



Rep. Marcus C. Evans, Jr.

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10300HB5562ham001

LRB103 39472 CES 71157 a

1 AMENDMENT TO HOUSE BILL 5562

2 AMENDMENT NO. _____. Amend House Bill 5562 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Compassionate Use of Medical Cannabis
5 Program Act is amended by changing Section 145 as follows:

6 (410 ILCS 130/145)

7 Sec. 145. Confidentiality.

8 (a) The following information received and records kept by
9 the Department of Public Health, Department of Financial and
10 Professional Regulation, Department of Agriculture, or
11 Illinois State Police for purposes of administering this Act
12 are subject to all applicable federal privacy laws,
13 confidential, and exempt from the Freedom of Information Act,
14 and not subject to disclosure to any individual or public or
15 private entity, except as necessary for authorized employees
16 of those authorized agencies to perform official duties under

1 this Act and the following information received and records
2 kept by Department of Public Health, Department of
3 Agriculture, Department of Financial and Professional
4 Regulation, and Illinois State Police, excluding any existing
5 or non-existing Illinois or national criminal history record
6 information as defined in subsection (d), may be disclosed to
7 each other upon request:

8 (1) Applications and renewals, their contents, and
9 supporting information submitted by qualifying patients
10 and designated caregivers, including information regarding
11 their designated caregivers and certifying health care
12 professionals.

13 (2) Applications and renewals, their contents, and
14 supporting information submitted by or on behalf of
15 cultivation centers and dispensing organizations in
16 compliance with this Act, including their physical
17 addresses. This does not preclude the release of ownership
18 information of cannabis business establishment licenses.

19 (3) The individual names and other information
20 identifying persons to whom the Department of Public
21 Health has issued registry identification cards.

22 (4) Any dispensing information required to be kept
23 under Section 135, Section 150, or Department of Public
24 Health, Department of Agriculture, or Department of
25 Financial and Professional Regulation rules shall identify
26 cardholders and registered cultivation centers by their

1 registry identification numbers and medical cannabis
2 dispensing organizations by their registration number and
3 not contain names or other personally identifying
4 information.

5 (5) All medical records provided to the Department of
6 Public Health in connection with an application for a
7 registry card.

8 (b) Nothing in this Section precludes the following:

9 (1) Department of Agriculture, Department of Financial
10 and Professional Regulation, or Public Health employees
11 may notify law enforcement about falsified or fraudulent
12 information submitted to the Departments if the employee
13 who suspects that falsified or fraudulent information has
14 been submitted conferred with his or her supervisor and
15 both agree that circumstances exist that warrant
16 reporting.

17 (2) If the employee conferred with his or her
18 supervisor and both agree that circumstances exist that
19 warrant reporting, Department of Public Health employees
20 may notify the Department of Financial and Professional
21 Regulation if there is reasonable cause to believe a
22 certifying health care professional:

23 (A) issued a written certification without a bona
24 fide health care professional-patient relationship
25 under this Act;

26 (B) issued a written certification to a person who

1 was not under the certifying health care
2 professional's care for the debilitating medical
3 condition; or

4 (C) failed to abide by the acceptable and
5 prevailing standard of care when evaluating a
6 patient's medical condition.

7 (3) The Department of Public Health, Department of
8 Agriculture, and Department of Financial and Professional
9 Regulation may notify State or local law enforcement about
10 apparent criminal violations of this Act if the employee
11 who suspects the offense has conferred with his or her
12 supervisor and both agree that circumstances exist that
13 warrant reporting.

14 (4) Medical cannabis cultivation center agents and
15 medical cannabis dispensing organizations may notify the
16 Department of Public Health, Department of Financial and
17 Professional Regulation, or Department of Agriculture of a
18 suspected violation or attempted violation of this Act or
19 the rules issued under it.

20 (5) Each Department may verify registry identification
21 cards under Section 150.

22 (6) The submission of the report to the General
23 Assembly under Section 160.

24 (b-5) Each Department responsible for licensure under this
25 Act shall publish on the Department's website a list of the
26 ownership information of cannabis business establishment

1 licensees under the Department's jurisdiction. The list shall
2 include, but shall not be limited to, the name of the person or
3 entity holding each cannabis business establishment license
4 and the address at which the entity is operating under this
5 Act. This list shall be published and updated monthly.

6 (c) Except for any ownership information released pursuant
7 to subsection (b-5) or as otherwise authorized or required by
8 law, it is a Class B misdemeanor with a \$1,000 fine for any
9 person, including an employee or official of the Department of
10 Public Health, Department of Financial and Professional
11 Regulation, or Department of Agriculture or another State
12 agency or local government, to breach the confidentiality of
13 information obtained under this Act.

