



Rep. La Shawn K. Ford

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LRB102 03459 CPF 25629 a

1 AMENDMENT TO HOUSE BILL 1443

2 AMENDMENT NO. _____. Amend House Bill 1443 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. The Illinois Administrative Procedure Act is
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that
9 any agency finds reasonably constitutes a threat to the public
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice

1 shall include the text of the emergency rule and shall be
2 published in the Illinois Register. Consent orders or other
3 court orders adopting settlements negotiated by an agency may
4 be adopted under this Section. Subject to applicable
5 constitutional or statutory provisions, an emergency rule
6 becomes effective immediately upon filing under Section 5-65
7 or at a stated date less than 10 days thereafter. The agency's
8 finding and a statement of the specific reasons for the
9 finding shall be filed with the rule. The agency shall take
10 reasonable and appropriate measures to make emergency rules
11 known to the persons who may be affected by them.

12 (c) An emergency rule may be effective for a period of not
13 longer than 150 days, but the agency's authority to adopt an
14 identical rule under Section 5-40 is not precluded. No
15 emergency rule may be adopted more than once in any 24-month
16 period, except that this limitation on the number of emergency
17 rules that may be adopted in a 24-month period does not apply
18 to (i) emergency rules that make additions to and deletions
19 from the Drug Manual under Section 5-5.16 of the Illinois
20 Public Aid Code or the generic drug formulary under Section
21 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
22 emergency rules adopted by the Pollution Control Board before
23 July 1, 1997 to implement portions of the Livestock Management
24 Facilities Act, (iii) emergency rules adopted by the Illinois
25 Department of Public Health under subsections (a) through (i)
26 of Section 2 of the Department of Public Health Act when

1 necessary to protect the public's health, (iv) emergency rules
2 adopted pursuant to subsection (n) of this Section, (v)
3 emergency rules adopted pursuant to subsection (o) of this
4 Section, or (vi) emergency rules adopted pursuant to
5 subsection (c-5) of this Section. Two or more emergency rules
6 having substantially the same purpose and effect shall be
7 deemed to be a single rule for purposes of this Section.

8 (c-5) To facilitate the maintenance of the program of
9 group health benefits provided to annuitants, survivors, and
10 retired employees under the State Employees Group Insurance
11 Act of 1971, rules to alter the contributions to be paid by the
12 State, annuitants, survivors, retired employees, or any
13 combination of those entities, for that program of group
14 health benefits, shall be adopted as emergency rules. The
15 adoption of those rules shall be considered an emergency and
16 necessary for the public interest, safety, and welfare.

17 (d) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 1999 budget,
19 emergency rules to implement any provision of Public Act
20 90-587 or 90-588 or any other budget initiative for fiscal
21 year 1999 may be adopted in accordance with this Section by the
22 agency charged with administering that provision or
23 initiative, except that the 24-month limitation on the
24 adoption of emergency rules and the provisions of Sections
25 5-115 and 5-125 do not apply to rules adopted under this
26 subsection (d). The adoption of emergency rules authorized by

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

3 (e) In order to provide for the expeditious and timely
4 implementation of the State's fiscal year 2000 budget,
5 emergency rules to implement any provision of Public Act 91-24
6 or any other budget initiative for fiscal year 2000 may be
7 adopted in accordance with this Section by the agency charged
8 with administering that provision or initiative, except that
9 the 24-month limitation on the adoption of emergency rules and
10 the provisions of Sections 5-115 and 5-125 do not apply to
11 rules adopted under this subsection (e). The adoption of
12 emergency rules authorized by this subsection (e) shall be
13 deemed to be necessary for the public interest, safety, and
14 welfare.

15 (f) In order to provide for the expeditious and timely
16 implementation of the State's fiscal year 2001 budget,
17 emergency rules to implement any provision of Public Act
18 91-712 or any other budget initiative for fiscal year 2001 may
19 be adopted in accordance with this Section by the agency
20 charged with administering that provision or initiative,
21 except that the 24-month limitation on the adoption of
22 emergency rules and the provisions of Sections 5-115 and 5-125
23 do not apply to rules adopted under this subsection (f). The
24 adoption of emergency rules authorized by this subsection (f)
25 shall be deemed to be necessary for the public interest,
26 safety, and welfare.

1 (g) In order to provide for the expeditious and timely
2 implementation of the State's fiscal year 2002 budget,
3 emergency rules to implement any provision of Public Act 92-10
4 or any other budget initiative for fiscal year 2002 may be
5 adopted in accordance with this Section by the agency charged
6 with administering that provision or initiative, except that
7 the 24-month limitation on the adoption of emergency rules and
8 the provisions of Sections 5-115 and 5-125 do not apply to
9 rules adopted under this subsection (g). The adoption of
10 emergency rules authorized by this subsection (g) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 (h) In order to provide for the expeditious and timely
14 implementation of the State's fiscal year 2003 budget,
15 emergency rules to implement any provision of Public Act
16 92-597 or any other budget initiative for fiscal year 2003 may
17 be adopted in accordance with this Section by the agency
18 charged with administering that provision or initiative,
19 except that the 24-month limitation on the adoption of
20 emergency rules and the provisions of Sections 5-115 and 5-125
21 do not apply to rules adopted under this subsection (h). The
22 adoption of emergency rules authorized by this subsection (h)
23 shall be deemed to be necessary for the public interest,
24 safety, and welfare.

25 (i) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2004 budget,

1 emergency rules to implement any provision of Public Act 93-20
2 or any other budget initiative for fiscal year 2004 may be
3 adopted in accordance with this Section by the agency charged
4 with administering that provision or initiative, except that
5 the 24-month limitation on the adoption of emergency rules and
6 the provisions of Sections 5-115 and 5-125 do not apply to
7 rules adopted under this subsection (i). The adoption of
8 emergency rules authorized by this subsection (i) shall be
9 deemed to be necessary for the public interest, safety, and
10 welfare.

11 (j) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2005 budget as provided under the Fiscal Year 2005 Budget
14 Implementation (Human Services) Act, emergency rules to
15 implement any provision of the Fiscal Year 2005 Budget
16 Implementation (Human Services) Act may be adopted in
17 accordance with this Section by the agency charged with
18 administering that provision, except that the 24-month
19 limitation on the adoption of emergency rules and the
20 provisions of Sections 5-115 and 5-125 do not apply to rules
21 adopted under this subsection (j). The Department of Public
22 Aid may also adopt rules under this subsection (j) necessary
23 to administer the Illinois Public Aid Code and the Children's
24 Health Insurance Program Act. The adoption of emergency rules
25 authorized by this subsection (j) shall be deemed to be
26 necessary for the public interest, safety, and welfare.

1 (k) In order to provide for the expeditious and timely
2 implementation of the provisions of the State's fiscal year
3 2006 budget, emergency rules to implement any provision of
4 Public Act 94-48 or any other budget initiative for fiscal
5 year 2006 may be adopted in accordance with this Section by the
6 agency charged with administering that provision or
7 initiative, except that the 24-month limitation on the
8 adoption of emergency rules and the provisions of Sections
9 5-115 and 5-125 do not apply to rules adopted under this
10 subsection (k). The Department of Healthcare and Family
11 Services may also adopt rules under this subsection (k)
12 necessary to administer the Illinois Public Aid Code, the
13 Senior Citizens and Persons with Disabilities Property Tax
14 Relief Act, the Senior Citizens and Disabled Persons
15 Prescription Drug Discount Program Act (now the Illinois
16 Prescription Drug Discount Program Act), and the Children's
17 Health Insurance Program Act. The adoption of emergency rules
18 authorized by this subsection (k) shall be deemed to be
19 necessary for the public interest, safety, and welfare.

20 (l) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2007 budget, the Department of Healthcare and Family Services
23 may adopt emergency rules during fiscal year 2007, including
24 rules effective July 1, 2007, in accordance with this
25 subsection to the extent necessary to administer the
26 Department's responsibilities with respect to amendments to

1 the State plans and Illinois waivers approved by the federal
2 Centers for Medicare and Medicaid Services necessitated by the
3 requirements of Title XIX and Title XXI of the federal Social
4 Security Act. The adoption of emergency rules authorized by
5 this subsection (l) shall be deemed to be necessary for the
6 public interest, safety, and welfare.

7 (m) In order to provide for the expeditious and timely
8 implementation of the provisions of the State's fiscal year
9 2008 budget, the Department of Healthcare and Family Services
10 may adopt emergency rules during fiscal year 2008, including
11 rules effective July 1, 2008, in accordance with this
12 subsection to the extent necessary to administer the
13 Department's responsibilities with respect to amendments to
14 the State plans and Illinois waivers approved by the federal
15 Centers for Medicare and Medicaid Services necessitated by the
16 requirements of Title XIX and Title XXI of the federal Social
17 Security Act. The adoption of emergency rules authorized by
18 this subsection (m) shall be deemed to be necessary for the
19 public interest, safety, and welfare.

20 (n) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2010 budget, emergency rules to implement any provision of
23 Public Act 96-45 or any other budget initiative authorized by
24 the 96th General Assembly for fiscal year 2010 may be adopted
25 in accordance with this Section by the agency charged with
26 administering that provision or initiative. The adoption of

1 emergency rules authorized by this subsection (n) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare. The rulemaking authority granted in this subsection
4 (n) shall apply only to rules promulgated during Fiscal Year
5 2010.

6 (o) In order to provide for the expeditious and timely
7 implementation of the provisions of the State's fiscal year
8 2011 budget, emergency rules to implement any provision of
9 Public Act 96-958 or any other budget initiative authorized by
10 the 96th General Assembly for fiscal year 2011 may be adopted
11 in accordance with this Section by the agency charged with
12 administering that provision or initiative. The adoption of
13 emergency rules authorized by this subsection (o) is deemed to
14 be necessary for the public interest, safety, and welfare. The
15 rulemaking authority granted in this subsection (o) applies
16 only to rules promulgated on or after July 1, 2010 (the
17 effective date of Public Act 96-958) through June 30, 2011.

18 (p) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 97-689,
20 emergency rules to implement any provision of Public Act
21 97-689 may be adopted in accordance with this subsection (p)
22 by the agency charged with administering that provision or
23 initiative. The 150-day limitation of the effective period of
24 emergency rules does not apply to rules adopted under this
25 subsection (p), and the effective period may continue through
26 June 30, 2013. The 24-month limitation on the adoption of

1 emergency rules does not apply to rules adopted under this
2 subsection (p). The adoption of emergency rules authorized by
3 this subsection (p) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (q) In order to provide for the expeditious and timely
6 implementation of the provisions of Articles 7, 8, 9, 11, and
7 12 of Public Act 98-104, emergency rules to implement any
8 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
9 may be adopted in accordance with this subsection (q) by the
10 agency charged with administering that provision or
11 initiative. The 24-month limitation on the adoption of
12 emergency rules does not apply to rules adopted under this
13 subsection (q). The adoption of emergency rules authorized by
14 this subsection (q) is deemed to be necessary for the public
15 interest, safety, and welfare.

16 (r) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 98-651,
18 emergency rules to implement Public Act 98-651 may be adopted
19 in accordance with this subsection (r) by the Department of
20 Healthcare and Family Services. The 24-month limitation on the
21 adoption of emergency rules does not apply to rules adopted
22 under this subsection (r). The adoption of emergency rules
23 authorized by this subsection (r) is deemed to be necessary
24 for the public interest, safety, and welfare.

25 (s) In order to provide for the expeditious and timely
26 implementation of the provisions of Sections 5-5b.1 and 5A-2

1 of the Illinois Public Aid Code, emergency rules to implement
2 any provision of Section 5-5b.1 or Section 5A-2 of the
3 Illinois Public Aid Code may be adopted in accordance with
4 this subsection (s) by the Department of Healthcare and Family
5 Services. The rulemaking authority granted in this subsection
6 (s) shall apply only to those rules adopted prior to July 1,
7 2015. Notwithstanding any other provision of this Section, any
8 emergency rule adopted under this subsection (s) shall only
9 apply to payments made for State fiscal year 2015. The
10 adoption of emergency rules authorized by this subsection (s)
11 is deemed to be necessary for the public interest, safety, and
12 welfare.

13 (t) In order to provide for the expeditious and timely
14 implementation of the provisions of Article II of Public Act
15 99-6, emergency rules to implement the changes made by Article
16 II of Public Act 99-6 to the Emergency Telephone System Act may
17 be adopted in accordance with this subsection (t) by the
18 Department of State Police. The rulemaking authority granted
19 in this subsection (t) shall apply only to those rules adopted
20 prior to July 1, 2016. The 24-month limitation on the adoption
21 of emergency rules does not apply to rules adopted under this
22 subsection (t). The adoption of emergency rules authorized by
23 this subsection (t) is deemed to be necessary for the public
24 interest, safety, and welfare.

25 (u) In order to provide for the expeditious and timely
26 implementation of the provisions of the Burn Victims Relief

1 Act, emergency rules to implement any provision of the Act may
2 be adopted in accordance with this subsection (u) by the
3 Department of Insurance. The rulemaking authority granted in
4 this subsection (u) shall apply only to those rules adopted
5 prior to December 31, 2015. The adoption of emergency rules
6 authorized by this subsection (u) is deemed to be necessary
7 for the public interest, safety, and welfare.

8 (v) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 99-516,
10 emergency rules to implement Public Act 99-516 may be adopted
11 in accordance with this subsection (v) by the Department of
12 Healthcare and Family Services. The 24-month limitation on the
13 adoption of emergency rules does not apply to rules adopted
14 under this subsection (v). The adoption of emergency rules
15 authorized by this subsection (v) is deemed to be necessary
16 for the public interest, safety, and welfare.

17 (w) In order to provide for the expeditious and timely
18 implementation of the provisions of Public Act 99-796,
19 emergency rules to implement the changes made by Public Act
20 99-796 may be adopted in accordance with this subsection (w)
21 by the Adjutant General. The adoption of emergency rules
22 authorized by this subsection (w) is deemed to be necessary
23 for the public interest, safety, and welfare.

24 (x) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 99-906,
26 emergency rules to implement subsection (i) of Section

1 16-115D, subsection (g) of Section 16-128A, and subsection (a)
2 of Section 16-128B of the Public Utilities Act may be adopted
3 in accordance with this subsection (x) by the Illinois
4 Commerce Commission. The rulemaking authority granted in this
5 subsection (x) shall apply only to those rules adopted within
6 180 days after June 1, 2017 (the effective date of Public Act
7 99-906). The adoption of emergency rules authorized by this
8 subsection (x) is deemed to be necessary for the public
9 interest, safety, and welfare.

10 (y) In order to provide for the expeditious and timely
11 implementation of the provisions of Public Act 100-23,
12 emergency rules to implement the changes made by Public Act
13 100-23 to Section 4.02 of the Illinois Act on the Aging,
14 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
15 Section 55-30 of the Alcoholism and Other Drug Abuse and
16 Dependency Act, and Sections 74 and 75 of the Mental Health and
17 Developmental Disabilities Administrative Act may be adopted
18 in accordance with this subsection (y) by the respective
19 Department. The adoption of emergency rules authorized by this
20 subsection (y) is deemed to be necessary for the public
21 interest, safety, and welfare.

22 (z) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 100-554,
24 emergency rules to implement the changes made by Public Act
25 100-554 to Section 4.7 of the Lobbyist Registration Act may be
26 adopted in accordance with this subsection (z) by the

1 Secretary of State. The adoption of emergency rules authorized
2 by this subsection (z) is deemed to be necessary for the public
3 interest, safety, and welfare.

4 (aa) In order to provide for the expeditious and timely
5 initial implementation of the changes made to Articles 5, 5A,
6 12, and 14 of the Illinois Public Aid Code under the provisions
7 of Public Act 100-581, the Department of Healthcare and Family
8 Services may adopt emergency rules in accordance with this
9 subsection (aa). The 24-month limitation on the adoption of
10 emergency rules does not apply to rules to initially implement
11 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
12 Public Aid Code adopted under this subsection (aa). The
13 adoption of emergency rules authorized by this subsection (aa)
14 is deemed to be necessary for the public interest, safety, and
15 welfare.

16 (bb) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 100-587,
18 emergency rules to implement the changes made by Public Act
19 100-587 to Section 4.02 of the Illinois Act on the Aging,
20 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
21 subsection (b) of Section 55-30 of the Alcoholism and Other
22 Drug Abuse and Dependency Act, Section 5-104 of the
23 Specialized Mental Health Rehabilitation Act of 2013, and
24 Section 75 and subsection (b) of Section 74 of the Mental
25 Health and Developmental Disabilities Administrative Act may
26 be adopted in accordance with this subsection (bb) by the

1 respective Department. The adoption of emergency rules
2 authorized by this subsection (bb) is deemed to be necessary
3 for the public interest, safety, and welfare.

4 (cc) In order to provide for the expeditious and timely
5 implementation of the provisions of Public Act 100-587,
6 emergency rules may be adopted in accordance with this
7 subsection (cc) to implement the changes made by Public Act
8 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
9 Pension Code by the Board created under Article 14 of the Code;
10 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
11 the Board created under Article 15 of the Code; and Sections
12 16-190.5 and 16-190.6 of the Illinois Pension Code by the
13 Board created under Article 16 of the Code. The adoption of
14 emergency rules authorized by this subsection (cc) is deemed
15 to be necessary for the public interest, safety, and welfare.

16 (dd) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 100-864,
18 emergency rules to implement the changes made by Public Act
19 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
20 may be adopted in accordance with this subsection (dd) by the
21 Secretary of State. The adoption of emergency rules authorized
22 by this subsection (dd) is deemed to be necessary for the
23 public interest, safety, and welfare.

24 (ee) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 100-1172,
26 emergency rules implementing the Illinois Underground Natural

1 Gas Storage Safety Act may be adopted in accordance with this
2 subsection by the Department of Natural Resources. The
3 adoption of emergency rules authorized by this subsection is
4 deemed to be necessary for the public interest, safety, and
5 welfare.

6 (ff) In order to provide for the expeditious and timely
7 initial implementation of the changes made to Articles 5A and
8 14 of the Illinois Public Aid Code under the provisions of
9 Public Act 100-1181, the Department of Healthcare and Family
10 Services may on a one-time-only basis adopt emergency rules in
11 accordance with this subsection (ff). The 24-month limitation
12 on the adoption of emergency rules does not apply to rules to
13 initially implement the changes made to Articles 5A and 14 of
14 the Illinois Public Aid Code adopted under this subsection
15 (ff). The adoption of emergency rules authorized by this
16 subsection (ff) is deemed to be necessary for the public
17 interest, safety, and welfare.

18 (gg) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 101-1,
20 emergency rules may be adopted by the Department of Labor in
21 accordance with this subsection (gg) to implement the changes
22 made by Public Act 101-1 to the Minimum Wage Law. The adoption
23 of emergency rules authorized by this subsection (gg) is
24 deemed to be necessary for the public interest, safety, and
25 welfare.

26 (hh) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 101-10,
2 emergency rules may be adopted in accordance with this
3 subsection (hh) to implement the changes made by Public Act
4 101-10 to subsection (j) of Section 5-5.2 of the Illinois
5 Public Aid Code. The adoption of emergency rules authorized by
6 this subsection (hh) is deemed to be necessary for the public
7 interest, safety, and welfare.

8 (ii) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 101-10,
10 emergency rules to implement the changes made by Public Act
11 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid
12 Code may be adopted in accordance with this subsection (ii) by
13 the Department of Public Health. The adoption of emergency
14 rules authorized by this subsection (ii) is deemed to be
15 necessary for the public interest, safety, and welfare.

16 (jj) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 101-10,
18 emergency rules to implement the changes made by Public Act
19 101-10 to Section 74 of the Mental Health and Developmental
20 Disabilities Administrative Act may be adopted in accordance
21 with this subsection (jj) by the Department of Human Services.
22 The adoption of emergency rules authorized by this subsection
23 (jj) is deemed to be necessary for the public interest,
24 safety, and welfare.

