



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0194

Introduced 1/31/2023, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

410 ILCS 130/10
410 ILCS 130/85
410 ILCS 130/95
410 ILCS 130/100
410 ILCS 130/105
410 ILCS 130/115
410 ILCS 130/120
410 ILCS 705/5-20

Amends the Compassionate Use of Medical Cannabis Program Act. Removes references to "excluded offense" and provisions prohibiting employed individuals from having been convicted of an excluded offense. Replaces existing provisions concerning background checks with provisions requiring the Illinois State Police to conduct a criminal history record check of the prospective principal officers, board members, and agents of a medical cannabis dispensing organization or cultivation center applying for a license or agent identification card under the Act. Contains additional requirements for background checks. Makes other changes. Amends the Cannabis Regulation and Tax Act. Provides that nothing in the Act shall be construed to prevent or otherwise inhibit an otherwise qualified individual from serving as a principal officer or agent of a cannabis business establishment on the sole basis of a nonviolent criminal conviction related to cannabis.

LRB103 25667 CPF 52016 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 Sections 10, 85, 95, 100,
6 105, 115, and 120 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 (3) ~~(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.

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

18 (l) (Blank). ~~"Excluded offense" for cultivation center~~
19 ~~agents and dispensing organizations means:~~

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

24 ~~(2) a violation of a state or federal controlled~~
25 ~~substance law, the Cannabis Control Act, or the~~
26 ~~Methamphetamine Control and Community Protection Act that~~

~~was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this 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 use. This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law.~~

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

(1-5) (Blank).

(1-10) "Illinois Cannabis Tracking System" means a web-based system established and maintained by the Department of Public Health that is available to the Department of Agriculture, the Department of Financial and Professional Regulation, the Illinois State Police, and registered medical cannabis dispensing organizations on a 24-hour basis to upload written certifications for Opioid Alternative Pilot Program participants, to verify Opioid Alternative Pilot Program participants, to verify Opioid Alternative Pilot Program participants' available cannabis allotment and assigned dispensary, and the tracking of the date of sale, amount, and price of medical cannabis purchased by an Opioid Alternative

1 Pilot Program participant.

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

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

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

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

24 (q) "Medical cannabis infused product" means food, oils,
25 ointments, or other products containing usable cannabis that
26 are not smoked.

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

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

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

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

23 (s-1) "Physician assistant" means a physician assistant
24 licensed under the Physician Assistant Practice Act of 1987
25 and who has a controlled substances license under Article III
26 of the Illinois Controlled Substances Act.

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

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

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

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

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

24 (x) "Verification system" means a Web-based system
25 established and maintained by the Department of Public Health
26 that is available to the Department of Agriculture, the

1 Department of Financial and Professional Regulation, law
2 enforcement personnel, and registered medical cannabis
3 dispensing organization agents on a 24-hour basis for the
4 verification of registry identification cards, the tracking of
5 delivery of medical cannabis to medical cannabis dispensing
6 organizations, and the tracking of the date of sale, amount,
7 and price of medical cannabis purchased by a registered
8 qualifying patient.

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

25 (z) "Bona fide health care professional-patient
26 relationship" means a relationship established at a hospital,

1 certifying health care professional's office, or other health
2 care facility in which the certifying health care professional
3 has an ongoing responsibility for the assessment, care, and
4 treatment of a patient's debilitating medical condition or a
5 symptom of the patient's debilitating medical condition.

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

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

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

16 (410 ILCS 130/85)

17 Sec. 85. Issuance and denial of medical cannabis
18 cultivation permit.

19 (a) The Department of Agriculture may register up to 22
20 cultivation center registrations for operation. The Department
21 of Agriculture may not issue more than one registration per
22 each Illinois State Police District boundary as specified on
23 the date of January 1, 2013. The Department of Agriculture may
24 not issue less than the 22 registrations if there are
25 qualified applicants who have applied with the Department.

1 (b) The registrations shall be issued and renewed annually
2 as determined by administrative rule.

3 (c) The Department of Agriculture shall determine a
4 registration fee by rule.

