



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3508

Introduced 2/22/2021, by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

410 ILCS 130/100
410 ILCS 705/1-10
410 ILCS 705/15-25
410 ILCS 705/15-30.1 new
410 ILCS 705/15-40
410 ILCS 705/20-35
410 ILCS 705/25-35
410 ILCS 705/30-35
410 ILCS 705/35-30
410 ILCS 705/40-30
410 ILCS 705/55-21
625 ILCS 5/11-502.1
625 ILCS 5/11-502.15

Amends the Compassionate Use of Medical Cannabis Program Act. Provides that an agent may begin employment at a cultivation center while the agent's identification card application is pending. Amends the Cannabis Regulation and Tax Act. Allows specified medical cannabis dispensing organizations to change locations under specified circumstances. Sets forth provisions regarding the method of distribution of licenses when tied applicants exist in a BLS Region. Requires the Department of Financial and Professional Regulation to award 75 Conditional Adult Use Dispensing Organization Licenses prior to January 1, 2021 (currently, up to 75) and an additional 75 Conditional Adult Use Dispensing Organization Licenses through a Qualifying Applicant Lottery. Removes language requiring the Department to inspect the physical space selected by a conditional licensee before the conditional licensee receives an authorization to build out the dispensing organization from the Department. Contains provisions concerning the Qualifying Applicant Lottery. Provides that specified agents may begin employment at specified entities while the agents' identification card applications are pending. Amends the Illinois Vehicle Code. Provides that containers used to store cannabis in a motor vehicle upon a highway in this State must be secured and inaccessible and must be sealed or resealable (currently, only sealed). Makes other changes. Effective immediately.

LRB102 14553 CPF 19906 b

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 Compassionate Use of Medical Cannabis
5 Program Act is amended by changing Section 100 as follows:

6 (410 ILCS 130/100)

7 Sec. 100. Cultivation center agent identification card.

8 (a) The Department of Agriculture shall:

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

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

18 (3) enter the registry identification number of the
19 cultivation center where the agent works; and

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

23 (b) A cultivation center agent must keep his or her

1 identification card visible at all times when on the property
2 of a cultivation center and during the transportation of
3 medical cannabis to a registered dispensary organization.

4 (c) The cultivation center agent identification cards
5 shall contain the following:

6 (1) the name of the cardholder;

7 (2) the date of issuance and expiration date of
8 cultivation center agent identification cards;

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

12 (4) a photograph of the cardholder.

13 (d) The cultivation center agent identification cards
14 shall be immediately returned to the cultivation center upon
15 termination of employment.

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

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

22 (g) An agent may begin employment at a cultivation center
23 while the agent's identification card application is pending.
24 Upon approval, the Department shall issue the agent's
25 identification card to the cultivation center agent applicant.
26 If denied, the cultivation center and the applicant shall be

1 notified and the applicant must cease all activity at the
2 cultivation center immediately.

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

4 Section 10. The Cannabis Regulation and Tax Act is amended
5 by changing Sections 1-10, 15-25, 15-40, 20-35, 25-35, 30-35,
6 35-30, 40-30, 55-21 and by adding Section 15-30.1 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 "By lot" means a randomized method of choosing between 2
5 or more eligible tied applicants or 2 or more qualifying
6 applicants.

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

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 cannabinol 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 pursuant to the
14 application scoring procedure described in subsection (c) of
15 Section 15-30, including any supplemental process to correct
16 deficiencies.

17 "Qualifying Applicant Lottery" means the process for
18 awarding Conditional Adult Use Dispensing Organization
19 Licenses among qualifying applicants pursuant to Section
20 15-30.1.

21 "Qualified Social Equity Applicant" means a Social Equity
22 Applicant who has been awarded a conditional license under
23 this Act to operate a cannabis business establishment.

24 "Resided" means an individual's primary residence was
25 located within the relevant geographic area as established by
26 2 of the following:

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

3 (2) a property deed that includes the applicant's
4 name;

5 (3) school records;

6 (4) a voter registration card;

7 (5) an Illinois driver's license, an Illinois
8 Identification Card, or an Illinois Person with a
9 Disability Identification Card;

10 (6) a paycheck stub;

11 (7) a utility bill;

12 (8) tax records; or

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

15 "Smoking" means the inhalation of smoke caused by the
16 combustion of cannabis.

