



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1520

Introduced 2/4/2025, by Sen. Kimberly A. Lightford

#### SYNOPSIS AS INTRODUCED:

410 ILCS 130/145  
410 ILCS 705/1-10  
410 ILCS 705/7-10  
410 ILCS 705/7-15  
410 ILCS 705/55-30

Amends the Compassionate Use of Medical Cannabis Program Act. Provides that the Department of Financial and Professional Regulation and the Department of Agriculture may share with the Department of Commerce and Economic Opportunity any licensee information necessary to support the administration of social equity programming. Amends the Cannabis Regulation and Tax Act. Adds a definition. In various provisions, adds Social Equity Lottery Licensees to provisions that include Social Equity Applicants. Provides that the Cannabis Business Development Fund shall be exclusively used for certain purposes, to include providing financial assistance to support lending to, or private investment in, Qualified Social Equity Applicants and Social Equity Lottery Licensees, or to facilitate access to the facilities needed to commence operations as a cannabis business establishment. In provisions regarding loans and grants to Social Equity Applicants, adds financial assistance to provisions that include loans and grants. Provides that the Department of Commerce and Economic Opportunity has the power to enter into financial intermediary agreements to facilitate lending to or investment in Qualified Social Equity Applicants, Social Equity Lottery Licensees, or their subsidiaries or affiliates, to ensure the availability of facilities necessary to operate a cannabis business establishment. Provides that certain loans made shall contain terms and provisions with respect to forgiveness. Provides that those loans also may be distributed by lot if the Department of Commerce and Economic Opportunity determines that the amount of funding available is insufficient. Provides that, to the extent registration with the federal System for Award Management requires a grant applicant to certify compliance with all federal laws, the grant applicants shall not be required to register for a unique entity identifier through the federal System for Award Management. Makes other and conforming changes.

LRB104 03588 BDA 13612 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 changing Section 145 as follows:

6 (410 ILCS 130/145)

7 Sec. 145. Confidentiality.

8 (a) The following information received and records kept by  
9 the Department of Public Health, Department of Financial and  
10 Professional Regulation, Department of Agriculture, or  
11 Illinois State Police for purposes of administering this Act  
12 are subject to all applicable federal privacy laws,  
13 confidential, and exempt from the Freedom of Information Act,  
14 and not subject to disclosure to any individual or public or  
15 private entity, except as necessary for authorized employees  
16 of those authorized agencies to perform official duties under  
17 this Act and the following information received and records  
18 kept by Department of Public Health, Department of  
19 Agriculture, Department of Financial and Professional  
20 Regulation, and Illinois State Police, excluding any existing  
21 or non-existing Illinois or national criminal history record  
22 information as defined in subsection (d), may be disclosed to  
23 each other upon request:

1           (1) Applications and renewals, their contents, and  
2 supporting information submitted by qualifying patients  
3 and designated caregivers, including information regarding  
4 their designated caregivers and certifying health care  
5 professionals.

6           (2) Applications and renewals, their contents, and  
7 supporting information submitted by or on behalf of  
8 cultivation centers and dispensing organizations in  
9 compliance with this Act, including their physical  
10 addresses. This does not preclude the release of ownership  
11 information of cannabis business establishment licenses.

12           (3) The individual names and other information  
13 identifying persons to whom the Department of Public  
14 Health has issued registry identification cards.

15           (4) Any dispensing information required to be kept  
16 under Section 135, Section 150, or Department of Public  
17 Health, Department of Agriculture, or Department of  
18 Financial and Professional Regulation rules shall identify  
19 cardholders and registered cultivation centers by their  
20 registry identification numbers and medical cannabis  
21 dispensing organizations by their registration number and  
22 not contain names or other personally identifying  
23 information.

24           (5) All medical records provided to the Department of  
25 Public Health in connection with an application for a  
26 registry card.

1 (b) Nothing in this Section precludes the following:

2 (1) Department of Agriculture, Department of Financial  
3 and Professional Regulation, or Public Health employees  
4 may notify law enforcement about falsified or fraudulent  
5 information submitted to the Departments if the employee  
6 who suspects that falsified or fraudulent information has  
7 been submitted conferred with his or her supervisor and  
8 both agree that circumstances exist that warrant  
9 reporting.

10 (2) If the employee conferred with his or her  
11 supervisor and both agree that circumstances exist that  
12 warrant reporting, Department of Public Health employees  
13 may notify the Department of Financial and Professional  
14 Regulation if there is reasonable cause to believe a  
15 certifying health care professional:

16 (A) issued a written certification without a bona  
17 fide health care professional-patient relationship  
18 under this Act;

19 (B) issued a written certification to a person who  
20 was not under the certifying health care  
21 professional's care for the debilitating medical  
22 condition; or

23 (C) failed to abide by the acceptable and  
24 prevailing standard of care when evaluating a  
25 patient's medical condition.

26 (3) The Department of Public Health, Department of

1 Agriculture, and Department of Financial and Professional  
2 Regulation may notify State or local law enforcement about  
3 apparent criminal violations of this Act if the employee  
4 who suspects the offense has conferred with his or her  
5 supervisor and both agree that circumstances exist that  
6 warrant reporting.

7 (4) Medical cannabis cultivation center agents and  
8 medical cannabis dispensing organizations may notify the  
9 Department of Public Health, Department of Financial and  
10 Professional Regulation, or Department of Agriculture of a  
11 suspected violation or attempted violation of this Act or  
12 the rules issued under it.

13 (5) Each Department may verify registry identification  
14 cards under Section 150.

15 (6) The submission of the report to the General  
16 Assembly under Section 160.