5 (d) A cultivation center may only operate if it has been
6 issued a valid registration from the Department of
7 Agriculture. When applying for a cultivation center
8 registration, the applicant shall submit the following in
9 accordance with Department of Agriculture rules:

10 (1) the proposed legal name of the cultivation center;

11 (2) the proposed physical address of the cultivation
12 center and description of the enclosed, locked facility as
13 it applies to cultivation centers where medical cannabis
14 will be grown, harvested, manufactured, packaged, or
15 otherwise prepared for distribution to a dispensing
16 organization;

17 (3) the name, address, and date of birth of each
18 principal officer and board member of the cultivation
19 center, provided that all those individuals shall be at
20 least 21 years of age;

21 (4) any instance in which a business that any of the
22 prospective board members of the cultivation center had
23 managed or served on the board of the business and was
24 convicted, fined, censured, or had a registration or
25 license suspended or revoked in any administrative or
26 judicial proceeding;

1 (5) cultivation, inventory, and packaging plans;

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

11 (7) experience with agricultural cultivation
12 techniques and industry standards;

13 (8) any academic degrees, certifications, or relevant
14 experience with related businesses;

15 (9) the identity of every person, association, trust,
16 or corporation having any direct or indirect pecuniary
17 interest in the cultivation center operation with respect
18 to which the registration is sought. If the disclosed
19 entity is a trust, the application shall disclose the
20 names and addresses of the beneficiaries; if a
21 corporation, the names and addresses of all stockholders
22 and directors; if a partnership, the names and addresses
23 of all partners, both general and limited;

24 (10) verification from the Illinois State Police that
25 all background checks of the principal officer, board
26 members, and registered agents have been conducted ~~and~~

1 ~~those individuals have not been convicted of an excluded~~
2 ~~offense;~~

3 (11) provide a copy of the current local zoning
4 ordinance to the Department of Agriculture and verify that
5 proposed cultivation center is in compliance with the
6 local zoning rules issued in accordance with Section 140;

7 (12) an application fee set by the Department of
8 Agriculture by rule; and

9 (13) any other information required by Department of
10 Agriculture rules, including, but not limited to a
11 cultivation center applicant's experience with the
12 cultivation of agricultural or horticultural products,
13 operating an agriculturally related business, or operating
14 a horticultural business.

15 (e) An application for a cultivation center permit must be
16 denied if any of the following conditions are met:

17 (1) the applicant failed to submit the materials
18 required by this Section, including if the applicant's
19 plans do not satisfy the security, oversight, inventory,
20 or recordkeeping rules issued by the Department of
21 Agriculture;

22 (2) the applicant would not be in compliance with
23 local zoning rules issued in accordance with Section 140;

24 (3) (blank) ~~one or more of the prospective principal~~
25 ~~officers or board members has been convicted of an~~
26 ~~excluded offense;~~

1 (4) one or more of the prospective principal officers
2 or board members has served as a principal officer or
3 board member for a registered dispensing organization or
4 cultivation center that has had its registration revoked;

5 (5) one or more of the principal officers or board
6 members is under 21 years of age;

7 (6) a principal officer or board member of the
8 cultivation center has been convicted of a felony under
9 the laws of this State, any other state, or the United
10 States;

11 (7) a principal officer or board member of the
12 cultivation center has been convicted of any violation of
13 Article 28 of the Criminal Code of 2012, or substantially
14 similar laws of any other jurisdiction; or

15 (8) the person has submitted an application for a
16 certificate under this Act which contains false
17 information.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 (410 ILCS 130/95)

20 Sec. 95. Background checks.

21 (a) (Blank). ~~The Department of Agriculture through the~~
22 ~~Illinois State Police shall conduct a background check of the~~
23 ~~prospective cultivation center agents. The Illinois State~~
24 ~~Police shall charge a fee for conducting the criminal history~~
25 ~~record check, which shall be deposited in the State Police~~

