



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5710

Introduced 3/1/2022, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Cannabis Regulation and Tax Act. Creates the Cannabis Equity and Oversight Commission. Provides that the Commission shall administer and enforce the provisions of the Act relating to the oversight, licensing, registration, and certification of dispensing organizations, cultivation centers, craft growers, infuser organizations, transporting organizations, laboratories, and agents, including, but not limited to, the issuance of identification cards and establishing limits on the potency or serving size of cannabis or cannabis products. Provides that the Commission may suspend or revoke the license of, or impose other penalties upon, dispensing organizations, cultivation centers, craft growers, infuser organizations, transporting organizations, laboratories, and their principal officers, agents-in-charge, and agents for violations of this Act or any rules adopted under this Act. Contains other provisions. Changes and inserts provisions of the Compassionate Use of Medical Cannabis Program Act into the Cannabis Regulation and Tax Act as its own Article. Repeals the Compassionate Use of Medical Cannabis Program Act. Makes conforming changes throughout various Acts. Effective July 1, 2022.

LRB102 26496 CPF 37026 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 State Finance Act is amended by changing
5 Section 6z-112 as follows:

6 (30 ILCS 105/6z-112)

7 Sec. 6z-112. The Cannabis Regulation Fund.

8 (a) There is created the Cannabis Regulation Fund in the
9 State treasury, subject to appropriations unless otherwise
10 provided in this Section. All moneys collected under the
11 Cannabis Regulation and Tax Act shall be deposited into the
12 Cannabis Regulation Fund, consisting of taxes, license fees,
13 other fees, and any other amounts required to be deposited or
14 transferred into the Fund.

15 (b) Whenever the Department of Revenue determines that a
16 refund should be made under the Cannabis Regulation and Tax
17 Act to a claimant, the Department of Revenue shall submit a
18 voucher for payment to the State Comptroller, who shall cause
19 the order to be drawn for the amount specified and to the
20 person named in the notification from the Department of
21 Revenue. This subsection (b) shall constitute an irrevocable
22 and continuing appropriation of all amounts necessary for the
23 payment of refunds out of the Fund as authorized under this

1 subsection (b).

2 (c) On or before the 25th day of each calendar month, the
3 Department of Revenue shall prepare and certify to the State
4 Comptroller the transfer and allocations of stated sums of
5 money from the Cannabis Regulation Fund to other named funds
6 in the State treasury. The amount subject to transfer shall be
7 the amount of the taxes, license fees, other fees, and any
8 other amounts paid into the Fund during the second preceding
9 calendar month, minus the refunds made under subsection (b)
10 during the second preceding calendar month by the Department.
11 The transfers shall be certified as follows:

12 (1) The Department of Revenue shall first determine
13 the allocations which shall remain in the Cannabis
14 Regulation Fund, subject to appropriations, to pay for the
15 direct and indirect costs associated with the
16 implementation, administration, and enforcement of the
17 Cannabis Regulation and Tax Act by the Department of
18 Revenue, the Department of State Police, the Cannabis
19 Equity and Oversight Commission ~~the Department of~~
20 ~~Financial and Professional Regulation, the Department of~~
21 ~~Agriculture~~, the Department of Public Health, the
22 Department of Commerce and Economic Opportunity, and the
23 Illinois Criminal Justice Information Authority.

24 (2) After the allocations have been made as provided
25 in paragraph (1) of this subsection (c), of the remainder
26 of the amount subject to transfer for the month as

1 determined in this subsection (c), the Department shall
2 certify the transfer into the Cannabis Expungement Fund
3 1/12 of the fiscal year amount appropriated from the
4 Cannabis Expungement Fund for payment of costs incurred by
5 State courts, the Attorney General, State's Attorneys,
6 civil legal aid, as defined by Section 15 of the Public
7 Interest Attorney Assistance Act, and the Department of
8 State Police to facilitate petitions for expungement of
9 Minor Cannabis Offenses pursuant to Public Act 101-27, as
10 adjusted by any supplemental appropriation, plus
11 cumulative deficiencies in such transfers for prior
12 months.

13 (2.5) Beginning July 1, 2022, after allocations have
14 been made as provided in paragraphs (1) and (2), the
15 Department of Revenue shall certify to the State
16 Comptroller, and the State Treasurer shall transfer, an
17 amount that the Department of Revenue determines shall be
18 transferred according to the following:

19 (A) 10% shall be transferred to the Cannabis
20 Business Development Fund to be used for the purposes
21 of issuing loans and grants to Social Equity
22 Applicants and Ancillary Social Equity Businesses, as
23 defined under Section 1-10 of the Cannabis Regulation
24 and Tax Act. Expenditures for these purposes shall be
25 subject to appropriation.

26 (3) After the allocations have been made as provided

1 in paragraphs (1), ~~and~~ (2), and (2.5) of this subsection
2 (c), the Department of Revenue shall certify to the State
3 Comptroller and the State Treasurer shall transfer the
4 amounts that the Department of Revenue determines shall be
5 transferred into the following named funds according to
6 the following:

7 (A) 2% shall be transferred to the Drug Treatment
8 Fund to be used by the Department of Human Services
9 for: (i) developing and administering a scientifically
10 and medically accurate public education campaign
11 educating youth and adults about the health and safety
12 risks of alcohol, tobacco, illegal drug use (including
13 prescription drugs), and cannabis, including use by
14 pregnant women; and (ii) data collection and analysis
15 of the public health impacts of legalizing the
16 recreational use of cannabis. Expenditures for these
17 purposes shall be subject to appropriations.

18 (B) 8% shall be transferred to the Local
19 Government Distributive Fund and allocated as provided
20 in Section 2 of the State Revenue Sharing Act. The
21 moneys shall be used to fund crime prevention
22 programs, training, and interdiction efforts,
23 including detection, enforcement, and prevention
24 efforts, relating to the illegal cannabis market and
25 driving under the influence of cannabis.

26 (C) 25% shall be transferred to the Criminal

1 Justice Information Projects Fund to be used for the
2 purposes of the Restore, Reinvest, and Renew Program
3 to address economic development, violence prevention
4 services, re-entry services, youth development, and
5 civil legal aid, as defined by Section 15 of the Public
6 Interest Attorney Assistance Act. The Restore,
7 Reinvest, and Renew Program shall address these issues
8 through targeted investments and intervention programs
9 and promotion of an employment infrastructure and
10 capacity building related to the social determinants
11 of health in impacted community areas. Expenditures
12 for these purposes shall be subject to appropriations.

13 (D) 20% shall be transferred to the Department of
14 Human Services Community Services Fund, to be used to
15 address substance abuse and prevention and mental
16 health concerns, including treatment, education, and
17 prevention to address the negative impacts of
18 substance abuse and mental health issues, including
19 concentrated poverty, violence, and the historical
20 overuse of criminal justice responses in certain
21 communities, on the individual, family, and community,
22 including federal, State, and local governments,
23 health care institutions and providers, and
24 correctional facilities. Expenditures for these
25 purposes shall be subject to appropriations.

26 (E) 10% shall be transferred to the Budget

1 Stabilization Fund.

2 (F) 35%, or any remaining balance, shall be
3 transferred to the General Revenue Fund.

4 As soon as may be practical, but no later than 10 days
5 after receipt, by the State Comptroller of the transfer
6 certification provided for in this subsection (c) to be given
7 to the State Comptroller by the Department of Revenue, the
8 State Comptroller shall direct and the State Treasurer shall
9 transfer the respective amounts in accordance with the
10 directions contained in such certification.

11 (d) On July 1, 2019 the Department of Revenue shall
12 certify to the State Comptroller and the State Treasurer shall
13 transfer \$5,000,000 from the Compassionate Use of Medical
14 Cannabis Fund to the Cannabis Regulation Fund.

15 (e) Notwithstanding any other law to the contrary and
16 except as otherwise provided in this Section, this Fund is not
17 subject to sweeps, administrative charge-backs, or any other
18 fiscal or budgetary maneuver that would in any way transfer
19 any amounts from this Fund into any other fund of the State.

20 (f) The Cannabis Regulation Fund shall retain a balance of
21 \$1,000,000 for the purposes of administrative costs.

22 (g) (Blank). ~~In Fiscal Year 2024 the allocations in~~
23 ~~subsection (c) of this Section shall be reviewed and adjusted~~
24 ~~if the General Assembly finds there is a greater need for~~
25 ~~funding for a specific purpose in the State as it relates to~~
26 ~~Public Act 101-27.~~

1 (h) If the Cannabis Cultivation Privilege Tax imposed
2 under Article 60 of the Cannabis Regulation and Tax Act or the
3 Cannabis Excise Tax imposed under Article 65 of the Cannabis
4 Regulation and Tax Act is adjusted, the Cannabis Equity and
5 Oversight Commission must submit its recommendations to the
6 General Assembly for any changes to the allocations set under
7 subsection (c) within 180 calendar days after the effective
8 date of this amendatory Act of the 102 General Assembly, if the
9 Cannabis Equity and Oversight Commission finds there is a
10 greater need for funding for a specific purpose in the State as
11 it relates to Public Act 101-27. The Cannabis Equity and
12 Oversight Commission may conduct a market study to support its
13 recommendations. The Commission's recommendations must be
14 submitted to the General Assembly in writing and posted on the
15 Commission's website.

16 (i) Within the next fiscal year after receiving the
17 Cannabis Equity and Oversight Commission's recommendations
18 under subsection (g), and not before, the General Assembly
19 must vote to maintain or change the allocations set under
20 subsection (c). The General Assembly may only adjust the
21 allocations set under subsection (c) if the General Assembly
22 finds that there is a greater need for funding for a specific
23 purpose in the State as it relates to Public Act 101-27.

24 (Source: P.A. 101-27, eff. 6-25-19; 102-558, eff. 8-20-21.)

25 Section 10. The Cannabis Regulation and Tax Act is amended

1 by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20, 5-25, 5-30,
2 5-45, 7-10, 7-15, 7-20, 7-25, 7-30, 10-5, 10-10, 10-15, 10-20,
3 10-35, 10-40, 10-45, 10-50, 15-5, 15-15, 15-20, 15-25,
4 15-30.20, 15-35.10, 15-35.20, 15-55, 15-75, 15-80, 15-85,
5 15-90, 15-100, 15-110, 15-120, 15-125, 15-135, 15-140, 15-145,
6 15-150, 15-155, 15-160, 15-165, 15-170, 15-175, 20-1, 20-5,
7 20-15, 20-21, 20-30, 20-55, 25-1, 25-5, 25-10, 25-15, 25-25,
8 25-30, 25-35, 25-40, 30-3, 30-5, 30-10, 30-20, 30-30, 30-45,
9 30-55, 35-3, 35-5, 35-10, 35-25, 35-31, 35-45, 40-1, 40-5,
10 40-10, 40-25, 40-45, 45-5, 45-10, 45-20, 50-5, 55-5, 55-10,
11 55-15, 55-21, 55-30, 55-35, 55-40, 55-45, 55-50, 55-55, 55-60,
12 55-65, 55-85, 65-5, and by adding Section 5-50 and Articles 70
13 and 75 as follows:

14 (410 ILCS 705/1-10)

15 Sec. 1-10. Definitions. In this Act:

16 "Adult Use Cultivation Center License" means a license
17 issued by the Commission ~~Department of Agriculture~~ that
18 permits a person to act as a cultivation center under this Act
19 and any administrative rule made in furtherance of this Act.

20 "Adult Use Dispensing Organization License" means a
21 license issued by the Commission ~~Department of Financial and~~
22 ~~Professional Regulation~~ that permits a person to act as a
23 dispensing organization under this Act and any administrative
24 rule made in furtherance of this Act.

25 "Advertise" means to engage in promotional activities

1 including, but not limited to: newspaper, radio, Internet and
2 electronic media, and television advertising; the distribution
3 of fliers and circulars; billboard advertising; and the
4 display of window and interior signs. "Advertise" does not
5 mean exterior signage displaying only the name of the licensed
6 cannabis business establishment.

7 "Ancillary social equity business" means a small business
8 that provides goods or services in the medical and adult use
9 cannabis industry and that meets the criteria of a social
10 equity applicant, or other criteria that may be set forth by
11 rule.

12 "Application points" means the number of points a
13 Dispensary Applicant receives on an application for a
14 Conditional Adult Use Dispensing Organization License.

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

25 "By lot" means a randomized method of choosing between 2
26 or more Eligible Tied Applicants or 2 or more Qualifying

1 Applicants.

2 "Cannabis" means marijuana, hashish, and other substances
3 that are identified as including any parts of the plant
4 Cannabis sativa and including derivatives or subspecies, such
5 as indica, of all strains of cannabis, whether growing or not;
6 the seeds thereof, the resin extracted from any part of the
7 plant; and any compound, manufacture, salt, derivative,
8 mixture, or preparation of the plant, its seeds, or resin,
9 including tetrahydrocannabinol (THC) and all other naturally
10 produced cannabinol derivatives, whether produced directly or
11 indirectly by extraction; however, "cannabis" does not include
12 the mature stalks of the plant, fiber produced from the
13 stalks, oil or cake made from the seeds of the plant, any other
14 compound, manufacture, salt, derivative, mixture, or
15 preparation of the mature stalks (except the resin extracted
16 from it), fiber, oil or cake, or the sterilized seed of the
17 plant that is incapable of germination. "Cannabis" does not
18 include industrial hemp as defined and authorized under the
19 Industrial Hemp Act. "Cannabis" also means cannabis flower,
20 concentrate, and cannabis-infused products.

21 "Cannabis business establishment" means a cultivation
22 center, craft grower, processing organization, infuser
23 organization, dispensing organization, ~~or~~ transporting
24 organization, or any other organization the Commission may
25 determine is a cannabis business establishment.

26 "Cannabis concentrate" means a product derived from

1 cannabis that is produced by extracting cannabinoids,
2 including tetrahydrocannabinol (THC), from the plant through
3 the use of propylene glycol, glycerin, butter, olive oil, or
4 other typical cooking fats; water, ice, or dry ice; or butane,
5 propane, CO₂, ethanol, or isopropanol and with the intended
6 use of smoking or making a cannabis-infused product. The use
7 of any other solvent is expressly prohibited unless and until
8 it is approved by the Commission ~~Department of Agriculture~~.

9 "Cannabis container" means a sealed or resealable,
10 traceable, container, or package used for the purpose of
11 containment of cannabis or cannabis-infused product during
12 transportation.

13 "Cannabis flower" means marijuana, hashish, and other
14 substances that are identified as including any parts of the
15 plant Cannabis sativa and including derivatives or subspecies,
16 such as indica, of all strains of cannabis; including raw
17 kief, leaves, and buds, but not resin that has been extracted
18 from any part of such plant; nor any compound, manufacture,
19 salt, derivative, mixture, or preparation of such plant, its
20 seeds, or resin.

21 "Cannabis-infused product" means a beverage, food, oil,
22 ointment, tincture, topical formulation, or another product
23 containing cannabis or cannabis concentrate that is not
24 intended to be smoked.

25 "Cannabis paraphernalia" means equipment, products, or
26 materials intended to be used for planting, propagating,

1 cultivating, growing, harvesting, manufacturing, producing,
2 processing, preparing, testing, analyzing, packaging,
3 repackaging, storing, containing, concealing, ingesting, or
4 otherwise introducing cannabis into the human body.

5 "Cannabis plant monitoring system" or "plant monitoring
6 system" means a system that includes, but is not limited to,
7 testing and data collection established and maintained by the
8 cultivation center, craft grower, or processing organization
9 and that is available to the Commission and the Department of
10 Revenue, ~~the Department of Agriculture, the Department of~~
11 ~~Financial and Professional Regulation, and the Illinois State~~
12 ~~Police~~ for the purposes of documenting each cannabis plant and
13 monitoring plant development throughout the life cycle of a
14 cannabis plant cultivated for the intended use by a customer
15 from seed planting to final packaging.

16 "Cannabis testing facility" means an entity registered by
17 the Commission ~~Department of Agriculture~~ to test cannabis for
18 potency and contaminants.

19 "Clone" means a plant section from a female cannabis plant
20 not yet rootbound, growing in a water solution or other
21 propagation matrix, that is capable of developing into a new
22 plant.

23 "Commission" means the Cannabis Equity and Oversight
24 Commission created under Section 5-50.

25 "Commissioner" means a member of the Commission.

26 "Community College Cannabis Vocational Training Pilot

1 Program faculty participant" means a person who is 21 years of
2 age or older, licensed by the Commission ~~Department of~~
3 ~~Agriculture~~, and is employed or contracted by an Illinois
4 community college to provide student instruction using
5 cannabis plants at an Illinois Community College.

6 "Community College Cannabis Vocational Training Pilot
7 Program faculty participant Agent Identification Card" means a
8 document issued by the Commission ~~Department of Agriculture~~
9 that identifies a person as a Community College Cannabis
10 Vocational Training Pilot Program faculty participant.

11 "Compassionate Use of Medical Cannabis Program" or
12 "Program" means the program established under the
13 Compassionate Use of Medical Cannabis Program Act, originally
14 codified under Public Act 101-363, that has been combined with
15 this Act for the purpose of streamlining the governance of the
16 medical and adult use cannabis programs.

17 "Conditional Adult Use Dispensing Organization License"
18 means a contingent license awarded to applicants for an Adult
19 Use Dispensing Organization License that reserves the right to
20 an Adult Use Dispensing Organization License if the applicant
21 meets certain conditions described in this Act, but does not
22 entitle the recipient to begin purchasing or selling cannabis
23 or cannabis-infused products.

24 "Conditional Adult Use Cultivation Center License" means a
25 license awarded to ~~top-scoring~~ applicants for an Adult Use
26 Cultivation Center License that reserves the right to an Adult

1 Use Cultivation Center License if the applicant meets certain
2 conditions as determined by the Commission ~~Department of~~
3 ~~Agriculture~~ by rule, but does not entitle the recipient to
4 begin growing, processing, or selling cannabis or
5 cannabis-infused products.

6 "Craft grower" means a facility operated by an
7 organization or business that is licensed by the Commission
8 ~~Department of Agriculture~~ to cultivate, dry, cure, and package
9 cannabis and perform other necessary activities to make
10 cannabis available for sale at a dispensing organization or
11 use at a processing organization. A craft grower may contain
12 up to 5,000 square feet of canopy space on its premises for
13 plants in the flowering state. The Commission ~~Department of~~
14 ~~Agriculture~~ may authorize an increase or decrease of flowering
15 stage cultivation space in increments of 3,000 square feet by
16 rule based on market need, craft grower capacity, and the
17 licensee's history of compliance or noncompliance, with a
18 maximum space of 14,000 square feet for cultivating plants in
19 the flowering stage, which must be cultivated in all stages of
20 growth in an enclosed and secure area. A craft grower may share
21 premises with a processing organization or a dispensing
22 organization, or both, provided each licensee stores currency
23 and cannabis or cannabis-infused products in a separate
24 secured vault to which the other licensee does not have access
25 or all licensees sharing a vault share more than 50% of the
26 same ownership.

1 "Craft grower agent" means a principal officer, board
2 member, employee, or other agent of a craft grower who is 21
3 years of age or older.

4 "Craft Grower Agent Identification Card" means a document
5 issued by the Commission ~~Department of Agriculture~~ that
6 identifies a person as a craft grower agent.

7 "Cultivation center" means a facility operated by an
8 organization or business that is licensed by the Commission
9 ~~Department of Agriculture~~ to cultivate, process, transport
10 (unless otherwise limited by this Act), and perform other
11 necessary activities to provide cannabis and cannabis-infused
12 products to cannabis business establishments.

13 "Cultivation center agent" means a principal officer,
14 board member, employee, or other agent of a cultivation center
15 who is 21 years of age or older.

16 "Cultivation Center Agent Identification Card" means a
17 document issued by the Commission ~~Department of Agriculture~~
18 that identifies a person as a cultivation center agent.

19 "Currency" means currency and coin of the United States.

20 "Dispensary" means a facility operated by a dispensing
21 organization at which activities licensed by this Act may
22 occur.

23 "Dispensary Applicant" means the Proposed Dispensing
24 Organization Name as stated on an application for a
25 Conditional Adult Use Dispensing Organization License.

26 "Dispensing organization" means a facility operated by an

1 organization or business that is licensed by the Commission
2 ~~Department of Financial and Professional Regulation~~ to acquire
3 cannabis from a cultivation center, craft grower, processing
4 organization, or another dispensary for the purpose of selling
5 or dispensing cannabis, cannabis-infused products, cannabis
6 seeds, paraphernalia, or related supplies under this Act to
7 purchasers or to qualified registered medical cannabis
8 patients and caregivers. ~~As used in this Act, "dispensing~~
9 ~~organization" includes a registered medical cannabis~~
10 ~~organization as defined in the Compassionate Use of Medical~~
11 ~~Cannabis Program Act or its successor Act that has obtained an~~
12 ~~Early Approval Adult Use Dispensing Organization License.~~

13 "Dispensing organization agent" means a principal officer,
14 employee, or agent of a dispensing organization who is 21
15 years of age or older.

16 "Dispensing organization agent identification card" means
17 a document issued by the Commission ~~Department of Financial~~
18 ~~and Professional Regulation~~ that identifies a person as a
19 dispensing organization agent.

20 "Disproportionately Impacted Area" means a census tract or
21 comparable geographic area that satisfies the following
22 criteria as determined by the Department of Commerce and
23 Economic Opportunity, that:

24 (1) meets at least one of the following criteria:

25 (A) the area has a poverty rate of at least 20%
26 according to the latest federal decennial census; or

1 (B) 75% or more of the children in the area
2 participate in the federal free lunch program
3 according to reported statistics from the State Board
4 of Education; or

5 (C) at least 20% of the households in the area
6 receive assistance under the Supplemental Nutrition
7 Assistance Program; or

8 (D) the area has an average unemployment rate, as
9 determined by the Illinois Department of Employment
10 Security, that is more than 120% of the national
11 unemployment average, as determined by the United
12 States Department of Labor, for a period of at least 2
13 consecutive calendar years preceding the date of the
14 application; and

15 (2) has high rates of arrest, conviction, and
16 incarceration related to the sale, possession, use,
17 cultivation, manufacture, or transport of cannabis; ~~and~~

18 (3) meets any other criteria determined by the
19 Commission using data sources, by rule.

20 "Early Approval Adult Use Cultivation Center License"
21 means a license that permits a medical cannabis cultivation
22 center licensed under ~~the Compassionate Use of Medical~~
23 ~~Cannabis Program Act as of the effective date of this Act to~~
24 begin cultivating, infusing, packaging, transporting (unless
25 otherwise provided in this Act), processing, and selling
26 cannabis or cannabis-infused product to cannabis business

1 establishments for resale to purchasers as permitted by this
2 Act as of January 1, 2020.

3 "Early Approval Adult Use Dispensing Organization License"
4 means a license that permits a medical cannabis dispensing
5 organization licensed under ~~the Compassionate Use of Medical~~
6 ~~Cannabis Program Act as of the effective date of this Act~~ to
7 begin selling cannabis or cannabis-infused product to
8 purchasers as permitted by this Act as of January 1, 2020.

9 "Early Approval Adult Use Dispensing Organization at a
10 secondary site" means a license that permits a medical
11 cannabis dispensing organization licensed under ~~the~~
12 ~~Compassionate Use of Medical Cannabis Program Act as of the~~
13 ~~effective date of this Act~~ to begin selling cannabis or
14 cannabis-infused product to purchasers as permitted by this
15 Act on January 1, 2020 at a different dispensary location from
16 its existing registered medical dispensary location.

17 "Eligible Tied Applicant" means a Tied Applicant that is
18 eligible to participate in the process by which a remaining
19 available license is distributed by lot pursuant to a Tied
20 Applicant Lottery.

21 "Enclosed, locked facility" means a room, greenhouse,
22 building, or other enclosed area equipped with locks or other
23 security devices that permit access only by cannabis business
24 establishment agents working for the licensed cannabis
25 business establishment or acting pursuant to this Act to
26 cultivate, process, store, or distribute cannabis.

1 "Enclosed, locked space" means a closet, room, greenhouse,
2 building, or other enclosed area equipped with locks or other
3 security devices that permit access only by authorized
4 individuals under this Act. "Enclosed, locked space" may
5 include:

6 (1) a space within a residential building that (i) is
7 the primary residence of the individual cultivating 5 or
8 fewer cannabis plants that are more than 5 inches tall and
9 (ii) includes sleeping quarters and indoor plumbing. The
10 space must only be accessible by a key or code that is
11 different from any key or code that can be used to access
12 the residential building from the exterior; or

13 (2) a structure, such as a shed or greenhouse, that
14 lies on the same plot of land as a residential building
15 that (i) includes sleeping quarters and indoor plumbing
16 and (ii) is used as a primary residence by the person
17 cultivating 5 or fewer cannabis plants that are more than
18 5 inches tall, such as a shed or greenhouse. The structure
19 must remain locked when it is unoccupied by people.

20 "Financial institution" has the same meaning as "financial
21 organization" as defined in Section 1501 of the Illinois
22 Income Tax Act, and also includes the holding companies,
23 subsidiaries, and affiliates of such financial organizations.

24 "Flowering stage" means the stage of cultivation where and
25 when a cannabis plant is cultivated to produce plant material
26 for cannabis products. This includes mature plants as follows:

1 (1) if greater than 2 stigmas are visible at each
2 internode of the plant; or

3 (2) if the cannabis plant is in an area that has been
4 intentionally deprived of light for a period of time
5 intended to produce flower buds and induce maturation,
6 from the moment the light deprivation began through the
7 remainder of the marijuana plant growth cycle.

8 "Individual" means a natural person.

9 "Infuser organization" or "infuser" means a facility
10 operated by an organization or business that is licensed by
11 the Commission ~~Department of Agriculture~~ to directly
12 incorporate cannabis or cannabis concentrate into a product
13 formulation to produce a cannabis-infused product.

14 "Kief" means the resinous crystal-like trichomes that are
15 found on cannabis and that are accumulated, resulting in a
16 higher concentration of cannabinoids, untreated by heat or
17 pressure, or extracted using a solvent.

18 "Labor peace agreement" means an agreement between a
19 cannabis business establishment and any labor organization
20 recognized under the National Labor Relations Act, referred to
21 in this Act as a bona fide labor organization, that prohibits
22 labor organizations and members from engaging in picketing,
23 work stoppages, boycotts, and any other economic interference
24 with the cannabis business establishment. This agreement means
25 that the cannabis business establishment has agreed not to
26 disrupt efforts by the bona fide labor organization to

1 communicate with, and attempt to organize and represent, the
2 cannabis business establishment's employees. The agreement
3 shall provide a bona fide labor organization access at
4 reasonable times to areas in which the cannabis business
5 establishment's employees work, for the purpose of meeting
6 with employees to discuss their right to representation,
7 employment rights under State law, and terms and conditions of
8 employment. This type of agreement shall not mandate a
9 particular method of election or certification of the bona
10 fide labor organization.

11 "Limited access area" means a room or other area under the
12 control of a cannabis dispensing organization licensed under
13 this Act and upon the licensed premises where cannabis sales
14 occur with access limited to purchasers, dispensing
15 organization owners and other dispensing organization agents,
16 or service professionals conducting business with the
17 dispensing organization, or, if sales to registered qualifying
18 patients, caregivers, provisional patients, and Opioid
19 Alternative Pilot Program participants licensed pursuant to
20 Article 70 ~~the Compassionate Use of Medical Cannabis Program~~
21 ~~Act~~ are also permitted at the dispensary, registered
22 qualifying patients, caregivers, provisional patients, and
23 Opioid Alternative Pilot Program participants.

24 "Loan" means a loan or debt support from a facility
25 established through a financial intermediary agreement.

26 "Member of an impacted family" means an individual who has

1 a parent, legal guardian, child, spouse, or dependent, or was
2 a dependent of an individual who, prior to the effective date
3 of this Act, was arrested for, convicted of, or adjudicated
4 delinquent for any offense that is eligible for expungement
5 under this Act.

6 "Mother plant" means a cannabis plant that is cultivated
7 or maintained for the purpose of generating clones, and that
8 will not be used to produce plant material for sale to an
9 infuser or dispensing organization.

10 "Ordinary public view" means within the sight line with
11 normal visual range of a person, unassisted by visual aids,
12 from a public street or sidewalk adjacent to real property, or
13 from within an adjacent property.

14 "Ownership and control" means ownership of at least 51% of
15 the business, including corporate stock if a corporation, and
16 control over the management and day-to-day operations of the
17 business and an interest in the capital, assets, and profits
18 and losses of the business proportionate to percentage of
19 ownership.

20 "Person" means a natural individual, firm, partnership,
21 association, joint stock company, joint venture, public or
22 private corporation, limited liability company, or a receiver,
23 executor, trustee, guardian, or other representative appointed
24 by order of any court.

25 "Possession limit" means the amount of cannabis under
26 Section 10-10 that may be possessed at any one time by a person

1 21 years of age or older or who is a registered qualifying
2 medical cannabis patient or caregiver under Article 70 ~~the~~
3 ~~Compassionate Use of Medical Cannabis Program Act.~~

4 "Principal officer" includes a cannabis business
5 establishment applicant or licensed cannabis business
6 establishment's board member, owner with more than 1% interest
7 of the total cannabis business establishment or more than 5%
8 interest of the total cannabis business establishment of a
9 publicly traded company, president, vice president, secretary,
10 treasurer, partner, officer, member, manager member, or person
11 with a profit sharing, financial interest, or revenue sharing
12 arrangement. The definition includes a person with authority
13 to control the cannabis business establishment, a person who
14 assumes responsibility for the debts of the cannabis business
15 establishment and who is further defined in this Act.

16 "Primary residence" means a dwelling where a person
17 usually stays or stays more often than other locations. It may
18 be determined by, without limitation, presence, tax filings;
19 address on an Illinois driver's license, an Illinois
20 Identification Card, or an Illinois Person with a Disability
21 Identification Card; or voter registration. No person may have
22 more than one primary residence.

23 "Processing organization" or "processor" means a facility
24 operated by an organization or business that is licensed by
25 the Commission ~~Department of Agriculture~~ to either extract
26 constituent chemicals or compounds to produce cannabis

1 concentrate or incorporate cannabis or cannabis concentrate
2 into a product formulation to produce a cannabis product.

3 "Processing organization agent" means a principal officer,
4 board member, employee, or agent of a processing organization.

5 "Processing organization agent identification card" means
6 a document issued by the Commission ~~Department of Agriculture~~
7 that identifies a person as a processing organization agent.

8 "Purchaser" means a person 21 years of age or older who
9 acquires cannabis for a valuable consideration. "Purchaser"
10 does not include a cardholder under Article 70 ~~the~~
11 ~~Compassionate Use of Medical Cannabis Program Act~~.

12 "Qualifying Applicant" means an applicant that submitted
13 an application pursuant to Section 15-30 that received at
14 least 85% of 250 application points available under Section
15 15-30 as the applicant's final score and meets the definition
16 of "Social Equity Applicant" as set forth under this Section.

17 "Qualifying Social Equity Justice Involved Applicant"
18 means an applicant that submitted an application pursuant to
19 Section 15-30 that received at least 85% of 250 application
20 points available under Section 15-30 as the applicant's final
21 score and meets the criteria of either paragraph (1) or (2) of
22 the definition of "Social Equity Applicant" as set forth under
23 this Section.

24 "Qualified Social Equity Applicant" means a Social Equity
25 Applicant who has been awarded a conditional license under
26 this Act to operate a cannabis business establishment.

1 "Resided" means an individual's primary residence was
2 located within the relevant geographic area as established by
3 2 of the following:

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

6 (2) a property deed that includes the applicant's
7 name;

8 (3) school records;

9 (4) a voter registration card;

10 (5) an Illinois driver's license, an Illinois
11 Identification Card, or an Illinois Person with a
12 Disability Identification Card;

13 (6) a paycheck stub;

14 (7) a utility bill;

15 (8) tax records; or

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

18 "Smoking" means the inhalation of smoke caused by the
19 combustion of cannabis.

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

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

26 (2) an applicant with at least 51% ownership and

1 control by one or more individuals who:

2 (i) have been arrested for, convicted of, or
3 adjudicated delinquent for any offense that is
4 eligible for expungement under this Act; or

5 (ii) is a member of an impacted family;

6 (3) for applicants with a minimum of 10 full-time
7 employees, an applicant with at least 51% of current
8 employees who:

9 (i) currently reside in a Disproportionately
10 Impacted Area; or

11 (ii) have been arrested for, convicted of, or
12 adjudicated delinquent for any offense that is
13 eligible for expungement under this Act or member of
14 an impacted family.

15 Nothing in this Act shall be construed to preempt or limit
16 the duties of any employer under the Job Opportunities for
17 Qualified Applicants Act. Nothing in this Act shall permit an
18 employer to require an employee to disclose sealed or expunged
19 offenses, unless otherwise required by law.

20 "Tied Applicant" means an application submitted by a
21 Dispensary Applicant pursuant to Section 15-30 that received
22 the same number of application points under Section 15-30 as
23 the Dispensary Applicant's final score as one or more
24 top-scoring applications in the same BLS Region and would have
25 been awarded a license but for the one or more other
26 top-scoring applications that received the same number of

1 application points. Each application for which a Dispensary
2 Applicant was required to pay a required application fee for
3 the application period ending January 2, 2020 shall be
4 considered an application of a separate Tied Applicant.

5 "Tied Applicant Lottery" means the process established
6 under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult
7 Use Dispensing Organization Licenses pursuant to Sections
8 15-25 and 15-30 among Eligible Tied Applicants.

9 "Tincture" means a cannabis-infused solution, typically
10 comprised of alcohol, glycerin, or vegetable oils, derived
11 either directly from the cannabis plant or from a processed
12 cannabis extract. A tincture is not an alcoholic liquor as
13 defined in the Liquor Control Act of 1934. A tincture shall
14 include a calibrated dropper or other similar device capable
15 of accurately measuring servings.

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

1 ~~Agriculture~~ that identifies a person as a transporting
2 organization agent.

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

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

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

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

18 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
19 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
20 10-13-21.)

21 (410 ILCS 705/5-5)

22 Sec. 5-5. Sharing of authority. Notwithstanding any
23 provision of law to the contrary, on and after July 1, 2022 the
24 Commission may enter into intergovernmental cooperation
25 agreements with State departments that have any authority

1 granted under this Act to carry out the functions, duties, and
2 responsibilities of the Commission. The State departments
3 shall collaborate and coordinate with the Commission to
4 facilitate an efficient reorganization of the oversight and
5 enforcement of the cannabis industry ~~any authority granted to~~
6 ~~any State agency or State employees or appointees under the~~
7 ~~Compassionate Use of Medical Cannabis Program Act shall be~~
8 ~~shared by any State agency or State employees or appointees~~
9 ~~given authority to license, discipline, revoke, regulate, or~~
10 ~~make rules under this Act.~~

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

12 (410 ILCS 705/5-10)

13 Sec. 5-10. Department of Agriculture; transfer of duties
14 to the Cannabis Equity and Oversight Commission.

15 (a) The Department of Agriculture shall administer and
16 enforce provisions of this Act relating to the oversight and
17 registration of cultivation centers, craft growers, infuser
18 organizations, and transporting organizations and agents,
19 including the issuance of identification cards and
20 establishing limits on potency or serving size for cannabis or
21 cannabis products. The Department of Agriculture may suspend
22 or revoke the license of, or impose other penalties upon
23 cultivation centers, craft growers, infuser organizations,
24 transporting organizations, and their principal officers,
25 Agents-in-Charge, and agents for violations of this Act and

1 any rules adopted under this Act.

2 (b) Notwithstanding subsection (a), all functions granted
3 to the Department of Agriculture under subsection (a) are
4 transferred to, and shall be carried out by, the Commission.
5 The Commission has all authority previously granted to the
6 Department of Agriculture to enforce this Act.

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

8 (410 ILCS 705/5-15)

9 Sec. 5-15. Department of Financial and Professional
10 Regulation; transfer of duties to the Cannabis Equity and
11 Oversight Commission.

12 (a) The Department of Financial and Professional
13 Regulation shall enforce the provisions of this Act relating
14 to the oversight and registration of dispensing organizations
15 and agents, including the issuance of identification cards for
16 dispensing organization agents. The Department of Financial
17 and Professional Regulation may suspend or revoke the license
18 of, or otherwise discipline dispensing organizations,
19 principal officers, agents-in-charge, and agents for
20 violations of this Act and any rules adopted under this Act.

21 (b) Notwithstanding subsection (a), all functions granted
22 to the Department of Financial and Professional Regulation
23 under subsection (a) are transferred to, and shall be carried
24 out by, the Commission. The Commission has all authority
25 previously granted to the Department of Financial and

1 Professional Regulation to enforce this Act.

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

3 (410 ILCS 705/5-20)

4 Sec. 5-20. Background checks; Illinois State Police.

5 (a) Through the Illinois State Police, the Commission
6 ~~licensing or issuing Department~~ shall conduct a criminal
7 history record check of the prospective principal officers,
8 board members, and agents of a cannabis business establishment
9 applying for a license or identification card under this Act.

10 Each cannabis business establishment prospective principal
11 officer, board member, or agent shall submit his or her
12 fingerprints to the Illinois State Police in the form and
13 manner prescribed by the Illinois State Police.

14 Unless otherwise provided in this Act, such fingerprints
15 shall be transmitted through a live scan fingerprint vendor
16 licensed by the Department of Financial and Professional
17 Regulation. These fingerprints shall be checked against the
18 fingerprint records now and hereafter filed in the Illinois
19 State Police and Federal Bureau of Investigation criminal
20 history records databases. The Illinois State Police shall
21 charge a fee for conducting the criminal history record check,
22 which shall be deposited into the State Police Services Fund
23 and shall not exceed the actual cost of the State and national
24 criminal history record check. The Illinois State Police shall
25 furnish, pursuant to positive identification, all Illinois

1 conviction information and shall forward the national criminal
2 history record information to the Commission.†

3 ~~(i) the Department of Agriculture, with respect to a~~
4 ~~cultivation center, craft grower, infuser organization, or~~
5 ~~transporting organization; or~~

6 ~~(ii) the Department of Financial and Professional~~
7 ~~Regulation, with respect to a dispensing organization.~~

8 (b) When applying for the initial license or
9 identification card, the background checks for all prospective
10 principal officers, board members, and agents shall be
11 completed before submitting the application to the licensing
12 or issuing agency.

13 (c) All applications for licensure under this Act by
14 applicants with criminal convictions shall be subject to
15 Sections 2105-131, 2105-135, and 2105-205 of the Department of
16 Professional Regulation Law of the Civil Administrative Code
17 of Illinois.

18 (d) Notwithstanding any other provision of law, all
19 authority granted to the Illinois State Police, including, but
20 not limited to, conducting random inspections and
21 investigations, provided under Sections 15-135, 25-30, 30-30,
22 35-25, 40-25, and 55-15 of this Act and Sections 105 and 130 of
23 the Compassionate Use of Medical Cannabis Program Act are
24 transferred to the Commission.

25 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
26 102-538, eff. 8-20-21.)

1 (410 ILCS 705/5-25)

2 Sec. 5-25. Department of Public Health to make health
3 warning recommendations.

4 (a) The Department of Public Health shall make
5 recommendations to the Commission ~~Department of Agriculture~~
6 ~~and the Department of Financial and Professional Regulation~~ on
7 appropriate health warnings for dispensaries and advertising,
8 which may apply to all cannabis products, including item-type
9 specific labeling or warning requirements, regulate the
10 facility where cannabis-infused products are made, regulate
11 cannabis-infused products as provided in subsection (e) of
12 Section 55-5, and facilitate the Adult Use Cannabis Health
13 Advisory Committee.

14 (b) An Adult Use Cannabis Health Advisory Committee is
15 hereby created and shall meet at least twice annually. The
16 Chairperson may schedule meetings more frequently upon his or
17 her initiative or upon the request of a Committee member.
18 Meetings may be held in person or by teleconference. The
19 Committee shall discuss and monitor changes in drug use data
20 in Illinois and the emerging science and medical information
21 relevant to the health effects associated with cannabis use
22 and may provide recommendations to the Department of Human
23 Services and the Commission about public health awareness
24 campaigns and messages. The Committee shall include the
25 following members appointed by the Governor and shall

1 represent the geographic, ethnic, and racial diversity of the
2 State:

3 (1) The Director of Public Health, or his or her
4 designee, who shall serve as the Chairperson.

5 (2) The Secretary of Human Services, or his or her
6 designee, who shall serve as the Co-Chairperson.

7 (3) A representative of the poison control center.

8 (4) A pharmacologist.

9 (5) A pulmonologist.

10 (6) An emergency room physician.

11 (7) An emergency medical technician, paramedic, or
12 other first responder.

13 (8) A nurse practicing in a school-based setting.

14 (9) A psychologist.

15 (10) A neonatologist.

16 (11) An obstetrician-gynecologist.

17 (12) A drug epidemiologist.

18 (13) A medical toxicologist.

19 (14) An addiction psychiatrist.

20 (15) A pediatrician.

21 (16) A representative of a statewide professional
22 public health organization.

23 (17) A representative of a statewide hospital/health
24 system association.

25 (18) An individual registered as a patient in the
26 Compassionate Use of Medical Cannabis Program.

1 (19) An individual registered as a caregiver in the
2 Compassionate Use of Medical Cannabis Program.

3 (20) A representative of an organization focusing on
4 cannabis-related policy.

5 (21) A representative of an organization focusing on
6 the civil liberties of individuals who reside in Illinois.

7 (22) A representative of the criminal defense or civil
8 aid community of attorneys serving Disproportionately
9 Impacted Areas.

10 (23) A representative of licensed cannabis business
11 establishments.

12 (24) A Social Equity Applicant.

13 (25) A representative of a statewide community-based
14 substance use disorder treatment provider association.

15 (26) A representative of a statewide community-based
16 mental health treatment provider association.

17 (27) A representative of a community-based substance
18 use disorder treatment provider.

19 (28) A representative of a community-based mental
20 health treatment provider.

21 (29) A substance use disorder treatment patient
22 representative.

23 (30) A mental health treatment patient representative.

24 (c) The Committee shall provide a report by September 30,
25 2021, and every year thereafter, to the Commission and the
26 General Assembly. The Department of Public Health shall make

1 the report available on its website.

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

3 (410 ILCS 705/5-30)

4 Sec. 5-30. Department of Human Services. The Department of
5 Human Services shall identify evidence-based programs for
6 preventive mental health, the prevention or treatment of
7 alcohol abuse, tobacco use, illegal drug use (including
8 prescription drugs), and cannabis use by pregnant women, and
9 make policy recommendations, as appropriate, to the Adult Use
10 Cannabis Health Advisory Committee and the Commission. The
11 Department of Human Services shall develop and disseminate
12 educational materials for purchasers based on recommendations
13 received from the Department of Public Health, the Commission,
14 and the Adult Use Cannabis Health Advisory Committee.
15 Beginning July 1, 2022, the Commission may also develop and
16 disseminate educational materials.

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

18 (410 ILCS 705/5-45)

19 Sec. 5-45. Illinois Cannabis Regulation Oversight Officer.

20 (a) The position of Illinois Cannabis Regulation Oversight
21 Officer is created within the Commission ~~Department of~~
22 ~~Financial and Professional Regulation under the Secretary of~~
23 ~~Financial and Professional Regulation~~. The Cannabis Regulation
24 Oversight Officer serves a coordinating role among State

1 agencies regarding this Act ~~and the Compassionate Use of~~
2 ~~Medical Cannabis Program Act~~. The Illinois Cannabis Regulation
3 Oversight Officer shall be appointed by the Governor with the
4 advice and consent of the Senate. The term of office of the
5 Officer shall expire on the third Monday of January in
6 odd-numbered years provided that he or she shall hold office
7 until a successor is appointed and qualified. In case of
8 vacancy in office during the recess of the Senate, the
9 Governor shall make a temporary appointment until the next
10 meeting of the Senate, when the Governor shall nominate some
11 person to fill the office, and any person so nominated who is
12 confirmed by the Senate shall hold office during the remainder
13 of the term and until his or her successor is appointed and
14 qualified.

15 (b) The Illinois Cannabis Regulation Oversight Officer has
16 the authority to:

- 17 (1) maintain a staff;
- 18 (2) make recommendations for administrative and
19 statutory changes;
- 20 (3) collect data both in Illinois and outside Illinois
21 regarding the regulation of cannabis;
- 22 (4) compile or assist in the compilation of any
23 reports required by this Act;
- 24 (5) ensure the coordination of efforts between various
25 State agencies involved in regulating and taxing the sale
26 of cannabis in Illinois; and

1 (6) encourage, promote, suggest, and report best
2 practices for ensuring diversity in the cannabis industry
3 in Illinois.

4 (c) The Illinois Cannabis Regulation Oversight Officer and
5 the Officer's staff shall not:

6 (1) participate in the issuance or award of any
7 cannabis business establishment license; or

8 (2) participate in discipline related to any cannabis
9 business establishment.

10 The Illinois Cannabis Regulation Officer is not prohibited
11 from coordinating with and making recommendations to agencies
12 regarding licensing and disciplinary policies and procedures.

13 (d) Any funding required for the Illinois Cannabis
14 Regulation Oversight Officer, its staff, or its activities
15 shall be drawn from the Cannabis Regulation Fund.

16 (e) The Illinois Cannabis Regulation Oversight Officer
17 shall commission and publish one or more disparity and
18 availability studies that: (1) evaluates whether there exists
19 discrimination in the State's cannabis industry; and (2) if
20 so, evaluates the impact of such discrimination on the State
21 and includes recommendations to the Commission ~~Department of~~
22 ~~Financial and Professional Regulation and the Department of~~
23 ~~Agriculture~~ for reducing or eliminating any identified
24 barriers to entry in the cannabis market. Such disparity and
25 availability studies shall examine each license type issued
26 pursuant to Sections 15-25, 15-30.1, or 15-35.20, subsection

1 (a) of Section 30-5, or subsection (a) of Section 35-5, and
2 shall be initiated within 180 days from the issuance of the
3 first of each license authorized by those Sections. The
4 results of each disparity and availability study shall be
5 reported to the General Assembly and the Governor no later
6 than 12 months after the commission of each study.

7 The Illinois Cannabis Regulation Oversight Officer shall
8 forward a copy of its findings and recommendations to the
9 Commission ~~Department of Financial and Professional~~
10 ~~Regulation, the Department of Agriculture,~~ the Department of
11 Commerce and Economic Opportunity, the General Assembly, and
12 the Governor.

13 (f) The Illinois Cannabis Regulation Oversight Officer may
14 compile, collect, or otherwise gather data necessary for the
15 administration of this Act and to carry out the Officer's duty
16 relating to the recommendation of policy changes. The Illinois
17 Cannabis Regulation Oversight Officer may direct the
18 Commission ~~Department of Agriculture, Department of Financial~~
19 ~~and Professional Regulation, Department of Public Health,~~
20 Department of Human Services, and Department of Commerce and
21 Economic Opportunity to assist in the compilation, collection,
22 and data gathering authorized pursuant to this subsection. The
23 Illinois Cannabis Regulation Oversight Officer shall compile
24 all of the data into a single report and submit the report to
25 the Governor and the General Assembly and publish the report
26 on its website.

1 (g) The Illinois Cannabis Regulation Oversight Officer,
2 the Illinois Cannabis Regulation Oversight Office, and all its
3 personnel and functions shall transfer to the Commission on or
4 as soon as practicable after July 1, 2022.

5 (h) Notwithstanding any other provision of law, the
6 Cannabis Regulation Oversight Officer shall serve as the
7 initial Executive Director of the Commission and shall have
8 the authority to carry out the functions for the oversight and
9 enforcement of this Act.

10 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21.)

11 (410 ILCS 705/5-50 new)

12 Sec. 5-50. Cannabis Equity and Oversight Commission.

13 (a) There is hereby created the Cannabis Equity and
14 Oversight Commission, consisting of 5 members to be appointed
15 by the Governor with the advice and consent of the Senate, no
16 more than 3 of whom shall be members of the same political
17 party at the time of appointment. In case of a vacancy in the
18 Commission office during the recess of the Senate, the
19 Governor shall make a temporary appointment until the next
20 meeting of the Senate, and the appointee shall hold his or her
21 office during the remainder of the term and until the
22 successor is qualified and appointed by the Governor. Each
23 member of the Commission shall hold office for a term of 5
24 years, beginning on the third Monday in January of the year in
25 which the predecessor's term expires.

1 Within 90 days, or as soon as practicable, after the
2 effective date of this amendatory Act of the 102nd General
3 Assembly, the Governor shall appoint 3 members of the
4 Commission. One member shall be designated as the chairperson
5 by a majority vote of the Commissioners. The Chairperson shall
6 serve as the chief executive officer of the Commission for the
7 purpose of ensuring that the Commission's policies are
8 properly executed. Within 180 days after the effective date of
9 this amendatory Act of the 102nd General Assembly, the
10 Governor shall appoint the remaining 2 members of the
11 Commission. At the expiration of the term of any Commissioner
12 the Governor shall reappoint the Commissioner or appoint a
13 successor of the Commissioner for a period of 5 years. The
14 Governor may fill vacancies in the office of any Commissioner.

15 Each Commissioner shall serve until a successor is
16 appointed and qualified, except that if the Senate refuses to
17 consent to the appointment of any Commissioner, such office
18 shall be deemed vacant, and within 2 weeks of the date the
19 Senate refuses to consent to the reappointment of any
20 Commissioner, such Commissioner shall vacate such office.

21 At least one Commissioner shall be an individual formerly
22 incarcerated for drug-related offenses or is a member of an
23 impacted family. At least 2 Commissioners shall reside in a
24 Disproportionately Impacted Area. At least 2 Commissioners
25 shall meet at least one of the following qualifications:

26 (1) A business owner in a regulated industry that is

1 not regulated under this Act.

2 (2) A medical professional with a background in
3 substance use and abuse, mental health, or toxicology.

4 (3) A background in legal, policy, or social justice
5 issues.

6 A majority of the Commissioners shall constitute a quorum
7 to transact business, but no vacancy shall impair the right of
8 the remaining Commissioners to exercise all of the powers of
9 the Commission. Every act of a majority of the Commissioners
10 shall be deemed to be the act of the Commission. The Commission
11 shall keep a record of all proceedings, transactions,
12 communications, and official acts of the Commission and who
13 shall serve as a custodian of all records and perform such
14 other duties as the Commission may prescribe.

15 Each Commissioner and the Executive Director, and each
16 person appointed by the Commission, shall, before entering
17 upon the duties of their office, take and subscribe to the
18 constitutional oath of office. The Executive Director and each
19 inspector, clerk, and other employee shall devote his or her
20 entire time to the duties of their office.

21 No person appointed as a Commissioner, Executive Director,
22 inspector, or other employee may, directly, individually, or
23 as a member of a partnership, or as a shareholder of a
24 corporation, have any financial interest whatsoever in the
25 manufacture, sale, or distribution of cannabis, nor receive
26 any compensation or profit therefrom, nor have any interest

1 whatsoever in the purchase or sale made by the persons
2 authorized to do so under this Act. No provision of this
3 Section shall prevent any Commissioner, Executive Director,
4 inspector, or other employee from purchasing and keeping in
5 his or her possession for their use or use of members of their
6 family or quest any cannabis product that may be purchased or
7 kept by any person by virtue of this Act.

8 No Commissioner, Executive Director, or person appointed
9 or employed by the Commission shall solicit or accept any
10 gift, gratuity, emolument, or employment from any person
11 subject to the provisions of this Act, or from any officer,
12 agent, or employee thereof, nor solicit, request from, or
13 recommend, directly or indirectly, to any such person. Every
14 officer, agent, or employee thereof is hereby forbidden to
15 offer to any Commissioner, Executive Director, or to any
16 person appointed or employed by the Commission any gift,
17 gratuity, emolument, or employment. If any Commissioner,
18 Executive Director, or any person appointed or employed by the
19 Commission shall violate any of the provisions of this
20 Section, that person shall be removed from the office or
21 employment they hold. A person who violates the provisions of
22 this Section shall be guilty of a Class A misdemeanor.

23 The Chairperson of the Commission shall receive an annual
24 salary of \$165,000 or such greater amount as may be set by the
25 Compensation Review Board. The other Commissioners shall
26 receive an annual salary of \$150,000 or such greater amount as

1 may be set by the Compensation Review Board. The Executive
2 Director of the Commission shall receive an annual salary of
3 \$175,000 or such greater amount as may be set by the
4 Compensation Review Board. All clerks, inspectors, and
5 employees of the Commission shall receive reasonable
6 compensation in an amount fixed by the Commission, subject to
7 the approval in writing of the Governor. The status and rights
8 of a transferred employee, and the rights of the State of
9 Illinois and its agencies, under the Personnel Code and
10 applicable collective bargaining agreements or under any
11 pension, retirement, or annuity plan are not affected (except
12 as provided in Sections 14-110 and 18-127 of the Illinois
13 Pension Code) by that transfer or by any other provision of
14 this amendatory Act of the 102nd General Assembly.