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

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

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

25 (i) have been arrested for, convicted of, or
26 adjudicated delinquent for any offense that is

- 1 eligible for expungement under this Act; or
- 2 (ii) is a member 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 (i) currently reside in a Disproportionately
- 7 Impacted Area; or
- 8 (ii) have been arrested for, convicted of, or
- 9 adjudicated delinquent for any offense that is
- 10 eligible for expungement under this Act or member of
- 11 an impacted family.

12 Nothing in this Act shall be construed to preempt or limit

13 the duties of any employer under the Job Opportunities for

14 Qualified Applicants Act. Nothing in this Act shall permit an

15 employer to require an employee to disclose sealed or expunged

16 offenses, unless otherwise required by law.

17 "Tincture" means a cannabis-infused solution, typically

18 comprised of alcohol, glycerin, or vegetable oils, derived

19 either directly from the cannabis plant or from a processed

20 cannabis extract. A tincture is not an alcoholic liquor as

21 defined in the Liquor Control Act of 1934. A tincture shall

22 include a calibrated dropper or other similar device capable

23 of accurately measuring servings.

24 "Tied applicant" means a dispensary applicant that

25 submitted an application pursuant to Section 15-30 that

26 received the same number of application points pursuant to the

1 application scoring procedure described in subsection (c) of
2 Section 15-30 as one or more top-scoring applications in the
3 same BLS Region and would have been awarded a license but for
4 the one or more other top-scoring applications that received
5 the same number of application points, including any
6 applications scored pursuant to a supplemental process to
7 correct deficiencies. Each application score that is attached
8 to a dispensary applicant that has previously paid the
9 required application fee for the application period ending
10 January 2, 2020 creates a separate Tied applicant.

11 "Tied Applicant Lottery" means the process established in
12 Sections 1291.10 and 1291.50 of Title 68 of the Illinois
13 Administrative Code for awarding Conditional Adult Use
14 Dispensing Organization Licenses pursuant to Sections 15-25
15 and 15-30 among eligible tied applicants.

16 "Transporting organization" or "transporter" means an
17 organization or business that is licensed by the Department of
18 Agriculture to transport cannabis or cannabis-infused product
19 on behalf of a cannabis business establishment or a community
20 college licensed under the Community College Cannabis
21 Vocational Training Pilot Program.

22 "Transporting organization agent" means a principal
23 officer, board member, employee, or agent of a transporting
24 organization.

25 "Transporting organization agent identification card"
26 means a document issued by the Department of Agriculture that

1 identifies a person as a transporting organization agent.

2 "Unit of local government" means any county, city,
3 village, or incorporated town.

4 "Vegetative stage" means the stage of cultivation in which
5 a cannabis plant is propagated to produce additional cannabis
6 plants or reach a sufficient size for production. This
7 includes seedlings, clones, mothers, and other immature
8 cannabis plants as follows:

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

14 (2) any cannabis plant that is cultivated solely for
15 the purpose of propagating clones and is never used to
16 produce cannabis.

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

18 (410 ILCS 705/15-25)

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

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

23 (b) The Department shall make the application for a
24 Conditional Adult Use Dispensing Organization License
25 available no later than October 1, 2019 and shall accept

1 applications no later than January 1, 2020.

2 (c) To ensure the geographic dispersion of Conditional
3 Adult Use Dispensing Organization License holders, the
4 following number of licenses shall be awarded in each BLS
5 Region as determined by each region's percentage of the
6 State's population:

7 (1) Bloomington: 1

8 (2) Cape Girardeau: 1

9 (3) Carbondale-Marion: 1

10 (4) Champaign-Urbana: 1

11 (5) Chicago-Naperville-Elgin: 47

12 (6) Danville: 1

13 (7) Davenport-Moline-Rock Island: 1

14 (8) Decatur: 1

15 (9) Kankakee: 1

16 (10) Peoria: 3

17 (11) Rockford: 2

18 (12) St. Louis: 4

19 (13) Springfield: 1

20 (14) Northwest Illinois nonmetropolitan: 3

21 (15) West Central Illinois nonmetropolitan: 3

22 (16) East Central Illinois nonmetropolitan: 2

23 (17) South Illinois nonmetropolitan: 2

24 (d) An applicant seeking issuance of a Conditional Adult
25 Use Dispensing Organization License shall submit an
26 application on forms provided by the Department. An applicant

1 must meet the following requirements:

2 (1) Payment of a nonrefundable application fee of
3 \$5,000 for each license for which the applicant is
4 applying, which shall be deposited into the Cannabis
5 Regulation Fund;

