22                 (410 ILCS 705/50-5)

23                 Sec. 50-5. Laboratory testing.

24                 (a) Notwithstanding any other provision of law, the  
25                 following acts, when performed by a cannabis testing facility

1 with a current, valid registration, or a person 21 years of age  
2 or older who is acting in his or her capacity as an owner,  
3 employee, or agent of a cannabis testing facility, are not  
4 unlawful and shall not be an offense under Illinois law or be a  
5 basis for seizure or forfeiture of assets under Illinois law:

6 (1) possessing, repackaging, transporting, storing, or  
7 displaying cannabis or cannabis-infused products;

8 (2) receiving or transporting cannabis or  
9 cannabis-infused products from a cannabis business  
10 establishment, a community college licensed under the  
11 Community College Cannabis Vocational Training Pilot  
12 Program, or a person 21 years of age or older; and

13 (3) returning or transporting cannabis or  
14 cannabis-infused products to a cannabis business  
15 establishment, a community college licensed under the  
16 Community College Cannabis Vocational Training Pilot  
17 Program, or a person 21 years of age or older.

18 (b)(1) No laboratory shall handle, test, or analyze  
19 cannabis unless approved by the Department of Agriculture in  
20 accordance with this Section.

21 (2) No laboratory shall be approved to handle, test, or  
22 analyze cannabis unless the laboratory:

23 (A) is accredited by a private laboratory accrediting  
24 organization;

25 (B) is independent from all other persons involved in  
26 the cannabis industry in Illinois and no person with a



1 direct or indirect interest in the laboratory has a direct  
2 or indirect financial, management, or other interest in an  
3 Illinois cultivation center, craft grower, dispensary,  
4 infuser, transporter, certifying physician, or any other  
5 entity in the State that may benefit from the production,  
6 manufacture, dispensing, sale, purchase, or use of  
7 cannabis; and

8 (C) has employed at least one person to oversee and be  
9 responsible for the laboratory testing who has earned, from  
10 a college or university accredited by a national or  
11 regional certifying authority, at least:

12 (i) a master's level degree in chemical or  
13 biological sciences and a minimum of 2 years'  
14 post-degree laboratory experience; or

15 (ii) a bachelor's degree in chemical or biological  
16 sciences and a minimum of 4 years' post-degree  
17 laboratory experience.

18 (3) Each independent testing laboratory that claims to be  
19 accredited must provide the Department of Agriculture with a  
20 copy of the most recent annual inspection report granting  
21 accreditation and every annual report thereafter.

22 (c) Immediately before manufacturing or natural processing  
23 of any cannabis or cannabis-infused product or packaging  
24 cannabis for sale to a dispensary, each batch shall be made  
25 available by the cultivation center, craft grower, or infuser  
26 for an employee of an approved laboratory to select a random

1 sample, which shall be tested by the approved laboratory for:

- 2 (1) microbiological contaminants;  
3 (2) mycotoxins;  
4 (3) pesticide active ingredients;  
5 (4) residual solvent; and  
6 (5) an active ingredient analysis.

7 (d) The Department of Agriculture may select a random  
8 sample that shall, for the purposes of conducting an active  
9 ingredient analysis, be tested by the Department of Agriculture  
10 for verification of label information.

11 (e) A laboratory shall immediately return or dispose of any  
12 cannabis upon the completion of any testing, use, or research.  
13 If cannabis is disposed of, it shall be done in compliance with  
14 Department of Agriculture rule.

15 (f) If a sample of cannabis does not pass the  
16 microbiological, mycotoxin, pesticide chemical residue, or  
17 solvent residue test, based on the standards established by the  
18 Department of Agriculture, the following shall apply:

19 (1) If the sample failed the pesticide chemical residue  
20 test, the entire batch from which the sample was taken  
21 shall, if applicable, be recalled as provided by rule.

22 (2) If the sample failed any other test, the batch may  
23 be used to make a CO<sub>2</sub>-based or solvent based extract. After  
24 processing, the CO<sub>2</sub>-based or solvent based extract must  
25 still pass all required tests.

26 (g) The Department of Agriculture shall establish

1 standards for microbial, mycotoxin, pesticide residue, solvent  
2 residue, or other standards for the presence of possible  
3 contaminants, in addition to labeling requirements for  
4 contents and potency.

5 (h) The laboratory shall file with the Department of  
6 Agriculture an electronic copy of each laboratory test result  
7 for any batch that does not pass the microbiological,  
8 mycotoxin, or pesticide chemical residue test, at the same time  
9 that it transmits those results to the cultivation center. In  
10 addition, the laboratory shall maintain the laboratory test  
11 results for at least 5 years and make them available at the  
12 Department of Agriculture's request.

13 (i) A cultivation center, craft grower, and infuser shall  
14 provide to a dispensing organization the laboratory test  
15 results for each batch of cannabis product purchased by the  
16 dispensing organization, if sampled. Each dispensing  
17 ~~dispensary~~ organization must have those laboratory results  
18 available upon request to purchasers.

19 (j) The Department of Agriculture may adopt rules related  
20 to testing in furtherance of this Act.

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

22 (410 ILCS 705/55-10)

23 Sec. 55-10. Maintenance of inventory. All dispensing  
24 organizations authorized to serve both registered qualifying  
25 patients and caregivers and purchasers are required to report

1 which cannabis and cannabis-infused products are purchased for  
2 sale under the Compassionate Use of Medical Cannabis ~~Pilot~~  
3 Program Act, and which cannabis and cannabis-infused products  
4 are purchased under this Act. Nothing in this Section prohibits  
5 a registered qualifying patient under the Compassionate Use of  
6 Medical Cannabis ~~Pilot~~ Program Act from purchasing cannabis as  
7 a purchaser under this Act.

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

9 (410 ILCS 705/55-20)

10 Sec. 55-20. Advertising and promotions.

11 (a) No cannabis business establishment nor any other person  
12 or entity shall engage in advertising that contains any  
13 statement or illustration that:

14 (1) is false or misleading;

15 (2) promotes overconsumption of cannabis or cannabis  
16 products;

17 (3) depicts the actual consumption of cannabis or  
18 cannabis products;

19 (4) depicts a person under 21 years of age consuming  
20 cannabis;

21 (5) makes any health, medicinal, or therapeutic claims  
22 about cannabis or cannabis-infused products;

23 (6) includes the image of a cannabis leaf or bud; or

24 (7) includes any image designed or likely to appeal to  
25 minors, including cartoons, toys, animals, or children, or

1 any other likeness to images, characters, or phrases that  
2 is designed in any manner to be appealing to or encourage  
3 consumption by ~~of~~ persons under 21 years of age.

4 (b) No cannabis business establishment nor any other person  
5 or entity shall place or maintain, or cause to be placed or  
6 maintained, an advertisement of cannabis or a cannabis-infused  
7 product in any form or through any medium:

8 (1) within 1,000 feet of the perimeter of school  
9 grounds, a playground, a recreation center or facility, a  
10 child care center, a public park or public library, or a  
11 game arcade to which admission is not restricted to persons  
12 21 years of age or older;

13 (2) on or in a public transit vehicle or public transit  
14 shelter;

15 (3) on or in publicly owned or publicly operated  
16 property; or

17 (4) that contains information that:

18 (A) is false or misleading;

19 (B) promotes excessive consumption;

20 (C) depicts a person under 21 years of age  
21 consuming cannabis;

22 (D) includes the image of a cannabis leaf; or

23 (E) includes any image designed or likely to appeal  
24 to minors, including cartoons, toys, animals, or  
25 children, or any other likeness to images, characters,  
26 or phrases that are popularly used to advertise to

1 children, or any imitation of candy packaging or  
2 labeling, or that promotes consumption of cannabis.

3 (c) Subsections (a) and (b) do not apply to an educational  
4 message.

5 (d) Sales promotions. No cannabis business establishment  
6 nor any other person or entity may encourage the sale of  
7 cannabis or cannabis products by giving away cannabis or  
8 cannabis products, by conducting games or competitions related  
9 to the consumption of cannabis or cannabis products, or by  
10 providing promotional materials or activities of a manner or  
11 type that would be appealing to children.

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

13 (410 ILCS 705/55-21)

14 Sec. 55-21. Cannabis product packaging and labeling.

15 (a) Each cannabis product produced for sale shall be  
16 registered with the Department of Agriculture on forms provided  
17 by the Department of Agriculture. Each product registration  
18 shall include a label and the required registration fee at the  
19 rate established by the Department of Agriculture for a  
20 comparable medical cannabis product, or as established by rule.  
21 The registration fee is for the name of the product offered for  
22 sale and one fee shall be sufficient for all package sizes.

23 (b) All harvested cannabis intended for distribution to a  
24 cannabis enterprise must be packaged in a sealed, labeled  
25 container.

1           (c) Any product containing cannabis shall be packaged in a  
2 sealed, odor-proof, and child-resistant cannabis container  
3 consistent with current standards, including the Consumer  
4 Product Safety Commission standards referenced by the Poison  
5 Prevention Act.

6           (d) All cannabis-infused products shall be individually  
7 wrapped or packaged at the original point of preparation. The  
8 packaging of the cannabis-infused product shall conform to the  
9 labeling requirements of the Illinois Food, Drug and Cosmetic  
10 Act, in addition to the other requirements set forth in this  
11 Section.

12           (e) Each cannabis product shall be labeled before sale and  
13 each label shall be securely affixed to the package and shall  
14 state in legible English and any languages required by the  
15 Department of Agriculture:

16                 (1) the name and post office box of the registered  
17 cultivation center or craft grower where the item was  
18 manufactured;

19                 (2) the common or usual name of the item and the  
20 registered name of the cannabis product that was registered  
21 with the Department of Agriculture under subsection (a);

22                 (3) a unique serial number that will match the product  
23 with a cultivation center or craft grower batch and lot  
24 number to facilitate any warnings or recalls the Department  
25 of Agriculture, cultivation center, or craft grower deems  
26 appropriate;

1 (4) the date of final testing and packaging, if  
2 sampled, and the identification of the independent testing  
3 laboratory;

4 (5) the date of harvest and "use by" date;

5 (6) the quantity (in ounces or grams) of cannabis  
6 contained in the product;

7 (7) a pass/fail rating based on the laboratory's  
8 microbiological, mycotoxins, and pesticide and solvent  
9 residue analyses, if sampled;~~+~~

10 (8) content list.

11 (A) A list of the following, including the minimum  
12 and maximum percentage content by weight for  
13 subdivisions (e)~~(d)~~ (8) (A) (i) through (iv):

14 (i) delta-9-tetrahydrocannabinol (THC);

15 (ii) tetrahydrocannabinolic acid (THCA);

16 (iii) cannabidiol (CBD);

17 (iv) cannabidiolic acid (CBDA); and

18 (v) all other ingredients of the item,  
19 including any colors, artificial flavors, and  
20 preservatives, listed in descending order by  
21 predominance of weight shown with common or usual  
22 names.

23 (B) The acceptable tolerances for the minimum  
24 percentage printed on the label for any of subdivisions  
25 (e)~~(d)~~ (8) (A) (i) through (iv) shall not be below 85% or  
26 above 115% of the labeled amount.~~+~~



- 1 (f) Packaging must not contain information that:
- 2 (1) is false or misleading;
- 3 (2) promotes excessive consumption;
- 4 (3) depicts a person under 21 years of age consuming
- 5 cannabis;
- 6 (4) includes the image of a cannabis leaf;
- 7 (5) includes any image designed or likely to appeal to
- 8 minors, including cartoons, toys, animals, or children, or
- 9 any other likeness to images, characters, or phrases that
- 10 are popularly used to advertise to children, or any
- 11 packaging or labeling that bears reasonable resemblance to
- 12 any product available for consumption as a commercially
- 13 available candy, or that promotes consumption of cannabis;
- 14 (6) contains any seal, flag, crest, coat of arms, or
- 15 other insignia likely to mislead the purchaser to believe
- 16 that the product has been endorsed, made, or used by the
- 17 State of Illinois or any of its representatives except
- 18 where authorized by this Act.
- 19 (g) Cannabis products produced by concentrating or
- 20 extracting ingredients from the cannabis plant shall contain
- 21 the following information, where applicable:
- 22 (1) If solvents were used to create the concentrate or
- 23 extract, a statement that discloses the type of extraction
- 24 method, including any solvents or gases used to create the
- 25 concentrate or extract; and
- 26 (2) Any other chemicals or compounds used to produce or

1           were added to the concentrate or extract.

2           (h) All cannabis products must contain warning statements  
3 established for purchasers, of a size that is legible and  
4 readily visible to a consumer inspecting a package, which may  
5 not be covered or obscured in any way. The Department of Public  
6 Health shall define and update appropriate health warnings for  
7 packages including specific labeling or warning requirements  
8 for specific cannabis products.

