

SB3467



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3467

Introduced 2/14/2020, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

410 ILCS 705/10-15

Amends the Cannabis Regulation and Tax Act. Provides that a person under 21 years of age who possesses 30 grams or less of cannabis is guilty of a Class A misdemeanor (rather than a civil law violation). Provides that a person under 21 years of age who possesses more than 30 grams of cannabis is subject to the penalties provided in the Cannabis Control Act. Effective immediately.

LRB101 16368 CPF 65746 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Cannabis Regulation and Tax Act is amended
5 by changing Section 10-15 as follows:

6 (410 ILCS 705/10-15)

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

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

15 (b) Notwithstanding any other provisions of law
16 authorizing the possession of medical cannabis, nothing in this
17 Act authorizes a person who is under 21 years of age to possess
18 cannabis. A person under 21 years of age who possesses 30 grams
19 or less of ~~with cannabis in his or her possession~~ is guilty of
20 a Class A misdemeanor ~~civil law violation as outlined in~~
21 ~~paragraph (a) of Section 4 of the Cannabis Control Act.~~ A
22 person under 21 years of age who possesses more than 30 grams
23 of cannabis is subject to the penalties provided in Section 4

1 of the Cannabis Control Act.

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

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

1 residence or other property is occupied only by the tenant or
2 lessee.

3 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.