25 (kk) In order to provide for the expeditious and timely
26 implementation of the Cannabis Regulation and Tax Act, ~~and~~

1 Public Act 101-27, and this amendatory Act of the 102nd
2 General Assembly, the Department of Revenue, the Department of
3 Public Health, the Department of Agriculture, the Department
4 of State Police, and the Department of Financial and
5 Professional Regulation may adopt emergency rules in
6 accordance with this subsection (kk). The rulemaking authority
7 granted in this subsection (kk) shall apply only to rules
8 adopted before December 31, 2021. Notwithstanding the
9 provisions of subsection (c), emergency rules adopted under
10 this subsection (kk) shall be effective for 180 days. The
11 adoption of emergency rules authorized by this subsection (kk)
12 is deemed to be necessary for the public interest, safety, and
13 welfare.

14 (ll) In order to provide for the expeditious and timely
15 implementation of the provisions of the Leveling the Playing
16 Field for Illinois Retail Act, emergency rules may be adopted
17 in accordance with this subsection (ll) to implement the
18 changes made by the Leveling the Playing Field for Illinois
19 Retail Act. The adoption of emergency rules authorized by this
20 subsection (ll) is deemed to be necessary for the public
21 interest, safety, and welfare.

22 (mm) In order to provide for the expeditious and timely
23 implementation of the provisions of Section 25-70 of the
24 Sports Wagering Act, emergency rules to implement Section
25 25-70 of the Sports Wagering Act may be adopted in accordance
26 with this subsection (mm) by the Department of the Lottery as

1 provided in the Sports Wagering Act. The adoption of emergency
2 rules authorized by this subsection (mm) is deemed to be
3 necessary for the public interest, safety, and welfare.

4 (nn) In order to provide for the expeditious and timely
5 implementation of the Sports Wagering Act, emergency rules to
6 implement the Sports Wagering Act may be adopted in accordance
7 with this subsection (nn) by the Illinois Gaming Board. The
8 adoption of emergency rules authorized by this subsection (nn)
9 is deemed to be necessary for the public interest, safety, and
10 welfare.

11 (oo) In order to provide for the expeditious and timely
12 implementation of the provisions of subsection (c) of Section
13 20 of the Video Gaming Act, emergency rules to implement the
14 provisions of subsection (c) of Section 20 of the Video Gaming
15 Act may be adopted in accordance with this subsection (oo) by
16 the Illinois Gaming Board. The adoption of emergency rules
17 authorized by this subsection (oo) is deemed to be necessary
18 for the public interest, safety, and welfare.

19 (pp) In order to provide for the expeditious and timely
20 implementation of the provisions of Section 50 of the Sexual
21 Assault Evidence Submission Act, emergency rules to implement
22 Section 50 of the Sexual Assault Evidence Submission Act may
23 be adopted in accordance with this subsection (pp) by the
24 Department of State Police. The adoption of emergency rules
25 authorized by this subsection (pp) is deemed to be necessary
26 for the public interest, safety, and welfare.

1 (qq) In order to provide for the expeditious and timely
2 implementation of the provisions of the Illinois Works Jobs
3 Program Act, emergency rules may be adopted in accordance with
4 this subsection (qq) to implement the Illinois Works Jobs
5 Program Act. The adoption of emergency rules authorized by
6 this subsection (qq) is deemed to be necessary for the public
7 interest, safety, and welfare.

8 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;
9 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.
10 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;
11 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff.
12 3-8-19; 101-1, eff. 2-19-19; 101-10, Article 20, Section 20-5,
13 eff. 6-5-19; 101-10, Article 35, Section 35-5, eff. 6-5-19;
14 101-27, eff. 6-25-19; 101-31, Article 15, Section 15-5, eff.
15 6-28-19; 101-31, Article 25, Section 25-900, eff. 6-28-19;
16 101-31, Article 35, Section 35-3, eff. 6-28-19; 101-377, eff.
17 8-16-19; 101-601, eff. 12-10-19.)

18 Section 5. The Compassionate Use of Medical Cannabis
19 Program Act is amended by changing Sections 55, 100, 115, 130,
20 and 145 and by adding Section 115.5 as follows:

21 (410 ILCS 130/55)

22 Sec. 55. Registration of qualifying patients and
23 designated caregivers.

24 (a) The Department of Public Health shall issue registry

1 identification cards to qualifying patients and designated
2 caregivers who submit a completed application, and at minimum,
3 the following, in accordance with Department of Public Health
4 rules:

5 (1) A written certification, on a form developed by
6 the Department of Public Health consistent with Section 36
7 and issued by a certifying health care professional,
8 within 90 days immediately preceding the date of an
9 application and submitted by the qualifying patient or his
10 or her designated caregiver;

11 (2) upon the execution of applicable privacy waivers,
12 the patient's medical documentation related to his or her
13 debilitating condition and any other information that may
14 be reasonably required by the Department of Public Health
15 to confirm that the certifying health care professional
16 and patient have a bona fide health care
17 professional-patient relationship, that the qualifying
18 patient is in the certifying health care professional's
19 care for his or her debilitating medical condition, and to
20 substantiate the patient's diagnosis;

21 (3) the application or renewal fee as set by rule;

22 (4) the name, address, date of birth, and social
23 security number of the qualifying patient, except that if
24 the applicant is homeless no address is required;

25 (5) the name, address, and telephone number of the
26 qualifying patient's certifying health care professional;

1 (6) the name, address, and date of birth of the
2 designated caregiver, if any, chosen by the qualifying
3 patient;

4 (7) (blank) ~~the name of the registered medical~~
5 ~~cannabis dispensing organization the qualifying patient~~
6 ~~designates;~~

7 (8) signed statements from the patient and designated
8 caregiver asserting that they will not divert medical
9 cannabis; and

10 (9) (blank).

11 (b) Notwithstanding any other provision of this Act, a
12 person provided a written certification for a debilitating
13 medical condition who has submitted a completed online
14 application to the Department of Public Health shall receive a
15 provisional registration and be entitled to purchase medical
16 cannabis from a ~~specified~~ licensed dispensing organization for
17 a period of 90 days or until his or her application has been
18 denied or he or she receives a registry identification card,
19 whichever is earlier. However, a person may obtain an
20 additional provisional registration after the expiration of 90
21 days after the date of application if the Department of Public
22 Health does not provide the individual with a registry
23 identification card or deny the individual's application
24 within those 90 days.

25 The provisional registration may not be extended if the
26 individual does not respond to the Department of Public

1 Health's request for additional information or corrections to
2 required application documentation.

3 In order for a person to receive medical cannabis under
4 this subsection, a person must present his or her provisional
5 registration along with a valid driver's license or State
6 identification card to the licensed dispensing organization
7 ~~specified in his or her application.~~ The dispensing
8 organization shall verify the person's provisional
9 registration through the Department of Public Health's online
10 verification system.

11 Upon verification of the provided documents, the
12 dispensing organization shall dispense no more than 2.5 ounces
13 of medical cannabis during a 14-day period to the person for a
14 period of 90 days, until his or her application has been
15 denied, or until he or she receives a registry identification
16 card from the Department of Public Health, whichever is
17 earlier.

18 Persons with provisional registrations must keep their
19 provisional registration in his or her possession at all times
20 when transporting or engaging in the medical use of cannabis.

21 (c) No person or business shall charge a fee for
22 assistance in the preparation, compilation, or submission of
23 an application to the Compassionate Use of Medical Cannabis
24 Program or the Opioid Alternative Pilot Program. A violation
25 of this subsection is a Class C misdemeanor, for which
26 restitution to the applicant and a fine of up to \$1,500 may be

1 imposed. All fines shall be deposited into the Compassionate
2 Use of Medical Cannabis Fund after restitution has been made
3 to the applicant. The Department of Public Health shall refer
4 individuals making complaints against a person or business
5 under this Section to the Illinois State Police, who shall
6 enforce violations of this provision. All application forms
7 issued by the Department shall state that no person or
8 business may charge a fee for assistance in the preparation,
9 compilation, or submission of an application to the
10 Compassionate Use of Medical Cannabis Program or the Opioid
11 Alternative Pilot Program.

12 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

13 (410 ILCS 130/100)

14 Sec. 100. Cultivation center agent identification card.

15 (a) The Department of Agriculture shall:

16 (1) verify the information contained in an application
17 or renewal for a cultivation center identification card
18 submitted under this Act, and approve or deny an
19 application or renewal, within 30 days of receiving a
20 completed application or renewal application and all
21 supporting documentation required by rule;

22 (2) issue a cultivation center agent identification
23 card to a qualifying agent within 15 business days of
24 approving the application or renewal;

25 (3) enter the registry identification number of the

1 cultivation center where the agent works; and

2 (4) allow for an electronic application process, and
3 provide a confirmation by electronic or other methods that
4 an application has been submitted.

5 (b) A cultivation center agent must keep his or her
6 identification card visible at all times when on the property
7 of a cultivation center and during the transportation of
8 medical cannabis to a registered dispensary organization.

9 (c) The cultivation center agent identification cards
10 shall contain the following:

11 (1) the name of the cardholder;

12 (2) the date of issuance and expiration date of
13 cultivation center agent identification cards;

14 (3) a random 10 digit alphanumeric identification
15 number containing at least 4 numbers and at least 4
16 letters; that is unique to the holder; and

17 (4) a photograph of the cardholder.

18 (d) The cultivation center agent identification cards
19 shall be immediately returned to the cultivation center upon
20 termination of employment.

21 (e) Any card lost by a cultivation center agent shall be
22 reported to the State Police and the Department of Agriculture
23 immediately upon discovery of the loss.

24 (f) An applicant shall be denied a cultivation center
25 agent identification card if he or she has been convicted of an
26 excluded offense.

1 (g) An agent applicant may begin employment at a
2 cultivation center while the agent applicant's identification
3 card application is pending. Upon approval, the Department
4 shall issue the agent's identification card to the agent. If
5 denied, the cultivation center and the agent applicant shall
6 be notified and the agent applicant must cease all activity at
7 the cultivation center immediately.

8 (Source: P.A. 98-122, eff. 1-1-14.)

9 (410 ILCS 130/115)

10 Sec. 115. Registration of dispensing organizations.

11 (a) The Department of Financial and Professional
12 Regulation may issue up to 60 dispensing organization
13 registrations for operation. The Department of Financial and
14 Professional Regulation may not issue less than the 60
15 registrations if there are qualified applicants who have
16 applied with the Department of Financial and Professional
17 Regulation. The organizations shall be geographically
18 dispersed throughout the State to allow all registered
19 qualifying patients reasonable proximity and access to a
20 dispensing organization.

21 (a-5) ~~The For any dispensing organization registered on or~~
22 ~~after July 1, 2019,~~ the Department of Financial and
23 Professional Regulation shall adopt rules to create a
24 registration process for Social Equity Justice Involved
25 Applicants and Qualifying Applicants, a streamlined

1 application, and a Social Equity Justice Involved Medical
2 Lottery under Section 115.5 to issue the remaining available 5
3 dispensing organization registrations for operation ~~award not~~
4 ~~less than 20% of all available points to applicants that~~
5 ~~qualify as Social Equity Applicants.~~ For purposes of this
6 Section:

7 "Disproportionately Impacted Area" means a census tract or
8 comparable geographic area that satisfies the following
9 criteria as determined by the Department of Commerce and
10 Economic Opportunity, that:

11 (1) meets at least one of the following criteria:

12 (A) the area has a poverty rate of at least 20%
13 according to the latest federal decennial census; or

14 (B) 75% or more of the children in the area
15 participate in the federal free lunch program
16 according to reported statistics from the State Board
17 of Education; or

18 (C) at least 20% of the households in the area
19 receive assistance under the Supplemental Nutrition
20 Assistance Program; or

21 (D) the area has an average unemployment rate, as
22 determined by the Illinois Department of Employment
23 Security, that is more than 120% of the national
24 unemployment average, as determined by the United
25 States Department of Labor, for a period of at least 2
26 consecutive calendar years preceding the date of the

1 application; and

2 (2) has high rates of arrest, conviction, and
3 incarceration related to sale, possession, use,
4 cultivation, manufacture, or transport of cannabis.

5 "Qualifying Applicant" has the same meaning as defined in
6 Section 1-10 of the Cannabis Regulation and Tax Act. For
7 purposes of this Section, "Qualifying Applicant" includes an
8 applicant that did not receive a Conditional Adult Use
9 Dispensing Organization License through a Qualifying Applicant
10 Lottery pursuant to Section 15-35 of the Cannabis Regulation
11 and Tax Act or any Tied Applicant Lottery conducted under the
12 Cannabis Regulation and Tax Act.

13 "Social Equity Justice Involved Applicant" means an
14 applicant that is an Illinois resident that meets ~~one of~~ the
15 following criteria:

16 (1) an applicant with at least 51% ownership and
17 control by one or more individuals who have resided for at
18 least 5 of the preceding 10 years in a Disproportionately
19 Impacted Area; or

20 (2) either:

21 (A) an applicant with at least 51% of ownership
22 and control by one or more individuals who have been
23 arrested for, convicted of, or adjudicated delinquent
24 for any offense that is eligible for expungement under
25 subsection (i) of Section 5.2 of the Criminal
26 Identification Act ~~or member of an impacted family; or~~

1 (B) an applicant with at least 51% ownership and
2 control by one or more members of an impacted family.

3 ~~(3) for applicants with a minimum of 10 full-time~~
4 ~~employees, an applicant with at least 51% of current~~
5 ~~employees who:~~

6 ~~(A) currently reside in a Disproportionately~~
7 ~~Impacted Area; or~~

8 ~~(B) have been arrested for, convicted of, or~~
9 ~~adjudicated delinquent for any offense that is~~
10 ~~eligible for expungement or member of an impacted~~
11 ~~family.~~

12 (b) A dispensing organization may only operate if it has
13 been issued a registration from the Department of Financial
14 and Professional Regulation. The Department of Financial and
15 Professional Regulation shall adopt rules establishing the
16 procedures for applicants for dispensing organizations.

17 (c) When applying for a dispensing organization
18 registration, the applicant shall submit, at a minimum, the
19 following in accordance with Department of Financial and
20 Professional Regulation rules:

21 (1) a non-refundable application fee established by
22 rule;

23 (2) the proposed legal name of the dispensing
24 organization;

25 (3) the proposed physical address of the dispensing
26 organization;

1 (4) the name, address, and date of birth of each
2 principal officer and board member of the dispensing
3 organization, provided that all those individuals shall be
4 at least 21 years of age;

5 (5) (blank) ~~information, in writing, regarding any~~
6 ~~instances in which a business or not for profit that any~~
7 ~~of the prospective board members managed or served on the~~
8 ~~board was convicted, fined, censured, or had a~~
9 ~~registration suspended or revoked in any administrative or~~
10 ~~judicial proceeding;~~

11 (6) (blank) ~~proposed operating by laws that include~~
12 ~~procedures for the oversight of the medical cannabis~~
13 ~~dispensing organization and procedures to ensure accurate~~
14 ~~record keeping and security measures that are in~~
15 ~~accordance with the rules applied by the Department of~~
16 ~~Financial and Professional Regulation under this Act. The~~
17 ~~by laws shall include a description of the enclosed,~~
18 ~~locked facility where medical cannabis will be stored by~~
19 ~~the dispensing organization; and~~

20 (7) (blank) ~~signed statements from each dispensing~~
21 ~~organization agent stating that they will not divert~~
22 ~~medical cannabis.~~

23 (d) The Department of Financial and Professional
24 Regulation shall conduct a background check of the prospective
25 dispensing organization agents in order to carry out this
26 Section. The Department of State Police shall charge a fee for

1 conducting the criminal history record check, which shall be
2 deposited in the State Police Services Fund and shall not
3 exceed the actual cost of the record check. Each person
4 applying as a dispensing organization agent shall submit a
5 full set of fingerprints to the Department of State Police for
6 the purpose of obtaining a State and federal criminal records
7 check. These fingerprints shall be checked against the
8 fingerprint records now and hereafter, to the extent allowed
9 by law, filed in the Department of State Police and Federal
10 Bureau of Investigation criminal history records databases.
11 The Department of State Police shall furnish, following
12 positive identification, all Illinois conviction information
13 to the Department of Financial and Professional Regulation.

14 (e) A dispensing organization must pay a registration fee
15 set by the Department of Financial and Professional
16 Regulation.

17 (f) An application for a medical cannabis dispensing
18 organization registration must be denied if any of the
19 following conditions are met:

20 (1) the applicant failed to submit the materials
21 required by this Section, including if the applicant's
22 plans do not satisfy the security, oversight, or
23 recordkeeping rules issued by the Department of Financial
24 and Professional Regulation;

25 (2) the applicant would not be in compliance with
26 local zoning rules issued in accordance with Section 140;

1 (3) the applicant does not meet the requirements of
2 Section 130;

3 (4) one or more of the prospective principal officers
4 or board members has been convicted of an excluded
5 offense;

6 (5) one or more of the prospective principal officers
7 or board members has served as a principal officer or
8 board member for a registered medical cannabis dispensing
9 organization that has had its registration revoked; and

10 (6) one or more of the principal officers or board
11 members is under 21 years of age.

12 (Source: P.A. 101-363, eff. 8-9-19.)

13 (410 ILCS 130/115.5 new)

14 Sec. 115.5. Social Equity Justice Involved Medical
15 Lottery.

16 (a) In this Section:

17 "By lot" has the same meaning as defined in Section 1-10 of
18 the Cannabis Regulation and Tax Act.

19 "Social Equity Justice Involved Applicant" has the same
20 meaning as defined in subsection (a-5) of Section 115.

21 "Social Equity Justice Involved Medical Lottery" means the
22 process of issuing 5 available medical cannabis dispensing
23 organization registrations by lot, conducted by the Department
24 of Financial and Professional Regulation, for applicants that
25 are Social Equity Justice Involved Applicants or Qualifying

1 Applicants as that term is defined in Section 1-10 of the
2 Cannabis Regulation and Tax Act.

3 (b) The Department of Financial and Professional
4 Regulation shall conduct a Social Equity Justice Involved
5 Medical Lottery to award up to 5 medical cannabis dispensing
6 organization registrations by lot in accordance with Section
7 115.

8 (c) The Department of Financial and Professional
9 Regulation shall adopt rules through emergency rulemaking in
10 accordance with subsection (kk) of Section 5-45 of the
11 Illinois Administrative Procedure Act to create a registration
12 process, a streamlined application, an application fee not to
13 exceed \$5,000 for purposes of this Section, and limits on the
14 number of entries into the Social Equity Justice Involved
15 Medical Lottery, as well as any other measures to reduce
16 barriers to enter the cannabis industry. The General Assembly
17 finds that the adoption of rules to regulate cannabis use is
18 deemed an emergency and necessary for the public interest,
19 safety, and welfare.

20 (d) Social Equity Justice Involved Applicants awarded a
21 registration under subsection (a-5) of Section 115 will be
22 eligible to serve purchasers at the same site and a secondary
23 site under the Cannabis Regulation and Tax Act subject to
24 application and inspection processes established by the
25 Department. The licenses issued under this Section shall be
26 valid 2 years from issuance and shall renew in the manner

1 proscribed by the Department.

2 (410 ILCS 130/130)

3 Sec. 130. Requirements; prohibitions; penalties;
4 dispensing organizations.

5 (a) The Department of Financial and Professional
6 Regulation shall implement the provisions of this Section by
7 rule.

8 (b) A dispensing organization shall maintain operating
9 documents which shall include procedures for the oversight of
10 the registered dispensing organization and procedures to
11 ensure accurate recordkeeping.

12 (c) A dispensing organization shall implement appropriate
13 security measures, as provided by rule, to deter and prevent
14 the theft of cannabis and unauthorized entrance into areas
15 containing cannabis.

16 (d) A dispensing organization may not be located within
17 1,000 feet of the property line of a pre-existing public or
18 private preschool or elementary or secondary school or day
19 care center, day care home, group day care home, or part day
20 child care facility. A registered dispensing organization may
21 not be located in a house, apartment, condominium, or an area
22 zoned for residential use. This subsection shall not apply to
23 any dispensing organizations registered on or after July 1,
24 2019.