15 The Commission shall administer and enforce the provisions
16 of this Act relating to the oversight, licensing,
17 registration, and certification of dispensing organizations,
18 cultivation centers, craft growers, infuser organizations,
19 transporting organizations, laboratories, and agents,
20 including, but not limited to, the issuance of identification
21 cards and establishing limits on the potency or serving size
22 of cannabis or cannabis products. The Commission may suspend
23 or revoke the license of, or impose other penalties upon,
24 dispensing organizations, cultivation centers, craft growers,
25 infuser organizations, transporting organizations,
26 laboratories, and their principal officers, agents-in-charge,

1 and agents for violations of this Act or any rules adopted
2 under this Act.

3 (b) To provide for the expeditious and timely
4 implementation of the provisions of this amendatory Act of the
5 102nd General Assembly, the Commission may adopt emergency
6 rules in accordance with Section 5-45 by the of the Illinois
7 Administrative Procedure Act. The adoption of emergency rules
8 authorized by Section 5-45 and this Section is deemed to be
9 necessary for the public interest, safety, and welfare.

10 This subsection is inactive one year after the effective
11 date of this amendatory Act of the 102nd General Assembly.

12 (c) The Commission shall have following powers, functions,
13 and duties:

14 (1) To administer and enforce provisions of this Act
15 relating to the oversight, licensing, and registration of
16 dispensing organizations, cultivation centers, craft
17 growers, infuser organizations, transporting
18 organizations, and laboratories as well as any other
19 activity related to cannabis.

20 (2) To suspend or revoke the license of or otherwise
21 discipline dispensing organizations, cultivation centers,
22 craft growers, infuser organizations, transporting
23 organizations, and laboratories.

24 (3) To administer the Community College Cannabis
25 Vocational Pilot Program under Article 25.

26 (4) To establish by rule any fee required, including,

1 but not limited to, fees for cannabis business
2 establishments.

3 (5) To call upon other administrative departments of
4 the State, county and municipal governments, city police
5 departments, and prosecuting officers for such information
6 and assistance as the Commission deems necessary in the
7 performance of its duties.

8 (6) To establish market protections that protect
9 against unfair business practices, including, but not
10 limited to, price fixing, bid rigging, boycotts,
11 agreements to not compete, exclusive wholesale
12 arrangements for cannabis concentrate, cannabis flower,
13 cannabis infused products, and any product that is
14 licensed under this Act to ensure all license types have
15 equal access to the market without unfair competition.

16 (7) To establish market protections that protect
17 against unfair business practices and reduce or eliminate
18 any identified barriers to entry in the cannabis market
19 for cannabis business establishments owned by Social
20 Equity applicants and owners who qualify as Social Equity
21 applicants.

22 (8) To establish requirements for cannabis business
23 establishments and any other licenses, by rule, related to
24 public safety, including, but not limited to,
25 recordkeeping, security, destruction and disposal of
26 cannabis, storage, inventory, point of sale technology, or

1 operating procedures.

2 (9) To inspect, or cause to be inspected, randomly and
3 without prior notice any premises of cannabis business
4 establishments.

5 (10) To amend or expand the definition of a Social
6 Equity Applicant under this Act.

7 (11) To develop a noncompetitive application and
8 selection process for licensing cannabis business
9 establishments that may be similar to licensing under the
10 Illinois Liquor Control Act.

11 (12) To develop and disseminate educational materials
12 for purchasers based on recommendations received from the
13 Adult Use Cannabis Health Advisory Committee. The
14 Commission shall collaborate with the Department of Human
15 Services, the Department of Public Health, and the Adult
16 Use Cannabis Health Advisory Committee.

17 (13) To ensure that that a criminal history record
18 check of the prospective principal officers, board
19 members, and agents of a cannabis business establishment
20 applying for a license or agent identification card under
21 this Act is completed in cooperation with the Department
22 of Financial and Professional Regulation, the Department
23 of Agriculture, and the Illinois State Police.

24 (14) To provide technical assistance and financial
25 support, as well as any other actions the Commission may
26 deem necessary, to aid Social Equity Applicants, owners

1 who qualify as Social Equity Applicants, and Ancillary
2 Social Equity Businesses.

3 (15) To develop and disseminate educational materials
4 for purchasers based on recommendations received from the
5 Adult Use Cannabis Health Advisory Committee.

6 (16) To coordinate and cooperate with the Department
7 of Public Health on completion of goals that include, but
8 are not limited to, the following:

9 (A) Establish and maintain a confidential registry
10 of qualifying patients authorized to engage in the
11 medical use of cannabis and their caregivers.

12 (B) Distribute educational materials about the
13 health benefits and risks associated with the use of
14 cannabis prescription medications.

15 (C) Adopt rules establishing food handling
16 requirements for cannabis infused products that are
17 prepared for human consumption.

18 (17) To submit an annual report to the General
19 Assembly and the Governor, by September 30 of each year,
20 that does not disclose any identifying information about
21 cultivation centers, craft growers, infuser organizations,
22 transportation organizations, or dispensing organizations
23 but does contain, at a minimum, all of the following
24 information for the previous fiscal year:

25 (A) The number of licenses issued to cannabis
26 business establishments organizations by county, or,

1 in counties with greater than 3,000,000 residents, by
2 zip code.

3 (B) The total number of cannabis business
4 establishment organizations owners that are Social
5 Equity Applicants or minority persons, women, or
6 persons with disabilities as those terms are defined
7 under Section 2 of the Business Enterprise for
8 Minorities, Women, and Persons with Disabilities Act.

9 (C) The total number of revenues received from
10 cannabis business establishments, segregated from
11 revenues received from cannabis business
12 establishments under the Article 70, by county, and
13 separated by source of revenue.

14 (D) The total amount of revenue received from
15 dispensing organizations that share a premises or
16 majority ownership with a craft grower.

17 (E) The total amount of revenue received from
18 dispensing organizations that share a premises or
19 majority ownership with an infuser.

20 (F) The total amount of revenue received from
21 craft growers and infusers that share a premises or
22 majority ownership with a dispensing organization.

23 (G) The total amount of revenue received from
24 craft growers that share a premises or majority
25 ownership with an infuser, but do not share a premises
26 or ownership with a dispensary.

1 (H) The total amount of revenue received from
2 infusers that share a premises or majority ownership
3 with a craft grower, but do not share a premises or
4 ownership with a dispensary.

5 (I) The total amount of revenue received from
6 craft growers that share a premises or majority
7 ownership with a dispensing organization, but do not
8 share a premises or ownership with an infuser.

9 (J) The total amount of revenue received from
10 infusers that share a premises or majority ownership
11 with a dispensing organization, but do not share a
12 premises or ownership with a craft grower.

13 (K) The total amount of revenue received from
14 transporters.

15 (L) The total amount of revenue received from
16 cannabis business establishment organizations that
17 share a premises or majority ownership with other
18 cannabis business establishments.

19 (M) An analysis of revenue generated from
20 taxation, licensing, and other fees for the State,
21 including recommendations to change the tax rate
22 applied.

23 (18) To conduct or commission an annual survey of the
24 cannabis industry, to be completed on or before January 1
25 of each year. Each cannabis business establishment
26 licensed under this Act shall report to the Commission, on

1 a form to be provided by the Commission, information that
2 will allow the Commission to assess the extent of
3 diversity in the medical and adult use cannabis industry
4 and methods for reducing or eliminating any identified
5 barriers to entry, including access to capital. Failure of
6 a cannabis business establishment to respond to the
7 request to complete the form, survey, or any other request
8 for information may be grounds for disciplinary action by
9 the Commission. The information to be collected shall be
10 designed, at a minimum, to identify the following:

11 (A) The number and percentage of licenses provided
12 to Social Equity Applicants and to businesses owned by
13 minorities, women, veterans, and persons with
14 disabilities.

15 (B) The total number and percentage of employees
16 in the cannabis industry who meet the criteria in
17 subparagraphs (i) or (ii) of paragraph (3) of the
18 definition of Social Equity Applicant or who are
19 minorities, women, veterans, or persons with
20 disabilities.

21 (C) The total number and percentage of contractors
22 and subcontractors in the cannabis industry that meet
23 the definition of a Social Equity Applicant, are
24 persons who are minorities, women, veterans, or
25 persons with disabilities, and are owned by persons
26 who are minorities, women, veterans, or persons with

1 disabilities, if known to the cannabis business
2 establishment.

3 (D) Recommendations for reducing or eliminating
4 any identified barriers to entry, including access to
5 capital, in the cannabis industry.

6 (d) The Commission shall establish by rule the information
7 required in an initial application or renewal application for
8 an agent identification card for dispensing organizations,
9 cultivation centers, craft growers, infusers, transporters, or
10 any other organization that may be submitted under this Act
11 and the nonrefundable fee to accompany the initial application
12 or renewal application. The Commission shall also perform the
13 following:

14 (1) Verify the information contained in an initial
15 application or renewal application for an agent
16 identification card submitted under this Act and approve
17 or deny an application within 30 days after receiving a
18 completed initial application or renewal application and
19 all supporting documentation required by rule.

20 (2) Issue an agent identification card to a qualifying
21 agent within 15 business days after approving the initial
22 application or renewal application.

23 (3) Enter the license number of the cannabis business
24 establishment where the agent works.

25 (4) Allow for an electronic initial application and
26 renewal application process and provide a confirmation by

1 electronic or other methods that an application has been
2 submitted.

3 (e) An agent must always keep his or her identification
4 card visible when on the property of the cannabis business
5 establishment at which the agent is employed. The agent
6 identification cards shall contain the following:

7 (1) The name of the cardholder.

8 (2) The date of issuance and expiration date of the
9 identification card.

10 (3) A random 10-digit alphanumeric identification
11 number containing at least 4 numbers and at least 4
12 letters that is unique to the cardholder.

13 (4) A photograph of the cardholder.

14 An agent identification card shall be immediately returned
15 to the cannabis business establishment of the agent upon
16 termination of the agent's employment.

17 Any agent identification card that is lost shall be
18 reported to the Illinois State Police and the Commission
19 immediately upon discovery of the loss.

20 The Commission shall not issue an agent identification
21 card if the applicant is delinquent in filing any required tax
22 return or paying any amount owed to the State of Illinois.

23 (f) The Commission shall require every cannabis business
24 establishment to designate, at a minimum, one agent-in-charge
25 for each licensed cannabis business establishment. The
26 designated agent-in-charge must hold an agent identification

1 card. Maintaining an agent-in-charge is a continuing
2 requirement for the license, except as provided under
3 subsection (g).

4 The agent-in-charge shall be a principal officer or a
5 full-time agent of the cannabis business establishment and
6 shall manage the cannabis business establishment.

7 The agent-in-charge is responsible for promptly notifying
8 the Commission of any change of information required to be
9 reported to the Commission.

10 The agent-in-charge is responsible for notifying the
11 Commission of a change in the employment status of all
12 cannabis business establishment agents within 5 business days
13 after the change, including notice to the Commission if the
14 termination of an agent was for diversion of product or theft
15 of currency.

16 (g) If there is a separation of an agent-in-charge due to
17 death, incapacity, termination, or any other reason, and if
18 the cannabis business establishment does not have an active
19 agent-in-charge, the cannabis business establishment shall
20 immediately contact the Commission and request a temporary
21 certificate of authority allowing the continuing operation of
22 the cannabis business establishment. The request shall include
23 the name of an interim agent-in-charge until a replacement is
24 identified, or shall include the name of the replacement.

25 The Commission shall issue a temporary certificate of
26 authority promptly after it approves the request. If a

1 cannabis business establishment fails to promptly request a
2 temporary certificate of authority after the separation of the
3 agent-in-charge, its registration shall cease until the
4 Commission approves the temporary certificate of authority or
5 registers a new agent-in-charge.

6 No temporary certificate of authority shall be valid for
7 more than 90 days. The succeeding agent-in-charge shall
8 register with the Commission in compliance with this Article.

9 Once the permanent succeeding agent-in-charge is
10 registered with the Commission, the temporary certificate of
11 authority is void. No temporary certificate of authority shall
12 be issued for the separation of an agent-in-charge due to
13 disciplinary action by the Commission related to their conduct
14 on behalf of the cannabis business establishment.

15 (h) The cannabis business establishment agent-in-charge
16 registration shall expire one year from the date it is issued.
17 The agent-in-charge's registration shall be renewed annually.
18 The Commission shall review the compliance history of the
19 cannabis business establishment when determining whether to
20 grant the request to renew.

21 (i) Upon termination of an agent-in-charge's employment,
22 the cannabis business establishment shall immediately reclaim
23 the agent identification card. The cannabis business
24 establishment shall promptly return the identification card to
25 the Commission.

26 (j) The Commission may deny an application or renewal or

1 discipline or revoke an agent-in-charge identification card
2 for any of the following reasons:

3 (1) Submission of misleading, incorrect, false, or
4 fraudulent information in the application or renewal
5 application.

6 (2) Violation of the requirements of this Act or rules
7 adopted under this Act.

8 (3) Fraudulent use of the agent-in-charge
9 identification card.

10 (4) Selling, distributing, transferring in any manner,
11 or giving cannabis to any unauthorized person.

12 (5) Theft of cannabis, currency, or any other items
13 from a cannabis business establishment.

14 (6) Tampering with, falsifying, altering, modifying,
15 or duplicating an agent-in-charge identification card.

16 (7) Tampering with, falsifying, altering, or modifying
17 the surveillance video footage, point-of-sale system, or
18 the State's verification system.

19 (8) Failure to notify the Commission immediately upon
20 discovery that an agent-in-charge identification card has
21 been lost, stolen, or destroyed.

22 (9) Failure to notify the Commission within 5 business
23 days after a change in the information provided in the
24 application for an agent-in-charge identification card.

25 (10) Dispensing to purchasers in amounts above the
26 limits provided in this Act.

1 (11) Delinquency in filing any required tax returns or
2 paying any amount owed to the State of Illinois.

3 (k) Adult Use Dispensing Organization Licenses issued on
4 or before July 1, 2022 shall expire on March 31 of
5 even-numbered years. Adult Use Dispensing Organizations
6 Licenses issued after July 1, 2022 shall expire annually.
7 However, the Commission may determine by rule when an Adult
8 Use Dispensing Organization Licenses will expire.

9 (l) Licenses for dispensing organizations, cultivation
10 centers, craft growers, infuser organizations, and
11 transporting organizations shall be renewed annually, with the
12 licensed period running until one year after the date the
13 cannabis business establishment license is issued. A cannabis
14 business establishment shall receive written or electronic
15 notice of the expiration of its current license at least 90
16 days before its expiration.

17 (m) The Commission shall grant a renewal within 45 days
18 after submission of a complete renewal application if the
19 cannabis business establishment submits the following as
20 required under this Act or rules adopted under this Act:

21 (1) A renewal application as provided by the
22 Commission.

23 (2) Nonrefundable renewal fees, or another amount as
24 the Commission may set by rule after July 1, 2022, to be
25 deposited into the Cannabis Regulation Fund.

26 (3) Verification on a form provided by the Commission

1 of submission of an environmental impact report.

2 (4) Verification on a form provided by the Commission
3 that the annual diversity report issued by the Cannabis
4 Regulation Oversight Officer or the Commission was
5 completed and submitted.

6 (n) The Commission shall not grant a license renewal in
7 the following instances:

8 (1) If the license is currently under revocation or
9 suspension for violation of this Act or any rules adopted
10 under this Act, the licensee, principal officer, board
11 member, person has a financial or voting interest of 5% or
12 greater in the licensee, or an agent of the license holder
13 is delinquent in filing any required tax return or paying
14 any amount owed to the State of Illinois.

15 (2) If a cannabis business establishment fails to
16 renew its license before expiration, the cannabis business
17 establishment shall cease operation until the license is
18 renewed.

19 (o) Any cannabis business establishment that continues to
20 operate and that fails to renew its license is subject to
21 penalty as provided under Section 45-5 or any rules that may be
22 adopted under this Act.

23 (p) All fees and fines collected from the renewal of a
24 cannabis business establishment license shall be deposited
25 into the Cannabis Regulation Fund.

1 (410 ILCS 705/7-10)

2 Sec. 7-10. Cannabis Business Development Fund.

3 (a) There is created in the State treasury a special fund,
4 which shall be held separate and apart from all other State
5 moneys, to be known as the Cannabis Business Development Fund.
6 The Cannabis Business Development Fund shall be exclusively
7 used for the following purposes:

8 (1) to provide low-interest rate loans to Qualified
9 Social Equity Applicants to pay for ordinary and necessary
10 expenses to start and operate a cannabis business
11 establishment permitted by this Act;

12 (2) to provide grants to Qualified Social Equity
13 Applicants to pay for ordinary and necessary expenses to
14 start and operate a cannabis business establishment
15 permitted by this Act;

16 (3) to compensate the Department of Commerce and
17 Economic Opportunity for any costs related to the
18 provision of low-interest loans and grants to Qualified
19 Social Equity Applicants;

20 (4) to pay for outreach that may be provided or
21 targeted to attract and support Social Equity Applicants
22 and Qualified Social Equity Applicants;

23 (5) (blank);

24 (6) to conduct any study or research concerning the
25 participation of minorities, women, veterans, or people
26 with disabilities in the cannabis industry, including,

1 without limitation, barriers to such individuals entering
2 the industry as equity owners of cannabis business
3 establishments;

4 (7) (blank); and

5 (8) to assist with job training and technical
6 assistance for residents in Disproportionately Impacted
7 Areas.

8 (b) All moneys collected under Sections 15-15 and 15-20
9 for Early Approval Adult Use Dispensing Organization Licenses
10 issued before January 1, 2021 and remunerations made as a
11 result of transfers of permits awarded to Qualified Social
12 Equity Applicants shall be deposited into the Cannabis
13 Business Development Fund.

14 (c) As soon as practical after July 1, 2019, the
15 Comptroller shall order and the Treasurer shall transfer
16 \$12,000,000 from the Compassionate Use of Medical Cannabis
17 Fund to the Cannabis Business Development Fund. After July 1,
18 2022, the Comptroller shall order the transfer of the amount
19 specified in subsection (2.5) of subsection (c) of Section
20 6z-112 of the State Finance Act, which will serve as a
21 reoccurring revenue stream for the benefit of Social Equity
22 Applicants, Social Equity Applicant owners, and Ancillary
23 Social Equity Businesses.

24 (d) Notwithstanding any other law to the contrary, the
25 Cannabis Business Development Fund is not subject to sweeps,
26 administrative charge-backs, or any other fiscal or budgetary

1 maneuver that would in any way transfer any amounts from the
2 Cannabis Business Development Fund into any other fund of the
3 State.

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

5 (410 ILCS 705/7-15)

6 Sec. 7-15. Loans and grants to Social Equity Applicants
7 and Ancillary Social Equity Businesses.

8 (a) The Department of Commerce and Economic Opportunity
9 shall establish grant and loan programs, subject to
10 appropriations from the Cannabis Business Development Fund,
11 for the purposes of providing financial assistance, loans,
12 grants, ~~and technical assistance~~ to Social Equity Applicants.

13 (b) The Department of Commerce and Economic Opportunity
14 has the power to:

15 (1) provide Cannabis Social Equity loans and grants
16 from appropriations from the Cannabis Business Development
17 Fund to assist Qualified Social Equity Applicants in
18 gaining entry to, and successfully operating in, the
19 State's regulated cannabis marketplace;

20 (2) enter into agreements that set forth terms and
21 conditions of the financial assistance, accept funds or
22 grants, and engage in cooperation with financial
23 intermediaries, private entities, and agencies of State or
24 local government to carry out the purposes of this
25 Section;

1 (3) fix, determine, charge, and collect any premiums,
2 fees, charges, costs and expenses, including application
3 fees, commitment fees, program fees, financing charges, or
4 publication fees in connection with its activities under
5 this Section;

6 (4) coordinate assistance under these loan programs
7 with activities of the Illinois Department of Financial
8 and Professional Regulation, the Illinois Department of
9 Agriculture, the Commission, and other agencies as needed
10 to maximize the effectiveness and efficiency of this Act;

11 (5) provide staff, administration, and related support
12 required to administer this Section;

13 (6) take whatever actions are necessary or appropriate
14 to protect the State's interest in the event of
15 bankruptcy, default, foreclosure, or noncompliance with
16 the terms and conditions of financial assistance provided
17 under this Section, including the ability to recapture
18 funds if the recipient is found to be noncompliant with
19 the terms and conditions of the financial assistance
20 agreement;

21 (7) establish application, notification, contract, and
22 other forms, procedures, or rules deemed necessary and
23 appropriate;

24 ~~and~~

25 (7.5) enter into financial intermediary agreements
26 that facilitate lending to Qualified Social Equity

1 Applicants and Ancillary Social Equity Businesses, which
2 may provide for, but need not be limited to, participation
3 agreements in which the Department of Commerce and
4 Economic Opportunity purchases an undivided interest in a
5 loan, establishment of collateral support funds, financial
6 aid for loan loss reserve accounts, or similar forms of
7 support intended to leverage private investment; and

8 (8) utilize vendors or contract work to carry out the
9 purposes of this Act.

10 (c) Loans made under this Section:

11 (1) shall only be made if, in the Department's
12 judgment, the project furthers the goals set forth in this
13 Act; and

14 (2) shall be in such principal amount and form and
15 contain such terms and provisions with respect to
16 security, insurance, reporting, delinquency charges,
17 default remedies, and other matters as the Department
18 shall determine appropriate to protect the public interest
19 and to be consistent with the purposes of this Section.
20 The terms and provisions may be less than required for
21 similar loans not covered by this Section.

22 (d) Grants made under this Section shall be awarded on a
23 competitive and annual basis under the Grant Accountability
24 and Transparency Act. Grants made under this Section shall
25 further and promote the goals of this Act, including promotion
26 of Social Equity Applicants, job training and workforce

1 development, and technical assistance to Social Equity
2 Applicants. The Department of Commerce and Economic
3 Opportunity shall coordinate with the Commission and may enter
4 into intergovernmental agreements for the purposes of
5 establishing policies and administering the grant program.

6 (e) Beginning January 1, 2021 and each year thereafter,
7 the Department shall collaborate with the Commission on data
8 collection and reporting shall annually report to the Governor
9 and the General Assembly on the outcomes and effectiveness of
10 this Section that shall include the following:

11 (1) the number of persons or businesses receiving
12 financial assistance under this Section;

13 (2) the amount in financial assistance awarded in the
14 aggregate, in addition to the amount of loans made that
15 are outstanding and the amount of grants awarded;

16 (3) the location of the project engaged in by the
17 person or business; and

18 (4) if applicable, the number of new jobs and other
19 forms of economic output created as a result of the
20 financial assistance.

21 (f) The Department of Commerce and Economic Opportunity
22 shall include engagement with individuals with limited English
23 proficiency as part of its outreach provided or targeted to
24 attract and support Social Equity Applicants.

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

1 (410 ILCS 705/7-20)

2 Sec. 7-20. Fee waivers.

3 (a) For Social Equity Applicants, the Commission
4 ~~Department of Financial and Professional Regulation and the~~
5 ~~Department of Agriculture~~ shall waive 50% of any nonrefundable
6 license application fees, any nonrefundable fees associated
7 with purchasing a license to operate a cannabis business
8 establishment, and any surety bond or other financial
9 requirements, provided a Social Equity Applicant meets the
10 following qualifications at the time the payment is due:

11 (1) the applicant, including all individuals and
12 entities with 10% or greater ownership and all parent
13 companies, subsidiaries, and affiliates, has less than a
14 total of \$750,000 of income in the previous calendar year;
15 and

16 (2) the applicant, including all individuals and
17 entities with 10% or greater ownership and all parent
18 companies, subsidiaries, and affiliates, has no more than
19 2 other licenses for cannabis business establishments in
20 the State of Illinois.

21 (b) The Commission ~~Department of Financial and~~
22 ~~Professional Regulation and the Department of Agriculture~~ may
23 require Social Equity Applicants to attest that they meet the
24 requirements for a fee waiver as provided in subsection (a)
25 and to provide evidence of annual total income in the previous
26 calendar year.

1 (c) If the Commission ~~Department of Financial and~~
2 ~~Professional Regulation or the Department of Agriculture~~
3 determines that an applicant who applied as a Social Equity
4 Applicant is not eligible for such status, the applicant shall
5 be provided an additional 10 days to provide alternative
6 evidence that he or she qualifies as a Social Equity
7 Applicant. Alternatively, the applicant may pay the remainder
8 of the waived fee and be considered as a non-Social Equity
9 Applicant. If the applicant cannot do either, then the
10 Departments may keep the initial application fee and the
11 application shall not be graded.

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

13 (410 ILCS 705/7-25)

14 Sec. 7-25. Transfer of license awarded to Qualified Social
15 Equity Applicant.

16 (a) In the event a Qualified Social Equity Applicant seeks
17 to transfer, sell, or grant a cannabis business establishment
18 license within 5 years after it was issued to a person or
19 entity that does not qualify as a Social Equity Applicant, the
20 transfer agreement shall require the new license holder to pay
21 the Cannabis Business Development Fund an amount equal to:

22 (1) any fees that were waived by any State agency
23 based on the applicant's status as a Social Equity
24 Applicant, if applicable;

25 (2) any outstanding amount owed by the Qualified

1 Social Equity Applicant for a loan through the Cannabis
2 Business Development Fund, if applicable; and

3 (3) the full amount of any grants that the Qualified
4 Social Equity Applicant received from the Department of
5 Commerce and Economic Opportunity, if applicable.

6 (b) Transfers of cannabis business establishment licenses
7 awarded to a Social Equity Applicant are subject to all other
8 provisions of this Act, ~~the Compassionate Use of Medical~~
9 ~~Cannabis Program Act, and rules regarding transfers.~~

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

11 (410 ILCS 705/7-30)

12 Sec. 7-30. Reporting. By January 1, 2021, and on January 1
13 of every year thereafter, or upon request by the Illinois
14 Cannabis Regulation Oversight Officer, each cannabis business
15 establishment licensed under this Act ~~and the Compassionate~~
16 ~~Use of Medical Cannabis Program Act~~ shall report to the
17 Illinois Cannabis Regulation Oversight Officer, on a form to
18 be provided by the Illinois Cannabis Regulation Oversight
19 Officer, information that will allow it to assess the extent
20 of diversity in the medical and adult use cannabis industry
21 and methods for reducing or eliminating any identified
22 barriers to entry, including access to capital. Failure of a
23 cannabis business establishment to respond to the request of
24 the Cannabis Regulation Oversight Officer to complete the
25 form, report, and any other request for information may be

1 grounds for disciplinary action by the Commission ~~Department~~
2 ~~of Financial and Professional Regulation or the Department of~~
3 ~~Agriculture~~. The information to be collected shall be designed
4 to identify the following:

5 (1) the number and percentage of licenses provided to
6 Social Equity Applicants and to businesses owned by
7 minorities, women, veterans, and people with disabilities;

8 (2) the total number and percentage of employees in
9 the cannabis industry who meet the criteria in (3)(i) or
10 (3)(ii) in the definition of Social Equity Applicant or
11 who are minorities, women, veterans, or people with
12 disabilities;

13 (3) the total number and percentage of contractors and
14 subcontractors in the cannabis industry that meet the
15 definition of a Social Equity Applicant or who are owned
16 by minorities, women, veterans, or people with
17 disabilities, if known to the cannabis business
18 establishment; and

19 (4) recommendations on reducing or eliminating any
20 identified barriers to entry, including access to capital,
21 in the cannabis industry.

22 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21.)

23 (410 ILCS 705/10-5)

24 Sec. 10-5. Personal use of cannabis; restrictions on
25 cultivation; penalties.

1 (a) Beginning January 1, 2020, notwithstanding any other
2 provision of law, and except as otherwise provided in this
3 Act, the following acts are not a violation of this Act and
4 shall not be a criminal or civil offense under State law or the
5 ordinances of any unit of local government of this State or be
6 a basis for seizure or forfeiture of assets under State law for
7 persons other than natural individuals under 21 years of age:

8 (1) possession, consumption, use, purchase, obtaining,
9 or transporting cannabis paraphernalia or an amount of
10 cannabis for personal use that does not exceed the
11 possession limit under Section 10-10 or otherwise in
12 accordance with the requirements of this Act;

13 (2) cultivation of cannabis for personal use in
14 accordance with the requirements of this Act; and

15 (3) controlling property if actions that are
16 authorized by this Act occur on the property in accordance
17 with this Act.

18 (a-1) Beginning January 1, 2020, notwithstanding any other
19 provision of law, and except as otherwise provided in this
20 Act, possessing, consuming, using, purchasing, obtaining, or
21 transporting cannabis paraphernalia or an amount of cannabis
22 purchased or produced in accordance with this Act that does
23 not exceed the possession limit under subsection (a) of
24 Section 10-10 shall not be a basis for seizure or forfeiture of
25 assets under State law.

26 (b) Cultivating cannabis for personal use is subject to

1 the following limitations:

2 (1) An Illinois resident 21 years of age or older who
3 is a registered qualifying patient under the Compassionate
4 Use of Medical Cannabis Program ~~Act~~ may cultivate cannabis
5 plants, with a limit of 5 plants that are more than 5
6 inches tall, per household without a cultivation center or
7 craft grower license. In this Section, "resident" means a
8 person who has been domiciled in the State of Illinois for
9 a period of 30 days before cultivation.

10 (2) Cannabis cultivation must take place in an
11 enclosed, locked space.

12 (3) Adult registered qualifying patients may purchase
13 cannabis seeds from a dispensary for the purpose of home
14 cultivation. Seeds may not be given or sold to any other
15 person.

16 (4) Cannabis plants shall not be stored or placed in a
17 location where they are subject to ordinary public view,
18 as defined in this Act. A registered qualifying patient
19 who cultivates cannabis under this Section shall take
20 reasonable precautions to ensure the plants are secure
21 from unauthorized access, including unauthorized access by
22 a person under 21 years of age.

23 (5) Cannabis cultivation may occur only on residential
24 property lawfully in possession of the cultivator or with
25 the consent of the person in lawful possession of the
26 property. An owner or lessor of residential property may

1 prohibit the cultivation of cannabis by a lessee.

2 (6) (Blank).

3 (7) A dwelling, residence, apartment, condominium
4 unit, enclosed, locked space, or piece of property not
5 divided into multiple dwelling units shall not contain
6 more than 5 plants at any one time.

7 (8) Cannabis plants may only be tended by registered
8 qualifying patients who reside at the residence, or their
9 authorized agent attending to the residence for brief
10 periods, such as when the qualifying patient is
11 temporarily away from the residence.

12 (9) A registered qualifying patient who cultivates
13 more than the allowable number of cannabis plants, or who
14 sells or gives away cannabis plants, cannabis, or
15 cannabis-infused products produced under this Section, is
16 liable for penalties as provided by law, including the
17 Cannabis Control Act, in addition to loss of home
18 cultivation privileges as established by rule.

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

20 (410 ILCS 705/10-10)

21 Sec. 10-10. Possession limit.

22 (a) Except if otherwise authorized by this Act, for a
23 person who is 21 years of age or older and a resident of this
24 State, the possession limit is as follows:

25 (1) 30 grams of cannabis flower;

1 (2) no more than 500 milligrams of THC contained in
2 cannabis-infused product;

3 (3) 5 grams of cannabis concentrate; and

4 (4) for registered qualifying patients, any cannabis
5 produced by cannabis plants grown under subsection (b) of
6 Section 10-5, provided any amount of cannabis produced in
7 excess of 30 grams of raw cannabis or its equivalent must
8 remain secured within the residence or residential
9 property in which it was grown.

10 (b) For a person who is 21 years of age or older and who is
11 not a resident of this State, the possession limit is:

12 (1) 15 grams of cannabis flower;

13 (2) 2.5 grams of cannabis concentrate; and

14 (3) 250 milligrams of THC contained in a
15 cannabis-infused product.

16 (c) The possession limits found in subsections (a) and (b)
17 of this Section are to be considered cumulative.

18 (d) No person shall knowingly obtain, seek to obtain, or
19 possess an amount of cannabis from a dispensing organization
20 or craft grower that would cause him or her to exceed the
21 possession limit under this Section, including cannabis that
22 is cultivated by a person under this Act or obtained under the
23 Compassionate Use of Medical Cannabis Program ~~Act~~.

24 (e) Cannabis and cannabis-derived substances regulated
25 under the Industrial Hemp Act are not covered by this Act.

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

1 (410 ILCS 705/10-15)

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

3 (a) Nothing in this Act is intended to permit the transfer
4 of cannabis, with or without remuneration, to a person under
5 21 years of age, or to allow a person under 21 years of age to
6 purchase, possess, use, process, transport, grow, or consume
7 cannabis except where authorized by the Compassionate Use of
8 Medical Cannabis Program ~~Act~~ or by the Community College
9 Cannabis Vocational Pilot Program.

10 (b) Notwithstanding any other provisions of law
11 authorizing the possession of medical cannabis, nothing in
12 this Act authorizes a person who is under 21 years of age to
13 possess cannabis. A person under 21 years of age with cannabis
14 in his or her possession is guilty of a civil law violation as
15 outlined in paragraph (a) of Section 4 of the Cannabis Control
16 Act.

17 (c) If the person under the age of 21 was in a motor
18 vehicle at the time of the offense, the Secretary of State may
19 suspend or revoke the driving privileges of any person for a
20 violation of this Section under Section 6-206 of the Illinois
21 Vehicle Code and the rules adopted under it.

22 (d) It is unlawful for any parent or guardian to knowingly
23 permit his or her residence, any other private property under
24 his or her control, or any vehicle, conveyance, or watercraft
25 under his or her control to be used by an invitee of the

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

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

20 (410 ILCS 705/10-20)

21 Sec. 10-20. Identification; false identification; penalty.

22 (a) To protect personal privacy, the Commission ~~Department~~
23 ~~of Financial and Professional Regulation~~ shall not require a
24 purchaser to provide a dispensing organization with personal
25 information other than government-issued identification to

1 determine the purchaser's age, and a dispensing organization
2 shall not obtain and record personal information about a
3 purchaser without the purchaser's consent. A dispensing
4 organization shall use an electronic reader or electronic
5 scanning device to scan a purchaser's government-issued
6 identification, if applicable, to determine the purchaser's
7 age and the validity of the identification. Any identifying or
8 personal information of a purchaser obtained or received in
9 accordance with this Section shall not be retained, used,
10 shared or disclosed for any purpose except as authorized by
11 this Act.

12 (b) A person who is under 21 years of age may not present
13 or offer to a cannabis business establishment or the cannabis
14 business establishment's principal or employee any written or
15 oral evidence of age that is false, fraudulent, or not
16 actually the person's own, for the purpose of:

17 (1) purchasing, attempting to purchase, or otherwise
18 obtaining or attempting to obtain cannabis or any cannabis
19 product; or

20 (2) gaining access to a cannabis business
21 establishment.

22 (c) A violation of this Section is a Class A misdemeanor
23 consistent with Section 6-20 of the Liquor Control Act of
24 1934.

25 (d) The Secretary of State may suspend or revoke the
26 driving privileges of any person for a violation of this

1 Section under Section 6-206 of the Illinois Vehicle Code and
2 the rules adopted under it.

3 (e) No agent or employee of the licensee shall be
4 disciplined or discharged for selling or furnishing cannabis
5 or cannabis products to a person under 21 years of age if the
6 agent or employee demanded and was shown, before furnishing
7 cannabis or cannabis products to a person under 21 years of
8 age, adequate written evidence of age and identity of the
9 person. This subsection (e) does not apply if the agent or
10 employee accepted the written evidence knowing it to be false
11 or fraudulent. Adequate written evidence of age and identity
12 of the person is a document issued by a federal, State, county,
13 or municipal government, or subdivision or agency thereof,
14 including, but not limited to, a motor vehicle operator's
15 license, a registration certificate issued under the Military
16 Selective Service Act, or an identification card issued to a
17 member of the Armed Forces. Proof that the licensee or his or
18 her employee or agent was shown and reasonably relied upon
19 such written evidence in any transaction forbidden by this
20 Section is an affirmative defense in any criminal prosecution
21 therefor or to any proceedings for the suspension or
22 revocation of any license based thereon.

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

24 (410 ILCS 705/10-35)

25 Sec. 10-35. Limitations and penalties.

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

4 (1) undertaking any task under the influence of
5 cannabis when doing so would constitute negligence,
6 professional malpractice, or professional misconduct;

7 (2) possessing cannabis:

8 (A) in a school bus, unless permitted for a
9 qualifying patient or caregiver pursuant to the
10 Compassionate Use of Medical Cannabis Program ~~Act~~;

11 (B) on the grounds of any preschool or primary or
12 secondary school, unless permitted for a qualifying
13 patient or caregiver pursuant to the Compassionate Use
14 of Medical Cannabis Program ~~Act~~;

15 (C) in any correctional facility;

16 (D) in a vehicle not open to the public unless the
17 cannabis is in a reasonably secured, sealed or
18 resealable container and reasonably inaccessible while
19 the vehicle is moving; or

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

23 (3) using cannabis:

24 (A) in a school bus, unless permitted for a
25 qualifying patient or caregiver pursuant to the
26 Compassionate Use of Medical Cannabis Program ~~Act~~;

1 (B) on the grounds of any preschool or primary or
2 secondary school, unless permitted for a qualifying
3 patient or caregiver pursuant to the Compassionate Use
4 of Medical Cannabis Program ~~Act~~;

5 (C) in any correctional facility;

6 (D) in any motor vehicle;

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

10 (F) in any public place; or

11 (G) knowingly in close physical proximity to
12 anyone under 21 years of age who is not a registered
13 medical cannabis patient under the Compassionate Use
14 of Medical Cannabis Program ~~Act~~;

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

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

24 (6) facilitating the use of cannabis by any person who
25 is not allowed to use cannabis under this Act ~~or the~~
26 ~~Compassionate Use of Medical Cannabis Program Act~~;

1 (7) transferring cannabis to any person contrary to
2 this Act ~~or the Compassionate Use of Medical Cannabis~~
3 ~~Program Act;~~

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

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

25 As used in this Section, "public place" means any place
26 where a person could reasonably be expected to be observed by

1 others. "Public place" includes all parts of buildings owned
2 in whole or in part, or leased, by the State or a unit of local
3 government. "Public place" includes all areas in a park,
4 recreation area, wildlife area, or playground owned in whole
5 or in part, leased, or managed by the State or a unit of local
6 government. "Public place" does not include a private
7 residence unless the private residence is used to provide
8 licensed child care, foster care, or other similar social
9 service care on the premises.

10 (b) Nothing in this Act shall be construed to prevent the
11 arrest or prosecution of a person for reckless driving or
12 driving under the influence of cannabis, operating a
13 watercraft under the influence of cannabis, or operating a
14 snowmobile under the influence of cannabis if probable cause
15 exists.

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

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

24 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
25 102-98, eff. 7-15-21.)

1 (410 ILCS 705/10-40)

2 Sec. 10-40. Restore, Reinvest, and Renew Program.

3 (a) The General Assembly finds that in order to address
4 the disparities described below, aggressive approaches and
5 targeted resources to support local design and control of
6 community-based responses to these outcomes are required. To
7 carry out this intent, the Restore, Reinvest, and Renew (R3)
8 Program is created for the following purposes:

9 (1) to directly address the impact of economic
10 disinvestment, violence, and the historical overuse of
11 criminal justice responses to community and individual
12 needs by providing resources to support local design and
13 control of community-based responses to these impacts;

14 (2) to substantially reduce both the total amount of
15 gun violence and concentrated poverty in this State;

16 (3) to protect communities from gun violence through
17 targeted investments and intervention programs, including
18 economic growth and improving family violence prevention,
19 community trauma treatment rates, gun injury victim
20 services, and public health prevention activities;

21 (4) to promote employment infrastructure and capacity
22 building related to the social determinants of health in
23 the eligible community areas.

24 (b) In this Section, "Authority" means the Illinois
25 Criminal Justice Information Authority in coordination with
26 the Justice, Equity, and Opportunity Initiative of the

1 Lieutenant Governor's Office.

2 (c) Eligibility of R3 Areas. Within 180 days after the
3 effective date of this Act, the Authority shall identify as
4 eligible, areas in this State by way of historically
5 recognized geographic boundaries, to be designated by the
6 Restore, Reinvest, and Renew Program Board as R3 Areas and
7 therefore eligible to apply for R3 funding. Local groups
8 within R3 Areas will be eligible to apply for State funding
9 through the Restore, Reinvest, and Renew Program Board.
10 Qualifications for designation as an R3 Area are as follows:

11 (1) Based on an analysis of data, communities in this
12 State that are high need, underserved, disproportionately
13 impacted by historical economic disinvestment, and ravaged
14 by violence as indicated by the highest rates of gun
15 injury, unemployment, child poverty rates, and commitments
16 to and returns from the Illinois Department of
17 Corrections.

18 (2) The Authority shall send to the Legislative Audit
19 Commission and make publicly available its analysis and
20 identification of eligible R3 Areas and shall recalculate
21 the eligibility data every 4 years. On an annual basis,
22 the Authority shall analyze data and indicate if data
23 covering any R3 Area or portion of an Area has, for 4
24 consecutive years, substantially deviated from the average
25 of statewide data on which the original calculation was
26 made to determine the Areas, including disinvestment,

1 violence, gun injury, unemployment, child poverty rates,
2 or commitments to or returns from the Illinois Department
3 of Corrections.

4 (d) The Restore, Reinvest, and Renew Program Board shall
5 encourage collaborative partnerships within each R3 Area to
6 minimize multiple partnerships per Area.

7 (e) The Restore, Reinvest, and Renew Program Board is
8 created and shall reflect the diversity of the State of
9 Illinois, including geographic, racial, and ethnic diversity.
10 Using the data provided by the Authority, the Restore,
11 Reinvest, and Renew Program Board shall be responsible for
12 designating the R3 Area boundaries and for the selection and
13 oversight of R3 Area grantees. The Restore, Reinvest, and
14 Renew Program Board ex officio members shall, within 4 months
15 after the effective date of this Act, convene the Board to
16 appoint a full Restore, Reinvest, and Renew Program Board and
17 oversee, provide guidance to, and develop an administrative
18 structure for the R3 Program.

19 (1) The ex officio members are:

20 (A) The Lieutenant Governor, or his or her
21 designee, who shall serve as chair.

22 (B) The Attorney General, or his or her
23 designee.

24 (C) The Director of Commerce and Economic
25 Opportunity, or his or her designee.

26 (D) The Director of Public Health, or his or

1 her designee.

2 (E) The Director of Corrections, or his or her
3 designee.

4 (F) The Director of Juvenile Justice, or his
5 or her designee.

6 (G) The Director of Children and Family
7 Services, or his or her designee.

8 (H) The Executive Director of the Illinois
9 Criminal Justice Information Authority, or his or
10 her designee.

11 (I) The Director of Employment Security, or
12 his or her designee.

13 (J) The Secretary of Human Services, or his or
14 her designee.

15 (K) A member of the Senate, designated by the
16 President of the Senate.

17 (L) A member of the House of Representatives,
18 designated by the Speaker of the House of
19 Representatives.

20 (M) A member of the Senate, designated by the
21 Minority Leader of the Senate.

22 (N) A member of the House of Representatives,
23 designated by the Minority Leader of the House of
24 Representatives.

25 (2) Within 90 days after the R3 Areas have been
26 designated by the Restore, Reinvest, and Renew Program

1 Board, the following members shall be appointed to the
2 Board by the R3 board chair:

3 (A) Eight public officials of municipal geographic
4 jurisdictions in the State that include an R3 Area, or
5 their designees;

6 (B) Four community-based providers or community
7 development organization representatives who provide
8 services to treat violence and address the social
9 determinants of health, or promote community
10 investment, including, but not limited to, services
11 such as job placement and training, educational
12 services, workforce development programming, and
13 wealth building. The community-based organization
14 representatives shall work primarily in jurisdictions
15 that include an R3 Area and no more than 2
16 representatives shall work primarily in Cook County.
17 At least one of the community-based providers shall
18 have expertise in providing services to an immigrant
19 population;

20 (C) Two experts in the field of violence
21 reduction;

22 (D) One male who has previously been incarcerated
23 and is over the age of 24 at the time of appointment;

24 (E) One female who has previously been
25 incarcerated and is over the age of 24 at the time of
26 appointment;

1 (F) Two individuals who have previously been
2 incarcerated and are between the ages of 17 and 24 at
3 the time of appointment; and

4 (G) Eight individuals who live or work in an R3
5 Area.

6 As used in this paragraph (2), "an individual who has
7 been previously incarcerated" means a person who has been
8 convicted of or pled guilty to one or more felonies, who
9 was sentenced to a term of imprisonment, and who has
10 completed his or her sentence. Board members shall serve
11 without compensation and may be reimbursed for reasonable
12 expenses incurred in the performance of their duties from
13 funds appropriated for that purpose. Once all its members
14 have been appointed as outlined in items (A) through (F)
15 of this paragraph (2), the Board may exercise any power,
16 perform any function, take any action, or do anything in
17 furtherance of its purposes and goals upon the appointment
18 of a quorum of its members. The Board terms of the non-ex
19 officio and General Assembly Board members shall end 4
20 years from the date of appointment. The R3 board chair may
21 remove an individual appointed to the Board who does not
22 regularly attend Board meetings, based on criteria
23 approved by the Board.

24 (f) Within 12 months after the effective date of this Act,
25 the Board shall:

26 (1) develop a process to solicit applications from

1 eligible R3 Areas;

2 (2) develop a standard template for both planning and
3 implementation activities to be submitted by R3 Areas to
4 the State;

5 (3) identify resources sufficient to support the full
6 administration and evaluation of the R3 Program, including
7 building and sustaining core program capacity at the
8 community and State levels;

9 (4) review R3 Area grant applications and proposed
10 agreements and approve the distribution of resources;

11 (5) develop a performance measurement system that
12 focuses on positive outcomes;

13 (6) develop a process to support ongoing monitoring
14 and evaluation of R3 programs; and

15 (7) deliver an annual report to the General Assembly
16 and to the Governor to be posted on the Governor's Office
17 and General Assembly websites and provide to the public an
18 annual report on its progress.

19 (g) R3 Area grants.

20 (1) Grant funds shall be awarded by the Illinois
21 Criminal Justice Information Authority, in coordination
22 with the R3 board, based on the likelihood that the plan
23 will achieve the outcomes outlined in subsection (a) and
24 consistent with the requirements of the Grant
25 Accountability and Transparency Act, but compliance with
26 the Grant Accountability and Transparency Act is not a

1 necessary prerequisite for an organization to receive
2 funds. The R3 Program shall also facilitate the provision
3 of training and technical assistance for capacity building
4 within and among R3 Areas.

5 (2) R3 Program Board grants shall be used to address
6 economic development, violence prevention services,
7 re-entry services, youth development, and civil legal aid.

8 (3) The Restore, Reinvest, and Renew Program Board and
9 the R3 Area grantees shall, within a period of no more than
10 120 days from the completion of planning activities
11 described in this Section, finalize an agreement on the
12 plan for implementation. Implementation activities may:

13 (A) have a basis in evidence or best practice
14 research or have evaluations demonstrating the
15 capacity to address the purpose of the program in
16 subsection (a);

17 (B) collect data from the inception of planning
18 activities through implementation, with data
19 collection technical assistance when needed, including
20 cost data and data related to identified meaningful
21 short-term, mid-term, and long-term goals and metrics;

22 (C) report data to the Restore, Reinvest, and
23 Renew Program Board biannually; and

24 (D) report information as requested by the R3
25 Program Board.

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

1 102-98, eff. 7-15-21.)

2 (410 ILCS 705/10-45)

3 Sec. 10-45. Cannabis Equity Commission.

4 ~~(a)~~ The Cannabis Equity Commission is created and shall
5 reflect the diversity of the State of Illinois, including
6 geographic, racial, and ethnic diversity. The Cannabis Equity
7 Commission shall serve as an advisory board to the Cannabis
8 Equity and Oversight Commission. ~~be responsible for the~~
9 ~~following:~~

10 ~~(1) Ensuring that equity goals in the Illinois~~
11 ~~cannabis industry, as stated in Section 10-40, are met.~~

12 ~~(2) Tracking and analyzing minorities in the~~
13 ~~marketplace.~~

14 ~~(3) Ensuring that revenue is being invested properly~~
15 ~~into R3 areas under Section 10-40.~~

16 ~~(4) Recommending changes to make the law more~~
17 ~~equitable to communities harmed the most by the war on~~
18 ~~drugs.~~

19 ~~(5) Create standards to protect true social equity~~
20 ~~applicants from predatory businesses.~~

21 (b) The Cannabis Equity Commission's ex officio members
22 shall, within 4 months after the effective date of this
23 amendatory Act of the 101st General Assembly, convene the
24 Commission to appoint a full Cannabis Equity Commission and
25 oversee, provide guidance to, and develop an administrative

1 structure for the Cannabis Equity Commission. The ex officio
2 members are:

3 (1) The Governor, or his or her designee, who shall
4 serve as chair.

5 (2) The Attorney General, or his or her designee.

6 (3) The Director of Commerce and Economic Opportunity,
7 or his or her designee.

8 (4) The Director of Public Health, or his or her
9 designee.

10 (5) The Director of Corrections, or his or her
11 designee.

12 (6) The Director of Financial and Professional
13 Regulation, or his or her designee.

14 (7) The Director of Agriculture, or his or her
15 designee.

16 (8) The Executive Director of the Illinois Criminal
17 Justice Information Authority, or his or her designee.

18 (9) The Secretary of Human Services, or his or her
19 designee.

20 (10) A member of the Senate, designated by the
21 President of the Senate.

22 (11) A member of the House of Representatives,
23 designated by the Speaker of the House of Representatives.

24 (12) A member of the Senate, designated by the
25 Minority Leader of the Senate.

26 (13) A member of the House of Representatives,

1 designated by the Minority Leader of the House of
2 Representatives.

3 (c) Within 90 days after the ex officio members convene,
4 the following members shall be appointed to the Commission by
5 the chair:

6 (1) Four community-based providers or community
7 development organization representatives who provide
8 services to treat violence and address the social
9 determinants of health, or promote community investment,
10 including, but not limited to, services such as job
11 placement and training, educational services, workforce
12 development programming, and wealth building. No more than
13 2 community-based organization representatives shall work
14 primarily in Cook County. At least one of the
15 community-based providers shall have expertise in
16 providing services to an immigrant population.

17 (2) Two experts in the field of violence reduction.

18 (3) One male who has previously been incarcerated and
19 is over the age of 24 at the time of appointment.

20 (4) One female who has previously been incarcerated
21 and is over the age of 24 at the time of appointment.

22 (5) Two individuals who have previously been
23 incarcerated and are between the ages of 17 and 24 at the
24 time of appointment.

25 As used in this subsection (c), "an individual who has
26 been previously incarcerated" has the same meaning as defined

1 in paragraph (2) of subsection (e) of Section 10-40.

2 (Source: P.A. 101-658, eff. 3-23-21.)

3 (410 ILCS 705/10-50)

4 Sec. 10-50. Employment; employer liability.

5 (a) Nothing in this Act shall prohibit an employer from
6 adopting reasonable zero tolerance or drug free workplace
7 policies, or employment policies concerning drug testing,
8 smoking, consumption, storage, or use of cannabis in the
9 workplace or while on call provided that the policy is applied
10 in a nondiscriminatory manner.

11 (b) Nothing in this Act shall require an employer to
12 permit an employee to be under the influence of or use cannabis
13 in the employer's workplace or while performing the employee's
14 job duties or while on call.

15 (c) Nothing in this Act shall limit or prevent an employer
16 from disciplining an employee or terminating employment of an
17 employee for violating an employer's employment policies or
18 workplace drug policy.

19 (d) An employer may consider an employee to be impaired or
20 under the influence of cannabis if the employer has a good
21 faith belief that an employee manifests specific, articulable
22 symptoms while working that decrease or lessen the employee's
23 performance of the duties or tasks of the employee's job
24 position, including symptoms of the employee's speech,
25 physical dexterity, agility, coordination, demeanor,

1 irrational or unusual behavior, or negligence or carelessness
2 in operating equipment or machinery; disregard for the safety
3 of the employee or others, or involvement in any accident that
4 results in serious damage to equipment or property; disruption
5 of a production or manufacturing process; or carelessness that
6 results in any injury to the employee or others. If an employer
7 elects to discipline an employee on the basis that the
8 employee is under the influence or impaired by cannabis, the
9 employer must afford the employee a reasonable opportunity to
10 contest the basis of the determination.

11 (e) Nothing in this Act shall be construed to create or
12 imply a cause of action for any person against an employer for:

13 (1) actions taken pursuant to an employer's reasonable
14 workplace drug policy, including but not limited to
15 subjecting an employee or applicant to reasonable drug and
16 alcohol testing, reasonable and nondiscriminatory random
17 drug testing, and discipline, termination of employment,
18 or withdrawal of a job offer due to a failure of a drug
19 test;

20 (2) actions based on the employer's good faith belief
21 that an employee used or possessed cannabis in the
22 employer's workplace or while performing the employee's
23 job duties or while on call in violation of the employer's
24 employment policies;

25 (3) actions, including discipline or termination of
26 employment, based on the employer's good faith belief that

1 an employee was impaired as a result of the use of
2 cannabis, or under the influence of cannabis, while at the
3 employer's workplace or while performing the employee's
4 job duties or while on call in violation of the employer's
5 workplace drug policy; or

6 (4) injury, loss, or liability to a third party if the
7 employer neither knew nor had reason to know that the
8 employee was impaired.