17 (b-5) Each Department responsible for licensure under this  
18 Act shall publish on the Department's website a list of the  
19 ownership information of cannabis business establishment  
20 licensees under the Department's jurisdiction. The list shall  
21 include, but shall not be limited to, the name of the person or  
22 entity holding each cannabis business establishment license  
23 and the address at which the entity is operating under this  
24 Act. This list shall be published and updated monthly.

25 (c) Except for any ownership information released pursuant  
26 to subsection (b-5) or as otherwise authorized or required by

1 law, it is a Class B misdemeanor with a \$1,000 fine for any  
2 person, including an employee or official of the Department of  
3 Public Health, Department of Financial and Professional  
4 Regulation, or Department of Agriculture or another State  
5 agency or local government, to breach the confidentiality of  
6 information obtained under this Act.

7 (d) The Department of Public Health, the Department of  
8 Agriculture, the Illinois State Police, and the Department of  
9 Financial and Professional Regulation shall not share or  
10 disclose any existing or non-existing Illinois or national  
11 criminal history record information. For the purposes of this  
12 Section, "any existing or non-existing Illinois or national  
13 criminal history record information" means any Illinois or  
14 national criminal history record information, including but  
15 not limited to the lack of or non-existence of these records.

16 (e) Notwithstanding any other provision of this Section,  
17 the Department of Financial and Professional Regulation and  
18 the Department of Agriculture may share with the Department of  
19 Commerce and Economic Opportunity any licensee information  
20 necessary to support the administration of social equity  
21 programming.

22 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21;  
23 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

24 Section 10. The Cannabis Regulation and Tax Act is amended  
25 by changing Sections 1-10, 7-10, 7-15, and 55-30 as follows:

1 (410 ILCS 705/1-10)

2 Sec. 1-10. Definitions. In this Act:

3 "Adult Use Cultivation Center License" means a license  
4 issued by the Department of Agriculture that permits a person  
5 to act as a cultivation center under this Act and any  
6 administrative rule made in furtherance of this Act.

7 "Adult Use Dispensing Organization License" means a  
8 license issued by the Department of Financial and Professional  
9 Regulation that permits a person to act as a dispensing  
10 organization under this Act and any administrative rule made  
11 in furtherance of this Act.

12 "Advertise" means to engage in promotional activities  
13 including, but not limited to: newspaper, radio, Internet and  
14 electronic media, and television advertising; the distribution  
15 of fliers and circulars; billboard advertising; and the  
16 display of window and interior signs. "Advertise" does not  
17 mean exterior signage displaying only the name of the licensed  
18 cannabis business establishment.

19 "Application points" means the number of points a  
20 Dispensary Applicant receives on an application for a  
21 Conditional Adult Use Dispensing Organization License.

22 "BLS Region" means a region in Illinois used by the United  
23 States Bureau of Labor Statistics to gather and categorize  
24 certain employment and wage data. The 17 such regions in  
25 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,

1 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,  
2 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,  
3 Rockford, St. Louis, Springfield, Northwest Illinois  
4 nonmetropolitan area, West Central Illinois nonmetropolitan  
5 area, East Central Illinois nonmetropolitan area, and South  
6 Illinois nonmetropolitan area.

7 "By lot" means a randomized method of choosing between 2  
8 or more Eligible Tied Applicants or 2 or more Qualifying  
9 Applicants.

10 "Cannabis" means marijuana, hashish, and other substances  
11 that are identified as including any parts of the plant  
12 Cannabis sativa and including derivatives or subspecies, such  
13 as indica, of all strains of cannabis, whether growing or not;  
14 the seeds thereof, the resin extracted from any part of the  
15 plant; and any compound, manufacture, salt, derivative,  
16 mixture, or preparation of the plant, its seeds, or resin,  
17 including tetrahydrocannabinol (THC) and all other naturally  
18 produced cannabinol derivatives, whether produced directly or  
19 indirectly by extraction; however, "cannabis" does not include  
20 the mature stalks of the plant, fiber produced from the  
21 stalks, oil or cake made from the seeds of the plant, any other  
22 compound, manufacture, salt, derivative, mixture, or  
23 preparation of the mature stalks (except the resin extracted  
24 from it), fiber, oil or cake, or the sterilized seed of the  
25 plant that is incapable of germination. "Cannabis" does not  
26 include industrial hemp as defined and authorized under the

1 Industrial Hemp Act. "Cannabis" also means cannabis flower,  
2 concentrate, and cannabis-infused products.

3 "Cannabis business establishment" means a cultivation  
4 center, craft grower, processing organization, infuser  
5 organization, dispensing organization, or transporting  
6 organization.

7 "Cannabis concentrate" means a product derived from  
8 cannabis that is produced by extracting cannabinoids,  
9 including tetrahydrocannabinol (THC), from the plant through  
10 the use of propylene glycol, glycerin, butter, olive oil, or  
11 other typical cooking fats; water, ice, or dry ice; or butane,  
12 propane, CO<sub>2</sub>, ethanol, or isopropanol and with the intended  
13 use of smoking or making a cannabis-infused product. The use  
14 of any other solvent is expressly prohibited unless and until  
15 it is approved by the Department of Agriculture.

16 "Cannabis container" means a sealed or resealable,  
17 traceable, container, or package used for the purpose of  
18 containment of cannabis or cannabis-infused product during  
19 transportation.

20 "Cannabis flower" means marijuana, hashish, and other  
21 substances that are identified as including any parts of the  
22 plant Cannabis sativa and including derivatives or subspecies,  
23 such as indica, of all strains of cannabis; including raw  
24 kief, leaves, and buds, but not resin that has been extracted  
25 from any part of such plant; nor any compound, manufacture,  
26 salt, derivative, mixture, or preparation of such plant, its

1 seeds, or resin.

