



Rep. Bob Morgan

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10200HB0147ham001

LRB102 04402 CPF 22597 a

1 AMENDMENT TO HOUSE BILL 147

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 147 by replacing  
3 everything after the enacting clause with the following:

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, the  
10 Cannabis Regulation and Tax Act, or the Industrial Hemp Act.

11 "Department" means the Department of Agriculture.

12 "Director" means the Director of Agriculture.

13 Section 10. Cannabinoid product labeling and testing  
14 requirements. No person shall manufacture, process, or offer  
15 for sale a cannabinoid product unless the cannabinoid product

1 has labeling and has undergone lab testing that meet labeling  
2 and minimum testing requirements pursuant to rules adopted by  
3 the Department under subsection (b) of Section 15.

4 Section 15. Administration and enforcement; rules;  
5 emergency rules; inspection.

6 (a) The Department shall administer and enforce this Act  
7 and may adopt rules under the Illinois Administrative  
8 Procedure Act for the purpose of administering and enforcing  
9 this Act.

10 (b) The Department shall develop rules setting forth  
11 labeling and minimum testing requirements of cannabinoid  
12 products.

13 (c) In order to provide for the expeditious and timely  
14 implementation of the provisions of this Act, the Department  
15 may adopt emergency rules in accordance with Section 5-45 of  
16 the Illinois Administrative Procedure Act to the extent  
17 necessary to administer the Department's responsibilities  
18 under this Act. The adoption of emergency rules authorized by  
19 this subsection (c) is deemed to be necessary for the public  
20 interest, safety, and welfare.

21 (d) The Department of Public Health, local health  
22 departments, the Illinois State Police, local sheriff's  
23 departments, municipal police departments, the Department of  
24 Revenue, and the Department may inspect any business that  
25 manufactures, processes, or offers for sale cannabinoid

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

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

7 (1) A penalty of \$500 for a first violation.

8 (2) A penalty of \$1,500 for a second violation at the  
9 same location within 2 years of the first violation.

10 (3) A penalty of \$2,500 for a third or subsequent  
11 violation at the same location within 2 years of the  
12 second violation.

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

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

1 Procedure.

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

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

14 Section 35. CBD Safety Fund. The CBD Safety Fund is  
15 created as a special fund in the State treasury. Moneys in the  
16 Fund shall be utilized by the Department for the  
17 implementation, administration, and 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 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."