



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB4015

Introduced 2/6/2026, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Provides that the Department may disclose information collected in the course of an examination of a licensee or registrant to the Office of the Executive Inspector General. Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act and the Retailers' Occupation Tax Act. Provides that, as used in each Act, "adult use cannabis" means cannabis subject to tax under the Cannabis Cultivation Privilege Tax Law and the Cannabis Purchaser Excise Tax Law. Amends the Compassionate Use of Medical Cannabis Program Act. Provides that, beginning July 1, 2026 cultivation centers registered under this Act are subject to regulation exclusively as a cultivation center under the Cannabis Regulation and Tax Act. Amends the Illinois Vehicle Code. Provides that no driver or passenger, otherwise authorized to possess medical cannabis, may within any area of any motor vehicle upon a highway in this State except in a secured, sealed or resealable, odor-proof, and child-resistant container that is inaccessible. Makes other changes. Effective immediately.

LRB104 19921 WRO 33371 b

1 AN ACT concerning Public Health

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

4 Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-117 as follows:

7 (20 ILCS 2105/2105-117)

8 Sec. 2105-117. Confidentiality. All information collected
9 by the Department in the course of an examination or
10 investigation of a licensee, registrant, or applicant,
11 including, but not limited to, any complaint against a
12 licensee or registrant filed with the Department and
13 information collected to investigate any such complaint, shall
14 be maintained for the confidential use of the Department and
15 shall not be disclosed. The Department may not disclose the
16 information to anyone other than law enforcement officials,
17 other regulatory agencies that have an appropriate regulatory
18 interest as determined by the Director, the Office of
19 Executive Inspector General, or a party presenting a lawful
20 subpoena to the Department. Information and documents
21 disclosed to a federal, State, county, or local law
22 enforcement agency, including the Executive Inspector General,
23 shall not be disclosed by the agency for any purpose to any

1 other agency or person, except as necessary to those involved
2 in enforcing the State Officials and Employees Ethics Act. A
3 formal complaint filed against a licensee or registrant by the
4 Department or any order issued by the Department against a
5 licensee, registrant, or applicant shall be a public record,
6 except as otherwise prohibited by law.

7 (Source: P.A. 99-227, eff. 8-3-15.)

8 Section 10. The Use Tax Act is amended by changing Section
9 3-10 as follows:

10 (35 ILCS 105/3-10) from Ch. 120, par. 439.33-10

11 Sec. 3-10. Rate of tax. Unless otherwise provided in this
12 Section, the tax imposed by this Act is at the rate of 6.25% of
13 either the selling price or the fair market value, if any, of
14 the tangible personal property, which, on and after January 1,
15 2025, includes leases of tangible personal property. In all
16 cases where property functionally used or consumed is the same
17 as the property that was purchased at retail, then the tax is
18 imposed on the selling price of the property. In all cases
19 where property functionally used or consumed is a by-product
20 or waste product that has been refined, manufactured, or
21 produced from property purchased at retail, then the tax is
22 imposed on the lower of the fair market value, if any, of the
23 specific property so used in this State or on the selling price
24 of the property purchased at retail. For purposes of this

1 Section "fair market value" means the price at which property
2 would change hands between a willing buyer and a willing
3 seller, neither being under any compulsion to buy or sell and
4 both having reasonable knowledge of the relevant facts. The
5 fair market value shall be established by Illinois sales by
6 the taxpayer of the same property as that functionally used or
7 consumed, or if there are no such sales by the taxpayer, then
8 comparable sales or purchases of property of like kind and
9 character in Illinois.

10 Beginning on July 1, 2000 and through December 31, 2000,
11 with respect to motor fuel, as defined in Section 1.1 of the
12 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
13 the Use Tax Act, the tax is imposed at the rate of 1.25%.

14 Beginning on August 6, 2010 through August 15, 2010, and
15 beginning again on August 5, 2022 through August 14, 2022,
16 with respect to sales tax holiday items as defined in Section
17 3-6 of this Act, the tax is imposed at the rate of 1.25%.

18 With respect to gasohol, the tax imposed by this Act
19 applies to (i) 70% of the proceeds of sales made on or after
20 January 1, 1990, and before July 1, 2003, (ii) 80% of the
21 proceeds of sales made on or after July 1, 2003 and on or
22 before July 1, 2017, (iii) 100% of the proceeds of sales made
23 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of
24 the proceeds of sales made on or after January 1, 2024 and on
25 or before December 31, 2028, and (v) 100% of the proceeds of
26 sales made after December 31, 2028. If, at any time, however,

1 the tax under this Act on sales of gasohol is imposed at the
2 rate of 1.25%, then the tax imposed by this Act applies to 100%
3 of the proceeds of sales of gasohol made during that time.

4 With respect to mid-range ethanol blends, the tax imposed
5 by this Act applies to (i) 80% of the proceeds of sales made on
6 or after January 1, 2024 and on or before December 31, 2028 and
7 (ii) 100% of the proceeds of sales made thereafter. If, at any
8 time, however, the tax under this Act on sales of mid-range
9 ethanol blends is imposed at the rate of 1.25%, then the tax
10 imposed by this Act applies to 100% of the proceeds of sales of
11 mid-range ethanol blends made during that time.

12 With respect to majority blended ethanol fuel, the tax
13 imposed by this Act does not apply to the proceeds of sales
14 made on or after July 1, 2003 and on or before December 31,
15 2028 but applies to 100% of the proceeds of sales made
16 thereafter.

17 With respect to biodiesel blends with no less than 1% and
18 no more than 10% biodiesel, the tax imposed by this Act applies
19 to (i) 80% of the proceeds of sales made on or after July 1,
20 2003 and on or before December 31, 2018 and (ii) 100% of the
21 proceeds of sales made after December 31, 2018 and before
22 January 1, 2024. On and after January 1, 2024 and on or before
23 December 31, 2030, the taxation of biodiesel, renewable
24 diesel, and biodiesel blends shall be as provided in Section
25 3-5.1. If, at any time, however, the tax under this Act on
26 sales of biodiesel blends with no less than 1% and no more than

1 10% biodiesel is imposed at the rate of 1.25%, then the tax
2 imposed by this Act applies to 100% of the proceeds of sales of
3 biodiesel blends with no less than 1% and no more than 10%
4 biodiesel made during that time.

5 With respect to biodiesel and biodiesel blends with more
6 than 10% but no more than 99% biodiesel, the tax imposed by
7 this Act does not apply to the proceeds of sales made on or
8 after July 1, 2003 and on or before December 31, 2023. On and
9 after January 1, 2024 and on or before December 31, 2030, the
10 taxation of biodiesel, renewable diesel, and biodiesel blends
11 shall be as provided in Section 3-5.1.

12 Until July 1, 2022 and from July 1, 2023 through December
13 31, 2025, with respect to food for human consumption that is to
14 be consumed off the premises where it is sold (other than
15 alcoholic beverages, food consisting of or infused with adult
16 use cannabis, soft drinks, and food that has been prepared for
17 immediate consumption), the tax is imposed at the rate of 1%.
18 Beginning on July 1, 2022 and until July 1, 2023, with respect
19 to food for human consumption that is to be consumed off the
20 premises where it is sold (other than alcoholic beverages,
21 food consisting of or infused with adult use cannabis, soft
22 drinks, and food that has been prepared for immediate
23 consumption), the tax is imposed at the rate of 0%. On and
24 after January 1, 2026, food for human consumption that is to be
25 consumed off the premises where it is sold (other than
26 alcoholic beverages, food consisting of or infused with adult

1 use cannabis, soft drinks, candy, and food that has been
2 prepared for immediate consumption) is exempt from the tax
3 imposed by this Act.

4 With respect to prescription and nonprescription
5 medicines, drugs, medical appliances, products classified as
6 Class III medical devices by the United States Food and Drug
7 Administration that are used for cancer treatment pursuant to
8 a prescription, as well as any accessories and components
9 related to those devices, modifications to a motor vehicle for
10 the purpose of rendering it usable by a person with a
11 disability, and insulin, blood sugar testing materials,
12 syringes, and needles used by human diabetics, the tax is
13 imposed at the rate of 1%. For the purposes of this Section,
14 until September 1, 2009: the term "soft drinks" means any
15 complete, finished, ready-to-use, non-alcoholic drink, whether
16 carbonated or not, including, but not limited to, soda water,
17 cola, fruit juice, vegetable juice, carbonated water, and all
18 other preparations commonly known as soft drinks of whatever
19 kind or description that are contained in any closed or sealed
20 bottle, can, carton, or container, regardless of size; but
21 "soft drinks" does not include coffee, tea, non-carbonated
22 water, infant formula, milk or milk products as defined in the
23 Grade A Pasteurized Milk and Milk Products Act, or drinks
24 containing 50% or more natural fruit or vegetable juice.

25 Notwithstanding any other provisions of this Act,
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft
2 drinks" does not include beverages that contain milk or milk
3 products, soy, rice or similar milk substitutes, or greater
4 than 50% of vegetable or fruit juice by volume.

5 Until August 1, 2009, and notwithstanding any other
6 provisions of this Act, "food for human consumption that is to
7 be consumed off the premises where it is sold" includes all
8 food sold through a vending machine, except soft drinks and
9 food products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine. Beginning
11 August 1, 2009, and notwithstanding any other provisions of
12 this Act, "food for human consumption that is to be consumed
13 off the premises where it is sold" includes all food sold
14 through a vending machine, except soft drinks, candy, and food
15 products that are dispensed hot from a vending machine,
16 regardless of the location of the vending machine.

17 Notwithstanding any other provisions of this Act,
18 beginning September 1, 2009, "food for human consumption that
19 is to be consumed off the premises where it is sold" does not
20 include candy. For purposes of this Section, "candy" means a
21 preparation of sugar, honey, or other natural or artificial
22 sweeteners in combination with chocolate, fruits, nuts or
23 other ingredients or flavorings in the form of bars, drops, or
24 pieces. "Candy" does not include any preparation that contains
25 flour or requires refrigeration.

26 Notwithstanding any other provisions of this Act,

1 beginning September 1, 2009, "nonprescription medicines and
2 drugs" does not include grooming and hygiene products. For
3 purposes of this Section, "grooming and hygiene products"
4 includes, but is not limited to, soaps and cleaning solutions,
5 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
6 lotions and screens, unless those products are available by
7 prescription only, regardless of whether the products meet the
8 definition of "over-the-counter-drugs". For the purposes of
9 this paragraph, "over-the-counter-drug" means a drug for human
10 use that contains a label that identifies the product as a drug
11 as required by 21 CFR 201.66. The "over-the-counter-drug"
12 label includes:

13 (A) a "Drug Facts" panel; or

14 (B) a statement of the "active ingredient(s)" with a
15 list of those ingredients contained in the compound,
16 substance or preparation.

17 Beginning on January 1, 2014 (the effective date of Public
18 Act 98-122), and through December 31, 2026, "prescription and
19 nonprescription medicines and drugs" includes medical cannabis
20 purchased from a registered dispensing organization under the
21 Compassionate Use of Medical Cannabis Program Act.

22 Beginning on January 1, 2027, "prescription and
23 nonprescription medicines and drugs" includes cannabis
24 purchased by a qualified registered patient, provisional
25 patient, designated caregiver, or Opioid Alternative Patient
26 Program participant as part of their adequate medical supply,

1 as these terms are defined under the Cannabis Regulation and
2 Tax Act, from a dispensing organization registered under the
3 Compassionate Use of Medical Cannabis Program Act or the
4 Cannabis Regulation and Tax Act.

5 As used in this Section through December 31, 2026, "adult
6 use cannabis" means cannabis subject to tax under the Cannabis
7 Cultivation Privilege Tax Law and the Cannabis Purchaser
8 Excise Tax Law and does not include cannabis subject to tax
9 under the Compassionate Use of Medical Cannabis Program Act.

10 Beginning January 1, 2027, as used in this Section, "adult
11 use cannabis" means cannabis subject to tax under the Cannabis
12 Cultivation Privilege Tax Law and the Cannabis Purchaser
13 Excise Tax Law and does not include cannabis purchased by a
14 qualified registered patient, provisional patient, designated
15 caregiver, or Opioid Alternative Patient Program participant
16 as part of their adequate medical supply.

17 If the property that is purchased at retail from a
18 retailer is acquired outside Illinois and used outside
19 Illinois before being brought to Illinois for use here and is
20 taxable under this Act, the "selling price" on which the tax is
21 computed shall be reduced by an amount that represents a
22 reasonable allowance for depreciation for the period of prior
23 out-of-state use. No depreciation is allowed in cases where
24 the tax under this Act is imposed on lease receipts.

25 (Source: P.A. 103-9, eff. 6-7-23; 103-154, eff. 6-30-23;
26 103-592, eff. 1-1-25; 103-781, eff. 8-5-24; 104-417, eff.

1 8-15-25.)

2 Section 15. The Service Use Tax Act is amended by changing
3 Section 3-10 as follows:

4 (35 ILCS 110/3-10)

5 Sec. 3-10. Rate of tax. Unless otherwise provided in this
6 Section, the tax imposed by this Act is at the rate of 6.25% of
7 the selling price of tangible personal property transferred,
8 including, on and after January 1, 2025, transferred by lease,
9 as an incident to the sale of service, but, for the purpose of
10 computing this tax, in no event shall the selling price be less
11 than the cost price of the property to the serviceman.

12 Beginning on July 1, 2000 and through December 31, 2000,
13 with respect to motor fuel, as defined in Section 1.1 of the
14 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
15 the Use Tax Act, the tax is imposed at the rate of 1.25%.

16 With respect to gasohol, as defined in the Use Tax Act, the
17 tax imposed by this Act applies to (i) 70% of the selling price
18 of property transferred as an incident to the sale of service
19 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
20 of the selling price of property transferred as an incident to
21 the sale of service on or after July 1, 2003 and on or before
22 July 1, 2017, (iii) 100% of the selling price of property
23 transferred as an incident to the sale of service after July 1,
24 2017 and before January 1, 2024, (iv) 90% of the selling price

1 of property transferred as an incident to the sale of service
2 on or after January 1, 2024 and on or before December 31, 2028,
3 and (v) 100% of the selling price of property transferred as an
4 incident to the sale of service after December 31, 2028. If, at
5 any time, however, the tax under this Act on sales of gasohol,
6 as defined in the Use Tax Act, is imposed at the rate of 1.25%,
7 then the tax imposed by this Act applies to 100% of the
8 proceeds of sales of gasohol made during that time.

9 With respect to mid-range ethanol blends, as defined in
10 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
11 applies to (i) 80% of the selling price of property
12 transferred as an incident to the sale of service on or after
13 January 1, 2024 and on or before December 31, 2028 and (ii)
14 100% of the selling price of property transferred as an
15 incident to the sale of service after December 31, 2028. If, at
16 any time, however, the tax under this Act on sales of mid-range
17 ethanol blends is imposed at the rate of 1.25%, then the tax
18 imposed by this Act applies to 100% of the selling price of
19 mid-range ethanol blends transferred as an incident to the
20 sale of service during that time.

21 With respect to majority blended ethanol fuel, as defined
22 in the Use Tax Act, the tax imposed by this Act does not apply
23 to the selling price of property transferred as an incident to
24 the sale of service on or after July 1, 2003 and on or before
25 December 31, 2028 but applies to 100% of the selling price
26 thereafter.

1 With respect to biodiesel blends, as defined in the Use
2 Tax Act, with no less than 1% and no more than 10% biodiesel,
3 the tax imposed by this Act applies to (i) 80% of the selling
4 price of property transferred as an incident to the sale of
5 service on or after July 1, 2003 and on or before December 31,
6 2018 and (ii) 100% of the proceeds of the selling price after
7 December 31, 2018 and before January 1, 2024. On and after
8 January 1, 2024 and on or before December 31, 2030, the
9 taxation of biodiesel, renewable diesel, and biodiesel blends
10 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
11 at any time, however, the tax under this Act on sales of
12 biodiesel blends, as defined in the Use Tax Act, with no less
13 than 1% and no more than 10% biodiesel is imposed at the rate
14 of 1.25%, then the tax imposed by this Act applies to 100% of
15 the proceeds of sales of biodiesel blends with no less than 1%
16 and no more than 10% biodiesel made during that time.

17 With respect to biodiesel, as defined in the Use Tax Act,
18 and biodiesel blends, as defined in the Use Tax Act, with more
19 than 10% but no more than 99% biodiesel, the tax imposed by
20 this Act does not apply to the proceeds of the selling price of
21 property transferred as an incident to the sale of service on
22 or after July 1, 2003 and on or before December 31, 2023. On
23 and after January 1, 2024 and on or before December 31, 2030,
24 the taxation of biodiesel, renewable diesel, and biodiesel
25 blends shall be as provided in Section 3-5.1 of the Use Tax
26 Act.

1 At the election of any registered serviceman made for each
2 fiscal year, for whom the aggregate annual cost price of
3 tangible personal property transferred as an incident to the
4 sales of service is less than 35%, or 75% in the case of
5 servicemen transferring prescription drugs or servicemen
6 engaged in graphic arts production, of the aggregate annual
7 total gross receipts from all sales of service, the tax
8 imposed by this Act shall be based on the serviceman's cost
9 price of the tangible personal property transferred as an
10 incident to the sale of those services. This election may also
11 be made by any serviceman maintaining a place of business in
12 this State who makes retail sales from outside of this State to
13 Illinois customers but is not required to be registered under
14 Section 2a of the Retailers' Occupation Tax Act. Beginning
15 January 1, 2026, this election shall not apply to any sale of
16 service made through a marketplace that has met the threshold
17 in subsection (b-5) of Section 2d of this Act.

18 Beginning January 1, 2026, the tax shall be imposed at the
19 rate of 6.25% of 50% of the entire billing to the service
20 customer for all sales of service made through a marketplace
21 that has met the threshold in subsection (b-5) of Section 2d of
22 this Act. In no event shall 50% of the entire billing be less
23 than the cost price of the property to the marketplace
24 serviceman or the marketplace facilitator on its own sales of
25 service.

26 Until July 1, 2022 and from July 1, 2023 through December

1 31, 2025, the tax shall be imposed at the rate of 1% on food
2 prepared for immediate consumption and transferred incident to
3 a sale of service subject to this Act or the Service Occupation
4 Tax Act by an entity licensed under the Hospital Licensing
5 Act, the Nursing Home Care Act, the Assisted Living and Shared
6 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
7 Specialized Mental Health Rehabilitation Act of 2013, or the
8 Child Care Act of 1969, or an entity that holds a permit issued
9 pursuant to the Life Care Facilities Act. Until July 1, 2022
10 and from July 1, 2023 through December 31, 2025, the tax shall
11 also be imposed at the rate of 1% on food for human consumption
12 that is to be consumed off the premises where it is sold (other
13 than alcoholic beverages, food consisting of or infused with
14 adult use cannabis, soft drinks, and food that has been
15 prepared for immediate consumption and is not otherwise
16 included in this paragraph).

17 Beginning on July 1, 2022 and until July 1, 2023, the tax
18 shall be imposed at the rate of 0% on food prepared for
19 immediate consumption and transferred incident to a sale of
20 service subject to this Act or the Service Occupation Tax Act
21 by an entity licensed under the Hospital Licensing Act, the
22 Nursing Home Care Act, the Assisted Living and Shared Housing
23 Act, the ID/DD Community Care Act, the MC/DD Act, the
24 Specialized Mental Health Rehabilitation Act of 2013, or the
25 Child Care Act of 1969, or an entity that holds a permit issued
26 pursuant to the Life Care Facilities Act. Beginning on July 1,

1 2022 and until July 1, 2023, the tax shall also be imposed at
2 the rate of 0% on food for human consumption that is to be
3 consumed off the premises where it is sold (other than
4 alcoholic beverages, food consisting of or infused with adult
5 use cannabis, soft drinks, and food that has been prepared for
6 immediate consumption and is not otherwise included in this
7 paragraph).