9           (i) Unless modified by rule to strengthen or respond to new  
10 evidence and science, the following warnings shall apply to all  
11 cannabis products unless modified by rule: "This product  
12 contains cannabis and is intended for use by adults 21 and  
13 over. Its use can impair cognition and may be habit forming.  
14 This product should not be used by pregnant or breastfeeding  
15 women. It is unlawful to sell or provide this item to any  
16 individual, and it may not be transported outside the State of  
17 Illinois. It is illegal to operate a motor vehicle while under  
18 the influence of cannabis. Possession or use of this product  
19 may carry significant legal penalties in some jurisdictions and  
20 under federal law."

21           (j) Warnings for each of the following product types must  
22 be present on labels when offered for sale to a purchaser:

23           (1) Cannabis that may be smoked must contain a  
24 statement that "Smoking is hazardous to your health."

25           (2) Cannabis-infused products (other than those  
26 intended for topical application) must contain a statement

1           "CAUTION: This product contains cannabis, and intoxication  
2           following use may be delayed 2 or more hours. This product  
3           was produced in a facility that cultivates cannabis, and  
4           that may also process common food allergens."

5           (3) Cannabis-infused products intended for topical  
6           application must contain a statement "DO NOT EAT" in bold,  
7           capital letters.

8           (k) Each cannabis-infused product intended for consumption  
9           must be individually packaged, must include the total milligram  
10          content of THC and CBD, and may not include more than a total  
11          of 100 milligrams of THC per package. A package may contain  
12          multiple servings of 10 milligrams of THC, ~~and~~ indicated by  
13          scoring, wrapping, or by other indicators designating  
14          individual serving sizes. The Department of Agriculture may  
15          change the total amount of THC allowed for each package, or the  
16          total amount of THC allowed for each serving size, by rule.

17          (1) No individual other than the purchaser may alter or  
18          destroy any labeling affixed to the primary packaging of  
19          cannabis or cannabis-infused products.

20          (m) For each commercial weighing and measuring device used  
21          at a facility, the cultivation center or craft grower must:

22               (1) Ensure that the commercial device is licensed under  
23               the Weights and Measures Act and the associated  
24               administrative rules (8 Ill. Adm. Code 600);

25               (2) Maintain documentation of the licensure of the  
26               commercial device; and

1           (3) Provide a copy of the license of the commercial  
2           device to the Department of Agriculture for review upon  
3           request.

4           (n) It is the responsibility of the Department to ensure  
5           that packaging and labeling requirements, including product  
6           warnings, are enforced at all times for products provided to  
7           purchasers. Product registration requirements and container  
8           requirements may be modified by rule by the Department of  
9           Agriculture.

10          (o) Labeling, including warning labels, may be modified by  
11          rule by the Department of Agriculture.

12          (Source: P.A. 101-27, eff. 6-25-19; revised 8-30-19.)

13           (410 ILCS 705/55-25)

14           Sec. 55-25. Local ordinances. Unless otherwise provided  
15          under this Act or otherwise in accordance with State law:

16           (1) 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 reasonable zoning  
19           ordinances or resolutions, not in conflict with this Act or  
20           rules adopted pursuant to this Act, regulating cannabis  
21           business establishments. No unit of local government,  
22           including a home rule unit or any non-home rule county  
23           within the unincorporated territory of the county, may  
24           prohibit home cultivation or unreasonably prohibit use of  
25           cannabis authorized by this Act.

1           (2) A unit of local government, including a home rule  
2 unit or any non-home rule county within the unincorporated  
3 territory of the county, may enact ordinances or rules not  
4 in conflict with this Act or with rules adopted pursuant to  
5 this Act governing the time, place, manner, and number of  
6 cannabis business establishment operations, including  
7 minimum distance limitations between cannabis business  
8 establishments and locations it deems sensitive, including  
9 colleges and universities, through the use of conditional  
10 use permits. A unit of local government, including a home  
11 rule unit, may establish civil penalties for violation of  
12 an ordinance or rules governing the time, place, and manner  
13 of operation of a cannabis business establishment or a  
14 conditional use permit in the jurisdiction of the unit of  
15 local government. No unit of local government, including a  
16 home rule unit or non-home rule county within an  
17 unincorporated territory of the county, may unreasonably  
18 restrict the time, place, manner, and number of cannabis  
19 business establishment operations authorized by this Act.

20           (3) A unit of local government, including a home rule  
21 unit, or any non-home rule county within the unincorporated  
22 territory of the county may authorize or permit the  
23 on-premises consumption of cannabis at or in a dispensing  
24 organization or retail tobacco store (as defined in Section  
25 10 of the Smoke Free Illinois Act) within its jurisdiction  
26 in a manner consistent with this Act. A dispensing

1 ~~organization or retail tobacco store regulate the~~  
2 ~~on-premises consumption of cannabis at or in a cannabis~~  
3 ~~business establishment within its jurisdiction in a manner~~  
4 ~~consistent with this Act. A cannabis business~~  
5 ~~establishment or other entity~~ authorized or permitted by a  
6 unit of local government to allow on-site consumption shall  
7 not be deemed a public place within the meaning of the  
8 Smoke Free Illinois Act.

9 (4) A unit of local government, including a home rule  
10 unit or any non-home rule county within the unincorporated  
11 territory of the county, may not regulate the activities  
12 described in paragraph (1), (2), or (3) in a manner more  
13 restrictive than the regulation of those activities by the  
14 State under this Act. This Section is a limitation under  
15 subsection (i) of Section 6 of Article VII of the Illinois  
16 Constitution on the concurrent exercise by home rule units  
17 of powers and functions exercised by the State.

18 (5) A unit of local government, including a home rule  
19 unit or any non-home rule county within the unincorporated  
20 territory of the county, may enact ordinances to prohibit  
21 or significantly limit a cannabis business establishment's  
22 location.

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

24 (410 ILCS 705/55-28)

25 Sec. 55-28. Restricted cannabis zones.

1 (a) As used in this Section:

2 "Legal voter" means a person:

3 (1) who is duly registered to vote in a municipality  
4 with a population of over 500,000;

5 (2) whose name appears on a poll list compiled by the  
6 city board of election commissioners since the last  
7 preceding election, regardless of whether the election was  
8 a primary, general, or special election;

9 (3) who, at the relevant time, is a resident of the  
10 address at which he or she is registered to vote; and

11 (4) whose address, at the relevant time, is located in  
12 the precinct where such person seeks to file a notice of  
13 intent to initiate a petition process, circulate a  
14 petition, or sign a petition under this Section.

15 As used in the definition of "legal voter", "relevant time"  
16 means any time that:

17 (i) a notice of intent is filed, pursuant to subsection  
18 (c) of this Section, to initiate the petition process under  
19 this Section;

20 (ii) the petition is circulated for signature in the  
21 applicable precinct; or

22 (iii) the petition is signed by registered voters in  
23 the applicable precinct.

24 "Petition" means the petition described in this Section.

25 "Precinct" means the smallest constituent territory within  
26 a municipality with a population of over 500,000 in which

1 electors vote as a unit at the same polling place in any  
2 election governed by the Election Code.

3 "Restricted cannabis zone" means a precinct within which  
4 home cultivation, one or more types of cannabis business  
5 establishments, or both has been prohibited pursuant to an  
6 ordinance initiated by a petition under this Section.

7 (b) The legal voters of any precinct within a municipality  
8 with a population of over 500,000 may petition their local  
9 alderman, using a petition form made available online by the  
10 city clerk, to introduce an ordinance establishing the precinct  
11 as a restricted zone. Such petition shall specify whether it  
12 seeks an ordinance to prohibit, within the precinct: (i) home  
13 cultivation; (ii) one or more types of cannabis business  
14 establishments; or (iii) home cultivation and one or more types  
15 of cannabis business establishments.

16 Upon receiving a petition containing the signatures of at  
17 least 25% of the registered voters of the precinct, and  
18 concluding that the petition is legally sufficient following  
19 the posting and review process in subsection (c) of this  
20 Section, the city clerk shall notify the local alderman of the  
21 ward in which the precinct is located. Upon being notified,  
22 that alderman, following an assessment of relevant factors  
23 within the precinct, including but not limited to, its  
24 geography, density and character, the prevalence of  
25 residentially zoned property, current licensed cannabis  
26 business establishments in the precinct, the current amount of



1 home cultivation in the precinct, and the prevailing viewpoint  
2 with regard to the issue raised in the petition, may introduce  
3 an ordinance to the municipality's governing body creating a  
4 restricted cannabis zone in that precinct.

5 (c) A person seeking to initiate the petition process  
6 described in this Section shall first submit to the city clerk  
7 notice of intent to do so, on a form made available online by  
8 the city clerk. That notice shall include a description of the  
9 potentially affected area and the scope of the restriction  
10 sought. The city clerk shall publicly post the submitted notice  
11 online.

12 To be legally sufficient, a petition must contain the  
13 requisite number of valid signatures and all such signatures  
14 must be obtained within 90 days of the date that the city clerk  
15 publicly posts the notice of intent. Upon receipt, the city  
16 clerk shall post the petition on the municipality's website for  
17 a 30-day comment period. The city clerk is authorized to take  
18 all necessary and appropriate steps to verify the legal  
19 sufficiency of a submitted petition. Following the petition  
20 review and comment period, the city clerk shall publicly post  
21 online the status of the petition as accepted or rejected, and  
22 if rejected, the reasons therefor. If the city clerk rejects a  
23 petition as legally insufficient, a minimum of 12 months must  
24 elapse from the time the city clerk posts the rejection notice  
25 before a new notice of intent for that same precinct may be  
26 submitted.

1       (c-5) Within 3 days after receiving an application for  
2 zoning approval to locate a cannabis business establishment  
3 within a municipality with a population of over 500,000, the  
4 municipality shall post a public notice of the filing on its  
5 website and notify the alderman of the ward in which the  
6 proposed cannabis business establishment is to be located of  
7 the filing. No action shall be taken on the zoning application  
8 for 7 business days following the notice of the filing for  
9 zoning approval.

10       If a notice of intent to initiate the petition process to  
11 prohibit the type of cannabis business establishment proposed  
12 in the precinct of the proposed cannabis business establishment  
13 is filed prior to the filing of the application or within the  
14 7-day period after the filing of the application, the  
15 municipality shall not approve the application for at least 90  
16 days after the city clerk publicly posts the notice of intent  
17 to initiate the petition process. If a petition is filed within  
18 the 90-day petition-gathering period described in subsection  
19 (c), the municipality shall not approve the application for an  
20 additional 90 days after the city clerk's receipt of the  
21 petition; provided that if the city clerk rejects a petition as  
22 legally insufficient, the municipality may approve the  
23 application prior to the end of the 90 days. If a petition is  
24 not submitted within the 90-day petition-gathering period  
25 described in subsection (c), the municipality may approve the  
26 application unless the approval is otherwise stayed pursuant to

1 this subsection by a separate notice of intent to initiate the  
2 petition process filed timely within the 7-day period.

3 If no legally sufficient petition is timely filed, a  
4 minimum of 12 months must elapse before a new notice of intent  
5 for that same precinct may be submitted.

6 (d) Notwithstanding any law to the contrary, the  
7 municipality may enact an ordinance creating a restricted  
8 cannabis zone. The ordinance shall:

9 (1) identify the applicable precinct boundaries as of  
10 the date of the petition;

11 (2) state whether the ordinance prohibits within the  
12 defined boundaries of the precinct, and in what  
13 combination: (A) one or more types of cannabis business  
14 establishments; or (B) home cultivation;

15 (3) be in effect for 4 years, unless repealed earlier;  
16 and

17 (4) once in effect, be subject to renewal by ordinance  
18 at the expiration of the 4-year period without the need for  
19 another supporting petition.

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

21 (410 ILCS 705/55-30)

22 Sec. 55-30. Confidentiality.

23 (a) Information provided by the cannabis business  
24 establishment licensees or applicants to the Department of  
25 Agriculture, the Department of Public Health, the Department of

1 Financial and Professional Regulation, the Department of  
2 Commerce and Economic Opportunity, or other agency shall be  
3 limited to information necessary for the purposes of  
4 administering this Act. The information is subject to the  
5 provisions and limitations contained in the Freedom of  
6 Information Act and may be disclosed in accordance with Section  
7 55-65.

