



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1498

Introduced 1/31/2023, by Rep. La Shawn K. Ford

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 the Act or any rules adopted under the 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 immediately.

LRB103 05062 CPF 50076 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, 2023, 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 103rd General Assembly, if
9 the 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 75 ~~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 75 ~~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 75 ~~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; 102-813, eff.
20 5-13-22.)

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, 2023 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,
12 emergency medical dispatcher, or 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;
3 102-1006, eff. 1-1-23.)

4 (410 ILCS 705/5-30)

5 Sec. 5-30. Department of Human Services. The Department of
6 Human Services shall identify evidence-based programs for
7 preventive mental health, the prevention or treatment of
8 alcohol abuse, tobacco use, illegal drug use (including
9 prescription drugs), and cannabis use by pregnant women, and
10 make policy recommendations, as appropriate, to the Adult Use
11 Cannabis Health Advisory Committee and the Commission. The
12 Department of Human Services shall develop and disseminate
13 educational materials for purchasers based on recommendations
14 received from the Department of Public Health, the Commission,
15 and the Adult Use Cannabis Health Advisory Committee.
16 Beginning July 1, 2023, the Commission may also develop and
17 disseminate educational materials.

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

19 (410 ILCS 705/5-45)

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

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

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

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

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

1 of cannabis in Illinois; and

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

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

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

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

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

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

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

1 pursuant to Sections 15-25, 15-30.1, or 15-35.20, subsection
2 (a) of Section 30-5, or subsection (a) of Section 35-5, and
3 shall be initiated within 180 days from the issuance of the
4 first of each license authorized by those Sections. The
5 results of each disparity and availability study shall be
6 reported to the General Assembly and the Governor no later
7 than 12 months after the commission of each study.

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

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

1 on its website.

2 (g) The Illinois Cannabis Regulation Oversight Officer,
3 the Illinois Cannabis Regulation Oversight Office, and all its
4 personnel and functions shall transfer to the Commission on or
5 as soon as practicable after July 1, 2023.

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

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

12 (410 ILCS 705/5-50 new)

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

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

1 which the predecessor's term expires.

2 Within 90 days, or as soon as practicable, after the
3 effective date of this amendatory Act of the 103rd General
4 Assembly, the Governor shall appoint 3 members of the
5 Commission. One member shall be designated as the chairperson
6 by a majority vote of the Commissioners. The Chairperson shall
7 serve as the chief executive officer of the Commission for the
8 purpose of ensuring that the Commission's policies are
9 properly executed. Within 180 days after the effective date of
10 this amendatory Act of the 103rd General Assembly, the
11 Governor shall appoint the remaining 2 members of the
12 Commission. At the expiration of the term of any Commissioner
13 the Governor shall reappoint the Commissioner or appoint a
14 successor of the Commissioner for a period of 5 years. The
15 Governor may fill vacancies in the office of any Commissioner.

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

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

1 (1) A business owner in a regulated industry that is
2 not regulated under this Act.

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

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

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

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

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

1 any compensation or profit therefrom, nor have any interest
2 whatsoever in the purchase or sale made by the persons
3 authorized to do so under this Act. No provision of this
4 Section shall prevent any Commissioner, Executive Director,
5 inspector, or other employee from purchasing and keeping in
6 his or her possession for their use or use of members of their
7 family or guest any cannabis product that may be purchased or
8 kept by any person by virtue of this Act.

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

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

1 receive an annual salary of \$150,000 or such greater amount as
2 may be set by the Compensation Review Board. The Executive
3 Director of the Commission shall receive an annual salary of
4 \$175,000 or such greater amount as may be set by the
5 Compensation Review Board. All clerks, inspectors, and
6 employees of the Commission shall receive reasonable
7 compensation in an amount fixed by the Commission, subject to
8 the approval in writing of the Governor. The status and rights
9 of a transferred employee, and the rights of the State of
10 Illinois and its agencies, under the Personnel Code and
11 applicable collective bargaining agreements or under any
12 pension, retirement, or annuity plan are not affected (except
13 as provided in Sections 14-110 and 18-127 of the Illinois
14 Pension Code) by that transfer or by any other provision of
15 this amendatory Act of the 103rd General Assembly.

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

1 laboratories, and their principal officers, agents-in-charge,
2 and agents for violations of this Act or any rules adopted
3 under this Act.

4 (b) To provide for the expeditious and timely
5 implementation of the provisions of this amendatory Act of the
6 103rd General Assembly, the Commission may adopt emergency
7 rules in accordance with Section 5-45 by the of the Illinois
8 Administrative Procedure Act. The adoption of emergency rules
9 authorized by Section 5-45 and this Section is deemed to be
10 necessary for the public interest, safety, and welfare.

11 This subsection is inactive one year after the effective
12 date of this amendatory Act of the 103rd General Assembly.

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

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

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

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

1 (4) To establish by rule any fee required, including,
2 but not limited to, fees for cannabis business
3 establishments.

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

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

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

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

1 cannabis, storage, inventory, point of sale technology, or
2 operating procedures.

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

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

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

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

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

25 (14) To provide technical assistance and financial
26 support, as well as any other actions the Commission may

1 deem necessary, to aid Social Equity Applicants, owners
2 who qualify as Social Equity Applicants, and Ancillary
3 Social Equity Businesses.

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

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

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

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

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

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

26 (A) The number of licenses issued to cannabis

1 business establishments organizations by county, or,
2 in counties with greater than 3,000,000 residents, by
3 zip code.

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

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

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

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

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

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

1 or ownership with a dispensary.

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

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

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

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

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

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

24 (18) To conduct or commission an annual survey of the
25 cannabis industry, to be completed on or before January 1
26 of each year. Each cannabis business establishment

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

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

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

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

1 who are minorities, women, veterans, or persons with
2 disabilities, if known to the cannabis business
3 establishment.

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

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

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

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

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

26 (4) Allow for an electronic initial application and

1 renewal application process and provide a confirmation by
2 electronic or other methods that an application has been
3 submitted.

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

8 (1) The name of the cardholder.

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

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

14 (4) A photograph of the cardholder.

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

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

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

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

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

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

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

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

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

26 The Commission shall issue a temporary certificate of

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

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

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

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

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

1 (j) The Commission may deny an application or renewal or
2 discipline or revoke an agent-in-charge identification card
3 for any of the following reasons:

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

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

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

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

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

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

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

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

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

26 (10) Dispensing to purchasers in amounts above the

1 limits provided in this Act.

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

4 (k) Adult Use Dispensing Organization Licenses issued on
5 or before July 1, 2023 shall expire on March 31 of
6 even-numbered years. Adult Use Dispensing Organizations
7 Licenses issued after July 1, 2023 shall expire annually.
8 However, the Commission may determine by rule when an Adult
9 Use Dispensing Organization Licenses will expire.

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

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

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

24 (2) Nonrefundable renewal fees, or another amount as
25 the Commission may set by rule after July 1, 2023, to be
26 deposited into the Cannabis Regulation Fund.

1 (3) Verification on a form provided by the Commission
2 of submission of an environmental impact report.

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

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

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

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

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

24 (p) All fees and fines collected from the renewal of a
25 cannabis business establishment license shall be deposited
26 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

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

5 (7) (blank); and

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

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

15 (c) As soon as practical after July 1, 2019, the
16 Comptroller shall order and the Treasurer shall transfer
17 \$12,000,000 from the Compassionate Use of Medical Cannabis
18 Fund to the Cannabis Business Development Fund. After July 1,
19 2023, the Comptroller shall order the transfer of the amount
20 specified in subsection (2.5) of subsection (c) of Section
21 6z-112 of the State Finance Act, which will serve as a
22 reoccurring revenue stream for the benefit of Social Equity
23 Applicants, Social Equity Applicant owners, and Ancillary
24 Social Equity Businesses.

25 (d) Notwithstanding any other law to the contrary, the
26 Cannabis Business Development Fund is not subject to sweeps,

1 administrative charge-backs, or any other fiscal or budgetary
2 maneuver that would in any way transfer any amounts from the
3 Cannabis Business Development Fund into any other fund of the
4 State.

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

6 (410 ILCS 705/7-15)

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

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

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

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

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

1 Section;

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

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

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

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

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

25 ~~and~~

26 (7.5) enter into financial intermediary agreements

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

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

11 (c) Loans made under this Section:

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

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

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

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

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

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

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

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

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

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

26 (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

1 calendar year.

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

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

14 (410 ILCS 705/7-25)

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

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

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

1 (2) any outstanding amount owed by the Qualified
2 Social Equity Applicant for a loan through the Cannabis
3 Business Development Fund, if applicable; and

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

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

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

12 (410 ILCS 705/7-30)

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

1 form, report, and any other request for information may be
2 grounds for disciplinary action by the Commission ~~Department~~
3 ~~of Financial and Professional Regulation or the Department of~~
4 ~~Agriculture~~. The information to be collected shall be designed
5 to identify the following:

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

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

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

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

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

24 (410 ILCS 705/10-5)

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

1 cultivation; penalties.

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

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

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

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

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

1 (b) Cultivating cannabis for personal use is subject to
2 the following limitations:

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

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

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

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

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

1 property. An owner or lessor of residential property may
2 prohibit the cultivation of cannabis by a lessee.

3 (6) (Blank).

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

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

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

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

21 (410 ILCS 705/10-10)

22 Sec. 10-10. Possession limit.

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

- 1 (1) 30 grams of cannabis flower;
- 2 (2) no more than 500 milligrams of THC contained in
3 cannabis-infused product;
- 4 (3) 5 grams of cannabis concentrate; and
- 5 (4) for registered qualifying patients, any cannabis
6 produced by cannabis plants grown under subsection (b) of
7 Section 10-5, provided any amount of cannabis produced in
8 excess of 30 grams of raw cannabis or its equivalent must
9 remain secured within the residence or residential
10 property in which it was grown.

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

- 13 (1) 15 grams of cannabis flower;
- 14 (2) 2.5 grams of cannabis concentrate; and
- 15 (3) 250 milligrams of THC contained in a
16 cannabis-infused product.

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

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

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

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

2 (410 ILCS 705/10-15)

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

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

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

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

23 (d) It is unlawful for any parent or guardian to knowingly
24 permit his or her residence, any other private property under
25 his or her control, or any vehicle, conveyance, or watercraft

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

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

21 (410 ILCS 705/10-20)

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

23 (a) To protect personal privacy, the Commission ~~Department~~
24 ~~of Financial and Professional Regulation~~ shall not require a
25 purchaser to provide a dispensing organization with personal

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

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

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

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

23 (c) A violation of this Section is a Class A misdemeanor
24 consistent with Section 6-20 of the Liquor Control Act of
25 1934.

26 (d) The Secretary of State may suspend or revoke the

1 driving privileges of any person for a violation of this
2 Section under Section 6-206 of the Illinois Vehicle Code and
3 the rules adopted under it.

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

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

25 (410 ILCS 705/10-35)

1 Sec. 10-35. Limitations and penalties.

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

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

8 (2) possessing cannabis:

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

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

16 (C) in any correctional facility;

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

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

24 (3) using cannabis:

25 (A) in a school bus, unless permitted for a
26 qualifying patient or caregiver pursuant to the

1 Compassionate Use of Medical Cannabis Program ~~Act~~;

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

6 (C) in any correctional facility;

7 (D) in any motor vehicle;

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

11 (F) in any public place; or

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

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

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

25 (6) facilitating the use of cannabis by any person who
26 is not allowed to use cannabis under this Act ~~or the~~

1 ~~Compassionate Use of Medical Cannabis Program Act;~~

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

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

24 (9) the use of cannabis by a person who has a school
25 bus permit or a Commercial Driver's License while on duty.
26 As used in this Section, "public place" means any place

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

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

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

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

25 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
26 102-98, 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

1 the Justice, Equity, and Opportunity Initiative of the
2 Lieutenant Governor's Office.

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

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

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

1 (D) The Director of Public Health, or his or
2 her designee.

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

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

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

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

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

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

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

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

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

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

26 (2) Within 90 days after the R3 Areas have been

1 designated by the Restore, Reinvest, and Renew Program
2 Board, the following members shall be appointed to the
3 Board by the R3 board chair:

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

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

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

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

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

1 appointment;

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

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

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

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

1 (1) develop a process to solicit applications from
2 eligible R3 Areas;

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

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

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

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

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

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

20 (g) R3 Area grants.

21 (1) Grant funds shall be awarded by the Illinois
22 Criminal Justice Information Authority, in coordination
23 with the R3 board, based on the likelihood that the plan
24 will achieve the outcomes outlined in subsection (a) and
25 consistent with the requirements of the Grant
26 Accountability and Transparency Act, but compliance with

1 the Grant Accountability and Transparency Act is not a
2 necessary prerequisite for an organization to receive
3 funds. The R3 Program shall also facilitate the provision
4 of training and technical assistance for capacity building
5 within and among R3 Areas.

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

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

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

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

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

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

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 705/10-45)

4 Sec. 10-45. Cannabis Equity Commission.

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

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

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

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

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

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

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

1 oversee, provide guidance to, and develop an administrative
2 structure for the Cannabis Equity Commission. The ex officio
3 members are:

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

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

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

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

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

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

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

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

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

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

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

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

1 (13) A member of the House of Representatives,
2 designated by the Minority Leader of the House of
3 Representatives.

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

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

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

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

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

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

26 As used in this subsection (c), "an individual who has

1 been previously incarcerated" has the same meaning as defined
2 in paragraph (2) of subsection (e) of Section 10-40.

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

4 (410 ILCS 705/10-50)

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

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

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

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

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

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

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

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

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

26 (3) actions, including discipline or termination of

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

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

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

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

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

1 this Section.

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

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

10 (410 ILCS 705/15-5)

11 Sec. 15-5. Authority.

12 (a) In this Article: τ

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

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

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

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

1 director, manager, or employee of a dispensing organization
2 without having been issued a dispensing organization agent
3 card by the Commission ~~Department~~.

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

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

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

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

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

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

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

21 (410 ILCS 705/15-15)

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

24 (a) Any medical cannabis dispensing organization holding a
25 valid registration under the Compassionate Use of Medical

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

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

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

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

20 (3) Certification that the applicant will comply with
21 the requirements contained in Article 75 ~~the Compassionate~~
22 ~~Use of Medical Cannabis Program Act~~ except as provided in
23 this Act;

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

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

1 (6) The name, address, social security number, and
2 date of birth of each principal officer and board member
3 of the dispensing organization, each of whom must be at
4 least 21 years of age;

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

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

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

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

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

26 (D) Participate as a host in a cannabis business

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

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

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

7 (b-5) Beginning 90 days after the effective date of this
8 amendatory Act of the 102nd General Assembly, an Early
9 Approval Adult Use Dispensing Organization licensee whose
10 license was issued pursuant to this Section may apply to
11 relocate within the same geographic district where its
12 existing associated medical cannabis dispensing organization
13 dispensary licensed under Article 75 ~~the Compassionate Use of~~
14 ~~Medical Cannabis Act~~ is authorized to operate. A request to
15 relocate under this subsection is subject to approval by the
16 Commission ~~Department~~. An Early Approval Adult Use Dispensing
17 Organization's application to relocate its license under this
18 subsection shall be deemed approved 30 days following the
19 submission of a complete application to relocate, unless
20 sooner approved or denied in writing by the Commission
21 ~~Department~~. If an application to relocate is denied, the
22 Commission ~~Department~~ shall provide, in writing, the specific
23 reason for denial.

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

26 (1) its existing location is within the boundaries of

1 a unit of local government that prohibits the sale of
2 adult use cannabis; or

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

9 At no time may an Early Approval Adult Use Dispensing
10 Organization dispensary licensed under this Section operate in
11 a separate facility from its associated medical cannabis
12 dispensing organization dispensary licensed under Article 75
13 ~~the Compassionate Use of Medical Cannabis Act~~. The relocation
14 of an Early Approval Adult Use Dispensing Organization License
15 under this subsection shall be subject to Sections 55-25 and
16 55-28 of this Act.

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

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

26 (e) If the Commission ~~Department~~ receives an application

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

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

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

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

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

23 (g) A registered medical cannabis dispensing organization
24 that obtains an Early Approval Adult Use Dispensing
25 Organization License may begin selling cannabis,
26 cannabis-infused products, paraphernalia, and related items to

1 purchasers under the rules of this Act no sooner than January
2 1, 2020.

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

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

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

1 made under the authority in the Compassionate Use of Medical
2 Cannabis Program ~~Act~~.

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

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

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

25 (3) the dispensing organization has completed a Social
26 Equity Inclusion Plan as provided by parts (A), (B), and

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

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

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

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

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

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

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

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

21 (410 ILCS 705/15-20)

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

24 (a) Any medical cannabis dispensing organization holding a
25 valid registration under the Compassionate Use of Medical

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

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

25 (b) (Blank).

26 (c) A medical cannabis dispensing organization seeking

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

7 (1) a payment of a nonrefundable application fee of
8 \$30,000;

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

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

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

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

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

25 (7) a plot plan of the dispensary drawn to scale. The
26 applicant shall submit general specifications of the

1 building exterior and interior layout;

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

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

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

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

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

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

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

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

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

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

1 (B) the process or controls that will be
2 implemented to monitor the dispensary, secure the
3 premises, agents, patients, and currency, and prevent
4 the diversion, theft, or loss of cannabis; and

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

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

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

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

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

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

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

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

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

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

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

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

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

1 dispensing organization license.

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

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

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

25 (i) Upon submission of the Early Approval Adult Use
26 Dispensing Organization at a secondary site application, the

1 applicant shall request an inspection and the Commission
2 ~~Department~~ may inspect the Early Approval Adult Use Dispensing
3 Organization's secondary site to confirm compliance with the
4 application and this Act.

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

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

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

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

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

26 (m) A registered medical cannabis dispensing organization

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

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

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

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

26 (2) the Commission ~~Department~~ has not suspended or

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

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

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

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

1 subsections (o) and (p) of this Section, the dispensing
2 organization shall cease serving purchasers until it receives
3 a renewal or an Adult Use Dispensing Organization License.

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

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

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

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

24 (410 ILCS 705/15-30.20)

25 Sec. 15-30.20. Tied Applicant Lottery; additional

1 requirements; timing.

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

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

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

17 (410 ILCS 705/15-35.10)

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

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

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

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

8 (1) Bloomington: 1.

9 (2) Cape Girardeau: 1.

10 (3) Carbondale-Marion: 1.

11 (4) Champaign-Urbana: 1.

12 (5) Chicago-Naperville-Elgin: 36.

13 (6) Danville: 1.

14 (7) Davenport-Moline-Rock Island: 1.

15 (8) Decatur: 1.

16 (9) Kankakee: 1.

17 (10) Peoria: 2.

18 (11) Rockford: 1.

19 (12) St. Louis: 3.

20 (13) Springfield: 1.

21 (14) Northwest Illinois nonmetropolitan: 1.

22 (15) West Central Illinois nonmetropolitan: 1.

23 (16) East Central Illinois nonmetropolitan: 1.

24 (17) South Illinois nonmetropolitan: 1.

25 (a-5) Prior to issuing licenses under subsection (a), the
26 Commission ~~Department~~ may adopt rules through emergency

1 rulemaking in accordance with subsection (kk) of Section 5-45
2 of the Illinois Administrative Procedure Act. The General
3 Assembly finds that the adoption of rules to regulate cannabis
4 use is deemed an emergency and necessary for the public
5 interest, safety, and welfare.

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

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

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

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

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

1 15-30 are released.

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

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

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

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

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

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

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

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

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

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

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

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

26 (f) The Commission ~~Department~~ shall conduct a background

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

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

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

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

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

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

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

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

25 (j) The Commission ~~Department~~ shall verify an applicant's
26 compliance with the requirements of this Article and rules

1 adopted under this Article before issuing a Conditional Adult
2 Use Dispensing Organization License.

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

24 (l) If an applicant has not begun operating as a
25 dispensing organization within one year after the issuance of
26 the Conditional Adult Use Dispensing Organization License

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

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

9 (410 ILCS 705/15-35.20)

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

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

23 (1) Modify or change the BLS Regions as they apply to
24 this Article or modify or raise the number of Adult
25 Conditional Use Dispensing Organization Licenses assigned

1 to each BLS Region based on the following factors:

2 (A) Purchaser wait times.

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

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

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

17 (E) Population increases or shifts.

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

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

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

1 industry.

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

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

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

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

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

15 (410 ILCS 705/15-55)

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

1 organization in conformity with this Act and rules. Evidence
2 of financial responsibility shall be provided by one of the
3 following:

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

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

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

1 surety account.

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

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

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

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

17 (D) The bond shall not be canceled by a surety on
18 less than 30 days' notice in writing to the Commission
19 ~~Department~~. If a bond is canceled and the registrant
20 fails to file a new bond with the Commission
21 ~~Department~~ in 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 bond.

26 (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

1 of the licensed adult use cultivation center, craft
2 grower, infuser, or transporting agent delivering the
3 cannabis;

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

7 (v) The date of acquisition.

8 (3) The disposal of cannabis, including:

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

12 (ii) The method of disposal; and

13 (iii) The date and time of disposal.

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

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

25 (1) A dispensing organization must receive Commission
26 ~~Department~~ approval before completing an inventory

1 adjustment. It shall provide a detailed reason for the
2 adjustment. Inventory adjustment documentation shall be
3 kept at the dispensary for 2 years from the date
4 performed.

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

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

1 the Illinois State Police in writing.

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

22 (e) A dispensing organization shall:

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

26 (2) Provide any documentation required to be

1 maintained in this Section to the Commission ~~Department~~
2 for review upon request; and

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

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

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

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

14 (410 ILCS 705/15-80)

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

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

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

25 (d) Containers storing cannabis that have been tampered

1 with, damaged, or opened shall be labeled with the date opened
2 and quarantined from other cannabis products in the vault
3 until they are disposed.

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

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

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

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

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

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

19 (410 ILCS 705/15-85)

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

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

1 purchaser's government-issued identification, if
2 applicable, to determine the purchaser's age and the
3 validity of the identification;

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

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

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

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

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

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

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

26 (b) A dispensing organization shall refuse to sell

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

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

10 (1) Be valid and unexpired;

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

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

15 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
16 102-98, eff. 7-15-21.)

17 (410 ILCS 705/15-90)

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

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

1 Acceptable permitted solid waste facilities include, but are
2 not limited to:

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

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

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

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

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

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

22 (410 ILCS 705/15-100)

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

1 (b) A dispensing organization shall submit any changes to
2 the floor plan or security plan to the Commission ~~Department~~
3 for pre-approval. All cannabis shall be maintained and stored
4 in a restricted access area during construction.

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

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

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

14 (3) Develop a policy that addresses the maximum
15 capacity and purchaser flow in the waiting rooms and
16 limited access areas;

17 (4) Dispose of cannabis in accordance with this Act
18 and rules;

19 (5) During hours of operation, store and dispense all
20 cannabis from the restricted access area. During
21 operational hours, cannabis shall be stored in an enclosed
22 locked room or cabinet and accessible only to specifically
23 authorized dispensing organization agents;

24 (6) When the dispensary is closed, store all cannabis
25 and currency in a reinforced vault room in the restricted
26 access area and in a manner as to prevent diversion,

1 theft, or loss;

2 (7) Keep the reinforced vault room and any other
3 equipment or cannabis storage areas securely locked and
4 protected from unauthorized entry;

5 (8) Keep an electronic daily log of dispensing
6 organization agents with access to the reinforced vault
7 room and knowledge of the access code or combination;

8 (9) Keep all locks and security equipment in good
9 working order;

10 (10) Maintain an operational security and alarm system
11 at all times;

12 (11) Prohibit keys, if applicable, from being left in
13 the locks, or stored or placed in a location accessible to
14 persons other than specifically authorized personnel;

15 (12) Prohibit accessibility of security measures,
16 including combination numbers, passwords, or electronic or
17 biometric security systems to persons other than
18 specifically authorized dispensing organization agents;

19 (13) Ensure that the dispensary interior and exterior
20 premises are sufficiently lit to facilitate surveillance;

21 (14) Ensure that trees, bushes, and other foliage
22 outside of the dispensary premises do not allow for a
23 person or persons to conceal themselves from sight;

24 (15) Develop emergency policies and procedures for
25 securing all product and currency following any instance
26 of diversion, theft, or loss of cannabis, and conduct an

1 assessment to determine whether additional safeguards are
2 necessary; and

3 (16) Develop sufficient additional safeguards in
4 response to any special security concerns, or as required
5 by the Commission ~~Department~~.

6 (d) The Commission ~~Department~~ may request or approve
7 alternative security provisions that it determines are an
8 adequate substitute for a security requirement specified in
9 this Article. Any additional protections may be considered by
10 the Commission ~~Department~~ in evaluating overall security
11 measures.

12 (e) A dispensing organization may share premises with a
13 craft grower or an infuser organization, or both, provided
14 each licensee stores currency and cannabis or cannabis-infused
15 products in a separate secured vault to which the other
16 licensee does not have access or all licensees sharing a vault
17 share more than 50% of the same ownership.

18 (f) A dispensing organization shall provide additional
19 security as needed and in a manner appropriate for the
20 community where it operates.

21 (g) Restricted access areas.

22 (1) All restricted access areas must be identified by
23 the posting of a sign that is a minimum of 12 inches by 12
24 inches and that states "Do Not Enter - Restricted Access
25 Area - Authorized Personnel Only" in lettering no smaller
26 than one inch in height.

1 (2) All restricted access areas shall be clearly
2 described in the floor plan of the premises, in the form
3 and manner determined by the Commission ~~Department~~,
4 reflecting walls, partitions, counters, and all areas of
5 entry and exit. The floor plan shall show all storage,
6 disposal, and retail sales areas.

7 (3) All restricted access areas must be secure, with
8 locking devices that prevent access from the limited
9 access areas.

10 (h) Security and alarm.

11 (1) A dispensing organization shall have an adequate
12 security plan and security system to prevent and detect
13 diversion, theft, or loss of cannabis, currency, or
14 unauthorized intrusion using commercial grade equipment
15 installed by an Illinois licensed private alarm contractor
16 or private alarm contractor agency that shall, at a
17 minimum, include:

18 (i) A perimeter alarm on all entry points and
19 glass break protection on perimeter windows;

20 (ii) Security shatterproof tinted film on exterior
21 windows;

22 (iii) A failure notification system that provides
23 an audible, text, or visual notification of any
24 failure in the surveillance system, including, but not
25 limited to, panic buttons, alarms, and video
26 monitoring system. The failure notification system

1 shall provide an alert to designated dispensing
2 organization agents within 5 minutes after the
3 failure, either by telephone or text message;

4 (iv) A duress alarm, panic button, and alarm, or
5 holdup alarm and after-hours intrusion detection alarm
6 that by design and purpose will directly or indirectly
7 notify, by the most efficient means, the Public Safety
8 Answering Point for the law enforcement agency having
9 primary jurisdiction;

10 (v) Security equipment to deter and prevent
11 unauthorized entrance into the dispensary, including
12 electronic door locks on the limited and restricted
13 access areas that include devices or a series of
14 devices to detect unauthorized intrusion that may
15 include a signal system interconnected with a radio
16 frequency method, cellular, private radio signals or
17 other mechanical or electronic device.

18 (2) All security system equipment and recordings shall
19 be maintained in good working order, in a secure location
20 so as to prevent theft, loss, destruction, or alterations.

21 (3) Access to surveillance monitoring recording
22 equipment shall be limited to persons who are essential to
23 surveillance operations, law enforcement authorities acting
24 within their jurisdiction, security system service personnel,
25 and the Commission ~~Department~~. A current list of authorized
26 dispensing organization agents and service personnel

1 that have access to the surveillance equipment must be
2 available to the Commission ~~Department~~ upon request.

3 (4) All security equipment shall be inspected and
4 tested at regular intervals, not to exceed one month from
5 the previous inspection, and tested to ensure the systems
6 remain functional.

7 (5) The security system shall provide protection
8 against theft and diversion that is facilitated or hidden
9 by tampering with computers or electronic records.

10 (6) The dispensary shall ensure all access doors are
11 not solely controlled by an electronic access panel to
12 ensure that locks are not released during a power outage.

13 (i) To monitor the dispensary, the dispensing organization
14 shall incorporate continuous electronic video monitoring
15 including the following:

16 (1) All monitors must be 19 inches or greater;

17 (2) Unobstructed video surveillance of all enclosed
18 dispensary areas, unless prohibited by law, including all
19 points of entry and exit that shall be appropriate for the
20 normal lighting conditions of the area under surveillance.
21 The cameras shall be directed so all areas are captured,
22 including, but not limited to, safes, vaults, sales areas,
23 and areas where cannabis is stored, handled, dispensed, or
24 destroyed. Cameras shall be angled to allow for facial
25 recognition, the capture of clear and certain
26 identification of any person entering or exiting the

1 dispensary area and in lighting sufficient during all
2 times of night or day;

3 (3) Unobstructed video surveillance of outside areas,
4 the storefront, and the parking lot, that shall be
5 appropriate for the normal lighting conditions of the area
6 under surveillance. Cameras shall be angled so as to allow
7 for the capture of facial recognition, clear and certain
8 identification of any person entering or exiting the
9 dispensary and the immediate surrounding area, and license
10 plates of vehicles in the parking lot;

11 (4) 24-hour recordings from all video cameras
12 available for immediate viewing by the Commission
13 ~~Department~~ upon request. Recordings shall not be destroyed
14 or altered and shall be retained for at least 90 days.
15 Recordings shall be retained as long as necessary if the
16 dispensing organization is aware of the loss or theft of
17 cannabis or a pending criminal, civil, or administrative
18 investigation or legal proceeding for which the recording
19 may contain relevant information;

20 (5) The ability to immediately produce a clear, color
21 still photo from the surveillance video, either live or
22 recorded;

23 (6) A date and time stamp embedded on all video
24 surveillance recordings. The date and time shall be
25 synchronized and set correctly and shall not significantly
26 obscure the picture;

1 (7) The ability to remain operational during a power
2 outage and ensure all access doors are not solely
3 controlled by an electronic access panel to ensure that
4 locks are not released during a power outage;

5 (8) All video surveillance equipment shall allow for
6 the exporting of still images in an industry standard
7 image format, including .jpg, .bmp, and .gif. Exported
8 video shall have the ability to be archived in a
9 proprietary format that ensures authentication of the
10 video and guarantees that no alteration of the recorded
11 image has taken place. Exported video shall also have the
12 ability to be saved in an industry standard file format
13 that can be played on a standard computer operating
14 system. All recordings shall be erased or destroyed before
15 disposal;

16 (9) The video surveillance system shall be operational
17 during a power outage with a 4-hour minimum battery
18 backup;

19 (10) A video camera or cameras recording at each
20 point-of-sale location allowing for the identification of
21 the dispensing organization agent distributing the
22 cannabis and any purchaser. The camera or cameras shall
23 capture the sale, the individuals and the computer
24 monitors used for the sale;

25 (11) A failure notification system that provides an
26 audible and visual notification of any failure in the

1 electronic video monitoring system; and

2 (12) All electronic video surveillance monitoring must
3 record at least the equivalent of 8 frames per second and
4 be available as recordings to the Commission ~~Department~~
5 and the Illinois State Police 24 hours a day via a secure
6 web-based portal with reverse functionality.

7 (j) The requirements contained in this Act are minimum
8 requirements for operating a dispensing organization. The
9 Commission ~~Department~~ may change existing or establish
10 additional requirements 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 705/15-110)

14 Sec. 15-110. Recordkeeping.

15 (a) Dispensing organization records must be maintained
16 electronically for 3 years and be available for inspection by
17 the Commission ~~Department~~ upon request. Required written
18 records include, but are not limited to, the following:

19 (1) Operating procedures;

20 (2) Inventory records, policies, and procedures;

21 (3) Security records;

22 (4) Audit records;

23 (5) Staff training plans and completion documentation;

24 (6) Staffing plan; and

25 (7) Business records, including but not limited to:

- 1 (i) Assets and liabilities;
- 2 (ii) Monetary transactions;
- 3 (iii) Written or electronic accounts, including
- 4 bank statements, journals, ledgers, and supporting
- 5 documents, agreements, checks, invoices, receipts, and
- 6 vouchers; and
- 7 (iv) Any other financial accounts reasonably
- 8 related to the dispensary operations.

9 (b) Storage and transfer of records. If a dispensary

10 closes due to insolvency, revocation, bankruptcy, or for any

11 other reason, all records must be preserved at the expense of

12 the dispensing organization for at least 3 years in a form and

13 location in Illinois acceptable to the Commission ~~Department~~.

14 The dispensing organization shall keep the records longer if

15 requested by the Commission ~~Department~~. The dispensing

16 organization shall notify the Commission ~~Department~~ of the

17 location where the dispensary records are stored or

18 transferred.

19 (c) The Commission may change the recordkeeping

20 requirements by rule.

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

22 (410 ILCS 705/15-120)

23 Sec. 15-120. Closure of a dispensary. (a) If a

24 dispensing organization decides not to renew its license or

25 decides to close its business, it shall promptly notify the

1 ~~Commission Department~~ not less than 3 months before the
2 effective date of the closing date or as otherwise authorized
3 by the ~~Commission Department~~.

4 (b) The dispensing organization shall work with the
5 ~~Commission Department~~ to develop a closure plan that
6 addresses, at a minimum, the transfer of business records,
7 transfer of cannabis products, and anything else the
8 ~~Commission Department~~ finds necessary.

9 (c) The Commission may change the requirements for closure
10 of a dispensary by rule.

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

12 (410 ILCS 705/15-125)

13 Sec. 15-125. Fees. After January 1, 2022, the ~~Commission~~
14 ~~Department~~ may by rule modify any fee established under this
15 Article.

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

17 (410 ILCS 705/15-135)

18 Sec. 15-135. Investigations.

19 (a) Dispensing organizations are subject to random and
20 unannounced dispensary inspections and cannabis testing by the
21 ~~Commission Department~~, the Illinois State Police, local law
22 enforcement, or as provided by rule.

23 (b) The ~~Commission Department~~ and its authorized
24 representatives may enter any place, including a vehicle, in

1 which cannabis is held, stored, dispensed, sold, produced,
2 delivered, transported, manufactured, or disposed of and
3 inspect, in a reasonable manner, the place and all pertinent
4 equipment, containers and labeling, and all things including
5 records, files, financial data, sales data, shipping data,
6 pricing data, personnel data, research, papers, processes,
7 controls, and facility, and inventory any stock of cannabis
8 and obtain samples of any cannabis or cannabis-infused
9 product, any labels or containers for cannabis, or
10 paraphernalia.