25 (e) A dispensing organization is prohibited from acquiring

1 cannabis from anyone other than a cultivation center, craft
2 grower, processing organization, another dispensing
3 organization, or transporting organization licensed or
4 registered under this Act or the Cannabis Regulation and Tax
5 Act ~~registered cultivation center~~. A dispensing organization
6 is prohibited from obtaining cannabis from outside the State
7 of Illinois.

8 (f) A registered dispensing organization is prohibited
9 from dispensing cannabis for any purpose except to assist
10 registered qualifying patients with the medical use of
11 cannabis directly or through the qualifying patients'
12 designated caregivers.

13 (g) The area in a dispensing organization where medical
14 cannabis is stored can only be accessed by dispensing
15 organization agents working for the dispensing organization,
16 Department of Financial and Professional Regulation staff
17 performing inspections, law enforcement or other emergency
18 personnel, and contractors working on jobs unrelated to
19 medical cannabis, such as installing or maintaining security
20 devices or performing electrical wiring.

21 (h) A dispensing organization may not dispense more than
22 2.5 ounces of cannabis to a registered qualifying patient,
23 directly or via a designated caregiver, in any 14-day period
24 unless the qualifying patient has a Department of Public
25 Health-approved quantity waiver. Any Department of Public
26 Health-approved quantity waiver process must be made available

1 to qualified veterans.

2 (i) Except as provided in subsection (i-5), before medical
3 cannabis may be dispensed to a designated caregiver or a
4 registered qualifying patient, a dispensing organization agent
5 must determine that the individual is a current cardholder in
6 the verification system and must verify each of the following:

7 (1) that the registry identification card presented to
8 the registered dispensing organization is valid;

9 (2) that the person presenting the card is the person
10 identified on the registry identification card presented
11 to the dispensing organization agent;

12 (3) (blank); and ~~that the dispensing organization is~~
13 ~~the designated dispensing organization for the registered~~
14 ~~qualifying patient who is obtaining the cannabis directly~~
15 ~~or via his or her designated caregiver; and~~

16 (4) that the registered qualifying patient has not
17 exceeded his or her adequate supply.

18 (i-5) A dispensing organization may dispense medical
19 cannabis to an Opioid Alternative Pilot Program participant
20 under Section 62 and to a person presenting proof of
21 provisional registration under Section 55. Before dispensing
22 medical cannabis, the dispensing organization shall comply
23 with the requirements of Section 62 or Section 55, whichever
24 is applicable, and verify the following:

25 (1) that the written certification presented to the
26 registered dispensing organization is valid and an

1 original document;

2 (2) that the person presenting the written
3 certification is the person identified on the written
4 certification; and

5 (3) that the participant has not exceeded his or her
6 adequate supply.

7 (j) Dispensing organizations shall ensure compliance with
8 this limitation by maintaining internal, confidential records
9 that include records specifying how much medical cannabis is
10 dispensed to the registered qualifying patient and whether it
11 was dispensed directly to the registered qualifying patient or
12 to the designated caregiver. Each entry must include the date
13 and time the cannabis was dispensed. Additional recordkeeping
14 requirements may be set by rule.

15 (k) The health care professional-patient privilege as set
16 forth by Section 8-802 of the Code of Civil Procedure shall
17 apply between a qualifying patient and a registered dispensing
18 organization and its agents with respect to communications and
19 records concerning qualifying patients' debilitating
20 conditions.

21 (l) A dispensing organization may not permit any person to
22 consume cannabis on the property of a medical cannabis
23 organization.

24 (m) A dispensing organization may not share office space
25 with or refer patients to a certifying health care
26 professional.

1 (n) Notwithstanding any other criminal penalties related
2 to the unlawful possession of cannabis, the Department of
3 Financial and Professional Regulation may revoke, suspend,
4 place on probation, reprimand, refuse to issue or renew, or
5 take any other disciplinary or non-disciplinary action as the
6 Department of Financial and Professional Regulation may deem
7 proper with regard to the registration of any person issued
8 under this Act to operate a dispensing organization or act as a
9 dispensing organization agent, including imposing fines not to
10 exceed \$10,000 for each violation, for any violations of this
11 Act and rules adopted in accordance with this Act. The
12 procedures for disciplining a registered dispensing
13 organization shall be determined by rule. All final
14 administrative decisions of the Department of Financial and
15 Professional Regulation are subject to judicial review under
16 the Administrative Review Law and its rules. The term
17 "administrative decision" is defined as in Section 3-101 of
18 the Code of Civil Procedure.

19 (o) Dispensing organizations are subject to random
20 inspection and cannabis testing by the Department of Financial
21 and Professional Regulation, ~~and the Illinois~~ State Police,
22 the Department of Revenue, the Department of Public Health,
23 and the Department of Agriculture, as provided by rule.

24 (p) The Department of Financial and Professional
25 Regulation shall adopt rules permitting returns, and potential
26 refunds, for damaged or inadequate products.

1 (q) The Department of Financial and Professional
2 Regulation may issue nondisciplinary citations for minor
3 violations which may be accompanied by a civil penalty not to
4 exceed \$10,000 per violation. The penalty shall be a civil
5 penalty or other condition as established by rule. The
6 citation shall be issued to the licensee and shall contain the
7 licensee's name, address, and license number, a brief factual
8 statement, the Sections of the law or rule allegedly violated,
9 and the civil penalty, if any, imposed. The citation must
10 clearly state that the licensee may choose, in lieu of
11 accepting the citation, to request a hearing. If the licensee
12 does not dispute the matter in the citation with the
13 Department of Financial and Professional Regulation within 30
14 days after the citation is served, then the citation shall
15 become final and shall not be subject to appeal.

16 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

17 (410 ILCS 130/145)

18 Sec. 145. Confidentiality.

19 (a) The following information received and records kept by
20 the Department of Public Health, Department of Financial and
21 Professional Regulation, Department of Agriculture, or
22 Department of State Police for purposes of administering this
23 Act are subject to all applicable federal privacy laws,
24 confidential, and exempt from the Freedom of Information Act,
25 and not subject to disclosure to any individual or public or

1 private entity, except as necessary for authorized employees
2 of those authorized agencies to perform official duties under
3 this Act and the following information received and records
4 kept by Department of Public Health, Department of
5 Agriculture, Department of Financial and Professional
6 Regulation, and Department of State Police, excluding any
7 existing or non-existing Illinois or national criminal history
8 record information as defined in subsection (d), may be
9 disclosed to each other upon request:

10 (1) Applications and renewals, their contents, and
11 supporting information submitted by qualifying patients
12 and designated caregivers, including information regarding
13 their designated caregivers and certifying health care
14 professionals.

15 (2) Applications and renewals, their contents, and
16 supporting information submitted by or on behalf of
17 cultivation centers and dispensing organizations in
18 compliance with this Act, including their physical
19 addresses. This does not preclude the release of ownership
20 information of cannabis business establishment licenses or
21 information submitted with an application required to be
22 disclosed pursuant to subsection (c) or pursuant to the
23 Cannabis Regulation and Tax Act.

24 (3) The individual names and other information
25 identifying persons to whom the Department of Public
26 Health has issued registry identification cards.

1 (4) Any dispensing information required to be kept
2 under Section 135, Section 150, or Department of Public
3 Health, Department of Agriculture, or Department of
4 Financial and Professional Regulation rules shall identify
5 cardholders and registered cultivation centers by their
6 registry identification numbers and medical cannabis
7 dispensing organizations by their registration number and
8 not contain names or other personally identifying
9 information.

10 (5) All medical records provided to the Department of
11 Public Health in connection with an application for a
12 registry card.

13 (b) Nothing in this Section precludes the following:

14 (1) Department of Agriculture, Department of Financial
15 and Professional Regulation, or Public Health employees
16 may notify law enforcement about falsified or fraudulent
17 information submitted to the Departments if the employee
18 who suspects that falsified or fraudulent information has
19 been submitted conferred with his or her supervisor and
20 both agree that circumstances exist that warrant
21 reporting.

22 (2) If the employee conferred with his or her
23 supervisor and both agree that circumstances exist that
24 warrant reporting, Department of Public Health employees
25 may notify the Department of Financial and Professional
26 Regulation if there is reasonable cause to believe a

1 certifying health care professional:

2 (A) issued a written certification without a bona
3 fide health care professional-patient relationship
4 under this Act;

5 (B) issued a written certification to a person who
6 was not under the certifying health care
7 professional's care for the debilitating medical
8 condition; or

9 (C) failed to abide by the acceptable and
10 prevailing standard of care when evaluating a
11 patient's medical condition.

12 (3) The Department of Public Health, Department of
13 Agriculture, and Department of Financial and Professional
14 Regulation may notify State or local law enforcement about
15 apparent criminal violations of this Act if the employee
16 who suspects the offense has conferred with his or her
17 supervisor and both agree that circumstances exist that
18 warrant reporting.

19 (4) Medical cannabis cultivation center agents and
20 medical cannabis dispensing organizations may notify the
21 Department of Public Health, Department of Financial and
22 Professional Regulation, or Department of Agriculture of a
23 suspected violation or attempted violation of this Act or
24 the rules issued under it.

25 (5) Each Department may verify registry identification
26 cards under Section 150.

1 (6) The submission of the report to the General
2 Assembly under Section 160.

3 (c) Each Department responsible for licensure under this
4 Act shall publish on the Department's website a list of the
5 ownership information of cannabis business establishment
6 licensees under the Department's jurisdiction. The list shall
7 include, but shall not be limited to, the name of the person or
8 entity holding each cannabis business establishment license
9 and the address at which the entity is operating under this
10 Act. This list shall be published and updated monthly. ~~It is a~~
11 ~~Class B misdemeanor with a \$1,000 fine for any person,~~
12 ~~including an employee or official of the Department of Public~~
13 ~~Health, Department of Financial and Professional Regulation,~~
14 ~~or Department of Agriculture or another State agency or local~~
15 ~~government, to breach the confidentiality of information~~
16 ~~obtained under this Act.~~

17 (d) The Department of Public Health, the Department of
18 Agriculture, the Department of State Police, and the
19 Department of Financial and Professional Regulation shall not
20 share or disclose any existing or non-existing Illinois or
21 national criminal history record information. For the purposes
22 of this Section, "any existing or non-existing Illinois or
23 national criminal history record information" means any
24 Illinois or national criminal history record information,
25 including but not limited to the lack of or non-existence of
26 these records.

1 (Source: P.A. 101-363, eff. 8-9-19.)

2 Section 10. The Cannabis Regulation and Tax Act is amended
3 by changing Sections 1-10, 5-45, 7-30, 15-15, 15-25, 15-35,
4 15-40, 25-5, 25-35, 30-5, 35-5, 35-30, 40-30, 55-21, and 55-30
5 and by adding Sections 15-30.5, 15-30.8, 15-30.10, 15-30.15,
6 15-30.20, 20-55, 30-55, 35-45, and 40-45 as follows:

7 (410 ILCS 705/1-10)

8 Sec. 1-10. Definitions. In this Act:

9 "Adult Use Cultivation Center License" means a license
10 issued by the Department of Agriculture that permits a person
11 to act as a cultivation center under this Act and any
12 administrative rule made in furtherance of this Act.

13 "Adult Use Dispensing Organization License" means a
14 license issued by the Department of Financial and Professional
15 Regulation that permits a person to act as a dispensing
16 organization under this Act and any administrative rule made
17 in furtherance of this Act.

18 "Advertise" means to engage in promotional activities
19 including, but not limited to: newspaper, radio, Internet and
20 electronic media, and television advertising; the distribution
21 of fliers and circulars; billboard advertising; and the
22 display of window and interior signs. "Advertise" does not
23 mean exterior signage displaying only the name of the licensed
24 cannabis business establishment.

1 "Application points" means the number of points a
2 Dispensary Applicant receives on an application for a
3 Conditional Adult Use Dispensing Organization License.

4 "BLS Region" means a region in Illinois used by the United
5 States Bureau of Labor Statistics to gather and categorize
6 certain employment and wage data. The 17 such regions in
7 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
8 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
9 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
10 Rockford, St. Louis, Springfield, Northwest Illinois
11 nonmetropolitan area, West Central Illinois nonmetropolitan
12 area, East Central Illinois nonmetropolitan area, and South
13 Illinois nonmetropolitan area.

14 "By lot" means a randomized method of choosing between 2
15 or more Eligible Tied Applicants or 2 or more Qualifying
16 Applicants.

17 "Cannabis" means marijuana, hashish, and other substances
18 that are identified as including any parts of the plant
19 Cannabis sativa and including derivatives or subspecies, such
20 as indica, of all strains of cannabis, whether growing or not;
21 the seeds thereof, the resin extracted from any part of the
22 plant; and any compound, manufacture, salt, derivative,
23 mixture, or preparation of the plant, its seeds, or resin,
24 including tetrahydrocannabinol (THC) and all other naturally
25 produced cannabinal derivatives, whether produced directly or
26 indirectly by extraction; however, "cannabis" does not include

1 the mature stalks of the plant, fiber produced from the
2 stalks, oil or cake made from the seeds of the plant, any other
3 compound, manufacture, salt, derivative, mixture, or
4 preparation of the mature stalks (except the resin extracted
5 from it), fiber, oil or cake, or the sterilized seed of the
6 plant that is incapable of germination. "Cannabis" does not
7 include industrial hemp as defined and authorized under the
8 Industrial Hemp Act. "Cannabis" also means cannabis flower,
9 concentrate, and cannabis-infused products.

10 "Cannabis business establishment" means a cultivation
11 center, craft grower, processing organization, infuser
12 organization, dispensing organization, or transporting
13 organization.

14 "Cannabis concentrate" means a product derived from
15 cannabis that is produced by extracting cannabinoids,
16 including tetrahydrocannabinol (THC), from the plant through
17 the use of propylene glycol, glycerin, butter, olive oil or
18 other typical cooking fats; water, ice, or dry ice; or butane,
19 propane, CO₂, ethanol, or isopropanol and with the intended
20 use of smoking or making a cannabis-infused product. The use
21 of any other solvent is expressly prohibited unless and until
22 it is approved by the Department of Agriculture.

23 "Cannabis container" means a sealed or resealable,
24 traceable, container, or package used for the purpose of
25 containment of cannabis or cannabis-infused product during
26 transportation.

1 "Cannabis flower" means marijuana, hashish, and other
2 substances that are identified as including any parts of the
3 plant Cannabis sativa and including derivatives or subspecies,
4 such as indica, of all strains of cannabis; including raw
5 kief, leaves, and buds, but not resin that has been extracted
6 from any part of such plant; nor any compound, manufacture,
7 salt, derivative, mixture, or preparation of such plant, its
8 seeds, or resin.

9 "Cannabis-infused product" means a beverage, food, oil,
10 ointment, tincture, topical formulation, or another product
11 containing cannabis or cannabis concentrate that is not
12 intended to be smoked.

13 "Cannabis paraphernalia" means equipment, products, or
14 materials intended to be used for planting, propagating,
15 cultivating, growing, harvesting, manufacturing, producing,
16 processing, preparing, testing, analyzing, packaging,
17 repackaging, storing, containing, concealing, ingesting, or
18 otherwise introducing cannabis into the human body.

19 "Cannabis plant monitoring system" or "plant monitoring
20 system" means a system that includes, but is not limited to,
21 testing and data collection established and maintained by the
22 cultivation center, craft grower, or processing organization
23 and that is available to the Department of Revenue, the
24 Department of Agriculture, the Department of Financial and
25 Professional Regulation, and the Department of State Police
26 for the purposes of documenting each cannabis plant and

1 monitoring plant development throughout the life cycle of a
2 cannabis plant cultivated for the intended use by a customer
3 from seed planting to final packaging.

4 "Cannabis testing facility" means an entity registered by
5 the Department of Agriculture to test cannabis for potency and
6 contaminants.

7 "Clone" means a plant section from a female cannabis plant
8 not yet rootbound, growing in a water solution or other
9 propagation matrix, that is capable of developing into a new
10 plant.

11 "Community College Cannabis Vocational Training Pilot
12 Program faculty participant" means a person who is 21 years of
13 age or older, licensed by the Department of Agriculture, and
14 is employed or contracted by an Illinois community college to
15 provide student instruction using cannabis plants at an
16 Illinois Community College.

17 "Community College Cannabis Vocational Training Pilot
18 Program faculty participant Agent Identification Card" means a
19 document issued by the Department of Agriculture that
20 identifies a person as Community College Cannabis Vocational
21 Training Pilot Program faculty participant.

22 "Conditional Adult Use Dispensing Organization License"
23 means a contingent license awarded to ~~top-scoring~~ applicants
24 for an Adult Use Dispensing Organization License that reserves
25 the right to an Adult Use Dispensing Organization License if
26 the applicant meets certain conditions described in this Act,

1 but does not entitle the recipient to begin purchasing or
2 selling cannabis or cannabis-infused products.

3 "Conditional Adult Use Cultivation Center License" means a
4 license awarded to top-scoring applicants for an Adult Use
5 Cultivation Center License that reserves the right to an Adult
6 Use Cultivation Center License if the applicant meets certain
7 conditions as determined by the Department of Agriculture by
8 rule, but does not entitle the recipient to begin growing,
9 processing, or selling cannabis or cannabis-infused products.

10 "Craft grower" means a facility operated by an
11 organization or business that is licensed by the Department of
12 Agriculture to cultivate, dry, cure, and package cannabis and
13 perform other necessary activities to make cannabis available
14 for sale at a dispensing organization or use at a processing
15 organization. A craft grower may contain up to 5,000 square
16 feet of canopy space on its premises for plants in the
17 flowering state. The Department of Agriculture may authorize
18 an increase or decrease of flowering stage cultivation space
19 in increments of 3,000 square feet by rule based on market
20 need, craft grower capacity, and the licensee's history of
21 compliance or noncompliance, with a maximum space of 14,000
22 square feet for cultivating plants in the flowering stage,
23 which must be cultivated in all stages of growth in an enclosed
24 and secure area. A craft grower may share premises with a
25 processing organization or a dispensing organization, or both,
26 provided each licensee stores currency and cannabis or

1 cannabis-infused products in a separate secured vault to which
2 the other licensee does not have access or all licensees
3 sharing a vault share more than 50% of the same ownership.

4 "Craft grower agent" means a principal officer, board
5 member, employee, or other agent of a craft grower who is 21
6 years of age or older.

7 "Craft Grower Agent Identification Card" means a document
8 issued by the Department of Agriculture that identifies a
9 person as a craft grower agent.

10 "Cultivation center" means a facility operated by an
11 organization or business that is licensed by the Department of
12 Agriculture to cultivate, process, transport (unless otherwise
13 limited by this Act), and perform other necessary activities
14 to provide cannabis and cannabis-infused products to cannabis
15 business establishments.

16 "Cultivation center agent" means a principal officer,
17 board member, employee, or other agent of a cultivation center
18 who is 21 years of age or older.

19 "Cultivation Center Agent Identification Card" means a
20 document issued by the Department of Agriculture that
21 identifies a person as a cultivation center agent.

22 "Currency" means currency and coin of the United States.

23 "Dispensary" means a facility operated by a dispensing
24 organization at which activities licensed by this Act may
25 occur.

26 "Dispensary Applicant" means the Proposed Dispensing

1 Organization Name as stated on an application for a
2 Conditional Adult Use Dispensing Organization License.

3 "Dispensing organization" means a facility operated by an
4 organization or business that is licensed by the Department of
5 Financial and Professional Regulation to acquire cannabis from
6 a cultivation center, craft grower, processing organization,
7 or another dispensary for the purpose of selling or dispensing
8 cannabis, cannabis-infused products, cannabis seeds,
9 paraphernalia, or related supplies under this Act to
10 purchasers or to qualified registered medical cannabis
11 patients and caregivers. As used in this Act, "dispensing
12 organization" includes a registered medical cannabis
13 organization as defined in the Compassionate Use of Medical
14 Cannabis Program Act or its successor Act that has obtained an
15 Early Approval Adult Use Dispensing Organization License.

16 "Dispensing organization agent" means a principal officer,
17 employee, or agent of a dispensing organization who is 21
18 years of age or older.

19 "Dispensing organization agent identification card" means
20 a document issued by the Department of Financial and
21 Professional Regulation that identifies a person as a
22 dispensing organization agent.

