



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3105

Introduced 1/11/2022, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

410 ILCS 705/1-10
410 ILCS 705/15-87 new
410 ILCS 705/20-30
410 ILCS 705/30-30

Amends the Cannabis Regulation and Tax Act. Provides that a craft grower may contain up to 14,000 (rather than 5,000) square feet of canopy space on its premises for plants in the flowering state. Removes language providing that the Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage. Provides that, notwithstanding any other provision of law, a dispensing organization may offer curbside or drive-through pickup after submitting and receiving approval from the Department of Financial and Professional Regulation. Provides that all orders for curbside or drive-through pickup must be placed in advance and no in person or on-site ordering is permitted. Requires each cultivation center to set aside a portion of THC oil extract from its monthly production for sale to craft growers and infuser organizations licensed under the Act. Provides that a cultivation center is prohibited from requiring a craft grower or infuser organization to purchase one product in order to purchase another and from discriminating in price between similarly situated craft growers or infusers organizations. Requires cultivation centers to provide the Department of Agriculture with sales data for the sale of THC oil extract to a craft grower or infuser organization upon request. Provides that the Department of Agriculture shall publish the average sale price of THC oil extract for each cultivation center monthly on its website. Removes language providing that a craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.

LRB102 22462 CPF 32284 b

1 AN ACT concerning health.

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

4 Section 5. The Cannabis Regulation and Tax Act is amended
5 by changing Sections 1-10, 20-30, and 30-30 and by adding
6 Section 15-87 as follows:

7 (410 ILCS 705/1-10)

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

9 "Adult Use Cultivation Center License" means a license
10 issued by the Department of Agriculture that permits a person
11 to act as a cultivation center under this Act and any
12 administrative rule made in furtherance of this Act.

13 "Adult Use Dispensing Organization License" means a
14 license issued by the Department of Financial and Professional
15 Regulation that permits a person to act as a dispensing
16 organization under this Act and any administrative rule made
17 in furtherance of this Act.

18 "Advertise" means to engage in promotional activities
19 including, but not limited to: newspaper, radio, Internet and
20 electronic media, and television advertising; the distribution
21 of fliers and circulars; billboard advertising; and the
22 display of window and interior signs. "Advertise" does not
23 mean exterior signage displaying only the name of the licensed

1 cannabis business establishment.

2 "Application points" means the number of points a
3 Dispensary Applicant receives on an application for a
4 Conditional Adult Use Dispensing Organization License.

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

15 "By lot" means a randomized method of choosing between 2
16 or more Eligible Tied Applicants or 2 or more Qualifying
17 Applicants.

18 "Cannabis" means marijuana, hashish, and other substances
19 that are identified as including any parts of the plant
20 Cannabis sativa and including derivatives or subspecies, such
21 as indica, of all strains of cannabis, whether growing or not;
22 the seeds thereof, the resin extracted from any part of the
23 plant; and any compound, manufacture, salt, derivative,
24 mixture, or preparation of the plant, its seeds, or resin,
25 including tetrahydrocannabinol (THC) and all other naturally
26 produced cannabinol derivatives, whether produced directly or

1 indirectly by extraction; however, "cannabis" does not include
2 the mature stalks of the plant, fiber produced from the
3 stalks, oil or cake made from the seeds of the plant, any other
4 compound, manufacture, salt, derivative, mixture, or
5 preparation of the mature stalks (except the resin extracted
6 from it), fiber, oil or cake, or the sterilized seed of the
7 plant that is incapable of germination. "Cannabis" does not
8 include industrial hemp as defined and authorized under the
9 Industrial Hemp Act. "Cannabis" also means cannabis flower,
10 concentrate, and cannabis-infused products.

11 "Cannabis business establishment" means a cultivation
12 center, craft grower, processing organization, infuser
13 organization, dispensing organization, or transporting
14 organization.

15 "Cannabis concentrate" means a product derived from
16 cannabis that is produced by extracting cannabinoids,
17 including tetrahydrocannabinol (THC), from the plant through
18 the use of propylene glycol, glycerin, butter, olive oil, or
19 other typical cooking fats; water, ice, or dry ice; or butane,
20 propane, CO₂, ethanol, or isopropanol and with the intended
21 use of smoking or making a cannabis-infused product. The use
22 of any other solvent is expressly prohibited unless and until
23 it is approved by the Department of Agriculture.