1 ~~Services Fund and shall not exceed the actual cost of the~~
2 ~~record check. In order to carry out this provision, each~~
3 ~~person applying as a cultivation center agent shall submit a~~
4 ~~full set of fingerprints to the Illinois State Police for the~~
5 ~~purpose of obtaining a State and federal criminal records~~
6 ~~check. These fingerprints shall be checked against the~~
7 ~~fingerprint records now and hereafter, to the extent allowed~~
8 ~~by law, filed in the Illinois State Police and Federal Bureau~~
9 ~~of Investigation criminal history records databases. The~~
10 ~~Illinois State Police shall furnish, following positive~~
11 ~~identification, all Illinois conviction information to the~~
12 ~~Department of Agriculture.~~

13 (b) (Blank). ~~When applying for the initial permit, the~~
14 ~~background checks for the principal officer, board members,~~
15 ~~and registered agents shall be completed prior to submitting~~
16 ~~the application to the Department of Agriculture.~~

17 (c) Through the Illinois State Police, the licensing or
18 issuing Department shall conduct a criminal history record
19 check of the prospective principal officers, board members,
20 and agents of a medical cannabis dispensing organization or
21 cultivation center applying for a license or agent
22 identification card under this Act.

23 Each medical cannabis dispensing organization or
24 cultivation center's prospective principal officer, board
25 member, or agent shall submit his or her fingerprints to the
26 Illinois State Police in the form and manner prescribed by the

1 Illinois State Police.

2 Unless otherwise provided in this Act, the fingerprints
3 shall be transmitted through a live scan fingerprint vendor
4 licensed by the Department of Financial and Professional
5 Regulation. The fingerprints shall be checked against the
6 fingerprint records now and hereafter filed in the Illinois
7 State Police and Federal Bureau of Investigation criminal
8 history records databases. The Illinois State Police shall
9 charge a fee for conducting the criminal history record check,
10 which shall be deposited into the State Police Services Fund
11 and shall not exceed the actual cost of the State and national
12 criminal history record check. The Illinois State Police shall
13 furnish, if there is a positive identification, all Illinois
14 conviction information and shall forward the national criminal
15 history record information to:

16 (1) the Department of Agriculture, with respect to a
17 cultivation center; or

18 (2) the Department of Financial and Professional
19 Regulation, with respect to a dispensing organization.

20 (d) When applying for the initial license or
21 identification card, the background checks for all prospective
22 principal officers, board members, and agents shall be
23 completed before submitting the application to the licensing
24 or issuing agency.

25 (e) All applications for licensure under this Act by
26 applicants with criminal convictions shall be subject to

1 Sections 2105-131, 2105-135, and 2105-205 of the Department of
2 Professional Regulation Law of the Civil Administrative Code
3 of Illinois. However, nothing in this Section or Act shall be
4 construed to prevent or otherwise inhibit the ability of an
5 otherwise qualified individual from serving as a principal
6 officer or agent of a cannabis business establishment on the
7 sole basis of a nonviolent criminal conviction related to
8 cannabis.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (410 ILCS 130/100)

11 Sec. 100. Cultivation center agent identification card.

12 (a) The Department of Agriculture shall:

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

19 (2) issue a cultivation center agent identification
20 card to a qualifying agent within 15 business days of
21 approving the application or renewal;

22 (3) enter the registry identification number of the
23 cultivation center where the agent works; and

24 (4) allow for an electronic application process, and
25 provide a confirmation by electronic or other methods that

1 an application has been submitted.

2 (b) A cultivation center agent must keep his or her
3 identification card visible at all times when on the property
4 of a cultivation center and during the transportation of
5 medical cannabis to a registered dispensary organization.

6 (c) The cultivation center agent identification cards
7 shall contain the following:

8 (1) the name of the cardholder;

9 (2) the date of issuance and expiration date of
10 cultivation center agent identification cards;

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 holder; and

14 (4) a photograph of the cardholder.

15 (d) The cultivation center agent identification cards
16 shall be immediately returned to the cultivation center upon
17 termination of employment.

18 (e) Any card lost by a cultivation center agent shall be
19 reported to the Illinois State Police and the Department of
20 Agriculture immediately upon discovery of the loss.