23 "Disproportionately Impacted Area" means a census tract or
24 comparable geographic area that satisfies the following
25 criteria as determined by the Department of Commerce and
26 Economic Opportunity, that:

1 (1) meets at least one of the following criteria:

2 (A) the area has a poverty rate of at least 20%
3 according to the latest federal decennial census; or

4 (B) 75% or more of the children in the area
5 participate in the federal free lunch program
6 according to reported statistics from the State Board
7 of Education; or

8 (C) at least 20% of the households in the area
9 receive assistance under the Supplemental Nutrition
10 Assistance Program; or

11 (D) the area has an average unemployment rate, as
12 determined by the Illinois Department of Employment
13 Security, that is more than 120% of the national
14 unemployment average, as determined by the United
15 States Department of Labor, for a period of at least 2
16 consecutive calendar years preceding the date of the
17 application; and

18 (2) has high rates of arrest, conviction, and
19 incarceration related to the sale, possession, use,
20 cultivation, manufacture, or transport of cannabis.

21 "Early Approval Adult Use Cultivation Center License"
22 means a license that permits a medical cannabis cultivation
23 center licensed under the Compassionate Use of Medical
24 Cannabis Program Act as of the effective date of this Act to
25 begin cultivating, infusing, packaging, transporting (unless
26 otherwise provided in this Act), processing and selling

1 cannabis or cannabis-infused product to cannabis business
2 establishments for resale to purchasers as permitted by this
3 Act as of January 1, 2020.

4 "Early Approval Adult Use Dispensing Organization License"
5 means a license that permits a medical cannabis dispensing
6 organization licensed under the Compassionate Use of Medical
7 Cannabis Program Act as of the effective date of this Act to
8 begin selling cannabis or cannabis-infused product to
9 purchasers as permitted by this Act as of January 1, 2020.

10 "Early Approval Adult Use Dispensing Organization at a
11 secondary site" means a license that permits a medical
12 cannabis dispensing organization licensed under the
13 Compassionate Use of Medical Cannabis Program Act as of the
14 effective date of this Act to begin selling cannabis or
15 cannabis-infused product to purchasers as permitted by this
16 Act on January 1, 2020 at a different dispensary location from
17 its existing registered medical dispensary location.

18 "Eligible Tied Applicant" means a Tied Applicant that is
19 eligible to participate in the process by which a remaining
20 available license is distributed by lot pursuant to a Tied
21 Applicant Lottery.

22 "Enclosed, locked facility" means a room, greenhouse,
23 building, or other enclosed area equipped with locks or other
24 security devices that permit access only by cannabis business
25 establishment agents working for the licensed cannabis
26 business establishment or acting pursuant to this Act to

1 cultivate, process, store, or distribute cannabis.

2 "Enclosed, locked space" means a closet, room, greenhouse,
3 building or other enclosed area equipped with locks or other
4 security devices that permit access only by authorized
5 individuals under this Act. "Enclosed, locked space" may
6 include:

7 (1) a space within a residential building that (i) is
8 the primary residence of the individual cultivating 5 or
9 fewer cannabis plants that are more than 5 inches tall and
10 (ii) includes sleeping quarters and indoor plumbing. The
11 space must only be accessible by a key or code that is
12 different from any key or code that can be used to access
13 the residential building from the exterior; or

14 (2) a structure, such as a shed or greenhouse, that
15 lies on the same plot of land as a residential building
16 that (i) includes sleeping quarters and indoor plumbing
17 and (ii) is used as a primary residence by the person
18 cultivating 5 or fewer cannabis plants that are more than
19 5 inches tall, such as a shed or greenhouse. The structure
20 must remain locked when it is unoccupied by people.

21 "Financial institution" has the same meaning as "financial
22 organization" as defined in Section 1501 of the Illinois
23 Income Tax Act, and also includes the holding companies,
24 subsidiaries, and affiliates of such financial organizations.

25 "Flowering stage" means the stage of cultivation where and
26 when a cannabis plant is cultivated to produce plant material

1 for cannabis products. This includes mature plants as follows:

2 (1) if greater than 2 stigmas are visible at each
3 internode of the plant; or

4 (2) if the cannabis plant is in an area that has been
5 intentionally deprived of light for a period of time
6 intended to produce flower buds and induce maturation,
7 from the moment the light deprivation began through the
8 remainder of the marijuana plant growth cycle.

9 "Individual" means a natural person.

10 "Infuser organization" or "infuser" means a facility
11 operated by an organization or business that is licensed by
12 the Department of Agriculture to directly incorporate cannabis
13 or cannabis concentrate into a product formulation to produce
14 a cannabis-infused product.

15 "Kief" means the resinous crystal-like trichomes that are
16 found on cannabis and that are accumulated, resulting in a
17 higher concentration of cannabinoids, untreated by heat or
18 pressure, or extracted using a solvent.

19 "Labor peace agreement" means an agreement between a
20 cannabis business establishment and any labor organization
21 recognized under the National Labor Relations Act, referred to
22 in this Act as a bona fide labor organization, that prohibits
23 labor organizations and members from engaging in picketing,
24 work stoppages, boycotts, and any other economic interference
25 with the cannabis business establishment. This agreement means
26 that the cannabis business establishment has agreed not to

1 disrupt efforts by the bona fide labor organization to
2 communicate with, and attempt to organize and represent, the
3 cannabis business establishment's employees. The agreement
4 shall provide a bona fide labor organization access at
5 reasonable times to areas in which the cannabis business
6 establishment's employees work, for the purpose of meeting
7 with employees to discuss their right to representation,
8 employment rights under State law, and terms and conditions of
9 employment. This type of agreement shall not mandate a
10 particular method of election or certification of the bona
11 fide labor organization.

12 "Limited access area" means a room or other area under the
13 control of a cannabis dispensing organization licensed under
14 this Act and upon the licensed premises where cannabis sales
15 occur with access limited to purchasers, dispensing
16 organization owners and other dispensing organization agents,
17 or service professionals conducting business with the
18 dispensing organization, or, if sales to registered qualifying
19 patients, caregivers, provisional patients, and Opioid
20 Alternative Pilot Program participants licensed pursuant to
21 the Compassionate Use of Medical Cannabis Program Act are also
22 permitted at the dispensary, registered qualifying patients,
23 caregivers, provisional patients, and Opioid Alternative Pilot
24 Program participants.

25 "Member of an impacted family" means an individual who has
26 a parent, legal guardian, child, spouse, or dependent, or was

1 a dependent of an individual who, prior to the effective date
2 of this Act, was arrested for, convicted of, or adjudicated
3 delinquent for any offense that is eligible for expungement
4 under this Act.

5 "Mother plant" means a cannabis plant that is cultivated
6 or maintained for the purpose of generating clones, and that
7 will not be used to produce plant material for sale to an
8 infuser or dispensing organization.

9 "Ordinary public view" means within the sight line with
10 normal visual range of a person, unassisted by visual aids,
11 from a public street or sidewalk adjacent to real property, or
12 from within an adjacent property.

13 "Ownership and control" means ownership of at least 51% of
14 the business, including corporate stock if a corporation, and
15 control over the management and day-to-day operations of the
16 business and an interest in the capital, assets, and profits
17 and losses of the business proportionate to percentage of
18 ownership.

19 "Person" means a natural individual, firm, partnership,
20 association, joint stock company, joint venture, public or
21 private corporation, limited liability company, or a receiver,
22 executor, trustee, guardian, or other representative appointed
23 by order of any court.

24 "Possession limit" means the amount of cannabis under
25 Section 10-10 that may be possessed at any one time by a person
26 21 years of age or older or who is a registered qualifying

1 medical cannabis patient or caregiver under the Compassionate
2 Use of Medical Cannabis Program Act.

3 "Principal officer" includes a cannabis business
4 establishment applicant or licensed cannabis business
5 establishment's board member, owner with more than 1% interest
6 of the total cannabis business establishment or more than 5%
7 interest of the total cannabis business establishment of a
8 publicly traded company, president, vice president, secretary,
9 treasurer, partner, officer, member, manager member, or person
10 with a profit sharing, financial interest, or revenue sharing
11 arrangement. The definition includes a person with authority
12 to control the cannabis business establishment, a person who
13 assumes responsibility for the debts of the cannabis business
14 establishment and who is further defined in this Act.

15 "Primary residence" means a dwelling where a person
16 usually stays or stays more often than other locations. It may
17 be determined by, without limitation, presence, tax filings;
18 address on an Illinois driver's license, an Illinois
19 Identification Card, or an Illinois Person with a Disability
20 Identification Card; or voter registration. No person may have
21 more than one primary residence.

22 "Processing organization" or "processor" means a facility
23 operated by an organization or business that is licensed by
24 the Department of Agriculture to either extract constituent
25 chemicals or compounds to produce cannabis concentrate or
26 incorporate cannabis or cannabis concentrate into a product

1 formulation to produce a cannabis product.

2 "Processing organization agent" means a principal officer,
3 board member, employee, or agent of a processing organization.

4 "Processing organization agent identification card" means
5 a document issued by the Department of Agriculture that
6 identifies a person as a processing organization agent.

7 "Purchaser" means a person 21 years of age or older who
8 acquires cannabis for a valuable consideration. "Purchaser"
9 does not include a cardholder under the Compassionate Use of
10 Medical Cannabis Program Act.

11 "Qualifying Applicant" means an applicant that submitted
12 an application pursuant to Section 15-30 that received at
13 least 85% of 250 available application points available under
14 Section 15-30 as the applicant's final score and meets the
15 criteria of either paragraph (1) or (2) of the definition of
16 "Social Equity Applicant" as set forth under this Section.

17 "Qualified Social Equity Applicant" means a Social Equity
18 Applicant who has been awarded a conditional license under
19 this Act to operate a cannabis business establishment.

20 "Resided" means an individual's primary residence was
21 located within the relevant geographic area as established by
22 2 of the following:

23 (1) a signed lease agreement that includes the
24 applicant's name;

25 (2) a property deed that includes the applicant's
26 name;

1 (3) school records;

2 (4) a voter registration card;

3 (5) an Illinois driver's license, an Illinois
4 Identification Card, or an Illinois Person with a
5 Disability Identification Card;

6 (6) a paycheck stub;

7 (7) a utility bill;

8 (8) tax records; or

9 (9) any other proof of residency or other information
10 necessary to establish residence as provided by rule.

11 "Smoking" means the inhalation of smoke caused by the
12 combustion of cannabis.

13 "Social Equity Applicant" means an applicant that is an
14 Illinois resident that meets one of the following criteria:

15 (1) an applicant with at least 51% ownership and
16 control by one or more individuals who have resided for at
17 least 5 of the preceding 10 years in a Disproportionately
18 Impacted Area;

19 (2) an applicant with at least 51% ownership and
20 control by one or more individuals who:

21 (i) have been arrested for, convicted of, or
22 adjudicated delinquent for any offense that is
23 eligible for expungement under this Act; or

24 (ii) is a member of an impacted family;

25 (3) for applicants with a minimum of 10 full-time
26 employees, an applicant with at least 51% of current

1 employees who:

2 (i) currently reside in a Disproportionately
3 Impacted Area; or

4 (ii) have been arrested for, convicted of, or
5 adjudicated delinquent for any offense that is
6 eligible for expungement under this Act or member of
7 an impacted family.

8 Nothing in this Act shall be construed to preempt or limit
9 the duties of any employer under the Job Opportunities for
10 Qualified Applicants Act. Nothing in this Act shall permit an
11 employer to require an employee to disclose sealed or expunged
12 offenses, unless otherwise required by law.

13 "Tied Applicant" means an application submitted by a
14 Dispensary Applicant pursuant to Section 15-30 that received
15 the same number of application points under Section 15-30 as
16 the Dispensary Applicant's final score as one or more
17 top-scoring applications in the same BLS Region and would have
18 been awarded a license but for the one or more other
19 top-scoring applications that received the same number of
20 application points. Each application for which a Dispensary
21 Applicant was required to pay a required application fee for
22 the application period ending January 2, 2020 shall be
23 considered an application of a separate Tied Applicant.

24 "Tied Applicant Lottery" means the process established
25 under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult
26 Use Dispensing Organization Licenses pursuant to Sections

1 15-25 and 15-30 among Eligible Tied Applicants.

2 "Tincture" means a cannabis-infused solution, typically
3 comprised of alcohol, glycerin, or vegetable oils, derived
4 either directly from the cannabis plant or from a processed
5 cannabis extract. A tincture is not an alcoholic liquor as
6 defined in the Liquor Control Act of 1934. A tincture shall
7 include a calibrated dropper or other similar device capable
8 of accurately measuring servings.

9 "Transporting organization" or "transporter" means an
10 organization or business that is licensed by the Department of
11 Agriculture to transport cannabis or cannabis-infused product
12 on behalf of a cannabis business establishment or a community
13 college licensed under the Community College Cannabis
14 Vocational Training Pilot Program.

15 "Transporting organization agent" means a principal
16 officer, board member, employee, or agent of a transporting
17 organization.

18 "Transporting organization agent identification card"
19 means a document issued by the Department of Agriculture that
20 identifies a person as a transporting organization agent.

21 "Unit of local government" means any county, city,
22 village, or incorporated town.

23 "Vegetative stage" means the stage of cultivation in which
24 a cannabis plant is propagated to produce additional cannabis
25 plants or reach a sufficient size for production. This
26 includes seedlings, clones, mothers, and other immature

1 cannabis plants as follows:

2 (1) if the cannabis plant is in an area that has not
3 been intentionally deprived of light for a period of time
4 intended to produce flower buds and induce maturation, it
5 has no more than 2 stigmas visible at each internode of the
6 cannabis plant; or

7 (2) any cannabis plant that is cultivated solely for
8 the purpose of propagating clones and is never used to
9 produce cannabis.

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

11 (410 ILCS 705/5-45)

12 Sec. 5-45. Illinois Cannabis Regulation Oversight Officer.

13 (a) The position of Illinois Cannabis Regulation Oversight
14 Officer is created within the Department of Financial and
15 Professional Regulation under the Secretary of Financial and
16 Professional Regulation. The Cannabis Regulation Oversight
17 Officer serves a coordinating role among State agencies
18 regarding this Act and the Compassionate Use of Medical
19 Cannabis Program Act. The Illinois Cannabis Regulation
20 Oversight Officer shall be appointed by the Governor with the
21 advice and consent of the Senate. The term of office of the
22 Officer shall expire on the third Monday of January in
23 odd-numbered years provided that he or she shall hold office
24 until a successor is appointed and qualified. In case of
25 vacancy in office during the recess of the Senate, the

1 Governor shall make a temporary appointment until the next
2 meeting of the Senate, when the Governor shall nominate some
3 person to fill the office, and any person so nominated who is
4 confirmed by the Senate shall hold office during the remainder
5 of the term and until his or her successor is appointed and
6 qualified.

7 (b) The Illinois Cannabis Regulation Oversight Officer has
8 the authority to ~~may~~:

9 (1) maintain a staff;

10 (2) make recommendations for administrative and
11 statutory ~~policy, statute, and rule~~ changes;

12 (3) collect data both in Illinois and outside Illinois
13 regarding the regulation of cannabis;

14 (4) compile or assist in the compilation of any
15 reports required by this Act;

16 (5) ensure the coordination of efforts between various
17 State agencies involved in regulating and taxing the sale
18 of cannabis in Illinois; and

19 (6) encourage, promote, suggest, and report best
20 practices for ensuring diversity in the cannabis industry
21 in Illinois.

22 (c) The Illinois Cannabis Regulation Oversight Officer and
23 the Officer's staff shall not:

24 (1) participate in the issuance or award of any
25 cannabis business establishment license ~~licensing or the~~
26 ~~making of awards~~; or

1 (2) participate in discipline related to any cannabis
2 business establishment ~~any adjudicative decision-making~~
3 ~~process involving licensing or licensee discipline.~~

4 The Illinois Cannabis Regulation Officer is not prohibited
5 from coordinating with and making recommendations to agencies
6 regarding licensing and disciplinary policies and procedures.

7 (d) Any funding required for the Illinois Cannabis
8 Regulation Oversight Officer, its staff, or its activities
9 shall be drawn from the Cannabis Regulation Fund.

10 (e) The Illinois Cannabis Regulation Oversight Officer
11 shall commission and publish one or more disparity and
12 availability studies that ~~a disparity and availability study~~
13 ~~by March 1, 2021 that:~~ (1) evaluates whether there exists
14 discrimination in the State's cannabis industry; and (2) if
15 so, evaluates the impact of such discrimination on the State
16 and includes recommendations to the Department of Financial
17 and Professional Regulation and the Department of Agriculture
18 for reducing or eliminating any identified barriers to entry
19 in the cannabis market. Such disparity and availability
20 studies shall examine each license type issued pursuant to the
21 Sections 15-25 or 15-30.1, subsection (a) of Section 30-5, or
22 subsection (a) of Section 35-5, and shall be initiated within
23 180 days from the issuance of the first of each license
24 authorized by those Sections.

25 The Illinois Cannabis Regulation Oversight Officer shall
26 forward a copy of its findings and recommendations to the

1 Department of Financial and Professional Regulation, the
2 Department of Agriculture, the Department of Commerce and
3 Economic Opportunity, the General Assembly, and the Governor.

4 (f) The Illinois Cannabis Regulation Oversight Officer may
5 compile, collect, or otherwise gather data necessary for the
6 administration of this Act and to carry out the Officer's duty
7 relating to the recommendation of policy changes. The Illinois
8 Cannabis Regulation Oversight Officer may direct the
9 Department of Agriculture, Department of Financial and
10 Professional Regulation, Department of Public Health,
11 Department of Human Services, and Department of Commerce and
12 Economic Opportunity to assist in the compilation, collection,
13 and data gathering authorized pursuant to this subsection. The
14 Illinois Cannabis Regulation Oversight Officer shall compile
15 all of the data into a single report and submit the report to
16 the Governor and the General Assembly and publish the report
17 on its website.

18 (Source: P.A. 101-27, eff. 6-25-19.)

19 (410 ILCS 705/7-30)

20 Sec. 7-30. Reporting. By January 1, 2021, and on January 1
21 of every year thereafter, or upon request by the Illinois
22 Cannabis Regulation Oversight Officer, each cannabis business
23 establishment licensed under this Act and the Compassionate
24 Use of Medical Cannabis Program Act shall report to the
25 Illinois Cannabis Regulation Oversight Officer, on a form to

1 be provided by the Illinois Cannabis Regulation Oversight
2 Officer, information that will allow it to assess the extent
3 of diversity in the medical and adult use cannabis industry
4 and methods for reducing or eliminating any identified
5 barriers to entry, including access to capital. Failure of a
6 cannabis business establishment to respond to the request of
7 the Cannabis Regulation Oversight Officer to complete the
8 form, report, and any other request for information may be
9 grounds for disciplinary action by the Department of Financial
10 and Professional Regulation or the Department of Agriculture.

11 The information to be collected shall be designed to identify
12 the following:

13 (1) the number and percentage of licenses provided to
14 Social Equity Applicants and to businesses owned by
15 minorities, women, veterans, and people with disabilities;

16 (2) the total number and percentage of employees in
17 the cannabis industry who meet the criteria in (3)(i) or
18 (3)(ii) in the definition of Social Equity Applicant or
19 who are minorities, women, veterans, or people with
20 disabilities;

21 (3) the total number and percentage of contractors and
22 subcontractors in the cannabis industry that meet the
23 definition of a Social Equity Applicant or who are owned
24 by minorities, women, veterans, or people with
25 disabilities, if known to the cannabis business
26 establishment; and

1 (4) recommendations on reducing or eliminating any
2 identified barriers to entry, including access to capital,
3 in the cannabis industry.

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

5 (410 ILCS 705/15-15)

6 Sec. 15-15. Early Approval Adult Use Dispensing
7 Organization License.

8 (a) Any medical cannabis dispensing organization holding a
9 valid registration under the Compassionate Use of Medical
10 Cannabis Program Act as of the effective date of this Act may,
11 within 60 days of the effective date of this Act, apply to the
12 Department for an Early Approval Adult Use Dispensing
13 Organization License to serve purchasers at any medical
14 cannabis dispensing location in operation on the effective
15 date of this Act, pursuant to this Section.

