



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5809

Introduced 4/10/2024, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

See Index

Amends the Compassionate Use of Medical Cannabis Program Act. In the definition of "excluded offense", specifies that the registering Department shall (instead of may) waive the restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical or recreational use (instead of medical use). Provides that the Department of Agriculture shall follow specified requirements of the Cannabis Regulation and Tax Act regarding the administration of cultivation center agent identification cards. Repeals provisions regarding cultivation center agent identification cards and dispensing organization agent identification cards. Amends the Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act to permit a dispensing organization to offer curbside pickup or drive-through pickup for cannabis and cannabis-infused products. Further amends the Cannabis Regulation and Tax Act to provide that that the Department of Agriculture and the Department of Financial and Professional Regulation shall issue all agent identification cards under the Act via an online application portal. Provides that all notifications of acceptance or denial for applications under specified provisions shall be sent directly to the agent applicant. Provides that an agent who holds a valid agent identification card shall be allowed access to any facility owned or operated by a dispensing organization, cultivating organization, infusing organization, or transportation organization. Makes other changes.

LRB103 40172 RJT 71962 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 Compassionate Use of Medical Cannabis
5 Program Act is amended by changing Section 10 and by adding
6 Sections 103 and 136 as follows:

7 (410 ILCS 130/10)

8 Sec. 10. Definitions. The following terms, as used in this
9 Act, shall have the meanings set forth in this Section:

10 (a) "Adequate supply" means:

11 (1) 2.5 ounces of usable cannabis during a period of
12 14 days and that is derived solely from an intrastate
13 source.

14 (2) Subject to the rules of the Department of Public
15 Health, a patient may apply for a waiver where a
16 certifying health care professional provides a substantial
17 medical basis in a signed, written statement asserting
18 that, based on the patient's medical history, in the
19 certifying health care professional's professional
20 judgment, 2.5 ounces is an insufficient adequate supply
21 for a 14-day period to properly alleviate the patient's
22 debilitating medical condition or symptoms associated with
23 the debilitating medical condition.

1 (3) This subsection may not be construed to authorize
2 the possession of more than 2.5 ounces at any time without
3 authority from the Department of Public Health.

4 (4) The pre-mixed weight of medical cannabis used in
5 making a cannabis infused product shall apply toward the
6 limit on the total amount of medical cannabis a registered
7 qualifying patient may possess at any one time.

8 (a-5) "Advanced practice registered nurse" means a person
9 who is licensed under the Nurse Practice Act as an advanced
10 practice registered nurse and has a controlled substances
11 license under Article III of the Illinois Controlled
12 Substances Act.

13 (b) "Cannabis" has the meaning given that term in Section
14 3 of the Cannabis Control Act.

15 (c) "Cannabis plant monitoring system" means a system that
16 includes, but is not limited to, testing and data collection
17 established and maintained by the registered cultivation
18 center and available to the Department for the purposes of
19 documenting each cannabis plant and for monitoring plant
20 development throughout the life cycle of a cannabis plant
21 cultivated for the intended use by a qualifying patient from
22 seed planting to final packaging.

23 (d) "Cardholder" means a qualifying patient or a
24 designated caregiver who has been issued and possesses a valid
25 registry identification card by the Department of Public
26 Health.

1 (d-5) "Certifying health care professional" means a
2 physician, an advanced practice registered nurse, or a
3 physician assistant.

4 (e) "Cultivation center" means a facility operated by an
5 organization or business that is registered by the Department
6 of Agriculture to perform necessary activities to provide only
7 registered medical cannabis dispensing organizations with
8 usable medical cannabis.

9 (f) "Cultivation center agent" means a principal officer,
10 board member, employee, or agent of a registered cultivation
11 center who is 21 years of age or older and has not been
12 convicted of an excluded offense.

13 (g) "Cultivation center agent identification card" means a
14 document issued by the Department of Agriculture that
15 identifies a person as a cultivation center agent.

