



Rep. David R. Leitch

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09800HB5085ham001

LRB098 16286 MLW 57570 a

1 AMENDMENT TO HOUSE BILL 5085

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5085 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Industrial Hemp Research and Production Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Illinois Department of Agriculture.

8 "Director" means the Director of Agriculture.

9 "Fund" means the Industrial Hemp Production Oversight  
10 Fund.

11 "Industrial hemp" means cannabis sativa L. having no more  
12 than three-tenths of 1% Delta-9-tetrahydrocannabinol.

13 Section 10. Industrial hemp license.

14 (a) Any person growing or processing industrial hemp for  
15 commercial purposes or research shall apply to the Department

1 for a license on a form prescribed by the Department. The  
2 application for a license shall include the name and address of  
3 the applicant and the legal description of the land area to be  
4 used to produce or process industrial hemp. Except for  
5 employees of the Department and employees of state universities  
6 involved in research-related activities, the Director shall  
7 require each applicant for initial licensure to submit to State  
8 and national criminal history records check. An applicant for a  
9 second or subsequent license shall submit to an additional  
10 State and national criminal history records check if the last  
11 submission of a records check was 5 or more years earlier. The  
12 criminal history records check shall be conducted by the  
13 Department of State Police. The Department of State Police  
14 shall not charge a fee for conducting the criminal history  
15 records check greater than the actual cost of the records  
16 check.

17 (b) All costs associated with the criminal history records  
18 check shall be paid by the applicant. Criminal history records  
19 provided to the Director under this Act shall be held  
20 confidential. The Director may use the records only in  
21 determining an applicant's eligibility for licensure. Any  
22 person with a prior conviction of the Illinois Controlled  
23 Substances Act, the Methamphetamine Control and Community  
24 Protection Act, or the Cannabis Control Act shall be ineligible  
25 for licensure.

26 (c) If the applicant has completed the application process

1 to the satisfaction of the Director, including submitting a  
2 \$100 nonrefundable application fee and the fee for the criminal  
3 history records check, the Director shall issue the license,  
4 which shall be valid for a period of one year. Any person  
5 licensed under this Act shall be presumed to be growing or  
6 processing industrial hemp for commercial purposes or  
7 research.

8 (d) A license under this Act shall not be conditioned on or  
9 subject to review or approval by the United States Drug  
10 Enforcement Agency. This subsection (d) does not apply to any  
11 person licensed by the United States Drug Enforcement Agency to  
12 conduct research.

13 (e) Each licensee shall file with the Department  
14 documentation indicating that the seeds planted were a type and  
15 variety certified to have no more than three-tenths of 1%  
16 tetrahydrocannabinol and a copy of any contract to grow  
17 industrial hemp. Each licensee shall notify the Department of  
18 the sale or distribution of any industrial hemp grown by the  
19 licensee and the names of the persons to whom the hemp was sold  
20 or distributed.

21 (f) Except as provided in this Section, persons without a  
22 license issued under this Section may not plant, grow, or  
23 process raw industrial hemp.

24 (g) The Department shall adopt rules establishing  
25 procedures for revocation of licenses and fines for violation  
26 of this Act.

1           Section 15. Rules and fees. The Department shall adopt  
2 rules to allow industrial hemp to be tested during growth for  
3 Delta-9-tetrahydrocannabinol (Delta-9-THC) levels and to allow  
4 for supervision during the growing, harvesting, and processing  
5 of industrial hemp. To provide sufficient funds to pay costs  
6 associated with monitoring and testing industrial hemp in this  
7 State, the Department shall assess each applicant a fee of \$5  
8 per acre of industrial hemp grown or \$150, whichever is  
9 greater. The funds collected from this fee shall be deposited  
10 into the Industrial Hemp Production Oversight Fund.

11           Section 20. The Industrial Hemp Production Oversight Fund.  
12 The Industrial Hemp Production Oversight Fund is hereby created  
13 as a special fund in the State treasury. All fines and license,  
14 monitoring, and testing fees assessed under this Act shall be  
15 deposited into the Fund. The Fund may receive gifts, grants,  
16 and federal and State appropriations. The fund shall be used by  
17 the Department for costs associated with the implementation of  
18 this Act.