11 (c) The Commission ~~Department~~ may conduct an investigation
12 of an applicant, application, dispensing organization,
13 principal officer, dispensary agent, third party vendor, or
14 any other party associated with a dispensing organization for
15 an alleged violation of this Act or rules or to determine
16 qualifications to be granted a registration by the Commission
17 ~~Department~~.

18 (d) The Commission ~~Department~~ may require an applicant or
19 holder of any license issued pursuant to this Article to
20 produce documents, records, or any other material pertinent to
21 the investigation of an application or alleged violations of
22 this Act or rules. Failure to provide the required material
23 may be grounds for denial or discipline.

24 (e) Every person charged with preparation, obtaining, or
25 keeping records, logs, reports, or other documents in
26 connection with this Act and rules and every person in charge,

1 or having custody, of those documents shall, upon request by
2 the Commission ~~Department~~, make the documents immediately
3 available for inspection and copying by the Commission
4 ~~Department~~, the Commission's ~~Department's~~ authorized
5 representative, or others authorized by law to review the
6 documents.

7 The Commission may change the requirements for
8 investigations by rule.

9 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
10 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

11 (410 ILCS 705/15-140)

12 Sec. 15-140. Citations. The Commission ~~Department~~ may
13 issue nondisciplinary citations for minor violations. Any such
14 citation issued by the Commission ~~Department~~ may be
15 accompanied by a fee. The fee shall not exceed \$20,000 per
16 violation. The citation shall be issued to the licensee and
17 shall contain the licensee's name and address, the licensee's
18 license number, a brief factual statement, the Sections of the
19 law allegedly violated, and the fee, if any, imposed. The
20 citation must clearly state that the licensee may choose, in
21 lieu of accepting the citation, to request a hearing. If the
22 licensee does not dispute the matter in the citation with the
23 Commission ~~Department~~ within 30 days after the citation is
24 served, then the citation shall become final and not subject
25 to appeal. The penalty shall be a fee or other conditions as

1 established by rule.

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

3 (410 ILCS 705/15-145)

4 Sec. 15-145. Grounds for discipline. (a) The
5 Commission ~~Department~~ may deny issuance, refuse to renew or
6 restore, or may reprimand, place on probation, suspend,
7 revoke, or take other disciplinary or nondisciplinary action
8 against any license or agent identification card or may impose
9 a fine for any of the following:

10 (1) Material misstatement in furnishing information to
11 the Commission ~~Department~~;

12 (2) Violations of this Act or rules;

13 (3) Obtaining an authorization or license by fraud or
14 misrepresentation;

15 (4) A pattern of conduct that demonstrates
16 incompetence or that the applicant has engaged in conduct
17 or actions that would constitute grounds for discipline
18 under this Act;

19 (5) Aiding or assisting another person in violating
20 any provision of this Act or rules;

21 (6) Failing to respond to a written request for
22 information by the Commission ~~Department~~ within 30 days;

23 (7) Engaging in unprofessional, dishonorable, or
24 unethical conduct of a character likely to deceive,
25 defraud, or harm the public;

1 (8) Adverse action by another United States
2 jurisdiction or foreign nation;

3 (9) A finding by the Commission ~~Department~~ that the
4 licensee, after having his or her license placed on
5 suspended or probationary status, has violated the terms
6 of the suspension or probation;

7 (10) Conviction, entry of a plea of guilty, nolo
8 contendere, or the equivalent in a State or federal court
9 of a principal officer or agent-in-charge of a felony
10 offense in accordance with Sections 2105-131, 2105-135,
11 and 2105-205 of the Department of Professional Regulation
12 Law of the Civil Administrative Code of Illinois;

13 (11) Excessive use of or addiction to alcohol,
14 narcotics, stimulants, or any other chemical agent or
15 drug;

16 (12) A finding by the Commission ~~Department~~ of a
17 discrepancy in a Commission ~~Department~~ audit of cannabis;

18 (13) A finding by the Commission ~~Department~~ of a
19 discrepancy in a Commission ~~Department~~ audit of capital or
20 funds;

21 (14) A finding by the Commission ~~Department~~ of
22 acceptance of cannabis from a source other than an Adult
23 Use Cultivation Center, craft grower, infuser, ~~or~~
24 transporting organization ~~licensed by the Department of~~
25 ~~Agriculture~~, or a dispensing organization licensed by the
26 Commission ~~Department~~;

1 (15) An inability to operate using reasonable
2 judgment, skill, or safety due to physical or mental
3 illness or other impairment or disability, including,
4 without limitation, deterioration through the aging
5 process or loss of motor skills or mental incompetence;

6 (16) Failing to report to the Commission ~~Department~~
7 within the time frames established, or if not identified,
8 14 days, of any adverse action taken against the
9 dispensing organization or an agent by a licensing
10 jurisdiction in any state or any territory of the United
11 States or any foreign jurisdiction, any governmental
12 agency, any law enforcement agency or any court defined in
13 this Section;

14 (17) Any violation of the dispensing organization's
15 policies and procedures submitted to the Commission
16 ~~Department~~ annually as a condition for licensure;

17 (18) Failure to inform the Commission ~~Department~~ of
18 any change of address within 10 business days;

19 (19) Disclosing customer names, personal information,
20 or protected health information in violation of any State
21 or federal law;

22 (20) Operating a dispensary before obtaining a license
23 from the Commission ~~Department~~;

24 (21) Performing duties authorized by this Act prior to
25 receiving a license to perform such duties;

26 (22) Dispensing cannabis when prohibited by this Act

1 or rules;

2 (23) Any fact or condition that, if it had existed at
3 the time of the original application for the license,
4 would have warranted the denial of the license;

5 (24) Permitting a person without a valid agent
6 identification card to perform licensed activities under
7 this Act;

8 (25) Failure to assign an agent-in-charge as required
9 by this Article;

10 (26) Failure to provide the training required by
11 paragraph (3) of subsection (i) of Section 15-40 within
12 the provided timeframe;

13 (27) Personnel insufficient in number or unqualified
14 in training or experience to properly operate the
15 dispensary business;

16 (28) Any pattern of activity that causes a harmful
17 impact on the community; and

18 (29) Failing to prevent diversion, theft, or loss of
19 cannabis.

20 (b) All fines and fees imposed under this Section shall be
21 paid within 60 days after the effective date of the order
22 imposing the fine or as otherwise specified in the order.

23 (c) A circuit court order establishing that an
24 agent-in-charge or principal officer holding an agent
25 identification card is subject to involuntary admission as
26 that term is defined in Section 1-119 or 1-119.1 of the Mental

1 Health and Developmental Disabilities Code shall operate as a
2 suspension of that card.

3 (d) The Commission may change the requirements for grounds
4 for discipline by rule.

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

6 (410 ILCS 705/15-150)

7 Sec. 15-150. Temporary suspension.

8 (a) The Commission ~~Secretary of Financial and Professional~~
9 ~~Regulation~~ may temporarily suspend a dispensing organization
10 license or an agent registration without a hearing if the
11 Commission ~~Secretary~~ finds that public safety or welfare
12 requires emergency action. The Commission ~~Secretary~~ shall
13 cause the temporary suspension by issuing a suspension notice
14 in connection with the institution of proceedings for a
15 hearing.

16 (b) If the Commission ~~Secretary~~ temporarily suspends a
17 license or agent registration without a hearing, the licensee
18 or agent is entitled to a hearing within 45 days after the
19 suspension notice has been issued. The hearing shall be
20 limited to the issues cited in the suspension notice, unless
21 all parties agree otherwise.

22 (c) If the Commission ~~Department~~ does not hold a hearing
23 with 45 days after the date the suspension notice was issued,
24 then the suspended license or registration shall be
25 automatically reinstated and the suspension vacated.

1 (d) The suspended licensee or agent may seek a continuance
2 of the hearing date, during which time the suspension remains
3 in effect and the license or registration shall not be
4 automatically reinstated.

5 (e) Subsequently discovered causes of action by the
6 Commission ~~Department~~ after the issuance of the suspension
7 notice may be filed as a separate notice of violation. The
8 Commission ~~Department~~ is not precluded from filing a separate
9 action against the suspended licensee or agent.

10 (f) The Commission may change the requirements for
11 temporary suspension by rule.

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

13 (410 ILCS 705/15-155)

14 Sec. 15-155. Unlicensed practice; violation; civil
15 penalty. (a) In addition to any other penalty provided by
16 law, any person who practices, offers to practice, attempts to
17 practice, or holds oneself out to practice as a licensed
18 dispensing organization owner, principal officer,
19 agent-in-charge, or agent without being licensed under this
20 Act shall, in addition to any other penalty provided by law,
21 pay a civil penalty to the Commission ~~Department of Financial~~
22 ~~and Professional Regulation~~ in an amount not to exceed \$10,000
23 for each offense as determined by the Commission ~~Department~~.
24 The civil penalty shall be assessed by the Commission
25 ~~Department~~ after a hearing is held in accordance with the

1 provisions set forth in this Act regarding the provision of a
2 hearing for the discipline of a licensee.

3 (b) The Commission ~~Department~~ has the authority and power
4 to investigate any and all unlicensed activity.

5 (c) The civil penalty shall be paid within 60 days after
6 the effective date of the order imposing the civil penalty or
7 in accordance with the order imposing the civil penalty. The
8 order shall constitute a judgment and may be filed and
9 execution had thereon in the same manner as any judgment from
10 any court of this State.

11 (d) The Commission may change the requirements for
12 temporary suspension by rule.

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

14 (410 ILCS 705/15-160)

15 Sec. 15-160. Notice; hearing. (a) The Commission
16 ~~Department~~ shall, before disciplining an applicant or
17 licensee, at least 30 days before the date set for the hearing:
18 (i) notify the accused in writing of the charges made and the
19 time and place for the hearing on the charges; (ii) direct him
20 or her to file a written answer to the charges under oath
21 within 20 days after service; and (iii) inform the applicant
22 or licensee that failure to answer will result in a default
23 being entered against the applicant or licensee.

24 (b) At the time and place fixed in the notice, the hearing
25 officer appointed by the Commission ~~Secretary~~ shall proceed to

1 hear the charges, and the parties or their counsel shall be
2 accorded ample opportunity to present any pertinent
3 statements, testimony, evidence, and arguments. The hearing
4 officer may continue the hearing from time to time. In case the
5 person, after receiving the notice, fails to file an answer,
6 his or her license may, in the discretion of the Commission
7 ~~Secretary~~, having first received the recommendation of the
8 hearing officer, be suspended, revoked, or placed on
9 probationary status, or be subject to whatever disciplinary
10 action the Commission ~~Secretary~~ considers proper, including a
11 fine, without hearing, if that act or acts charged constitute
12 sufficient grounds for that action under this Act.

13 (c) The written notice and any notice in the subsequent
14 proceeding may be served by regular mail or email to the
15 licensee's or applicant's address of record.

16 (d) The Commission may change the requirements for notice
17 and hearing by rule.

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

19 (410 ILCS 705/15-165)

20 Sec. 15-165. Subpoenas; oaths.

21 (a) The Commission ~~Department~~ shall have the power to
22 subpoena and bring before it any person and to take testimony
23 either orally or by deposition, or both, with the same fees and
24 mileage and in the same manner as prescribed by law in judicial
25 proceedings in civil cases in courts in this State. The

1 Commission ~~Secretary~~ or the hearing officer shall each have
2 the power to administer oaths to witnesses at any hearings
3 that the Commission ~~Department~~ is authorized to conduct.

4 (b) The Commission may change the requirements for this
5 Section by rule.

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

7 (410 ILCS 705/15-170)

8 Sec. 15-170. Hearing; motion for rehearing. (a) The
9 hearing officer shall hear evidence in support of the formal
10 charges and evidence produced by the licensee. At the
11 conclusion of the hearing, the hearing officer shall present
12 to the Commission ~~Secretary~~ a written report of his or her
13 findings of fact, conclusions of law, and recommendations.

14 (b) At the conclusion of the hearing, a copy of the hearing
15 officer's report shall be served upon the applicant or
16 licensee by the Commission ~~Department~~, either personally or as
17 provided in this Act for the service of a notice of hearing.
18 Within 20 calendar days after service, the applicant or
19 licensee may present to the Commission ~~Department~~ a motion in
20 writing for rehearing, which shall specify the particular
21 grounds for rehearing. The Commission ~~Department~~ may respond
22 to the motion for rehearing within 20 calendar days after its
23 service on the Commission ~~Department~~. If no motion for
24 rehearing is filed, then, upon the expiration of the time
25 specified for filing such motion or upon denial of a motion for

1 rehearing, the Commission Secretary may enter an order in
2 accordance with the recommendation of the hearing officer. If
3 the applicant or licensee orders from the reporting service
4 and pays for a transcript of the record within the time for
5 filing a motion for rehearing, the 20-day period within which
6 a motion may be filed shall commence upon the delivery of the
7 transcript to the applicant or licensee.

8 (c) If the Commission Secretary disagrees in any regard
9 with the report of the hearing officer, the Commission
10 Secretary may issue an order contrary to the report.

11 (d) Whenever the Commission Secretary is not satisfied
12 that substantial justice has been done, the Commission
13 Secretary may order a rehearing by the same or another hearing
14 officer.

15 (e) At any point in any investigation or disciplinary
16 proceeding under in this Article, both parties may agree to a
17 negotiated consent order. The consent order shall be final
18 upon signature of the Commission Secretary.

19 (f) The Commission may change the requirements of this
20 Section by rule.

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

22 (410 ILCS 705/15-175)

23 Sec. 15-175. Review under the Administrative Review Law.

24 (a) All final administrative decisions of the Commission
25 Department hereunder shall be subject to judicial review under

1 the provisions of the Administrative Review Law, and all
2 amendment and modifications thereof. The term "administrative
3 decision" is defined as in Section 3-101 of the Code of Civil
4 Procedure.

5 (b) Proceedings for judicial review shall be commenced in
6 the circuit court of the county in which the party applying for
7 review resides, but if the party is not a resident of Illinois,
8 the venue shall be in Sangamon County.

9 (c) The Commission ~~Department~~ shall not be required to
10 certify any record to the court, file any answer in court, or
11 otherwise appear in any court in a judicial review proceeding,
12 unless and until the Commission ~~Department~~ has received from
13 the plaintiff payment of the costs of furnishing and
14 certifying the record, which costs shall be determined by the
15 Commission ~~Department~~. Failure on the part of the plaintiff to
16 file a receipt in court shall be grounds for dismissal of the
17 action.

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

19 (410 ILCS 705/20-1)

20 Sec. 20-1. Definition. In this Article: 7

21 "Commission" means the Cannabis Equity and Oversight
22 Commission.

23 ~~"Department" means the Department of Agriculture.~~

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

1 (410 ILCS 705/20-5)

2 Sec. 20-5. Issuance of licenses. On or after July 1, 2021,
3 the Commission ~~Department of Agriculture~~ by rule may:

4 (1) Modify or change the number of cultivation center
5 licenses available, which shall at no time exceed 30
6 cultivation center licenses. In determining whether to
7 exercise the authority granted by this subsection, the
8 Commission ~~Department of Agriculture~~ must consider the
9 following factors:

10 (A) The percentage of cannabis sales occurring in
11 Illinois not in the regulated market using data from
12 the Substance Abuse and Mental Health Services
13 Administration, National Survey on Drug Use and
14 Health, Illinois Behavioral Risk Factor Surveillance
15 System, and tourism data from the Illinois Office of
16 Tourism to ascertain total cannabis consumption in
17 Illinois compared to the amount of sales in licensed
18 dispensing organizations;

19 (B) Whether there is an adequate supply of
20 cannabis and cannabis-infused products to serve
21 registered medical cannabis patients;

22 (C) Whether there is an adequate supply of
23 cannabis and cannabis-infused products to serve
24 purchasers;

25 (D) Whether there is an oversupply of cannabis in
26 Illinois leading to trafficking of cannabis to any

1 other state;

2 (E) Population increases or shifts;

3 (F) Changes to federal law;

4 (G) Perceived security risks of increasing the
5 number or location of cultivation centers;

6 (H) The past security records of cultivation
7 centers;

8 (I) The Commission's ~~Department of Agriculture's~~
9 capacity to appropriately regulate additional
10 licensees;

11 (J) The findings and recommendations from the
12 disparity and availability study commissioned by the
13 Illinois Cannabis Regulation Oversight Officer
14 referenced in subsection (e) of Section 5-45 or by the
15 Commission to reduce or eliminate any identified
16 barriers to entry in the cannabis industry; and

17 (K) Any other criteria the Commission ~~Department~~
18 ~~of Agriculture~~ deems relevant.

19 (2) Modify or change the licensing application process
20 to reduce or eliminate the barriers identified in the
21 disparity and availability study commissioned ~~commission~~
22 by the Illinois Cannabis Regulation Oversight Officer or
23 by the Commission and shall make modifications to remedy
24 evidence of discrimination.

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

1 (410 ILCS 705/20-15)

2 Sec. 20-15. Conditional Adult Use Cultivation Center
3 application.

4 (a) If the Commission ~~Department of Agriculture~~ makes
5 available additional cultivation center licenses pursuant to
6 Section 20-5, applicants for a Conditional Adult Use
7 Cultivation Center License shall electronically submit the
8 following in such form as the Commission ~~Department of~~
9 ~~Agriculture~~ may direct:

10 (1) the nonrefundable application fee set by rule by
11 the Commission ~~Department of Agriculture~~, to be deposited
12 into the Cannabis Regulation Fund;

13 (2) the legal name of the cultivation center;

14 (3) the proposed physical address of the cultivation
15 center;

16 (4) the name, address, social security number, and
17 date of birth of each principal officer and board member
18 of the cultivation center; each principal officer and
19 board member shall be at least 21 years of age;

20 (5) the details of any administrative or judicial
21 proceeding in which any of the principal officers or board
22 members of the cultivation center (i) pled guilty, were
23 convicted, were fined, or had a registration or license
24 suspended or revoked, or (ii) managed or served on the
25 board of a business or non-profit organization that pled
26 guilty, was convicted, was fined, or had a registration or

1 license suspended or revoked;

2 (6) proposed operating bylaws that include procedures
3 for the oversight of the cultivation center, including the
4 development and implementation of a plant monitoring
5 system, accurate recordkeeping, staffing plan, and
6 security plan approved by the Illinois State Police that
7 are in accordance with the rules issued by the Commission
8 ~~Department of Agriculture~~ under this Act. A physical
9 inventory shall be performed of all plants and cannabis on
10 a weekly basis by the cultivation center;

11 (7) verification from the Illinois State Police that
12 all background checks of the prospective principal
13 officers, board members, and agents of the cannabis
14 business establishment have been conducted;

15 (8) a copy of the current local zoning ordinance or
16 permit and verification that the proposed cultivation
17 center is in compliance with the local zoning rules and
18 distance limitations established by the local
19 jurisdiction;

20 (9) proposed employment practices, in which the
21 applicant must demonstrate a plan of action to inform,
22 hire, and educate minorities, women, veterans, and persons
23 with disabilities, engage in fair labor practices, and
24 provide worker protections;

25 (10) whether an applicant can demonstrate experience
26 in or business practices that promote economic empowerment

1 in Disproportionately Impacted Areas;

2 (11) experience with the cultivation of agricultural
3 or horticultural products, operating an agriculturally
4 related business, or operating a horticultural business;

5 (12) a description of the enclosed, locked facility
6 where cannabis will be grown, harvested, manufactured,
7 processed, packaged, or otherwise prepared for
8 distribution to a dispensing organization;

9 (13) a survey of the enclosed, locked facility,
10 including the space used for cultivation;

11 (14) cultivation, processing, inventory, and packaging
12 plans;

13 (15) a description of the applicant's experience with
14 agricultural cultivation techniques and industry
15 standards;

16 (16) 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 (17) the identity of every person having a financial
21 or voting interest of 5% or greater in the cultivation
22 center operation with respect to which the license is
23 sought, whether a trust, corporation, partnership, limited
24 liability company, or sole proprietorship, including the
25 name and address of each person;

26 (18) a plan describing how the cultivation center will

1 address 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 (19) a diversity plan that includes a narrative of not
13 more than 2,500 words that establishes a goal of diversity
14 in ownership, management, employment, and contracting to
15 ensure that diverse participants and groups are afforded
16 equality of opportunity;

17 (20) any other information required by rule;

18 (21) a recycling plan:

19 (A) Purchaser packaging, including cartridges,
20 shall be accepted by the applicant and recycled.

21 (B) Any recyclable waste generated by the cannabis
22 cultivation facility shall be recycled per applicable
23 State and local laws, ordinances, and rules.

24 (C) Any cannabis waste, liquid waste, or hazardous
25 waste shall be disposed of in accordance with 8 Ill.
26 Adm. Code 1000.460, except, to the greatest extent

1 feasible, all cannabis plant waste will be rendered
2 unusable by grinding and incorporating the cannabis
3 plant waste with compostable mixed waste to be
4 disposed of in accordance with 8 Ill. Adm. Code
5 1000.460(g)(1);

6 (22) commitment to comply with local waste provisions:
7 a cultivation facility must remain in compliance with
8 applicable State and federal environmental requirements,
9 including, but not limited to:

10 (A) storing, securing, and managing all
11 recyclables and waste, including organic waste
12 composed of or containing finished cannabis and
13 cannabis products, in accordance with applicable State
14 and local laws, ordinances, and rules; and

15 (B) disposing liquid waste containing cannabis or
16 byproducts of cannabis processing in compliance with
17 all applicable State and federal requirements,
18 including, but not limited to, the cannabis
19 cultivation facility's permits under Title X of the
20 Environmental Protection Act; and

21 (23) a commitment to a technology standard for
22 resource efficiency of the cultivation center facility.

23 (A) A cannabis cultivation facility commits to use
24 resources efficiently, including energy and water. For
25 the following, a cannabis cultivation facility commits
26 to meet or exceed the technology standard identified

1 in items (i), (ii), (iii), and (iv), which may be
2 modified by rule:

3 (i) lighting systems, including light bulbs;

4 (ii) HVAC system;

5 (iii) water application system to the crop;

6 and

7 (iv) filtration system for removing
8 contaminants from wastewater.

9 (B) Lighting. The Lighting Power Densities (LPD)
10 for cultivation space commits to not exceed an average
11 of 36 watts per gross square foot of active and growing
12 space canopy, or all installed lighting technology
13 shall meet a photosynthetic photon efficacy (PPE) of
14 no less than 2.2 micromoles per joule fixture and
15 shall be featured on the DesignLights Consortium (DLC)
16 Horticultural Specification Qualified Products List
17 (QPL). In the event that DLC requirement for minimum
18 efficacy exceeds 2.2 micromoles per joule fixture,
19 that PPE shall become the new standard.

20 (C) HVAC.

21 (i) For cannabis grow operations with less
22 than 6,000 square feet of canopy, the licensee
23 commits that all HVAC units will be
24 high-efficiency ductless split HVAC units, or
25 other more energy efficient equipment.

26 (ii) For cannabis grow operations with 6,000

1 square feet of canopy or more, the licensee
2 commits that all HVAC units will be variable
3 refrigerant flow HVAC units, or other more energy
4 efficient equipment.

5 (D) Water application.

6 (i) The cannabis cultivation facility commits
7 to use automated watering systems, including, but
8 not limited to, drip irrigation and flood tables,
9 to irrigate cannabis crop.

10 (ii) The cannabis cultivation facility commits
11 to measure runoff from watering events and report
12 this volume in its water usage plan, and that on
13 average, watering events shall have no more than
14 20% of runoff of water.

15 (E) Filtration. The cultivator commits that HVAC
16 condensate, dehumidification water, excess runoff, and
17 other wastewater produced by the cannabis cultivation
18 facility shall be captured and filtered to the best of
19 the facility's ability to achieve the quality needed
20 to be reused in subsequent watering rounds.

21 (F) Reporting energy use and efficiency as
22 required by rule.

23 (b) Applicants must submit all required information,
24 including the information required in Section 20-10, to the
25 Commission ~~Department of Agriculture~~. Failure by an applicant
26 to submit all required information may result in the

1 application being disqualified.

2 (c) If the Commission ~~Department of Agriculture~~ receives
3 an application with missing information, the Commission
4 ~~Department of Agriculture~~ may issue a deficiency notice to the
5 applicant. The applicant shall have 10 calendar days from the
6 date of the deficiency notice to resubmit the incomplete
7 information. Applications that are still incomplete after this
8 opportunity to cure will not be scored and will be
9 disqualified.

10 (e) A cultivation center that is awarded a Conditional
11 Adult Use Cultivation Center License pursuant to the criteria
12 in Section 20-20 shall not grow, purchase, possess, or sell
13 cannabis or cannabis-infused products until the person has
14 received an Adult Use Cultivation Center License issued by the
15 Commission ~~Department of Agriculture~~ pursuant to Section 20-21
16 of this Act.

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

19 (410 ILCS 705/20-21)

20 Sec. 20-21. Adult Use Cultivation Center License.

21 (a) A person or entity is only eligible to receive an Adult
22 Use Cultivation Center License if the person or entity has
23 first been awarded a Conditional Adult Use Cultivation Center
24 License pursuant to this Act or the person or entity has
25 renewed its Early Approval Cultivation Center License pursuant

1 to subsection (c) of Section 20-10.

2 (b) The Commission ~~Department of Agriculture~~ shall not
3 issue an Adult Use Cultivation Center License until:

4 (1) the Commission ~~Department of Agriculture~~ has
5 inspected the cultivation center site and proposed
6 operations and verified that they are in compliance with
7 this Act and local zoning laws;

8 (2) the Conditional Adult Use Cultivation Center
9 License holder has paid a registration fee in an amount
10 set by rule ~~of \$100,000~~ or a prorated amount accounting
11 for the difference of time between when the Adult Use
12 Cultivation Center License is issued and March 31 of the
13 next even-numbered year; and

14 (3) The Conditional Adult Use Cultivation Center
15 License holder has met all the requirements in the Act and
16 rules.

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

18 (410 ILCS 705/20-30)

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

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

25 (b) A cultivation center shall implement a security plan

1 reviewed by the Illinois State Police that includes, but is
2 not limited to: facility access controls, perimeter intrusion
3 detection systems, personnel identification systems, 24-hour
4 surveillance system to monitor the interior and exterior of
5 the cultivation center facility and accessibility to
6 authorized law enforcement and the Commission, ~~the Department~~
7 ~~of Public Health where processing takes place, and the~~
8 ~~Department of Agriculture~~ in real time.

9 (c) All cultivation of cannabis by a cultivation center
10 must take place in an enclosed, locked facility at the
11 physical address provided to the Commission ~~Department of~~
12 ~~Agriculture~~ during the licensing process. The cultivation
13 center location shall only be accessed by the agents working
14 for the cultivation center, the Department of Agriculture
15 staff performing inspections, the Department of Public Health
16 staff performing inspections, local and State law enforcement
17 or other emergency personnel, contractors working on jobs
18 unrelated to cannabis, such as installing or maintaining
19 security devices or performing electrical wiring, transporting
20 organization agents as provided in this Act, individuals in a
21 mentoring or educational program approved by the State, or
22 other individuals as provided by rule.

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

1 (e) A cultivation center may not either directly or
2 indirectly discriminate in price between different dispensing
3 organizations, craft growers, or infuser organizations that
4 are purchasing a like grade, strain, brand, and quality of
5 cannabis or cannabis-infused product. Nothing in this
6 subsection (e) prevents a cultivation center from pricing
7 cannabis differently based on differences in the cost of
8 manufacturing or processing, the quantities sold, such as
9 volume discounts, or the way the products are delivered.

10 (f) All cannabis harvested by a cultivation center and
11 intended for distribution to a dispensing organization must be
12 entered into a data collection system, packaged and labeled
13 under Section 55-21, and placed into a cannabis container for
14 transport. All cannabis harvested by a cultivation center and
15 intended for distribution to a craft grower or infuser
16 organization must be packaged in a labeled cannabis container
17 and entered into a data collection system before transport.

18 (g) Cultivation centers are subject to random inspections
19 by the Commission ~~Department of Agriculture~~, the Department of
20 Public Health, local safety or health inspectors, the Illinois
21 State Police, or as provided by rule.

22 (h) A cultivation center agent shall notify local law
23 enforcement, the Illinois State Police, and the Commission
24 ~~Department of Agriculture~~ within 24 hours of the discovery of
25 any loss or theft. Notification shall be made by phone or in
26 person, or by written or electronic communication.

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

4 (j) No person or entity shall hold any legal, equitable,
5 ownership, or beneficial interest, directly or indirectly, of
6 more than 3 cultivation centers licensed under this Article.
7 Further, no person or entity that is employed by, an agent of,
8 has a contract to receive payment in any form from a
9 cultivation center, is a principal officer of a cultivation
10 center, or entity controlled by or affiliated with a principal
11 officer of a cultivation shall hold any legal, equitable,
12 ownership, or beneficial interest, directly or indirectly, in
13 a cultivation that would result in the person or entity owning
14 or controlling in combination with any cultivation center,
15 principal officer of a cultivation center, or entity
16 controlled or affiliated with a principal officer of a
17 cultivation center by which he, she, or it is employed, is an
18 agent of, or participates in the management of, more than 3
19 cultivation center licenses.

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

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

25 (m) Beginning July 1, 2020, a cultivation center shall not
26 transport cannabis or cannabis-infused products to a craft

1 grower, dispensing organization, infuser organization, or
2 laboratory licensed under this Act, unless it has obtained a
3 transporting organization license.

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

1 ~~Act~~ to obtain preferential placement within the dispensing
2 organization, including, without limitation, on shelves and in
3 display cases where purchasers can view products, or on the
4 dispensing organization's website.

5 (o) A cultivation center must comply with any other
6 requirements or prohibitions set by administrative rule of the
7 Commission ~~Department 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; 102-813, eff.
10 5-13-22.)

11 (410 ILCS 705/20-55)

12 Sec. 20-55. Disclosure of ownership and control.

13 (a) Each Adult Use Cultivation Center applicant and
14 license holder shall file and maintain a Table of
15 Organization, Ownership, and Control with the Commission
16 ~~Department~~. The Table of Organization, Ownership, and Control
17 shall contain the information required by this Section in
18 sufficient detail to identify all owners, directors, and
19 principal officers, and the title of each principal officer or
20 business entity that, through direct or indirect means,
21 manages, owns, or controls the applicant or license holder.

22 (b) The Table of Organization, Ownership, and Control
23 shall 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 Adult Use Cultivation Center.

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) An Adult Use Cultivation Center with a parent company
23 or companies, or partially owned or controlled by another
24 entity must disclose to the Commission ~~Department~~ the
25 relationship and all owners, board members, officers, or
26 individuals with control or management of those entities. An

1 Adult Use Cultivation Center shall not shield its ownership or
2 control from the Department.

3 (e) All principal officers must submit a complete online
4 application with the Commission ~~Department~~ within 14 days of
5 the Adult Use Cultivation Center being licensed by the
6 Commission ~~Department~~ or within 14 days of Commission
7 ~~Department~~ notice of approval as a new principal officer.

8 (f) A principal officer may not allow his or her
9 registration to expire.

10 (g) An Adult Use Cultivation Center separating with a
11 principal officer must do so under this Act. The principal
12 officer must communicate the separation to the Commission
13 ~~Department~~ within 5 business days.

14 (h) A principal officer not in compliance with the
15 requirements of this Act shall be removed from his or her
16 position with the Adult Use Cultivation Center or shall
17 otherwise terminate his or her affiliation. Failure to do so
18 may subject the Adult Use Cultivation Center to discipline,
19 suspension, or revocation of its license by the Commission
20 ~~Department~~.

21 (i) It is the responsibility of the Adult Use Cultivation
22 Center and its principal officers to promptly notify the
23 Commission ~~Department~~ of any change of the principal place of
24 business address, hours of operation, change in ownership or
25 control, or a change of the Adult Use Cultivation Center's
26 primary or secondary contact information. Any changes must be

1 made to the Commission ~~Department~~ in writing.

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

3 (410 ILCS 705/25-1)

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

5 Sec. 25-1. Definitions. In this Article:

6 "Board" means the Illinois Community College Board.

7 "Career in Cannabis Certificate" or "Certificate" means
8 the certification awarded to a community college student who
9 completes a prescribed course of study in cannabis and
10 cannabis business industry related classes and curriculum at a
11 community college awarded a Community College Cannabis
12 Vocational Pilot Program license.

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

15 "Community college" means a public community college
16 organized under the Public Community College Act.

17 ~~"Department" means the Department of Agriculture.~~

18 "Licensee" means a community college awarded a Community
19 College Cannabis Vocational Pilot Program license under this
20 Article.

21 "Program" means the Community College Cannabis Vocational
22 Pilot Program.

23 "Program license" means a Community College Cannabis
24 Vocational Pilot Program license issued to a community college
25 under this Article.

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

2 (410 ILCS 705/25-5)

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

4 Sec. 25-5. Administration.

5 (a) The Commission ~~Department~~ shall establish and
6 administer the Program in coordination with the Illinois
7 Community College Board. The Commission ~~Department~~ may issue
8 Program licenses to applicants that meet the requirements
9 outlined in this Article.

10 (b) Beginning with the 2021-2022 academic year, and
11 subject to subsection (h) of Section 2-12 of the Public
12 Community College Act, community colleges awarded Program
13 licenses may offer qualifying students a Career in Cannabis
14 Certificate, which includes, but is not limited to, courses
15 that allow participating students to work with, study, and
16 grow live cannabis plants so as to prepare students for a
17 career in the legal cannabis industry, and to instruct
18 participating students on the best business practices,
19 professional responsibility, and legal compliance of the
20 cannabis business industry.

21 (c) The Board may issue rules pertaining to the provisions
22 in this Act.

23 (d) Notwithstanding any other provision of this Act,
24 students shall be at least 18 years old in order to enroll in a
25 licensee's Career in Cannabis Certificate's prescribed course

1 of study.

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

3 (410 ILCS 705/25-10)

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

5 Sec. 25-10. Issuance of Community College Cannabis
6 Vocational Pilot Program licenses.

7 (a) The Commission ~~Department~~ shall issue rules regulating
8 the selection criteria for applicants by January 1, 2020. The
9 Commission ~~Department~~ shall make the application for a Program
10 license available no later than February 1, 2020, and shall
11 require that applicants submit the completed application no
12 later than July 1, 2020. If the Commission ~~Department~~ issues
13 fewer than 8 Program licenses by September 1, 2020, the
14 Commission ~~Department~~ may accept applications at a future date
15 as prescribed by rule.