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

8 (3) The legal name of the proposed dispensing
9 organization;

10 (4) A statement that the dispensing organization
11 agrees to respond to the Department's supplemental
12 requests for information;

13 (5) From each principal officer, a statement
14 indicating whether that person:

15 (A) has previously held or currently holds an
16 ownership interest in a cannabis business
17 establishment in Illinois; or

18 (B) has held an ownership interest in a dispensing
19 organization or its equivalent in another state or
20 territory of the United States that had the dispensing
21 organization registration or license suspended,
22 revoked, placed on probationary status, or subjected
23 to other disciplinary action;

24 (6) Disclosure of whether any principal officer has
25 ever filed for bankruptcy or defaulted on spousal support
26 or child support obligation;

1 (7) A resume for each principal officer, including
2 whether that person has an academic degree, certification,
3 or relevant experience with a cannabis business
4 establishment or in a related industry;

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

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

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

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

12 (B) A description of the process of dispensing
13 cannabis;

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

16 (A) The process or controls that will be
17 implemented to monitor the dispensary, secure the
18 premises, agents, and currency, and prevent the
19 diversion, theft, or loss of cannabis; and

20 (B) The process to ensure that access to the
21 restricted access areas is restricted to, registered
22 agents, service professionals, transporting
23 organization agents, Department inspectors, and
24 security personnel;

25 (12) A proposed inventory control plan that complies
26 with this Section;

1 (13) A proposed floor plan, a square footage estimate,
2 and a description of proposed security devices, including,
3 without limitation, cameras, motion detectors, servers,
4 video storage capabilities, and alarm service providers;

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

9 (15) Evidence of the applicant's status as a Social
10 Equity Applicant, if applicable, and whether a Social
11 Equity Applicant plans to apply for a loan or grant issued
12 by the Department of Commerce and Economic Opportunity;

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

16 (17) Written summaries of any information regarding
17 instances in which a business or not-for-profit that a
18 prospective board member previously managed or served on
19 were fined or censured, or any instances in which a
20 business or not-for-profit that a prospective board member
21 previously managed or served on had its registration
22 suspended or revoked in any administrative or judicial
23 proceeding;

24 (18) A plan for community engagement;

25 (19) Procedures to ensure accurate recordkeeping and
26 security measures that are in accordance with this Article

1 and Department rules;

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

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

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

9 (23) A reasonable assurance that the issuance of a
10 license will not have a detrimental impact on the
11 community in which the applicant wishes to locate;

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

13 (25) A description of the enclosed, locked facility
14 where cannabis will be stored by the dispensing
15 organization;

16 (26) Signed statements from each dispensing
17 organization agent stating that he or she will not divert
18 cannabis;

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

21 (28) A diversity plan that includes a narrative of at
22 least 2,500 words that establishes a goal of diversity in
23 ownership, management, employment, and contracting to
24 ensure that diverse participants and groups are afforded
25 equality of opportunity;

26 (29) A contract with a private security contractor

1 agency that is licensed under Section 10-5 of the Private
2 Detective, Private Alarm, Private Security, Fingerprint
3 Vendor, and Locksmith Act of 2004 in order for the
4 dispensary to have adequate security at its facility; and

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

9 (e) An applicant who receives a Conditional Adult Use
10 Dispensing Organization License under this Section has 180
11 days from the date of award to identify a physical location for
12 the dispensing organization retail storefront. ~~Before a~~
13 ~~conditional licensee receives an authorization to build out~~
14 ~~the dispensing organization from the Department, the~~
15 ~~Department shall inspect the physical space selected by the~~
16 ~~conditional licensee. The Department shall verify the site is~~
17 ~~suitable for public access, the layout promotes the safe~~
18 ~~dispensing of cannabis, the location is sufficient in size,~~
19 ~~power allocation, lighting, parking, handicapped accessible~~
20 ~~parking spaces, accessible entry and exits as required by the~~
21 ~~Americans with Disabilities Act, product handling, and~~
22 ~~storage. The applicant shall also provide a statement of~~
23 ~~reasonable assurance that the issuance of a license will not~~
24 ~~have a detrimental impact on the community.~~ The applicant
25 shall ~~also~~ provide evidence that the location is not within
26 1,500 feet of an existing dispensing organization. If an

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

1 (e-5) If, within 180 days of being awarded a Conditional
2 Adult Use Dispensing Organization License, a dispensing
3 organization is unable to find a location within the BLS
4 Region in which it was awarded a Conditional Adult Use
5 Dispensing Organization License because no jurisdiction within
6 the BLS Region allows for the operation of an Adult Use
7 Dispensing Organization, the Department of Financial and
8 Professional Regulation may authorize the Conditional Adult
9 Use Dispensing Organization License holder to transfer its
10 license to a BLS Region specified by the Department.