24 "Cannabis container" means a sealed or resealable,
25 traceable, container, or package used for the purpose of
26 containment of cannabis or cannabis-infused product during

1 transportation.

2 "Cannabis flower" means marijuana, hashish, and other
3 substances that are identified as including any parts of the
4 plant Cannabis sativa and including derivatives or subspecies,
5 such as indica, of all strains of cannabis; including raw
6 kief, leaves, and buds, but not resin that has been extracted
7 from any part of such plant; nor any compound, manufacture,
8 salt, derivative, mixture, or preparation of such plant, its
9 seeds, or resin.

10 "Cannabis-infused product" means a beverage, food, oil,
11 ointment, tincture, topical formulation, or another product
12 containing cannabis or cannabis concentrate that is not
13 intended to be smoked.

14 "Cannabis paraphernalia" means equipment, products, or
15 materials intended to be used for planting, propagating,
16 cultivating, growing, harvesting, manufacturing, producing,
17 processing, preparing, testing, analyzing, packaging,
18 repackaging, storing, containing, concealing, ingesting, or
19 otherwise introducing cannabis into the human body.

20 "Cannabis plant monitoring system" or "plant monitoring
21 system" means a system that includes, but is not limited to,
22 testing and data collection established and maintained by the
23 cultivation center, craft grower, or processing organization
24 and that is available to the Department of Revenue, the
25 Department of Agriculture, the Department of Financial and
26 Professional Regulation, and the Illinois State Police for the

1 purposes of documenting each cannabis plant and monitoring
2 plant development throughout the life cycle of a cannabis
3 plant cultivated for the intended use by a customer from seed
4 planting to final packaging.

5 "Cannabis testing facility" means an entity registered by
6 the Department of Agriculture to test cannabis for potency and
7 contaminants.

8 "Clone" means a plant section from a female cannabis plant
9 not yet rootbound, growing in a water solution or other
10 propagation matrix, that is capable of developing into a new
11 plant.

12 "Community College Cannabis Vocational Training Pilot
13 Program faculty participant" means a person who is 21 years of
14 age or older, licensed by the Department of Agriculture, and
15 is employed or contracted by an Illinois community college to
16 provide student instruction using cannabis plants at an
17 Illinois Community College.

18 "Community College Cannabis Vocational Training Pilot
19 Program faculty participant Agent Identification Card" means a
20 document issued by the Department of Agriculture that
21 identifies a person as a Community College Cannabis Vocational
22 Training Pilot Program faculty participant.

23 "Conditional Adult Use Dispensing Organization License"
24 means a contingent license awarded to applicants for an Adult
25 Use Dispensing Organization License that reserves the right to
26 an Adult Use Dispensing Organization License if the applicant

1 meets certain conditions described in this Act, but does not
2 entitle the recipient to begin purchasing or selling cannabis
3 or cannabis-infused products.

4 "Conditional Adult Use Cultivation Center License" means a
5 license awarded to top-scoring applicants for an Adult Use
6 Cultivation Center License that reserves the right to an Adult
7 Use Cultivation Center License if the applicant meets certain
8 conditions as determined by the Department of Agriculture by
9 rule, but does not entitle the recipient to begin growing,
10 processing, or selling cannabis or cannabis-infused products.

11 "Craft grower" means a facility operated by an
12 organization or business that is licensed by the Department of
13 Agriculture to cultivate, dry, cure, and package cannabis and
14 perform other necessary activities to make cannabis available
15 for sale at a dispensing organization or use at a processing
16 organization. A craft grower may contain up to 14,000 ~~5,000~~
17 square feet of canopy space on its premises for plants in the
18 flowering state. Plants ~~The Department of Agriculture may~~
19 ~~authorize an increase or decrease of flowering stage~~
20 ~~cultivation space in increments of 3,000 square feet by rule~~
21 ~~based on market need, craft grower capacity, and the~~
22 ~~licensee's history of compliance or noncompliance, with a~~
23 ~~maximum space of 14,000 square feet for cultivating plants in~~
24 ~~the flowering stage, which~~ must be cultivated in all stages of
25 growth in an enclosed and secure area. A craft grower may share
26 premises with a processing organization or a dispensing

1 organization, or both, provided each licensee stores currency
2 and cannabis or cannabis-infused products in a separate
3 secured vault to which the other licensee does not have access
4 or all licensees sharing a vault share more than 50% of the
5 same ownership.