16 (b) The Commission ~~Department~~ shall by rule develop a
17 system to score Program licenses to administratively rank
18 applications based on the clarity, organization, and quality
19 of the applicant's responses to required information.
20 Applicants shall be awarded points that are based on or that
21 meet the following categories:

22 (1) Geographic diversity of the applicants;

23 (2) Experience and credentials of the applicant's
24 faculty;

25 (3) At least 5 Program license awardees must have a

1 student population that is more than 50% low-income in
2 each of the past 4 years;

3 (4) Security plan, including a requirement that all
4 cannabis plants be in an enclosed, locked facility;

5 (5) Curriculum plan, including processing and testing
6 curriculum for the Career in Cannabis Certificate;

7 (6) Career advising and placement plan for
8 participating students; and

9 (7) Any other criteria the Commission ~~Department~~ may
10 set by rule.

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

12 (410 ILCS 705/25-15)

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

14 Sec. 25-15. Community College Cannabis Vocational Pilot
15 Program requirements and prohibitions.

16 (a) Licensees shall not have more than 50 flowering
17 cannabis plants at any one time.

18 (b) The agent-in-charge shall keep a vault log of the
19 licensee's enclosed, locked facility or facilities, including
20 but not limited to, the person entering the site location, the
21 time of entrance, the time of exit, and any other information
22 the Commission ~~Department~~ may set by rule.

23 (c) Cannabis shall not be removed from the licensee's
24 facility, except for the limited purpose of shipping a sample
25 to a laboratory registered under this Act.

1 (d) The licensee shall limit keys, access cards, or an
2 access code to the licensee's enclosed, locked facility, or
3 facilities, to cannabis curriculum faculty and college
4 security personnel with a bona fide need to access the
5 facility for emergency purposes.

6 (e) A transporting organization may transport cannabis
7 produced pursuant to this Article to a laboratory registered
8 under this Act. All other cannabis produced by the licensee
9 that was not shipped to a registered laboratory shall be
10 destroyed within 5 weeks of being harvested.

11 (f) Licensees shall subscribe to the Commission ~~Department~~
12 of Agriculture's cannabis plant monitoring system.

13 (g) Licensees shall maintain a weekly inventory system.

14 (h) No student participating in the cannabis curriculum
15 necessary to obtain a Certificate may be in the licensee's
16 facility unless a faculty agent-in-charge is also physically
17 present in the facility.

18 (i) Licensees shall conduct post-certificate follow up
19 surveys and record participating students' job placements
20 within the cannabis business industry within a year of the
21 student's completion.

22 (j) The Illinois Community College Board shall report
23 annually to the Commission ~~Department~~ on the race, ethnicity,
24 and gender of all students participating in the cannabis
25 curriculum necessary to obtain a Certificate, and of those
26 students who obtain a Certificate.

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

2 (410 ILCS 705/25-25)

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

4 Sec. 25-25. Enforcement.

5 (a) The Commission ~~Department~~ has the authority to suspend
6 or revoke any faculty agent-in-charge or agent identification
7 card for any violation found under this Article.

8 (b) The Commission ~~Department~~ has the authority to suspend
9 or revoke any Program license for any violation found under
10 this Article.

11 (c) The Board shall revoke the authority to offer the
12 Certificate of any community college that has had its license
13 revoked by the Commission ~~Department~~.

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

15 (410 ILCS 705/25-30)

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

17 Sec. 25-30. Inspection rights.

18 (a) A licensee's enclosed, locked facilities are subject
19 to random inspections by the Commission ~~Department~~, the
20 Illinois State Police, or as provided by rule.

21 (b) Nothing in this Section shall be construed to give the
22 Commission ~~Department~~, the Illinois State Police, or any other
23 entity identified by rule under subsection (a) a right of
24 inspection or access to any location on the licensee's

1 premises beyond the facilities licensed under this Article.

2 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
3 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

4 (410 ILCS 705/25-35)

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

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

8 (a) The Commission ~~Department~~ shall:

9 (1) establish by rule the information required in an
10 initial application or renewal application for an agent
11 identification card submitted under this Article and the
12 nonrefundable fee to accompany the initial application or
13 renewal application;

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

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

23 (4) enter the license number of the community college
24 where the agent works; and

25 (5) allow for an electronic initial application and

1 renewal application process, and provide a confirmation by
2 electronic or other methods that an application has been
3 submitted. The Commission ~~Each Department~~ may by rule
4 require prospective agents to file their applications by
5 electronic means and to provide notices to the agents by
6 electronic means.

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

10 (c) The agent identification cards shall contain the
11 following:

12 (1) the name of the cardholder;

13 (2) the date of issuance and expiration date of the
14 identification card;

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

18 (4) a photograph of the cardholder; and

19 (5) the legal name of the community college employing
20 the agent.

21 (d) An agent identification card shall be immediately
22 returned to the community college of the agent upon
23 termination of his or her employment.

24 (e) Any agent identification card lost shall be reported
25 to the Illinois State Police and the Commission ~~Department of~~
26 ~~Agriculture~~ immediately upon discovery of the loss.

1 (f) An agent applicant may begin employment at a Community
2 College Cannabis Vocational Training Pilot Program while the
3 agent applicant's identification card application is pending.
4 Upon approval, the Commission ~~Department~~ shall issue the
5 agent's identification card to the agent. If denied, the
6 Community College Cannabis Vocational Training Pilot Program
7 and the agent applicant shall be notified and the agent
8 applicant must cease all activity at the Community College
9 Cannabis Vocational Training Pilot Program immediately.

10 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
11 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

12 (410 ILCS 705/25-40)

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

14 Sec. 25-40. Study. By December 31, 2025, the Commission
15 ~~Illinois Cannabis Regulation Oversight~~ Officer, in
16 coordination with the Board, must issue a report to the
17 Governor and the General Assembly which includes, but is not
18 limited to, the following:

19 (1) Number of security incidents or infractions at
20 each licensee and any action taken or not taken;

21 (2) Statistics, based on race, ethnicity, gender, and
22 participating community college of:

23 (A) students enrolled in career in cannabis
24 classes;

25 (B) successful completion rates by community

1 college students for the Certificate;

2 (C) postgraduate job placement of students who
3 obtained a Certificate, including both cannabis
4 business establishment jobs and non-cannabis business
5 establishment jobs; and

6 (3) Any other relevant information.

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

8 (410 ILCS 705/30-3)

9 Sec. 30-3. Definition. In this Article, "Commission" means
10 the Cannabis Equity and Oversight Commission.

11 ~~"Department" means the Department of Agriculture.~~

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

13 (410 ILCS 705/30-5)

14 Sec. 30-5. Issuance of licenses.

15 (a) The Commission ~~Department of Agriculture~~ shall issue
16 up to 40 craft grower licenses by July 1, 2020. Any person or
17 entity awarded a license pursuant to this subsection shall
18 only hold one craft grower license and may not sell that
19 license until after December 21, 2021.

20 (b) By December 21, 2021, the Commission ~~Department of~~
21 ~~Agriculture~~ shall issue up to 60 additional craft grower
22 licenses. Any person or entity awarded a license pursuant to
23 this subsection shall not hold more than 2 craft grower
24 licenses. The person or entity awarded a license pursuant to

1 this subsection or subsection (a) of this Section may sell its
2 craft grower license subject to the restrictions of this Act
3 or as determined by administrative rule. Prior to issuing such
4 licenses, the Commission ~~Department~~ may adopt rules through
5 emergency rulemaking in accordance with subsection (kk) of
6 Section 5-45 of the Illinois Administrative Procedure Act, to
7 modify or raise the number of craft grower licenses and modify
8 or change the licensing application process. The General
9 Assembly finds that the adoption of rules to regulate cannabis
10 use is deemed an emergency and necessary for the public
11 interest, safety, and welfare. In determining whether to
12 exercise the authority granted by this subsection, the
13 Commission ~~Department of Agriculture~~ must consider the
14 following factors:

15 (1) the percentage of cannabis sales occurring in
16 Illinois not in the regulated market using data from the
17 Substance Abuse and Mental Health Services Administration,
18 National Survey on Drug Use and Health, Illinois
19 Behavioral Risk Factor Surveillance System, and tourism
20 data from the Illinois Office of Tourism to ascertain
21 total cannabis consumption in Illinois compared to the
22 amount of sales in licensed dispensing organizations;

23 (2) whether there is an adequate supply of cannabis
24 and cannabis-infused products to serve registered medical
25 cannabis patients;

26 (3) whether there is an adequate supply of cannabis

1 and cannabis-infused products to serve purchasers;

2 (4) whether there is an oversupply of cannabis in
3 Illinois leading to trafficking of cannabis to states
4 where the sale of cannabis is not permitted by law;

5 (5) population increases or shifts;

6 (6) the density of craft growers in any area of the
7 State;

8 (7) perceived security risks of increasing the number
9 or location of craft growers;

10 (8) the past safety record of craft growers;

11 (9) the Commission's ~~Department of Agriculture's~~
12 capacity to appropriately regulate additional licensees;

13 (10) (blank); and

14 (11) any other criteria the Commission ~~Department of~~
15 ~~Agriculture~~ deems relevant.

16 (c) After January 1, 2022, the Commission ~~Department of~~
17 ~~Agriculture~~ may by rule modify or raise the number of craft
18 grower licenses and modify or change the licensing application
19 process. At no time may the number of craft grower licenses
20 exceed 150. Any person or entity awarded a license pursuant to
21 this subsection shall not hold more than 3 craft grower
22 licenses. A person or entity awarded a license pursuant to
23 this subsection or subsection (a) or subsection (b) of this
24 Section may sell its craft grower license or licenses subject
25 to the restrictions of this Act or as determined by
26 administrative rule.

1 (d) Upon the completion of the disparity and availability
2 study pertaining to craft growers the Commission ~~by the~~
3 ~~Cannabis Regulation Oversight Officer pursuant to subsection~~
4 ~~(e) of Section 5-45, the Department~~ may modify or change the
5 licensing application process to reduce or eliminate barriers
6 from and remedy evidence of discrimination identified in the
7 disparity and availability study.

8 (e) Notwithstanding any other provision of law, the
9 Commission shall have authority over licenses in this Section
10 that may be in various phases in the licensing process or are
11 eligible, pending, in the conditional phase, awarded, pending
12 adjudication by a judicial process, or have otherwise not been
13 awarded on and after July 1, 2023.

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 705/30-10)

17 Sec. 30-10. Application.

18 (a) When applying for a license, the applicant shall
19 electronically submit the following in such form as the
20 Commission ~~Department of Agriculture~~ may direct:

21 (1) the nonrefundable application fee as set by rule
22 by the Commission ~~of \$5,000~~ to be deposited into the
23 Cannabis Regulation Fund, ~~or another amount as the~~
24 ~~Department of Agriculture may set by rule after January 1,~~
25 ~~2021;~~

1 (2) the legal name of the craft grower;

2 (3) the proposed physical address of the craft grower;

3 (4) the name, address, social security number, and
4 date of birth of each principal officer and board member
5 of the craft grower; each principal officer and board
6 member shall be at least 21 years of age;

7 (5) the details of any administrative or judicial
8 proceeding in which any of the principal officers or board
9 members of the craft grower (i) pled guilty, were
10 convicted, were fined, or had a registration or license
11 suspended or revoked or (ii) managed or served on the
12 board of a business or non-profit organization that pled
13 guilty, was convicted, was fined, or had a registration or
14 license suspended or revoked;

15 (6) proposed operating bylaws that include procedures
16 for the oversight of the craft grower, including the
17 development and implementation of a plant monitoring
18 system, accurate recordkeeping, staffing plan, and
19 security plan approved by the Illinois State Police that
20 are in accordance with the rules issued by the Commission
21 ~~Department of Agriculture~~ under this Act; a physical
22 inventory shall be performed of all plants and on a weekly
23 basis by the craft grower;

24 (7) verification from the Illinois State Police that
25 all background checks of the prospective principal
26 officers, board members, and agents of the cannabis

1 business establishment have been conducted;

2 (8) a copy of the current local zoning ordinance or
3 permit and verification that the proposed craft grower is
4 in compliance with the local zoning rules and distance
5 limitations established by the local jurisdiction;

6 (9) proposed employment practices, in which the
7 applicant must demonstrate a plan of action to inform,
8 hire, and educate minorities, women, veterans, and persons
9 with disabilities, engage in fair labor practices, and
10 provide worker protections;

11 (10) whether an applicant can demonstrate experience
12 in or business practices that promote economic empowerment
13 in Disproportionately Impacted Areas;

14 (11) experience with the cultivation of agricultural
15 or horticultural products, operating an agriculturally
16 related business, or operating a horticultural business;

17 (12) a description of the enclosed, locked facility
18 where cannabis will be grown, harvested, manufactured,
19 packaged, or otherwise prepared for distribution to a
20 dispensing organization or other cannabis business
21 establishment;

22 (13) a survey of the enclosed, locked facility,
23 including the space used for cultivation;

24 (14) cultivation, processing, inventory, and packaging
25 plans;

26 (15) a description of the applicant's experience with

1 agricultural cultivation techniques and industry
2 standards;

3 (16) a list of any academic degrees, certifications,
4 or relevant experience of all prospective principal
5 officers, board members, and agents of the related
6 business;

7 (17) the identity of every person having a financial
8 or voting interest of 5% or greater in the craft grower
9 operation, whether a trust, corporation, partnership,
10 limited liability company, or sole proprietorship,
11 including the name and address of each person;

12 (18) a plan describing how the craft grower will
13 address each of the following:

14 (i) energy needs, including estimates of monthly
15 electricity and gas usage, to what extent it will
16 procure energy from a local utility or from on-site
17 generation, and if it has or will adopt a sustainable
18 energy use and energy conservation policy;

19 (ii) water needs, including estimated water draw
20 and if it has or will adopt a sustainable water use and
21 water conservation policy; and

22 (iii) waste management, including if it has or
23 will adopt a waste reduction policy;

24 (19) a recycling plan:

25 (A) Purchaser packaging, including cartridges,
26 shall be accepted by the applicant and recycled.

1 (B) Any recyclable waste generated by the craft
2 grower facility shall be recycled per applicable State
3 and local laws, ordinances, and rules.

4 (C) Any cannabis waste, liquid waste, or hazardous
5 waste shall be disposed of in accordance with 8 Ill.
6 Adm. Code 1000.460, except, to the greatest extent
7 feasible, all cannabis plant waste will be rendered
8 unusable by grinding and incorporating the cannabis
9 plant waste with compostable mixed waste to be
10 disposed of in accordance with 8 Ill. Adm. Code
11 1000.460 (g) (1);

12 (20) a commitment to comply with local waste
13 provisions: a craft grower facility must remain in
14 compliance with applicable State and federal environmental
15 requirements, including, but not limited to:

16 (A) storing, securing, and managing all
17 recyclables and waste, including organic waste
18 composed of or containing finished cannabis and
19 cannabis products, in accordance with applicable State
20 and local laws, ordinances, and rules; and

21 (B) disposing liquid waste containing cannabis or
22 byproducts of cannabis processing in compliance with
23 all applicable State and federal requirements,
24 including, but not limited to, the cannabis
25 cultivation facility's permits under Title X of the
26 Environmental Protection Act;

1 (21) a commitment to a technology standard for
2 resource efficiency of the craft grower facility.

3 (A) A craft grower facility commits to use
4 resources efficiently, including energy and water. For
5 the following, a cannabis cultivation facility commits
6 to meet or exceed the technology standard identified
7 in paragraphs (i), (ii), (iii), and (iv), which may be
8 modified by rule:

9 (i) lighting systems, including light bulbs;

10 (ii) HVAC system;

11 (iii) water application system to the crop;

12 and

13 (iv) filtration system for removing
14 contaminants from wastewater.

15 (B) Lighting. The Lighting Power Densities (LPD)
16 for cultivation space commits to not exceed an average
17 of 36 watts per gross square foot of active and growing
18 space canopy, or all installed lighting technology
19 shall meet a photosynthetic photon efficacy (PPE) of
20 no less than 2.2 micromoles per joule fixture and
21 shall be featured on the DesignLights Consortium (DLC)
22 Horticultural Specification Qualified Products List
23 (QPL). In the event that DLC requirement for minimum
24 efficacy exceeds 2.2 micromoles per joule fixture,
25 that PPE shall become the new standard.

26 (C) HVAC.

1 (i) For cannabis grow operations with less
2 than 6,000 square feet of canopy, the licensee
3 commits that all HVAC units will be
4 high-efficiency ductless split HVAC units, or
5 other more energy efficient equipment.

6 (ii) For cannabis grow operations with 6,000
7 square feet of canopy or more, the licensee
8 commits that all HVAC units will be variable
9 refrigerant flow HVAC units, or other more energy
10 efficient equipment.

11 (D) Water application.

12 (i) The craft grower facility commits to use
13 automated watering systems, including, but not
14 limited to, drip irrigation and flood tables, to
15 irrigate cannabis crop.

16 (ii) The craft grower facility commits to
17 measure runoff from watering events and report
18 this volume in its water usage plan, and that on
19 average, watering events shall have no more than
20 20% of runoff of water.

21 (E) Filtration. The craft grower commits that HVAC
22 condensate, dehumidification water, excess runoff, and
23 other wastewater produced by the craft grower facility
24 shall be captured and filtered to the best of the
25 facility's ability to achieve the quality needed to be
26 reused in subsequent watering rounds.

1 (F) Reporting energy use and efficiency as
2 required by rule; and

3 (22) any other information required by rule.

4 (b) Applicants must submit all required information,
5 ~~including the information required in Section 30-15, to the~~
6 ~~Department of Agriculture.~~ Failure by an applicant to submit
7 all required information may result in the application being
8 disqualified.

9 (c) (Blank). ~~If the Department of Agriculture receives an~~
10 ~~application with missing information, the Department of~~
11 ~~Agriculture may issue a deficiency notice to the applicant.~~
12 ~~The applicant shall have 10 calendar days from the date of the~~
13 ~~deficiency notice to resubmit the incomplete information.~~
14 ~~Applications that are still incomplete after this opportunity~~
15 ~~to cure will not be scored and will be disqualified.~~

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 705/30-20)

19 Sec. 30-20. Issuance of license to certain persons
20 prohibited.

21 (a) No craft grower license issued by the Commission
22 ~~Department of Agriculture~~ shall be issued to a person who is
23 licensed by any licensing authority as a cultivation center,
24 or to any partnership, corporation, limited liability company,
25 or trust or any subsidiary, affiliate, or any other form of

1 business enterprise having more than 10% legal, equitable, or
2 beneficial interest, directly or indirectly, in a person
3 licensed in this State as a cultivation center, or to any
4 principal officer, agent, employee, or human being with any
5 form of ownership or control over a cultivation center except
6 for a person who owns no more than 5% of the outstanding shares
7 of a cultivation center whose shares are publicly traded on an
8 exchange within the meaning of the Securities Exchange Act of
9 1934.

10 (b) A person who is licensed in this State as a craft
11 grower, or any partnership, corporation, limited liability
12 company, or trust or any subsidiary, affiliate, or agent
13 thereof, or any other form of business enterprise licensed in
14 this State as a craft grower shall not have more than 10%
15 legal, equitable, or beneficial interest, directly or
16 indirectly, in a person licensed as a cultivation center, nor
17 shall any partnership, corporation, limited liability company,
18 or trust or any subsidiary, affiliate, or any other form of
19 business enterprise having any legal, equitable, or beneficial
20 interest, directly or indirectly, in a person licensed in this
21 State as a craft grower or a craft grower agent be a principal
22 officer, agent, employee, or human being with any form of
23 ownership or control over a cultivation center except for a
24 person who owns no more than 5% of the outstanding shares of a
25 cultivation center whose shares are publicly traded on an
26 exchange within the meaning of the Securities Exchange Act of

1 1934.

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

3 (410 ILCS 705/30-30)

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

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

10 (b) A craft grower 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, and a
14 24-hour surveillance system to monitor the interior and
15 exterior of the craft grower facility and that is accessible
16 to authorized law enforcement and the Commission ~~Department of~~
17 ~~Agriculture~~ in real time.

18 (c) All cultivation of cannabis by a craft grower must
19 take place in an enclosed, locked facility at the physical
20 address provided to the Commission ~~Department of Agriculture~~
21 during the licensing process. The craft grower location shall
22 only be accessed by the agents working for the craft grower,
23 the Commission ~~Department of Agriculture~~ staff performing
24 inspections, the Department of Public Health staff performing
25 inspections, State and local law enforcement or other

1 emergency personnel, contractors working on jobs unrelated to
2 cannabis, such as installing or maintaining security devices
3 or performing electrical wiring, transporting organization
4 agents as provided in this Act, or participants in the
5 incubator program, individuals in a mentoring or educational
6 program approved by the State, or other individuals as
7 provided by rule. However, if a craft grower shares a premises
8 with an infuser or dispensing organization, agents from those
9 other licensees may access the craft grower portion of the
10 premises if that is the location of common bathrooms,
11 lunchrooms, locker rooms, or other areas of the building where
12 work or cultivation of cannabis is not performed. At no time
13 may an infuser or dispensing organization agent perform work
14 at a craft grower without being a registered agent of the craft
15 grower.

16 (d) A craft grower may not sell or distribute any cannabis
17 to any person other than a cultivation center, a craft grower,
18 an infuser organization, a dispensing organization, or as
19 otherwise authorized by rule.

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

22 (f) A craft grower may not either directly or indirectly
23 discriminate in price between different cannabis business
24 establishments that are purchasing a like grade, strain,
25 brand, and quality of cannabis or cannabis-infused product.
26 Nothing in this subsection (f) prevents a craft grower from

1 pricing cannabis differently based on differences in the cost
2 of manufacturing or processing, the quantities sold, such as
3 volume discounts, or the way the products are delivered.

4 (g) All cannabis harvested by a craft grower and intended
5 for distribution to a dispensing organization must be entered
6 into a data collection system, packaged and labeled under
7 Section 55-21, and, if distribution is to a dispensing
8 organization that does not share a premises with the
9 dispensing organization receiving the cannabis, placed into a
10 cannabis container for transport. All cannabis harvested by a
11 craft grower and intended for distribution to a cultivation
12 center, to an infuser organization, or to a craft grower with
13 which it does not share a premises, must be packaged in a
14 labeled cannabis container and entered into a data collection
15 system before transport.

16 (h) Craft growers are subject to random inspections by the
17 Commission ~~Department of Agriculture~~, local safety or health
18 inspectors, the Illinois State Police, or as provided by rule.

19 (i) A craft grower agent shall notify local law
20 enforcement, the Illinois State Police, and the Commission
21 ~~Department of Agriculture~~ within 24 hours of the discovery of
22 any loss or theft. Notification shall be made by phone, in
23 person, or written or electronic communication.

24 (j) A craft grower shall comply with all State and any
25 applicable federal rules and regulations regarding the use of
26 pesticides.

1 (k) A craft grower or craft grower agent shall not
2 transport cannabis or cannabis-infused products to any other
3 cannabis business establishment without a transport
4 organization license unless:

5 (i) If the craft grower is located in a county with a
6 population of 3,000,000 or more, the cannabis business
7 establishment receiving the cannabis is within 2,000 feet
8 of the property line of the craft grower;

9 (ii) If the craft grower is located in a county with a
10 population of more than 700,000 but fewer than 3,000,000,
11 the cannabis business establishment receiving the cannabis
12 is within 2 miles of the craft grower; or

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

17 (l) A craft grower may enter into a contract with a
18 transporting organization to transport cannabis to a
19 cultivation center, a craft grower, an infuser organization, a
20 dispensing organization, or a laboratory.

21 (m) No person or entity shall hold any legal, equitable,
22 ownership, or beneficial interest, directly or indirectly, of
23 more than 3 craft grower licenses. Further, no person or
24 entity that is employed by, an agent of, or has a contract to
25 receive payment from or participate in the management of a
26 craft grower, is a principal officer of a craft grower, or

1 entity controlled by or affiliated with a principal officer of
2 a craft grower shall hold any legal, equitable, ownership, or
3 beneficial interest, directly or indirectly, in a craft grower
4 license that would result in the person or entity owning or
5 controlling in combination with any craft grower, principal
6 officer of a craft grower, or entity controlled or affiliated
7 with a principal officer of a craft grower by which he, she, or
8 it is employed, is an agent of, or participates in the
9 management of more than 3 craft grower licenses.

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

1 officer, manager, agent, or representative of the Early
2 Approval Adult Use Dispensing Organization License, a
3 Conditional Adult Use Dispensing Organization License, an
4 Adult Use Dispensing Organization License, or a medical
5 cannabis dispensing organization license issued under the
6 Compassionate Use of Medical Cannabis Program ~~Act~~ to obtain
7 preferential placement within the dispensing organization,
8 including, without limitation, on shelves and in display cases
9 where purchasers can view products, or on the dispensing
10 organization's website.

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

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

15 (q) A craft grower must comply with any other requirements
16 or prohibitions set by administrative rule of the Commission
17 ~~Department of Agriculture~~.

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; 102-813, eff.
20 5-13-22.)

21 (410 ILCS 705/30-45)

22 Sec. 30-45. Renewal of craft grower licenses and agent
23 identification cards.

24 (a) Licenses and identification cards issued under this
25 Act shall be renewed annually. A craft grower shall receive

1 written or electronic notice 90 days before the expiration of
2 its current license that the license will expire. The
3 Commission ~~Department of Agriculture~~ shall grant a renewal
4 within 45 days of submission of a renewal application if:

5 (1) the craft grower submits a renewal application and
6 the required nonrefundable renewal fee of \$40,000, or
7 another amount as the Commission ~~Department of Agriculture~~
8 may set by rule after January 1, 2021;

9 (2) the Commission ~~Department of Agriculture~~ has not
10 suspended the license of the craft grower or suspended or
11 revoked the license for violating this Act or rules
12 adopted under this Act;

13 (3) the craft grower has continued to operate in
14 accordance with all plans submitted as part of its
15 application and approved by the Commission ~~Department of~~
16 ~~Agriculture~~ or any amendments thereto that have been
17 approved by the Commission ~~Department of Agriculture~~;

18 (4) the craft grower has submitted an agent, employee,
19 contracting, and subcontracting diversity report as
20 required by the Commission ~~Department~~; and

21 (5) the craft grower has submitted an environmental
22 impact report.

23 (b) If a craft grower fails to renew its license before
24 expiration, it shall cease operations until its license is
25 renewed.

26 (c) If a craft grower agent fails to renew his or her

1 identification card before its expiration, he or she shall
2 cease to work as an agent of the craft grower organization
3 until his or her identification card is renewed.

4 (d) Any craft grower that continues to operate, or any
5 craft grower agent who continues to work as an agent, after the
6 applicable license or identification card has expired without
7 renewal is subject to the penalties provided under Section
8 45-5.

9 (e) All fees or fines collected from the renewal of a craft
10 grower license shall be deposited into the Cannabis Regulation
11 Fund.

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

13 (410 ILCS 705/30-55)

14 Sec. 30-55. Disclosure of ownership and control.

15 (a) Each craft grower applicant and licensee shall file
16 and maintain a Table of Organization, Ownership, and Control
17 with the Commission ~~Department~~. The Table of Organization,
18 Ownership, and Control shall contain the information required
19 by this Section in sufficient detail to identify all owners,
20 directors, and principal officers, and the title of each
21 principal officer or business entity that, through direct or
22 indirect means, manages, owns, or controls the applicant or
23 licensee.

24 (b) The Table of Organization, Ownership and Control shall
25 identify the following information:

1 (1) The management structure, ownership, and control
2 of the applicant or license holder including the name of
3 each principal officer or business entity, the office or
4 position held, and the percentage ownership interest, if
5 any. If the business entity has a parent company, the name
6 of each owner, board member, and officer of the parent
7 company and his or her percentage ownership interest in
8 the parent company and the craft grower.

9 (2) If the applicant or licensee is a business entity
10 with publicly traded stock, the identification of
11 ownership shall be provided as required in subsection (c).

12 (c) If a business entity identified in subsection (b) is a
13 publicly traded company, the following information shall be
14 provided in the Table of Organization, Ownership, and Control:

15 (1) The name and percentage of ownership interest of
16 each individual or business entity with ownership of more
17 than 5% of the voting shares of the entity, to the extent
18 such information is known or contained in 13D or 13G
19 Securities and Exchange Commission filings.

20 (2) To the extent known, the names and percentage of
21 interest of ownership of persons who are relatives of one
22 another and who together exercise control over or own more
23 than 10% of the voting shares of the entity.

24 (d) A craft grower with a parent company or companies, or
25 partially owned or controlled by another entity must disclose
26 to the Commission ~~Department~~ the relationship and all owners,

1 board members, officers, or individuals with control or
2 management of those entities. A craft grower shall not shield
3 its ownership or control from the Commission ~~Department~~.

4 (e) All principal officers must submit a complete online
5 application with the Commission ~~Department~~ within 14 days of
6 the craft grower being licensed by the Commission ~~Department~~
7 or within 14 days of Commission ~~Department~~ notice of approval
8 as a new principal officer.

9 (f) A principal officer may not allow his or her
10 registration to expire.

11 (g) A craft grower separating with a principal officer
12 must do so under this Act. The principal officer must
13 communicate the separation to the Commission ~~Department~~ within
14 5 business days.

15 (h) A principal officer not in compliance with the
16 requirements of this Act shall be removed from his or her
17 position with the craft grower or shall otherwise terminate
18 his or her affiliation. Failure to do so may subject the craft
19 grower to discipline, suspension, or revocation of its license
20 by the Commission ~~Department~~.

21 (i) It is the responsibility of the craft grower and its
22 principal officers to promptly notify the Commission
23 ~~Department~~ of any change of the principal place of business
24 address, hours of operation, change in ownership or control,
25 or a change of the craft grower's primary or secondary contact
26 information. Any changes must be made to the Commission

1 ~~Department~~ in writing.

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

3 (410 ILCS 705/35-3)

4 Sec. 35-3. Definitions. In this Article, "Commission"
5 means the Cannabis Equity and Oversight Commission. †

6 ~~"Department" means the Department of Agriculture.~~

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

8 (410 ILCS 705/35-5)

9 Sec. 35-5. Issuance of licenses.

10 (a) The Department of Agriculture shall issue up to 40
11 infuser licenses through a process provided for in this
12 Article no later than July 1, 2020.

13 (b) The Commission ~~Department of Agriculture~~ shall make
14 the application for infuser licenses available on January 7,
15 2020, or if that date falls on a weekend or holiday, the
16 business day immediately succeeding the weekend or holiday and
17 every January 7 or succeeding business day thereafter, and
18 shall receive such applications no later than March 15, 2020,
19 or, if that date falls on a weekend or holiday, the business
20 day immediately succeeding the weekend or holiday and every
21 March 15 or succeeding business day thereafter.

22 (c) By December 21, 2021, the Department of Agriculture
23 may issue up to 60 additional infuser licenses. If the
24 Department of Agriculture has not issued licenses under

1 subsection (c) of this Article prior to July 1, 2023, the
2 Commission may issue the licenses. Prior to issuing such
3 licenses, the Commission ~~Department~~ may adopt rules through
4 emergency rulemaking in accordance with subsection (kk) of
5 Section 5-45 of the Illinois Administrative Procedure Act, to
6 modify or raise the number of infuser licenses and modify or
7 change the licensing application process to reduce or
8 eliminate barriers. The General Assembly finds that the
9 adoption of rules to regulate cannabis use is deemed an
10 emergency and necessary for the public interest, safety, and
11 welfare.

12 In determining whether to exercise the authority granted
13 by this subsection, the Commission ~~Department of Agriculture~~
14 must consider the following factors:

15 (1) the percentage of cannabis sales occurring in
16 Illinois not in the regulated market using data from the
17 Substance Abuse and Mental Health Services Administration,
18 National Survey on Drug Use and Health, Illinois
19 Behavioral Risk Factor Surveillance System, and tourism
20 data from the Illinois Office of Tourism to ascertain
21 total cannabis consumption in Illinois compared to the
22 amount of sales in licensed dispensing organizations;

23 (2) whether there is an adequate supply of cannabis
24 and cannabis-infused products to serve registered medical
25 cannabis patients;

26 (3) whether there is an adequate supply of cannabis

1 and cannabis-infused products to serve purchasers;

2 (4) whether there is an oversupply of cannabis in
3 Illinois leading to trafficking of cannabis to any other
4 state;

5 (5) population increases or shifts;

6 (6) changes to federal law;

7 (7) perceived security risks of increasing the number
8 or location of infuser organizations;

9 (8) the past security records of infuser
10 organizations;

11 (9) the Commission's ~~Department of Agriculture's~~
12 capacity to appropriately regulate additional licenses;

13 (10) (blank); and

14 (11) any other criteria the ~~Department of Agriculture~~
15 deems relevant.

16 (d) After January 1, 2022, the Commission Commission
17 ~~Department of Agriculture~~ may by rule modify or raise the
18 number of infuser licenses, and modify or change the licensing
19 application process to reduce or eliminate barriers based on
20 the criteria in subsection (c).

21 (e) Upon the completion of the disparity and availability
22 study pertaining to infusers by the Commission ~~Cannabis~~
23 ~~Regulation Oversight Officer pursuant to subsection (e) of~~
24 ~~Section 5-45, the Department of Agriculture~~ may modify or
25 change the licensing application process to reduce or
26 eliminate barriers and remedy evidence of discrimination

1 identified in the study.

2 (f) Notwithstanding, any other provision of law, the
3 Commission shall have authority over licenses in this Article
4 that may be in various phases in the licensing process, are
5 eligible, pending, in the conditional phase, awarded, pending
6 adjudication by a judicial process, or have otherwise not been
7 awarded on and after July 1, 2023.