8 On and after January 1, 2026, food prepared for immediate
9 consumption and transferred incident to a sale of service
10 subject to this Act or the Service Occupation Tax Act by an
11 entity licensed under the Hospital Licensing Act, the Nursing
12 Home Care Act, the Assisted Living and Shared Housing Act, the
13 ID/DD Community Care Act, the MC/DD Act, the Specialized
14 Mental Health Rehabilitation Act of 2013, or the Child Care
15 Act of 1969, or by an entity that holds a permit issued
16 pursuant to the Life Care Facilities Act is exempt from the tax
17 under this Act. On and after January 1, 2026, food for human
18 consumption that is to be consumed off the premises where it is
19 sold (other than alcoholic beverages, food consisting of or
20 infused with adult use cannabis, soft drinks, candy, and food
21 that has been prepared for immediate consumption and is not
22 otherwise included in this paragraph) is exempt from the tax
23 under this Act.

24 The tax shall be imposed at the rate of 1% on prescription
25 and nonprescription medicines, drugs, medical appliances,
26 products classified as Class III medical devices by the United

1 States Food and Drug Administration that are used for cancer
2 treatment pursuant to a prescription, as well as any
3 accessories and components related to those devices,
4 modifications to a motor vehicle for the purpose of rendering
5 it usable by a person with a disability, and insulin, blood
6 sugar testing materials, syringes, and needles used by human
7 diabetics. For the purposes of this Section, until September
8 1, 2009: the term "soft drinks" means any complete, finished,
9 ready-to-use, non-alcoholic drink, whether carbonated or not,
10 including, but not limited to, soda water, cola, fruit juice,
11 vegetable juice, carbonated water, and all other preparations
12 commonly known as soft drinks of whatever kind or description
13 that are contained in any closed or sealed bottle, can,
14 carton, or container, regardless of size; but "soft drinks"
15 does not include coffee, tea, non-carbonated water, infant
16 formula, milk or milk products as defined in the Grade A
17 Pasteurized Milk and Milk Products Act, or drinks containing
18 50% or more natural fruit or vegetable juice.

19 Notwithstanding any other provisions of this Act,
20 beginning September 1, 2009, "soft drinks" means non-alcoholic
21 beverages that contain natural or artificial sweeteners. "Soft
22 drinks" does not include beverages that contain milk or milk
23 products, soy, rice or similar milk substitutes, or greater
24 than 50% of vegetable or fruit juice by volume.

25 Until August 1, 2009, and notwithstanding any other
26 provisions of this Act, "food for human consumption that is to

1 be consumed off the premises where it is sold" includes all
2 food sold through a vending machine, except soft drinks and
3 food products that are dispensed hot from a vending machine,
4 regardless of the location of the vending machine. Beginning
5 August 1, 2009, and notwithstanding any other provisions of
6 this Act, "food for human consumption that is to be consumed
7 off the premises where it is sold" includes all food sold
8 through a vending machine, except soft drinks, candy, and food
9 products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "food for human consumption that
13 is to be consumed off the premises where it is sold" does not
14 include candy. For purposes of this Section, "candy" means a
15 preparation of sugar, honey, or other natural or artificial
16 sweeteners in combination with chocolate, fruits, nuts or
17 other ingredients or flavorings in the form of bars, drops, or
18 pieces. "Candy" does not include any preparation that contains
19 flour or requires refrigeration.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "nonprescription medicines and
22 drugs" does not include grooming and hygiene products. For
23 purposes of this Section, "grooming and hygiene products"
24 includes, but is not limited to, soaps and cleaning solutions,
25 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
26 lotions and screens, unless those products are available by

1 prescription only, regardless of whether the products meet the
2 definition of "over-the-counter-drugs". For the purposes of
3 this paragraph, "over-the-counter-drug" means a drug for human
4 use that contains a label that identifies the product as a drug
5 as required by 21 CFR 201.66. The "over-the-counter-drug"
6 label includes:

7 (A) a "Drug Facts" panel; or

8 (B) a statement of the "active ingredient(s)" with a
9 list of those ingredients contained in the compound,
10 substance or preparation.

11 Beginning on January 1, 2014 (the effective date of Public
12 Act 98-122), and through December 31, 2026, "prescription and
13 nonprescription medicines and drugs" includes medical cannabis
14 purchased from a registered dispensing organization under the
15 Compassionate Use of Medical Cannabis Program Act.

16 Beginning on January 1, 2027, "prescription and
17 nonprescription medicines and drugs" includes cannabis
18 purchased by a qualified registered patient, provisional
19 patient, designated caregiver, or Opioid Alternative Patient
20 Program participant as part of their adequate medical supply,
21 as these terms are defined under the Cannabis Regulation and
22 Tax Act, from a dispensing organization registered under the
23 Compassionate Use of Medical Cannabis Program Act or the
24 Cannabis Regulation and Tax Act.

25 As used in this Section, through December 31, 2026, "adult
26 use cannabis" means cannabis subject to tax under the Cannabis

1 Cultivation Privilege Tax Law and the Cannabis Purchaser
2 Excise Tax Law and does not include cannabis subject to tax
3 under the Compassionate Use of Medical Cannabis Program Act.

4 Beginning January 1, 2027, as used in this Section, "adult
5 use cannabis" means cannabis subject to tax under the Cannabis
6 Cultivation Privilege Tax Law and the Cannabis Purchaser
7 Excise Tax Law and does not include cannabis purchased by a
8 qualified registered patient, provisional patient, or Opioid
9 Alternative Patient Program participant as part of their
10 adequate medical supply.

11 If the property that is acquired from a serviceman is
12 acquired outside Illinois and used outside Illinois before
13 being brought to Illinois for use here and is taxable under
14 this Act, the "selling price" on which the tax is computed
15 shall be reduced by an amount that represents a reasonable
16 allowance for depreciation for the period of prior
17 out-of-state use. No depreciation is allowed in cases where
18 the tax under this Act is imposed on lease receipts.

19 (Source: P.A. 103-9, eff. 6-7-23; 103-154, eff. 6-30-23;
20 103-592, eff. 1-1-25; 103-781, eff. 8-5-24; 104-6, eff.
21 6-16-25; 104-417, eff. 8-15-25.)

22 Section 20. The Service Occupation Tax Act is amended by
23 changing Section 3-10 as follows:

24 (35 ILCS 115/3-10)

1 Sec. 3-10. Rate of tax. Unless otherwise provided in this
2 Section, the tax imposed by this Act is at the rate of 6.25% of
3 the "selling price", as defined in Section 2 of the Service Use
4 Tax Act, of the tangible personal property, including, on and
5 after January 1, 2025, tangible personal property transferred
6 by lease. For the purpose of computing this tax, in no event
7 shall the "selling price" be less than the cost price to the
8 serviceman of the tangible personal property transferred. The
9 selling price of each item of tangible personal property
10 transferred as an incident of a sale of service may be shown as
11 a distinct and separate item on the serviceman's billing to
12 the service customer. If the selling price is not so shown, the
13 selling price of the tangible personal property is deemed to
14 be 50% of the serviceman's entire billing to the service
15 customer. When, however, a serviceman contracts to design,
16 develop, and produce special order machinery or equipment, the
17 tax imposed by this Act shall be based on the serviceman's cost
18 price of the tangible personal property transferred incident
19 to the completion of the contract.

20 Beginning on July 1, 2000 and through December 31, 2000,
21 with respect to motor fuel, as defined in Section 1.1 of the
22 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
23 the Use Tax Act, the tax is imposed at the rate of 1.25%.

24 With respect to gasohol, as defined in the Use Tax Act, the
25 tax imposed by this Act shall apply to (i) 70% of the cost
26 price of property transferred as an incident to the sale of

1 service on or after January 1, 1990, and before July 1, 2003,
2 (ii) 80% of the selling price of property transferred as an
3 incident to the sale of service on or after July 1, 2003 and on
4 or before July 1, 2017, (iii) 100% of the selling price of
5 property transferred as an incident to the sale of service
6 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of
7 the selling price of property transferred as an incident to
8 the sale of service on or after January 1, 2024 and on or
9 before December 31, 2028, and (v) 100% of the selling price of
10 property transferred as an incident to the sale of service
11 after December 31, 2028. If, at any time, however, the tax
12 under this Act on sales of gasohol, as defined in the Use Tax
13 Act, is imposed at the rate of 1.25%, then the tax imposed by
14 this Act applies to 100% of the proceeds of sales of gasohol
15 made during that time.

16 With respect to mid-range ethanol blends, as defined in
17 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
18 applies to (i) 80% of the selling price of property
19 transferred as an incident to the sale of service on or after
20 January 1, 2024 and on or before December 31, 2028 and (ii)
21 100% of the selling price of property transferred as an
22 incident to the sale of service after December 31, 2028. If, at
23 any time, however, the tax under this Act on sales of mid-range
24 ethanol blends is imposed at the rate of 1.25%, then the tax
25 imposed by this Act applies to 100% of the selling price of
26 mid-range ethanol blends transferred as an incident to the

1 sale of service during that time.

2 With respect to majority blended ethanol fuel, as defined
3 in the Use Tax Act, the tax imposed by this Act does not apply
4 to the selling price of property transferred as an incident to
5 the sale of service on or after July 1, 2003 and on or before
6 December 31, 2028 but applies to 100% of the selling price
7 thereafter.

8 With respect to biodiesel blends, as defined in the Use
9 Tax Act, with no less than 1% and no more than 10% biodiesel,
10 the tax imposed by this Act applies to (i) 80% of the selling
11 price of property transferred as an incident to the sale of
12 service on or after July 1, 2003 and on or before December 31,
13 2018 and (ii) 100% of the proceeds of the selling price after
14 December 31, 2018 and before January 1, 2024. On and after
15 January 1, 2024 and on or before December 31, 2030, the
16 taxation of biodiesel, renewable diesel, and biodiesel blends
17 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
18 at any time, however, the tax under this Act on sales of
19 biodiesel blends, as defined in the Use Tax Act, with no less
20 than 1% and no more than 10% biodiesel is imposed at the rate
21 of 1.25%, then the tax imposed by this Act applies to 100% of
22 the proceeds of sales of biodiesel blends with no less than 1%
23 and no more than 10% biodiesel made during that time.

24 With respect to biodiesel, as defined in the Use Tax Act,
25 and biodiesel blends, as defined in the Use Tax Act, with more
26 than 10% but no more than 99% biodiesel material, the tax

1 imposed by this Act does not apply to the proceeds of the
2 selling price of property transferred as an incident to the
3 sale of service on or after July 1, 2003 and on or before
4 December 31, 2023. On and after January 1, 2024 and on or
5 before December 31, 2030, the taxation of biodiesel, renewable
6 diesel, and biodiesel blends shall be as provided in Section
7 3-5.1 of the Use Tax Act.

8 At the election of any registered serviceman made for each
9 fiscal year, for whom the aggregate annual cost price of
10 tangible personal property transferred as an incident to the
11 sales of service is less than 35%, or 75% in the case of
12 servicemen transferring prescription drugs or servicemen
13 engaged in graphic arts production, of the aggregate annual
14 total gross receipts from all sales of service, the tax
15 imposed by this Act shall be based on the serviceman's cost
16 price of the tangible personal property transferred incident
17 to the sale of those services. This election may also be made
18 by a serviceman maintaining a place of business in this State
19 who makes retail sales from outside of this State to Illinois
20 customers but is not required to be registered under Section
21 2a of the Retailers' Occupation Tax Act. Beginning January 1,
22 2026, this election shall not apply to any sale of service made
23 through a marketplace that has met the threshold in subsection
24 (d) of Section 3 of this Act.

25 Beginning January 1, 2026, the tax shall be imposed at the
26 rate of 6.25% of 50% of the entire billing to the service

1 customer for all sales of service made through a marketplace
2 that has met the threshold in subsection (d) of Section 3 of
3 this Act. In no event shall 50% of the entire billing be less
4 than the cost price of the property to the marketplace
5 serviceman or the marketplace facilitator on its own sales of
6 service.

7 Until July 1, 2022 and from July 1, 2023 through December
8 31, 2025, the tax shall be imposed at the rate of 1% on food
9 prepared for immediate consumption and transferred incident to
10 a sale of service subject to this Act or the Service Use Tax
11 Act by an entity licensed under the Hospital Licensing Act,
12 the Nursing Home Care Act, the Assisted Living and Shared
13 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
14 Specialized Mental Health Rehabilitation Act of 2013, or the
15 Child Care Act of 1969, or an entity that holds a permit issued
16 pursuant to the Life Care Facilities Act. Until July 1, 2022
17 and from July 1, 2023 through December 31, 2025, the tax shall
18 also be imposed at the rate of 1% on food for human consumption
19 that is to be consumed off the premises where it is sold (other
20 than alcoholic beverages, food consisting of or infused with
21 adult use cannabis, soft drinks, and food that has been
22 prepared for immediate consumption and is not otherwise
23 included in this paragraph).

24 Beginning on July 1, 2022 and until July 1, 2023, the tax
25 shall be imposed at the rate of 0% on food prepared for
26 immediate consumption and transferred incident to a sale of

1 service subject to this Act or the Service Use Tax Act by an
2 entity licensed under the Hospital Licensing Act, the Nursing
3 Home Care Act, the Assisted Living and Shared Housing Act, the
4 ID/DD Community Care Act, the MC/DD Act, the Specialized
5 Mental Health Rehabilitation Act of 2013, or the Child Care
6 Act of 1969, or an entity that holds a permit issued pursuant
7 to the Life Care Facilities Act. Beginning July 1, 2022 and
8 until July 1, 2023, the tax shall also be imposed at the rate
9 of 0% on food for human consumption that is to be consumed off
10 the premises where it is sold (other than alcoholic beverages,
11 food consisting of or infused with adult use cannabis, soft
12 drinks, and food that has been prepared for immediate
13 consumption and is not otherwise included in this paragraph).

14 On and after January 1, 2026, food prepared for immediate
15 consumption and transferred incident to a sale of service
16 subject to this Act or the Service Use Tax Act by an entity
17 licensed under the Hospital Licensing Act, the Nursing Home
18 Care Act, the Assisted Living and Shared Housing Act, the
19 ID/DD Community Care Act, the MC/DD Act, the Specialized
20 Mental Health Rehabilitation Act of 2013, or the Child Care
21 Act of 1969, or an entity that holds a permit issued pursuant
22 to the Life Care Facilities Act is exempt from the tax imposed
23 by this Act. On and after January 1, 2026, food for human
24 consumption that is to be consumed off the premises where it is
25 sold (other than alcoholic beverages, food consisting of or
26 infused with adult use cannabis, soft drinks, candy, and food

1 that has been prepared for immediate consumption and is not
2 otherwise included in this paragraph) is exempt from the tax
3 imposed by this Act.

4 The tax shall be imposed at the rate of 1% on prescription
5 and nonprescription medicines, drugs, medical appliances,
6 products classified as Class III medical devices by the United
7 States Food and Drug Administration that are used for cancer
8 treatment pursuant to a prescription, as well as any
9 accessories and components related to those devices,
10 modifications to a motor vehicle for the purpose of rendering
11 it usable by a person with a disability, and insulin, blood
12 sugar testing materials, syringes, and needles used by human
13 diabetics. For the purposes of this Section, until September
14 1, 2009: the term "soft drinks" means any complete, finished,
15 ready-to-use, non-alcoholic drink, whether carbonated or not,
16 including, but not limited to, soda water, cola, fruit juice,
17 vegetable juice, carbonated water, and all other preparations
18 commonly known as soft drinks of whatever kind or description
19 that are contained in any closed or sealed can, carton, or
20 container, regardless of size; but "soft drinks" does not
21 include coffee, tea, non-carbonated water, infant formula,
22 milk or milk products as defined in the Grade A Pasteurized
23 Milk and Milk Products Act, or drinks containing 50% or more
24 natural fruit or vegetable juice.

25 Notwithstanding any other provisions of this Act,
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft
2 drinks" does not include beverages that contain milk or milk
3 products, soy, rice or similar milk substitutes, or greater
4 than 50% of vegetable or fruit juice by volume.

5 Until August 1, 2009, and notwithstanding any other
6 provisions of this Act, "food for human consumption that is to
7 be consumed off the premises where it is sold" includes all
8 food sold through a vending machine, except soft drinks and
9 food products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine. Beginning
11 August 1, 2009, and notwithstanding any other provisions of
12 this Act, "food for human consumption that is to be consumed
13 off the premises where it is sold" includes all food sold
14 through a vending machine, except soft drinks, candy, and food
15 products that are dispensed hot from a vending machine,
16 regardless of the location of the vending machine.

17 Notwithstanding any other provisions of this Act,
18 beginning September 1, 2009, "food for human consumption that
19 is to be consumed off the premises where it is sold" does not
20 include candy. For purposes of this Section, "candy" means a
21 preparation of sugar, honey, or other natural or artificial
22 sweeteners in combination with chocolate, fruits, nuts or
23 other ingredients or flavorings in the form of bars, drops, or
24 pieces. "Candy" does not include any preparation that contains
25 flour or requires refrigeration.

26 Notwithstanding any other provisions of this Act,

1 beginning September 1, 2009, "nonprescription medicines and
2 drugs" does not include grooming and hygiene products. For
3 purposes of this Section, "grooming and hygiene products"
4 includes, but is not limited to, soaps and cleaning solutions,
5 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
6 lotions and screens, unless those products are available by
7 prescription only, regardless of whether the products meet the
8 definition of "over-the-counter-drugs". For the purposes of
9 this paragraph, "over-the-counter-drug" means a drug for human
10 use that contains a label that identifies the product as a drug
11 as required by 21 CFR 201.66. The "over-the-counter-drug"
12 label includes:

13 (A) a "Drug Facts" panel; or

14 (B) a statement of the "active ingredient(s)" with a
15 list of those ingredients contained in the compound,
16 substance or preparation.

17 Beginning on January 1, 2014 (the effective date of Public
18 Act 98-122), and through December 31, 2026, "prescription and
19 nonprescription medicines and drugs" includes medical cannabis
20 purchased from a registered dispensing organization under the
21 Compassionate Use of Medical Cannabis Program Act.

22 Beginning on January 1, 2027, "prescription and
23 nonprescription medicines and drugs" includes cannabis
24 purchased by a qualified registered patient, provisional
25 patient, designated caregiver, or Opioid Alternative Patient
26 Program participant as part of their adequate medical supply,

1 as these terms are defined under the Cannabis Regulation and
2 Tax Act, from a dispensing organization registered under the
3 Compassionate Use of Medical Cannabis Program Act or the
4 Cannabis Regulation and Tax Act.

5 As used in this Section, and through December 31, 2026,
6 "adult use cannabis" means cannabis subject to tax under the
7 Cannabis Cultivation Privilege Tax Law and the Cannabis
8 Purchaser Excise Tax Law and does not include cannabis subject
9 to tax under the Compassionate Use of Medical Cannabis Program
10 Act.

11 Beginning January 1, 2027, as used in this Section, "adult
12 use cannabis" means cannabis subject to tax under the Cannabis
13 Cultivation Privilege Tax Law and the Cannabis Purchaser
14 Excise Tax Law and does not include cannabis purchased by a
15 qualified registered patient, provisional patient, designated
16 caregiver, or Opioid Alternative Patient Program participant
17 as part of their adequate medical supply.

18 (Source: P.A. 103-9, eff. 6-7-23; 103-154, eff. 6-30-23;
19 103-592, eff. 1-1-25; 103-781, eff. 8-5-24; 104-6, eff.
20 6-16-25; 104-417, eff. 8-15-25.)