6 "Craft grower agent" means a principal officer, board
7 member, employee, or other agent of a craft grower who is 21
8 years of age or older.

9 "Craft Grower Agent Identification Card" means a document
10 issued by the Department of Agriculture that identifies a
11 person as a craft grower agent.

12 "Cultivation center" means a facility operated by an
13 organization or business that is licensed by the Department of
14 Agriculture to cultivate, process, transport (unless otherwise
15 limited by this Act), and perform other necessary activities
16 to provide cannabis and cannabis-infused products to cannabis
17 business establishments.

18 "Cultivation center agent" means a principal officer,
19 board member, employee, or other agent of a cultivation center
20 who is 21 years of age or older.

21 "Cultivation Center Agent Identification Card" means a
22 document issued by the Department of Agriculture that
23 identifies a person as a cultivation center agent.

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

25 "Dispensary" means a facility operated by a dispensing
26 organization at which activities licensed by this Act may

1 occur.

2 "Dispensary Applicant" means the Proposed Dispensing
3 Organization Name as stated on an application for a
4 Conditional Adult Use Dispensing Organization License.

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

18 "Dispensing organization agent" means a principal officer,
19 employee, or agent of a dispensing organization who is 21
20 years of age or older.

21 "Dispensing organization agent identification card" means
22 a document issued by the Department of Financial and
23 Professional Regulation that identifies a person as a
24 dispensing organization agent.

25 "Disproportionately Impacted Area" means a census tract or
26 comparable geographic area that satisfies the following

1 criteria as determined by the Department of Commerce and
2 Economic Opportunity, that:

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

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

6 (B) 75% or more of the children in the area
7 participate in the federal free lunch program
8 according to reported statistics from the State Board
9 of Education; or

10 (C) at least 20% of the households in the area
11 receive assistance under the Supplemental Nutrition
12 Assistance Program; or

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

20 (2) has high rates of arrest, conviction, and
21 incarceration related to the sale, possession, use,
22 cultivation, manufacture, or transport of cannabis.

23 "Early Approval Adult Use Cultivation Center License"
24 means a license that permits a medical cannabis cultivation
25 center licensed under the Compassionate Use of Medical
26 Cannabis Program Act as of the effective date of this Act to

1 begin cultivating, infusing, packaging, transporting (unless
2 otherwise provided in this Act), processing, and selling
3 cannabis or cannabis-infused product to cannabis business
4 establishments for resale to purchasers as permitted by this
5 Act as of January 1, 2020.

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

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

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

24 "Enclosed, locked facility" means a room, greenhouse,
25 building, or other enclosed area equipped with locks or other
26 security devices that permit access only by cannabis business

1 establishment agents working for the licensed cannabis
2 business establishment or acting pursuant to this Act to
3 cultivate, process, store, or distribute cannabis.

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

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

16 (2) a structure, such as a shed or greenhouse, that
17 lies on the same plot of land as a residential building
18 that (i) includes sleeping quarters and indoor plumbing
19 and (ii) is used as a primary residence by the person
20 cultivating 5 or fewer cannabis plants that are more than
21 5 inches tall, such as a shed or greenhouse. The structure
22 must remain locked when it is unoccupied by people.

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

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

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

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

11 "Individual" means a natural person.

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

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

21 "Labor peace agreement" means an agreement between a
22 cannabis business establishment and any labor organization
23 recognized under the National Labor Relations Act, referred to
24 in this Act as a bona fide labor organization, that prohibits
25 labor organizations and members from engaging in picketing,
26 work stoppages, boycotts, and any other economic interference

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

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

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

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

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

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

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

26 "Possession limit" means the amount of cannabis under

1 Section 10-10 that may be possessed at any one time by a person
2 21 years of age or older or who is a registered qualifying
3 medical cannabis patient or caregiver under the Compassionate
4 Use of Medical Cannabis Program Act.

