

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Industrial Hemp Act is amended by changing
5 Sections 5, 10, and 15 as follows:

6 (505 ILCS 89/5)

7 Sec. 5. Definitions. In this Act:

8 "Department" means the Department of Agriculture.

9 "Director" means the Director of Agriculture.

10 "Hemp" or "industrial ~~Industrial~~ hemp" means the plant
11 Cannabis sativa L. and any part of that plant, whether growing
12 or not, with a delta-9 tetrahydrocannabinol concentration of
13 not more than 0.3 percent on a dry weight basis ~~that has been~~
14 ~~cultivated under a license issued under this Act or is~~
15 ~~otherwise lawfully present in this State,~~ and includes any
16 intermediate or finished product made or derived from
17 industrial hemp.

18 "Hemp production plan" means a plan submitted by the
19 Department to the Secretary of the United States Department of
20 Agriculture pursuant to the federal Agriculture Improvement
21 Act of 2018, Public Law 115-334, and consistent with the
22 Domestic Hemp Production Program pursuant to 7 CFR Part 990
23 wherein the Department establishes its desire to have primary

1 regulatory authority over the production of hemp.

2 "Land area" means a farm as defined in Section 1-60 of the
3 Property Tax Code in this State or land or facilities under the
4 control of an institution of higher education.

5 "Person" means any individual, partnership, firm,
6 corporation, company, society, association, the State or any
7 department, agency, or subdivision thereof, or any other
8 entity.

9 "Process" means the conversion of raw industrial hemp
10 plant material into a form that is presently legal to import
11 from outside the United States under federal law.

12 "THC" means delta-9 tetrahydrocannabinol.

13 (Source: P.A. 100-1091, eff. 8-26-18.)

14 (505 ILCS 89/10)

15 Sec. 10. Licenses and registration.

16 (a) ~~Under Section 5940 of Title 7 of the United States~~
17 ~~Code, no~~ person shall cultivate industrial hemp in this State
18 without a license issued by the Department.

19 (b) The application for a license shall include:

20 (1) the name and address of the applicant;

21 (2) the legal description of the land area, including
22 Global Positioning System coordinates, to be used to
23 cultivate industrial hemp; and

24 (3) if federal law requires a research purpose for the
25 cultivation of industrial hemp, a description of one or

1 more research purposes planned for the cultivation of
2 industrial hemp which may include the study of the growth,
3 cultivation, or marketing of industrial hemp; however, the
4 research purpose requirement shall not be construed to
5 limit the commercial sale of industrial hemp.

6 (b-5) A person shall not process industrial hemp in this
7 State without registering with the Department on a form
8 prescribed by the Department.

9 (c) The Department may determine, by rule, the duration of
10 a license or registration; application, registration, and
11 license fees; and the requirements for license or registration
12 renewal.

13 (Source: P.A. 100-1091, eff. 8-26-18.)

14 (505 ILCS 89/15)

15 Sec. 15. Rules.

16 (a) The Department shall submit to the Secretary of the
17 United States Department of Agriculture a hemp production plan
18 under which the Department monitors and regulates the
19 production of industrial hemp in this State. The Department
20 shall adopt rules incorporating the hemp production plan,
21 including application and licensing requirements ~~shall be~~
22 ~~determined by the Department and set by rule within 120 days of~~
23 ~~the effective date of this Act.~~

24 (b) The rules set by the Department shall include one
25 yearly inspection of a licensed industrial hemp cultivation

1 operation and allow for additional unannounced inspections of
2 a licensed industrial hemp cultivation operation at the
3 Department's discretion.

4 (c) The Department shall adopt rules necessary for the
5 administration and enforcement of this Act in accordance with
6 all applicable State and federal laws and regulations,
7 including rules concerning standards and criteria for
8 licensure and registration, for the payment of applicable
9 fees, signage, and for forms required for the administration
10 of this Act.

11 (d) The Department shall adopt rules for the testing of
12 the industrial hemp THC levels and the disposal of plant
13 matter exceeding lawful THC levels, including an option for a
14 cultivator to retest for a minor violation, with the retest
15 threshold determined by the Department and set in rule. Those
16 rules may provide for the use of seed certified to meet the THC
17 levels mandated by this Act as an alternative to testing.

18 (Source: P.A. 100-1091, eff. 8-26-18.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.