



Rep. Bob Morgan

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10200HB0147ham002

LRB102 04402 CPF 23870 a

1 AMENDMENT TO HOUSE BILL 147

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

5 "Section 1. Short title. This Act may be cited as the CBD  
6 Safety Act.

7 Section 5. Definitions. In this Act:

8 "Cannabinoid product" means a product offered for sale  
9 that contains cannabinoids and is not regulated under the  
10 Compassionate Use of Medical Cannabis Program Act or the  
11 Cannabis Regulation and Tax Act. "Cannabinoid product"  
12 includes foods, and only foods, containing cannabinoids and  
13 that are not time/temperature control for safety foods, as  
14 defined in Section 1-201.10 of the Food Code 2017  
15 Recommendations of the United States Public Health Service  
16 Food and Drug Administration.

1 "Department" means the Department of Agriculture.

2 "Director" means the Director of Agriculture.

3 Section 10. Cannabinoid product labeling, packaging, and  
4 testing requirements. No person shall manufacture, process, or  
5 offer for sale a cannabinoid product unless the cannabinoid  
6 product has labeling and packaging and has undergone lab  
7 testing that meet labeling, packaging, and minimum testing  
8 requirements pursuant to rules adopted by the Department under  
9 subsection (b) of Section 15.

10 Section 15. Administration and enforcement; rules;  
11 emergency rules; inspection.

12 (a) The Department shall administer and enforce this Act  
13 and may adopt rules under the Illinois Administrative  
14 Procedure Act for the purpose of administering and enforcing  
15 this Act.

16 (b) The Department shall develop rules setting forth  
17 labeling, packaging, and minimum testing requirements of  
18 cannabinoid products.

19 (c) In order to provide for the expeditious and timely  
20 implementation of the provisions of this Act, the Department  
21 may adopt emergency rules in accordance with Section 5-45 of  
22 the Illinois Administrative Procedure Act to the extent  
23 necessary to administer the Department's responsibilities  
24 under this Act. The adoption of emergency rules authorized by

1 this subsection (c) is deemed to be necessary for the public  
2 interest, safety, and welfare.

3 (d) The Department of Public Health, local health  
4 departments, the Illinois State Police, local sheriff's  
5 departments, municipal police departments, the Department of  
6 Revenue, and the Department may inspect any business that  
7 manufactures, processes, or offers for sale cannabinoid  
8 products in the State to ensure compliance with this Act.

9 Section 20. Administrative penalties; judicial review. The  
10 following administrative fines may be imposed by the  
11 Department upon any person or entity who violates any  
12 provision of this Act or any rule adopted by the Department  
13 under this Act:

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

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

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

20 Moneys collected by the Department under this Section  
21 shall be deposited into the CBD Safety Fund. Any penalty of  
22 \$2,500 or greater that is not paid within 120 days of issuance  
23 of notice from the Department shall be submitted to the  
24 Department of Revenue for collection as provided under the  
25 Illinois State Collection Act of 1986. The Department may

1 prohibit any person from selling or distributing a cannabinoid  
2 product for failure to pay an administrative monetary penalty  
3 within 60 days of issuance of notice from the Department.

4 All final administrative decisions of the Department are  
5 subject to judicial review under the Administrative Review  
6 Law. The term "administrative decision" has the meaning  
7 ascribed to that term in Section 3-101 of the Code of Civil  
8 Procedure.

9 Section 25. Publishing information. The Department shall  
10 make available to the public complaints about cannabinoid  
11 products, information regarding a pending administrative  
12 hearing or court case under this Act, or any disciplinary  
13 action taken against a cannabinoid product manufacturer,  
14 processor, or seller.

15 Section 30. Temporary restraining order or injunction. The  
16 Director, through the Attorney General, may file a complaint  
17 and apply to the circuit court for, and the court upon hearing  
18 and for cause shown may grant, a temporary restraining order  
19 or a preliminary or permanent injunction restraining any  
20 person from violating this Act.

21 Section 35. CBD Safety Fund. The CBD Safety Fund is  
22 created as a special fund in the State treasury. Moneys in the  
23 Fund shall be utilized, subject to appropriation, by the

1 Department for the implementation, administration, and  
2 enforcement of this Act.

3 Section 40. Federal law; preemption. Notwithstanding any  
4 other provision of this Act, the State may not regulate the  
5 safety of cannabinoid products in a way that is inconsistent  
6 with a federal law, rule, or regulation that regulates the  
7 safety of cannabinoid products and is in effect on or after the  
8 effective date of this Act.

9 Section 90. The Illinois Administrative Procedure Act is  
10 amended by adding Section 5-45.8 as follows:

11 (5 ILCS 100/5-45.8 new)

12 Sec. 5-45.8. Emergency rulemaking; CBD Safety Act. To  
13 provide for the expeditious and timely implementation of the  
14 CBD Safety Act, emergency rules implementing the CBD Safety  
15 Act may be adopted in accordance with Section 5-45 by the  
16 Department of Agriculture. The adoption of emergency rules  
17 authorized by Section 5-45 and this Section is deemed to be  
18 necessary for the public interest, safety, and welfare.

19 This Section is repealed on January 1, 2027.

20 Section 95. The State Finance Act is amended by adding  
21 Section 5.935 as follows:

1 (30 ILCS 105/5.935 new)

2 Sec. 5.935. The CBD Safety Fund.

3 Section 99. Effective date. This Act takes effect 180 days  
4 after becoming law.".