

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER v: LICENSING AND REGULATIONS

PART 1200
INDUSTRIAL HEMP ACT

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AUTHORITY: Implementing and authorized by Section 15 of the Industrial Hemp Act [505 ILCS 89].

SOURCE: Adopted at 43 Ill. Reg. 4973, effective April 24, 2019; amended at 48 Ill. Reg. _____, effective _____.

Section 1200.10 Definitions and Incorporations

Definitions for this Part are located in Section 5 of the Industrial Hemp Act [505 ILCS 89]. The following definitions shall also apply to this Part:

"Academic Research" means research conducted by a licensed Academic Research Institution on hemp or industrial hemp.

"Academic Research Institutions" means institutions that: offer in person courses at a physical campus located in Illinois; are Illinois not-for-profit entities; offer agricultural programs or degrees; and conduct research on hemp. This includes accredited public institutions of higher education, as defined in 110 ILCS 205/1; accredited, not for profit, post-secondary educational institutions, as defined at

44 110 ILCS 1005/1; and community colleges, as defined at 110 ILCS 805/1-2(c); or
45 other academic institutions approved by the Department, including, but not
46 limited to, Illinois public or nonpublic secondary schools registered with the
47 Illinois State Board of Education, which conduct academic research on hemp.

48
49 "Academic Research Designated Laboratory" means a laboratory that is under the
50 control of the licensed academic research institution or has a written agreement
51 with another licensed academic research institution to conduct testing on its
52 behalf. Testing conducted between licensed academic research institutions does
53 not need to be contingent upon payment for testing services.

54
55 "Academic Sampling Agent" means an individual designated by an Academic
56 Research Institution to sample hemp for that institution.

57
58 "Acceptable Hemp THC Level" means a total delta-9 tetrahydrocannabinol
59 content concentration level of not more than 0.3% on a dry weight basis for hemp
60 or in a hemp product. A hemp or hemp product will satisfy this standard if
61 laboratory testing produces a distribution or range within the measurement of
62 uncertainty that includes the total THC concentration level of 0.3% or less.

63
64 "Act" means the Industrial Hemp Act [505 ILCS 89].

65
66 "Agent" means any family member, employee, contracted employee, or farmhand
67 of a licensed or registered hemp cultivator or processor.

68
69 "Applicant" means the individual or entity who is applying for a license or
70 registration.

71
72 "Biomass" means the result of all flowers, buds, trichomes, leaves, stalks, seeds,
73 and all plant parts from a lot being chopped or shredded in such a way as to create
74 a homogenous, uniform blend of the lot. Only one lot may make up biomass.
75 Chopping and shredding may be done by shredders, composters, or other
76 specialty mechanical equipment.

77
78 "Cannabis" means a genus of flowering plants in the family Cannabaceae of
79 which Cannabis sativa is a species, and Cannabis indica and Cannabis ruderalis
80 are subspecies thereof. Cannabis refers to any form of the plant in which the total
81 delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been
82 determined.

83
84 "Contiguous Land Area" means land areas used for cultivation of industrial hemp
85 that are not separated by more than 100 feet by waterways, fences, railroads,
86 lanes, roads, highways, interstates or other separations.

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"Culpable Mental State Greater Than Negligence" means to act intentionally, knowingly, willfully, or recklessly.

"Cultivating" means planting, growing, harvesting and storing a plant or crop.

"Decarboxylated" or "decarboxylation" means the completion of the chemical reaction that converts THC-acid (THCA) into delta-9-THC, the intoxicating component of cannabis. The decarboxylated value is calculated using a molecule mass conversion ratio that sums delta-9-THC and 87.7% of THC-acid ((delta-9 THC) + (0.877 * THCA)).

"Department" means the Illinois Department of Agriculture.

"Director" means the Director of Agriculture. [505 ILCS 89/5]

"Disposal Report" means the report and notice that the licensee must submit to the Department on the required form, no more than 48 hours after the crop has been disposed of for non-compliance with the Act or this Part.

"Disposal" or "Disposed Of" means an activity that transitions non-compliant hemp or hemp used for research purposes into a non-retrievable or non-ingestible form. Approved methods of disposal include plowing, tilling, or disking plant material into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; burying plant material into the earth and covering with soil, and any other methods approved by USDA or the Department.

"Dry Weight Basis" means the ratio of the amount of dry solid in a sample after drying to the total mass of the sample before drying, including the moisture in a sample. Dry weight basis is the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis item (plant, extract, or other derivative), after excluding moisture from the item.

"Farm" means any property used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to, hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming ~~[35 ILCS 200/1-160]~~.

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"Farm Service Agency" or "FSA" means the Farm Service Agency of the United States Department of Agriculture.

"Government Demonstration and Research Entity" means a state or local government body licensed to grow hemp for research, demonstration, soil or water remediation, or soil erosion control.

"Handle" means to possess, transport or store industrial hemp for any period of time on premises owned, operated or controlled by a person or entity, or the agent thereof, licensed to cultivate industrial hemp or registered to process industrial hemp.

"Hemp" or "Industrial Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a total delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis that has been cultivated under a license issued under the Act or is otherwise lawfully present in this State, and includes any intermediate or finished product made or derived from industrial hemp.

"Hemp Manifest" means a document of title evidencing the receipt of hemp for shipment issued by an individual engaged in the business of directly or indirectly transporting or forwarding hemp. "Hemp manifest" does not include a warehouse receipt, or hemp transported within the State by a person for that person's sole use.

"Hemp Microgreens" means immature hemp seedlings grown for human consumption that are harvested above the soil or substrate line, prior to flowering, and not more than 14 days after germination and no more than five inches in height.

"High-Performance Liquid Chromatography" or "HPLC" means a type of chromatography technique in analytical chemistry used to separate, identify, and quantify each component in a mixture. HPLC relies on pumps to pass a pressurized liquid solvent containing the sample mixture through a column filled with a solid adsorbent material to separate and analyze compounds.

"Indoor Cultivation" means the process of cultivating industrial hemp in a greenhouse or in an enclosed building or structure capable of continuous cultivation throughout the year. Continuous cultivation is not required.

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

178
179 *"Land Area" means a farm as defined in Section 1-60 of the Property Tax Code*
180 *[35 ILCS 200] in this State or land or facilities under the control of an institution*
181 *of higher education.*

182
183 "Key Participants" means a sole proprietor, a partner in partnership, or a person
184 with executive managerial control in a corporation. A person with executive
185 managerial control includes persons such as a chief executive officer, chief
186 operating officer, and chief financial officer. This definition does not include non-
187 executive managers such as farm, field, or shift managers.