8 (b) The following information received and records kept by  
9 the Department of Agriculture, the Department of Public Health,  
10 the Department of State Police, and the Department of Financial  
11 and Professional Regulation for purposes of administering this  
12 Article are subject to all applicable federal privacy laws, are  
13 confidential and exempt from disclosure under the Freedom of  
14 Information Act, except as provided in this Act, and not  
15 subject to disclosure to any individual or public or private  
16 entity, except to the Department of Financial and Professional  
17 Regulation, the Department of Agriculture, the Department of  
18 Public Health, and the Department of State Police as necessary  
19 to perform official duties under this Article and to the  
20 Attorney General as necessary to enforce the provisions of this  
21 Act. The following information received and kept by the  
22 Department of Financial and Professional Regulation or the  
23 Department of Agriculture may be disclosed to the Department of  
24 Public Health, the Department of Agriculture, the Department of  
25 Revenue, the Department of State Police, or the Attorney  
26 General upon proper . ~~The following information received and~~

1 ~~kept by the Department of Financial and Professional Regulation~~  
2 ~~or the Department of Agriculture, excluding any existing or~~  
3 ~~non-existing Illinois or national criminal history record~~  
4 ~~information, may be disclosed to the Department of Public~~  
5 ~~Health, the Department of Agriculture, the Department of~~  
6 ~~Revenue, or the Department of State Police upon request:~~

7 (1) Applications and renewals, their contents, and  
8 supporting information submitted by or on behalf of  
9 dispensing organizations in compliance with this Article,  
10 including their physical addresses;

11 (2) Any plans, procedures, policies, or other records  
12 relating to dispensing organization security; and

13 (3) Information otherwise exempt from disclosure by  
14 State or federal law.

15 Illinois or national criminal history record information,  
16 or the nonexistence or lack of such information, may not be  
17 disclosed by the Department of Financial and Professional  
18 Regulation or the Department of Agriculture, except as  
19 necessary to the Attorney General to enforce this Act.

20 (c) The name and address of a dispensing organization  
21 licensed under this Act shall be subject to disclosure under  
22 the Freedom of Information Act. The name and cannabis business  
23 establishment address of the person or entity holding each  
24 cannabis business establishment license shall be subject to  
25 disclosure.

26 (d) All information collected by the Department of

1 Financial and Professional Regulation in the course of an  
2 examination, inspection, or investigation of a licensee or  
3 applicant, including, but not limited to, any complaint against  
4 a licensee or applicant filed with the Department and  
5 information collected to investigate any such complaint, shall  
6 be maintained for the confidential use of the Department and  
7 shall not be disclosed, except as otherwise provided in this  
8 ~~the~~ Act. A formal complaint against a licensee by the  
9 Department or any disciplinary order issued by the Department  
10 against a licensee or applicant shall be a public record,  
11 except as otherwise provided by law ~~prohibited by law, as~~  
12 ~~required by law, or as necessary to enforce the provisions of~~  
13 ~~this Act~~. Complaints from consumers or members of the general  
14 public received regarding a specific, named licensee or  
15 complaints regarding conduct by unlicensed entities shall be  
16 subject to disclosure under the Freedom of Information Act.

17 (e) The Department of Agriculture, the Department of State  
18 Police, and the Department of Financial and Professional  
19 Regulation shall not share or disclose any Illinois or national  
20 criminal history record information, or the nonexistence or  
21 lack of such information, ~~existing or non-existing Illinois or~~  
22 ~~national criminal history record information~~ to any person or  
23 entity not expressly authorized by this Act. ~~As used in this~~  
24 ~~Section, "any existing or non-existing Illinois or national~~  
25 ~~criminal history record information" means any Illinois or~~  
26 ~~national criminal history record information, including but~~

1 ~~not limited to the lack of or non-existence of these records.~~

2 (f) Each Department responsible for licensure under this  
3 Act shall publish on the Department's website a list of the  
4 ownership information of cannabis business establishment  
5 licensees under the Department's jurisdiction. The list shall  
6 include, but is not limited to: the name of the person or  
7 entity holding each cannabis business establishment license;  
8 and the address at which the entity is operating under this  
9 Act. This list shall be published and updated monthly.

10 (Source: P.A. 101-27, eff. 6-25-19; revised 9-10-19.)

11 (410 ILCS 705/55-35)

12 Sec. 55-35. Administrative rulemaking.

13 (a) No later than 180 days after the effective date of this  
14 Act, the Department of Agriculture, the Department of State  
15 Police, the Department of Financial and Professional  
16 Regulation, the Department of Revenue, the Department of  
17 Commerce and Economic Opportunity, and the Treasurer's Office  
18 shall adopt permanent rules in accordance with their  
19 responsibilities under this Act. The Department of  
20 Agriculture, the Department of State Police, the Department of  
21 Financial and Professional Regulation, the Department of  
22 Revenue, and the Department of Commerce and Economic  
23 Opportunity may adopt rules necessary to regulate personal  
24 cannabis use through the use of emergency rulemaking in  
25 accordance with subsection (gg) of Section 5-45 of the Illinois

1 Administrative Procedure Act. The General Assembly finds that  
2 the adoption of rules to regulate cannabis use is deemed an  
3 emergency and necessary for the public interest, safety, and  
4 welfare.

5 (b) The Department of Agriculture rules may address, but  
6 are not limited to, the following matters related to  
7 cultivation centers, craft growers, infuser organizations, and  
8 transporting organizations with the goal of protecting against  
9 diversion and theft, without imposing an undue burden on the  
10 cultivation centers, craft growers, infuser organizations, or  
11 transporting organizations:

12 (1) oversight requirements for cultivation centers,  
13 craft growers, infuser organizations, and transporting  
14 organizations;

15 (2) recordkeeping requirements for cultivation  
16 centers, craft growers, infuser organizations, and  
17 transporting organizations;

18 (3) security requirements for cultivation centers,  
19 craft growers, infuser organizations, and transporting  
20 organizations, which shall include that each cultivation  
21 center, craft grower, infuser organization, and  
22 transporting organization location must be protected by a  
23 fully operational security alarm system;

24 (4) standards for enclosed, locked facilities under  
25 this Act;

26 (5) procedures for suspending or revoking the



1 identification cards of agents of cultivation centers,  
2 craft growers, infuser organizations, and transporting  
3 organizations that commit violations of this Act or the  
4 rules adopted under this Section;

5 (6) rules concerning the intrastate transportation of  
6 cannabis from a cultivation center, craft grower, infuser  
7 organization, and transporting organization to a  
8 dispensing organization;

9 (7) standards concerning the testing, quality,  
10 cultivation, and processing of cannabis; and

11 (8) any other matters under oversight by the Department  
12 of Agriculture as are necessary for the fair, impartial,  
13 stringent, and comprehensive administration of this Act.

14 (c) The Department of Financial and Professional  
15 Regulation rules may address, but are not limited to, the  
16 following matters related to dispensing organizations, with  
17 the goal of protecting against diversion and theft, without  
18 imposing an undue burden on the dispensing organizations:

19 (1) oversight requirements for dispensing  
20 organizations;

21 (2) recordkeeping requirements for dispensing  
22 organizations;

23 (3) security requirements for dispensing  
24 organizations, which shall include that each dispensing  
25 organization location must be protected by a fully  
26 operational security alarm system;

1           (4) procedures for suspending or revoking the licenses  
2           of dispensing organization agents that commit violations  
3           of this Act or the rules adopted under this Act;

4           (5) any other matters under oversight by the Department  
5           of Financial and Professional Regulation that are  
6           necessary for the fair, impartial, stringent, and  
7           comprehensive administration of this Act.

8           (d) The Department of Revenue rules may address, but are  
9           not limited to, the following matters related to the payment of  
10          taxes by cannabis business establishments:

11           (1) recording of sales;

12           (2) documentation of taxable income and expenses;

13           (3) transfer of funds for the payment of taxes; or

14           (4) any other matter under the oversight of the  
15          Department of Revenue.

16          (e) The Department of Commerce and Economic Opportunity  
17          rules may address, but are not limited to, a loan program or  
18          grant program to assist Social Equity Applicants access the  
19          capital needed to start a cannabis business establishment. The  
20          names of recipients and the amounts of any moneys received  
21          through a loan program or grant program shall be a public  
22          record.

23          (f) The Department of State Police rules may address  
24          enforcement of its authority under this Act. The Department of  
25          State Police shall not make rules that infringe on the  
26          exclusive authority of the Department of Financial and

1 Professional Regulation or the Department of Agriculture over  
2 licensees under this Act.

3 (g) The Department of Human Services ~~Public Health~~ shall  
4 develop and disseminate:

5 (1) educational information about the health risks  
6 associated with the use of cannabis; and

7 (2) one or more public education campaigns in  
8 coordination with local health departments and community  
9 organizations, including one or more prevention campaigns  
10 directed at children, adolescents, parents, and pregnant  
11 or breastfeeding women, to inform them of the potential  
12 health risks associated with intentional or unintentional  
13 cannabis use.

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

15 (410 ILCS 705/55-65)

16 Sec. 55-65. Financial institutions.

17 (a) A financial institution that provides financial  
18 services customarily provided by financial institutions to a  
19 cannabis business establishment authorized under this Act or  
20 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act, or  
21 to a person that is affiliated with such cannabis business  
22 establishment, is exempt from any criminal law of this State as  
23 it relates to cannabis-related conduct authorized under State  
24 law.

25 (b) Upon request of a financial institution, a cannabis

1 business establishment or proposed cannabis business  
2 establishment may provide to the financial institution the  
3 following information:

4 (1) Whether a cannabis business establishment with  
5 which the financial institution is doing or is considering  
6 doing business holds a license under this Act or the  
7 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act;

8 (2) The name of any other business or individual  
9 affiliate with the cannabis business establishment;

10 (3) A copy of the application, and any supporting  
11 documentation submitted with the application, for a  
12 license or a permit submitted on behalf of the proposed  
13 cannabis business establishment;

14 (4) If applicable, data relating to sales and the  
15 volume of product sold by the cannabis business  
16 establishment;

17 (5) Any past or pending violation by the person of this  
18 Act, the Compassionate Use of Medical Cannabis ~~Pilot~~  
19 Program Act, or the rules adopted under these Acts where  
20 applicable; and

21 (6) Any penalty imposed upon the person for violating  
22 this Act, the Compassionate Use of Medical Cannabis ~~Pilot~~  
23 Program Act, or the rules adopted under these Acts.

24 (c) (Blank).

25 (d) (Blank).

26 (e) Information received by a financial institution under

1 this Section is confidential. Except as otherwise required or  
2 permitted by this Act, State law or rule, or federal law or  
3 regulation, a financial institution may not make the  
4 information available to any person other than:

5 (1) the customer to whom the information applies;

6 (2) a trustee, conservator, guardian, personal  
7 representative, or agent of the customer to whom the  
8 information applies; a federal or State regulator when  
9 requested in connection with an examination of the  
10 financial institution or if otherwise necessary for  
11 complying with federal or State law;

12 (3) a federal or State regulator when requested in  
13 connection with an examination of the financial  
14 institution or if otherwise necessary for complying with  
15 federal or State law; and

16 (4) a third party performing services for the financial  
17 institution, provided the third party is performing such  
18 services under a written agreement that expressly or by  
19 operation of law prohibits the third party's sharing and  
20 use of such confidential information for any purpose other  
21 than as provided in its agreement to provide services to  
22 the financial institution.

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

24 (410 ILCS 705/55-80)

25 Sec. 55-80. Annual reports.

1           (a) The Department of Financial and Professional  
2 Regulation shall submit to the General Assembly and Governor a  
3 report, by September 30 of each year, that does not disclose  
4 any information identifying information about cultivation  
5 centers, craft growers, infuser organizations, transporting  
6 organizations, or dispensing organizations, but does contain,  
7 at a minimum, all of the following information for the previous  
8 fiscal year:

9           (1) The number of licenses issued to dispensing  
10 organizations by county, or, in counties with greater than  
11 3,000,000 residents, by zip code;

12           (2) The total number of dispensing organization owners  
13 that are Social Equity Applicants or minority persons,  
14 women, or persons with disabilities as those terms are  
15 defined in the Business Enterprise for Minorities, Women,  
16 and Persons with Disabilities Act;

17           (3) The total number of revenues received from  
18 dispensing organizations, segregated from revenues  
19 received from dispensing organizations under the  
20 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act by  
21 county, separated by source of revenue;

22           (4) The total amount of revenue received from  
23 dispensing organizations that share a premises or majority  
24 ownership with a craft grower;

25           (5) The total amount of revenue received from  
26 dispensing organizations that share a premises or majority

1 ownership with an infuser; and

2 (6) An analysis of revenue generated from taxation,  
3 licensing, and other fees for the State, including  
4 recommendations to change the tax rate applied.