14 (d) The Department of Public Health, the Department of
15 Agriculture, the Illinois State Police, and the Department of
16 Financial and Professional Regulation shall not share or
17 disclose any existing or non-existing Illinois or national
18 criminal history record information. For the purposes of this
19 Section, "any existing or non-existing Illinois or national
20 criminal history record information" means any Illinois or
21 national criminal history record information, including but
22 not limited to the lack of or non-existence of these records.

23 (e) Notwithstanding any other provision of this Section,
24 the Department of Financial and Professional Regulation and
25 the Department of Agriculture may share with the Department of
26 Commerce and Economic Opportunity any licensee information

1 necessary to support the administration of social equity
2 programming.

3 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21;
4 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

5 Section 10. The Cannabis Regulation and Tax Act is amended
6 by changing Sections 1-10, 7-10, 7-15, and 55-30 as follows:

7 (410 ILCS 705/1-10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 "Conditional Adult Use Dispensing Organization License"
23 means a contingent license awarded to applicants for an Adult
24 Use Dispensing Organization License that reserves the right to
25 an Adult Use Dispensing Organization License if the applicant
26 meets certain conditions described in this Act, but does not

1 entitle the recipient to begin purchasing or selling cannabis
2 or cannabis-infused products.

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

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

1 cannabis-infused products in a separate secured vault to which
2 the other licensee does not have access or all licensees
3 sharing a vault share more than 50% of the same ownership.

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

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

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

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

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

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

23 "Dispensary" means a facility operated by a dispensing
24 organization at which activities licensed by this Act may
25 occur.

26 "Dispensary Applicant" means the Proposed Dispensing

1 Organization Name as stated on an application for a
2 Conditional Adult Use Dispensing Organization License.

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

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

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

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

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

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

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

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

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

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

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

1 cannabis or cannabis-infused product to cannabis business
2 establishments for resale to purchasers as permitted by this
3 Act as of January 1, 2020.

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

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

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

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

1 cultivate, process, store, or distribute cannabis.

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

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

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

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

25 "Flowering stage" means the stage of cultivation where and
26 when a cannabis plant is cultivated to produce plant material

1 for cannabis products. This includes mature plants as follows:

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

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

9 "Individual" means a natural person.

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

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

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

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

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

25 "Member of an impacted family" means an individual who has
26 a parent, legal guardian, child, spouse, or dependent, or was

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

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

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

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

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

24 "Possession limit" means the amount of cannabis under
25 Section 10-10 that may be possessed at any one time by a person
26 21 years of age or older or who is a registered qualifying

1 medical cannabis patient or caregiver under the Compassionate
2 Use of Medical Cannabis Program Act.

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

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

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

1 formulation to produce a cannabis product.

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

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

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

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

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

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

26 "Resided" means an individual's primary residence was

1 located within the relevant geographic area as established by
2 of the following:

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

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

7 (3) school records;

8 (4) a voter registration card;

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

12 (6) a paycheck stub;

13 (7) a utility bill;

14 (8) tax records; or

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

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

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

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

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

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

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

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

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

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

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

19 "Social Equity Lottery Licensee" means a holder of an
20 adult-use cannabis dispensary license awarded through a
21 lottery held under subsection (c) of Section 15-35.20 of this
22 Act.

23 "Tied Applicant" means an application submitted by a
24 Dispensary Applicant pursuant to Section 15-30 that received
25 the same number of application points under Section 15-30 as
26 the Dispensary Applicant's final score as one or more

1 top-scoring applications in the same BLS Region and would have
2 been awarded a license but for the one or more other
3 top-scoring applications that received the same number of
4 application points. Each application for which a Dispensary
5 Applicant was required to pay a required application fee for
6 the application period ending January 2, 2020 shall be
7 considered an application of a separate Tied Applicant.

8 "Tied Applicant Lottery" means the process established
9 under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult
10 Use Dispensing Organization Licenses pursuant to Sections
11 15-25 and 15-30 among Eligible Tied Applicants.

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

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

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

1 organization.

2 "Transporting organization agent identification card"
3 means a document issued by the Department of Agriculture that
4 identifies a person as a transporting organization agent.

5 "Unit of local government" means any county, city,
6 village, or incorporated town.

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

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

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

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
21 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
22 5-13-22.)