188
189 "Land Area" means a farm as defined in Section 1-60 of the Property Tax Code
190 [35 ILCS 200] in this State or land or facilities under the control of an academic
191 research institution or government demonstration and research entity.

192
193 "Law Enforcement" means the officers and activities of the federal, State, and
194 local agencies responsible for maintaining public order and enforcing the law.

195
196 "License" means authorization by the Department for any individual or legal
197 entity to grow industrial hemp in the State.

198
199 "Licensee" means a person or entity that has applied for, and received, a license to
200 cultivate Industrial Hemp from the Department.

201
202 "Lot" refers to a contiguous area in a field, greenhouse, or indoor growing
203 structure containing the same variety or strain of cannabis throughout.

204
205 "Negligence" means a failure to exercise the level of care that a reasonably
206 prudent person would exercise in complying with this Part.

207
208 "Official Sample" means the preharvest hemp sample collected by the
209 Department, or sampling agent which is used to assess the THC concentration of a
210 single lot of hemp. The official sample may also be used for sample retesting if a
211 sufficient quantity of the original official sample remains.

212
213 "Order of Disposal" means an order furnished to the licensee by the Department,
214 ordering the disposal of cannabis that exceeds the acceptable hemp THC

215 concentration when remediation is refused or has failed, and the grower refuses to
216 destroy the non-compliant lot.

217
218 "Person" means any individual, partnership, firm, corporation, company, society,
219 association, the State or any department, agency, or subdivision thereof, or any
220 other entity, or the agent thereof.

221
222 "Post Decarboxylation Value", in the context of testing methodologies for THC
223 concentration in hemp, means a value determined after the process of
224 decarboxylation that determines the total potential delta-9 tetrahydrocannabinol
225 (THC) content derived from the sum of the THC and delta-9-
226 tetrahydrocannabinolic acid (THCA) content and reported on a dry weight basis.
227 The post decarboxylation value of THC can be calculated by using a
228 chromatographic technique using heat, gas chromatography, through which
229 THCA is converted from its acid form to its neutral form, THC. Thus, this test
230 calculates the total potential THC in each sample. The post decarboxylation value
231 of THC can also be calculated by using a high-performance liquid
232 chromatography technique, which keeps the THCA intact and requires a
233 conversion calculation of that THCA to calculate total potential THC in a given
234 sample.

235
236 *"Process" means the conversion of raw industrial hemp plant material into a form*
237 *that is presently legal to import from outside the United States under federal law.*
238 [505 ILCS 89/5]

239
240 "Registrant" or "Processor" means any person or entity that has applied for, and
241 received, a registration~~Registration~~ to process industrial hemp from the
242 Department.

243
244 "Registration" means authorization by the Department for any individual or legal
245 entity to process or handle industrial hemp.

246
247 "Remediation" means the process by which non-compliant hemp (THC
248 concentration > 0.3%) is rendered compliant (THC concentration ≤ 0.3%).
249 Remediation can be achieved by separating and destroying non-compliant flowers
250 while retaining stalks, leaves, and seeds; or by shredding the entire hemp plant to
251 create a homogenous biomass. Both remediation options require retesting for
252 THC compliance before entering the stream of commerce.

253
254 "Sampling Agent" means someone trained under applicable USDA training
255 program available on the USDA website or a State training program for sample
256 collection and has provided proof of training to the Department.

257

258 "Strain" means variations of a cultivar, generally from breeding techniques or
259 genetic mutations.

260
261 "THC" means total tetrahydrocannabinol.

262
263 "Total THC" or "Total potential THC" means the value determined after the
264 process of decarboxylation, or the application of a conversion factor if the testing
265 methodology does not include decarboxylation, that expressed the potential total
266 delta-9 tetrahydrocannabinol content derived from the sum of the THC and
267 THCA content and reported on a dry weight basis within the measurement of
268 uncertainty. This post-decarboxylation value of THC can be calculated by using a
269 chromatograph technique using heat, such as gas chromatography, through which
270 THCA is converted from its acid form to its neutral form, THC. Thus, this test
271 calculates the total potential THC in a given sample. The total THC can also be
272 calculated by using high performance liquid chromatography which keeps the
273 THCA intact. This technique requires the use of the following conversion: [Total
274 THC= (0.877 x THCA) + THC] which calculates the potential total THC in a
275 given sample.

276
277 "USDA sampling guidance" means United States Department of Agriculture
278 Sampling Guidelines for Hemp issued on January 15, 2021 by the U.S. Domestic
279 Hemp Production Program which have been incorporated by reference and does
280 not include any letter amendments or editions. The guidance may be found at
281 <https://www.ams.usda.gov/rules-regulations/hemp/rulemaking-documents> and is
282 available from the Department upon request.

283
284 "Variety" means a group of plants or an individual plant that exhibits distinctive
285 observable physical characteristics or has a distinct genetic composition. This
286 includes the terms "cultivar" and "strain".

287
288 (Source: Amended at 48 Ill. Reg. _____, effective _____)

289
290 **Section 1200.20 General Provisions**

- 291
292 a) No person shall cultivate industrial hemp in the State without first receiving an
293 Industrial Hemp Cultivation License from the Department.
294
295 b) No person shall process or handle industrial hemp in the State without first
296 receiving a processor/~~handler~~ registration from the Department.
297
298 c) All licensees in the State must provide reports as outlined in Section 1200.40(a)
299 and (b).
300