2 "Cannabis-infused product" means a beverage, food, oil,  
3 ointment, tincture, topical formulation, or another product  
4 containing cannabis or cannabis concentrate that is not  
5 intended to be smoked.

6 "Cannabis paraphernalia" means equipment, products, or  
7 materials intended to be used for planting, propagating,  
8 cultivating, growing, harvesting, manufacturing, producing,  
9 processing, preparing, testing, analyzing, packaging,  
10 repackaging, storing, containing, concealing, ingesting, or  
11 otherwise introducing cannabis into the human body.

12 "Cannabis plant monitoring system" or "plant monitoring  
13 system" means a system that includes, but is not limited to,  
14 testing and data collection established and maintained by the  
15 cultivation center, craft grower, or processing organization  
16 and that is available to the Department of Revenue, the  
17 Department of Agriculture, the Department of Financial and  
18 Professional Regulation, and the Illinois State Police for the  
19 purposes of documenting each cannabis plant and monitoring  
20 plant development throughout the life cycle of a cannabis  
21 plant cultivated for the intended use by a customer from seed  
22 planting to final packaging.

23 "Cannabis testing facility" means an entity registered by  
24 the Department of Agriculture to test cannabis for potency and  
25 contaminants.

26 "Clone" means a plant section from a female cannabis plant

1 not yet rootbound, growing in a water solution or other  
2 propagation matrix, that is capable of developing into a new  
3 plant.

4 "Community College Cannabis Vocational Training Pilot  
5 Program faculty participant" means a person who is 21 years of  
6 age or older, licensed by the Department of Agriculture, and  
7 is employed or contracted by an Illinois community college to  
8 provide student instruction using cannabis plants at an  
9 Illinois Community College.

10 "Community College Cannabis Vocational Training Pilot  
11 Program faculty participant Agent Identification Card" means a  
12 document issued by the Department of Agriculture that  
13 identifies a person as a Community College Cannabis Vocational  
14 Training Pilot Program faculty participant.

15 "Conditional Adult Use Dispensing Organization License"  
16 means a contingent license awarded to applicants for an Adult  
17 Use Dispensing Organization License that reserves the right to  
18 an Adult Use Dispensing Organization License if the applicant  
19 meets certain conditions described in this Act, but does not  
20 entitle the recipient to begin purchasing or selling cannabis  
21 or cannabis-infused products.

22 "Conditional Adult Use Cultivation Center License" means a  
23 license awarded to top-scoring applicants for an Adult Use  
24 Cultivation Center License that reserves the right to an Adult  
25 Use Cultivation Center License if the applicant meets certain  
26 conditions as determined by the Department of Agriculture by

1 rule, but does not entitle the recipient to begin growing,  
2 processing, or selling cannabis or cannabis-infused products.

3 "Craft grower" means a facility operated by an  
4 organization or business that is licensed by the Department of  
5 Agriculture to cultivate, dry, cure, and package cannabis and  
6 perform other necessary activities to make cannabis available  
7 for sale at a dispensing organization or use at a processing  
8 organization. A craft grower may contain up to 5,000 square  
9 feet of canopy space on its premises for plants in the  
10 flowering state. The Department of Agriculture may authorize  
11 an increase or decrease of flowering stage cultivation space  
12 in increments of 3,000 square feet by rule based on market  
13 need, craft grower capacity, and the licensee's history of  
14 compliance or noncompliance, with a maximum space of 14,000  
15 square feet for cultivating plants in the flowering stage,  
16 which must be cultivated in all stages of growth in an enclosed  
17 and secure area. A craft grower may share premises with a  
18 processing organization or a dispensing organization, or both,  
19 provided each licensee stores currency and cannabis or  
20 cannabis-infused products in a separate secured vault to which  
21 the other licensee does not have access or all licensees  
22 sharing a vault share more than 50% of the same ownership.

23 "Craft grower agent" means a principal officer, board  
24 member, employee, or other agent of a craft grower who is 21  
25 years of age or older.

26 "Craft Grower Agent Identification Card" means a document

1 issued by the Department of Agriculture that identifies a  
2 person as a craft grower agent.

3 "Cultivation center" means a facility operated by an  
4 organization or business that is licensed by the Department of  
5 Agriculture to cultivate, process, transport (unless otherwise  
6 limited by this Act), and perform other necessary activities  
7 to provide cannabis and cannabis-infused products to cannabis  
8 business establishments.

9 "Cultivation center agent" means a principal officer,  
10 board member, employee, or other agent of a cultivation center  
11 who is 21 years of age or older.

12 "Cultivation Center Agent Identification Card" means a  
13 document issued by the Department of Agriculture that  
14 identifies a person as a cultivation center agent.

15 "Currency" means currency and coin of the United States.

16 "Dispensary" means a facility operated by a dispensing  
17 organization at which activities licensed by this Act may  
18 occur.

19 "Dispensary Applicant" means the Proposed Dispensing  
20 Organization Name as stated on an application for a  
21 Conditional Adult Use Dispensing Organization License.

22 "Dispensing organization" means a facility operated by an  
23 organization or business that is licensed by the Department of  
24 Financial and Professional Regulation to acquire cannabis from  
25 a cultivation center, craft grower, processing organization,  
26 or another dispensary for the purpose of selling or dispensing

1 cannabis, cannabis-infused products, cannabis seeds,  
2 paraphernalia, or related supplies under this Act to  
3 purchasers or to qualified registered medical cannabis  
4 patients and caregivers. As used in this Act, "dispensing  
5 organization" includes a registered medical cannabis  
6 organization as defined in the Compassionate Use of Medical  
7 Cannabis Program Act or its successor Act that has obtained an  
8 Early Approval Adult Use Dispensing Organization License.