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

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

24 "Processing organization" or "processor" means a facility
25 operated by an organization or business that is licensed by
26 the Department of Agriculture to either extract constituent

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

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

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

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

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

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

25 "Qualified Social Equity Applicant" means a Social Equity
26 Applicant who has been awarded a conditional license under

1 this Act to operate a cannabis business establishment.

2 "Resided" means an individual's primary residence was
3 located within the relevant geographic area as established by
4 2 of the following:

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

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

9 (3) school records;

10 (4) a voter registration card;

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

14 (6) a paycheck stub;

15 (7) a utility bill;

16 (8) tax records; or

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

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

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

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

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

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

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

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

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

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

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

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

1 top-scoring applications that received the same number of
2 application points. Each application for which a Dispensary
3 Applicant was required to pay a required application fee for
4 the application period ending January 2, 2020 shall be
5 considered an application of a separate Tied Applicant.

6 "Tied Applicant Lottery" means the process established
7 under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult
8 Use Dispensing Organization Licenses pursuant to Sections
9 15-25 and 15-30 among Eligible Tied Applicants.

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

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

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

26 "Transporting organization agent identification card"

1 means a document issued by the Department of Agriculture that
2 identifies a person as a transporting 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 705/15-87 new)

22 Sec. 15-87. Curbside pickup. Notwithstanding any other
23 provision of law, a dispensing organization may offer curbside
24 or drive-through pickup after submitting and receiving
25 approval from the Department. All orders for curbside or

1 drive-through pickup must be placed in advance and no in
2 person or on-site ordering is permitted.

3 (410 ILCS 705/20-30)

4 Sec. 20-30. Cultivation center requirements; prohibitions.

5 (a) The operating documents of a cultivation center shall
6 include procedures for the oversight of the cultivation
7 center, a cannabis plant monitoring system including a
8 physical inventory recorded weekly, accurate recordkeeping,
9 and a staffing plan.

10 (b) A cultivation center shall implement a security plan
11 reviewed by the Illinois State Police that includes, but is
12 not limited to: facility access controls, perimeter intrusion
13 detection systems, personnel identification systems, 24-hour
14 surveillance system to monitor the interior and exterior of
15 the cultivation center facility and accessibility to
16 authorized law enforcement, the Department of Public Health
17 where processing takes place, and the Department of
18 Agriculture in real time.

19 (c) All cultivation of cannabis by a cultivation center
20 must take place in an enclosed, locked facility at the
21 physical address provided to the Department of Agriculture
22 during the licensing process. The cultivation center location
23 shall only be accessed by the agents working for the
24 cultivation center, the Department of Agriculture staff
25 performing inspections, the Department of Public Health staff

1 performing inspections, local and State law enforcement or
2 other emergency personnel, contractors working on jobs
3 unrelated to cannabis, such as installing or maintaining
4 security devices or performing electrical wiring, transporting
5 organization agents as provided in this Act, individuals in a
6 mentoring or educational program approved by the State, or
7 other individuals as provided by rule.

8 (d) A cultivation center may not sell or distribute any
9 cannabis or cannabis-infused products to any person other than
10 a dispensing organization, craft grower, infuser organization,
11 transporter, or as otherwise authorized by rule.

12 (e) A cultivation center may not either directly or
13 indirectly discriminate in price between different dispensing
14 organizations, craft growers, or infuser organizations that
15 are purchasing a like grade, strain, brand, and quality of
16 cannabis or cannabis-infused product. Nothing in this
17 subsection (e) prevents a cultivation center from pricing
18 cannabis differently based on differences in the cost of
19 manufacturing or processing, the quantities sold, such as
20 volume discounts, or the way the products are delivered.

21 (f) All cannabis harvested by a cultivation center and
22 intended for distribution to a dispensing organization must be
23 entered into a data collection system, packaged and labeled
24 under Section 55-21, and placed into a cannabis container for
25 transport. All cannabis harvested by a cultivation center and
26 intended for distribution to a craft grower or infuser

1 organization must be packaged in a labeled cannabis container
2 and entered into a data collection system before transport.