16 (b) A medical cannabis dispensing organization seeking
17 issuance of an Early Approval Adult Use Dispensing
18 Organization License to serve purchasers at any medical
19 cannabis dispensing location in operation as of the effective
20 date of this Act shall submit an application on forms provided
21 by the Department. The application must be submitted by the
22 same person or entity that holds the medical cannabis
23 dispensing organization registration and include the
24 following:

25 (1) Payment of a nonrefundable fee of \$30,000 to be

1 deposited into the Cannabis Regulation Fund;

2 (2) Proof of registration as a medical cannabis
3 dispensing organization that is in good standing;

4 (3) Certification that the applicant will comply with
5 the requirements contained in the Compassionate Use of
6 Medical Cannabis Program Act except as provided in this
7 Act;

8 (4) The legal name of the dispensing organization;

9 (5) The physical address of the dispensing
10 organization;

11 (6) The name, address, social security number, and
12 date of birth of each principal officer and board member
13 of the dispensing organization, each of whom must be at
14 least 21 years of age;

15 (7) A nonrefundable Cannabis Business Development Fee
16 equal to 3% of the dispensing organization's total sales
17 between June 1, 2018 to June 1, 2019, or \$100,000,
18 whichever is less, to be deposited into the Cannabis
19 Business Development Fund; and

20 (8) Identification of one of the following Social
21 Equity Inclusion Plans to be completed by March 31, 2021:

22 (A) Make a contribution of 3% of total sales from
23 June 1, 2018 to June 1, 2019, or \$100,000, whichever is
24 less, to the Cannabis Business Development Fund. This
25 is in addition to the fee required by item (7) of this
26 subsection (b);

1 (B) Make a grant of 3% of total sales from June 1,
2 2018 to June 1, 2019, or \$100,000, whichever is less,
3 to a cannabis industry training or education program
4 at an Illinois community college as defined in the
5 Public Community College Act;

6 (C) Make a donation of \$100,000 or more to a
7 program that provides job training services to persons
8 recently incarcerated or that operates in a
9 Disproportionately Impacted Area;

10 (D) Participate as a host in a cannabis business
11 establishment incubator program approved by the
12 Department of Commerce and Economic Opportunity, and
13 in which an Early Approval Adult Use Dispensing
14 Organization License holder agrees to provide a loan
15 of at least \$100,000 and mentorship to incubate, for
16 at least a year, a Social Equity Applicant intending
17 to seek a license or a licensee that qualifies as a
18 Social Equity Applicant. As used in this Section,
19 "incubate" means providing direct financial assistance
20 and training necessary to engage in licensed cannabis
21 industry activity similar to that of the host
22 licensee. The Early Approval Adult Use Dispensing
23 Organization License holder or the same entity holding
24 any other licenses issued pursuant to this Act shall
25 not take an ownership stake of greater than 10% in any
26 business receiving incubation services to comply with

1 this subsection. If an Early Approval Adult Use
2 Dispensing Organization License holder fails to find a
3 business to incubate to comply with this subsection
4 before its Early Approval Adult Use Dispensing
5 Organization License expires, it may opt to meet the
6 requirement of this subsection by completing another
7 item from this subsection; or

8 (E) Participate in a sponsorship program for at
9 least 2 years approved by the Department of Commerce
10 and Economic Opportunity in which an Early Approval
11 Adult Use Dispensing Organization License holder
12 agrees to provide an interest-free loan of at least
13 \$200,000 to a Social Equity Applicant. The sponsor
14 shall not take an ownership stake in any cannabis
15 business establishment receiving sponsorship services
16 to comply with this subsection.

17 (b-5) Notwithstanding any restrictions on relocation
18 otherwise set forth in this Act, an Early Approval Adult Use
19 Dispensing Organization License holder shall be permitted,
20 upon application to the Department, to relocate within the
21 same zip code as its existing location if:

22 (1) it is located within the boundaries of a unit of
23 local government that prohibited the sale of adult use
24 cannabis; or

25 (2) it has obtained the approval of the unit of local
26 government where it is located to move to another location

1 within that unit of local government.

2 (b-10) An Early Approval Adult Use Dispensing Organization
3 shall not be permitted to apply to relocate under subsection
4 (b-5) until 90 days after the award of licenses under Section
5 15-25, subsection (a) of Section 15-35, and Section 15-30.20.

6 (b-15) The new location of an Early Approval Adult Use
7 Dispensing Organization relocated under subsection (b-5) shall
8 comply with Sections 55-25 and 55-28.

9 (c) The license fee required by paragraph (1) of
10 subsection (b) of this Section shall be in addition to any
11 license fee required for the renewal of a registered medical
12 cannabis dispensing organization license.

13 (d) Applicants must submit all required information,
14 including the requirements in subsection (b) of this Section,
15 to the Department. Failure by an applicant to submit all
16 required information may result in the application being
17 disqualified.

18 (e) If the Department receives an application that fails
19 to provide the required elements contained in subsection (b),
20 the Department shall issue a deficiency notice to the
21 applicant. The applicant shall have 10 calendar days from the
22 date of the deficiency notice to submit complete information.
23 Applications that are still incomplete after this opportunity
24 to cure may be disqualified.

25 (f) If an applicant meets all the requirements of
26 subsection (b) of this Section, the Department shall issue the

1 Early Approval Adult Use Dispensing Organization License
2 within 14 days of receiving a completed application unless:

3 (1) The licensee or a principal officer is delinquent
4 in filing any required tax returns or paying any amounts
5 owed to the State of Illinois;

6 (2) The Secretary of Financial and Professional
7 Regulation determines there is reason, based on documented
8 compliance violations, the licensee is not entitled to an
9 Early Approval Adult Use Dispensing Organization License;
10 or

11 (3) Any principal officer fails to register and remain
12 in compliance with this Act or the Compassionate Use of
13 Medical Cannabis Program Act.

14 (g) A registered medical cannabis dispensing organization
15 that obtains an Early Approval Adult Use Dispensing
16 Organization License may begin selling cannabis,
17 cannabis-infused products, paraphernalia, and related items to
18 purchasers under the rules of this Act no sooner than January
19 1, 2020.

20 (h) A dispensing organization holding a medical cannabis
21 dispensing organization license issued under the Compassionate
22 Use of Medical Cannabis Program Act must maintain an adequate
23 supply of cannabis and cannabis-infused products for purchase
24 by qualifying patients, caregivers, provisional patients, and
25 Opioid Alternative Pilot Program participants. For the
26 purposes of this subsection, "adequate supply" means a monthly

1 inventory level that is comparable in type and quantity to
2 those medical cannabis products provided to patients and
3 caregivers on an average monthly basis for the 6 months before
4 the effective date of this Act.

5 (i) If there is a shortage of cannabis or cannabis-infused
6 products, a dispensing organization holding both a dispensing
7 organization license under the Compassionate Use of Medical
8 Cannabis Program Act and this Act shall prioritize serving
9 qualifying patients, caregivers, provisional patients, and
10 Opioid Alternative Pilot Program participants before serving
11 purchasers.

12 (j) Notwithstanding any law or rule to the contrary, a
13 person that holds a medical cannabis dispensing organization
14 license issued under the Compassionate Use of Medical Cannabis
15 Program Act and an Early Approval Adult Use Dispensing
16 Organization License may permit purchasers into a limited
17 access area as that term is defined in administrative rules
18 made under the authority in the Compassionate Use of Medical
19 Cannabis Program Act.

20 (k) An Early Approval Adult Use Dispensing Organization
21 License is valid until March 31, 2021. A dispensing
22 organization that obtains an Early Approval Adult Use
23 Dispensing Organization License shall receive written or
24 electronic notice 90 days before the expiration of the license
25 that the license will expire, and that informs the license
26 holder that it may apply to renew its Early Approval Adult Use

1 Dispensing Organization License on forms provided by the
2 Department. The Department shall renew the Early Approval
3 Adult Use Dispensing Organization License within 60 days of
4 the renewal application being deemed complete if:

5 (1) the dispensing organization submits an application
6 and the required nonrefundable renewal fee of \$30,000, to
7 be deposited into the Cannabis Regulation Fund;

8 (2) the Department has not suspended or permanently
9 revoked the Early Approval Adult Use Dispensing
10 Organization License or a medical cannabis dispensing
11 organization license on the same premises for violations
12 of this Act, the Compassionate Use of Medical Cannabis
13 Program Act, or rules adopted pursuant to those Acts;

14 (3) the dispensing organization has completed a Social
15 Equity Inclusion Plan as provided by parts (A), (B), and
16 (C) of paragraph (8) of subsection (b) of this Section or
17 has made substantial progress toward completing a Social
18 Equity Inclusion Plan as provided by parts (D) and (E) of
19 paragraph (8) of subsection (b) of this Section; and

20 (4) the dispensing organization is in compliance with
21 this Act and rules.

22 (1) The Early Approval Adult Use Dispensing Organization
23 License renewed pursuant to subsection (k) of this Section
24 shall expire March 31, 2022. The Early Approval Adult Use
25 Dispensing Organization Licensee shall receive written or
26 electronic notice 90 days before the expiration of the license

1 that the license will expire, and that informs the license
2 holder that it may apply for an Adult Use Dispensing
3 Organization License on forms provided by the Department. The
4 Department shall grant an Adult Use Dispensing Organization
5 License within 60 days of an application being deemed complete
6 if the applicant has met all of the criteria in Section 15-36.

7 (m) If a dispensing organization fails to submit an
8 application for renewal of an Early Approval Adult Use
9 Dispensing Organization License or for an Adult Use Dispensing
10 Organization License before the expiration dates provided in
11 subsections (k) and (l) of this Section, the dispensing
12 organization shall cease serving purchasers and cease all
13 operations until it receives a renewal or an Adult Use
14 Dispensing Organization License, as the case may be.

15 (n) A dispensing organization agent who holds a valid
16 dispensing organization agent identification card issued under
17 the Compassionate Use of Medical Cannabis Program Act and is
18 an officer, director, manager, or employee of the dispensing
19 organization licensed under this Section may engage in all
20 activities authorized by this Article to be performed by a
21 dispensing organization agent.

22 (o) If the Department suspends, permanently revokes, or
23 otherwise disciplines the Early Approval Adult Use Dispensing
24 Organization License of a dispensing organization that also
25 holds a medical cannabis dispensing organization license
26 issued under the Compassionate Use of Medical Cannabis Program

1 Act, the Department may consider the suspension, permanent
2 revocation, or other discipline of the medical cannabis
3 dispensing organization license.

4 (p) All fees collected pursuant to this Section shall be
5 deposited into the Cannabis Regulation Fund, unless otherwise
6 specified.

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

8 (410 ILCS 705/15-25)

9 Sec. 15-25. Awarding of Conditional Adult Use Dispensing
10 Organization Licenses prior to January 1, 2021.

11 (a) The Department shall issue up to 75 Conditional Adult
12 Use Dispensing Organization Licenses before May 1, 2020.

13 (b) The Department shall make the application for a
14 Conditional Adult Use Dispensing Organization License
15 available no later than October 1, 2019 and shall accept
16 applications no later than January 1, 2020.

17 (c) To ensure the geographic dispersion of Conditional
18 Adult Use Dispensing Organization License holders, the
19 following number of licenses shall be awarded in each BLS
20 Region as determined by each region's percentage of the
21 State's population:

22 (1) Bloomington: 1

23 (2) Cape Girardeau: 1

24 (3) Carbondale-Marion: 1

25 (4) Champaign-Urbana: 1

- 1 (5) Chicago-Naperville-Elgin: 47
- 2 (6) Danville: 1
- 3 (7) Davenport-Moline-Rock Island: 1
- 4 (8) Decatur: 1
- 5 (9) Kankakee: 1
- 6 (10) Peoria: 3
- 7 (11) Rockford: 2
- 8 (12) St. Louis: 4
- 9 (13) Springfield: 1
- 10 (14) Northwest Illinois nonmetropolitan: 3
- 11 (15) West Central Illinois nonmetropolitan: 3
- 12 (16) East Central Illinois nonmetropolitan: 2
- 13 (17) South Illinois nonmetropolitan: 2

14 (d) An applicant seeking issuance of a Conditional Adult
15 Use Dispensing Organization License shall submit an
16 application on forms provided by the Department. An applicant
17 must meet the following requirements:

18 (1) Payment of a nonrefundable application fee of
19 \$5,000 for each license for which the applicant is
20 applying, which shall be deposited into the Cannabis
21 Regulation Fund;

22 (2) Certification that the applicant will comply with
23 the requirements contained in this Act;

24 (3) The legal name of the proposed dispensing
25 organization;

26 (4) A statement that the dispensing organization

1 agrees to respond to the Department's supplemental
2 requests for information;

3 (5) From each principal officer, a statement
4 indicating whether that person:

5 (A) has previously held or currently holds an
6 ownership interest in a cannabis business
7 establishment in Illinois; or

8 (B) has held an ownership interest in a dispensing
9 organization or its equivalent in another state or
10 territory of the United States that had the dispensing
11 organization registration or license suspended,
12 revoked, placed on probationary status, or subjected
13 to other disciplinary action;

14 (6) Disclosure of whether any principal officer has
15 ever filed for bankruptcy or defaulted on spousal support
16 or child support obligation;

17 (7) A resume for each principal officer, including
18 whether that person has an academic degree, certification,
19 or relevant experience with a cannabis business
20 establishment or in a related industry;

21 (8) A description of the training and education that
22 will be provided to dispensing organization agents;

23 (9) A copy of the proposed operating bylaws;

24 (10) A copy of the proposed business plan that
25 complies with the requirements in this Act, including, at
26 a minimum, the following:

1 (A) A description of services to be offered; and

2 (B) A description of the process of dispensing
3 cannabis;

4 (11) A copy of the proposed security plan that
5 complies with the requirements in this Article, including:

6 (A) The process or controls that will be
7 implemented to monitor the dispensary, secure the
8 premises, agents, and currency, and prevent the
9 diversion, theft, or loss of cannabis; and

10 (B) The process to ensure that access to the
11 restricted access areas is restricted to, registered
12 agents, service professionals, transporting
13 organization agents, Department inspectors, and
14 security personnel;

15 (12) A proposed inventory control plan that complies
16 with this Section;

17 (13) A proposed floor plan, a square footage estimate,
18 and a description of proposed security devices, including,
19 without limitation, cameras, motion detectors, servers,
20 video storage capabilities, and alarm service providers;

21 (14) The name, address, social security number, and
22 date of birth of each principal officer and board member
23 of the dispensing organization; each of those individuals
24 shall be at least 21 years of age;

25 (15) Evidence of the applicant's status as a Social
26 Equity Applicant, if applicable, and whether a Social

1 Equity Applicant plans to apply for a loan or grant issued
2 by the Department of Commerce and Economic Opportunity;

3 (16) The address, telephone number, and email address
4 of the applicant's principal place of business, if
5 applicable. A post office box is not permitted;

6 (17) Written summaries of any information regarding
7 instances in which a business or not-for-profit that a
8 prospective board member previously managed or served on
9 were fined or censured, or any instances in which a
10 business or not-for-profit that a prospective board member
11 previously managed or served on had its registration
12 suspended or revoked in any administrative or judicial
13 proceeding;

14 (18) A plan for community engagement;

15 (19) Procedures to ensure accurate recordkeeping and
16 security measures that are in accordance with this Article
17 and Department rules;

18 (20) The estimated volume of cannabis it plans to
19 store at the dispensary;

20 (21) A description of the features that will provide
21 accessibility to purchasers as required by the Americans
22 with Disabilities Act;

23 (22) A detailed description of air treatment systems
24 that will be installed to reduce odors;

25 (23) A reasonable assurance that the issuance of a
26 license will not have a detrimental impact on the

1 community in which the applicant wishes to locate;

2 (24) The dated signature of each principal officer;

3 (25) A description of the enclosed, locked facility
4 where cannabis will be stored by the dispensing
5 organization;

6 (26) Signed statements from each dispensing
7 organization agent stating that he or she will not divert
8 cannabis;

9 (27) The number of licenses it is applying for in each
10 BLS Region;

11 (28) A diversity plan that includes a narrative of at
12 least 2,500 words that establishes a goal of diversity in
13 ownership, management, employment, and contracting to
14 ensure that diverse participants and groups are afforded
15 equality of opportunity;

16 (29) A contract with a private security contractor
17 agency that is licensed under Section 10-5 of the Private
18 Detective, Private Alarm, Private Security, Fingerprint
19 Vendor, and Locksmith Act of 2004 in order for the
20 dispensary to have adequate security at its facility; and

21 (30) Other information deemed necessary by the
22 Illinois Cannabis Regulation Oversight Officer to conduct
23 the disparity and availability study referenced in
24 subsection (e) of Section 5-45.

25 (e) An applicant who receives a Conditional Adult Use
26 Dispensing Organization License under this Section has 180

1 days from the date of award to identify a physical location for
2 the dispensing organization retail storefront. ~~Before a~~
3 ~~conditional licensee receives an authorization to build out~~
4 ~~the dispensing organization from the Department, the~~
5 ~~Department shall inspect the physical space selected by the~~
6 ~~conditional licensee. The Department shall verify the site is~~
7 ~~suitable for public access, the layout promotes the safe~~
8 ~~dispensing of cannabis, the location is sufficient in size,~~
9 ~~power allocation, lighting, parking, handicapped accessible~~
10 ~~parking spaces, accessible entry and exits as required by the~~
11 ~~Americans with Disabilities Act, product handling, and~~
12 ~~storage. The applicant shall also provide a statement of~~
13 ~~reasonable assurance that the issuance of a license will not~~
14 ~~have a detrimental impact on the community. The applicant~~
15 shall ~~also~~ provide evidence that the location is not within
16 1,500 feet of an existing dispensing organization. If an
17 applicant is unable to find a suitable physical address in the
18 opinion of the Department within 180 days of the issuance of
19 the Conditional Adult Use Dispensing Organization License, the
20 Department may extend the period for finding a physical
21 address another 180 days if the Conditional Adult Use
22 Dispensing Organization License holder demonstrates concrete
23 attempts to secure a location and a hardship. If the
24 Department denies the extension or the Conditional Adult Use
25 Dispensing Organization License holder is unable to find a
26 location or become operational within 360 days of being

1 awarded a conditional license, the Department shall rescind
2 the conditional license and award it to the next highest
3 scoring applicant in the BLS Region for which the license was
4 assigned, provided the applicant receiving the license: (i)
5 confirms a continued interest in operating a dispensing
6 organization; (ii) can provide evidence that the applicant
7 continues to meet all requirements for holding a Conditional
8 Adult Use Dispensing Organization License set forth in this
9 Act; and (iii) has not otherwise become ineligible to be
10 awarded a dispensing organization license. If the new awardee
11 is unable to accept the Conditional Adult Use Dispensing
12 Organization License, the Department shall award the
13 Conditional Adult Use Dispensing Organization License to the
14 next highest scoring applicant in the same manner. The new
15 awardee shall be subject to the same required deadlines as
16 provided in this subsection.

17 (e-5) If, within 180 days of being awarded a Conditional
18 Adult Use Dispensing Organization License, a dispensing
19 organization is unable to find a location within the BLS
20 Region in which it was awarded a Conditional Adult Use
21 Dispensing Organization License because no jurisdiction within
22 the BLS Region allows for the operation of an Adult Use
23 Dispensing Organization, the Department of Financial and
24 Professional Regulation may authorize the Conditional Adult
25 Use Dispensing Organization License holder to transfer its
26 license to a BLS Region specified by the Department.

1 (f) A dispensing organization that is awarded a
2 Conditional Adult Use Dispensing Organization License pursuant
3 to the criteria in Section 15-30 shall not purchase, possess,
4 sell, or dispense cannabis or cannabis-infused products until
5 the person has received an Adult Use Dispensing Organization
6 License issued by the Department pursuant to Section 15-36 of
7 this Act.