9 "Dispensing organization agent" means a principal officer,  
10 employee, or agent of a dispensing organization who is 21  
11 years of age or older.

12 "Dispensing organization agent identification card" means  
13 a document issued by the Department of Financial and  
14 Professional Regulation that identifies a person as a  
15 dispensing organization agent.

16 "Disproportionately Impacted Area" means a census tract or  
17 comparable geographic area that satisfies the following  
18 criteria as determined by the Department of Commerce and  
19 Economic Opportunity, that:

20 (1) meets at least one of the following criteria:

21 (A) the area has a poverty rate of at least 20%  
22 according to the latest federal decennial census; or

23 (B) 75% or more of the children in the area  
24 participate in the federal free lunch program  
25 according to reported statistics from the State Board  
26 of Education; or

1 (C) at least 20% of the households in the area  
2 receive assistance under the Supplemental Nutrition  
3 Assistance Program; or

4 (D) the area has an average unemployment rate, as  
5 determined by the Illinois Department of Employment  
6 Security, that is more than 120% of the national  
7 unemployment average, as determined by the United  
8 States Department of Labor, for a period of at least 2  
9 consecutive calendar years preceding the date of the  
10 application; and

11 (2) has high rates of arrest, conviction, and  
12 incarceration related to the sale, possession, use,  
13 cultivation, manufacture, or transport of cannabis.

14 "Early Approval Adult Use Cultivation Center License"  
15 means a license that permits a medical cannabis cultivation  
16 center licensed under the Compassionate Use of Medical  
17 Cannabis Program Act as of the effective date of this Act to  
18 begin cultivating, infusing, packaging, transporting (unless  
19 otherwise provided in this Act), processing, and selling  
20 cannabis or cannabis-infused product to cannabis business  
21 establishments for resale to purchasers as permitted by this  
22 Act as of January 1, 2020.

23 "Early Approval Adult Use Dispensing Organization License"  
24 means a license that permits a medical cannabis dispensing  
25 organization licensed under the Compassionate Use of Medical  
26 Cannabis Program Act as of the effective date of this Act to

1 begin selling cannabis or cannabis-infused product to  
2 purchasers as permitted by this Act as of January 1, 2020.

3 "Early Approval Adult Use Dispensing Organization at a  
4 secondary site" means a license that permits a medical  
5 cannabis dispensing organization licensed under the  
6 Compassionate Use of Medical Cannabis Program Act as of the  
7 effective date of this Act to begin selling cannabis or  
8 cannabis-infused product to purchasers as permitted by this  
9 Act on January 1, 2020 at a different dispensary location from  
10 its existing registered medical dispensary location.

11 "Eligible Tied Applicant" means a Tied Applicant that is  
12 eligible to participate in the process by which a remaining  
13 available license is distributed by lot pursuant to a Tied  
14 Applicant Lottery.

15 "Enclosed, locked facility" means a room, greenhouse,  
16 building, or other enclosed area equipped with locks or other  
17 security devices that permit access only by cannabis business  
18 establishment agents working for the licensed cannabis  
19 business establishment or acting pursuant to this Act to  
20 cultivate, process, store, or distribute cannabis.

21 "Enclosed, locked space" means a closet, room, greenhouse,  
22 building, or other enclosed area equipped with locks or other  
23 security devices that permit access only by authorized  
24 individuals under this Act. "Enclosed, locked space" may  
25 include:

26 (1) a space within a residential building that (i) is

1 the primary residence of the individual cultivating 5 or  
2 fewer cannabis plants that are more than 5 inches tall and  
3 (ii) includes sleeping quarters and indoor plumbing. The  
4 space must only be accessible by a key or code that is  
5 different from any key or code that can be used to access  
6 the residential building from the exterior; or

7 (2) a structure, such as a shed or greenhouse, that  
8 lies on the same plot of land as a residential building  
9 that (i) includes sleeping quarters and indoor plumbing  
10 and (ii) is used as a primary residence by the person  
11 cultivating 5 or fewer cannabis plants that are more than  
12 5 inches tall, such as a shed or greenhouse. The structure  
13 must remain locked when it is unoccupied by people.

14 "Financial institution" has the same meaning as "financial  
15 organization" as defined in Section 1501 of the Illinois  
16 Income Tax Act, and also includes the holding companies,  
17 subsidiaries, and affiliates of such financial organizations.

18 "Flowering stage" means the stage of cultivation where and  
19 when a cannabis plant is cultivated to produce plant material  
20 for cannabis products. This includes mature plants as follows:

21 (1) if greater than 2 stigmas are visible at each  
22 internode of the plant; or

23 (2) if the cannabis plant is in an area that has been  
24 intentionally deprived of light for a period of time  
25 intended to produce flower buds and induce maturation,  
26 from the moment the light deprivation began through the

1 remainder of the marijuana plant growth cycle.

2 "Individual" means a natural person.

3 "Infuser organization" or "infuser" means a facility  
4 operated by an organization or business that is licensed by  
5 the Department of Agriculture to directly incorporate cannabis  
6 or cannabis concentrate into a product formulation to produce  
7 a cannabis-infused product.

8 "Kief" means the resinous crystal-like trichomes that are  
9 found on cannabis and that are accumulated, resulting in a  
10 higher concentration of cannabinoids, untreated by heat or  
11 pressure, or extracted using a solvent.