5 (b) The Department of Agriculture shall submit to the  
6 General Assembly and Governor a report, by September 30 of each  
7 year, that does not disclose any information identifying  
8 information about cultivation centers, craft growers, infuser  
9 organizations, transporting organizations, or dispensing  
10 organizations, but does contain, at a minimum, all of the  
11 following information for the previous fiscal year:

12 (1) The number of licenses issued to cultivation  
13 centers, craft growers, infusers, and transporters by  
14 license type, and, in counties with more than 3,000,000  
15 residents, by zip code;

16 (2) The total number of cultivation centers, craft  
17 growers, infusers, and transporters by license type that  
18 are Social Equity Applicants or minority persons, women, or  
19 persons with disabilities as those terms are defined in the  
20 Business Enterprise for Minorities, Women, and Persons  
21 with Disabilities Act;

22 (3) The total amount of revenue received from  
23 cultivation centers, craft growers, infusers, and  
24 transporters, separated by license types and source of  
25 revenue;

26 (4) The total amount of revenue received from craft

1 growers and infusers that share a premises or majority  
2 ownership with a dispensing organization;

3 (5) The total amount of revenue received from craft  
4 growers that share a premises or majority ownership with an  
5 infuser, but do not share a premises or ownership with a  
6 dispensary;

7 (6) The total amount of revenue received from infusers  
8 that share a premises or majority ownership with a craft  
9 grower, but do not share a premises or ownership with a  
10 dispensary;

11 (7) The total amount of revenue received from craft  
12 growers that share a premises or majority ownership with a  
13 dispensing organization, but do not share a premises or  
14 ownership with an infuser;

15 (8) The total amount of revenue received from infusers  
16 that share a premises or majority ownership with a  
17 dispensing organization, but do not share a premises or  
18 ownership with a craft grower;

19 (9) The total amount of revenue received from  
20 transporters; and

21 (10) An analysis of revenue generated from taxation,  
22 licensing, and other fees for the State, including  
23 recommendations to change the tax rate applied.

24 (c) The Department of State Police shall submit to the  
25 General Assembly and Governor a report, by September 30 of each  
26 year that contains, at a minimum, all of the following



1 information for the previous fiscal year:

2 (1) The effect of regulation and taxation of cannabis  
3 on law enforcement resources;

4 (2) The impact of regulation and taxation of cannabis  
5 on highway and waterway safety and rates of impaired  
6 driving or operating ~~safety and rates of impaired driving,~~  
7 where impairment was determined based on failure of a field  
8 sobriety test;

9 (3) The available and emerging methods for detecting  
10 the metabolites for delta-9-tetrahydrocannabinol in bodily  
11 fluids, including, without limitation, blood and saliva;

12 (4) The effectiveness of current DUI laws and  
13 recommendations for improvements to policy to better  
14 ensure safe highways and fair laws.

15 (d) The Adult Use Cannabis Health Advisory Committee shall  
16 submit to the General Assembly and Governor a report, by  
17 September 30 of each year, that does not disclose any  
18 identifying information about any individuals, but does  
19 contain, at a minimum:

20 (1) Self-reported youth cannabis use, as published in  
21 the most recent Illinois Youth Survey available;

22 (2) Self-reported adult cannabis use, as published in  
23 the most recent Behavioral Risk Factor Surveillance Survey  
24 available;

25 (3) Hospital room admissions and hospital utilization  
26 rates caused by cannabis consumption, including the

1 presence or detection of other drugs;

2 (4) Overdoses of cannabis and poison control data,  
3 including the presence of other drugs that may have  
4 contributed;

5 (5) Incidents of impaired driving caused by the  
6 consumption of cannabis or cannabis products, including  
7 the presence of other drugs or alcohol that may have  
8 contributed to the impaired driving;

9 (6) Prevalence of infants born testing positive for  
10 cannabis or delta-9-tetrahydrocannabinol, including  
11 demographic and racial information on which infants are  
12 tested;

13 (7) Public perceptions of use and risk of harm;

14 (8) Revenue collected from cannabis taxation and how  
15 that revenue was used;

16 (9) Cannabis retail licenses granted and locations;

17 (10) Cannabis-related arrests; and

18 (11) The number of individuals completing required bud  
19 tender training.

20 (e) Each agency or committee submitting reports under this  
21 Section may consult with one another in the preparation of each  
22 report.

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

24 (410 ILCS 705/55-85)

25 Sec. 55-85. Medical cannabis.

1 (a) Nothing in this Act shall be construed to limit any  
2 privileges or rights of a medical cannabis patient including  
3 minor patients, primary caregiver, medical cannabis  
4 cultivation center, or medical cannabis dispensing  
5 organization under the Compassionate Use of Medical Cannabis  
6 ~~Pilot~~ Program Act, and where there is conflict between this Act  
7 and the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act  
8 as they relate to medical cannabis patients, the Compassionate  
9 Use of Medical Cannabis ~~Pilot~~ Program Act shall prevail.

10 (b) Dispensary locations that obtain an Early Approval  
11 Adult Use Dispensary Organization License or an Adult Use  
12 Dispensary Organization License in accordance with this Act at  
13 the same location as a medical cannabis dispensing organization  
14 registered under the Compassionate Use of Medical Cannabis  
15 ~~Pilot~~ Program Act shall maintain an inventory of medical  
16 cannabis and medical cannabis products on a monthly basis that  
17 is substantially similar in variety and quantity to the  
18 products offered at the dispensary during the 6-month period  
19 immediately before the effective date of this Act.

20 (c) Beginning June 30, 2020, the Department of Agriculture  
21 shall make a quarterly determination whether inventory  
22 requirements established for dispensaries in subsection (b)  
23 should be adjusted due to changing patient need.

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

1           Sec. 55-95. Conflict of interest. A person is ineligible to  
2 apply for, hold, or own financial or voting interest, other  
3 than a passive interest in a publicly traded company, in any  
4 cannabis business license under this Act if, within a 2-year  
5 period from the effective date of this Act, the person or his  
6 or her spouse or immediate ~~immediately~~ family member was a  
7 member of the General Assembly or a State employee at an agency  
8 that regulates cannabis business establishment license holders  
9 who participated personally and substantially in the award of  
10 licenses under this Act. A person who violates this Section  
11 shall be guilty under subsection (b) of Section 50-5 of the  
12 State Officials and Employees Ethics Act.

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

14 (410 ILCS 705/60-5)

15 Sec. 60-5. Definitions. In this Article:

16 "Cannabis" has the meaning given to that term in Article 1  
17 of this Act, except that it does not include cannabis that is  
18 subject to tax under the Compassionate Use of Medical Cannabis  
19 ~~Pilot~~ Program Act.

20 "Craft grower" has the meaning given to that term in  
21 Article 1 of this Act.

22 "Cultivation center" has the meaning given to that term in  
23 Article 1 of this Act.

24 "Cultivator" or "taxpayer" means a cultivation center or  
25 craft grower who is subject to tax under this Article.

1 "Department" means the Department of Revenue.

2 "Director" means the Director of Revenue.

3 "Dispensing organization" or "dispensary" has the meaning  
4 given to that term in Article 1 of this Act.

5 "Gross receipts" from the sales of cannabis by a cultivator  
6 means the total selling price or the amount of such sales, as  
7 defined in this Article. In the case of charges and time sales,  
8 the amount thereof shall be included only when payments are  
9 received by the cultivator.

10 "Person" means a natural individual, firm, partnership,  
11 association, joint stock company, joint adventure, public or  
12 private corporation, limited liability company, or a receiver,  
13 executor, trustee, guardian, or other representative appointed  
14 by order of any court.

15 "Infuser" means "infuser organization" or "infuser" as  
16 defined in Article 1 of this Act.

17 "Selling price" or "amount of sale" means the consideration  
18 for a sale valued in money whether received in money or  
19 otherwise, including cash, credits, property, and services,  
20 and shall be determined without any deduction on account of the  
21 cost of the property sold, the cost of materials used, labor or  
22 service cost, or any other expense whatsoever, but does not  
23 include separately stated charges identified on the invoice by  
24 cultivators to reimburse themselves for their tax liability  
25 under this Article.

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

1 (410 ILCS 705/60-20)

2 Sec. 60-20. Return and payment of cannabis cultivation  
3 privilege tax. Each person who is required to pay the tax  
4 imposed by this Article shall make a return to the Department  
5 on or before the 20th day of each month for the preceding  
6 calendar month stating the following:

7 (1) the taxpayer's name;

8 (2) the address of the taxpayer's principal place of  
9 business and the address of the principal place of business  
10 (if that is a different address) from which the taxpayer is  
11 engaged in the business of cultivating cannabis subject to  
12 tax under this Article;

13 (3) the total amount of receipts received by the  
14 taxpayer during the preceding calendar month from sales of  
15 cannabis subject to tax under this Article by the taxpayer  
16 during the preceding calendar month;

17 (4) the total amount received by the taxpayer during  
18 the preceding calendar month on charge and time sales of  
19 cannabis subject to tax imposed under this Article by the  
20 taxpayer before the month for which the return is filed;

21 (5) deductions allowed by law;

22 (6) gross receipts that were received by the taxpayer  
23 during the preceding calendar month and upon the basis of  
24 which the tax is imposed;

25 (7) the amount of tax due;

1 (8) the signature of the taxpayer; and

2 (9) any other information as the Department may  
3 reasonably require.

4 All returns required to be filed and payments required to  
5 be made under this Article shall be by electronic means.  
6 Taxpayers who demonstrate hardship in paying electronically  
7 may petition the Department to waive the electronic payment  
8 requirement. The Department may require a separate return for  
9 the tax under this Article or combine the return for the tax  
10 under this Article with the return for the tax under the  
11 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act. If the  
12 return for the tax under this Article is combined with the  
13 return for tax under the Compassionate Use of Medical Cannabis  
14 ~~Pilot~~ Program Act, then the vendor's discount allowed under  
15 this Section and any cap on that discount shall apply to the  
16 combined return. The taxpayer making the return provided for in  
17 this Section shall also pay to the Department, in accordance  
18 with this Section, the amount of tax imposed by this Article,  
19 less a discount of 1.75%, but not to exceed \$1,000 per return  
20 period, which is allowed to reimburse the taxpayer for the  
21 expenses incurred in keeping records, collecting tax,  
22 preparing and filing returns, remitting the tax, and supplying  
23 data to the Department upon request. No discount may be claimed  
24 by a taxpayer on returns not timely filed and for taxes not  
25 timely remitted. No discount may be claimed by a taxpayer for  
26 any return that is not filed electronically. No discount may be

1 claimed by a taxpayer for any payment that is not made  
2 electronically, unless a waiver has been granted under this  
3 Section. Any amount that is required to be shown or reported on  
4 any return or other document under this Article shall, if the  
5 amount is not a whole-dollar amount, be increased to the  
6 nearest whole-dollar amount if the fractional part of a dollar  
7 is \$0.50 or more and decreased to the nearest whole-dollar  
8 amount if the fractional part of a dollar is less than \$0.50.  
9 If a total amount of less than \$1 is payable, refundable, or  
10 creditable, the amount shall be disregarded if it is less than  
11 \$0.50 and shall be increased to \$1 if it is \$0.50 or more.  
12 Notwithstanding any other provision of this Article concerning  
13 the time within which a taxpayer may file a return, any such  
14 taxpayer who ceases to engage in the kind of business that  
15 makes the person responsible for filing returns under this  
16 Article shall file a final return under this Article with the  
17 Department within one month after discontinuing such business.

18 Each taxpayer under this Article shall make estimated  
19 payments to the Department on or before the 7th, 15th, 22nd,  
20 and last day of the month during which tax liability to the  
21 Department is incurred. The payments shall be in an amount not  
22 less than the lower of either 22.5% of the taxpayer's actual  
23 tax liability for the month or 25% of the taxpayer's actual tax  
24 liability for the same calendar month of the preceding year.  
25 The amount of the quarter-monthly payments shall be credited  
26 against the final tax liability of the taxpayer's return for



1 that month. If any quarter-monthly payment is not paid at the  
2 time or in the amount required by this Section, then the  
3 taxpayer shall be liable for penalties and interest on the  
4 difference between the minimum amount due as a payment and the  
5 amount of the quarter-monthly payment actually and timely paid,  
6 except insofar as the taxpayer has previously made payments for  
7 that month to the Department in excess of the minimum payments  
8 previously due as provided in this Section.

9 If any payment provided for in this Section exceeds the  
10 taxpayer's liabilities under this Article, as shown on an  
11 original monthly return, the Department shall, if requested by  
12 the taxpayer, issue to the taxpayer a credit memorandum no  
13 later than 30 days after the date of payment. The credit  
14 evidenced by the credit memorandum may be assigned by the  
15 taxpayer to a similar taxpayer under this Act, in accordance  
16 with reasonable rules to be prescribed by the Department. If no  
17 such request is made, the taxpayer may credit the excess  
18 payment against tax liability subsequently to be remitted to  
19 the Department under this Act, in accordance with reasonable  
20 rules prescribed by the Department. If the Department  
21 subsequently determines that all or any part of the credit  
22 taken was not actually due to the taxpayer, the taxpayer's  
23 discount shall be reduced, if necessary, to reflect the  
24 difference between the credit taken and that actually due, and  
25 that taxpayer shall be liable for penalties and interest on the  
26 difference.

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

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

7           (410 ILCS 705/65-5)

8           Sec. 65-5. Definitions. In this Article:

9           "Adjusted delta-9-tetrahydrocannabinol level" means, for a  
10 delta-9-tetrahydrocannabinol dominant product, the sum of the  
11 percentage of delta-9-tetrahydrocannabinol plus .877  
12 multiplied by the percentage of tetrahydrocannabinolic acid.