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

10 (410 ILCS 705/35-10)

11 Sec. 35-10. Application.

12 (a) When applying for a license, the applicant shall
13 electronically submit the following in such form as the
14 Commission ~~Department of Agriculture~~ may direct:

15 (1) the nonrefundable application fee as set by rule
16 by the Commission, of \$5,000 or, after January 1, 2021,
17 ~~another amount as set by rule by the Department of~~
18 ~~Agriculture,~~ to be deposited into the Cannabis Regulation
19 Fund;

20 (2) the legal name of the infuser;

21 (3) the proposed physical address of the infuser;

22 (4) the name, address, social security number, and
23 date of birth of each principal officer and board member
24 of the infuser; each principal officer and board member
25 shall be at least 21 years of age;

1 (5) the details of any administrative or judicial
2 proceeding in which any of the principal officers or board
3 members of the infuser (i) pled guilty, were convicted,
4 fined, or had a registration or license suspended or
5 revoked, or (ii) managed or served on the board of a
6 business or non-profit organization that pled guilty, was
7 convicted, fined, or had a registration or license
8 suspended or revoked;

9 (6) proposed operating bylaws that include procedures
10 for the oversight of the infuser, including the
11 development and implementation of a plant monitoring
12 system, accurate recordkeeping, staffing plan, and
13 security plan approved by the Illinois State Police that
14 are in accordance with the rules issued by the Commission
15 ~~Department of Agriculture~~ under this Act; a physical
16 inventory of all cannabis shall be performed on a weekly
17 basis by the infuser;

18 (7) verification from the Illinois State Police that
19 all background checks of the prospective principal
20 officers, board members, and agents of the infuser
21 organization have been conducted;

22 (8) a copy of the current local zoning ordinance and
23 verification that the proposed infuser is in compliance
24 with the local zoning rules and distance limitations
25 established by the local jurisdiction;

26 (9) proposed employment practices, in which the

1 applicant must demonstrate a plan of action to inform,
2 hire, and educate minorities, women, veterans, and persons
3 with disabilities, engage in fair labor practices, and
4 provide worker protections;

5 (10) whether an applicant can demonstrate experience
6 in or business practices that promote economic empowerment
7 in Disproportionately Impacted Areas;

8 (11) experience with infusing products with cannabis
9 concentrate;

10 (12) a description of the enclosed, locked facility
11 where cannabis will be infused, packaged, or otherwise
12 prepared for distribution to a dispensing organization or
13 other infuser;

14 (13) processing, inventory, and packaging plans;

15 (14) a description of the applicant's experience with
16 operating a commercial kitchen or laboratory preparing
17 products for human consumption;

18 (15) a list of any academic degrees, certifications,
19 or relevant experience of all prospective principal
20 officers, board members, and agents of the related
21 business;

22 (16) the identity of every person having a financial
23 or voting interest of 5% or greater in the infuser
24 operation with respect to which the license is sought,
25 whether a trust, corporation, partnership, limited
26 liability company, or sole proprietorship, including the

1 name and address of each person;

2 (17) a plan describing how the infuser will address
3 each of the following:

4 (i) energy needs, including estimates of monthly
5 electricity and gas usage, to what extent it will
6 procure energy from a local utility or from on-site
7 generation, and if it has or will adopt a sustainable
8 energy use and energy conservation policy;

9 (ii) water needs, including estimated water draw,
10 and if it has or will adopt a sustainable water use and
11 water conservation policy; and

12 (iii) waste management, including if it has or
13 will adopt a waste reduction policy;

14 (18) a recycling plan:

15 (A) a commitment that any recyclable waste
16 generated by the infuser shall be recycled per
17 applicable State and local laws, ordinances, and
18 rules; and

19 (B) a commitment to comply with local waste
20 provisions. An infuser commits to remain in compliance
21 with applicable State and federal environmental
22 requirements, including, but not limited to, storing,
23 securing, and managing all recyclables and waste,
24 including organic waste composed of or containing
25 finished cannabis and cannabis products, in accordance
26 with applicable State and local laws, ordinances, and

1 rules; and

2 (19) any other information required by rule.

3 (b) Applicants must submit all required information,
4 ~~including the information required in Section 35-15, to the~~
5 ~~Department of Agriculture.~~ Failure by an applicant to submit
6 all required information may result in the application being
7 disqualified.

8 (c) (Blank). ~~If the Department of Agriculture receives an~~
9 ~~application with missing information, the Department of~~
10 ~~Agriculture may issue a deficiency notice to the applicant.~~
11 ~~The applicant shall have 10 calendar days from the date of the~~
12 ~~deficiency notice to resubmit the incomplete information.~~
13 ~~Applications that are still incomplete after this opportunity~~
14 ~~to cure will not be scored and will be disqualified.~~

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

16 (410 ILCS 705/35-25)

17 Sec. 35-25. Infuser organization requirements;
18 prohibitions.

19 (a) The operating documents of an infuser shall include
20 procedures for the oversight of the infuser, an inventory
21 monitoring system including a physical inventory recorded
22 weekly, accurate recordkeeping, and a staffing plan.

23 (b) An infuser shall implement a security plan reviewed by
24 the Illinois State Police that includes, but is not limited
25 to: facility access controls, perimeter intrusion detection

1 systems, personnel identification systems, and a 24-hour
2 surveillance system to monitor the interior and exterior of
3 the infuser facility and that is accessible to authorized law
4 enforcement, the Department of Public Health, and the
5 Commission ~~Department of Agriculture~~ in real time.

6 (c) All processing of cannabis by an infuser must take
7 place in an enclosed, locked facility at the physical address
8 provided to the Commission ~~Department of Agriculture~~ during
9 the licensing process. The infuser location shall only be
10 accessed by the agents working for the infuser, the Commission
11 ~~Department of Agriculture~~ staff performing inspections, the
12 Department of Public Health staff performing inspections,
13 State and local law enforcement or other emergency personnel,
14 contractors working on jobs unrelated to cannabis, such as
15 installing or maintaining security devices or performing
16 electrical wiring, transporting organization agents as
17 provided in this Act, participants in the incubator program,
18 individuals in a mentoring or educational program approved by
19 the State, local safety or health inspectors, or other
20 individuals as provided by rule. However, if an infuser shares
21 a premises with a craft grower or dispensing organization,
22 agents from these other licensees may access the infuser
23 portion of the premises if that is the location of common
24 bathrooms, lunchrooms, locker rooms, or other areas of the
25 building where processing of cannabis is not performed. At no
26 time may a craft grower or dispensing organization agent

1 perform work at an infuser without being a registered agent of
2 the infuser.

3 (d) An infuser may not sell or distribute any cannabis to
4 any person other than a dispensing organization, or as
5 otherwise authorized by rule.

6 (e) An infuser may not either directly or indirectly
7 discriminate in price between different cannabis business
8 establishments that are purchasing a like grade, strain,
9 brand, and quality of cannabis or cannabis-infused product.
10 Nothing in this subsection (e) prevents an infuser from
11 pricing cannabis differently based on differences in the cost
12 of manufacturing or processing, the quantities sold, such
13 volume discounts, or the way the products are delivered.

14 (f) All cannabis infused by an infuser and intended for
15 distribution to a dispensing organization must be entered into
16 a data collection system, packaged and labeled under Section
17 55-21, and, if distribution is to a dispensing organization
18 that does not share a premises with the infuser, placed into a
19 cannabis container for transport. All cannabis produced by an
20 infuser and intended for distribution to a cultivation center,
21 infuser organization, or craft grower with which it does not
22 share a premises, must be packaged in a labeled cannabis
23 container and entered into a data collection system before
24 transport.

25 (g) Infusers are subject to random inspections by the
26 Commission ~~Department of Agriculture~~, the Department of Public

1 Health, the Illinois State Police, local law enforcement, or
2 as provided by rule.

3 (h) An infuser agent shall notify local law enforcement,
4 the Illinois State Police, and the Commission ~~Department of~~
5 ~~Agriculture~~ within 24 hours of the discovery of any loss or
6 theft. Notification shall be made by phone, in person, or by
7 written or electronic communication.

8 (i) An infuser organization may not be located in an area
9 zoned for residential use.

10 (j) An infuser or infuser agent shall not transport
11 cannabis or cannabis-infused products to any other cannabis
12 business establishment without a transport organization
13 license unless:

14 (i) If the infuser is located in a county with a
15 population of 3,000,000 or more, the cannabis business
16 establishment receiving the cannabis or cannabis-infused
17 product is within 2,000 feet of the property line of the
18 infuser;

19 (ii) If the infuser is located in a county with a
20 population of more than 700,000 but fewer than 3,000,000,
21 the cannabis business establishment receiving the cannabis
22 or cannabis-infused product is within 2 miles of the
23 infuser; or

24 (iii) If the infuser is located in a county with a
25 population of fewer than 700,000, the cannabis business
26 establishment receiving the cannabis or cannabis-infused

1 product is within 15 miles of the infuser.

2 (k) An infuser may enter into a contract with a
3 transporting organization to transport cannabis to a
4 dispensing organization or a laboratory.

5 (l) An infuser organization may share premises with a
6 craft grower or a dispensing organization, or both, provided
7 each licensee stores currency and cannabis or cannabis-infused
8 products in a separate secured vault to which the other
9 licensee does not have access or all licensees sharing a vault
10 share more than 50% of the same ownership.

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

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

12 (n) At no time shall an infuser organization or an infuser
13 agent perform the extraction of cannabis concentrate from
14 cannabis flower.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
16 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
17 5-13-22.)

18 (410 ILCS 705/35-31)

19 Sec. 35-31. Ensuring an adequate supply of raw materials
20 to serve infusers.

21 (a) As used in this Section, "raw materials" includes, but
22 is not limited to, CO₂ hash oil, "crude", "distillate", or any
23 other cannabis concentrate extracted from cannabis flower by
24 use of a solvent or a mechanical process.

25 (b) The Commission ~~Department of Agriculture~~ may by rule

1 design a method for assessing whether licensed infusers have
2 access to an adequate supply of reasonably affordable raw
3 materials, which may include but not be limited to: (i) a
4 survey of infusers; (ii) a market study on the sales trends of
5 cannabis-infused products manufactured by infusers; and (iii)
6 the costs cultivation centers and craft growers assume for the
7 raw materials they use in any cannabis-infused products they
8 manufacture.

9 (c) The Commission ~~Department of Agriculture~~ shall perform
10 an annual assessment of whether infusers have access to an
11 adequate supply of reasonably affordable raw materials that
12 shall start 6 months after the issuance of licenses to
13 infusers, or sooner if the Commission has reason to believe
14 that infusers do not have an adequate supply of raw materials.
15 After the initial annual assessment, each assessment
16 thereafter shall occur by January 1 of each year ~~start no~~
17 ~~sooner than January 1, 2022 and shall conclude no later than~~
18 ~~April 1, 2022. The Department of Agriculture may rely on data~~
19 ~~from the Illinois Cannabis Regulation Oversight Officer as~~
20 ~~part of this assessment.~~

21 ~~(d) The Commission ~~Department of Agriculture~~ shall perform~~
22 ~~an assessment of whether infusers have access to an adequate~~
23 ~~supply of reasonably affordable raw materials annually ~~that~~~~
24 ~~shall start no sooner than January 1, 2023 and shall conclude~~
25 ~~no later than April 1, 2023. The Department of Agriculture may~~
26 ~~rely on data from the Cannabis Regulation Oversight Officer as~~

1 ~~part of this assessment.~~

2 (e) The Commission ~~Department of Agriculture~~ may by rule
3 adopt measures to ensure infusers have access to an adequate
4 supply of reasonably affordable raw materials necessary for
5 the manufacture of cannabis-infused products. Such measures
6 may include, but not be limited to (i) requiring cultivation
7 centers and craft growers to set aside a minimum amount of raw
8 materials for the wholesale market or (ii) enabling infusers
9 to apply for a processor license to extract raw materials from
10 cannabis flower.

11 (f) If the Commission ~~Department of Agriculture~~ determines
12 processor licenses may be available to infuser organizations
13 based upon findings made pursuant to subsection (e), infuser
14 organizations may submit to the Commission ~~Department of~~
15 ~~Agriculture~~ on forms provided by the Commission ~~Department of~~
16 ~~Agriculture~~ the following information as part of an
17 application to receive a processor license:

18 (1) experience with the extraction, processing, or
19 infusing of oils similar to those derived from cannabis,
20 or other business practices to be performed by the
21 infuser;

22 (2) a description of the applicant's experience with
23 manufacturing equipment and chemicals to be used in
24 processing;

25 (3) expertise in relevant scientific fields;

26 (4) a commitment that any cannabis waste, liquid

1 waste, or hazardous waste shall be disposed of in
2 accordance with 8 Ill. Adm. Code 1000.460, except, to the
3 greatest extent feasible, all cannabis plant waste will be
4 rendered unusable by grinding and incorporating the
5 cannabis plant waste with compostable mixed waste to be
6 disposed of in accordance with Ill. Adm. Code
7 1000.460 (g) (1); and

8 (5) any other information the Commission ~~Department of~~
9 ~~Agriculture~~ deems relevant.

10 (g) The Commission ~~Department of Agriculture~~ may only
11 issue an infuser organization a processor license if, based on
12 the information pursuant to subsection (f) and any other
13 criteria set by the Commission ~~Department of Agriculture~~,
14 which may include but not be limited an inspection of the site
15 where processing would occur, the Commission ~~Department of~~
16 ~~Agriculture~~ is reasonably certain the infuser organization
17 will process cannabis in a safe and compliant manner.

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

19 (410 ILCS 705/35-45)

20 Sec. 35-45. Disclosure of ownership and control.

21 (a) Each infuser organization applicant and licensee shall
22 file and maintain a Table of Organization, Ownership and
23 Control with the Commission ~~Department~~. The Table of
24 Organization, Ownership and Control shall contain the
25 information required by this Section in sufficient detail to

1 identify all owners, directors, and principal officers, and
2 the title of each principal officer or business entity that,
3 through direct or indirect means, manages, owns, or controls
4 the applicant or licensee.

5 (b) The Table of Organization, Ownership, and Control
6 shall identify the following information:

7 (1) The management structure, ownership, and control
8 of the applicant or license holder including the name of
9 each principal officer or business entity, the office or
10 position held, and the percentage ownership interest, if
11 any. If the business entity has a parent company, the name
12 of each owner, board member, and officer of the parent
13 company and his or her percentage ownership interest in
14 the parent company and the infuser organization.

15 (2) If the applicant or licensee is a business entity
16 with publicly traded stock, the identification of
17 ownership shall be provided as required in subsection (c).

18 (c) If a business entity identified in subsection (b) is a
19 publicly traded company, the following information shall be
20 provided in the Table of Organization, Ownership, and Control:

21 (1) The name and percentage of ownership interest of
22 each individual or business entity with ownership of more
23 than 5% of the voting shares of the entity, to the extent
24 such information is known or contained in 13D or 13G
25 Securities and Exchange Commission filings.

26 (2) To the extent known, the names and percentage of

1 interest of ownership of persons who are relatives of one
2 another and who together exercise control over or own more
3 than 10% of the voting shares of the entity.

4 (d) An infuser organization with a parent company or
5 companies, or partially owned or controlled by another entity
6 must disclose to the Commission ~~Department~~ the relationship
7 and all owners, board members, officers, or individuals with
8 control or management of those entities. An infuser
9 organization shall not shield its ownership or control from
10 the Commission ~~Department~~.

11 (e) All principal officers must submit a complete online
12 application with the Commission ~~Department~~ within 14 days of
13 the infuser organization being licensed by the Commission
14 ~~Department~~ or within 14 days of Commission ~~Department~~ notice
15 of approval as a new principal officer.

16 (f) A principal officer may not allow his or her
17 registration to expire.

18 (g) An infuser organization separating with a principal
19 officer must do so under this Act. The principal officer must
20 communicate the separation to the Commission ~~Department~~ within
21 5 business days.

22 (h) A principal officer not in compliance with the
23 requirements of this Act shall be removed from his or her
24 position with the infuser organization or shall otherwise
25 terminate his or her affiliation. Failure to do so may subject
26 the infuser organization to discipline, suspension, or

1 revocation of its license by the Commission ~~Department~~.

2 (i) It is the responsibility of the infuser organization
3 and its principal officers to promptly notify the Commission
4 ~~Department~~ of any change of the principal place of business
5 address, hours of operation, change in ownership or control,
6 or a change of the infuser organization's primary or secondary
7 contact information. Any changes must be made to the
8 Commission ~~Department~~ in writing.

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

10 (410 ILCS 705/40-1)

11 Sec. 40-1. Definition. In this Article:7

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

14 "Department" means the Department of Agriculture.

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

16 (410 ILCS 705/40-5)

17 Sec. 40-5. Issuance of licenses.

18 (a) The Commission ~~Department~~ shall issue transporting
19 licenses through a process provided for in this Article no
20 later than July 1, 2020.

21 (b) The Commission ~~Department~~ shall make the application
22 for transporting organization licenses available on January 7,
23 2020 and shall receive such applications no later than March
24 15, 2020. The Commission ~~Department of Agriculture~~ shall make

1 available such applications on every January 7 thereafter or
2 if that date falls on a weekend or holiday, the business day
3 immediately succeeding the weekend or holiday and shall
4 receive such applications no later than March 15 or the
5 succeeding business day thereafter.

6 (c) 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, 2023.

12 (d) Notwithstanding any other provision of law, the
13 Commission may by rule change, amend, or suspend the licensing
14 provided under this Article.

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

16 (410 ILCS 705/40-10)

17 Sec. 40-10. Application.

18 (a) When applying for a transporting organization license,
19 the applicant shall submit the following in such form as the
20 Commission ~~Department of Agriculture~~ may direct:

21 (1) the nonrefundable application fee as set by rule
22 by the Commission ~~of \$5,000 or, after January 1, 2021,~~
23 ~~another amount as set by rule by the Department of~~
24 ~~Agriculture,~~ to be deposited into the Cannabis Regulation
25 Fund;

- 1 (2) the legal name of the transporting organization;
- 2 (3) the proposed physical address of the transporting
3 organization, if one is proposed;
- 4 (4) the name, address, social security number, and
5 date of birth of each principal officer and board member
6 of the transporting organization; each principal officer
7 and board member shall be at least 21 years of age;
- 8 (5) the details of any administrative or judicial
9 proceeding in which any of the principal officers or board
10 members of the transporting organization (i) pled guilty,
11 were convicted, fined, or had a registration or license
12 suspended or revoked, or (ii) managed or served on the
13 board of a business or non-profit organization that pled
14 guilty, was convicted, fined, or had a registration or
15 license suspended or revoked;
- 16 (6) proposed operating bylaws that include procedures
17 for the oversight of the transporting organization,
18 including the development and implementation of an
19 accurate recordkeeping plan, staffing plan, and security
20 plan approved by the Illinois State Police that are in
21 accordance with the rules issued by the Commission
22 ~~Department of Agriculture~~ under this Act; a physical
23 inventory shall be performed of all cannabis on a weekly
24 basis by the transporting organization;
- 25 (7) verification from the Illinois State Police that
26 all background checks of the prospective principal

1 officers, board members, and agents of the transporting
2 organization have been conducted;

3 (8) a copy of the current local zoning ordinance or
4 permit and verification that the proposed transporting
5 organization is in compliance with the local zoning rules
6 and distance limitations established by the local
7 jurisdiction, if the transporting organization has a
8 business address;

9 (9) proposed employment practices, in which the
10 applicant must demonstrate a plan of action to inform,
11 hire, and educate minorities, women, veterans, and persons
12 with disabilities, engage in fair labor practices, and
13 provide worker protections;

14 (10) whether an applicant can demonstrate experience
15 in or business practices that promote economic empowerment
16 in Disproportionately Impacted Areas;

17 (11) the number and type of equipment the transporting
18 organization will use to transport cannabis and
19 cannabis-infused products;

20 (12) loading, transporting, and unloading plans;

21 (13) a description of the applicant's experience in
22 the distribution or security business;

23 (14) the identity of every person having a financial
24 or voting interest of 5% or more in the transporting
25 organization with respect to which the license is sought,
26 whether a trust, corporation, partnership, limited

1 liability company, or sole proprietorship, including the
2 name and address of each person; and

3 (15) any other information required by rule.

4 (b) Applicants must submit all required information,
5 including the information required in Section 40-35 to the
6 Commission ~~Department~~. Failure by an applicant to submit all
7 required information may result in the application being
8 disqualified.

9 (c) If the Commission ~~Department~~ receives an application
10 with missing information, the Commission ~~Department~~ ~~of~~
11 ~~Agriculture~~ may issue a deficiency notice to the applicant.
12 The applicant shall have 10 calendar days from the date of the
13 deficiency notice to resubmit the incomplete information.
14 Applications that are still incomplete after this opportunity
15 to cure will not be scored and will be disqualified.

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 705/40-25)

19 Sec. 40-25. Transporting organization requirements;
20 prohibitions.

21 (a) The operating documents of a transporting organization
22 shall include procedures for the oversight of the transporter,
23 an inventory monitoring system including a physical inventory
24 recorded weekly, accurate recordkeeping, and a staffing plan.

25 (b) A transporting organization may not transport cannabis

1 or cannabis-infused products to any person other than a
2 cultivation center, a craft grower, an infuser organization, a
3 dispensing organization, a testing facility, or as otherwise
4 authorized by rule.

5 (c) All cannabis transported by a transporting
6 organization must be entered into a data collection system and
7 placed into a cannabis container for transport.

8 (d) Transporters are subject to random inspections by the
9 Commission ~~Department of Agriculture~~, the Department of Public
10 Health, the Illinois State Police, or as provided by rule.

11 (e) A transporting organization agent shall notify local
12 law enforcement, the Illinois State Police, and the Commission
13 ~~Department of Agriculture~~ within 24 hours of the discovery of
14 any loss or theft. Notification shall be made by phone, in
15 person, or by written or electronic communication.

16 (f) No person under the age of 21 years shall be in a
17 commercial vehicle or trailer transporting cannabis goods.

18 (g) No person or individual who is not a transporting
19 organization agent shall be in a vehicle while transporting
20 cannabis goods.

21 (h) Transporters may not use commercial motor vehicles
22 with a weight rating of over 10,001 pounds.

23 (i) It is unlawful for any person to offer or deliver
24 money, or anything else of value, directly or indirectly, to
25 any of the following persons to obtain preferential placement
26 within the dispensing organization, including, without

1 limitation, on shelves and in display cases where purchasers
2 can view products, or on the dispensing organization's
3 website:

4 (1) a person having a transporting organization
5 license, or any officer, associate, member,
6 representative, or agent of the licensee;

7 (2) a person having an Early Applicant Adult Use
8 Dispensing Organization License, an Adult Use Dispensing
9 Organization License, or a medical cannabis dispensing
10 organization license issued under the Compassionate Use of
11 Medical Cannabis Program ~~Act~~;

12 (3) a person connected with or in any way
13 representing, or a member of the family of, a person
14 holding an Early Applicant Adult Use Dispensing
15 Organization License, an Adult Use Dispensing Organization
16 License, or a medical cannabis dispensing organization
17 license issued under the Compassionate Use of Medical
18 Cannabis Program ~~Act~~; or

19 (4) a stockholder, officer, manager, agent, or
20 representative of a corporation engaged in the retail sale
21 of cannabis, an Early Applicant Adult Use Dispensing
22 Organization License, an Adult Use Dispensing Organization
23 License, or a medical cannabis dispensing organization
24 license issued under the Compassionate Use of Medical
25 Cannabis Program ~~Act~~.

26 (j) A transporting organization agent must keep his or her

1 identification card visible at all times when on the property
2 of a cannabis business establishment and during the
3 transporting of cannabis when acting under his or her duties
4 as a transportation organization agent. During these times,
5 the transporting organization agent must also provide the
6 identification card upon request of any law enforcement
7 officer engaged in his or her official duties.

8 (k) A copy of the transporting organization's registration
9 and a manifest for the delivery shall be present in any vehicle
10 transporting cannabis.

11 (l) Cannabis shall be transported so it is not visible or
12 recognizable from outside the vehicle.

13 (m) A vehicle transporting cannabis must not bear any
14 markings to indicate the vehicle contains cannabis or bear the
15 name or logo of the cannabis business establishment.

16 (n) Cannabis must be transported in an enclosed, locked
17 storage compartment that is secured or affixed to the vehicle.

18 (o) The Commission ~~Department of Agriculture~~ may, by rule,
19 impose any other requirements or prohibitions on the
20 transportation of cannabis.

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; 102-813, eff.
23 5-13-22.)

24 (410 ILCS 705/40-45)

25 Sec. 40-45. Disclosure of ownership and control.

1 (a) Each transporting organization applicant and licensee
2 shall file and maintain a Table of Organization, Ownership,
3 and Control with the Commission ~~Department~~. The Table of
4 Organization, Ownership, and Control shall contain the
5 information required by this Section in sufficient detail to
6 identify all owners, directors, and principal officers, and
7 the title of each principal officer or business entity that,
8 through direct or indirect means, manages, owns, or controls
9 the applicant or licensee.

10 (b) The Table of Organization, Ownership, and Control
11 shall identify the following information:

12 (1) The management structure, ownership, and control
13 of the applicant or license holder including the name of
14 each principal officer or business entity, the office or
15 position held, and the percentage ownership interest, if
16 any. If the business entity has a parent company, the name
17 of each owner, board member, and officer of the parent
18 company and his or her percentage ownership interest in
19 the parent company and the transporting organization.

20 (2) If the applicant or licensee is a business entity
21 with publicly traded stock, the identification of
22 ownership shall be provided as required in subsection (c).

23 (c) If a business entity identified in subsection (b) is a
24 publicly traded company, the following information shall be
25 provided in the Table of Organization, Ownership, and Control:

26 (1) The name and percentage of ownership interest of

1 each individual or business entity with ownership of more
2 than 5% of the voting shares of the entity, to the extent
3 such information is known or contained in 13D or 13G
4 Securities and Exchange Commission filings.

5 (2) To the extent known, the names and percentage of
6 interest of ownership of persons who are relatives of one
7 another and who together exercise control over or own more
8 than 10% of the voting shares of the entity.

9 (d) A transporting organization with a parent company or
10 companies, or partially owned or controlled by another entity
11 must disclose to the Commission ~~Department~~ the relationship
12 and all owners, board members, officers, or individuals with
13 control or management of those entities. A transporting
14 organization shall not shield its ownership or control from
15 the Commission ~~Department~~.

16 (e) All principal officers must submit a complete online
17 application with the Commission ~~Department~~ within 14 days of
18 the transporting organization being licensed by the Commission
19 ~~Department~~ or within 14 days of Commission ~~Department~~ notice
20 of approval as a new principal officer.

21 (f) A principal officer may not allow his or her
22 registration to expire.

23 (g) A transporting organization separating with a
24 principal officer must do so under this Act. The principal
25 officer must communicate the separation to the Commission
26 ~~Department~~ within 5 business days.

1 (h) A principal officer not in compliance with the
2 requirements of this Act shall be removed from his or her
3 position with the transporting organization or shall otherwise
4 terminate his or her affiliation. Failure to do so may subject
5 the transporting organization to discipline, suspension, or
6 revocation of its license by the Commission ~~Department~~.

7 (i) It is the responsibility of the transporting
8 organization and its principal officers to promptly notify the
9 Commission ~~Department~~ of any change of the principal place of
10 business address, hours of operation, change in ownership or
11 control, or a change of the transporting organization's
12 primary or secondary contact information. Any changes must be
13 made to the Commission ~~Department~~ in writing.

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

15 (410 ILCS 705/45-5)

16 Sec. 45-5. License suspension; revocation; other
17 penalties.

18 (a) Notwithstanding any other criminal penalties related
19 to the unlawful possession of cannabis, the Commission
20 ~~Department of Financial and Professional Regulation and the~~
21 ~~Department of Agriculture~~ may revoke, suspend, place on
22 probation, reprimand, issue cease and desist orders, refuse to
23 issue or renew a license, or take any other disciplinary or
24 nondisciplinary action as each department may deem proper with
25 regard to a cannabis business establishment or cannabis

1 business establishment agent, including fines not to exceed:

2 (1) \$50,000 for each violation of this Act or rules
3 adopted under this Act by a cultivation center or
4 cultivation center agent;

5 (2) \$20,000 for each violation of this Act or rules
6 adopted under this Act by a dispensing organization or
7 dispensing organization agent;

8 (3) \$15,000 for each violation of this Act or rules
9 adopted under this Act by a craft grower or craft grower
10 agent;

11 (4) \$10,000 for each violation of this Act or rules
12 adopted under this Act by an infuser organization or
13 infuser organization agent; and

14 (5) \$10,000 for each violation of this Act or rules
15 adopted under this Act by a transporting organization or
16 transporting organization agent.

17 (b) The Commission ~~Department of Financial and~~
18 ~~Professional Regulation and the Department of Agriculture, as~~
19 ~~the case may be,~~ shall consider licensee cooperation in any
20 agency or other investigation in its determination of
21 penalties imposed under this Section.

22 (c) The procedures for disciplining a cannabis business
23 establishment or cannabis business establishment agent and for
24 administrative hearings shall be determined by rule, and shall
25 provide for the review of final decisions under the
26 Administrative Review Law.

1 (d) The Attorney General may also enforce a violation of
2 Section 55-20, Section 55-21, and Section 15-155 as an
3 unlawful practice under the Consumer Fraud and Deceptive
4 Business Practices Act.

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

6 (410 ILCS 705/45-10)

7 Sec. 45-10. Immunities and presumptions related to the
8 handling of cannabis by cannabis business establishments and
9 their agents.

10 (a) A cultivation center, craft grower, infuser
11 organization, or transporting organization is not subject to:

12 (i) prosecution; (ii) search or inspection, except by the
13 Commission ~~Department of Agriculture~~, the Department of Public
14 Health, or State or local law enforcement under this Act;
15 (iii) seizure; (iv) penalty in any manner, including, but not
16 limited to, civil penalty; (v) denial of any right or
17 privilege; or (vi) disciplinary action by a business licensing
18 board or entity for acting under this Act and rules adopted
19 under this Act to acquire, possess, cultivate, manufacture,
20 process, deliver, transfer, transport, supply, or sell
21 cannabis or cannabis paraphernalia under this Act.

22 (b) A licensed cultivation center agent, licensed craft
23 grower agent, licensed infuser organization agent, or licensed
24 transporting organization agent is not subject to: (i)
25 prosecution; (ii) search; (iii) penalty in any manner,

1 including, but not limited to, civil penalty; (iv) denial of
2 any right or privilege; or (v) disciplinary action by a
3 business licensing board or entity, for engaging in
4 cannabis-related activities authorized under this Act and
5 rules adopted under this Act.

6 (c) A dispensing organization is not subject to: (i)
7 prosecution; (ii) search or inspection, except by the
8 Department of Financial and Professional Regulation, or State
9 or local law enforcement under this Act; (iii) seizure; (iv)
10 penalty in any manner, including, but not limited to, civil
11 penalty; (v) denial of any right or privilege; or (vi)
12 disciplinary action by a business licensing board or entity,
13 for acting under this Act and rules adopted under this Act to
14 acquire, possess, or dispense cannabis, cannabis-infused
15 products, cannabis paraphernalia, or related supplies, and
16 educational materials under this Act.

17 (d) A licensed dispensing organization agent is not
18 subject to: (i) prosecution; (ii) search; or (iii) penalty in
19 any manner, or denial of any right or privilege, including,
20 but not limited to, civil penalty or disciplinary action by a
21 business licensing board or entity, for working for a
22 dispensing organization under this Act and rules adopted under
23 this Act.

24 (e) Any cannabis, cannabis-infused product, cannabis
25 paraphernalia, legal property, or interest in legal property
26 that is possessed, owned, or used in connection with the use of

1 cannabis as allowed under this Act, or acts incidental to that
2 use, may not be seized or forfeited. This Act does not prevent
3 the seizure or forfeiture of cannabis exceeding the amounts
4 allowed under this Act, nor does it prevent seizure or
5 forfeiture if the basis for the action is unrelated to the
6 cannabis that is possessed, manufactured, transferred, or used
7 under this Act.

8 (f) Nothing in this Act shall preclude local or State law
9 enforcement agencies from searching a cultivation center,
10 craft grower, infuser organization, transporting organization,
11 or dispensing organization if there is probable cause to
12 believe that the criminal laws of this State have been
13 violated and the search is conducted in conformity with the
14 Illinois Constitution, the Constitution of the United States,
15 and applicable law.

16 (g) Nothing in this Act shall preclude the Attorney
17 General or other authorized government agency from
18 investigating or bringing a civil action against a cannabis
19 business establishment, or an agent thereof, for a violation
20 of State law, including, but not limited to, civil rights
21 violations and violations of the Consumer Fraud and Deceptive
22 Business Practices Act.

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

24 (410 ILCS 705/45-20)

25 Sec. 45-20. Violation of tax Acts; refusal, revocation, or

1 suspension of license or agent identification card.

2 (a) In addition to other grounds specified in this Act,
3 the Commission ~~Department of Agriculture and Department of~~
4 ~~Financial and Professional Regulation~~, upon notification by
5 the Department of Revenue, shall refuse the issuance or
6 renewal of a license or agent identification card, or suspend
7 or revoke the license or agent identification card, of any
8 person, for any of the following violations of any tax Act
9 administered by the Department of Revenue:

10 (1) Failure to file a tax return.

11 (2) The filing of a fraudulent return.

12 (3) Failure to pay all or part of any tax or penalty
13 finally determined to be due.

14 (4) Failure to keep books and records.

15 (5) Failure to secure and display a certificate or
16 sub-certificate of registration, if required.

17 (6) Willful violation of any rule or regulation of the
18 Commission ~~Department~~ relating to the administration and
19 enforcement of tax liability.

20 (b) After all violations of any of items (1) through (6) of
21 subsection (a) have been corrected or resolved, the Commission
22 ~~Department~~ shall, upon request of the applicant or, if not
23 requested, may notify the entities listed in subsection (a)
24 that the violations have been corrected or resolved. Upon
25 receiving notice from the Commission ~~Department~~ that a
26 violation of any of items (1) through (6) of subsection (a)

1 have been corrected or otherwise resolved to the Department of
2 Revenue's satisfaction, the Commission ~~Department of~~
3 ~~Agriculture and the Department of Financial and Professional~~
4 ~~Regulation~~ may issue or renew the license or agent
5 identification card, or vacate an order of suspension or
6 revocation.

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

8 (410 ILCS 705/50-5)

9 Sec. 50-5. Laboratory testing.

10 (a) Notwithstanding any other provision of law, the
11 following acts, when performed by a cannabis testing facility
12 with a current, valid registration, or a person 21 years of age
13 or older who is acting in his or her capacity as an owner,
14 employee, or agent of a cannabis testing facility, are not
15 unlawful and shall not be an offense under Illinois law or be a
16 basis for seizure or forfeiture of assets under Illinois law:

17 (1) possessing, repackaging, transporting, storing, or
18 displaying cannabis or cannabis-infused products;

19 (2) receiving or transporting cannabis or
20 cannabis-infused products from a cannabis business
21 establishment, a community college licensed under the
22 Community College Cannabis Vocational Training Pilot
23 Program, or a person 21 years of age or older; and

24 (3) returning or transporting cannabis or
25 cannabis-infused products to a cannabis business

1 establishment, a community college licensed under the
2 Community College Cannabis Vocational Training Pilot
3 Program, or a person 21 years of age or older.