11 (f) A dispensing organization that is awarded a
12 Conditional Adult Use Dispensing Organization License pursuant
13 to the criteria in Section 15-30 shall not purchase, possess,
14 sell, or dispense cannabis or cannabis-infused products until
15 the person has received an Adult Use Dispensing Organization
16 License issued by the Department pursuant to Section 15-36 of
17 this Act.

18 (g) The Department shall conduct a background check of the
19 prospective organization agents in order to carry out this
20 Article. The Department of State Police shall charge the
21 applicant a fee for conducting the criminal history record
22 check, which shall be deposited into the State Police Services
23 Fund and shall not exceed the actual cost of the record check.
24 Each person applying as a dispensing organization agent shall
25 submit a full set of fingerprints to the Department of State
26 Police for the purpose of obtaining a State and federal

1 criminal records check. These fingerprints shall be checked
2 against the fingerprint records now and hereafter, to the
3 extent allowed by law, filed in the Department of State Police
4 and Federal Bureau of Identification criminal history records
5 databases. The Department of State Police shall furnish,
6 following positive identification, all Illinois conviction
7 information to the Department.

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

9 (410 ILCS 705/15-30.1 new)

10 Sec. 15-30.1. Qualifying Applicant Lottery.

11 (a) Notwithstanding the 75 Conditional Adult Use
12 Dispensing Organization Licenses authorized under subsection
13 (a) of Section 15-25, the Department shall conduct a lottery
14 to award an additional 75 Conditional Adult Use Dispensing
15 Organization Licenses through a Qualifying Applicant Lottery
16 to qualifying applicants that applied for, but did not
17 receive, a Conditional Adult Use Dispensing Organization
18 License pursuant to Sections 15-25 and 15-30. Any dispensary
19 applicant who has any principal officer who was named on a
20 dispensary application who participated or was eligible to
21 participate in the Tied Applicant Lottery for the awarding of
22 licenses pursuant to Sections 15-25 and 15-30 may not qualify
23 as a qualifying applicant and may not participate in the
24 lottery for awarding licenses pursuant to this Section, unless
25 that applicant withdraws from the Tied Applicant Lottery

1 pursuant to subsection (f) of this Section. Prior to
2 conducting a Qualifying Applicant Lottery, the Department may
3 adopt rules through emergency rulemaking in accordance with
4 subsection (kk) of Section 5-45 of the Illinois Administrative
5 Procedure Act. The General Assembly finds that the adoption of
6 rules to regulate cannabis use is deemed an emergency and
7 necessary for the public interest, safety, and welfare.

8 (b) There shall be no additional cost to participate in a
9 Qualifying Applicant Lottery. However, the Department may
10 require a dispensary applicant to submit additional
11 documentation in order to participate in a Qualifying
12 Applicant Lottery under this Section.

13 (c) No individual may be listed as a principal officer of
14 more than 2 total entries across all BLS regions in the
15 Qualifying Applicant Lottery. No dispensary applicant may
16 submit more than one entry application in any BLS Region in the
17 Qualifying Applicant Lottery.

18 (d) No qualifying applicant may be awarded more than 2
19 Conditional Adult Use Dispensing Organization Licenses at the
20 conclusion of the Qualifying Applicant Lottery.

21 (e) The 75 Conditional Adult Use Dispensing Organization
22 Licenses established pursuant to this Section shall be
23 geographically allocated in the exact manner as the licenses
24 under subsection (c) of Section 15-25 of this Act and remain
25 subject to all other requirements of Sections 15-25, 15-30,
26 and 15-36 unless such requirements conflict with this Section.