8 (g) The Department shall conduct a background check of the
9 prospective organization agents in order to carry out this
10 Article. The Department of State Police shall charge the
11 applicant a fee for conducting the criminal history record
12 check, which shall be deposited into the State Police Services
13 Fund and shall not exceed the actual cost of the record check.
14 Each person applying as a dispensing organization agent shall
15 submit a full set of fingerprints to the Department of State
16 Police for the purpose of obtaining a State and federal
17 criminal records check. These fingerprints shall be checked
18 against the fingerprint records now and hereafter, to the
19 extent allowed by law, filed in the Department of State Police
20 and Federal Bureau of Identification criminal history records
21 databases. The Department of State Police shall furnish,
22 following positive identification, all Illinois conviction
23 information to the Department.

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

1 Sec. 15-30.20. Tied Applicant Lottery; additional
2 requirements; timing.

3 (a) If awarding a license in a Tied Applicant Lottery
4 would result in a Tied Applicant possessing more than 10 Early
5 Approval Adult Use Dispensing Organization Licenses or
6 Conditional Adult Use Dispensing Organization Licenses, the
7 Tied Applicant shall abandon any Early Approval Adult Use
8 Dispensing Organization Licenses or Conditional Adult Use
9 Dispensing Organization Licenses no later than 5 business days
10 after the date that the Tied Applicant Lottery is conducted.

11 (b) The Department shall publish the certified results of
12 a Tied Applicant Lottery within 2 business days after the Tied
13 Applicant Lottery is conducted.

14 (410 ILCS 705/15-35)

15 Sec. 15-35. Conditional Adult Use Dispensing Organization
16 License after January 1, 2021.

17 (a) In addition to any of the licenses issued in Sections
18 15-15, Section 15-20, ~~or~~ Section 15-25, or Section 15-30.20 of
19 this Act, within 45 days after the effective date of this
20 amendatory Act of the 102nd General Assembly, ~~by December 21,~~
21 2021, the Department shall issue up to 110 Conditional Adult
22 Use Dispensing Organization Licenses by lot. In order to be
23 eligible to be awarded a Conditional Adult Use Dispensing
24 Organization License by lot, a Dispensary Applicant must be a
25 Qualifying Applicant as defined in this Act, ~~pursuant to the~~

1 ~~application process adopted under this Section.~~

2 The licenses issued under this Section shall be awarded in
3 each BLS Region in the following amounts:

4 (1) Bloomington: 2

5 (2) Cape Girardeau: 2

6 (3) Carbondale-Marion: 2

7 (4) Champaign-Urbana: 2

8 (5) Chicago-Naperville-Elgin: 61

9 (6) Danville: 2

10 (7) Davenport-Moline-Rock Island: 2

11 (8) Decatur: 2

12 (9) Kankakee: 2

13 (10) Peoria: 5

14 (11) Rockford: 3

15 (12) St. Louis: 7

16 (13) Springfield: 2

17 (14) Northwest Illinois nonmetropolitan: 5

18 (15) West Central Illinois nonmetropolitan: 5

19 (16) East Central Illinois nonmetropolitan: 3

20 (17) South Illinois nonmetropolitan: 3

21 (a-5) Prior to issuing ~~such~~ licenses under subsection (a),
22 the Department may adopt rules through emergency rulemaking in
23 accordance with subsection (kk) ~~(gg)~~ of Section 5-45 of the
24 Illinois Administrative Procedure Act. The General Assembly
25 finds that the adoption of rules to regulate cannabis use is
26 deemed an emergency and necessary for the public interest,

1 safety, and welfare. ~~Such rules may:~~

2 ~~(1) Modify or change the BLS Regions as they apply to~~
3 ~~this Article or modify or raise the number of Adult~~
4 ~~Conditional Use Dispensing Organization Licenses assigned~~
5 ~~to each region based on the following factors:~~

6 ~~(A) Purchaser wait times;~~

7 ~~(B) Travel time to the nearest dispensary for~~
8 ~~potential purchasers;~~

9 ~~(C) Percentage of cannabis sales occurring in~~
10 ~~Illinois not in the regulated market using data from~~
11 ~~the Substance Abuse and Mental Health Services~~
12 ~~Administration, National Survey on Drug Use and~~
13 ~~Health, Illinois Behavioral Risk Factor Surveillance~~
14 ~~System, and tourism data from the Illinois Office of~~
15 ~~Tourism to ascertain total cannabis consumption in~~
16 ~~Illinois compared to the amount of sales in licensed~~
17 ~~dispensing organizations;~~

18 ~~(D) Whether there is an adequate supply of~~
19 ~~cannabis and cannabis infused products to serve~~
20 ~~registered medical cannabis patients;~~

21 ~~(E) Population increases or shifts;~~

22 ~~(F) Density of dispensing organizations in a~~
23 ~~region;~~

24 ~~(G) The Department's capacity to appropriately~~
25 ~~regulate additional licenses;~~

26 ~~(H) The findings and recommendations from the~~

1 ~~disparity and availability study commissioned by the~~
2 ~~Illinois Cannabis Regulation Oversight Officer in~~
3 ~~subsection (e) of Section 5-45 to reduce or eliminate~~
4 ~~any identified barriers to entry in the cannabis~~
5 ~~industry; and~~

6 ~~(I) Any other criteria the Department deems~~
7 ~~relevant.~~

8 ~~(2) Modify or change the licensing application process~~
9 ~~to reduce or eliminate the barriers identified in the~~
10 ~~disparity and availability study commissioned by the~~
11 ~~Illinois Cannabis Regulation Oversight Officer and make~~
12 ~~modifications to remedy evidence of discrimination.~~

13 (b) The Department may distribute the available licenses
14 established under this Section, subject to the following:
15 ~~After January 1, 2022, the Department may by rule modify or~~
16 ~~raise the number of Adult Use Dispensing Organization Licenses~~
17 ~~assigned to each region, and modify or change the licensing~~
18 ~~application process to reduce or eliminate barriers based on~~
19 ~~the criteria in subsection (a). At no time shall the~~
20 ~~Department issue more than 500 Adult Use Dispensing~~
21 ~~Organization Licenses.~~

22 (1) The drawing by lot for all available licenses
23 established under this Section shall occur on the same day
24 when practicable.

25 (2) Within each BLS Region, the first Qualifying
26 Applicant drawn will have the first right to an available

1 license. The second Qualifying Applicant drawn will have
2 the second right to an available license. The same pattern
3 will continue for each subsequent Qualifying Applicant
4 drawn.

5 (3) The process for distributing available licenses
6 under this Section shall be recorded by the Department in
7 a format selected by the Department.

8 (4) A Dispensary Applicant is prohibited from becoming
9 a Qualifying Applicant if a principal officer resigns
10 after the resulting final scores for all scored
11 applications pursuant to Sections 15-25 and 15-30 are
12 released.

13 (5) No Qualifying Applicant may be awarded more than 3
14 Conditional Adult Use Dispensing Organization Licenses at
15 the conclusion of a lottery conducted under this Section.

16 (6) No individual may be listed as a principal officer
17 of more than 3 Conditional Adult Use Dispensing
18 Organization Licenses awarded under this Section.

19 (7) If, upon being selected for an available license
20 established under this Section, a Qualifying Applicant
21 exceeds the requirements of paragraphs (5) and (6), the
22 Qualifying Applicant listing that principal officer must
23 choose which license to abandon and notify the Department
24 in writing within 5 business days. If the Qualifying
25 Applicant does not notify the Department as required, the
26 Department shall refuse to issue the Qualifying Applicant

1 all available licenses established under this Section
2 obtained by lot in all BLS Regions.

3 (8) If, upon being selected for an available license
4 established under this Section, a Qualifying Applicant has
5 a principal officer who is a principal officer in more
6 than 10 Early Approval Adult Use Dispensing Organization
7 Licenses, Conditional Adult Use Dispensing Organization
8 Licenses, or Adult Use Dispensing Organization Licenses,
9 the licensees and the Qualifying Applicant listing that
10 principal officer must choose which license to abandon
11 pursuant to subsection (d) of Section 15-36 and notify the
12 Department in writing within 5 business days. If the
13 Dispensary Applicant or licensees do not notify the
14 Department as required, the Department shall refuse to
15 issue the Qualifying Applicant all available licenses
16 established under this Section obtained by lot in all BLS
17 Regions.

18 (9) All available licenses that have been abandoned
19 shall be distributed to the next Qualifying Applicant
20 drawn by lot.

21 (10) Any and all rights conferred or obtained under
22 this Section shall be limited to the provisions of this
23 Section.

24 (c) An applicant who receives a Conditional Adult Use
25 Dispensing Organization License under this Section has 180
26 days from the date of the award to identify a physical location

1 for the dispensing organization's retail storefront. The
2 applicant shall also provide evidence that the location is not
3 within 1,500 feet of an existing dispensing organization. If
4 an applicant is unable to find a suitable physical address in
5 the opinion of the Department within 180 days of the issuance
6 of the Conditional Adult Use Dispensing Organization License,
7 the Department may extend the period for finding a physical
8 address another 180 days if the Conditional Adult Use
9 Dispensing Organization License holder demonstrates concrete
10 attempts to secure a location and a hardship. If the
11 Department denies the extension or the Conditional Adult Use
12 Dispensing Organization License holder is unable to find a
13 location or become operational within 360 days of being
14 awarded a Conditional Adult Use Dispensing Organization
15 License, the Department shall rescind the Conditional Adult
16 Use Dispensing Organization License and award it pursuant to
17 subsection (b), provided the applicant receiving the
18 Conditional Adult Use Dispensing Organization License: (i)
19 confirms a continued interest in operating a dispensing
20 organization; (ii) can provide evidence that the applicant
21 continues to meet all requirements for holding a Conditional
22 Adult Use Dispensing Organization License set forth in this
23 Act; and (iii) has not otherwise become ineligible to be
24 awarded a Conditional Adult Use Dispensing Organization
25 License. If the new awardee is unable to accept the
26 Conditional Adult Use Dispensing Organization License, the

1 Department shall award the Conditional Adult Use Dispensing
2 Organization License pursuant to subsection (b). The new
3 awardee shall be subject to the same required deadlines as
4 provided in this subsection.

5 (d) If, within 180 days of being awarded a Conditional
6 Adult Use Dispensing Organization License, a dispensing
7 organization is unable to find a location within the BLS
8 Region in which it was awarded a Conditional Adult Use
9 Dispensing Organization License because no jurisdiction within
10 the BLS Region allows for the operation of an Adult Use
11 Dispensing Organization, the Department may authorize the
12 Conditional Adult Use Dispensing Organization License holder
13 to transfer its Conditional Adult Use Dispensing Organization
14 License to a BLS Region specified by the Department.

15 (e) A dispensing organization that is awarded a
16 Conditional Adult Use Dispensing Organization License pursuant
17 to this Section shall not purchase, possess, sell, or dispense
18 cannabis or cannabis-infused products until the dispensing
19 organization has received an Adult Use Dispensing Organization
20 License issued by the Department pursuant to Section 15-36.

21 (f) The Department shall conduct a background check of the
22 prospective dispensing organization agents in order to carry
23 out this Article. The Illinois State Police shall charge the
24 applicant a fee for conducting the criminal history record
25 check, which shall be deposited into the State Police Services
26 Fund and shall not exceed the actual cost of the record check.

1 Each person applying as a dispensing organization agent shall
2 submit a full set of fingerprints to the Illinois State Police
3 for the purpose of obtaining a State and federal criminal
4 records check. These fingerprints shall be checked against the
5 fingerprint records now and hereafter, to the extent allowed
6 by law, filed with the Illinois State Police and the Federal
7 Bureau of Identification criminal history records databases.
8 The Illinois State Police shall furnish, following positive
9 identification, all Illinois conviction information to the
10 Department.

11 (g) The Department may verify information contained in
12 each application and accompanying documentation to assess the
13 applicant's veracity and fitness to operate a dispensing
14 organization.

15 (h) The Department may, in its discretion, refuse to issue
16 an authorization to an applicant who meets any of the
17 following criteria:

18 (1) An applicant who is unqualified to perform the
19 duties required of the applicant.

20 (2) An applicant who fails to disclose or states
21 falsely any information called for in the application.

22 (3) An applicant who has been found guilty of a
23 violation of this Act, whose medical cannabis dispensing
24 organization, medical cannabis cultivation organization,
25 Early Approval Adult Use Dispensing Organization License,
26 Early Approval Adult Use Dispensing Organization License

1 at a secondary site, or Early Approval Cultivation Center
2 License was suspended, restricted, revoked, or denied for
3 just cause, or whose cannabis business establishment
4 license was suspended, restricted, revoked, or denied in
5 any other state.

6 (4) An applicant who has engaged in a pattern or
7 practice of unfair or illegal practices, methods, or
8 activities in the conduct of owning a cannabis business
9 establishment or other business.

10 (i) The Department shall deny the license if any principal
11 officer, board member, or person having a financial or voting
12 interest of 5% or greater in the licensee is delinquent in
13 filing any required tax return or paying any amount owed to the
14 State of Illinois.

15 (j) The Department shall verify an applicant's compliance
16 with the requirements of this Article and rules adopted under
17 this Article before issuing a Conditional Adult Use Dispensing
18 Organization License.

19 (k) If an applicant is awarded a Conditional Adult Use
20 Dispensing Organization License under this Section, the
21 information and plans provided in the application, including
22 any plans submitted for bonus points, shall become a condition
23 of the Conditional Adult Use Dispensing Organization Licenses
24 and any Adult Use Dispensing Organization License issued to
25 the holder of the Conditional Adult Use Dispensing
26 Organization License, except as otherwise provided by this Act

1 or by rule. Dispensing organizations have a duty to disclose
2 any material changes to the application. The Department shall
3 review all material changes disclosed by the dispensing
4 organization, and may reevaluate its prior decision regarding
5 the awarding of a Conditional Adult Use Dispensing
6 Organization License, including, but not limited to,
7 suspending or permanently revoking a Conditional Adult Use
8 Dispensing Organization License. Failure to comply with the
9 conditions or requirements in the application may subject the
10 dispensing organization to discipline up to and including
11 suspension or permanent revocation of its authorization or
12 Conditional Adult Use Dispensing Organization License by the
13 Department.

14 (l) If an applicant has not begun operating as a
15 dispensing organization within one year after the issuance of
16 the Conditional Adult Use Dispensing Organization License, the
17 Department may permanently revoke the Conditional Adult Use
18 Dispensing Organization License and award it to the next
19 highest scoring applicant in the BLS Region if a suitable
20 applicant indicates a continued interest in the Conditional
21 Adult Use Dispensing Organization License or may begin a new
22 selection process to award a Conditional Adult Use Dispensing
23 Organization License.

24 (m) After January 1, 2022, the Department may by rule
25 modify or raise the number of Adult Use Dispensing
26 Organization Licenses assigned to each BLS Region, and modify

1 or change the licensing application process. At no time shall
2 the Department issue more than 500 Conditional Adult Use
3 Dispensing Organization License.

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

5 (410 ILCS 705/15-40)

6 Sec. 15-40. Dispensing organization agent identification
7 card; agent training.

8 (a) The Department shall:

9 (1) verify the information contained in an application
10 or renewal for a dispensing organization agent
11 identification card submitted under this Article, and
12 approve or deny an application or renewal, within 30 days
13 of receiving a completed application or renewal
14 application and all supporting documentation required by
15 rule;

16 (2) issue a dispensing organization agent
17 identification card to a qualifying agent within 15
18 business days of approving the application or renewal;

19 (3) enter the registry identification number of the
20 dispensing organization where the agent works;

21 (4) within one year from the effective date of this
22 Act, allow for an electronic application process and
23 provide a confirmation by electronic or other methods that
24 an application has been submitted; and

25 (5) collect a \$100 nonrefundable fee from the

1 applicant to be deposited into the Cannabis Regulation
2 Fund.

3 (b) A dispensing organization agent must keep his or her
4 identification card visible at all times when in the
5 dispensary.

6 (c) The dispensing organization agent identification cards
7 shall contain the following:

8 (1) the name of the cardholder;

9 (2) the date of issuance and expiration date of the
10 dispensing organization agent identification cards;

11 (3) a random 10-digit alphanumeric identification
12 number containing at least 4 numbers and at least 4
13 letters that is unique to the cardholder; and

14 (4) a photograph of the cardholder.

15 (d) The dispensing organization agent identification cards
16 shall be immediately returned to the dispensing organization
17 upon termination of employment.

18 (e) The Department shall not issue an agent identification
19 card if the applicant is delinquent in filing any required tax
20 returns or paying any amounts owed to the State of Illinois.

21 (f) Any card lost by a dispensing organization agent shall
22 be reported to the Department of State Police and the
23 Department immediately upon discovery of the loss.

24 (g) An applicant shall be denied a dispensing organization
25 agent identification card renewal if he or she fails to
26 complete the training provided for in this Section.

1 (h) A dispensing organization agent shall only be required
2 to hold one card for the same employer regardless of what type
3 of dispensing organization license the employer holds.

4 (i) Cannabis retail sales training requirements.

5 (1) Within 90 days of September 1, 2019, or 90 days of
6 employment, whichever is later, all owners, managers,
7 employees, and agents involved in the handling or sale of
8 cannabis or cannabis-infused product employed by an adult
9 use dispensing organization or medical cannabis dispensing
10 organization as defined in Section 10 of the Compassionate
11 Use of Medical Cannabis Program Act shall attend and
12 successfully complete a Responsible Vendor Program.

13 (2) Each owner, manager, employee, and agent of an
14 adult use dispensing organization or medical cannabis
15 dispensing organization shall successfully complete the
16 program annually.

17 (3) Responsible Vendor Program Training modules shall
18 include at least 2 hours of instruction time approved by
19 the Department including:

20 (i) Health and safety concerns of cannabis use,
21 including the responsible use of cannabis, its
22 physical effects, onset of physiological effects,
23 recognizing signs of impairment, and appropriate
24 responses in the event of overconsumption.

25 (ii) Training on laws and regulations on driving
26 while under the influence and operating a watercraft

1 or snowmobile while under the influence.

2 (iii) Sales to minors prohibition. Training shall
3 cover all relevant Illinois laws and rules.

4 (iv) Quantity limitations on sales to purchasers.
5 Training shall cover all relevant Illinois laws and
6 rules.

7 (v) Acceptable forms of identification. Training
8 shall include:

9 (I) How to check identification; and

10 (II) Common mistakes made in verification;

11 (vi) Safe storage of cannabis;

12 (vii) Compliance with all inventory tracking
13 system regulations;

14 (viii) Waste handling, management, and disposal;

15 (ix) Health and safety standards;

16 (x) Maintenance of records;

17 (xi) Security and surveillance requirements;

18 (xii) Permitting inspections by State and local
19 licensing and enforcement authorities;

20 (xiii) Privacy issues;

21 (xiv) Packaging and labeling requirement for sales
22 to purchasers; and

23 (xv) Other areas as determined by rule.

24 (j) Blank.

25 (k) Upon the successful completion of the Responsible
26 Vendor Program, the provider shall deliver proof of completion

1 either through mail or electronic communication to the
2 dispensing organization, which shall retain a copy of the
3 certificate.

4 (l) The license of a dispensing organization or medical
5 cannabis dispensing organization whose owners, managers,
6 employees, or agents fail to comply with this Section may be
7 suspended or permanently revoked under Section 15-145 or may
8 face other disciplinary action.

9 (m) The regulation of dispensing organization and medical
10 cannabis dispensing employer and employee training is an
11 exclusive function of the State, and regulation by a unit of
12 local government, including a home rule unit, is prohibited.
13 This subsection (m) is a denial and limitation of home rule
14 powers and functions under subsection (h) of Section 6 of
15 Article VII of the Illinois Constitution.

16 (n) Persons seeking Department approval to offer the
17 training required by paragraph (3) of subsection (i) may apply
18 for such approval between August 1 and August 15 of each
19 odd-numbered year in a manner prescribed by the Department.

20 (o) Persons seeking Department approval to offer the
21 training required by paragraph (3) of subsection (i) shall
22 submit a nonrefundable application fee of \$2,000 to be
23 deposited into the Cannabis Regulation Fund or a fee as may be
24 set by rule. Any changes made to the training module shall be
25 approved by the Department.