13           "Cannabis" has the meaning given to that term in Article 1  
14 of this Act, except that it does not include cannabis that is  
15 subject to tax under the Compassionate Use of Medical Cannabis  
16 ~~Pilot~~ Program Act.

17           "Cannabis-infused product" means beverage food, oils,  
18 ointments, tincture, topical formulation, or another product  
19 containing cannabis that is not intended to be smoked.

20           "Cannabis retailer" means a dispensing organization that  
21 sells cannabis for use and not for resale.

22           "Craft grower" has the meaning given to that term in  
23 Article 1 of this Act.

24           "Department" means the Department of Revenue.

25           "Director" means the Director of Revenue.

1 "Dispensing organization" or "dispensary" has the meaning  
2 given to that term in Article 1 of this Act.

3 "Person" means a natural individual, firm, partnership,  
4 association, joint stock company, joint adventure, 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 "Infuser organization" or "infuser" means a facility  
9 operated by an organization or business that is licensed by the  
10 Department of Agriculture to directly incorporate cannabis or  
11 cannabis concentrate into a product formulation to produce a  
12 cannabis-infused product.

13 "Purchase price" means the consideration paid for a  
14 purchase of cannabis, valued in money, whether received in  
15 money or otherwise, including cash, gift cards, credits, and  
16 property and shall be determined without any deduction on  
17 account of the cost of materials used, labor or service costs,  
18 or any other expense whatsoever. However, "purchase price" does  
19 not include consideration paid for:

20 (1) any charge for a payment that is not honored by a  
21 financial institution;

22 (2) any finance or credit charge, penalty or charge for  
23 delayed payment, or discount for prompt payment; and

24 (3) any amounts added to a purchaser's bill because of  
25 charges made under the tax imposed by this Article, the  
26 Municipal Cannabis Retailers' Occupation Tax Law, the

1 County Cannabis Retailers' Occupation Tax Law, the  
2 Retailers' Occupation Tax Act, the Use Tax Act, the Service  
3 Occupation Tax Act, the Service Use Tax Act, or any locally  
4 imposed occupation or use tax.

5 "Purchaser" means a person who acquires cannabis for a  
6 valuable consideration.

7 "Taxpayer" means a cannabis retailer who is required to  
8 collect the tax imposed under this Article.

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

10 (410 ILCS 705/65-10)

11 Sec. 65-10. Tax imposed.

12 (a) Beginning January 1, 2020, a tax is imposed upon  
13 purchasers for the privilege of using cannabis at the following  
14 rates:

15 (1) Any cannabis, other than a cannabis-infused  
16 product, with an adjusted delta-9-tetrahydrocannabinol  
17 level at or below 35% shall be taxed at a rate of 10% of the  
18 purchase price;

19 (2) Any cannabis, other than a cannabis-infused  
20 product, with an adjusted delta-9-tetrahydrocannabinol  
21 level above 35% shall be taxed at a rate of 25% of the  
22 purchase price; and

23 (3) A cannabis-infused product shall be taxed at a rate  
24 of 20% of the purchase price.

25 (b) The purchase of any product that contains any amount of

1 cannabis or any derivative thereof is subject to the tax under  
2 subsection (a) of this Section on the full purchase price of  
3 the product.

4 (c) The tax imposed under this Section is not imposed on  
5 cannabis that is subject to tax under the Compassionate Use of  
6 Medical Cannabis ~~Pilot~~ Program Act. The tax imposed by this  
7 Section is not imposed with respect to any transaction in  
8 interstate commerce, to the extent the transaction may not,  
9 under the Constitution and statutes of the United States, be  
10 made the subject of taxation by this State.

11 (d) The tax imposed under this Article shall be in addition  
12 to all other occupation, privilege, or excise taxes imposed by  
13 the State of Illinois or by any municipal corporation or  
14 political subdivision thereof.

15 (e) The tax imposed under this Article shall not be imposed  
16 on any purchase by a purchaser if the cannabis retailer is  
17 prohibited by federal or State Constitution, treaty,  
18 convention, statute, or court decision from collecting the tax  
19 from the purchaser.

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

21 (410 ILCS 705/65-15)

22 Sec. 65-15. Collection of tax.

23 (a) The tax imposed by this Article shall be collected from  
24 the purchaser by the cannabis retailer at the rate stated in  
25 Section 65-10 with respect to cannabis sold by the cannabis

1 retailer to the purchaser, and shall be remitted to the  
2 Department as provided in Section 65-30. All sales to a  
3 purchaser who is not a cardholder under the Compassionate Use  
4 of Medical Cannabis ~~Pilot~~ Program Act are presumed subject to  
5 tax collection. Cannabis retailers shall collect the tax from  
6 purchasers by adding the tax to the amount of the purchase  
7 price received from the purchaser for selling cannabis to the  
8 purchaser. The tax imposed by this Article shall, when  
9 collected, be stated as a distinct item separate and apart from  
10 the purchase price of the cannabis.

11 (b) If a cannabis retailer collects Cannabis Purchaser  
12 Excise Tax measured by a purchase price that is not subject to  
13 Cannabis Purchaser Excise Tax, or if a cannabis retailer, in  
14 collecting Cannabis Purchaser Excise Tax measured by a purchase  
15 price that is subject to tax under this Act, collects more from  
16 the purchaser than the required amount of the Cannabis  
17 Purchaser Excise Tax on the transaction, the purchaser shall  
18 have a legal right to claim a refund of that amount from the  
19 cannabis retailer. If, however, that amount is not refunded to  
20 the purchaser for any reason, the cannabis retailer is liable  
21 to pay that amount to the Department.

22 (c) Any person purchasing cannabis subject to tax under  
23 this Article as to which there has been no charge made to him  
24 or her of the tax imposed by Section 65-10 shall make payment  
25 of the tax imposed by Section 65-10 in the form and manner  
26 provided by the Department not later than the 20th day of the

1 month following the month of purchase of the cannabis.

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

3 Section 30. The Illinois Vehicle Code is amended by  
4 changing Sections 2-118.2, 6-206.1, and 11-501.10 as follows:

5 (625 ILCS 5/2-118.2)

6 Sec. 2-118.2. Opportunity for hearing; cannabis-related  
7 suspension under Section 11-501.9.

8 (a) A suspension of driving privileges under Section  
9 11-501.9 of this Code shall not become effective until the  
10 person is notified in writing of the impending suspension and  
11 informed that he or she may request a hearing in the circuit  
12 court of venue under subsection (b) of this Section and the  
13 suspension shall become effective as provided in Section  
14 11-501.9.

15 (b) Within 90 days after the notice of suspension served  
16 under Section 11-501.9, the person may make a written request  
17 for a judicial hearing in the circuit court of venue. The  
18 request to the circuit court shall state the grounds upon which  
19 the person seeks to have the suspension rescinded. Within 30  
20 days after receipt of the written request or the first  
21 appearance date on the Uniform Traffic Ticket issued for a  
22 violation of Section 11-501 of this Code, or a similar  
23 provision of a local ordinance, the hearing shall be conducted  
24 by the circuit court having jurisdiction. This judicial

1 hearing, request, or process shall not stay or delay the  
2 suspension. The hearing shall proceed in the court in the same  
3 manner as in other civil proceedings.

4 The hearing may be conducted upon a review of the law  
5 enforcement officer's own official reports; provided however,  
6 that the person may subpoena the officer. Failure of the  
7 officer to answer the subpoena shall be considered grounds for  
8 a continuance if in the court's discretion the continuance is  
9 appropriate.

10 The scope of the hearing shall be limited to the issues of:

11 (1) Whether the officer had reasonable suspicion to  
12 believe that the person was driving or in actual physical  
13 control of a motor vehicle upon a highway while impaired by  
14 the use of cannabis; and

15 (2) Whether the person, after being advised by the  
16 officer that the privilege to operate a motor vehicle would  
17 be suspended if the person refused to submit to and  
18 complete ~~the~~ field sobriety tests or validated roadside  
19 chemical tests, did refuse to submit to or complete ~~the~~  
20 field sobriety tests or validated roadside chemical tests  
21 authorized under Section 11-501.9; and

22 (3) Whether the person after being advised by the  
23 officer that the privilege to operate a motor vehicle would  
24 be suspended if the person submitted to field sobriety  
25 tests or validated roadside chemical tests that disclosed  
26 the person was impaired by the use of cannabis, did submit



1 to field sobriety tests or validated roadside chemical  
2 tests that disclosed that the person was impaired by the  
3 use of cannabis.

4 Upon the conclusion of the judicial hearing, the circuit  
5 court shall sustain or rescind the suspension and immediately  
6 notify the Secretary of State. Reports received by the  
7 Secretary of State under this Section shall be privileged  
8 information and for use only by the courts, police officers,  
9 and Secretary of State.

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

11 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

12 Sec. 6-206.1. Monitoring Device Driving Permit.  
13 Declaration of Policy. It is hereby declared a policy of the  
14 State of Illinois that the driver who is impaired by alcohol,  
15 other drug or drugs, or intoxicating compound or compounds is a  
16 threat to the public safety and welfare. Therefore, to provide  
17 a deterrent to such practice, a statutory summary driver's  
18 license suspension is appropriate. It is also recognized that  
19 driving is a privilege and therefore, that the granting of  
20 driving privileges, in a manner consistent with public safety,  
21 is warranted during the period of suspension in the form of a  
22 monitoring device driving permit. A person who drives and fails  
23 to comply with the requirements of the monitoring device  
24 driving permit commits a violation of Section 6-303 of this  
25 Code.

1           The following procedures shall apply whenever a first  
2 offender, as defined in Section 11-500 of this Code, is  
3 arrested for any offense as defined in Section 11-501 or a  
4 similar provision of a local ordinance and is subject to the  
5 provisions of Section 11-501.1:

6           (a) Upon mailing of the notice of suspension of driving  
7 privileges as provided in subsection (h) of Section 11-501.1 of  
8 this Code, the Secretary shall also send written notice  
9 informing the person that he or she will be issued a monitoring  
10 device driving permit (MDDP). The notice shall include, at  
11 minimum, information summarizing the procedure to be followed  
12 for issuance of the MDDP, installation of the breath alcohol  
13 ignition installation device (BAIID), as provided in this  
14 Section, exemption from BAIID installation requirements, and  
15 procedures to be followed by those seeking indigent status, as  
16 provided in this Section. The notice shall also include  
17 information summarizing the procedure to be followed if the  
18 person wishes to decline issuance of the MDDP. A copy of the  
19 notice shall also be sent to the court of venue together with  
20 the notice of suspension of driving privileges, as provided in  
21 subsection (h) of Section 11-501. However, a MDDP shall not be  
22 issued if the Secretary finds that:

23           (1) the offender's driver's license is otherwise  
24           invalid;

25           (2) death or great bodily harm to another resulted from  
26           the arrest for Section 11-501;

1 (3) the offender has been previously convicted of  
2 reckless homicide or aggravated driving under the  
3 influence involving death; or

4 (4) the offender is less than 18 years of age. ~~or~~

5 ~~(5) the offender is a qualifying patient licensed under~~  
6 ~~the Compassionate Use of Medical Cannabis Program Act who~~  
7 ~~is in possession of a valid registry card issued under that~~  
8 ~~Act and refused to submit to standardized field sobriety~~  
9 ~~tests as required by subsection (a) of Section 11-501.9 or~~  
10 ~~did submit to testing which disclosed the person was~~  
11 ~~impaired by the use of cannabis.~~

12 Any offender participating in the MDDP program must pay the  
13 Secretary a MDDP Administration Fee in an amount not to exceed  
14 \$30 per month, to be deposited into the Monitoring Device  
15 Driving Permit Administration Fee Fund. The Secretary shall  
16 establish by rule the amount and the procedures, terms, and  
17 conditions relating to these fees. The offender must have an  
18 ignition interlock device installed within 14 days of the date  
19 the Secretary issues the MDDP. The ignition interlock device  
20 provider must notify the Secretary, in a manner and form  
21 prescribed by the Secretary, of the installation. If the  
22 Secretary does not receive notice of installation, the  
23 Secretary shall cancel the MDDP.

24 Upon receipt of the notice, as provided in paragraph (a) of  
25 this Section, the person may file a petition to decline  
26 issuance of the MDDP with the court of venue. The court shall

1 admonish the offender of all consequences of declining issuance  
2 of the MDDP including, but not limited to, the enhanced  
3 penalties for driving while suspended. After being so  
4 admonished, the offender shall be permitted, in writing, to  
5 execute a notice declining issuance of the MDDP. This notice  
6 shall be filed with the court and forwarded by the clerk of the  
7 court to the Secretary. The offender may, at any time  
8 thereafter, apply to the Secretary for issuance of a MDDP.