4 (b)(1) No laboratory shall handle, test, or analyze
5 cannabis unless approved by the Commission ~~Department of~~
6 ~~Agriculture~~ in accordance with this Section.

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

9 (A) is accredited by a private laboratory accrediting
10 organization;

11 (B) is independent from all other persons involved in
12 the cannabis industry in Illinois and no person with a
13 direct or indirect interest in the laboratory has a direct
14 or indirect financial, management, or other interest in an
15 Illinois cultivation center, craft grower, dispensary,
16 infuser, transporter, certifying physician, or any other
17 entity in the State that may benefit from the production,
18 manufacture, dispensing, sale, purchase, or use of
19 cannabis; and

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

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

1 (ii) a bachelor's degree in chemical or biological
2 sciences and a minimum of 4 years' post-degree
3 laboratory experience.

4 (3) Each independent testing laboratory that claims to be
5 accredited must provide the Commission ~~Department of~~
6 ~~Agriculture~~ with a copy of the most recent annual inspection
7 report granting accreditation and every annual report
8 thereafter.

9 (c) Immediately before manufacturing or natural processing
10 of any cannabis or cannabis-infused product or packaging
11 cannabis for sale to a dispensary, each batch shall be made
12 available by the cultivation center, craft grower, or infuser
13 for an employee of an approved laboratory to select a random
14 sample, which shall be tested by the approved laboratory for:

- 15 (1) microbiological contaminants;
- 16 (2) mycotoxins;
- 17 (3) pesticide active ingredients;
- 18 (4) residual solvent; and
- 19 (5) an active ingredient analysis.

20 (d) The Commission ~~Department of Agriculture~~ may select a
21 random sample that shall, for the purposes of conducting an
22 active ingredient analysis, be tested by the Commission
23 ~~Department of Agriculture~~ for verification of label
24 information.

25 (e) A laboratory shall immediately return or dispose of
26 any cannabis upon the completion of any testing, use, or

1 research. If cannabis is disposed of, it shall be done in
2 compliance with Commission ~~Department of Agriculture~~ rule.

3 (f) If a sample of cannabis does not pass the
4 microbiological, mycotoxin, pesticide chemical residue, or
5 solvent residue test, based on the standards established by
6 the Commission ~~Department of Agriculture~~, the following shall
7 apply:

8 (1) If the sample failed the pesticide chemical
9 residue test, the entire batch from which the sample was
10 taken shall, if applicable, be recalled as provided by
11 rule.

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

16 (g) The Commission ~~Department of Agriculture~~ shall
17 establish standards for microbial, mycotoxin, pesticide
18 residue, solvent residue, or other standards for the presence
19 of possible contaminants, in addition to labeling requirements
20 for contents and potency.

21 (h) The laboratory shall file with the Commission
22 ~~Department of Agriculture~~ an electronic copy of each
23 laboratory test result for any batch that does not pass the
24 microbiological, mycotoxin, or pesticide chemical residue
25 test, at the same time that it transmits those results to the
26 cultivation center. In addition, the laboratory shall maintain

1 the laboratory test results for at least 5 years and make them
2 available at the Commission's ~~Department of Agriculture's~~
3 request.

4 (i) A cultivation center, craft grower, and infuser shall
5 provide to a dispensing organization the laboratory test
6 results for each batch of cannabis product purchased by the
7 dispensing organization, if sampled. Each dispensing
8 organization must have those laboratory results available upon
9 request to purchasers.

10 (j) The Commission ~~Department of Agriculture~~ may adopt
11 rules related to testing in furtherance of this Act.

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

13 (410 ILCS 705/55-5)

14 Sec. 55-5. Preparation of cannabis-infused products.

15 (a) The Commission ~~Department of Agriculture~~ may regulate
16 the production of cannabis-infused products by a cultivation
17 center, a craft grower, an infuser organization, or a
18 dispensing organization and establish rules related to
19 refrigeration, hot-holding, and handling of cannabis-infused
20 products. All cannabis-infused products shall meet the
21 packaging and labeling requirements contained in Section
22 55-21.

23 (b) Cannabis-infused products for sale or distribution at
24 a dispensing organization must be prepared by an approved
25 agent of a cultivation center or infuser organization.

1 (c) A cultivation center or infuser organization that
2 prepares cannabis-infused products for sale or distribution by
3 a dispensing organization shall be under the operational
4 supervision of a Department of Public Health certified food
5 service sanitation manager.

6 (d) Dispensing organizations may not manufacture, process,
7 or produce cannabis-infused products.

8 (e) The Department of Public Health shall adopt and
9 enforce rules for the manufacture and processing of
10 cannabis-infused products, and for that purpose it may at all
11 times enter every building, room, basement, enclosure, or
12 premises occupied or used, or suspected of being occupied or
13 used, for the production, preparation, manufacture for sale,
14 storage, sale, processing, distribution, or transportation of
15 cannabis-infused products, and to inspect the premises
16 together with all utensils, fixtures, furniture, and machinery
17 used for the preparation of these products.

18 (f) The Commission ~~Department of Agriculture~~ shall by rule
19 establish a maximum level of THC that may be contained in each
20 serving of cannabis-infused product, and within the product
21 package.

22 (g) If a local public health agency has a reasonable
23 belief that a cannabis-infused product poses a public health
24 hazard, it may refer the cultivation center, craft grower, or
25 infuser that manufactured or processed the cannabis-infused
26 product to the Department of Public Health and the Commission.

1 If the Department of Public Health or the Commission finds
2 that a cannabis-infused product poses a health hazard, it may
3 bring an action for immediate injunctive relief to require
4 that action be taken as the court may deem necessary to meet
5 the hazard of the cultivation facility or seek other relief as
6 provided by rule.

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

8 (410 ILCS 705/55-10)

9 Sec. 55-10. Maintenance of inventory. All dispensing
10 organizations authorized to serve both registered qualifying
11 patients and caregivers and purchasers are required to report
12 which cannabis and cannabis-infused products are purchased for
13 sale under the Compassionate Use of Medical Cannabis Program
14 ~~Act~~, and which cannabis and cannabis-infused products are
15 purchased under Article 20 ~~this Act~~. Nothing in this Section
16 prohibits a registered qualifying patient under the
17 Compassionate Use of Medical Cannabis Program ~~Act~~ from
18 purchasing cannabis as a purchaser under Article 20 ~~this Act~~.

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

20 (410 ILCS 705/55-15)

21 Sec. 55-15. Destruction of cannabis.

22 (a) All cannabis byproduct, scrap, and harvested cannabis
23 not intended for distribution to a dispensing organization
24 must be destroyed and disposed of under rules adopted by the

1 Commission ~~Department of Agriculture~~ under this Act.
2 Documentation of destruction and disposal shall be retained at
3 the cultivation center, craft grower, infuser organization,
4 transporter, or testing facility as applicable for a period of
5 not less than 5 years.

6 (b) A dispensing organization, cultivation center, craft
7 grower, or infuser organization shall, before destruction,
8 notify the Commission ~~Department of Agriculture~~ and the
9 Illinois State Police. ~~A dispensing organization shall, before~~
10 ~~destruction, notify the Department of Financial and~~
11 ~~Professional Regulation and the Illinois State Police.~~ The
12 Commission ~~Department of Agriculture~~ may by rule require that
13 an employee of the Commission ~~Department of Agriculture or the~~
14 ~~Department of Financial and Professional Regulation~~ be present
15 during the destruction of any cannabis byproduct, scrap, and
16 harvested cannabis, as applicable.

17 (c) The cultivation center, craft grower, infuser
18 organization, or dispensing organization shall keep a record
19 of the date of destruction and how much was destroyed.

20 (d) A dispensing organization shall destroy all cannabis,
21 including cannabis-infused products, not sold to purchasers.
22 Documentation of destruction and disposal shall be retained at
23 the dispensing organization for a period of not less than 5
24 years.

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

1 (410 ILCS 705/55-21)

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

3 (a) Each cannabis product produced for sale shall be
4 registered with the Commission ~~Department of Agriculture~~ on
5 forms provided by the Commission ~~Department of Agriculture~~.
6 Each product registration shall include a label and the
7 required registration fee at the rate established by the
8 Commission ~~Department of Agriculture~~ for a comparable medical
9 cannabis product, or as established by rule. The registration
10 fee is for the name of the product offered for sale and one fee
11 shall be sufficient for all package sizes.

12 (b) All harvested cannabis intended for distribution to a
13 cannabis enterprise must be packaged in a sealed, labeled
14 container.

15 (c) Any product containing cannabis shall be sold in a
16 sealed, odor-proof, and child-resistant cannabis container
17 consistent with current standards, including the Consumer
18 Product Safety Commission standards referenced by the Poison
19 Prevention Act unless the sale is between or among a craft
20 grower, infuser, or cultivation center.

21 (d) All cannabis-infused products shall be individually
22 wrapped or packaged at the original point of preparation. The
23 packaging of the cannabis-infused product shall conform to the
24 labeling requirements of the Illinois Food, Drug and Cosmetic
25 Act, in addition to the other requirements set forth in this
26 Section.

1 (e) Each cannabis product shall be labeled before sale and
2 each label shall be securely affixed to the package and shall
3 state in legible English and any languages required by the
4 Commission ~~Department of Agriculture~~:

5 (1) the name and post office box of the registered
6 cultivation center or craft grower where the item was
7 manufactured;

8 (2) the common or usual name of the item and the
9 registered name of the cannabis product that was
10 registered with the Commission ~~Department of Agriculture~~
11 under subsection (a);

12 (3) a unique serial number that will match the product
13 with a cultivation center or craft grower batch and lot
14 number to facilitate any warnings or recalls the
15 Commission ~~Department of Agriculture~~, cultivation center,
16 or craft grower deems appropriate;

17 (4) the date of final testing and packaging, if
18 sampled, and the identification of the independent testing
19 laboratory;

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

21 (6) the quantity (in ounces or grams) of cannabis
22 contained in the product;

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

26 (8) content list.

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

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

5 (ii) tetrahydrocannabinolic acid (THCA);

6 (iii) cannabidiol (CBD);

7 (iv) cannabidiolic acid (CBDA); and

8 (v) all other ingredients of the item,
9 including any colors, artificial flavors, and
10 preservatives, listed in descending order by
11 predominance of weight shown with common or usual
12 names.

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

17 (f) Packaging must not contain information that:

18 (1) is false or misleading;

19 (2) promotes excessive consumption;

20 (3) depicts a person under 21 years of age consuming
21 cannabis;

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

23 (5) includes any image designed or likely to appeal to
24 minors, including cartoons, toys, animals, or children, or
25 any other likeness to images, characters, or phrases that
26 are popularly used to advertise to children, or any

1 packaging or labeling that bears reasonable resemblance to
2 any product available for consumption as a commercially
3 available candy, or that promotes consumption of cannabis;

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

9 (g) Cannabis products produced by concentrating or
10 extracting ingredients from the cannabis plant shall contain
11 the following information, where applicable:

12 (1) If solvents were used to create the concentrate or
13 extract, a statement that discloses the type of extraction
14 method, including any solvents or gases used to create the
15 concentrate or extract; and

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

18 (h) All cannabis products must contain warning statements
19 established for purchasers, of a size that is legible and
20 readily visible to a consumer inspecting a package, which may
21 not be covered or obscured in any way. The Department of Public
22 Health shall define and update appropriate health warnings for
23 packages including specific labeling or warning requirements
24 for specific cannabis products.

25 (i) Unless modified by rule to strengthen or respond to
26 new evidence and science, the following warnings shall apply

1 to all cannabis products unless modified by rule: "This
2 product contains cannabis and is intended for use by adults 21
3 and over. Its use can impair cognition and may be habit
4 forming. This product should not be used by pregnant or
5 breastfeeding women. It is unlawful to sell or provide this
6 item to any individual, and it may not be transported outside
7 the State of Illinois. It is illegal to operate a motor vehicle
8 while under the influence of cannabis. Possession or use of
9 this product may carry significant legal penalties in some
10 jurisdictions and under federal law."

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

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

15 (2) Cannabis-infused products (other than those
16 intended for topical application) must contain a statement
17 "CAUTION: This product contains cannabis, and intoxication
18 following use may be delayed 2 or more hours. This product
19 was produced in a facility that cultivates cannabis, and
20 that may also process common food allergens."

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

24 (k) Each cannabis-infused product intended for consumption
25 must be individually packaged, must include the total
26 milligram content of THC and CBD, and may not include more than

1 a total of 100 milligrams of THC per package. A package may
2 contain multiple servings of 10 milligrams of THC, indicated
3 by scoring, wrapping, or by other indicators designating
4 individual serving sizes. The Commission ~~Department of~~
5 ~~Agriculture~~ may change the total amount of THC allowed for
6 each package, or the total amount of THC allowed for each
7 serving size, by rule.

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

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

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

16 (2) Maintain documentation of the licensure of the
17 commercial device; and

18 (3) Provide a copy of the license of the commercial
19 device to the Commission ~~Department of Agriculture~~ for
20 review upon request.

21 (n) It is the responsibility of the Commission ~~Department~~
22 to ensure that packaging and labeling requirements, including
23 product warnings, are enforced at all times for products
24 provided to purchasers. Product registration requirements and
25 container requirements may be modified by rule by the
26 Commission ~~Department of Agriculture~~.

1 (o) Labeling, including warning labels, may be modified by
2 rule by the Commission ~~Department of Agriculture~~.

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

5 (410 ILCS 705/55-30)

6 Sec. 55-30. Confidentiality.

7 (a) Information provided by the cannabis business
8 establishment licensees or applicants to the Commission
9 ~~Department of Agriculture~~, the Department of Public Health,
10 ~~the Department of Financial and Professional Regulation~~, the
11 Department of Commerce and Economic Opportunity, or other
12 agency shall be limited to information necessary for the
13 purposes of administering this Act. The information is subject
14 to the provisions and limitations contained in the Freedom of
15 Information Act and may be disclosed in accordance with
16 Section 55-65.

17 (b) The following information received and records kept by
18 the Commission ~~Department of Agriculture~~, the Department of
19 Public Health, and the Illinois State Police, ~~and the~~
20 ~~Department of Financial and Professional Regulation~~ for
21 purposes of administering this Article are subject to all
22 applicable federal privacy laws, are confidential and exempt
23 from disclosure under the Freedom of Information Act, except
24 as provided in this Act, and not subject to disclosure to any
25 individual or public or private entity, except to the

1 ~~Commission Department of Financial and Professional~~
2 ~~Regulation, the Department of Agriculture,~~ the Department of
3 Public Health, and the Illinois State Police as necessary to
4 perform official duties under this Article and to the Attorney
5 General as necessary to enforce the provisions of this Act.
6 The following information received and kept by the Commission
7 ~~Department of Financial and Professional Regulation or the~~
8 ~~Department of Agriculture~~ may be disclosed to the Department
9 of Public Health, the Department of Agriculture, the
10 Department of Revenue, the Illinois State Police, or the
11 Attorney General upon proper request:

12 (1) Applications and renewals, their contents, and
13 supporting information submitted by or on behalf of
14 dispensing organizations, cannabis business
15 establishments, or Community College Cannabis Vocational
16 Program licensees, in compliance with this Article,
17 including their physical addresses; however, this does not
18 preclude the release of ownership information about
19 cannabis business establishment licenses, or information
20 submitted with an application required to be disclosed
21 pursuant to subsection (f);

22 (2) Any plans, procedures, policies, or other records
23 relating to cannabis business establishment security; and

24 (3) Information otherwise exempt from disclosure by
25 State or federal law.

26 Illinois or national criminal history record information,

1 or the nonexistence or lack of such information, may not be
2 disclosed by the Commission ~~Department of Financial and~~
3 ~~Professional Regulation or the Department of Agriculture,~~
4 except as necessary to the Attorney General to enforce this
5 Act.

6 (c) The name and address of a dispensing organization
7 licensed under this Act shall be subject to disclosure under
8 the Freedom of Information Act. The name and cannabis business
9 establishment address of the person or entity holding each
10 cannabis business establishment license shall be subject to
11 disclosure.

12 (d) All information collected by the Commission ~~Department~~
13 ~~of Financial and Professional Regulation or the Department of~~
14 ~~Agriculture~~ in the course of an examination, inspection, or
15 investigation of a licensee or applicant, including, but not
16 limited to, any complaint against a licensee or applicant
17 filed with the Commission ~~Department of Financial and~~
18 ~~Professional Regulation or the Department of Agriculture~~ and
19 information collected to investigate any such complaint, shall
20 be maintained for the confidential use of the Commission
21 ~~Department of Financial and Professional Regulation or the~~
22 ~~Department of Agriculture~~ and shall not be disclosed, except
23 as otherwise provided in this Act. A formal complaint against
24 a licensee by the Commission ~~Department of Financial and~~
25 ~~Professional Regulation or the Department of Agriculture~~ or
26 any disciplinary order issued by the Department of Financial

1 and Professional Regulation or the Department of Agriculture
2 against a licensee or applicant shall be a public record,
3 except as otherwise provided by law. Complaints from consumers
4 or members of the general public received regarding a
5 specific, named licensee or complaints regarding conduct by
6 unlicensed entities shall be subject to disclosure under the
7 Freedom of Information Act.

8 (e) The Commission and ~~Department of Agriculture,~~ the
9 Illinois State Police, ~~and the Department of Financial and~~
10 ~~Professional Regulation~~ shall not share or disclose any
11 Illinois or national criminal history record information, or
12 the nonexistence or lack of such information, to any person or
13 entity not expressly authorized by this Act.

14 (f) The Commission ~~Each Department responsible for~~
15 ~~licensure under this Act~~ shall publish on the Commission's
16 ~~Department's~~ website a list of the ownership information of
17 cannabis business establishment licensees under the
18 Commission's ~~Department's~~ jurisdiction. The list shall
19 include, but is not limited to: the name of the person or
20 entity holding each cannabis business establishment license;
21 and the address at which the entity is operating under this
22 Act. This list shall be published and updated monthly.

23 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
24 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
25 5-13-22.)

1 (410 ILCS 705/55-35)

2 Sec. 55-35. Administrative rulemaking.

3 (a) No later than 180 days after the effective date of this
4 Act, the Commission ~~Department of Agriculture~~, the Illinois
5 State Police, ~~the Department of Financial and Professional~~
6 ~~Regulation~~, the Department of Revenue, the Department of
7 Commerce and Economic Opportunity, and the Treasurer's Office
8 shall adopt permanent rules in accordance with their
9 responsibilities under this Act. The Commission ~~Department of~~
10 ~~Agriculture~~, the Illinois State Police, ~~the Department of~~
11 ~~Financial and Professional Regulation~~, the Department of
12 Revenue, and the Department of Commerce and Economic
13 Opportunity may adopt rules necessary to regulate personal
14 cannabis use through the use of emergency rulemaking in
15 accordance with subsection (gg) of Section 5-45 of the
16 Illinois Administrative Procedure Act. The General Assembly
17 finds that the adoption of rules to regulate cannabis use is
18 deemed an emergency and necessary for the public interest,
19 safety, and welfare.

20 (b) The Commission ~~Department of Agriculture~~ rules may
21 address, but are not limited to, the following matters related
22 to dispensing organizations, cultivation centers, craft
23 growers, infuser organizations, and transporting organizations
24 with the goal of protecting against diversion and theft,
25 without imposing an undue burden on the dispensing
26 organizations, cultivation centers, craft growers, infuser

1 organizations, or transporting organizations:

2 (1) oversight requirements for dispensing
3 organizations, cultivation centers, craft growers, infuser
4 organizations, and transporting organizations;

5 (2) recordkeeping requirements for dispensing
6 organizations, cultivation centers, craft growers, infuser
7 organizations, and transporting organizations;

8 (3) security requirements for dispensing
9 organizations, cultivation centers, craft growers, infuser
10 organizations, and transporting organizations, which shall
11 include that each dispensing organization, cultivation
12 center, craft grower, infuser organization, and
13 transporting organization location must be protected by a
14 fully operational security alarm system;

15 (4) standards for enclosed, locked facilities under
16 this Act;

17 (5) procedures for suspending or revoking the
18 identification cards of agents of dispensing
19 organizations, cultivation centers, craft growers, infuser
20 organizations, and transporting organizations that commit
21 violations of this Act or the rules adopted under this
22 Section;

23 (6) (Blank) ~~rules concerning the intrastate~~
24 ~~transportation of cannabis from a cultivation center,~~
25 ~~craft grower, infuser organization, and transporting~~
26 ~~organization to a dispensing organization;~~

1 (7) standards concerning the dispensing, testing,
2 quality, cultivation, and processing of cannabis; and

3 (8) any other matters under oversight by the
4 Commission ~~Department of Agriculture~~ as are necessary for
5 the fair, impartial, stringent, and comprehensive
6 administration of this Act.

7 Commission rules addressing matters related to dispensing
8 organizations shall be adopted with the goal of protecting
9 against diversion and theft, without imposing an undue burden
10 on the dispensing organizations.

11 (c) (Blank). ~~The Department of Financial and Professional~~
12 ~~Regulation rules may address, but are not limited to, the~~
13 ~~following matters related to dispensing organizations, with~~
14 ~~the goal of protecting against diversion and theft, without~~
15 ~~imposing an undue burden on the dispensing organizations:~~

16 ~~(1) oversight requirements for dispensing~~
17 ~~organizations;~~

18 ~~(2) recordkeeping requirements for dispensing~~
19 ~~organizations;~~

20 ~~(3) security requirements for dispensing~~
21 ~~organizations, which shall include that each dispensing~~
22 ~~organization location must be protected by a fully~~
23 ~~operational security alarm system;~~

24 ~~(4) procedures for suspending or revoking the licenses~~
25 ~~of dispensing organization agents that commit violations~~
26 ~~of this Act or the rules adopted under this Act;~~

1 ~~(5) any other matters under oversight by the~~
2 ~~Department of Financial and Professional Regulation that~~
3 ~~are necessary for the fair, impartial, stringent, and~~
4 ~~comprehensive administration of this Act.~~

5 (d) The Department of Revenue rules may address, but are
6 not limited to, the following matters related to the payment
7 of taxes by cannabis business establishments:

8 (1) recording of sales;

9 (2) documentation of taxable income and expenses;

10 (3) transfer of funds for the payment of taxes; or

11 (4) any other matter under the oversight of the
12 Department of Revenue.

13 (e) The Department of Commerce and Economic Opportunity
14 rules may address, but are not limited to, a loan program or
15 grant program to assist Social Equity Applicants access the
16 capital needed to start a cannabis business establishment. The
17 names of recipients and the amounts of any moneys received
18 through a loan program or grant program shall be a public
19 record.

20 (f) The Illinois State Police rules may address
21 enforcement of its authority under this Act. The Illinois
22 State Police shall not make rules that infringe on the
23 exclusive authority of the Commission ~~Department of Financial~~
24 ~~and Professional Regulation or the Department of Agriculture~~
25 over licensees under this Act.

26 (g) The Department of Human Services shall develop and

1 disseminate:

2 (1) educational information about the health risks
3 associated with the use of cannabis; and

4 (2) one or more public education campaigns in
5 coordination with local health departments and community
6 organizations, including one or more prevention campaigns
7 directed at children, adolescents, parents, and pregnant
8 or breastfeeding women, to inform them of the potential
9 health risks associated with intentional or unintentional
10 cannabis use.

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 705/55-40)

14 Sec. 55-40. Enforcement.

15 (a) If the Commission ~~Department of Agriculture~~, Illinois
16 State Police, ~~Department of Financial and Professional~~
17 ~~Regulation~~, Department of Commerce and Economic Opportunity,
18 or Department of Revenue fails to adopt rules to implement
19 this Act within the times provided in this Act, any citizen may
20 commence a mandamus action in the circuit court to compel the
21 agencies to perform the actions mandated under Section 55-35.

22 (b) If the Commission ~~Department of Agriculture or the~~
23 ~~Department of Financial and Professional Regulation~~ fails to
24 issue a valid agent identification card in response to a valid
25 initial application or renewal application submitted under

1 this Act or fails to issue a verbal or written notice of denial
2 of the application within 30 days of its submission, the agent
3 identification card is deemed granted and a copy of the agent
4 identification initial application or renewal application
5 shall be deemed a valid agent identification card.

6 (c) Authorized employees of State or local law enforcement
7 agencies shall immediately notify the Commission ~~Department of~~
8 ~~Agriculture and the Department of Financial and Professional~~
9 ~~Regulation~~ when any person in possession of an agent
10 identification card has been convicted of or pled guilty to
11 violating this Act.

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

13 (410 ILCS 705/55-45)

14 Sec. 55-45. Administrative hearings.

15 (a) Administrative hearings related to the duties and
16 responsibilities assigned to the Department of Public Health
17 shall be conducted under the Department of Public Health's
18 rules governing administrative hearings.

19 (b) (Blank). ~~Administrative hearings related to the duties~~
20 ~~and responsibilities assigned to the Department of Financial~~
21 ~~and Professional Regulation and dispensing organization agents~~
22 ~~shall be conducted under the Department of Financial and~~
23 ~~Professional Regulation's rules governing administrative~~
24 ~~hearings.~~

25 (c) (Blank). ~~Administrative hearings related to the duties~~

1 ~~and responsibilities assigned to the Department of~~
2 ~~Agriculture, cultivation centers, or cultivation center agents~~
3 ~~shall be conducted under the Department of Agriculture's rules~~
4 ~~governing administrative hearings.~~

5 (d) Administrative hearings related to the duties and
6 responsibilities assigned to the Commission, dispensing
7 organizations, cultivation centers, or their agents shall be
8 conducted under the Commission's rules governing
9 administrative hearings.

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

11 (410 ILCS 705/55-50)

12 Sec. 55-50. Petition for rehearing. Within 20 days after
13 the service of any order or decision of the Department of
14 Public Health, the Commission ~~Department of Agriculture, the~~
15 ~~Department of Financial and Professional Regulation,~~ or the
16 Illinois State Police upon any party to the proceeding, the
17 party may apply for a rehearing in respect to any matters
18 determined by them under this Act, except for decisions made
19 under the Cannabis Cultivation Privilege Tax Law, the Cannabis
20 Purchaser Excise Tax Law, the County Cannabis Retailers'
21 Occupation Tax Law, and the Municipal Cannabis Retailers'
22 Occupation Tax Law, which shall be governed by the provisions
23 of those Laws. If a rehearing is granted, an agency shall hold
24 the rehearing and render a decision within 30 days from the
25 filing of the application for rehearing with the agency. The

1 time for holding such rehearing and rendering a decision may
2 be extended for a period not to exceed 30 days, for good cause
3 shown, and by notice in writing to all parties of interest. If
4 an agency fails to act on the application for rehearing within
5 30 days, or the date the time for rendering a decision was
6 extended for good cause shown, the order or decision of the
7 agency is final. No action for the judicial review of any order
8 or decision of an agency shall be allowed unless the party
9 commencing such action has first filed an application for a
10 rehearing and the agency has acted or failed to act upon the
11 application. Only one rehearing may be granted by an agency on
12 application of any one party.

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

14 (410 ILCS 705/55-55)

15 Sec. 55-55. Review of administrative decisions. All final
16 administrative decisions of the Department of Public Health,
17 the Commission ~~Department of Agriculture, the Department of~~
18 ~~Financial and Professional Regulation,~~ and the Illinois State
19 Police are subject to judicial review under the Administrative
20 Review Law and the rules adopted under that Law. The term
21 "administrative decision" is defined as in Section 3-101 of
22 the Code of Civil Procedure.

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

24 (410 ILCS 705/55-60)

1 Sec. 55-60. Suspension or revocation of a license.

2 (a) The Commission ~~Department of Financial and~~
3 ~~Professional Regulation or the Department of Agriculture~~ may
4 suspend or revoke a license for a violation of this Act or a
5 rule adopted in accordance with this Act ~~by the Department of~~
6 ~~Agriculture and the Department of Financial and Professional~~
7 ~~Regulation.~~

8 (b) The Commission ~~Department of Agriculture and the~~
9 ~~Department of Financial and Professional Regulation~~ may
10 suspend or revoke an agent identification card for a violation
11 of this Act or a rule adopted in accordance with this Act.

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

13 (410 ILCS 705/55-65)

14 Sec. 55-65. Financial institutions.

15 (a) A financial institution that provides financial
16 services customarily provided by financial institutions to a
17 cannabis business establishment authorized under this Act ~~or~~
18 ~~the Compassionate Use of Medical Cannabis Program Act~~, or to a
19 person that is affiliated with such cannabis business
20 establishment, is exempt from any criminal law of this State
21 as it relates to cannabis-related conduct authorized under
22 State law.

23 (b) Upon request of a financial institution, a cannabis
24 business establishment or proposed cannabis business
25 establishment may provide to the financial institution the

1 following information:

2 (1) Whether a cannabis business establishment with
3 which the financial institution is doing or is considering
4 doing business holds a license under this Act or the
5 Compassionate Use of Medical Cannabis Program ~~Act~~;

6 (2) The name of any other business or individual
7 affiliate with the cannabis business establishment;

8 (3) A copy of the application, and any supporting
9 documentation submitted with the application, for a
10 license or a permit submitted on behalf of the proposed
11 cannabis business establishment;

12 (4) If applicable, data relating to sales and the
13 volume of product sold by the cannabis business
14 establishment;

15 (5) Any past or pending violation by the person of
16 this Act, ~~the Compassionate Use of Medical Cannabis~~
17 ~~Program Act~~, or the rules adopted under this Act ~~these~~
18 ~~Acts~~ where applicable; and

19 (6) Any penalty imposed upon the person for violating
20 this Act, ~~the Compassionate Use of Medical Cannabis~~
21 ~~Program Act~~, or the rules adopted under this Act ~~these~~
22 ~~Acts~~.

23 (c) (Blank).

24 (d) (Blank).

25 (e) Information received by a financial institution under
26 this Section is confidential. Except as otherwise required or

1 permitted by this Act, State law or rule, or federal law or
2 regulation, a financial institution may not make the
3 information available to any person other than:

4 (1) the customer to whom the information applies;

5 (2) a trustee, conservator, guardian, personal
6 representative, or agent of the customer to whom the
7 information applies; a federal or State regulator when
8 requested in connection with an examination of the
9 financial institution or if otherwise necessary for
10 complying with federal or State law;

11 (3) a federal or State regulator when requested in
12 connection with an examination of the financial
13 institution or if otherwise necessary for complying with
14 federal or State law; and

15 (4) a third party performing services for the
16 financial institution, provided the third party is
17 performing such services under a written agreement that
18 expressly or by operation of law prohibits the third
19 party's sharing and use of such confidential information
20 for any purpose other than as provided in its agreement to
21 provide services to the financial institution.

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

23 (410 ILCS 705/55-85)

24 Sec. 55-85. Medical cannabis.

25 (a) Nothing in this Act shall be construed to limit any

1 privileges or rights of a medical cannabis patient including
2 minor patients, primary caregiver, medical cannabis
3 cultivation center, or medical cannabis dispensing
4 organization under the Compassionate Use of Medical Cannabis
5 Program Act, ~~and where there is conflict between this Act and~~
6 ~~the Compassionate Use of Medical Cannabis Program Act as they~~
7 ~~relate to medical cannabis patients, the Compassionate Use of~~
8 ~~Medical Cannabis Program Act shall prevail.~~

9 (b) Dispensary locations that obtain an Early Approval
10 Adult Use Dispensary Organization License or an Adult Use
11 Dispensary Organization License in accordance with this Act at
12 the same location as a medical cannabis dispensing
13 organization registered under the Compassionate Use of Medical
14 Cannabis Program Act shall maintain an inventory of medical
15 cannabis and medical cannabis products on a monthly basis that
16 is substantially similar in variety and quantity to the
17 products offered at the dispensary during the 6-month period
18 immediately before the effective date of this Act.

19 (c) Beginning June 30, 2020, the Commission ~~Department of~~
20 ~~Agriculture~~ shall make a quarterly determination whether
21 inventory requirements established for dispensaries in
22 subsection (b) should be adjusted due to changing patient
23 need.

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

1 Sec. 65-5. Definitions. In this Article:

2 "Adjusted delta-9-tetrahydrocannabinol level" means, for a
3 delta-9-tetrahydrocannabinol dominant product, the sum of the
4 percentage of delta-9-tetrahydrocannabinol plus .877
5 multiplied by the percentage of tetrahydrocannabinolic acid.

6 "Cannabis" has the meaning given to that term in Article 1
7 of this Act, except that it does not include cannabis that is
8 subject to tax under the Compassionate Use of Medical Cannabis
9 Program ~~Act~~.

10 "Cannabis-infused product" means beverage food, oils,
11 ointments, tincture, topical formulation, or another product
12 containing cannabis that is not intended to be smoked.

13 "Cannabis retailer" means a dispensing organization that
14 sells cannabis for use and not for resale.

15 "Craft grower" has the meaning given to that term in
16 Article 1 of this Act.

17 "Department" means the Department of Revenue.

18 "Director" means the Director of Revenue.

19 "Dispensing organization" or "dispensary" has the meaning
20 given to that term in Article 1 of this Act.

21 "Person" means a natural individual, firm, partnership,
22 association, joint stock company, joint adventure, 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 "Infuser organization" or "infuser" means a facility

1 operated by an organization or business that is licensed by
2 the Commission ~~Department of Agriculture~~ to directly
3 incorporate cannabis or cannabis concentrate into a product
4 formulation to produce a cannabis-infused product.

5 "Purchase price" means the consideration paid for a
6 purchase of cannabis, valued in money, whether received in
7 money or otherwise, including cash, gift cards, credits, and
8 property and shall be determined without any deduction on
9 account of the cost of materials used, labor or service costs,
10 or any other expense whatsoever. However, "purchase price"
11 does not include consideration paid for:

12 (1) any charge for a payment that is not honored by a
13 financial institution;

14 (2) any finance or credit charge, penalty or charge
15 for delayed payment, or discount for prompt payment; and

16 (3) any amounts added to a purchaser's bill because of
17 charges made under the tax imposed by this Article, the
18 Municipal Cannabis Retailers' Occupation Tax Law, the
19 County Cannabis Retailers' Occupation Tax Law, the
20 Retailers' Occupation Tax Act, the Use Tax Act, the
21 Service Occupation Tax Act, the Service Use Tax Act, or
22 any locally imposed occupation or use tax.

23 "Purchaser" means a person who acquires cannabis for a
24 valuable consideration.

25 "Taxpayer" means a cannabis retailer who is required to
26 collect the tax imposed under this Article.