26 (p) The Department shall not unreasonably deny approval of

1 a training module that meets all the requirements of paragraph
2 (3) of subsection (i). A denial of approval shall include a
3 detailed description of the reasons for the denial.

4 (q) Any person approved to provide the training required
5 by paragraph (3) of subsection (i) shall submit an application
6 for re-approval between August 1 and August 15 of each
7 odd-numbered year and include a nonrefundable application fee
8 of \$2,000 to be deposited into the Cannabis Regulation Fund or
9 a fee as may be set by rule.

10 (r) All persons applying to become or renewing their
11 registrations to be agents, including agents-in-charge and
12 principal officers, shall disclose any disciplinary action
13 taken against them that may have occurred in Illinois, another
14 state, or another country in relation to their employment at a
15 cannabis business establishment or at any cannabis cultivation
16 center, processor, infuser, dispensary, or other cannabis
17 business establishment.

18 (s) An agent applicant may begin employment at a
19 dispensing organization while the agent applicant's
20 identification card application is pending. Upon approval, the
21 Department shall issue the agent's identification card to the
22 agent. If denied, the dispensing organization and the agent
23 applicant shall be notified and the agent applicant must cease
24 all activity at the dispensing organization immediately.

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

1 (410 ILCS 705/20-55 new)

2 Sec. 20-55. Disclosure of ownership and control.

3 (a) Each Adult Use Cultivation Center applicant and
4 license holder shall file and maintain a Table of
5 Organization, Ownership, and Control with the Department. The
6 Table of Organization, Ownership, and Control shall contain
7 the information required by this Section in sufficient detail
8 to identify all owners, directors, and principal officers, and
9 the title of each principal officer or business entity that,
10 through direct or indirect means, manages, owns, or controls
11 the applicant or license holder.

12 (b) The Table of Organization, Ownership, and Control
13 shall identify the following information:

14 (1) The management structure, ownership, and control
15 of the applicant or license holder including the name of
16 each principal officer or business entity, the office or
17 position held, and the percentage ownership interest, if
18 any. If the business entity has a parent company, the name
19 of each owner, board member, and officer of the parent
20 company and his or her percentage ownership interest in
21 the parent company and the Adult Use Cultivation Center.

22 (2) If the applicant or licensee is a business entity
23 with publicly traded stock, the identification of
24 ownership shall be provided as required in subsection (c).

25 (c) If a business entity identified in subsection (b) is a
26 publicly traded company, the following information shall be

1 provided in the Table of Organization, Ownership, and Control:

2 (1) The name and percentage of ownership interest of
3 each individual or business entity with ownership of more
4 than 5% of the voting shares of the entity, to the extent
5 such information is known or contained in 13D or 13G
6 Securities and Exchange Commission filings.

7 (2) To the extent known, the names and percentage of
8 interest of ownership of persons who are relatives of one
9 another and who together exercise control over or own more
10 than 10% of the voting shares of the entity.

11 (d) An Adult Use Cultivation Center with a parent company
12 or companies, or partially owned or controlled by another
13 entity must disclose to the Department the relationship and
14 all owners, board members, officers, or individuals with
15 control or management of those entities. An Adult Use
16 Cultivation Center shall not shield its ownership or control
17 from the Department.

18 (e) All principal officers must submit a complete online
19 application with the Department within 14 days of the Adult
20 Use Cultivation Center being licensed by the Department or
21 within 14 days of Department notice of approval as a new
22 principal officer.

23 (f) A principal officer may not allow his or her
24 registration to expire.

25 (g) An Adult Use Cultivation Center separating with a
26 principal officer must do so under this Act. The principal

1 officer must communicate the separation to the Department
2 within 5 business days.

3 (h) A principal officer not in compliance with the
4 requirements of this Act shall be removed from his or her
5 position with the Adult Use Cultivation Center or shall
6 otherwise terminate his or her affiliation. Failure to do so
7 may subject the Adult Use Cultivation Center to discipline,
8 suspension, or revocation of its license by the Department.

9 (i) It is the responsibility of the Adult Use Cultivation
10 Center and its principal officers to promptly notify the
11 Department of any change of the principal place of business
12 address, hours of operation, change in ownership or control,
13 or a change of the Adult Use Cultivation Center's primary or
14 secondary contact information. Any changes must be made to the
15 Department in writing.

16 (410 ILCS 705/25-5)

17 (Section scheduled to be repealed on July 1, 2026)

18 Sec. 25-5. Administration.

19 (a) The Department shall establish and administer the
20 Program in coordination with the Illinois Community College
21 Board. The Department may issue ~~up to 8~~ Program licenses to
22 applicants that meet the requirements outlined in this Article
23 ~~by September 1, 2020.~~

24 (b) Beginning with the 2021-2022 academic year, and
25 subject to subsection (h) of Section 2-12 of the Public

1 Community College Act, community colleges awarded Program
2 licenses may offer qualifying students a Career in Cannabis
3 Certificate, which includes, but is not limited to, courses
4 that allow participating students to work with, study, and
5 grow live cannabis plants so as to prepare students for a
6 career in the legal cannabis industry, and to instruct
7 participating students on the best business practices,
8 professional responsibility, and legal compliance of the
9 cannabis business industry.

10 (c) The Board may issue rules pertaining to the provisions
11 in this Act.

12 (d) Notwithstanding any other provision of this Act,
13 students shall be at least 18 years old in order to enroll in a
14 licensee's Career in Cannabis Certificate's prescribed course
15 of study.

16 (Source: P.A. 101-27, eff. 6-25-19.)

17 (410 ILCS 705/25-35)

18 (Section scheduled to be repealed on July 1, 2026)

19 Sec. 25-35. Community College Cannabis Vocational Training
20 Pilot Program faculty participant agent identification card.

21 (a) The Department shall:

22 (1) establish by rule the information required in an
23 initial application or renewal application for an agent
24 identification card submitted under this Article and the
25 nonrefundable fee to accompany the initial application or

1 renewal application;

2 (2) verify the information contained in an initial
3 application or renewal application for an agent
4 identification card submitted under this Article, and
5 approve or deny an application within 30 days of receiving
6 a completed initial application or renewal application and
7 all supporting documentation required by rule;

8 (3) issue an agent identification card to a qualifying
9 agent within 15 business days of approving the initial
10 application or renewal application;

11 (4) enter the license number of the community college
12 where the agent works; and

13 (5) allow for an electronic initial application and
14 renewal application process, and provide a confirmation by
15 electronic or other methods that an application has been
16 submitted. Each Department may by rule require prospective
17 agents to file their applications by electronic means and
18 to provide notices to the agents by electronic means.

19 (b) An agent must keep his or her identification card
20 visible at all times when in the enclosed, locked facility, or
21 facilities for which he or she is an agent.

22 (c) The agent identification cards shall contain the
23 following:

24 (1) the name of the cardholder;

25 (2) the date of issuance and expiration date of the
26 identification card;

1 (3) a random 10-digit alphanumeric identification
2 number containing at least 4 numbers and at least 4
3 letters that is unique to the holder;

4 (4) a photograph of the cardholder; and

5 (5) the legal name of the community college employing
6 the agent.

7 (d) An agent identification card shall be immediately
8 returned to the community college of the agent upon
9 termination of his or her employment.

10 (e) Any agent identification card lost shall be reported
11 to the Department of State Police and the Department of
12 Agriculture immediately upon discovery of the loss.

13 (f) An agent applicant may begin employment at a Community
14 College Cannabis Vocational Training Pilot Program while the
15 agent applicant's identification card application is pending.
16 Upon approval, the Department shall issue the agent's
17 identification card to the agent. If denied, the Community
18 College Cannabis Vocational Training Pilot Program and the
19 agent applicant shall be notified and the agent applicant must
20 cease all activity at the Community College Cannabis
21 Vocational Training Pilot Program immediately.

22 (Source: P.A. 101-27, eff. 6-25-19.)

23 (410 ILCS 705/30-5)

24 Sec. 30-5. Issuance of licenses.

25 (a) The Department of Agriculture shall issue up to 40

1 craft grower licenses by July 1, 2020. Any person or entity
2 awarded a license pursuant to this subsection shall only hold
3 one craft grower license and may not sell that license until
4 after December 21, 2021.

5 (b) By December 21, 2021, the Department of Agriculture
6 shall issue up to 60 additional craft grower licenses. Any
7 person or entity awarded a license pursuant to this subsection
8 shall not hold more than 2 craft grower licenses. The person or
9 entity awarded a license pursuant to this subsection or
10 subsection (a) of this Section may sell its craft grower
11 license subject to the restrictions of this Act or as
12 determined by administrative rule. Prior to issuing such
13 licenses, the Department may adopt rules through emergency
14 rulemaking in accordance with subsection (kk) ~~(gg)~~ of Section
15 5-45 of the Illinois Administrative Procedure Act, to modify
16 or raise the number of craft grower licenses and modify or
17 change the licensing application process ~~to reduce or~~
18 ~~eliminate barriers~~. The General Assembly finds that the
19 adoption of rules to regulate cannabis use is deemed an
20 emergency and necessary for the public interest, safety, and
21 welfare. In determining whether to exercise the authority
22 granted by this subsection, the Department of Agriculture must
23 consider the following factors:

24 (1) the percentage of cannabis sales occurring in
25 Illinois not in the regulated market using data from the
26 Substance Abuse and Mental Health Services Administration,

1 National Survey on Drug Use and Health, Illinois
2 Behavioral Risk Factor Surveillance System, and tourism
3 data from the Illinois Office of Tourism to ascertain
4 total cannabis consumption in Illinois compared to the
5 amount of sales in licensed dispensing organizations;

6 (2) whether there is an adequate supply of cannabis
7 and cannabis-infused products to serve registered medical
8 cannabis patients;

9 (3) whether there is an adequate supply of cannabis
10 and cannabis-infused products to serve purchasers;

11 (4) whether there is an oversupply of cannabis in
12 Illinois leading to trafficking of cannabis to states
13 where the sale of cannabis is not permitted by law;

14 (5) population increases or shifts;

15 (6) the density of craft growers in any area of the
16 State;

17 (7) perceived security risks of increasing the number
18 or location of craft growers;

19 (8) the past safety record of craft growers;

20 (9) the Department of Agriculture's capacity to
21 appropriately regulate additional licensees;

22 (10) (blank) ~~the findings and recommendations from the~~
23 ~~disparity and availability study commissioned by the~~
24 ~~Illinois Cannabis Regulation Oversight Officer to reduce~~
25 ~~or eliminate any identified barriers to entry in the~~
26 ~~cannabis industry; and~~

1 (11) any other criteria the Department of Agriculture
2 deems relevant.

3 (c) After January 1, 2022, the Department of Agriculture
4 may by rule modify or raise the number of craft grower licenses
5 and modify or change the licensing application process ~~to~~
6 ~~reduce or eliminate barriers based on the criteria in~~
7 ~~subsection (b)~~. At no time may the number of craft grower
8 licenses exceed 150. Any person or entity awarded a license
9 pursuant to this subsection shall not hold more than 3 craft
10 grower licenses. A person or entity awarded a license pursuant
11 to this subsection or subsection (a) or subsection (b) of this
12 Section may sell its craft grower license or licenses subject
13 to the restrictions of this Act or as determined by
14 administrative rule.

15 (d) Upon the completion of the disparity and availability
16 study pertaining to craft growers by the Cannabis Regulation
17 Oversight Officer pursuant to subsection (e) of Section 5-45,
18 the Department may modify or change the licensing application
19 process to reduce or eliminate barriers from and remedy
20 evidence of discrimination identified in the disparity and
21 availability study.

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

23 (410 ILCS 705/30-55 new)

24 Sec. 30-55. Disclosure of ownership and control.

25 (a) Each craft grower applicant and licensee shall file

1 and maintain a Table of Organization, Ownership, and Control
2 with the Department. The Table of Organization, Ownership, and
3 Control shall contain the information required by this Section
4 in sufficient detail to identify all owners, directors, and
5 principal officers, and the title of each principal officer or
6 business entity that, through direct or indirect means,
7 manages, owns, or controls the applicant or licensee.

8 (b) The Table of Organization, Ownership and Control shall
9 identify the following information:

10 (1) The management structure, ownership, and control
11 of the applicant or license holder including the name of
12 each principal officer or business entity, the office or
13 position held, and the percentage ownership interest, if
14 any. If the business entity has a parent company, the name
15 of each owner, board member, and officer of the parent
16 company and his or her percentage ownership interest in
17 the parent company and the craft grower.

18 (2) If the applicant or licensee is a business entity
19 with publicly traded stock, the identification of
20 ownership shall be provided as required in subsection (c).

21 (c) If a business entity identified in subsection (b) is a
22 publicly traded company, the following information shall be
23 provided in the Table of Organization, Ownership, and Control:

24 (1) The name and percentage of ownership interest of
25 each individual or business entity with ownership of more
26 than 5% of the voting shares of the entity, to the extent

1 such information is known or contained in 13D or 13G
2 Securities and Exchange Commission filings.

3 (2) To the extent known, the names and percentage of
4 interest of ownership of persons who are relatives of one
5 another and who together exercise control over or own more
6 than 10% of the voting shares of the entity.

7 (d) A craft grower with a parent company or companies, or
8 partially owned or controlled by another entity must disclose
9 to the Department the relationship and all owners, board
10 members, officers, or individuals with control or management
11 of those entities. A craft grower shall not shield its
12 ownership or control from the Department.

13 (e) All principal officers must submit a complete online
14 application with the Department within 14 days of the craft
15 grower being licensed by the Department or within 14 days of
16 Department notice of approval as a new principal officer.

17 (f) A principal officer may not allow his or her
18 registration to expire.

19 (g) A craft grower separating with a principal officer
20 must do so under this Act. The principal officer must
21 communicate the separation to the Department within 5 business
22 days.

23 (h) A principal officer not in compliance with the
24 requirements of this Act shall be removed from his or her
25 position with the craft grower or shall otherwise terminate
26 his or her affiliation. Failure to do so may subject the craft

1 grower to discipline, suspension, or revocation of its license
2 by the Department.

3 (i) It is the responsibility of the craft grower and its
4 principal officers to promptly notify the Department of any
5 change of the principal place of business address, hours of
6 operation, change in ownership or control, or a change of the
7 craft grower's primary or secondary contact information. Any
8 changes must be made to the Department in writing.

9 (410 ILCS 705/35-5)

10 Sec. 35-5. Issuance of licenses.

11 (a) The Department of Agriculture shall issue up to 40
12 infuser licenses through a process provided for in this
13 Article no later than July 1, 2020.

14 (b) The Department of Agriculture shall make the
15 application for infuser licenses available on January 7, 2020,
16 or if that date falls on a weekend or holiday, the business day
17 immediately succeeding the weekend or holiday and every
18 January 7 or succeeding business day thereafter, and shall
19 receive such applications no later than March 15, 2020, or, if
20 that date falls on a weekend or holiday, the business day
21 immediately succeeding the weekend or holiday and every March
22 15 or succeeding business day thereafter.

23 (c) By December 21, 2021, the Department of Agriculture
24 may issue up to 60 additional infuser licenses. Prior to
25 issuing such licenses, the Department may adopt rules through

1 emergency rulemaking in accordance with subsection (kk) ~~(gg)~~
2 of Section 5-45 of the Illinois Administrative Procedure Act,
3 to modify or raise the number of infuser licenses and modify or
4 change the licensing application process to reduce or
5 eliminate barriers. The General Assembly finds that the
6 adoption of rules to regulate cannabis use is deemed an
7 emergency and necessary for the public interest, safety, and
8 welfare.

9 In determining whether to exercise the authority granted
10 by this subsection, the Department of Agriculture must
11 consider the following factors:

12 (1) the percentage of cannabis sales occurring in
13 Illinois not in the regulated market using data from the
14 Substance Abuse and Mental Health Services Administration,
15 National Survey on Drug Use and Health, Illinois
16 Behavioral Risk Factor Surveillance System, and tourism
17 data from the Illinois Office of Tourism to ascertain
18 total cannabis consumption in Illinois compared to the
19 amount of sales in licensed dispensing organizations;

20 (2) whether there is an adequate supply of cannabis
21 and cannabis-infused products to serve registered medical
22 cannabis patients;

23 (3) whether there is an adequate supply of cannabis
24 and cannabis-infused products to serve purchasers;

25 (4) whether there is an oversupply of cannabis in
26 Illinois leading to trafficking of cannabis to any other

1 state;

2 (5) population increases or shifts;

3 (6) changes to federal law;

4 (7) perceived security risks of increasing the number
5 or location of infuser organizations;

6 (8) the past security records of infuser
7 organizations;

8 (9) the Department of Agriculture's capacity to
9 appropriately regulate additional licenses;

10 (10) (blank) ~~the findings and recommendations from the~~
11 ~~disparity and availability study commissioned by the~~
12 ~~Illinois Cannabis Regulation Oversight Officer to reduce~~
13 ~~or eliminate any identified barriers to entry in the~~
14 ~~cannabis industry; and~~

15 (11) any other criteria the Department of Agriculture
16 deems relevant.

17 (d) After January 1, 2022, the Department of Agriculture
18 may by rule modify or raise the number of infuser licenses, and
19 modify or change the licensing application process to reduce
20 or eliminate barriers based on the criteria in subsection (c).

21 (e) Upon the completion of the disparity and availability
22 study pertaining to infusers by the Cannabis Regulation
23 Oversight Officer pursuant to subsection (e) of Section 5-45,
24 the Department of Agriculture may modify or change the
25 licensing application process to reduce or eliminate barriers
26 and remedy evidence of discrimination identified in the study.

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

2 (410 ILCS 705/35-30)

3 Sec. 35-30. Infuser agent identification card.

4 (a) The Department of Agriculture shall:

5 (1) establish by rule the information required in an
6 initial application or renewal application for an agent
7 identification card submitted under this Act and the
8 nonrefundable fee to accompany the initial application or
9 renewal application;

10 (2) verify the information contained in an initial
11 application or renewal application for an agent
12 identification card submitted under this Act, and approve
13 or deny an application within 30 days of receiving a
14 completed initial application or renewal application and
15 all supporting documentation required by rule;

16 (3) issue an agent identification card to a qualifying
17 agent within 15 business days of approving the initial
18 application or renewal application;

19 (4) enter the license number of the infuser where the
20 agent works; and

21 (5) allow for an electronic initial application and
22 renewal application process, and provide a confirmation by
23 electronic or other methods that an application has been
24 submitted. The Department of Agriculture may by rule
25 require prospective agents to file their applications by

1 electronic means and provide notices to the agents by
2 electronic means.

3 (b) An agent must keep his or her identification card
4 visible at all times when on the property of a cannabis
5 business establishment including the cannabis business
6 establishment for which he or she is an agent.

7 (c) The agent identification cards shall contain the
8 following:

9 (1) the name of the cardholder;

10 (2) the date of issuance and expiration date of the
11 identification card;

12 (3) a random 10-digit alphanumeric identification
13 number containing at least 4 numbers and at least 4
14 letters that is unique to the holder;

15 (4) a photograph of the cardholder; and

16 (5) the legal name of the infuser organization
17 employing the agent.

18 (d) An agent identification card shall be immediately
19 returned to the infuser organization of the agent upon
20 termination of his or her employment.

21 (e) Any agent identification card lost by a transporting
22 agent shall be reported to the Department of State Police and
23 the Department of Agriculture immediately upon discovery of
24 the loss.

25 (f) An agent applicant may begin employment at an infuser
26 organization while the agent applicant's identification card

1 application is pending. Upon approval, the Department shall
2 issue the agent's identification card to the agent. If denied,
3 the infuser organization and the agent applicant shall be
4 notified and the agent applicant must cease all activity at
5 the infuser organization immediately.

6 (Source: P.A. 101-27, eff. 6-25-19.)

7 (410 ILCS 705/35-45 new)

8 Sec. 35-45. Disclosure of ownership and control.

9 (a) Each infuser organization applicant and licensee shall
10 file and maintain a Table of Organization, Ownership and
11 Control with the Department. The Table of Organization,
12 Ownership and Control shall contain the information required
13 by this Section in sufficient detail to identify all owners,
14 directors, and principal officers, and the title of each
15 principal officer or business entity that, through direct or
16 indirect means, manages, owns, or controls the applicant or
17 licensee.