3 (g) Cultivation centers are subject to random inspections
4 by the Department of Agriculture, the Department of Public
5 Health, local safety or health inspectors, the Illinois State
6 Police, or as provided by rule.

7 (h) A cultivation center agent shall notify local law
8 enforcement, the Illinois State Police, and the Department of
9 Agriculture within 24 hours of the discovery of any loss or
10 theft. Notification shall be made by phone or in person, or by
11 written or electronic communication.

12 (i) A cultivation center shall comply with all State and
13 any applicable federal rules and regulations regarding the use
14 of pesticides on cannabis plants.

15 (j) No person or entity shall hold any legal, equitable,
16 ownership, or beneficial interest, directly or indirectly, of
17 more than 3 cultivation centers licensed under this Article.
18 Further, no person or entity that is employed by, an agent of,
19 has a contract to receive payment in any form from a
20 cultivation center, is a principal officer of a cultivation
21 center, or entity controlled by or affiliated with a principal
22 officer of a cultivation shall hold any legal, equitable,
23 ownership, or beneficial interest, directly or indirectly, in
24 a cultivation that would result in the person or entity owning
25 or controlling in combination with any cultivation center,
26 principal officer of a cultivation center, or entity

1 controlled or affiliated with a principal officer of a
2 cultivation center by which he, she, or it is employed, is an
3 agent of, or participates in the management of, more than 3
4 cultivation center licenses.

5 (k) A cultivation center may not contain more than 210,000
6 square feet of canopy space for plants in the flowering stage
7 for cultivation of adult use cannabis as provided in this Act.

8 (l) A cultivation center may process cannabis, cannabis
9 concentrates, and cannabis-infused products.

10 (m) Beginning July 1, 2020, a cultivation center shall not
11 transport cannabis or cannabis-infused products to a craft
12 grower, dispensing organization, infuser organization, or
13 laboratory licensed under this Act, unless it has obtained a
14 transporting organization license.

15 (n) It is unlawful for any person having a cultivation
16 center license or any officer, associate, member,
17 representative, or agent of such licensee to offer or deliver
18 money, or anything else of value, directly or indirectly to
19 any person having an Early Approval Adult Use Dispensing
20 Organization License, a Conditional Adult Use Dispensing
21 Organization License, an Adult Use Dispensing Organization
22 License, or a medical cannabis dispensing organization license
23 issued under the Compassionate Use of Medical Cannabis Program
24 Act, or to any person connected with or in any way
25 representing, or to any member of the family of, such person
26 holding an Early Approval Adult Use Dispensing Organization

1 License, a Conditional Adult Use Dispensing Organization
2 License, an Adult Use Dispensing Organization License, or a
3 medical cannabis dispensing organization license issued under
4 the Compassionate Use of Medical Cannabis Program Act, or to
5 any stockholders in any corporation engaged in the retail sale
6 of cannabis, or to any officer, manager, agent, or
7 representative of the 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 to obtain preferential placement within the dispensing
13 organization, including, without limitation, on shelves and in
14 display cases where purchasers can view products, or on the
15 dispensing organization's website.

16 (o) A cultivation center must comply with any other
17 requirements or prohibitions set by administrative rule of the
18 Department of Agriculture.

19 (p) The following requirements apply to the sale of THC
20 oil extract or cannabis products to a craft grower or an
21 infuser organization:

22 (1) Each cultivation center shall set aside a portion
23 of THC oil extract from its monthly production for sale to
24 craft growers and infuser organizations licensed under
25 this Act. Each cultivation center shall set aside 3% of
26 its overall production of THC oil extract for sale to

1 craft growers and 2% of their overall production for sale
2 to infuser organizations. The THC oil extract shall be
3 sold to craft growers and infuser organizations at a
4 commercially reasonable market rate and must be sold at a
5 quantity discount such that the price per gram is 25% less
6 than the cost to customers. The cultivation center must
7 offer the same quantity price discount to all similarly
8 situated craft growers and infuser organizations who agree
9 to purchase THC oil extract derived from the same batch or
10 lot.