21 Section 25. The Retailers' Occupation Tax Act is amended
22 by changing Section 2-10 and 11 as follows:

23 (35 ILCS 120/2-10) from Ch. 120, par. 441-10

24 Sec. 2-10. Rate of tax. Unless otherwise provided in this

1 Section, the tax imposed by this Act is at the rate of 6.25% of
2 gross receipts from sales, which, on and after January 1,
3 2025, includes leases, of tangible personal property made in
4 the course of business.

5 Beginning on July 1, 2000 and through December 31, 2000,
6 with respect to motor fuel, as defined in Section 1.1 of the
7 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
8 the Use Tax Act, the tax is imposed at the rate of 1.25%.

9 Beginning on August 6, 2010 through August 15, 2010, and
10 beginning again on August 5, 2022 through August 14, 2022,
11 with respect to sales tax holiday items as defined in Section
12 2-8 of this Act, the tax is imposed at the rate of 1.25%.

13 Within 14 days after July 1, 2000 (the effective date of
14 Public Act 91-872), each retailer of motor fuel and gasohol
15 shall cause the following notice to be posted in a prominently
16 visible place on each retail dispensing device that is used to
17 dispense motor fuel or gasohol in the State of Illinois: "As of
18 July 1, 2000, the State of Illinois has eliminated the State's
19 share of sales tax on motor fuel and gasohol through December
20 31, 2000. The price on this pump should reflect the
21 elimination of the tax." The notice shall be printed in bold
22 print on a sign that is no smaller than 4 inches by 8 inches.
23 The sign shall be clearly visible to customers. Any retailer
24 who fails to post or maintain a required sign through December
25 31, 2000 is guilty of a petty offense for which the fine shall
26 be \$500 per day per each retail premises where a violation

1 occurs.

2 With respect to gasohol, as defined in the Use Tax Act, the
3 tax imposed by this Act applies to (i) 70% of the proceeds of
4 sales made on or after January 1, 1990, and before July 1,
5 2003, (ii) 80% of the proceeds of sales made on or after July
6 1, 2003 and on or before July 1, 2017, (iii) 100% of the
7 proceeds of sales made after July 1, 2017 and prior to January
8 1, 2024, (iv) 90% of the proceeds of sales made on or after
9 January 1, 2024 and on or before December 31, 2028, and (v)
10 100% of the proceeds of sales made after December 31, 2028. If,
11 at any time, however, the tax under this Act on sales of
12 gasohol, as defined in the Use Tax Act, is imposed at the rate
13 of 1.25%, then the tax imposed by this Act applies to 100% of
14 the proceeds of sales of gasohol made during that time.

15 With respect to mid-range ethanol blends, as defined in
16 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
17 applies to (i) 80% of the proceeds of sales made on or after
18 January 1, 2024 and on or before December 31, 2028 and (ii)
19 100% of the proceeds of sales made after December 31, 2028. If,
20 at any time, however, the tax under this Act on sales of
21 mid-range ethanol blends is imposed at the rate of 1.25%, then
22 the tax imposed by this Act applies to 100% of the proceeds of
23 sales of mid-range ethanol blends made during that time.

24 With respect to majority blended ethanol fuel, as defined
25 in the Use Tax Act, the tax imposed by this Act does not apply
26 to the proceeds of sales made on or after July 1, 2003 and on

1 or before December 31, 2028 but applies to 100% of the proceeds
2 of sales made thereafter.

3 With respect to biodiesel blends, as defined in the Use
4 Tax Act, with no less than 1% and no more than 10% biodiesel,
5 the tax imposed by this Act applies to (i) 80% of the proceeds
6 of sales made on or after July 1, 2003 and on or before
7 December 31, 2018 and (ii) 100% of the proceeds of sales made
8 after December 31, 2018 and before January 1, 2024. On and
9 after January 1, 2024 and on or before December 31, 2030, the
10 taxation of biodiesel, renewable diesel, and biodiesel blends
11 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
12 at any time, however, the tax under this Act on sales of
13 biodiesel blends, as defined in the Use Tax Act, with no less
14 than 1% and no more than 10% biodiesel is imposed at the rate
15 of 1.25%, then the tax imposed by this Act applies to 100% of
16 the proceeds of sales of biodiesel blends with no less than 1%
17 and no more than 10% biodiesel made during that time.

18 With respect to biodiesel, as defined in the Use Tax Act,
19 and biodiesel blends, as defined in the Use Tax Act, with more
20 than 10% but no more than 99% biodiesel, the tax imposed by
21 this Act does not apply to the proceeds of sales made on or
22 after July 1, 2003 and on or before December 31, 2023. On and
23 after January 1, 2024 and on or before December 31, 2030, the
24 taxation of biodiesel, renewable diesel, and biodiesel blends
25 shall be as provided in Section 3-5.1 of the Use Tax Act.

26 Until July 1, 2022 and from July 1, 2023 through December

1 31, 2025, with respect to food for human consumption that is to
2 be consumed off the premises where it is sold (other than
3 alcoholic beverages, food consisting of or infused with adult
4 use cannabis, soft drinks, and food that has been prepared for
5 immediate consumption), the tax is imposed at the rate of 1%.
6 Beginning July 1, 2022 and until July 1, 2023, with respect to
7 food for human consumption that is to be consumed off the
8 premises where it is sold (other than alcoholic beverages,
9 food consisting of or infused with adult use cannabis, soft
10 drinks, and food that has been prepared for immediate
11 consumption), the tax is imposed at the rate of 0%. On and
12 after January 1, 2026, food for human consumption that is to be
13 consumed off the premises where it is sold (other than
14 alcoholic beverages, food consisting of or infused with adult
15 use cannabis, soft drinks, candy, and food that has been
16 prepared for immediate consumption) is exempt from the tax
17 imposed by this Act.

18 With respect to prescription and nonprescription
19 medicines, drugs, medical appliances, products classified as
20 Class III medical devices by the United States Food and Drug
21 Administration that are used for cancer treatment pursuant to
22 a prescription, as well as any accessories and components
23 related to those devices, modifications to a motor vehicle for
24 the purpose of rendering it usable by a person with a
25 disability, and insulin, blood sugar testing materials,
26 syringes, and needles used by human diabetics, the tax is

1 imposed at the rate of 1%. For the purposes of this Section,
2 until September 1, 2009: the term "soft drinks" means any
3 complete, finished, ready-to-use, non-alcoholic drink, whether
4 carbonated or not, including, but not limited to, soda water,
5 cola, fruit juice, vegetable juice, carbonated water, and all
6 other preparations commonly known as soft drinks of whatever
7 kind or description that are contained in any closed or sealed
8 bottle, can, carton, or container, regardless of size; but
9 "soft drinks" does not include coffee, tea, non-carbonated
10 water, infant formula, milk or milk products as defined in the
11 Grade A Pasteurized Milk and Milk Products Act, or drinks
12 containing 50% or more natural fruit or vegetable juice.

13 Notwithstanding any other provisions of this Act,
14 beginning September 1, 2009, "soft drinks" means non-alcoholic
15 beverages that contain natural or artificial sweeteners. "Soft
16 drinks" does not include beverages that contain milk or milk
17 products, soy, rice or similar milk substitutes, or greater
18 than 50% of vegetable or fruit juice by volume.

19 Until August 1, 2009, and notwithstanding any other
20 provisions of this Act, "food for human consumption that is to
21 be consumed off the premises where it is sold" includes all
22 food sold through a vending machine, except soft drinks and
23 food products that are dispensed hot from a vending machine,
24 regardless of the location of the vending machine. Beginning
25 August 1, 2009, and notwithstanding any other provisions of
26 this Act, "food for human consumption that is to be consumed

1 off the premises where it is sold" includes all food sold
2 through a vending machine, except soft drinks, candy, and food
3 products that are dispensed hot from a vending machine,
4 regardless of the location of the vending machine.

5 Notwithstanding any other provisions of this Act,
6 beginning September 1, 2009, "food for human consumption that
7 is to be consumed off the premises where it is sold" does not
8 include candy. For purposes of this Section, "candy" means a
9 preparation of sugar, honey, or other natural or artificial
10 sweeteners in combination with chocolate, fruits, nuts or
11 other ingredients or flavorings in the form of bars, drops, or
12 pieces. "Candy" does not include any preparation that contains
13 flour or requires refrigeration.

14 Notwithstanding any other provisions of this Act,
15 beginning September 1, 2009, "nonprescription medicines and
16 drugs" does not include grooming and hygiene products. For
17 purposes of this Section, "grooming and hygiene products"
18 includes, but is not limited to, soaps and cleaning solutions,
19 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
20 lotions and screens, unless those products are available by
21 prescription only, regardless of whether the products meet the
22 definition of "over-the-counter-drugs". For the purposes of
23 this paragraph, "over-the-counter-drug" means a drug for human
24 use that contains a label that identifies the product as a drug
25 as required by 21 CFR 201.66. The "over-the-counter-drug"
26 label includes:

1 (A) a "Drug Facts" panel; or

2 (B) a statement of the "active ingredient(s)" with a
3 list of those ingredients contained in the compound,
4 substance or preparation.

5 Beginning on January 1, 2014 (the effective date of Public
6 Act 98-122), and through December 31, 2026, "prescription and
7 nonprescription medicines and drugs" includes medical cannabis
8 purchased from a registered dispensing organization under the
9 Compassionate Use of Medical Cannabis Program Act.

10 Beginning on January 1, 2027, "prescription and
11 nonprescription medicines and drugs" includes cannabis
12 purchased by a qualified registered patient, provisional
13 patient, designated caregiver, or Opioid Alternative Patient
14 Program participant as part of their adequate medical supply,
15 as these terms are defined under the Cannabis Regulation and
16 Tax Act, from a dispensing organization registered under the
17 Compassionate Use of Medical Cannabis Program Act or the
18 Cannabis Regulation and Tax Act.

19 As used in this Section, and through December 31, 2026,
20 "adult use cannabis" means cannabis subject to tax under the
21 Cannabis Cultivation Privilege Tax Law and the Cannabis
22 Purchaser Excise Tax Law and does not include cannabis subject
23 to tax under the Compassionate Use of Medical Cannabis Program
24 Act.

25 Beginning January 1, 2027, as used in this Section, "adult
26 use cannabis" means cannabis subject to tax under the Cannabis

1 Cultivation Privilege Tax Law and the Cannabis Purchaser
2 Excise Tax Law and does not include cannabis purchased by a
3 qualified registered patient, provisional patient, designated
4 caregiver, or Opioid Alternative Patient Program participant
5 as part of their adequate medical supply.

6 (Source: P.A. 103-9, eff. 6-7-23; 103-154, eff. 6-30-23;
7 103-592, eff. 1-1-25; 103-781, eff. 8-5-24; 104-417, eff.
8 8-15-25.)

9 (35 ILCS 120/11) (from Ch. 120, par. 450)

10 Sec. 11. All information received by the Department from
11 returns filed under this Act, or from any investigation
12 conducted under this Act, shall be confidential, except for
13 official purposes, and any person, including a third party as
14 defined in the Local Government Revenue Recapture Act, who
15 divulges any such information in any manner, except in
16 accordance with a proper judicial order or as otherwise
17 provided by law, including the Local Government Revenue
18 Recapture Act, shall be guilty of a Class B misdemeanor with a
19 fine not to exceed \$7,500.

20 Nothing in this Act prevents the Director of Revenue from
21 publishing or making available to the public the names and
22 addresses of persons filing returns under this Act, or
23 reasonable statistics concerning the operation of the tax by
24 grouping the contents of returns so the information in any
25 individual return is not disclosed.

1 Nothing in this Act prevents the Director of Revenue from
2 divulging to the United States Government or the government of
3 any other state, or any officer or agency thereof, for
4 exclusively official purposes, information received by the
5 Department in administering this Act, provided that such other
6 governmental agency agrees to divulge requested tax
7 information to the Department.

8 The Department's furnishing of information derived from a
9 taxpayer's return or from an investigation conducted under
10 this Act to the surety on a taxpayer's bond that has been
11 furnished to the Department under this Act, either to provide
12 notice to such surety of its potential liability under the
13 bond or, in order to support the Department's demand for
14 payment from such surety under the bond, is an official
15 purpose within the meaning of this Section.

16 The furnishing upon request of information obtained by the
17 Department from returns filed under this Act or investigations
18 conducted under this Act to the Illinois Liquor Control
19 Commission for official use is deemed to be an official
20 purpose within the meaning of this Section.

21 Notice to a surety of potential liability shall not be
22 given unless the taxpayer has first been notified, not less
23 than 10 days prior thereto, of the Department's intent to so
24 notify the surety.

25 The furnishing upon request of the Auditor General, or his
26 authorized agents, for official use, of returns filed and

1 information related thereto under this Act is deemed to be an
2 official purpose within the meaning of this Section.

3 Where an appeal or a protest has been filed on behalf of a
4 taxpayer, the furnishing upon request of the attorney for the
5 taxpayer of returns filed by the taxpayer and information
6 related thereto under this Act is deemed to be an official
7 purpose within the meaning of this Section.

8 The furnishing of financial information to a municipality
9 or county, upon request of the chief executive officer
10 thereof, is an official purpose within the meaning of this
11 Section, provided the municipality or county agrees in writing
12 to the requirements of this Section. Information provided to
13 municipalities and counties under this paragraph shall be
14 limited to: (1) the business name; (2) the business address;
15 (3) the standard classification number assigned to the
16 business; (4) net revenue distributed to the requesting
17 municipality or county that is directly related to the
18 requesting municipality's or county's local share of the
19 proceeds under the Use Tax Act, the Service Use Tax Act, the
20 Service Occupation Tax Act, and the Retailers' Occupation Tax
21 Act distributed from the Local Government Tax Fund, and, if
22 applicable, any locally imposed retailers' occupation tax or
23 service occupation tax; and (5) a listing of all businesses
24 within the requesting municipality or county by account
25 identification number and address. On and after July 1, 2015,
26 the furnishing of financial information to municipalities and

1 counties under this paragraph may be by electronic means. If
2 the Department may furnish financial information to a
3 municipality or county under this paragraph, then the chief
4 executive officer of the municipality or county may, in turn,
5 provide that financial information to a third party pursuant
6 to the Local Government Revenue Recapture Act. However, the
7 third party shall agree in writing to the requirements of this
8 Section and meet the requirements of the Local Government
9 Revenue Recapture Act.

10 Information so provided shall be subject to all
11 confidentiality provisions of this Section. The written
12 agreement shall provide for reciprocity, limitations on
13 access, disclosure, and procedures for requesting information.
14 For the purposes of furnishing financial information to a
15 municipality or county under this Section, "chief executive
16 officer" means the mayor of a city, the village board
17 president of a village, the mayor or president of an
18 incorporated town, the county executive of a county that has
19 adopted the county executive form of government, the president
20 of the board of commissioners of Cook County, or the
21 chairperson of the county board or board of county
22 commissioners of any other county.

23 The Department may make available to the Board of Trustees
24 of any Metro East Mass Transit District information contained
25 on transaction reporting returns required to be filed under
26 Section 3 of this Act that report sales made within the

1 boundary of the taxing authority of that Metro East Mass
2 Transit District, as provided in Section 5.01 of the Local
3 Mass Transit District Act. The disclosure shall be made
4 pursuant to a written agreement between the Department and the
5 Board of Trustees of a Metro East Mass Transit District, which
6 is an official purpose within the meaning of this Section. The
7 written agreement between the Department and the Board of
8 Trustees of a Metro East Mass Transit District shall provide
9 for reciprocity, limitations on access, disclosure, and
10 procedures for requesting information. Information so provided
11 shall be subject to all confidentiality provisions of this
12 Section.

13 The Director may make available to any State agency,
14 including the Illinois Supreme Court, which licenses persons
15 to engage in any occupation, information that a person
16 licensed by such agency has failed to file returns under this
17 Act or pay the tax, penalty and interest shown therein, or has
18 failed to pay any final assessment of tax, penalty or interest
19 due under this Act. The Director may make available to any
20 State agency, including the Illinois Supreme Court,
21 information regarding whether a bidder, contractor, or an
22 affiliate of a bidder or contractor has failed to collect and
23 remit Illinois Use tax on sales into Illinois, or any tax under
24 this Act or pay the tax, penalty, and interest shown therein,
25 or has failed to pay any final assessment of tax, penalty, or
26 interest due under this Act, for the limited purpose of

1 enforcing bidder and contractor certifications. The Director
2 may make available to units of local government and school
3 districts that require bidder and contractor certifications,
4 as set forth in Sections 50-11 and 50-12 of the Illinois
5 Procurement Code, information regarding whether a bidder,
6 contractor, or an affiliate of a bidder or contractor has
7 failed to collect and remit Illinois Use tax on sales into
8 Illinois, file returns under this Act, or pay the tax,
9 penalty, and interest shown therein, or has failed to pay any
10 final assessment of tax, penalty, or interest due under this
11 Act, for the limited purpose of enforcing bidder and
12 contractor certifications. For purposes of this Section, the
13 term "affiliate" means any entity that (1) directly,
14 indirectly, or constructively controls another entity, (2) is
15 directly, indirectly, or constructively controlled by another
16 entity, or (3) is subject to the control of a common entity.
17 For purposes of this Section, an entity controls another
18 entity if it owns, directly or individually, more than 10% of
19 the voting securities of that entity. As used in this Section,
20 the term "voting security" means a security that (1) confers
21 upon the holder the right to vote for the election of members
22 of the board of directors or similar governing body of the
23 business or (2) is convertible into, or entitles the holder to
24 receive upon its exercise, a security that confers such a
25 right to vote. A general partnership interest is a voting
26 security.

1 The Director may make available to any State agency,
2 including the Illinois Supreme Court, units of local
3 government, and school districts, information regarding
4 whether a bidder or contractor is an affiliate of a person who
5 is not collecting and remitting Illinois Use taxes for the
6 limited purpose of enforcing bidder and contractor
7 certifications.

8 The Director may also make available to the Secretary of
9 State information that a limited liability company, which has
10 filed articles of organization with the Secretary of State, or
11 corporation which has been issued a certificate of
12 incorporation by the Secretary of State has failed to file
13 returns under this Act or pay the tax, penalty and interest
14 shown therein, or has failed to pay any final assessment of
15 tax, penalty or interest due under this Act. An assessment is
16 final when all proceedings in court for review of such
17 assessment have terminated or the time for the taking thereof
18 has expired without such proceedings being instituted.

19 It is an official purpose within the meaning of this
20 Section for the Department to publicly report the aggregate
21 amount of tax revenues from a given tax return type that the
22 Department allocates from a State fund or State trust fund to
23 each unit of local government, such as the amount of the
24 monthly allocation to each unit of local government of
25 Municipal Cannabis Retailers' Occupation Tax, County Cannabis
26 Retailers' Occupation Tax, or Business District Retailers'

1 Occupation Tax, notwithstanding that some units of local
2 government may have as few as one retailer reporting revenues
3 for a given tax return type in any given reporting period.

4 The Director shall make available for public inspection in
5 the Department's principal office and for publication, at
6 cost, administrative decisions issued on or after January 1,
7 1995. These decisions are to be made available in a manner so
8 that the following taxpayer information is not disclosed:

9 (1) The names, addresses, and identification numbers
10 of the taxpayer, related entities, and employees.

11 (2) At the sole discretion of the Director, trade
12 secrets or other confidential information identified as
13 such by the taxpayer, no later than 30 days after receipt
14 of an administrative decision, by such means as the
15 Department shall provide by rule.

16 The Director shall determine the appropriate extent of the
17 deletions allowed in paragraph (2). In the event the taxpayer
18 does not submit deletions, the Director shall make only the
19 deletions specified in paragraph (1).