9 (f) Nothing in this Act shall be construed to enhance or
10 diminish protections afforded by any other law, including but
11 not limited to the Compassionate Use of Medical Cannabis
12 Program ~~Act~~ or the Opioid Alternative Pilot Program.

13 (g) Nothing in this Act shall be construed to interfere
14 with any federal, State, or local restrictions on employment
15 including, but not limited to, the United States Department of
16 Transportation regulation 49 CFR 40.151(e) or impact an
17 employer's ability to comply with federal or State law or
18 cause it to lose a federal or State contract or funding.

19 (h) As used in this Section, "workplace" means the
20 employer's premises, including any building, real property,
21 and parking area under the control of the employer or area used
22 by an employee while in the performance of the employee's job
23 duties, and vehicles, whether leased, rented, or owned.
24 "Workplace" may be further defined by the employer's written
25 employment policy, provided that the policy is consistent with
26 this Section.

1 (i) For purposes of this Section, an employee is deemed
2 "on call" when such employee is scheduled with at least 24
3 hours' notice by his or her employer to be on standby or
4 otherwise responsible for performing tasks related to his or
5 her employment either at the employer's premises or other
6 previously designated location by his or her employer or
7 supervisor to perform a work-related task.

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

9 (410 ILCS 705/15-5)

10 Sec. 15-5. Authority.

11 (a) In this Article: 7

12 "Commission" means the Cannabis Equity and Oversight
13 Commission.

14 "Department" means the Department of Financial and
15 Professional Regulation.

16 (b) It is the duty of the Commission ~~Department~~ to
17 administer and enforce the provisions of this Act relating to
18 the licensure and oversight of dispensing organizations and
19 dispensing organization agents unless otherwise provided in
20 this Act.

21 (c) No person shall operate a dispensing organization for
22 the purpose of serving purchasers of cannabis or cannabis
23 products without a license issued under this Article by the
24 Commission ~~Department~~. No person shall be an officer,
25 director, manager, or employee of a dispensing organization

1 without having been issued a dispensing organization agent
2 card by the Commission ~~Department~~.

3 (d) Subject to the provisions of this Act, the Commission
4 ~~Department~~ may exercise the following powers and duties:

5 (1) Prescribe forms to be issued for the
6 administration and enforcement of this Article.

7 (2) Examine, inspect, and investigate the premises,
8 operations, and records of dispensing organization
9 applicants and licensees.

10 (3) Conduct investigations of possible violations of
11 this Act pertaining to dispensing organizations and
12 dispensing organization agents.

13 (4) Conduct hearings on proceedings to refuse to issue
14 or renew licenses or to revoke, suspend, place on
15 probation, reprimand, or otherwise discipline a license
16 under this Article or take other nondisciplinary action.

17 (5) Adopt rules required for the administration of
18 this Article.

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

20 (410 ILCS 705/15-15)

21 Sec. 15-15. Early Approval Adult Use Dispensing
22 Organization License.

23 (a) Any medical cannabis dispensing organization holding a
24 valid registration under the Compassionate Use of Medical
25 Cannabis Program ~~Act~~ as of the effective date of this Act may,

1 within 60 days of the effective date of this Act, apply to the
2 Commission ~~Department~~ for an Early Approval Adult Use
3 Dispensing Organization License to serve purchasers at any
4 medical cannabis dispensing location in operation on the
5 effective date of this Act, pursuant to this Section.

6 (b) A medical cannabis dispensing organization seeking
7 issuance of an Early Approval Adult Use Dispensing
8 Organization License to serve purchasers at any medical
9 cannabis dispensing location in operation as of the effective
10 date of this Act shall submit an application on forms provided
11 by the Commission ~~Department~~. The application must be
12 submitted by the same person or entity that holds the medical
13 cannabis dispensing organization registration and include the
14 following:

15 (1) Payment of a nonrefundable fee of \$30,000 to be
16 deposited into the Cannabis Regulation Fund;

17 (2) Proof of registration as a medical cannabis
18 dispensing organization that is in good standing;

19 (3) Certification that the applicant will comply with
20 the requirements contained in the Compassionate Use of
21 Medical Cannabis Program ~~Act~~ except as provided in this
22 Act;

23 (4) The legal name of the dispensing organization;

24 (5) The physical address of the dispensing
25 organization;

26 (6) The name, address, social security number, and

1 date of birth of each principal officer and board member
2 of the dispensing organization, each of whom must be at
3 least 21 years of age;

4 (7) A nonrefundable Cannabis Business Development Fee
5 equal to 3% of the dispensing organization's total sales
6 between June 1, 2018 to June 1, 2019, or \$100,000,
7 whichever is less, to be deposited into the Cannabis
8 Business Development Fund; and

9 (8) Identification of one of the following Social
10 Equity Inclusion Plans to be completed by March 31, 2021:

11 (A) Make a contribution of 3% of total sales from
12 June 1, 2018 to June 1, 2019, or \$100,000, whichever is
13 less, to the Cannabis Business Development Fund. This
14 is in addition to the fee required by item (7) of this
15 subsection (b);

16 (B) Make a grant of 3% of total sales from June 1,
17 2018 to June 1, 2019, or \$100,000, whichever is less,
18 to a cannabis industry training or education program
19 at an Illinois community college as defined in the
20 Public Community College Act;

21 (C) Make a donation of \$100,000 or more to a
22 program that provides job training services to persons
23 recently incarcerated or that operates in a
24 Disproportionately Impacted Area;

25 (D) Participate as a host in a cannabis business
26 establishment incubator program approved by the

1 Department of Commerce and Economic Opportunity, and
2 in which an Early Approval Adult Use Dispensing
3 Organization License holder agrees to provide a loan
4 of at least \$100,000 and mentorship to incubate, for
5 at least a year, a Social Equity Applicant intending
6 to seek a license or a licensee that qualifies as a
7 Social Equity Applicant. As used in this Section,
8 "incubate" means providing direct financial assistance
9 and training necessary to engage in licensed cannabis
10 industry activity similar to that of the host
11 licensee. The Early Approval Adult Use Dispensing
12 Organization License holder or the same entity holding
13 any other licenses issued pursuant to this Act shall
14 not take an ownership stake of greater than 10% in any
15 business receiving incubation services to comply with
16 this subsection. If an Early Approval Adult Use
17 Dispensing Organization License holder fails to find a
18 business to incubate to comply with this subsection
19 before its Early Approval Adult Use Dispensing
20 Organization License expires, it may opt to meet the
21 requirement of this subsection by completing another
22 item from this subsection; or

23 (E) Participate in a sponsorship program for at
24 least 2 years approved by the Department of Commerce
25 and Economic Opportunity in which an Early Approval
26 Adult Use Dispensing Organization License holder

1 agrees to provide an interest-free loan of at least
2 \$200,000 to a Social Equity Applicant. The sponsor
3 shall not take an ownership stake in any cannabis
4 business establishment receiving sponsorship services
5 to comply with this subsection.

6 (b-5) Beginning 90 days after the effective date of this
7 amendatory Act of the 102nd General Assembly, an Early
8 Approval Adult Use Dispensing Organization licensee whose
9 license was issued pursuant to this Section may apply to
10 relocate within the same geographic district where its
11 existing associated medical cannabis dispensing organization
12 dispensary licensed under the Compassionate Use of Medical
13 Cannabis ~~Act~~ is authorized to operate. A request to relocate
14 under this subsection is subject to approval by the Commission
15 ~~Department~~. An Early Approval Adult Use Dispensing
16 Organization's application to relocate its license under this
17 subsection shall be deemed approved 30 days following the
18 submission of a complete application to relocate, unless
19 sooner approved or denied in writing by the Commission
20 ~~Department~~. If an application to relocate is denied, the
21 Commission ~~Department~~ shall provide, in writing, the specific
22 reason for denial.

23 An Early Approval Adult Use Dispensing Organization may
24 request to relocate under this subsection if:

25 (1) its existing location is within the boundaries of
26 a unit of local government that prohibits the sale of

1 adult use cannabis; or

2 (2) the Early Approval Adult Use Dispensing
3 Organization has obtained the approval of the municipality
4 or, if outside the boundaries of a municipality in an
5 unincorporated area of the county, the approval of the
6 county where the existing license is located to move to
7 another location within that unit of local government.

8 At no time may an Early Approval Adult Use Dispensing
9 Organization dispensary licensed under this Section operate in
10 a separate facility from its associated medical cannabis
11 dispensing organization dispensary licensed under the
12 Compassionate Use of Medical Cannabis ~~Act~~. The relocation of
13 an Early Approval Adult Use Dispensing Organization License
14 under this subsection shall be subject to Sections 55-25 and
15 55-28 of this Act.

16 (c) The license fee required by paragraph (1) of
17 subsection (b) of this Section shall be in addition to any
18 license fee required for the renewal of a registered medical
19 cannabis dispensing organization license.

20 (d) Applicants must submit all required information,
21 including the requirements in subsection (b) of this Section,
22 to the Commission ~~Department~~. Failure by an applicant to
23 submit all required information may result in the application
24 being disqualified.

25 (e) If the Commission ~~Department~~ receives an application
26 that fails to provide the required elements contained in

1 subsection (b), the Commission ~~Department~~ shall issue a
2 deficiency notice to the applicant. The applicant shall have
3 10 calendar days from the date of the deficiency notice to
4 submit complete information. Applications that are still
5 incomplete after this opportunity to cure may be disqualified.

6 (f) If an applicant meets all the requirements of
7 subsection (b) of this Section, the Commission ~~Department~~
8 shall issue the Early Approval Adult Use Dispensing
9 Organization License within 14 days of receiving a completed
10 application unless:

11 (1) The licensee or a principal officer is delinquent
12 in filing any required tax returns or paying any amounts
13 owed to the State of Illinois;

14 (2) The Commission ~~Secretary of Financial and~~
15 ~~Professional Regulation~~ determines there is reason, based
16 on documented compliance violations, the licensee is not
17 entitled to an Early Approval Adult Use Dispensing
18 Organization License; or

19 (3) Any principal officer fails to register and remain
20 in compliance with this Act or the Compassionate Use of
21 Medical Cannabis Program ~~Act~~.

22 (g) A registered medical cannabis dispensing organization
23 that obtains an Early Approval Adult Use Dispensing
24 Organization License may begin selling cannabis,
25 cannabis-infused products, paraphernalia, and related items to
26 purchasers under the rules of this Act no sooner than January

1 1, 2020.

2 (h) A dispensing organization holding a medical cannabis
3 dispensing organization license issued under the Compassionate
4 Use of Medical Cannabis Program ~~Act~~ must maintain an adequate
5 supply of cannabis and cannabis-infused products for purchase
6 by qualifying patients, caregivers, provisional patients, and
7 Opioid Alternative Pilot Program participants. For the
8 purposes of this subsection, "adequate supply" means a monthly
9 inventory level that is comparable in type and quantity to
10 those medical cannabis products provided to patients and
11 caregivers on an average monthly basis for the 6 months before
12 the effective date of this Act.

13 (i) If there is a shortage of cannabis or cannabis-infused
14 products, a dispensing organization holding both a dispensing
15 organization license under the Compassionate Use of Medical
16 Cannabis Program ~~Act~~ and this Act shall prioritize serving
17 qualifying patients, caregivers, provisional patients, and
18 Opioid Alternative Pilot Program participants before serving
19 purchasers.

20 (j) Notwithstanding any law or rule to the contrary, a
21 person that holds a medical cannabis dispensing organization
22 license issued under the Compassionate Use of Medical Cannabis
23 Program ~~Act~~ and an Early Approval Adult Use Dispensing
24 Organization License may permit purchasers into a limited
25 access area as that term is defined in administrative rules
26 made under the authority in the Compassionate Use of Medical

1 Cannabis Program ~~Act~~.

2 (k) An Early Approval Adult Use Dispensing Organization
3 License is valid until March 31, 2021. A dispensing
4 organization that obtains an Early Approval Adult Use
5 Dispensing Organization License shall receive written or
6 electronic notice 90 days before the expiration of the license
7 that the license will expire, and that informs the license
8 holder that it may apply to renew its Early Approval Adult Use
9 Dispensing Organization License on forms provided by the
10 Commission ~~Department~~. The Commission ~~Department~~ shall renew
11 the Early Approval Adult Use Dispensing Organization License
12 within 60 days of the renewal application being deemed
13 complete if:

14 (1) the dispensing organization submits an application
15 and the required nonrefundable renewal fee of \$30,000, to
16 be deposited into the Cannabis Regulation Fund;

17 (2) the Commission ~~Department~~ has not suspended or
18 permanently revoked the Early Approval Adult Use
19 Dispensing Organization License or a medical cannabis
20 dispensing organization license on the same premises for
21 violations of this Act, the Compassionate Use of Medical
22 Cannabis Program ~~Act~~, or rules adopted pursuant to those
23 Acts;

24 (3) the dispensing organization has completed a Social
25 Equity Inclusion Plan as provided by parts (A), (B), and
26 (C) of paragraph (8) of subsection (b) of this Section or

1 has made substantial progress toward completing a Social
2 Equity Inclusion Plan as provided by parts (D) and (E) of
3 paragraph (8) of subsection (b) of this Section; and

4 (4) the dispensing organization is in compliance with
5 this Act and rules.

6 (l) The Early Approval Adult Use Dispensing Organization
7 License renewed pursuant to subsection (k) of this Section
8 shall expire March 31, 2022. The Early Approval Adult Use
9 Dispensing Organization Licensee shall receive written or
10 electronic notice 90 days before the expiration of the license
11 that the license will expire, and that informs the license
12 holder that it may apply for an Adult Use Dispensing
13 Organization License on forms provided by the Commission
14 ~~Department~~. The Commission ~~Department~~ shall grant an Adult Use
15 Dispensing Organization License within 60 days of an
16 application being deemed complete if the applicant has met all
17 of the criteria in Section 15-36.

18 (m) If a dispensing organization fails to submit an
19 application for renewal of an Early Approval Adult Use
20 Dispensing Organization License or for an Adult Use Dispensing
21 Organization License before the expiration dates provided in
22 subsections (k) and (l) of this Section, the dispensing
23 organization shall cease serving purchasers and cease all
24 operations until it receives a renewal or an Adult Use
25 Dispensing Organization License, as the case may be.

26 (n) A dispensing organization agent who holds a valid

1 dispensing organization agent identification card issued under
2 the Compassionate Use of Medical Cannabis Program ~~Act~~ and is
3 an officer, director, manager, or employee of the dispensing
4 organization licensed under this Section may engage in all
5 activities authorized by this Article to be performed by a
6 dispensing organization agent.

7 (o) If the Commission ~~Department~~ suspends, permanently
8 revokes, or otherwise disciplines the Early Approval Adult Use
9 Dispensing Organization License of a dispensing organization
10 that also holds a medical cannabis dispensing organization
11 license issued under the Compassionate Use of Medical Cannabis
12 Program ~~Act~~, the Commission ~~Department~~ may consider the
13 suspension, permanent revocation, or other discipline of the
14 medical cannabis dispensing organization license.

15 (p) All fees collected pursuant to this Section shall be
16 deposited into the Cannabis Regulation Fund, unless otherwise
17 specified.

18 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
19 102-98, eff. 7-15-21.)

20 (410 ILCS 705/15-20)

21 Sec. 15-20. Early Approval Adult Use Dispensing
22 Organization License; secondary site.

23 (a) Any medical cannabis dispensing organization holding a
24 valid registration under the Compassionate Use of Medical
25 Cannabis Program ~~Act~~ as of the effective date of this Act may,

1 within 60 days of the effective date of this Act, apply to the
2 Commission ~~Department~~ for an Early Approval Adult Use
3 Dispensing Organization License to operate a dispensing
4 organization to serve purchasers at a secondary site not
5 within 1,500 feet of another medical cannabis dispensing
6 organization or adult use dispensing organization. The Early
7 Approval Adult Use Dispensing Organization secondary site
8 shall be within any BLS Region that shares territory with the
9 dispensing organization district to which the medical cannabis
10 dispensing organization is assigned under the administrative
11 rules for dispensing organizations under the Compassionate Use
12 of Medical Cannabis Program ~~Act~~.

13 (a-5) If, within 360 days of the effective date of this
14 Act, a dispensing organization is unable to find a location
15 within the BLS Regions prescribed in subsection (a) of this
16 Section in which to operate an Early Approval Adult Use
17 Dispensing Organization at a secondary site because no
18 jurisdiction within the prescribed area allows the operation
19 of an Adult Use Cannabis Dispensing Organization, the
20 Commission ~~Department of Financial and Professional Regulation~~
21 may waive the geographic restrictions of subsection (a) of
22 this Section and specify another BLS Region into which the
23 dispensary may be placed.

24 (b) (Blank).

25 (c) A medical cannabis dispensing organization seeking
26 issuance of an Early Approval Adult Use Dispensing

1 Organization License at a secondary site to serve purchasers
2 at a secondary site as prescribed in subsection (a) of this
3 Section shall submit an application on forms provided by the
4 Commission ~~Department~~. The application must meet or include
5 the following qualifications:

6 (1) a payment of a nonrefundable application fee of
7 \$30,000;

8 (2) proof of registration as a medical cannabis
9 dispensing organization that is in good standing;

10 (3) submission of the application by the same person
11 or entity that holds the medical cannabis dispensing
12 organization registration;

13 (4) the legal name of the medical cannabis dispensing
14 organization;

15 (5) the physical address of the medical cannabis
16 dispensing organization and the proposed physical address
17 of the secondary site;

18 (6) a copy of the current local zoning ordinance
19 Sections relevant to dispensary operations and
20 documentation of the approval, the conditional approval or
21 the status of a request for zoning approval from the local
22 zoning office that the proposed dispensary location is in
23 compliance with the local zoning rules;

24 (7) a plot plan of the dispensary drawn to scale. The
25 applicant shall submit general specifications of the
26 building exterior and interior layout;

1 (8) a statement that the dispensing organization
2 agrees to respond to the Commission's ~~Department's~~
3 supplemental requests for information;

4 (9) for the building or land to be used as the proposed
5 dispensary:

6 (A) if the property is not owned by the applicant,
7 a written statement from the property owner and
8 landlord, if any, certifying consent that the
9 applicant may operate a dispensary on the premises; or

10 (B) if the property is owned by the applicant,
11 confirmation of ownership;

12 (10) a copy of the proposed operating bylaws;

13 (11) a copy of the proposed business plan that
14 complies with the requirements in this Act, including, at
15 a minimum, the following:

16 (A) a description of services to be offered; and

17 (B) a description of the process of dispensing
18 cannabis;

19 (12) a copy of the proposed security plan that
20 complies with the requirements in this Article, including:

21 (A) a description of the delivery process by which
22 cannabis will be received from a transporting
23 organization, including receipt of manifests and
24 protocols that will be used to avoid diversion, theft,
25 or loss at the dispensary acceptance point; and

26 (B) the process or controls that will be

1 implemented to monitor the dispensary, secure the
2 premises, agents, patients, and currency, and prevent
3 the diversion, theft, or loss of cannabis; and

4 (C) the process to ensure that access to the
5 restricted access areas is restricted to, registered
6 agents, service professionals, transporting
7 organization agents, Commission ~~Department~~ inspectors,
8 and security personnel;

9 (13) a proposed inventory control plan that complies
10 with this Section;

11 (14) the name, address, social security number, and
12 date of birth of each principal officer and board member
13 of the dispensing organization; each of those individuals
14 shall be at least 21 years of age;

15 (15) a nonrefundable Cannabis Business Development Fee
16 equal to \$200,000, to be deposited into the Cannabis
17 Business Development Fund; and

18 (16) a commitment to completing one of the following
19 Social Equity Inclusion Plans in subsection (d).

20 (d) Before receiving an Early Approval Adult Use
21 Dispensing Organization License at a secondary site, a
22 dispensing organization shall indicate the Social Equity
23 Inclusion Plan that the applicant plans to achieve before the
24 expiration of the Early Approval Adult Use Dispensing
25 Organization License from the list below:

26 (1) make a contribution of 3% of total sales from June

1 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to
2 the Cannabis Business Development Fund. This is in
3 addition to the fee required by paragraph (16) of
4 subsection (c) of this Section;

5 (2) make a grant of 3% of total sales from June 1, 2018
6 to June 1, 2019, or \$100,000, whichever is less, to a
7 cannabis industry training or education program at an
8 Illinois community college as defined in the Public
9 Community College Act;

10 (3) make a donation of \$100,000 or more to a program
11 that provides job training services to persons recently
12 incarcerated or that operates in a Disproportionately
13 Impacted Area;

14 (4) participate as a host in a cannabis business
15 establishment incubator program approved by the Department
16 of Commerce and Economic Opportunity, and in which an
17 Early Approval Adult Use Dispensing Organization License
18 at a secondary site holder agrees to provide a loan of at
19 least \$100,000 and mentorship to incubate, for at least a
20 year, a Social Equity Applicant intending to seek a
21 license or a licensee that qualifies as a Social Equity
22 Applicant. In this paragraph (4), "incubate" means
23 providing direct financial assistance and training
24 necessary to engage in licensed cannabis industry activity
25 similar to that of the host licensee. The Early Approval
26 Adult Use Dispensing Organization License holder or the

1 same entity holding any other licenses issued under this
2 Act shall not take an ownership stake of greater than 10%
3 in any business receiving incubation services to comply
4 with this subsection. If an Early Approval Adult Use
5 Dispensing Organization License at a secondary site holder
6 fails to find a business to incubate in order to comply
7 with this subsection before its Early Approval Adult Use
8 Dispensing Organization License at a secondary site
9 expires, it may opt to meet the requirement of this
10 subsection by completing another item from this subsection
11 before the expiration of its Early Approval Adult Use
12 Dispensing Organization License at a secondary site to
13 avoid a penalty; or

14 (5) participate in a sponsorship program for at least
15 2 years approved by the Department of Commerce and
16 Economic Opportunity in which an Early Approval Adult Use
17 Dispensing Organization License at a secondary site holder
18 agrees to provide an interest-free loan of at least
19 \$200,000 to a Social Equity Applicant. The sponsor shall
20 not take an ownership stake of greater than 10% in any
21 business receiving sponsorship services to comply with
22 this subsection.

23 (e) The license fee required by paragraph (1) of
24 subsection (c) of this Section is in addition to any license
25 fee required for the renewal of a registered medical cannabis
26 dispensing organization license.

1 (f) Applicants must submit all required information,
2 including the requirements in subsection (c) of this Section,
3 to the Commission ~~Department~~. Failure by an applicant to
4 submit all required information may result in the application
5 being disqualified. Principal officers shall not be required
6 to submit to the fingerprint and background check requirements
7 of Section 5-20.

8 (g) If the Commission ~~Department~~ receives an application
9 that fails to provide the required elements contained in
10 subsection (c), the Commission ~~Department~~ shall issue a
11 deficiency notice to the applicant. The applicant shall have
12 10 calendar days from the date of the deficiency notice to
13 submit complete information. Applications that are still
14 incomplete after this opportunity to cure may be disqualified.

15 (h) Once all required information and documents have been
16 submitted, the Commission ~~Department~~ will review the
17 application. The Commission ~~Department~~ may request revisions
18 and retains final approval over dispensary features. Once the
19 application is complete and meets the Commission's
20 ~~Department's~~ approval, the Commission ~~Department~~ shall
21 conditionally approve the license. Final approval is
22 contingent on the build-out and Commission ~~Department~~
23 inspection.

24 (i) Upon submission of the Early Approval Adult Use
25 Dispensing Organization at a secondary site application, the
26 applicant shall request an inspection and the Commission

1 ~~Department~~ may inspect the Early Approval Adult Use Dispensing
2 Organization's secondary site to confirm compliance with the
3 application and this Act.

4 (j) The Commission ~~Department~~ shall only issue an Early
5 Approval Adult Use Dispensing Organization License at a
6 secondary site after the completion of a successful
7 inspection.

8 (k) If an applicant passes the inspection under this
9 Section, the Commission ~~Department~~ shall issue the Early
10 Approval Adult Use Dispensing Organization License at a
11 secondary site within 10 business days unless:

12 (1) The licensee, any principal officer or board
13 member of the licensee, or any person having a financial
14 or voting interest of 5% or greater in the licensee is
15 delinquent in filing any required tax returns or paying
16 any amounts owed to the State of Illinois; or

17 (2) The Commission ~~Secretary of Financial and~~
18 ~~Professional Regulation~~ determines there is reason, based
19 on documented compliance violations, the licensee is not
20 entitled to an Early Approval Adult Use Dispensing
21 Organization License at its secondary site.

22 (l) Once the Commission ~~Department~~ has issued a license,
23 the dispensing organization shall notify the Commission
24 ~~Department~~ of the proposed opening date.

25 (m) A registered medical cannabis dispensing organization
26 that obtains an Early Approval Adult Use Dispensing

1 Organization License at a secondary site may begin selling
2 cannabis, cannabis-infused products, paraphernalia, and
3 related items to purchasers under the rules of this Act no
4 sooner than January 1, 2020.

5 (n) If there is a shortage of cannabis or cannabis-infused
6 products, a dispensing organization holding both a dispensing
7 organization license under the Compassionate Use of Medical
8 Cannabis Program ~~Act~~ and this Article shall prioritize serving
9 qualifying patients and caregivers before serving purchasers.

10 (o) An Early Approval Adult Use Dispensing Organization
11 License at a secondary site is valid until March 31, 2021. A
12 dispensing organization that obtains an Early Approval Adult
13 Use Dispensing Organization License at a secondary site shall
14 receive written or electronic notice 90 days before the
15 expiration of the license that the license will expire, and
16 inform the license holder that it may renew its Early Approval
17 Adult Use Dispensing Organization License at a secondary site.
18 The Commission ~~Department~~ shall renew an Early Approval Adult
19 Use Dispensing Organization License at a secondary site within
20 60 days of submission of the renewal application being deemed
21 complete if:

22 (1) the dispensing organization submits an application
23 and the required nonrefundable renewal fee of \$30,000, to
24 be deposited into the Cannabis Regulation Fund;

25 (2) the Commission ~~Department~~ has not suspended or
26 permanently revoked the Early Approval Adult Use

1 Dispensing Organization License or a medical cannabis
2 dispensing organization license held by the same person or
3 entity for violating this Act or rules adopted under this
4 Act ~~or the Compassionate Use of Medical Cannabis Program~~
5 ~~Act or rules adopted under that Act;~~ and

6 (3) the dispensing organization has completed a Social
7 Equity Inclusion Plan provided by paragraph (1), (2), or
8 (3) of subsection (d) of this Section or has made
9 substantial progress toward completing a Social Equity
10 Inclusion Plan provided by paragraph (4) or (5) of
11 subsection (d) of this Section.

12 (p) The Early Approval Adult Use Dispensing Organization
13 Licensee at a secondary site renewed pursuant to subsection
14 (o) shall receive written or electronic notice 90 days before
15 the expiration of the license that the license will expire,
16 and that informs the license holder that it may apply for an
17 Adult Use Dispensing Organization License on forms provided by
18 the Commission ~~Department~~. The Commission ~~Department~~ shall
19 grant an Adult Use Dispensing Organization License within 60
20 days of an application being deemed complete if the applicant
21 has meet all of the criteria in Section 15-36.

22 (q) If a dispensing organization fails to submit an
23 application for renewal of an Early Approval Adult Use
24 Dispensing Organization License or for an Adult Use Dispensing
25 Organization License before the expiration dates provided in
26 subsections (o) and (p) of this Section, the dispensing

1 organization shall cease serving purchasers until it receives
2 a renewal or an Adult Use Dispensing Organization License.

3 (r) A dispensing organization agent who holds a valid
4 dispensing organization agent identification card issued under
5 the Compassionate Use of Medical Cannabis Program ~~Act~~ and is
6 an officer, director, manager, or employee of the dispensing
7 organization licensed under this Section may engage in all
8 activities authorized by this Article to be performed by a
9 dispensing organization agent.

10 (s) If the Commission ~~Department~~ suspends, permanently
11 revokes, or otherwise disciplines the Early Approval Adult Use
12 Dispensing Organization License of a dispensing organization
13 that also holds a medical cannabis dispensing organization
14 license issued under the Compassionate Use of Medical Cannabis
15 Program ~~Act~~, the Commission ~~Department~~ may consider the
16 suspension, permanent revocation, or other discipline as
17 grounds to take disciplinary action against the medical
18 cannabis dispensing organization.

19 (t) All fees collected pursuant to this Section shall be
20 deposited into the Cannabis Regulation Fund, unless otherwise
21 specified.

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

23 (410 ILCS 705/15-30.20)

24 Sec. 15-30.20. Tied Applicant Lottery; additional
25 requirements; timing.

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

12 (b) The Commission ~~Department~~ shall publish the certified
13 results of a Tied Applicant Lottery within 2 business days
14 after the Tied Applicant Lottery is conducted.

15 (Source: P.A. 102-98, eff. 7-15-21.)

16 (410 ILCS 705/15-35.10)

17 Sec. 15-35.10. Social Equity Justice Involved Lottery for
18 Conditional Adult Use Dispensing Organization Licenses.

19 (a) In addition to any of the licenses issued under
20 Section 15-15, Section 15-20, Section 15-25, Section 15-30.20,
21 or Section 15-35, within 10 business days after the resulting
22 final scores for all scored applications pursuant to Sections
23 15-25 and 15-30 are released, the Commission ~~Department~~ shall
24 issue up to 55 Conditional Adult Use Dispensing Organization
25 Licenses by lot, pursuant to the application process adopted

1 under this Section. In order to be eligible to be awarded a
2 Conditional Adult Use Dispensing Organization License by lot,
3 a Dispensary Applicant must be a Qualifying Social Equity
4 Justice Involved Applicant.

5 The licenses issued under this Section shall be awarded in
6 each BLS Region in the following amounts:

- 7 (1) Bloomington: 1.
- 8 (2) Cape Girardeau: 1.
- 9 (3) Carbondale-Marion: 1.
- 10 (4) Champaign-Urbana: 1.
- 11 (5) Chicago-Naperville-Elgin: 36.
- 12 (6) Danville: 1.
- 13 (7) Davenport-Moline-Rock Island: 1.
- 14 (8) Decatur: 1.
- 15 (9) Kankakee: 1.
- 16 (10) Peoria: 2.
- 17 (11) Rockford: 1.
- 18 (12) St. Louis: 3.
- 19 (13) Springfield: 1.
- 20 (14) Northwest Illinois nonmetropolitan: 1.
- 21 (15) West Central Illinois nonmetropolitan: 1.
- 22 (16) East Central Illinois nonmetropolitan: 1.
- 23 (17) South Illinois nonmetropolitan: 1.

24 (a-5) Prior to issuing licenses under subsection (a), the
25 Commission ~~Department~~ may adopt rules through emergency
26 rulemaking in accordance with subsection (kk) of Section 5-45

1 of the Illinois Administrative Procedure Act. The General
2 Assembly finds that the adoption of rules to regulate cannabis
3 use is deemed an emergency and necessary for the public
4 interest, safety, and welfare.

5 (b) The Commission ~~Department~~ shall distribute the
6 available licenses established under this Section subject to
7 the following:

8 (1) The drawing by lot for all available licenses
9 established under this Section shall occur on the same day
10 when practicable.

11 (2) Within each BLS Region, the first Qualifying
12 Social Equity Justice Involved Applicant drawn will have
13 the first right to an available license. The second
14 Qualifying Social Equity Justice Involved Applicant drawn
15 will have the second right to an available license. The
16 same pattern will continue for each subsequent applicant
17 drawn.

18 (3) The process for distributing available licenses
19 under this Section shall be recorded by the Commission
20 ~~Department~~ in a format selected by the Commission
21 ~~Department~~.

22 (4) A Dispensary Applicant is prohibited from becoming
23 a Qualifying Social Equity Justice Involved Applicant if a
24 principal officer resigns after the resulting final scores
25 for all scored applications pursuant to Sections 15-25 and
26 15-30 are released.

1 (5) No Qualifying Social Equity Justice Involved
2 Applicant may be awarded more than 2 Conditional Adult Use
3 Dispensing Organization Licenses at the conclusion of a
4 lottery conducted under this Section.

5 (6) No individual may be listed as a principal officer
6 of more than 2 Conditional Adult Use Dispensing
7 Organization Licenses awarded under this Section.

8 (7) If, upon being selected for an available license
9 established under this Section, a Qualifying Social Equity
10 Justice Involved Applicant exceeds the limits under
11 paragraph (5) or (6), the Qualifying Social Equity Justice
12 Involved Applicant must choose which license to abandon
13 and notify the Commission ~~Department~~ in writing within 5
14 business days on forms prescribed by the Commission
15 ~~Department~~. If the Qualifying Social Equity Justice
16 Involved Applicant does not notify the Commission
17 ~~Department~~ as required, the Commission ~~Department~~ shall
18 refuse to issue the Qualifying Social Equity Justice
19 Involved Applicant all available licenses established
20 under this Section obtained by lot in all BLS Regions.

21 (8) If, upon being selected for an available license
22 established under this Section, a Qualifying Social Equity
23 Justice Involved Applicant has a principal officer who is
24 a principal officer in more than 10 Early Approval Adult
25 Use Dispensing Organization Licenses, Conditional Adult
26 Use Dispensing Organization Licenses, Adult Use Dispensing

1 Organization Licenses, or any combination thereof, the
2 licensees and the Qualifying Social Equity Justice
3 Involved Applicant listing that principal officer must
4 choose which license to abandon pursuant to subsection (d)
5 of Section 15-36 and notify the Commission ~~Department~~ in
6 writing within 5 business days on forms prescribed by the
7 Commission ~~Department~~. If the Dispensary Applicant or
8 licensees do not notify the Commission ~~Department~~ as
9 required, the Commission ~~Department~~ shall refuse to issue
10 the Qualifying Social Equity Justice Involved Applicant
11 all available licenses established under this Section
12 obtained by lot in all BLS Regions.

13 (9) All available licenses that have been abandoned
14 under paragraph (7) or (8) shall be distributed to the
15 next Qualifying Social Equity Justice Involved Applicant
16 drawn by lot.

17 Any and all rights conferred or obtained under this
18 subsection shall be limited to the provisions of this
19 subsection.

20 (c) An applicant who receives a Conditional Adult Use
21 Dispensing Organization License under this Section has 180
22 days from the date of the award to identify a physical location
23 for the dispensing organization's retail storefront. The
24 applicant shall provide evidence that the location is not
25 within 1,500 feet of an existing dispensing organization,
26 unless the applicant is a Social Equity Applicant or Social

1 Equity Justice Involved Applicant located or seeking to locate
2 within 1,500 feet of a dispensing organization licensed under
3 Section 15-15 or Section 15-20. If an applicant is unable to
4 find a suitable physical address in the opinion of the
5 Commission ~~Department~~ within 180 days from the issuance of the
6 Conditional Adult Use Dispensing Organization License, the
7 Commission ~~Department~~ may extend the period for finding a
8 physical address another 180 days if the Conditional Adult Use
9 Dispensing Organization License holder demonstrates a concrete
10 attempt to secure a location and a hardship. If the Commission
11 ~~Department~~ denies the extension or the Conditional Adult Use
12 Dispensing Organization License holder is unable to find a
13 location or become operational within 360 days of being
14 awarded a Conditional Adult Use Dispensing Organization
15 License under this Section, the Commission ~~Department~~ shall
16 rescind the Conditional Adult Use Dispensing Organization
17 License and award it pursuant to subsection (b) and notify the
18 new awardee at the email address provided in the awardee's
19 application, provided the applicant receiving the Conditional
20 Adult Use Dispensing Organization License: (i) confirms a
21 continued interest in operating a dispensing organization;
22 (ii) can provide evidence that the applicant continues to meet
23 all requirements for holding a Conditional Adult Use
24 Dispensing Organization License set forth in this Act; and
25 (iii) has not otherwise become ineligible to be awarded a
26 Conditional Adult Use Dispensing Organization License. If the

1 new awardee is unable to accept the Conditional Adult Use
2 Dispensing Organization License, the Commission ~~Department~~
3 shall award the Conditional Adult Use Dispensing Organization
4 License pursuant to subsection (b). The new awardee shall be
5 subject to the same required deadlines as provided in this
6 subsection.

7 (d) If, within 180 days of being awarded a Conditional
8 Adult Use Dispensing Organization License, a dispensing
9 organization is unable to find a location within the BLS
10 Region in which it was awarded a Conditional Adult Use
11 Dispensing Organization License under this Section because no
12 jurisdiction within the BLS Region allows for the operation of
13 an Adult Use Dispensing Organization, the Commission
14 ~~Department~~ may authorize the Conditional Adult Use Dispensing
15 Organization License holder to transfer its Conditional Adult
16 Use Dispensing Organization License to a BLS Region specified
17 by the Commission ~~Department~~.

18 (e) A dispensing organization that is awarded a
19 Conditional Adult Use Dispensing Organization License under
20 this Section shall not purchase, possess, sell, or dispense
21 cannabis or cannabis-infused products until the dispensing
22 organization has received an Adult Use Dispensing Organization
23 License issued by the Commission ~~Department~~ pursuant to
24 Section 15-36.

25 (f) The Commission ~~Department~~ shall conduct a background
26 check of the prospective dispensing organization agents in

1 order to carry out this Article. The Illinois State Police
2 shall charge the applicant a fee for conducting the criminal
3 history record check, which shall be deposited into the State
4 Police Services Fund and shall not exceed the actual cost of
5 the record check. Each person applying as a dispensing
6 organization agent shall submit a full set of fingerprints to
7 the Illinois State Police for the purpose of obtaining a State
8 and federal criminal records check. These fingerprints shall
9 be checked against the fingerprint records now and hereafter,
10 to the extent allowed by law, filed with the Illinois State
11 Police and the Federal Bureau of Investigation criminal
12 history records databases. The Illinois State Police shall
13 furnish, following positive identification, all Illinois
14 conviction information to the Commission ~~Department~~.

15 (g) The Commission ~~Department~~ may verify information
16 contained in each application and accompanying documentation
17 to assess the applicant's veracity and fitness to operate a
18 dispensing organization.

19 (h) The Commission ~~Department~~ may, in its discretion,
20 refuse to issue an authorization to an applicant who meets any
21 of the following criteria:

22 (1) An applicant who is unqualified to perform the
23 duties required of the applicant.

24 (2) An applicant who fails to disclose or states
25 falsely any information called for in the application.

26 (3) An applicant who has been found guilty of a

1 violation of this Act, who has had any disciplinary order
2 entered against the applicant by the Commission
3 ~~Department~~, who has entered into a disciplinary or
4 nondisciplinary agreement with the Commission ~~Department~~,
5 whose medical cannabis dispensing organization, medical
6 cannabis cultivation organization, Early Approval Adult
7 Use Dispensing Organization License, Early Approval Adult
8 Use Dispensing Organization License at a secondary site,
9 Early Approval Cultivation Center License, Conditional
10 Adult Use Dispensing Organization License, or Adult Use
11 Dispensing Organization License was suspended, restricted,
12 revoked, or denied for just cause, or whose cannabis
13 business establishment license was suspended, restricted,
14 revoked, or denied in any other state.

15 (4) An applicant who has engaged in a pattern or
16 practice of unfair or illegal practices, methods, or
17 activities in the conduct of owning a cannabis business
18 establishment or other business.

19 (i) The Commission ~~Department~~ shall deny the license if
20 any principal officer, board member, or person having a
21 financial or voting interest of 5% or greater in the licensee
22 is delinquent in filing any required tax return or paying any
23 amount owed to the State of Illinois.

24 (j) The Commission ~~Department~~ shall verify an applicant's
25 compliance with the requirements of this Article and rules
26 adopted under this Article before issuing a Conditional Adult

1 Use Dispensing Organization License.

2 (k) If an applicant is awarded a Conditional Adult Use
3 Dispensing Organization License under this Section, the
4 information and plans provided in the application, including
5 any plans submitted for bonus points, shall become a condition
6 of the Conditional Adult Use Dispensing Organization License
7 and any Adult Use Dispensing Organization License issued to
8 the holder of the Conditional Adult Use Dispensing
9 Organization License, except as otherwise provided by this Act
10 or by rule. Dispensing organizations have a duty to disclose
11 any material changes to the application. The Commission
12 ~~Department~~ shall review all material changes disclosed by the
13 dispensing organization and may reevaluate its prior decision
14 regarding the awarding of a Conditional Adult Use Dispensing
15 Organization License, including, but not limited to,
16 suspending or permanently revoking a Conditional Adult Use
17 Dispensing Organization License. Failure to comply with the
18 conditions or requirements in the application may subject the
19 dispensing organization to discipline up to and including
20 suspension or permanent revocation of its authorization or
21 Conditional Adult Use Dispensing Organization License by the
22 Commission ~~Department~~.

23 (l) If an applicant has not begun operating as a
24 dispensing organization within one year after the issuance of
25 the Conditional Adult Use Dispensing Organization License
26 under this Section, the Commission ~~Department~~ may permanently

1 revoke the Conditional Adult Use Dispensing Organization
2 License and award it to the next highest scoring applicant in
3 the BLS Region if a suitable applicant indicates a continued
4 interest in the Conditional Adult Use Dispensing Organization
5 License or may begin a new selection process to award a
6 Conditional Adult Use Dispensing Organization License.

7 (Source: P.A. 102-98, eff. 7-15-21.)

8 (410 ILCS 705/15-35.20)

9 Sec. 15-35.20. Conditional Adult Use Dispensing
10 Organization Licenses on or after January 1, 2022.

11 (a) In addition to any of the licenses issued under
12 Section 15-15, Section 15-20, Section 15-25, Section 15-35, or
13 Section 15-35.10, by January 1, 2022, the Commission
14 ~~Department~~ may publish an application to issue additional
15 Conditional Adult Use Dispensing Organization Licenses, and
16 the Department shall collaborate with the Commission to
17 complete the issuance of licenses under this Section, pursuant
18 to the application process adopted under this Section. The
19 Commission and the Department may adopt rules to issue any
20 Conditional Adult Use Dispensing Organization Licenses under
21 this Section. Such rules may:

22 (1) Modify or change the BLS Regions as they apply to
23 this Article or modify or raise the number of Adult
24 Conditional Use Dispensing Organization Licenses assigned
25 to each BLS Region based on the following factors:

1 (A) Purchaser wait times.

2 (B) Travel time to the nearest dispensary for
3 potential purchasers.

4 (C) Percentage of cannabis sales occurring in
5 Illinois not in the regulated market using data from
6 the Substance Abuse and Mental Health Services
7 Administration, National Survey on Drug Use and
8 Health, Illinois Behavioral Risk Factor Surveillance
9 System, and tourism data from the Illinois Office of
10 Tourism to ascertain total cannabis consumption in
11 Illinois compared to the amount of sales in licensed
12 dispensing organizations.

13 (D) Whether there is an adequate supply of
14 cannabis and cannabis-infused products to serve
15 registered medical cannabis patients.

16 (E) Population increases or shifts.

17 (F) Density of dispensing organizations in a
18 region.

19 (G) The Commission's ~~Department's~~ capacity to
20 appropriately regulate additional licenses.

21 (H) The findings and recommendations from the
22 disparity and availability study commissioned by the
23 Illinois Cannabis Regulation Oversight Officer in
24 subsection (e) of Section 5-45 to reduce or eliminate
25 any identified barriers to entry in the cannabis
26 industry.

1 (I) Any other criteria the Commission ~~Department~~
2 deems relevant.

3 (2) Modify or change the licensing application process
4 to reduce or eliminate the barriers identified in the
5 disparity and availability study commissioned by the
6 Illinois Cannabis Regulation Oversight Officer and make
7 modifications to remedy evidence of discrimination.

8 (b) At no time shall the Commission ~~Department~~ issue more
9 than 500 Adult Use Dispensing Organization Licenses.

10 (c) The Commission ~~Department~~ shall issue at least 50
11 additional Conditional Adult Use Dispensing Organization
12 Licenses on or before December 21, 2022.

13 (Source: P.A. 102-98, eff. 7-15-21.)

14 (410 ILCS 705/15-55)

15 Sec. 15-55. Financial responsibility. Evidence of
16 financial responsibility is a requirement for the issuance,
17 maintenance, or reactivation of a license under this Article.
18 Evidence of financial responsibility shall be used to
19 guarantee that the dispensing organization timely and
20 successfully completes dispensary construction, operates in a
21 manner that provides an uninterrupted supply of cannabis,
22 faithfully pays registration renewal fees, keeps accurate
23 books and records, makes regularly required reports, complies
24 with State tax requirements, and conducts the dispensing
25 organization in conformity with this Act and rules. Evidence

1 of financial responsibility shall be provided by one of the
2 following:

3 (1) Establishing and maintaining an escrow or surety
4 account in a financial institution in the amount of
5 \$50,000, with escrow terms, approved by the Commission
6 ~~Department~~, that it shall be payable to the Commission
7 ~~Department~~ in the event of circumstances outlined in this
8 Act and rules.

9 (A) A financial institution may not return money
10 in an escrow or surety account to the dispensing
11 organization that established the account or a
12 representative of the organization unless the
13 organization or representative presents a statement
14 issued by the Commission ~~Department~~ indicating that
15 the account may be released.

16 (B) The escrow or surety account shall not be
17 canceled on less than 30 days' notice in writing to the
18 Commission ~~Department~~, unless otherwise approved by
19 the Commission ~~Department~~. If an escrow or surety
20 account is canceled and the registrant fails to secure
21 a new account with the required amount on or before the
22 effective date of cancellation, the registrant's
23 registration may be permanently revoked. The total and
24 aggregate liability of the surety on the bond is
25 limited to the amount specified in the escrow or
26 surety account.

1 (2) Providing a surety bond in the amount of \$50,000,
2 naming the dispensing organization as principal of the
3 bond, with terms, approved by the Commission ~~Department~~,
4 that the bond defaults to the Commission ~~Department~~ in the
5 event of circumstances outlined in this Act and rules.
6 Bond terms shall include:

7 (A) The business name and registration number on
8 the bond must correspond exactly with the business
9 name and registration number in the Commission's
10 ~~Department's~~ records.

11 (B) The bond must be written on a form approved by
12 the Commission ~~Department~~.

13 (C) A copy of the bond must be received by the
14 Commission ~~Department~~ within 90 days after the
15 effective date.

16 (D) The bond shall not be canceled by a surety on
17 less than 30 days' notice in writing to the Commission
18 ~~Department~~. If a bond is canceled and the registrant
19 fails to file a new bond with the Commission
20 ~~Department~~ in the required amount on or before the
21 effective date of cancellation, the registrant's
22 registration may be permanently revoked. The total and
23 aggregate liability of the surety on the bond is
24 limited to the amount specified in the bond.

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

1 (410 ILCS 705/15-75)

2 Sec. 15-75. Inventory control system. (a) A dispensing
3 organization agent-in-charge shall have primary oversight of
4 the dispensing organization's cannabis inventory verification
5 system, and its point-of-sale system. The inventory
6 point-of-sale system shall be real-time, web-based, and
7 accessible by the Commission ~~Department~~ at any time. The
8 point-of-sale system shall track, at a minimum the date of
9 sale, amount, price, and currency.

10 (b) A dispensing organization shall establish an account
11 with the State's verification system that documents:

12 (1) Each sales transaction at the time of sale and
13 each day's beginning inventory, acquisitions, sales,
14 disposal, and ending inventory.

15 (2) Acquisition of cannabis and cannabis-infused
16 products from a licensed adult use cultivation center,
17 craft grower, infuser, or transporter, including:

18 (i) A description of the products, including the
19 quantity, strain, variety, and batch number of each
20 product received;

21 (ii) The name and registry identification number
22 of the licensed adult use cultivation center, craft
23 grower, or infuser providing the cannabis and
24 cannabis-infused products;

25 (iii) The name and registry identification number
26 of the licensed adult use cultivation center, craft

1 grower, infuser, or transporting agent delivering the
2 cannabis;

3 (iv) The name and registry identification number
4 of the dispensing organization agent receiving the
5 cannabis; and

6 (v) The date of acquisition.

7 (3) The disposal of cannabis, including:

8 (i) A description of the products, including the
9 quantity, strain, variety, batch number, and reason
10 for the cannabis being disposed;

11 (ii) The method of disposal; and

12 (iii) The date and time of disposal.

13 (c) Upon cannabis delivery, a dispensing organization
14 shall confirm the product's name, strain name, weight, and
15 identification number on the manifest matches the information
16 on the cannabis product label and package. The product name
17 listed and the weight listed in the State's verification
18 system shall match the product packaging.

19 (d) The agent-in-charge shall conduct daily inventory
20 reconciliation documenting and balancing cannabis inventory by
21 confirming the State's verification system matches the
22 dispensing organization's point-of-sale system and the amount
23 of physical product at the dispensary.

24 (1) A dispensing organization must receive Commission
25 ~~Department~~ approval before completing an inventory
26 adjustment. It shall provide a detailed reason for the

1 adjustment. Inventory adjustment documentation shall be
2 kept at the dispensary for 2 years from the date
3 performed.

4 (2) If the dispensing organization identifies an
5 imbalance in the amount of cannabis after the daily
6 inventory reconciliation due to mistake, the dispensing
7 organization shall determine how the imbalance occurred
8 and immediately upon discovery take and document
9 corrective action. If the dispensing organization cannot
10 identify the reason for the mistake within 2 calendar days
11 after first discovery, it shall inform the Commission
12 ~~Department~~ immediately in writing of the imbalance and the
13 corrective action taken to date. The dispensing
14 organization shall work diligently to determine the reason
15 for the mistake.

16 (3) If the dispensing organization identifies an
17 imbalance in the amount of cannabis after the daily
18 inventory reconciliation or through other means due to
19 theft, criminal activity, or suspected criminal activity,
20 the dispensing organization shall immediately determine
21 how the reduction occurred and take and document
22 corrective action. Within 24 hours after the first
23 discovery of the reduction due to theft, criminal
24 activity, or suspected criminal activity, the dispensing
25 organization shall inform the Commission ~~Department~~ and
26 the Illinois State Police in writing.

1 (4) The dispensing organization shall file an annual
2 compilation report with the Commission ~~Department~~,
3 including a financial statement that shall include, but
4 not be limited to, an income statement, balance sheet,
5 profit and loss statement, statement of cash flow,
6 wholesale cost and sales, and any other documentation
7 requested by the Commission ~~Department~~ in writing. The
8 financial statement shall include any other information
9 the Commission ~~Department~~ deems necessary in order to
10 effectively administer this Act and all rules, orders, and
11 final decisions promulgated under this Act. Statements
12 required by this Section shall be filed with the
13 Commission ~~Department~~ within 60 days after the end of the
14 calendar year. The compilation report shall include a
15 letter authored by a licensed certified public accountant
16 that it has been reviewed and is accurate based on the
17 information provided. The dispensing organization,
18 financial statement, and accompanying documents are not
19 required to be audited unless specifically requested by
20 the Commission ~~Department~~.

21 (e) A dispensing organization shall:

22 (1) Maintain the documentation required in this
23 Section in a secure locked location at the dispensing
24 organization for 5 years from the date on the document;

25 (2) Provide any documentation required to be
26 maintained in this Section to the Commission ~~Department~~

1 for review upon request; and

2 (3) If maintaining a bank account, retain for a period
3 of 5 years a record of each deposit or withdrawal from the
4 account.

5 (f) If a dispensing organization chooses to have a return
6 policy for cannabis and cannabis products, the dispensing
7 organization shall seek prior approval from the Commission
8 ~~Department~~.

9 (g) The Commission may change the storage requirements for
10 dispensing cannabis by rule.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
12 102-538, eff. 8-20-21.)

13 (410 ILCS 705/15-80)

14 Sec. 15-80. Storage requirements. (a) Authorized
15 on-premises storage. A dispensing organization must store
16 inventory on its premises. All inventory stored on the
17 premises must be secured in a restricted access area and
18 tracked consistently with the inventory tracking rules.

19 (b) A dispensary shall be of suitable size and
20 construction to facilitate cleaning, maintenance, and proper
21 operations.

22 (c) A dispensary shall maintain adequate lighting,
23 ventilation, temperature, humidity control, and equipment.

24 (d) Containers storing cannabis that have been tampered
25 with, damaged, or opened shall be labeled with the date opened

1 and quarantined from other cannabis products in the vault
2 until they are disposed.

3 (e) Cannabis that was tampered with, expired, or damaged
4 shall not be stored at the premises for more than 7 calendar
5 days.

6 (f) Cannabis samples shall be in a sealed container.
7 Samples shall be maintained in the restricted access area.

8 (g) The dispensary storage areas shall be maintained in
9 accordance with the security requirements in this Act and
10 rules.

11 (h) Cannabis must be stored at appropriate temperatures
12 and under appropriate conditions to help ensure that its
13 packaging, strength, quality, and purity are not adversely
14 affected.