21 (f) (Blank). ~~An applicant shall be denied a cultivation~~
22 ~~center agent identification card if he or she has been~~
23 ~~convicted of an excluded offense.~~

24 (g) An agent applicant may begin employment at a
25 cultivation center while the agent applicant's identification
26 card application is pending. Upon approval, the Department

1 shall issue the agent's identification card to the agent. If
2 denied, the cultivation center and the agent applicant shall
3 be notified and the agent applicant must cease all activity at
4 the cultivation center immediately.

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

7 (410 ILCS 130/105)

8 Sec. 105. Requirements; prohibitions; penalties for
9 cultivation centers.

10 (a) The operating documents of a registered cultivation
11 center shall include procedures for the oversight of the
12 cultivation center, a cannabis plant monitoring system
13 including a physical inventory recorded weekly, a cannabis
14 container system including a physical inventory recorded
15 weekly, accurate record keeping, and a staffing plan.

16 (b) A registered cultivation center shall implement a
17 security plan reviewed by the Illinois State Police and
18 including but not limited to: facility access controls,
19 perimeter intrusion detection systems, personnel
20 identification systems, 24-hour surveillance system to monitor
21 the interior and exterior of the registered cultivation center
22 facility and accessible to authorized law enforcement and the
23 Department of Agriculture in real-time.

24 (c) A registered cultivation center may not be located
25 within 2,500 feet of the property line of a pre-existing

1 public or private preschool or elementary or secondary school
2 or day care center, day care home, group day care home, part
3 day child care facility, or an area zoned for residential use.

4 (d) All cultivation of cannabis for distribution to a
5 registered dispensing organization must take place in an
6 enclosed, locked facility as it applies to cultivation centers
7 at the physical address provided to the Department of
8 Agriculture during the registration process. The cultivation
9 center location shall only be accessed by the cultivation
10 center agents working for the registered cultivation center,
11 Department of Agriculture staff performing inspections,
12 Department of Public Health staff performing inspections, law
13 enforcement or other emergency personnel, and contractors
14 working on jobs unrelated to medical cannabis, such as
15 installing or maintaining security devices or performing
16 electrical wiring.

17 (e) A cultivation center may not sell or distribute any
18 cannabis to any individual or entity other than another
19 cultivation center, a dispensing organization registered under
20 this Act, or a laboratory licensed by the Department of
21 Agriculture.

22 (f) All harvested cannabis intended for distribution to a
23 dispensing organization must be packaged in a labeled medical
24 cannabis container and entered into a data collection system.

25 (g) (Blank). ~~No person who has been convicted of an~~
26 ~~excluded offense may be a cultivation center agent.~~

1 (h) Registered cultivation centers are subject to random
2 inspection by the Illinois State Police.

3 (i) Registered cultivation centers are subject to random
4 inspections by the Department of Agriculture and the
5 Department of Public Health.

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

11 (k) A cultivation center shall comply with all State and
12 federal rules and regulations regarding the use of pesticides.
13 (Source: P.A. 101-363, eff. 8-9-19; 102-538, eff. 8-20-21.)

14 (410 ILCS 130/115)

15 Sec. 115. Registration of dispensing organizations.

16 (a) The Department of Financial and Professional
17 Regulation may issue up to 60 dispensing organization
18 registrations for operation. The Department of Financial and
19 Professional Regulation may not issue less than the 60
20 registrations if there are qualified applicants who have
21 applied with the Department of Financial and Professional
22 Regulation. The organizations shall be geographically
23 dispersed throughout the State to allow all registered
24 qualifying patients reasonable proximity and access to a
25 dispensing organization.

1 (a-5) The Department of Financial and Professional
2 Regulation shall adopt rules to create a registration process
3 for Social Equity Justice Involved Applicants and Qualifying
4 Applicants, a streamlined application, and a Social Equity
5 Justice Involved Medical Lottery under Section 115.5 to issue
6 the remaining available 5 dispensing organization
7 registrations for operation. For purposes of this Section:

8 "Disproportionately Impacted Area" means a census tract or
9 comparable geographic area that satisfies the following
10 criteria as determined by the Department of Commerce and
11 Economic Opportunity, that:

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

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

15 (B) 75% or more of the children in the area
16 participate in the federal free lunch program
17 according to reported statistics from the State Board
18 of Education; or

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

22 (D) the area has an average unemployment rate, as
23 determined by the Illinois Department of Employment
24 Security, that is more than 120% of the national
25 unemployment average, as determined by the United
26 States Department of Labor, for a period of at least 2

1 consecutive calendar years preceding the date of the
2 application; and

3 (2) has high rates of arrest, conviction, and
4 incarceration related to sale, possession, use,
5 cultivation, manufacture, or transport of cannabis.