16 (h) "Debilitating medical condition" means one or more of
17 the following:

18 (1) cancer, glaucoma, positive status for human
19 immunodeficiency virus, acquired immune deficiency
20 syndrome, hepatitis C, amyotrophic lateral sclerosis,
21 Crohn's disease (including, but not limited to, ulcerative
22 colitis), agitation of Alzheimer's disease,
23 cachexia/wasting syndrome, muscular dystrophy, severe
24 fibromyalgia, spinal cord disease, including but not
25 limited to arachnoiditis, Tarlov cysts, hydromyelia,
26 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,

1 spinal cord injury, traumatic brain injury and
2 post-concussion syndrome, Multiple Sclerosis,
3 Arnold-Chiari malformation and Syringomyelia,
4 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
5 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
6 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
7 (Complex Regional Pain Syndromes Type II),
8 Neurofibromatosis, Chronic Inflammatory Demyelinating
9 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
10 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
11 syndrome, residual limb pain, seizures (including those
12 characteristic of epilepsy), post-traumatic stress
13 disorder (PTSD), autism, chronic pain, irritable bowel
14 syndrome, migraines, osteoarthritis, anorexia nervosa,
15 Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune
16 Disease, neuropathy, polycystic kidney disease, superior
17 canal dehiscence syndrome, or the treatment of these
18 conditions;

19 (1.5) terminal illness with a diagnosis of 6 months or
20 less; if the terminal illness is not one of the qualifying
21 debilitating medical conditions, then the certifying
22 health care professional shall on the certification form
23 identify the cause of the terminal illness; or

24 (2) any other debilitating medical condition or its
25 treatment that is added by the Department of Public Health
26 by rule as provided in Section 45.

1 (i) "Designated caregiver" means a person who: (1) is at
2 least 21 years of age; (2) has agreed to assist with a
3 patient's medical use of cannabis; (3) has not been convicted
4 of an excluded offense; and (4) assists no more than one
5 registered qualifying patient with his or her medical use of
6 cannabis.

7 (j) "Dispensing organization agent identification card"
8 means a document issued by the Department of Financial and
9 Professional Regulation that identifies a person as a ~~medical~~
10 ~~cannabis~~ dispensing organization agent, as that term is
11 defined under Section 1-10 of the Cannabis Regulation and Tax
12 Act.

13 (k) "Enclosed, locked facility" means a room, greenhouse,
14 building, or other enclosed area equipped with locks or other
15 security devices that permit access only by a cultivation
16 center's agents or a dispensing organization's agent working
17 for the registered cultivation center or the registered
18 dispensing organization to cultivate, store, and distribute
19 cannabis for registered qualifying patients.

20 (l) "Excluded offense" for cultivation center agents and
21 dispensing organizations means:

22 (1) a violent crime defined in Section 3 of the Rights
23 of Crime Victims and Witnesses Act or a substantially
24 similar offense that was classified as a felony in the
25 jurisdiction where the person was convicted; or

26 (2) a violation of a state or federal controlled

1 substance law, the Cannabis Control Act, or the
2 Methamphetamine Control and Community Protection Act that
3 was classified as a felony in the jurisdiction where the
4 person was convicted, except that the registering
5 Department shall ~~may~~ waive this restriction if the person
6 demonstrates to the registering Department's satisfaction
7 that his or her conviction was for the possession,
8 cultivation, transfer, or delivery of a reasonable amount
9 of cannabis intended for medical or recreational use. This
10 exception does not apply if the conviction was under state
11 law and involved a violation of an existing medical
12 cannabis law.

13 For purposes of this subsection, the Department of Public
14 Health shall determine by emergency rule within 30 days after
15 the effective date of this amendatory Act of the 99th General
16 Assembly what constitutes a "reasonable amount".

17 (1-5) (Blank).