15 (i) The Commission may change the storage requirements for
16 dispensing cannabis by rule.

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

18 (410 ILCS 705/15-85)

19 Sec. 15-85. Dispensing cannabis. (a) Before a
20 dispensing organization agent dispenses cannabis to a
21 purchaser, the agent shall:

22 (1) Verify the age of the purchaser by checking a
23 government-issued identification card by use of an
24 electronic reader or electronic scanning device to scan a
25 purchaser's government-issued identification, if

1 applicable, to determine the purchaser's age and the
2 validity of the identification;

3 (2) Verify the validity of the government-issued
4 identification card by use of an electronic reader or
5 electronic scanning device to scan a purchaser's
6 government-issued identification, if applicable, to
7 determine the purchaser's age and the validity of the
8 identification;

9 (3) Offer any appropriate purchaser education or
10 support materials;

11 (4) Enter the following information into the State's
12 cannabis electronic verification system:

13 (i) The dispensing organization agent's
14 identification number, or if the agent's card
15 application is pending the Commission's ~~Department's~~
16 approval, a temporary and unique identifier until the
17 agent's card application is approved or denied by the
18 Commission ~~Department~~;

19 (ii) The dispensing organization's identification
20 number;

21 (iii) The amount, type (including strain, if
22 applicable) of cannabis or cannabis-infused product
23 dispensed;

24 (iv) The date and time the cannabis was dispensed.

25 (b) A dispensing organization shall refuse to sell
26 cannabis or cannabis-infused products to any person unless the

1 person produces a valid identification showing that the person
2 is 21 years of age or older. A medical cannabis dispensing
3 organization may sell cannabis or cannabis-infused products to
4 a person who is under 21 years of age if the sale complies with
5 the provisions of the Compassionate Use of Medical Cannabis
6 Program ~~Act~~ and rules.

7 (c) For the purposes of this Section, valid identification
8 must:

9 (1) Be valid and unexpired;

10 (2) Contain a photograph and the date of birth of the
11 person.

12 (d) The Commission may change the requirements for
13 dispensing cannabis by rule.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
15 102-98, eff. 7-15-21.)

16 (410 ILCS 705/15-90)

17 Sec. 15-90. Destruction and disposal of cannabis. (a)
18 Cannabis and cannabis-infused products must be destroyed by
19 rendering them unusable using methods approved by the
20 Commission ~~Department~~ that comply with this Act and rules.

21 (b) Cannabis waste rendered unusable must be promptly
22 disposed according to this Act and rules. Disposal of the
23 cannabis waste rendered unusable may be delivered to a
24 permitted solid waste facility for final disposition.
25 Acceptable permitted solid waste facilities include, but are

1 not limited to:

2 (1) Compostable mixed waste: Compost, anaerobic
3 digester, or other facility with approval of the
4 jurisdictional health department.

5 (2) Noncompostable mixed waste: Landfill, incinerator,
6 or other facility with approval of the jurisdictional
7 health department.

8 (c) All waste and unusable product shall be weighed,
9 recorded, and entered into the inventory system before
10 rendering it unusable. All waste and unusable cannabis
11 concentrates and cannabis-infused products shall be recorded
12 and entered into the inventory system before rendering it
13 unusable. Verification of this event shall be performed by an
14 agent-in-charge and conducted in an area with video
15 surveillance.

16 (d) Electronic documentation of destruction and disposal
17 shall be maintained for a period of at least 5 years.

18 (e) The Commission may change the requirements for the
19 destruction and disposal of cannabis by rule.

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

21 (410 ILCS 705/15-100)

22 Sec. 15-100. Security. (a) A dispensing organization
23 shall implement security measures to deter and prevent entry
24 into and theft of cannabis or currency.

25 (b) A dispensing organization shall submit any changes to

1 the floor plan or security plan to the Commission ~~Department~~
2 for pre-approval. All cannabis shall be maintained and stored
3 in a restricted access area during construction.

4 (c) The dispensing organization shall implement security
5 measures to protect the premises, purchasers, and dispensing
6 organization agents including, but not limited to the
7 following:

8 (1) Establish a locked door or barrier between the
9 facility's entrance and the limited access area;

10 (2) Prevent individuals from remaining on the premises
11 if they are not engaging in activity permitted by this Act
12 or rules;

13 (3) Develop a policy that addresses the maximum
14 capacity and purchaser flow in the waiting rooms and
15 limited access areas;

16 (4) Dispose of cannabis in accordance with this Act
17 and rules;

18 (5) During hours of operation, store and dispense all
19 cannabis from the restricted access area. During
20 operational hours, cannabis shall be stored in an enclosed
21 locked room or cabinet and accessible only to specifically
22 authorized dispensing organization agents;

23 (6) When the dispensary is closed, store all cannabis
24 and currency in a reinforced vault room in the restricted
25 access area and in a manner as to prevent diversion,
26 theft, or loss;

1 (7) Keep the reinforced vault room and any other
2 equipment or cannabis storage areas securely locked and
3 protected from unauthorized entry;

4 (8) Keep an electronic daily log of dispensing
5 organization agents with access to the reinforced vault
6 room and knowledge of the access code or combination;

7 (9) Keep all locks and security equipment in good
8 working order;

9 (10) Maintain an operational security and alarm system
10 at all times;

11 (11) Prohibit keys, if applicable, from being left in
12 the locks, or stored or placed in a location accessible to
13 persons other than specifically authorized personnel;

14 (12) Prohibit accessibility of security measures,
15 including combination numbers, passwords, or electronic or
16 biometric security systems to persons other than
17 specifically authorized dispensing organization agents;

18 (13) Ensure that the dispensary interior and exterior
19 premises are sufficiently lit to facilitate surveillance;

20 (14) Ensure that trees, bushes, and other foliage
21 outside of the dispensary premises do not allow for a
22 person or persons to conceal themselves from sight;

23 (15) Develop emergency policies and procedures for
24 securing all product and currency following any instance
25 of diversion, theft, or loss of cannabis, and conduct an
26 assessment to determine whether additional safeguards are

1 necessary; and

2 (16) Develop sufficient additional safeguards in
3 response to any special security concerns, or as required
4 by the Commission ~~Department~~.

5 (d) The Commission ~~Department~~ may request or approve
6 alternative security provisions that it determines are an
7 adequate substitute for a security requirement specified in
8 this Article. Any additional protections may be considered by
9 the Commission ~~Department~~ in evaluating overall security
10 measures.

11 (e) A dispensing organization may share premises with a
12 craft grower or an infuser organization, or both, provided
13 each licensee stores currency and cannabis or cannabis-infused
14 products in a separate secured vault to which the other
15 licensee does not have access or all licensees sharing a vault
16 share more than 50% of the same ownership.

17 (f) A dispensing organization shall provide additional
18 security as needed and in a manner appropriate for the
19 community where it operates.

20 (g) Restricted access areas.

21 (1) All restricted access areas must be identified by
22 the posting of a sign that is a minimum of 12 inches by 12
23 inches and that states "Do Not Enter - Restricted Access
24 Area - Authorized Personnel Only" in lettering no smaller
25 than one inch in height.

26 (2) All restricted access areas shall be clearly

1 described in the floor plan of the premises, in the form
2 and manner determined by the Commission ~~Department~~,
3 reflecting walls, partitions, counters, and all areas of
4 entry and exit. The floor plan shall show all storage,
5 disposal, and retail sales areas.

6 (3) All restricted access areas must be secure, with
7 locking devices that prevent access from the limited
8 access areas.

9 (h) Security and alarm.

10 (1) A dispensing organization shall have an adequate
11 security plan and security system to prevent and detect
12 diversion, theft, or loss of cannabis, currency, or
13 unauthorized intrusion using commercial grade equipment
14 installed by an Illinois licensed private alarm contractor
15 or private alarm contractor agency that shall, at a
16 minimum, include:

17 (i) A perimeter alarm on all entry points and
18 glass break protection on perimeter windows;

19 (ii) Security shatterproof tinted film on exterior
20 windows;

21 (iii) A failure notification system that provides
22 an audible, text, or visual notification of any
23 failure in the surveillance system, including, but not
24 limited to, panic buttons, alarms, and video
25 monitoring system. The failure notification system
26 shall provide an alert to designated dispensing

1 organization agents within 5 minutes after the
2 failure, either by telephone or text message;

3 (iv) A duress alarm, panic button, and alarm, or
4 holdup alarm and after-hours intrusion detection alarm
5 that by design and purpose will directly or indirectly
6 notify, by the most efficient means, the Public Safety
7 Answering Point for the law enforcement agency having
8 primary jurisdiction;

9 (v) Security equipment to deter and prevent
10 unauthorized entrance into the dispensary, including
11 electronic door locks on the limited and restricted
12 access areas that include devices or a series of
13 devices to detect unauthorized intrusion that may
14 include a signal system interconnected with a radio
15 frequency method, cellular, private radio signals or
16 other mechanical or electronic device.

17 (2) All security system equipment and recordings shall
18 be maintained in good working order, in a secure location
19 so as to prevent theft, loss, destruction, or alterations.

20 (3) Access to surveillance monitoring recording
21 equipment shall be limited to persons who are essential to
22 surveillance operations, law enforcement authorities acting
23 within their jurisdiction, security system service personnel,
24 and the Commission ~~Department~~. A current list of authorized
25 dispensing organization agents and service personnel
26 that have access to the surveillance equipment must be

1 available to the Commission ~~Department~~ upon request.

2 (4) All security equipment shall be inspected and
3 tested at regular intervals, not to exceed one month from
4 the previous inspection, and tested to ensure the systems
5 remain functional.

6 (5) The security system shall provide protection
7 against theft and diversion that is facilitated or hidden
8 by tampering with computers or electronic records.

9 (6) The dispensary shall ensure all access doors are
10 not solely controlled by an electronic access panel to
11 ensure that locks are not released during a power outage.

12 (i) To monitor the dispensary, the dispensing organization
13 shall incorporate continuous electronic video monitoring
14 including the following:

15 (1) All monitors must be 19 inches or greater;

16 (2) Unobstructed video surveillance of all enclosed
17 dispensary areas, unless prohibited by law, including all
18 points of entry and exit that shall be appropriate for the
19 normal lighting conditions of the area under surveillance.
20 The cameras shall be directed so all areas are captured,
21 including, but not limited to, safes, vaults, sales areas,
22 and areas where cannabis is stored, handled, dispensed, or
23 destroyed. Cameras shall be angled to allow for facial
24 recognition, the capture of clear and certain
25 identification of any person entering or exiting the
26 dispensary area and in lighting sufficient during all

1 times of night or day;

2 (3) Unobstructed video surveillance of outside areas,
3 the storefront, and the parking lot, that shall be
4 appropriate for the normal lighting conditions of the area
5 under surveillance. Cameras shall be angled so as to allow
6 for the capture of facial recognition, clear and certain
7 identification of any person entering or exiting the
8 dispensary and the immediate surrounding area, and license
9 plates of vehicles in the parking lot;

10 (4) 24-hour recordings from all video cameras
11 available for immediate viewing by the Commission
12 ~~Department~~ upon request. Recordings shall not be destroyed
13 or altered and shall be retained for at least 90 days.
14 Recordings shall be retained as long as necessary if the
15 dispensing organization is aware of the loss or theft of
16 cannabis or a pending criminal, civil, or administrative
17 investigation or legal proceeding for which the recording
18 may contain relevant information;

19 (5) The ability to immediately produce a clear, color
20 still photo from the surveillance video, either live or
21 recorded;

22 (6) A date and time stamp embedded on all video
23 surveillance recordings. The date and time shall be
24 synchronized and set correctly and shall not significantly
25 obscure the picture;

26 (7) The ability to remain operational during a power

1 outage and ensure all access doors are not solely
2 controlled by an electronic access panel to ensure that
3 locks are not released during a power outage;

4 (8) All video surveillance equipment shall allow for
5 the exporting of still images in an industry standard
6 image format, including .jpg, .bmp, and .gif. Exported
7 video shall have the ability to be archived in a
8 proprietary format that ensures authentication of the
9 video and guarantees that no alteration of the recorded
10 image has taken place. Exported video shall also have the
11 ability to be saved in an industry standard file format
12 that can be played on a standard computer operating
13 system. All recordings shall be erased or destroyed before
14 disposal;

15 (9) The video surveillance system shall be operational
16 during a power outage with a 4-hour minimum battery
17 backup;

18 (10) A video camera or cameras recording at each
19 point-of-sale location allowing for the identification of
20 the dispensing organization agent distributing the
21 cannabis and any purchaser. The camera or cameras shall
22 capture the sale, the individuals and the computer
23 monitors used for the sale;

24 (11) A failure notification system that provides an
25 audible and visual notification of any failure in the
26 electronic video monitoring system; and

1 (12) All electronic video surveillance monitoring must
2 record at least the equivalent of 8 frames per second and
3 be available as recordings to the Commission ~~Department~~
4 and the Illinois State Police 24 hours a day via a secure
5 web-based portal with reverse functionality.

6 (j) The requirements contained in this Act are minimum
7 requirements for operating a dispensing organization. The
8 Commission ~~Department~~ may change existing or establish
9 additional requirements by rule.

10 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
11 102-538, eff. 8-20-21.)

12 (410 ILCS 705/15-110)

13 Sec. 15-110. Recordkeeping.

14 (a) Dispensing organization records must be maintained
15 electronically for 3 years and be available for inspection by
16 the Commission ~~Department~~ upon request. Required written
17 records include, but are not limited to, the following:

18 (1) Operating procedures;

19 (2) Inventory records, policies, and procedures;

20 (3) Security records;

21 (4) Audit records;

22 (5) Staff training plans and completion documentation;

23 (6) Staffing plan; and

24 (7) Business records, including but not limited to:

25 (i) Assets and liabilities;

- 1 (ii) Monetary transactions;
- 2 (iii) Written or electronic accounts, including
- 3 bank statements, journals, ledgers, and supporting
- 4 documents, agreements, checks, invoices, receipts, and
- 5 vouchers; and
- 6 (iv) Any other financial accounts reasonably
- 7 related to the dispensary operations.

8 (b) Storage and transfer of records. If a dispensary

9 closes due to insolvency, revocation, bankruptcy, or for any

10 other reason, all records must be preserved at the expense of

11 the dispensing organization for at least 3 years in a form and

12 location in Illinois acceptable to the Commission ~~Department~~.

13 The dispensing organization shall keep the records longer if

14 requested by the Commission ~~Department~~. The dispensing

15 organization shall notify the Commission ~~Department~~ of the

16 location where the dispensary records are stored or

17 transferred.

18 (c) The Commission may change the recordkeeping

19 requirements by rule.

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

21 (410 ILCS 705/15-120)

22 Sec. 15-120. Closure of a dispensary. (a) If a

23 dispensing organization decides not to renew its license or

24 decides to close its business, it shall promptly notify the

25 Commission ~~Department~~ not less than 3 months before the

1 effective date of the closing date or as otherwise authorized
2 by the Commission ~~Department~~.

3 (b) The dispensing organization shall work with the
4 Commission ~~Department~~ to develop a closure plan that
5 addresses, at a minimum, the transfer of business records,
6 transfer of cannabis products, and anything else the
7 Commission ~~Department~~ finds necessary.

8 (c) The Commission may change the requirements for closure
9 of a dispensary by rule.

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

11 (410 ILCS 705/15-125)

12 Sec. 15-125. Fees. After January 1, 2022, the Commission
13 ~~Department~~ may by rule modify any fee established under this
14 Article.

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

16 (410 ILCS 705/15-135)

17 Sec. 15-135. Investigations. (a) Dispensing
18 organizations are subject to random and unannounced dispensary
19 inspections and cannabis testing by the Commission ~~Department~~,
20 the Illinois State Police, local law enforcement, or as
21 provided by rule.

22 (b) The Commission ~~Department~~ and its authorized
23 representatives may enter any place, including a vehicle, in
24 which cannabis is held, stored, dispensed, sold, produced,

1 delivered, transported, manufactured, or disposed of and
2 inspect, in a reasonable manner, the place and all pertinent
3 equipment, containers and labeling, and all things including
4 records, files, financial data, sales data, shipping data,
5 pricing data, personnel data, research, papers, processes,
6 controls, and facility, and inventory any stock of cannabis
7 and obtain samples of any cannabis or cannabis-infused
8 product, any labels or containers for cannabis, or
9 paraphernalia.

10 (c) The Commission ~~Department~~ may conduct an investigation
11 of an applicant, application, dispensing organization,
12 principal officer, dispensary agent, third party vendor, or
13 any other party associated with a dispensing organization for
14 an alleged violation of this Act or rules or to determine
15 qualifications to be granted a registration by the Commission
16 ~~Department~~.

17 (d) The Commission ~~Department~~ may require an applicant or
18 holder of any license issued pursuant to this Article to
19 produce documents, records, or any other material pertinent to
20 the investigation of an application or alleged violations of
21 this Act or rules. Failure to provide the required material
22 may be grounds for denial or discipline.

23 (e) Every person charged with preparation, obtaining, or
24 keeping records, logs, reports, or other documents in
25 connection with this Act and rules and every person in charge,
26 or having custody, of those documents shall, upon request by

1 the Commission ~~Department~~, make the documents immediately
2 available for inspection and copying by the Commission
3 ~~Department~~, the Commission's ~~Department's~~ authorized
4 representative, or others authorized by law to review the
5 documents.

6 The Commission may change the requirements for
7 investigations by rule.

8 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
9 102-538, eff. 8-20-21; revised 10-12-21.)

10 (410 ILCS 705/15-140)

11 Sec. 15-140. Citations. The Commission ~~Department~~ may
12 issue nondisciplinary citations for minor violations. Any such
13 citation issued by the Commission ~~Department~~ may be
14 accompanied by a fee. The fee shall not exceed \$20,000 per
15 violation. The citation shall be issued to the licensee and
16 shall contain the licensee's name and address, the licensee's
17 license number, a brief factual statement, the Sections of the
18 law allegedly violated, and the fee, if any, imposed. The
19 citation must clearly state that the licensee may choose, in
20 lieu of accepting the citation, to request a hearing. If the
21 licensee does not dispute the matter in the citation with the
22 Commission ~~Department~~ within 30 days after the citation is
23 served, then the citation shall become final and not subject
24 to appeal. The penalty shall be a fee or other conditions as
25 established by rule.

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

2 (410 ILCS 705/15-145)

3 Sec. 15-145. Grounds for discipline. (a) The
4 Commission ~~Department~~ may deny issuance, refuse to renew or
5 restore, or may reprimand, place on probation, suspend,
6 revoke, or take other disciplinary or nondisciplinary action
7 against any license or agent identification card or may impose
8 a fine for any of the following:

9 (1) Material misstatement in furnishing information to
10 the Commission ~~Department~~;

11 (2) Violations of this Act or rules;

12 (3) Obtaining an authorization or license by fraud or
13 misrepresentation;

14 (4) A pattern of conduct that demonstrates
15 incompetence or that the applicant has engaged in conduct
16 or actions that would constitute grounds for discipline
17 under this Act;

18 (5) Aiding or assisting another person in violating
19 any provision of this Act or rules;

20 (6) Failing to respond to a written request for
21 information by the Commission ~~Department~~ within 30 days;

22 (7) Engaging in unprofessional, dishonorable, or
23 unethical conduct of a character likely to deceive,
24 defraud, or harm the public;

25 (8) Adverse action by another United States

1 jurisdiction or foreign nation;

2 (9) A finding by the Commission ~~Department~~ that the
3 licensee, after having his or her license placed on
4 suspended or probationary status, has violated the terms
5 of the suspension or probation;

6 (10) Conviction, entry of a plea of guilty, nolo
7 contendere, or the equivalent in a State or federal court
8 of a principal officer or agent-in-charge of a felony
9 offense in accordance with Sections 2105-131, 2105-135,
10 and 2105-205 of the Department of Professional Regulation
11 Law of the Civil Administrative Code of Illinois;

12 (11) Excessive use of or addiction to alcohol,
13 narcotics, stimulants, or any other chemical agent or
14 drug;

15 (12) A finding by the Commission ~~Department~~ of a
16 discrepancy in a Commission ~~Department~~ audit of cannabis;

17 (13) A finding by the Commission ~~Department~~ of a
18 discrepancy in a Commission ~~Department~~ audit of capital or
19 funds;

20 (14) A finding by the Commission ~~Department~~ of
21 acceptance of cannabis from a source other than an Adult
22 Use Cultivation Center, craft grower, infuser, ~~or~~
23 transporting organization ~~licensed by the Department of~~
24 ~~Agriculture~~, or a dispensing organization licensed by the
25 Commission ~~Department~~;

26 (15) An inability to operate using reasonable

1 judgment, skill, or safety due to physical or mental
2 illness or other impairment or disability, including,
3 without limitation, deterioration through the aging
4 process or loss of motor skills or mental incompetence;

5 (16) Failing to report to the Commission ~~Department~~
6 within the time frames established, or if not identified,
7 14 days, of any adverse action taken against the
8 dispensing organization or an agent by a licensing
9 jurisdiction in any state or any territory of the United
10 States or any foreign jurisdiction, any governmental
11 agency, any law enforcement agency or any court defined in
12 this Section;

13 (17) Any violation of the dispensing organization's
14 policies and procedures submitted to the Commission
15 ~~Department~~ annually as a condition for licensure;

16 (18) Failure to inform the Commission ~~Department~~ of
17 any change of address within 10 business days;

18 (19) Disclosing customer names, personal information,
19 or protected health information in violation of any State
20 or federal law;

21 (20) Operating a dispensary before obtaining a license
22 from the Commission ~~Department~~;

23 (21) Performing duties authorized by this Act prior to
24 receiving a license to perform such duties;

25 (22) Dispensing cannabis when prohibited by this Act
26 or rules;

1 (23) Any fact or condition that, if it had existed at
2 the time of the original application for the license,
3 would have warranted the denial of the license;

4 (24) Permitting a person without a valid agent
5 identification card to perform licensed activities under
6 this Act;

7 (25) Failure to assign an agent-in-charge as required
8 by this Article;

9 (26) Failure to provide the training required by
10 paragraph (3) of subsection (i) of Section 15-40 within
11 the provided timeframe;

12 (27) Personnel insufficient in number or unqualified
13 in training or experience to properly operate the
14 dispensary business;

15 (28) Any pattern of activity that causes a harmful
16 impact on the community; and

17 (29) Failing to prevent diversion, theft, or loss of
18 cannabis.

19 (b) All fines and fees imposed under this Section shall be
20 paid within 60 days after the effective date of the order
21 imposing the fine or as otherwise specified in the order.

22 (c) A circuit court order establishing that an
23 agent-in-charge or principal officer holding an agent
24 identification card is subject to involuntary admission as
25 that term is defined in Section 1-119 or 1-119.1 of the Mental
26 Health and Developmental Disabilities Code shall operate as a

1 suspension of that card.

2 (d) The Commission may change the requirements for grounds
3 for discipline by rule.

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

5 (410 ILCS 705/15-150)

6 Sec. 15-150. Temporary suspension.

7 (a) The Commission ~~Secretary of Financial and Professional~~
8 ~~Regulation~~ may temporarily suspend a dispensing organization
9 license or an agent registration without a hearing if the
10 Commission ~~Secretary~~ finds that public safety or welfare
11 requires emergency action. The Commission ~~Secretary~~ shall
12 cause the temporary suspension by issuing a suspension notice
13 in connection with the institution of proceedings for a
14 hearing.

15 (b) If the Commission ~~Secretary~~ temporarily suspends a
16 license or agent registration without a hearing, the licensee
17 or agent is entitled to a hearing within 45 days after the
18 suspension notice has been issued. The hearing shall be
19 limited to the issues cited in the suspension notice, unless
20 all parties agree otherwise.

21 (c) If the Commission ~~Department~~ does not hold a hearing
22 with 45 days after the date the suspension notice was issued,
23 then the suspended license or registration shall be
24 automatically reinstated and the suspension vacated.

25 (d) The suspended licensee or agent may seek a continuance

1 of the hearing date, during which time the suspension remains
2 in effect and the license or registration shall not be
3 automatically reinstated.

4 (e) Subsequently discovered causes of action by the
5 Commission ~~Department~~ after the issuance of the suspension
6 notice may be filed as a separate notice of violation. The
7 Commission ~~Department~~ is not precluded from filing a separate
8 action against the suspended licensee or agent.

9 (f) The Commission may change the requirements for
10 temporary suspension by rule.

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

12 (410 ILCS 705/15-155)

13 Sec. 15-155. Unlicensed practice; violation; civil
14 penalty. (a) In addition to any other penalty provided by
15 law, any person who practices, offers to practice, attempts to
16 practice, or holds oneself out to practice as a licensed
17 dispensing organization owner, principal officer,
18 agent-in-charge, or agent without being licensed under this
19 Act shall, in addition to any other penalty provided by law,
20 pay a civil penalty to the Commission ~~Department of Financial~~
21 ~~and Professional Regulation~~ in an amount not to exceed \$10,000
22 for each offense as determined by the Commission ~~Department~~.
23 The civil penalty shall be assessed by the Commission
24 ~~Department~~ after a hearing is held in accordance with the
25 provisions set forth in this Act regarding the provision of a

1 hearing for the discipline of a licensee.

2 (b) The Commission ~~Department~~ has the authority and power
3 to investigate any and all unlicensed activity.

4 (c) The civil penalty shall be paid within 60 days after
5 the effective date of the order imposing the civil penalty or
6 in accordance with the order imposing the civil penalty. The
7 order shall constitute a judgment and may be filed and
8 execution had thereon in the same manner as any judgment from
9 any court of this State.

10 (d) The Commission may change the requirements for
11 temporary suspension by rule.

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

13 (410 ILCS 705/15-160)

14 Sec. 15-160. Notice; hearing. (a) The Commission
15 ~~Department~~ shall, before disciplining an applicant or
16 licensee, at least 30 days before the date set for the hearing:
17 (i) notify the accused in writing of the charges made and the
18 time and place for the hearing on the charges; (ii) direct him
19 or her to file a written answer to the charges under oath
20 within 20 days after service; and (iii) inform the applicant
21 or licensee that failure to answer will result in a default
22 being entered against the applicant or licensee.

23 (b) At the time and place fixed in the notice, the hearing
24 officer appointed by the Commission ~~Secretary~~ shall proceed to
25 hear the charges, and the parties or their counsel shall be

1 accorded ample opportunity to present any pertinent
2 statements, testimony, evidence, and arguments. The hearing
3 officer may continue the hearing from time to time. In case the
4 person, after receiving the notice, fails to file an answer,
5 his or her license may, in the discretion of the Commission
6 ~~Secretary~~, having first received the recommendation of the
7 hearing officer, be suspended, revoked, or placed on
8 probationary status, or be subject to whatever disciplinary
9 action the Commission ~~Secretary~~ considers proper, including a
10 fine, without hearing, if that act or acts charged constitute
11 sufficient grounds for that action under this Act.

12 (c) The written notice and any notice in the subsequent
13 proceeding may be served by regular mail or email to the
14 licensee's or applicant's address of record.

15 (d) The Commission may change the requirements for notice
16 and hearing by rule.

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

18 (410 ILCS 705/15-165)

19 Sec. 15-165. Subpoenas; oaths.

20 (a) The Commission ~~Department~~ shall have the power to
21 subpoena and bring before it any person and to take testimony
22 either orally or by deposition, or both, with the same fees and
23 mileage and in the same manner as prescribed by law in judicial
24 proceedings in civil cases in courts in this State. The
25 Commission ~~Secretary~~ or the hearing officer shall each have

1 the power to administer oaths to witnesses at any hearings
2 that the Commission ~~Department~~ is authorized to conduct.

3 (b) The Commission may change the requirements for this
4 Section by rule.

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

6 (410 ILCS 705/15-170)

7 Sec. 15-170. Hearing; motion for rehearing. (a) The
8 hearing officer shall hear evidence in support of the formal
9 charges and evidence produced by the licensee. At the
10 conclusion of the hearing, the hearing officer shall present
11 to the Commission ~~Secretary~~ a written report of his or her
12 findings of fact, conclusions of law, and recommendations.

13 (b) At the conclusion of the hearing, a copy of the hearing
14 officer's report shall be served upon the applicant or
15 licensee by the Commission ~~Department~~, either personally or as
16 provided in this Act for the service of a notice of hearing.
17 Within 20 calendar days after service, the applicant or
18 licensee may present to the Commission ~~Department~~ a motion in
19 writing for rehearing, which shall specify the particular
20 grounds for rehearing. The Commission ~~Department~~ may respond
21 to the motion for rehearing within 20 calendar days after its
22 service on the Commission ~~Department~~. If no motion for
23 rehearing is filed, then, upon the expiration of the time
24 specified for filing such motion or upon denial of a motion for
25 rehearing, the Commission ~~Secretary~~ may enter an order in

1 accordance with the recommendation of the hearing officer. If
2 the applicant or licensee orders from the reporting service
3 and pays for a transcript of the record within the time for
4 filing a motion for rehearing, the 20-day period within which
5 a motion may be filed shall commence upon the delivery of the
6 transcript to the applicant or licensee.

7 (c) If the Commission ~~Secretary~~ disagrees in any regard
8 with the report of the hearing officer, the Commission
9 ~~Secretary~~ may issue an order contrary to the report.

10 (d) Whenever the Commission ~~Secretary~~ is not satisfied
11 that substantial justice has been done, the Commission
12 ~~Secretary~~ may order a rehearing by the same or another hearing
13 officer.

14 (e) At any point in any investigation or disciplinary
15 proceeding under in this Article, both parties may agree to a
16 negotiated consent order. The consent order shall be final
17 upon signature of the Commission ~~Secretary~~.

18 (f) The Commission may change the requirements of this
19 Section by rule.

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

21 (410 ILCS 705/15-175)

22 Sec. 15-175. Review under the Administrative Review Law.

23 (a) All final administrative decisions of the Commission
24 ~~Department~~ hereunder shall be subject to judicial review under
25 the provisions of the Administrative Review Law, and all

1 amendment and modifications thereof. The term "administrative
2 decision" is defined as in Section 3-101 of the Code of Civil
3 Procedure.

4 (b) Proceedings for judicial review shall be commenced in
5 the circuit court of the county in which the party applying for
6 review resides, but if the party is not a resident of Illinois,
7 the venue shall be in Sangamon County.

8 (c) The Commission ~~Department~~ shall not be required to
9 certify any record to the court, file any answer in court, or
10 otherwise appear in any court in a judicial review proceeding,
11 unless and until the Commission ~~Department~~ has received from
12 the plaintiff payment of the costs of furnishing and
13 certifying the record, which costs shall be determined by the
14 Commission ~~Department~~. Failure on the part of the plaintiff to
15 file a receipt in court shall be grounds for dismissal of the
16 action.

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

18 (410 ILCS 705/20-1)

19 Sec. 20-1. Definition. In this Article: 7

20 "Commission" means the Cannabis Equity and Oversight
21 Commission.

22 ~~"Department" means the Department of Agriculture.~~

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

24 (410 ILCS 705/20-5)

1 Sec. 20-5. Issuance of licenses. On or after July 1, 2021,
2 the Commission ~~Department of Agriculture~~ by rule may:

3 (1) Modify or change the number of cultivation center
4 licenses available, which shall at no time exceed 30
5 cultivation center licenses. In determining whether to
6 exercise the authority granted by this subsection, the
7 Commission ~~Department of Agriculture~~ must consider the
8 following factors:

9 (A) The percentage of cannabis sales occurring in
10 Illinois not in the regulated market using data from
11 the Substance Abuse and Mental Health Services
12 Administration, National Survey on Drug Use and
13 Health, Illinois Behavioral Risk Factor Surveillance
14 System, and tourism data from the Illinois Office of
15 Tourism to ascertain total cannabis consumption in
16 Illinois compared to the amount of sales in licensed
17 dispensing organizations;

18 (B) Whether there is an adequate supply of
19 cannabis and cannabis-infused products to serve
20 registered medical cannabis patients;

21 (C) Whether there is an adequate supply of
22 cannabis and cannabis-infused products to serve
23 purchasers;

24 (D) Whether there is an oversupply of cannabis in
25 Illinois leading to trafficking of cannabis to any
26 other state;

- 1 (E) Population increases or shifts;
- 2 (F) Changes to federal law;
- 3 (G) Perceived security risks of increasing the
4 number or location of cultivation centers;
- 5 (H) The past security records of cultivation
6 centers;
- 7 (I) The Commission's ~~Department of Agriculture's~~
8 capacity to appropriately regulate additional
9 licensees;
- 10 (J) The findings and recommendations from the
11 disparity and availability study commissioned by the
12 Illinois Cannabis Regulation Oversight Officer
13 referenced in subsection (e) of Section 5-45 or by the
14 Commission to reduce or eliminate any identified
15 barriers to entry in the cannabis industry; and
- 16 (K) Any other criteria the Commission ~~Department~~
17 ~~of Agriculture~~ deems relevant.

18 (2) Modify or change the licensing application process
19 to reduce or eliminate the barriers identified in the
20 disparity and availability study commission by the
21 Illinois Cannabis Regulation Oversight Officer or by the
22 Commission and shall make modifications to remedy evidence
23 of discrimination.

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

25 (410 ILCS 705/20-15)

1 Sec. 20-15. Conditional Adult Use Cultivation Center
2 application.

3 (a) If the Commission ~~Department of Agriculture~~ makes
4 available additional cultivation center licenses pursuant to
5 Section 20-5, applicants for a Conditional Adult Use
6 Cultivation Center License shall electronically submit the
7 following in such form as the Commission ~~Department of~~
8 ~~Agriculture~~ may direct:

9 (1) the nonrefundable application fee set by rule by
10 the Commission ~~Department of Agriculture~~, to be deposited
11 into the Cannabis Regulation Fund;

12 (2) the legal name of the cultivation center;

13 (3) the proposed physical address of the cultivation
14 center;

15 (4) the name, address, social security number, and
16 date of birth of each principal officer and board member
17 of the cultivation center; each principal officer and
18 board member shall be at least 21 years of age;

19 (5) the details of any administrative or judicial
20 proceeding in which any of the principal officers or board
21 members of the cultivation center (i) pled guilty, were
22 convicted, were fined, or had a registration or license
23 suspended or revoked, or (ii) managed or served on the
24 board of a business or non-profit organization that pled
25 guilty, was convicted, was fined, or had a registration or
26 license suspended or revoked;

1 (6) proposed operating bylaws that include procedures
2 for the oversight of the cultivation center, including the
3 development and implementation of a plant monitoring
4 system, accurate recordkeeping, staffing plan, and
5 security plan approved by the Illinois State Police that
6 are in accordance with the rules issued by the Commission
7 ~~Department of Agriculture~~ under this Act. A physical
8 inventory shall be performed of all plants and cannabis on
9 a weekly basis by the cultivation center;

10 (7) verification from the Illinois State Police that
11 all background checks of the prospective principal
12 officers, board members, and agents of the cannabis
13 business establishment have been conducted;

14 (8) a copy of the current local zoning ordinance or
15 permit and verification that the proposed cultivation
16 center is in compliance with the local zoning rules and
17 distance limitations established by the local
18 jurisdiction;

19 (9) proposed employment practices, in which the
20 applicant must demonstrate a plan of action to inform,
21 hire, and educate minorities, women, veterans, and persons
22 with disabilities, engage in fair labor practices, and
23 provide worker protections;

24 (10) whether an applicant can demonstrate experience
25 in or business practices that promote economic empowerment
26 in Disproportionately Impacted Areas;

1 (11) experience with the cultivation of agricultural
2 or horticultural products, operating an agriculturally
3 related business, or operating a horticultural business;

4 (12) a description of the enclosed, locked facility
5 where cannabis will be grown, harvested, manufactured,
6 processed, packaged, or otherwise prepared for
7 distribution to a dispensing organization;

8 (13) a survey of the enclosed, locked facility,
9 including the space used for cultivation;

10 (14) cultivation, processing, inventory, and packaging
11 plans;

12 (15) a description of the applicant's experience with
13 agricultural cultivation techniques and industry
14 standards;

15 (16) a list of any academic degrees, certifications,
16 or relevant experience of all prospective principal
17 officers, board members, and agents of the related
18 business;

19 (17) the identity of every person having a financial
20 or voting interest of 5% or greater in the cultivation
21 center operation with respect to which the license is
22 sought, whether a trust, corporation, partnership, limited
23 liability company, or sole proprietorship, including the
24 name and address of each person;

25 (18) a plan describing how the cultivation center will
26 address each of the following:

1 (i) energy needs, including estimates of monthly
2 electricity and gas usage, to what extent it will
3 procure energy from a local utility or from on-site
4 generation, and if it has or will adopt a sustainable
5 energy use and energy conservation policy;

6 (ii) water needs, including estimated water draw
7 and if it has or will adopt a sustainable water use and
8 water conservation policy; and

9 (iii) waste management, including if it has or
10 will adopt a waste reduction policy;

11 (19) a diversity plan that includes a narrative of not
12 more than 2,500 words that establishes a goal of diversity
13 in ownership, management, employment, and contracting to
14 ensure that diverse participants and groups are afforded
15 equality of opportunity;

16 (20) any other information required by rule;

17 (21) a recycling plan:

18 (A) Purchaser packaging, including cartridges,
19 shall be accepted by the applicant and recycled.

20 (B) Any recyclable waste generated by the cannabis
21 cultivation facility shall be recycled per applicable
22 State and local laws, ordinances, and rules.

23 (C) Any cannabis waste, liquid waste, or hazardous
24 waste shall be disposed of in accordance with 8 Ill.
25 Adm. Code 1000.460, except, to the greatest extent
26 feasible, all cannabis plant waste will be rendered

1 unusable by grinding and incorporating the cannabis
2 plant waste with compostable mixed waste to be
3 disposed of in accordance with 8 Ill. Adm. Code
4 1000.460 (g) (1);

5 (22) commitment to comply with local waste provisions:
6 a cultivation facility must remain in compliance with
7 applicable State and federal environmental requirements,
8 including, but not limited to:

9 (A) storing, securing, and managing all
10 recyclables and waste, including organic waste
11 composed of or containing finished cannabis and
12 cannabis products, in accordance with applicable State
13 and local laws, ordinances, and rules; and

14 (B) disposing liquid waste containing cannabis or
15 byproducts of cannabis processing in compliance with
16 all applicable State and federal requirements,
17 including, but not limited to, the cannabis
18 cultivation facility's permits under Title X of the
19 Environmental Protection Act; and

20 (23) a commitment to a technology standard for
21 resource efficiency of the cultivation center facility.

22 (A) A cannabis cultivation facility commits to use
23 resources efficiently, including energy and water. For
24 the following, a cannabis cultivation facility commits
25 to meet or exceed the technology standard identified
26 in items (i), (ii), (iii), and (iv), which may be

1 modified by rule:

2 (i) lighting systems, including light bulbs;

3 (ii) HVAC system;

4 (iii) water application system to the crop;

5 and

6 (iv) filtration system for removing
7 contaminants from wastewater.

8 (B) Lighting. The Lighting Power Densities (LPD)
9 for cultivation space commits to not exceed an average
10 of 36 watts per gross square foot of active and growing
11 space canopy, or all installed lighting technology
12 shall meet a photosynthetic photon efficacy (PPE) of
13 no less than 2.2 micromoles per joule fixture and
14 shall be featured on the DesignLights Consortium (DLC)
15 Horticultural Specification Qualified Products List
16 (QPL). In the event that DLC requirement for minimum
17 efficacy exceeds 2.2 micromoles per joule fixture,
18 that PPE shall become the new standard.

19 (C) HVAC.

20 (i) For cannabis grow operations with less
21 than 6,000 square feet of canopy, the licensee
22 commits that all HVAC units will be
23 high-efficiency ductless split HVAC units, or
24 other more energy efficient equipment.

25 (ii) For cannabis grow operations with 6,000
26 square feet of canopy or more, the licensee

1 commits that all HVAC units will be variable
2 refrigerant flow HVAC units, or other more energy
3 efficient equipment.

4 (D) Water application.

5 (i) The cannabis cultivation facility commits
6 to use automated watering systems, including, but
7 not limited to, drip irrigation and flood tables,
8 to irrigate cannabis crop.

9 (ii) The cannabis cultivation facility commits
10 to measure runoff from watering events and report
11 this volume in its water usage plan, and that on
12 average, watering events shall have no more than
13 20% of runoff of water.

14 (E) Filtration. The cultivator commits that HVAC
15 condensate, dehumidification water, excess runoff, and
16 other wastewater produced by the cannabis cultivation
17 facility shall be captured and filtered to the best of
18 the facility's ability to achieve the quality needed
19 to be reused in subsequent watering rounds.

20 (F) Reporting energy use and efficiency as
21 required by rule.

22 (b) Applicants must submit all required information,
23 including the information required in Section 20-10, to the
24 Commission ~~Department of Agriculture~~. Failure by an applicant
25 to submit all required information may result in the
26 application being disqualified.

1 (c) If the Commission ~~Department of Agriculture~~ receives
2 an application with missing information, the Commission
3 ~~Department of Agriculture~~ may issue a deficiency notice to the
4 applicant. The applicant shall have 10 calendar days from the
5 date of the deficiency notice to resubmit the incomplete
6 information. Applications that are still incomplete after this
7 opportunity to cure will not be scored and will be
8 disqualified.

9 (e) A cultivation center that is awarded a Conditional
10 Adult Use Cultivation Center License pursuant to the criteria
11 in Section 20-20 shall not grow, purchase, possess, or sell
12 cannabis or cannabis-infused products until the person has
13 received an Adult Use Cultivation Center License issued by the
14 Commission ~~Department of Agriculture~~ pursuant to Section 20-21
15 of this Act.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
17 102-538, eff. 8-20-21.)

18 (410 ILCS 705/20-21)

19 Sec. 20-21. Adult Use Cultivation Center License.

20 (a) A person or entity is only eligible to receive an Adult
21 Use Cultivation Center License if the person or entity has
22 first been awarded a Conditional Adult Use Cultivation Center
23 License pursuant to this Act or the person or entity has
24 renewed its Early Approval Cultivation Center License pursuant
25 to subsection (c) of Section 20-10.

1 (b) The Commission ~~Department of Agriculture~~ shall not
2 issue an Adult Use Cultivation Center License until:

3 (1) the Commission ~~Department of Agriculture~~ has
4 inspected the cultivation center site and proposed
5 operations and verified that they are in compliance with
6 this Act and local zoning laws;

7 (2) the Conditional Adult Use Cultivation Center
8 License holder has paid a registration fee in an amount
9 set by rule ~~of \$100,000~~ or a prorated amount accounting
10 for the difference of time between when the Adult Use
11 Cultivation Center License is issued and March 31 of the
12 next even-numbered year; and

13 (3) The Conditional Adult Use Cultivation Center
14 License holder has met all the requirements in the Act and
15 rules.

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

17 (410 ILCS 705/20-30)

18 Sec. 20-30. Cultivation center requirements; prohibitions.

19 (a) The operating documents of a cultivation center shall
20 include procedures for the oversight of the cultivation
21 center, a cannabis plant monitoring system including a
22 physical inventory recorded weekly, accurate recordkeeping,
23 and a staffing plan.

24 (b) A cultivation center shall implement a security plan
25 reviewed by the Illinois State Police that includes, but is

1 not limited to: facility access controls, perimeter intrusion
2 detection systems, personnel identification systems, 24-hour
3 surveillance system to monitor the interior and exterior of
4 the cultivation center facility and accessibility to
5 authorized law enforcement and the Commission, ~~the Department~~
6 ~~of Public Health where processing takes place, and the~~
7 ~~Department of Agriculture~~ in real time.

8 (c) All cultivation of cannabis by a cultivation center
9 must take place in an enclosed, locked facility at the
10 physical address provided to the Commission ~~Department of~~
11 ~~Agriculture~~ during the licensing process. The cultivation
12 center location shall only be accessed by the agents working
13 for the cultivation center, the Commission ~~Department of~~
14 ~~Agriculture~~ staff performing inspections, the Department of
15 Public Health staff performing inspections, local and State
16 law enforcement or other emergency personnel, contractors
17 working on jobs unrelated to cannabis, such as installing or
18 maintaining security devices or performing electrical wiring,
19 transporting organization agents as provided in this Act,
20 individuals in a mentoring or educational program approved by
21 the State, or other individuals as provided by rule.

22 (d) A cultivation center may not sell or distribute any
23 cannabis or cannabis-infused products to any person other than
24 a dispensing organization, craft grower, infuser organization,
25 transporter, or as otherwise authorized by rule.

26 (e) A cultivation center may not either directly or

1 indirectly discriminate in price between different dispensing
2 organizations, craft growers, or infuser organizations that
3 are purchasing a like grade, strain, brand, and quality of
4 cannabis or cannabis-infused product. Nothing in this
5 subsection (e) prevents a cultivation center from pricing
6 cannabis differently based on differences in the cost of
7 manufacturing or processing, the quantities sold, such as
8 volume discounts, or the way the products are delivered.

9 (f) All cannabis harvested by a cultivation center and
10 intended for distribution to a dispensing organization must be
11 entered into a data collection system, packaged and labeled
12 under Section 55-21, and placed into a cannabis container for
13 transport. All cannabis harvested by a cultivation center and
14 intended for distribution to a craft grower or infuser
15 organization must be packaged in a labeled cannabis container
16 and entered into a data collection system before transport.

17 (g) Cultivation centers are subject to random inspections
18 by the Commission ~~Department of Agriculture~~, the Department of
19 Public Health, local safety or health inspectors, the Illinois
20 State Police, or as provided by rule.

21 (h) A cultivation center agent shall notify local law
22 enforcement, the Illinois State Police, and the Commission
23 ~~Department of Agriculture~~ within 24 hours of the discovery of
24 any loss or theft. Notification shall be made by phone or in
25 person, or by written or electronic communication.

26 (i) A cultivation center shall comply with all State and

1 any applicable federal rules and regulations regarding the use
2 of pesticides on cannabis plants.

3 (j) No person or entity shall hold any legal, equitable,
4 ownership, or beneficial interest, directly or indirectly, of
5 more than 3 cultivation centers licensed under this Article.
6 Further, no person or entity that is employed by, an agent of,
7 has a contract to receive payment in any form from a
8 cultivation center, is a principal officer of a cultivation
9 center, or entity controlled by or affiliated with a principal
10 officer of a cultivation shall hold any legal, equitable,
11 ownership, or beneficial interest, directly or indirectly, in
12 a cultivation that would result in the person or entity owning
13 or controlling in combination with any cultivation center,
14 principal officer of a cultivation center, or entity
15 controlled or affiliated with a principal officer of a
16 cultivation center by which he, she, or it is employed, is an
17 agent of, or participates in the management of, more than 3
18 cultivation center licenses.

19 (k) A cultivation center may not contain more than 210,000
20 square feet of canopy space for plants in the flowering stage
21 for cultivation of adult use cannabis as provided in this Act.

22 (l) A cultivation center may process cannabis, cannabis
23 concentrates, and cannabis-infused products.

24 (m) Beginning July 1, 2020, a cultivation center shall not
25 transport cannabis or cannabis-infused products to a craft
26 grower, dispensing organization, infuser organization, or

1 laboratory licensed under this Act, unless it has obtained a
2 transporting organization license.

3 (n) It is unlawful for any person having a cultivation
4 center license or any officer, associate, member,
5 representative, or agent of such licensee to offer or deliver
6 money, or anything else of value, directly or indirectly to
7 any person having an Early Approval Adult Use Dispensing
8 Organization License, a Conditional Adult Use Dispensing
9 Organization License, an Adult Use Dispensing Organization
10 License, or a medical cannabis dispensing organization license
11 issued under the Compassionate Use of Medical Cannabis Program
12 ~~Act~~, or to any person connected with or in any way
13 representing, or to any member of the family of, such person
14 holding an Early Approval Adult Use Dispensing Organization
15 License, a Conditional Adult Use Dispensing Organization
16 License, an Adult Use Dispensing Organization License, or a
17 medical cannabis dispensing organization license issued under
18 the Compassionate Use of Medical Cannabis Program ~~Act~~, or to
19 any stockholders in any corporation engaged in the retail sale
20 of cannabis, or to any officer, manager, agent, or
21 representative of the Early Approval Adult Use Dispensing
22 Organization License, a Conditional Adult Use Dispensing
23 Organization License, an Adult Use Dispensing Organization
24 License, or a medical cannabis dispensing organization license
25 issued under the Compassionate Use of Medical Cannabis Program
26 ~~Act~~ to obtain preferential placement within the dispensing

1 organization, including, without limitation, on shelves and in
2 display cases where purchasers can view products, or on the
3 dispensing organization's website.

4 (o) A cultivation center must comply with any other
5 requirements or prohibitions set by administrative rule of the
6 Commission ~~Department of Agriculture~~.

7 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
8 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised 11-9-21.)

9 (410 ILCS 705/20-55)

10 Sec. 20-55. Disclosure of ownership and control.

11 (a) Each Adult Use Cultivation Center applicant and
12 license holder shall file and maintain a Table of
13 Organization, Ownership, and Control with the Commission
14 ~~Department~~. The Table of Organization, Ownership, and Control
15 shall contain the information required by this Section in
16 sufficient detail to identify all owners, directors, and
17 principal officers, and the title of each principal officer or
18 business entity that, through direct or indirect means,
19 manages, owns, or controls the applicant or license holder.

20 (b) The Table of Organization, Ownership, and Control
21 shall identify the following information:

22 (1) The management structure, ownership, and control
23 of the applicant or license holder including the name of
24 each principal officer or business entity, the office or
25 position held, and the percentage ownership interest, if

1 any. If the business entity has a parent company, the name
2 of each owner, board member, and officer of the parent
3 company and his or her percentage ownership interest in
4 the parent company and the Adult Use Cultivation Center.

5 (2) If the applicant or licensee is a business entity
6 with publicly traded stock, the identification of
7 ownership shall be provided as required in subsection (c).

8 (c) If a business entity identified in subsection (b) is a
9 publicly traded company, the following information shall be
10 provided in the Table of Organization, Ownership, and Control:

11 (1) The name and percentage of ownership interest of
12 each individual or business entity with ownership of more
13 than 5% of the voting shares of the entity, to the extent
14 such information is known or contained in 13D or 13G
15 Securities and Exchange Commission filings.

16 (2) To the extent known, the names and percentage of
17 interest of ownership of persons who are relatives of one
18 another and who together exercise control over or own more
19 than 10% of the voting shares of the entity.

20 (d) An Adult Use Cultivation Center with a parent company
21 or companies, or partially owned or controlled by another
22 entity must disclose to the Commission ~~Department~~ the
23 relationship and all owners, board members, officers, or
24 individuals with control or management of those entities. An
25 Adult Use Cultivation Center shall not shield its ownership or
26 control from the Department.

1 (e) All principal officers must submit a complete online
2 application with the Commission ~~Department~~ within 14 days of
3 the Adult Use Cultivation Center being licensed by the
4 Commission ~~Department~~ or within 14 days of Commission
5 ~~Department~~ notice of approval as a new principal officer.

6 (f) A principal officer may not allow his or her
7 registration to expire.

8 (g) An Adult Use Cultivation Center separating with a
9 principal officer must do so under this Act. The principal
10 officer must communicate the separation to the Commission
11 ~~Department~~ within 5 business days.

12 (h) A principal officer not in compliance with the
13 requirements of this Act shall be removed from his or her
14 position with the Adult Use Cultivation Center or shall
15 otherwise terminate his or her affiliation. Failure to do so
16 may subject the Adult Use Cultivation Center to discipline,
17 suspension, or revocation of its license by the Commission
18 ~~Department~~.

19 (i) It is the responsibility of the Adult Use Cultivation
20 Center and its principal officers to promptly notify the
21 Commission ~~Department~~ of any change of the principal place of
22 business address, hours of operation, change in ownership or
23 control, or a change of the Adult Use Cultivation Center's
24 primary or secondary contact information. Any changes must be
25 made to the Commission ~~Department~~ in writing.

26 (Source: P.A. 102-98, eff. 7-15-21.)

1 (410 ILCS 705/25-1)

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

3 Sec. 25-1. Definitions. In this Article:

4 "Board" means the Illinois Community College Board.

5 "Career in Cannabis Certificate" or "Certificate" means
6 the certification awarded to a community college student who
7 completes a prescribed course of study in cannabis and
8 cannabis business industry related classes and curriculum at a
9 community college awarded a Community College Cannabis
10 Vocational Pilot Program license.

11 "Commission" means the Cannabis Equity and Oversight
12 Commission.

13 "Community college" means a public community college
14 organized under the Public Community College Act.

15 ~~"Department" means the Department of Agriculture.~~

16 "Licensee" means a community college awarded a Community
17 College Cannabis Vocational Pilot Program license under this
18 Article.

19 "Program" means the Community College Cannabis Vocational
20 Pilot Program.

21 "Program license" means a Community College Cannabis
22 Vocational Pilot Program license issued to a community college
23 under this Article.

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

1 (410 ILCS 705/25-5)

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

3 Sec. 25-5. Administration.

4 (a) The Commission ~~Department~~ shall establish and
5 administer the Program in coordination with the Illinois
6 Community College Board. The Commission ~~Department~~ may issue
7 Program licenses to applicants that meet the requirements
8 outlined in this Article.