6 "Qualifying Applicant" means an applicant that: (i)
7 submitted an application pursuant to Section 15-30 of the
8 Cannabis Regulation and Tax Act that received at least 85% of
9 250 application points available under Section 15-30 of the
10 Cannabis Regulation and Tax Act as the applicant's final
11 score; (ii) received points at the conclusion of the scoring
12 process for meeting the definition of a "Social Equity
13 Applicant" as set forth under the Cannabis Regulation and Tax
14 Act; and (iii) is an applicant that did not receive a
15 Conditional Adult Use Dispensing Organization License through
16 a Qualifying Applicant Lottery pursuant to Section 15-35 of
17 the Cannabis Regulation and Tax Act or any Tied Applicant
18 Lottery conducted under the Cannabis Regulation and Tax Act.

19 "Social Equity Justice Involved Applicant" means an
20 applicant that is an Illinois resident and one of the
21 following:

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% of ownership and

1 control by one or more individuals who have been arrested
2 for, convicted of, or adjudicated delinquent for any
3 offense that is eligible for expungement under subsection
4 (i) of Section 5.2 of the Criminal Identification Act; or

5 (3) an applicant with at least 51% ownership and
6 control by one or more members of an impacted family.

7 (b) A dispensing organization may only operate if it has
8 been issued a registration from the Department of Financial
9 and Professional Regulation. The Department of Financial and
10 Professional Regulation shall adopt rules establishing the
11 procedures for applicants for dispensing organizations.

12 (c) When applying for a dispensing organization
13 registration, the applicant shall submit, at a minimum, the
14 following in accordance with Department of Financial and
15 Professional Regulation rules:

16 (1) a non-refundable application fee established by
17 rule;

18 (2) the proposed legal name of the dispensing
19 organization;

20 (3) the proposed physical address of the dispensing
21 organization;

22 (4) the name, address, and date of birth of each
23 principal officer and board member of the dispensing
24 organization, provided that all those individuals shall be
25 at least 21 years of age;

26 (5) (blank);

1 (6) (blank); and

2 (7) (blank).

3 (d) The Department of Financial and Professional
4 Regulation shall conduct a background check pursuant to
5 Section 95. ~~of the prospective dispensing organization agents~~
6 ~~in order to carry out this Section. The Department of State~~
7 ~~Police shall charge a fee for conducting the criminal history~~
8 ~~record check, which shall be deposited in the State Police~~
9 ~~Services Fund and shall not exceed the actual cost of the~~
10 ~~record check. Each person applying as a dispensing~~
11 ~~organization agent shall submit a full set of fingerprints to~~
12 ~~the Department of State Police for the purpose of obtaining a~~
13 ~~State and federal criminal records check. These fingerprints~~
14 ~~shall be checked against the fingerprint records now and~~
15 ~~hereafter, to the extent allowed by law, filed in the~~
16 ~~Department of State Police and Federal Bureau of Investigation~~
17 ~~criminal history records databases. The Department of State~~
18 ~~Police shall furnish, following positive identification, all~~
19 ~~Illinois conviction information to the Department of Financial~~
20 ~~and Professional Regulation.~~

21 (e) A dispensing organization must pay a registration fee
22 set by the Department of Financial and Professional
23 Regulation.

24 (f) An application for a medical cannabis dispensing
25 organization registration must be denied if any of the
26 following conditions are met:

1 (1) the applicant failed to submit the materials
2 required by this Section, including if the applicant's
3 plans do not satisfy the security, oversight, or
4 recordkeeping rules issued by the Department of Financial
5 and Professional Regulation;

6 (2) the applicant would not be in compliance with
7 local zoning rules issued in accordance with Section 140;

8 (3) the applicant does not meet the requirements of
9 Section 130;

10 (4) (blank); ~~one or more of the prospective principal~~
11 ~~officers or board members has been convicted of an~~
12 ~~excluded offense;~~

13 (5) one or more of the prospective principal officers
14 or board members has served as a principal officer or
15 board member for a registered medical cannabis dispensing
16 organization that has had its registration revoked; and

17 (6) one or more of the principal officers or board
18 members is under 21 years of age.