20 The Director shall make available for public inspection
21 and publication an administrative decision within 180 days
22 after the issuance of the administrative decision. The term
23 "administrative decision" has the same meaning as defined in
24 Section 3-101 of Article III of the Code of Civil Procedure.
25 Costs collected under this Section shall be paid into the Tax
26 Compliance and Administration Fund.

1 Nothing contained in this Act shall prevent the Director
2 from divulging information to any person pursuant to a request
3 or authorization made by the taxpayer or by an authorized
4 representative of the taxpayer.

5 The furnishing of information obtained by the Department
6 from returns filed under Public Act 101-10 to the Department
7 of Transportation for purposes of compliance with Public Act
8 101-10 regarding aviation fuel is deemed to be an official
9 purpose within the meaning of this Section.

10 The Director may make information available to the
11 Secretary of State for the purpose of administering Section
12 5-901 of the Illinois Vehicle Code.

13 (Source: P.A. 101-10, eff. 6-5-19; 101-628, eff. 6-1-20;
14 102-558, eff. 8-20-21; 102-941, eff. 7-1-22.)

15 Section 30. The Compassionate Use of Medical Cannabis
16 Program Act is amended by changing Sections 7, 10, 15, 25, 30,
17 35, 57, 55, 60, 62, 70, 75, 85, 90, 95, 100, 105, 110, 115,
18 115.5, 125, 120, 130, 140, 145, 150, 165, 180, 200, 205, and
19 210 as follows:

20 (410 ILCS 130/7)

21 Sec. 7. Lawful user and lawful products. For the purposes
22 of this Act and to clarify the legislative findings on the
23 lawful use of cannabis:

24 (1) A cardholder under this Act shall not be

1 considered an unlawful user or addicted to narcotics
2 solely as a result of his or her qualifying patient,
3 provisional patient, ~~or~~ designated caregiver, or Opioid
4 Alternative Patient Program participant status.

5 (2) All ~~medical~~ cannabis products purchased by a
6 qualifying patient, provisional patient, designated
7 caregiver, or Opioid Alternative Patient Program
8 participant at a licensed dispensing organization shall be
9 lawful products ~~and a distinction shall be made between~~
10 ~~medical and non medical uses of cannabis as a result of~~
11 ~~the qualifying patient's cardholder status, provisional~~
12 ~~registration for qualifying patient cardholder status, or~~
13 ~~participation in the Opioid Alternative Pilot Program~~
14 ~~under the authorized use granted under State law.~~

15 (3) An individual with a provisional registration for
16 qualifying patient cardholder status, a qualifying patient
17 in the Compassionate Use of Medical Cannabis Program, or
18 an Opioid Alternative Patient ~~Pilot~~ Program participant
19 under Section 62 shall not be considered an unlawful user
20 or addicted to narcotics solely as a result of his or her
21 application to or participation in the program.

22 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

23 (410 ILCS 130/10)

24 Sec. 10. Definitions. The following terms, as used in this
25 Act, shall have the meanings set forth in this Section:

1 (a) "Adequate medical supply" means:

2 (1) 10 ~~2.5~~ ounces of usable cannabis during a period
3 of 14 days and that is derived solely from an intrastate
4 source.

5 (2) Subject to the rules of the Department of Public
6 Health, a patient may apply for a waiver where a
7 certifying health care professional provides a substantial
8 medical basis in a signed, written statement asserting
9 that, based on the patient's medical history, in the
10 certifying health care professional's professional
11 judgment, 10 ~~2.5~~ ounces is an insufficient adequate
12 medical supply for a 14-day period to properly alleviate
13 the patient's debilitating medical condition or symptoms
14 associated with the debilitating medical condition.

15 (3) This subsection may not be construed to authorize
16 the possession of more than 10 ~~2.5~~ ounces at any time
17 without authority from the Department of Public Health.

18 (4) The pre-mixed weight of medical cannabis used in
19 making a cannabis infused product shall apply toward the
20 limit on the total amount of medical cannabis a registered
21 qualifying patient may possess at any one time.

22 (a-5) "Advanced practice registered nurse" means a person
23 who is licensed under the Nurse Practice Act as an advanced
24 practice registered nurse and has a controlled substances
25 license under Article III of the Illinois Controlled
26 Substances Act.

1 (b) "Cannabis" has the same meaning given to that term in
2 Section 1-10 ~~3~~ of the Cannabis Regulation and Tax ~~Control~~ Act.

3 (b-5) "Cannabis business establishment" has the same
4 meaning given to that term in Section 1-10 of the Cannabis
5 Regulation and Tax Act.

6 (c) "Cannabis plant monitoring system" means a system that
7 includes, but is not limited to, testing and data collection
8 established and maintained by the registered cultivation
9 center and available to the Department for the purposes of
10 documenting each cannabis plant and for monitoring plant
11 development throughout the life cycle of a cannabis plant
12 cultivated for the intended use by a qualifying patient from
13 seed planting to final packaging.

14 (d) "Cardholder" means a qualifying patient, provisional
15 patient, ~~or~~ a designated caregiver, or Opioid Alternative
16 Patient Program participant who has been issued and possesses
17 a valid registry identification card by the Department of
18 Public Health.

19 (d-5) "Certifying health care professional" means a
20 physician, an advanced practice registered nurse, or a
21 physician assistant.

22 (e) "Cultivation center" means a facility operated by an
23 organization or business that is registered by the Department
24 of Agriculture to perform necessary activities to provide only
25 registered medical cannabis dispensing organizations with
26 usable medical cannabis. Beginning July 1, 2026, cultivation

1 centers registered under this Act are subject to regulation
2 exclusively as a cultivation center under the Cannabis
3 Regulation and Tax Act. Cultivation center registrations under
4 this Act shall not be renewed after July 1, 2026.

5 (f) "Cultivation center agent" means a principal officer,
6 board member, employee, or agent of a registered cultivation
7 center who is 21 years of age. This subsection is inoperative
8 on and after January 1, 2027 ~~or older and has not been~~
9 ~~convicted of an excluded offense.~~

10 (g) "Cultivation center agent identification card" means a
11 document issued by the Department of Agriculture that
12 identifies a person as a cultivation center agent. This
13 subsection is inoperative on and after January 1, 2027.

14 (h) "Debilitating medical condition" means one or more of
15 the following:

16 (1) cancer, glaucoma, positive status for human
17 immunodeficiency virus, acquired immune deficiency
18 syndrome, hepatitis C, amyotrophic lateral sclerosis,
19 Crohn's disease (including, but not limited to, ulcerative
20 colitis), agitation of Alzheimer's disease,
21 cachexia/wasting syndrome, muscular dystrophy, severe
22 fibromyalgia, spinal cord disease, including but not
23 limited to arachnoiditis, Tarlov cysts, hydromyelia,
24 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
25 spinal cord injury, traumatic brain injury and
26 post-concussion syndrome, Multiple Sclerosis,

1 Arnold-Chiari malformation and Syringomyelia,
2 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
3 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
4 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
5 (Complex Regional Pain Syndromes Type II),
6 Neurofibromatosis, Chronic Inflammatory Demyelinating
7 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
8 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
9 syndrome, residual limb pain, seizures (including those
10 characteristic of epilepsy), post-traumatic stress
11 disorder (PTSD), autism, chronic pain, irritable bowel
12 syndrome, migraines, osteoarthritis, anorexia nervosa,
13 Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune
14 Disease, neuropathy, polycystic kidney disease, superior
15 canal dehiscence syndrome, endometriosis, ovarian cysts,
16 uterine fibroids, female orgasmic disorder, or the
17 treatment of these conditions;

18 (1.5) terminal illness with a diagnosis of 6 months or
19 less; if the terminal illness is not one of the qualifying
20 debilitating medical conditions, then the certifying
21 health care professional shall on the certification form
22 identify the cause of the terminal illness; or

23 (2) any other debilitating medical condition or its
24 treatment that is added by the Department of Public Health
25 by rule as provided in Section 45.

26 (i) "Designated caregiver" means a person who: (1) is at

1 least 21 years of age; (2) has agreed to assist with a
2 patient's medical use of cannabis; and (3) ~~has not been~~
3 ~~convicted of an excluded offense; and (4)~~ assists no more than
4 one registered qualifying patient with his or her medical use
5 of cannabis, except for parents or legal guardians of minor
6 patients. Beginning January 1, 2027, a designated caregiver
7 registered under this Act may perform the designated
8 caregiver's duties at any dispensary licensed by the
9 Department of Financial and Professional Regulation under the
10 Cannabis Regulation and Tax Act.

11 (j) "Dispensing organization agent identification card"
12 means a document issued by the Department of Financial and
13 Professional Regulation that identifies a person as a medical
14 cannabis dispensing organization agent. This definition is
15 inoperative on and after July 1, 2027.

16 (k) "Enclosed, locked facility" means a room, greenhouse,
17 building, or other enclosed area equipped with locks or other
18 security devices that permit access only by a cultivation
19 center's agents or a dispensing organization's agent working
20 for the registered cultivation center or the registered
21 dispensing organization to cultivate, store, and distribute
22 cannabis for registered qualifying patients. This definition
23 is inoperative on and after July 1, 2027.

24 (l) (Blank). ~~"Excluded offense" for cultivation center~~
25 ~~agents and dispensing organizations means:~~

26 ~~(1) a violent crime defined in Section 3 of the Rights~~

~~of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or~~

~~(2) a violation of a state or federal controlled substance law, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act that was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use. This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law.~~

~~For purposes of this subsection, the Department of Public Health shall determine by emergency rule within 30 days after the effective date of this amendatory Act of the 99th General Assembly what constitutes a "reasonable amount".~~

~~(1-5) (Blank).~~

(1-10) "Illinois Medical Cannabis Tracking System" means a web-based system established and maintained by the Department of Public Health that is available to the Department of Agriculture, the Department of Financial and Professional Regulation, the Illinois State Police, and registered medical cannabis dispensing organizations on a 24-hour basis to upload

1 ~~written~~ certifications for Medical Cannabis Patient Program
2 registered patient and Opioid Alternative Patient Pilot
3 Program participants;~~7~~ to verify Medical Cannabis Patient
4 Program registered patient and Opioid Alternative Patient
5 Pilot Program participants;~~7~~ and~~7~~ to verify Medical Cannabis
6 Patient Program registered patient and Opioid Alternative
7 Patient Pilot Program participants' available cannabis
8 allotment ~~and assigned dispensary, and the tracking of the~~
9 ~~date of sale, amount, and price of medical cannabis purchased~~
10 ~~by an Opioid Alternative Pilot Program participant.~~

11 (m) "Medical cannabis cultivation center registration"
12 means a registration issued by the Department of Agriculture.
13 This definition is inoperative on and after July 1, 2027.

14 (n) "Medical cannabis container" means a sealed,
15 traceable, food compliant, tamper resistant, tamper evident
16 container, or package used for the purpose of containment of
17 medical cannabis from a cultivation center to a dispensing
18 organization.

19 (o) "Medical cannabis dispensing organization", or
20 "dispensing organization", or "dispensary organization",
21 through December 31, 2026, means a facility operated by an
22 organization or business that is registered by the Department
23 of Financial and Professional Regulation to acquire medical
24 cannabis from a registered cultivation center for the purpose
25 of dispensing cannabis, paraphernalia, or related supplies and
26 educational materials to registered qualifying patients,

1 individuals with a provisional registration for qualifying
2 patient cardholder status, or an Opioid Alternative Patient
3 ~~Pilot~~ Program participant. Beginning July 1, 2027, medical
4 cannabis dispensing organizations licensed under this Act are
5 subject to regulation as a dispensary under the Cannabis
6 Regulation and Tax Act.

7 (p) "Medical cannabis dispensing organization agent" or
8 "dispensing organization agent" means a principal officer,
9 board member, employee, or agent of a registered medical
10 cannabis dispensing organization who is 21 years of age or
11 older ~~and has not been convicted of an excluded offense.~~
12 Beginning January 1, 2027, medical cannabis dispensing
13 organization agents licensed under this Act are subject to
14 regulation as a dispensary organization agent under the
15 Cannabis Regulation and Tax Act.

16 (q) "Medical cannabis infused product" means food, oils,
17 ointments, or other products containing usable cannabis that
18 are not smoked.

19 (r) "Medical use" means the acquisition; administration;
20 delivery; possession; transfer; transportation; or use of
21 cannabis to treat or alleviate a registered qualifying
22 patient's debilitating medical condition or symptoms
23 associated with the patient's debilitating medical condition.

24 (r-5) "Opioid" means a narcotic drug or substance that is
25 a Schedule II controlled substance under paragraph (1), (2),
26 (3), or (5) of subsection (b) or under subsection (c) of

1 Section 206 of the Illinois Controlled Substances Act.

2 (r-10) "Opioid Alternative Patient ~~Pilot~~ Program
3 participant" means an individual who has received a valid
4 written certification to participate in the Opioid Alternative
5 Patient ~~Pilot~~ Program for a medical condition for which an
6 opioid has been or could be prescribed by a certifying health
7 care professional based on generally accepted standards of
8 care.

9 (s) "Physician" means a doctor of medicine or doctor of
10 osteopathy licensed under the Medical Practice Act of 1987 to
11 practice medicine and who has a controlled substances license
12 under Article III of the Illinois Controlled Substances Act.
13 It does not include a licensed practitioner under any other
14 Act including but not limited to the Illinois Dental Practice
15 Act.

16 (s-1) "Physician assistant" means a physician assistant
17 licensed under the Physician Assistant Practice Act of 1987
18 and who has a controlled substances license under Article III
19 of the Illinois Controlled Substances Act.

20 (s-5) "Provisional registration" means a document issued
21 by the Department of Public Health to a qualifying patient who
22 has submitted: (1) an online application and paid a fee to
23 participate in Compassionate Use of Medical Cannabis Program
24 pending approval or denial of the patient's application; or
25 (2) a completed application for terminal illness.

26 (s-10) "Provisional patient" means a qualifying patient

1 who has received a provisional registration from the
2 Department of Public Health.

3 (t) "Qualifying patient" or "registered qualifying
4 patient" means a person who has been diagnosed by a certifying
5 health care professional as having a debilitating medical
6 condition.

7 (u) "Registered" means licensed, permitted, or otherwise
8 certified by the Department of Agriculture, Department of
9 Public Health, or Department of Financial and Professional
10 Regulation.

11 (v) "Registry identification card" means a document issued
12 by the Department of Public Health that identifies a person as
13 a registered qualifying patient, provisional patient, or
14 registered designated caregiver.

15 (w) "Usable cannabis" means the seeds, leaves, buds, and
16 flowers of the cannabis plant and any mixture or preparation
17 thereof, but does not include the stalks, and roots of the
18 plant. It does not include the weight of any non-cannabis
19 ingredients combined with cannabis, such as ingredients added
20 to prepare a topical administration, food, or drink.

21 (x) "Verification system" means a Web-based system
22 established and maintained by the Department of Public Health
23 that is available to the Department of Agriculture, the
24 Department of Financial and Professional Regulation, law
25 enforcement personnel, and registered medical cannabis
26 dispensing organization agents on a 24-hour basis for the

1 verification of registry identification cards, ~~the tracking of~~
2 ~~delivery of medical cannabis to medical cannabis dispensing~~
3 ~~organizations, and the tracking of the date of sale, amount,~~
4 ~~and price of medical cannabis purchased by a registered~~
5 ~~qualifying patient.~~

6 (y) "Written certification" means a document dated and
7 signed by a certifying health care professional practicing in
8 the State of Illinois, stating (1) that the qualifying patient
9 has a debilitating medical condition and specifying the
10 debilitating medical condition the qualifying patient has; and
11 (2) that (A) the certifying health care professional is
12 treating or managing treatment of the patient's debilitating
13 medical condition; or (B) an Opioid Alternative Patient Pilot
14 Program participant has a medical condition for which opioids
15 have been or could be prescribed. A written certification
16 shall be made only in the course of a bona fide health care
17 professional-patient relationship, after the certifying health
18 care professional has completed an assessment of either a
19 qualifying patient's medical history or Opioid Alternative
20 Patient Pilot Program participant, reviewed relevant records
21 related to the patient's debilitating condition, and conducted
22 a physical examination.

23 (z) "Bona fide health care professional-patient
24 relationship" means a relationship ~~established at a hospital,~~
25 ~~certifying health care professional's office, or other health~~
26 ~~care facility~~ in which the certifying health care professional

1 has an ongoing responsibility for the assessment, care, and
2 treatment of a patient's debilitating medical condition or a
3 symptom of the patient's debilitating medical condition.

4 A veteran who has received treatment at a VA hospital
5 shall be deemed to have a bona fide health care
6 professional-patient relationship with a VA certifying health
7 care professional if the patient has been seen for his or her
8 debilitating medical condition at the VA Hospital in
9 accordance with VA Hospital protocols.

10 A bona fide health care professional-patient relationship
11 under this subsection is a privileged communication within the
12 meaning of Section 8-802 of the Code of Civil Procedure.

13 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

14 (410 ILCS 130/15)

15 Sec. 15. Authority.

16 (a) It is the duty of the Department of Public Health to
17 enforce the following provisions of this Act unless otherwise
18 provided for by this Act:

19 (1) establish and maintain a confidential registry of
20 qualifying patients authorized to engage in the medical
21 use of cannabis and their caregivers;

22 (2) distribute educational materials about the health
23 benefits and risks associated with the use of cannabis and
24 prescription medications;

25 (3) adopt rules to administer the patient and

1 caregiver registration program; and

2 (4) adopt rules establishing food handling
3 requirements for cannabis-infused products that are
4 prepared for human consumption.

5 (b) Through July 1, 2026, it ~~it~~ is the duty of the
6 Department of Agriculture to enforce the provisions of this
7 Act relating to the registration and oversight of cultivation
8 centers unless otherwise provided for in this Act.

9 (c) Through December 31, 2026, it ~~it~~ is the duty of the
10 Department of Financial and Professional Regulation to enforce
11 the provisions of this Act relating to the registration and
12 oversight of dispensing organizations unless otherwise
13 provided for in this Act.

14 (d) Through December 31, 2026, the ~~The~~ Department of
15 Public Health, the Department of Agriculture, or the
16 Department of Financial and Professional Regulation shall
17 enter into intergovernmental agreements, as necessary, to
18 carry out the provisions of this Act including, but not
19 limited to, the provisions relating to the registration and
20 oversight of cultivation centers, dispensing organizations,
21 and qualifying patients, Opioid Alternative Patient Program
22 participants, and caregivers. Beginning January 1, 2027, the
23 Department of Public Health may enter into intergovernmental
24 agreements, as necessary, to carry out the provisions of this
25 Act, including, but not limited to, the provisions relating to
26 qualifying patients and caregivers.

1 (e) The Department of Public Health, the Department of
2 Agriculture through December 31, 2026, or the Department of
3 Financial and Professional Regulation through December 31,
4 2026 may suspend, revoke, or impose other penalties upon a
5 registration for violations of this Act and any rules adopted
6 in accordance thereto. The suspension or revocation of, or
7 imposition of any other penalty upon, a registration is a
8 final Agency action, subject to judicial review. Jurisdiction
9 and venue for judicial review are vested in the Circuit Court.
10 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
11 99-519, eff. 6-30-16.)

12 (410 ILCS 130/25)

13 Sec. 25. Immunities and presumptions related to the
14 medical use of cannabis.

15 (a) A registered qualifying patient, provisional patient,
16 or Opioid Alternative Patient Program participant is not
17 subject to arrest, prosecution, or denial of any right or
18 privilege, including, but not limited to, civil penalty or
19 disciplinary action by an occupational or professional
20 licensing board, for the medical use of cannabis in accordance
21 with this Act, if the registered qualifying patient possesses
22 an amount of cannabis that does not exceed an adequate medical
23 supply as defined in subsection (a) of Section 10 of this Act
24 of usable cannabis and, where the registered qualifying
25 patient is a licensed professional, the use of cannabis does

1 not impair that licensed professional when he or she is
2 engaged in the practice of the profession for which he or she
3 is licensed.