18 (1-10) "Illinois Cannabis Tracking System" means a
19 web-based system established and maintained by the Department
20 of Public Health that is available to the Department of
21 Agriculture, the Department of Financial and Professional
22 Regulation, the Illinois State Police, and registered medical
23 cannabis dispensing organizations on a 24-hour basis to upload
24 written certifications for Opioid Alternative Pilot Program
25 participants, to verify Opioid Alternative Pilot Program
26 participants, to verify Opioid Alternative Pilot Program

1 participants' available cannabis allotment and assigned
2 dispensary, and the tracking of the date of sale, amount, and
3 price of medical cannabis purchased by an Opioid Alternative
4 Pilot Program participant.

5 (m) "Medical cannabis cultivation center registration"
6 means a registration issued by the Department of Agriculture.

7 (n) "Medical cannabis container" means a sealed,
8 traceable, food compliant, tamper resistant, tamper evident
9 container, or package used for the purpose of containment of
10 medical cannabis from a cultivation center to a dispensing
11 organization.

12 (o) "Medical cannabis dispensing organization", or
13 "dispensing organization", or "dispensary organization" means
14 a facility operated by an organization or business that is
15 registered by the Department of Financial and Professional
16 Regulation to acquire medical cannabis from a registered
17 cultivation center for the purpose of dispensing cannabis,
18 paraphernalia, or related supplies and educational materials
19 to registered qualifying patients, individuals with a
20 provisional registration for qualifying patient cardholder
21 status, or an Opioid Alternative Pilot Program participant.

22 (p) "Medical cannabis dispensing organization agent" or
23 "dispensing organization agent" means a principal officer,
24 board member, employee, or agent of a registered medical
25 cannabis dispensing organization who is 21 years of age or
26 older and has not been convicted of an excluded offense.

1 (q) "Medical cannabis infused product" means food, oils,
2 ointments, or other products containing usable cannabis that
3 are not smoked.

4 (r) "Medical use" means the acquisition; administration;
5 delivery; possession; transfer; transportation; or use of
6 cannabis to treat or alleviate a registered qualifying
7 patient's debilitating medical condition or symptoms
8 associated with the patient's debilitating medical condition.

9 (r-5) "Opioid" means a narcotic drug or substance that is
10 a Schedule II controlled substance under paragraph (1), (2),
11 (3), or (5) of subsection (b) or under subsection (c) of
12 Section 206 of the Illinois Controlled Substances Act.

13 (r-10) "Opioid Alternative Pilot Program participant"
14 means an individual who has received a valid written
15 certification to participate in the Opioid Alternative Pilot
16 Program for a medical condition for which an opioid has been or
17 could be prescribed by a certifying health care professional
18 based on generally accepted standards of care.

19 (s) "Physician" means a doctor of medicine or doctor of
20 osteopathy licensed under the Medical Practice Act of 1987 to
21 practice medicine and who has a controlled substances license
22 under Article III of the Illinois Controlled Substances Act.
23 It does not include a licensed practitioner under any other
24 Act including but not limited to the Illinois Dental Practice
25 Act.

26 (s-1) "Physician assistant" means a physician assistant

1 licensed under the Physician Assistant Practice Act of 1987
2 and who has a controlled substances license under Article III
3 of the Illinois Controlled Substances Act.

4 (s-5) "Provisional registration" means a document issued
5 by the Department of Public Health to a qualifying patient who
6 has submitted: (1) an online application and paid a fee to
7 participate in Compassionate Use of Medical Cannabis Program
8 pending approval or denial of the patient's application; or
9 (2) a completed application for terminal illness.

10 (t) "Qualifying patient" means a person who has been
11 diagnosed by a certifying health care professional as having a
12 debilitating medical condition.

13 (u) "Registered" means licensed, permitted, or otherwise
14 certified by the Department of Agriculture, Department of
15 Public Health, or Department of Financial and Professional
16 Regulation.

17 (v) "Registry identification card" means a document issued
18 by the Department of Public Health that identifies a person as
19 a registered qualifying patient or registered designated
20 caregiver.

