

1 AN ACT concerning agriculture.

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

4 ARTICLE 5

5 Section 5-1. Short title. This Act may be cited as the
6 Industrial Hemp Research Act.

7 Section 5-5. Definitions. For the purposes of this Act:

8 "Department" means the Department of Agriculture.

9 "Industrial hemp" means any variety of *Cannabis sativa* L.
10 with a delta-9 tetrahydrocannabinol (THC) concentration that
11 does not exceed 0.3% on a dry weight basis and that is grown in
12 compliance with federal and State licensing conditions.

13 Section 5-10. Industrial hemp study. Public universities
14 in the State are authorized to study the feasibility and
15 desirability of industrial hemp production in this State. This
16 authority expires on January 1, 2019 and is subject to renewal.
17 Any study shall include an analysis of required soils and
18 growing conditions, seed availability and varieties, including
19 in-the-ground seed variety trials, harvest methods, market
20 economies, and environmental benefits. Research shall include
21 finding high producing, high quality varieties with a zero

1 percent level of THC. In addition, research shall address the
2 potential impact of commercial production of industrial hemp on
3 law enforcement, including, but not limited to, the impact on
4 the State's crime laboratory system. Any public university in
5 the State shall obtain all federal and State permits needed to
6 legally grow industrial hemp for fiber or seed production prior
7 to importing any non-sterilized industrial hemp seeds capable
8 of germination into the State. All research conducted in this
9 Section is subject to the availability of funding, which shall
10 be sought by institutions performing the research from federal,
11 private, corporate, and other sources other than the State of
12 Illinois. Any university conducting the research shall report
13 its research, progress, and any findings and recommendations to
14 the General Assembly by January 1, 2017.

15

ARTICLE 10

16 Section 10-5. The Cannabis Control Act is amended by
17 changing Section 3 as follows:

18 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

19 Sec. 3. As used in this Act, unless the context otherwise
20 requires:

21 (a) "Cannabis" includes marihuana, hashish and other
22 substances which are identified as including any parts of the
23 plant Cannabis Sativa, whether growing or not; the seeds

1 thereof, the resin extracted from any part of such plant; and
2 any compound, manufacture, salt, derivative, mixture, or
3 preparation of such plant, its seeds, or resin, including
4 tetrahydrocannabinol (THC) and all other cannabinol
5 derivatives, including its naturally occurring or
6 synthetically produced ingredients, whether produced directly
7 or indirectly by extraction, or independently by means of
8 chemical synthesis or by a combination of extraction and
9 chemical synthesis; but shall not include the mature stalks of
10 such plant, fiber produced from such stalks, oil or cake made
11 from the seeds of such plant, any other compound, manufacture,
12 salt, derivative, mixture, or preparation of such mature stalks
13 (except the resin extracted therefrom), fiber, oil or cake, ~~or~~
14 the sterilized seed of such plant which is incapable of
15 germination, or industrial hemp solely as authorized for the
16 purposes of the Industrial Hemp Research Act.

17 (b) "Casual delivery" means the delivery of not more than
18 10 grams of any substance containing cannabis without
19 consideration.

20 (c) "Department" means the Illinois Department of Human
21 Services (as successor to the Department of Alcoholism and
22 Substance Abuse) or its successor agency.

23 (d) "Deliver" or "delivery" means the actual, constructive
24 or attempted transfer of possession of cannabis, with or
25 without consideration, whether or not there is an agency
26 relationship.

1 (e) "Department of State Police" means the Department of
2 State Police of the State of Illinois or its successor agency.

3 (f) "Director" means the Director of the Department of
4 State Police or his designated agent.

5 (g) "Local authorities" means a duly organized State,
6 county, or municipal peace unit or police force.

7 (h) "Manufacture" means the production, preparation,
8 propagation, compounding, conversion or processing of
9 cannabis, either directly or indirectly, by extraction from
10 substances of natural origin, or independently by means of
11 chemical synthesis, or by a combination of extraction and
12 chemical synthesis, and includes any packaging or repackaging
13 of cannabis or labeling of its container, except that this term
14 does not include the preparation, compounding, packaging, or
15 labeling of cannabis as an incident to lawful research,
16 teaching, or chemical analysis and not for sale.