4 (b) A registered designated caregiver is not subject to
5 arrest, prosecution, or denial of any right or privilege,
6 including, but not limited to, civil penalty or disciplinary
7 action by an occupational or professional licensing board, for
8 acting in accordance with this Act to assist a registered
9 qualifying patient to whom he or she is connected through the
10 Department's registration process with the medical use of
11 cannabis if the designated caregiver possesses an amount of
12 cannabis that does not exceed an adequate medical supply as
13 defined in subsection (a) of Section 10 of this Act of usable
14 cannabis. A school nurse or school administrator is not
15 subject to arrest, prosecution, or denial of any right or
16 privilege, including, but not limited to, a civil penalty, for
17 acting in accordance with Section 22-33 of the School Code
18 relating to administering or assisting a student in
19 self-administering a medical cannabis infused product. The
20 total amount possessed between the qualifying patient and
21 caregiver shall not exceed the patient's adequate medical
22 supply as defined in subsection (a) of Section 10 of this Act.

23 (c) A registered qualifying patient or registered
24 designated caregiver is not subject to arrest, prosecution, or
25 denial of any right or privilege, including, but not limited
26 to, civil penalty or disciplinary action by an occupational or

1 professional licensing board for possession of cannabis that
2 is incidental to medical use, but is not usable cannabis as
3 defined in this Act.

4 (d) (1) There is a rebuttable presumption that a registered
5 qualifying patient or Opioid Alternative Patient Program
6 Participant is engaged in, or a designated caregiver is
7 assisting with, the medical use of cannabis in accordance with
8 this Act if the qualifying patient or designated caregiver:

9 (A) is in possession of a valid registry
10 identification card; and

11 (B) is in possession of an amount of cannabis that
12 does not exceed the amount allowed under subsection (a) of
13 Section 10.

14 (2) The presumption may be rebutted by evidence that
15 conduct related to cannabis was not for the purpose of
16 treating or alleviating the qualifying patient's debilitating
17 medical condition or symptoms associated with the debilitating
18 medical condition in compliance with this Act.

19 (e) A certifying health care professional is not subject
20 to arrest, prosecution, or penalty in any manner, or denial of
21 any right or privilege, including, but not limited to, civil
22 penalty or disciplinary action by the Medical Disciplinary
23 Board or by any other occupational or professional licensing
24 board, solely for providing written certifications or for
25 otherwise stating that, in the certifying health care
26 professional's professional opinion, a patient is likely to

1 receive therapeutic or palliative benefit from the medical use
2 of cannabis to treat or alleviate the patient's debilitating
3 medical condition or symptoms associated with the debilitating
4 medical condition, provided that nothing shall prevent a
5 professional licensing or disciplinary board from sanctioning
6 a certifying health care professional for: (1) issuing a
7 written certification to a patient who is not under the
8 certifying health care professional's care for a debilitating
9 medical condition; or (2) failing to properly evaluate a
10 patient's medical condition or otherwise violating the
11 standard of care for evaluating medical conditions.

12 (f) No person may be subject to arrest, prosecution, or
13 denial of any right or privilege, including, but not limited
14 to, civil penalty or disciplinary action by an occupational or
15 professional licensing board, solely for: (1) selling cannabis
16 paraphernalia to a cardholder upon presentation of an
17 unexpired registry identification card in the recipient's
18 name, if employed and registered as a dispensing agent by a
19 registered dispensing organization; (2) being in the presence
20 or vicinity of the medical use of cannabis as allowed under
21 this Act; or (3) assisting a registered qualifying patient
22 with the act of administering cannabis.

23 (g) A registered cultivation center is not subject to
24 prosecution; search or inspection, except by the Department of
25 Agriculture, Department of Public Health, or State or local
26 law enforcement under Section 130; seizure; or penalty in any

1 manner, or denial of any right or privilege, including, but
2 not limited to, civil penalty or disciplinary action by a
3 business licensing board or entity, for acting under this Act
4 and Department of Agriculture rules to: acquire, possess,
5 cultivate, manufacture, deliver, transfer, transport, supply,
6 or sell cannabis to registered dispensing organizations. This
7 subsection does not apply to events occurring on and after
8 July 1, 2026; however, the authority granted in this
9 subsection remains in force and effect for events occurring on
10 or before June 30, 2026.

11 (h) A registered cultivation center agent is not subject
12 to prosecution, search, or penalty in any manner, or denial of
13 any right or privilege, including, but not limited to, civil
14 penalty or disciplinary action by a business licensing board
15 or entity, for working or volunteering for a registered
16 cannabis cultivation center under this Act and Department of
17 Agriculture rules, including to perform the actions listed
18 under subsection (g). This subsection does not apply to events
19 occurring on and after July 1, 2026; however, the authority
20 granted in this subsection remains in force and effect for
21 events occurring on or before June 30, 2026.

22 (i) A registered dispensing organization is not subject to
23 prosecution; search or inspection, except by the Department of
24 Financial and Professional Regulation or State or local law
25 enforcement pursuant to Section 130; seizure; or penalty in
26 any manner, or denial of any right or privilege, including,

1 but not limited to, civil penalty or disciplinary action by a
2 business licensing board or entity, for acting under this Act
3 and Department of Financial and Professional Regulation rules
4 to: acquire, possess, or dispense cannabis, or related
5 supplies, and educational materials to registered qualifying
6 patients or registered designated caregivers on behalf of
7 registered qualifying patients. This subsection does not apply
8 to events occurring on and after January 1, 2027; however, the
9 authority granted in this subsection remains in force and
10 effect for events occurring on or before December 31, 2026.

11 (j) A registered dispensing organization agent is not
12 subject to prosecution, search, or penalty in any manner, or
13 denial of any right or privilege, including, but not limited
14 to, civil penalty or disciplinary action by a business
15 licensing board or entity, for working or volunteering for a
16 dispensing organization under this Act and Department of
17 Financial and Professional Regulation rules, including to
18 perform the actions listed under subsection (i). This
19 subsection does not apply to events occurring on and after
20 January 1, 2027; however, the authority granted in this
21 subsection remains in force and effect for events occurring on
22 or before December 31, 2026.

23 (k) Any cannabis, cannabis paraphernalia, illegal
24 property, or interest in legal property that is possessed,
25 owned, or used in connection with the medical use of cannabis
26 as allowed under this Act, or acts incidental to that use, may

1 not be seized or forfeited. This Act does not prevent the
2 seizure or forfeiture of cannabis exceeding the amounts
3 allowed under this Act or the Cannabis Regulation and Tax Act,
4 nor shall it prevent seizure or forfeiture if the basis for the
5 action is unrelated to the cannabis that is possessed,
6 manufactured, transferred, or used under this Act or the
7 Cannabis Regulation and Tax Act.

8 (l) Mere possession of, or application for, a registry
9 identification card or registration certificate does not
10 constitute probable cause or reasonable suspicion, nor shall
11 it be used as the sole basis to support the search of the
12 person, property, or home of the person possessing or applying
13 for the registry identification card. The possession of, or
14 application for, a registry identification card does not
15 preclude the existence of probable cause if probable cause
16 exists on other grounds.

17 (m) Nothing in this Act shall preclude local or State law
18 enforcement agencies from searching a registered cultivation
19 center where there is probable cause to believe that the
20 criminal laws of this State have been violated and the search
21 is conducted in conformity with the Illinois Constitution, the
22 Constitution of the United States, and all State statutes.

23 (n) Nothing in this Act shall preclude local or State law
24 enforcement agencies from searching a registered dispensing
25 organization where there is probable cause to believe that the
26 criminal laws of this State have been violated and the search

1 is conducted in conformity with the Illinois Constitution, the
2 Constitution of the United States, and all State statutes.

3 (o) No individual employed by the State of Illinois shall
4 be subject to criminal or civil penalties for taking any
5 action in accordance with the provisions of this Act, when the
6 actions are within the scope of his or her employment.
7 Representation and indemnification of State employees shall be
8 provided to State employees as set forth in Section 2 of the
9 State Employee Indemnification Act.

10 (p) No law enforcement or correctional agency, nor any
11 individual employed by a law enforcement or correctional
12 agency, shall be subject to criminal or civil liability,
13 except for willful and wanton misconduct, as a result of
14 taking any action within the scope of the official duties of
15 the agency or individual to prohibit or prevent the possession
16 or use of cannabis by a cardholder incarcerated at a
17 correctional facility, jail, or municipal lockup facility, on
18 parole or mandatory supervised release, or otherwise under the
19 lawful jurisdiction of the agency or individual.

20 (Source: P.A. 101-363, eff. 8-19-19; 101-370, eff. 1-1-20;
21 102-558, eff. 8-20-21.)

22 (410 ILCS 130/30)

23 Sec. 30. Limitations and penalties.

24 (a) This Act does not permit any person to engage in, and
25 does not prevent the imposition of any civil, criminal, or

1 other penalties for engaging in, the following conduct:

2 (1) Undertaking any task under the influence of
3 cannabis, when doing so would constitute negligence,
4 professional malpractice, or professional misconduct;

5 (2) Possessing cannabis:

6 (A) except as provided under Section 22-33 of the
7 School Code, in a school bus;

8 (B) except as provided under Section 22-33 of the
9 School Code, on the grounds of any preschool or
10 primary or secondary school;

11 (C) in any correctional facility;

12 (D) in a vehicle under Section 11-502.1 of the
13 Illinois Vehicle Code;

14 (E) in a vehicle not open to the public unless the
15 medical cannabis is in a reasonably secured, sealed
16 container and reasonably inaccessible while the
17 vehicle is moving; or

18 (F) in a private residence that is used at any time
19 to provide licensed child care or other similar social
20 service care on the premises;

21 (3) Using cannabis:

22 (A) except as provided under Section 22-33 of the
23 School Code, in a school bus;

24 (B) except as provided under Section 22-33 of the
25 School Code, on the grounds of any preschool or
26 primary or secondary school;

1 (C) in any correctional facility;

2 (D) in any motor vehicle;

3 (E) in a private residence that is used at any time
4 to provide licensed child care or other similar social
5 service care on the premises;

6 (F) except as provided under Section 22-33 of the
7 School Code and Section 31 of this Act, in any public
8 place. "Public place" as used in this subsection means
9 any place where an individual could reasonably be
10 expected to be observed by others. A "public place"
11 includes all parts of buildings owned in whole or in
12 part, or leased, by the State or a local unit of
13 government. A "public place" does not include a
14 private residence unless the private residence is used
15 to provide licensed child care, foster care, or other
16 similar social service care on the premises. For
17 purposes of this subsection, a "public place" does not
18 include a health care facility. For purposes of this
19 Section, a "health care facility" includes, but is not
20 limited to, hospitals, nursing homes, hospice care
21 centers, and long-term care facilities;

22 (G) except as provided under Section 22-33 of the
23 School Code and Section 31 of this Act, knowingly in
24 close physical proximity to anyone under the age of 18
25 years of age;

26 (4) Smoking medical cannabis in any public place where

1 an individual could reasonably be expected to be observed
2 by others, in a health care facility, or any other place
3 where smoking is prohibited under the Smoke Free Illinois
4 Act;

5 (5) Operating, navigating, or being in actual physical
6 control of any motor vehicle, aircraft, or motorboat while
7 using or under the influence of cannabis in violation of
8 Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

9 (6) Using or possessing cannabis if that person does
10 not have a debilitating medical condition and is not a
11 registered qualifying patient or caregiver;

12 (7) Allowing any person who is not allowed to use
13 cannabis under this Act to use cannabis that a cardholder
14 is allowed to possess under this Act;

15 (8) Transferring cannabis to any person contrary to
16 the provisions of this Act;

17 (9) The use of medical cannabis by an active duty law
18 enforcement officer, correctional officer, correctional
19 probation officer, or firefighter; or

20 (10) The use of medical cannabis by a person who has a
21 school bus permit or a Commercial Driver's License.

22 (b) Nothing in this Act shall be construed to prevent the
23 arrest or prosecution of a registered qualifying patient for
24 reckless driving or driving under the influence of cannabis
25 where probable cause exists.

26 (c) Notwithstanding any other criminal penalties related

1 to the unlawful possession of cannabis, knowingly making a
2 misrepresentation to a law enforcement official of any fact or
3 circumstance relating to the medical use of cannabis to avoid
4 arrest or prosecution is a petty offense punishable by a fine
5 of up to \$1,000, which shall be in addition to any other
6 penalties that may apply for making a false statement or for
7 the use of cannabis other than use undertaken under this Act.

8 (d) Notwithstanding any other criminal penalties related
9 to the unlawful possession of cannabis, any person who makes a
10 misrepresentation of a medical condition to a certifying
11 health care professional or fraudulently provides material
12 misinformation to a certifying health care professional in
13 order to obtain a written certification is guilty of a petty
14 offense punishable by a fine of up to \$1,000.

15 (e) Any registered qualifying patient, provisional
16 patient, Opioid Alternative Patient Program participant,
17 ~~cardholder~~ or designated ~~registered~~ caregiver who sells
18 cannabis shall have his or her registry identification card
19 revoked and is subject to other penalties for the unauthorized
20 sale of cannabis.

21 (f) Any registered qualifying patient or provisional
22 patient who commits a violation of Section 11-502.1 of the
23 Illinois Vehicle Code or refuses a properly requested test
24 related to operating a motor vehicle while under the influence
25 of cannabis shall have his or her registry identification card
26 revoked.

1 (g) No registered qualifying patient, provisional patient,
2 Opioid Alternative Patient Program participant, or designated
3 caregiver shall knowingly obtain, seek to obtain, or possess,
4 individually or collectively, an amount of usable cannabis
5 from a registered medical cannabis dispensing organization
6 that would cause him or her to exceed the authorized adequate
7 medical supply under subsection (a) of Section 10.

8 (h) Nothing in this Act shall prevent a private business
9 from restricting or prohibiting the medical use of cannabis on
10 its property.

11 (i) Nothing in this Act shall prevent a university,
12 college, or other institution of post-secondary education from
13 restricting or prohibiting the use of medical cannabis on its
14 property.

15 (Source: P.A. 101-363, eff. 8-9-19; 102-67, eff. 7-9-21.)

16 (410 ILCS 130/35)

17 Sec. 35. Certifying health care professional requirements.

18 (a) A certifying health care professional who certifies a
19 debilitating medical condition for a qualifying patient shall
20 comply with all of the following requirements:

21 (1) The certifying health care professional shall be
22 currently licensed under the Medical Practice Act of 1987
23 to practice medicine in all its branches, the Nurse
24 Practice Act, or the Physician Assistant Practice Act of
25 1987, shall be in good standing, and must hold a

1 controlled substances license under Article III of the
2 Illinois Controlled Substances Act.

3 (2) A certifying health care professional certifying a
4 patient's condition shall comply with generally accepted
5 standards of medical practice, the provisions of the Act
6 under which he or she is licensed and all applicable
7 rules.

8 (3) The physical examination required by this Act may
9 ~~not~~ be conducted ~~performed~~ by remote means, including
10 telemedicine, provided that an Illinois-based medical
11 clinic is established and accessible to patients, ensuring
12 the provision of adequate medical care.

13 (4) The certifying health care professional shall
14 maintain a record-keeping system for all patients for whom
15 the certifying health care professional has certified the
16 patient's medical condition. These records shall be
17 accessible to and subject to review by the Department of
18 Public Health and the Department of Financial and
19 Professional Regulation upon request.

20 (b) A certifying health care professional may not:

21 (1) accept, solicit, or offer any form of remuneration
22 from or to a qualifying patient, provisional patient,
23 designated ~~primary~~ caregiver, cultivation center, or
24 dispensing organization, including each principal officer,
25 board member, agent, and employee, to certify a patient,
26 other than accepting payment from a patient for the fee

1 associated with the required examination, except for the
2 limited purpose of performing a medical cannabis-related
3 research study;

4 (1.5) accept, solicit, or offer any form of
5 remuneration from or to a medical cannabis cultivation
6 center or dispensary organization for the purposes of
7 referring a patient to a specific dispensary organization;

8 (1.10) engage in any activity that is prohibited under
9 Section 22.2 of the Medical Practice Act of 1987,
10 regardless of whether the certifying health care
11 professional is a physician, advanced practice registered
12 nurse, or physician assistant;

13 (2) offer a discount of any other item of value to a
14 qualifying patient or provisional patient who uses or
15 agrees to use a particular designated ~~primary~~ caregiver or
16 dispensing organization to obtain medical cannabis;

17 (3) conduct a personal certifying ~~physical~~ examination
18 of a patient for purposes of diagnosing a debilitating
19 medical condition at a location where medical cannabis is
20 sold or distributed or at the address of a principal
21 officer, agent, or employee or a medical cannabis
22 organization;

23 (4) hold a direct or indirect economic interest in a
24 cultivation center or dispensing organization if he or she
25 recommends the use of medical cannabis to qualified
26 patients or is in a partnership or other fee or

1 profit-sharing relationship with a certifying health care
2 professional who recommends medical cannabis, except for
3 the limited purpose of performing a medical
4 cannabis-related research study;

5 (5) serve on the board of directors or as an employee
6 of a cultivation center or dispensing organization;

7 (6) refer patients to a cultivation center, a
8 dispensing organization, or a registered designated
9 caregiver; or

10 (7) advertise in a cultivation center or a dispensing
11 organization.

12 (c) The Department of Public Health may with reasonable
13 cause refer a certifying health care professional, who has
14 certified a debilitating medical condition of a patient, to
15 the Illinois Department of Financial and Professional
16 Regulation for potential violations of this Section.

17 (d) Any violation of this Section or any other provision
18 of this Act or rules adopted under this Act is a violation of
19 the certifying health care professional's licensure act.

20 (e) A certifying health care professional who certifies a
21 debilitating medical condition for a qualifying patient or
22 Opioid Alternative Patient Program may notify the Department
23 of Public Health in writing: (1) if the certifying health care
24 professional has reason to believe either that the registered
25 qualifying patient has ceased to suffer from a debilitating
26 medical condition; (2) that the bona fide health care

1 professional-patient relationship has terminated; or (3) that
2 continued use of medical cannabis would result in
3 contraindication with the patient's other medication. The
4 registered qualifying patient's or Opioid Alternative Patient
5 Program's registry identification card shall be revoked by the
6 Department of Public Health after receiving the certifying
7 health care professional's notification.

8 (f) Nothing in this Act shall preclude a certifying health
9 care professional from referring a patient for health
10 services, except when the referral is limited to certification
11 purposes only, under this Act.

12 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)

13 (410 ILCS 130/55)

14 Sec. 55. Registration of qualifying patients and
15 designated caregivers.

16 (a) The Department of Public Health shall issue registry
17 identification cards to qualifying patients and designated
18 caregivers who submit a completed application, and at minimum,
19 the following, in accordance with Department of Public Health
20 rules:

21 (1) A written certification, on a form developed by
22 the Department of Public Health consistent with Section 36
23 and issued by a certifying health care professional,
24 within 90 days immediately preceding the date of an
25 application and submitted by the qualifying patient or his

1 or her designated caregiver;

2 (2) upon the execution of applicable privacy waivers,
3 the patient's medical documentation related to his or her
4 debilitating condition and any other information that may
5 be reasonably required by the Department of Public Health
6 to confirm that the certifying health care professional
7 and patient have a bona fide health care
8 professional-patient relationship, that the qualifying
9 patient is in the certifying health care professional's
10 care for his or her debilitating medical condition, and to
11 substantiate the patient's diagnosis;

12 (3) the application or renewal fee as set by rule;

13 (4) the name, address, date of birth, and social
14 security number of the qualifying patient, except that if
15 the applicant is homeless no address is required;

16 (5) the name, address, and telephone number of the
17 qualifying patient's certifying health care professional;

18 (6) the name, address, and date of birth of the
19 designated caregiver, if any, chosen by the qualifying
20 patient;

21 (7) (blank);

22 (8) signed statements from the patient and designated
23 caregiver asserting that they will not divert medical
24 cannabis; and

25 (9) (blank).