11 (2) A cultivation center is prohibited from the
12 following:

13 (A) Requiring a craft grower or infuser
14 organization to purchase one product in order to
15 purchase another. This includes combination sales if
16 one or more products may be purchased only in
17 combination with other products and not individually.
18 However, a cultivation center is not prohibited from
19 selling at a special combination price 2 or more kinds
20 or brands of product to a craft grower or infuser
21 organization if:

22 (i) the craft grower or infuser organization
23 has the option of purchasing either product at the
24 usual price; and

25 (ii) the craft grower or infuser organization
26 is not required to purchase any product it does

1 not want.

2 (B) Discriminating in price between similarly
3 situated craft growers or infusers organizations,
4 where the effect of such discrimination may
5 substantially lessen competition, tend to create a
6 monopoly, or injure, destroy, or prevent competition
7 with any craft grower or infuser organization that
8 either grants or knowingly receives the benefit of
9 such discrimination.

10 (3) A cultivation center must provide the Department
11 with sales data documenting the price, quantity, date of
12 purchase, any discounts applied, and purchaser information
13 for the sale of THC oil extract to a craft grower or an
14 infuser organization upon request. The Department shall
15 publish the average sale price of THC oil extract for each
16 cultivation center monthly on its website.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
18 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised 11-9-21.)

19 (410 ILCS 705/30-30)

20 Sec. 30-30. Craft grower requirements; prohibitions.

21 (a) The operating documents of a craft grower shall
22 include procedures for the oversight of the craft grower, a
23 cannabis plant monitoring system including a physical
24 inventory recorded weekly, accurate recordkeeping, and a
25 staffing plan.

1 (b) A craft grower shall implement a security plan
2 reviewed by the Illinois State Police that includes, but is
3 not limited to: facility access controls, perimeter intrusion
4 detection systems, personnel identification systems, and a
5 24-hour surveillance system to monitor the interior and
6 exterior of the craft grower facility and that is accessible
7 to authorized law enforcement and the Department of
8 Agriculture in real time.

9 (c) All cultivation of cannabis by a craft grower must
10 take place in an enclosed, locked facility at the physical
11 address provided to the Department of Agriculture during the
12 licensing process. The craft grower location shall only be
13 accessed by the agents working for the craft grower, the
14 Department of Agriculture staff performing inspections, the
15 Department of Public Health staff performing inspections,
16 State and local law enforcement or other emergency personnel,
17 contractors working on jobs unrelated to cannabis, such as
18 installing or maintaining security devices or performing
19 electrical wiring, transporting organization agents as
20 provided in this Act, or participants in the incubator
21 program, individuals in a mentoring or educational program
22 approved by the State, or other individuals as provided by
23 rule. However, if a craft grower shares a premises with an
24 infuser or dispensing organization, agents from those other
25 licensees may access the craft grower portion of the premises
26 if that is the location of common bathrooms, lunchrooms,

1 locker rooms, or other areas of the building where work or
2 cultivation of cannabis is not performed. At no time may an
3 infuser or dispensing organization agent perform work at a
4 craft grower without being a registered agent of the craft
5 grower.

6 (d) A craft grower may not sell or distribute any cannabis
7 to any person other than a cultivation center, a craft grower,
8 an infuser organization, a dispensing organization, or as
9 otherwise authorized by rule.

10 (e) A craft grower may not be located in an area zoned for
11 residential use.

12 (f) A craft grower may not either directly or indirectly
13 discriminate in price between different cannabis business
14 establishments that are purchasing a like grade, strain,
15 brand, and quality of cannabis or cannabis-infused product.
16 Nothing in this subsection (f) prevents a craft grower from
17 pricing cannabis differently based on differences in the cost
18 of manufacturing or processing, the quantities sold, such as
19 volume discounts, or the way the products are delivered.

20 (g) All cannabis harvested by a craft grower and intended
21 for distribution to a dispensing organization must be entered
22 into a data collection system, packaged and labeled under
23 Section 55-21, and, if distribution is to a dispensing
24 organization that does not share a premises with the
25 dispensing organization receiving the cannabis, placed into a
26 cannabis container for transport. All cannabis harvested by a

1 craft grower and intended for distribution to a cultivation
2 center, to an infuser organization, or to a craft grower with
3 which it does not share a premises, must be packaged in a
4 labeled cannabis container and entered into a data collection
5 system before transport.