- 301 d) Licensed industrial hemp cultivators are solely responsible for procuring seeds,
302 clones, transplants or propagules for planting.
303
- 304 e) All seeds, clones, transplants and propagules used to cultivate industrial hemp in
305 Illinois shall be certified under the Association of Official Seed Certifying
306 Agencies (AOSCA) standards and guidelines for industrial hemp or shall be
307 accompanied by a certificate of analysis from an accredited certified laboratory
308 from a state with a regulated industrial hemp program that certifies the industrial
309 hemp grown will not contain in excess of 0.3% THC.
310
- 311 f) No land area may contain cannabis plants or parts of cannabis plants that the
312 licensee knows or has reason to know are of a variety that will produce a plant
313 that, when tested, will produce more than 0.3% THC concentration on a dry
314 weight basis. No licensee shall use any such variety for any purpose associated
315 with the cultivation of industrial hemp.
316
- 317 g) The minimum land area for industrial hemp cultivation shall be a contiguous land
318 area of one quarter of an acre for outdoor cultivation and 500 square feet for
319 indoor cultivation.
320
- 321 h) Licensee information may be shared with law enforcement without notice to the
322 licensee.
323
- 324 i) Any violations of the Act, this Part, or any Illinois or Federal Criminal Code may
325 subject the licensee or registrant to administrative penalties as set forth in Sections
326 1200.120 and 1200.130 and may also subject the licensee or registrant to criminal
327 prosecution.
328
- 329 Licensee shall designate the area where hemp is grown into lots. A lot is to be
330 defined by the licensee in terms of farm location, field acreage, and variety (i.e.,
331 cultivar) and to be reported as such to Farm Services Agency. For FSA reporting
332 purposes, FSA staff will determine the appropriate designation for the specific
333 location(s) where hemp is being grown using FSA terminology such as "farm,"
334 "tract," "field," and "subfield" to mean "lot" for the purpose of this rule.
335
- 336 j) Harvest Timing and Restrictions
337
- 338 1) No licensee shall harvest any portion of a hemp crop until after the lot to
339 be harvested has been sampled pursuant to Section 1200.50.
340
- 341 2) A sample of each lot must be collected by a sampling agent within 30
342 calendar days prior to licensee's reported harvest date. Licensee is

343 responsible for obtaining the services of a sampling agent approved by the
344 testing laboratory.

345
346 3) There shall be no change of ownership of any hemp crop until laboratory
347 testing has been completed on such crop pursuant to Section 1200.50.
348

349 1) Each licensee and registrant shall maintain all records for a period of at least 3
350 years. Records may be subject to audit and inspection by the Department.
351 "Records" includes, but is not limited to:

352
353 1) harvest reports;

354
355 2) sales data including license numbers of licensees or registrants purchasing
356 seed, propagules or raw industrial hemp;

357
358 3) testing results;

359
360 4) sampling documentation;

361
362 5) resampling results;

363
364 6) disposal reports;

365
366 7) transportation records;

367
368 8) any reports made to USDA, FSA, or the Department, and any related
369 documentation; and

370
371 9) Records of the USDA hemp lot with lot identification number, crop year,
372 and state of origin.

373
374 (Source: Amended at 48 Ill. Reg. _____, effective _____)
375

376 **Section 1200.30 Application and Licensure**
377

378 a) Each applicant for an industrial hemp cultivation license shall submit a signed,
379 complete, accurate and legible application form provided by the Department. The
380 applicant shall provide the following:

381
382 1) The name, address, phone number, and email address of the person or
383 entity applying for the cultivation license; key participants of the license
384 may be required to provide additional personal identifiable information to

- 385 facilitate background checks, if such background checks are required by
386 the United States Department of Agriculture.
387
- 388 2) The type of business or organization, such as corporation, LLC,
389 partnership, sole proprietor, etc., as well as the entity's EIN;
390
- 391 3) Business name and address, if different than the ones submitted in
392 response to subsection (a)(1). This shall include the full name of the
393 business, address of the principal business location, and the full name and
394 title of the key participants;
395
- 396 4) The legal description of the land area, including Global Positioning
397 System coordinates of each contiguous land area, to be used to cultivate
398 industrial hemp;
399
- 400 5) A map of the land area on which the applicant plans to grow industrial
401 hemp, showing the boundaries and dimensions of the growing area in
402 acres or square feet;
403
- 404 6) The applicable fee prescribed by Section 1200.80; ~~and~~
405
- 406 7) The varieties of industrial hemp that are intended for cultivation.
407
- 408 8) The designated testing laboratory for Academic Research Institutions;
409
- 410 9) An acknowledgement and consent to the Department collecting,
411 maintaining, and providing to USDA directly and through the USDA's
412 online platform, any required data, including but not limited to; licensee
413 status, contact information, disposal reporting, background checks if
414 required by the USDA, and real-time information for each hemp licensee
415 licensed or authorized in the State.
416
- 417 b) Pursuant to the Agricultural Farm Act of 2018 (7 U.S.C. 1639p(e)(3)(B)) and if
418 required by the USDA, no~~No~~ person who has been convicted of any controlled
419 substances related felony in the 10 years prior to the date of application shall be
420 eligible to obtain a license or registration. For applicants that are entities, this
421 prohibition shall apply to any person associated with the applicant who has
422 executive managerial control of the entity. This does not include non-executive
423 managers such as farm, field, or shift managers. This prohibition does not apply to
424 participants in the Industrial Hemp 411 Pilot Program authorized under the 2014
425 Agricultural Act prior to December 20, 2018 [720 ILCS 550/15.2].
426

- 427 c) Within 30 calendar days after receipt of a completed application and the
428 associated fee, the Department will either issue a license or deny the application.
429 Incomplete applications or applications that do not meet the requirements for
430 licensure or registration will be denied. ~~An~~~~rejected and an~~ additional application
431 fee will be collected for corrected and/or new applications.
432
- 433 d) A license or registration shall be good for a maximum of 3 calendar years from
434 the date of issuance.
435
- 436 e) Any changes to the licensee's cultivation ~~plan~~~~application~~ as outlined in the
437 original application as specified in Section 1200.30(a), must be approved by the
438 Department in writing prior to implementation.
439
- 440 f) All processors of industrial hemp shall register with the Department on a form
441 provided by the Department, which shall include:
442
- 443 1) The name and address of the person or entity applying for the processor
444 registration;
 - 445
 - 446 2) The business type, such as a corporation, LLC, partnership, sole
447 proprietor, etc.;
 - 448
 - 449 3) The business name and address if different than the one submitted in
450 response to subsection (~~f~~g)(1);
 - 451
 - 452 4) The nature of the processing by the registrant; ~~and~~
 - 453
 - 454 5) The applicable fee set forth in Section 1200.80; ~~and~~;
 - 455
 - 456 6) A copy of the current local zoning ordinance or permit and verification
457 that the proposed hemp processor is in compliance with the local zoning
458 rules and distance limitations established by the local jurisdiction for hemp
459 processing.
- 460
- 461 g) Any applicant who materially falsifies information in their application shall be
462 ineligible to receive a license or registration.
463
- 464 h) Applicants may appeal the denial of an application for licensure by submitting a
465 Petition to the Director as prescribed in 8 Ill. Adm. Code 1, Subpart C, within 30
466 calendar days after receipt of the notice of denial.
467

468 i) Hemp processor registrations may not be issued to locations which are zoned
469 residential or are used as residential housing when located on property that is not
470 zoned residential.

