

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 of Illinois is authorized to study
15 the feasibility and desirability of industrial hemp
16 production in this State. This authority expires on January
17 1, 2006 and is subject to renewal. Any study shall include an
18 analysis of required soils and growing conditions, seed
19 availability and varieties, including in-the-ground seed
20 variety trials, harvest methods, market economies, and
21 environmental benefits. Research will include finding high
22 producing, high quality varieties with a zero level of THC.
23 In addition, concurrent research conducted by Western
24 Illinois University shall address the potential impact of
25 commercial production of industrial hemp on law enforcement,
26 including, but not limited to, the impact on the State's
27 crime laboratory system. The University of Illinois shall
28 obtain all federal and State permits needed to legally grow
29 industrial hemp for fiber or seed production prior to
30 importing any non-sterilized industrial hemp seeds capable of
31 germination into the State. All research conducted by the

1 University of Illinois and by Western Illinois University
 2 under this Section is subject to the availability of funding,
 3 which will be sought by both institutions from federal,
 4 private, corporate, and other sources other than the State of
 5 Illinois. The University shall report its research, progress,
 6 and any findings and recommendations to the General Assembly
 7 by January 1, 2004.

8 (c) There shall be no commercial production of
 9 industrial hemp without further authorization by the General
 10 Assembly.

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

13 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

14 Sec. 3. As used in this Act, unless the context
 15 otherwise requires:

16 (a) "Cannabis" includes marihuana, hashish and other
 17 substances which are identified as including any parts of the
 18 plant Cannabis Sativa, whether growing or not; the seeds
 19 thereof, the resin extracted from any part of such plant; and
 20 any compound, manufacture, salt, derivative, mixture, or
 21 preparation of such plant, its seeds, or resin, including
 22 tetrahydrocannabinol (THC) and all other cannabinol
 23 derivatives, including its naturally occurring or
 24 synthetically produced ingredients, whether produced directly
 25 or indirectly by extraction, or independently by means of
 26 chemical synthesis or by a combination of extraction and
 27 chemical synthesis; but shall not include the mature stalks
 28 of such plant, fiber produced from such stalks, oil or cake
 29 made from the seeds of such plant, any other compound,
 30 manufacture, salt, derivative, mixture, or preparation of
 31 such mature stalks (except the resin extracted therefrom),
 32 fiber, oil or cake, or the sterilized seed of such plant

1 which is incapable of germination, or industrial hemp solely
2 as authorized for the purposes of Section 25 of the
3 University of Illinois Act.

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

7 (c) "Department" means the Illinois Department of Human
8 Services (as successor to the Department of Alcoholism and
9 Substance Abuse) or its successor agency.

10 (d) "Deliver" or "delivery" means the actual,
11 constructive or attempted transfer of possession of cannabis,
12 with or without consideration, whether or not there is an
13 agency relationship.

14 (e) "Department of State Police" means the Department of
15 State Police of the State of Illinois or its successor
16 agency.

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

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

21 (h) "Manufacture" means the production, preparation,
22 propagation, compounding, conversion or processing of
23 cannabis, either directly or indirectly, by extraction from
24 substances of natural origin, or independently by means of
25 chemical synthesis, or by a combination of extraction and
26 chemical synthesis, and includes any packaging or repackaging
27 of cannabis or labeling of its container, except that this
28 term does not include the preparation, compounding,
29 packaging, or labeling of cannabis as an incident to lawful
30 research, teaching, or chemical analysis and not for sale.

31 (i) "Person" means any individual, corporation,
32 government or governmental subdivision or agency, business
33 trust, estate, trust, partnership or association, or any
34 other entity.

1 (j) "Produce" or "production" means planting,
2 cultivating, tending or harvesting.

3 (k) "State" includes the State of Illinois and any
4 state, district, commonwealth, territory, insular possession
5 thereof, and any area subject to the legal authority of the
6 United States of America.

7 (l) "Subsequent offense" means an offense under this
8 Act, the offender of which, prior to his conviction of the
9 offense, has at any time been convicted under this Act or
10 under any laws of the United States or of any state relating
11 to cannabis, or any controlled substance as defined in the
12 Illinois Controlled Substances Act.

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

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

16 (740 ILCS 20/3) (from Ch. 70, par. 903)

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

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

1 compound, manufacture, salt, derivative, mixture, or
2 preparation of mature stalks (except the extracted resin),
3 fiber, oil or cake, or the sterilized seeds of that plant
4 that are incapable of germination, or industrial hemp solely
5 as authorized for the purposes of Section 25 of the
6 University of Illinois 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,
16 or dispensed the substance.

17 "Deliver" or "delivery" means the actual, constructive,
18 or attempted transfer of possession of a controlled substance
19 or cannabis, with or without consideration, whether or not
20 there 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
25 by means of chemical synthesis, or by a combination of
26 extraction and chemical synthesis, and includes any packaging
27 or repackaging of the substance or labeling of its container,
28 except that the term does not include:

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

31 (2) by a practitioner or his authorized agent under
32 his supervision, the preparation, compounding, packaging,
33 or labeling of a controlled substance;

34 (A) as an incident to his administering or

1 dispensing of a controlled substance in the course
2 of his professional practice; or

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

5 (3) 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 "Owner" means a person who has possession of or any
9 interest whatsoever in the property involved.

10 "Person" means an individual, a corporation, a
11 government, a governmental subdivision or agency, a business
12 trust, an estate, a trust, a partnership or association, or
13 any other entity.

14 "Production" means planting, cultivating, tending, or
15 harvesting.

16 "Property" means real property, including things growing
17 on, affixed to, and found in land, and tangible or intangible
18 personal property, including rights, services, privileges,
19 interests, claims, and securities.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.