18 (b) The Table of Organization, Ownership, and Control
19 shall identify the following information:

20 (1) The management structure, ownership, and control
21 of the applicant or license holder including the name of
22 each principal officer or business entity, the office or
23 position held, and the percentage ownership interest, if
24 any. If the business entity has a parent company, the name
25 of each owner, board member, and officer of the parent

1 company and his or her percentage ownership interest in
2 the parent company and the infuser organization.

3 (2) If the applicant or licensee is a business entity
4 with publicly traded stock, the identification of
5 ownership shall be provided as required in subsection (c).

6 (c) If a business entity identified in subsection (b) is a
7 publicly traded company, the following information shall be
8 provided in the Table of Organization, Ownership, and Control:

9 (1) The name and percentage of ownership interest of
10 each individual or business entity with ownership of more
11 than 5% of the voting shares of the entity, to the extent
12 such information is known or contained in 13D or 13G
13 Securities and Exchange Commission filings.

14 (2) To the extent known, the names and percentage of
15 interest of ownership of persons who are relatives of one
16 another and who together exercise control over or own more
17 than 10% of the voting shares of the entity.

18 (d) An infuser organization with a parent company or
19 companies, or partially owned or controlled by another entity
20 must disclose to the Department the relationship and all
21 owners, board members, officers, or individuals with control
22 or management of those entities. An infuser organization shall
23 not shield its ownership or control from the Department.

24 (e) All principal officers must submit a complete online
25 application with the Department within 14 days of the infuser
26 organization being licensed by the Department or within 14

1 days of Department notice of approval as a new principal
2 officer.

3 (f) A principal officer may not allow his or her
4 registration to expire.

5 (g) An infuser organization separating with a principal
6 officer must do so under this Act. The principal officer must
7 communicate the separation to the Department within 5 business
8 days.

9 (h) A principal officer not in compliance with the
10 requirements of this Act shall be removed from his or her
11 position with the infuser organization or shall otherwise
12 terminate his or her affiliation. Failure to do so may subject
13 the infuser organization to discipline, suspension, or
14 revocation of its license by the Department.

15 (i) It is the responsibility of the infuser organization
16 and its principal officers to promptly notify the Department
17 of any change of the principal place of business address,
18 hours of operation, change in ownership or control, or a
19 change of the infuser organization's primary or secondary
20 contact information. Any changes must be made to the
21 Department in writing.

22 (410 ILCS 705/40-30)

23 Sec. 40-30. Transporting agent identification card.

24 (a) The Department of Agriculture shall:

25 (1) establish by rule the information required in an

1 initial application or renewal application for an agent
2 identification card submitted under this Act and the
3 nonrefundable fee to accompany the initial application or
4 renewal application;

5 (2) verify the information contained in an initial
6 application or renewal application for an agent
7 identification card submitted under this Act and approve
8 or deny an application within 30 days of receiving a
9 completed initial application or renewal application and
10 all supporting documentation required by rule;

11 (3) issue an agent identification card to a qualifying
12 agent within 15 business days of approving the initial
13 application or renewal application;

14 (4) enter the license number of the transporting
15 organization where the agent works; and

16 (5) allow for an electronic initial application and
17 renewal application process, and provide a confirmation by
18 electronic or other methods that an application has been
19 submitted. The Department of Agriculture may by rule
20 require prospective agents to file their applications by
21 electronic means and provide notices to the agents by
22 electronic means.

23 (b) An agent must keep his or her identification card
24 visible at all times when on the property of a cannabis
25 business establishment, including the cannabis business
26 establishment for which he or she is an agent.

1 (c) The agent identification cards shall contain the
2 following:

3 (1) the name of the cardholder;

4 (2) the date of issuance and expiration date of the
5 identification card;

6 (3) a random 10-digit alphanumeric identification
7 number containing at least 4 numbers and at least 4
8 letters that is unique to the holder;

9 (4) a photograph of the cardholder; and

10 (5) the legal name of the transporting organization
11 employing the agent.

12 (d) An agent identification card shall be immediately
13 returned to the transporting organization of the agent upon
14 termination of his or her employment.

15 (e) Any agent identification card lost by a transporting
16 agent shall be reported to the Department of State Police and
17 the Department of Agriculture immediately upon discovery of
18 the loss.

19 (f) An application for an agent identification card shall
20 be denied if the applicant is delinquent in filing any
21 required tax returns or paying any amounts owed to the State of
22 Illinois.

23 (g) An agent applicant may begin employment at a
24 transporting organization while the agent applicant's
25 identification card application is pending. Upon approval, the
26 Department shall issue the agent's identification card to the

1 agent. If denied, the transporting organization and the agent
2 applicant shall be notified and the agent applicant must cease
3 all activity at the transporting organization immediately.

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

5 (410 ILCS 705/40-45 new)

6 Sec. 40-45. Disclosure of ownership and control.

7 (a) Each transporting organization applicant and licensee
8 shall file and maintain a Table of Organization, Ownership,
9 and Control with the Department. The Table of Organization,
10 Ownership, and Control shall contain the information required
11 by this Section in sufficient detail to identify all owners,
12 directors, and principal officers, and the title of each
13 principal officer or business entity that, through direct or
14 indirect means, manages, owns, or controls the applicant or
15 licensee.

16 (b) The Table of Organization, Ownership, and Control
17 shall identify the following information:

18 (1) The management structure, ownership, and control
19 of the applicant or license holder including the name of
20 each principal officer or business entity, the office or
21 position held, and the percentage ownership interest, if
22 any. If the business entity has a parent company, the name
23 of each owner, board member, and officer of the parent
24 company and his or her percentage ownership interest in
25 the parent company and the transporting organization.

1 (2) If the applicant or licensee is a business entity
2 with publicly traded stock, the identification of
3 ownership shall be provided as required in subsection (c).

4 (c) If a business entity identified in subsection (b) is a
5 publicly traded company, the following information shall be
6 provided in the Table of Organization, Ownership, and Control:

7 (1) The name and percentage of ownership interest of
8 each individual or business entity with ownership of more
9 than 5% of the voting shares of the entity, to the extent
10 such information is known or contained in 13D or 13G
11 Securities and Exchange Commission filings.

12 (2) To the extent known, the names and percentage of
13 interest of ownership of persons who are relatives of one
14 another and who together exercise control over or own more
15 than 10% of the voting shares of the entity.

16 (d) A transporting organization with a parent company or
17 companies, or partially owned or controlled by another entity
18 must disclose to the Department the relationship and all
19 owners, board members, officers, or individuals with control
20 or management of those entities. A transporting organization
21 shall not shield its ownership or control from the Department.

22 (e) All principal officers must submit a complete online
23 application with the Department within 14 days of the
24 transporting organization being licensed by the Department or
25 within 14 days of Department notice of approval as a new
26 principal officer.

1 (f) A principal officer may not allow his or her
2 registration to expire.

3 (g) A transporting organization separating with a
4 principal officer must do so under this Act. The principal
5 officer must communicate the separation to the Department
6 within 5 business days.

7 (h) A principal officer not in compliance with the
8 requirements of this Act shall be removed from his or her
9 position with the transporting organization or shall otherwise
10 terminate his or her affiliation. Failure to do so may subject
11 the transporting organization to discipline, suspension, or
12 revocation of its license by the Department.

13 (i) It is the responsibility of the transporting
14 organization and its principal officers to promptly notify the
15 Department of any change of the principal place of business
16 address, hours of operation, change in ownership or control,
17 or a change of the transporting organization's primary or
18 secondary contact information. Any changes must be made to the
19 Department in writing.

20 (410 ILCS 705/55-21)

21 Sec. 55-21. Cannabis product packaging and labeling.

22 (a) Each cannabis product produced for sale shall be
23 registered with the Department of Agriculture on forms
24 provided by the Department of Agriculture. Each product
25 registration shall include a label and the required

1 registration fee at the rate established by the Department of
2 Agriculture for a comparable medical cannabis product, or as
3 established by rule. The registration fee is for the name of
4 the product offered for sale and one fee shall be sufficient
5 for all package sizes.

6 (b) All harvested cannabis intended for distribution to a
7 cannabis enterprise must be packaged in a sealed, labeled
8 container.

9 (c) At point of sale, any ~~Any~~ product containing cannabis
10 shall be packaged in a sealed or resealable, odor-proof, and
11 child-resistant cannabis container consistent with current
12 standards, including the Consumer Product Safety Commission
13 standards referenced by the Poison Prevention Act.

14 (d) All cannabis-infused products shall be individually
15 wrapped or packaged at the original point of preparation. The
16 packaging of the cannabis-infused product shall conform to the
17 labeling requirements of the Illinois Food, Drug and Cosmetic
18 Act, in addition to the other requirements set forth in this
19 Section.

20 (e) Each cannabis product shall be labeled before sale and
21 each label shall be securely affixed to the package and shall
22 state in legible English and any languages required by the
23 Department of Agriculture:

24 (1) the name and post office box of the registered
25 cultivation center or craft grower where the item was
26 manufactured;

1 (2) the common or usual name of the item and the
2 registered name of the cannabis product that was
3 registered with the Department of Agriculture under
4 subsection (a);

5 (3) a unique serial number that will match the product
6 with a cultivation center or craft grower batch and lot
7 number to facilitate any warnings or recalls the
8 Department of Agriculture, cultivation center, or craft
9 grower deems appropriate;

10 (4) the date of final testing and packaging, if
11 sampled, and the identification of the independent testing
12 laboratory;

13 (5) the date of harvest and "use by" date;

14 (6) the quantity (in ounces or grams) of cannabis
15 contained in the product;

16 (7) a pass/fail rating based on the laboratory's
17 microbiological, mycotoxins, and pesticide and solvent
18 residue analyses, if sampled;

19 (8) content list.

20 (A) A list of the following, including the minimum
21 and maximum percentage content by weight for
22 subdivisions (e) (8) (A) (i) through (iv):

23 (i) delta-9-tetrahydrocannabinol (THC);

24 (ii) tetrahydrocannabinolic acid (THCA);

25 (iii) cannabidiol (CBD);

26 (iv) cannabidiolic acid (CBDA); and

1 (v) all other ingredients of the item,
2 including any colors, artificial flavors, and
3 preservatives, listed in descending order by
4 predominance of weight shown with common or usual
5 names.

6 (B) The acceptable tolerances for the minimum
7 percentage printed on the label for any of
8 subdivisions (e) (8) (A) (i) through (iv) shall not be
9 below 85% or above 115% of the labeled amount.

10 (f) Packaging must not contain information that:

11 (1) is false or misleading;

12 (2) promotes excessive consumption;

13 (3) depicts a person under 21 years of age consuming
14 cannabis;

15 (4) includes the image of a cannabis leaf;

16 (5) includes any image designed or likely to appeal to
17 minors, including cartoons, toys, animals, or children, or
18 any other likeness to images, characters, or phrases that
19 are popularly used to advertise to children, or any
20 packaging or labeling that bears reasonable resemblance to
21 any product available for consumption as a commercially
22 available candy, or that promotes consumption of cannabis;

23 (6) contains any seal, flag, crest, coat of arms, or
24 other insignia likely to mislead the purchaser to believe
25 that the product has been endorsed, made, or used by the
26 State of Illinois or any of its representatives except

1 where authorized by this Act.

2 (g) Cannabis products produced by concentrating or
3 extracting ingredients from the cannabis plant shall contain
4 the following information, where applicable:

5 (1) If solvents were used to create the concentrate or
6 extract, a statement that discloses the type of extraction
7 method, including any solvents or gases used to create the
8 concentrate or extract; and

9 (2) Any other chemicals or compounds used to produce
10 or were added to the concentrate or extract.

11 (h) All cannabis products must contain warning statements
12 established for purchasers, of a size that is legible and
13 readily visible to a consumer inspecting a package, which may
14 not be covered or obscured in any way. The Department of Public
15 Health shall define and update appropriate health warnings for
16 packages including specific labeling or warning requirements
17 for specific cannabis products.

18 (i) Unless modified by rule to strengthen or respond to
19 new evidence and science, the following warnings shall apply
20 to all cannabis products unless modified by rule: "This
21 product contains cannabis and is intended for use by adults 21
22 and over. Its use can impair cognition and may be habit
23 forming. This product should not be used by pregnant or
24 breastfeeding women. It is unlawful to sell or provide this
25 item to any individual, and it may not be transported outside
26 the State of Illinois. It is illegal to operate a motor vehicle

1 while under the influence of cannabis. Possession or use of
2 this product may carry significant legal penalties in some
3 jurisdictions and under federal law."

4 (j) Warnings for each of the following product types must
5 be present on labels when offered for sale to a purchaser:

6 (1) Cannabis that may be smoked must contain a
7 statement that "Smoking is hazardous to your health."

8 (2) Cannabis-infused products (other than those
9 intended for topical application) must contain a statement
10 "CAUTION: This product contains cannabis, and intoxication
11 following use may be delayed 2 or more hours. This product
12 was produced in a facility that cultivates cannabis, and
13 that may also process common food allergens."

14 (3) Cannabis-infused products intended for topical
15 application must contain a statement "DO NOT EAT" in bold,
16 capital letters.

17 (k) Each cannabis-infused product intended for consumption
18 must be individually packaged, must include the total
19 milligram content of THC and CBD, and may not include more than
20 a total of 100 milligrams of THC per package. A package may
21 contain multiple servings of 10 milligrams of THC, indicated
22 by scoring, wrapping, or by other indicators designating
23 individual serving sizes. The Department of Agriculture may
24 change the total amount of THC allowed for each package, or the
25 total amount of THC allowed for each serving size, by rule.

26 (l) No individual other than the purchaser may alter or

1 destroy any labeling affixed to the primary packaging of
2 cannabis or cannabis-infused products.

3 (m) For each commercial weighing and measuring device used
4 at a facility, the cultivation center or craft grower must:

5 (1) Ensure that the commercial device is licensed
6 under the Weights and Measures Act and the associated
7 administrative rules (8 Ill. Adm. Code 600);

8 (2) Maintain documentation of the licensure of the
9 commercial device; and

10 (3) Provide a copy of the license of the commercial
11 device to the Department of Agriculture for review upon
12 request.

13 (n) It is the responsibility of the Department to ensure
14 that packaging and labeling requirements, including product
15 warnings, are enforced at all times for products provided to
16 purchasers. Product registration requirements and container
17 requirements may be modified by rule by the Department of
18 Agriculture.

19 (o) Labeling, including warning labels, may be modified by
20 rule by the Department of Agriculture.

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

22 (410 ILCS 705/55-30)

23 Sec. 55-30. Confidentiality.

24 (a) Information provided by the cannabis business
25 establishment licensees or applicants to the Department of

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

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

1 Revenue, the Department of State Police, or the Attorney
2 General upon proper request:

3 (1) Applications and renewals, their contents, and
4 supporting information submitted by or on behalf of
5 dispensing organizations, cannabis business
6 establishments, or Community College Cannabis Vocational
7 Program licensees, in compliance with this Article,
8 including their physical addresses; however, this does not
9 preclude the release of ownership information about
10 cannabis business establishment licenses, or information
11 submitted with an application required to be disclosed
12 pursuant to subsection (f);

13 (2) Any plans, procedures, policies, or other records
14 relating to cannabis business establishment ~~dispensing~~
15 ~~organization~~ security; and

16 (3) Information otherwise exempt from disclosure by
17 State or federal law.

18 Illinois or national criminal history record information,
19 or the nonexistence or lack of such information, may not be
20 disclosed by the Department of Financial and Professional
21 Regulation or the Department of Agriculture, except as
22 necessary to the Attorney General to enforce this Act.

23 (c) The name and address of a dispensing organization
24 licensed under this Act shall be subject to disclosure under
25 the Freedom of Information Act. The name and cannabis business
26 establishment address of the person or entity holding each

1 cannabis business establishment license shall be subject to
2 disclosure.

3 (d) All information collected by the Department of
4 Financial and Professional Regulation or the Department of
5 Agriculture in the course of an examination, inspection, or
6 investigation of a licensee or applicant, including, but not
7 limited to, any complaint against a licensee or applicant
8 filed with the Department of Financial and Professional
9 Regulation or the Department of Agriculture and information
10 collected to investigate any such complaint, shall be
11 maintained for the confidential use of the Department of
12 Financial and Professional Regulation or the Department of
13 Agriculture and shall not be disclosed, except as otherwise
14 provided in this Act. A formal complaint against a licensee by
15 the Department of Financial and Professional Regulation or the
16 Department of Agriculture or any disciplinary order issued by
17 the Department of Financial and Professional Regulation or the
18 Department of Agriculture against a licensee or applicant
19 shall be a public record, except as otherwise provided by law.
20 Complaints from consumers or members of the general public
21 received regarding a specific, named licensee or complaints
22 regarding conduct by unlicensed entities shall be subject to
23 disclosure under the Freedom of Information Act.

24 (e) The Department of Agriculture, the Department of State
25 Police, and the Department of Financial and Professional
26 Regulation shall not share or disclose any Illinois or

1 national criminal history record information, or the
2 nonexistence or lack of such information, to any person or
3 entity not expressly authorized by this Act.

4 (f) Each Department responsible for licensure under this
5 Act shall publish on the Department's website a list of the
6 ownership information of cannabis business establishment
7 licensees under the Department's jurisdiction. The list shall
8 include, but is not limited to: the name of the person or
9 entity holding each cannabis business establishment license;
10 and the address at which the entity is operating under this
11 Act. This list shall be published and updated monthly.

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

13 Section 15. The Illinois Vehicle Code is amended by
14 changing Sections 11-502.1 and 11-502.15 as follows:

15 (625 ILCS 5/11-502.1)

16 Sec. 11-502.1. Possession of medical cannabis in a motor
17 vehicle.

18 (a) No driver, who is a medical cannabis cardholder, may
19 use medical cannabis within the passenger area of any motor
20 vehicle upon a highway in this State.

21 (b) No driver, who is a medical cannabis cardholder, a
22 medical cannabis designated caregiver, medical cannabis
23 cultivation center agent, or dispensing organization agent may
24 possess medical cannabis within any area of any motor vehicle

1 upon a highway in this State except in a secured, sealed or
2 resealable, odor-proof, and child-resistant medical cannabis
3 container that is inaccessible.

4 (c) No passenger, who is a medical cannabis card holder, a
5 medical cannabis designated caregiver, or medical cannabis
6 dispensing organization agent may possess medical cannabis
7 within any passenger area of any motor vehicle upon a highway
8 in this State except in a secured, sealed or resealable,
9 odor-proof, and child-resistant medical cannabis container
10 that is inaccessible.

11 (d) Any person who violates subsections (a) through (c) of
12 this Section:

13 (1) commits a Class A misdemeanor;

14 (2) shall be subject to revocation of his or her
15 medical cannabis card for a period of 2 years from the end
16 of the sentence imposed; and

17 (3) ~~(4)~~ shall be subject to revocation of his or her
18 status as a medical cannabis caregiver, medical cannabis
19 cultivation center agent, or medical cannabis dispensing
20 organization agent for a period of 2 years from the end of
21 the sentence imposed.

22 (Source: P.A. 101-27, eff. 6-25-19; revised 8-6-19.)

23 (625 ILCS 5/11-502.15)

24 Sec. 11-502.15. Possession of adult use cannabis in a
25 motor vehicle.

1 (a) No driver may use cannabis within the passenger area
2 of any motor vehicle upon a highway in this State.

3 (b) No driver may possess cannabis within any area of any
4 motor vehicle upon a highway in this State except in a secured,
5 sealed or resealable, odor-proof, child-resistant cannabis
6 container that is inaccessible.

7 (c) No passenger may possess cannabis within any passenger
8 area of any motor vehicle upon a highway in this State except
9 in a secured, sealed or resealable, odor-proof,
10 child-resistant cannabis container that is inaccessible.

11 (d) Any person who knowingly violates subsection (a), (b),
12 or (c) of this Section commits a Class A misdemeanor.

13 (Source: P.A. 101-27, eff. 6-25-19.)

14 Section 97. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."