26 (b) Notwithstanding any other provision of this Act, a

1 person provided a written certification for a debilitating
2 medical condition who has submitted a completed online
3 application to the Department of Public Health shall receive a
4 provisional registration and be entitled to purchase medical
5 cannabis from a licensed dispensing organization for a period
6 of 90 days or until his or her application has been denied or
7 he or she receives a registry identification card, whichever
8 is earlier. However, a person may obtain an additional
9 provisional registration after the expiration of 90 days after
10 the date of application if the Department of Public Health
11 does not provide the individual with a registry identification
12 card or deny the individual's application within those 90
13 days.

14 The provisional registration may not be extended if the
15 individual does not respond to the Department of Public
16 Health's request for additional information or corrections to
17 required application documentation.

18 In order for a person to receive medical cannabis under
19 this subsection, a person must present his or her provisional
20 registration along with a valid driver's license or State
21 identification card to the licensed dispensing organization.
22 The dispensing organization shall verify the person's
23 provisional registration through the Department of Public
24 Health's online verification system.

25 Upon verification of the provided documents, the
26 dispensing organization shall dispense no more than 10 ~~2.5~~

1 ounces of medical cannabis during a 14-day period to the
2 person for a period of 90 days, until his or her application
3 has been denied, or until he or she receives a registry
4 identification card from the Department of Public Health,
5 whichever is earlier.

6 Persons with provisional registrations must keep their
7 provisional registration in his or her possession at all times
8 when transporting or engaging in the medical use of cannabis.

9 (c) No person or business shall charge a fee for
10 assistance in the preparation, compilation, or submission of
11 an application to the Compassionate Use of Medical Cannabis
12 Program or the Opioid Alternative Pilot Program. A violation
13 of this subsection is a Class C misdemeanor, for which
14 restitution to the applicant and a fine of up to \$1,500 may be
15 imposed. All fines shall be deposited into the Compassionate
16 Use of Medical Cannabis Fund after restitution has been made
17 to the applicant. The Department of Public Health shall refer
18 individuals making complaints against a person or business
19 under this Section to the Illinois State Police, who shall
20 enforce violations of this provision. All application forms
21 issued by the Department shall state that no person or
22 business may charge a fee for assistance in the preparation,
23 compilation, or submission of an application to the
24 Compassionate Use of Medical Cannabis Program or the Opioid
25 Alternative Pilot Program.

26 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21.)

1 (410 ILCS 130/57)

2 Sec. 57. Designated Caregivers and provisional ~~Qualifying~~
3 patients.

4 (a) Qualifying patients or provisional patients that are
5 under the age of 18 years shall not be prohibited from
6 appointing up to 3 designated caregivers who meet the
7 definition of "designated caregiver" under Section 10 so long
8 as at least one designated caregiver is a biological parent or
9 legal guardian.

10 (b) Qualifying patients or provisional patients that are
11 18 years of age or older shall not be prohibited from
12 appointing up to 3 designated caregivers who meet the
13 definition of "designated caregiver" under Section 10.

14 (c) Beginning January 1, 2027, designated caregivers,
15 qualifying patients, Opioid Alternative Patient Program
16 participants, or provisional patients registered under this
17 Act may purchase an adequate medical supply at any dispensing
18 organization licensed by the Department of Financial and
19 Professional Regulation under the Cannabis Regulation and Tax
20 Act.

21 (Source: P.A. 101-363, eff. 8-9-19.)

22 (410 ILCS 130/60)

23 Sec. 60. Issuance of registry identification cards.

24 (a) Except as provided in subsection (b), the Department

1 of Public Health shall:

2 (1) verify the information contained in an application
3 or renewal for a registry identification card submitted
4 under this Act, and approve or deny an application or
5 renewal, within 90 days of receiving a completed
6 application or renewal application and all supporting
7 documentation specified in Section 55;

8 (2) issue registry identification cards to a
9 qualifying patient and his or her designated caregiver, if
10 any, within 15 business days of approving the application
11 or renewal; and

12 (3) (blank) ~~enter the registry identification number~~
13 ~~of the registered dispensing organization the patient~~
14 ~~designates into the verification system; and~~

15 (4) allow for an electronic application process, and
16 provide a confirmation by electronic or other methods that
17 an application has been submitted.

18 Notwithstanding any other provision of this Act, the
19 Department of Public Health shall adopt rules for qualifying
20 patients and applicants with life-long debilitating medical
21 conditions, who may be charged annual renewal fees. The
22 Department of Public Health shall not require patients and
23 applicants with life-long debilitating medical conditions to
24 apply to renew registry identification cards.

25 (b) The Department of Public Health may not issue a
26 registry identification card to a qualifying patient who is

1 under 18 years of age, unless that patient suffers from
2 seizures, including those characteristic of epilepsy, or as
3 provided by administrative rule. The Department of Public
4 Health shall adopt rules for the issuance of a registry
5 identification card for qualifying patients who are under 18
6 years of age and suffering from seizures, including those
7 characteristic of epilepsy. The Department of Public Health
8 may adopt rules to allow other individuals under 18 years of
9 age to become registered qualifying patients under this Act
10 with the consent of a parent or legal guardian. Registered
11 qualifying patients under 18 years of age shall be prohibited
12 from consuming forms of cannabis other than medical cannabis
13 infused products and purchasing any usable cannabis.

14 (c) A veteran who has received treatment at a VA hospital
15 is deemed to have a bona fide health care professional-patient
16 relationship with a VA certifying health care professional if
17 the patient has been seen for his or her debilitating medical
18 condition at the VA hospital in accordance with VA hospital
19 protocols. All reasonable inferences regarding the existence
20 of a bona fide health care professional-patient relationship
21 shall be drawn in favor of an applicant who is a veteran and
22 has undergone treatment at a VA hospital.

23 (c-10) An individual who submits an application as someone
24 who is terminally ill shall have all fees waived. The
25 Department of Public Health shall within 30 days after this
26 amendatory Act of the 99th General Assembly adopt emergency

1 rules to expedite approval for terminally ill individuals.
2 These rules shall include, but not be limited to, rules that
3 provide that applications by individuals with terminal
4 illnesses shall be approved or denied within 14 days of their
5 submission.

6 (d) No later than 6 months after the effective date of this
7 amendatory Act of the 101st General Assembly, the Secretary of
8 State shall remove all existing notations on driving records
9 that the person is a registered qualifying patient or his or
10 her caregiver under this Act.

11 (e) Upon the approval of the registration and issuance of
12 a registry card under this Section, the Department of Public
13 Health shall electronically forward the registered qualifying
14 patient's identification card information to the Prescription
15 Monitoring Program established under the Illinois Controlled
16 Substances Act and certify that the individual is permitted to
17 engage in the medical use of cannabis. For the purposes of
18 patient care, the Prescription Monitoring Program shall make a
19 notation on the person's prescription record stating that the
20 person is a registered qualifying patient or Opioid
21 Alternative Patient Program participant who is entitled to the
22 lawful medical use of cannabis. If the person no longer holds a
23 valid registry card, the Department of Public Health shall
24 notify the Prescription Monitoring Program and Department of
25 Human Services to remove the notation from the person's
26 record. The Department of Human Services and the Prescription

1 Monitoring Program shall establish a system by which the
2 information may be shared electronically. This confidential
3 list may not be combined or linked in any manner with any other
4 list or database except as provided in this Section.

5 (f) (Blank).

6 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;
7 101-593, eff. 12-4-19.)

8 (410 ILCS 130/62)

9 Sec. 62. Opioid Alternative Pilot Program.

10 (a) The Department of Public Health shall establish the
11 Opioid Alternative Pilot Program. Licensed dispensing
12 organizations shall allow persons with a written certification
13 from a certifying health care professional under Section 36 to
14 purchase medical cannabis upon enrollment in the Opioid
15 Alternative Pilot Program. The Department of Public Health
16 shall adopt rules or establish procedures allowing qualified
17 veterans to participate in the Opioid Alternative Pilot
18 Program. For a person to receive medical cannabis under this
19 Section, the person must present the written certification
20 along with a valid driver's license or state identification
21 card to the licensed dispensing organization specified in his
22 or her application. The dispensing organization shall verify
23 the person's status as an Opioid Alternative Pilot Program
24 participant through the Department of Public Health's online
25 verification system.

1 (b) The Opioid Alternative Pilot Program shall be limited
2 to participation by Illinois residents age 21 and older.

3 (c) The Department of Financial and Professional
4 Regulation shall specify that all licensed dispensing
5 organizations participating in the Opioid Alternative Pilot
6 Program use the Illinois Cannabis Tracking System. The
7 Department of Public Health shall establish and maintain the
8 Illinois Cannabis Tracking System. The Illinois Cannabis
9 Tracking System shall be used to collect information about all
10 persons participating in the Opioid Alternative Pilot Program
11 and shall be used to track the sale of medical cannabis for
12 verification purposes.

13 Each dispensing organization shall retain a copy of the
14 Opioid Alternative Pilot Program certification and other
15 identifying information as required by the Department of
16 Financial and Professional Regulation, the Department of
17 Public Health, and the Illinois State Police in the Illinois
18 Cannabis Tracking System.

19 The Illinois Cannabis Tracking System shall be accessible
20 to the Department of Financial and Professional Regulation,
21 Department of Public Health, Department of Agriculture, and
22 the Illinois State Police.

23 The Department of Financial and Professional Regulation in
24 collaboration with the Department of Public Health shall
25 specify the data requirements for the Opioid Alternative Pilot
26 Program by licensed dispensing organizations; including, but

1 not limited to, the participant's full legal name, address,
2 and date of birth, date on which the Opioid Alternative Pilot
3 Program certification was issued, length of the participation
4 in the Program, including the start and end date to purchase
5 medical cannabis, name of the issuing physician, copy of the
6 participant's current driver's license or State identification
7 card, and phone number.

8 The Illinois Cannabis Tracking System shall provide
9 verification of a person's participation in the Opioid
10 Alternative Pilot Program for law enforcement at any time and
11 on any day.

12 (d) The certification for Opioid Alternative Pilot Program
13 participant must be issued by a certifying health care
14 professional who is licensed to practice in Illinois under the
15 Medical Practice Act of 1987, the Nurse Practice Act, or the
16 Physician Assistant Practice Act of 1987 and who is in good
17 standing and holds a controlled substances license under
18 Article III of the Illinois Controlled Substances Act.

19 The certification for an Opioid Alternative Pilot Program
20 participant shall be written within 90 days before the
21 participant submits his or her certification to the dispensing
22 organization.

23 The written certification uploaded to the Illinois
24 Cannabis Tracking System shall be accessible to the Department
25 of Public Health.

26 (e) Upon verification of the individual's valid

1 certification and enrollment in the Illinois Cannabis Tracking
2 System, the dispensing organization may dispense the medical
3 cannabis, in amounts not exceeding 10 ~~2.5~~ ounces of medical
4 cannabis per 14-day period to the participant at the
5 participant's specified dispensary for no more than 90 days.

6 An Opioid Alternative Pilot Program participant shall not
7 be registered as a medical cannabis cardholder. The dispensing
8 organization shall verify that the person is not an active
9 registered qualifying patient prior to enrollment in the
10 Opioid Alternative Pilot Program and each time medical
11 cannabis is dispensed.

12 Upon receipt of a written certification under the Opioid
13 Alternative Pilot Program, the Department of Public Health
14 shall electronically forward the patient's identification
15 information to the Prescription Monitoring Program established
16 under the Illinois Controlled Substances Act and certify that
17 the individual is permitted to engage in the medical use of
18 cannabis. For the purposes of patient care, the Prescription
19 Monitoring Program shall make a notation on the person's
20 prescription record stating that the person has a written
21 certification under the Opioid Alternative Pilot Program and
22 is a patient who is entitled to the lawful medical use of
23 cannabis. If the person is no longer authorized to engage in
24 the medical use of cannabis, the Department of Public Health
25 shall notify the Prescription Monitoring Program and
26 Department of Human Services to remove the notation from the

1 person's record. The Department of Human Services and the
2 Prescription Monitoring Program shall establish a system by
3 which the information may be shared electronically. This
4 confidential list may not be combined or linked in any manner
5 with any other list or database except as provided in this
6 Section.

7 (f) An Opioid Alternative Pilot Program participant shall
8 not be considered a qualifying patient with a debilitating
9 medical condition under this Act and shall be provided access
10 to medical cannabis solely for the duration of the
11 participant's certification. Nothing in this Section shall be
12 construed to limit or prohibit an Opioid Alternative Pilot
13 Program participant who has a debilitating medical condition
14 from applying to the Compassionate Use of Medical Cannabis
15 Program.

16 (g) A person with a provisional registration under Section
17 55 shall not be considered an Opioid Alternative Pilot Program
18 participant.

19 (h) The Department of Financial and Professional
20 Regulation and the Department of Public Health shall submit
21 emergency rulemaking to implement the changes made by this
22 amendatory Act of the 100th General Assembly by December 1,
23 2018. The Department of Financial and Professional Regulation,
24 the Department of Agriculture, the Department of Human
25 Services, the Department of Public Health, and the Illinois
26 State Police shall utilize emergency purchase authority for 12

1 months after the effective date of this amendatory Act of the
2 100th General Assembly for the purpose of implementing the
3 changes made by this amendatory Act of the 100th General
4 Assembly.

5 (i) Dispensing organizations are not authorized to
6 dispense medical cannabis to Opioid Alternative Pilot Program
7 participants until administrative rules are approved by the
8 Joint Committee on Administrative Rules and go into effect.

9 (j) The provisions of this Section are inoperative on and
10 after July 1, 2025.

11 (Source: P.A. 101-363, eff. 8-9-19; 102-16, eff. 6-17-21.)

12 (410 ILCS 130/70)

13 Sec. 70. Registry identification cards.

14 (a) A registered qualifying patient, Opioid Alternative
15 Patient Program participant, provisional patient, or
16 designated caregiver must keep their registry identification
17 card in his or her possession at all times when engaging in the
18 medical use of cannabis.

19 (b) Registry identification cards shall contain the
20 following:

21 (1) the name of the cardholder;

22 (2) a designation of whether the cardholder is a
23 designated caregiver or qualifying patient;

24 (3) the date of issuance and expiration date of the
25 registry identification card;

1 (4) a random alphanumeric identification number that
2 is unique to the cardholder;

3 (5) if the cardholder is a designated caregiver, the
4 random alphanumeric identification number of the
5 registered qualifying patient the designated caregiver is
6 receiving the registry identification card to assist; and

7 (6) a photograph of the cardholder, if required by
8 Department of Public Health rules.

9 (c) To maintain a valid registration identification card,
10 a registered qualifying patient and designated caregiver must
11 annually resubmit, at least 45 days prior to the expiration
12 date stated on the registry identification card, a completed
13 renewal application, renewal fee, and accompanying
14 documentation as described in Department of Public Health
15 rules. The Department of Public Health shall send a
16 notification to a registered qualifying patient or registered
17 designated caregiver 90 days prior to the expiration of the
18 registered qualifying patient's or registered designated
19 caregiver's identification card. If the Department of Public
20 Health fails to grant or deny a renewal application received
21 in accordance with this Section, then the renewal is deemed
22 granted and the registered qualifying patient or registered
23 designated caregiver may continue to use the expired
24 identification card until the Department of Public Health
25 denies the renewal or issues a new identification card.

26 (d) Except as otherwise provided in this Section, the

1 expiration date is 3 years after the date of issuance.

2 (e) The Department of Public Health may electronically
3 store in the card any or all of the information listed in
4 subsection (b), along with the address and date of birth of the
5 cardholder ~~and the qualifying patient's designated dispensary~~
6 ~~organization~~, to allow it to be read by law enforcement
7 agents.

8 (Source: P.A. 98-122, eff. 1-1-14; 99-519, eff. 6-30-16.)

9 (410 ILCS 130/75)

10 Sec. 75. Notifications to Department of Public Health and
11 responses; civil penalty.

12 (a) The following notifications and Department of Public
13 Health responses are required:

14 (1) A registered qualifying patient or Opioid
15 Alternative Patient Program shall notify the Department of
16 Public Health of any change in his or her name or address,
17 or if the registered qualifying patient ceases to have his
18 or her debilitating medical condition, within 10 days of
19 the change.

20 (2) A registered designated caregiver shall notify the
21 Department of Public Health of any change in his or her
22 name or address, or if the designated caregiver becomes
23 aware the registered qualifying patient passed away,
24 within 10 days of the change.

25 (3) Before a registered qualifying patient changes his

1 or her designated caregiver, the qualifying patient must
2 notify the Department of Public Health.

3 (4) (Blank). ~~If a cardholder loses his or her registry~~
4 ~~identification card, he or she shall notify the Department~~
5 ~~within 10 days of becoming aware the card has been lost.~~

6 (b) When a cardholder notifies the Department of Public
7 Health of items listed in subsection (a), but remains eligible
8 under this Act, the Department of Public Health shall issue
9 the cardholder a new registry identification card with a new
10 random alphanumeric identification number within 15 business
11 days of receiving the updated information and a fee as
12 specified in Department of Public Health rules. If the person
13 notifying the Department of Public Health is a registered
14 qualifying patient, the Department shall also issue his or her
15 registered designated caregiver, if any, a new registry
16 identification card within 15 business days of receiving the
17 updated information.

18 (c) If a registered qualifying patient ceases to be a
19 registered qualifying patient, Opioid Alternative Patient
20 Program participant, or changes his or her registered
21 designated caregiver, the Department of Public Health shall
22 promptly notify the designated caregiver. The registered
23 designated caregiver's protections under this Act as to that
24 qualifying patient shall expire 15 days after notification by
25 the Department.

26 (d) A cardholder who fails to make a notification to the

1 Department of Public Health that is required by this Section
2 is subject to a civil infraction, punishable by a penalty of no
3 more than \$150.

4 (e) (Blank). ~~A registered qualifying patient shall notify~~
5 ~~the Department of Public Health of any change to his or her~~
6 ~~designated registered dispensing organization. The Department~~
7 ~~of Public Health shall provide for immediate changes of a~~
8 ~~registered qualifying patient's designated registered~~
9 ~~dispensing organization. Registered dispensing organizations~~
10 ~~must comply with all requirements of this Act.~~

11 (f) If the registered qualifying patient's certifying
12 health care professional notifies the Department in writing
13 that either the registered qualifying patient or Opioid
14 Alternative Patient Program participant has ceased to suffer
15 from a debilitating medical condition, that the bona fide
16 health care professional-patient relationship has terminated,
17 or that continued use of medical cannabis would result in
18 contraindication with the patient's other medication, the card
19 shall become null and void. However, the registered qualifying
20 patient shall have 15 days to destroy his or her remaining
21 medical cannabis and related paraphernalia.

22 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)

23 (410 ILCS 130/85)

24 Sec. 85. Issuance and denial of medical cannabis
25 cultivation permit.

1 (a) The Department of Agriculture may register up to 22
2 cultivation center registrations for operation. The Department
3 of Agriculture may not issue more than one registration per
4 each Illinois State Police District boundary as specified on
5 the date of January 1, 2013. The Department of Agriculture may
6 not issue less than the 22 registrations if there are
7 qualified applicants who have applied with the Department.

8 (b) The registrations shall be issued and renewed annually
9 as determined by administrative rule.

10 (c) The Department of Agriculture shall determine a
11 registration fee by rule.