21 (w) "Usable cannabis" means the seeds, leaves, buds, and
22 flowers of the cannabis plant and any mixture or preparation
23 thereof, but does not include the stalks, and roots of the
24 plant. It does not include the weight of any non-cannabis
25 ingredients combined with cannabis, such as ingredients added
26 to prepare a topical administration, food, or drink.

1 (x) "Verification system" means a Web-based system
2 established and maintained by the Department of Public Health
3 that is available to the Department of Agriculture, the
4 Department of Financial and Professional Regulation, law
5 enforcement personnel, and registered medical cannabis
6 dispensing organization agents on a 24-hour basis for the
7 verification of registry identification cards, the tracking of
8 delivery of medical cannabis to medical cannabis dispensing
9 organizations, and the tracking of the date of sale, amount,
10 and price of medical cannabis purchased by a registered
11 qualifying patient.

12 (y) "Written certification" means a document dated and
13 signed by a certifying health care professional, stating (1)
14 that the qualifying patient has a debilitating medical
15 condition and specifying the debilitating medical condition
16 the qualifying patient has; and (2) that (A) the certifying
17 health care professional is treating or managing treatment of
18 the patient's debilitating medical condition; or (B) an Opioid
19 Alternative Pilot Program participant has a medical condition
20 for which opioids have been or could be prescribed. A written
21 certification shall be made only in the course of a bona fide
22 health care professional-patient relationship, after the
23 certifying health care professional has completed an
24 assessment of either a qualifying patient's medical history or
25 Opioid Alternative Pilot Program participant, reviewed
26 relevant records related to the patient's debilitating

1 condition, and conducted a physical examination.

2 (z) "Bona fide health care professional-patient
3 relationship" means a relationship established at a hospital,
4 certifying health care professional's office, or other health
5 care facility in which the certifying health care professional
6 has an ongoing responsibility for the assessment, care, and
7 treatment of a patient's debilitating medical condition or a
8 symptom of the patient's debilitating medical condition.

9 A veteran who has received treatment at a VA hospital
10 shall be deemed to have a bona fide health care
11 professional-patient relationship with a VA certifying health
12 care professional if the patient has been seen for his or her
13 debilitating medical condition at the VA Hospital in
14 accordance with VA Hospital protocols.

15 A bona fide health care professional-patient relationship
16 under this subsection is a privileged communication within the
17 meaning of Section 8-802 of the Code of Civil Procedure.

18 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

19 (410 ILCS 130/103 new)

20 Sec. 103. Cultivation center agent identification cards.
21 The Department of Agriculture shall follow the requirements
22 set forth in Section 20-35 of the Cannabis Regulation and Tax
23 Act regarding the administration of cultivation center agent
24 identification cards under this Act.

1 (410 ILCS 130/136 new)

2 Sec. 136. Curbside or drive-through pickup. A registered
3 qualifying patient or designated caregiver under this Act may
4 use curbside pickup or drive-through pickup of any cannabis or
5 cannabis-infused products, as authorized under subsection (d)
6 of Section 15-85 of the Cannabis Regulation and Tax Act.

7 Section 10. The Cannabis Regulation and Tax Act is amended
8 by changing Sections 15-40, 15-85, 20-35, 30-35, 35-30 and
9 40-35 and by adding Section 5-22 as follows:

10 (410 ILCS 705/5-22 new)

11 Sec. 5-22. Identification cards. The Department of
12 Agriculture and the Department of Financial and Professional
13 Regulation shall issue all identification cards under this Act
14 via an online application portal.

15 (410 ILCS 705/15-40)

16 Sec. 15-40. Dispensing organization agent identification
17 card; agent training.

18 (a) The Department shall:

19 (1) verify the information contained in an application
20 or renewal for a dispensing organization agent
21 identification card submitted under this Article, and
22 approve or deny an application or renewal, within 30 days
23 of receiving a completed application or renewal

1 application and all supporting documentation required by
2 rule;

3 (2) issue a dispensing organization agent
4 identification card to a qualifying agent within 15
5 business days of approving the application or renewal;

6 (3) enter the registry identification number of the
7 dispensing organization where the agent works;

8 (4) within one year from the effective date of this
9 Act, allow for an electronic application process and
10 provide a confirmation by electronic or other methods that
11 an application has been submitted; and

12 (5) collect a \$100 nonrefundable fee from the
13 applicant to be deposited into the Cannabis Regulation
14 Fund.