12 "Labor peace agreement" means an agreement between a  
13 cannabis business establishment and any labor organization  
14 recognized under the National Labor Relations Act, referred to  
15 in this Act as a bona fide labor organization, that prohibits  
16 labor organizations and members from engaging in picketing,  
17 work stoppages, boycotts, and any other economic interference  
18 with the cannabis business establishment. This agreement means  
19 that the cannabis business establishment has agreed not to  
20 disrupt efforts by the bona fide labor organization to  
21 communicate with, and attempt to organize and represent, the  
22 cannabis business establishment's employees. The agreement  
23 shall provide a bona fide labor organization access at  
24 reasonable times to areas in which the cannabis business  
25 establishment's employees work, for the purpose of meeting  
26 with employees to discuss their right to representation,

1 employment rights under State law, and terms and conditions of  
2 employment. This type of agreement shall not mandate a  
3 particular method of election or certification of the bona  
4 fide labor organization.

5 "Limited access area" means a room or other area under the  
6 control of a cannabis dispensing organization licensed under  
7 this Act and upon the licensed premises where cannabis sales  
8 occur with access limited to purchasers, dispensing  
9 organization owners and other dispensing organization agents,  
10 or service professionals conducting business with the  
11 dispensing organization, or, if sales to registered qualifying  
12 patients, caregivers, provisional patients, and Opioid  
13 Alternative Pilot Program participants licensed pursuant to  
14 the Compassionate Use of Medical Cannabis Program Act are also  
15 permitted at the dispensary, registered qualifying patients,  
16 caregivers, provisional patients, and Opioid Alternative Pilot  
17 Program participants.

18 "Member of an impacted family" means an individual who has  
19 a parent, legal guardian, child, spouse, or dependent, or was  
20 a dependent of an individual who, prior to the effective date  
21 of this Act, was arrested for, convicted of, or adjudicated  
22 delinquent for any offense that is eligible for expungement  
23 under this Act.

24 "Mother plant" means a cannabis plant that is cultivated  
25 or maintained for the purpose of generating clones, and that  
26 will not be used to produce plant material for sale to an

1 infuser or dispensing organization.

2 "Ordinary public view" means within the sight line with  
3 normal visual range of a person, unassisted by visual aids,  
4 from a public street or sidewalk adjacent to real property, or  
5 from within an adjacent property.

6 "Ownership and control" means ownership of at least 51% of  
7 the business, including corporate stock if a corporation, and  
8 control over the management and day-to-day operations of the  
9 business and an interest in the capital, assets, and profits  
10 and losses of the business proportionate to percentage of  
11 ownership.

12 "Person" means a natural individual, firm, partnership,  
13 association, joint stock company, joint venture, public or  
14 private corporation, limited liability company, or a receiver,  
15 executor, trustee, guardian, or other representative appointed  
16 by order of any court.

17 "Possession limit" means the amount of cannabis under  
18 Section 10-10 that may be possessed at any one time by a person  
19 21 years of age or older or who is a registered qualifying  
20 medical cannabis patient or caregiver under the Compassionate  
21 Use of Medical Cannabis Program Act.

22 "Principal officer" includes a cannabis business  
23 establishment applicant or licensed cannabis business  
24 establishment's board member, owner with more than 1% interest  
25 of the total cannabis business establishment or more than 5%  
26 interest of the total cannabis business establishment of a

1 publicly traded company, president, vice president, secretary,  
2 treasurer, partner, officer, member, manager member, or person  
3 with a profit sharing, financial interest, or revenue sharing  
4 arrangement. The definition includes a person with authority  
5 to control the cannabis business establishment, a person who  
6 assumes responsibility for the debts of the cannabis business  
7 establishment and who is further defined in this Act.

8 "Primary residence" means a dwelling where a person  
9 usually stays or stays more often than other locations. It may  
10 be determined by, without limitation, presence, tax filings;  
11 address on an Illinois driver's license, an Illinois  
12 Identification Card, or an Illinois Person with a Disability  
13 Identification Card; or voter registration. No person may have  
14 more than one primary residence.

15 "Processing organization" or "processor" means a facility  
16 operated by an organization or business that is licensed by  
17 the Department of Agriculture to either extract constituent  
18 chemicals or compounds to produce cannabis concentrate or  
19 incorporate cannabis or cannabis concentrate into a product  
20 formulation to produce a cannabis product.

21 "Processing organization agent" means a principal officer,  
22 board member, employee, or agent of a processing organization.

23 "Processing organization agent identification card" means  
24 a document issued by the Department of Agriculture that  
25 identifies a person as a processing organization agent.

26 "Purchaser" means a person 21 years of age or older who

1 acquires cannabis for a valuable consideration. "Purchaser"  
2 does not include a cardholder under the Compassionate Use of  
3 Medical Cannabis Program Act.

4 "Qualifying Applicant" means an applicant that submitted  
5 an application pursuant to Section 15-30 that received at  
6 least 85% of 250 application points available under Section  
7 15-30 as the applicant's final score and meets the definition  
8 of "Social Equity Applicant" as set forth under this Section.

9 "Qualifying Social Equity Justice Involved Applicant"  
10 means an applicant that submitted an application pursuant to  
11 Section 15-30 that received at least 85% of 250 application  
12 points available under Section 15-30 as the applicant's final  
13 score and meets the criteria of either paragraph (1) or (2) of  
14 the definition of "Social Equity Applicant" as set forth under  
15 this Section.

16 "Qualified Social Equity Applicant" means a Social Equity  
17 Applicant who has been awarded a conditional license under  
18 this Act to operate a cannabis business establishment.