9 (a-1) A person issued a MDDP may drive for any purpose and  
10 at any time, subject to the rules adopted by the Secretary  
11 under subsection (g). The person must, at his or her own  
12 expense, drive only vehicles equipped with an ignition  
13 interlock device as defined in Section 1-129.1, but in no event  
14 shall such person drive a commercial motor vehicle.

15 (a-2) Persons who are issued a MDDP and must drive  
16 employer-owned vehicles in the course of their employment  
17 duties may seek permission to drive an employer-owned vehicle  
18 that does not have an ignition interlock device. The employer  
19 shall provide to the Secretary a form, as prescribed by the  
20 Secretary, completed by the employer verifying that the  
21 employee must drive an employer-owned vehicle in the course of  
22 employment. If approved by the Secretary, the form must be in  
23 the driver's possession while operating an employer-owner  
24 vehicle not equipped with an ignition interlock device. No  
25 person may use this exemption to drive a school bus, school  
26 vehicle, or a vehicle designed to transport more than 15

1 passengers. No person may use this exemption to drive an  
2 employer-owned motor vehicle that is owned by an entity that is  
3 wholly or partially owned by the person holding the MDDP, or by  
4 a family member of the person holding the MDDP. No person may  
5 use this exemption to drive an employer-owned vehicle that is  
6 made available to the employee for personal use. No person may  
7 drive the exempted vehicle more than 12 hours per day, 6 days  
8 per week.

9 (a-3) Persons who are issued a MDDP and who must drive a  
10 farm tractor to and from a farm, within 50 air miles from the  
11 originating farm are exempt from installation of a BAIID on the  
12 farm tractor, so long as the farm tractor is being used for the  
13 exclusive purpose of conducting farm operations.

14 (b) (Blank).

15 (c) (Blank).

16 (c-1) If the holder of the MDDP is convicted of or receives  
17 court supervision for a violation of Section 6-206.2, 6-303,  
18 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar  
19 provision of a local ordinance or a similar out-of-state  
20 offense or is convicted of or receives court supervision for  
21 any offense for which alcohol or drugs is an element of the  
22 offense and in which a motor vehicle was involved (for an  
23 arrest other than the one for which the MDDP is issued), or  
24 de-installs the BAIID without prior authorization from the  
25 Secretary, the MDDP shall be cancelled.

26 (c-5) If the Secretary determines that the person seeking

1 the MDDP is indigent, the Secretary shall provide the person  
2 with a written document as evidence of that determination, and  
3 the person shall provide that written document to an ignition  
4 interlock device provider. The provider shall install an  
5 ignition interlock device on that person's vehicle without  
6 charge to the person, and seek reimbursement from the Indigent  
7 BAIID Fund. If the Secretary has deemed an offender indigent,  
8 the BAIID provider shall also provide the normal monthly  
9 monitoring services and the de-installation without charge to  
10 the offender and seek reimbursement from the Indigent BAIID  
11 Fund. Any other monetary charges, such as a lockout fee or  
12 reset fee, shall be the responsibility of the MDDP holder. A  
13 BAIID provider may not seek a security deposit from the  
14 Indigent BAIID Fund.

15 (d) MDDP information shall be available only to the courts,  
16 police officers, and the Secretary, except during the actual  
17 period the MDDP is valid, during which time it shall be a  
18 public record.

19 (e) (Blank).

20 (f) (Blank).

21 (g) The Secretary shall adopt rules for implementing this  
22 Section. The rules adopted shall address issues including, but  
23 not limited to: compliance with the requirements of the MDDP;  
24 methods for determining compliance with those requirements;  
25 the consequences of noncompliance with those requirements;  
26 what constitutes a violation of the MDDP; methods for

1 determining indigency; and the duties of a person or entity  
2 that supplies the ignition interlock device.

3 (h) The rules adopted under subsection (g) shall provide,  
4 at a minimum, that the person is not in compliance with the  
5 requirements of the MDDP if he or she:

6 (1) tampers or attempts to tamper with or circumvent  
7 the proper operation of the ignition interlock device;

8 (2) provides valid breath samples that register blood  
9 alcohol levels in excess of the number of times allowed  
10 under the rules;

11 (3) fails to provide evidence sufficient to satisfy the  
12 Secretary that the ignition interlock device has been  
13 installed in the designated vehicle or vehicles; or

14 (4) fails to follow any other applicable rules adopted  
15 by the Secretary.

16 (i) Any person or entity that supplies an ignition  
17 interlock device as provided under this Section shall, in  
18 addition to supplying only those devices which fully comply  
19 with all the rules adopted under subsection (g), provide the  
20 Secretary, within 7 days of inspection, all monitoring reports  
21 of each person who has had an ignition interlock device  
22 installed. These reports shall be furnished in a manner or form  
23 as prescribed by the Secretary.

24 (j) Upon making a determination that a violation of the  
25 requirements of the MDDP has occurred, the Secretary shall  
26 extend the summary suspension period for an additional 3 months

1 beyond the originally imposed summary suspension period,  
2 during which time the person shall only be allowed to drive  
3 vehicles equipped with an ignition interlock device; provided  
4 further there are no limitations on the total number of times  
5 the summary suspension may be extended. The Secretary may,  
6 however, limit the number of extensions imposed for violations  
7 occurring during any one monitoring period, as set forth by  
8 rule. Any person whose summary suspension is extended pursuant  
9 to this Section shall have the right to contest the extension  
10 through a hearing with the Secretary, pursuant to Section 2-118  
11 of this Code. If the summary suspension has already terminated  
12 prior to the Secretary receiving the monitoring report that  
13 shows a violation, the Secretary shall be authorized to suspend  
14 the person's driving privileges for 3 months, provided that the  
15 Secretary may, by rule, limit the number of suspensions to be  
16 entered pursuant to this paragraph for violations occurring  
17 during any one monitoring period. Any person whose license is  
18 suspended pursuant to this paragraph, after the summary  
19 suspension had already terminated, shall have the right to  
20 contest the suspension through a hearing with the Secretary,  
21 pursuant to Section 2-118 of this Code. The only permit the  
22 person shall be eligible for during this new suspension period  
23 is a MDDP.

24 (k) A person who has had his or her summary suspension  
25 extended for the third time, or has any combination of 3  
26 extensions and new suspensions, entered as a result of a



1 violation that occurred while holding the MDDP, so long as the  
2 extensions and new suspensions relate to the same summary  
3 suspension, shall have his or her vehicle impounded for a  
4 period of 30 days, at the person's own expense. A person who  
5 has his or her summary suspension extended for the fourth time,  
6 or has any combination of 4 extensions and new suspensions,  
7 entered as a result of a violation that occurred while holding  
8 the MDDP, so long as the extensions and new suspensions relate  
9 to the same summary suspension, shall have his or her vehicle  
10 subject to seizure and forfeiture. The Secretary shall notify  
11 the prosecuting authority of any third or fourth extensions or  
12 new suspension entered as a result of a violation that occurred  
13 while the person held a MDDP. Upon receipt of the notification,  
14 the prosecuting authority shall impound or forfeit the vehicle.  
15 The impoundment or forfeiture of a vehicle shall be conducted  
16 pursuant to the procedure specified in Article 36 of the  
17 Criminal Code of 2012.

18 (1) A person whose driving privileges have been suspended  
19 under Section 11-501.1 of this Code and who had a MDDP that was  
20 cancelled, or would have been cancelled had notification of a  
21 violation been received prior to expiration of the MDDP,  
22 pursuant to subsection (c-1) of this Section, shall not be  
23 eligible for reinstatement when the summary suspension is  
24 scheduled to terminate. Instead, the person's driving  
25 privileges shall be suspended for a period of not less than  
26 twice the original summary suspension period, or for the length

1 of any extensions entered under subsection (j), whichever is  
2 longer. During the period of suspension, the person shall be  
3 eligible only to apply for a restricted driving permit. If a  
4 restricted driving permit is granted, the offender may only  
5 operate vehicles equipped with a BAIID in accordance with this  
6 Section.

7 (m) Any person or entity that supplies an ignition  
8 interlock device under this Section shall, for each ignition  
9 interlock device installed, pay 5% of the total gross revenue  
10 received for the device, including monthly monitoring fees,  
11 into the Indigent BAIID Fund. This 5% shall be clearly  
12 indicated as a separate surcharge on each invoice that is  
13 issued. The Secretary shall conduct an annual review of the  
14 fund to determine whether the surcharge is sufficient to  
15 provide for indigent users. The Secretary may increase or  
16 decrease this surcharge requirement as needed.

17 (n) Any person or entity that supplies an ignition  
18 interlock device under this Section that is requested to  
19 provide an ignition interlock device to a person who presents  
20 written documentation of indigency from the Secretary, as  
21 provided in subsection (c-5) of this Section, shall install the  
22 device on the person's vehicle without charge to the person and  
23 shall seek reimbursement from the Indigent BAIID Fund.

24 (o) The Indigent BAIID Fund is created as a special fund in  
25 the State treasury. The Secretary shall, subject to  
26 appropriation by the General Assembly, use all money in the

1 Indigent BAIID Fund to reimburse ignition interlock device  
2 providers who have installed devices in vehicles of indigent  
3 persons. The Secretary shall make payments to such providers  
4 every 3 months. If the amount of money in the fund at the time  
5 payments are made is not sufficient to pay all requests for  
6 reimbursement submitted during that 3 month period, the  
7 Secretary shall make payments on a pro-rata basis, and those  
8 payments shall be considered payment in full for the requests  
9 submitted.

10 (p) The Monitoring Device Driving Permit Administration  
11 Fee Fund is created as a special fund in the State treasury.  
12 The Secretary shall, subject to appropriation by the General  
13 Assembly, use the money paid into this fund to offset its  
14 administrative costs for administering MDDPs.

15 (q) The Secretary is authorized to prescribe such forms as  
16 it deems necessary to carry out the provisions of this Section.

17 (Source: P.A. 101-363, eff. 8-9-19.)

18 (625 ILCS 5/11-501.10)

19 (Section scheduled to be repealed on July 1, 2021)

20 Sec. 11-501.10. DUI Cannabis Task Force.

21 (a) The DUI Cannabis Task Force is hereby created to study  
22 the issue of driving under the influence of cannabis. The Task  
23 Force shall consist of the following members:

24 (1) The Director of State Police, or his or her  
25 designee, who shall serve as chair;

- 1           (2) The Secretary of State, or his or her designee;
- 2           (3) The President of the Illinois State's Attorneys  
3 Association, or his or her designee;
- 4           (4) The President of the Illinois Association of  
5 Criminal Defense Lawyers, or his or her designee;
- 6           (5) One member appointed by the Speaker of the House of  
7 Representatives;
- 8           (6) One member appointed by the Minority Leader of the  
9 House of Representatives;
- 10          (7) One member appointed by the President of the  
11 Senate;
- 12          (8) One member appointed by the Minority Leader of the  
13 Senate;
- 14          (9) One member of an organization dedicated to end  
15 drunk driving and drugged driving;
- 16          (10) The president of a statewide bar association,  
17 appointed by the Governor; ~~and~~
- 18          (11) One member of a statewide organization  
19 representing civil and constitutional rights, appointed by  
20 the Governor;
- 21          (12) One member of a statewide association  
22 representing chiefs of police, appointed by the Governor;  
23 and
- 24          (13) One member of a statewide association  
25 representing sheriffs, appointed by the Governor.
- 26          (b) The members of the Task Force shall serve without

1 compensation.

2 (c) The Task Force shall examine best practices in the area  
3 of driving under the influence of cannabis enforcement,  
4 including examining emerging technology in roadside testing.

5 (d) The Task Force shall meet no fewer than 3 times and  
6 shall present its report and recommendations on improvements to  
7 enforcement of driving under the influence of cannabis, in  
8 electronic format, to the Governor and the General Assembly no  
9 later than July 1, 2020.

10 (e) The Department of State Police shall provide  
11 administrative support to the Task Force as needed. The  
12 Sentencing Policy Advisory Council shall provide data on  
13 driving under the influence of cannabis offenses and other data  
14 to the Task Force as needed.

15 (f) This Section is repealed on July 1, 2021.

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

17 Section 35. The Cannabis Control Act is amended by changing  
18 Sections 3, 4, 5, 5.1, and 8 as follows:

19 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

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

22 (a) "Cannabis" includes marihuana, hashish and other  
23 substances which are identified as including any parts of the  
24 plant Cannabis Sativa, whether growing or not; the seeds

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

17           (b) "Casual delivery" means the delivery of not more than  
18      10 grams of any substance containing cannabis without  
19      consideration.

20           (c) "Department" means the Illinois Department of Human  
21      Services (as successor to the Department of Alcoholism and  
22      Substance Abuse) or its successor agency.

23           (d) "Deliver" or "delivery" means the actual, constructive  
24      or attempted transfer of possession of cannabis, with or  
25      without consideration, whether or not there is an agency  
26      relationship.