15 (b) A dispensing organization agent must keep his or her
16 identification card visible at all times when in the
17 dispensary.

18 (c) The dispensing organization agent identification cards
19 shall contain the following:

20 (1) the name of the cardholder;

21 (2) the date of issuance and expiration date of the
22 dispensing organization agent identification cards;

23 (3) a random 10-digit alphanumeric identification
24 number containing at least 4 numbers and at least 4
25 letters that is unique to the cardholder; and

26 (4) a photograph of the cardholder.

1 (d) The dispensing organization agent identification cards
2 shall be immediately returned to the dispensing organization
3 upon termination of employment.

4 (e) The Department shall not issue an agent identification
5 card if the applicant is delinquent in filing any required tax
6 returns or paying any amounts owed to the State of Illinois.

7 (f) Any card lost by a dispensing organization agent shall
8 be reported to the Illinois State Police and the Department
9 immediately upon discovery of the loss.

10 (g) An applicant shall be denied a dispensing organization
11 agent identification card renewal if he or she fails to
12 complete the training provided for in this Section.

13 (h) A dispensing organization agent shall only be required
14 to hold one card for the same employer regardless of what type
15 of dispensing organization license the employer holds.

16 (i) Cannabis retail sales training requirements.

17 (1) Within 90 days of September 1, 2019, or 90 days of
18 employment, whichever is later, all owners, managers,
19 employees, and agents involved in the handling or sale of
20 cannabis or cannabis-infused product employed by an adult
21 use dispensing organization or medical cannabis dispensing
22 organization as defined in Section 10 of the Compassionate
23 Use of Medical Cannabis Program Act shall attend and
24 successfully complete a Responsible Vendor Program.

25 (2) Each owner, manager, employee, and agent of an
26 adult use dispensing organization or medical cannabis

1 dispensing organization shall successfully complete the
2 program annually.

3 (3) Responsible Vendor Program Training modules shall
4 include at least 2 hours of instruction time approved by
5 the Department including:

6 (i) Health and safety concerns of cannabis use,
7 including the responsible use of cannabis, its
8 physical effects, onset of physiological effects,
9 recognizing signs of impairment, and appropriate
10 responses in the event of overconsumption.

11 (ii) Training on laws and regulations on driving
12 while under the influence and operating a watercraft
13 or snowmobile while under the influence.

14 (iii) Sales to minors prohibition. Training shall
15 cover all relevant Illinois laws and rules.

16 (iv) Quantity limitations on sales to purchasers.
17 Training shall cover all relevant Illinois laws and
18 rules.

19 (v) Acceptable forms of identification. Training
20 shall include:

21 (I) How to check identification; and

22 (II) Common mistakes made in verification;

23 (vi) Safe storage of cannabis;

24 (vii) Compliance with all inventory tracking
25 system regulations;

26 (viii) Waste handling, management, and disposal;

- 1 (ix) Health and safety standards;
2 (x) Maintenance of records;
3 (xi) Security and surveillance requirements;
4 (xii) Permitting inspections by State and local
5 licensing and enforcement authorities;
6 (xiii) Privacy issues;
7 (xiv) Packaging and labeling requirement for sales
8 to purchasers; and
9 (xv) Other areas as determined by rule.

10 (j) Blank.

11 (k) Upon the successful completion of the Responsible
12 Vendor Program, the provider shall deliver proof of completion
13 either through mail or electronic communication to the
14 dispensing organization, which shall retain a copy of the
15 certificate.