19 "Resided" means an individual's primary residence was  
20 located within the relevant geographic area as established by  
21 2 of the following:

22 (1) a signed lease agreement that includes the  
23 applicant's name;

24 (2) a property deed that includes the applicant's  
25 name;

26 (3) school records;

1 (4) a voter registration card;

2 (5) an Illinois driver's license, an Illinois  
3 Identification Card, or an Illinois Person with a  
4 Disability Identification Card;

5 (6) a paycheck stub;

6 (7) a utility bill;

7 (8) tax records; or

8 (9) any other proof of residency or other information  
9 necessary to establish residence as provided by rule.

10 "Smoking" means the inhalation of smoke caused by the  
11 combustion of cannabis.

12 "Social Equity Applicant" means an applicant that is an  
13 Illinois resident that meets one of the following criteria:

14 (1) an applicant with at least 51% ownership and  
15 control by one or more individuals who have resided for at  
16 least 5 of the preceding 10 years in a Disproportionately  
17 Impacted Area;

18 (2) an applicant with at least 51% ownership and  
19 control by one or more individuals who:

20 (i) have been arrested for, convicted of, or  
21 adjudicated delinquent for any offense that is  
22 eligible for expungement under this Act; or

23 (ii) is a member of an impacted family;

24 (3) for applicants with a minimum of 10 full-time  
25 employees, an applicant with at least 51% of current  
26 employees who:

1 (i) currently reside in a Disproportionately  
2 Impacted Area; or

3 (ii) have been arrested for, convicted of, or  
4 adjudicated delinquent for any offense that is  
5 eligible for expungement under this Act or member of  
6 an impacted family.

7 Nothing in this Act shall be construed to preempt or limit  
8 the duties of any employer under the Job Opportunities for  
9 Qualified Applicants Act. Nothing in this Act shall permit an  
10 employer to require an employee to disclose sealed or expunged  
11 offenses, unless otherwise required by law.

12 "Social Equity Lottery Licensee" means a holder of an  
13 adult-use cannabis dispensary license awarded through a  
14 lottery held under subsection (c) of Section 15-35.20 of this  
15 Act.

16 "Tied Applicant" means an application submitted by a  
17 Dispensary Applicant pursuant to Section 15-30 that received  
18 the same number of application points under Section 15-30 as  
19 the Dispensary Applicant's final score as one or more  
20 top-scoring applications in the same BLS Region and would have  
21 been awarded a license but for the one or more other  
22 top-scoring applications that received the same number of  
23 application points. Each application for which a Dispensary  
24 Applicant was required to pay a required application fee for  
25 the application period ending January 2, 2020 shall be  
26 considered an application of a separate Tied Applicant.

1 "Tied Applicant Lottery" means the process established  
2 under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult  
3 Use Dispensing Organization Licenses pursuant to Sections  
4 15-25 and 15-30 among Eligible Tied Applicants.

5 "Tincture" means a cannabis-infused solution, typically  
6 comprised of alcohol, glycerin, or vegetable oils, derived  
7 either directly from the cannabis plant or from a processed  
8 cannabis extract. A tincture is not an alcoholic liquor as  
9 defined in the Liquor Control Act of 1934. A tincture shall  
10 include a calibrated dropper or other similar device capable  
11 of accurately measuring servings.

12 "Transporting organization" or "transporter" means an  
13 organization or business that is licensed by the Department of  
14 Agriculture to transport cannabis or cannabis-infused product  
15 on behalf of a cannabis business establishment or a community  
16 college licensed under the Community College Cannabis  
17 Vocational Training Pilot Program.

18 "Transporting organization agent" means a principal  
19 officer, board member, employee, or agent of a transporting  
20 organization.

21 "Transporting organization agent identification card"  
22 means a document issued by the Department of Agriculture that  
23 identifies a person as a transporting organization agent.

24 "Unit of local government" means any county, city,  
25 village, or incorporated town.

26 "Vegetative stage" means the stage of cultivation in which

1 a cannabis plant is propagated to produce additional cannabis  
2 plants or reach a sufficient size for production. This  
3 includes seedlings, clones, mothers, and other immature  
4 cannabis plants as follows:

5 (1) if the cannabis plant is in an area that has not  
6 been intentionally deprived of light for a period of time  
7 intended to produce flower buds and induce maturation, it  
8 has no more than 2 stigmas visible at each internode of the  
9 cannabis plant; or

10 (2) any cannabis plant that is cultivated solely for  
11 the purpose of propagating clones and is never used to  
12 produce cannabis.

13 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;  
14 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.  
15 5-13-22.)

16 (410 ILCS 705/7-10)

17 Sec. 7-10. Cannabis Business Development Fund.

18 (a) There is created in the State treasury a special fund,  
19 which shall be held separate and apart from all other State  
20 moneys, to be known as the Cannabis Business Development Fund.  
21 The Cannabis Business Development Fund shall be exclusively  
22 used for the following purposes:

23 (1) to provide low-interest rate loans to Qualified  
24 Social Equity Applicants and Social Equity Lottery  
25 Licenseses to pay for ordinary and necessary expenses to

1 start and operate a cannabis business establishment  
2 permitted by this Act;

3 (2) to provide grants to Qualified Social Equity  
4 Applicants to pay for ordinary and necessary expenses to  
5 start and operate a cannabis business establishment  
6 permitted by this Act;

7 (3) to compensate the Department of Commerce and  
8 Economic Opportunity for any costs related to the  
9 provision of low-interest loans and grants to Qualified  
10 Social Equity Applicants and Social Equity Lottery  
11 Licensees;

12 (4) to pay for outreach that may be provided or  
13 targeted to attract and support Social Equity Applicants,  
14 ~~and~~ Qualified Social Equity Applicants, and Social Equity  
15 Lottery Licensees;

16 (5) to provide financial assistance to support lending  
17 to, or private investment in, Qualified Social Equity  
18 Applicants and Social Equity Lottery Licensees, or to  
19 facilitate access to the facilities needed to commence  
20 operations as a cannabis business establishment ~~(blank)~~;

21 (6) to conduct any study or research concerning the  
22 participation of minorities, women, veterans, or people  
23 with disabilities in the cannabis industry, including,  
24 without limitation, barriers to such individuals entering  
25 the industry as equity owners of cannabis business  
26 establishments;

1 (7) (blank); and

2 (8) to assist with job training and technical  
3 assistance for residents in Disproportionately Impacted  
4 Areas.