471 (Source: Amended at 48 Ill. Reg. _____, effective _____)
472

473
474 **Section 1200.40 Reports**

475
476 a) At least 30 calendar days prior to harvest, to the best of the licensee's ability, each
477 licensee shall file a Harvest Report, on a form provided by the Department, that
478 includes:

- 479
480 1) The expected harvest dates and locations of each variety of industrial
481 hemp cultivated by the licensee.
482
483 2) The licensee shall notify the Department if the harvest dates change in
484 excess of five calendar ~~5~~ days.
485

486 b) No later than ~~December~~February 1 of each year, each licensee shall submit an
487 Industrial Hemp Cultivator Final Report to the Department that includes:
488

- 489 1) Total acres or square feet of industrial hemp planted since December 1 of
490 the prior year~~in the previous calendar year~~;
491
492 2) A description of each variety planted and harvested since December 1 of
493 the prior year~~in the previous calendar year~~;
494
495 3) Total acres or square feet harvested since December 1 of the prior year~~in~~
496 ~~the previous calendar year~~; and
497
498 4) Total yield in the appropriate measurement, such as tonnage, seeds per
499 acre, or other measurement approved by the Department.
500

501 c) The Department will provide the information in 1200.40(b) to USDA by
502 December 15 of each year.
503

504 d) Licensees shall report hemp planting acreage to a local FSA office. This report
505 shall be submitted to the FSA within 30 calendar days after the completion of
506 planting of an outdoor crop site, or within 30 calendar days after the first planting
507 of hemp in the calendar year in an indoor cultivation site. At a minimum, the
508 following information shall be reported:

- 509
510 1) Street address for each crop site;

- 511
- 512 2) Geospatial location for each crop site;
- 513
- 514 3) Acreage of each crop site; and
- 515
- 516 4) Licensee identifying information, including licensee name and State
- 517 licensee number.
- 518

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 1200.50 Inspection, ~~and~~ Sampling, and Testing

- 522
- 523 a) All licensees and registrants shall be subject to inspections at the discretion of the
- 524 Department to ensure compliance with the Act. This includes but is not limited to:
- 525 both scheduled and unannounced annual inspections, random inspections, and
- 526 inspections for the purposes of auditing.
- 527
- 528 b) ~~The Department shall provide a minimum of 5 business days' notice to the~~
- 529 ~~licensee of the inspection. The notification shall inform the licensee of the scope~~
- 530 ~~and process by which the inspection will be conducted.~~
- 531
- 532 c) Failure to comply with any ~~a properly noticed~~ inspection shall result in the
- 533 initiation of disciplinary proceedings pursuant to Section 1200. ~~120100.~~
- 534
- 535 d) Either the licensee or an agent of the licensee shall be present for the inspection
- 536 and sampling and shall provide the inspector with unrestricted access to all
- 537 industrial hemp plants, parts, seeds, and harvested material, including all
- 538 buildings and other structures used for the cultivation and storage of industrial
- 539 hemp and all documents pertaining to the licensee's industrial hemp cultivation
- 540 and business.
- 541
- 542 e) All samples intended for use for official sample and test results must be taken by
- 543 a sampling agent as defined in Section 100.10, and must be analyzed by a
- 544 Department-approved laboratory under Section 1200.60.
- 545
- 546 1) If it is the business practice of the laboratory to have an agreement or
- 547 contract with the sampling agent to accept samples, the sampling agent
- 548 must have a valid agreement or contract. Growers are responsible for
- 549 utilizing a sampling agent that is compliant with this Section.
- 550
- 551 2) Samples may be hand delivered by the sampling agent to the Department-
- 552 approved laboratory or may be shipped to a Department-approved
- 553 laboratory using standard shipping methods where permitted.

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- e) ~~All industrial hemp plants are subject to sampling and testing to verify that the delta-9 THC concentration does not exceed 0.3% on a dry weight basis.~~
 - 1) ~~Individual or composite samples of each variety of cannabis may be sampled from the licensee's land area, including indoor cultivation sites, at the Department's discretion.~~
 - 2) ~~A representative sample will be taken by Department personnel or approved laboratory personnel.~~
 - 3) ~~The sampled material shall be tested by an approved laboratory.~~
 - 4) ~~Quantitative laboratory determination of the delta-9 THC concentration on a dry weight basis will be performed.~~
 - 5) ~~A sample test result with a delta-9 THC concentration on a dry weight basis that exceeds 0.3% but is less than 0.7% may be retested at the expense of the licensee. A request for a retest by the licensee must be received by the Department within 3 days after initial receipt of the original test results by the licensee.~~
 - 6) ~~All harvested industrial hemp receiving a sample test result with a delta-9 THC concentration on a dry weight basis that exceeds 0.3% and is not retested at the request of the licensee shall be destroyed.~~
 - 7) ~~All harvested industrial hemp receiving both a sample test result and a sample retest result with delta-9 THC concentrations on a dry weight basis that exceeds 0.3% shall be destroyed.~~
 - 8) ~~All harvested industrial hemp receiving a sample test result with a delta-9 THC concentration on a dry weight basis that equals or exceeds 0.7% shall be destroyed.~~
 - 9) ~~All harvested industrial hemp awaiting test results shall be stored by the licensee or processor and shall not be processed or transported until test results are obtained and the industrial hemp is released by the Department.~~
 - 10) ~~Testing of industrial hemp will be completed by the Department or by a third-party laboratory approved by the Department pursuant to this Part.~~
 - 11) ~~Actual cost of testing shall be paid by the licensee.~~

- 597 f) Each industrial hemp lot must undergo official sampling and testing to verify that
598 the total THC concentration does not exceed 0.3% on a dry weight basis.
599
- 600 1) Individual or composite samples, as appropriate based on lot size and
601 pursuant to published USDA guidance sample, of each variety of hemp
602 will be sampled from the licensee's land area, including indoor cultivation
603 sites.
604
- 605 2) A representative sample will be taken by a sampling agent or Department
606 personnel.
607
- 608 g) Sampling procedures conducted by sampling agents shall comply with this Part,
609 including the following requirements:
610
- 611 1) Standard sampling and performance-based sampling procedures must be
612 sufficient at a confidence level of 95% that no more than 1% of the plants
613 in each lot would exceed the acceptable hemp THC level and ensure that a
614 representative sample is collected that represents a homogeneous
615 composition of the lot.
616
- 617 2) The sampling agent shall verify the GPS coordinates of the growing area
618 as compared with the GPS coordinates submitted by the licensee to the
619 Department.
620
- 621 A) The licensee or designated employee may accompany the sampling
622 agent throughout the sampling process.
623
- 624 B) The sampling agent shall estimate the average height, appearance,
625 approximate density, condition of the plants, and degree of
626 maturity of the inflorescences (flowers, buds, or both flowers and
627 buds). The sampling agent shall visually establish the homogeneity
628 of the stand to establish that the growing area is of like variety.
629
- 630 3) Hemp licensees may not harvest hemp until a sampling agent, within 30
631 days prior to the anticipated harvest, collects representative samples from
632 the cannabis plants for THC concentration measurements.
633
- 634 4) The sampling agent will take a representative sample from every lot of the
635 crop site, using USDA sampling guidance, dated January 15, 2021 and
636 industry best practices to ensure a homogenous composition of the sample.
637