9 (b) Beginning with the 2021-2022 academic year, and
10 subject to subsection (h) of Section 2-12 of the Public
11 Community College Act, community colleges awarded Program
12 licenses may offer qualifying students a Career in Cannabis
13 Certificate, which includes, but is not limited to, courses
14 that allow participating students to work with, study, and
15 grow live cannabis plants so as to prepare students for a
16 career in the legal cannabis industry, and to instruct
17 participating students on the best business practices,
18 professional responsibility, and legal compliance of the
19 cannabis business industry.

20 (c) The Board may issue rules pertaining to the provisions
21 in this Act.

22 (d) Notwithstanding any other provision of this Act,
23 students shall be at least 18 years old in order to enroll in a
24 licensee's Career in Cannabis Certificate's prescribed course
25 of study.

26 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21.)

1 (410 ILCS 705/25-10)

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

3 Sec. 25-10. Issuance of Community College Cannabis
4 Vocational Pilot Program licenses.

5 (a) The Commission ~~Department~~ shall issue rules regulating
6 the selection criteria for applicants by January 1, 2020. The
7 Commission ~~Department~~ shall make the application for a Program
8 license available no later than February 1, 2020, and shall
9 require that applicants submit the completed application no
10 later than July 1, 2020. If the Commission ~~Department~~ issues
11 fewer than 8 Program licenses by September 1, 2020, the
12 Commission ~~Department~~ may accept applications at a future date
13 as prescribed by rule.

14 (b) The Commission ~~Department~~ shall by rule develop a
15 system to score Program licenses to administratively rank
16 applications based on the clarity, organization, and quality
17 of the applicant's responses to required information.
18 Applicants shall be awarded points that are based on or that
19 meet the following categories:

20 (1) Geographic diversity of the applicants;

21 (2) Experience and credentials of the applicant's
22 faculty;

23 (3) At least 5 Program license awardees must have a
24 student population that is more than 50% low-income in
25 each of the past 4 years;

1 (4) Security plan, including a requirement that all
2 cannabis plants be in an enclosed, locked facility;

3 (5) Curriculum plan, including processing and testing
4 curriculum for the Career in Cannabis Certificate;

5 (6) Career advising and placement plan for
6 participating students; and

7 (7) Any other criteria the Commission ~~Department~~ may
8 set by rule.

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

10 (410 ILCS 705/25-15)

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

12 Sec. 25-15. Community College Cannabis Vocational Pilot
13 Program requirements and prohibitions.

14 (a) Licensees shall not have more than 50 flowering
15 cannabis plants at any one time.

16 (b) The agent-in-charge shall keep a vault log of the
17 licensee's enclosed, locked facility or facilities, including
18 but not limited to, the person entering the site location, the
19 time of entrance, the time of exit, and any other information
20 the Commission ~~Department~~ may set by rule.

21 (c) Cannabis shall not be removed from the licensee's
22 facility, except for the limited purpose of shipping a sample
23 to a laboratory registered under this Act.

24 (d) The licensee shall limit keys, access cards, or an
25 access code to the licensee's enclosed, locked facility, or

1 facilities, to cannabis curriculum faculty and college
2 security personnel with a bona fide need to access the
3 facility for emergency purposes.

4 (e) A transporting organization may transport cannabis
5 produced pursuant to this Article to a laboratory registered
6 under this Act. All other cannabis produced by the licensee
7 that was not shipped to a registered laboratory shall be
8 destroyed within 5 weeks of being harvested.

9 (f) Licensees shall subscribe to the Commission ~~Department~~
10 of Agriculture's cannabis plant monitoring system.

11 (g) Licensees shall maintain a weekly inventory system.

12 (h) No student participating in the cannabis curriculum
13 necessary to obtain a Certificate may be in the licensee's
14 facility unless a faculty agent-in-charge is also physically
15 present in the facility.

16 (i) Licensees shall conduct post-certificate follow up
17 surveys and record participating students' job placements
18 within the cannabis business industry within a year of the
19 student's completion.

20 (j) The Illinois Community College Board shall report
21 annually to the Commission ~~Department~~
22 and gender of all students participating in the cannabis
23 curriculum necessary to obtain a Certificate, and of those
24 students who obtain a Certificate.

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

1 (410 ILCS 705/25-25)

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

3 Sec. 25-25. Enforcement.

4 (a) The Commission ~~Department~~ has the authority to suspend
5 or revoke any faculty agent-in-charge or agent identification
6 card for any violation found under this Article.

7 (b) The Commission ~~Department~~ has the authority to suspend
8 or revoke any Program license for any violation found under
9 this Article.

10 (c) The Board shall revoke the authority to offer the
11 Certificate of any community college that has had its license
12 revoked by the Commission ~~Department~~.

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

14 (410 ILCS 705/25-30)

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

16 Sec. 25-30. Inspection rights.

17 (a) A licensee's enclosed, locked facilities are subject
18 to random inspections by the Commission ~~Department~~, the
19 Illinois State Police, or as provided by rule.

20 (b) Nothing in this Section shall be construed to give the
21 Commission ~~Department~~, the Illinois State Police, or any other
22 entity identified by rule under subsection (a) a right of
23 inspection or access to any location on the licensee's
24 premises beyond the facilities licensed under this Article.

25 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;

1 102-538, eff. 8-20-21; revised 10-21-21.)

2 (410 ILCS 705/25-35)

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

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

6 (a) The Commission ~~Department~~ shall:

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

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

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

21 (4) enter the license number of the community college
22 where the agent works; and

23 (5) allow for an electronic initial application and
24 renewal application process, and provide a confirmation by
25 electronic or other methods that an application has been

1 submitted. The Commission ~~Each Department~~ may by rule
2 require prospective agents to file their applications by
3 electronic means and to provide notices to the agents by
4 electronic means.

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

8 (c) The agent identification cards shall contain the
9 following:

10 (1) the name of the cardholder;

11 (2) the date of issuance and expiration date of the
12 identification card;

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

16 (4) a photograph of the cardholder; and

17 (5) the legal name of the community college employing
18 the agent.

19 (d) An agent identification card shall be immediately
20 returned to the community college of the agent upon
21 termination of his or her employment.

22 (e) Any agent identification card lost shall be reported
23 to the Illinois State Police and the Commission ~~Department of~~
24 ~~Agriculture~~ immediately upon discovery of the loss.

25 (f) An agent applicant may begin employment at a Community
26 College Cannabis Vocational Training Pilot Program while the

1 agent applicant's identification card application is pending.
2 Upon approval, the Commission ~~Department~~ shall issue the
3 agent's identification card to the agent. If denied, the
4 Community College Cannabis Vocational Training Pilot Program
5 and the agent applicant shall be notified and the agent
6 applicant must cease all activity at the Community College
7 Cannabis Vocational Training Pilot Program immediately.
8 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
9 102-538, eff. 8-20-21; revised 10-21-21.)

10 (410 ILCS 705/25-40)

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

12 Sec. 25-40. Study. By December 31, 2025, the Commission
13 ~~Illinois Cannabis Regulation Oversight Officer~~, in
14 coordination with the Board, must issue a report to the
15 Governor and the General Assembly which includes, but is not
16 limited to, the following:

17 (1) Number of security incidents or infractions at
18 each licensee and any action taken or not taken;

19 (2) Statistics, based on race, ethnicity, gender, and
20 participating community college of:

21 (A) students enrolled in career in cannabis
22 classes;

23 (B) successful completion rates by community
24 college students for the Certificate;

25 (C) postgraduate job placement of students who

1 obtained a Certificate, including both cannabis
2 business establishment jobs and non-cannabis business
3 establishment jobs; and

4 (3) Any other relevant information.

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

6 (410 ILCS 705/30-3)

7 Sec. 30-3. Definition. In this Article, "Commission" means
8 the Cannabis Equity and Oversight Commission.

9 ~~"Department" means the Department of Agriculture.~~

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

11 (410 ILCS 705/30-5)

12 Sec. 30-5. Issuance of licenses.

13 (a) The Commission ~~Department of Agriculture~~ shall issue
14 up to 40 craft grower licenses by July 1, 2020. Any person or
15 entity awarded a license pursuant to this subsection shall
16 only hold one craft grower license and may not sell that
17 license until after December 21, 2021.

18 (b) By December 21, 2021, the Commission ~~Department of~~
19 ~~Agriculture~~ shall issue up to 60 additional craft grower
20 licenses. Any person or entity awarded a license pursuant to
21 this subsection shall not hold more than 2 craft grower
22 licenses. The person or entity awarded a license pursuant to
23 this subsection or subsection (a) of this Section may sell its
24 craft grower license subject to the restrictions of this Act

1 or as determined by administrative rule. Prior to issuing such
2 licenses, the Commission ~~Department~~ may adopt rules through
3 emergency rulemaking in accordance with subsection (kk) of
4 Section 5-45 of the Illinois Administrative Procedure Act, to
5 modify or raise the number of craft grower licenses and modify
6 or change the licensing application process. The General
7 Assembly finds that the adoption of rules to regulate cannabis
8 use is deemed an emergency and necessary for the public
9 interest, safety, and welfare. In determining whether to
10 exercise the authority granted by this subsection, the
11 Commission ~~Department of Agriculture~~ must consider the
12 following factors:

13 (1) the percentage of cannabis sales occurring in
14 Illinois not in the regulated market using data from the
15 Substance Abuse and Mental Health Services Administration,
16 National Survey on Drug Use and Health, Illinois
17 Behavioral Risk Factor Surveillance System, and tourism
18 data from the Illinois Office of Tourism to ascertain
19 total cannabis consumption in Illinois compared to the
20 amount of sales in licensed dispensing organizations;

21 (2) whether there is an adequate supply of cannabis
22 and cannabis-infused products to serve registered medical
23 cannabis patients;

24 (3) whether there is an adequate supply of cannabis
25 and cannabis-infused products to serve purchasers;

26 (4) whether there is an oversupply of cannabis in

1 Illinois leading to trafficking of cannabis to states
2 where the sale of cannabis is not permitted by law;

3 (5) population increases or shifts;

4 (6) the density of craft growers in any area of the
5 State;

6 (7) perceived security risks of increasing the number
7 or location of craft growers;

8 (8) the past safety record of craft growers;

9 (9) the Commission's ~~Department of Agriculture's~~
10 capacity to appropriately regulate additional licensees;

11 (10) (blank); and

12 (11) any other criteria the Commission ~~Department of~~
13 ~~Agriculture~~ deems relevant.

14 (c) After January 1, 2022, the Commission ~~Department of~~
15 ~~Agriculture~~ may by rule modify or raise the number of craft
16 grower licenses and modify or change the licensing application
17 process. At no time may the number of craft grower licenses
18 exceed 150. Any person or entity awarded a license pursuant to
19 this subsection shall not hold more than 3 craft grower
20 licenses. A person or entity awarded a license pursuant to
21 this subsection or subsection (a) or subsection (b) of this
22 Section may sell its craft grower license or licenses subject
23 to the restrictions of this Act or as determined by
24 administrative rule.

25 (d) Upon the completion of the disparity and availability
26 study pertaining to craft growers the Commission ~~by the~~

1 ~~Cannabis Regulation Oversight Officer pursuant to subsection~~
2 ~~(c) of Section 5-45, the Department~~ may modify or change the
3 licensing application process to reduce or eliminate barriers
4 from and remedy evidence of discrimination identified in the
5 disparity and availability study.

6 (e) Notwithstanding any other provision of law, the
7 Commission shall have authority over licenses in this Section
8 that may be in various phases in the licensing process or are
9 eligible, pending, in the conditional phase, awarded, pending
10 adjudication by a judicial process, or have otherwise not been
11 awarded on and after July 1, 2022.

12 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
13 102-98, eff. 7-15-21.)

14 (410 ILCS 705/30-10)

15 Sec. 30-10. Application.

16 (a) When applying for a license, the applicant shall
17 electronically submit the following in such form as the
18 Commission ~~Department of Agriculture~~ may direct:

19 (1) the nonrefundable application fee as set by rule
20 by the Commission ~~of \$5,000~~ to be deposited into the
21 Cannabis Regulation Fund, ~~or another amount as the~~
22 ~~Department of Agriculture may set by rule after January 1,~~
23 ~~2021;~~

24 (2) the legal name of the craft grower;

25 (3) the proposed physical address of the craft grower;

1 (4) the name, address, social security number, and
2 date of birth of each principal officer and board member
3 of the craft grower; each principal officer and board
4 member shall be at least 21 years of age;

5 (5) the details of any administrative or judicial
6 proceeding in which any of the principal officers or board
7 members of the craft grower (i) pled guilty, were
8 convicted, were fined, or had a registration or license
9 suspended or revoked or (ii) managed or served on the
10 board of a business or non-profit organization that pled
11 guilty, was convicted, was fined, or had a registration or
12 license suspended or revoked;

13 (6) proposed operating bylaws that include procedures
14 for the oversight of the craft grower, including the
15 development and implementation of a plant monitoring
16 system, accurate recordkeeping, staffing plan, and
17 security plan approved by the Illinois State Police that
18 are in accordance with the rules issued by the Commission
19 ~~Department of Agriculture~~ under this Act; a physical
20 inventory shall be performed of all plants and on a weekly
21 basis by the craft grower;

22 (7) verification from the Illinois State Police that
23 all background checks of the prospective principal
24 officers, board members, and agents of the cannabis
25 business establishment have been conducted;

26 (8) a copy of the current local zoning ordinance or

1 permit and verification that the proposed craft grower is
2 in compliance with the local zoning rules and distance
3 limitations established by the local jurisdiction;

4 (9) proposed employment practices, in which the
5 applicant must demonstrate a plan of action to inform,
6 hire, and educate minorities, women, veterans, and persons
7 with disabilities, engage in fair labor practices, and
8 provide worker protections;

9 (10) whether an applicant can demonstrate experience
10 in or business practices that promote economic empowerment
11 in Disproportionately Impacted Areas;

12 (11) experience with the cultivation of agricultural
13 or horticultural products, operating an agriculturally
14 related business, or operating a horticultural business;

15 (12) a description of the enclosed, locked facility
16 where cannabis will be grown, harvested, manufactured,
17 packaged, or otherwise prepared for distribution to a
18 dispensing organization or other cannabis business
19 establishment;

20 (13) a survey of the enclosed, locked facility,
21 including the space used for cultivation;

22 (14) cultivation, processing, inventory, and packaging
23 plans;

24 (15) a description of the applicant's experience with
25 agricultural cultivation techniques and industry
26 standards;

1 (16) a list of any academic degrees, certifications,
2 or relevant experience of all prospective principal
3 officers, board members, and agents of the related
4 business;

5 (17) the identity of every person having a financial
6 or voting interest of 5% or greater in the craft grower
7 operation, whether a trust, corporation, partnership,
8 limited liability company, or sole proprietorship,
9 including the name and address of each person;

10 (18) a plan describing how the craft grower will
11 address each of the following:

12 (i) energy needs, including estimates of monthly
13 electricity and gas usage, to what extent it will
14 procure energy from a local utility or from on-site
15 generation, and if it has or will adopt a sustainable
16 energy use and energy conservation policy;

17 (ii) water needs, including estimated water draw
18 and if it has or will adopt a sustainable water use and
19 water conservation policy; and

20 (iii) waste management, including if it has or
21 will adopt a waste reduction policy;

22 (19) a recycling plan:

23 (A) Purchaser packaging, including cartridges,
24 shall be accepted by the applicant and recycled.

25 (B) Any recyclable waste generated by the craft
26 grower facility shall be recycled per applicable State

1 and local laws, ordinances, and rules.

2 (C) Any cannabis waste, liquid waste, or hazardous
3 waste shall be disposed of in accordance with 8 Ill.
4 Adm. Code 1000.460, except, to the greatest extent
5 feasible, all cannabis plant waste will be rendered
6 unusable by grinding and incorporating the cannabis
7 plant waste with compostable mixed waste to be
8 disposed of in accordance with 8 Ill. Adm. Code
9 1000.460 (g) (1);

10 (20) a commitment to comply with local waste
11 provisions: a craft grower facility must remain in
12 compliance with applicable State and federal environmental
13 requirements, including, but not limited to:

14 (A) storing, securing, and managing all
15 recyclables and waste, including organic waste
16 composed of or containing finished cannabis and
17 cannabis products, in accordance with applicable State
18 and local laws, ordinances, and rules; and

19 (B) disposing liquid waste containing cannabis or
20 byproducts of cannabis processing in compliance with
21 all applicable State and federal requirements,
22 including, but not limited to, the cannabis
23 cultivation facility's permits under Title X of the
24 Environmental Protection Act;

25 (21) a commitment to a technology standard for
26 resource efficiency of the craft grower facility.

1 (A) A craft grower facility commits to use
2 resources efficiently, including energy and water. For
3 the following, a cannabis cultivation facility commits
4 to meet or exceed the technology standard identified
5 in paragraphs (i), (ii), (iii), and (iv), which may be
6 modified by rule:

7 (i) lighting systems, including light bulbs;

8 (ii) HVAC system;

9 (iii) water application system to the crop;

10 and

11 (iv) filtration system for removing
12 contaminants from wastewater.

13 (B) Lighting. The Lighting Power Densities (LPD)
14 for cultivation space commits to not exceed an average
15 of 36 watts per gross square foot of active and growing
16 space canopy, or all installed lighting technology
17 shall meet a photosynthetic photon efficacy (PPE) of
18 no less than 2.2 micromoles per joule fixture and
19 shall be featured on the DesignLights Consortium (DLC)
20 Horticultural Specification Qualified Products List
21 (QPL). In the event that DLC requirement for minimum
22 efficacy exceeds 2.2 micromoles per joule fixture,
23 that PPE shall become the new standard.

24 (C) HVAC.

25 (i) For cannabis grow operations with less
26 than 6,000 square feet of canopy, the licensee

1 commits that all HVAC units will be
2 high-efficiency ductless split HVAC units, or
3 other more energy efficient equipment.

4 (ii) For cannabis grow operations with 6,000
5 square feet of canopy or more, the licensee
6 commits that all HVAC units will be variable
7 refrigerant flow HVAC units, or other more energy
8 efficient equipment.

9 (D) Water application.

10 (i) The craft grower facility commits to use
11 automated watering systems, including, but not
12 limited to, drip irrigation and flood tables, to
13 irrigate cannabis crop.

14 (ii) The craft grower facility commits to
15 measure runoff from watering events and report
16 this volume in its water usage plan, and that on
17 average, watering events shall have no more than
18 20% of runoff of water.

19 (E) Filtration. The craft grower commits that HVAC
20 condensate, dehumidification water, excess runoff, and
21 other wastewater produced by the craft grower facility
22 shall be captured and filtered to the best of the
23 facility's ability to achieve the quality needed to be
24 reused in subsequent watering rounds.

25 (F) Reporting energy use and efficiency as
26 required by rule; and

1 (22) any other information required by rule.

2 (b) Applicants must submit all required information,
3 ~~including the information required in Section 30-15, to the~~
4 ~~Department of Agriculture.~~ Failure by an applicant to submit
5 all required information may result in the application being
6 disqualified.

7 (c) (Blank). ~~If the Department of Agriculture receives an~~
8 ~~application with missing information, the Department of~~
9 ~~Agriculture may issue a deficiency notice to the applicant.~~
10 ~~The applicant shall have 10 calendar days from the date of the~~
11 ~~deficiency notice to resubmit the incomplete information.~~
12 ~~Applications that are still incomplete after this opportunity~~
13 ~~to cure will not be scored and will be disqualified.~~

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
15 102-538, eff. 8-20-21.)

16 (410 ILCS 705/30-20)

17 Sec. 30-20. Issuance of license to certain persons
18 prohibited.

19 (a) No craft grower license issued by the Commission
20 ~~Department of Agriculture~~ shall be issued to a person who is
21 licensed by any licensing authority as a cultivation center,
22 or to any partnership, corporation, limited liability company,
23 or trust or any subsidiary, affiliate, or any other form of
24 business enterprise having more than 10% legal, equitable, or
25 beneficial interest, directly or indirectly, in a person

1 licensed in this State as a cultivation center, or to any
2 principal officer, agent, employee, or human being with any
3 form of ownership or control over a cultivation center except
4 for a person who owns no more than 5% of the outstanding shares
5 of a cultivation center whose shares are publicly traded on an
6 exchange within the meaning of the Securities Exchange Act of
7 1934.

8 (b) A person who is licensed in this State as a craft
9 grower, or any partnership, corporation, limited liability
10 company, or trust or any subsidiary, affiliate, or agent
11 thereof, or any other form of business enterprise licensed in
12 this State as a craft grower shall not have more than 10%
13 legal, equitable, or beneficial interest, directly or
14 indirectly, in a person licensed as a cultivation center, nor
15 shall any partnership, corporation, limited liability company,
16 or trust or any subsidiary, affiliate, or any other form of
17 business enterprise having any legal, equitable, or beneficial
18 interest, directly or indirectly, in a person licensed in this
19 State as a craft grower or a craft grower agent be a principal
20 officer, agent, employee, or human being with any form of
21 ownership or control over a cultivation center except for a
22 person who owns no more than 5% of the outstanding shares of a
23 cultivation center whose shares are publicly traded on an
24 exchange within the meaning of the Securities Exchange Act of
25 1934.

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

1 (410 ILCS 705/30-30)

2 Sec. 30-30. Craft grower requirements; prohibitions.

3 (a) The operating documents of a craft grower shall
4 include procedures for the oversight of the craft grower, a
5 cannabis plant monitoring system including a physical
6 inventory recorded weekly, accurate recordkeeping, and a
7 staffing plan.

8 (b) A craft grower shall implement a security plan
9 reviewed by the Illinois State Police that includes, but is
10 not limited to: facility access controls, perimeter intrusion
11 detection systems, personnel identification systems, and a
12 24-hour surveillance system to monitor the interior and
13 exterior of the craft grower facility and that is accessible
14 to authorized law enforcement and the Commission ~~Department of~~
15 ~~Agriculture~~ in real time.

16 (c) All cultivation of cannabis by a craft grower must
17 take place in an enclosed, locked facility at the physical
18 address provided to the Commission ~~Department of Agriculture~~
19 during the licensing process. The craft grower location shall
20 only be accessed by the agents working for the craft grower,
21 the Commission ~~Department of Agriculture~~ staff performing
22 inspections, the Department of Public Health staff performing
23 inspections, State and local law enforcement or other
24 emergency personnel, contractors working on jobs unrelated to
25 cannabis, such as installing or maintaining security devices

1 or performing electrical wiring, transporting organization
2 agents as provided in this Act, or participants in the
3 incubator program, individuals in a mentoring or educational
4 program approved by the State, or other individuals as
5 provided by rule. However, if a craft grower shares a premises
6 with an infuser or dispensing organization, agents from those
7 other licensees may access the craft grower portion of the
8 premises if that is the location of common bathrooms,
9 lunchrooms, locker rooms, or other areas of the building where
10 work or cultivation of cannabis is not performed. At no time
11 may an infuser or dispensing organization agent perform work
12 at a craft grower without being a registered agent of the craft
13 grower.

14 (d) A craft grower may not sell or distribute any cannabis
15 to any person other than a cultivation center, a craft grower,
16 an infuser organization, a dispensing organization, or as
17 otherwise authorized by rule.

18 (e) A craft grower may not be located in an area zoned for
19 residential use.

20 (f) A craft grower may not either directly or indirectly
21 discriminate in price between different cannabis business
22 establishments that are purchasing a like grade, strain,
23 brand, and quality of cannabis or cannabis-infused product.
24 Nothing in this subsection (f) prevents a craft grower from
25 pricing cannabis differently based on differences in the cost
26 of manufacturing or processing, the quantities sold, such as

1 volume discounts, or the way the products are delivered.

2 (g) All cannabis harvested by a craft grower and intended
3 for distribution to a dispensing organization must be entered
4 into a data collection system, packaged and labeled under
5 Section 55-21, and, if distribution is to a dispensing
6 organization that does not share a premises with the
7 dispensing organization receiving the cannabis, placed into a
8 cannabis container for transport. All cannabis harvested by a
9 craft grower and intended for distribution to a cultivation
10 center, to an infuser organization, or to a craft grower with
11 which it does not share a premises, must be packaged in a
12 labeled cannabis container and entered into a data collection
13 system before transport.

14 (h) Craft growers are subject to random inspections by the
15 Commission ~~Department of Agriculture~~, local safety or health
16 inspectors, the Illinois State Police, or as provided by rule.

17 (i) A craft grower agent shall notify local law
18 enforcement, the Illinois State Police, and the Commission
19 ~~Department of Agriculture~~ within 24 hours of the discovery of
20 any loss or theft. Notification shall be made by phone, in
21 person, or written or electronic communication.

22 (j) A craft grower shall comply with all State and any
23 applicable federal rules and regulations regarding the use of
24 pesticides.

25 (k) A craft grower or craft grower agent shall not
26 transport cannabis or cannabis-infused products to any other

1 cannabis business establishment without a transport
2 organization license unless:

3 (i) If the craft grower is located in a county with a
4 population of 3,000,000 or more, the cannabis business
5 establishment receiving the cannabis is within 2,000 feet
6 of the property line of the craft grower;

7 (ii) If the craft grower is located in a county with a
8 population of more than 700,000 but fewer than 3,000,000,
9 the cannabis business establishment receiving the cannabis
10 is within 2 miles of the craft grower; or

11 (iii) If the craft grower is located in a county with a
12 population of fewer than 700,000, the cannabis business
13 establishment receiving the cannabis is within 15 miles of
14 the craft grower.

15 (l) A craft grower may enter into a contract with a
16 transporting organization to transport cannabis to a
17 cultivation center, a craft grower, an infuser organization, a
18 dispensing organization, or a laboratory.

19 (m) No person or entity shall hold any legal, equitable,
20 ownership, or beneficial interest, directly or indirectly, of
21 more than 3 craft grower licenses. Further, no person or
22 entity that is employed by, an agent of, or has a contract to
23 receive payment from or participate in the management of a
24 craft grower, is a principal officer of a craft grower, or
25 entity controlled by or affiliated with a principal officer of
26 a craft grower shall hold any legal, equitable, ownership, or

1 beneficial interest, directly or indirectly, in a craft grower
2 license that would result in the person or entity owning or
3 controlling in combination with any craft grower, principal
4 officer of a craft grower, or entity controlled or affiliated
5 with a principal officer of a craft grower by which he, she, or
6 it is employed, is an agent of, or participates in the
7 management of more than 3 craft grower licenses.

8 (n) It is unlawful for any person having a craft grower
9 license or any officer, associate, member, representative, or
10 agent of the licensee to offer or deliver money, or anything
11 else of value, directly or indirectly, to any person having an
12 Early Approval Adult Use Dispensing Organization License, a
13 Conditional Adult Use Dispensing Organization License, an
14 Adult Use Dispensing Organization License, or a medical
15 cannabis dispensing organization license issued under the
16 Compassionate Use of Medical Cannabis Program ~~Act~~, or to any
17 person connected with or in any way representing, or to any
18 member of the family of, the person holding an Early Approval
19 Adult Use Dispensing Organization License, a Conditional Adult
20 Use Dispensing Organization License, an Adult Use Dispensing
21 Organization License, or a medical cannabis dispensing
22 organization license issued under the Compassionate Use of
23 Medical Cannabis Program ~~Act~~, or to any stockholders in any
24 corporation engaged in the retail sale of cannabis, or to any
25 officer, manager, agent, or representative of the Early
26 Approval Adult Use Dispensing Organization License, a

1 Conditional Adult Use Dispensing Organization License, an
2 Adult Use Dispensing Organization License, or a medical
3 cannabis dispensing organization license issued under the
4 Compassionate Use of Medical Cannabis Program ~~Act~~ to obtain
5 preferential placement within the dispensing organization,
6 including, without limitation, on shelves and in display cases
7 where purchasers can view products, or on the dispensing
8 organization's website.

9 (o) A craft grower shall not be located within 1,500 feet
10 of another craft grower or a cultivation center.

11 (p) A craft grower may process cannabis, cannabis
12 concentrates, and cannabis-infused products.

13 (q) A craft grower must comply with any other requirements
14 or prohibitions set by administrative rule of the Commission
15 ~~Department of Agriculture~~.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
17 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
18 10-21-21.)

19 (410 ILCS 705/30-45)

20 Sec. 30-45. Renewal of craft grower licenses and agent
21 identification cards.

22 (a) Licenses and identification cards issued under this
23 Act shall be renewed annually. A craft grower shall receive
24 written or electronic notice 90 days before the expiration of
25 its current license that the license will expire. The

1 Commission ~~Department of Agriculture~~ shall grant a renewal
2 within 45 days of submission of a renewal application if:

3 (1) the craft grower submits a renewal application and
4 the required nonrefundable renewal fee of \$40,000, or
5 another amount as the Commission ~~Department of Agriculture~~
6 may set by rule after January 1, 2021;

7 (2) the Commission ~~Department of Agriculture~~ has not
8 suspended the license of the craft grower or suspended or
9 revoked the license for violating this Act or rules
10 adopted under this Act;

11 (3) the craft grower has continued to operate in
12 accordance with all plans submitted as part of its
13 application and approved by the Commission ~~Department of~~
14 ~~Agriculture~~ or any amendments thereto that have been
15 approved by the Commission ~~Department of Agriculture~~;

16 (4) the craft grower has submitted an agent, employee,
17 contracting, and subcontracting diversity report as
18 required by the Commission ~~Department~~; and

19 (5) the craft grower has submitted an environmental
20 impact report.

21 (b) If a craft grower fails to renew its license before
22 expiration, it shall cease operations until its license is
23 renewed.

24 (c) If a craft grower agent fails to renew his or her
25 identification card before its expiration, he or she shall
26 cease to work as an agent of the craft grower organization

1 until his or her identification card is renewed.

2 (d) Any craft grower that continues to operate, or any
3 craft grower agent who continues to work as an agent, after the
4 applicable license or identification card has expired without
5 renewal is subject to the penalties provided under Section
6 45-5.

7 (e) All fees or fines collected from the renewal of a craft
8 grower license shall be deposited into the Cannabis Regulation
9 Fund.

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

11 (410 ILCS 705/30-55)

12 Sec. 30-55. Disclosure of ownership and control.

13 (a) Each craft grower applicant and licensee shall file
14 and maintain a Table of Organization, Ownership, and Control
15 with the Commission ~~Department~~. The Table of Organization,
16 Ownership, and Control shall contain the information required
17 by this Section in sufficient detail to identify all owners,
18 directors, and principal officers, and the title of each
19 principal officer or business entity that, through direct or
20 indirect means, manages, owns, or controls the applicant or
21 licensee.

22 (b) The Table of Organization, Ownership and Control shall
23 identify the following information:

24 (1) The management structure, ownership, and control
25 of the applicant or license holder including the name of

1 each principal officer or business entity, the office or
2 position held, and the percentage ownership interest, if
3 any. If the business entity has a parent company, the name
4 of each owner, board member, and officer of the parent
5 company and his or her percentage ownership interest in
6 the parent company and the craft grower.

7 (2) If the applicant or licensee is a business entity
8 with publicly traded stock, the identification of
9 ownership shall be provided as required in subsection (c).

10 (c) If a business entity identified in subsection (b) is a
11 publicly traded company, the following information shall be
12 provided in the Table of Organization, Ownership, and Control:

13 (1) The name and percentage of ownership interest of
14 each individual or business entity with ownership of more
15 than 5% of the voting shares of the entity, to the extent
16 such information is known or contained in 13D or 13G
17 Securities and Exchange Commission filings.

18 (2) To the extent known, the names and percentage of
19 interest of ownership of persons who are relatives of one
20 another and who together exercise control over or own more
21 than 10% of the voting shares of the entity.

22 (d) A craft grower with a parent company or companies, or
23 partially owned or controlled by another entity must disclose
24 to the Commission ~~Department~~ the relationship and all owners,
25 board members, officers, or individuals with control or
26 management of those entities. A craft grower shall not shield

1 its ownership or control from the Commission ~~Department~~.

2 (e) All principal officers must submit a complete online
3 application with the Commission ~~Department~~ within 14 days of
4 the craft grower being licensed by the Commission ~~Department~~
5 or within 14 days of Commission ~~Department~~ notice of approval
6 as a new principal officer.

7 (f) A principal officer may not allow his or her
8 registration to expire.

9 (g) A craft grower separating with a principal officer
10 must do so under this Act. The principal officer must
11 communicate the separation to the Commission ~~Department~~ within
12 5 business days.

13 (h) A principal officer not in compliance with the
14 requirements of this Act shall be removed from his or her
15 position with the craft grower or shall otherwise terminate
16 his or her affiliation. Failure to do so may subject the craft
17 grower to discipline, suspension, or revocation of its license
18 by the Commission ~~Department~~.

19 (i) It is the responsibility of the craft grower and its
20 principal officers to promptly notify the Commission
21 ~~Department~~ of any change of the principal place of business
22 address, hours of operation, change in ownership or control,
23 or a change of the craft grower's primary or secondary contact
24 information. Any changes must be made to the Commission
25 ~~Department~~ in writing.

26 (Source: P.A. 102-98, eff. 7-15-21.)

1 (410 ILCS 705/35-3)

2 Sec. 35-3. Definitions. In this Article, "Commission"
3 means the Cannabis Equity and Oversight Commission. ÷

4 ~~"Department" means the Department of Agriculture.~~

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

6 (410 ILCS 705/35-5)

7 Sec. 35-5. Issuance of licenses.

8 (a) The Department of Agriculture shall issue up to 40
9 infuser licenses through a process provided for in this
10 Article no later than July 1, 2020.

11 (b) The Commission ~~Department of Agriculture~~ shall make
12 the application for infuser licenses available on January 7,
13 2020, or if that date falls on a weekend or holiday, the
14 business day immediately succeeding the weekend or holiday and
15 every January 7 or succeeding business day thereafter, and
16 shall receive such applications no later than March 15, 2020,
17 or, if that date falls on a weekend or holiday, the business
18 day immediately succeeding the weekend or holiday and every
19 March 15 or succeeding business day thereafter.

20 (c) By December 21, 2021, the Department of Agriculture
21 may issue up to 60 additional infuser licenses. If the
22 Department of Agriculture has not issued licenses under
23 subsection (c) of this Article prior to July 1, 2022, the
24 Commission may issue the licenses. Prior to issuing such

1 licenses, the Commission ~~Department~~ may adopt rules through
2 emergency rulemaking in accordance with subsection (kk) of
3 Section 5-45 of the Illinois Administrative Procedure Act, to
4 modify or raise the number of infuser licenses and modify or
5 change the licensing application process to reduce or
6 eliminate barriers. The General Assembly finds that the
7 adoption of rules to regulate cannabis use is deemed an
8 emergency and necessary for the public interest, safety, and
9 welfare.

10 In determining whether to exercise the authority granted
11 by this subsection, the Commission ~~Department of Agriculture~~
12 must consider the following factors:

13 (1) the percentage of cannabis sales occurring in
14 Illinois not in the regulated market using data from the
15 Substance Abuse and Mental Health Services Administration,
16 National Survey on Drug Use and Health, Illinois
17 Behavioral Risk Factor Surveillance System, and tourism
18 data from the Illinois Office of Tourism to ascertain
19 total cannabis consumption in Illinois compared to the
20 amount of sales in licensed dispensing organizations;

21 (2) whether there is an adequate supply of cannabis
22 and cannabis-infused products to serve registered medical
23 cannabis patients;

24 (3) whether there is an adequate supply of cannabis
25 and cannabis-infused products to serve purchasers;

26 (4) whether there is an oversupply of cannabis in

1 Illinois leading to trafficking of cannabis to any other
2 state;

3 (5) population increases or shifts;

4 (6) changes to federal law;

5 (7) perceived security risks of increasing the number
6 or location of infuser organizations;

7 (8) the past security records of infuser
8 organizations;

9 (9) the Commission's ~~Department of Agriculture's~~
10 capacity to appropriately regulate additional licenses;

11 (10) (blank); and

12 (11) any other criteria the ~~Department of Agriculture~~
13 deems relevant.

14 (d) After January 1, 2022, the Commission Commission
15 ~~Department of Agriculture~~ may by rule modify or raise the
16 number of infuser licenses, and modify or change the licensing
17 application process to reduce or eliminate barriers based on
18 the criteria in subsection (c).

19 (e) Upon the completion of the disparity and availability
20 study pertaining to infusers by the Commission ~~Cannabis~~
21 ~~Regulation Oversight Officer pursuant to subsection (e) of~~
22 ~~Section 5-45, the Department of Agriculture~~ may modify or
23 change the licensing application process to reduce or
24 eliminate barriers and remedy evidence of discrimination
25 identified in the study.

26 (f) Notwithstanding, any other provision of law, the

1 Commission shall have authority over licenses in this Article
2 that may be in various phases in the licensing process, are
3 eligible, pending, in the conditional phase, awarded, pending
4 adjudication by a judicial process, or have otherwise not been
5 awarded on and after July 1, 2022.

6 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
7 102-98, eff. 7-15-21.)

8 (410 ILCS 705/35-10)

9 Sec. 35-10. Application.

10 (a) When applying for a license, the applicant shall
11 electronically submit the following in such form as the
12 Commission ~~Department of Agriculture~~ may direct:

13 (1) the nonrefundable application fee as set by rule
14 by the Commission, of \$5,000 or, after January 1, 2021,
15 ~~another amount as set by rule by the Department of~~
16 ~~Agriculture,~~ to be deposited into the Cannabis Regulation
17 Fund;

18 (2) the legal name of the infuser;

19 (3) the proposed physical address of the infuser;

20 (4) the name, address, social security number, and
21 date of birth of each principal officer and board member
22 of the infuser; each principal officer and board member
23 shall be at least 21 years of age;

24 (5) the details of any administrative or judicial
25 proceeding in which any of the principal officers or board

1 members of the infuser (i) pled guilty, were convicted,
2 fined, or had a registration or license suspended or
3 revoked, or (ii) managed or served on the board of a
4 business or non-profit organization that pled guilty, was
5 convicted, fined, or had a registration or license
6 suspended or revoked;

7 (6) proposed operating bylaws that include procedures
8 for the oversight of the infuser, including the
9 development and implementation of a plant monitoring
10 system, accurate recordkeeping, staffing plan, and
11 security plan approved by the Illinois State Police that
12 are in accordance with the rules issued by the Commission
13 ~~Department of Agriculture~~ under this Act; a physical
14 inventory of all cannabis shall be performed on a weekly
15 basis by the infuser;

16 (7) verification from the Illinois State Police that
17 all background checks of the prospective principal
18 officers, board members, and agents of the infuser
19 organization have been conducted;

20 (8) a copy of the current local zoning ordinance and
21 verification that the proposed infuser is in compliance
22 with the local zoning rules and distance limitations
23 established by the local jurisdiction;

24 (9) proposed employment practices, in which the
25 applicant must demonstrate a plan of action to inform,
26 hire, and educate minorities, women, veterans, and persons

1 with disabilities, engage in fair labor practices, and
2 provide worker protections;

3 (10) whether an applicant can demonstrate experience
4 in or business practices that promote economic empowerment
5 in Disproportionately Impacted Areas;

6 (11) experience with infusing products with cannabis
7 concentrate;

8 (12) a description of the enclosed, locked facility
9 where cannabis will be infused, packaged, or otherwise
10 prepared for distribution to a dispensing organization or
11 other infuser;

12 (13) processing, inventory, and packaging plans;

13 (14) a description of the applicant's experience with
14 operating a commercial kitchen or laboratory preparing
15 products for human consumption;

16 (15) a list of any academic degrees, certifications,
17 or relevant experience of all prospective principal
18 officers, board members, and agents of the related
19 business;

20 (16) the identity of every person having a financial
21 or voting interest of 5% or greater in the infuser
22 operation with respect to which the license is sought,
23 whether a trust, corporation, partnership, limited
24 liability company, or sole proprietorship, including the
25 name and address of each person;

26 (17) a plan describing how the infuser will address

1 each of the following:

2 (i) energy needs, including estimates of monthly
3 electricity and gas usage, to what extent it will
4 procure energy from a local utility or from on-site
5 generation, and if it has or will adopt a sustainable
6 energy use and energy conservation policy;

7 (ii) water needs, including estimated water draw,
8 and if it has or will adopt a sustainable water use and
9 water conservation policy; and

10 (iii) waste management, including if it has or
11 will adopt a waste reduction policy;

12 (18) a recycling plan:

13 (A) a commitment that any recyclable waste
14 generated by the infuser shall be recycled per
15 applicable State and local laws, ordinances, and
16 rules; and

17 (B) a commitment to comply with local waste
18 provisions. An infuser commits to remain in compliance
19 with applicable State and federal environmental
20 requirements, including, but not limited to, storing,
21 securing, and managing all recyclables and waste,
22 including organic waste composed of or containing
23 finished cannabis and cannabis products, in accordance
24 with applicable State and local laws, ordinances, and
25 rules; and

26 (19) any other information required by rule.

1 (b) Applicants must submit all required information,
2 ~~including the information required in Section 35-15, to the~~
3 ~~Department of Agriculture.~~ Failure by an applicant to submit
4 all required information may result in the application being
5 disqualified.

6 (c) (Blank). ~~If the Department of Agriculture receives an~~
7 ~~application with missing information, the Department of~~
8 ~~Agriculture may issue a deficiency notice to the applicant.~~
9 ~~The applicant shall have 10 calendar days from the date of the~~
10 ~~deficiency notice to resubmit the incomplete information.~~
11 ~~Applications that are still incomplete after this opportunity~~
12 ~~to cure will not be scored and will be disqualified.~~

13 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

14 (410 ILCS 705/35-25)

15 Sec. 35-25. Infuser organization requirements;
16 prohibitions.

17 (a) The operating documents of an infuser shall include
18 procedures for the oversight of the infuser, an inventory
19 monitoring system including a physical inventory recorded
20 weekly, accurate recordkeeping, and a staffing plan.

21 (b) An infuser shall implement a security plan reviewed by
22 the Illinois State Police that includes, but is not limited
23 to: facility access controls, perimeter intrusion detection
24 systems, personnel identification systems, and a 24-hour
25 surveillance system to monitor the interior and exterior of

1 the infuser facility and that is accessible to authorized law
2 enforcement, the Department of Public Health, and the
3 Commission ~~Department of Agriculture~~ in real time.

4 (c) All processing of cannabis by an infuser must take
5 place in an enclosed, locked facility at the physical address
6 provided to the Commission ~~Department of Agriculture~~ during
7 the licensing process. The infuser location shall only be
8 accessed by the agents working for the infuser, the Commission
9 ~~Department of Agriculture~~ staff performing inspections, the
10 Department of Public Health staff performing inspections,
11 State and local law enforcement or other emergency personnel,
12 contractors working on jobs unrelated to cannabis, such as
13 installing or maintaining security devices or performing
14 electrical wiring, transporting organization agents as
15 provided in this Act, participants in the incubator program,
16 individuals in a mentoring or educational program approved by
17 the State, local safety or health inspectors, or other
18 individuals as provided by rule. However, if an infuser shares
19 a premises with a craft grower or dispensing organization,
20 agents from these other licensees may access the infuser
21 portion of the premises if that is the location of common
22 bathrooms, lunchrooms, locker rooms, or other areas of the
23 building where processing of cannabis is not performed. At no
24 time may a craft grower or dispensing organization agent
25 perform work at an infuser without being a registered agent of
26 the infuser.

1 (d) An infuser may not sell or distribute any cannabis to
2 any person other than a dispensing organization, or as
3 otherwise authorized by rule.

4 (e) An infuser may not either directly or indirectly
5 discriminate in price between different cannabis business
6 establishments that are purchasing a like grade, strain,
7 brand, and quality of cannabis or cannabis-infused product.
8 Nothing in this subsection (e) prevents an infuser from
9 pricing cannabis differently based on differences in the cost
10 of manufacturing or processing, the quantities sold, such
11 volume discounts, or the way the products are delivered.

12 (f) All cannabis infused by an infuser and intended for
13 distribution to a dispensing organization must be entered into
14 a data collection system, packaged and labeled under Section
15 55-21, and, if distribution is to a dispensing organization
16 that does not share a premises with the infuser, placed into a
17 cannabis container for transport. All cannabis produced by an
18 infuser and intended for distribution to a cultivation center,
19 infuser organization, or craft grower with which it does not
20 share a premises, must be packaged in a labeled cannabis
21 container and entered into a data collection system before
22 transport.

23 (g) Infusers are subject to random inspections by the
24 Commission ~~Department of Agriculture~~, the Department of Public
25 Health, the Illinois State Police, local law enforcement, or
26 as provided by rule.

1 (h) An infuser agent shall notify local law enforcement,
2 the Illinois State Police, and the Commission ~~Department of~~
3 ~~Agriculture~~ within 24 hours of the discovery of any loss or
4 theft. Notification shall be made by phone, in person, or by
5 written or electronic communication.

6 (i) An infuser organization may not be located in an area
7 zoned for residential use.

8 (j) An infuser or infuser agent shall not transport
9 cannabis or cannabis-infused products to any other cannabis
10 business establishment without a transport organization
11 license unless:

12 (i) If the infuser is located in a county with a
13 population of 3,000,000 or more, the cannabis business
14 establishment receiving the cannabis or cannabis-infused
15 product is within 2,000 feet of the property line of the
16 infuser;

17 (ii) If the infuser is located in a county with a
18 population of more than 700,000 but fewer than 3,000,000,
19 the cannabis business establishment receiving the cannabis
20 or cannabis-infused product is within 2 miles of the
21 infuser; or

22 (iii) If the infuser is located in a county with a
23 population of fewer than 700,000, the cannabis business
24 establishment receiving the cannabis or cannabis-infused
25 product is within 15 miles of the infuser.

26 (k) An infuser may enter into a contract with a

1 transporting organization to transport cannabis to a
2 dispensing organization or a laboratory.

3 (l) An infuser organization may share premises with a
4 craft grower or a dispensing organization, or both, provided
5 each licensee stores currency and cannabis or cannabis-infused
6 products in a separate secured vault to which the other
7 licensee does not have access or all licensees sharing a vault
8 share more than 50% of the same ownership.

9 (m) It is unlawful for any person or entity having an
10 infuser organization license or any officer, associate,
11 member, representative or agent of such licensee to offer or
12 deliver money, or anything else of value, directly or
13 indirectly to any person having an Early Approval Adult Use
14 Dispensing Organization License, a Conditional Adult Use
15 Dispensing Organization License, an Adult Use Dispensing
16 Organization License, or a medical cannabis dispensing
17 organization license issued under the Compassionate Use of
18 Medical Cannabis Program ~~Act~~, or to any person connected with
19 or in any way representing, or to any member of the family of,
20 such person holding an Early Approval Adult Use Dispensing
21 Organization License, a Conditional Adult Use Dispensing
22 Organization License, an Adult Use Dispensing Organization
23 License, or a medical cannabis dispensing organization license
24 issued under the Compassionate Use of Medical Cannabis Program
25 ~~Act~~, or to any stockholders in any corporation engaged the
26 retail sales of cannabis, or to any officer, manager, agent,

1 or representative of the Early Approval Adult Use Dispensing
2 Organization License, a Conditional Adult Use Dispensing
3 Organization License, an Adult Use Dispensing Organization
4 License, or a medical cannabis dispensing organization license
5 issued under the Compassionate Use of Medical Cannabis Program
6 ~~Act~~ to obtain preferential placement within the dispensing
7 organization, including, without limitation, on shelves and in
8 display cases where purchasers can view products, or on the
9 dispensing organization's website.

10 (n) At no time shall an infuser organization or an infuser
11 agent perform the extraction of cannabis concentrate from
12 cannabis flower.

13 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
14 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
15 10-14-21.)

16 (410 ILCS 705/35-31)

17 Sec. 35-31. Ensuring an adequate supply of raw materials
18 to serve infusers.

19 (a) As used in this Section, "raw materials" includes, but
20 is not limited to, CO₂ hash oil, "crude", "distillate", or any
21 other cannabis concentrate extracted from cannabis flower by
22 use of a solvent or a mechanical process.

23 (b) The Commission ~~Department of Agriculture~~ may by rule
24 design a method for assessing whether licensed infusers have
25 access to an adequate supply of reasonably affordable raw

1 materials, which may include but not be limited to: (i) a
2 survey of infusers; (ii) a market study on the sales trends of
3 cannabis-infused products manufactured by infusers; and (iii)
4 the costs cultivation centers and craft growers assume for the
5 raw materials they use in any cannabis-infused products they
6 manufacture.

7 (c) The Commission ~~Department of Agriculture~~ shall perform
8 an annual assessment of whether infusers have access to an
9 adequate supply of reasonably affordable raw materials that
10 shall start 6 months after the issuance of licenses to
11 infusers, or sooner if the Commission has reason to believe
12 that infusers do not have an adequate supply of raw materials.
13 After the initial annual assessment, each assessment
14 thereafter shall occur by January 1st of each year ~~start no~~
15 ~~sooner than January 1, 2022 and shall conclude no later than~~
16 ~~April 1, 2022. The Department of Agriculture may rely on data~~
17 ~~from the Illinois Cannabis Regulation Oversight Officer as~~
18 ~~part of this assessment.~~

19 ~~(d) The Commission Department of Agriculture shall perform~~
20 ~~an assessment of whether infusers have access to an adequate~~
21 ~~supply of reasonably affordable raw materials annually that~~
22 ~~shall start no sooner than January 1, 2023 and shall conclude~~
23 ~~no later than April 1, 2023. The Department of Agriculture may~~
24 ~~rely on data from the Cannabis Regulation Oversight Officer as~~
25 ~~part of this assessment.~~

26 (e) The Commission ~~Department of Agriculture~~ may by rule

1 adopt measures to ensure infusers have access to an adequate
2 supply of reasonably affordable raw materials necessary for
3 the manufacture of cannabis-infused products. Such measures
4 may include, but not be limited to (i) requiring cultivation
5 centers and craft growers to set aside a minimum amount of raw
6 materials for the wholesale market or (ii) enabling infusers
7 to apply for a processor license to extract raw materials from
8 cannabis flower.

9 (f) If the Commission ~~Department of Agriculture~~ determines
10 processor licenses may be available to infuser organizations
11 based upon findings made pursuant to subsection (e), infuser
12 organizations may submit to the Commission ~~Department of~~
13 ~~Agriculture~~ on forms provided by the Commission ~~Department of~~
14 ~~Agriculture~~ the following information as part of an
15 application to receive a processor license:

16 (1) experience with the extraction, processing, or
17 infusing of oils similar to those derived from cannabis,
18 or other business practices to be performed by the
19 infuser;

20 (2) a description of the applicant's experience with
21 manufacturing equipment and chemicals to be used in
22 processing;

23 (3) expertise in relevant scientific fields;

24 (4) a commitment that any cannabis waste, liquid
25 waste, or hazardous waste shall be disposed of in
26 accordance with 8 Ill. Adm. Code 1000.460, except, to the

1 greatest extent feasible, all cannabis plant waste will be
2 rendered unusable by grinding and incorporating the
3 cannabis plant waste with compostable mixed waste to be
4 disposed of in accordance with Ill. Adm. Code
5 1000.460(g)(1); and

6 (5) any other information the Commission ~~Department of~~
7 ~~Agriculture~~ deems relevant.

8 (g) The Commission ~~Department of Agriculture~~ may only
9 issue an infuser organization a processor license if, based on
10 the information pursuant to subsection (f) and any other
11 criteria set by the Commission ~~Department of Agriculture~~,
12 which may include but not be limited an inspection of the site
13 where processing would occur, the Commission ~~Department of~~
14 ~~Agriculture~~ is reasonably certain the infuser organization
15 will process cannabis in a safe and compliant manner.

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

17 (410 ILCS 705/35-45)

18 Sec. 35-45. Disclosure of ownership and control.

19 (a) Each infuser organization applicant and licensee shall
20 file and maintain a Table of Organization, Ownership and
21 Control with the Commission ~~Department~~. The Table of
22 Organization, Ownership and Control shall contain the
23 information required by this Section in sufficient detail to
24 identify all owners, directors, and principal officers, and
25 the title of each principal officer or business entity that,

1 through direct or indirect means, manages, owns, or controls
2 the applicant or licensee.

3 (b) The Table of Organization, Ownership, and Control
4 shall identify the following information:

5 (1) The management structure, ownership, and control
6 of the applicant or license holder including the name of
7 each principal officer or business entity, the office or
8 position held, and the percentage ownership interest, if
9 any. If the business entity has a parent company, the name
10 of each owner, board member, and officer of the parent
11 company and his or her percentage ownership interest in
12 the parent company and the infuser organization.

13 (2) If the applicant or licensee is a business entity
14 with publicly traded stock, the identification of
15 ownership shall be provided as required in subsection (c).

16 (c) If a business entity identified in subsection (b) is a
17 publicly traded company, the following information shall be
18 provided in the Table of Organization, Ownership, and Control:

19 (1) The name and percentage of ownership interest of
20 each individual or business entity with ownership of more
21 than 5% of the voting shares of the entity, to the extent
22 such information is known or contained in 13D or 13G
23 Securities and Exchange Commission filings.

