

1 AN ACT concerning industrial hemp.

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

4 Section 5. The University of Illinois Act is amended by
5 adding Section 25 as follows:

6 (110 ILCS 305/25 new)

7 Sec. 25. Industrial hemp study.

8 (a) In this Section, "industrial hemp" means any variety
9 of Cannabis sativa L. with a delta-9 tetrahydrocannabinol
10 concentration that does not exceed 0.3% on a dry weight
11 basis, that meets the standards set forth by Health Canada as
12 of July 1, 1999, and that is grown in compliance with federal
13 and State permit conditions.

14 (b) The University is authorized to study the
15 feasibility and desirability of industrial hemp production in
16 this State. This authority expires on January 1, 2006 and is
17 subject to renewal. Any study shall include an analysis of
18 required soils and growing conditions, seed availability and
19 varieties, including in-the-ground seed variety trials,
20 harvest methods, market economies, and environmental
21 benefits. The University shall obtain all federal and State
22 permits needed to legally grow industrial hemp for fiber or
23 seed production prior to importing any non-sterilized
24 industrial hemp seeds capable of germination into the State.
25 The University shall report its research, progress, and any
26 findings and recommendations to the General Assembly by
27 January 1, 2004.

28 (c) There shall be no commercial production of
29 industrial hemp without further authorization by the General
30 Assembly, by law, that includes an evaluation of the
31 potential impact of industrial hemp production on law

1 enforcement, including the crime laboratory system.

2 Section 10. The Cannabis Control Act is amended by
3 changing Section 3 as follows:

4 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

5 Sec. 3. As used in this Act, unless the context
6 otherwise requires:

7 (a) "Cannabis" includes marihuana, hashish and other
8 substances which are identified as including any parts of the
9 plant Cannabis Sativa, whether growing or not; the seeds
10 thereof, the resin extracted from any part of such plant; and
11 any compound, manufacture, salt, derivative, mixture, or
12 preparation of such plant, its seeds, or resin, including
13 tetrahydrocannabinol (THC) and all other cannabinol
14 derivatives, including its naturally occurring or
15 synthetically produced ingredients, whether produced directly
16 or indirectly by extraction, or independently by means of
17 chemical synthesis or by a combination of extraction and
18 chemical synthesis; but shall not include the mature stalks
19 of such plant, fiber produced from such stalks, oil or cake
20 made from the seeds of such plant, any other compound,
21 manufacture, salt, derivative, mixture, or preparation of
22 such mature stalks (except the resin extracted therefrom),
23 fiber, oil or cake, ~~or~~ the sterilized seed of such plant
24 which is incapable of germination, or industrial hemp solely
25 as authorized for the purposes of Section 25 of the
26 University of Illinois Act.

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

30 (c) "Department" means the Illinois Department of Human
31 Services (as successor to the Department of Alcoholism and
32 Substance Abuse) or its successor agency.

1 (d) "Deliver" or "delivery" means the actual,
2 constructive or attempted transfer of possession of cannabis,
3 with or without consideration, whether or not there is an
4 agency relationship.

5 (e) "Department of State Police" means the Department of
6 State Police of the State of Illinois or its successor
7 agency.

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

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

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

22 (i) "Person" means any individual, corporation,
23 government or governmental subdivision or agency, business
24 trust, estate, trust, partnership or association, or any
25 other entity.

26 (j) "Produce" or "production" means planting,
27 cultivating, tending or harvesting.

28 (k) "State" includes the State of Illinois and any
29 state, district, commonwealth, territory, insular possession
30 thereof, and any area subject to the legal authority of the
31 United States of America.

32 (l) "Subsequent offense" means an offense under this
33 Act, the offender of which, prior to his conviction of the
34 offense, has at any time been convicted under this Act or

1 under any laws of the United States or of any state relating
2 to cannabis, or any controlled substance as defined in the
3 Illinois Controlled Substances Act.

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

5 Section 15. The Cannabis and Controlled Substances Tort
6 Claims Act is amended by changing Section 3 as follows:

7 (740 ILCS 20/3) (from Ch. 70, par. 903)

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

10 "Cannabis" includes marihuana, hashish, and other
11 substances that are identified as including any parts of the
12 plant Cannabis Sativa, whether growing or not, the seeds of
13 that plant, the resin extracted from any part of that plant,
14 and any compound, manufacture, salt, derivative, mixture, or
15 preparation of that plant, its seeds, or resin, including
16 tetrahydrocannabinol (THC) and all other cannabinol
17 derivatives, including its naturally occurring or
18 synthetically produced ingredients, whether produced directly
19 or indirectly by extraction, independently by means of
20 chemical synthesis, or by a combination of extraction and
21 chemical synthesis. "Cannabis" does not include the mature
22 stalks of that plant, fiber produced from those stalks, oil
23 or cake made from the seeds of that plant, any other
24 compound, manufacture, salt, derivative, mixture, or
25 preparation of mature stalks (except the extracted resin),
26 fiber, oil or cake, or the sterilized seeds of that plant
27 that are incapable of germination, or industrial hemp solely
28 as authorized for the purposes of Section 25 of the
29 University of Illinois Act.

30 "Controlled substance" means a drug, substance, or
31 immediate precursor in the Schedules of Article II of the
32 Illinois Controlled Substances Act.

1 "Counterfeit substance" means a controlled substance or
2 the container or labeling of a controlled substance that,
3 without authorization, bears the trademark, trade name, or
4 other identifying mark, imprint, number, device, or any
5 likeness thereof of a manufacturer, distributor, or dispenser
6 other than the person who in fact manufactured, distributed,
7 or dispensed the substance.

8 "Deliver" or "delivery" means the actual, constructive,
9 or attempted transfer of possession of a controlled substance
10 or cannabis, with or without consideration, whether or not
11 there is an agency relationship.

12 "Manufacture" means the production, preparation,
13 propagation, compounding, conversion, or processing of a
14 controlled substance, either directly or indirectly, by
15 extraction from substances of natural origin, independently
16 by means of chemical synthesis, or by a combination of
17 extraction and chemical synthesis, and includes any packaging
18 or repackaging of the substance or labeling of its container,
19 except that the term does not include:

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

22 (2) by a practitioner or his authorized agent under
23 his supervision, the preparation, compounding, packaging,
24 or labeling of a controlled substance;

25 (A) as an incident to his administering or
26 dispensing of a controlled substance in the course
27 of his professional practice; or

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

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

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

1 "Person" means an individual, a corporation, a
2 government, a governmental subdivision or agency, a business
3 trust, an estate, a trust, a partnership or association, or
4 any other entity.

5 "Production" means planting, cultivating, tending, or
6 harvesting.

7 "Property" means real property, including things growing
8 on, affixed to, and found in land, and tangible or intangible
9 personal property, including rights, services, privileges,
10 interests, claims, and securities.

11 (Source: P.A. 87-544.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.