- 638 A) The selection of plants for testing will be at the sampling agent's
639 discretion. Hemp growers may not act as their own sampling
640 agents.
- 641
- 642 B) The number of plants sampled will be determined by the sampling
643 agent based on USDA sampling guidance, dated January 15, 2021.
- 644
- 645 6) Samples shall be collected and maintained in such a way that there is no
646 comingling of samples or sample material.
- 647
- 648 7) Any cannabis plants observed outside of the crop site boundaries must be
649 reported to the Department and law enforcement. The Department may
650 elect to contact law enforcement on behalf of the sampling agent or
651 request the sampling agent to contact law enforcement directly.
- 652
- 653 8) The sampling agent shall notify the Department if they are unable to
654 collect a sample because the licensee does not provide unrestricted access
655 to the site or because the sampling agent reasonably believes that the
656 licensee has commenced harvest prior to sample collection. The sampling
657 agent shall not collect a sample if the sampling agent is not allowed
658 complete, unrestricted access to the site; and/or reasonably believes the
659 licensee has commenced harvest prior to sample collection.
- 660
- 661 h) The sampled material shall be tested by a Department-approved laboratory.
- 662
- 663 1) A quantitative laboratory determination of the total THC concentration on
664 a dry weight basis will be performed.
- 665
- 666 2) A sample test result with a total THC concentration on a dry weight basis
667 that exceeds 0.3% but is less than 0.7% may be retested at the expense of
668 the licensee if a sufficient quantity of the original official sample remains.
669 A request for a retest by the licensee shall be received by the Department
670 within 3 business days after initial receipt of the original test results by the
671 licensee.
- 672
- 673 3) All harvested industrial hemp receiving both a sample test result and a
674 sample retest result with total THC concentrations on a dry weight basis
675 that exceeds 0.3% shall be disposed of by the licensee unless the licensee
676 chooses to remediate; pursuant to subsection (j).
- 677
- 678 4) All harvested industrial hemp receiving a sample test result with a total
679 THC concentration on a dry weight basis that equals or exceeds 0.7% shall

- 680 be disposed of by the licensee unless the licensee chooses to remediate;
681 pursuant to subsection (j).
682
683 5) Any sampled material not meeting the definition of hemp will be reported
684 to the Department. Such report made by a licensee will include the
685 disposal records.
686
687 6) All harvested industrial hemp awaiting test results shall be stored by the
688 licensee and shall not be processed or transported until passing test results
689 are obtained.
690
691 7) The actual cost of testing shall be paid by the licensee.
692
693 i) Crops harvested for hemp microgreens are not subject to the testing requirements
694 described in Section 1200.50(f) and (g).
695
696 1) Due to extremely low levels of cannabinoids in the immature plants,
697 sampling and testing of every lot of hemp microgreens is unnecessary.
698
699 2) Licensees are responsible for ensuring seeds used by the licensee for hemp
700 microgreen production are from cannabis varieties meeting the definition
701 of hemp.
702
703 3) A licensed grower that produces a crop that does not meet the definition of
704 a hemp microgreen under this subsection shall either:
705
706 A) Follow the compliance, sampling and testing requirements
707 pursuant to this Section; or
708
709 B) Dispose of the crop by approved methods of disposal that include:
710 plowing, tilling, or disking plant material into the soil; mulching,
711 composting, chopping, or bush mowing plant material into green
712 manure; burning plant material; burying plant material into the
713 earth and covering with soil, and any other methods approved by
714 USDA or the Department.
715
716 j) Standard Remediation Procedures and Guidelines
717
718 1) Procedures for Non-compliant Hemp.
719 Non-compliant hemp may only be disposed of or remediated. Only
720 successfully remediated crops will be allowed to enter the stream of
721 commerce. All other non-compliant crops shall be disposed.
722
723 2) Remediation.

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- A) Remediation may take place using one of the following options:
 - i) Non-compliant hemp may be remediated by separating and destroying non-compliant flowers, while retaining stalks, leaves, and seeds.
 - ii) Non-compliant hemp may be remediated by shredding the entire hemp lot to create biomass. Lots shall be kept separate and shall not be combined during this process.
 - B) The licensee or designated employee, or an approved representative of the Department, as the Department deems appropriate, shall remediate or dispose of non-compliant hemp. The Department may require that a representative of the Department be present during the remediation or disposal process or that the licensee provide pictures, videos, or other proof that disposal occurred.
 - C) Upon notification that a lot has tested above the acceptable hemp THC level, the licensee shall notify the Department of the licensee's decision to either dispose of or remediate the non-compliant lot and the method of disposal or remediation the licensee will use. If the licensee refuses to dispose of or remediate the non-compliant hemp lot, the Department will issue the licensee an Order of Disposal.
 - D) All lots subject to remediation shall be stored, labeled and kept apart from each other and from other compliant hemp lots stored or held nearby.
- 3) Separation and removal of the flowers from the stalks, leaves and seeds.
- A) The flowers, including buds, trichomes, "trim", and "kief", shall be removed from the lot and destroyed. Methods may include, but are not limited to, by hand, mechanical, or chemical removal of non-compliant flowers and floral materials.
 - B) Until such time as the non-compliant flowers and floral material are disposed of, the stalks, leaves, and seeds shall be separated from the non-compliant floral material and clearly labeled and marked as "hemp for remediation purposes".