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

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

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

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

17 (i) "Person" means any individual, corporation, government  
18 or governmental subdivision or agency, business trust, estate,  
19 trust, partnership or association, or any other entity.

20 (j) "Produce" or "production" means planting, cultivating,  
21 tending or harvesting.

22 (k) "State" includes the State of Illinois and any state,  
23 district, commonwealth, territory, insular possession thereof,  
24 and any area subject to the legal authority of the United  
25 States of America.

26 (l) "Subsequent offense" means an offense under this Act,

1 the offender of which, prior to his conviction of the offense,  
2 has at any time been convicted under this Act or under any laws  
3 of the United States or of any state relating to cannabis, or  
4 any controlled substance as defined in the Illinois Controlled  
5 Substances Act.

6 (Source: P.A. 100-1091, eff. 8-26-18.)

7 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

8 Sec. 4. Except as otherwise provided in the Cannabis  
9 Regulation and Tax Act and the Industrial Hemp Act, it is  
10 unlawful for any person knowingly to possess cannabis.

11 Any person who violates this Section with respect to:

12 (a) not more than 10 grams of any substance containing  
13 cannabis is guilty of a civil law violation punishable by a  
14 minimum fine of \$100 and a maximum fine of \$200. The  
15 proceeds of the fine shall be payable to the clerk of the  
16 circuit court. Within 30 days after the deposit of the  
17 fine, the clerk shall distribute the proceeds of the fine  
18 as follows:

19 (1) \$10 of the fine to the circuit clerk and \$10 of  
20 the fine to the law enforcement agency that issued the  
21 citation; the proceeds of each \$10 fine distributed to  
22 the circuit clerk and each \$10 fine distributed to the  
23 law enforcement agency that issued the citation for the  
24 violation shall be used to defer the cost of automatic  
25 expungements under paragraph (2.5) of subsection (a)



- 1 of Section 5.2 of the Criminal Identification Act;
- 2 (2) \$15 to the county to fund drug addiction
- 3 services;
- 4 (3) \$10 to the Office of the State's Attorneys
- 5 Appellate Prosecutor for use in training programs;
- 6 (4) \$10 to the State's Attorney; and
- 7 (5) any remainder of the fine to the law
- 8 enforcement agency that issued the citation for the
- 9 violation.

10 With respect to funds designated for the Department of

11 State Police, the moneys shall be remitted by the circuit

12 court clerk to the Department of State Police within one

13 month after receipt for deposit into the State Police

14 Operations Assistance Fund. With respect to funds

15 designated for the Department of Natural Resources, the

16 Department of Natural Resources shall deposit the moneys

17 into the Conservation Police Operations Assistance Fund;

18 (b) more than 10 grams but not more than 30 grams of

19 any substance containing cannabis is guilty of a Class B

20 misdemeanor;

21 (c) more than 30 grams but not more than 100 grams of

22 any substance containing cannabis is guilty of a Class A

23 misdemeanor; provided, that if any offense under this

24 subsection (c) is a subsequent offense, the offender shall

25 be guilty of a Class 4 felony;

26 (d) more than 100 grams but not more than 500 grams of

1 any substance containing cannabis is guilty of a Class 4  
2 felony; provided that if any offense under this subsection  
3 (d) is a subsequent offense, the offender shall be guilty  
4 of a Class 3 felony;

5 (e) more than 500 grams but not more than 2,000 grams  
6 of any substance containing cannabis is guilty of a Class 3  
7 felony;

8 (f) more than 2,000 grams but not more than 5,000 grams  
9 of any substance containing cannabis is guilty of a Class 2  
10 felony;

11 (g) more than 5,000 grams of any substance containing  
12 cannabis is guilty of a Class 1 felony.

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

14 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

15 Sec. 5. Except as otherwise provided in the Cannabis  
16 Regulation and Tax Act and the Industrial Hemp Act, it is  
17 unlawful for any person knowingly to manufacture, deliver, or  
18 possess with intent to deliver, or manufacture, cannabis. Any  
19 person who violates this Section with respect to:

20 (a) not more than 2.5 grams of any substance containing  
21 cannabis is guilty of a Class B misdemeanor;

22 (b) more than 2.5 grams but not more than 10 grams of  
23 any substance containing cannabis is guilty of a Class A  
24 misdemeanor;

25 (c) more than 10 grams but not more than 30 grams of

1 any substance containing cannabis is guilty of a Class 4  
2 felony;

3 (d) more than 30 grams but not more than 500 grams of  
4 any substance containing cannabis is guilty of a Class 3  
5 felony for which a fine not to exceed \$50,000 may be  
6 imposed;

7 (e) more than 500 grams but not more than 2,000 grams  
8 of any substance containing cannabis is guilty of a Class 2  
9 felony for which a fine not to exceed \$100,000 may be  
10 imposed;

11 (f) more than 2,000 grams but not more than 5,000 grams  
12 of any substance containing cannabis is guilty of a Class 1  
13 felony for which a fine not to exceed \$150,000 may be  
14 imposed;

15 (g) more than 5,000 grams of any substance containing  
16 cannabis is guilty of a Class X felony for which a fine not  
17 to exceed \$200,000 may be imposed.

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

19 (720 ILCS 550/5.1) (from Ch. 56 1/2, par. 705.1)

20 Sec. 5.1. Cannabis trafficking.

21 (a) Except for purposes authorized by this Act, the  
22 Industrial Hemp Act, or the Cannabis Regulation and Tax Act,  
23 any person who knowingly brings or causes to be brought into  
24 this State for the purpose of manufacture or delivery or with  
25 the intent to manufacture or deliver 2,500 grams or more of

1 cannabis in this State or any other state or country is guilty  
2 of cannabis trafficking.

3 (b) A person convicted of cannabis trafficking shall be  
4 sentenced to a term of imprisonment not less than twice the  
5 minimum term and fined an amount as authorized by subsection  
6 (f) or (g) of Section 5 of this Act, based upon the amount of  
7 cannabis brought or caused to be brought into this State, and  
8 not more than twice the maximum term of imprisonment and fined  
9 twice the amount as authorized by subsection (f) or (g) of  
10 Section 5 of this Act, based upon the amount of cannabis  
11 brought or caused to be brought into this State.

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

13 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

14 Sec. 8. Except as otherwise provided in the Cannabis  
15 Regulation and Tax Act and the Industrial Hemp Act, it is  
16 unlawful for any person knowingly to produce the Cannabis  
17 sativa plant or to possess such plants unless production or  
18 possession has been authorized pursuant to the provisions of  
19 Section 11 or 15.2 of the Act. Any person who violates this  
20 Section with respect to production or possession of:

21 (a) Not more than 5 plants is guilty of a civil  
22 violation punishable by a minimum fine of \$100 and a  
23 maximum fine of \$200. The proceeds of the fine are payable  
24 to the clerk of the circuit court. Within 30 days after the  
25 deposit of the fine, the clerk shall distribute the

1 proceeds of the fine as follows:

2 (1) \$10 of the fine to the circuit clerk and \$10 of  
3 the fine to the law enforcement agency that issued the  
4 citation; the proceeds of each \$10 fine distributed to  
5 the circuit clerk and each \$10 fine distributed to the  
6 law enforcement agency that issued the citation for the  
7 violation shall be used to defer the cost of automatic  
8 expungements under paragraph (2.5) of subsection (a)  
9 of Section 5.2 of the Criminal Identification Act;

10 (2) \$15 to the county to fund drug addiction  
11 services;

12 (3) \$10 to the Office of the State's Attorneys  
13 Appellate Prosecutor for use in training programs;

14 (4) \$10 to the State's Attorney; and

15 (5) any remainder of the fine to the law  
16 enforcement agency that issued the citation for the  
17 violation.

18 With respect to funds designated for the Department of  
19 State Police, the moneys shall be remitted by the circuit  
20 court clerk to the Department of State Police within one  
21 month after receipt for deposit into the State Police  
22 Operations Assistance Fund. With respect to funds  
23 designated for the Department of Natural Resources, the  
24 Department of Natural Resources shall deposit the moneys  
25 into the Conservation Police Operations Assistance Fund.

26 (b) More than 5, but not more than 20 plants, is guilty

1 of a Class 4 felony.

2 (c) More than 20, but not more than 50 plants, is  
3 guilty of a Class 3 felony.

4 (d) More than 50, but not more than 200 plants, is  
5 guilty of a Class 2 felony for which a fine not to exceed  
6 \$100,000 may be imposed and for which liability for the  
7 cost of conducting the investigation and eradicating such  
8 plants may be assessed. Compensation for expenses incurred  
9 in the enforcement of this provision shall be transmitted  
10 to and deposited in the treasurer's office at the level of  
11 government represented by the Illinois law enforcement  
12 agency whose officers or employees conducted the  
13 investigation or caused the arrest or arrests leading to  
14 the prosecution, to be subsequently made available to that  
15 law enforcement agency as expendable receipts for use in  
16 the enforcement of laws regulating controlled substances  
17 and cannabis. If such seizure was made by a combination of  
18 law enforcement personnel representing different levels of  
19 government, the court levying the assessment shall  
20 determine the allocation of such assessment. The proceeds  
21 of assessment awarded to the State treasury shall be  
22 deposited in a special fund known as the Drug Traffic  
23 Prevention Fund.

24 (e) More than 200 plants is guilty of a Class 1 felony  
25 for which a fine not to exceed \$100,000 may be imposed and  
26 for which liability for the cost of conducting the

1 investigation and eradicating such plants may be assessed.  
2 Compensation for expenses incurred in the enforcement of  
3 this provision shall be transmitted to and deposited in the  
4 treasurer's office at the level of government represented  
5 by the Illinois law enforcement agency whose officers or  
6 employees conducted the investigation or caused the arrest  
7 or arrests leading to the prosecution, to be subsequently  
8 made available to that law enforcement agency as expendable  
9 receipts for use in the enforcement of laws regulating  
10 controlled substances and cannabis. If such seizure was  
11 made by a combination of law enforcement personnel  
12 representing different levels of government, the court  
13 levying the assessment shall determine the allocation of  
14 such assessment. The proceeds of assessment awarded to the  
15 State treasury shall be deposited in a special fund known  
16 as the Drug Traffic Prevention Fund.

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

18 Section 40. The Drug Paraphernalia Control Act is amended  
19 by changing Sections 2, 3.5, 4, and 6 as follows:

20 (720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)

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

23 (a) The term "cannabis" shall have the meaning ascribed to  
24 it in Section 3 of the Cannabis Control Act, as if that

1 definition were incorporated herein.

2 (b) The term "controlled substance" shall have the meaning  
3 ascribed to it in Section 102 of the Illinois Controlled  
4 Substances Act, as if that definition were incorporated herein.

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

8 (d) "Drug paraphernalia" means all equipment, products and  
9 materials of any kind, other than methamphetamine  
10 manufacturing materials as defined in Section 10 of the  
11 Methamphetamine Control and Community Protection Act and  
12 cannabis paraphernalia as defined in Section 1-10 of the  
13 Cannabis Regulation and Tax Act, which are intended to be used  
14 unlawfully in planting, propagating, cultivating, growing,  
15 harvesting, manufacturing, compounding, converting, producing,  
16 processing, preparing, testing, analyzing, packaging,  
17 repackaging, storing, containing, concealing, injecting,  
18 ingesting, inhaling or otherwise introducing into the human  
19 body ~~cannabis or~~ a controlled substance in violation of the  
20 ~~Cannabis Control Act, the~~ Illinois Controlled Substances Act,  
21 or the Methamphetamine Control and Community Protection Act or  
22 a synthetic drug product or misbranded drug in violation of the  
23 Illinois Food, Drug and Cosmetic Act. It includes, but is not  
24 limited to:

25 (1) kits intended to be used unlawfully in  
26 manufacturing, compounding, converting, producing,



1 processing or preparing ~~cannabis~~ or a controlled  
2 substance;

3 (2) isomerization devices intended to be used  
4 unlawfully in increasing the potency of any species of  
5 plant which is ~~cannabis~~ or a controlled substance;

6 (3) testing equipment intended to be used unlawfully in  
7 a private home for identifying or in analyzing the  
8 strength, effectiveness or purity of ~~cannabis~~ or  
9 controlled substances;

10 (4) diluents and adulterants intended to be used  
11 unlawfully for cutting ~~cannabis~~ or a controlled substance  
12 by private persons;

13 (5) objects intended to be used unlawfully in  
14 ingesting, inhaling, or otherwise introducing ~~cannabis,~~  
15 ~~cocaine, hashish, hashish oil,~~ or a synthetic drug product  
16 or misbranded drug in violation of the Illinois Food, Drug  
17 and Cosmetic Act into the human body including, where  
18 applicable, the following items:

19 (A) water pipes;

20 (B) carburetion tubes and devices;

21 (C) smoking and carburetion masks;

22 (D) miniature cocaine spoons and cocaine vials;

23 (E) carburetor pipes;

24 (F) electric pipes;

25 (G) air-driven pipes;

26 (H) chillums;

1 (I) bongs;

2 (J) ice pipes or chillers;

3 (6) any item whose purpose, as announced or described  
4 by the seller, is for use in violation of this Act.