16 (l) The license of a dispensing organization or medical
17 cannabis dispensing organization whose owners, managers,
18 employees, or agents fail to comply with this Section may be
19 suspended or permanently revoked under Section 15-145 or may
20 face other disciplinary action.

21 (m) The regulation of dispensing organization and medical
22 cannabis dispensing employer and employee training is an
23 exclusive function of the State, and regulation by a unit of
24 local government, including a home rule unit, is prohibited.
25 This subsection (m) is a denial and limitation of home rule
26 powers and functions under subsection (h) of Section 6 of

1 Article VII of the Illinois Constitution.

2 (n) Persons seeking Department approval to offer the
3 training required by paragraph (3) of subsection (i) may apply
4 for such approval between August 1 and August 15 of each
5 odd-numbered year in a manner prescribed by the Department.

6 (o) Persons seeking Department approval to offer the
7 training required by paragraph (3) of subsection (i) shall
8 submit a nonrefundable application fee of \$2,000 to be
9 deposited into the Cannabis Regulation Fund or a fee as may be
10 set by rule. Any changes made to the training module shall be
11 approved by the Department.

12 (p) The Department shall not unreasonably deny approval of
13 a training module that meets all the requirements of paragraph
14 (3) of subsection (i). A denial of approval shall include a
15 detailed description of the reasons for the denial.

16 (q) Any person approved to provide the training required
17 by paragraph (3) of subsection (i) shall submit an application
18 for re-approval between August 1 and August 15 of each
19 odd-numbered year and include a nonrefundable application fee
20 of \$2,000 to be deposited into the Cannabis Regulation Fund or
21 a fee as may be set by rule.

22 (r) All persons applying to become or renewing their
23 registrations to be agents, including agents-in-charge and
24 principal officers, shall disclose any disciplinary action
25 taken against them that may have occurred in Illinois, another
26 state, or another country in relation to their employment at a

1 cannabis business establishment or at any cannabis cultivation
2 center, processor, infuser, dispensary, or other cannabis
3 business establishment.

4 (s) An agent applicant may begin employment at a
5 dispensing organization while the agent applicant's
6 identification card application is pending. Upon approval, the
7 Department shall issue the agent's identification card to the
8 agent. If denied, the dispensing organization and the agent
9 applicant shall be notified and the agent applicant must cease
10 all activity at the dispensing organization immediately.

11 (t) All notifications of acceptance or denial for
12 applications under this Section shall be sent directly to the
13 agent applicant.

14 (u) An agent who holds a valid identification card under
15 this Section shall be allowed access to any facility owned or
16 operated by the dispensing organization, cultivating
17 organization, infusing organization, or transportation
18 organization.

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

22 (410 ILCS 705/15-85)

23 Sec. 15-85. Dispensing cannabis.

24 (a) Before a dispensing organization agent dispenses
25 cannabis to a purchaser, the agent shall:

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

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

13 (3) Offer any appropriate purchaser education or
14 support materials;

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

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

22 (ii) The dispensing organization's identification
23 number;

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

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

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

10 (c) For the purposes of this Section, valid identification
11 must:

12 (1) Be valid and unexpired;

13 (2) Contain a photograph and the date of birth of the
14 person.

15 (d) Notwithstanding any other provision of law, a
16 dispensing organization may offer curbside pickup or
17 drive-through pickup of cannabis or cannabis-infused products.

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

20 (410 ILCS 705/20-35)

21 Sec. 20-35. Cultivation center agent identification card.

22 (a) The Department of Agriculture shall:

23 (1) establish by rule the information required in an
24 initial application or renewal application for an agent
25 identification card submitted under this Act and the

1 nonrefundable fee to accompany the initial application or
2 renewal application;

3 (2) verify the information contained in an initial
4 application or renewal application for an agent
5 identification card submitted under this Act, and approve
6 or deny an application within 30 days of receiving a
7 completed initial application or renewal application and
8 all supporting documentation required by rule;

9 (3) issue an agent identification card to a qualifying
10 agent within 15 business days of approving the initial
11 application or renewal application;

12 (4) enter the license number of the cultivation center
13 where the agent works; and

14 (5) allow for an electronic initial application and
15 renewal application process, and provide a confirmation by
16 electronic or other methods that an application has been
17 submitted. The Department of Agriculture may by rule
18 require prospective agents to file their applications by
19 electronic means and provide notices to the agents by
20 electronic means.