19           Section 900. The State Finance Act is amended by adding  
20 Section 5.855 as follows:

21           (30 ILCS 105/5.855 new)

22           Sec. 5.855. The Industrial Hemp Production Oversight Fund.

1           Section 905. The Illinois Noxious Weed Law is amended by  
2 changing Section 2 as follows:

3           (505 ILCS 100/2) (from Ch. 5, par. 952)

4           Sec. 2. As used in this Act: (1) "Person" means any  
5 individual, partnership, firm, corporation, company, society,  
6 association, the State or any department, agency, or  
7 subdivision thereof, or any other entity.

8           (2) "Control", "controlled" or "controlling" includes  
9 being in charge of or being in possession, whether as owner,  
10 lessee, renter, or tenant, under statutory authority, or  
11 otherwise.

12           (3) "Director" means the Director of the Department of  
13 Agriculture of the State of Illinois, or his duly appointed  
14 representative.

15           (4) "Department" means the Department of Agriculture of the  
16 State of Illinois.

17           (5) "Noxious weed" means any plant which is determined by  
18 the Director, the Dean of the College of Agriculture of the  
19 University of Illinois and the Director of the Agricultural  
20 Experiment Station at the University of Illinois, to be  
21 injurious to public health, crops, livestock, land or other  
22 property. "Noxious weed" does not include industrial hemp as  
23 defined and authorized under the Industrial Hemp Research and  
24 Production Act.

1           (6) "Control Authority" means the governing body of each  
2 county, and shall represent all rural areas and cities,  
3 villages and townships within the county boundaries.

4           (7) "Applicable fund" means the fund current at the time  
5 the work is performed or the money is received.

6 (Source: P.A. 77-1037.)

7           Section 910. The Cannabis Control Act is amended by  
8 changing Section 3 as follows:

9           (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

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

12          (a) "Cannabis" includes marihuana, hashish and other  
13 substances which are identified as including any parts of the  
14 plant Cannabis Sativa, whether growing or not; the seeds  
15 thereof, the resin extracted from any part of such plant; and  
16 any compound, manufacture, salt, derivative, mixture, or  
17 preparation of such 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, or independently by means of  
22 chemical synthesis or by a combination of extraction and  
23 chemical synthesis; but shall not include the mature stalks of  
24 such plant, fiber produced from such stalks, oil or cake made

1 from the seeds of such plant, any other compound, manufacture,  
2 salt, derivative, mixture, or preparation of such mature stalks  
3 (except the resin extracted therefrom), fiber, oil or cake, or  
4 the sterilized seed of such plant which is incapable of  
5 germination. "Cannabis" does not include industrial hemp as  
6 defined and authorized under the Industrial Hemp Research and  
7 Production Act.

8 (b) "Casual delivery" means the delivery of not more than  
9 10 grams of any substance containing cannabis without  
10 consideration.

11 (c) "Department" means the Illinois Department of Human  
12 Services (as successor to the Department of Alcoholism and  
13 Substance Abuse) or its successor agency.

14 (d) "Deliver" or "delivery" means the actual, constructive  
15 or attempted transfer of possession of cannabis, with or  
16 without consideration, whether or not there is an agency  
17 relationship.

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

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

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

24 (h) "Manufacture" means the production, preparation,  
25 propagation, compounding, conversion or processing of  
26 cannabis, either directly or indirectly, by extraction from

1 substances of natural origin, or independently by means of  
2 chemical synthesis, or by a combination of extraction and  
3 chemical synthesis, and includes any packaging or repackaging  
4 of cannabis or labeling of its container, except that this term  
5 does not include the preparation, compounding, packaging, or  
6 labeling of cannabis as an incident to lawful research,  
7 teaching, or chemical analysis and not for sale.

8 (i) "Person" means any individual, corporation, government  
9 or governmental subdivision or agency, business trust, estate,  
10 trust, partnership or association, or any other entity.

11 (j) "Produce" or "production" means planting, cultivating,  
12 tending or harvesting.

13 (k) "State" includes the State of Illinois and any state,  
14 district, commonwealth, territory, insular possession thereof,  
15 and any area subject to the legal authority of the United  
16 States of America.

17 (l) "Subsequent offense" means an offense under this Act,  
18 the offender of which, prior to his conviction of the offense,  
19 has at any time been convicted under this Act or under any laws  
20 of the United States or of any state relating to cannabis, or  
21 any controlled substance as defined in the Illinois Controlled  
22 Substances Act.

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

24 Section 999. Effective date. This Act takes effect upon  
25 becoming law."