- 767 C) Seeds removed from non-compliant hemp during remediation shall
768 not be used for propagative purposes.
769
- 770 4) Creation of Biomass.
771
- 772 A) The entire lot shall be shredded to create a homogenous and
773 uniform biomass.
774
- 775 B) The biomass created through this process shall be resampled and
776 retested to ensure compliance before entering the stream of
777 commerce. Biomass that fails the retesting is non-compliant hemp
778 and shall be disposed of.
779
- 780 C) Remediated biomass shall be separated from any compliant hemp
781 stored in the area and clearly labeled as "hemp for remediation
782 purposes". Remediated biomass shall not leave the labeled area
783 until a test result that does not exceed 0.3% total THC is received
784 or the biomass is ready to be disposed of.
785
- 786 5) Resampling Remediated Biomass or Remediated Stalks, Leaves and
787 Seeds.
788
- 789 A) Remediated biomass or remediated stalks, leaves, and seeds shall
790 be resampled and retested to ensure compliance before entering the
791 stream of commerce. Remediated biomass or remediated stalks,
792 leaves, and seeds that exceed 0.3% total THC concentration on a
793 dry weight basis shall be destroyed.
794
- 795 B) The resample must be taken by the sampling agent in a manner
796 described in USDA sampling guidance, dated January 15, 2021.
797
- 798 C) When taking the resample, the sampling agent shall take
799 remediated biomass or remediated stalks, leaves and seeds material
800 from various depths, locations, and containers in the labeled and
801 demarcated area to collect a representative sample of the material.
802 At minimum, 750 mL or three standard measuring cups of
803 remediated biomass or remediated stalks, leaves and seeds material
804 shall be collected. Sampling agents may collect more remediated
805 biomass or remediated stalks, leaves and seeds material based on
806 the requirements of the testing laboratory. If 750 mL of material is
807 not available, the sampling agent shall collect enough remediated
808 biomass or remediated stalks, leaves and seeds material for a
809 representative sample.

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- D) An original copy of the resample test results, or a legible copy, must be retained by the licensee or an authorized representative and be made available for inspection for a period of three years from the date of receipt.
- E) Laboratories testing a resample shall utilize the same testing protocols as when testing a standard sample.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 1200.55 Academic Research Institutions

Academic research institutions shall be subject to all provisions of this Part with the exception of the following:

- a) License Fees. The fee for a license and for renewal of that license will be \$100 annually.
- b) Laboratory Testing. An academic research institution is exempt from the testing described in Section 1200.50. Potency testing shall be conducted by an academic research designated laboratory.
- c) Reporting. An academic research institution shall provide the following reports, which shall be confidential to the extent that they reveal, or release research conducted, unless the academic research institution provides authorization for release:
 - 1) Within 72 hours after the academic research institution receives test results, the following data shall be provided to the Department:
 - A) the test results;
 - B) photos of samples; and
 - C) documentation of sampling chain of custody.
 - 2) No later than December 1 of each year, each academic research institution shall submit an Industrial Hemp Academic Institution Research Report to the Department that includes:
 - A) Total acres or square feet of industrial hemp planted in the current calendar year;

- 853
854 B) A description of each variety planted and harvested in the current
855 calendar year;
856
857 C) Total acres or square feet harvested in the current calendar year;
858
859 D) Total yield in the appropriate measurement, such as tonnage, seeds
860 per acre, or other measurement approved by the Department;
861
862 E) A disposal report for each lot or field harvested at the conclusion
863 of the academic research; and
864
865 F) A description of the research and research findings.
866
867 3) Acreage Reports to Farm Service Agency. Academic research institutions
868 shall report hemp planting acreage to the United States Department of
869 Agriculture Farm Service Agency as described in Section 1200.40(d), with
870 the exception that this report does not have to be broken down by lot or
871 planting date.
872
873 d) Commerce and Disposal. Hemp grown for research purposes may not enter the
874 stream of commerce at any time. Hemp grown for research purposes must be
875 disposed of in accordance with this Part at the conclusion of the research period.
876 An academic research institution must obtain a standard hemp grower license if
877 they intend to offer any product for sale or commerce.
878
879 e) Sampling. Academic research institutions shall be exempt from the Inspection and
880 Sampling provisions in Section 1200.50. Academic research institution sampling
881 procedures shall include the following:
882
883 1) Academic research institutions shall notify the Department at least seven
884 business days prior to collection of samples. The notification shall include
885 the name of the individual designated as the academic sampling agent and
886 the GPS coordinates for the samples to be taken.
887
888 2) Academic research institutions shall identify and designate a sampling
889 agent. For academic research institutions only, a sampling agent may be
890 an employee.
891
892 3) The academic sampling agent shall verify the GPS coordinates of the
893 growing area as compared with the GPS coordinates submitted by the
894 academic research institution to Department.
895

- 896 4) The sampling agent shall estimate the average height, appearance,
897 approximate density, condition of the plants, and degree of maturity of the
898 inflorescences (flowers/buds). The sampling agent shall visually establish
899 the homogeneity of the stand to establish that the growing area is of like
900 variety.
- 901
- 902 5) All samples shall be collected from the flowering tops of the plant by
903 cutting the top five to eight inches from the "main stem" (that includes the
904 leaves and flowers), "terminal bud" (that occurs at the end of a stem), or
905 "central cola" (cut stem that could develop into a bud) of the flowering top
906 of the plant.
- 907
- 908 6) Samples shall be collected and maintained in such a way that there is no
909 commingling of samples or sample material.
- 910
- 911 f) At the request of the academic research institution, and with the Department's
912 written permission, an academic research institution may opt for performance-
913 based sampling protocols instead of the provisions outlined in Section 1200.55.
- 914
- 915 1) Consideration for performance-based sampling protocols will include:
- 916
- 917 A) Whether the academic research institution can provide proof of a
918 seed certification process or process that identifies varieties that
919 have consistently demonstrated to result in compliant hemp plants;
- 920
- 921 B) The academic research institution's history of producing compliant
922 hemp plants over an extended period of time; or
- 923
- 924 C) The academic research institution's plan to ensure, at a confidence
925 level of 95%, that no more than 1% of the plants in each sampling
926 will exceed the acceptable total THC level.
- 927
- 928 2) Performance-based sampling protocol will be subject to the following
929 terms and conditions:
- 930
- 931 A) When samples are collected, the sampling procedure must follow
932 the provisions of Section 1200.55(a)(5)(D) and (E);
- 933
- 934 B) The Department reserves the right to sample and test, or order the
935 sampling and testing, of any hemp lot at any time to ensure
936 compliance with the acceptable hemp total THC level; and
937

938 C) Violations of performance-based methods will result in academic
939 research institutions no longer being exempt from the sampling
940 procedures outlined in Section 1200.55(a)(5), and may result in
941 administrative penalties as outlined in Section 1200.130.