1 (f) Any dispensary applicant seeking to participate in the
2 Qualifying Applicant lottery must attest to the Department no
3 later than 5 business days after the resulting final score for
4 all scored applications pursuant to Section 15-30, including
5 any supplemental process to correct deficiencies, is issued to
6 dispensary applicants. The attestation must state that the
7 dispensary applicant is not participating in the Tied
8 Applicant Lottery for awarding licenses pursuant to Sections
9 15-25 and 15-30 and the dispensary applicant meets all of the
10 requirements to participate in a Qualifying Applicant Lottery
11 set forth under this Section. The attestation shall be made on
12 forms approved by the Department. If the Department determines
13 attestations have been submitted that would result in a
14 dispensary applicant exceeding the limits in subsection (c) of
15 this Section, then the dispensary applicant shall be
16 disqualified from participating in both the Tied Applicant
17 Lottery and the Qualifying Applicant Lottery. If the
18 Department determines attestations have been submitted that
19 would result in a principal officer exceeding the limits in
20 subsection (c) of this Section, then all dispensary applicants
21 listing that principal officer shall be disqualified from
22 participating in both the Tied Applicant Lottery and the
23 Qualifying Applicant Lottery.

24 (g) The Qualifying Applicant Lottery shall be conducted no
25 later than 10 business days after the Department publishes a
26 list of qualifying applicants identified by the Department as

1 eligible for the Qualifying Applicant Lottery, including any
2 supplemental process to correct deficiencies.

3 (h) An applicant that applied for, but did not receive, a
4 Conditional Adult Use Dispensing Organization License pursuant
5 to Sections 15-25 and 15-30 may qualify as a qualifying
6 applicant subject to the following:

7 (1) A dispensary applicant is prohibited from becoming
8 a qualifying applicant if a principal officer of the
9 applicant is a principal officer of more qualifying
10 applicants than the number of available licenses.

11 (2) A dispensary applicant is prohibited from becoming
12 a qualifying applicant if a principal officer resigns
13 after the resulting final score for all scored
14 applications pursuant to Sections 15-25 and 15-30,
15 including any supplemental process to correct
16 deficiencies, is issued to dispensary applicants.

17 (3) A dispensary applicant is prohibited from becoming
18 a qualifying applicant if, after the conclusion of the
19 attestation period identified in subsection (f) of this
20 Section, a principal officer of the applicant is a
21 principal officer of more qualifying applicants than the
22 number of available licenses.

23 (4) A dispensary applicant must have received at least
24 85% of total available points on an application submitted
25 pursuant to Section 15-30 to become a qualifying
26 applicant.

1 (i) At the conclusion of the scoring process, the
2 Department may distribute the available licenses established
3 under this Section by lot subject to the following:

4 (1) The drawing by lot for all available licenses
5 established under this Section shall occur on the same
6 day.

7 (2) Within each BLS Region, the first qualifying
8 applicant drawn shall have the first right to an available
9 license. The second qualifying applicant drawn shall have
10 the second right to an available license. The same pattern
11 shall continue for each subsequent qualifying applicant
12 drawn.

13 (3) The process for distributing available licenses
14 established under this Section shall be recorded by the
15 Department in a format selected by the Department.

16 (4) If, upon being selected for an available license
17 established under this Section, the eligible qualifying
18 applicant has a principal officer that is a principal
19 officer in more than 10 Early Approval Adult Use
20 Dispensing Organization Licenses, Conditional Adult Use
21 Dispensing Organization Licenses, or Adult Use Dispensing
22 Organization Licenses, the licensees and eligible
23 qualifying applicant listing that principal officer must
24 choose which license to abandon pursuant to subsection (d)
25 of Section 15-36 of this Act, and notify the Department in
26 writing within 5 business days. If the qualifying

1 applicant or licensees do not notify the Department as
2 required, the Department shall refuse to issue to the
3 qualifying applicant all available licenses established
4 under this Section obtained by lot in all BLS Regions.

5 (5) All available licenses that have been abandoned
6 shall be distributed to the next qualifying applicant
7 drawn by lot.

8 (410 ILCS 705/15-40)

9 Sec. 15-40. Dispensing organization agent identification
10 card; agent training.

11 (a) The Department shall:

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

19 (2) issue a dispensing organization agent
20 identification card to a qualifying agent within 15
21 business days of approving the application or renewal;

22 (3) enter the registry identification number of the
23 dispensing organization where the agent works;

24 (4) within one year from the effective date of this
25 Act, allow for an electronic application process and

1 provide a confirmation by electronic or other methods that
2 an application has been submitted; and

3 (5) collect a \$100 nonrefundable fee from the
4 applicant to be deposited into the Cannabis Regulation
5 Fund.

6 (b) A dispensing organization agent must keep his or her
7 identification card visible at all times when in the
8 dispensary.

9 (c) The dispensing organization 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 the
13 dispensing organization 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 cardholder; and

17 (4) a photograph of the cardholder.

