



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5123

Introduced 1/27/2022, by Rep. Patrick Windhorst

#### SYNOPSIS AS INTRODUCED:

410 ILCS 705/10-15  
410 ILCS 705/55-20

Amends the Cannabis Regulation and Tax Act. Provides that nothing in the Act authorizes a person who is under 21 years of age to possess or use (rather than possess) cannabis. Provides that a person under 21 years of age with cannabis in his or her possession or who uses cannabis (rather than with cannabis in his or her possession) is guilty of a Class A misdemeanor (rather than a civil law violation). Provides that any person who violates specified provisions regarding advertising and promotions of cannabis is guilty of a business offense subject to a minimum fine of \$501 and a maximum fine of \$10,000. Provides that every calendar day that specified advertising and promotion violations occur is a separate offense. Provides that in addition to any other penalties and remedies under this provision, the Attorney General or the State's Attorney may maintain a civil action against any person or entity who violates the provisions. Provides that in such civil action, the court may exercise all powers necessary, including, but not limited to: injunctive relief, revocation, forfeiture, or suspension of any license granted under the Act.

LRB102 22538 CPF 35004 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 Sections 10-15 and 55-20 as follows:

6 (410 ILCS 705/10-15)

7 Sec. 10-15. Persons under 21 years of age.

8 (a) Nothing in this Act is intended to permit the transfer  
9 of cannabis, with or without remuneration, to a person under  
10 21 years of age, or to allow a person under 21 years of age to  
11 purchase, possess, use, process, transport, grow, or consume  
12 cannabis except where authorized by the Compassionate Use of  
13 Medical Cannabis Program Act or by the Community College  
14 Cannabis Vocational Pilot Program.

15 (b) Notwithstanding any other provisions of law  
16 authorizing the possession of medical cannabis, nothing in  
17 this Act authorizes a person who is under 21 years of age to  
18 possess or use cannabis. A person under 21 years of age with  
19 cannabis in his or her possession or who uses cannabis is  
20 guilty of a Class A misdemeanor ~~civil law violation as~~  
21 ~~outlined in paragraph (a) of Section 4 of the Cannabis Control~~  
22 ~~Act.~~

23 (c) If the person under the age of 21 was in a motor

1 vehicle at the time of the offense, the Secretary of State may  
2 suspend or revoke the driving privileges of any person for a  
3 violation of this Section under Section 6-206 of the Illinois  
4 Vehicle Code and the rules adopted under it.

5 (d) It is unlawful for any parent or guardian to knowingly  
6 permit his or her residence, any other private property under  
7 his or her control, or any vehicle, conveyance, or watercraft  
8 under his or her control to be used by an invitee of the  
9 parent's child or the guardian's ward, if the invitee is under  
10 the age of 21, in a manner that constitutes a violation of this  
11 Section. A parent or guardian is deemed to have knowingly  
12 permitted his or her residence, any other private property  
13 under his or her control, or any vehicle, conveyance, or  
14 watercraft under his or her control to be used in violation of  
15 this Section if he or she knowingly authorizes or permits  
16 consumption of cannabis by underage invitees. Any person who  
17 violates this subsection (d) is guilty of a Class A  
18 misdemeanor and the person's sentence shall include, but shall  
19 not be limited to, a fine of not less than \$500. If a violation  
20 of this subsection (d) directly or indirectly results in great  
21 bodily harm or death to any person, the person violating this  
22 subsection is guilty of a Class 4 felony. In this subsection  
23 (d), where the residence or other property has an owner and a  
24 tenant or lessee, the trier of fact may infer that the  
25 residence or other property is occupied only by the tenant or  
26 lessee.

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

2 (410 ILCS 705/55-20)

3 Sec. 55-20. Advertising and promotions.

4 (a) No cannabis business establishment nor any other  
5 person or entity shall engage in advertising that contains any  
6 statement or illustration that:

7 (1) is false or misleading;

8 (2) promotes overconsumption of cannabis or cannabis  
9 products;

10 (3) depicts the actual consumption of cannabis or  
11 cannabis products;

12 (4) depicts a person under 21 years of age consuming  
13 cannabis;

14 (5) makes any health, medicinal, or therapeutic claims  
15 about cannabis or cannabis-infused products;

16 (6) includes the image of a cannabis leaf or bud; or

17 (7) includes any image designed or likely to appeal to  
18 minors, including cartoons, toys, animals, or children, or  
19 any other likeness to images, characters, or phrases that  
20 is designed in any manner to be appealing to or encourage  
21 consumption by persons under 21 years of age.

22 (b) No cannabis business establishment nor any other  
23 person or entity shall place or maintain, or cause to be placed  
24 or maintained, an advertisement of cannabis or a  
25 cannabis-infused product in any form or through any medium:

1           (1) within 1,000 feet of the perimeter of school  
2 grounds, a playground, a recreation center or facility, a  
3 child care center, a public park or public library, or a  
4 game arcade to which admission is not restricted to  
5 persons 21 years of age or older;

6           (2) on or in a public transit vehicle or public  
7 transit shelter;

8           (3) on or in publicly owned or publicly operated  
9 property; or

10          (4) that contains information that:

11           (A) is false or misleading;

12           (B) promotes excessive consumption;

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

15           (D) includes the image of a cannabis leaf; or

16           (E) includes any image designed or likely to  
17 appeal to minors, including cartoons, toys, animals,  
18 or children, or any other likeness to images,  
19 characters, or phrases that are popularly used to  
20 advertise to children, or any imitation of candy  
21 packaging or labeling, or that promotes consumption of  
22 cannabis.

23          (c) Subsections (a) and (b) do not apply to an educational  
24 message.

25          (d) Sales promotions. No cannabis business establishment  
26 nor any other person or entity may encourage the sale of

1 cannabis or cannabis products by giving away cannabis or  
2 cannabis products, by conducting games or competitions related  
3 to the consumption of cannabis or cannabis products, or by  
4 providing promotional materials or activities of a manner or  
5 type that would be appealing to children.

6 (e) Any violation of subsection (a), (b), or (d) is a  
7 business offense subject to a minimum fine of \$501 and a  
8 maximum fine of \$10,000. Every calendar day that the violation  
9 of subsection (a) or (b) occurs is a separate offense. In  
10 addition to any other penalties and remedies under this  
11 Section, the Attorney General or the State's Attorney may  
12 maintain a civil action against any person or entity who  
13 violates subsection (a), (b), or (d). In such civil action,  
14 the court may exercise all powers necessary, including, but  
15 not limited to: injunctive relief, revocation, forfeiture, or  
16 suspension of any license granted under this Act.

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