



Rep. La Shawn K. Ford

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10200HB1443ham006

LRB102 03459 CPF 26988 a

1 AMENDMENT TO HOUSE BILL 1443

2 AMENDMENT NO. _____. Amend House Bill 1443, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 4, by replacing line 18 on page 28 through line 8 on page 29
5 with the following:

6 ""Social Equity Justice Involved Applicant" means an
7 applicant that is an Illinois resident and one of the
8 following ~~that meets one of the following criteria:~~

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

13 (2) an applicant with at least 51% of ownership and
14 control by one or more individuals who have been arrested
15 for, convicted of, or adjudicated delinquent for any
16 offense that is eligible for expungement under subsection
17 (i) of Section 5.2 of the Criminal Identification Act ~~or~~
18 ~~member of an impacted family; or~~

1 (3) an applicant with at least 51% ownership and
2 control by one or more members of an impacted family ~~for~~
3 ~~applicants with a minimum of 10 full-time.~~"; and

4 on page 43, line 20, by replacing "It" with "Except for any
5 ownership information released pursuant to subsection (b-5) or
6 as otherwise authorized or required by law, it ~~is~~"; and

7 on page 44, line 18, by replacing "10-25" with "10-35"; and

8 on page 66, lines 18 and 19, by replacing "the Sections 15-25
9 or 15-30.1" with "Sections 15-25, 15-30.1, or 15-35.20"; and

10 by deleting line 6 on page 69 through line 12 on page 71; and

11 on page 71, immediately below line 12, by inserting the
12 following:

13 "(410 ILCS 705/10-35)

14 Sec. 10-35. Limitations and penalties.

15 (a) This Act does not permit any person to engage in, and
16 does not prevent the imposition of any civil, criminal, or
17 other penalties for engaging in, any of the following conduct:

18 (1) undertaking any task under the influence of
19 cannabis when doing so would constitute negligence,
20 professional malpractice, or professional misconduct;

1 (2) possessing cannabis:

2 (A) in a school bus, unless permitted for a
3 qualifying patient or caregiver pursuant to the
4 Compassionate Use of Medical Cannabis Program Act;

5 (B) on the grounds of any preschool or primary or
6 secondary school, unless permitted for a qualifying
7 patient or caregiver pursuant to the Compassionate Use
8 of Medical Cannabis Program Act;

9 (C) in any correctional facility;

10 (D) in a vehicle not open to the public unless the
11 cannabis is in a reasonably secured, sealed or
12 resealable container and reasonably inaccessible while
13 the vehicle is moving; or

14 (E) in a private residence that is used at any time
15 to provide licensed child care or other similar social
16 service care on the premises;

17 (3) using cannabis:

18 (A) in a school bus, unless permitted for a
19 qualifying patient or caregiver pursuant to the
20 Compassionate Use of Medical Cannabis Program Act;

21 (B) on the grounds of any preschool or primary or
22 secondary school, unless permitted for a qualifying
23 patient or caregiver pursuant to the Compassionate Use
24 of Medical Cannabis Program Act;

25 (C) in any correctional facility;

26 (D) in any motor vehicle;

1 (E) in a private residence that is used at any time
2 to provide licensed child care or other similar social
3 service care on the premises;

4 (F) in any public place; or

5 (G) knowingly in close physical proximity to
6 anyone under 21 years of age who is not a registered
7 medical cannabis patient under the Compassionate Use
8 of Medical Cannabis Program Act;

9 (4) smoking cannabis in any place where smoking is
10 prohibited under the Smoke Free Illinois Act;

11 (5) operating, navigating, or being in actual physical
12 control of any motor vehicle, aircraft, watercraft, or
13 snowmobile while using or under the influence of cannabis
14 in violation of Section 11-501 or 11-502.1 of the Illinois
15 Vehicle Code, Section 5-16 of the Boat Registration and
16 Safety Act, or Section 5-7 of the Snowmobile Registration
17 and Safety Act;