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

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

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

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

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

7 (i) Cannabis retail sales training requirements.

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

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

20 (3) Responsible Vendor Program Training modules shall
21 include at least 2 hours of instruction time approved by
22 the Department including:

23 (i) Health and safety concerns of cannabis use,
24 including the responsible use of cannabis, its
25 physical effects, onset of physiological effects,
26 recognizing signs of impairment, and appropriate

1 responses in the event of overconsumption.

2 (ii) Training on laws and regulations on driving
3 while under the influence and operating a watercraft
4 or snowmobile while under the influence.

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

7 (iv) Quantity limitations on sales to purchasers.
8 Training shall cover all relevant Illinois laws and
9 rules.

10 (v) Acceptable forms of identification. Training
11 shall include:

12 (I) How to check identification; and

13 (II) Common mistakes made in verification;

14 (vi) Safe storage of cannabis;

15 (vii) Compliance with all inventory tracking
16 system regulations;

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

18 (ix) Health and safety standards;

19 (x) Maintenance of records;

20 (xi) Security and surveillance requirements;

21 (xii) Permitting inspections by State and local
22 licensing and enforcement authorities;

23 (xiii) Privacy issues;

24 (xiv) Packaging and labeling requirement for sales
25 to purchasers; and

26 (xv) Other areas as determined by rule.

1 (j) Blank.

2 (k) Upon the successful completion of the Responsible
3 Vendor Program, the provider shall deliver proof of completion
4 either through mail or electronic communication to the
5 dispensing organization, which shall retain a copy of the
6 certificate.

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

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

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

23 (o) Persons seeking Department approval to offer the
24 training required by paragraph (3) of subsection (i) shall
25 submit a nonrefundable application fee of \$2,000 to be
26 deposited into the Cannabis Regulation Fund or a fee as may be

1 set by rule. Any changes made to the training module shall be
2 approved by the Department.

3 (p) The Department shall not unreasonably deny approval of
4 a training module that meets all the requirements of paragraph
5 (3) of subsection (i). A denial of approval shall include a
6 detailed description of the reasons for the denial.

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

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

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

1 all activity at the dispensing organization immediately.

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

3 (410 ILCS 705/20-35)

4 Sec. 20-35. Cultivation center agent identification card.

5 (a) The Department of Agriculture shall:

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

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

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

20 (4) enter the license number of the cultivation center
21 where the agent works; and

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

1 require prospective agents to file their applications by
2 electronic means and provide notices to the agents by
3 electronic means.

4 (b) An agent must keep his or her identification card
5 visible at all times when on the property of the cultivation
6 center at which the agent is employed.

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 cultivation center employing
17 the agent.

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

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

25 (f) The Department of Agriculture shall not issue an agent
26 identification card if the applicant is delinquent in filing

1 any required tax returns or paying any amounts owed to the
2 State of Illinois.

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

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

11 (410 ILCS 705/25-35)

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

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

15 (a) The Department shall:

16 (1) establish by rule the information required in an
17 initial application or renewal application for an agent
18 identification card submitted under this Article and the
19 nonrefundable fee to accompany the initial application or
20 renewal application;

21 (2) verify the information contained in an initial
22 application or renewal application for an agent
23 identification card submitted under this Article, and
24 approve or deny an application within 30 days of receiving
25 a completed initial application or renewal application and

1 all supporting documentation required by rule;

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

5 (4) enter the license number of the community college
6 where the agent works; and

7 (5) allow for an electronic initial application and
8 renewal application process, and provide a confirmation by
9 electronic or other methods that an application has been
10 submitted. Each Department may by rule require prospective
11 agents to file their applications by electronic means and
12 to provide notices to the agents by electronic means.

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

16 (c) The agent identification cards shall contain the
17 following:

18 (1) the name of the cardholder;

19 (2) the date of issuance and expiration date of the
20 identification card;

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

24 (4) a photograph of the cardholder; and

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

1 (d) An agent identification card shall be immediately
2 returned to the community college of the agent upon
3 termination of his or her employment.

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

7 (f) An agent may begin employment at a Community College
8 Cannabis Vocational Training Pilot Program while the agent's
9 identification card application is pending. Upon approval, the
10 Department shall issue the agent's identification card to the
11 Community College Cannabis Vocational Training Pilot Program
12 participant agent applicant. If denied, the Community College
13 Cannabis Vocational Training Pilot Program and the participant
14 applicant shall be notified and the applicant must cease all
15 activity at the cultivation center immediately.