19 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21.)

20 (410 ILCS 130/120)

21 Sec. 120. Dispensing organization agent identification
22 card.

23 (a) The Department of Financial and Professional
24 Regulation shall:

25 (1) verify the information contained in an application

1 or renewal for a dispensing organization agent
2 identification card submitted under this Act, and approve
3 or deny an application or renewal, within 30 days of
4 receiving a completed application or renewal application
5 and all supporting documentation required by rule;

6 (2) issue a dispensing organization agent
7 identification card to a qualifying agent within 15
8 business days of approving the application or renewal;

9 (3) enter the registry identification number of the
10 dispensing organization where the agent works; and

11 (4) allow for an electronic application process, and
12 provide a confirmation by electronic or other methods that
13 an application has been submitted.

14 (b) A dispensing agent must keep his or her identification
15 card visible at all times when on the property of a dispensing
16 organization.

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

19 (1) the name of the cardholder;

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

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

25 (4) a photograph of the cardholder.

26 (d) The dispensing organization agent identification cards

1 shall be immediately returned to the dispensing organization
2 upon termination of employment.

3 (e) Any card lost by a dispensing organization agent shall
4 be reported to the Illinois State Police and the Department of
5 Financial and Professional Regulation immediately upon
6 discovery of the loss.

7 (f) (Blank). ~~An applicant shall be denied a dispensing~~
8 ~~organization agent identification card if he or she has been~~
9 ~~convicted of an excluded offense.~~

10 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

11 Section 10. The Cannabis Regulation and Tax Act is amended
12 by changing Section 5-20 as follows:

13 (410 ILCS 705/5-20)

14 Sec. 5-20. Background checks.

15 (a) Through the Illinois State Police, the licensing or
16 issuing Department shall conduct a criminal history record
17 check of the prospective principal officers, board members,
18 and agents of a cannabis business establishment applying for a
19 license or identification card under this Act.

20 Each cannabis business establishment prospective principal
21 officer, board member, or agent shall submit his or her
22 fingerprints to the Illinois State Police in the form and
23 manner prescribed by the Illinois State Police.

24 Unless otherwise provided in this Act, such fingerprints

1 shall be transmitted through a live scan fingerprint vendor
2 licensed by the Department of Financial and Professional
3 Regulation. These fingerprints shall be checked against the
4 fingerprint records now and hereafter filed in the Illinois
5 State Police and Federal Bureau of Investigation criminal
6 history records databases. The Illinois State Police shall
7 charge a fee for conducting the criminal history record check,
8 which shall be deposited into the State Police Services Fund
9 and shall not exceed the actual cost of the State and national
10 criminal history record check. The Illinois State Police shall
11 furnish, pursuant to positive identification, all Illinois
12 conviction information and shall forward the national criminal
13 history record information to:

14 (i) the Department of Agriculture, with respect to a
15 cultivation center, craft grower, infuser organization, or
16 transporting organization; or

17 (ii) the Department of Financial and Professional
18 Regulation, with respect to a dispensing organization.

19 (b) When applying for the initial license or
20 identification card, the background checks for all prospective
21 principal officers, board members, and agents shall be
22 completed before submitting the application to the licensing
23 or issuing agency.

24 (c) All applications for licensure under this Act by
25 applicants with criminal convictions shall be subject to
26 Sections 2105-131, 2105-135, and 2105-205 of the Department of

1 Professional Regulation Law of the Civil Administrative Code
2 of Illinois. However, nothing in this Section or Act shall be
3 construed to prevent or otherwise inhibit the ability of an
4 otherwise qualified individual from serving as a principal
5 officer or agent of a cannabis business establishment on the
6 sole basis of a nonviolent criminal conviction related to
7 cannabis.

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