5 (b) All moneys collected under Sections 15-15 and 15-20  
6 for Early Approval Adult Use Dispensing Organization Licenses  
7 issued before January 1, 2021 and remunerations made as a  
8 result of transfers of permits awarded to Qualified Social  
9 Equity Applicants shall be deposited into the Cannabis  
10 Business Development Fund.

11 (c) (Blank).

12 (c-5) In addition to any other transfers that may be  
13 provided for by law, on July 1, 2023, or as soon thereafter as  
14 practical, the State Comptroller shall direct and the State  
15 Treasurer shall transfer the sum of \$40,000,000 from the  
16 Compassionate Use of Medical Cannabis Fund to the Cannabis  
17 Business Development Fund.

18 (d) Notwithstanding any other law to the contrary, the  
19 Cannabis Business Development Fund is not subject to sweeps,  
20 administrative charge-backs, or any other fiscal or budgetary  
21 maneuver that would in any way transfer any amounts from the  
22 Cannabis Business Development Fund into any other fund of the  
23 State.

24 (Source: P.A. 103-8, eff. 6-7-23.)

25 (410 ILCS 705/7-15)

1           Sec. 7-15. Loans, financial assistance, and grants to  
2 Qualified Social Equity Applicants and Social Equity Lottery  
3 Licensees.

4           (a) The Department of Commerce and Economic Opportunity  
5 shall establish grant, ~~and~~ loan, and financial assistance  
6 programs, subject to appropriations from the Cannabis Business  
7 Development Fund, for the purposes of providing financial  
8 assistance, loans, grants, and technical assistance to  
9 Qualified Social Equity Applicants and Social Equity Lottery  
10 Licensees.

11           (b) The Department of Commerce and Economic Opportunity  
12 has the power to:

13           (1) provide Cannabis Social Equity loans, financial  
14 assistance, and grants from appropriations from the  
15 Cannabis Business Development Fund to assist Qualified  
16 Social Equity Applicants and Social Equity Lottery  
17 Licensees in gaining entry to, and successfully operating  
18 in, the State's regulated cannabis marketplace;

19           (2) enter into agreements that set forth terms and  
20 conditions of the financial assistance, accept funds or  
21 grants, and engage in cooperation with private entities  
22 and agencies of State or local government to carry out the  
23 purposes of this Section;

24           (3) fix, determine, charge, and collect any premiums,  
25 fees, charges, costs and expenses, including application  
26 fees, commitment fees, program fees, financing charges, or

1 publication fees in connection with its activities under  
2 this Section;

3 (4) coordinate assistance under the financial  
4 assistance ~~these loan~~ programs with activities of the  
5 Illinois Department of Financial and Professional  
6 Regulation, the Illinois Department of Agriculture, and  
7 other agencies as needed to maximize the effectiveness and  
8 efficiency of this Act;

9 (5) provide staff, administration, and related support  
10 required to administer this Section;

11 (6) take whatever actions are necessary or appropriate  
12 to protect the State's interest in the event of  
13 bankruptcy, default, foreclosure, or noncompliance with  
14 the terms and conditions of financial assistance provided  
15 under this Section, including the ability to recapture  
16 funds if the recipient is found to be noncompliant with  
17 the terms and conditions of the financial assistance  
18 agreement;

19 (6.5) enter into financial intermediary agreements to  
20 facilitate lending to or investment in Qualified Social  
21 Equity Applicants, Social Equity Lottery Licensees, or  
22 their subsidiaries or affiliates, to ensure the  
23 availability of facilities necessary to operate a cannabis  
24 business establishment;

25 (7) establish application, notification, contract, and  
26 other forms, procedures, or rules deemed necessary and

1 appropriate; and

2 (8) utilize vendors or contract work to carry out the  
3 purposes of this Act.

4 (c) Loans made under this Section:

5 (1) shall only be made if, in the Department's  
6 judgment, the project furthers the goals set forth in this  
7 Act; and

8 (2) shall be in such principal amount and form and  
9 contain such terms and provisions with respect to  
10 security, insurance, reporting, delinquency charges,  
11 default remedies, forgiveness, and other matters as the  
12 Department shall determine appropriate to protect the  
13 public interest and to be consistent with the purposes of  
14 this Section. The terms and provisions may be less than  
15 required for similar loans not covered by this Section;  
16 and-

17 (3) may be distributed by lot if the Department  
18 determines that the amount of funding available is  
19 insufficient to provide an adequate amount of funding for  
20 all of the applicants eligible to receive a loan. The  
21 Department may determine the number of loans available  
22 based on the amount of funding available and communicate  
23 the number of loans available on the loan application. The  
24 Department may use competitive criteria to establish which  
25 applicants are eligible to receive a grant, loan, or  
26 financial assistance.

1 (d) Grants made under this Section shall be awarded on a  
2 competitive and annual basis under the Grant Accountability  
3 and Transparency Act. Grants made under this Section shall  
4 further and promote the goals of this Act, including promotion  
5 of Social Equity Applicants, Qualified Social Equity  
6 Applicants, or Social Equity Lottery Licensees, job training  
7 and workforce development, and technical assistance to Social  
8 Equity Applicants and Social Equity Lottery Licensees. To the  
9 extent registration with the federal System for Award  
10 Management requires a grant applicant to certify compliance  
11 with all federal laws, the grant applicants under this Section  
12 shall not be required to register for a unique entity  
13 identifier through the federal System for Award Management to  
14 be qualified to receive a grant so long as federal law  
15 prohibits the cultivation and sale of cannabis.