23 (410 ILCS 705/7-10)

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

25 (a) There is created in the State treasury a special fund,

1 which shall be held separate and apart from all other State
2 moneys, to be known as the Cannabis Business Development Fund.
3 The Cannabis Business Development Fund shall be exclusively
4 used for the following purposes:

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

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

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

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

23 (5) to provide financial assistance to support lending
24 to, or private investment in, Qualified Social Equity
25 Applicants and Social Equity Lottery Licensees, or to
26 facilitate access to the facilities needed to commence

1 operations as a cannabis business establishment ~~(blank)~~;

2 (6) to conduct any study or research concerning the
3 participation of minorities, women, veterans, or people
4 with disabilities in the cannabis industry, including,
5 without limitation, barriers to such individuals entering
6 the industry as equity owners of cannabis business
7 establishments;

8 (7) (blank); and

9 (8) to assist with job training and technical
10 assistance for residents in Disproportionately Impacted
11 Areas.

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

18 (c) (Blank).

19 (c-5) In addition to any other transfers that may be
20 provided for by law, on July 1, 2023, or as soon thereafter as
21 practical, the State Comptroller shall direct and the State
22 Treasurer shall transfer the sum of \$40,000,000 from the
23 Compassionate Use of Medical Cannabis Fund to the Cannabis
24 Business Development Fund.

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. 103-8, eff. 6-7-23.)

6 (410 ILCS 705/7-15)

7 Sec. 7-15. Loans, financial assistance, and grants to
8 Qualified Social Equity Applicants and Social Equity Lottery
9 Licensees.

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

17 (b) The Department of Commerce and Economic Opportunity
18 has the power to:

19 (1) provide Cannabis Social Equity loans, financial
20 assistance, and grants from appropriations from the
21 Cannabis Business Development Fund to assist Qualified
22 Social Equity Applicants and Social Equity Lottery
23 Licensees in gaining entry to, and successfully operating
24 in, the State's regulated cannabis marketplace;

25 (2) enter into agreements that set forth terms and

1 conditions of the financial assistance, accept funds or
2 grants, and engage in cooperation with private entities
3 and agencies of State or local government to carry out the
4 purposes of this Section;

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

10 (4) coordinate assistance under the financial
11 assistance ~~these loan~~ programs with activities of the
12 Illinois Department of Financial and Professional
13 Regulation, the Illinois Department of Agriculture, and
14 other agencies as needed to maximize the effectiveness and
15 efficiency of this Act;

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

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

26 (6.5) enter into financial intermediary agreements to

1 facilitate lending to or investment in Qualified Social
2 Equity Applicants, Social Equity Lottery Licensees, or
3 their subsidiaries or affiliates, to ensure the
4 availability of facilities necessary to operate a cannabis
5 business establishment;

6 (7) establish application, notification, contract, and
7 other forms, procedures, or rules deemed necessary and
8 appropriate; 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, forgiveness, and other matters as the
19 Department shall determine appropriate to protect the
20 public interest and to be consistent with the purposes of
21 this Section. The terms and provisions may be less than
22 required for similar loans not covered by this Section;
23 and-

24 (3) may be distributed by lot if the Department
25 determines that the amount of funding available is
26 insufficient to provide an adequate amount of funding for

1 all of the applicants eligible to receive a loan. The
2 Department may determine the number of loans available
3 based on the amount of funding available and communicate
4 the number of loans available on the loan application. The
5 Department may use competitive criteria to establish which
6 applicants are eligible to receive a grant, loan, or
7 financial assistance.

8 (d) Grants made under this Section shall be awarded on a
9 competitive and annual basis under the Grant Accountability
10 and Transparency Act. Grants made under this Section shall
11 further and promote the goals of this Act, including promotion
12 of Social Equity Applicants, Qualified Social Equity
13 Applicants, or Social Equity Lottery Licensees, job training
14 and workforce development, and technical assistance to Social
15 Equity Applicants and Social Equity Lottery Licensees. To the
16 extent registration with the federal System for Award
17 Management requires a grant applicant to certify compliance
18 with all federal laws, the grant applicants under this Section
19 shall not be required to register for a unique entity
20 identifier through the federal System for Award Management to
21 be qualified to receive a grant so long as federal law
22 prohibits the cultivation and sale of cannabis.

23 (d-5) Financial intermediary agreements to provide
24 financial assistance must further the goals set forth in this
25 Act and shall result in financing or lease costs that are
26 affordable or below market rate.

1 (e) Beginning January 1, 2021 and each year thereafter,
2 the Department shall annually report to the Governor and the
3 General Assembly on the outcomes and effectiveness of this
4 Section that shall include the following:

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

7 (2) the amount in financial assistance awarded in the
8 aggregate, in addition to the amount of loans made that
9 are outstanding and the amount of grants awarded;

10 (3) the location of the project engaged in by the
11 person or business; and

12 (4) if applicable, the number of new jobs and other
13 forms of economic output created as a result of the
14 financial assistance.