5 (Source: P.A. 97-872, eff. 7-31-12.)

6 (720 ILCS 600/3.5)

7 Sec. 3.5. Possession of drug paraphernalia.

8 (a) A person who knowingly possesses an item of drug  
9 paraphernalia with the intent to use it in ingesting, inhaling,  
10 or otherwise introducing ~~cannabis or~~ a controlled substance  
11 into the human body, or in preparing ~~cannabis or~~ a controlled  
12 substance for that use, is guilty of a Class A misdemeanor for  
13 which the court shall impose a minimum fine of \$750 in addition  
14 to any other penalty prescribed for a Class A misdemeanor. This  
15 subsection (a) does not apply to a person who is legally  
16 authorized to possess hypodermic syringes or needles under the  
17 Hypodermic Syringes and Needles Act.

18 (b) In determining intent under subsection (a), the trier  
19 of fact may take into consideration the proximity of the  
20 ~~cannabis or~~ controlled substances to drug paraphernalia or the  
21 presence of ~~cannabis or~~ a controlled substance on the drug  
22 paraphernalia.

23 ~~(c) If a person violates subsection (a) of Section 4 of the~~  
24 ~~Cannabis Control Act, the penalty for possession of any drug~~  
25 ~~paraphernalia seized during the violation for that offense~~

1 ~~shall be a civil law violation punishable by a minimum fine of~~  
2 ~~\$100 and a maximum fine of \$200. The proceeds of the fine shall~~  
3 ~~be payable to the clerk of the circuit court. Within 30 days~~  
4 ~~after the deposit of the fine, the clerk shall distribute the~~  
5 ~~proceeds of the fine as follows:~~

6 ~~(1) \$10 of the fine to the circuit clerk and \$10 of the~~  
7 ~~fine to the law enforcement agency that issued the~~  
8 ~~citation; the proceeds of each \$10 fine distributed to the~~  
9 ~~circuit clerk and each \$10 fine distributed to the law~~  
10 ~~enforcement agency that issued the citation for the~~  
11 ~~violation shall be used to defer the cost of automatic~~  
12 ~~expungements under paragraph (2.5) of subsection (a) of~~  
13 ~~Section 5.2 of the Criminal Identification Act;~~

14 ~~(2) \$15 to the county to fund drug addiction services;~~

15 ~~(3) \$10 to the Office of the State's Attorneys~~  
16 ~~Appellate Prosecutor for use in training programs;~~

17 ~~(4) \$10 to the State's Attorney; and~~

18 ~~(5) any remainder of the fine to the law enforcement~~  
19 ~~agency that issued the citation for the violation.~~

20 ~~With respect to funds designated for the Department of~~  
21 ~~State Police, the moneys shall be remitted by the circuit court~~  
22 ~~clerk to the Department of State Police within one month after~~  
23 ~~receipt for deposit into the State Police Operations Assistance~~  
24 ~~Fund. With respect to funds designated for the Department of~~  
25 ~~Natural Resources, the Department of Natural Resources shall~~  
26 ~~deposit the moneys into the Conservation Police Operations~~

1 ~~Assistance Fund.~~

2 (Source: P.A. 99-697, eff. 7-29-16.)

3 (720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

4 Sec. 4. Exemptions. This Act does not apply to:

5 (a) Items used in the preparation, compounding,  
6 packaging, labeling, or other use of cannabis or a  
7 controlled substance as an incident to lawful research,  
8 teaching, or chemical analysis and not for sale.

9 (b) Items historically and customarily used in  
10 connection with the planting, propagating, cultivating,  
11 growing, harvesting, manufacturing, compounding,  
12 converting, producing, processing, preparing, testing,  
13 analyzing, packaging, repackaging, storing, containing,  
14 concealing, injecting, ingesting, or inhaling of cannabis,  
15 tobacco, or any other lawful substance.

16 Items exempt under this subsection include, but are not  
17 limited to, garden hoes, rakes, sickles, baggies, tobacco  
18 pipes, and cigarette-rolling papers.

19 (c) Items listed in Section 2 of this Act which are  
20 used for decorative purposes, when such items have been  
21 rendered completely inoperable or incapable of being used  
22 for any illicit purpose prohibited by this Act.

23 (d) A person who is legally authorized to possess  
24 hypodermic syringes or needles under the Hypodermic  
25 Syringes and Needles Act.

1 In determining whether or not a particular item is exempt under  
2 this Section, the trier of fact should consider, in addition to  
3 all other logically relevant factors, the following:

4 (1) the general, usual, customary, and historical use  
5 to which the item involved has been put;

6 (2) expert evidence concerning the ordinary or  
7 customary use of the item and the effect of any  
8 peculiarity in the design or engineering of the device  
9 upon its functioning;

10 (3) any written instructions accompanying the delivery  
11 of the item concerning the purposes or uses to which  
12 the item can or may be put;

13 (4) any oral instructions provided by the seller of the  
14 item at the time and place of sale or commercial  
15 delivery;

16 (5) any national or local advertising concerning the  
17 design, purpose or use of the item involved, and the  
18 entire context in which such advertising occurs;

19 (6) the manner, place and circumstances in which the  
20 item was displayed for sale, as well as any item or  
21 items displayed for sale or otherwise exhibited upon  
22 the premises where the sale was made;

23 (7) whether the owner or anyone in control of the  
24 object is a legitimate supplier of like or related  
25 items to the community, such as a licensed distributor  
26 or dealer of cannabis or tobacco products;

1 (8) the existence and scope of legitimate uses for the  
2 object in the community.

3 (Source: P.A. 95-331, eff. 8-21-07.)

4 (720 ILCS 600/6) (from Ch. 56 1/2, par. 2106)

5 Sec. 6. This Act is intended to be used solely for the  
6 suppression of the commercial traffic in and possession of  
7 items that, within the context of the sale or offering for  
8 sale, or possession, are clearly and beyond a reasonable doubt  
9 intended for the illegal and unlawful use of ~~cannabis~~ or  
10 controlled substances. To this end all reasonable and  
11 common-sense inferences shall be drawn in favor of the  
12 legitimacy of any transaction or item.

13 (Source: P.A. 93-526, eff. 8-12-03.)

14 Section 45. The Statewide Grand Jury Act is amended by  
15 changing Sections 2 and 3 as follows:

16 (725 ILCS 215/2) (from Ch. 38, par. 1702)

17 Sec. 2. (a) County grand juries and State's Attorneys have  
18 always had and shall continue to have primary responsibility  
19 for investigating, indicting, and prosecuting persons who  
20 violate the criminal laws of the State of Illinois. However, in  
21 recent years organized terrorist activity directed against  
22 innocent civilians and certain criminal enterprises have  
23 developed that require investigation, indictment, and

1 prosecution on a statewide or multicounty level. The criminal  
2 enterprises exist as a result of the allure of profitability  
3 present in narcotic activity, the unlawful sale and transfer of  
4 firearms, and streetgang related felonies and organized  
5 terrorist activity is supported by the contribution of money  
6 and expert assistance from geographically diverse sources. In  
7 order to shut off the life blood of terrorism and weaken or  
8 eliminate the criminal enterprises, assets, and property used  
9 to further these offenses must be frozen, and any profit must  
10 be removed. State statutes exist that can accomplish that goal.  
11 Among them are the offense of money laundering, ~~the Cannabis~~  
12 ~~and Controlled Substances Tax Act,~~ violations of Article 29D of  
13 the Criminal Code of 1961 or the Criminal Code of 2012, the  
14 Narcotics Profit Forfeiture Act, and gunrunning. Local  
15 prosecutors need investigative personnel and specialized  
16 training to attack and eliminate these profits. In light of the  
17 transitory and complex nature of conduct that constitutes these  
18 criminal activities, the many diverse property interests that  
19 may be used, acquired directly or indirectly as a result of  
20 these criminal activities, and the many places that illegally  
21 obtained property may be located, it is the purpose of this Act  
22 to create a limited, multicounty Statewide Grand Jury with  
23 authority to investigate, indict, and prosecute: narcotic  
24 activity, including cannabis and controlled substance  
25 trafficking, narcotics racketeering, money laundering,  
26 violations of the Cannabis and Controlled Substances Tax Act,

1 and violations of Article 29D of the Criminal Code of 1961 or  
2 the Criminal Code of 2012; the unlawful sale and transfer of  
3 firearms; gunrunning; and streetgang related felonies.

4 (b) A Statewide Grand Jury may also investigate, indict,  
5 and prosecute violations facilitated by the use of a computer  
6 of any of the following offenses: indecent solicitation of a  
7 child, sexual exploitation of a child, soliciting for a  
8 juvenile prostitute, keeping a place of juvenile prostitution,  
9 juvenile pimping, child pornography, aggravated child  
10 pornography, or promoting juvenile prostitution except as  
11 described in subdivision (a)(4) of Section 11-14.4 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012.

13 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

14 (725 ILCS 215/3) (from Ch. 38, par. 1703)

15 Sec. 3. Written application for the appointment of a  
16 Circuit Judge to convene and preside over a Statewide Grand  
17 Jury, with jurisdiction extending throughout the State, shall  
18 be made to the Chief Justice of the Supreme Court. Upon such  
19 written application, the Chief Justice of the Supreme Court  
20 shall appoint a Circuit Judge from the circuit where the  
21 Statewide Grand Jury is being sought to be convened, who shall  
22 make a determination that the convening of a Statewide Grand  
23 Jury is necessary.

24 In such application the Attorney General shall state that  
25 the convening of a Statewide Grand Jury is necessary because of



1 an alleged offense or offenses set forth in this Section  
2 involving more than one county of the State and identifying any  
3 such offense alleged; and

4 (a) that he or she believes that the grand jury  
5 function for the investigation and indictment of the  
6 offense or offenses cannot effectively be performed by a  
7 county grand jury together with the reasons for such  
8 belief, and

9 (b) (1) that each State's Attorney with jurisdiction  
10 over an offense or offenses to be investigated has  
11 consented to the impaneling of the Statewide Grand Jury, or

12 (2) if one or more of the State's Attorneys having  
13 jurisdiction over an offense or offenses to be investigated  
14 fails to consent to the impaneling of the Statewide Grand  
15 Jury, the Attorney General shall set forth good cause for  
16 impaneling the Statewide Grand Jury.

17 If the Circuit Judge determines that the convening of a  
18 Statewide Grand Jury is necessary, he or she shall convene and  
19 impanel the Statewide Grand Jury with jurisdiction extending  
20 throughout the State to investigate and return indictments:

21 (a) For violations of any of the following or for any  
22 other criminal offense committed in the course of violating  
23 any of the following: Article 29D of the Criminal Code of  
24 1961 or the Criminal Code of 2012, the Illinois Controlled  
25 Substances Act, the Cannabis Control Act, the  
26 Methamphetamine Control and Community Protection Act, or

1 the Narcotics Profit Forfeiture Act, ~~or the Cannabis and~~  
2 ~~Controlled Substances Tax Act~~; a streetgang related felony  
3 offense; Section 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1,  
4 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4),  
5 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or  
6 24-1(c) of the Criminal Code of 1961 or the Criminal Code  
7 of 2012; or a money laundering offense; provided that the  
8 violation or offense involves acts occurring in more than  
9 one county of this State; and

10 (a-5) For violations facilitated by the use of a  
11 computer, including the use of the Internet, the World Wide  
12 Web, electronic mail, message board, newsgroup, or any  
13 other commercial or noncommercial on-line service, of any  
14 of the following offenses: indecent solicitation of a  
15 child, sexual exploitation of a child, soliciting for a  
16 juvenile prostitute, keeping a place of juvenile  
17 prostitution, juvenile pimping, child pornography,  
18 aggravated child pornography, or promoting juvenile  
19 prostitution except as described in subdivision (a)(4) of  
20 Section 11-14.4 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012; and

22 (b) For the offenses of perjury, subornation of  
23 perjury, communicating with jurors and witnesses, and  
24 harassment of jurors and witnesses, as they relate to  
25 matters before the Statewide Grand Jury.

26 "Streetgang related" has the meaning ascribed to it in

1 Section 10 of the Illinois Streetgang Terrorism Omnibus  
2 Prevention Act.

3       Upon written application by the Attorney General for the  
4 convening of an additional Statewide Grand Jury, the Chief  
5 Justice of the Supreme Court shall appoint a Circuit Judge from  
6 the circuit for which the additional Statewide Grand Jury is  
7 sought. The Circuit Judge shall determine the necessity for an  
8 additional Statewide Grand Jury in accordance with the  
9 provisions of this Section. No more than 2 Statewide Grand  
10 Juries may be empaneled at any time.

11 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

12       Section 99. Effective date. This Act takes effect upon  
13 becoming law.