1   AN ACT concerning health.

2   **Be it enacted by the People of the State of Illinois,**

3   **represented in the General Assembly:**

4   Section 1. Short title. This Act may be cited as the CBD

5   Safety Act.

6   Section 5. Definitions. In this Act:

7   "Cannabinoid product" means a product offered for sale

8   that contains cannabinoids and is not regulated under the

9   Compassionate Use of Medical Cannabis Program Act or the

10 Cannabis Regulation and Tax Act. "Cannabinoid product"

11 includes foods, and only foods, containing cannabinoids and

12 that are not time/temperature control for safety foods, as

13 defined in Section 1-201.10 of the Food Code 2017

14 Recommendations of the United States Public Health Service

15 Food and Drug Administration.

16   "Department" means the Department of Agriculture.

17   "Director" means the Director of Agriculture.

18   Section 10. Cannabinoid product labeling, packaging, and

19 testing requirements. No person shall manufacture, process, or

20 offer for sale a cannabinoid product unless the cannabinoid

21 product has labeling and packaging and has undergone lab

22 testing that meet labeling, packaging, and minimum testing

1 requirements pursuant to rules adopted by the Department under

2 subsection (b) of Section 15.

3 Section 15. Administration and enforcement; rules;

4 emergency rules; inspection.

5 (a) The Department shall administer and enforce this Act

6 and may adopt rules under the Illinois Administrative

7 Procedure Act for the purpose of administering and enforcing

8 this Act.

9 (b) The Department shall develop rules setting forth

10 labeling, packaging, and minimum testing requirements of

11 cannabinoid products.

12 (c) In order to provide for the expeditious and timely

13 implementation of the provisions of this Act, the Department

14 may adopt emergency rules in accordance with Section 5-45 of

15 the Illinois Administrative Procedure Act to the extent

16 necessary to administer the Department's responsibilities

17 under this Act. The adoption of emergency rules authorized by

18 this subsection (c) is deemed to be necessary for the public

19 interest, safety, and welfare.

20 (d) The Department of Public Health, local health

21 departments, the Illinois State Police, local sheriff's

22 departments, municipal police departments, the Department of

23 Revenue, and the Department may inspect any business that

24 manufactures, processes, or offers for sale cannabinoid

25 products in the State to ensure compliance with this Act.

1   Section 20. Administrative penalties; judicial review. The
2 following administrative fines may be imposed by the
3 Department upon any person or entity who violates any
4 provision of this Act or any rule adopted by the Department
5 under this Act:

6   (1) A penalty of $500 for a first violation.
7   (2) A penalty of $1,500 for a second violation at the
8   same location within 2 years of the first violation.
9   (3) A penalty of $2,500 for a third or subsequent
10   violation at the same location within 2 years of the
11   second violation.

12   Moneys collected by the Department under this Section
13 shall be deposited into the CBD Safety Fund. Any penalty of
14 $2,500 or greater that is not paid within 120 days of issuance
15 of notice from the Department shall be submitted to the
16 Department of Revenue for collection as provided under the
17 Illinois State Collection Act of 1986. The Department may
18 prohibit any person from selling or distributing a cannabinoid
19 product for failure to pay an administrative monetary penalty
20 within 60 days of issuance of notice from the Department.

21   All final administrative decisions of the Department are
22 subject to judicial review under the Administrative Review
23 Law. The term "administrative decision" has the meaning
24 ascribed to that term in Section 3-101 of the Code of Civil
25 Procedure.

1   Section 25. Publishing information. The Department shall
2 make available to the public complaints about cannabinoid
3 products, information regarding a pending administrative
4 hearing or court case under this Act, or any disciplinary
5 action taken against a cannabinoid product manufacturer,
6 processor, or seller.

7   Section 30. Temporary restraining order or injunction. The
8 Director, through the Attorney General, may file a complaint
9 and apply to the circuit court for, and the court upon hearing
10 and for cause shown may grant, a temporary restraining order
11 or a preliminary or permanent injunction restraining any
12 person from violating this Act.

13   Section 35. CBD Safety Fund. The CBD Safety Fund is
14 created as a special fund in the State treasury. Moneys in the
15 Fund shall be utilized, subject to appropriation, by the
16 Department for the implementation, administration, and
17 enforcement of this Act.

18   Section 40. Federal law; preemption. Notwithstanding any
19 other provision of this Act, the State may not regulate the
20 safety of cannabinoid products in a way that is inconsistent
21 with a federal law, rule, or regulation that regulates the
22 safety of cannabinoid products and is in effect on or after the

1   effective date of this Act.

2   Section 90. The Illinois Administrative Procedure Act is

3   amended by adding Section 5-45.8 as follows:

4   (5 ILCS 100/5-45.8 new)

5   Sec. 5-45.8. Emergency rulemaking; CBD Safety Act. To

6   provide for the expeditious and timely implementation of the

7   CBD Safety Act, emergency rules implementing the CBD Safety

8   Act may be adopted in accordance with Section 5-45 by the

9   Department of Agriculture. The adoption of emergency rules

10   authorized by Section 5-45 and this Section is deemed to be

11   necessary for the public interest, safety, and welfare.

12   This Section is repealed on January 1, 2027.

13   Section 95. The State Finance Act is amended by adding

14   Section 5.935 as follows:

15   (30 ILCS 105/5.935 new)

16   Sec. 5.935. The CBD Safety Fund.

17   Section 99. Effective date. This Act takes effect 180 days

18   after becoming law.