18 (6) facilitating the use of cannabis by any person who
19 is not allowed to use cannabis under this Act or the
20 Compassionate Use of Medical Cannabis Program Act;

21 (7) transferring cannabis to any person contrary to
22 this Act or the Compassionate Use of Medical Cannabis
23 Program Act;

24 (8) the use of cannabis by a law enforcement officer,
25 corrections officer, probation officer, or firefighter
26 while on duty; nothing in this Act prevents a public

1 employer of law enforcement officers, corrections
2 officers, probation officers, paramedics, or firefighters
3 from prohibiting or taking disciplinary action for the
4 consumption, possession, sales, purchase, or delivery of
5 cannabis or cannabis-infused substances while on or off
6 duty, unless provided for in the employer's policies.
7 However, an employer may not take adverse employment
8 action against an employee based solely on the lawful
9 possession or consumption of cannabis or cannabis-infused
10 substances by members of the employee's household. To the
11 extent that this Section conflicts with any applicable
12 collective bargaining agreement, the provisions of the
13 collective bargaining agreement shall prevail. Further,
14 nothing in this Act shall be construed to limit in any way
15 the right to collectively bargain over the subject matters
16 contained in this Act; or

17 (9) the use of cannabis by a person who has a school
18 bus permit or a Commercial Driver's License while on duty.

19 As used in this Section, "public place" means any place
20 where a person could reasonably be expected to be observed by
21 others. "Public place" includes all parts of buildings owned
22 in whole or in part, or leased, by the State or a unit of local
23 government. "Public place" includes all areas in a park,
24 recreation area, wildlife area, or playground owned in whole
25 or in part, leased, or managed by the State or a unit of local
26 government. "Public place" does not include a private

1 residence unless the private residence is used to provide
2 licensed child care, foster care, or other similar social
3 service care on the premises.

4 (b) Nothing in this Act shall be construed to prevent the
5 arrest or prosecution of a person for reckless driving or
6 driving under the influence of cannabis, operating a
7 watercraft under the influence of cannabis, or operating a
8 snowmobile under the influence of cannabis if probable cause
9 exists.

10 (c) Nothing in this Act shall prevent a private business
11 from restricting or prohibiting the use of cannabis on its
12 property, including areas where motor vehicles are parked.

13 (d) Nothing in this Act shall require an individual or
14 business entity to violate the provisions of federal law,
15 including colleges or universities that must abide by the
16 Drug-Free Schools and Communities Act Amendments of 1989, that
17 require campuses to be drug free.

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

20 on page 83, line 9, by deleting "within"; and

21 on page 95, lines 17 through 19, page 112, lines 22 through 24,
22 page 122, lines 6 through 8, and page 139, lines 15 through 17,
23 by replacing "dispensing organization in existence prior to
24 the effective date of this amendatory Act of the 102nd General

1 Assembly" each time it appears with "dispensing organization
2 licensed under Section 15-15 or Section 15-20"; and

3 on page 106, by replacing lines 17 through 24 with the
4 following:

5 "(a) If awarding a license in a Tied Applicant Lottery
6 would result in a Tied Applicant possessing more than 10 Early
7 Approval Adult Use Dispensing Organization Licenses, Early
8 Approval Adult Use Dispensing Organization Licenses at a
9 secondary site, Conditional Adult Use Dispensing Organization
10 Licenses, Adult Use Dispensing Organization Licenses, or any
11 combination thereof, the Tied Applicant must choose which
12 license to abandon pursuant to subsection (d) of Section 15-36
13 and notify the Department in writing within 5 business days
14 after the date that the Tied Applicant Lottery is conducted.";
15 and

16 on page 111, by replacing line 25 with the following:

17 "Licenses, Adult Use Dispensing Organization Licenses, or any
18 combination thereof,"; and

19 on page 121, by replacing lines 5 and 6 with the following:

20 "Use Dispensing Organization Licenses, Adult Use Dispensing
21 Organization Licenses, or any combination thereof, the
22 licensees and the"; and

1 on page 187, line 21, by replacing "~~odor-proof~~" with "
2 odor-proof,".