

HB0402



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0402

Introduced 2/8/2021, by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

410 ILCS 130/93 new
410 ILCS 705/55-30

Amends the Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act. Requires each Department responsible for licensing of a cannabis business establishment or registration or licensing of a cultivation center or dispensing organization under the Acts to publish on the Department's website a list of the ownership information of the applicants, registrants, or licensees under the Department's jurisdiction. Effective immediately.

LRB102 10829 CPF 16159 b

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 Compassionate Use of Medical Cannabis
5 Program Act is amended by adding Section 93 as follows:

6 (410 ILCS 130/93 new)

7 Sec. 93. Publishing ownership information. Each Department
8 responsible for registration or licensure of a cultivation
9 center or dispensing organization under this Act shall publish
10 on the Department's website a list of the ownership
11 information of cultivation center or dispensing organization
12 applicants, registrants, or licensees under the Department's
13 jurisdiction. The list shall include, but is not limited to:
14 the name of the person or entity who is applying, registered,
15 or licensed; and the address at which the entity is applying,
16 registered, or licensed under this Act. This list shall be
17 published and updated monthly.

18 Section 10. The Cannabis Regulation and Tax Act is amended
19 by changing Section 55-30 as follows:

20 (410 ILCS 705/55-30)

21 Sec. 55-30. Confidentiality.

1 (a) Information provided by the cannabis business
2 establishment licensees or applicants to the Department of
3 Agriculture, the Department of Public Health, the Department
4 of Financial and Professional Regulation, the Department of
5 Commerce and Economic Opportunity, or other agency shall be
6 limited to information necessary for the purposes of
7 administering this Act. The information is subject to the
8 provisions and limitations contained in the Freedom of
9 Information Act and may be disclosed in accordance with
10 Section 55-65.

11 (b) The following information received and records kept by
12 the Department of Agriculture, the Department of Public
13 Health, the Department of State Police, and the Department of
14 Financial and Professional Regulation for purposes of
15 administering this Article are subject to all applicable
16 federal privacy laws, are confidential and exempt from
17 disclosure under the Freedom of Information Act, except as
18 provided in this Act, and not subject to disclosure to any
19 individual or public or private entity, except to the
20 Department of Financial and Professional Regulation, the
21 Department of Agriculture, the Department of Public Health,
22 and the Department of State Police as necessary to perform
23 official duties under this Article and to the Attorney General
24 as necessary to enforce the provisions of this Act. The
25 following information received and kept by the Department of
26 Financial and Professional Regulation or the Department of

1 Agriculture may be disclosed to the Department of Public
2 Health, the Department of Agriculture, the Department of
3 Revenue, the Department of State Police, or the Attorney
4 General upon proper request:

5 (1) Applications and renewals, their contents, and
6 supporting information submitted by or on behalf of
7 dispensing organizations in compliance with this Article,
8 including their physical addresses;

9 (2) Any plans, procedures, policies, or other records
10 relating to dispensing organization security; and

11 (3) Information otherwise exempt from disclosure by
12 State or federal law.

13 Illinois or national criminal history record information,
14 or the nonexistence or lack of such information, may not be
15 disclosed by the Department of Financial and Professional
16 Regulation or the Department of Agriculture, except as
17 necessary to the Attorney General to enforce this Act.

18 (c) The name and address of a dispensing organization
19 licensed under this Act shall be subject to disclosure under
20 the Freedom of Information Act. The name and cannabis business
21 establishment address of the person or entity holding each
22 cannabis business establishment license shall be subject to
23 disclosure.

24 (d) All information collected by the Department of
25 Financial and Professional Regulation in the course of an
26 examination, inspection, or investigation of a licensee or

1 applicant, including, but not limited to, any complaint
2 against a licensee or applicant filed with the Department and
3 information collected to investigate any such complaint, shall
4 be maintained for the confidential use of the Department and
5 shall not be disclosed, except as otherwise provided in this
6 Act. A formal complaint against a licensee by the Department
7 or any disciplinary order issued by the Department against a
8 licensee or applicant shall be a public record, except as
9 otherwise provided by law. Complaints from consumers or
10 members of the general public received regarding a specific,
11 named licensee or complaints regarding conduct by unlicensed
12 entities shall be subject to disclosure under the Freedom of
13 Information Act.

14 (e) The Department of Agriculture, the Department of State
15 Police, and the Department of Financial and Professional
16 Regulation shall not share or disclose any Illinois or
17 national criminal history record information, or the
18 nonexistence or lack of such information, to any person or
19 entity not expressly authorized by this Act.

20 (f) Each Department responsible for licensure under this
21 Act shall publish on the Department's website a list of the
22 ownership information of cannabis business establishment
23 applicants and licensees under the Department's jurisdiction.
24 The list shall include, but is not limited to: the name of the
25 person or entity applying to hold or holding each cannabis
26 business establishment license; and the address at which the

1 entity is applying to operate or operating under this Act.

2 This list shall be published and updated monthly.

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.