12 (d) A cultivation center may only operate if it has been
13 issued a valid registration from the Department of
14 Agriculture. When applying for a cultivation center
15 registration, the applicant shall submit the following in
16 accordance with Department of Agriculture rules:

17 (1) the proposed legal name of the cultivation center;

18 (2) the proposed physical address of the cultivation
19 center and description of the enclosed, locked facility as
20 it applies to cultivation centers where medical cannabis
21 will be grown, harvested, manufactured, packaged, or
22 otherwise prepared for distribution to a dispensing
23 organization;

24 (3) the name, address, and date of birth of each
25 principal officer and board member of the cultivation
26 center, provided that all those individuals shall be at

1 least 21 years of age;

2 (4) any instance in which a business that any of the
3 prospective board members of the cultivation center had
4 managed or served on the board of the business and was
5 convicted, fined, censured, or had a registration or
6 license suspended or revoked in any administrative or
7 judicial proceeding;

8 (5) cultivation, inventory, and packaging plans;

9 (6) proposed operating by-laws that include procedures
10 for the oversight of the cultivation center, development
11 and implementation of a plant monitoring system, medical
12 cannabis container tracking system, accurate record
13 keeping, staffing plan, and security plan reviewed by the
14 Illinois State Police that are in accordance with the
15 rules issued by the Department of Agriculture under this
16 Act. A physical inventory shall be performed of all plants
17 and medical cannabis containers on a weekly basis;

18 (7) experience with agricultural cultivation
19 techniques and industry standards;

20 (8) any academic degrees, certifications, or relevant
21 experience with related businesses;

22 (9) the identity of every person, association, trust,
23 or corporation having any direct or indirect pecuniary
24 interest in the cultivation center operation with respect
25 to which the registration is sought. If the disclosed
26 entity is a trust, the application shall disclose the

1 names and addresses of the beneficiaries; if a
2 corporation, the names and addresses of all stockholders
3 and directors; if a partnership, the names and addresses
4 of all partners, both general and limited;

5 (10) verification from the Illinois State Police that
6 all background checks of the principal officer, board
7 members, and registered agents have been conducted ~~and~~
8 ~~those individuals have not been convicted of an excluded~~
9 ~~offense;~~

10 (11) provide a copy of the current local zoning
11 ordinance to the Department of Agriculture and verify that
12 proposed cultivation center is in compliance with the
13 local zoning rules issued in accordance with Section 140;

14 (12) an application fee set by the Department of
15 Agriculture by rule; and

16 (13) any other information required by Department of
17 Agriculture rules, including, but not limited to a
18 cultivation center applicant's experience with the
19 cultivation of agricultural or horticultural products,
20 operating an agriculturally related business, or operating
21 a horticultural business.

22 (e) An application for a cultivation center permit must be
23 denied if any of the following conditions are met:

24 (1) the applicant failed to submit the materials
25 required by this Section, including if the applicant's
26 plans do not satisfy the security, oversight, inventory,

1 or recordkeeping rules issued by the Department of
2 Agriculture;

3 (2) the applicant would not be in compliance with
4 local zoning rules issued in accordance with Section 140;

5 (3) (blank); ~~one or more of the prospective principal~~
6 ~~officers or board members has been convicted of an~~
7 ~~excluded offense;~~

8 (4) one or more of the prospective principal officers
9 or board members has served as a principal officer or
10 board member for a registered dispensing organization or
11 cultivation center that has had its registration revoked;

12 (5) one or more of the principal officers or board
13 members is under 21 years of age;

14 (6) (blank); ~~a principal officer or board member of~~
15 ~~the cultivation center has been convicted of a felony~~
16 ~~under the laws of this State, any other state, or the~~
17 ~~United States;~~

18 (7) (blank); ~~or a principal officer or board member of~~
19 ~~the cultivation center has been convicted of any violation~~
20 ~~of Article 28 of the Criminal Code of 2012, or~~
21 ~~substantially similar laws of any other jurisdiction; or~~

22 (8) the person has submitted an application for a
23 certificate under this Act which contains false
24 information.

25 (f) Beginning January 1, 2027, the Department shall cease
26 to issue or renew any medical cannabis cultivation permit at

1 the next renewal period. Entities that hold dual medical
2 cannabis cultivation permits and Adult use cultivation center
3 licenses may continue all operations with a valid cultivation
4 center license issued under the Cannabis Regulation and Tax
5 Act. The Department may set up a process to transition medical
6 cannabis cultivation permits into cultivation center licenses
7 that includes issuing refunds or proration of renewal fees.

8 (g) This Section is repealed on January 1, 2028.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (410 ILCS 130/90)

11 Sec. 90. Renewal of cultivation center registrations.

12 (a) Registrations shall be renewed annually. The
13 registered cultivation center shall receive written notice 90
14 days prior to the expiration of its current registration that
15 the registration will expire. The Department of Agriculture
16 shall grant a renewal application within 45 days of its
17 submission if the following conditions are satisfied:

18 (1) the registered cultivation center submits a
19 renewal application and the required renewal fee
20 established by the Department of Agriculture by rule; and

21 (2) the Department of Agriculture has not suspended
22 the registration of the cultivation center or suspended or
23 revoked the registration for violation of this Act or
24 rules adopted under this Act.

25 (b) Beginning January 1, 2027, all cultivation center

1 permits issued under Section 85 shall be renewed in accordance
2 with Section 20-45 of the Cannabis Regulation and Tax Act and
3 shall be subject to the requirements and prohibitions of the
4 Cannabis Regulation and Tax Act.

5 (c) This Section is repealed on July 1, 2028.

6 (Source: P.A. 98-122, eff. 1-1-14.)

7 (410 ILCS 130/95)

8 Sec. 95. Background checks.

9 (a) The Department of Agriculture through the Illinois
10 State Police shall conduct a background check of the
11 prospective cultivation center agents. The Illinois State
12 Police shall charge a fee for conducting the criminal history
13 record check, which shall be deposited in the State Police
14 Services Fund and shall not exceed the actual cost of the
15 record check. In order to carry out this provision, each
16 person applying as a cultivation center agent shall submit a
17 full set of fingerprints to the Illinois State Police for the
18 purpose of obtaining a State and federal criminal records
19 check. These fingerprints shall be checked against the
20 fingerprint records now and hereafter, to the extent allowed
21 by law, filed in the Illinois State Police and Federal Bureau
22 of Investigation criminal history records databases. The
23 Illinois State Police shall furnish, following positive
24 identification, all Illinois conviction information to the
25 Department of Agriculture.

1 (b) When applying for the initial permit, the background
2 checks for the principal officer, board members, and
3 registered agents shall be completed prior to submitting the
4 application to the Department of Agriculture.

5 (c) This Section is repealed on July 1, 2028.

6 (Source: P.A. 102-538, eff. 8-20-21.)

7 (410 ILCS 130/100)

8 Sec. 100. Cultivation center agent identification card.

9 (a) The Department of Agriculture shall:

10 (1) verify the information contained in an application
11 or renewal for a cultivation center identification card
12 submitted under this Act, and approve or deny an
13 application or renewal, within 30 days of receiving a
14 completed application or renewal application and all
15 supporting documentation required by rule;

16 (2) issue a cultivation center agent identification
17 card to a qualifying agent within 15 business days of
18 approving the application or renewal;

19 (3) enter the registry identification number of the
20 cultivation center where the agent works; and

21 (4) allow for an electronic application process, and
22 provide a confirmation by electronic or other methods that
23 an application has been submitted.

24 (b) A cultivation center agent must keep his or her
25 identification card visible at all times when on the property

1 of a cultivation center and during the transportation of
2 medical cannabis to a registered dispensary organization.

3 (c) The cultivation center agent identification cards
4 shall contain the following:

5 (1) the name of the cardholder;

6 (2) the date of issuance and expiration date of
7 cultivation center agent identification cards;

8 (3) a random 10-digit alphanumeric identification
9 number containing at least 4 numbers and at least 4
10 letters that is unique to the holder; and

11 (4) a photograph of the cardholder.

12 (d) The cultivation center agent identification cards
13 shall be immediately returned to the cultivation center upon
14 termination of employment.

15 (e) Any card lost by a cultivation center agent shall be
16 reported to the Illinois State Police and the Department of
17 Agriculture immediately upon discovery of the loss.

18 (f) (Blank). ~~An applicant shall be denied a cultivation~~
19 ~~center agent identification card if he or she has been~~
20 ~~convicted of an excluded offense.~~

21 (g) An agent applicant may begin employment at a
22 cultivation center while the agent applicant's identification
23 card application is pending. Upon approval, the Department
24 shall issue the agent's identification card to the agent. If
25 denied, the cultivation center and the agent applicant shall
26 be notified and the agent applicant must cease all activity at

1 the cultivation center immediately.

2 (h) Beginning July 1, 2027, all cultivation center
3 identification cards and renewals shall be renewed in
4 accordance with Section 20-45 of the Cannabis Regulation and
5 Tax Act.

6 (i) This Section is repealed on July 1, 2028.

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

9 (410 ILCS 130/105)

10 Sec. 105. Requirements; prohibitions; penalties for
11 cultivation centers.

12 (a) The operating documents of a registered cultivation
13 center shall include procedures for the oversight of the
14 cultivation center, a cannabis plant monitoring system
15 including a physical inventory recorded weekly, a cannabis
16 container system including a physical inventory recorded
17 weekly, accurate record keeping, and a staffing plan.

18 (b) A registered cultivation center shall implement a
19 security plan reviewed by the Illinois State Police and
20 including but not limited to: facility access controls,
21 perimeter intrusion detection systems, personnel
22 identification systems, 24-hour surveillance system to monitor
23 the interior and exterior of the registered cultivation center
24 facility and accessible to authorized law enforcement and the
25 Department of Agriculture in real-time.

1 (c) A registered cultivation center may not be located
2 within 2,500 feet of the property line of a pre-existing
3 public or private preschool or elementary or secondary school
4 or day care center, day care home, group day care home, part
5 day child care facility, or an area zoned for residential use.

6 (d) All cultivation of cannabis for distribution to a
7 registered dispensing organization must take place in an
8 enclosed, locked facility as it applies to cultivation centers
9 at the physical address provided to the Department of
10 Agriculture during the registration process. The cultivation
11 center location shall only be accessed by the cultivation
12 center agents working for the registered cultivation center,
13 Department of Agriculture staff performing inspections,
14 Department of Public Health staff performing inspections, law
15 enforcement or other emergency personnel, and contractors
16 working on jobs unrelated to medical cannabis, such as
17 installing or maintaining security devices or performing
18 electrical wiring.

19 (e) A cultivation center may not sell or distribute any
20 cannabis to any individual or entity other than another
21 cultivation center, a dispensing organization registered under
22 this Act, or a laboratory licensed by the Department of
23 Agriculture.

24 (f) All harvested cannabis intended for distribution to a
25 dispensing organization must be packaged in a labeled medical
26 cannabis container and entered into a data collection system.

1 (g) (Blank). ~~No person who has been convicted of an~~
2 ~~excluded offense may be a cultivation center agent.~~

3 (h) Registered cultivation centers are subject to random
4 inspection by the Illinois State Police.

5 (i) Registered cultivation centers are subject to random
6 inspections by the Department of Agriculture and the
7 Department of Public Health.

8 (j) A cultivation center agent shall notify local law
9 enforcement, the Illinois State Police, and the Department of
10 Agriculture within 24 hours of the discovery of any loss or
11 theft. Notification shall be made by phone or in-person, or by
12 written or electronic communication.

13 (k) A cultivation center shall comply with all State and
14 federal rules and regulations regarding the use of pesticides.

15 (l) This Section is repealed on January 1, 2027.

16 (Source: P.A. 101-363, eff. 8-9-19; 102-538, eff. 8-20-21.)

17 (410 ILCS 130/110)

18 Sec. 110. Suspension; revocation; other penalties for
19 cultivation centers and agents. Notwithstanding any other
20 criminal penalties related to the unlawful possession of
21 cannabis, the Department of Agriculture may revoke, suspend,
22 place on probation, reprimand, issue cease and desist orders,
23 refuse to issue or renew a registration, or take any other
24 disciplinary or non-disciplinary action as the Department of
25 Agriculture may deem proper with regard to a registered

1 cultivation center or cultivation center agent, including
2 imposing fines not to exceed \$50,000 for each violation, for
3 any violations of this Act and rules adopted under this Act.
4 The procedures for disciplining a registered cultivation
5 center or cultivation center agent and for administrative
6 hearings shall be determined by rule. All final administrative
7 decisions of the Department of Agriculture are subject to
8 judicial review under the Administrative Review Law and its
9 rules. The term "administrative decision" is defined as in
10 Section 3-101 of the Code of Civil Procedure. This Section is
11 repealed on January 1, 2027.

12 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

13 (410 ILCS 130/115)

14 Sec. 115. Registration of dispensing organizations.

15 (a) The Department of Financial and Professional
16 Regulation may issue up to 60 dispensing organization
17 registrations for operation. The Department of Financial and
18 Professional Regulation may not issue less than the 60
19 registrations if there are qualified applicants who have
20 applied with the Department of Financial and Professional
21 Regulation. The organizations shall be geographically
22 dispersed throughout the State to allow all registered
23 qualifying patients reasonable proximity and access to a
24 dispensing organization.

25 (a-5) The Department of Financial and Professional

1 Regulation may ~~shall~~ adopt rules to create a registration
2 process for Social Equity Justice Involved Applicants and
3 Qualifying Applicants, a streamlined application, and a Social
4 Equity Justice Involved Medical Lottery under Section 115.5 to
5 issue the remaining available 5 dispensing organization
6 registrations for operation. For purposes of this Section:

7 "Disproportionately Impacted Area" means a census tract or
8 comparable geographic area that satisfies the following
9 criteria as determined by the Department of Commerce and
10 Economic Opportunity, that:

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

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

14 (B) 75% or more of the children in the area
15 participate in the federal free lunch program
16 according to reported statistics from the State Board
17 of Education; or

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

21 (D) the area has an average unemployment rate, as
22 determined by the Illinois Department of Employment
23 Security, that is more than 120% of the national
24 unemployment average, as determined by the United
25 States Department of Labor, for a period of at least 2
26 consecutive calendar years preceding the date of the

1 application; and

2 (2) has high rates of arrest, conviction, and
3 incarceration related to sale, possession, use,
4 cultivation, manufacture, or transport of cannabis.

5 "Qualifying Applicant" means an applicant that: (i)
6 submitted an application pursuant to Section 15-30 of the
7 Cannabis Regulation and Tax Act that received at least 85% of
8 250 application points available under Section 15-30 of the
9 Cannabis Regulation and Tax Act as the applicant's final
10 score; (ii) received points at the conclusion of the scoring
11 process for meeting the definition of a "Social Equity
12 Applicant" as set forth under the Cannabis Regulation and Tax
13 Act; and (iii) is an applicant that did not receive a
14 Conditional Adult Use Dispensing Organization License through
15 a Qualifying Applicant Lottery pursuant to Section 15-35 of
16 the Cannabis Regulation and Tax Act or any Tied Applicant
17 Lottery conducted under the Cannabis Regulation and Tax Act.

18 "Social Equity Justice Involved Applicant" means an
19 applicant that is an Illinois resident and one of the
20 following:

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

25 (2) an applicant with at least 51% of ownership and
26 control by one or more individuals who have been arrested

1 for, convicted of, or adjudicated delinquent for any
2 offense that is eligible for expungement under subsection
3 (i) of Section 5.2 of the Criminal Identification Act; or

4 (3) an applicant with at least 51% ownership and
5 control by one or more members of an impacted family.

6 (b) A dispensing organization may only operate if it has
7 been issued a registration from the Department of Financial
8 and Professional Regulation. The Department of Financial and
9 Professional Regulation shall adopt rules establishing the
10 procedures for applicants for dispensing organizations.

11 (c) When applying for a dispensing organization
12 registration, the applicant shall submit, at a minimum, the
13 following in accordance with Department of Financial and
14 Professional Regulation rules:

15 (1) a non-refundable application fee established by
16 rule;

17 (2) the proposed legal name of the dispensing
18 organization;

19 (3) the proposed physical address of the dispensing
20 organization;

21 (4) the name, address, and date of birth of each
22 principal officer and board member of the dispensing
23 organization, provided that all those individuals shall be
24 at least 21 years of age;

25 (5) (blank);

26 (6) (blank); and

1 (7) (blank).

2 (d) The Department of Financial and Professional
3 Regulation shall conduct a background check of the prospective
4 dispensing organization agents in order to carry out this
5 Section. The Department of State Police shall charge a fee for
6 conducting the criminal history record check, which shall be
7 deposited in the State Police Services Fund and shall not
8 exceed the actual cost of the record check. Each person
9 applying as a dispensing organization agent shall submit a
10 full set of fingerprints to the Department of State Police for
11 the purpose of obtaining a State and federal criminal records
12 check. These fingerprints shall be checked against the
13 fingerprint records now and hereafter, to the extent allowed
14 by law, filed in the Department of State Police and Federal
15 Bureau of Investigation criminal history records databases.
16 The Department of State Police shall furnish, following
17 positive identification, all Illinois conviction information
18 to the Department of Financial and Professional Regulation.

19 (e) A dispensing organization must pay a registration fee
20 set by the Department of Financial and Professional
21 Regulation.

22 (f) An application for a medical cannabis dispensing
23 organization registration must be denied if any of the
24 following conditions are met:

25 (1) the applicant failed to submit the materials
26 required by this Section, including if the applicant's

1 plans do not satisfy the security, oversight, or
2 recordkeeping rules issued by the Department of Financial
3 and Professional Regulation;

4 (2) the applicant would not be in compliance with
5 local zoning rules issued in accordance with Section 140;

6 (3) the applicant does not meet the requirements of
7 Section 130;

8 (4) (blank) ~~one or more of the prospective principal~~
9 ~~officers or board members has been convicted of an~~
10 ~~excluded offense;~~

11 (5) one or more of the prospective principal officers
12 or board members has served as a principal officer or
13 board member for a registered medical cannabis dispensing
14 organization that has had its registration revoked; and

15 (6) one or more of the principal officers or board
16 members is under 21 years of age.

17 (g) This Section is repealed on July 1, 2027.

18 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21.)

19 (410 ILCS 130/120)

20 Sec. 120. Dispensing organization agent identification
21 card.

22 (a) The Department of Financial and Professional
23 Regulation shall:

24 (1) verify the information contained in an application
25 or renewal for a dispensing organization agent

1 identification card submitted under this Act, and approve
2 or deny an application or renewal, within 30 days of
3 receiving a completed application or renewal application
4 and all supporting documentation required by rule;

5 (2) issue a dispensing organization agent
6 identification card to a qualifying agent within 15
7 business days of approving the application or renewal;

8 (3) enter the registry identification number of the
9 dispensing organization where the agent works; and

10 (4) allow for an electronic application process, and
11 provide a confirmation by electronic or other methods that
12 an application has been submitted.

13 (b) A dispensing agent must keep his or her identification
14 card visible at all times when on the property of a dispensing
15 organization.

16 (c) The dispensing organization agent identification cards
17 shall contain the following:

18 (1) the name of the cardholder;

19 (2) the date of issuance and expiration date of the
20 dispensing organization agent identification cards;

21 (3) a random 10 digit alphanumeric identification
22 number containing at least 4 numbers and at least 4
23 letters; that is unique to the holder; and

24 (4) a photograph of the cardholder.

25 (d) The dispensing organization agent identification cards
26 shall be immediately returned to the dispensing organization

1 upon termination of employment.

2 (e) Any card lost by a dispensing organization agent shall
3 be reported to the Illinois State Police and the Department of
4 Financial and Professional Regulation immediately upon
5 discovery of the loss.

