



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4709

Introduced 1/27/2022, by Rep. Mark Batinick

SYNOPSIS AS INTRODUCED:

410 ILCS 705/10-55 new
410 ILCS 705/50-5

Amends the Cannabis Regulation and Tax Act. Provides that for the purposes of the Act, and notwithstanding any other provision of law, cannabis flower with greater than 10% tetrahydrocannabinol, cannabis concentrate with greater than 15% tetrahydrocannabinol, and a cannabis-infused product with greater than 15% tetrahydrocannabinol are prohibited and may not be cultivated, produced, or sold. In provisions regarding laboratory testing, requires an active ingredient analysis of each batch of cannabis or cannabis-infused product tested by an approved laboratory to include tetrahydrocannabinol percentage.

LRB102 21321 CPF 30433 b

1 AN ACT concerning health.

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

4 Section 5. The Cannabis Regulation and Tax Act is amended
5 by changing Section 50-5 and by adding Section 10-55 as
6 follows:

7 (410 ILCS 705/10-55 new)

8 Sec. 10-55. Prohibited products. For the purposes of this
9 Act, and notwithstanding any other provision of law, the
10 following products are prohibited and may not be cultivated,
11 produced, or sold:

12 (1) Cannabis flower with greater than 10%
13 tetrahydrocannabinol.

14 (2) Cannabis concentrate with greater than 15%
15 tetrahydrocannabinol.

16 (3) A cannabis-infused product with greater than 15%
17 tetrahydrocannabinol.

18 (410 ILCS 705/50-5)

19 Sec. 50-5. Laboratory testing.

20 (a) Notwithstanding any other provision of law, the
21 following acts, when performed by a cannabis testing facility
22 with a current, valid registration, or a person 21 years of age

1 or older who is acting in his or her capacity as an owner,
2 employee, or agent of a cannabis testing facility, are not
3 unlawful and shall not be an offense under Illinois law or be a
4 basis for seizure or forfeiture of assets under Illinois law:

5 (1) possessing, repackaging, transporting, storing, or
6 displaying cannabis or cannabis-infused products;

7 (2) receiving or transporting cannabis or
8 cannabis-infused products from a cannabis business
9 establishment, a community college licensed under the
10 Community College Cannabis Vocational Training Pilot
11 Program, or a person 21 years of age or older; and

12 (3) returning or transporting cannabis or
13 cannabis-infused products to a cannabis business
14 establishment, a community college licensed under the
15 Community College Cannabis Vocational Training Pilot
16 Program, or a person 21 years of age or older.

17 (b)(1) No laboratory shall handle, test, or analyze
18 cannabis unless approved by the Department of Agriculture in
19 accordance with this Section.

20 (2) No laboratory shall be approved to handle, test, or
21 analyze cannabis unless the laboratory:

22 (A) is accredited by a private laboratory accrediting
23 organization;

24 (B) is independent from all other persons involved in
25 the cannabis industry in Illinois and no person with a
26 direct or indirect interest in the laboratory has a direct

1 or indirect financial, management, or other interest in an
2 Illinois cultivation center, craft grower, dispensary,
3 infuser, transporter, certifying physician, or any other
4 entity in the State that may benefit from the production,
5 manufacture, dispensing, sale, purchase, or use of
6 cannabis; and

7 (C) has employed at least one person to oversee and be
8 responsible for the laboratory testing who has earned,
9 from a college or university accredited by a national or
10 regional certifying authority, at least:

11 (i) a master's level degree in chemical or
12 biological sciences and a minimum of 2 years'
13 post-degree laboratory experience; or

14 (ii) a bachelor's degree in chemical or biological
15 sciences and a minimum of 4 years' post-degree
16 laboratory experience.

17 (3) Each independent testing laboratory that claims to be
18 accredited must provide the Department of Agriculture with a
19 copy of the most recent annual inspection report granting
20 accreditation and every annual report thereafter.

21 (c) Immediately before manufacturing or natural processing
22 of any cannabis or cannabis-infused product or packaging
23 cannabis for sale to a dispensary, each batch shall be made
24 available by the cultivation center, craft grower, or infuser
25 for an employee of an approved laboratory to select a random
26 sample, which shall be tested by the approved laboratory for:

- 1 (1) microbiological contaminants;
- 2 (2) mycotoxins;
- 3 (3) pesticide active ingredients;
- 4 (4) residual solvent; and
- 5 (5) an active ingredient analysis, including
- 6 tetrahydrocannabinol percentage.

7 (d) The Department of Agriculture may select a random
8 sample that shall, for the purposes of conducting an active
9 ingredient analysis, be tested by the Department of
10 Agriculture for verification of label information.

11 (e) A laboratory shall immediately return or dispose of
12 any cannabis upon the completion of any testing, use, or
13 research. If cannabis is disposed of, it shall be done in
14 compliance with Department of Agriculture rule.

15 (f) If a sample of cannabis does not pass the
16 microbiological, mycotoxin, pesticide chemical residue, or
17 solvent residue test, based on the standards established by
18 the Department of Agriculture, the following shall apply:

19 (1) If the sample failed the pesticide chemical
20 residue test, the entire batch from which the sample was
21 taken shall, if applicable, be recalled as provided by
22 rule.

23 (2) If the sample failed any other test, the batch may
24 be used to make a CO₂-based or solvent based extract. After
25 processing, the CO₂-based or solvent based extract must
26 still pass all required tests.

1 (g) The Department of Agriculture shall establish
2 standards for microbial, mycotoxin, pesticide residue, solvent
3 residue, or other standards for the presence of possible
4 contaminants, in addition to labeling requirements for
5 contents and potency.

6 (h) The laboratory shall file with the Department of
7 Agriculture an electronic copy of each laboratory test result
8 for any batch that does not pass the microbiological,
9 mycotoxin, or pesticide chemical residue test, at the same
10 time that it transmits those results to the cultivation
11 center. In addition, the laboratory shall maintain the
12 laboratory test results for at least 5 years and make them
13 available at the Department of Agriculture's request.

14 (i) A cultivation center, craft grower, and infuser shall
15 provide to a dispensing organization the laboratory test
16 results for each batch of cannabis product purchased by the
17 dispensing organization, if sampled. Each dispensing
18 organization must have those laboratory results available upon
19 request to purchasers.

20 (j) The Department of Agriculture may adopt rules related
21 to testing in furtherance of this Act.

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