24 (2) To the extent known, the names and percentage of
25 interest of ownership of persons who are relatives of one
26 another and who together exercise control over or own more

1 than 10% of the voting shares of the entity.

2 (d) An infuser organization with a parent company or
3 companies, or partially owned or controlled by another entity
4 must disclose to the Commission ~~Department~~ the relationship
5 and all owners, board members, officers, or individuals with
6 control or management of those entities. An infuser
7 organization shall not shield its ownership or control from
8 the Commission ~~Department~~.

9 (e) All principal officers must submit a complete online
10 application with the Commission ~~Department~~ within 14 days of
11 the infuser organization being licensed by the Commission
12 ~~Department~~ or within 14 days of Commission ~~Department~~ notice
13 of approval as a new principal officer.

14 (f) A principal officer may not allow his or her
15 registration to expire.

16 (g) An infuser organization separating with a principal
17 officer must do so under this Act. The principal officer must
18 communicate the separation to the Commission ~~Department~~ within
19 5 business days.

20 (h) A principal officer not in compliance with the
21 requirements of this Act shall be removed from his or her
22 position with the infuser organization or shall otherwise
23 terminate his or her affiliation. Failure to do so may subject
24 the infuser organization to discipline, suspension, or
25 revocation of its license by the Commission ~~Department~~.

26 (i) It is the responsibility of the infuser organization

1 and its principal officers to promptly notify the Commission
2 ~~Department~~ of any change of the principal place of business
3 address, hours of operation, change in ownership or control,
4 or a change of the infuser organization's primary or secondary
5 contact information. Any changes must be made to the
6 Commission ~~Department~~ in writing.

7 (Source: P.A. 102-98, eff. 7-15-21.)

8 (410 ILCS 705/40-1)

9 Sec. 40-1. Definition. In this Article:7

10 "Commission" means the Cannabis Equity and Oversight
11 Commission.

12 "Department" means the Department of Agriculture.

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

14 (410 ILCS 705/40-5)

15 Sec. 40-5. Issuance of licenses.

16 (a) The Commission ~~Department~~ shall issue transporting
17 licenses through a process provided for in this Article no
18 later than July 1, 2020.

19 (b) The Commission ~~Department~~ shall make the application
20 for transporting organization licenses available on January 7,
21 2020 and shall receive such applications no later than March
22 15, 2020. The Commission ~~Department of Agriculture~~ shall make
23 available such applications on every January 7 thereafter or
24 if that date falls on a weekend or holiday, the business day

1 immediately succeeding the weekend or holiday and shall
2 receive such applications no later than March 15 or the
3 succeeding business day thereafter.

4 (c) Notwithstanding any other provision of law, the
5 Commission shall have authority over licenses in this Section
6 that may be in various phases in the licensing process or are
7 eligible, pending, in the conditional phase, awarded, pending
8 adjudication by a judicial process, or have otherwise not been
9 awarded on and after July 1, 2022.

10 (d) Notwithstanding any other provision of law, the
11 Commission may by rule change, amend, or suspend the licensing
12 provided under this Article.

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

14 (410 ILCS 705/40-10)

15 Sec. 40-10. Application.

16 (a) When applying for a transporting organization license,
17 the applicant shall submit the following in such form as the
18 Commission ~~Department of Agriculture~~ may direct:

19 (1) the nonrefundable application fee as set by rule
20 by the Commission ~~of \$5,000 or, after January 1, 2021,~~
21 ~~another amount as set by rule by the Department of~~
22 ~~Agriculture,~~ to be deposited into the Cannabis Regulation
23 Fund;

24 (2) the legal name of the transporting organization;

25 (3) the proposed physical address of the transporting

1 organization, if one is proposed;

2 (4) the name, address, social security number, and
3 date of birth of each principal officer and board member
4 of the transporting organization; each principal officer
5 and board member shall be at least 21 years of age;

6 (5) the details of any administrative or judicial
7 proceeding in which any of the principal officers or board
8 members of the transporting organization (i) pled guilty,
9 were convicted, fined, or had a registration or license
10 suspended or revoked, or (ii) managed or served on the
11 board of a business or non-profit organization that pled
12 guilty, was convicted, fined, or had a registration or
13 license suspended or revoked;

14 (6) proposed operating bylaws that include procedures
15 for the oversight of the transporting organization,
16 including the development and implementation of an
17 accurate recordkeeping plan, staffing plan, and security
18 plan approved by the Illinois State Police that are in
19 accordance with the rules issued by the Commission
20 ~~Department of Agriculture~~ under this Act; a physical
21 inventory shall be performed of all cannabis on a weekly
22 basis by the transporting organization;

23 (7) verification from the Illinois State Police that
24 all background checks of the prospective principal
25 officers, board members, and agents of the transporting
26 organization have been conducted;

1 (8) a copy of the current local zoning ordinance or
2 permit and verification that the proposed transporting
3 organization is in compliance with the local zoning rules
4 and distance limitations established by the local
5 jurisdiction, if the transporting organization has a
6 business address;

7 (9) proposed employment practices, in which the
8 applicant must demonstrate a plan of action to inform,
9 hire, and educate minorities, women, veterans, and persons
10 with disabilities, engage in fair labor practices, and
11 provide worker protections;

12 (10) whether an applicant can demonstrate experience
13 in or business practices that promote economic empowerment
14 in Disproportionately Impacted Areas;

15 (11) the number and type of equipment the transporting
16 organization will use to transport cannabis and
17 cannabis-infused products;

18 (12) loading, transporting, and unloading plans;

19 (13) a description of the applicant's experience in
20 the distribution or security business;

21 (14) the identity of every person having a financial
22 or voting interest of 5% or more in the transporting
23 organization with respect to which the license is sought,
24 whether a trust, corporation, partnership, limited
25 liability company, or sole proprietorship, including the
26 name and address of each person; and

1 (15) any other information required by rule.

2 (b) Applicants must submit all required information,
3 including the information required in Section 40-35 to the
4 Commission ~~Department~~. Failure by an applicant to submit all
5 required information may result in the application being
6 disqualified.

7 (c) If the Commission ~~Department~~ receives an application
8 with missing information, the Commission ~~Department~~ ~~of~~
9 ~~Agriculture~~ may issue a deficiency notice to the applicant.
10 The applicant shall have 10 calendar days from the date of the
11 deficiency notice to resubmit the incomplete information.
12 Applications that are still incomplete after this opportunity
13 to cure will not be scored and will be disqualified.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
15 102-538, eff. 8-20-21.)

16 (410 ILCS 705/40-25)

17 Sec. 40-25. Transporting organization requirements;
18 prohibitions.

19 (a) The operating documents of a transporting organization
20 shall include procedures for the oversight of the transporter,
21 an inventory monitoring system including a physical inventory
22 recorded weekly, accurate recordkeeping, and a staffing plan.

23 (b) A transporting organization may not transport cannabis
24 or cannabis-infused products to any person other than a
25 cultivation center, a craft grower, an infuser organization, a

1 dispensing organization, a testing facility, or as otherwise
2 authorized by rule.

3 (c) All cannabis transported by a transporting
4 organization must be entered into a data collection system and
5 placed into a cannabis container for transport.

6 (d) Transporters are subject to random inspections by the
7 Commission ~~Department of Agriculture~~, the Department of Public
8 Health, the Illinois State Police, or as provided by rule.

9 (e) A transporting organization agent shall notify local
10 law enforcement, the Illinois State Police, and the Commission
11 ~~Department of Agriculture~~ within 24 hours of the discovery of
12 any loss or theft. Notification shall be made by phone, in
13 person, or by written or electronic communication.

14 (f) No person under the age of 21 years shall be in a
15 commercial vehicle or trailer transporting cannabis goods.

16 (g) No person or individual who is not a transporting
17 organization agent shall be in a vehicle while transporting
18 cannabis goods.

19 (h) Transporters may not use commercial motor vehicles
20 with a weight rating of over 10,001 pounds.

21 (i) It is unlawful for any person to offer or deliver
22 money, or anything else of value, directly or indirectly, to
23 any of the following persons to obtain preferential placement
24 within the dispensing organization, including, without
25 limitation, on shelves and in display cases where purchasers
26 can view products, or on the dispensing organization's

1 website:

2 (1) a person having a transporting organization
3 license, or any officer, associate, member,
4 representative, or agent of the licensee;

5 (2) a person having an Early Applicant Adult Use
6 Dispensing Organization License, an Adult Use Dispensing
7 Organization License, or a medical cannabis dispensing
8 organization license issued under the Compassionate Use of
9 Medical Cannabis Program ~~Act~~;

10 (3) a person connected with or in any way
11 representing, or a member of the family of, a person
12 holding an Early Applicant Adult Use Dispensing
13 Organization License, an Adult Use Dispensing Organization
14 License, or a medical cannabis dispensing organization
15 license issued under the Compassionate Use of Medical
16 Cannabis Program ~~Act~~; or

17 (4) a stockholder, officer, manager, agent, or
18 representative of a corporation engaged in the retail sale
19 of cannabis, an Early Applicant Adult Use Dispensing
20 Organization License, an Adult Use Dispensing Organization
21 License, or a medical cannabis dispensing organization
22 license issued under the Compassionate Use of Medical
23 Cannabis Program ~~Act~~.

24 (j) A transporting organization agent must keep his or her
25 identification card visible at all times when on the property
26 of a cannabis business establishment and during the

1 transporting of cannabis when acting under his or her duties
2 as a transportation organization agent. During these times,
3 the transporting organization agent must also provide the
4 identification card upon request of any law enforcement
5 officer engaged in his or her official duties.

6 (k) A copy of the transporting organization's registration
7 and a manifest for the delivery shall be present in any vehicle
8 transporting cannabis.

9 (l) Cannabis shall be transported so it is not visible or
10 recognizable from outside the vehicle.

11 (m) A vehicle transporting cannabis must not bear any
12 markings to indicate the vehicle contains cannabis or bear the
13 name or logo of the cannabis business establishment.

14 (n) Cannabis must be transported in an enclosed, locked
15 storage compartment that is secured or affixed to the vehicle.

16 (o) The Commission ~~Department of Agriculture~~ may, by rule,
17 impose any other requirements or prohibitions on the
18 transportation of cannabis.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
20 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
21 10-14-21.)

22 (410 ILCS 705/40-45)

23 Sec. 40-45. Disclosure of ownership and control.

24 (a) Each transporting organization applicant and licensee
25 shall file and maintain a Table of Organization, Ownership,

1 and Control with the Commission ~~Department~~. The Table of
2 Organization, Ownership, and Control shall contain the
3 information required by this Section in sufficient detail to
4 identify all owners, directors, and principal officers, and
5 the title of each principal officer or business entity that,
6 through direct or indirect means, manages, owns, or controls
7 the applicant or licensee.

8 (b) The Table of Organization, Ownership, and Control
9 shall identify the following information:

10 (1) The management structure, ownership, and control
11 of the applicant or license holder including the name of
12 each principal officer or business entity, the office or
13 position held, and the percentage ownership interest, if
14 any. If the business entity has a parent company, the name
15 of each owner, board member, and officer of the parent
16 company and his or her percentage ownership interest in
17 the parent company and the transporting organization.

18 (2) If the applicant or licensee is a business entity
19 with publicly traded stock, the identification of
20 ownership shall be provided as required in subsection (c).

21 (c) If a business entity identified in subsection (b) is a
22 publicly traded company, the following information shall be
23 provided in the Table of Organization, Ownership, and Control:

24 (1) The name and percentage of ownership interest of
25 each individual or business entity with ownership of more
26 than 5% of the voting shares of the entity, to the extent

1 such information is known or contained in 13D or 13G
2 Securities and Exchange Commission filings.

3 (2) To the extent known, the names and percentage of
4 interest of ownership of persons who are relatives of one
5 another and who together exercise control over or own more
6 than 10% of the voting shares of the entity.

7 (d) A transporting organization with a parent company or
8 companies, or partially owned or controlled by another entity
9 must disclose to the Commission ~~Department~~ the relationship
10 and all owners, board members, officers, or individuals with
11 control or management of those entities. A transporting
12 organization shall not shield its ownership or control from
13 the Commission ~~Department~~.

14 (e) All principal officers must submit a complete online
15 application with the Commission ~~Department~~ within 14 days of
16 the transporting organization being licensed by the Commission
17 ~~Department~~ or within 14 days of Commission ~~Department~~ notice
18 of approval as a new principal officer.

19 (f) A principal officer may not allow his or her
20 registration to expire.

21 (g) A transporting organization separating with a
22 principal officer must do so under this Act. The principal
23 officer must communicate the separation to the Commission
24 ~~Department~~ within 5 business days.

25 (h) A principal officer not in compliance with the
26 requirements of this Act shall be removed from his or her

1 position with the transporting organization or shall otherwise
2 terminate his or her affiliation. Failure to do so may subject
3 the transporting organization to discipline, suspension, or
4 revocation of its license by the Commission ~~Department~~.

5 (i) It is the responsibility of the transporting
6 organization and its principal officers to promptly notify the
7 Commission ~~Department~~ of any change of the principal place of
8 business address, hours of operation, change in ownership or
9 control, or a change of the transporting organization's
10 primary or secondary contact information. Any changes must be
11 made to the Commission ~~Department~~ in writing.

12 (Source: P.A. 102-98, eff. 7-15-21.)

13 (410 ILCS 705/45-5)

14 Sec. 45-5. License suspension; revocation; other
15 penalties.

16 (a) Notwithstanding any other criminal penalties related
17 to the unlawful possession of cannabis, the Commission
18 ~~Department of Financial and Professional Regulation and the~~
19 ~~Department of Agriculture~~ may revoke, suspend, place on
20 probation, reprimand, issue cease and desist orders, refuse to
21 issue or renew a license, or take any other disciplinary or
22 nondisciplinary action as each department may deem proper with
23 regard to a cannabis business establishment or cannabis
24 business establishment agent, including fines not to exceed:

25 (1) \$50,000 for each violation of this Act or rules

1 adopted under this Act by a cultivation center or
2 cultivation center agent;

3 (2) \$20,000 for each violation of this Act or rules
4 adopted under this Act by a dispensing organization or
5 dispensing organization agent;

6 (3) \$15,000 for each violation of this Act or rules
7 adopted under this Act by a craft grower or craft grower
8 agent;

9 (4) \$10,000 for each violation of this Act or rules
10 adopted under this Act by an infuser organization or
11 infuser organization agent; and

12 (5) \$10,000 for each violation of this Act or rules
13 adopted under this Act by a transporting organization or
14 transporting organization agent.

15 (b) The Commission ~~Department of Financial and~~
16 ~~Professional Regulation and the Department of Agriculture, as~~
17 ~~the case may be,~~ shall consider licensee cooperation in any
18 agency or other investigation in its determination of
19 penalties imposed under this Section.

20 (c) The procedures for disciplining a cannabis business
21 establishment or cannabis business establishment agent and for
22 administrative hearings shall be determined by rule, and shall
23 provide for the review of final decisions under the
24 Administrative Review Law.

25 (d) The Attorney General may also enforce a violation of
26 Section 55-20, Section 55-21, and Section 15-155 as an

1 unlawful practice under the Consumer Fraud and Deceptive
2 Business Practices Act.

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

4 (410 ILCS 705/45-10)

5 Sec. 45-10. Immunities and presumptions related to the
6 handling of cannabis by cannabis business establishments and
7 their agents.

8 (a) A cultivation center, craft grower, infuser
9 organization, or transporting organization is not subject to:

10 (i) prosecution; (ii) search or inspection, except by the
11 Commission ~~Department of Agriculture~~, the Department of Public
12 Health, or State or local law enforcement under this Act;
13 (iii) seizure; (iv) penalty in any manner, including, but not
14 limited to, civil penalty; (v) denial of any right or
15 privilege; or (vi) disciplinary action by a business licensing
16 board or entity for acting under this Act and rules adopted
17 under this Act to acquire, possess, cultivate, manufacture,
18 process, deliver, transfer, transport, supply, or sell
19 cannabis or cannabis paraphernalia under this Act.

20 (b) A licensed cultivation center agent, licensed craft
21 grower agent, licensed infuser organization agent, or licensed
22 transporting organization agent is not subject to: (i)
23 prosecution; (ii) search; (iii) penalty in any manner,
24 including, but not limited to, civil penalty; (iv) denial of
25 any right or privilege; or (v) disciplinary action by a

1 business licensing board or entity, for engaging in
2 cannabis-related activities authorized under this Act and
3 rules adopted under this Act.

4 (c) A dispensing organization is not subject to: (i)
5 prosecution; (ii) search or inspection, except by the
6 Department of Financial and Professional Regulation, or State
7 or local law enforcement under this Act; (iii) seizure; (iv)
8 penalty in any manner, including, but not limited to, civil
9 penalty; (v) denial of any right or privilege; or (vi)
10 disciplinary action by a business licensing board or entity,
11 for acting under this Act and rules adopted under this Act to
12 acquire, possess, or dispense cannabis, cannabis-infused
13 products, cannabis paraphernalia, or related supplies, and
14 educational materials under this Act.

15 (d) A licensed dispensing organization agent is not
16 subject to: (i) prosecution; (ii) search; or (iii) penalty in
17 any manner, or denial of any right or privilege, including,
18 but not limited to, civil penalty or disciplinary action by a
19 business licensing board or entity, for working for a
20 dispensing organization under this Act and rules adopted under
21 this Act.

22 (e) Any cannabis, cannabis-infused product, cannabis
23 paraphernalia, legal property, or interest in legal property
24 that is possessed, owned, or used in connection with the use of
25 cannabis as allowed under this Act, or acts incidental to that
26 use, may not be seized or forfeited. This Act does not prevent

1 the seizure or forfeiture of cannabis exceeding the amounts
2 allowed under this Act, nor does it prevent seizure or
3 forfeiture if the basis for the action is unrelated to the
4 cannabis that is possessed, manufactured, transferred, or used
5 under this Act.

6 (f) Nothing in this Act shall preclude local or State law
7 enforcement agencies from searching a cultivation center,
8 craft grower, infuser organization, transporting organization,
9 or dispensing organization if there is probable cause to
10 believe that the criminal laws of this State have been
11 violated and the search is conducted in conformity with the
12 Illinois Constitution, the Constitution of the United States,
13 and applicable law.

14 (g) Nothing in this Act shall preclude the Attorney
15 General or other authorized government agency from
16 investigating or bringing a civil action against a cannabis
17 business establishment, or an agent thereof, for a violation
18 of State law, including, but not limited to, civil rights
19 violations and violations of the Consumer Fraud and Deceptive
20 Business Practices Act.

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

22 (410 ILCS 705/45-20)

23 Sec. 45-20. Violation of tax Acts; refusal, revocation, or
24 suspension of license or agent identification card.

25 (a) In addition to other grounds specified in this Act,

1 the Commission ~~Department of Agriculture and Department of~~
2 ~~Financial and Professional Regulation~~, upon notification by
3 the Department of Revenue, shall refuse the issuance or
4 renewal of a license or agent identification card, or suspend
5 or revoke the license or agent identification card, of any
6 person, for any of the following violations of any tax Act
7 administered by the Department of Revenue:

8 (1) Failure to file a tax return.

9 (2) The filing of a fraudulent return.

10 (3) Failure to pay all or part of any tax or penalty
11 finally determined to be due.

12 (4) Failure to keep books and records.

13 (5) Failure to secure and display a certificate or
14 sub-certificate of registration, if required.

15 (6) Willful violation of any rule or regulation of the
16 Commission ~~Department~~ relating to the administration and
17 enforcement of tax liability.

18 (b) After all violations of any of items (1) through (6) of
19 subsection (a) have been corrected or resolved, the Commission
20 ~~Department~~ shall, upon request of the applicant or, if not
21 requested, may notify the entities listed in subsection (a)
22 that the violations have been corrected or resolved. Upon
23 receiving notice from the Commission ~~Department~~ that a
24 violation of any of items (1) through (6) of subsection (a)
25 have been corrected or otherwise resolved to the Department of
26 Revenue's satisfaction, the Commission ~~Department~~ of

1 ~~Agriculture and the Department of Financial and Professional~~
2 ~~Regulation~~ may issue or renew the license or agent
3 identification card, or vacate an order of suspension or
4 revocation.

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

6 (410 ILCS 705/50-5)

7 Sec. 50-5. Laboratory testing.

8 (a) Notwithstanding any other provision of law, the
9 following acts, when performed by a cannabis testing facility
10 with a current, valid registration, or a person 21 years of age
11 or older who is acting in his or her capacity as an owner,
12 employee, or agent of a cannabis testing facility, are not
13 unlawful and shall not be an offense under Illinois law or be a
14 basis for seizure or forfeiture of assets under Illinois law:

15 (1) possessing, repackaging, transporting, storing, or
16 displaying cannabis or cannabis-infused products;

17 (2) receiving or transporting cannabis or
18 cannabis-infused products from a cannabis business
19 establishment, a community college licensed under the
20 Community College Cannabis Vocational Training Pilot
21 Program, or a person 21 years of age or older; and

22 (3) returning or transporting cannabis or
23 cannabis-infused products to a cannabis business
24 establishment, a community college licensed under the
25 Community College Cannabis Vocational Training Pilot

1 Program, or a person 21 years of age or older.

2 (b) (1) No laboratory shall handle, test, or analyze
3 cannabis unless approved by the Commission ~~Department of~~
4 ~~Agriculture~~ in accordance with this Section.

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

7 (A) is accredited by a private laboratory accrediting
8 organization;

9 (B) is independent from all other persons involved in
10 the cannabis industry in Illinois and no person with a
11 direct or indirect interest in the laboratory has a direct
12 or indirect financial, management, or other interest in an
13 Illinois cultivation center, craft grower, dispensary,
14 infuser, transporter, certifying physician, or any other
15 entity in the State that may benefit from the production,
16 manufacture, dispensing, sale, purchase, or use of
17 cannabis; and

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

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

25 (ii) a bachelor's degree in chemical or biological
26 sciences and a minimum of 4 years' post-degree

1 laboratory experience.

2 (3) Each independent testing laboratory that claims to be
3 accredited must provide the Commission ~~Department of~~
4 ~~Agriculture~~ with a copy of the most recent annual inspection
5 report granting accreditation and every annual report
6 thereafter.

7 (c) Immediately before manufacturing or natural processing
8 of any cannabis or cannabis-infused product or packaging
9 cannabis for sale to a dispensary, each batch shall be made
10 available by the cultivation center, craft grower, or infuser
11 for an employee of an approved laboratory to select a random
12 sample, which shall be tested by the approved laboratory for:

13 (1) microbiological contaminants;

14 (2) mycotoxins;

15 (3) pesticide active ingredients;

16 (4) residual solvent; and

17 (5) an active ingredient analysis.

18 (d) The Commission ~~Department of Agriculture~~ may select a
19 random sample that shall, for the purposes of conducting an
20 active ingredient analysis, be tested by the Commission
21 ~~Department of Agriculture~~ for verification of label
22 information.

23 (e) A laboratory shall immediately return or dispose of
24 any cannabis upon the completion of any testing, use, or
25 research. If cannabis is disposed of, it shall be done in
26 compliance with Commission ~~Department of Agriculture~~ rule.

1 (f) If a sample of cannabis does not pass the
2 microbiological, mycotoxin, pesticide chemical residue, or
3 solvent residue test, based on the standards established by
4 the Commission ~~Department of Agriculture~~, the following shall
5 apply:

6 (1) If the sample failed the pesticide chemical
7 residue test, the entire batch from which the sample was
8 taken shall, if applicable, be recalled as provided by
9 rule.

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

14 (g) The Commission ~~Department of Agriculture~~ shall
15 establish standards for microbial, mycotoxin, pesticide
16 residue, solvent residue, or other standards for the presence
17 of possible contaminants, in addition to labeling requirements
18 for contents and potency.

19 (h) The laboratory shall file with the Commission
20 ~~Department of Agriculture~~ an electronic copy of each
21 laboratory test result for any batch that does not pass the
22 microbiological, mycotoxin, or pesticide chemical residue
23 test, at the same time that it transmits those results to the
24 cultivation center. In addition, the laboratory shall maintain
25 the laboratory test results for at least 5 years and make them
26 available at the Commission's ~~Department of Agriculture's~~

1 request.

2 (i) A cultivation center, craft grower, and infuser shall
3 provide to a dispensing organization the laboratory test
4 results for each batch of cannabis product purchased by the
5 dispensing organization, if sampled. Each dispensing
6 organization must have those laboratory results available upon
7 request to purchasers.

8 (j) The Commission ~~Department of Agriculture~~ may adopt
9 rules related to testing in furtherance of this Act.

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

11 (410 ILCS 705/55-5)

12 Sec. 55-5. Preparation of cannabis-infused products.

13 (a) The Commission ~~Department of Agriculture~~ may regulate
14 the production of cannabis-infused products by a cultivation
15 center, a craft grower, an infuser organization, or a
16 dispensing organization and establish rules related to
17 refrigeration, hot-holding, and handling of cannabis-infused
18 products. All cannabis-infused products shall meet the
19 packaging and labeling requirements contained in Section
20 55-21.

21 (b) Cannabis-infused products for sale or distribution at
22 a dispensing organization must be prepared by an approved
23 agent of a cultivation center or infuser organization.

24 (c) A cultivation center or infuser organization that
25 prepares cannabis-infused products for sale or distribution by

1 a dispensing organization shall be under the operational
2 supervision of a Department of Public Health certified food
3 service sanitation manager.

4 (d) Dispensing organizations may not manufacture, process,
5 or produce cannabis-infused products.

6 (e) The Department of Public Health shall adopt and
7 enforce rules for the manufacture and processing of
8 cannabis-infused products, and for that purpose it may at all
9 times enter every building, room, basement, enclosure, or
10 premises occupied or used, or suspected of being occupied or
11 used, for the production, preparation, manufacture for sale,
12 storage, sale, processing, distribution, or transportation of
13 cannabis-infused products, and to inspect the premises
14 together with all utensils, fixtures, furniture, and machinery
15 used for the preparation of these products.

16 (f) The Commission ~~Department of Agriculture~~ shall by rule
17 establish a maximum level of THC that may be contained in each
18 serving of cannabis-infused product, and within the product
19 package.

20 (g) If a local public health agency has a reasonable
21 belief that a cannabis-infused product poses a public health
22 hazard, it may refer the cultivation center, craft grower, or
23 infuser that manufactured or processed the cannabis-infused
24 product to the Department of Public Health and the Commission.
25 If the Department of Public Health or the Commission finds
26 that a cannabis-infused product poses a health hazard, it may

1 bring an action for immediate injunctive relief to require
2 that action be taken as the court may deem necessary to meet
3 the hazard of the cultivation facility or seek other relief as
4 provided by rule.

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

6 (410 ILCS 705/55-10)

7 Sec. 55-10. Maintenance of inventory. All dispensing
8 organizations authorized to serve both registered qualifying
9 patients and caregivers and purchasers are required to report
10 which cannabis and cannabis-infused products are purchased for
11 sale under the Compassionate Use of Medical Cannabis Program
12 ~~Act~~, and which cannabis and cannabis-infused products are
13 purchased under Article 20 ~~this Act~~. Nothing in this Section
14 prohibits a registered qualifying patient under the
15 Compassionate Use of Medical Cannabis Program ~~Act~~ from
16 purchasing cannabis as a purchaser under Article 20 ~~this Act~~.

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

18 (410 ILCS 705/55-15)

19 Sec. 55-15. Destruction of cannabis.

20 (a) All cannabis byproduct, scrap, and harvested cannabis
21 not intended for distribution to a dispensing organization
22 must be destroyed and disposed of under rules adopted by the
23 Commission ~~Department of Agriculture~~ under this Act.
24 Documentation of destruction and disposal shall be retained at

1 the cultivation center, craft grower, infuser organization,
2 transporter, or testing facility as applicable for a period of
3 not less than 5 years.

4 (b) A dispensing organization, cultivation center, craft
5 grower, or infuser organization shall, before destruction,
6 notify the Commission ~~Department of Agriculture~~ and the
7 Illinois State Police. ~~A dispensing organization shall, before~~
8 ~~destruction, notify the Department of Financial and~~
9 ~~Professional Regulation and the Illinois State Police.~~ The
10 Commission ~~Department of Agriculture~~ may by rule require that
11 an employee of the Commission ~~Department of Agriculture or the~~
12 ~~Department of Financial and Professional Regulation~~ be present
13 during the destruction of any cannabis byproduct, scrap, and
14 harvested cannabis, as applicable.

15 (c) The cultivation center, craft grower, infuser
16 organization, or dispensing organization shall keep a record
17 of the date of destruction and how much was destroyed.

18 (d) A dispensing organization shall destroy all cannabis,
19 including cannabis-infused products, not sold to purchasers.
20 Documentation of destruction and disposal shall be retained at
21 the dispensing organization for a period of not less than 5
22 years.

23 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

24 (410 ILCS 705/55-21)

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

1 (a) Each cannabis product produced for sale shall be
2 registered with the Commission ~~Department of Agriculture~~ on
3 forms provided by the Commission ~~Department of Agriculture~~.
4 Each product registration shall include a label and the
5 required registration fee at the rate established by the
6 Commission ~~Department of Agriculture~~ for a comparable medical
7 cannabis product, or as established by rule. The registration
8 fee is for the name of the product offered for sale and one fee
9 shall be sufficient for all package sizes.

10 (b) All harvested cannabis intended for distribution to a
11 cannabis enterprise must be packaged in a sealed, labeled
12 container.

13 (c) Any product containing cannabis shall be sold in a
14 sealed, odor-proof, and child-resistant cannabis container
15 consistent with current standards, including the Consumer
16 Product Safety Commission standards referenced by the Poison
17 Prevention Act unless the sale is between or among a craft
18 grower, infuser, or cultivation center.

19 (d) All cannabis-infused products shall be individually
20 wrapped or packaged at the original point of preparation. The
21 packaging of the cannabis-infused product shall conform to the
22 labeling requirements of the Illinois Food, Drug and Cosmetic
23 Act, in addition to the other requirements set forth in this
24 Section.

25 (e) Each cannabis product shall be labeled before sale and
26 each label shall be securely affixed to the package and shall

1 state in legible English and any languages required by the
2 Commission ~~Department of Agriculture~~:

3 (1) the name and post office box of the registered
4 cultivation center or craft grower where the item was
5 manufactured;

6 (2) the common or usual name of the item and the
7 registered name of the cannabis product that was
8 registered with the Commission ~~Department of Agriculture~~
9 under subsection (a);

10 (3) a unique serial number that will match the product
11 with a cultivation center or craft grower batch and lot
12 number to facilitate any warnings or recalls the
13 Commission ~~Department of Agriculture~~, cultivation center,
14 or craft grower deems appropriate;

15 (4) the date of final testing and packaging, if
16 sampled, and the identification of the independent testing
17 laboratory;

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

19 (6) the quantity (in ounces or grams) of cannabis
20 contained in the product;

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

24 (8) content list.

25 (A) A list of the following, including the minimum
26 and maximum percentage content by weight for

1 subdivisions (e) (8) (A) (i) through (iv):

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

3 (ii) tetrahydrocannabinolic acid (THCA);

4 (iii) cannabidiol (CBD);

5 (iv) cannabidiolic acid (CBDA); and

6 (v) all other ingredients of the item,
7 including any colors, artificial flavors, and
8 preservatives, listed in descending order by
9 predominance of weight shown with common or usual
10 names.

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

15 (f) Packaging must not contain information that:

16 (1) is false or misleading;

17 (2) promotes excessive consumption;

18 (3) depicts a person under 21 years of age consuming
19 cannabis;

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

21 (5) includes any image designed or likely to appeal to
22 minors, including cartoons, toys, animals, or children, or
23 any other likeness to images, characters, or phrases that
24 are popularly used to advertise to children, or any
25 packaging or labeling that bears reasonable resemblance to
26 any product available for consumption as a commercially

1 available candy, or that promotes consumption of cannabis;

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

7 (g) Cannabis products produced by concentrating or
8 extracting ingredients from the cannabis plant shall contain
9 the following information, where applicable:

10 (1) If solvents were used to create the concentrate or
11 extract, a statement that discloses the type of extraction
12 method, including any solvents or gases used to create the
13 concentrate or extract; and

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

16 (h) All cannabis products must contain warning statements
17 established for purchasers, of a size that is legible and
18 readily visible to a consumer inspecting a package, which may
19 not be covered or obscured in any way. The Department of Public
20 Health shall define and update appropriate health warnings for
21 packages including specific labeling or warning requirements
22 for specific cannabis products.

23 (i) Unless modified by rule to strengthen or respond to
24 new evidence and science, the following warnings shall apply
25 to all cannabis products unless modified by rule: "This
26 product contains cannabis and is intended for use by adults 21

1 and over. Its use can impair cognition and may be habit
2 forming. This product should not be used by pregnant or
3 breastfeeding women. It is unlawful to sell or provide this
4 item to any individual, and it may not be transported outside
5 the State of Illinois. It is illegal to operate a motor vehicle
6 while under the influence of cannabis. Possession or use of
7 this product may carry significant legal penalties in some
8 jurisdictions and under federal law."

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

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

13 (2) Cannabis-infused products (other than those
14 intended for topical application) must contain a statement
15 "CAUTION: This product contains cannabis, and intoxication
16 following use may be delayed 2 or more hours. This product
17 was produced in a facility that cultivates cannabis, and
18 that may also process common food allergens."

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

22 (k) Each cannabis-infused product intended for consumption
23 must be individually packaged, must include the total
24 milligram content of THC and CBD, and may not include more than
25 a total of 100 milligrams of THC per package. A package may
26 contain multiple servings of 10 milligrams of THC, indicated

1 by scoring, wrapping, or by other indicators designating
2 individual serving sizes. The Commission ~~Department of~~
3 ~~Agriculture~~ may change the total amount of THC allowed for
4 each package, or the total amount of THC allowed for each
5 serving size, by rule.

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

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

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

14 (2) Maintain documentation of the licensure of the
15 commercial device; and

16 (3) Provide a copy of the license of the commercial
17 device to the Commission ~~Department of Agriculture~~ for
18 review upon request.

19 (n) It is the responsibility of the Commission ~~Department~~
20 to ensure that packaging and labeling requirements, including
21 product warnings, are enforced at all times for products
22 provided to purchasers. Product registration requirements and
23 container requirements may be modified by rule by the
24 Commission ~~Department of Agriculture~~.

25 (o) Labeling, including warning labels, may be modified by
26 rule by the Commission ~~Department of Agriculture~~.

1 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
2 102-98, eff. 7-15-21.)

3 (410 ILCS 705/55-30)

4 Sec. 55-30. Confidentiality.

5 (a) Information provided by the cannabis business
6 establishment licensees or applicants to the Commission
7 ~~Department of Agriculture~~, the Department of Public Health,
8 ~~the Department of Financial and Professional Regulation~~, the
9 Department of Commerce and Economic Opportunity, or other
10 agency shall be limited to information necessary for the
11 purposes of administering this Act. The information is subject
12 to the provisions and limitations contained in the Freedom of
13 Information Act and may be disclosed in accordance with
14 Section 55-65.

15 (b) The following information received and records kept by
16 the Commission ~~Department of Agriculture~~, the Department of
17 Public Health, and the Illinois State Police, ~~and the~~
18 ~~Department of Financial and Professional Regulation~~ for
19 purposes of administering this Article are subject to all
20 applicable federal privacy laws, are confidential and exempt
21 from disclosure under the Freedom of Information Act, except
22 as provided in this Act, and not subject to disclosure to any
23 individual or public or private entity, except to the
24 Commission ~~Department of Financial and Professional~~
25 ~~Regulation~~, ~~the Department of Agriculture~~, the Department of

1 Public Health, and the Illinois State Police as necessary to
2 perform official duties under this Article and to the Attorney
3 General as necessary to enforce the provisions of this Act.
4 The following information received and kept by the Commission
5 ~~Department of Financial and Professional Regulation or the~~
6 ~~Department of Agriculture~~ may be disclosed to the Department
7 of Public Health, the Department of Agriculture, the
8 Department of Revenue, the Illinois State Police, or the
9 Attorney General upon proper request:

10 (1) Applications and renewals, their contents, and
11 supporting information submitted by or on behalf of
12 dispensing organizations, cannabis business
13 establishments, or Community College Cannabis Vocational
14 Program licensees, in compliance with this Article,
15 including their physical addresses; however, this does not
16 preclude the release of ownership information about
17 cannabis business establishment licenses, or information
18 submitted with an application required to be disclosed
19 pursuant to subsection (f);

20 (2) Any plans, procedures, policies, or other records
21 relating to cannabis business establishment security; and

22 (3) Information otherwise exempt from disclosure by
23 State or federal law.

24 Illinois or national criminal history record information,
25 or the nonexistence or lack of such information, may not be
26 disclosed by the Commission ~~Department of Financial and~~

1 ~~Professional Regulation or the Department of Agriculture,~~
2 except as necessary to the Attorney General to enforce this
3 Act.

4 (c) The name and address of a dispensing organization
5 licensed under this Act shall be subject to disclosure under
6 the Freedom of Information Act. The name and cannabis business
7 establishment address of the person or entity holding each
8 cannabis business establishment license shall be subject to
9 disclosure.

10 (d) All information collected by the Commission ~~Department~~
11 ~~of Financial and Professional Regulation or the Department of~~
12 ~~Agriculture~~ in the course of an examination, inspection, or
13 investigation of a licensee or applicant, including, but not
14 limited to, any complaint against a licensee or applicant
15 filed with the Commission ~~Department of Financial and~~
16 ~~Professional Regulation or the Department of Agriculture~~ and
17 information collected to investigate any such complaint, shall
18 be maintained for the confidential use of the Commission
19 ~~Department of Financial and Professional Regulation or the~~
20 ~~Department of Agriculture~~ and shall not be disclosed, except
21 as otherwise provided in this Act. A formal complaint against
22 a licensee by the Commission ~~Department of Financial and~~
23 ~~Professional Regulation or the Department of Agriculture~~ or
24 any disciplinary order issued by the Commission ~~Department of~~
25 ~~Financial and Professional Regulation or the Department of~~
26 ~~Agriculture~~ against a licensee or applicant shall be a public

1 record, except as otherwise provided by law. Complaints from
2 consumers or members of the general public received regarding
3 a specific, named licensee or complaints regarding conduct by
4 unlicensed entities shall be subject to disclosure under the
5 Freedom of Information Act.

6 (e) The Commission and ~~Department of Agriculture,~~ the
7 Illinois State Police, ~~and the Department of Financial and~~
8 ~~Professional Regulation~~ shall not share or disclose any
9 Illinois or national criminal history record information, or
10 the nonexistence or lack of such information, to any person or
11 entity not expressly authorized by this Act.

12 (f) The Commission ~~Each Department responsible for~~
13 ~~licensure under this Act~~ shall publish on the Commission's
14 ~~Department's~~ website a list of the ownership information of
15 cannabis business establishment licensees under the
16 Commission's ~~Department's~~ jurisdiction. The list shall
17 include, but is not limited to: the name of the person or
18 entity holding each cannabis business establishment license;
19 and the address at which the entity is operating under this
20 Act. This list shall be published and updated monthly.

21 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
22 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
23 10-14-21.)

24 (410 ILCS 705/55-35)

25 Sec. 55-35. Administrative rulemaking.

1 (a) No later than 180 days after the effective date of this
2 Act, the Commission ~~Department of Agriculture~~, the Illinois
3 State Police, ~~the Department of Financial and Professional~~
4 ~~Regulation~~, the Department of Revenue, the Department of
5 Commerce and Economic Opportunity, and the Treasurer's Office
6 shall adopt permanent rules in accordance with their
7 responsibilities under this Act. The Commission ~~Department of~~
8 ~~Agriculture~~, the Illinois State Police, ~~the Department of~~
9 ~~Financial and Professional Regulation~~, the Department of
10 Revenue, and the Department of Commerce and Economic
11 Opportunity may adopt rules necessary to regulate personal
12 cannabis use through the use of emergency rulemaking in
13 accordance with subsection (gg) of Section 5-45 of the
14 Illinois Administrative Procedure Act. The General Assembly
15 finds that the adoption of rules to regulate cannabis use is
16 deemed an emergency and necessary for the public interest,
17 safety, and welfare.

18 (b) The Commission ~~Department of Agriculture~~ rules may
19 address, but are not limited to, the following matters related
20 to dispensing organizations, cultivation centers, craft
21 growers, infuser organizations, and transporting organizations
22 with the goal of protecting against diversion and theft,
23 without imposing an undue burden on the dispensing
24 organizations, cultivation centers, craft growers, infuser
25 organizations, or transporting organizations:

26 (1) oversight requirements for dispensing

1 organizations, cultivation centers, craft growers, infuser
2 organizations, and transporting organizations;

3 (2) recordkeeping requirements for dispensing
4 organizations, cultivation centers, craft growers, infuser
5 organizations, and transporting organizations;

6 (3) security requirements for dispensing
7 organizations, cultivation centers, craft growers, infuser
8 organizations, and transporting organizations, which shall
9 include that each dispensing organization, cultivation
10 center, craft grower, infuser organization, and
11 transporting organization location must be protected by a
12 fully operational security alarm system;

13 (4) standards for enclosed, locked facilities under
14 this Act;

15 (5) procedures for suspending or revoking the
16 identification cards of agents of dispensing
17 organizations, cultivation centers, craft growers, infuser
18 organizations, and transporting organizations that commit
19 violations of this Act or the rules adopted under this
20 Section;

21 (6) (Blank) ~~rules concerning the intrastate~~
22 ~~transportation of cannabis from a cultivation center,~~
23 ~~craft grower, infuser organization, and transporting~~
24 ~~organization to a dispensing organization;~~

25 (7) standards concerning the dispensing, testing,
26 quality, cultivation, and processing of cannabis; and

1 (8) any other matters under oversight by the
2 Commission ~~Department of Agriculture~~ as are necessary for
3 the fair, impartial, stringent, and comprehensive
4 administration of this Act.

5 Commission rules addressing matters related to dispensing
6 organizations shall be adopted with the goal of protecting
7 against diversion and theft, without imposing an undue burden
8 on the dispensing organizations.

9 (c) (Blank). ~~The Department of Financial and Professional~~
10 ~~Regulation rules may address, but are not limited to, the~~
11 ~~following matters related to dispensing organizations, with~~
12 ~~the goal of protecting against diversion and theft, without~~
13 ~~imposing an undue burden on the dispensing organizations:~~

14 ~~(1) oversight requirements for dispensing~~
15 ~~organizations;~~

16 ~~(2) recordkeeping requirements for dispensing~~
17 ~~organizations;~~

18 ~~(3) security requirements for dispensing~~
19 ~~organizations, which shall include that each dispensing~~
20 ~~organization location must be protected by a fully~~
21 ~~operational security alarm system;~~

22 ~~(4) procedures for suspending or revoking the licenses~~
23 ~~of dispensing organization agents that commit violations~~
24 ~~of this Act or the rules adopted under this Act;~~

25 ~~(5) any other matters under oversight by the~~
26 ~~Department of Financial and Professional Regulation that~~

1 ~~are necessary for the fair, impartial, stringent, and~~
2 ~~comprehensive administration of this Act.~~

3 (d) The Department of Revenue rules may address, but are
4 not limited to, the following matters related to the payment
5 of taxes by cannabis business establishments:

6 (1) recording of sales;

7 (2) documentation of taxable income and expenses;

8 (3) transfer of funds for the payment of taxes; or

9 (4) any other matter under the oversight of the
10 Department of Revenue.

11 (e) The Department of Commerce and Economic Opportunity
12 rules may address, but are not limited to, a loan program or
13 grant program to assist Social Equity Applicants access the
14 capital needed to start a cannabis business establishment. The
15 names of recipients and the amounts of any moneys received
16 through a loan program or grant program shall be a public
17 record.

18 (f) The Illinois State Police rules may address
19 enforcement of its authority under this Act. The Illinois
20 State Police shall not make rules that infringe on the
21 exclusive authority of the Commission ~~Department of Financial~~
22 ~~and Professional Regulation or the Department of Agriculture~~
23 over licensees under this Act.

24 (g) The Department of Human Services shall develop and
25 disseminate:

26 (1) educational information about the health risks

1 associated with the use of cannabis; and

2 (2) one or more public education campaigns in
3 coordination with local health departments and community
4 organizations, including one or more prevention campaigns
5 directed at children, adolescents, parents, and pregnant
6 or breastfeeding women, to inform them of the potential
7 health risks associated with intentional or unintentional
8 cannabis use.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
10 102-538, eff. 8-20-21.)

11 (410 ILCS 705/55-40)

12 Sec. 55-40. Enforcement.

13 (a) If the Commission ~~Department of Agriculture~~, Illinois
14 State Police, ~~Department of Financial and Professional~~
15 ~~Regulation~~, Department of Commerce and Economic Opportunity,
16 or Department of Revenue fails to adopt rules to implement
17 this Act within the times provided in this Act, any citizen may
18 commence a mandamus action in the circuit court to compel the
19 agencies to perform the actions mandated under Section 55-35.

20 (b) If the Commission ~~Department of Agriculture or the~~
21 ~~Department of Financial and Professional Regulation~~ fails to
22 issue a valid agent identification card in response to a valid
23 initial application or renewal application submitted under
24 this Act or fails to issue a verbal or written notice of denial
25 of the application within 30 days of its submission, the agent

1 identification card is deemed granted and a copy of the agent
2 identification initial application or renewal application
3 shall be deemed a valid agent identification card.

4 (c) Authorized employees of State or local law enforcement
5 agencies shall immediately notify the Commission ~~Department of~~
6 ~~Agriculture and the Department of Financial and Professional~~
7 ~~Regulation~~ when any person in possession of an agent
8 identification card has been convicted of or pled guilty to
9 violating this Act.

10 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

11 (410 ILCS 705/55-45)

12 Sec. 55-45. Administrative hearings.

13 (a) Administrative hearings related to the duties and
14 responsibilities assigned to the Department of Public Health
15 shall be conducted under the Department of Public Health's
16 rules governing administrative hearings.

17 (b) (Blank). ~~Administrative hearings related to the duties~~
18 ~~and responsibilities assigned to the Department of Financial~~
19 ~~and Professional Regulation and dispensing organization agents~~
20 ~~shall be conducted under the Department of Financial and~~
21 ~~Professional Regulation's rules governing administrative~~
22 ~~hearings.~~

23 (c) (Blank). ~~Administrative hearings related to the duties~~
24 ~~and responsibilities assigned to the Department of~~
25 ~~Agriculture, cultivation centers, or cultivation center agents~~

1 ~~shall be conducted under the Department of Agriculture's rules~~
2 ~~governing administrative hearings.~~

3 (d) Administrative hearings related to the duties and
4 responsibilities assigned to the Commission, dispensing
5 organizations, cultivation centers, or their agents shall be
6 conducted under the Commission's rules governing
7 administrative hearings.

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

9 (410 ILCS 705/55-50)

10 Sec. 55-50. Petition for rehearing. Within 20 days after
11 the service of any order or decision of the Department of
12 Public Health, the Commission ~~Department of Agriculture, the~~
13 ~~Department of Financial and Professional Regulation,~~ or the
14 Illinois State Police upon any party to the proceeding, the
15 party may apply for a rehearing in respect to any matters
16 determined by them under this Act, except for decisions made
17 under the Cannabis Cultivation Privilege Tax Law, the Cannabis
18 Purchaser Excise Tax Law, the County Cannabis Retailers'
19 Occupation Tax Law, and the Municipal Cannabis Retailers'
20 Occupation Tax Law, which shall be governed by the provisions
21 of those Laws. If a rehearing is granted, an agency shall hold
22 the rehearing and render a decision within 30 days from the
23 filing of the application for rehearing with the agency. The
24 time for holding such rehearing and rendering a decision may
25 be extended for a period not to exceed 30 days, for good cause

1 shown, and by notice in writing to all parties of interest. If
2 an agency fails to act on the application for rehearing within
3 30 days, or the date the time for rendering a decision was
4 extended for good cause shown, the order or decision of the
5 agency is final. No action for the judicial review of any order
6 or decision of an agency shall be allowed unless the party
7 commencing such action has first filed an application for a
8 rehearing and the agency has acted or failed to act upon the
9 application. Only one rehearing may be granted by an agency on
10 application of any one party.

11 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

12 (410 ILCS 705/55-55)

13 Sec. 55-55. Review of administrative decisions. All final
14 administrative decisions of the Department of Public Health,
15 the Commission ~~Department of Agriculture, the Department of~~
16 ~~Financial and Professional Regulation,~~ and the Illinois State
17 Police are subject to judicial review under the Administrative
18 Review Law and the rules adopted under that Law. The term
19 "administrative decision" is defined as in Section 3-101 of
20 the Code of Civil Procedure.

21 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

22 (410 ILCS 705/55-60)

23 Sec. 55-60. Suspension or revocation of a license.

24 (a) The Commission ~~Department of Financial and~~

1 ~~Professional Regulation or the Department of Agriculture~~ may
2 suspend or revoke a license for a violation of this Act or a
3 rule adopted in accordance with this Act ~~by the Department of~~
4 ~~Agriculture and the Department of Financial and Professional~~
5 ~~Regulation.~~

6 (b) The Commission ~~Department of Agriculture and the~~
7 ~~Department of Financial and Professional Regulation~~ may
8 suspend or revoke an agent identification card for a violation
9 of this Act or a rule adopted in accordance with this Act.

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

11 (410 ILCS 705/55-65)

12 Sec. 55-65. Financial institutions.

13 (a) A financial institution that provides financial
14 services customarily provided by financial institutions to a
15 cannabis business establishment authorized under this Act ~~or~~
16 ~~the Compassionate Use of Medical Cannabis Program Act~~, or to a
17 person that is affiliated with such cannabis business
18 establishment, is exempt from any criminal law of this State
19 as it relates to cannabis-related conduct authorized under
20 State law.

21 (b) Upon request of a financial institution, a cannabis
22 business establishment or proposed cannabis business
23 establishment may provide to the financial institution the
24 following information:

25 (1) Whether a cannabis business establishment with

1 which the financial institution is doing or is considering
2 doing business holds a license under this Act or the
3 Compassionate Use of Medical Cannabis Program ~~Act~~;

4 (2) The name of any other business or individual
5 affiliate with the cannabis business establishment;

6 (3) A copy of the application, and any supporting
7 documentation submitted with the application, for a
8 license or a permit submitted on behalf of the proposed
9 cannabis business establishment;

10 (4) If applicable, data relating to sales and the
11 volume of product sold by the cannabis business
12 establishment;

13 (5) Any past or pending violation by the person of
14 this Act, ~~the Compassionate Use of Medical Cannabis~~
15 ~~Program Act~~, or the rules adopted under these Acts where
16 applicable; and

17 (6) Any penalty imposed upon the person for violating
18 this Act, ~~the Compassionate Use of Medical Cannabis~~
19 ~~Program Act~~, or the rules adopted under these Acts.

20 (c) (Blank).

21 (d) (Blank).

22 (e) Information received by a financial institution under
23 this Section is confidential. Except as otherwise required or
24 permitted by this Act, State law or rule, or federal law or
25 regulation, a financial institution may not make the
26 information available to any person other than:

- 1 (1) the customer to whom the information applies;
- 2 (2) a trustee, conservator, guardian, personal
3 representative, or agent of the customer to whom the
4 information applies; a federal or State regulator when
5 requested in connection with an examination of the
6 financial institution or if otherwise necessary for
7 complying with federal or State law;
- 8 (3) a federal or State regulator when requested in
9 connection with an examination of the financial
10 institution or if otherwise necessary for complying with
11 federal or State law; and
- 12 (4) a third party performing services for the
13 financial institution, provided the third party is
14 performing such services under a written agreement that
15 expressly or by operation of law prohibits the third
16 party's sharing and use of such confidential information
17 for any purpose other than as provided in its agreement to
18 provide services to the financial institution.

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

20 (410 ILCS 705/55-85)

21 Sec. 55-85. Medical cannabis.

22 (a) Nothing in this Act shall be construed to limit any
23 privileges or rights of a medical cannabis patient including
24 minor patients, primary caregiver, medical cannabis
25 cultivation center, or medical cannabis dispensing

1 organization under the Compassionate Use of Medical Cannabis
2 Program Act, ~~and where there is conflict between this Act and~~
3 ~~the Compassionate Use of Medical Cannabis Program Act as they~~
4 ~~relate to medical cannabis patients, the Compassionate Use of~~
5 ~~Medical Cannabis Program Act shall prevail.~~

6 (b) Dispensary locations that obtain an Early Approval
7 Adult Use Dispensary Organization License or an Adult Use
8 Dispensary Organization License in accordance with this Act at
9 the same location as a medical cannabis dispensing
10 organization registered under the Compassionate Use of Medical
11 Cannabis Program Act shall maintain an inventory of medical
12 cannabis and medical cannabis products on a monthly basis that
13 is substantially similar in variety and quantity to the
14 products offered at the dispensary during the 6-month period
15 immediately before the effective date of this Act.