21 (b) An agent must keep his or her identification card
22 visible at all times when on the property of the cultivation
23 center at which the agent is employed.

24 (c) The agent identification cards shall contain the
25 following:

26 (1) the name of the cardholder;

1 (2) the date of issuance and expiration date of the
2 identification card;

3 (3) a random 10-digit alphanumeric identification
4 number containing at least 4 numbers and at least 4
5 letters that is unique to the holder;

6 (4) a photograph of the cardholder; and

7 (5) the legal name of the cultivation center employing
8 the agent.

9 (d) An agent identification card shall be immediately
10 returned to the cultivation center of the agent upon
11 termination of his or her employment.

12 (e) Any agent identification card lost by a cultivation
13 center agent shall be reported to the Illinois State Police
14 and the Department of Agriculture immediately upon discovery
15 of the loss.

16 (f) The Department of Agriculture shall not issue an agent
17 identification card if the applicant is delinquent in filing
18 any required tax returns or paying any amounts owed to the
19 State of Illinois.

20 (g) An agent who holds a valid identification card under
21 this Section shall be allowed access to any facility owned or
22 operated by the dispensing organization, cultivating
23 organization, infusing organization, or transportation
24 organization.

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

1 (410 ILCS 705/30-35)

2 Sec. 30-35. Craft grower agent identification card.

3 (a) The Department of Agriculture shall:

4 (1) establish by rule the information required in an
5 initial application or renewal application for an agent
6 identification card submitted under this Act and the
7 nonrefundable fee to accompany the initial application or
8 renewal application;

9 (2) verify the information contained in an initial
10 application or renewal application for an agent
11 identification card submitted under this Act and approve
12 or deny an application within 30 days of receiving a
13 completed initial application or renewal application and
14 all supporting documentation required by rule;

15 (3) issue an agent identification card to a qualifying
16 agent within 15 business days of approving the initial
17 application or renewal application;

18 (4) enter the license number of the craft grower where
19 the agent works; and

20 (5) allow for an electronic initial application and
21 renewal application process, and provide a confirmation by
22 electronic or other methods that an application has been
23 submitted. The Department of Agriculture may by rule
24 require prospective agents to file their applications by
25 electronic means and provide notices to the agents by
26 electronic means.

1 (b) An agent must keep his or her identification card
2 visible at all times when on the property of a cannabis
3 business establishment, including the craft grower
4 organization for which he or she is an agent.

5 (c) The agent identification cards shall contain the
6 following:

7 (1) the name of the cardholder;

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

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

13 (4) a photograph of the cardholder; and

14 (5) the legal name of the craft grower organization
15 employing the agent.

16 (d) An agent identification card shall be immediately
17 returned to the cannabis business establishment of the agent
18 upon termination of his or her employment.

19 (e) Any agent identification card lost by a craft grower
20 agent shall be reported to the Illinois State Police and the
21 Department of Agriculture immediately upon discovery of the
22 loss.

23 (f) An agent who holds a valid identification card under
24 this Section shall be allowed access to any facility owned or
25 operated by the dispensing organization, cultivating
26 organization, infusing organization, or transportation

1 organization.

