

AN ACT concerning regulation.

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

Section 5. The Industrial Hemp Act is amended by changing Sections 5, 10, and 15 as follows:

(505 ILCS 89/5)

Sec. 5. Definitions. In this Act:

"Department" means the Department of Agriculture.

"Director" means the Director of Agriculture.

"Hemp" or "industrial ~~Industrial~~ hemp" means the plant *Cannabis sativa* L. and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis ~~that has been cultivated under a license issued under this Act or is otherwise lawfully present in this State,~~ and includes any intermediate or finished product made or derived from industrial hemp.

"Hemp production plan" means a plan submitted by the Department to the Secretary of the United States Department of Agriculture pursuant to the federal Agriculture Improvement Act of 2018, Public Law 115-334, and consistent with the Domestic Hemp Production Program pursuant to 7 CFR Part 990 wherein the Department establishes its desire to have primary

regulatory authority over the production of hemp.

"Land area" means a farm as defined in Section 1-60 of the Property Tax Code in this State or land or facilities under the control of an institution of higher education.

"Person" means any individual, partnership, firm, corporation, company, society, association, the State or any department, agency, or subdivision thereof, or any other entity.

"Process" means the conversion of raw industrial hemp plant material into a form that is presently legal to import from outside the United States under federal law.

"THC" means delta-9 tetrahydrocannabinol.
(Source: P.A. 100-1091, eff. 8-26-18.)

(505 ILCS 89/10)

Sec. 10. Licenses and registration.

(a) ~~Under Section 5940 of Title 7 of the United States Code, no~~ person shall cultivate industrial hemp in this State without a license issued by the Department.

(b) The application for a license shall include:

- (1) the name and address of the applicant;
- (2) the legal description of the land area, including Global Positioning System coordinates, to be used to cultivate industrial hemp; and
- (3) if federal law requires a research purpose for the cultivation of industrial hemp, a description of one or

more research purposes planned for the cultivation of industrial hemp which may include the study of the growth, cultivation, or marketing of industrial hemp; however, the research purpose requirement shall not be construed to limit the commercial sale of industrial hemp.

(b-5) A person shall not process industrial hemp in this State without registering with the Department on a form prescribed by the Department.

(c) The Department may determine, by rule, the duration of a license or registration; application, registration, and license fees; and the requirements for license or registration renewal.

(Source: P.A. 100-1091, eff. 8-26-18.)

(505 ILCS 89/15)

Sec. 15. Rules.

(a) The Department shall submit to the Secretary of the United States Department of Agriculture a hemp production plan under which the Department monitors and regulates the production of industrial hemp in this State. The Department shall adopt rules incorporating the hemp production plan, including application and licensing requirements ~~shall be determined by the Department and set by rule within 120 days of the effective date of this Act.~~

(b) The rules set by the Department shall include one yearly inspection of a licensed industrial hemp cultivation

operation and allow for additional unannounced inspections of a licensed industrial hemp cultivation operation at the Department's discretion.

(c) The Department shall adopt rules necessary for the administration and enforcement of this Act in accordance with all applicable State and federal laws and regulations, including rules concerning standards and criteria for licensure and registration, for the payment of applicable fees, signage, and for forms required for the administration of this Act.

(d) The Department shall adopt rules for the testing of the industrial hemp THC levels and the disposal of plant matter exceeding lawful THC levels, including an option for a cultivator to retest for a minor violation, with the retest threshold determined by the Department and set in rule. Those rules may provide for the use of seed certified to meet the THC levels mandated by this Act as an alternative to testing.

(Source: P.A. 100-1091, eff. 8-26-18.)

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