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

17 (410 ILCS 705/30-35)

18 Sec. 30-35. Craft grower agent identification card.

19 (a) The Department of Agriculture shall:

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

25 (2) verify the information contained in an initial

1 application or renewal application for an agent
2 identification card submitted under this Act and approve
3 or deny an application within 30 days of receiving a
4 completed initial application or renewal application and
5 all supporting documentation required by rule;

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

9 (4) enter the license number of the craft grower where
10 the agent works; and

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

18 (b) An agent must keep his or her identification card
19 visible at all times when on the property of a cannabis
20 business establishment, including the craft grower
21 organization 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 craft grower organization
6 employing the agent.

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

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

14 (f) An agent may begin employment at a craft grower
15 organization while the agent's identification card application
16 is pending. Upon approval, the Department shall issue the
17 agent's identification card to the craft grower organization
18 agent applicant. If denied, the craft grower organization and
19 the applicant shall be notified and the applicant must cease
20 all activity at the craft grower organization immediately.

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

22 (410 ILCS 705/35-30)

23 Sec. 35-30. Infuser 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 infuser where the
15 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 infuser organization
11 employing the agent.

12 (d) An agent identification card shall be immediately
13 returned to the infuser 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 agent may begin employment at an infuser
20 organization while the agent's identification card application
21 is pending. Upon approval, the Department shall issue the
22 agent's identification card to the infuser organization agent
23 applicant. If denied, the infuser organization and the
24 applicant shall be notified and the applicant must cease all
25 activity at the infuser organization immediately.

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

1 (410 ILCS 705/40-30)

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

3 (a) The Department of Agriculture shall:

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

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

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

18 (4) enter the license number of the transporting
19 organization where the agent works; and

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

1 electronic means.

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

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

8 (1) the name of the cardholder;

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

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

14 (4) a photograph of the cardholder; and

15 (5) the legal name of the transporting organization
16 employing the agent.

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

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

24 (f) An application for an agent identification card shall
25 be denied if the applicant is delinquent in filing any
26 required tax returns or paying any amounts owed to the State of

1 Illinois.

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

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

10 (410 ILCS 705/55-21)

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

12 (a) Each cannabis product produced for sale shall be
13 registered with the Department of Agriculture on forms
14 provided by the Department of Agriculture. Each product
15 registration shall include a label and the required
16 registration fee at the rate established by the Department of
17 Agriculture for a comparable medical cannabis product, or as
18 established by rule. The registration fee is for the name of
19 the product offered for sale and one fee shall be sufficient
20 for all package sizes.

21 (b) All harvested cannabis intended for distribution to a
22 cannabis enterprise must be packaged in a sealed, labeled
23 container.

24 (c) At point of sale, any ~~Any~~ product containing cannabis
25 shall be packaged in a sealed or resealable, odor-proof, and

1 child-resistant cannabis container consistent with current
2 standards, including the Consumer Product Safety Commission
3 standards referenced by the Poison Prevention Act.

4 (d) All cannabis-infused products shall be individually
5 wrapped or packaged at the original point of preparation. The
6 packaging of the cannabis-infused product shall conform to the
7 labeling requirements of the Illinois Food, Drug and Cosmetic
8 Act, in addition to the other requirements set forth in this
9 Section.

10 (e) Each cannabis product shall be labeled before sale and
11 each label shall be securely affixed to the package and shall
12 state in legible English and any languages required by the
13 Department of Agriculture:

14 (1) the name and post office box of the registered
15 cultivation center or craft grower where the item was
16 manufactured;

17 (2) the common or usual name of the item and the
18 registered name of the cannabis product that was
19 registered with the Department of Agriculture under
20 subsection (a);

21 (3) a unique serial number that will match the product
22 with a cultivation center or craft grower batch and lot
23 number to facilitate any warnings or recalls the
24 Department of Agriculture, cultivation center, or craft
25 grower deems appropriate;

26 (4) the date of final testing and packaging, if

1 sampled, and the identification of the independent testing
2 laboratory;

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

4 (6) the quantity (in ounces or grams) of cannabis
5 contained in the product;

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

9 (8) content list.

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

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

14 (ii) tetrahydrocannabinolic acid (THCA);

15 (iii) cannabidiol (CBD);

16 (iv) cannabidiolic acid (CBDA); and

17 (v) all other ingredients of the item,
18 including any colors, artificial flavors, and
19 preservatives, listed in descending order by
20 predominance of weight shown with common or usual
21 names.

