

# HB3881



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB3881**

Introduced 10/17/2019, by Rep. Martin J. Moylan and Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

410 ILCS 130/93 new  
410 ILCS 705/55-30

Amends the Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act. Requires each Department responsible for licensing of a cannabis business establishment or registration or licensing of a cultivation center or dispensing organization under the Acts to publish on the Department's website a list of the ownership information of the applicants, registrants, or licensees under the Department's jurisdiction. Effective immediately.

LRB101 13827 CPF 62686 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Compassionate Use of Medical Cannabis  
5 Program Act is amended by adding Section 93 as follows:

6 (410 ILCS 130/93 new)

7 Sec. 93. Publishing ownership information. Each Department  
8 responsible for registration or licensure of a cultivation  
9 center or dispensing organization under this Act shall publish  
10 on the Department's website a list of the ownership information  
11 of cultivation center or dispensing organization applicants,  
12 registrants, or licensees under the Department's jurisdiction.  
13 The list shall include, but is not limited to: the name of the  
14 person or entity who is applying, registered, or licensed; and  
15 the address at which the entity is applying, registered, or  
16 licensed under this Act. This list shall be published and  
17 updated monthly.

18 Section 10. The Cannabis Regulation and Tax Act is amended  
19 by changing Section 55-30 as follows:

20 (410 ILCS 705/55-30)

21 Sec. 55-30. Confidentiality.

1           (a) Information provided by the cannabis business  
2 establishment licensees or applicants to the Department of  
3 Agriculture, the Department of Public Health, the Department of  
4 Financial and Professional Regulation, the Department of  
5 Commerce and Economic Opportunity, or other agency shall be  
6 limited to information necessary for the purposes of  
7 administering this Act. The information is subject to the  
8 provisions and limitations contained in the Freedom of  
9 Information Act and may be disclosed in accordance with Section  
10 55-65.

11           (b) The following information received and records kept by  
12 the Department of Agriculture, the Department of Public Health,  
13 the Department of State Police, and the Department of Financial  
14 and Professional Regulation for purposes of administering this  
15 Article are subject to all applicable federal privacy laws, are  
16 confidential and exempt from disclosure under the Freedom of  
17 Information Act, except as provided in this Act, and not  
18 subject to disclosure to any individual or public or private  
19 entity, except to the Department of Financial and Professional  
20 Regulation, the Department of Agriculture, the Department of  
21 Public Health, and the Department of State Police as necessary  
22 to perform official duties under this Article. The following  
23 information received and kept by the Department of Financial  
24 and Professional Regulation or the Department of Agriculture,  
25 excluding any existing or non-existing Illinois or national  
26 criminal history record information, may be disclosed to the

1 Department of Public Health, the Department of Agriculture, the  
2 Department of Revenue, or the Department of State Police upon  
3 request:

4 (1) Applications and renewals, their contents, and  
5 supporting information submitted by or on behalf of  
6 dispensing organizations in compliance with this Article,  
7 including their physical addresses;

8 (2) Any plans, procedures, policies, or other records  
9 relating to dispensing organization security;

10 (3) Information otherwise exempt from disclosure by  
11 State or federal law.

12 (c) The name and address of a dispensing organization  
13 licensed under this Act shall be subject to disclosure under  
14 the Freedom of Information Act. The name and cannabis business  
15 establishment address of the person or entity holding each  
16 cannabis business establishment license shall be subject to  
17 disclosure.

18 (d) All information collected by the Department of  
19 Financial and Professional Regulation in the course of an  
20 examination, inspection, or investigation of a licensee or  
21 applicant, including, but not limited to, any complaint against  
22 a licensee or applicant filed with the Department and  
23 information collected to investigate any such complaint, shall  
24 be maintained for the confidential use of the Department and  
25 shall not be disclosed, except as otherwise provided in the  
26 Act. A formal complaint against a licensee by the Department or

1 any disciplinary order issued by the Department against a  
2 licensee or applicant shall be a public record, except as  
3 otherwise prohibited by law, as required by law, or as  
4 necessary to enforce the provisions of this Act. Complaints  
5 from consumers or members of the general public received  
6 regarding a specific, named licensee or complaints regarding  
7 conduct by unlicensed entities shall be subject to disclosure  
8 under the Freedom of Information Act

9 (e) The Department of Agriculture, the Department of State  
10 Police, and the Department of Financial and Professional  
11 Regulation shall not share or disclose any existing or  
12 non-existing Illinois or national criminal history record  
13 information to any person or entity not expressly authorized by  
14 this Act. As used in this Section, "any existing or  
15 non-existing Illinois or national criminal history record  
16 information" means any Illinois or national criminal history  
17 record information, including but not limited to the lack of or  
18 non-existence of these records.

19 (f) Each Department responsible for licensure under this  
20 Act shall publish on the Department's website a list of the  
21 ownership information of cannabis business establishment  
22 applicants and licensees under the Department's jurisdiction.  
23 The list shall include, but is not limited to: the name of the  
24 person or entity applying to hold or holding each cannabis  
25 business establishment license; and the address at which the  
26 entity is applying to operate or operating under this Act. This

1 list shall be published and updated monthly.

2 (Source: P.A. 101-27, eff. 6-25-19.)

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