16 (c) Beginning June 30, 2020, the Commission ~~Department of~~
17 ~~Agriculture~~ shall make a quarterly determination whether
18 inventory requirements established for dispensaries in
19 subsection (b) should be adjusted due to changing patient
20 need.

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

22 (410 ILCS 705/65-5)

23 Sec. 65-5. Definitions. In this Article:

24 "Adjusted delta-9-tetrahydrocannabinol level" means, for a
25 delta-9-tetrahydrocannabinol dominant product, the sum of the

1 percentage of delta-9-tetrahydrocannabinol plus .877
2 multiplied by the percentage of tetrahydrocannabinolic acid.

3 "Cannabis" has the meaning given to that term in Article 1
4 of this Act, except that it does not include cannabis that is
5 subject to tax under the Compassionate Use of Medical Cannabis
6 Program ~~Act~~.

7 "Cannabis-infused product" means beverage food, oils,
8 ointments, tincture, topical formulation, or another product
9 containing cannabis that is not intended to be smoked.

10 "Cannabis retailer" means a dispensing organization that
11 sells cannabis for use and not for resale.

12 "Craft grower" has the meaning given to that term in
13 Article 1 of this Act.

14 "Department" means the Department of Revenue.

15 "Director" means the Director of Revenue.

16 "Dispensing organization" or "dispensary" has the meaning
17 given to that term in Article 1 of this Act.

18 "Person" means a natural individual, firm, partnership,
19 association, joint stock company, joint adventure, public or
20 private corporation, limited liability company, or a receiver,
21 executor, trustee, guardian, or other representative appointed
22 by order of any court.

23 "Infuser organization" or "infuser" means a facility
24 operated by an organization or business that is licensed by
25 the Commission ~~Department of Agriculture~~ to directly
26 incorporate cannabis or cannabis concentrate into a product

1 formulation to produce a cannabis-infused product.

2 "Purchase price" means the consideration paid for a
3 purchase of cannabis, valued in money, whether received in
4 money or otherwise, including cash, gift cards, credits, and
5 property and shall be determined without any deduction on
6 account of the cost of materials used, labor or service costs,
7 or any other expense whatsoever. However, "purchase price"
8 does not include consideration paid for:

9 (1) any charge for a payment that is not honored by a
10 financial institution;

11 (2) any finance or credit charge, penalty or charge
12 for delayed payment, or discount for prompt payment; and

13 (3) any amounts added to a purchaser's bill because of
14 charges made under the tax imposed by this Article, the
15 Municipal Cannabis Retailers' Occupation Tax Law, the
16 County Cannabis Retailers' Occupation Tax Law, the
17 Retailers' Occupation Tax Act, the Use Tax Act, the
18 Service Occupation Tax Act, the Service Use Tax Act, or
19 any locally imposed occupation or use tax.

20 "Purchaser" means a person who acquires cannabis for a
21 valuable consideration.

22 "Taxpayer" means a cannabis retailer who is required to
23 collect the tax imposed under this Article.

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

25 (410 ILCS 705/Art. 70 heading new)

1 ARTICLE 70. License and Regulation of Cannabis Business

2 Establishments.

3 (410 ILCS 705/70-5 new)

4 Sec. 70-5. Definition. In this Act, "Commission" means the
5 Cannabis Equity and Oversight Commission.

6 (410 ILCS 705/70-10 new)

7 Sec. 70-10. Authority.

8 (a) The Commission has the authority to administer and
9 enforce provisions of this Act relating to the oversight,
10 licensing, and registration of dispensing organizations,
11 cultivation centers, craft growers, infuser organizations,
12 transporting organizations, and laboratories as well as any
13 other activity related to cannabis.

14 (b) The Commission shall have the authority to adopt such
15 rules consistent with the provisions of this Act that are
16 necessary to carry on its functions and duties to administer
17 and enforce this Act. Prior to issuing licenses under
18 subsection (a), the Commission may adopt rules through
19 emergency rulemaking in accordance with subsection (kk) of
20 Section 5-45 of the Illinois Administrative Procedure Act. The
21 General Assembly finds that the adoption of rules to regulate
22 cannabis use is deemed an emergency and necessary for the
23 public interest, safety, and welfare.

24 (c) The Commission, the Department of Financial and

1 Professional Regulation, and the Department of Agriculture
2 have the authority to enter into intergovernmental agreements
3 to carry out the licensure and oversight of cannabis business
4 establishments under this Act, shall collaborate and
5 coordinate on adopting rules that are necessary to carry out
6 the functions and duties of this Act.

7 (410 ILCS 705/70-15 new)

8 Sec. 70-15. Authority over licenses; authority to issue
9 licenses.

10 (a) Notwithstanding any other provision of law, the
11 Commission shall have authority over the following licenses
12 that may be in various phases in the licensing process, are
13 eligible, pending, in the conditional phase, awarded, or
14 pending adjudication by a judicial process, or have otherwise
15 not been awarded on or after July 1, 2022:

16 (1) The 75 Conditional Adult Use Dispensing
17 Organization licenses eligible for award as determined by
18 a Tied Applicant Lottery under Section 15-30.20.

19 (2) The 55 Conditional Adult Use Dispensing
20 Organization Licenses eligible for award as determined by
21 a Qualifying Applicant Lottery under Section 15-35.10.

22 (3) The 55 Conditional Adult Use Dispensing
23 Organization Licenses eligible for award as determined by
24 a Social Equity Justice Involved Lottery under Section
25 15-35.

1 (4) Conditional Adult Use Dispensing Organization
2 Licenses eligible for award under Section 15-35.20.

3 (5) Cultivation center licenses eligible for award
4 under Section 20-10 of the Act.

5 (6) The Craft grower licenses eligible for award under
6 Section 30-5 of the Act.

7 (7) The Infuser licenses eligible for award under
8 Section 35-5 of the Act; and

9 (8) Transporting organization licenses eligible for
10 award under Section 40-5 of the Act.

11 (b) Subject to subsection (c), the Commission has the
12 exclusive authority to issue licenses to dispensing
13 organizations, cultivation centers, craft growers, infusers,
14 and transporter organizations under this Act and to certify
15 laboratories under this Act.

16 (c) The Commission may only issue the following licenses
17 in the following amounts:

18 (1) Dispensing organization licenses under Section
19 15-5, except that at no time may the number of dispensing
20 organization licenses exceed 500.

21 (2) Cultivation center licenses under Section 20-10,
22 except that at no time may the number of cultivation
23 center licenses exceed 30.

24 (3) Craft grower licenses under Section 30-5, except
25 that at no time may the number of craft grower licenses
26 exceed 150.

1 (410 ILCS 705/70-20 new)

2 Sec. 70-20. Licensing applications and denials.

3 (a) The Commission shall establish applications for
4 licensure of dispensing organizations, cultivation centers,
5 craft growers, infusers, transporting organizations under this
6 Act and for certification of laboratories under this Act.

7 (b) Notwithstanding any other provisions regarding
8 applications for cannabis business establishments, the
9 Commission may adopt rules to develop (i) applications for
10 licensure of dispensing organizations, cultivation centers,
11 craft growers, infusers, transporting organizations under this
12 Act, (ii) applications for certification of laboratories under
13 this Act, and (iii) a process for issuing licenses and
14 certifications under this Act. The rules shall include, at a
15 minimum, the following:

16 (1) A nonrefundable application fee set by rule to be
17 deposited into the Cannabis Regulation Fund.

18 (2) The legal name of the organization seeking a
19 license to operate as a cannabis business establishment.

20 (3) The name, address, social security number, and
21 date of birth of each principal officer and board member
22 of the organization seeking a license to operate as a
23 cannabis business establishment.

24 (4) A verification from the Illinois State Police that
25 all background checks of the prospective principal

1 officers, board members, and agents of the applicant have
2 been conducted.

3 (5) A verification from the Department of Revenue that
4 the applicant and the applicant's principal officers,
5 board members, and persons having a financial or voting
6 interest of 5% or greater in the applicant is not
7 delinquent in filing any required tax returns or paying
8 any amounts owed to the State of Illinois.

9 (6) To establish criteria for the denial of an
10 application, which shall include, at a minimum, the
11 following:

12 (A) The applicant failed to submit the materials
13 required by the licensing application, this Act, or
14 any rules adopted under this Act.

15 (B) The applicant would not be in compliance with
16 local zoning rules.

17 (C) Any of the applicant's prospective principal
18 officers or board members have violated Section 20-30.

19 (D) Any of the applicant's prospective principal
20 officers or board members are under 21 years of age.

21 (E) The applicant has submitted an application
22 under this Act that contains false information.

23 (F) The applicant, any of the applicant's
24 principal officers, board members, or agents, or any
25 person having a financial or voting interest of 5% or
26 greater in the applicant is delinquent in filing any

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

3 (G) Granting the application would result in a
4 person or entity obtaining direct or indirect
5 financial interest in more than 10 Early Approval
6 Adult Use Dispensing Organization Licenses,
7 Conditional Adult Use Dispensing Organization
8 Licenses, Adult Use Dispensing Organization Licenses,
9 or any combination thereof. If a person or entity is
10 awarded a license that would cause such a result, the
11 applicant shall choose which license application it
12 wants to abandon and that license shall become
13 available to the next qualified applicant in the
14 region in which the abandoned license was awarded.

15
16 (410 ILCS 705/70-25 new)

17 Sec. 70-25. Rules amending operational requirements or
18 prohibitions. The Commission may adopt rules to amend the
19 operational requirements or prohibited activities of cannabis
20 business establishments provided under this Act.

21 (410 ILCS 705/70-30 new)

22 Sec. 70-30. Ownership and control; changes in ownership;
23 changes to management agreements.

24 (a) Cannabis business establishment applicants and

1 licensees shall file and maintain a Table of Organization,
2 Ownership and Control with the Commission. The Table of
3 Organization, Ownership and Control shall contain the
4 information required by this Section in sufficient detail to
5 identify all owners, directors, and principal officers, and
6 the title of each principal officer or business entity that,
7 through direct or indirect means, manages, owns, or controls
8 the applicant or licensee.

9 (b) The Table of Organization, Ownership, and Control
10 shall identify the following information:

11 (1) The management structure, ownership, and control
12 of the applicant or license holder including the name of
13 each principal officer or business entity, the office or
14 position held, and the percentage ownership interest, if
15 any. If the business entity has a parent company, the name
16 of each owner, board member, and officer of the parent
17 company and his or her percentage ownership interest in
18 the parent company and the infuser organization.

19 (2) If the applicant or licensee is a business entity
20 with publicly traded stock, the identification of
21 ownership shall be provided as required in subsection (c).

22 (c) If a business entity identified in subsection (b) is a
23 publicly traded company, the following information shall be
24 provided in the Table of Organization, Ownership, and Control:

25 (1) The name and percentage of ownership interest of
26 each individual or business entity with ownership of more

1 than 5% of the voting shares of the entity, to the extent
2 such information is known or contained in 13D or 13G
3 Securities and Exchange Commission filings.

4 (2) To the extent known, the names and percentage of
5 interest of ownership of persons who are relatives of one
6 another and who together exercise control over or own more
7 than 10% of the voting shares of the entity.

8 (d) A cannabis business establishment with a parent
9 company or companies, or partially owned or controlled by
10 another entity must disclose to the Commission the
11 relationship and all owners, board members, officers, or
12 individuals with control or management of those entities. A
13 Cannabis business establishment organization shall not shield
14 its ownership or control from the Commission.

15 (e) All principal officers must submit a complete online
16 application with the Commission within 14 days of the cannabis
17 business establishment being licensed by the Commission or
18 within 14 days of the Commission's notice of approval as a new
19 principal officer.

20 (f) A principal officer may not allow their registration
21 to expire.

22 (g) A cannabis business establishment separating with a
23 principal officer must do so under this Act. The principal
24 officer must communicate the separation to the Commission
25 within 5 business days.

26 (h) A principal officer not in compliance with the

1 requirements of this Act shall be removed from their position
2 with the cannabis business establishment or shall otherwise
3 terminate their affiliation. Failure to do so may subject the
4 cannabis business establishment to discipline, suspension, or
5 revocation of its license by the Commission.

6 (i) It is the responsibility of the cannabis business
7 establishment organization and its principal officers to
8 promptly notify the Commission of any change of the principal
9 place of business address, hours of operation, change in
10 ownership or control, or a change of the cannabis business
11 establishment's primary or secondary contact information. Any
12 changes must be made to the Department in writing.

13 A cannabis business establishment may only add principal
14 officers and changing the management after being approved by
15 the Commission.

16 A cannabis business establishment shall provide written
17 notice of the removal of a principal officer within 5 business
18 days after removal. The notice shall include the written
19 agreement of the principal officer being removed, unless
20 otherwise approved by the Commission, and allocation of
21 ownership shares after removal in an updated ownership chart.

22 A cannabis business establishment shall provide a written
23 request to the Commission for the addition of principal
24 officers. A cannabis business establishment shall submit
25 proposed principal officer applications on forms approved by
26 the Commission.

1 All proposed new principal officers shall be subject to
2 the requirements of this Act, this Article, and any rules that
3 may be adopted pursuant to this Act.

4 The Commission may prohibit the addition of a principal
5 officer to a cannabis business establishment for failure to
6 comply with this Act, this Article, and any rules that may be
7 adopted pursuant to this Act.

8 A cannabis business establishment may not assign a
9 license.

10 A cannabis business establishment may not transfer a
11 license without prior Commission approval.

12 Such approval may be withheld if the person to whom the
13 license is being transferred does not commit to the same or a
14 similar community engagement plan provided as part of the
15 dispensing organization's application under paragraph (18) of
16 subsection (d) of Section 15-25, and such transferee's license
17 shall be conditional upon that commitment.

18 With the addition or removal of principal officers, the
19 Commission will review the ownership structure to determine
20 whether the change in ownership has had the effect of a
21 transfer of the license. The cannabis business establishment
22 shall supply all ownership documents requested by the
23 Commission.

24 A cannabis business establishment may apply to the
25 Commission to approve a sale of the cannabis business
26 establishment. A request to sell the cannabis business

1 establishment must be on application forms provided by the
2 Commission. A request for an approval to sell a cannabis
3 business establishment must comply with the following:

4 (1) New application materials shall comply with this
5 Act and any rules that may be adopted pursuant to this Act;

6 (2) Application materials shall include a change of
7 ownership fee as determined by rule to be deposited into
8 the Cannabis Regulation Fund;

9 (3) The application materials shall provide proof that
10 the transfer of ownership will not have the effect of
11 granting any of the owners or principal officers direct or
12 indirect ownership or control of more than 10 cannabis
13 business establishment licenses;

14 (4) New principal officers shall each complete the
15 proposed new principal officer application;

16 (5) If the Commission approves the application
17 materials and proposed new principal officer applications,
18 it will perform an inspection before approving the sale
19 and issuing the dispensing organization license;

20 (6) If a new license is approved, the Commission will
21 issue a new license number and certificate to the new
22 dispensing organization.

23 (410 ILCS 705/Art. Art. 75 heading new)

24 Article 75. Compassionate Use of Medical Cannabis Program.

1 (410 ILCS 705/75-5 new)

2 Sec. 75-5. Findings.

3 (a) The recorded use of cannabis as a medicine goes back
4 nearly 5,000 years. Modern medical research has confirmed the
5 beneficial uses of cannabis in treating or alleviating the
6 pain, nausea, and other symptoms associated with a variety of
7 debilitating medical conditions, including cancer, multiple
8 sclerosis, and HIV/AIDS, as found by the National Academy of
9 Sciences' Institute of Medicine in March 1999.

10 (b) Studies published since the 1999 Institute of Medicine
11 report continue to show the therapeutic value of cannabis in
12 treating a wide array of debilitating medical conditions.
13 These include relief of the neuropathic pain caused by
14 multiple sclerosis, HIV/AIDS, and other illnesses that often
15 fail to respond to conventional treatments and relief of
16 nausea, vomiting, and other side effects of drugs used to
17 treat HIV/AIDS and hepatitis C, increasing the chances of
18 patients continuing on life-saving treatment regimens.

19 (c) Cannabis has many currently accepted medical uses in
20 the United States, having been recommended by thousands of
21 licensed physicians to at least 600,000 patients in states
22 with medical cannabis laws. The medical utility of cannabis is
23 recognized by a wide range of medical and public health
24 organizations, including the American Academy of HIV Medicine,
25 the American College of Physicians, the American Nurses
26 Association, the American Public Health Association, the

1 Leukemia & Lymphoma Society, and many others.

2 (d) Data from the Federal Bureau of Investigation's
3 Uniform Crime Reports and the Compendium of Federal Justice
4 Statistics show that approximately 99 out of every 100
5 cannabis arrests in the U.S. are made under state law, rather
6 than under federal law. Consequently, changing State law will
7 have the practical effect of protecting from arrest the vast
8 majority of seriously ill patients who have a medical need to
9 use cannabis.

10 (d-5) In 2014, the Task Force on Veterans' Suicide was
11 created by the Illinois General Assembly to gather data on
12 veterans' suicide prevention. Data from a U.S. Department of
13 Veterans Affairs study indicates that 22 veterans commit
14 suicide each day.

15 (d-10) According to the State of Illinois Opioid Action
16 Plan released in September 2017, "The opioid epidemic is the
17 most significant public health and public safety crisis facing
18 Illinois". According to the Action Plan, "Fueled by the
19 growing opioid epidemic, drug overdoses have now become the
20 leading cause of death nationwide for people under the age of
21 50. In Illinois, opioid overdoses have killed nearly 11,000
22 people since 2008. Just last year, nearly 1,900 people died of
23 overdoses—almost twice the number of fatal car accidents.
24 Beyond these deaths are thousands of emergency department
25 visits, hospital stays, as well as the pain suffered by
26 individuals, families, and communities".

1 According to the Action Plan, "At the current rate, the
2 opioid epidemic will claim the lives of more than 2,700
3 Illinoisans in 2020".

4 Further, the Action Plan states, "Physical tolerance to
5 opioids can begin to develop as early as two to three days
6 following the continuous use of opioids, which is a large
7 factor that contributes to their addictive potential".

8 The 2017 State of Illinois Opioid Action Plan also states,
9 "The increase in OUD [opioid use disorder] and opioid overdose
10 deaths is largely due to the dramatic rise in the rate and
11 amount of opioids prescribed for pain over the past decades".

12 Further, according to the Action Plan, "In the absence of
13 alternative treatments, reducing the supply of prescription
14 opioids too abruptly may drive more people to switch to using
15 illicit drugs (including heroin), thus increasing the risk of
16 overdose".

17 (e) Alaska, Arizona, California, Colorado, Connecticut,
18 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,
19 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,
20 Washington, and Washington, D.C. have removed state-level
21 criminal penalties from the medical use and cultivation of
22 cannabis. Illinois joins in this effort for the health and
23 welfare of its citizens.

24 (f) States are not required to enforce federal law or
25 prosecute people for engaging in activities prohibited by
26 federal law. Therefore, compliance with this Act does not put

1 the State of Illinois in violation of federal law.

2 (g) State law should make a distinction between the
3 medical and non-medical uses of cannabis. Hence, the purpose
4 of this Article is to protect patients with debilitating
5 medical conditions, as well as their physicians and providers,
6 from arrest and prosecution, criminal and other penalties, and
7 property forfeiture if the patients engage in the medical use
8 of cannabis.

9 (410 ILCS 705/75-7 new)

10 Sec. 75-7. Lawful user and lawful products. For the
11 purposes of this Article and to clarify the legislative
12 findings on the lawful use of cannabis:

13 (1) A cardholder under this Article shall not be
14 considered an unlawful user or addicted to narcotics
15 solely as a result of his or her qualifying patient or
16 designated caregiver status.

17 (2) All medical cannabis products purchased by a
18 qualifying patient at a licensed dispensing organization
19 shall be lawful products and a distinction shall be made
20 between medical and non-medical uses of cannabis as a
21 result of the qualifying patient's cardholder status,
22 provisional registration for qualifying patient cardholder
23 status, or participation in the Opioid Alternative Pilot
24 Program under the authorized use granted under State law.

25 (3) An individual with a provisional registration for

1 qualifying patient cardholder status, a qualifying patient
2 in the Compassionate Use of Medical Cannabis Program, or
3 an Opioid Alternative Pilot Program participant under
4 Section 75-62 shall not be considered an unlawful user or
5 addicted to narcotics solely as a result of his or her
6 application to or participation in the program.

7 (410 ILCS 705/75-10 new)

8 Sec. 75-10. Definitions. The following terms, as used in
9 this Article, shall have the meanings set forth in this
10 Section:

11 (a) "Adequate supply" means:

12 (1) 2.5 ounces of usable cannabis during a period of
13 14 days and that is derived solely from an intrastate
14 source.

15 (2) Subject to the rules of the Commission, a patient
16 may apply for a waiver where a certifying health care
17 professional provides a substantial medical basis in a
18 signed, written statement asserting that, based on the
19 patient's medical history, in the certifying health care
20 professional's professional judgment, 2.5 ounces is an
21 insufficient adequate supply for a 14-day period to
22 properly alleviate the patient's debilitating medical
23 condition or symptoms associated with the debilitating
24 medical condition.

25 (3) This subsection may not be construed to authorize

1 the possession of more than 2.5 ounces at any time without
2 authority from the Commission.

3 (4) The pre-mixed weight of medical cannabis used in
4 making a cannabis infused product shall apply toward the
5 limit on the total amount of medical cannabis a registered
6 qualifying patient may possess at any one time.

7 (a-5) "Advanced practice registered nurse" means a person
8 who is licensed under the Nurse Practice Act as an advanced
9 practice registered nurse and has a controlled substances
10 license under Article III of the Illinois Controlled
11 Substances Act.

12 (d) "Cardholder" means a qualifying patient or a
13 designated caregiver who has been issued and possesses a valid
14 registry identification card by the Department of Public
15 Health.

16 (d-5) "Certifying health care professional" means a
17 physician, an advanced practice registered nurse, or a
18 physician assistant.

19 (h) "Debilitating medical condition" means one or more of
20 the following:

21 (1) cancer, glaucoma, positive status for human
22 immunodeficiency virus, acquired immune deficiency
23 syndrome, hepatitis C, amyotrophic lateral sclerosis,
24 Crohn's disease (including, but not limited to, ulcerative
25 colitis), agitation of Alzheimer's disease,
26 cachexia/wasting syndrome, muscular dystrophy,

1 fibromyalgia, spinal cord disease, including but not
2 limited to arachnoiditis, Tarlov cysts, hydromyelia,
3 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
4 spinal cord injury, traumatic brain injury and
5 post-concussion syndrome, Multiple Sclerosis,
6 Arnold-Chiari malformation and Syringomyelia,
7 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
8 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
9 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
10 (Complex Regional Pain Syndromes Type II),
11 Neurofibromatosis, Chronic Inflammatory Demyelinating
12 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
13 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
14 syndrome, residual limb pain, seizures (including those
15 characteristic of epilepsy), post-traumatic stress
16 disorder (PTSD), autism, chronic pain, irritable bowel
17 syndrome, migraines, osteoarthritis, anorexia nervosa,
18 Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune
19 Disease, neuropathy, polycystic kidney disease, superior
20 canal dehiscence syndrome, or the treatment of these
21 conditions;

22 (1.5) terminal illness with a diagnosis of 6 months or
23 less; if the terminal illness is not one of the qualifying
24 debilitating medical conditions, then the certifying
25 health care professional shall on the certification form
26 identify the cause of the terminal illness; or

1 (2) any other debilitating medical condition or its
2 treatment that is added by the Department of Public Health
3 by rule as provided in Section 75-45.

4 (i) "Designated caregiver" means a person who: (1) is at
5 least 21 years of age; (2) has agreed to assist with a
6 patient's medical use of cannabis; (3) has not been convicted
7 of an excluded offense; and (4) assists no more than one
8 registered qualifying patient with his or her medical use of
9 cannabis.

10 (l-10) "Illinois Cannabis Tracking System" means a
11 web-based system established and maintained by the Commission
12 that is available to the Department of Agriculture, the
13 Department of Financial and Professional Regulation, the
14 Illinois State Police, and registered medical cannabis
15 dispensing organizations on a 24-hour basis to upload written
16 certifications for Opioid Alternative Pilot Program
17 participants, to verify Opioid Alternative Pilot Program
18 participants, to verify Opioid Alternative Pilot Program
19 participants' available cannabis allotment and assigned
20 dispensary, and the tracking of the date of sale, amount, and
21 price of medical cannabis purchased by an Opioid Alternative
22 Pilot Program participant.

23 (m) "Medical cannabis cultivation center registration"
24 means a registration issued by the Department of Agriculture.

25 (n) "Medical cannabis container" means a sealed,
26 traceable, food compliant, tamper resistant, tamper evident

1 container, or package used for the purpose of containment of
2 medical cannabis from a cultivation center to a dispensing
3 organization.

4 (o) "Medical cannabis dispensing organization", or
5 "dispensing organization", or "dispensary organization" means
6 a facility operated by an organization or business that is
7 registered by the Commission to acquire medical cannabis from
8 a registered cultivation center for the purpose of dispensing
9 cannabis, paraphernalia, or related supplies and educational
10 materials to registered qualifying patients, individuals with
11 a provisional registration for qualifying patient cardholder
12 status, or an Opioid Alternative Pilot Program participant.

13 (p) "Medical cannabis dispensing organization agent" or
14 "dispensing organization agent" means a principal officer,
15 board member, employee, or agent of a registered medical
16 cannabis dispensing organization who is 21 years of age or
17 older and has not been convicted of an excluded offense.

18 (q) "Medical cannabis infused product" means food, oils,
19 ointments, or other products containing usable cannabis that
20 are not smoked.

21 (r) "Medical use" means the acquisition; administration;
22 delivery; possession; transfer; transportation; or use of
23 cannabis to treat or alleviate a registered qualifying
24 patient's debilitating medical condition or symptoms
25 associated with the patient's debilitating medical condition.

26 (r-5) "Opioid" means a narcotic drug or substance that is

1 a Schedule II controlled substance under paragraph (1), (2),
2 (3), or (5) of subsection (b) or under subsection (c) of
3 Section 206 of the Illinois Controlled Substances Act.

4 (r-10) "Opioid Alternative Pilot Program participant"
5 means an individual who has received a valid written
6 certification to participate in the Opioid Alternative Pilot
7 Program for a medical condition for which an opioid has been or
8 could be prescribed by a certifying health care professional
9 based on generally accepted standards of care.

10 (s) "Physician" means a doctor of medicine or doctor of
11 osteopathy licensed under the Medical Practice Act of 1987 to
12 practice medicine and who has a controlled substances license
13 under Article III of the Illinois Controlled Substances Act.
14 It does not include a licensed practitioner under any other
15 Act including but not limited to the Illinois Dental Practice
16 Act.

17 (s-1) "Physician assistant" means a physician assistant
18 licensed under the Physician Assistant Practice Act of 1987
19 and who has a controlled substances license under Article III
20 of the Illinois Controlled Substances Act.

21 (s-5) "Provisional registration" means a document issued
22 by the Commission to a qualifying patient who has submitted:
23 (1) an online application and paid a fee to participate in the
24 Compassionate Use of Medical Cannabis Program pending approval
25 or denial of the patient's application; or (2) a completed
26 application for terminal illness.

1 (t) "Qualifying patient" means a person who has been
2 diagnosed by a certifying health care professional as having a
3 debilitating medical condition.

4 (u) "Registered" means licensed, permitted, or otherwise
5 certified by the Commission.

6 (v) "Registry identification card" means a document issued
7 by the Commission that identifies a person as a registered
8 qualifying patient or registered designated caregiver.

9 (w) "Usable cannabis" means the seeds, leaves, buds, and
10 flowers of the cannabis plant and any mixture or preparation
11 thereof, but does not include the stalks, and roots of the
12 plant. It does not include the weight of any non-cannabis
13 ingredients combined with cannabis, such as ingredients added
14 to prepare a topical administration, food, or drink.

15 (x) "Verification system" means a Web-based system
16 established and maintained by the Commission, law enforcement
17 personnel, and registered medical cannabis dispensing
18 organization agents on a 24-hour basis for the verification of
19 registry identification cards, the tracking of delivery of
20 medical cannabis to medical cannabis dispensing organizations,
21 and the tracking of the date of sale, amount, and price of
22 medical cannabis purchased by a registered qualifying patient.

23 (y) "Written certification" means a document dated and
24 signed by a certifying health care professional, stating (1)
25 that the qualifying patient has a debilitating medical
26 condition and specifying the debilitating medical condition

1 the qualifying patient has; and (2) that (A) the certifying
2 health care professional is treating or managing treatment of
3 the patient's debilitating medical condition; or (B) an Opioid
4 Alternative Pilot Program participant has a medical condition
5 for which opioids have been or could be prescribed. A written
6 certification shall be made only in the course of a bona fide
7 health care professional-patient relationship, after the
8 certifying health care professional has completed an
9 assessment of either a qualifying patient's medical history or
10 Opioid Alternative Pilot Program participant, reviewed
11 relevant records related to the patient's debilitating
12 condition, and conducted a physical examination.

13 (z) "Bona fide health care professional-patient
14 relationship" means a relationship established at a hospital,
15 certifying health care professional's office, or other health
16 care facility in which the certifying health care professional
17 has an ongoing responsibility for the assessment, care, and
18 treatment of a patient's debilitating medical condition or a
19 symptom of the patient's debilitating medical condition.

20 A veteran who has received treatment at a VA hospital
21 shall be deemed to have a bona fide health care
22 professional-patient relationship with a VA certifying health
23 care professional if the patient has been seen for his or her
24 debilitating medical condition at the VA Hospital in
25 accordance with VA Hospital protocols.

26 A bona fide health care professional-patient relationship

1 under this subsection is a privileged communication within the
2 meaning of Section 8-802 of the Code of Civil Procedure.

3 (410 ILCS 705/75-15 new)

4 Sec. 75-15. Authority.

5 (a) It is the duty of the Commission to enforce the
6 following provisions of this Article unless otherwise provided
7 for by this Article:

8 (1) establish and maintain a confidential registry of
9 qualifying patients authorized to engage in the medical
10 use of cannabis and their caregivers;

11 (2) distribute educational materials about the health
12 benefits and risks associated with the use of cannabis and
13 prescription medications;

14 (3) adopt rules to administer the patient and
15 caregiver registration program; and

16 (4) adopt rules establishing food handling
17 requirements for cannabis-infused products that are
18 prepared for human consumption.

19 (b) It is the duty of the Commission to enforce the
20 provisions of this Article relating to the registration and
21 oversight of cultivation centers unless otherwise provided for
22 in this Article.

23 (c) It is the duty of the Commission to enforce the
24 provisions of this Article relating to the registration and
25 oversight of dispensing organizations unless otherwise

1 provided for in this Article.

2 (d) The Commission, the Department of Public Health, the
3 Department of Agriculture, or the Department of Financial and
4 Professional Regulation shall enter into intergovernmental
5 agreements, as necessary, to carry out the provisions of this
6 Article including, but not limited to, the provisions relating
7 to the registration and oversight of cultivation centers,
8 dispensing organizations, and qualifying patients and
9 caregivers.

10 (e) The Commission may suspend, revoke, or impose other
11 penalties upon a registration for violations of this Article
12 and any rules adopted in accordance thereto. The suspension or
13 revocation of, or imposition of any other penalty upon, a
14 registration is a final Agency action, subject to judicial
15 review. Jurisdiction and venue for judicial review are vested
16 in the Circuit Court.

17 (410 ILCS 705/75-20 new)

18 Sec. 75-20. Compassionate Use of Medical Cannabis Fund.

19 (a) There is created the Compassionate Use of Medical
20 Cannabis Fund in the State treasury to be used exclusively for
21 the direct and indirect costs associated with the
22 implementation, administration, and enforcement of this
23 Article. Funds in excess of the direct and indirect costs
24 associated with the implementation, administration, and
25 enforcement of this Article shall be used to fund crime

1 prevention programs.

2 (b) All monies collected under this Article shall be
3 deposited in the Compassionate Use of Medical Cannabis Fund in
4 the State treasury. All earnings received from investment of
5 monies in the Compassionate Use of Medical Cannabis Fund shall
6 be deposited in the Compassionate Use of Medical Cannabis
7 Fund.

8 (c) Notwithstanding any other law to the contrary, the
9 Compassionate Use of Medical Cannabis Fund is not subject to
10 sweeps, administrative charge-backs, or any other fiscal or
11 budgetary maneuver that would in any way transfer any amounts
12 from the Compassionate Use of Medical Cannabis Fund into any
13 other fund of the State with the exception for purposes to
14 support Social Equity Applicants, owners and programs or as
15 determined by the Commission.

16 (410 ILCS 705/75-25 new)

17 Sec. 75-25. Immunities and presumptions related to the
18 medical use of cannabis.

19 (a) A registered qualifying patient is not subject to
20 arrest, prosecution, or denial of any right or privilege,
21 including, but not limited to, civil penalty or disciplinary
22 action by an occupational or professional licensing board, for
23 the medical use of cannabis in accordance with this Article,
24 if the registered qualifying patient possesses an amount of
25 cannabis that does not exceed an adequate supply as defined in

1 subsection (a) of Section 75-10 of this Article of usable
2 cannabis and, where the registered qualifying patient is a
3 licensed professional, the use of cannabis does not impair
4 that licensed professional when he or she is engaged in the
5 practice of the profession for which he or she is licensed.

6 (b) A registered designated caregiver is not subject to
7 arrest, prosecution, or denial of any right or privilege,
8 including, but not limited to, civil penalty or disciplinary
9 action by an occupational or professional licensing board, for
10 acting in accordance with this Article to assist a registered
11 qualifying patient to whom he or she is connected through the
12 with the exception for purposes to support Social Equity
13 Applicants, owners and programs or as determined by the
14 Commission's registration process with the medical use of
15 cannabis if the designated caregiver possesses an amount of
16 cannabis that does not exceed an adequate supply as defined in
17 subsection (a) of Section 75-10 of this Article of usable
18 cannabis. A school nurse or school administrator is not
19 subject to arrest, prosecution, or denial of any right or
20 privilege, including, but not limited to, a civil penalty, for
21 acting in accordance with Section 22-33 of the School Code
22 relating to administering or assisting a student in
23 self-administering a medical cannabis infused product. The
24 total amount possessed between the qualifying patient and
25 caregiver shall not exceed the patient's adequate supply as
26 defined in subsection (a) of Section 75-10 of this Article.

1 (c) A registered qualifying patient or registered
2 designated caregiver is not subject to arrest, prosecution, or
3 denial of any right or privilege, including, but not limited
4 to, civil penalty or disciplinary action by an occupational or
5 professional licensing board for possession of cannabis that
6 is incidental to medical use, but is not usable cannabis as
7 defined in this Article.

8 (d) (1) There is a rebuttable presumption that a registered
9 qualifying patient is engaged in, or a designated caregiver is
10 assisting with, the medical use of cannabis in accordance with
11 this Article if the qualifying patient or designated
12 caregiver:

13 (A) is in possession of a valid registry
14 identification card; and

15 (B) is in possession of an amount of cannabis that
16 does not exceed the amount allowed under subsection (a) of
17 Section 75-10.

18 (2) The presumption may be rebutted by evidence that
19 conduct related to cannabis was not for the purpose of
20 treating or alleviating the qualifying patient's debilitating
21 medical condition or symptoms associated with the debilitating
22 medical condition in compliance with this Article.

23 (e) A certifying health care professional is not subject
24 to arrest, prosecution, or penalty in any manner, or denial of
25 any right or privilege, including, but not limited to, civil
26 penalty or disciplinary action by the Medical Disciplinary

1 Board or by any other occupational or professional licensing
2 board, solely for providing written certifications or for
3 otherwise stating that, in the certifying health care
4 professional's professional opinion, a patient is likely to
5 receive therapeutic or palliative benefit from the medical use
6 of cannabis to treat or alleviate the patient's debilitating
7 medical condition or symptoms associated with the debilitating
8 medical condition, provided that nothing shall prevent a
9 professional licensing or disciplinary board from sanctioning
10 a certifying health care professional for: (1) issuing a
11 written certification to a patient who is not under the
12 certifying health care professional's care for a debilitating
13 medical condition; or (2) failing to properly evaluate a
14 patient's medical condition or otherwise violating the
15 standard of care for evaluating medical conditions.

16 (f) No person may be subject to arrest, prosecution, or
17 denial of any right or privilege, including, but not limited
18 to, civil penalty or disciplinary action by an occupational or
19 professional licensing board, solely for: (1) selling cannabis
20 paraphernalia to a cardholder upon presentation of an
21 unexpired registry identification card in the recipient's
22 name, if employed and registered as a dispensing agent by a
23 registered dispensing organization; (2) being in the presence
24 or vicinity of the medical use of cannabis as allowed under
25 this Article; or (3) assisting a registered qualifying patient
26 with the act of administering cannabis.

1 (g) A registered cultivation center is not subject to
2 prosecution; search or inspection, except by the with the
3 exception for purposes to support Social Equity Applicants,
4 owners and programs or as determined by the Commission or
5 State or local law enforcement under Section 75-130; seizure;
6 or penalty in any manner, or denial of any right or privilege,
7 including, but not limited to, civil penalty or disciplinary
8 action by a business licensing board or entity, for acting
9 under this Article and Commission rules to: acquire, possess,
10 cultivate, manufacture, deliver, transfer, transport, supply,
11 or sell cannabis to registered dispensing organizations.

12 (h) A registered cultivation center agent is not subject
13 to prosecution, search, or penalty in any manner, or denial of
14 any right or privilege, including, but not limited to, civil
15 penalty or disciplinary action by a business licensing board
16 or entity, for working or volunteering for a registered
17 cannabis cultivation center under this Article and Commission
18 rules, including to perform the actions listed under
19 subsection (g).

20 (i) A registered dispensing organization is not subject to
21 prosecution; search or inspection, except by the Commission or
22 State or local law enforcement pursuant to Section 75-130;
23 seizure; or penalty in any manner, or denial of any right or
24 privilege, including, but not limited to, civil penalty or
25 disciplinary action by a business licensing board or entity,
26 for acting under this Article and Commission rules to:

1 acquire, possess, or dispense cannabis, or related supplies,
2 and educational materials to registered qualifying patients or
3 registered designated caregivers on behalf of registered
4 qualifying patients.

5 (j) A registered dispensing organization agent is not
6 subject to prosecution, search, or penalty in any manner, or
7 denial of any right or privilege, including, but not limited
8 to, civil penalty or disciplinary action by a business
9 licensing board or entity, for working or volunteering for a
10 dispensing organization under this Article and Department of
11 Financial and Professional Regulation rules, including to
12 perform the actions listed under subsection (i).

13 (k) Any cannabis, cannabis paraphernalia, illegal
14 property, or interest in legal property that is possessed,
15 owned, or used in connection with the medical use of cannabis
16 as allowed under this Article, or acts incidental to that use,
17 may not be seized or forfeited. this Article does not prevent
18 the seizure or forfeiture of cannabis exceeding the amounts
19 allowed under this Article, nor shall it prevent seizure or
20 forfeiture if the basis for the action is unrelated to the
21 cannabis that is possessed, manufactured, transferred, or used
22 under this Article.

23 (l) Mere possession of, or application for, a registry
24 identification card or registration certificate does not
25 constitute probable cause or reasonable suspicion, nor shall
26 it be used as the sole basis to support the search of the

1 person, property, or home of the person possessing or applying
2 for the registry identification card. The possession of, or
3 application for, a registry identification card does not
4 preclude the existence of probable cause if probable cause
5 exists on other grounds.

6 (m) Nothing in this Article shall preclude local or State
7 law enforcement agencies from searching a registered
8 cultivation center where there is probable cause to believe
9 that the criminal laws of this State have been violated and the
10 search is conducted in conformity with the Illinois
11 Constitution, the Constitution of the United States, and all
12 State statutes.

13 (n) Nothing in this Article shall preclude local or State
14 law enforcement agencies from searching a registered
15 dispensing organization where there is probable cause to
16 believe that the criminal laws of this State have been
17 violated and the search is conducted in conformity with the
18 Illinois Constitution, the Constitution of the United States,
19 and all State statutes.

20 (o) No individual employed by the State of Illinois shall
21 be subject to criminal or civil penalties for taking any
22 action in accordance with the provisions of this Article, when
23 the actions are within the scope of the individual's
24 employment. Representation and indemnification of State
25 employees shall be provided to State employees as set forth in
26 Section 2 of the State Employee Indemnification Act.

1 (p) No law enforcement or correctional agency, nor any
2 individual employed by a law enforcement or correctional
3 agency, shall be subject to criminal or civil liability,
4 except for willful and wanton misconduct, as a result of
5 taking any action within the scope of the official duties of
6 the agency or individual to prohibit or prevent the possession
7 or use of cannabis by a cardholder incarcerated at a
8 correctional facility, jail, or municipal lockup facility, on
9 parole or mandatory supervised release, or otherwise under the
10 lawful jurisdiction of the agency or individual.

11 (410 ILCS 705/75-30 new)

12 Sec. 75-30. Limitations and penalties.

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

16 (1) Undertaking any task under the influence of
17 cannabis, when doing so would constitute negligence,
18 professional malpractice, or professional misconduct;

19 (2) Possessing cannabis:

20 (A) except as provided under Section 22-33 of the
21 School Code, in a school bus;

22 (B) except as provided under Section 22-33 of the
23 School Code, on the grounds of any preschool or
24 primary or secondary school;

25 (C) in any correctional facility;

1 (D) in a vehicle under Section 11-502.1 of the
2 Illinois Vehicle Code;

3 (E) in a vehicle not open to the public unless the
4 medical cannabis is in a reasonably secured, sealed
5 container and reasonably inaccessible while the
6 vehicle is moving; or

7 (F) in a private residence that is used at any time
8 to provide licensed child care or other similar social
9 service care on the premises;

10 (3) Using cannabis:

11 (A) except as provided under Section 22-33 of the
12 School Code, in a school bus;

13 (B) except as provided under Section 22-33 of the
14 School Code, on the grounds of any preschool or
15 primary or secondary school;

16 (C) in any correctional facility;

17 (D) in any motor vehicle;

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

21 (F) except as provided under Section 22-33 of the
22 School Code and Section 75-31 of this Article, in any
23 public place. "Public place" as used in this
24 subsection means any place where an individual could
25 reasonably be expected to be observed by others. A
26 "public place" includes all parts of buildings owned

1 in whole or in part, or leased, by the State or a local
2 unit of government. A "public place" does not include
3 a private residence unless the private residence is
4 used to provide licensed child care, foster care, or
5 other similar social service care on the premises. For
6 purposes of this subsection, a "public place" does not
7 include a health care facility. For purposes of this
8 Section, a "health care facility" includes, but is not
9 limited to, hospitals, nursing homes, hospice care
10 centers, and long-term care facilities;

11 (G) except as provided under Section 22-33 of the
12 School Code and Section 75-31 of this Article,
13 knowingly in close physical proximity to anyone under
14 the age of 18 years of age;

15 (4) Smoking medical cannabis in any public place where
16 an individual could reasonably be expected to be observed
17 by others, in a health care facility, or any other place
18 where smoking is prohibited under the Smoke Free Illinois
19 Act;

20 (5) Operating, navigating, or being in actual physical
21 control of any motor vehicle, aircraft, or motorboat while
22 using or under the influence of cannabis in violation of
23 Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

24 (6) Using or possessing cannabis if that person does
25 not have a debilitating medical condition and is not a
26 registered qualifying patient or caregiver;

1 (7) Allowing any person who is not allowed to use
2 cannabis under this Article to use cannabis that a
3 cardholder is allowed to possess under this Article;

4 (8) Transferring cannabis to any person contrary to
5 the provisions of this Article;

6 (9) The use of medical cannabis by an active duty law
7 enforcement officer, correctional officer, correctional
8 probation officer, or firefighter; or

9 (10) The use of medical cannabis by a person who has a
10 school bus permit or a Commercial Driver's License.

11 (b) Nothing in this Article shall be construed to prevent
12 the arrest or prosecution of a registered qualifying patient
13 for reckless driving or driving under the influence of
14 cannabis where probable cause exists.

15 (c) Notwithstanding any other criminal penalties related
16 to the unlawful possession of cannabis, knowingly making a
17 misrepresentation to a law enforcement official of any fact or
18 circumstance relating to the medical use of cannabis to avoid
19 arrest or prosecution is a petty offense punishable by a fine
20 of up to \$1,000, which shall be in addition to any other
21 penalties that may apply for making a false statement or for
22 the use of cannabis other than use undertaken under this
23 Article.

24 (d) Notwithstanding any other criminal penalties related
25 to the unlawful possession of cannabis, any person who makes a
26 misrepresentation of a medical condition to a certifying

1 health care professional or fraudulently provides material
2 misinformation to a certifying health care professional in
3 order to obtain a written certification is guilty of a petty
4 offense punishable by a fine of up to \$1,000.

5 (e) Any cardholder or registered caregiver who sells
6 cannabis shall have the cardholder's or caregiver's registry
7 identification card revoked and is subject to other penalties
8 for the unauthorized sale of cannabis.

9 (f) Any registered qualifying patient who commits a
10 violation of Section 11-502.1 of the Illinois Vehicle Code or
11 refuses a properly requested test related to operating a motor
12 vehicle while under the influence of cannabis shall have the
13 patient's registry identification card revoked.

14 (g) No registered qualifying patient or designated
15 caregiver shall knowingly obtain, seek to obtain, or possess,
16 individually or collectively, an amount of usable cannabis
17 from a registered medical cannabis dispensing organization
18 that would cause the patient or caregiver to exceed the
19 authorized adequate supply under subsection (a) of Section
20 75-10.

21 (h) Nothing in this Article shall prevent a private
22 business from restricting or prohibiting the medical use of
23 cannabis on its property.

24 (i) Nothing in this Article shall prevent a university,
25 college, or other institution of post-secondary education from
26 restricting or prohibiting the use of medical cannabis on its

1 property.

2 (410 ILCS 705/75-31 new)

3 Sec. 75-31. Administration to persons with disabilities in
4 park district programs.

5 (a) Definitions. As used in this Section:

6 (1) "Park district" has the meaning as defined in
7 Section 1-3 of the Park District Code. "Park district"
8 includes the Chicago Park District as defined by the
9 Chicago Park District Act, any special recreational
10 association created by a park district through an
11 intergovernmental agreement, and any nonprofit
12 organization authorized by the park district or special
13 recreational association to administer a program for
14 persons with disabilities on its behalf.

15 (2) "Program participant" means a person with
16 disabilities who is a registered qualifying patient and
17 who participates in a summer camp, educational program, or
18 other similar program provided by a park district for
19 persons with disabilities.

20 (b) Subject to the restrictions under subsections (c)
21 through (f) of this Section, a park district shall authorize a
22 program participant's parent, guardian, or other designated
23 caregiver to administer a medical cannabis infused product to
24 the program participant on the premises of the park district
25 if both the program participant and the parent, guardian, or

1 other designated caregiver are cardholders. After
2 administering the medical cannabis infused product, the
3 parent, guardian, or other designated caregiver shall remove
4 the medical cannabis infused product from the premises of the
5 park district.

6 (c) A parent, guardian, or other designated caregiver may
7 not administer a medical cannabis infused product under this
8 Section in a manner that, in the opinion of the park district,
9 would create a disruption to the park district's program or
10 activity for persons with disabilities or would cause exposure
11 of the medical cannabis infused product to other program
12 participants.

13 (d) A park district may not discipline a program
14 participant who is administered a medical cannabis infused
15 product by a parent, guardian, or other designated caregiver
16 under this Section and may not deny the program participant's
17 eligibility to attend the park district's program or activity
18 for persons with disabilities solely because the program
19 participant requires the administration of the medical
20 cannabis infused product.

21 (e) Nothing in this Section requires a member of the park
22 district's staff to administer a medical cannabis infused
23 product to a program participant.

24 (f) A park district may not authorize the use of a medical
25 cannabis infused product under this Section if the park
26 district would lose federal funding as a result of the

1 authorization.

2 (410 ILCS 705/75-35 new)

3 Sec. 75-35. Certifying health care professional
4 requirements.

5 (a) A certifying health care professional who certifies a
6 debilitating medical condition for a qualifying patient shall
7 comply with all of the following requirements:

8 (1) The certifying health care professional shall be
9 currently licensed under the Medical Practice Act of 1987
10 to practice medicine in all its branches, the Nurse
11 Practice Act, or the Physician Assistant Practice Act of
12 1987, shall be in good standing, and must hold a
13 controlled substances license under Article III of the
14 Illinois Controlled Substances Act.

15 (2) A certifying health care professional certifying a
16 patient's condition shall comply with generally accepted
17 standards of medical practice, the provisions of the Act
18 under which he or she is licensed and all applicable
19 rules.

20 (3) The physical examination required by this Article
21 may not be performed by remote means, including
22 telemedicine.

23 (4) The certifying health care professional shall
24 maintain a record-keeping system for all patients for whom
25 the certifying health care professional has certified the

1 patient's medical condition. These records shall be
2 accessible to and subject to review by the Commission upon
3 request.

4 (b) A certifying health care professional may not:

5 (1) accept, solicit, or offer any form of remuneration
6 from or to a qualifying patient, primary caregiver,
7 cultivation center, or dispensing organization, including
8 each principal officer, board member, agent, and employee,
9 to certify a patient, other than accepting payment from a
10 patient for the fee associated with the required
11 examination, except for the limited purpose of performing
12 a medical cannabis-related research study;

13 (1.5) accept, solicit, or offer any form of
14 remuneration from or to a medical cannabis cultivation
15 center or dispensary organization for the purposes of
16 referring a patient to a specific dispensary organization;

17 (1.10) engage in any activity that is prohibited under
18 Section 22.2 of the Medical Practice Act of 1987,
19 regardless of whether the certifying health care
20 professional is a physician, advanced practice registered
21 nurse, or physician assistant;

22 (2) offer a discount of any other item of value to a
23 qualifying patient who uses or agrees to use a particular
24 primary caregiver or dispensing organization to obtain
25 medical cannabis;

26 (3) conduct a personal physical examination of a

1 patient for purposes of diagnosing a debilitating medical
2 condition at a location where medical cannabis is sold or
3 distributed or at the address of a principal officer,
4 agent, or employee or a medical cannabis organization;

5 (4) hold a direct or indirect economic interest in a
6 cultivation center or dispensing organization if he or she
7 recommends the use of medical cannabis to qualified
8 patients or is in a partnership or other fee or
9 profit-sharing relationship with a certifying health care
10 professional who recommends medical cannabis, except for
11 the limited purpose of performing a medical
12 cannabis-related research study;

13 (5) serve on the board of directors or as an employee
14 of a cultivation center or dispensing organization;

15 (6) refer patients to a cultivation center, a
16 dispensing organization, or a registered designated
17 caregiver; or

18 (7) advertise in a cultivation center or a dispensing
19 organization.

20 (c) The Commission may with reasonable cause investigate a
21 certifying health care professional, who has certified a
22 debilitating medical condition of a patient, for potential
23 violations of this Section.

24 (d) Any violation of this Section or any other provision
25 of this Article or rules adopted under this Article is a
26 violation of the certifying health care professional's

1 licensure act.

2 (e) A certifying health care professional who certifies a
3 debilitating medical condition for a qualifying patient may
4 notify the Department of Public Health in writing: (1) if the
5 certifying health care professional has reason to believe
6 either that the registered qualifying patient has ceased to
7 suffer from a debilitating medical condition; (2) that the
8 bona fide health care professional-patient relationship has
9 terminated; or (3) that continued use of medical cannabis
10 would result in contraindication with the patient's other
11 medication. The registered qualifying patient's registry
12 identification card shall be revoked by the Commission after
13 receiving the certifying health care professional's
14 notification.

15 (f) Nothing in this Article shall preclude a certifying
16 health care professional from referring a patient for health
17 services, except when the referral is limited to certification
18 purposes only, under this Article.

19 (410 ILCS 705/75-36 new)

20 Sec. 75-36. Written certification.

21 (a) A certification confirming a patient's debilitating
22 medical condition shall be written on a form provided by the
23 Commission and shall include, at a minimum, the following:

24 (1) the qualifying patient's name, date of birth, home
25 address, and primary telephone number;

1 (2) the certifying health care professional's name,
2 address, telephone number, email address, and medical,
3 advanced practice registered nurse, or physician assistant
4 license number, and the last 4 digits, only, of his or her
5 active controlled substances license under the Illinois
6 Controlled Substances Act and indication of specialty or
7 primary area of clinical practice, if any;

8 (3) the qualifying patient's debilitating medical
9 condition;

10 (4) a statement that the certifying health care
11 professional has confirmed a diagnosis of a debilitating
12 condition; is treating or managing treatment of the
13 patient's debilitating condition; has a bona fide health
14 care professional-patient relationship; has conducted an
15 in-person physical examination; and has conducted a review
16 of the patient's medical history, including reviewing
17 medical records from other treating health care
18 professionals, if any, from the previous 12 months;

19 (5) the certifying health care professional's
20 signature and date of certification; and

21 (6) a statement that a participant in possession of a
22 written certification indicating a debilitating medical
23 condition shall not be considered an unlawful user or
24 addicted to narcotics solely as a result of his or her
25 pending application to or participation in the
26 Compassionate Use of Medical Cannabis Program.

