

1 AN ACT concerning agriculture.

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

4 Section 5. The Cannabis Control Act is amended by changing
5 Section 8 and adding Section 15.2 as follows:

6 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

7 Sec. 8. It is unlawful for any person knowingly to produce
8 the cannabis sativa plant or to possess such plants unless
9 production or possession has been authorized pursuant to the
10 provisions of Section 11 or 15.2 of the Act. Any person who
11 violates this Section with respect to production or possession
12 of:

13 (a) Not more than 5 plants is guilty of a Class A
14 misdemeanor.

15 (b) More than 5, but not more than 20 plants, is guilty of
16 a Class 4 felony.

17 (c) More than 20, but not more than 50 plants, is guilty of
18 a Class 3 felony.

19 (d) More than 50, but not more than 200 plants, is guilty
20 of a Class 2 felony for which a fine not to exceed \$100,000 may
21 be imposed and for which liability for the cost of conducting
22 the investigation and eradicating such plants may be assessed.
23 Compensation for expenses incurred in the enforcement of this

1 provision shall be transmitted to and deposited in the
2 treasurer's office at the level of government represented by
3 the Illinois law enforcement agency whose officers or employees
4 conducted the investigation or caused the arrest or arrests
5 leading to the prosecution, to be subsequently made available
6 to that law enforcement agency as expendable receipts for use
7 in the enforcement of laws regulating controlled substances and
8 cannabis. If such seizure was made by a combination of law
9 enforcement personnel representing different levels of
10 government, the court levying the assessment shall determine
11 the allocation of such assessment. The proceeds of assessment
12 awarded to the State treasury shall be deposited in a special
13 fund known as the Drug Traffic Prevention Fund.

14 (e) More than 200 plants is guilty of a Class 1 felony for
15 which a fine not to exceed \$100,000 may be imposed and for
16 which liability for the cost of conducting the investigation
17 and eradicating such plants may be assessed. Compensation for
18 expenses incurred in the enforcement of this provision shall be
19 transmitted to and deposited in the treasurer's office at the
20 level of government represented by the Illinois law enforcement
21 agency whose officers or employees conducted the investigation
22 or caused the arrest or arrests leading to the prosecution, to
23 be subsequently made available to that law enforcement agency
24 as expendable receipts for use in the enforcement of laws
25 regulating controlled substances and cannabis. If such seizure
26 was made by a combination of law enforcement personnel

1 representing different levels of government, the court levying
2 the assessment shall determine the allocation of such
3 assessment. The proceeds of assessment awarded to the State
4 treasury shall be deposited in a special fund known as the Drug
5 Traffic Prevention Fund.

6 (Source: P.A. 95-247, eff. 1-1-08.)

7 (720 ILCS 550/15.2 new)

8 Sec. 15.2. Industrial hemp pilot program.

9 (a) Pursuant to Section 7606 the federal Agricultural Act
10 of 2014, an institution of higher education or the Department
11 of Agriculture may grow or cultivate industrial hemp if:

12 (1) the industrial hemp is grown or cultivated for
13 purposes of research conducted under an agricultural pilot
14 program or other agricultural or academic research;

15 (2) the pilot program studies the growth, cultivation,
16 or marketing of industrial hemp; and

17 (3) any site used for the growing or cultivating of
18 industrial hemp is certified by, and registered with, the
19 Department of Agriculture.

20 (b) Before conducting industrial hemp research, an
21 institution of higher education shall notify the Department of
22 Agriculture and any local law enforcement agency in writing.

23 (c) The institution of higher education shall provide
24 quarterly reports and an annual report to the Department of
25 Agriculture on the research and the research program shall be

1 subject to random inspection by the Department of Agriculture,
2 the Department of State Police, or local law enforcement
3 agencies. The institution of higher education shall submit the
4 annual report to the Department of Agriculture on or before
5 October 1.

6 (d) The Department of Agriculture may adopt rules to
7 implement this Section. In order to provide for the expeditious
8 and timely implementation of this Section, upon notification by
9 an institution of higher education that the institution wishes
10 to engage in the growth or cultivation of industrial hemp for
11 agricultural research purposes, the Department of Agriculture
12 may adopt emergency rules under Section 5-45 of the Illinois
13 Administrative Procedure Act to implement the provisions of
14 this Section. If changes to the rules are required to comply
15 with federal rules, the Department of Agriculture may adopt
16 peremptory rules as necessary to comply with changes to
17 corresponding federal rules. All other rules that the
18 Department of Agriculture deems necessary to adopt in
19 connection with this Section must proceed through the ordinary
20 rule-making process. The adoption of emergency rules
21 authorized by this Section shall be deemed to be necessary for
22 the public interest, safety, and welfare.

23 The Department of Agriculture may determine, by rule, the
24 duration of an institution of higher education's pilot program
25 or industrial hemp research. If the institution of higher
26 education has not completed its program within the timeframe

1 established by rule, then the Department of Agriculture may
2 grant an extension to the pilot program if unanticipated
3 circumstances arose that impacted the program.

4 (e) As used in this Section:

5 "Industrial hemp" means cannabis sativa L. having no
6 more than 0.3% total THC available, upon heating, or
7 maximum delta-9 tetrahydrocannabinol content possible.

8 "Institution of higher education" means a State
9 institution of higher education that offers a 4-year degree
10 in agricultural science.