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

26 (f) Packaging must not contain information that:

1 (1) is false or misleading;
2 (2) promotes excessive consumption;
3 (3) depicts a person under 21 years of age consuming
4 cannabis;

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

6 (5) includes any image designed or likely to appeal to
7 minors, including cartoons, toys, animals, or children, or
8 any other likeness to images, characters, or phrases that
9 are popularly used to advertise to children, or any
10 packaging or labeling that bears reasonable resemblance to
11 any product available for consumption as a commercially
12 available candy, or that promotes consumption of cannabis;

13 (6) contains any seal, flag, crest, coat of arms, or
14 other insignia likely to mislead the purchaser to believe
15 that the product has been endorsed, made, or used by the
16 State of Illinois or any of its representatives except
17 where authorized by this Act.

18 (g) Cannabis products produced by concentrating or
19 extracting ingredients from the cannabis plant shall contain
20 the following information, where applicable:

21 (1) If solvents were used to create the concentrate or
22 extract, a statement that discloses the type of extraction
23 method, including any solvents or gases used to create the
24 concentrate or extract; and

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

1 (h) All cannabis products must contain warning statements
2 established for purchasers, of a size that is legible and
3 readily visible to a consumer inspecting a package, which may
4 not be covered or obscured in any way. The Department of Public
5 Health shall define and update appropriate health warnings for
6 packages including specific labeling or warning requirements
7 for specific cannabis products.

8 (i) Unless modified by rule to strengthen or respond to
9 new evidence and science, the following warnings shall apply
10 to all cannabis products unless modified by rule: "This
11 product contains cannabis and is intended for use by adults 21
12 and over. Its use can impair cognition and may be habit
13 forming. This product should not be used by pregnant or
14 breastfeeding women. It is unlawful to sell or provide this
15 item to any individual, and it may not be transported outside
16 the State of Illinois. It is illegal to operate a motor vehicle
17 while under the influence of cannabis. Possession or use of
18 this product may carry significant legal penalties in some
19 jurisdictions and under federal law."

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

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

24 (2) Cannabis-infused products (other than those
25 intended for topical application) must contain a statement
26 "CAUTION: This product contains cannabis, and intoxication

1 following use may be delayed 2 or more hours. This product
2 was produced in a facility that cultivates cannabis, and
3 that may also process common food allergens."

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

7 (k) Each cannabis-infused product intended for consumption
8 must be individually packaged, must include the total
9 milligram content of THC and CBD, and may not include more than
10 a total of 100 milligrams of THC per package. A package may
11 contain multiple servings of 10 milligrams of THC, indicated
12 by scoring, wrapping, or by other indicators designating
13 individual serving sizes. The Department of Agriculture may
14 change the total amount of THC allowed for each package, or the
15 total amount of THC allowed for each serving size, by rule.

16 (l) No individual other than the purchaser may alter or
17 destroy any labeling affixed to the primary packaging of
18 cannabis or cannabis-infused products.

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

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

24 (2) Maintain documentation of the licensure of the
25 commercial device; and

26 (3) Provide a copy of the license of the commercial

1 device to the Department of Agriculture for review upon
2 request.

3 (n) It is the responsibility of the Department to ensure
4 that packaging and labeling requirements, including product
5 warnings, are enforced at all times for products provided to
6 purchasers. Product registration requirements and container
7 requirements may be modified by rule by the Department of
8 Agriculture.

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

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

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

14 (625 ILCS 5/11-502.1)

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

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

20 (b) No driver, who is a medical cannabis cardholder, a
21 medical cannabis designated caregiver, medical cannabis
22 cultivation center agent, or dispensing organization agent may
23 possess medical cannabis within any area of any motor vehicle
24 upon a highway in this State except in a secured, sealed or

1 resealable, odor-proof, and child-resistant medical cannabis
2 container that is inaccessible.

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

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

12 (1) commits a Class A misdemeanor;

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

16 (3) ~~(4)~~ shall be subject to revocation of his or her
17 status as a medical cannabis caregiver, medical cannabis
18 cultivation center agent, or medical cannabis dispensing
19 organization agent for a period of 2 years from the end of
20 the sentence imposed.

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

22 (625 ILCS 5/11-502.15)

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

25 (a) No driver may use cannabis within the passenger area

1 of any motor vehicle upon a highway in this State.

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

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

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

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

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

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