1 (b) A written certification does not constitute a
2 prescription for medical cannabis.

3 (c) Applications for qualifying patients under 18 years
4 old shall require a written certification from a certifying
5 health care professional and a reviewing certifying health
6 care professional.

7 (d) A certification confirming the patient's eligibility
8 to participate in the Opioid Alternative Pilot Program shall
9 be written on a form provided by the Department of Public
10 Health and shall include, at a minimum, the following:

11 (1) the participant's name, date of birth, home
12 address, and primary telephone number;

13 (2) the certifying health care professional's name,
14 address, telephone number, email address, and medical,
15 advanced practice registered nurse, or physician assistant
16 license number, and the last 4 digits, only, of his or her
17 active controlled substances license under the Illinois
18 Controlled Substances Act and indication of specialty or
19 primary area of clinical practice, if any;

20 (3) the certifying health care professional's
21 signature and date;

22 (4) the length of participation in the program, which
23 shall be limited to no more than 90 days;

24 (5) a statement identifying the patient has been
25 diagnosed with and is currently undergoing treatment for a
26 medical condition where an opioid has been or could be

1 prescribed; and

2 (6) a statement that a participant in possession of a
3 written certification indicating eligibility to
4 participate in the Opioid Alternative Pilot Program shall
5 not be considered an unlawful user or addicted to
6 narcotics solely as a result of his or her eligibility or
7 participation in the program.

8 (e) The Commission may provide a single certification form
9 for subsections (a) and (d) of this Section, provided that all
10 requirements of those subsections are included on the form.

11 (f) The Commission shall not include the word "cannabis"
12 on any application forms or written certification forms that
13 it issues under this Section.

14 (g) A written certification does not constitute a
15 prescription.

16 (h) It is unlawful for any person to knowingly submit a
17 fraudulent certification to be a qualifying patient in the
18 Compassionate Use of Medical Cannabis Program or an Opioid
19 Alternative Pilot Program participant. A violation of this
20 subsection shall result in the person who has knowingly
21 submitted the fraudulent certification being permanently
22 banned from participating in the Compassionate Use of Medical
23 Cannabis Program or the Opioid Alternative Pilot Program.

24 (410 ILCS 705/75-40 new)

25 Sec. 75-40. Discrimination prohibited.

1 (a) (1) No school, employer, or landlord may refuse to
2 enroll or lease to, or otherwise penalize, a person solely for
3 his or her status as a registered qualifying patient or a
4 registered designated caregiver, unless failing to do so would
5 put the school, employer, or landlord in violation of federal
6 law or unless failing to do so would cause it to lose a
7 monetary or licensing-related benefit under federal law or
8 rules. This does not prevent a landlord from prohibiting the
9 smoking of cannabis on the premises.

10 (2) For the purposes of medical care, including organ
11 transplants, a registered qualifying patient's authorized use
12 of cannabis in accordance with this Article is considered the
13 equivalent of the authorized use of any other medication used
14 at the direction of a certifying health care professional, and
15 may not constitute the use of an illicit substance or
16 otherwise disqualify a qualifying patient from needed medical
17 care.

18 (b) A person otherwise entitled to custody of or
19 visitation or parenting time with a minor may not be denied
20 that right, and there is no presumption of neglect or child
21 endangerment, for conduct allowed under this Article, unless
22 the person's actions in relation to cannabis were such that
23 they created an unreasonable danger to the safety of the minor
24 as established by clear and convincing evidence.

25 (c) No school, landlord, or employer may be penalized or
26 denied any benefit under State law for enrolling, leasing to,

1 or employing a cardholder.

2 (d) Nothing in this Article may be construed to require a
3 government medical assistance program, employer, property and
4 casualty insurer, or private health insurer to reimburse a
5 person for costs associated with the medical use of cannabis.

6 (e) Nothing in this Article may be construed to require
7 any person or establishment in lawful possession of property
8 to allow a guest, client, customer, or visitor who is a
9 registered qualifying patient to use cannabis on or in that
10 property.

11 (410 ILCS 705/75-45 new)

12 Sec. 75-45. Addition of debilitating medical conditions.

13 (a) Any resident may petition the Commission to add
14 debilitating conditions or treatments to the list of
15 debilitating medical conditions listed in subsection (h) of
16 Section 75-10. The Commission shall approve or deny a petition
17 within 180 days of its submission, and, upon approval, shall
18 proceed to add that condition by rule in accordance with the
19 Illinois Administrative Procedure Act. The approval or denial
20 of any petition is a final decision of the Commission, subject
21 to judicial review. Jurisdiction and venue are vested in the
22 Circuit Court.

23 (b) The Commission shall accept petitions once annually
24 for a one-month period determined by the Commission. During
25 the open period, the Commission shall accept petitions from

1 any resident requesting the addition of a new debilitating
2 medical condition or disease to the list of approved
3 debilitating medical conditions for which the use of cannabis
4 has been shown to have a therapeutic or palliative effect. The
5 Commission shall provide public notice 30 days before the open
6 period for accepting petitions, which shall describe the time
7 period for submission, the required format of the submission,
8 and the submission address.

9 (c) Each petition shall be limited to one proposed
10 debilitating medical condition or disease.

11 (d) A petitioner shall file one original petition in the
12 format provided by the Commission and in the manner specified
13 by the Commission. For a petition to be processed and
14 reviewed, the following information shall be included:

15 (1) The petition, prepared on forms provided by the
16 Commission, in the manner specified by the Commission.

17 (2) A specific description of the medical condition or
18 disease that is the subject of the petition. Each petition
19 shall be limited to a single condition or disease.
20 Information about the proposed condition or disease shall
21 include:

22 (A) the extent to which the condition or disease
23 itself or the treatments cause severe suffering, such
24 as severe or chronic pain, severe nausea or vomiting,
25 or otherwise severely impair a person's ability to
26 conduct activities of daily living;

1 (B) information about why conventional medical
2 therapies are not sufficient to alleviate the
3 suffering caused by the disease or condition and its
4 treatment;

5 (C) the proposed benefits from the medical use of
6 cannabis specific to the medical condition or disease;

7 (D) evidence from the medical community and other
8 experts supporting the use of medical cannabis to
9 alleviate suffering caused by the condition, disease,
10 or treatment;

11 (E) letters of support from physicians or other
12 licensed health care providers knowledgeable about the
13 condition or disease, including, if feasible, a letter
14 from a physician, advanced practice registered nurse,
15 or physician assistant with whom the petitioner has a
16 bona fide health care professional-patient
17 relationship;

18 (F) any additional medical, testimonial, or
19 scientific documentation; and

20 (G) an electronic copy of all materials submitted.

21 (3) Upon receipt of a petition, the Department shall:

22 (A) determine whether the petition meets the
23 standards for submission and, if so, shall accept the
24 petition for further review; or

25 (B) determine whether the petition does not meet
26 the standards for submission and, if so, shall deny

1 the petition without further review.

2 (4) If the petition does not fulfill the standards for
3 submission, the petition shall be considered deficient.
4 The Commission shall notify the petitioner, who may
5 correct any deficiencies and resubmit the petition during
6 the next open period.

7 (e) The petitioner may withdraw his or her petition by
8 submitting a written statement to the Commission indicating
9 withdrawal.

10 (f) Upon review of accepted petitions, the Director shall
11 render a final decision regarding the acceptance or denial of
12 the proposed debilitating medical conditions or diseases.

13 (g) The Commission shall convene a Medical Cannabis
14 Advisory Board (Advisory Board) composed of 16 members, which
15 shall include:

16 (1) one medical cannabis patient advocate or
17 designated caregiver;

18 (2) one parent or designated caregiver of a person
19 under the age of 18 who is a qualified medical cannabis
20 patient;

21 (3) two registered nurses or nurse practitioners;

22 (4) three registered qualifying patients, including
23 one veteran; and

24 (5) nine health care practitioners with current
25 professional licensure in their field. The Advisory Board
26 shall be composed of health care practitioners

1 representing the following areas:

2 (A) neurology;

3 (B) pain management;

4 (C) medical oncology;

5 (D) psychiatry or mental health;

6 (E) infectious disease;

7 (F) family medicine;

8 (G) general primary care;

9 (H) medical ethics;

10 (I) pharmacy;

11 (J) pediatrics; or

12 (K) psychiatry or mental health for children or
13 adolescents.

14 At least one appointed health care practitioner shall have
15 direct experience related to the health care needs of veterans
16 and at least one individual shall have pediatric experience.

17 (h) Members of the Advisory Board shall be appointed by
18 the Governor.

19 (1) Members shall serve a term of 4 years or until a
20 successor is appointed and qualified. If a vacancy occurs,
21 the Governor shall appoint a replacement to complete the
22 original term created by the vacancy.

23 (2) The Governor shall select a chairperson.

24 (3) Members may serve multiple terms.

25 (4) Members shall not have an affiliation with, serve
26 on the board of, or have a business relationship with a

1 registered cultivation center or a registered medical
2 cannabis dispensary.

3 (5) Members shall disclose any real or apparent
4 conflicts of interest that may have a direct bearing of
5 the subject matter, such as relationships with
6 pharmaceutical companies, biomedical device
7 manufacturers, or corporations whose products or services
8 are related to the medical condition or disease to be
9 reviewed.

10 (6) Members shall not be paid but shall be reimbursed
11 for travel expenses incurred while fulfilling the
12 responsibilities of the Advisory Board.

13 (i) On June 30, 2016 (the effective date of Public Act
14 99-519), the terms of office of the members of the Advisory
15 Board serving on that date shall terminate and the Board shall
16 be reconstituted.

17 (j) The Advisory Board shall convene at the call of the
18 Chair:

19 (1) to examine debilitating conditions or diseases
20 that would benefit from the medical use of cannabis; and

21 (2) to review new medical and scientific evidence
22 pertaining to currently approved conditions.

23 (k) The Advisory Board shall issue an annual report of its
24 activities each year.

25 (l) The Advisory Board shall receive administrative
26 support from the Department.

1 (410 ILCS 705/75-50 new)

2 Sec. 75-50. Employment; employer liability.

3 (a) Nothing in this Article shall prohibit an employer
4 from adopting reasonable regulations concerning the
5 consumption, storage, or timekeeping requirements for
6 qualifying patients related to the use of medical cannabis.

7 (b) Nothing in this Article shall prohibit an employer
8 from enforcing a policy concerning drug testing,
9 zero-tolerance, or a drug free workplace provided the policy
10 is applied in a nondiscriminatory manner.

11 (c) Nothing in this Article shall limit an employer from
12 disciplining a registered qualifying patient for violating a
13 workplace drug policy.

14 (d) Nothing in this Article shall limit an employer's
15 ability to discipline an employee for failing a drug test if
16 failing to do so would put the employer in violation of federal
17 law or cause it to lose a federal contract or funding.

18 (e) Nothing in this Article shall be construed to create a
19 defense for a third party who fails a drug test.

20 (f) An employer may consider a registered qualifying
21 patient to be impaired when he or she manifests specific,
22 articulable symptoms while working that decrease or lessen his
23 or her performance of the duties or tasks of the employee's job
24 position, including symptoms of the employee's speech,
25 physical dexterity, agility, coordination, demeanor,

1 irrational or unusual behavior, negligence or carelessness in
2 operating equipment or machinery, disregard for the safety of
3 the employee or others, or involvement in an accident that
4 results in serious damage to equipment or property, disruption
5 of a production or manufacturing process, or carelessness that
6 results in any injury to the employee or others. If an employer
7 elects to discipline a qualifying patient under this
8 subsection, it must afford the employee a reasonable
9 opportunity to contest the basis of the determination.

10 (g) Nothing in this Article shall be construed to create
11 or imply a cause of action for any person against an employer
12 for: (1) actions based on the employer's good faith belief
13 that a registered qualifying patient used or possessed
14 cannabis while on the employer's premises or during the hours
15 of employment; (2) actions based on the employer's good faith
16 belief that a registered qualifying patient was impaired while
17 working on the employer's premises during the hours of
18 employment; (3) injury or loss to a third party if the employer
19 neither knew nor had reason to know that the employee was
20 impaired.

21 (h) Nothing in this Article shall be construed to
22 interfere with any federal restrictions on employment
23 including but not limited to the United States Department of
24 Transportation regulation 49 CFR 40.151(e).

1 Sec. 75-55. Registration of qualifying patients and
2 designated caregivers.

3 (a) The Commission shall issue registry identification
4 cards to qualifying patients and designated caregivers who
5 submit a completed application, and at minimum, the following,
6 in accordance with Commission rules:

7 (1) A written certification, on a form developed by
8 the Commission consistent with Section 75-36 and issued by
9 a certifying health care professional, within 90 days
10 immediately preceding the date of an application and
11 submitted by the qualifying patient or his or her
12 designated caregiver;

13 (2) upon the execution of applicable privacy waivers,
14 the patient's medical documentation related to his or her
15 debilitating condition and any other information that may
16 be reasonably required by the Commission to confirm that
17 the certifying health care professional and patient have a
18 bona fide health care professional-patient relationship,
19 that the qualifying patient is in the certifying health
20 care professional's care for his or her debilitating
21 medical condition, and to substantiate the patient's
22 diagnosis;

23 (3) the application or renewal fee as set by rule;

24 (4) the name, address, date of birth, and social
25 security number of the qualifying patient, except that if
26 the applicant is unhoused no address is required;

1 (5) the name, address, and telephone number of the
2 qualifying patient's certifying health care professional;

3 (6) the name, address, and date of birth of the
4 designated caregiver, if any, chosen by the qualifying
5 patient;

6 (7) (blank);

7 (8) signed statements from the patient and designated
8 caregiver asserting that they will not divert medical
9 cannabis; and

10 (9) (blank).

11 (b) Notwithstanding any other provision of this Article, a
12 person provided a written certification for a debilitating
13 medical condition who has submitted a completed online
14 application to the Commission shall receive a provisional
15 registration and be entitled to purchase medical cannabis from
16 a licensed dispensing organization for a period of 90 days or
17 until the person's application has been denied or the person
18 receives a registry identification card, whichever is earlier.
19 However, a person may obtain an additional provisional
20 registration after the expiration of 90 days after the date of
21 application if the Commission does not provide the individual
22 with a registry identification card or deny the individual's
23 application within those 90 days.

24 The provisional registration may not be extended if the
25 individual does not respond to the Commission's request for
26 additional information or corrections to required application

1 documentation.

2 In order for a person to receive medical cannabis under
3 this subsection, a person must present his or her provisional
4 registration along with a valid driver's license or State
5 identification card to the licensed dispensing organization.
6 The dispensing organization shall verify the person's
7 provisional registration through the Department of Public
8 Health's online verification system.

9 Upon verification of the provided documents, the
10 dispensing organization shall dispense no more than 2.5 ounces
11 of medical cannabis during a 14-day period to the person for a
12 period of 90 days, until the person's application has been
13 denied, or until the person receives a registry identification
14 card from the Department of Public Health, whichever is
15 earlier.

16 Persons with provisional registrations must keep their
17 provisional registration in their possession at all times when
18 transporting or engaging in the medical use of cannabis.

19 (c) No person or business shall charge a fee for
20 assistance in the preparation, compilation, or submission of
21 an application to the Compassionate Use of Medical Cannabis
22 Program or the Opioid Alternative Pilot Program. A violation
23 of this subsection is a Class C misdemeanor, for which
24 restitution to the applicant and a fine of up to \$1,500 may be
25 imposed. All fines shall be deposited into the Compassionate
26 Use of Medical Cannabis Fund after restitution has been made

1 to the applicant. The Commission shall refer individuals
2 making complaints against a person or business under this
3 Section to the Illinois State Police, who shall enforce
4 violations of this provision. All application forms issued by
5 the Commission shall state that no person or business may
6 charge a fee for assistance in the preparation, compilation,
7 or submission of an application to the Compassionate Use of
8 Medical Cannabis Program or the Opioid Alternative Pilot
9 Program.

10 (410 ILCS 705/75-57 new)

11 Sec. 75-57. Qualifying patients.

12 (a) Qualifying patients that are under the age of 18 years
13 shall not be prohibited from appointing designated caregivers
14 who meet the definition of "designated caregiver" under
15 Section 75-10 so long as at least one designated caregiver is a
16 biological parent or legal guardian.

17 (b) Qualifying patients that are 18 years of age or older
18 shall not be prohibited from appointing designated caregivers
19 who meet the definition of "designated caregiver" under
20 Section 75-10.

21 (410 ILCS 705/75-60 new)

22 Sec. 75-60. Issuance of registry identification cards.

23 (a) Except as provided in subsection (b), the Department
24 of Public Health shall:

1 (1) verify the information contained in an application
2 or renewal for a registry identification card submitted
3 under this Article, and approve or deny an application or
4 renewal, within 90 days of receiving a completed
5 application or renewal application and all supporting
6 documentation specified in Section 75-55;

7 (2) issue registry identification cards to a
8 qualifying patient and his or her designated caregiver, if
9 any, within 15 business days of approving the application
10 or renewal;

11 (3) enter the registry identification number of the
12 registered dispensing organization the patient designates
13 into the verification system; and

14 (4) allow for an electronic application process, and
15 provide a confirmation by electronic or other methods that
16 an application has been submitted.

17 Notwithstanding any other provision of this Article, the
18 Commission shall adopt rules for qualifying patients and
19 applicants with life-long debilitating medical conditions, who
20 may be charged annual renewal fees. The Department of Public
21 Health shall not require patients and applicants with
22 life-long debilitating medical conditions to apply to renew
23 registry identification cards.

24 (b) The Commission may not issue a registry identification
25 card to a qualifying patient who is under 18 years of age,
26 unless that patient suffers from seizures, including those

1 characteristic of epilepsy, or as provided by administrative
2 rule. The Commission shall adopt rules for the issuance of a
3 registry identification card for qualifying patients who are
4 under 18 years of age and suffering from seizures, including
5 those characteristic of epilepsy. The Commission may adopt
6 rules to allow other individuals under 18 years of age to
7 become registered qualifying patients under this Article with
8 the consent of a parent or legal guardian. Registered
9 qualifying patients under 18 years of age shall be prohibited
10 from consuming forms of cannabis other than medical cannabis
11 infused products and purchasing any usable cannabis.

12 (c) A veteran who has received treatment at a VA hospital
13 is deemed to have a bona fide health care professional-patient
14 relationship with a VA certifying health care professional if
15 the patient has been seen for his or her debilitating medical
16 condition at the VA hospital in accordance with VA hospital
17 protocols. All reasonable inferences regarding the existence
18 of a bona fide health care professional-patient relationship
19 shall be drawn in favor of an applicant who is a veteran and
20 has undergone treatment at a VA hospital.

21 (c-10) An individual who submits an application as someone
22 who is terminally ill shall have all fees waived. The
23 Commission shall within 30 days after this amendatory Act of
24 the 102nd General Assembly adopt emergency rules to expedite
25 approval for terminally ill individuals. These rules shall
26 include, but not be limited to, rules that provide that

1 applications by individuals with terminal illnesses shall be
2 approved or denied within 14 days of their submission.

3 (d) No later than 6 months after the effective date of this
4 amendatory Act of the 102nd General Assembly, the Secretary of
5 State shall remove all existing notations on driving records
6 that the person is a registered qualifying patient or his or
7 her caregiver under this Article.

8 (e) Upon the approval of the registration and issuance of
9 a registry card under this Section, the Commission shall
10 electronically forward the registered qualifying patient's
11 identification card information to the Prescription Monitoring
12 Program established under the Illinois Controlled Substances
13 Act and certify that the individual is permitted to engage in
14 the medical use of cannabis. For the purposes of patient care,
15 the Prescription Monitoring Program shall make a notation on
16 the person's prescription record stating that the person is a
17 registered qualifying patient who is entitled to the lawful
18 medical use of cannabis. If the person no longer holds a valid
19 registry card, the Department of Public Health shall notify
20 the Prescription Monitoring Program and Department of Human
21 Services to remove the notation from the person's record. The
22 Department of Human Services and the Prescription Monitoring
23 Program shall establish a system by which the information may
24 be shared electronically. This confidential list may not be
25 combined or linked in any manner with any other list or
26 database except as provided in this Section.

1 (f) (Blank).

2 (410 ILCS 705/75-62 new)

3 Sec. 75-62. Opioid Alternative Pilot Program.

4 (a) The Department of Public Health shall establish the
5 Opioid Alternative Pilot Program and the Commission shall have
6 oversight after July 1, 2022. Licensed dispensing
7 organizations shall allow persons with a written certification
8 from a certifying health care professional under Section 75-36
9 to purchase medical cannabis upon enrollment in the Opioid
10 Alternative Pilot Program. The Department of Public Health
11 shall adopt rules or establish procedures allowing qualified
12 veterans to participate in the Opioid Alternative Pilot
13 Program and after July 1, 2022 the Commission thereafter. For
14 a person to receive medical cannabis under this Section, the
15 person must present the written certification along with a
16 valid driver's license or state identification card to the
17 licensed dispensing organization specified in his or her
18 application. The dispensing organization shall verify the
19 person's status as an Opioid Alternative Pilot Program
20 participant through the Commission's online verification
21 system.

22 (b) The Opioid Alternative Pilot Program shall be limited
23 to participation by Illinois residents age 21 and older.

24 (c) The Commission shall specify that all licensed
25 dispensing organizations participating in the Opioid

1 Alternative Pilot Program use the Illinois Cannabis Tracking
2 System. The Commission shall establish and maintain the
3 Illinois Cannabis Tracking System. The Illinois Cannabis
4 Tracking System shall be used to collect information about all
5 persons participating in the Opioid Alternative Pilot Program
6 and shall be used to track the sale of medical cannabis for
7 verification purposes.

8 Each dispensing organization shall retain a copy of the
9 Opioid Alternative Pilot Program certification and other
10 identifying information as required by the Commission in the
11 Illinois Cannabis Tracking System.

12 The Illinois Cannabis Tracking System shall be accessible
13 to the Illinois State Police.

14 The Commission shall specify the data requirements for the
15 Opioid Alternative Pilot Program by licensed dispensing
16 organizations; including, but not limited to, the
17 participant's full legal name, address, and date of birth,
18 date on which the Opioid Alternative Pilot Program
19 certification was issued, length of the participation in the
20 Program, including the start and end date to purchase medical
21 cannabis, name of the issuing physician, copy of the
22 participant's current driver's license or State identification
23 card, and phone number.

24 The Illinois Cannabis Tracking System shall provide
25 verification of a person's participation in the Opioid
26 Alternative Pilot Program for law enforcement at any time and

1 on any day.

2 (d) The certification for Opioid Alternative Pilot Program
3 participant must be issued by a certifying health care
4 professional who is licensed to practice in Illinois under the
5 Medical Practice Act of 1987, the Nurse Practice Act, or the
6 Physician Assistant Practice Act of 1987 and who is in good
7 standing and holds a controlled substances license under
8 Article III of the Illinois Controlled Substances Act.

9 The certification for an Opioid Alternative Pilot Program
10 participant shall be written within 90 days before the
11 participant submits his or her certification to the dispensing
12 organization.

13 The written certification uploaded to the Illinois
14 Cannabis Tracking System shall be accessible to the
15 Commission.

16 (e) Upon verification of the individual's valid
17 certification and enrollment in the Illinois Cannabis Tracking
18 System, the dispensing organization may dispense the medical
19 cannabis, in amounts not exceeding 2.5 ounces of medical
20 cannabis per 14-day period to the participant at the
21 participant's specified dispensary for no more than 90 days.

22 An Opioid Alternative Pilot Program participant shall not
23 be registered as a medical cannabis cardholder. The dispensing
24 organization shall verify that the person is not an active
25 registered qualifying patient prior to enrollment in the
26 Opioid Alternative Pilot Program and each time medical

1 cannabis is dispensed.

2 Upon receipt of a written certification under the Opioid
3 Alternative Pilot Program, the Commission shall electronically
4 forward the patient's identification information to the
5 Prescription Monitoring Program established under the Illinois
6 Controlled Substances Act and certify that the individual is
7 permitted to engage in the medical use of cannabis. For the
8 purposes of patient care, the Prescription Monitoring Program
9 shall make a notation on the person's prescription record
10 stating that the person has a written certification under the
11 Opioid Alternative Pilot Program and is a patient who is
12 entitled to the lawful medical use of cannabis. If the person
13 is no longer authorized to engage in the medical use of
14 cannabis, the Commission shall notify the Prescription
15 Monitoring Program and Department of Human Services to remove
16 the notation from the person's record. The Department of Human
17 Services and the Prescription Monitoring Program shall
18 establish a system by which the information may be shared
19 electronically. This confidential list may not be combined or
20 linked in any manner with any other list or database except as
21 provided in this Section.

22 (f) An Opioid Alternative Pilot Program participant shall
23 not be considered a qualifying patient with a debilitating
24 medical condition under this Article and shall be provided
25 access to medical cannabis solely for the duration of the
26 participant's certification. Nothing in this Section shall be

1 construed to limit or prohibit an Opioid Alternative Pilot
2 Program participant who has a debilitating medical condition
3 from applying to the Compassionate Use of Medical Cannabis
4 Program.

5 (g) A person with a provisional registration under Section
6 75-55 shall not be considered an Opioid Alternative Pilot
7 Program participant.

8 (h) The Department of Financial and Professional
9 Regulation and the Department of Public Health shall submit
10 emergency rulemaking to implement the changes made by this
11 amendatory Act of the 102nd General Assembly by December 1,
12 2018. The Department of Financial and Professional Regulation,
13 the Department of Agriculture, the Department of Human
14 Services, the Department of Public Health, and the Illinois
15 State Police shall utilize emergency purchase authority for 12
16 months after the effective date of this amendatory Act of the
17 102nd General Assembly for the purpose of implementing the
18 changes made by this amendatory Act of the 102nd General
19 Assembly.

20 (i) Dispensing organizations are not authorized to
21 dispense medical cannabis to Opioid Alternative Pilot Program
22 participants until administrative rules are approved by the
23 Joint Committee on Administrative Rules and go into effect.

24 (j) The provisions of this Section are inoperative on and
25 after July 1, 2025.

1 (410 ILCS 705/75-65 new)

2 Sec. 75-65. Denial of registry identification cards.

3 (a) The Commission may deny an application or renewal of a
4 qualifying patient's registry identification card only if the
5 applicant:

6 (1) did not provide the required information and
7 materials;

8 (2) previously had a registry identification card
9 revoked;

10 (3) did not meet the requirements of this Article;

11 (4) provided false or falsified information; or

12 (5) violated any requirement of this Article.

13 (b) (Blank).

14 (b-5) (Blank).

15 (c) The Commission may deny an application or renewal for
16 a designated caregiver chosen by a qualifying patient whose
17 registry identification card was granted only if:

18 (1) the designated caregiver does not meet the
19 requirements of subsection (i) of Section 75-10;

20 (2) the applicant did not provide the information
21 required;

22 (3) the prospective patient's application was denied;

23 (4) the designated caregiver previously had a registry
24 identification card revoked;

25 (5) the applicant or the designated caregiver provided
26 false or falsified information; or

1 (6) violated any requirement of this Article.

2 (d) (Blank).

3 (e) The Commission shall notify the qualifying patient who
4 has designated someone to serve as the patient's designated
5 caregiver if a registry identification card will not be issued
6 to the designated caregiver.

7 (f) Denial of an application or renewal is considered a
8 final Commission action, subject to judicial review.
9 Jurisdiction and venue for judicial review are vested in the
10 Circuit Court.

11 (410 ILCS 705/75-70 new)

12 Sec. 75-70. Registry identification cards.

13 (a) A registered qualifying patient or designated
14 caregiver must keep their registry identification card in the
15 patient's or caregiver's possession at all times when engaging
16 in the medical use of cannabis.

17 (b) Registry identification cards shall contain the
18 following:

19 (1) the name of the cardholder;

20 (2) a designation of whether the cardholder is a
21 designated caregiver or qualifying patient;

22 (3) the date of issuance and expiration date of the
23 registry identification card;

24 (4) a random alphanumeric identification number that
25 is unique to the cardholder;

1 (5) if the cardholder is a designated caregiver, the
2 random alphanumeric identification number of the
3 registered qualifying patient the designated caregiver is
4 receiving the registry identification card to assist; and

5 (6) a photograph of the cardholder, if required by
6 Commission rules.

7 (c) To maintain a valid registration identification card,
8 a registered qualifying patient and caregiver must annually
9 resubmit, at least 45 days prior to the expiration date stated
10 on the registry identification card, a completed renewal
11 application, renewal fee, and accompanying documentation as
12 described in Commission rules. The Commission shall send a
13 notification to a registered qualifying patient or registered
14 designated caregiver 90 days prior to the expiration of the
15 registered qualifying patient's or registered designated
16 caregiver's identification card. If the Commission fails to
17 grant or deny a renewal application received in accordance
18 with this Section, then the renewal is deemed granted and the
19 registered qualifying patient or registered designated
20 caregiver may continue to use the expired identification card
21 until the Commission denies the renewal or issues a new
22 identification card.

23 (d) Except as otherwise provided in this Section, the
24 expiration date is 3 years after the date of issuance.

25 (e) The Commission may electronically store in the card
26 any or all of the information listed in subsection (b), along

1 with the address and date of birth of the cardholder and the
2 qualifying patient's designated dispensary organization, to
3 allow it to be read by law enforcement agents.

4 (410 ILCS 705/75-75 new)

5 Sec. 75-75. Notifications to Commission and responses;
6 civil penalty.

7 (a) The following notifications and Commission responses
8 are required:

9 (1) A registered qualifying patient shall notify the
10 Commission of any change in the patient's name or address,
11 or if the registered qualifying patient ceases to have the
12 debilitating medical condition, within 10 days of the
13 change.

14 (2) A registered designated caregiver shall notify the
15 Commission of any change in the caregiver's name or
16 address, or if the designated caregiver becomes aware the
17 registered qualifying patient passed away, within 10 days
18 of the change.

19 (3) Before a registered qualifying patient changes the
20 patient's designated caregiver, the qualifying patient
21 must notify the Commission.

22 (4) If a cardholder loses the cardholder's registry
23 identification card, he or she shall notify the Commission
24 within 10 days of becoming aware the card has been lost.

25 (b) When a cardholder notifies the Commission of items

1 listed in subsection (a), but remains eligible under this
2 Article, the Commission shall issue the cardholder a new
3 registry identification card with a new random alphanumeric
4 identification number within 15 business days of receiving the
5 updated information and a fee as specified in Commission
6 rules. If the person notifying the Commission is a registered
7 qualifying patient, the Department shall also issue his or her
8 registered designated caregiver, if any, a new registry
9 identification card within 15 business days of receiving the
10 updated information.

11 (c) If a registered qualifying patient ceases to be a
12 registered qualifying patient or changes his or her registered
13 designated caregiver, the Commission shall promptly notify the
14 designated caregiver. The registered designated caregiver's
15 protections under this Article as to that qualifying patient
16 shall expire 15 days after notification by the Department.

17 (d) A cardholder who fails to make a notification to the
18 Commission that is required by this Section is subject to a
19 civil infraction, punishable by a penalty of no more than
20 \$150.

21 (f) If the registered qualifying patient's certifying
22 health care professional notifies the Department in writing
23 that either the registered qualifying patient has ceased to
24 suffer from a debilitating medical condition, that the bona
25 fide health care professional-patient relationship has
26 terminated, or that continued use of medical cannabis would

1 result in contraindication with the patient's other
2 medication, the card shall become null and void. However, the
3 registered qualifying patient shall have 15 days to destroy
4 his or her remaining medical cannabis and related
5 paraphernalia.

6 (410 ILCS 705/75-80 new)

7 Sec. 75-80. Preparation of cannabis infused products.

8 (a) Notwithstanding any other provision of law, neither
9 the Department of Public Health nor the Commission nor the
10 health department of a unit of local government may regulate
11 the service of food by a registered cultivation center or
12 registered dispensing organization provided that all of the
13 following conditions are met:

14 (1) No cannabis infused products requiring
15 refrigeration or hot-holding shall be manufactured at a
16 cultivation center for sale or distribution at a
17 dispensing organization due to the potential for
18 food-borne illness.

19 (2) Baked products infused with medical cannabis (such
20 as brownies, bars, cookies, cakes), tinctures, and other
21 non-refrigerated items are acceptable for sale at
22 dispensing organizations. The products are allowable for
23 sale only at registered dispensing organizations.

24 (3) All items shall be individually wrapped at the
25 original point of preparation. The packaging of the

1 medical cannabis infused product shall conform to the
2 labeling requirements of the Illinois Food, Drug and
3 Cosmetic Act and shall include the following information
4 on each product offered for sale or distribution:

5 (A) the name and address of the registered
6 cultivation center where the item was manufactured;

7 (B) the common or usual name of the item;

8 (C) all ingredients of the item, including any
9 colors, artificial flavors, and preservatives, listed
10 in descending order by predominance of weight shown
11 with common or usual names;

12 (D) the following phrase: "This product was
13 produced in a medical cannabis cultivation center not
14 subject to public health inspection that may also
15 process common food allergens.";

16 (E) allergen labeling as specified in the Federal
17 Food, Drug and Cosmetics Act, Federal Fair Packaging
18 and Labeling Act, and the Illinois Food, Drug and
19 Cosmetic Act;

20 (F) the pre-mixed total weight (in ounces or
21 grams) of usable cannabis in the package;

22 (G) a warning that the item is a medical cannabis
23 infused product and not a food must be distinctly and
24 clearly legible on the front of the package;

25 (H) a clearly legible warning emphasizing that the
26 product contains medical cannabis and is intended for

1 consumption by registered qualifying patients only;

2 and

3 (I) date of manufacture and "use by date".

4 (4) Any dispensing organization that sells edible
5 cannabis infused products must display a placard that
6 states the following: "Edible cannabis infused products
7 were produced in a kitchen not subject to public health
8 inspections that may also process common food allergens."
9 The placard shall be no smaller than 24" tall by 36" wide,
10 with typed letters no smaller than 2". The placard shall
11 be clearly visible and readable by customers and shall be
12 written in English.

13 (5) Cannabis infused products for sale or distribution
14 at a dispensing organization must be prepared by an
15 approved staff member of a registered cultivation center.

16 (6) A cultivation center that prepares cannabis
17 infused products for sale or distribution at a dispensing
18 organization shall be under the operational supervision of
19 a Department of Public Health certified food service
20 sanitation manager.

21 (b) The Commission in collaboration with the Department of
22 Public Health shall adopt rules for the manufacture of medical
23 cannabis-infused products and shall enforce these provisions,
24 and for that purpose it may at all times enter every building,
25 room, basement, enclosure, or premises occupied or used or
26 suspected of being occupied or used for the production,

1 preparation, manufacture for sale, storage, sale, distribution
2 or transportation of medical cannabis edible products, to
3 inspect the premises and all utensils, fixtures, furniture,
4 and machinery used for the preparation of these products.

5 (c) If a local health organization has a reasonable belief
6 that a cultivation center's cannabis-infused product poses a
7 public health hazard, it may refer the cultivation center to
8 the Department of Public Health and the Commission. If the
9 Department of Public Health in collaboration with the
10 Commission finds that a cannabis-infused product poses a
11 health hazard, the Commission may without administrative
12 procedure to bond, bring an action for immediate injunctive
13 relief to require that action be taken as the court may deem
14 necessary to meet the hazard of the cultivation center.

15 (410 ILCS 705/75-115.5 new)

16 Sec. 75-115.5. Social Equity Justice Involved Medical
17 Lottery.

18 (a) In this Section:

19 "By lot" has the same meaning as defined in Section 1-10.

20 "Qualifying Applicant" has the same meaning as defined in
21 subsection (a-5) of Section 75-115.

22 "Social Equity Justice Involved Applicant" has the same
23 meaning as defined in subsection (a-5) of Section 75-115.

24 "Social Equity Justice Involved Medical Lottery" means the
25 process of issuing 5 available medical cannabis dispensing

1 organization registrations by lot, conducted by the Department
2 of Financial and Professional Regulation, for applicants who
3 are either: (i) Social Equity Justice Involved Applicants; or
4 (ii) Qualifying Applicants.

5 (b) The Department of Financial and Professional
6 Regulation and, after July 1, 2022, the Commission, shall
7 conduct a Social Equity Justice Involved Medical Lottery to
8 award up to 5 medical cannabis dispensing organization
9 registrations by lot in accordance with Section 75-115.

10 (c) The Department of Financial and Professional
11 Regulation and, after July 1, 2022, the Commission, shall
12 adopt rules through emergency rulemaking in accordance with
13 subsection (kk) of Section 5-45 of the Illinois Administrative
14 Procedure Act to create a registration process, a streamlined
15 application, an application fee not to exceed \$5,000 for
16 purposes of this Section, and limits on the number of entries
17 into the Social Equity Justice Involved Medical Lottery, as
18 well as any other measures to reduce barriers to enter the
19 cannabis industry. The General Assembly finds that the
20 adoption of rules to regulate cannabis use is deemed an
21 emergency and necessary for the public interest, safety, and
22 welfare.

23 (d) Social Equity Justice Involved Applicants awarded a
24 registration under subsection (a-5) of Section 75-115 are
25 eligible to serve purchasers at the same site and a secondary
26 site under this Act, subject to application and inspection

1 processes established by the Department. The licenses issued
2 under this Section shall be valid for 2 years after the date of
3 issuance and shall renew in the manner proscribed by the
4 Department.

5 (e) No applicant may be awarded more than one medical
6 cannabis dispensing organization registration at the
7 conclusion of the lottery conducted under this Section.

8 (f) No individual may be listed as a principal officer of
9 more than one medical cannabis dispensing organization
10 registration awarded under this Section.

11 (410 ILCS 705/75-140 new)

12 Sec. 75-140. Local ordinances. A unit of local government
13 may enact reasonable zoning ordinances or resolutions, not in
14 conflict with this Article or with Department of Agriculture
15 or Department of Financial and Professional Regulation rules,
16 regulating registered medical cannabis cultivation center or
17 medical cannabis dispensing organizations. No unit of local
18 government, including a home rule unit, or school district may
19 regulate registered medical cannabis organizations other than
20 as provided in this Article and may not unreasonably prohibit
21 the cultivation, dispensing, and use of medical cannabis
22 authorized by this Article. This Section is a denial and
23 limitation under subsection (i) of Section 6 of Article VII of
24 the Illinois Constitution on the concurrent exercise by home
25 rule units of powers and functions exercised by the State.

1 (410 ILCS 705/75-145 new)

2 Sec. 75-145. Confidentiality.

3 (a) The following information received and records kept by
4 the Department of Public Health, Department of Financial and
5 Professional Regulation, Department of Agriculture, or
6 Illinois State Police and, after July 1, 2022, the Commission,
7 for purposes of administering this Article are subject to all
8 applicable federal privacy laws, confidential, and exempt from
9 the Freedom of Information Act, and not subject to disclosure
10 to any individual or public or private entity, except as
11 necessary for authorized employees of those authorized
12 agencies to perform official duties under this Article and the
13 following information received and records kept by the
14 Department of Public Health, Department of Agriculture,
15 Department of Financial and Professional Regulation, Illinois
16 State Police, and the Commission excluding any existing or
17 non-existing Illinois or national criminal history record
18 information as defined in subsection (d), may be disclosed to
19 each other upon request:

20 (1) Applications and renewals, their contents, and
21 supporting information submitted by qualifying patients
22 and designated caregivers, including information regarding
23 their designated caregivers and certifying health care
24 professionals.

25 (2) Applications and renewals, their contents, and

1 supporting information submitted by or on behalf of
2 cultivation centers and dispensing organizations in
3 compliance with this Article, including their physical
4 addresses. This does not preclude the release of ownership
5 information of cannabis business establishment licenses.

6 (3) The individual names and other information
7 identifying persons to whom the Department of Public
8 Health has issued registry identification cards.

9 (4) Any dispensing information required to be kept
10 under Section 75-135, Section 75-150, or Department of
11 Public Health, Department of Agriculture, Department of
12 Financial and Professional Regulation, and Commission
13 rules shall identify cardholders and registered
14 cultivation centers by their registry identification
15 numbers and medical cannabis dispensing organizations by
16 their registration number and not contain names or other
17 personally identifying information.

18 (5) All medical records provided to the Department of
19 Public Health and the Commission in connection with an
20 application for a registry card.

21 (b) Nothing in this Section precludes the following:

22 (1) Department of Agriculture, Department of Financial
23 and Professional Regulation, Public Health, or Commission
24 employees may notify law enforcement about falsified or
25 fraudulent information submitted to the Departments if the
26 employee who suspects that falsified or fraudulent

1 information has been submitted conferred with his or her
2 supervisor and both agree that circumstances exist that
3 warrant reporting.

4 (2) If the employee conferred with the employee's
5 supervisor and both agree that circumstances exist that
6 warrant reporting, Commission employees may notify the
7 Department of Financial and Professional Regulation if
8 there is reasonable cause to believe a certifying health
9 care professional:

10 (A) issued a written certification without a bona
11 fide health care professional-patient relationship
12 under this Article;

13 (B) issued a written certification to a person who
14 was not under the certifying health care
15 professional's care for the debilitating medical
16 condition; or

17 (C) failed to abide by the acceptable and
18 prevailing standard of care when evaluating a
19 patient's medical condition.

20 (3) The Department of Public Health, Department of
21 Agriculture, and Department of Financial and Professional
22 Regulation and, after July 1, 2022, the Commission, may
23 notify State or local law enforcement about apparent
24 criminal violations of this Article if the employee who
25 suspects the offense has conferred with the employee's
26 supervisor and both agree that circumstances exist that

1 warrant reporting.

2 (4) Medical cannabis cultivation center agents and
3 medical cannabis dispensing organizations may notify the
4 Department of Public Health, Department of Financial and
5 Professional Regulation, or Department of Agriculture and,
6 after July 1, 2022, the Commission, of a suspected
7 violation or attempted violation of this Article or the
8 rules issued under it.

9 (5) The Commission may verify registry identification
10 cards under Section 75-150.

11 (6) The submission of the report to the General
12 Assembly under Section 75-160.

13 (b-5) Each Department responsible for licensure under this
14 Article shall publish on the Department's website a list of
15 the ownership information of cannabis business establishment
16 licensees under the Department's jurisdiction. The list shall
17 include, but shall not be limited to, the name of the person or
18 entity holding each cannabis business establishment license
19 and the address at which the entity is operating under this
20 Article. This list shall be published and updated monthly.

21 (c) Except for any ownership information released pursuant
22 to subsection (b-5) or as otherwise authorized or required by
23 law, it is a Class B misdemeanor with a \$1,000 fine for any
24 person, including an employee or official of the Department of
25 Public Health, Department of Financial and Professional
26 Regulation, or Department of Agriculture or another State

1 agency or local government, to breach the confidentiality of
2 information obtained under this Article.

3 (d) The Department of Public Health, the Department of
4 Agriculture, the Illinois State Police, and the Department of
5 Financial and Professional Regulation shall not share or
6 disclose any existing or non-existing Illinois or national
7 criminal history record information. For the purposes of this
8 Section, "any existing or non-existing Illinois or national
9 criminal history record information" means any Illinois or
10 national criminal history record information, including but
11 not limited to the lack of or non-existence of these records.

12 (410 ILCS 705/75-170 new)

13 Sec. 75-170. Enforcement of this Article.

14 (a) If a Department fails to adopt rules to implement this
15 Article within the times provided for in this Article, any
16 citizen may commence a mandamus action in the Circuit Court to
17 compel the Departments to perform the actions mandated under
18 the provisions of this Article.

19 (b) If the Department of Public Health, Department of
20 Agriculture, or Department of Financial and Professional
21 Regulation fails to issue a valid identification card in
22 response to a valid application or renewal submitted under
23 this Article or fails to issue a verbal or written notice of
24 denial of the application within 30 days of its submission,
25 the identification card is deemed granted, and a copy of the

1 registry identification application, including a valid written
2 certification in the case of patients, or renewal shall be
3 deemed a valid registry identification card.

4 (c) Authorized employees of State or local law enforcement
5 agencies shall immediately notify the Department of Public
6 Health when any person in possession of a registry
7 identification card has been determined by a court of law to
8 have willfully violated the provisions of this Article or has
9 pled guilty to the offense.

10 (410 ILCS 705/75-173 new)

11 Sec. 75-173. Conflicts of law. To the extent that any
12 provision of this Article conflicts with any Act that allows
13 the recreational use of cannabis, the provisions of that Act
14 shall control.

15 (410 ILCS 705/75-175 new)

16 Sec. 75-175. Administrative hearings.

17 (a) Administrative hearings involving the Department of
18 Public Health, a qualifying patient, or a designated caregiver
19 shall be conducted under the Department of Public Health's
20 rules governing administrative hearings.

21 (b) Administrative hearings involving the Department of
22 Financial and Professional Regulation, dispensing
23 organizations, or dispensing organization agents shall be
24 conducted under the Department of Financial and Professional

1 Regulation's rules governing administrative hearings.

2 (c) Administrative hearings involving the Department of
3 Agriculture, registered cultivation centers, or cultivation
4 center agents shall be conducted under the Department of
5 Agriculture's rules governing administrative hearings.

6 (410 ILCS 705/75-180 new)

7 Sec. 75-180. Destruction of medical cannabis.

8 (a) All cannabis byproduct, scrap, and harvested cannabis
9 not intended for distribution to a medical cannabis
10 organization must be destroyed and disposed of pursuant to
11 State law. Documentation of destruction and disposal shall be
12 retained at the cultivation center for a period of not less
13 than 5 years.

14 (b) A cultivation center shall prior to the destruction,
15 notify the Department of Agriculture and the Illinois State
16 Police.

17 (c) The cultivation center shall keep record of the date
18 of destruction and how much was destroyed.

19 (d) A dispensary organization shall destroy all cannabis,
20 including cannabis-infused products, that are not sold to
21 registered qualifying patients. Documentation of destruction
22 and disposal shall be retained at the dispensary organization
23 for a period of not less than 5 years.

24 (e) A dispensary organization shall prior to the
25 destruction, notify the Department of Financial and

1 Professional Regulation and the Illinois State Police.

2 (410 ILCS 705/75-185 new)

3 Sec. 75-185. Suspension revocation of a registration.

4 (a) The Department of Agriculture, the Department of
5 Financial and Professional Regulation, and the Department of
6 Public Health may suspend or revoke a registration for
7 violations of this Article and rules issued in accordance with
8 this Section.

9 (b) The suspension or revocation of a registration is a
10 final Department action, subject to judicial review.
11 Jurisdiction and venue for judicial review are vested in the
12 Circuit Court.

13 (410 ILCS 705/75-190 new)

14 Sec. 75-190. Medical Cannabis Cultivation Privilege Tax
15 Law. Sections 75-190 through 75-215 may be cited as the
16 Medical Cannabis Cultivation Privilege Tax Law.

17 (410 ILCS 705/75-195 new)

18 Sec. 75-195. Definitions. As used in this Article:

19 "Cultivation center" has the meaning ascribed to that term
20 in the Compassionate Use of Medical Cannabis Program Act.

21 "Department" means the Department of Revenue.

22 "Dispensing organization" has the meaning ascribed to that
23 term in the Compassionate Use of Medical Cannabis Program Act.

1 "Person" means an individual, partnership, corporation, or
2 public or private organization.

3 "Qualifying patient" means a qualifying patient registered
4 under the Compassionate Use of Medical Cannabis Program Act.

5 (410 ILCS 705/75-200 new)

6 Sec. 75-200. Tax imposed.

7 (a) Beginning on the effective date of this Article, a tax
8 is imposed upon the privilege of cultivating medical cannabis
9 at a rate of 7% of the sales price per ounce. The proceeds from
10 this tax shall be deposited into the Compassionate Use of
11 Medical Cannabis Fund created under the Compassionate Use of
12 Medical Cannabis Program Act. This tax shall be paid by a
13 cultivation center and is not the responsibility of a
14 dispensing organization or a qualifying patient.

15 (b) The tax imposed under this Article shall be in
16 addition to all other occupation or privilege taxes imposed by
17 the State of Illinois or by any municipal corporation or
18 political subdivision thereof.

19 (410 ILCS 705/75-205 new)

20 Sec. 75-205. Department enforcement.

21 (a) Every person subject to the tax under this Article
22 shall apply to the Department (upon a form prescribed and
23 furnished by the Department) for a certificate of registration
24 under this Article. Application for a certificate of

1 registration shall be made to the Department upon forms
2 furnished by the Department. The certificate of registration
3 which is issued by the Department to a retailer under the
4 Retailers' Occupation Tax Act shall permit the taxpayer to
5 engage in a business which is taxable under this Article
6 without registering separately with the Department.

7 (b) The Department shall have full power to administer and
8 enforce this Article, to collect all taxes and penalties due
9 hereunder, to dispose of taxes and penalties so collected in
10 the manner hereinafter provided, and to determine all rights
11 to credit memoranda, arising on account of the erroneous
12 payment of tax or penalty hereunder. In the administration of,
13 and compliance with, this Article, the Department and persons
14 who are subject to this Article shall have the same rights,
15 remedies, privileges, immunities, powers and duties, and be
16 subject to the same conditions, restrictions, limitations,
17 penalties and definitions of terms, and employ the same modes
18 of procedure, as are prescribed in Sections 1, 1a, 2 through
19 2-65 (in respect to all provisions therein other than the
20 State rate of tax), 2a, 2b, 2c, 3 (except provisions relating
21 to transaction returns and quarter monthly payments, and
22 except for provisions that are inconsistent with this
23 Article), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b,
24 6c, 7, 8, 9, 10, 11, 11a, 12 and 13 of the Retailers'
25 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
26 Interest Act as fully as if those provisions were set forth

1 herein.

2 (410 ILCS 705/75-210 new)

3 Sec. 75-210. Returns.

4 (a) This subsection (a) applies to returns due on or
5 before the effective date of this amendatory Act of the 102nd
6 General Assembly. On or before the twentieth day of each
7 calendar month, every person subject to the tax imposed under
8 this Article during the preceding calendar month shall file a
9 return with the Department, stating:

10 (1) The name of the taxpayer;

11 (2) The number of ounces of medical cannabis sold to a
12 dispensing organization or a registered qualifying patient
13 during the preceding calendar month;

14 (3) The amount of tax due;

15 (4) The signature of the taxpayer; and

16 (5) Such other reasonable information as the
17 Department may require.

18 If a taxpayer fails to sign a return within 30 days after
19 the proper notice and demand for signature by the Department,
20 the return shall be considered valid and any amount shown to be
21 due on the return shall be deemed assessed.

22 The taxpayer shall remit the amount of the tax due to the
23 Department at the time the taxpayer files his or her return.

24 (b) Beginning on the effective date of this amendatory Act
25 of the 102nd General Assembly, Section 65-20 shall apply to

1 returns filed and taxes paid under this Article to the same
2 extent as if those provisions were set forth in full in this
3 Section.

4 (410 ILCS 705/75-215 new)
5 Sec. 75-215. Rules. The Department may adopt rules related
6 to the enforcement of this Article.

7 (410 ILCS 705/10-30 rep.)

8 (410 ILCS 705/15-36 rep.)

9 (410 ILCS 705/15-40 rep.)

10 (410 ILCS 705/15-45 rep.)

11 (410 ILCS 705/15-50 rep.)

12 (410 ILCS 705/15-60 rep.)

13 (410 ILCS 705/15-65 rep.)

14 (410 ILCS 705/15-70 rep.)

15 (410 ILCS 705/15-95 rep.)

16 (410 ILCS 705/20-20 rep.)

17 (410 ILCS 705/20-25 rep.)

18 (410 ILCS 705/20-35 rep.)

19 (410 ILCS 705/20-40 rep.)

20 (410 ILCS 705/20-45 rep.)

21 (410 ILCS 705/30-15 rep.)

22 (410 ILCS 705/30-25 rep.)

23 (410 ILCS 705/30-35 rep.)

24 (410 ILCS 705/30-40 rep.)

1 (410 ILCS 705/35-15 rep.)

2 (410 ILCS 705/35-20 rep.)

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4 (410 ILCS 705/35-35 rep.)

5 (410 ILCS 705/35-40 rep.)

6 (410 ILCS 705/40-15 rep.)

7 (410 ILCS 705/40-30 rep.)

8 (410 ILCS 705/40-35 rep.)

9 (410 ILCS 705/40-40 rep.)

10 (410 ILCS 705/55-80 rep.)

11 Section 15. The Cannabis Regulation and Tax Act is amended
12 by repealing Sections 10-30, 15-36, 15-40, 15-45, 15-50,
13 15-60, 15-65, 15-70, 15-95, 20-20, 20-25, 20-35, 20-40, 20-45,
14 30-15, 30-25, 30-35, 30-40, 35-15, 35-20, 35-30, 35-35, 35-40,
15 40-15, 40-30, 40-35, 40-40, and 55-80.

16 410 ILCS 130/Act rep.

17 Section 20. The Compassionate Use of Medical Cannabis
18 Program Act is repealed.

19 Section 99. Effective date. This Act takes effect July 1,
20 2022.

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