6 (h) Craft growers are subject to random inspections by the
7 Department of Agriculture, local safety or health inspectors,
8 the Illinois State Police, or as provided by rule.

9 (i) A craft grower agent shall notify local law
10 enforcement, the Illinois State Police, and the Department of
11 Agriculture within 24 hours of the discovery of any loss or
12 theft. Notification shall be made by phone, in person, or
13 written or electronic communication.

14 (j) A craft grower shall comply with all State and any
15 applicable federal rules and regulations regarding the use of
16 pesticides.

17 (k) A craft grower or craft grower agent shall not
18 transport cannabis or cannabis-infused products to any other
19 cannabis business establishment without a transport
20 organization license unless:

21 (i) If the craft grower is located in a county with a
22 population of 3,000,000 or more, the cannabis business
23 establishment receiving the cannabis is within 2,000 feet
24 of the property line of the craft grower;

25 (ii) If the craft grower is located in a county with a
26 population of more than 700,000 but fewer than 3,000,000,

1 the cannabis business establishment receiving the cannabis
2 is within 2 miles of the craft grower; or

3 (iii) If the craft grower is located in a county with a
4 population of fewer than 700,000, the cannabis business
5 establishment receiving the cannabis is within 15 miles of
6 the craft grower.

7 (l) A craft grower may enter into a contract with a
8 transporting organization to transport cannabis to a
9 cultivation center, a craft grower, an infuser organization, a
10 dispensing organization, or a laboratory.

11 (m) No person or entity shall hold any legal, equitable,
12 ownership, or beneficial interest, directly or indirectly, of
13 more than 3 craft grower licenses. Further, no person or
14 entity that is employed by, an agent of, or has a contract to
15 receive payment from or participate in the management of a
16 craft grower, is a principal officer of a craft grower, or
17 entity controlled by or affiliated with a principal officer of
18 a craft grower shall hold any legal, equitable, ownership, or
19 beneficial interest, directly or indirectly, in a craft grower
20 license that would result in the person or entity owning or
21 controlling in combination with any craft grower, principal
22 officer of a craft grower, or entity controlled or affiliated
23 with a principal officer of a craft grower by which he, she, or
24 it is employed, is an agent of, or participates in the
25 management of more than 3 craft grower licenses.

26 (n) It is unlawful for any person having a craft grower

1 license or any officer, associate, member, representative, or
2 agent of the licensee to offer or deliver money, or anything
3 else of value, directly or indirectly, to any person having an
4 Early Approval Adult Use Dispensing Organization License, a
5 Conditional Adult Use Dispensing Organization License, an
6 Adult Use Dispensing Organization License, or a medical
7 cannabis dispensing organization license issued under the
8 Compassionate Use of Medical Cannabis Program Act, or to any
9 person connected with or in any way representing, or to any
10 member of the family of, the person holding an Early Approval
11 Adult Use Dispensing Organization License, a Conditional Adult
12 Use Dispensing Organization License, an Adult Use Dispensing
13 Organization License, or a medical cannabis dispensing
14 organization license issued under the Compassionate Use of
15 Medical Cannabis Program Act, or to any stockholders in any
16 corporation engaged in the retail sale of cannabis, or to any
17 officer, manager, agent, or representative of the Early
18 Approval Adult Use Dispensing Organization License, a
19 Conditional Adult Use Dispensing Organization License, an
20 Adult Use Dispensing Organization License, or a medical
21 cannabis dispensing organization license issued under the
22 Compassionate Use of Medical Cannabis Program Act to obtain
23 preferential placement within the dispensing organization,
24 including, without limitation, on shelves and in display cases
25 where purchasers can view products, or on the dispensing
26 organization's website.

1 (o) (Blank) ~~A craft grower shall not be located within~~
2 ~~1,500 feet of another craft grower or a cultivation center.~~

3 (p) A craft grower may process cannabis, cannabis
4 concentrates, and cannabis-infused products.

5 (q) A craft grower must comply with any other requirements
6 or prohibitions set by administrative rule of the Department
7 of Agriculture.

8 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
9 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
10 10-21-21.)