17 (i) "Person" means any individual, corporation, government
18 or governmental subdivision or agency, business trust, estate,
19 trust, partnership or association, or any other entity.

20 (j) "Produce" or "production" means planting, cultivating,
21 tending or harvesting.

22 (k) "State" includes the State of Illinois and any state,
23 district, commonwealth, territory, insular possession thereof,
24 and any area subject to the legal authority of the United
25 States of America.

26 (l) "Subsequent offense" means an offense under this Act,

1 the offender of which, prior to his conviction of the offense,
2 has at any time been convicted under this Act or under any laws
3 of the United States or of any state relating to cannabis, or
4 any controlled substance as defined in the Illinois Controlled
5 Substances Act.

6 (Source: P.A. 89-507, eff. 7-1-97.)

7 Section 10-10. The Cannabis and Controlled Substances Tort
8 Claims Act is amended by changing Section 3 as follows:

9 (740 ILCS 20/3) (from Ch. 70, par. 903)

10 Sec. 3. Definitions. As used in this Act, unless the
11 context otherwise requires:

12 "Cannabis" includes marihuana, hashish, and other
13 substances that are identified as including any parts of the
14 plant Cannabis Sativa, whether growing or not, the seeds of
15 that plant, the resin extracted from any part of that plant,
16 and any compound, manufacture, salt, derivative, mixture, or
17 preparation of that plant, its seeds, or resin, including
18 tetrahydrocannabinol (THC) and all other cannabinol
19 derivatives, including its naturally occurring or
20 synthetically produced ingredients, whether produced directly
21 or indirectly by extraction, independently by means of chemical
22 synthesis, or by a combination of extraction and chemical
23 synthesis. "Cannabis" does not include the mature stalks of
24 that plant, fiber produced from those stalks, oil or cake made

1 from the seeds of that plant, any other compound, manufacture,
2 salt, derivative, mixture, or preparation of mature stalks
3 (except the extracted resin), fiber, oil or cake, ~~or~~ the
4 sterilized seeds of that plant that are incapable of
5 germination, or industrial hemp solely as authorized for the
6 purposes of the Industrial Hemp Research Act.

7 "Controlled substance" means a drug, substance, or
8 immediate precursor in the Schedules of Article II of the
9 Illinois Controlled Substances Act.

10 "Counterfeit substance" means a controlled substance or
11 the container or labeling of a controlled substance that,
12 without authorization, bears the trademark, trade name, or
13 other identifying mark, imprint, number, device, or any
14 likeness thereof of a manufacturer, distributor, or dispenser
15 other than the person who in fact manufactured, distributed, or
16 dispensed the substance.

17 "Deliver" or "delivery" means the actual, constructive, or
18 attempted transfer of possession of a controlled substance or
19 cannabis, with or without consideration, whether or not there
20 is an agency relationship.

21 "Manufacture" means the production, preparation,
22 propagation, compounding, conversion, or processing of a
23 controlled substance, either directly or indirectly, by
24 extraction from substances of natural origin, independently by
25 means of chemical synthesis, or by a combination of extraction
26 and chemical synthesis, and includes any packaging or

1 repackaging of the substance or labeling of its container,
2 except that the term does not include:

3 (1) by an ultimate user, the preparation or compounding
4 of a controlled substance for his own use;

5 (2) by a practitioner or his authorized agent under his
6 supervision, the preparation, compounding, packaging, or
7 labeling of a controlled substance:

8 (A) as an incident to his administering or
9 dispensing of a controlled substance in the course of
10 his professional practice; or

11 (B) as an incident to lawful research, teaching or
12 chemical analysis and not for sale; or

13 (3) the preparation, compounding, packaging, or
14 labeling of cannabis as an incident to lawful research,
15 teaching, or chemical analysis and not for sale.

16 "Owner" means a person who has possession of or any
17 interest whatsoever in the property involved.

18 "Person" means an individual, a corporation, a government,
19 a governmental subdivision or agency, a business trust, an
20 estate, a trust, a partnership or association, or any other
21 entity.

22 "Production" means planting, cultivating, tending, or
23 harvesting.

24 "Property" means real property, including things growing
25 on, affixed to, and found in land, and tangible or intangible
26 personal property, including rights, services, privileges,

1 interests, claims, and securities.

2 (Source: P.A. 96-328, eff. 8-11-09.)