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

2 (410 ILCS 705/Art. 70 heading new)

3 ARTICLE 70. License and Regulation of Cannabis Business
4 Establishments.

5 (410 ILCS 705/70-5 new)

6 Sec. 70-5. Definition. In this Act, "Commission" means the
7 Cannabis Equity and Oversight Commission.

8 (410 ILCS 705/70-10 new)

9 Sec. 70-10. Authority.

10 (a) The Commission has the authority to administer and
11 enforce provisions of this Act relating to the oversight,
12 licensing, and registration of dispensing organizations,
13 cultivation centers, craft growers, infuser organizations,
14 transporting organizations, and laboratories as well as any
15 other activity related to cannabis.

16 (b) The Commission shall have the authority to adopt such
17 rules consistent with the provisions of this Act that are
18 necessary to carry on its functions and duties to administer
19 and enforce this Act. Prior to issuing licenses under
20 subsection (a), the Commission may adopt rules through
21 emergency rulemaking in accordance with subsection (kk) of
22 Section 5-45 of the Illinois Administrative Procedure Act. The
23 General Assembly finds that the adoption of rules to regulate

1 cannabis use is deemed an emergency and necessary for the
2 public interest, safety, and welfare.

3 (c) The Commission, the Department of Financial and
4 Professional Regulation, and the Department of Agriculture
5 have the authority to enter into intergovernmental agreements
6 to carry out the licensure and oversight of cannabis business
7 establishments under this Act, shall collaborate and
8 coordinate on adopting rules that are necessary to carry out
9 the functions and duties of this Act.

10 (410 ILCS 705/70-15 new)

11 Sec. 70-15. Authority over licenses; authority to issue
12 licenses.

13 (a) Notwithstanding any other provision of law, the
14 Commission shall have authority over the following licenses
15 that may be in various phases in the licensing process, are
16 eligible, pending, in the conditional phase, awarded, or
17 pending adjudication by a judicial process, or have otherwise
18 not been awarded on or after July 1, 2023:

19 (1) The 75 Conditional Adult Use Dispensing
20 Organization licenses eligible for award as determined by
21 a Tied Applicant Lottery under Section 15-30.20.

22 (2) The 55 Conditional Adult Use Dispensing
23 Organization Licenses eligible for award as determined by
24 a Qualifying Applicant Lottery under Section 15-35.10.

25 (3) The 55 Conditional Adult Use Dispensing

1 Organization Licenses eligible for award as determined by
2 a Social Equity Justice Involved Lottery under Section
3 15-35.

4 (4) Conditional Adult Use Dispensing Organization
5 Licenses eligible for award under Section 15-35.20.

6 (5) Cultivation center licenses eligible for award
7 under Section 20-10 of the Act.

8 (6) The Craft grower licenses eligible for award under
9 Section 30-5 of the Act.

10 (7) The Infuser licenses eligible for award under
11 Section 35-5 of the Act; and

12 (8) Transporting organization licenses eligible for
13 award under Section 40-5 of the Act.

14 (b) Subject to subsection (c), the Commission has the
15 exclusive authority to issue licenses to dispensing
16 organizations, cultivation centers, craft growers, infusers,
17 and transporter organizations under this Act and to certify
18 laboratories under this Act.

19 (c) The Commission may only issue the following licenses
20 in the following amounts:

21 (1) Dispensing organization licenses under Section
22 15-5, except that at no time may the number of dispensing
23 organization licenses exceed 500.

24 (2) Cultivation center licenses under Section 20-10,
25 except that at no time may the number of cultivation
26 center licenses exceed 30.

1 (3) Craft grower licenses under Section 30-5, except
2 that at no time may the number of craft grower licenses
3 exceed 150.

4 (410 ILCS 705/70-20 new)

5 Sec. 70-20. Licensing applications and denials.

6 (a) The Commission shall establish applications for
7 licensure of dispensing organizations, cultivation centers,
8 craft growers, infusers, transporting organizations under this
9 Act and for certification of laboratories under this Act.

10 (b) Notwithstanding any other provisions regarding
11 applications for cannabis business establishments, the
12 Commission may adopt rules to develop (i) applications for
13 licensure of dispensing organizations, cultivation centers,
14 craft growers, infusers, transporting organizations under this
15 Act, (ii) applications for certification of laboratories under
16 this Act, and (iii) a process for issuing licenses and
17 certifications under this Act. The rules shall include, at a
18 minimum, the following:

19 (1) A nonrefundable application fee set by rule to be
20 deposited into the Cannabis Regulation Fund.

21 (2) The legal name of the organization seeking a
22 license to operate as a cannabis business establishment.

23 (3) The name, address, social security number, and
24 date of birth of each principal officer and board member
25 of the organization seeking a license to operate as a

1 cannabis business establishment.

2 (4) A verification from the Illinois State Police that
3 all background checks of the prospective principal
4 officers, board members, and agents of the applicant have
5 been conducted.

6 (5) A verification from the Department of Revenue that
7 the applicant and the applicant's principal officers,
8 board members, and persons having a financial or voting
9 interest of 5% or greater in the applicant is not
10 delinquent in filing any required tax returns or paying
11 any amounts owed to the State of Illinois.

12 (6) To establish criteria for the denial of an
13 application, which shall include, at a minimum, the
14 following:

15 (A) The applicant failed to submit the materials
16 required by the licensing application, this Act, or
17 any rules adopted under this Act.

18 (B) The applicant would not be in compliance with
19 local zoning rules.

20 (C) Any of the applicant's prospective principal
21 officers or board members have violated Section 20-30.

22 (D) Any of the applicant's prospective principal
23 officers or board members are under 21 years of age.

24 (E) The applicant has submitted an application
25 under this Act that contains false information.

26 (F) The applicant, any of the applicant's

1 principal officers, board members, or agents, or any
2 person having a financial or voting interest of 5% or
3 greater in the applicant is delinquent in filing any
4 required tax returns or paying any amounts owed to the
5 State of Illinois.

6 (G) Granting the application would result in a
7 person or entity obtaining direct or indirect
8 financial interest in more than 10 Early Approval
9 Adult Use Dispensing Organization Licenses,
10 Conditional Adult Use Dispensing Organization
11 Licenses, Adult Use Dispensing Organization Licenses,
12 or any combination thereof. If a person or entity is
13 awarded a license that would cause such a result, the
14 applicant shall choose which license application it
15 wants to abandon and that license shall become
16 available to the next qualified applicant in the
17 region in which the abandoned license was awarded.

18
19 (410 ILCS 705/70-25 new)

20 Sec. 70-25. Rules amending operational requirements or
21 prohibitions. The Commission may adopt rules to amend the
22 operational requirements or prohibited activities of cannabis
23 business establishments provided under this Act.

24 (410 ILCS 705/70-30 new)

1 Sec. 70-30. Ownership and control; changes in ownership;
2 changes to management agreements.

3 (a) Cannabis business establishment applicants and
4 licensees shall file and maintain a Table of Organization,
5 Ownership and Control with the Commission. The Table of
6 Organization, Ownership and Control shall contain the
7 information required by this Section in sufficient detail to
8 identify all owners, directors, and principal officers, and
9 the title of each principal officer or business entity that,
10 through direct or indirect means, manages, owns, or controls
11 the applicant or licensee.

12 (b) The Table of Organization, Ownership, and Control
13 shall identify the following information:

14 (1) The management structure, ownership, and control
15 of the applicant or license holder including the name of
16 each principal officer or business entity, the office or
17 position held, and the percentage ownership interest, if
18 any. If the business entity has a parent company, the name
19 of each owner, board member, and officer of the parent
20 company and his or her percentage ownership interest in
21 the parent company and the infuser organization.

22 (2) If the applicant or licensee is a business entity
23 with publicly traded stock, the identification of
24 ownership shall be provided as required in subsection (c).

25 (c) If a business entity identified in subsection (b) is a
26 publicly traded company, the following information shall be

1 provided in the Table of Organization, Ownership, and Control:

2 (1) The name and percentage of ownership interest of
3 each individual or business entity with ownership of more
4 than 5% of the voting shares of the entity, to the extent
5 such information is known or contained in 13D or 13G
6 Securities and Exchange Commission filings.

7 (2) To the extent known, the names and percentage of
8 interest of ownership of persons who are relatives of one
9 another and who together exercise control over or own more
10 than 10% of the voting shares of the entity.

11 (d) A cannabis business establishment with a parent
12 company or companies, or partially owned or controlled by
13 another entity must disclose to the Commission the
14 relationship and all owners, board members, officers, or
15 individuals with control or management of those entities. A
16 Cannabis business establishment organization shall not shield
17 its ownership or control from the Commission.

18 (e) All principal officers must submit a complete online
19 application with the Commission within 14 days of the cannabis
20 business establishment being licensed by the Commission or
21 within 14 days of the Commission's notice of approval as a new
22 principal officer.

23 (f) A principal officer may not allow their registration
24 to expire.

25 (g) A cannabis business establishment separating with a
26 principal officer must do so under this Act. The principal

1 officer must communicate the separation to the Commission
2 within 5 business days.

3 (h) A principal officer not in compliance with the
4 requirements of this Act shall be removed from their position
5 with the cannabis business establishment or shall otherwise
6 terminate their affiliation. Failure to do so may subject the
7 cannabis business establishment to discipline, suspension, or
8 revocation of its license by the Commission.

9 (i) It is the responsibility of the cannabis business
10 establishment organization and its principal officers to
11 promptly notify the Commission of any change of the principal
12 place of business address, hours of operation, change in
13 ownership or control, or a change of the cannabis business
14 establishment's primary or secondary contact information. Any
15 changes must be made to the Department in writing.

16 A cannabis business establishment may only add principal
17 officers and changing the management after being approved by
18 the Commission.

19 A cannabis business establishment shall provide written
20 notice of the removal of a principal officer within 5 business
21 days after removal. The notice shall include the written
22 agreement of the principal officer being removed, unless
23 otherwise approved by the Commission, and allocation of
24 ownership shares after removal in an updated ownership chart.

25 A cannabis business establishment shall provide a written
26 request to the Commission for the addition of principal

1 officers. A cannabis business establishment shall submit
2 proposed principal officer applications on forms approved by
3 the Commission.

4 All proposed new principal officers shall be subject to
5 the requirements of this Act, this Article, and any rules that
6 may be adopted pursuant to this Act.

7 The Commission may prohibit the addition of a principal
8 officer to a cannabis business establishment for failure to
9 comply with this Act, this Article, and any rules that may be
10 adopted pursuant to this Act.

11 A cannabis business establishment may not assign a
12 license.

13 A cannabis business establishment may not transfer a
14 license without prior Commission approval.

15 Such approval may be withheld if the person to whom the
16 license is being transferred does not commit to the same or a
17 similar community engagement plan provided as part of the
18 dispensing organization's application under paragraph (18) of
19 subsection (d) of Section 15-25, and such transferee's license
20 shall be conditional upon that commitment.

21 With the addition or removal of principal officers, the
22 Commission will review the ownership structure to determine
23 whether the change in ownership has had the effect of a
24 transfer of the license. The cannabis business establishment
25 shall supply all ownership documents requested by the
26 Commission.

1 A cannabis business establishment may apply to the
2 Commission to approve a sale of the cannabis business
3 establishment. A request to sell the cannabis business
4 establishment must be on application forms provided by the
5 Commission. A request for an approval to sell a cannabis
6 business establishment must comply with the following:

7 (1) New application materials shall comply with this
8 Act and any rules that may be adopted pursuant to this Act;

9 (2) Application materials shall include a change of
10 ownership fee as determined by rule to be deposited into
11 the Cannabis Regulation Fund;

12 (3) The application materials shall provide proof that
13 the transfer of ownership will not have the effect of
14 granting any of the owners or principal officers direct or
15 indirect ownership or control of more than 10 cannabis
16 business establishment licenses;

17 (4) New principal officers shall each complete the
18 proposed new principal officer application;

19 (5) If the Commission approves the application
20 materials and proposed new principal officer applications,
21 it will perform an inspection before approving the sale
22 and issuing the dispensing organization license;

23 (6) If a new license is approved, the Commission will
24 issue a new license number and certificate to the new
25 dispensing organization.

1 (410 ILCS 705/Art. 75 heading new)

2 ARTICLE 75. Compassionate Use of Medical Cannabis Program.

3 (410 ILCS 705/75-5 new)

4 Sec. 75-5. Findings.

5 (a) The recorded use of cannabis as a medicine goes back
6 nearly 5,000 years. Modern medical research has confirmed the
7 beneficial uses of cannabis in treating or alleviating the
8 pain, nausea, and other symptoms associated with a variety of
9 debilitating medical conditions, including cancer, multiple
10 sclerosis, and HIV/AIDS, as found by the National Academy of
11 Sciences' Institute of Medicine in March 1999.

12 (b) Studies published since the 1999 Institute of Medicine
13 report continue to show the therapeutic value of cannabis in
14 treating a wide array of debilitating medical conditions.
15 These include relief of the neuropathic pain caused by
16 multiple sclerosis, HIV/AIDS, and other illnesses that often
17 fail to respond to conventional treatments and relief of
18 nausea, vomiting, and other side effects of drugs used to
19 treat HIV/AIDS and hepatitis C, increasing the chances of
20 patients continuing on life-saving treatment regimens.

21 (c) Cannabis has many currently accepted medical uses in
22 the United States, having been recommended by thousands of
23 licensed physicians to at least 600,000 patients in states
24 with medical cannabis laws. The medical utility of cannabis is
25 recognized by a wide range of medical and public health

1 organizations, including the American Academy of HIV Medicine,
2 the American College of Physicians, the American Nurses
3 Association, the American Public Health Association, the
4 Leukemia & Lymphoma Society, and many others.

5 (d) Data from the Federal Bureau of Investigation's
6 Uniform Crime Reports and the Compendium of Federal Justice
7 Statistics show that approximately 99 out of every 100
8 cannabis arrests in the U.S. are made under state law, rather
9 than under federal law. Consequently, changing State law will
10 have the practical effect of protecting from arrest the vast
11 majority of seriously ill patients who have a medical need to
12 use cannabis.

13 (d-5) In 2014, the Task Force on Veterans' Suicide was
14 created by the Illinois General Assembly to gather data on
15 veterans' suicide prevention. Data from a U.S. Department of
16 Veterans Affairs study indicates that 22 veterans commit
17 suicide each day.

18 (d-10) According to the State of Illinois Opioid Action
19 Plan released in September 2017, "The opioid epidemic is the
20 most significant public health and public safety crisis facing
21 Illinois". According to the Action Plan, "Fueled by the
22 growing opioid epidemic, drug overdoses have now become the
23 leading cause of death nationwide for people under the age of
24 50. In Illinois, opioid overdoses have killed nearly 11,000
25 people since 2008. Just last year, nearly 1,900 people died of
26 overdoses—almost twice the number of fatal car accidents.

1 Beyond these deaths are thousands of emergency department
2 visits, hospital stays, as well as the pain suffered by
3 individuals, families, and communities".

4 According to the Action Plan, "At the current rate, the
5 opioid epidemic will claim the lives of more than 2,700
6 Illinoisans in 2020".

7 Further, the Action Plan states, "Physical tolerance to
8 opioids can begin to develop as early as two to three days
9 following the continuous use of opioids, which is a large
10 factor that contributes to their addictive potential".

11 The 2017 State of Illinois Opioid Action Plan also states,
12 "The increase in OUD [opioid use disorder] and opioid overdose
13 deaths is largely due to the dramatic rise in the rate and
14 amount of opioids prescribed for pain over the past decades".

15 Further, according to the Action Plan, "In the absence of
16 alternative treatments, reducing the supply of prescription
17 opioids too abruptly may drive more people to switch to using
18 illicit drugs (including heroin), thus increasing the risk of
19 overdose".

20 (e) Alaska, Arizona, California, Colorado, Connecticut,
21 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,
22 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,
23 Washington, and Washington, D.C. have removed state-level
24 criminal penalties from the medical use and cultivation of
25 cannabis. Illinois joins in this effort for the health and
26 welfare of its citizens.

1 (f) States are not required to enforce federal law or
2 prosecute people for engaging in activities prohibited by
3 federal law. Therefore, compliance with this Article does not
4 put the State of Illinois in violation of federal law.

5 (g) State law should make a distinction between the
6 medical and non-medical uses of cannabis. Hence, the purpose
7 of this Article is to protect patients with debilitating
8 medical conditions, as well as their physicians and providers,
9 from arrest and prosecution, criminal and other penalties, and
10 property forfeiture if the patients engage in the medical use
11 of cannabis.

12 (410 ILCS 705/75-7 new)

13 Sec. 75-7. Lawful user and lawful products. For the
14 purposes of this Article and to clarify the legislative
15 findings on the lawful use of cannabis:

16 (1) A cardholder under this Article shall not be
17 considered an unlawful user or addicted to narcotics
18 solely as a result of his or her qualifying patient or
19 designated caregiver status.

20 (2) All medical cannabis products purchased by a
21 qualifying patient at a licensed dispensing organization
22 shall be lawful products and a distinction shall be made
23 between medical and non-medical uses of cannabis as a
24 result of the qualifying patient's cardholder status,
25 provisional registration for qualifying patient cardholder

1 status, or participation in the Opioid Alternative Pilot
2 Program under the authorized use granted under State law.

3 (3) An individual with a provisional registration for
4 qualifying patient cardholder status, a qualifying patient
5 in the Compassionate Use of Medical Cannabis Program, or
6 an Opioid Alternative Pilot Program participant under
7 Section 75-62 shall not be considered an unlawful user or
8 addicted to narcotics solely as a result of his or her
9 application to or participation in the program.

10 (410 ILCS 705/75-10 new)

11 Sec. 75-10. Definitions. The following terms, as used in
12 this Article, shall have the meanings set forth in this
13 Section:

14 (a) "Adequate supply" means:

15 (1) 2.5 ounces of usable cannabis during a period of
16 14 days and that is derived solely from an intrastate
17 source.

18 (2) Subject to the rules of the Commission, a patient
19 may apply for a waiver where a certifying health care
20 professional provides a substantial medical basis in a
21 signed, written statement asserting that, based on the
22 patient's medical history, in the certifying health care
23 professional's professional judgment, 2.5 ounces is an
24 insufficient adequate supply for a 14-day period to
25 properly alleviate the patient's debilitating medical

1 condition or symptoms associated with the debilitating
2 medical condition.

3 (3) This subsection may not be construed to authorize
4 the possession of more than 2.5 ounces at any time without
5 authority from the Commission.

6 (4) The pre-mixed weight of medical cannabis used in
7 making a cannabis infused product shall apply toward the
8 limit on the total amount of medical cannabis a registered
9 qualifying patient may possess at any one time.

10 (a-5) "Advanced practice registered nurse" means a person
11 who is licensed under the Nurse Practice Act as an advanced
12 practice registered nurse and has a controlled substances
13 license under Article III of the Illinois Controlled
14 Substances Act.

15 (d) "Cardholder" means a qualifying patient or a
16 designated caregiver who has been issued and possesses a valid
17 registry identification card by the Department of Public
18 Health.

19 (d-5) "Certifying health care professional" means a
20 physician, an advanced practice registered nurse, or a
21 physician assistant.

22 (h) "Debilitating medical condition" means one or more of
23 the following:

24 (1) cancer, glaucoma, positive status for human
25 immunodeficiency virus, acquired immune deficiency
26 syndrome, hepatitis C, amyotrophic lateral sclerosis,

1 Crohn's disease (including, but not limited to, ulcerative
2 colitis), agitation of Alzheimer's disease,
3 cachexia/wasting syndrome, muscular dystrophy,
4 fibromyalgia, spinal cord disease, including but not
5 limited to arachnoiditis, Tarlov cysts, hydromyelia,
6 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
7 spinal cord injury, traumatic brain injury and
8 post-concussion syndrome, Multiple Sclerosis,
9 Arnold-Chiari malformation and Syringomyelia,
10 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
11 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
12 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
13 (Complex Regional Pain Syndromes Type II),
14 Neurofibromatosis, Chronic Inflammatory Demyelinating
15 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
16 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
17 syndrome, residual limb pain, seizures (including those
18 characteristic of epilepsy), post-traumatic stress
19 disorder (PTSD), autism, chronic pain, irritable bowel
20 syndrome, migraines, osteoarthritis, anorexia nervosa,
21 Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune
22 Disease, neuropathy, polycystic kidney disease, superior
23 canal dehiscence syndrome, or the treatment of these
24 conditions;

25 (1.5) terminal illness with a diagnosis of 6 months or
26 less; if the terminal illness is not one of the qualifying

1 debilitating medical conditions, then the certifying
2 health care professional shall on the certification form
3 identify the cause of the terminal illness; or

4 (2) any other debilitating medical condition or its
5 treatment that is added by the Department of Public Health
6 by rule as provided in Section 75-45.

7 (i) "Designated caregiver" means a person who: (1) is at
8 least 21 years of age; (2) has agreed to assist with a
9 patient's medical use of cannabis; (3) has not been convicted
10 of an excluded offense; and (4) assists no more than one
11 registered qualifying patient with his or her medical use of
12 cannabis.

13 (l-10) "Illinois Cannabis Tracking System" means a
14 web-based system established and maintained by the Commission
15 that is available to the Department of Agriculture, the
16 Department of Financial and Professional Regulation, the
17 Illinois State Police, and registered medical cannabis
18 dispensing organizations on a 24-hour basis to upload written
19 certifications for Opioid Alternative Pilot Program
20 participants, to verify Opioid Alternative Pilot Program
21 participants, to verify Opioid Alternative Pilot Program
22 participants' available cannabis allotment and assigned
23 dispensary, and the tracking of the date of sale, amount, and
24 price of medical cannabis purchased by an Opioid Alternative
25 Pilot Program participant.

26 (m) "Medical cannabis cultivation center registration"

1 means a registration issued by the Department of Agriculture.

2 (n) "Medical cannabis container" means a sealed,
3 traceable, food compliant, tamper resistant, tamper evident
4 container, or package used for the purpose of containment of
5 medical cannabis from a cultivation center to a dispensing
6 organization.

7 (o) "Medical cannabis dispensing organization", or
8 "dispensing organization", or "dispensary organization" means
9 a facility operated by an organization or business that is
10 registered by the Commission to acquire medical cannabis from
11 a registered cultivation center for the purpose of dispensing
12 cannabis, paraphernalia, or related supplies and educational
13 materials to registered qualifying patients, individuals with
14 a provisional registration for qualifying patient cardholder
15 status, or an Opioid Alternative Pilot Program participant.

16 (p) "Medical cannabis dispensing organization agent" or
17 "dispensing organization agent" means a principal officer,
18 board member, employee, or agent of a registered medical
19 cannabis dispensing organization who is 21 years of age or
20 older and has not been convicted of an excluded offense.

21 (q) "Medical cannabis infused product" means food, oils,
22 ointments, or other products containing usable cannabis that
23 are not smoked.

24 (r) "Medical use" means the acquisition; administration;
25 delivery; possession; transfer; transportation; or use of
26 cannabis to treat or alleviate a registered qualifying

1 patient's debilitating medical condition or symptoms
2 associated with the patient's debilitating medical condition.

3 (r-5) "Opioid" means a narcotic drug or substance that is
4 a Schedule II controlled substance under paragraph (1), (2),
5 (3), or (5) of subsection (b) or under subsection (c) of
6 Section 206 of the Illinois Controlled Substances Act.

7 (r-10) "Opioid Alternative Pilot Program participant"
8 means an individual who has received a valid written
9 certification to participate in the Opioid Alternative Pilot
10 Program for a medical condition for which an opioid has been or
11 could be prescribed by a certifying health care professional
12 based on generally accepted standards of care.

13 (s) "Physician" means a doctor of medicine or doctor of
14 osteopathy licensed under the Medical Practice Act of 1987 to
15 practice medicine and who has a controlled substances license
16 under Article III of the Illinois Controlled Substances Act.
17 It does not include a licensed practitioner under any other
18 Act including but not limited to the Illinois Dental Practice
19 Act.

20 (s-1) "Physician assistant" means a physician assistant
21 licensed under the Physician Assistant Practice Act of 1987
22 and who has a controlled substances license under Article III
23 of the Illinois Controlled Substances Act.

24 (s-5) "Provisional registration" means a document issued
25 by the Commission to a qualifying patient who has submitted:
26 (1) an online application and paid a fee to participate in the

1 Compassionate Use of Medical Cannabis Program pending approval
2 or denial of the patient's application; or (2) a completed
3 application for terminal illness.

4 (t) "Qualifying patient" means a person who has been
5 diagnosed by a certifying health care professional as having a
6 debilitating medical condition.

7 (u) "Registered" means licensed, permitted, or otherwise
8 certified by the Commission.

9 (v) "Registry identification card" means a document issued
10 by the Commission that identifies a person as a registered
11 qualifying patient or registered designated caregiver.

12 (w) "Usable cannabis" means the seeds, leaves, buds, and
13 flowers of the cannabis plant and any mixture or preparation
14 thereof, but does not include the stalks, and roots of the
15 plant. It does not include the weight of any non-cannabis
16 ingredients combined with cannabis, such as ingredients added
17 to prepare a topical administration, food, or drink.

18 (x) "Verification system" means a Web-based system
19 established and maintained by the Commission, law enforcement
20 personnel, and registered medical cannabis dispensing
21 organization agents on a 24-hour basis for the verification of
22 registry identification cards, the tracking of delivery of
23 medical cannabis to medical cannabis dispensing organizations,
24 and the tracking of the date of sale, amount, and price of
25 medical cannabis purchased by a registered qualifying patient.

26 (y) "Written certification" means a document dated and

1 signed by a certifying health care professional, stating (1)
2 that the qualifying patient has a debilitating medical
3 condition and specifying the debilitating medical condition
4 the qualifying patient has; and (2) that (A) the certifying
5 health care professional is treating or managing treatment of
6 the patient's debilitating medical condition; or (B) an Opioid
7 Alternative Pilot Program participant has a medical condition
8 for which opioids have been or could be prescribed. A written
9 certification shall be made only in the course of a bona fide
10 health care professional-patient relationship, after the
11 certifying health care professional has completed an
12 assessment of either a qualifying patient's medical history or
13 Opioid Alternative Pilot Program participant, reviewed
14 relevant records related to the patient's debilitating
15 condition, and conducted a physical examination.

16 (z) "Bona fide health care professional-patient
17 relationship" means a relationship established at a hospital,
18 certifying health care professional's office, or other health
19 care facility in which the certifying health care professional
20 has an ongoing responsibility for the assessment, care, and
21 treatment of a patient's debilitating medical condition or a
22 symptom of the patient's debilitating medical condition.

23 A veteran who has received treatment at a VA hospital
24 shall be deemed to have a bona fide health care
25 professional-patient relationship with a VA certifying health
26 care professional if the patient has been seen for his or her

1 debilitating medical condition at the VA Hospital in
2 accordance with VA Hospital protocols.

3 A bona fide health care professional-patient relationship
4 under this subsection is a privileged communication within the
5 meaning of Section 8-802 of the Code of Civil Procedure.

6 (410 ILCS 705/75-15 new)

7 Sec. 75-15. Authority.

8 (a) It is the duty of the Commission to enforce the
9 following provisions of this Article unless otherwise provided
10 for by this Article:

11 (1) establish and maintain a confidential registry of
12 qualifying patients authorized to engage in the medical
13 use of cannabis and their caregivers;

14 (2) distribute educational materials about the health
15 benefits and risks associated with the use of cannabis and
16 prescription medications;

17 (3) adopt rules to administer the patient and
18 caregiver registration program; and

19 (4) adopt rules establishing food handling
20 requirements for cannabis-infused products that are
21 prepared for human consumption.

22 (b) It is the duty of the Commission to enforce the
23 provisions of this Article relating to the registration and
24 oversight of cultivation centers unless otherwise provided for
25 in this Article.

1 (c) It is the duty of the Commission to enforce the
2 provisions of this Article relating to the registration and
3 oversight of dispensing organizations unless otherwise
4 provided for in this Article.

5 (d) The Commission, the Department of Public Health, the
6 Department of Agriculture, or the Department of Financial and
7 Professional Regulation shall enter into intergovernmental
8 agreements, as necessary, to carry out the provisions of this
9 Article including, but not limited to, the provisions relating
10 to the registration and oversight of cultivation centers,
11 dispensing organizations, and qualifying patients and
12 caregivers.

13 (e) The Commission may suspend, revoke, or impose other
14 penalties upon a registration for violations of this Article
15 and any rules adopted in accordance thereto. The suspension or
16 revocation of, or imposition of any other penalty upon, a
17 registration is a final Agency action, subject to judicial
18 review. Jurisdiction and venue for judicial review are vested
19 in the Circuit Court.

20 (410 ILCS 705/75-20 new)

21 Sec. 75-20. Compassionate Use of Medical Cannabis Fund.

22 (a) There is created the Compassionate Use of Medical
23 Cannabis Fund in the State treasury to be used exclusively for
24 the direct and indirect costs associated with the
25 implementation, administration, and enforcement of this

1 Article. Funds in excess of the direct and indirect costs
2 associated with the implementation, administration, and
3 enforcement of this Article shall be used to fund crime
4 prevention programs.

5 (b) All monies collected under this Article shall be
6 deposited in the Compassionate Use of Medical Cannabis Fund in
7 the State treasury. All earnings received from investment of
8 monies in the Compassionate Use of Medical Cannabis Fund shall
9 be deposited in the Compassionate Use of Medical Cannabis
10 Fund.

11 (c) Notwithstanding any other law to the contrary, the
12 Compassionate Use of Medical Cannabis Fund is not subject to
13 sweeps, administrative charge-backs, or any other fiscal or
14 budgetary maneuver that would in any way transfer any amounts
15 from the Compassionate Use of Medical Cannabis Fund into any
16 other fund of the State with the exception for purposes to
17 support Social Equity Applicants, owners and programs or as
18 determined by the Commission.

19 (410 ILCS 705/75-25 new)

20 Sec. 75-25. Immunities and presumptions related to the
21 medical use of cannabis.

22 (a) A registered qualifying patient is not subject to
23 arrest, prosecution, or denial of any right or privilege,
24 including, but not limited to, civil penalty or disciplinary
25 action by an occupational or professional licensing board, for

1 the medical use of cannabis in accordance with this Article,
2 if the registered qualifying patient possesses an amount of
3 cannabis that does not exceed an adequate supply as defined in
4 subsection (a) of Section 75-10 of this Article of usable
5 cannabis and, where the registered qualifying patient is a
6 licensed professional, the use of cannabis does not impair
7 that licensed professional when he or she is engaged in the
8 practice of the profession for which he or she is licensed.

9 (b) A registered designated caregiver is not subject to
10 arrest, prosecution, or denial of any right or privilege,
11 including, but not limited to, civil penalty or disciplinary
12 action by an occupational or professional licensing board, for
13 acting in accordance with this Article to assist a registered
14 qualifying patient to whom he or she is connected through the
15 with the exception for purposes to support Social Equity
16 Applicants, owners and programs or as determined by the
17 Commission's registration process with the medical use of
18 cannabis if the designated caregiver possesses an amount of
19 cannabis that does not exceed an adequate supply as defined in
20 subsection (a) of Section 75-10 of this Article of usable
21 cannabis. A school nurse or school administrator is not
22 subject to arrest, prosecution, or denial of any right or
23 privilege, including, but not limited to, a civil penalty, for
24 acting in accordance with Section 22-33 of the School Code
25 relating to administering or assisting a student in
26 self-administering a medical cannabis infused product. The

1 total amount possessed between the qualifying patient and
2 caregiver shall not exceed the patient's adequate supply as
3 defined in subsection (a) of Section 75-10 of this Article.

4 (c) A registered qualifying patient or registered
5 designated caregiver is not subject to arrest, prosecution, or
6 denial of any right or privilege, including, but not limited
7 to, civil penalty or disciplinary action by an occupational or
8 professional licensing board for possession of cannabis that
9 is incidental to medical use, but is not usable cannabis as
10 defined in this Article.

11 (d) (1) There is a rebuttable presumption that a registered
12 qualifying patient is engaged in, or a designated caregiver is
13 assisting with, the medical use of cannabis in accordance with
14 this Article if the qualifying patient or designated
15 caregiver:

16 (A) is in possession of a valid registry
17 identification card; and

18 (B) is in possession of an amount of cannabis that
19 does not exceed the amount allowed under subsection (a) of
20 Section 75-10.

21 (2) The presumption may be rebutted by evidence that
22 conduct related to cannabis was not for the purpose of
23 treating or alleviating the qualifying patient's debilitating
24 medical condition or symptoms associated with the debilitating
25 medical condition in compliance with this Article.

26 (e) A certifying health care professional is not subject

1 to arrest, prosecution, or penalty in any manner, or denial of
2 any right or privilege, including, but not limited to, civil
3 penalty or disciplinary action by the Medical Disciplinary
4 Board or by any other occupational or professional licensing
5 board, solely for providing written certifications or for
6 otherwise stating that, in the certifying health care
7 professional's professional opinion, a patient is likely to
8 receive therapeutic or palliative benefit from the medical use
9 of cannabis to treat or alleviate the patient's debilitating
10 medical condition or symptoms associated with the debilitating
11 medical condition, provided that nothing shall prevent a
12 professional licensing or disciplinary board from sanctioning
13 a certifying health care professional for: (1) issuing a
14 written certification to a patient who is not under the
15 certifying health care professional's care for a debilitating
16 medical condition; or (2) failing to properly evaluate a
17 patient's medical condition or otherwise violating the
18 standard of care for evaluating medical conditions.

19 (f) No person may be subject to arrest, prosecution, or
20 denial of any right or privilege, including, but not limited
21 to, civil penalty or disciplinary action by an occupational or
22 professional licensing board, solely for: (1) selling cannabis
23 paraphernalia to a cardholder upon presentation of an
24 unexpired registry identification card in the recipient's
25 name, if employed and registered as a dispensing agent by a
26 registered dispensing organization; (2) being in the presence

1 or vicinity of the medical use of cannabis as allowed under
2 this Article; or (3) assisting a registered qualifying patient
3 with the act of administering cannabis.

4 (g) A registered cultivation center is not subject to
5 prosecution; search or inspection, except by the with the
6 exception for purposes to support Social Equity Applicants,
7 owners and programs or as determined by the Commission or
8 State or local law enforcement under Section 75-130; seizure;
9 or penalty in any manner, or denial of any right or privilege,
10 including, but not limited to, civil penalty or disciplinary
11 action by a business licensing board or entity, for acting
12 under this Article and Commission rules to: acquire, possess,
13 cultivate, manufacture, deliver, transfer, transport, supply,
14 or sell cannabis to registered dispensing organizations.