942
943 (Source: Added at 48 Ill. Reg. _____, effective _____)
944

945 **Section 1200.56 Government Demonstration and Research Entity**

946
947 a) A government demonstration and research entity shall be subject to all provisions
948 of this Part with the exception of the following:

949
950 1) Licensing

951 A) The fee for a license shall be \$200.

952 B) Renewal fee shall be \$200.

953 C) Licenses shall be valid for a period of two years.

954 D) The Department shall be exempt from the license fee.

955
956 2) Laboratory Testing. A government demonstration and research entity is
957 exempt from the testing described in Section 1200.50, so long as all hemp
958 produced is destroyed according to the Act and the provisions of this Part.

959
960 b) Hemp grown for governmental research and demonstration purposes may not
961 enter the stream of commerce at any time. A government demonstration and
962 research entity must obtain a standard hemp grower license if they intend to offer
963 any product for sale or commerce.

964
965 c) Hemp grown for these purposes must be disposed of in accordance with this Part
966 at the conclusion of the demonstration or research period.

967
968 d) Acreage Reports to Farm Service Agency. Government demonstration and
969 research entity shall report hemp planting acreage to the United States
970 Department of Agriculture Farm Service Agency as described in 1200.40(d), with
971 the exception that this report does not have to be broken down by lot or planting
972 date.

973
974 (Source: Added at 48 Ill. Reg. _____, effective _____)
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977
978 **Section 1200.60 Laboratory Approval**
979
980

- 981
- 982 a) No laboratory shall handle, test or analyze hemp unless approved by the
- 983 Department in accordance with this Section [or the Cannabis Regulation and Tax](#)
- 984 [Act](#). A list of approved laboratories will be made available by the Department on
- 985 its website.
- 986
- 987 b) No laboratory shall be approved to handle, test or analyze ~~hempeannabis~~ unless
- 988 the laboratory:
- 989
- 990 1) Is accredited to the ISO/IEX 17025 standard by a private non-profit
- 991 laboratory accrediting organization, [or can demonstrate that it has a](#)
- 992 [current working relationship with an accrediting organization and receives](#)
- 993 [final accreditation within one year of applying to be an approved](#)
- 994 [laboratory with the Department](#);
- 995
- 996 2) Is independent from all other persons involved in the hemp industry in
- 997 Illinois, which shall mean that no person with a direct or indirect interest
- 998 in the laboratory shall have a direct or indirect financial, management, or
- 999 other interest in a cultivation license or processor registration;
- 1000
- 1001 3) Has employed at least one person to oversee and be responsible for the
- 1002 laboratory testing who has earned, from a college or university accredited
- 1003 by a national or regional certifying authority, at least:
- 1004
- 1005 A) a master's level degree in chemical or biological sciences and a
- 1006 minimum of 2 years post-degree laboratory experience; or
- 1007
- 1008 B) a bachelor's degree in [chemical or](#) biological sciences and a
- 1009 minimum of 4 years post-degree laboratory experience.
- 1010
- 1011 4) [Has procedures requiring hemp testing adherence to standards of](#)
- 1012 [performance for detecting total THC concentration, including the](#)
- 1013 [Measurement of Uncertainty \(MU\), and is registered with the United](#)
- 1014 [States Drug Enforcement Agency, if registration is required by the USDA.](#)
- 1015
- 1016 c) Each [hemp testing laboratory applicant and department approved hemp](#)
- 1017 ~~independent~~ testing laboratory that claims to be accredited must provide the
- 1018 Department with a copy of the most recent annual inspection report granting
- 1019 accreditation and every annual report thereafter.
- 1020

1021 (Source: Amended at 48 Ill. Reg. _____, effective _____)

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1023 **Section 1200.70 Testing Requirements**

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- a) Industrial hemp sampled for testing may be transported to a Department~~the~~ approved laboratory by the Director, or the Director's~~one of his or her~~ designees, ~~or~~ by approved laboratory personnel, or by a sampling agent.
 - 1) An appropriate chain of custody must be maintained at all times.
 - 2) The sampling agent, transporter, and laboratory are each responsible for their own portion of the chain of custody and sharing such with the other parties as necessary.
 - 3) The Department may conduct testing at a Department operated laboratory on behalf of licensees to meet testing requirements under this Part or for compliance testing.
 - 4) The Department may conduct testing on final hemp products offered for sale.
- b) Testing laboratories shall test~~The industrial hemp shall be tested~~ using post-decarboxylation, or other similarly reliable methods approved by the USDA, to detect total THC~~delta-9~~ concentration levels of the sampled hemp. Reliable methods of testing may include chromatographic technique using heat; gas chromatography, through which THCA is converted from acid to its neutral THC form; or a high-performance liquid chromatograph technique, which keeps THCA intact and requires a conversion calculation to get the THC value.
- c) When a laboratory tests a hemp sample, the laboratory shall report the total THC concentration level on a dry weight basis and the measurement of uncertainty. The measure of uncertainty shall be estimated and reported with test results.
- d) Samples shall be obtained in accordance with USDA sampling guidance dated January 15, 2021.
- e) Treatment of Samples Post-Testing.
 - 1) Samples shall be stored by the laboratory for a minimum of six months following testing.
 - A) Samples shall be stored in a manner that preserves the quality and content of the sample material.
 - B) Samples may be stored at a location other than the laboratory at the Department's discretion.

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2) Licenseses may request re-testing of any remaining, un-tested, parts of a sample, but will bear sole cost of any re-test. To be considered an official result, any re-testing under this Section must be conducted under the processes outlined in Section 1200.50.

3) The laboratory shall notify the Department, in writing, at least 10 business days prior to the disposal of any sample.

f) Reporting of Test Results

1) All laboratories authorized by the Department to test hemp shall also comply with USDA hemp reporting requirements.

2) The Department will take reasonable steps to notify laboratories of specific test reporting requirements, but ultimate responsibility for compliance with USDA reporting lies with the laboratory.

3) Laboratories shall report final, official THC level, test documentation to the USDA. Laboratories are not required to report test results requested by the grower throughout the season to the USDA or the Department.

4) Laboratories shall provide growers with copies of test results. The original test documentation shall be retained by the laboratory or provided to USDA, as appropriate.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 1200.80 Fees

An applicant or licensee shall submit the following nonrefundable fees with each license application submitted, in the form of a certified check or money order payable to the "Illinois Department of Agriculture", or by such other means as approved by the Department. All fees shall be deposited into the Industrial Hemp Fund.

a) The application fee for an Industrial Hemp Cultivation License shall be \$100 for each noncontiguous land area and each indoor cultivation operation area.

b) Upon approval of an application, the license fee for each noncontiguous land area and each indoor cultivation operation shall be \$1000 for a 3 year license; \$700 for a 2 year license; and \$375 for a 1 year license.