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

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

20 (410 ILCS 705/55-30)

21 Sec. 55-30. Confidentiality.

22 (a) Information provided by the cannabis business
23 establishment licensees or applicants to the Department of
24 Agriculture, the Department of Public Health, the Department
25 of Financial and Professional Regulation, the Department of

1 Commerce and Economic Opportunity, or other agency shall be
2 limited to information necessary for the purposes of
3 administering this Act. The information is subject to the
4 provisions and limitations contained in the Freedom of
5 Information Act and may be disclosed in accordance with
6 Section 55-65.

7 (b) The following information received and records kept by
8 the Department of Agriculture, the Department of Public
9 Health, the Illinois State Police, and the Department of
10 Financial and Professional Regulation for purposes of
11 administering this Article are subject to all applicable
12 federal privacy laws, are confidential and exempt from
13 disclosure under the Freedom of Information Act, except as
14 provided in this Act, and not subject to disclosure to any
15 individual or public or private entity, except to the
16 Department of Financial and Professional Regulation, the
17 Department of Agriculture, the Department of Public Health,
18 the Department of Commerce and Economic Opportunity, and the
19 Illinois State Police as necessary to perform official duties
20 under this Article and to the Attorney General as necessary to
21 enforce the provisions of this Act. The following information
22 received and kept by the Department of Financial and
23 Professional Regulation or the Department of Agriculture may
24 be disclosed to the Department of Public Health, the
25 Department of Agriculture, the Department of Revenue, the
26 Illinois State Police, the Department of Commerce and Economic

1 Opportunity, or the Attorney General upon proper request:

2 (1) Applications and renewals, their contents, and
3 supporting information submitted by or on behalf of
4 dispensing organizations, cannabis business
5 establishments, or Community College Cannabis Vocational
6 Program licensees, in compliance with this Article,
7 including their physical addresses; however, this does not
8 preclude the release of ownership information about
9 cannabis business establishment licenses, or information
10 submitted with an application required to be disclosed
11 pursuant to subsection (f);

12 (2) Any plans, procedures, policies, or other records
13 relating to cannabis business establishment security; and

14 (3) Information otherwise exempt from disclosure by
15 State or federal law.

16 Illinois or national criminal history record information,
17 or the nonexistence or lack of such information, may not be
18 disclosed by the Department of Financial and Professional
19 Regulation or the Department of Agriculture, except as
20 necessary to the Attorney General to enforce this Act.

21 (c) The name and address of a dispensing organization
22 licensed under this Act shall be subject to disclosure under
23 the Freedom of Information Act. The name and cannabis business
24 establishment address of the person or entity holding each
25 cannabis business establishment license shall be subject to
26 disclosure.

1 (d) All information collected by the Department of
2 Financial and Professional Regulation or the Department of
3 Agriculture in the course of an examination, inspection, or
4 investigation of a licensee or applicant, including, but not
5 limited to, any complaint against a licensee or applicant
6 filed with the Department of Financial and Professional
7 Regulation or the Department of Agriculture and information
8 collected to investigate any such complaint, shall be
9 maintained for the confidential use of the Department of
10 Financial and Professional Regulation or the Department of
11 Agriculture and shall not be disclosed, except as otherwise
12 provided in this Act. A formal complaint against a licensee by
13 the Department of Financial and Professional Regulation or the
14 Department of Agriculture or any disciplinary order issued by
15 the Department of Financial and Professional Regulation or the
16 Department of Agriculture against a licensee or applicant
17 shall be a public record, except as otherwise provided by law.
18 Complaints from consumers or members of the general public
19 received regarding a specific, named licensee or complaints
20 regarding conduct by unlicensed entities shall be subject to
21 disclosure under the Freedom of Information Act.

22 (e) The Department of Agriculture, the Illinois State
23 Police, and the Department of Financial and Professional
24 Regulation shall not share or disclose any Illinois or
25 national criminal history record information, or the
26 nonexistence or lack of such information, to any person or

1 entity not expressly authorized by this Act.

2 (f) Each Department responsible for licensure under this
3 Act shall publish on the Department's website a list of the
4 ownership information of cannabis business establishment
5 licensees under the Department's jurisdiction. The list shall
6 include, but is not limited to: the name of the person or
7 entity holding each cannabis business establishment license;
8 and the address at which the entity is operating under this
9 Act. This list shall be published and updated monthly.

10 (g) Notwithstanding anything in this Section to the
11 contrary, the Department of Financial and Professional
12 Regulation and the Department of Agriculture may share with
13 the Department of Commerce and Economic Opportunity any
14 licensee information necessary to support the administration
15 of Social Equity programming.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
17 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
18 5-13-22.)".