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

3 (410 ILCS 705/35-30)

4 Sec. 35-30. Infuser agent identification card.

5 (a) The Department of Agriculture shall:

6 (1) establish by rule the information required in an
7 initial application or renewal application for an agent
8 identification card submitted under this Act and the
9 nonrefundable fee to accompany the initial application or
10 renewal application;

11 (2) verify the information contained in an initial
12 application or renewal application for an agent
13 identification card submitted under this Act, and approve
14 or deny an application within 30 days of receiving a
15 completed initial application or renewal application and
16 all supporting documentation required by rule;

17 (3) issue an agent identification card to a qualifying
18 agent within 15 business days of approving the initial
19 application or renewal application;

20 (4) enter the license number of the infuser where the
21 agent works; and

22 (5) allow for an electronic initial application and
23 renewal application process, and provide a confirmation by
24 electronic or other methods that an application has been
25 submitted. The Department of Agriculture may by rule

1 require prospective agents to file their applications by
2 electronic means and provide notices to the agents by
3 electronic means.

4 (b) An agent must keep his or her identification card
5 visible at all times when on the property of a cannabis
6 business establishment including the cannabis business
7 establishment for which he or she is an agent.

8 (c) The agent identification cards shall contain the
9 following:

10 (1) the name of the cardholder;

11 (2) the date of issuance and expiration date of the
12 identification card;

13 (3) a random 10-digit alphanumeric identification
14 number containing at least 4 numbers and at least 4
15 letters that is unique to the holder;

16 (4) a photograph of the cardholder; and

17 (5) the legal name of the infuser organization
18 employing the agent.

19 (d) An agent identification card shall be immediately
20 returned to the infuser organization of the agent upon
21 termination of his or her employment.

22 (e) Any agent identification card lost by a transporting
23 agent shall be reported to the Illinois State Police and the
24 Department of Agriculture immediately upon discovery of the
25 loss.

26 (f) An agent applicant may begin employment at an infuser

1 organization while the agent applicant's identification card
2 application is pending. Upon approval, the Department shall
3 issue the agent's identification card to the agent. If denied,
4 the infuser organization and the agent applicant shall be
5 notified and the agent applicant must cease all activity at
6 the infuser organization immediately.

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

9 (410 ILCS 705/40-35)

10 Sec. 40-35. Transporting organization background checks.

11 (a) Through the Illinois State Police, the Department of
12 Agriculture shall conduct a background check of the
13 prospective principal officers, board members, and agents of a
14 transporter applying for a license or identification card
15 under this Act. The Illinois State Police shall charge a fee
16 set by rule for conducting the criminal history record check,
17 which shall be deposited into the State Police Services Fund
18 and shall not exceed the actual cost of the record check. In
19 order to carry out this provision, each transporting
20 organization's prospective principal officer, board member, or
21 agent shall submit a full set of fingerprints to the Illinois
22 State Police for the purpose of obtaining a State and federal
23 criminal records check. These fingerprints shall be checked
24 against the fingerprint records now and hereafter, to the
25 extent allowed by law, filed in the Illinois State Police and

1 Federal Bureau of Investigation criminal history records
2 databases. The Illinois State Police shall furnish, following
3 positive identification, all conviction information to the
4 Department of Agriculture.

5 (b) When applying for the initial license or
6 identification card, the background checks for all prospective
7 principal officers, board members, and agents shall be
8 completed before submitting the application to the Department
9 of Agriculture.

10 (c) An agent who holds a valid identification card under
11 this Section shall be allowed access to any facility owned or
12 operated by the dispensing organization, cultivating
13 organization, infusing organization, or transportation
14 organization.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
16 102-538, eff. 8-20-21.)

17 (410 ILCS 130/100 rep.)

18 (410 ILCS 130/120 rep.)

19 Section 15. The Compassionate Use of Medical Cannabis
20 Program Act is amended by repealing Sections 100 and 120.

1 INDEX

2 Statutes amended in order of appearance

3 410 ILCS 130/10

4 410 ILCS 130/103 new

5 410 ILCS 130/136 new

6 410 ILCS 705/5-22 new

7 410 ILCS 705/15-40

8 410 ILCS 705/15-85

9 410 ILCS 705/20-35

10 410 ILCS 705/30-35

11 410 ILCS 705/35-30

12 410 ILCS 705/40-35

13 410 ILCS 130/100 rep.

14 410 ILCS 130/120 rep.