15 (h) A registered cultivation center agent is not subject
16 to prosecution, search, or penalty in any manner, or denial of
17 any right or privilege, including, but not limited to, civil
18 penalty or disciplinary action by a business licensing board
19 or entity, for working or volunteering for a registered
20 cannabis cultivation center under this Article and Commission
21 rules, including to perform the actions listed under
22 subsection (g).

23 (i) A registered dispensing organization is not subject to
24 prosecution; search or inspection, except by the Commission or
25 State or local law enforcement pursuant to Section 75-130;
26 seizure; or penalty in any manner, or denial of any right or

1 privilege, including, but not limited to, civil penalty or
2 disciplinary action by a business licensing board or entity,
3 for acting under this Article and Commission rules to:
4 acquire, possess, or dispense cannabis, or related supplies,
5 and educational materials to registered qualifying patients or
6 registered designated caregivers on behalf of registered
7 qualifying patients.

8 (j) A registered dispensing organization agent is not
9 subject to prosecution, search, or penalty in any manner, or
10 denial of any right or privilege, including, but not limited
11 to, civil penalty or disciplinary action by a business
12 licensing board or entity, for working or volunteering for a
13 dispensing organization under this Article and Department of
14 Financial and Professional Regulation rules, including to
15 perform the actions listed under subsection (i).

16 (k) Any cannabis, cannabis paraphernalia, illegal
17 property, or interest in legal property that is possessed,
18 owned, or used in connection with the medical use of cannabis
19 as allowed under this Article, or acts incidental to that use,
20 may not be seized or forfeited. This Article does not prevent
21 the seizure or forfeiture of cannabis exceeding the amounts
22 allowed under this Article, nor shall it prevent seizure or
23 forfeiture if the basis for the action is unrelated to the
24 cannabis that is possessed, manufactured, transferred, or used
25 under this Article.

26 (l) Mere possession of, or application for, a registry

1 identification card or registration certificate does not
2 constitute probable cause or reasonable suspicion, nor shall
3 it be used as the sole basis to support the search of the
4 person, property, or home of the person possessing or applying
5 for the registry identification card. The possession of, or
6 application for, a registry identification card does not
7 preclude the existence of probable cause if probable cause
8 exists on other grounds.

9 (m) Nothing in this Article shall preclude local or State
10 law enforcement agencies from searching a registered
11 cultivation center where there is probable cause to believe
12 that the criminal laws of this State have been violated and the
13 search is conducted in conformity with the Illinois
14 Constitution, the Constitution of the United States, and all
15 State statutes.

16 (n) Nothing in this Article shall preclude local or State
17 law enforcement agencies from searching a registered
18 dispensing organization where there is probable cause to
19 believe that the criminal laws of this State have been
20 violated and the search is conducted in conformity with the
21 Illinois Constitution, the Constitution of the United States,
22 and all State statutes.

23 (o) No individual employed by the State of Illinois shall
24 be subject to criminal or civil penalties for taking any
25 action in accordance with the provisions of this Article, when
26 the actions are within the scope of the individual's

1 employment. Representation and indemnification of State
2 employees shall be provided to State employees as set forth in
3 Section 2 of the State Employee Indemnification Act.

4 (p) No law enforcement or correctional agency, nor any
5 individual employed by a law enforcement or correctional
6 agency, shall be subject to criminal or civil liability,
7 except for willful and wanton misconduct, as a result of
8 taking any action within the scope of the official duties of
9 the agency or individual to prohibit or prevent the possession
10 or use of cannabis by a cardholder incarcerated at a
11 correctional facility, jail, or municipal lockup facility, on
12 parole or mandatory supervised release, or otherwise under the
13 lawful jurisdiction of the agency or individual.

14 (410 ILCS 705/75-30 new)

15 Sec. 75-30. Limitations and penalties.

16 (a) This Article does not permit any person to engage in,
17 and does not prevent the imposition of any civil, criminal, or
18 other penalties for engaging in, the following conduct:

19 (1) Undertaking any task under the influence of
20 cannabis, when doing so would constitute negligence,
21 professional malpractice, or professional misconduct;

22 (2) Possessing cannabis:

23 (A) except as provided under Section 22-33 of the
24 School Code, in a school bus;

25 (B) except as provided under Section 22-33 of the

1 School Code, on the grounds of any preschool or
2 primary or secondary school;

3 (C) in any correctional facility;

4 (D) in a vehicle under Section 11-502.1 of the
5 Illinois Vehicle Code;

6 (E) in a vehicle not open to the public unless the
7 medical cannabis is in a reasonably secured, sealed
8 container and reasonably inaccessible while the
9 vehicle is moving; or

10 (F) in a private residence that is used at any time
11 to provide licensed child care or other similar social
12 service care on the premises;

13 (3) Using cannabis:

14 (A) except as provided under Section 22-33 of the
15 School Code, in a school bus;

16 (B) except as provided under Section 22-33 of the
17 School Code, on the grounds of any preschool or
18 primary or secondary school;

19 (C) in any correctional facility;

20 (D) in any motor vehicle;

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

24 (F) except as provided under Section 22-33 of the
25 School Code and Section 75-31 of this Article, in any
26 public place. "Public place" as used in this

1 subsection means any place where an individual could
2 reasonably be expected to be observed by others. A
3 "public place" includes all parts of buildings owned
4 in whole or in part, or leased, by the State or a local
5 unit of government. A "public place" does not include
6 a private residence unless the private residence is
7 used to provide licensed child care, foster care, or
8 other similar social service care on the premises. For
9 purposes of this subsection, a "public place" does not
10 include a health care facility. For purposes of this
11 Section, a "health care facility" includes, but is not
12 limited to, hospitals, nursing homes, hospice care
13 centers, and long-term care facilities;

14 (G) except as provided under Section 22-33 of the
15 School Code and Section 75-31 of this Article,
16 knowingly in close physical proximity to anyone under
17 the age of 18 years of age;

18 (4) Smoking medical cannabis in any public place where
19 an individual could reasonably be expected to be observed
20 by others, in a health care facility, or any other place
21 where smoking is prohibited under the Smoke Free Illinois
22 Act;

23 (5) Operating, navigating, or being in actual physical
24 control of any motor vehicle, aircraft, or motorboat while
25 using or under the influence of cannabis in violation of
26 Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

1 (6) Using or possessing cannabis if that person does
2 not have a debilitating medical condition and is not a
3 registered qualifying patient or caregiver;

4 (7) Allowing any person who is not allowed to use
5 cannabis under this Article to use cannabis that a
6 cardholder is allowed to possess under this Article;

7 (8) Transferring cannabis to any person contrary to
8 the provisions of this Article;

9 (9) The use of medical cannabis by an active duty law
10 enforcement officer, correctional officer, correctional
11 probation officer, or firefighter; or

12 (10) The use of medical cannabis by a person who has a
13 school bus permit or a Commercial Driver's License.

14 (b) Nothing in this Article shall be construed to prevent
15 the arrest or prosecution of a registered qualifying patient
16 for reckless driving or driving under the influence of
17 cannabis where probable cause exists.

18 (c) Notwithstanding any other criminal penalties related
19 to the unlawful possession of cannabis, knowingly making a
20 misrepresentation to a law enforcement official of any fact or
21 circumstance relating to the medical use of cannabis to avoid
22 arrest or prosecution is a petty offense punishable by a fine
23 of up to \$1,000, which shall be in addition to any other
24 penalties that may apply for making a false statement or for
25 the use of cannabis other than use undertaken under this
26 Article.

1 (d) Notwithstanding any other criminal penalties related
2 to the unlawful possession of cannabis, any person who makes a
3 misrepresentation of a medical condition to a certifying
4 health care professional or fraudulently provides material
5 misinformation to a certifying health care professional in
6 order to obtain a written certification is guilty of a petty
7 offense punishable by a fine of up to \$1,000.

8 (e) Any cardholder or registered caregiver who sells
9 cannabis shall have the cardholder's or caregiver's registry
10 identification card revoked and is subject to other penalties
11 for the unauthorized sale of cannabis.

12 (f) Any registered qualifying patient who commits a
13 violation of Section 11-502.1 of the Illinois Vehicle Code or
14 refuses a properly requested test related to operating a motor
15 vehicle while under the influence of cannabis shall have the
16 patient's registry identification card revoked.

17 (g) No registered qualifying patient or designated
18 caregiver shall knowingly obtain, seek to obtain, or possess,
19 individually or collectively, an amount of usable cannabis
20 from a registered medical cannabis dispensing organization
21 that would cause the patient or caregiver to exceed the
22 authorized adequate supply under subsection (a) of Section
23 75-10.

24 (h) Nothing in this Article shall prevent a private
25 business from restricting or prohibiting the medical use of
26 cannabis on its property.

1 (i) Nothing in this Article shall prevent a university,
2 college, or other institution of post-secondary education from
3 restricting or prohibiting the use of medical cannabis on its
4 property.

5 (410 ILCS 705/75-31 new)

6 Sec. 75-31. Administration to persons with disabilities in
7 park district programs.

8 (a) Definitions. As used in this Section:

9 (1) "Park district" has the meaning as defined in
10 Section 1-3 of the Park District Code. "Park district"
11 includes the Chicago Park District as defined by the
12 Chicago Park District Act, any special recreational
13 association created by a park district through an
14 intergovernmental agreement, and any nonprofit
15 organization authorized by the park district or special
16 recreational association to administer a program for
17 persons with disabilities on its behalf.

18 (2) "Program participant" means a person with
19 disabilities who is a registered qualifying patient and
20 who participates in a summer camp, educational program, or
21 other similar program provided by a park district for
22 persons with disabilities.

23 (b) Subject to the restrictions under subsections (c)
24 through (f) of this Section, a park district shall authorize a
25 program participant's parent, guardian, or other designated

1 caregiver to administer a medical cannabis infused product to
2 the program participant on the premises of the park district
3 if both the program participant and the parent, guardian, or
4 other designated caregiver are cardholders. After
5 administering the medical cannabis infused product, the
6 parent, guardian, or other designated caregiver shall remove
7 the medical cannabis infused product from the premises of the
8 park district.

9 (c) A parent, guardian, or other designated caregiver may
10 not administer a medical cannabis infused product under this
11 Section in a manner that, in the opinion of the park district,
12 would create a disruption to the park district's program or
13 activity for persons with disabilities or would cause exposure
14 of the medical cannabis infused product to other program
15 participants.

16 (d) A park district may not discipline a program
17 participant who is administered a medical cannabis infused
18 product by a parent, guardian, or other designated caregiver
19 under this Section and may not deny the program participant's
20 eligibility to attend the park district's program or activity
21 for persons with disabilities solely because the program
22 participant requires the administration of the medical
23 cannabis infused product.

24 (e) Nothing in this Section requires a member of the park
25 district's staff to administer a medical cannabis infused
26 product to a program participant.

1 (f) A park district may not authorize the use of a medical
2 cannabis infused product under this Section if the park
3 district would lose federal funding as a result of the
4 authorization.

5 (410 ILCS 705/75-35 new)

6 Sec. 75-35. Certifying health care professional
7 requirements.

8 (a) A certifying health care professional who certifies a
9 debilitating medical condition for a qualifying patient shall
10 comply with all of the following requirements:

11 (1) The certifying health care professional shall be
12 currently licensed under the Medical Practice Act of 1987
13 to practice medicine in all its branches, the Nurse
14 Practice Act, or the Physician Assistant Practice Act of
15 1987, shall be in good standing, and must hold a
16 controlled substances license under Article III of the
17 Illinois Controlled Substances Act.

18 (2) A certifying health care professional certifying a
19 patient's condition shall comply with generally accepted
20 standards of medical practice, the provisions of the Act
21 under which he or she is licensed and all applicable
22 rules.

23 (3) The physical examination required by this Article
24 may not be performed by remote means, including
25 telemedicine.

1 (4) The certifying health care professional shall
2 maintain a record-keeping system for all patients for whom
3 the certifying health care professional has certified the
4 patient's medical condition. These records shall be
5 accessible to and subject to review by the Commission upon
6 request.

7 (b) A certifying health care professional may not:

8 (1) accept, solicit, or offer any form of remuneration
9 from or to a qualifying patient, primary caregiver,
10 cultivation center, or dispensing organization, including
11 each principal officer, board member, agent, and employee,
12 to certify a patient, other than accepting payment from a
13 patient for the fee associated with the required
14 examination, except for the limited purpose of performing
15 a medical cannabis-related research study;

16 (1.5) accept, solicit, or offer any form of
17 remuneration from or to a medical cannabis cultivation
18 center or dispensary organization for the purposes of
19 referring a patient to a specific dispensary organization;

20 (1.10) engage in any activity that is prohibited under
21 Section 22.2 of the Medical Practice Act of 1987,
22 regardless of whether the certifying health care
23 professional is a physician, advanced practice registered
24 nurse, or physician assistant;

25 (2) offer a discount of any other item of value to a
26 qualifying patient who uses or agrees to use a particular

1 primary caregiver or dispensing organization to obtain
2 medical cannabis;

3 (3) conduct a personal physical examination of a
4 patient for purposes of diagnosing a debilitating medical
5 condition at a location where medical cannabis is sold or
6 distributed or at the address of a principal officer,
7 agent, or employee or a medical cannabis organization;

8 (4) hold a direct or indirect economic interest in a
9 cultivation center or dispensing organization if he or she
10 recommends the use of medical cannabis to qualified
11 patients or is in a partnership or other fee or
12 profit-sharing relationship with a certifying health care
13 professional who recommends medical cannabis, except for
14 the limited purpose of performing a medical
15 cannabis-related research study;

16 (5) serve on the board of directors or as an employee
17 of a cultivation center or dispensing organization;

18 (6) refer patients to a cultivation center, a
19 dispensing organization, or a registered designated
20 caregiver; or

21 (7) advertise in a cultivation center or a dispensing
22 organization.

23 (c) The Commission may with reasonable cause investigate a
24 certifying health care professional, who has certified a
25 debilitating medical condition of a patient, for potential
26 violations of this Section.

1 (d) Any violation of this Section or any other provision
2 of this Article or rules adopted under this Article is a
3 violation of the certifying health care professional's
4 licensure act.

5 (e) A certifying health care professional who certifies a
6 debilitating medical condition for a qualifying patient may
7 notify the Department of Public Health in writing: (1) if the
8 certifying health care professional has reason to believe
9 either that the registered qualifying patient has ceased to
10 suffer from a debilitating medical condition; (2) that the
11 bona fide health care professional-patient relationship has
12 terminated; or (3) that continued use of medical cannabis
13 would result in contraindication with the patient's other
14 medication. The registered qualifying patient's registry
15 identification card shall be revoked by the Commission after
16 receiving the certifying health care professional's
17 notification.

18 (f) Nothing in this Article shall preclude a certifying
19 health care professional from referring a patient for health
20 services, except when the referral is limited to certification
21 purposes only, under this Article.

22 (410 ILCS 705/75-36 new)

23 Sec. 75-36. Written certification.

24 (a) A certification confirming a patient's debilitating
25 medical condition shall be written on a form provided by the

1 Commission and shall include, at a minimum, the following:

2 (1) the qualifying patient's name, date of birth, home
3 address, and primary telephone number;

4 (2) the certifying health care professional's name,
5 address, telephone number, email address, and medical,
6 advanced practice registered nurse, or physician assistant
7 license number, and the last 4 digits, only, of his or her
8 active controlled substances license under the Illinois
9 Controlled Substances Act and indication of specialty or
10 primary area of clinical practice, if any;

11 (3) the qualifying patient's debilitating medical
12 condition;

13 (4) a statement that the certifying health care
14 professional has confirmed a diagnosis of a debilitating
15 condition; is treating or managing treatment of the
16 patient's debilitating condition; has a bona fide health
17 care professional-patient relationship; has conducted an
18 in-person physical examination; and has conducted a review
19 of the patient's medical history, including reviewing
20 medical records from other treating health care
21 professionals, if any, from the previous 12 months;

22 (5) the certifying health care professional's
23 signature and date of certification; and

24 (6) a statement that a participant in possession of a
25 written certification indicating a debilitating medical
26 condition shall not be considered an unlawful user or

1 addicted to narcotics solely as a result of his or her
2 pending application to or participation in the
3 Compassionate Use of Medical Cannabis Program.

4 (b) A written certification does not constitute a
5 prescription for medical cannabis.

6 (c) Applications for qualifying patients under 18 years
7 old shall require a written certification from a certifying
8 health care professional and a reviewing certifying health
9 care professional.

10 (d) A certification confirming the patient's eligibility
11 to participate in the Opioid Alternative Pilot Program shall
12 be written on a form provided by the Department of Public
13 Health and shall include, at a minimum, the following:

14 (1) the participant's name, date of birth, home
15 address, and primary telephone number;

16 (2) the certifying health care professional's name,
17 address, telephone number, email address, and medical,
18 advanced practice registered nurse, or physician assistant
19 license number, and the last 4 digits, only, of his or her
20 active controlled substances license under the Illinois
21 Controlled Substances Act and indication of specialty or
22 primary area of clinical practice, if any;

23 (3) the certifying health care professional's
24 signature and date;

25 (4) the length of participation in the program, which
26 shall be limited to no more than 90 days;

1 (5) a statement identifying the patient has been
2 diagnosed with and is currently undergoing treatment for a
3 medical condition where an opioid has been or could be
4 prescribed; and

5 (6) a statement that a participant in possession of a
6 written certification indicating eligibility to
7 participate in the Opioid Alternative Pilot Program shall
8 not be considered an unlawful user or addicted to
9 narcotics solely as a result of his or her eligibility or
10 participation in the program.

11 (e) The Commission may provide a single certification form
12 for subsections (a) and (d) of this Section, provided that all
13 requirements of those subsections are included on the form.

14 (f) The Commission shall not include the word "cannabis"
15 on any application forms or written certification forms that
16 it issues under this Section.

17 (g) A written certification does not constitute a
18 prescription.

19 (h) It is unlawful for any person to knowingly submit a
20 fraudulent certification to be a qualifying patient in the
21 Compassionate Use of Medical Cannabis Program or an Opioid
22 Alternative Pilot Program participant. A violation of this
23 subsection shall result in the person who has knowingly
24 submitted the fraudulent certification being permanently
25 banned from participating in the Compassionate Use of Medical
26 Cannabis Program or the Opioid Alternative Pilot Program.

1 (410 ILCS 705/75-40 new)

2 Sec. 75-40. Discrimination prohibited.

3 (a)(1) No school, employer, or landlord may refuse to
4 enroll or lease to, or otherwise penalize, a person solely for
5 his or her status as a registered qualifying patient or a
6 registered designated caregiver, unless failing to do so would
7 put the school, employer, or landlord in violation of federal
8 law or unless failing to do so would cause it to lose a
9 monetary or licensing-related benefit under federal law or
10 rules. This does not prevent a landlord from prohibiting the
11 smoking of cannabis on the premises.

12 (2) For the purposes of medical care, including organ
13 transplants, a registered qualifying patient's authorized use
14 of cannabis in accordance with this Article is considered the
15 equivalent of the authorized use of any other medication used
16 at the direction of a certifying health care professional, and
17 may not constitute the use of an illicit substance or
18 otherwise disqualify a qualifying patient from needed medical
19 care.

20 (b) A person otherwise entitled to custody of or
21 visitation or parenting time with a minor may not be denied
22 that right, and there is no presumption of neglect or child
23 endangerment, for conduct allowed under this Article, unless
24 the person's actions in relation to cannabis were such that
25 they created an unreasonable danger to the safety of the minor

1 as established by clear and convincing evidence.

2 (c) No school, landlord, or employer may be penalized or
3 denied any benefit under State law for enrolling, leasing to,
4 or employing a cardholder.

5 (d) Nothing in this Article may be construed to require a
6 government medical assistance program, employer, property and
7 casualty insurer, or private health insurer to reimburse a
8 person for costs associated with the medical use of cannabis.

9 (e) Nothing in this Article may be construed to require
10 any person or establishment in lawful possession of property
11 to allow a guest, client, customer, or visitor who is a
12 registered qualifying patient to use cannabis on or in that
13 property.

14 (410 ILCS 705/75-45 new)

15 Sec. 75-45. Addition of debilitating medical conditions.

16 (a) Any resident may petition the Commission to add
17 debilitating conditions or treatments to the list of
18 debilitating medical conditions listed in subsection (h) of
19 Section 75-10. The Commission shall approve or deny a petition
20 within 180 days of its submission, and, upon approval, shall
21 proceed to add that condition by rule in accordance with the
22 Illinois Administrative Procedure Act. The approval or denial
23 of any petition is a final decision of the Commission, subject
24 to judicial review. Jurisdiction and venue are vested in the
25 Circuit Court.

1 (b) The Commission shall accept petitions once annually
2 for a one-month period determined by the Commission. During
3 the open period, the Commission shall accept petitions from
4 any resident requesting the addition of a new debilitating
5 medical condition or disease to the list of approved
6 debilitating medical conditions for which the use of cannabis
7 has been shown to have a therapeutic or palliative effect. The
8 Commission shall provide public notice 30 days before the open
9 period for accepting petitions, which shall describe the time
10 period for submission, the required format of the submission,
11 and the submission address.

12 (c) Each petition shall be limited to one proposed
13 debilitating medical condition or disease.

14 (d) A petitioner shall file one original petition in the
15 format provided by the Commission and in the manner specified
16 by the Commission. For a petition to be processed and
17 reviewed, the following information shall be included:

18 (1) The petition, prepared on forms provided by the
19 Commission, in the manner specified by the Commission.

20 (2) A specific description of the medical condition or
21 disease that is the subject of the petition. Each petition
22 shall be limited to a single condition or disease.
23 Information about the proposed condition or disease shall
24 include:

25 (A) the extent to which the condition or disease
26 itself or the treatments cause severe suffering, such

1 as severe or chronic pain, severe nausea or vomiting,
2 or otherwise severely impair a person's ability to
3 conduct activities of daily living;

4 (B) information about why conventional medical
5 therapies are not sufficient to alleviate the
6 suffering caused by the disease or condition and its
7 treatment;

8 (C) the proposed benefits from the medical use of
9 cannabis specific to the medical condition or disease;

10 (D) evidence from the medical community and other
11 experts supporting the use of medical cannabis to
12 alleviate suffering caused by the condition, disease,
13 or treatment;

14 (E) letters of support from physicians or other
15 licensed health care providers knowledgeable about the
16 condition or disease, including, if feasible, a letter
17 from a physician, advanced practice registered nurse,
18 or physician assistant with whom the petitioner has a
19 bona fide health care professional-patient
20 relationship;

21 (F) any additional medical, testimonial, or
22 scientific documentation; and

23 (G) an electronic copy of all materials submitted.

24 (3) Upon receipt of a petition, the Department shall:

25 (A) determine whether the petition meets the
26 standards for submission and, if so, shall accept the

1 petition for further review; or

2 (B) determine whether the petition does not meet
3 the standards for submission and, if so, shall deny
4 the petition without further review.

5 (4) If the petition does not fulfill the standards for
6 submission, the petition shall be considered deficient.
7 The Commission shall notify the petitioner, who may
8 correct any deficiencies and resubmit the petition during
9 the next open period.

10 (e) The petitioner may withdraw his or her petition by
11 submitting a written statement to the Commission indicating
12 withdrawal.

13 (f) Upon review of accepted petitions, the Director shall
14 render a final decision regarding the acceptance or denial of
15 the proposed debilitating medical conditions or diseases.

16 (g) The Commission shall convene a Medical Cannabis
17 Advisory Board (Advisory Board) composed of 16 members, which
18 shall include:

19 (1) one medical cannabis patient advocate or
20 designated caregiver;

21 (2) one parent or designated caregiver of a person
22 under the age of 18 who is a qualified medical cannabis
23 patient;

24 (3) two registered nurses or nurse practitioners;

25 (4) three registered qualifying patients, including
26 one veteran; and

1 (5) nine health care practitioners with current
2 professional licensure in their field. The Advisory Board
3 shall be composed of health care practitioners
4 representing the following areas:

5 (A) neurology;

6 (B) pain management;

7 (C) medical oncology;

8 (D) psychiatry or mental health;

9 (E) infectious disease;

10 (F) family medicine;

11 (G) general primary care;

12 (H) medical ethics;

13 (I) pharmacy;

14 (J) pediatrics; or

15 (K) psychiatry or mental health for children or
16 adolescents.

17 At least one appointed health care practitioner shall have
18 direct experience related to the health care needs of veterans
19 and at least one individual shall have pediatric experience.

20 (h) Members of the Advisory Board shall be appointed by
21 the Governor.

22 (1) Members shall serve a term of 4 years or until a
23 successor is appointed and qualified. If a vacancy occurs,
24 the Governor shall appoint a replacement to complete the
25 original term created by the vacancy.

26 (2) The Governor shall select a chairperson.

1 (3) Members may serve multiple terms.

2 (4) Members shall not have an affiliation with, serve
3 on the board of, or have a business relationship with a
4 registered cultivation center or a registered medical
5 cannabis dispensary.

6 (5) Members shall disclose any real or apparent
7 conflicts of interest that may have a direct bearing of
8 the subject matter, such as relationships with
9 pharmaceutical companies, biomedical device
10 manufacturers, or corporations whose products or services
11 are related to the medical condition or disease to be
12 reviewed.

13 (6) Members shall not be paid but shall be reimbursed
14 for travel expenses incurred while fulfilling the
15 responsibilities of the Advisory Board.

16 (i) On June 30, 2016 (the effective date of Public Act
17 99-519), the terms of office of the members of the Advisory
18 Board serving on that date shall terminate and the Board shall
19 be reconstituted.

20 (j) The Advisory Board shall convene at the call of the
21 Chair:

22 (1) to examine debilitating conditions or diseases
23 that would benefit from the medical use of cannabis; and

24 (2) to review new medical and scientific evidence
25 pertaining to currently approved conditions.

26 (k) The Advisory Board shall issue an annual report of its

1 activities each year.

2 (l) The Advisory Board shall receive administrative
3 support from the Department.

4 (410 ILCS 705/75-50 new)

5 Sec. 75-50. Employment; employer liability.

6 (a) Nothing in this Article shall prohibit an employer
7 from adopting reasonable regulations concerning the
8 consumption, storage, or timekeeping requirements for
9 qualifying patients related to the use of medical cannabis.

10 (b) Nothing in this Article shall prohibit an employer
11 from enforcing a policy concerning drug testing,
12 zero-tolerance, or a drug free workplace provided the policy
13 is applied in a nondiscriminatory manner.

14 (c) Nothing in this Article shall limit an employer from
15 disciplining a registered qualifying patient for violating a
16 workplace drug policy.

17 (d) Nothing in this Article shall limit an employer's
18 ability to discipline an employee for failing a drug test if
19 failing to do so would put the employer in violation of federal
20 law or cause it to lose a federal contract or funding.

21 (e) Nothing in this Article shall be construed to create a
22 defense for a third party who fails a drug test.

23 (f) An employer may consider a registered qualifying
24 patient to be impaired when he or she manifests specific,
25 articulable symptoms while working that decrease or lessen his

1 or her performance of the duties or tasks of the employee's job
2 position, including symptoms of the employee's speech,
3 physical dexterity, agility, coordination, demeanor,
4 irrational or unusual behavior, negligence or carelessness in
5 operating equipment or machinery, disregard for the safety of
6 the employee or others, or involvement in an accident that
7 results in serious damage to equipment or property, disruption
8 of a production or manufacturing process, or carelessness that
9 results in any injury to the employee or others. If an employer
10 elects to discipline a qualifying patient under this
11 subsection, it must afford the employee a reasonable
12 opportunity to contest the basis of the determination.

13 (g) Nothing in this Article shall be construed to create
14 or imply a cause of action for any person against an employer
15 for: (1) actions based on the employer's good faith belief
16 that a registered qualifying patient used or possessed
17 cannabis while on the employer's premises or during the hours
18 of employment; (2) actions based on the employer's good faith
19 belief that a registered qualifying patient was impaired while
20 working on the employer's premises during the hours of
21 employment; (3) injury or loss to a third party if the employer
22 neither knew nor had reason to know that the employee was
23 impaired.

24 (h) Nothing in this Article shall be construed to
25 interfere with any federal restrictions on employment
26 including but not limited to the United States Department of

1 Transportation regulation 49 CFR 40.151(e).

2 (410 ILCS 705/75-55 new)

3 Sec. 75-55. Registration of qualifying patients and
4 designated caregivers.

5 (a) The Commission shall issue registry identification
6 cards to qualifying patients and designated caregivers who
7 submit a completed application, and at minimum, the following,
8 in accordance with Commission rules:

9 (1) A written certification, on a form developed by
10 the Commission consistent with Section 75-36 and issued by
11 a certifying health care professional, within 90 days
12 immediately preceding the date of an application and
13 submitted by the qualifying patient or his or her
14 designated caregiver;

15 (2) upon the execution of applicable privacy waivers,
16 the patient's medical documentation related to his or her
17 debilitating condition and any other information that may
18 be reasonably required by the Commission to confirm that
19 the certifying health care professional and patient have a
20 bona fide health care professional-patient relationship,
21 that the qualifying patient is in the certifying health
22 care professional's care for his or her debilitating
23 medical condition, and to substantiate the patient's
24 diagnosis;

25 (3) the application or renewal fee as set by rule;

1 (4) the name, address, date of birth, and social
2 security number of the qualifying patient, except that if
3 the applicant is unhoused no address is required;

4 (5) the name, address, and telephone number of the
5 qualifying patient's certifying health care professional;

6 (6) the name, address, and date of birth of the
7 designated caregiver, if any, chosen by the qualifying
8 patient;

9 (7) (blank);

10 (8) signed statements from the patient and designated
11 caregiver asserting that they will not divert medical
12 cannabis; and

13 (9) (blank).

14 (b) Notwithstanding any other provision of this Article, a
15 person provided a written certification for a debilitating
16 medical condition who has submitted a completed online
17 application to the Commission shall receive a provisional
18 registration and be entitled to purchase medical cannabis from
19 a licensed dispensing organization for a period of 90 days or
20 until the person's application has been denied or the person
21 receives a registry identification card, whichever is earlier.
22 However, a person may obtain an additional provisional
23 registration after the expiration of 90 days after the date of
24 application if the Commission does not provide the individual
25 with a registry identification card or deny the individual's
26 application within those 90 days.

1 The provisional registration may not be extended if the
2 individual does not respond to the Commission's request for
3 additional information or corrections to required application
4 documentation.

5 In order for a person to receive medical cannabis under
6 this subsection, a person must present his or her provisional
7 registration along with a valid driver's license or State
8 identification card to the licensed dispensing organization.
9 The dispensing organization shall verify the person's
10 provisional registration through the Department of Public
11 Health's online verification system.

12 Upon verification of the provided documents, the
13 dispensing organization shall dispense no more than 2.5 ounces
14 of medical cannabis during a 14-day period to the person for a
15 period of 90 days, until the person's application has been
16 denied, or until the person receives a registry identification
17 card from the Department of Public Health, whichever is
18 earlier.

19 Persons with provisional registrations must keep their
20 provisional registration in their possession at all times when
21 transporting or engaging in the medical use of cannabis.

22 (c) No person or business shall charge a fee for
23 assistance in the preparation, compilation, or submission of
24 an application to the Compassionate Use of Medical Cannabis
25 Program or the Opioid Alternative Pilot Program. A violation
26 of this subsection is a Class C misdemeanor, for which

1 restitution to the applicant and a fine of up to \$1,500 may be
2 imposed. All fines shall be deposited into the Compassionate
3 Use of Medical Cannabis Fund after restitution has been made
4 to the applicant. The Commission shall refer individuals
5 making complaints against a person or business under this
6 Section to the Illinois State Police, who shall enforce
7 violations of this provision. All application forms issued by
8 the Commission shall state that no person or business may
9 charge a fee for assistance in the preparation, compilation,
10 or submission of an application to the Compassionate Use of
11 Medical Cannabis Program or the Opioid Alternative Pilot
12 Program.

13 (410 ILCS 705/75-57 new)

14 Sec. 75-57. Qualifying patients.

15 (a) Qualifying patients that are under the age of 18 years
16 shall not be prohibited from appointing designated caregivers
17 who meet the definition of "designated caregiver" under
18 Section 75-10 so long as at least one designated caregiver is a
19 biological parent or legal guardian.

20 (b) Qualifying patients that are 18 years of age or older
21 shall not be prohibited from appointing designated caregivers
22 who meet the definition of "designated caregiver" under
23 Section 75-10.

24 (410 ILCS 705/75-60 new)

1 Sec. 75-60. Issuance of registry identification cards.

2 (a) Except as provided in subsection (b), the Department
3 of Public Health shall:

4 (1) verify the information contained in an application
5 or renewal for a registry identification card submitted
6 under this Article, and approve or deny an application or
7 renewal, within 90 days of receiving a completed
8 application or renewal application and all supporting
9 documentation specified in Section 75-55;

10 (2) issue registry identification cards to a
11 qualifying patient and his or her designated caregiver, if
12 any, within 15 business days of approving the application
13 or renewal;

14 (3) enter the registry identification number of the
15 registered dispensing organization the patient designates
16 into the verification system; and

17 (4) allow for an electronic application process, and
18 provide a confirmation by electronic or other methods that
19 an application has been submitted.

20 Notwithstanding any other provision of this Article, the
21 Commission shall adopt rules for qualifying patients and
22 applicants with life-long debilitating medical conditions, who
23 may be charged annual renewal fees. The Department of Public
24 Health shall not require patients and applicants with
25 life-long debilitating medical conditions to apply to renew
26 registry identification cards.

1 (b) The Commission may not issue a registry identification
2 card to a qualifying patient who is under 18 years of age,
3 unless that patient suffers from seizures, including those
4 characteristic of epilepsy, or as provided by administrative
5 rule. The Commission shall adopt rules for the issuance of a
6 registry identification card for qualifying patients who are
7 under 18 years of age and suffering from seizures, including
8 those characteristic of epilepsy. The Commission may adopt
9 rules to allow other individuals under 18 years of age to
10 become registered qualifying patients under this Article with
11 the consent of a parent or legal guardian. Registered
12 qualifying patients under 18 years of age shall be prohibited
13 from consuming forms of cannabis other than medical cannabis
14 infused products and purchasing any usable cannabis.

15 (c) A veteran who has received treatment at a VA hospital
16 is deemed to have a bona fide health care professional-patient
17 relationship with a VA certifying health care professional if
18 the patient has been seen for his or her debilitating medical
19 condition at the VA hospital in accordance with VA hospital
20 protocols. All reasonable inferences regarding the existence
21 of a bona fide health care professional-patient relationship
22 shall be drawn in favor of an applicant who is a veteran and
23 has undergone treatment at a VA hospital.