- 1109 c) The application fee for a processor registration shall be \$100 for each address
1110 operated by the processor.
1111
- 1112 d) Upon approval of an application for registration, the registration fee for each
1113 registered address operated by a processor shall be \$1000 for a 3 year registration;
1114 \$700 for a 2 year registration; and \$375 for a 1 year registration.
1115
- 1116 e) Qualifying academic research institutions shall pay a flat biannual fee of \$200 for
1117 a license and license renewal.
1118
- 1119 f) Qualifying government research and demonstration entities shall pay a flat annual
1120 fee of \$100 for a license and license renewal. The Department is exempt from this
1121 fee when registering as a qualifying government research and demonstration
1122 entity.
1123
- 1124 g) The Department may assess a fee of \$100-1000 per analysis for hemp testing
1125 conducted by the Department.
1126
- 1127 h) The Department may assess a fee of up to \$500 per sample if the sample is
1128 collected by the Department.
1129

1130 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1131

1132 **Section 1200.90 Restrictions on Sale and Transfer**
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- 1134 a) A licensed person shall not sell or transfer, or permit the sale or transfer of, living
1135 plants or viable seeds to any person in the State of Illinois who does not hold a
1136 license or registration issued by the Department.
1137
- 1138 b) A licensed person shall not sell or transfer, or permit the sale or transfer of, living
1139 plants or viable seeds outside the State of Illinois that is not authorized by a state
1140 agency under the laws of the destination state.
1141
- 1142 c) The Department shall permit the sale or transfer of stripped stalks, fiber, dried
1143 roots, nonviable seeds, seed oils, floral and plant extracts (excluding THC in
1144 excess of 0.3%) and other marketable hemp products to members of the general
1145 public, both within and outside the State of Illinois.
1146

1147 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1148

1149 **Section 1200.100 Other Prohibited Activities**
1150

- 1151 a) A licensed person shall not plant or grow hemp on any site not listed in the
1152 application.
- 1153
- 1154 b) A licensed or registered person shall not ship or transport, or allow to be shipped
1155 or transported, live hemp plants, cuttings for planting, or viable seeds from a
1156 variety that is currently designated by the Department as a prohibited variety or a
1157 variety of concern to any location outside the State of Illinois.
- 1158
- 1159 c) A licensed or registered person shall not ship or transport, or allow to be shipped
1160 or transported, any hemp product with a total~~delta-9~~ THC concentration in excess
1161 of 0.3% on a dry weight basis.
- 1162
- 1163 d) A licensed or registered person shall not ship or transport cannabis seeds, plants
1164 or parts of cannabis plants that the licensee knows or has reason to know are of a
1165 variety that will produce a plant that, when tested, will produce more than 0.3%
1166 THC concentration on a dry weight basis.
- 1167

1168 (Source: Amended at 48 Ill. Reg. _____, effective _____)

1169 **Section 1200.110 Transportation of Industrial Hemp**

- 1170
- 1171
- 1172 a) Only a licensed or registered person who is licensed or registered with the USDA
1173 or licensed or registered under a USDA approved State or Tribal hemp plan, or an
1174 agent thereof, may ~~not~~-transport ~~live or harvested~~-industrial hemp.
- 1175
- 1176 b) Industrial hemp that has not been processed may be transferred by the licensee or
1177 registrant from the place of cultivation to the place of processing at any time after
1178 passing official THC compliance testing.
- 1179
- 1180 c) Approved laboratory personnel, Department personnel, a third party designated
1181 by the Department, or sampling agents may transport hemp samples for testing to
1182 laboratories for testing purposes.
- 1183
- 1184 ~~d) There is no State restriction on the transportation of industrial hemp product~~
1185 ~~following retail sale to a member of the public.~~
- 1186

1187 (Source: Amended at 48 Ill. Reg. _____, effective _____)

1188 **Section 1200.120 Violations**

- 1189
- 1190
- 1191 a) A licensee or registrant shall be subject to subsection (b) if the Department
1192 determines that the licensee or registrant has negligently violated the Act or this
1193 Part, including by negligently:

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- 1) Failing to provide a legal description of land on which the licensee produces hemp;
 - 2) Failing to obtain a license, registration or other required authorization required by this Part from the Department; or
 - 3) Producing or processing Cannabis ~~sativa L.~~ with a total THC concentration exceeding the acceptable hemp THC level. Licensees do not commit a negligent violation under subsection (b)(3) if they make reasonable efforts to grow hemp and the cannabis does not have a total~~delta-9~~ THC concentration of more than 1% ~~0.3%~~ on a dry weight basis.
- b) A ~~hemp~~ licensee or registrant described in subsection (a) shall comply with a corrective action plan established by the Department to correct the negligent violation, including:
- 1) a reasonable date by which the licensee or registrant shall correct the negligent violation; ~~and~~
 - 2) ~~a~~A requirement that the licensee or registrant shall periodically report to the Department on the compliance of the licensee or registrant for a period of not less than 2 calendar years; ~~and~~;
 - 3) announced or unannounced inspections by Department of licensee or registrant to confirm compliance with the corrective action plan.
- c) A licensee or registrant that negligently violates the Act or this Part (see subsection (a)) shall not, as a result of that violation, be subject to any criminal enforcement action by any federal, State or local government and shall not receive more than one negligent violation per growing season.
- d) A licensee or registrant that negligently violates subsection (a) 3 times in a 5-year period shall be ineligible to hold a license or registration~~produce~~ hemp for a period of 5 years beginning on the date of the third violation.
- e) If the Department determines that a licensee has violated the Act or this Part with a culpable mental state greater than negligence, the Department shall immediately report the licensee to:
- 1) The Attorney General of the United States;

1237 2) The Attorney General of Illinois; and

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1239 3) The Illinois State Police.

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1241 f) The Department may, on its own initiative, or after receipt of a complaint against
1242 a licensee or registrant, conduct an investigation to determine whether a violation
1243 has taken place.

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1245 g) A licensee or registrant that wants to contest the Department's determination of a
1246 violation of the Act or this Part must do so by submitting a request for an
1247 administrative hearing in writing to the Department's Division of Cannabis
1248 Regulation, attention Hemp Program, within 30 calendar days after receiving
1249 notice of the violation.

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1251 (Source: Amended at 48 Ill. Reg. _____, effective _____)