16 (d-5) Financial intermediary agreements to provide  
17 financial assistance must further the goals set forth in this  
18 Act and shall result in financing or lease costs that are  
19 affordable or below market rate.

20 (e) Beginning January 1, 2021 and each year thereafter,  
21 the Department shall annually report to the Governor and the  
22 General Assembly on the outcomes and effectiveness of this  
23 Section that shall include the following:

24 (1) the number of persons or businesses receiving  
25 financial assistance under this Section;

26 (2) the amount in financial assistance awarded in the

1 aggregate, in addition to the amount of loans made that  
2 are outstanding and the amount of grants awarded;

3 (3) the location of the project engaged in by the  
4 person or business; and

5 (4) if applicable, the number of new jobs and other  
6 forms of economic output created as a result of the  
7 financial assistance.

8 (f) The Department of Commerce and Economic Opportunity  
9 shall include engagement with individuals with limited English  
10 proficiency as part of its outreach provided or targeted to  
11 attract and support Social Equity Applicants.

12 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

13 (410 ILCS 705/55-30)

14 Sec. 55-30. Confidentiality.

15 (a) Information provided by the cannabis business  
16 establishment licensees or applicants to the Department of  
17 Agriculture, the Department of Public Health, the Department  
18 of Financial and Professional Regulation, the Department of  
19 Commerce and Economic Opportunity, or other agency shall be  
20 limited to information necessary for the purposes of  
21 administering this Act. The information is subject to the  
22 provisions and limitations contained in the Freedom of  
23 Information Act and may be disclosed in accordance with  
24 Section 55-65.

25 (b) The following information received and records kept by

1 the Department of Agriculture, the Department of Public  
2 Health, the Illinois State Police, and the Department of  
3 Financial and Professional Regulation for purposes of  
4 administering this Article are subject to all applicable  
5 federal privacy laws, are confidential and exempt from  
6 disclosure under the Freedom of Information Act, except as  
7 provided in this Act, and not subject to disclosure to any  
8 individual or public or private entity, except to the  
9 Department of Financial and Professional Regulation, the  
10 Department of Agriculture, the Department of Public Health,  
11 the Department of Commerce and Economic Opportunity, and the  
12 Illinois State Police as necessary to perform official duties  
13 under this Article and to the Attorney General as necessary to  
14 enforce the provisions of this Act. The following information  
15 received and kept by the Department of Financial and  
16 Professional Regulation or the Department of Agriculture may  
17 be disclosed to the Department of Public Health, the  
18 Department of Agriculture, the Department of Revenue, the  
19 Illinois State Police, the Department of Commerce and Economic  
20 Opportunity, or the Attorney General upon proper request:

21 (1) Applications and renewals, their contents, and  
22 supporting information submitted by or on behalf of  
23 dispensing organizations, cannabis business  
24 establishments, or Community College Cannabis Vocational  
25 Program licensees, in compliance with this Article,  
26 including their physical addresses; however, this does not

1 preclude the release of ownership information about  
2 cannabis business establishment licenses, or information  
3 submitted with an application required to be disclosed  
4 pursuant to subsection (f);

5 (2) Any plans, procedures, policies, or other records  
6 relating to cannabis business establishment security; and

7 (3) Information otherwise exempt from disclosure by  
8 State or federal law.

9 Illinois or national criminal history record information,  
10 or the nonexistence or lack of such information, may not be  
11 disclosed by the Department of Financial and Professional  
12 Regulation or the Department of Agriculture, except as  
13 necessary to the Attorney General to enforce this Act.

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

20 (d) All information collected by the Department of  
21 Financial and Professional Regulation or the Department of  
22 Agriculture in the course of an examination, inspection, or  
23 investigation of a licensee or applicant, including, but not  
24 limited to, any complaint against a licensee or applicant  
25 filed with the Department of Financial and Professional  
26 Regulation or the Department of Agriculture and information

1 collected to investigate any such complaint, shall be  
2 maintained for the confidential use of the Department of  
3 Financial and Professional Regulation or the Department of  
4 Agriculture and shall not be disclosed, except as otherwise  
5 provided in this Act. A formal complaint against a licensee by  
6 the Department of Financial and Professional Regulation or the  
7 Department of Agriculture or any disciplinary order issued by  
8 the Department of Financial and Professional Regulation or the  
9 Department of Agriculture against a licensee or applicant  
10 shall be a public record, except as otherwise provided by law.  
11 Complaints from consumers or members of the general public  
12 received regarding a specific, named licensee or complaints  
13 regarding conduct by unlicensed entities shall be subject to  
14 disclosure under the Freedom of Information Act.

15 (e) The Department of Agriculture, the Illinois State  
16 Police, and the Department of Financial and Professional  
17 Regulation shall not share or disclose any Illinois or  
18 national criminal history record information, or the  
19 nonexistence or lack of such information, to any person or  
20 entity not expressly authorized by this Act.

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

1 and the address at which the entity is operating under this  
2 Act. This list shall be published and updated monthly.

3 (g) Notwithstanding anything in this Section to the  
4 contrary, the Department of Financial and Professional  
5 Regulation and the Department of Agriculture may share with  
6 the Department of Commerce and Economic Opportunity any  
7 licensee information necessary to support the administration  
8 of social equity programming.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;  
10 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.  
11 5-13-22.)