24 (c-10) An individual who submits an application as someone
25 who is terminally ill shall have all fees waived. The
26 Commission shall within 30 days after this amendatory Act of

1 the 103rd General Assembly adopt emergency rules to expedite
2 approval for terminally ill individuals. These rules shall
3 include, but not be limited to, rules that provide that
4 applications by individuals with terminal illnesses shall be
5 approved or denied within 14 days of their submission.

6 (d) No later than 6 months after the effective date of this
7 amendatory Act of the 103rd General Assembly, the Secretary of
8 State shall remove all existing notations on driving records
9 that the person is a registered qualifying patient or his or
10 her caregiver under this Article.

11 (e) Upon the approval of the registration and issuance of
12 a registry card under this Section, the Commission shall
13 electronically forward the registered qualifying patient's
14 identification card information to the Prescription Monitoring
15 Program established under the Illinois Controlled Substances
16 Act and certify that the individual is permitted to engage in
17 the medical use of cannabis. For the purposes of patient care,
18 the Prescription Monitoring Program shall make a notation on
19 the person's prescription record stating that the person is a
20 registered qualifying patient who is entitled to the lawful
21 medical use of cannabis. If the person no longer holds a valid
22 registry card, the Department of Public Health shall notify
23 the Prescription Monitoring Program and Department of Human
24 Services to remove the notation from the person's record. The
25 Department of Human Services and the Prescription Monitoring
26 Program shall establish a system by which the information may

1 be shared electronically. This confidential list may not be
2 combined or linked in any manner with any other list or
3 database except as provided in this Section.

4 (f) (Blank).

5 (410 ILCS 705/75-62 new)

6 Sec. 75-62. Opioid Alternative Pilot Program.

7 (a) The Department of Public Health shall establish the
8 Opioid Alternative Pilot Program and the Commission shall have
9 oversight after July 1, 2023. Licensed dispensing
10 organizations shall allow persons with a written certification
11 from a certifying health care professional under Section 75-36
12 to purchase medical cannabis upon enrollment in the Opioid
13 Alternative Pilot Program. The Department of Public Health
14 shall adopt rules or establish procedures allowing qualified
15 veterans to participate in the Opioid Alternative Pilot
16 Program and after July 1, 2023 the Commission thereafter. For
17 a person to receive medical cannabis under this Section, the
18 person must present the written certification along with a
19 valid driver's license or state identification card to the
20 licensed dispensing organization specified in his or her
21 application. The dispensing organization shall verify the
22 person's status as an Opioid Alternative Pilot Program
23 participant through the Commission's online verification
24 system.

25 (b) The Opioid Alternative Pilot Program shall be limited

1 to participation by Illinois residents age 21 and older.

2 (c) The Commission shall specify that all licensed
3 dispensing organizations participating in the Opioid
4 Alternative Pilot Program use the Illinois Cannabis Tracking
5 System. The Commission shall establish and maintain the
6 Illinois Cannabis Tracking System. The Illinois Cannabis
7 Tracking System shall be used to collect information about all
8 persons participating in the Opioid Alternative Pilot Program
9 and shall be used to track the sale of medical cannabis for
10 verification purposes.

11 Each dispensing organization shall retain a copy of the
12 Opioid Alternative Pilot Program certification and other
13 identifying information as required by the Commission in the
14 Illinois Cannabis Tracking System.

15 The Illinois Cannabis Tracking System shall be accessible
16 to the Illinois State Police.

17 The Commission shall specify the data requirements for the
18 Opioid Alternative Pilot Program by licensed dispensing
19 organizations; including, but not limited to, the
20 participant's full legal name, address, and date of birth,
21 date on which the Opioid Alternative Pilot Program
22 certification was issued, length of the participation in the
23 Program, including the start and end date to purchase medical
24 cannabis, name of the issuing physician, copy of the
25 participant's current driver's license or State identification
26 card, and phone number.

1 The Illinois Cannabis Tracking System shall provide
2 verification of a person's participation in the Opioid
3 Alternative Pilot Program for law enforcement at any time and
4 on any day.

5 (d) The certification for Opioid Alternative Pilot Program
6 participant must be issued by a certifying health care
7 professional who is licensed to practice in Illinois under the
8 Medical Practice Act of 1987, the Nurse Practice Act, or the
9 Physician Assistant Practice Act of 1987 and who is in good
10 standing and holds a controlled substances license under
11 Article III of the Illinois Controlled Substances Act.

12 The certification for an Opioid Alternative Pilot Program
13 participant shall be written within 90 days before the
14 participant submits his or her certification to the dispensing
15 organization.

16 The written certification uploaded to the Illinois
17 Cannabis Tracking System shall be accessible to the
18 Commission.

19 (e) Upon verification of the individual's valid
20 certification and enrollment in the Illinois Cannabis Tracking
21 System, the dispensing organization may dispense the medical
22 cannabis, in amounts not exceeding 2.5 ounces of medical
23 cannabis per 14-day period to the participant at the
24 participant's specified dispensary for no more than 90 days.

25 An Opioid Alternative Pilot Program participant shall not
26 be registered as a medical cannabis cardholder. The dispensing

1 organization shall verify that the person is not an active
2 registered qualifying patient prior to enrollment in the
3 Opioid Alternative Pilot Program and each time medical
4 cannabis is dispensed.

5 Upon receipt of a written certification under the Opioid
6 Alternative Pilot Program, the Commission shall electronically
7 forward the patient's identification information to the
8 Prescription Monitoring Program established under the Illinois
9 Controlled Substances Act and certify that the individual is
10 permitted to engage in the medical use of cannabis. For the
11 purposes of patient care, the Prescription Monitoring Program
12 shall make a notation on the person's prescription record
13 stating that the person has a written certification under the
14 Opioid Alternative Pilot Program and is a patient who is
15 entitled to the lawful medical use of cannabis. If the person
16 is no longer authorized to engage in the medical use of
17 cannabis, the Commission shall notify the Prescription
18 Monitoring Program and Department of Human Services to remove
19 the notation from the person's record. The Department of Human
20 Services and the Prescription Monitoring Program shall
21 establish a system by which the information may be shared
22 electronically. This confidential list may not be combined or
23 linked in any manner with any other list or database except as
24 provided in this Section.

25 (f) An Opioid Alternative Pilot Program participant shall
26 not be considered a qualifying patient with a debilitating

1 medical condition under this Article and shall be provided
2 access to medical cannabis solely for the duration of the
3 participant's certification. Nothing in this Section shall be
4 construed to limit or prohibit an Opioid Alternative Pilot
5 Program participant who has a debilitating medical condition
6 from applying to the Compassionate Use of Medical Cannabis
7 Program.

8 (g) A person with a provisional registration under Section
9 75-55 shall not be considered an Opioid Alternative Pilot
10 Program participant.

11 (h) The Department of Financial and Professional
12 Regulation and the Department of Public Health shall submit
13 emergency rulemaking to implement the changes made by this
14 amendatory Act of the 103rd General Assembly by December 1,
15 2018. The Department of Financial and Professional Regulation,
16 the Department of Agriculture, the Department of Human
17 Services, the Department of Public Health, and the Illinois
18 State Police shall utilize emergency purchase authority for 12
19 months after the effective date of this amendatory Act of the
20 103rd General Assembly for the purpose of implementing the
21 changes made by this amendatory Act of the 103rd General
22 Assembly.

23 (i) Dispensing organizations are not authorized to
24 dispense medical cannabis to Opioid Alternative Pilot Program
25 participants until administrative rules are approved by the
26 Joint Committee on Administrative Rules and go into effect.

1 (j) The provisions of this Section are inoperative on and
2 after July 1, 2025.

3 (410 ILCS 705/75-65 new)

4 Sec. 75-65. Denial of registry identification cards.

5 (a) The Commission may deny an application or renewal of a
6 qualifying patient's registry identification card only if the
7 applicant:

8 (1) did not provide the required information and
9 materials;

10 (2) previously had a registry identification card
11 revoked;

12 (3) did not meet the requirements of this Article;

13 (4) provided false or falsified information; or

14 (5) violated any requirement of this Article.

15 (b) (Blank).

16 (b-5) (Blank).

17 (c) The Commission may deny an application or renewal for
18 a designated caregiver chosen by a qualifying patient whose
19 registry identification card was granted only if:

20 (1) the designated caregiver does not meet the
21 requirements of subsection (i) of Section 75-10;

22 (2) the applicant did not provide the information
23 required;

24 (3) the prospective patient's application was denied;

25 (4) the designated caregiver previously had a registry

1 identification card revoked;

2 (5) the applicant or the designated caregiver provided
3 false or falsified information; or

4 (6) violated any requirement of this Article.

5 (d) (Blank).

6 (e) The Commission shall notify the qualifying patient who
7 has designated someone to serve as the patient's designated
8 caregiver if a registry identification card will not be issued
9 to the designated caregiver.

10 (f) Denial of an application or renewal is considered a
11 final Commission action, subject to judicial review.
12 Jurisdiction and venue for judicial review are vested in the
13 Circuit Court.

14 (410 ILCS 705/75-70 new)

15 Sec. 75-70. Registry identification cards.

16 (a) A registered qualifying patient or designated
17 caregiver must keep their registry identification card in the
18 patient's or caregiver's possession at all times when engaging
19 in the medical use of cannabis.

20 (b) Registry identification cards shall contain the
21 following:

22 (1) the name of the cardholder;

23 (2) a designation of whether the cardholder is a
24 designated caregiver or qualifying patient;

25 (3) the date of issuance and expiration date of the

1 registry identification card;

2 (4) a random alphanumeric identification number that
3 is unique to the cardholder;

4 (5) if the cardholder is a designated caregiver, the
5 random alphanumeric identification number of the
6 registered qualifying patient the designated caregiver is
7 receiving the registry identification card to assist; and

8 (6) a photograph of the cardholder, if required by
9 Commission rules.

10 (c) To maintain a valid registration identification card,
11 a registered qualifying patient and caregiver must annually
12 resubmit, at least 45 days prior to the expiration date stated
13 on the registry identification card, a completed renewal
14 application, renewal fee, and accompanying documentation as
15 described in Commission rules. The Commission shall send a
16 notification to a registered qualifying patient or registered
17 designated caregiver 90 days prior to the expiration of the
18 registered qualifying patient's or registered designated
19 caregiver's identification card. If the Commission fails to
20 grant or deny a renewal application received in accordance
21 with this Section, then the renewal is deemed granted and the
22 registered qualifying patient or registered designated
23 caregiver may continue to use the expired identification card
24 until the Commission denies the renewal or issues a new
25 identification card.

26 (d) Except as otherwise provided in this Section, the

1 expiration date is 3 years after the date of issuance.

2 (e) The Commission may electronically store in the card
3 any or all of the information listed in subsection (b), along
4 with the address and date of birth of the cardholder and the
5 qualifying patient's designated dispensary organization, to
6 allow it to be read by law enforcement agents.

7 (410 ILCS 705/75-75 new)

8 Sec. 75-75. Notifications to Commission and responses;
9 civil penalty.

10 (a) The following notifications and Commission responses
11 are required:

12 (1) A registered qualifying patient shall notify the
13 Commission of any change in the patient's name or address,
14 or if the registered qualifying patient ceases to have the
15 debilitating medical condition, within 10 days of the
16 change.

17 (2) A registered designated caregiver shall notify the
18 Commission of any change in the caregiver's name or
19 address, or if the designated caregiver becomes aware the
20 registered qualifying patient passed away, within 10 days
21 of the change.

22 (3) Before a registered qualifying patient changes the
23 patient's designated caregiver, the qualifying patient
24 must notify the Commission.

25 (4) If a cardholder loses the cardholder's registry

1 identification card, he or she shall notify the Commission
2 within 10 days of becoming aware the card has been lost.

3 (b) When a cardholder notifies the Commission of items
4 listed in subsection (a), but remains eligible under this
5 Article, the Commission shall issue the cardholder a new
6 registry identification card with a new random alphanumeric
7 identification number within 15 business days of receiving the
8 updated information and a fee as specified in Commission
9 rules. If the person notifying the Commission is a registered
10 qualifying patient, the Department shall also issue his or her
11 registered designated caregiver, if any, a new registry
12 identification card within 15 business days of receiving the
13 updated information.

14 (c) If a registered qualifying patient ceases to be a
15 registered qualifying patient or changes his or her registered
16 designated caregiver, the Commission shall promptly notify the
17 designated caregiver. The registered designated caregiver's
18 protections under this Article as to that qualifying patient
19 shall expire 15 days after notification by the Department.

20 (d) A cardholder who fails to make a notification to the
21 Commission that is required by this Section is subject to a
22 civil infraction, punishable by a penalty of no more than
23 \$150.

24 (f) If the registered qualifying patient's certifying
25 health care professional notifies the Department in writing
26 that either the registered qualifying patient has ceased to

1 suffer from a debilitating medical condition, that the bona
2 fide health care professional-patient relationship has
3 terminated, or that continued use of medical cannabis would
4 result in contraindication with the patient's other
5 medication, the card shall become null and void. However, the
6 registered qualifying patient shall have 15 days to destroy
7 his or her remaining medical cannabis and related
8 paraphernalia.

9 (410 ILCS 705/75-80 new)

10 Sec. 75-80. Preparation of cannabis infused products.

11 (a) Notwithstanding any other provision of law, neither
12 the Department of Public Health nor the Commission nor the
13 health department of a unit of local government may regulate
14 the service of food by a registered cultivation center or
15 registered dispensing organization provided that all of the
16 following conditions are met:

17 (1) No cannabis infused products requiring
18 refrigeration or hot-holding shall be manufactured at a
19 cultivation center for sale or distribution at a
20 dispensing organization due to the potential for
21 food-borne illness.

22 (2) Baked products infused with medical cannabis (such
23 as brownies, bars, cookies, cakes), tinctures, and other
24 non-refrigerated items are acceptable for sale at
25 dispensing organizations. The products are allowable for

1 sale only at registered dispensing organizations.

2 (3) All items shall be individually wrapped at the
3 original point of preparation. The packaging of the
4 medical cannabis infused product shall conform to the
5 labeling requirements of the Illinois Food, Drug and
6 Cosmetic Act and shall include the following information
7 on each product offered for sale or distribution:

8 (A) the name and address of the registered
9 cultivation center where the item was manufactured;

10 (B) the common or usual name of the item;

11 (C) all ingredients of the item, including any
12 colors, artificial flavors, and preservatives, listed
13 in descending order by predominance of weight shown
14 with common or usual names;

15 (D) the following phrase: "This product was
16 produced in a medical cannabis cultivation center not
17 subject to public health inspection that may also
18 process common food allergens.";

19 (E) allergen labeling as specified in the Federal
20 Food, Drug and Cosmetics Act, Federal Fair Packaging
21 and Labeling Act, and the Illinois Food, Drug and
22 Cosmetic Act;

23 (F) the pre-mixed total weight (in ounces or
24 grams) of usable cannabis in the package;

25 (G) a warning that the item is a medical cannabis
26 infused product and not a food must be distinctly and

1 clearly legible on the front of the package;

2 (H) a clearly legible warning emphasizing that the
3 product contains medical cannabis and is intended for
4 consumption by registered qualifying patients only;
5 and

6 (I) date of manufacture and "use by date".

7 (4) Any dispensing organization that sells edible
8 cannabis infused products must display a placard that
9 states the following: "Edible cannabis infused products
10 were produced in a kitchen not subject to public health
11 inspections that may also process common food allergens."
12 The placard shall be no smaller than 24" tall by 36" wide,
13 with typed letters no smaller than 2". The placard shall
14 be clearly visible and readable by customers and shall be
15 written in English.

16 (5) Cannabis infused products for sale or distribution
17 at a dispensing organization must be prepared by an
18 approved staff member of a registered cultivation center.

19 (6) A cultivation center that prepares cannabis
20 infused products for sale or distribution at a dispensing
21 organization shall be under the operational supervision of
22 a Department of Public Health certified food service
23 sanitation manager.

24 (b) The Commission in collaboration with the Department of
25 Public Health shall adopt rules for the manufacture of medical
26 cannabis-infused products and shall enforce these provisions,

1 and for that purpose it may at all times enter every building,
2 room, basement, enclosure, or premises occupied or used or
3 suspected of being occupied or used for the production,
4 preparation, manufacture for sale, storage, sale, distribution
5 or transportation of medical cannabis edible products, to
6 inspect the premises and all utensils, fixtures, furniture,
7 and machinery used for the preparation of these products.

8 (c) If a local health organization has a reasonable belief
9 that a cultivation center's cannabis-infused product poses a
10 public health hazard, it may refer the cultivation center to
11 the Department of Public Health and the Commission. If the
12 Department of Public Health in collaboration with the
13 Commission finds that a cannabis-infused product poses a
14 health hazard, the Commission may without administrative
15 procedure to bond, bring an action for immediate injunctive
16 relief to require that action be taken as the court may deem
17 necessary to meet the hazard of the cultivation center.

18 (410 ILCS 705/75-115.5 new)

19 Sec. 75-115.5. Social Equity Justice Involved Medical
20 Lottery.

21 (a) In this Section:

22 "By lot" has the same meaning as defined in Section 1-10.

23 "Qualifying Applicant" has the same meaning as defined in
24 subsection (a-5) of Section 75-115.

25 "Social Equity Justice Involved Applicant" has the same

1 meaning as defined in subsection (a-5) of Section 75-115.

2 "Social Equity Justice Involved Medical Lottery" means the
3 process of issuing 5 available medical cannabis dispensing
4 organization registrations by lot, conducted by the Department
5 of Financial and Professional Regulation, for applicants who
6 are either: (i) Social Equity Justice Involved Applicants; or
7 (ii) Qualifying Applicants.

8 (b) The Department of Financial and Professional
9 Regulation and, after July 1, 2023, the Commission, shall
10 conduct a Social Equity Justice Involved Medical Lottery to
11 award up to 5 medical cannabis dispensing organization
12 registrations by lot in accordance with Section 75-115.

13 (c) The Department of Financial and Professional
14 Regulation and, after July 1, 2023, the Commission, shall
15 adopt rules through emergency rulemaking in accordance with
16 subsection (kk) of Section 5-45 of the Illinois Administrative
17 Procedure Act to create a registration process, a streamlined
18 application, an application fee not to exceed \$5,000 for
19 purposes of this Section, and limits on the number of entries
20 into the Social Equity Justice Involved Medical Lottery, as
21 well as any other measures to reduce barriers to enter the
22 cannabis industry. The General Assembly finds that the
23 adoption of rules to regulate cannabis use is deemed an
24 emergency and necessary for the public interest, safety, and
25 welfare.

26 (d) Social Equity Justice Involved Applicants awarded a

1 registration under subsection (a-5) of Section 75-115 are
2 eligible to serve purchasers at the same site and a secondary
3 site under this Article, subject to application and inspection
4 processes established by the Department. The licenses issued
5 under this Section shall be valid for 2 years after the date of
6 issuance and shall renew in the manner proscribed by the
7 Department.

8 (e) No applicant may be awarded more than one medical
9 cannabis dispensing organization registration at the
10 conclusion of the lottery conducted under this Section.

11 (f) No individual may be listed as a principal officer of
12 more than one medical cannabis dispensing organization
13 registration awarded under this Section.

14 (410 ILCS 705/75-140 new)

15 Sec. 75-140. Local ordinances. A unit of local government
16 may enact reasonable zoning ordinances or resolutions, not in
17 conflict with this Article or with Department of Agriculture
18 or Department of Financial and Professional Regulation rules,
19 regulating registered medical cannabis cultivation center or
20 medical cannabis dispensing organizations. No unit of local
21 government, including a home rule unit, or school district may
22 regulate registered medical cannabis organizations other than
23 as provided in this Article and may not unreasonably prohibit
24 the cultivation, dispensing, and use of medical cannabis
25 authorized by this Article. This Section is a denial and

1 limitation under subsection (i) of Section 6 of Article VII of
2 the Illinois Constitution on the concurrent exercise by home
3 rule units of powers and functions exercised by the State.

4 (410 ILCS 705/75-145 new)

5 Sec. 75-145. Confidentiality.

6 (a) The following information received and records kept by
7 the Department of Public Health, Department of Financial and
8 Professional Regulation, Department of Agriculture, or
9 Illinois State Police and, after July 1, 2023, the Commission,
10 for purposes of administering this Article are subject to all
11 applicable federal privacy laws, confidential, and exempt from
12 the Freedom of Information Act, and not subject to disclosure
13 to any individual or public or private entity, except as
14 necessary for authorized employees of those authorized
15 agencies to perform official duties under this Article and the
16 following information received and records kept by the
17 Department of Public Health, Department of Agriculture,
18 Department of Financial and Professional Regulation, Illinois
19 State Police, and the Commission excluding any existing or
20 non-existing Illinois or national criminal history record
21 information as defined in subsection (d), may be disclosed to
22 each other upon request:

23 (1) Applications and renewals, their contents, and
24 supporting information submitted by qualifying patients
25 and designated caregivers, including information regarding

1 their designated caregivers and certifying health care
2 professionals.

3 (2) Applications and renewals, their contents, and
4 supporting information submitted by or on behalf of
5 cultivation centers and dispensing organizations in
6 compliance with this Article, including their physical
7 addresses. This does not preclude the release of ownership
8 information of cannabis business establishment licenses.

9 (3) The individual names and other information
10 identifying persons to whom the Department of Public
11 Health has issued registry identification cards.

12 (4) Any dispensing information required to be kept
13 under Section 75-135, Section 75-150, or Department of
14 Public Health, Department of Agriculture, Department of
15 Financial and Professional Regulation, and Commission
16 rules shall identify cardholders and registered
17 cultivation centers by their registry identification
18 numbers and medical cannabis dispensing organizations by
19 their registration number and not contain names or other
20 personally identifying information.

21 (5) All medical records provided to the Department of
22 Public Health and the Commission in connection with an
23 application for a registry card.

24 (b) Nothing in this Section precludes the following:

25 (1) Department of Agriculture, Department of Financial
26 and Professional Regulation, Public Health, or Commission

1 employees may notify law enforcement about falsified or
2 fraudulent information submitted to the Departments if the
3 employee who suspects that falsified or fraudulent
4 information has been submitted conferred with his or her
5 supervisor and both agree that circumstances exist that
6 warrant reporting.

7 (2) If the employee conferred with the employee's
8 supervisor and both agree that circumstances exist that
9 warrant reporting, Commission employees may notify the
10 Department of Financial and Professional Regulation if
11 there is reasonable cause to believe a certifying health
12 care professional:

13 (A) issued a written certification without a bona
14 fide health care professional-patient relationship
15 under this Article;

16 (B) issued a written certification to a person who
17 was not under the certifying health care
18 professional's care for the debilitating medical
19 condition; or

20 (C) failed to abide by the acceptable and
21 prevailing standard of care when evaluating a
22 patient's medical condition.

23 (3) The Department of Public Health, Department of
24 Agriculture, and Department of Financial and Professional
25 Regulation and, after July 1, 2023, the Commission, may
26 notify State or local law enforcement about apparent

1 criminal violations of this Article if the employee who
2 suspects the offense has conferred with the employee's
3 supervisor and both agree that circumstances exist that
4 warrant reporting.

5 (4) Medical cannabis cultivation center agents and
6 medical cannabis dispensing organizations may notify the
7 Department of Public Health, Department of Financial and
8 Professional Regulation, or Department of Agriculture and,
9 after July 1, 2023, the Commission, of a suspected
10 violation or attempted violation of this Article or the
11 rules issued under it.

12 (5) The Commission may verify registry identification
13 cards under Section 75-150.

14 (6) The submission of the report to the General
15 Assembly under Section 75-160.

16 (b-5) Each Department responsible for licensure under this
17 Article shall publish on the Department's website a list of
18 the ownership information of cannabis business establishment
19 licensees under the Department's jurisdiction. The list shall
20 include, but shall not be limited to, the name of the person or
21 entity holding each cannabis business establishment license
22 and the address at which the entity is operating under this
23 Article. This list shall be published and updated monthly.

24 (c) Except for any ownership information released pursuant
25 to subsection (b-5) or as otherwise authorized or required by
26 law, it is a Class B misdemeanor with a \$1,000 fine for any

1 person, including an employee or official of the Department of
2 Public Health, Department of Financial and Professional
3 Regulation, or Department of Agriculture or another State
4 agency or local government, to breach the confidentiality of
5 information obtained under this Article.

6 (d) The Department of Public Health, the Department of
7 Agriculture, the Illinois State Police, and the Department of
8 Financial and Professional Regulation shall not share or
9 disclose any existing or non-existing Illinois or national
10 criminal history record information. For the purposes of this
11 Section, "any existing or non-existing Illinois or national
12 criminal history record information" means any Illinois or
13 national criminal history record information, including but
14 not limited to the lack of or non-existence of these records.

15 (410 ILCS 705/75-170 new)

16 Sec. 75-170. Enforcement of this Article.

17 (a) If a Department fails to adopt rules to implement this
18 Article within the times provided for in this Article, any
19 citizen may commence a mandamus action in the Circuit Court to
20 compel the Departments to perform the actions mandated under
21 the provisions of this Article.

22 (b) If the Department of Public Health, Department of
23 Agriculture, or Department of Financial and Professional
24 Regulation fails to issue a valid identification card in
25 response to a valid application or renewal submitted under

1 this Article or fails to issue a verbal or written notice of
2 denial of the application within 30 days of its submission,
3 the identification card is deemed granted, and a copy of the
4 registry identification application, including a valid written
5 certification in the case of patients, or renewal shall be
6 deemed a valid registry identification card.

7 (c) Authorized employees of State or local law enforcement
8 agencies shall immediately notify the Department of Public
9 Health when any person in possession of a registry
10 identification card has been determined by a court of law to
11 have willfully violated the provisions of this Article or has
12 pled guilty to the offense.

13 (410 ILCS 705/75-173 new)

14 Sec. 75-173. Conflicts of law. To the extent that any
15 provision of this Article conflicts with any Act that allows
16 the recreational use of cannabis, the provisions of that Act
17 shall control.

18 (410 ILCS 705/75-175 new)

19 Sec. 75-175. Administrative hearings.

20 (a) Administrative hearings involving the Department of
21 Public Health, a qualifying patient, or a designated caregiver
22 shall be conducted under the Department of Public Health's
23 rules governing administrative hearings.

24 (b) Administrative hearings involving the Department of

1 Financial and Professional Regulation, dispensing
2 organizations, or dispensing organization agents shall be
3 conducted under the Department of Financial and Professional
4 Regulation's rules governing administrative hearings.

5 (c) Administrative hearings involving the Department of
6 Agriculture, registered cultivation centers, or cultivation
7 center agents shall be conducted under the Department of
8 Agriculture's rules governing administrative hearings.

9 (410 ILCS 705/75-180 new)

10 Sec. 75-180. Destruction of medical cannabis.

11 (a) All cannabis byproduct, scrap, and harvested cannabis
12 not intended for distribution to a medical cannabis
13 organization must be destroyed and disposed of pursuant to
14 State law. Documentation of destruction and disposal shall be
15 retained at the cultivation center for a period of not less
16 than 5 years.

17 (b) A cultivation center shall prior to the destruction,
18 notify the Department of Agriculture and the Illinois State
19 Police.

20 (c) The cultivation center shall keep record of the date
21 of destruction and how much was destroyed.

22 (d) A dispensary organization shall destroy all cannabis,
23 including cannabis-infused products, that are not sold to
24 registered qualifying patients. Documentation of destruction
25 and disposal shall be retained at the dispensary organization

1 for a period of not less than 5 years.

2 (e) A dispensary organization shall prior to the
3 destruction, notify the Department of Financial and
4 Professional Regulation and the Illinois State Police.

5 (410 ILCS 705/75-185 new)

6 Sec. 75-185. Suspension revocation of a registration.

7 (a) The Department of Agriculture, the Department of
8 Financial and Professional Regulation, and the Department of
9 Public Health may suspend or revoke a registration for
10 violations of this Article and rules issued in accordance with
11 this Section.

12 (b) The suspension or revocation of a registration is a
13 final Department action, subject to judicial review.
14 Jurisdiction and venue for judicial review are vested in the
15 Circuit Court.

16 (410 ILCS 705/75-190 new)

17 Sec. 75-190. Medical Cannabis Cultivation Privilege Tax
18 Law. Sections 75-190 through 75-215 may be cited as the
19 Medical Cannabis Cultivation Privilege Tax Law.

20 (410 ILCS 705/75-195 new)

21 Sec. 75-195. Definitions. In this Law:

22 "Cultivation center" has the meaning ascribed to that term
23 in Section 75-10.

1 "Department" means the Department of Revenue.

2 "Dispensing organization" has the meaning ascribed to that
3 term in Section 75-10.

4 "Person" means an individual, partnership, corporation, or
5 public or private organization.

6 "Qualifying patient" means a qualifying patient registered
7 under this Article.

8 (410 ILCS 705/75-200 new)

9 Sec. 75-200. Tax imposed.

10 (a) Beginning on the effective date of this Article, a tax
11 is imposed upon the privilege of cultivating medical cannabis
12 at a rate of 7% of the sales price per ounce. The proceeds from
13 this tax shall be deposited into the Compassionate Use of
14 Medical Cannabis Fund created under the Compassionate Use of
15 Medical Cannabis Program Act. This tax shall be paid by a
16 cultivation center and is not the responsibility of a
17 dispensing organization or a qualifying patient.

18 (b) The tax imposed under this Article shall be in
19 addition to all other occupation or privilege taxes imposed by
20 the State of Illinois or by any municipal corporation or
21 political subdivision thereof.

22 (410 ILCS 705/75-205 new)

23 Sec. 75-205. Department enforcement.

24 (a) Every person subject to the tax under this Article

1 shall apply to the Department (upon a form prescribed and
2 furnished by the Department) for a certificate of registration
3 under this Article. Application for a certificate of
4 registration shall be made to the Department upon forms
5 furnished by the Department. The certificate of registration
6 which is issued by the Department to a retailer under the
7 Retailers' Occupation Tax Act shall permit the taxpayer to
8 engage in a business which is taxable under this Article
9 without registering separately with the Department.

10 (b) The Department shall have full power to administer and
11 enforce this Article, to collect all taxes and penalties due
12 hereunder, to dispose of taxes and penalties so collected in
13 the manner hereinafter provided, and to determine all rights
14 to credit memoranda, arising on account of the erroneous
15 payment of tax or penalty hereunder. In the administration of,
16 and compliance with, this Article, the Department and persons
17 who are subject to this Article shall have the same rights,
18 remedies, privileges, immunities, powers and duties, and be
19 subject to the same conditions, restrictions, limitations,
20 penalties and definitions of terms, and employ the same modes
21 of procedure, as are prescribed in Sections 1, 1a, 2 through
22 2-65 (in respect to all provisions therein other than the
23 State rate of tax), 2a, 2b, 2c, 3 (except provisions relating
24 to transaction returns and quarter monthly payments, and
25 except for provisions that are inconsistent with this
26 Article), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b,

1 6c, 7, 8, 9, 10, 11, 11a, 12 and 13 of the Retailers'
2 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
3 Interest Act as fully as if those provisions were set forth
4 herein.

5 (410 ILCS 705/75-210 new)

6 Sec. 75-210. Returns.

7 (a) This subsection (a) applies to returns due on or
8 before the effective date of this amendatory Act of the 103rd
9 General Assembly. On or before the twentieth day of each
10 calendar month, every person subject to the tax imposed under
11 this Article during the preceding calendar month shall file a
12 return with the Department, stating:

13 (1) The name of the taxpayer;

14 (2) The number of ounces of medical cannabis sold to a
15 dispensing organization or a registered qualifying patient
16 during the preceding calendar month;

17 (3) The amount of tax due;

18 (4) The signature of the taxpayer; and

19 (5) Such other reasonable information as the
20 Department may require.

21 If a taxpayer fails to sign a return within 30 days after
22 the proper notice and demand for signature by the Department,
23 the return shall be considered valid and any amount shown to be
24 due on the return shall be deemed assessed.

25 The taxpayer shall remit the amount of the tax due to the

1 Department at the time the taxpayer files his or her return.

2 (b) Beginning on the effective date of this amendatory Act
3 of the 103rd General Assembly, Section 65-20 shall apply to
4 returns filed and taxes paid under this Article to the same
5 extent as if those provisions were set forth in full in this
6 Section.

7 (410 ILCS 705/75-215 new)

8 Sec. 75-215. Rules. The Department may adopt rules related
9 to the enforcement of this Article.

10 (410 ILCS 705/10-30 rep.)

11 (410 ILCS 705/15-36 rep.)

12 (410 ILCS 705/15-40 rep.)

13 (410 ILCS 705/15-45 rep.)

14 (410 ILCS 705/15-50 rep.)

15 (410 ILCS 705/15-60 rep.)

16 (410 ILCS 705/15-65 rep.)

17 (410 ILCS 705/15-70 rep.)

18 (410 ILCS 705/15-95 rep.)

19 (410 ILCS 705/20-20 rep.)

20 (410 ILCS 705/20-25 rep.)

21 (410 ILCS 705/20-35 rep.)

22 (410 ILCS 705/20-40 rep.)

23 (410 ILCS 705/20-45 rep.)

24 (410 ILCS 705/30-15 rep.)

1 (410 ILCS 705/30-25 rep.)

2 (410 ILCS 705/30-35 rep.)

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4 (410 ILCS 705/35-15 rep.)

5 (410 ILCS 705/35-20 rep.)

6 (410 ILCS 705/35-30 rep.)

7 (410 ILCS 705/35-35 rep.)

8 (410 ILCS 705/35-40 rep.)

9 (410 ILCS 705/40-15 rep.)

10 (410 ILCS 705/40-30 rep.)

11 (410 ILCS 705/40-35 rep.)

12 (410 ILCS 705/40-40 rep.)

13 (410 ILCS 705/55-80 rep.)

14 Section 15. The Cannabis Regulation and Tax Act is amended
15 by repealing Sections 10-30, 15-36, 15-40, 15-45, 15-50,
16 15-60, 15-65, 15-70, 15-95, 20-20, 20-25, 20-35, 20-40, 20-45,
17 30-15, 30-25, 30-35, 30-40, 35-15, 35-20, 35-30, 35-35, 35-40,
18 40-15, 40-30, 40-35, 40-40, and 55-80.

19 410 ILCS 130/Act rep.

20 Section 20. The Compassionate Use of Medical Cannabis
21 Program Act is repealed.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

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