6 (f) Agent renewal on and after January 1, 2027 shall be in
7 accordance with Section 15-40 of the Cannabis Regulation Tax
8 Act. ~~An applicant shall be denied a dispensing organization~~
9 ~~agent identification card if he or she has been convicted of an~~
10 ~~excluded offense.~~

11 (g) This Section is repealed on July 1, 2027.

12 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

13 (410 ILCS 130/125)

14 Sec. 125. Medical cannabis dispensing organization
15 certification renewal.

16 (a) The registered dispensing organization shall receive
17 written notice 90 days prior to the expiration of its current
18 registration that the registration will expire. The Department
19 of Financial and Professional Regulation shall grant a renewal
20 application within 45 days of its submission if the following
21 conditions are satisfied:

22 (1) the registered dispensing organization submits a
23 renewal application and the required renewal fee
24 established by the Department of Financial and
25 Professional Regulation rules; and

1 (2) the Department of Financial and Professional
2 Regulation has not suspended the registered dispensing
3 organization or suspended or revoked the registration for
4 violation of this Act or rules adopted under this Act.

5 (b) If a dispensing organization fails to renew its
6 registration prior to expiration, the dispensing organization
7 shall cease operations until registration is renewed.

8 (c) If a dispensing organization agent fails to renew his
9 or her registration prior to its expiration, he or she shall
10 cease to work or volunteer at a dispensing organization until
11 his or her registration is renewed.

12 (d) Any dispensing organization that continues to operate
13 or dispensing agent that continues to work or volunteer at a
14 dispensing organization that fails to renew its registration
15 shall be subject to penalty as provided in Section 130.

16 (e) A dispensing organization licensed under this Act
17 shall renew its license in accordance with Section 15-45 of
18 the Cannabis Regulation Tax Act on and after January 1, 2027.

19 (f) This Section is repealed on July 1, 2027.

20 (Source: P.A. 98-122, eff. 1-1-14.)

21 (410 ILCS 130/130)

22 Sec. 130. Requirements; prohibitions; penalties;
23 dispensing organizations.

24 (a) The Department of Financial and Professional
25 Regulation shall implement the provisions of this Section by

1 rule.

2 (b) A dispensing organization shall maintain operating
3 documents which shall include procedures for the oversight of
4 the registered dispensing organization and procedures to
5 ensure accurate recordkeeping.

6 (c) A dispensing organization shall implement appropriate
7 security measures, as provided by rule, to deter and prevent
8 the theft of cannabis and unauthorized entrance into areas
9 containing cannabis.

10 (d) A dispensing organization may not be located within
11 1,000 feet of the property line of a pre-existing public or
12 private preschool or elementary or secondary school or day
13 care center, day care home, group day care home, or part day
14 child care facility. A registered dispensing organization may
15 not be located in a house, apartment, condominium, or an area
16 zoned for residential use. This subsection shall not apply to
17 any dispensing organizations registered on or after July 1,
18 2019.

19 (e) A dispensing organization is prohibited from acquiring
20 cannabis from anyone other than a cultivation center, craft
21 grower, infuser, processing organization, another dispensing
22 organization, or transporting organization licensed or
23 registered under this Act or the Cannabis Regulation and Tax
24 Act. A dispensing organization is prohibited from obtaining
25 cannabis from outside the State of Illinois.

26 (f) A registered dispensing organization is prohibited

1 from dispensing cannabis for any purpose except to assist
2 registered qualifying patients with the medical use of
3 cannabis directly or through the qualifying patients'
4 designated caregivers.

5 (g) The area in a dispensing organization where medical
6 cannabis is stored can only be accessed by dispensing
7 organization agents working for the dispensing organization,
8 Department of Financial and Professional Regulation staff
9 performing inspections, law enforcement or other emergency
10 personnel, and contractors working on jobs unrelated to
11 medical cannabis, such as installing or maintaining security
12 devices or performing electrical wiring.

13 (h) A dispensing organization may not dispense more than
14 10 ~~2.5~~ ounces of cannabis to a registered qualifying patient,
15 directly or via a designated caregiver, in any 14-day period
16 unless the qualifying patient has a Department of Public
17 Health-approved quantity waiver. Any Department of Public
18 Health-approved quantity waiver process must be made available
19 to qualified veterans.

20 (i) Except as provided in subsection (i-5), before medical
21 cannabis may be dispensed to a designated caregiver or a
22 registered qualifying patient, a dispensing organization agent
23 must determine that the individual is a current cardholder in
24 the verification system and must verify each of the following:

25 (1) that the registry identification card presented to
26 the registered dispensing organization is valid;

1 (2) that the person presenting the card is the person
2 identified on the registry identification card presented
3 to the dispensing organization agent;

4 (3) (blank); and

5 (4) that the registered qualifying patient has not
6 exceeded his or her adequate supply.

7 (i-5) A dispensing organization may dispense medical
8 cannabis to an Opioid Alternative Patient ~~Pilot~~ Program
9 participant under Section 62 and to a person presenting proof
10 of provisional registration under Section 55. Before
11 dispensing medical cannabis, the dispensing organization shall
12 comply with the requirements of Section 62 or Section 55,
13 whichever is applicable, and verify the following:

14 (1) that the written certification presented to the
15 registered dispensing organization is valid and an
16 original document;

17 (2) that the person presenting the written
18 certification is the person identified on the written
19 certification; and

20 (3) that the participant has not exceeded his or her
21 adequate supply.

22 (j) Dispensing organizations shall ensure compliance with
23 this limitation by maintaining internal, confidential records
24 that include records specifying how much medical cannabis is
25 dispensed to the registered qualifying patient and whether it
26 was dispensed directly to the registered qualifying patient or

1 to the designated caregiver. Each entry must include the date
2 and time the cannabis was dispensed. Additional recordkeeping
3 requirements may be set by rule.

4 (k) The health care professional-patient privilege as set
5 forth by Section 8-802 of the Code of Civil Procedure shall
6 apply between a qualifying patient and a registered dispensing
7 organization and its agents with respect to communications and
8 records concerning qualifying patients' debilitating
9 conditions.

10 (l) A dispensing organization may not permit any person to
11 consume cannabis on the property of a medical cannabis
12 organization.

13 (m) A dispensing organization may not share office space
14 with or refer patients to a certifying health care
15 professional.

16 (n) Notwithstanding any other criminal penalties related
17 to the unlawful possession of cannabis, the Department of
18 Financial and Professional Regulation may revoke, suspend,
19 place on probation, reprimand, refuse to issue or renew, or
20 take any other disciplinary or non-disciplinary action as the
21 Department of Financial and Professional Regulation may deem
22 proper with regard to the registration of any person issued
23 under this Act to operate a dispensing organization or act as a
24 dispensing organization agent, including imposing fines not to
25 exceed \$10,000 for each violation, for any violations of this
26 Act and rules adopted in accordance with this Act. The

1 procedures for disciplining a registered dispensing
2 organization shall be determined by rule. All final
3 administrative decisions of the Department of Financial and
4 Professional Regulation are subject to judicial review under
5 the Administrative Review Law and its rules. The term
6 "administrative decision" is defined as in Section 3-101 of
7 the Code of Civil Procedure.

8 (o) Dispensing organizations are subject to random
9 inspection and cannabis testing by the Department of Financial
10 and Professional Regulation, the Illinois State Police, the
11 Department of Revenue, the Department of Public Health, the
12 Department of Agriculture, or as provided by rule.

13 (p) The Department of Financial and Professional
14 Regulation shall adopt rules permitting returns, and potential
15 refunds, for damaged or inadequate products.

16 (q) The Department of Financial and Professional
17 Regulation may issue nondisciplinary citations for minor
18 violations which may be accompanied by a civil penalty not to
19 exceed \$10,000 per violation. The penalty shall be a civil
20 penalty or other condition as established by rule. The
21 citation shall be issued to the licensee and shall contain the
22 licensee's name, address, and license number, a brief factual
23 statement, the Sections of the law or rule allegedly violated,
24 and the civil penalty, if any, imposed. The citation must
25 clearly state that the licensee may choose, in lieu of
26 accepting the citation, to request a hearing. If the licensee

1 does not dispute the matter in the citation with the
2 Department of Financial and Professional Regulation within 30
3 days after the citation is served, then the citation shall
4 become final and shall not be subject to appeal.

5 (r) This Section is repealed on July 1, 2027.

6 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21.)

7 (410 ILCS 130/140)

8 Sec. 140. Local ordinances. A unit of local government may
9 enact reasonable zoning ordinances or resolutions, not in
10 conflict with this Act or with Department of Agriculture or
11 Department of Financial and Professional Regulation rules,
12 regulating registered medical cannabis cultivation center or
13 medical cannabis dispensing organizations. No unit of local
14 government, including a home rule unit, or school district may
15 regulate registered medical cannabis organizations other than
16 as provided in this Act and may not unreasonably prohibit the
17 cultivation, dispensing, and use of medical cannabis
18 authorized by this Act. This Section is a denial and
19 limitation under subsection (i) of Section 6 of Article VII of
20 the Illinois Constitution on the concurrent exercise by home
21 rule units of powers and functions exercised by the State.

22 This Section is repealed on July 1, 2027.

23 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

24 (410 ILCS 130/145)

1 Sec. 145. Confidentiality.

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

22 (1) Applications and renewals, their contents, and
23 supporting information submitted by qualifying patients,
24 provisional patients, and designated caregivers, including
25 information regarding their designated caregivers and
26 certifying health care professionals.

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

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

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

19 (5) All medical records provided to the Department of
20 Public Health in connection with an application for a
21 registry card.

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

23 (1) Department of Agriculture, Department of Financial
24 and Professional Regulation, or Public Health employees
25 may notify law enforcement about falsified or fraudulent
26 information submitted to the Departments if the employee

1 who suspects that falsified or fraudulent information has
2 been submitted conferred with his or her supervisor and
3 both agree that circumstances exist that warrant
4 reporting.

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

11 (A) issued a written certification without a bona
12 fide health care professional-patient relationship
13 under this Act;

14 (B) issued a written certification to a person who
15 was not under the certifying health care
16 professional's care for the debilitating medical
17 condition; or

18 (C) failed to abide by the acceptable and
19 prevailing standard of care when evaluating a
20 patient's medical condition.

21 (3) The Department of Public Health, Department of
22 Agriculture, and Department of Financial and Professional
23 Regulation may notify State or local law enforcement about
24 apparent criminal violations of this Act if the employee
25 who suspects the offense has conferred with his or her
26 supervisor and both agree that circumstances exist that

1 warrant reporting.

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

8 (5) Each Department may verify registry identification
9 cards under Section 150.

10 (6) The submission of the report to the General
11 Assembly under Section 160.

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

20 (c) Except for any ownership information released pursuant
21 to subsection (b-5) or as otherwise authorized or required by
22 law, it is a Class B misdemeanor with a \$1,000 fine for any
23 person, including an employee or official of the Department of
24 Public Health, Department of Financial and Professional
25 Regulation, or Department of Agriculture or another State
26 agency or local government, to breach the confidentiality of

1 information obtained under this Act.

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

11 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21;
12 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

13 (410 ILCS 130/150)

14 Sec. 150. Registry identification and registration
15 certificate verification.

16 (a) The Department of Public Health shall maintain a
17 confidential list of the persons to whom the Department of
18 Public Health has issued registry identification cards and
19 their addresses, phone numbers, and registry identification
20 numbers. This confidential list may not be combined or linked
21 in any manner with any other list or database except as
22 provided in this Section.

23 (b) Within 180 days of the effective date of this Act, the
24 Department of Public Health, Department of Financial and
25 Professional Regulation, and Department of Agriculture shall

1 together establish a computerized database or verification
2 system. The database or verification system must allow law
3 enforcement personnel and medical cannabis dispensary
4 organization agents to determine whether or not the
5 identification number corresponds with a current, valid
6 registry identification card. The system shall only disclose
7 whether the identification card is valid, whether the
8 cardholder is a registered qualifying patient, an Opioid
9 Alternative Patient Program participant, provisional patient,
10 or a registered designated caregiver, ~~the registry~~
11 ~~identification number of the registered medical cannabis~~
12 ~~dispensing organization designated to serve the registered~~
13 ~~qualifying patient who holds the card,~~ and the registry
14 identification number of the patient who is assisted by a
15 registered designated caregiver who holds the card. The
16 Department of Public Health, the Department of Agriculture,
17 the Illinois State Police, and the Department of Financial and
18 Professional Regulation shall not share or disclose any
19 existing or non-existing Illinois or national criminal history
20 record information. Notwithstanding any other requirements
21 established by this subsection, the Department of Public
22 Health shall issue registry cards to qualifying patients and
23 Opioid Alternative Patient Program participants, the
24 Department of Financial and Professional Regulation may issue
25 registration to medical cannabis dispensing organizations for
26 the period during which the database is being established, and

1 the Department of Agriculture may issue registration cards to
2 medical cannabis cultivation organizations for the period
3 during which the database is being established.

4 (c) For the purposes of this Section, "any existing or
5 non-existing Illinois or national criminal history record
6 information" means any Illinois or national criminal history
7 record information, including but not limited to the lack of
8 or non-existence of these records.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (410 ILCS 130/165)

11 Sec. 165. Administrative rulemaking.

12 (a) Not later than 120 days after the effective date of
13 this Act, the Department of Public Health, Department of
14 Agriculture, and the Department of Financial and Professional
15 Regulation shall develop rules in accordance to their
16 responsibilities under this Act and file those rules with the
17 Joint Committee on Administrative Rules.

18 (b) The Department of Public Health rules shall address,
19 but not be limited to, the following:

20 (1) fees for applications for registration as a
21 qualified patient or caregiver;

22 (2) establishing the form and content of registration
23 and renewal applications submitted under this Act,
24 including a standard form for written certifications;

25 (3) governing the manner in which it shall consider

1 applications for and renewals of registry identification
2 cards;

3 (4) the manufacture of medical cannabis-infused
4 products;

5 (5) fees for the application and renewal of registry
6 identification cards. Fee revenue may be offset or
7 supplemented by private donations;

8 (6) any other matters as are necessary for the fair,
9 impartial, stringent, and comprehensive administration of
10 this Act; and

11 (7) reasonable rules concerning the medical use of
12 cannabis at a nursing care institution, hospice, assisted
13 living center, assisted living facility, assisted living
14 home, residential care institution, or adult day health
15 care facility.

16 (c) The Department of Agriculture rules shall address, but
17 not be limited to the following related to registered
18 cultivation centers, with the goal of protecting against
19 diversion and theft, without imposing an undue burden on the
20 registered cultivation centers:

21 (1) oversight requirements for registered cultivation
22 centers;

23 (2) recordkeeping requirements for registered
24 cultivation centers;

25 (3) security requirements for registered cultivation
26 centers, which shall include that each registered

1 cultivation center location must be protected by a fully
2 operational security alarm system;

3 (4) rules and standards for what constitutes an
4 enclosed, locked facility under this Act;

5 (5) procedures for suspending or revoking the
6 registration certificates or registry identification cards
7 of registered cultivation centers and their agents that
8 commit violations of the provisions of this Act or the
9 rules adopted under this Section;

10 (6) rules concerning the intrastate transportation of
11 medical cannabis from a cultivation center to a dispensing
12 organization;

13 (7) standards concerning the testing, quality, and
14 cultivation of medical cannabis;

15 (8) any other matters as are necessary for the fair,
16 impartial, stringent, and comprehensive administration of
17 this Act;

18 (9) application and renewal fees for cultivation
19 center agents; and

20 (10) application, renewal, and registration fees for
21 cultivation centers.

22 (d) The Department of Financial and Professional
23 Regulation rules shall address, but not be limited to the
24 following matters related to registered dispensing
25 organizations, with the goal of protecting against diversion
26 and theft, without imposing an undue burden on the registered

1 dispensing organizations or compromising the confidentiality
2 of cardholders:

3 (1) application and renewal and registration fees for
4 dispensing organizations and dispensing organizations
5 agents;

6 (2) medical cannabis dispensing agent-in-charge
7 oversight requirements for dispensing organizations;

8 (3) recordkeeping requirements for dispensing
9 organizations;

10 (4) security requirements for medical cannabis
11 dispensing organizations, which shall include that each
12 registered dispensing organization location must be
13 protected by a fully operational security alarm system;

14 (5) procedures for suspending or revoking the
15 registrations of dispensing organizations and dispensing
16 organization agents that commit violations of the
17 provisions of this Act or the rules adopted under this
18 Act;

19 (6) application and renewal fees for dispensing
20 organizations; and

21 (7) application and renewal fees for dispensing
22 organization agents.

23 (e) The Department of Public Health may establish a
24 sliding scale of patient application and renewal fees based
25 upon a qualifying patient's household income. The Department
26 of Public health may accept donations from private sources to

1 reduce application and renewal fees, and registry
2 identification card fees shall include an additional fee set
3 by rule which shall be used to develop and disseminate
4 educational information about the health risks associated with
5 the abuse of cannabis and prescription medications.

6 (f) During the rule-making process, each Department shall
7 make a good faith effort to consult with stakeholders
8 identified in the rule-making analysis as being impacted by
9 the rules, including patients or a representative of an
10 organization advocating on behalf of patients.

11 (g) The Department of Public Health shall develop and
12 disseminate educational information about the health risks
13 associated with the abuse of cannabis and prescription
14 medications.

15 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

16 (410 ILCS 130/180)

17 Sec. 180. Destruction of medical cannabis.

18 (a) All cannabis byproduct, scrap, and harvested cannabis
19 not intended for distribution to a medical cannabis
20 organization must be destroyed and disposed of pursuant to
21 State law. Documentation of destruction and disposal shall be
22 retained at the cultivation center for a period of not less
23 than 5 years.

24 (b) A cultivation center shall prior to the destruction,
25 notify the Department of Agriculture and the Illinois State

1 Police.

2 (c) The cultivation center shall keep record of the date
3 of destruction and how much was destroyed.

4 (d) A dispensary organization shall destroy all cannabis,
5 including cannabis-infused products, that are not sold to
6 registered qualifying patients. Documentation of destruction
7 and disposal shall be retained at the dispensary organization
8 for a period of not less than 5 years.

9 (e) A dispensary organization shall prior to the
10 destruction, notify the Department of Financial and
11 Professional Regulation and the Illinois State Police.

12 (f) This Section is repealed on July 1, 2027.

13 (Source: P.A. 102-538, eff. 8-20-21.)

14 (410 ILCS 130/200)

15 Sec. 200. Tax imposed.

16 (a) Beginning on January 1, 2014 and through June 30, 2026
17 ~~the effective date of this Act~~, a tax is imposed upon the
18 privilege of cultivating medical cannabis at a rate of 7% of
19 the sales price per ounce. Beginning July 1, 2026, a tax is
20 imposed on the privilege of cultivating medical cannabis at
21 the rate of 7% of the gross receipts from the first sale of
22 medical cannabis by a cultivator. The sale of any product that
23 contains any amount of medical cannabis or any derivative
24 thereof is subject to the tax under this Section on the full
25 selling price of the product. The Department may determine the

1 selling price of the medical cannabis when the seller and
2 purchaser are affiliated persons or when the sale and purchase
3 of medical cannabis is not an arm's length transaction, and a
4 value is not established for the medical cannabis. The value
5 determined by the Department shall be commensurate with the
6 actual price received for products of like quality, character,
7 and use in the area. If there are no sales of medical cannabis
8 of like quality, character, and use in the area, then the
9 Department shall establish a reasonable value based on sales
10 of products of like quality, character, and use in the other
11 areas of the State, taking into consideration any other
12 relevant factors. Beginning January 1, 2027, the privilege of
13 cultivating cannabis shall be subject to the tax imposed under
14 Section 60-10 of the Cannabis Regulation and Tax Act. Through
15 December 31, 2027, The proceeds from this tax shall be
16 deposited into the Compassionate Use of Medical Cannabis Fund
17 created under the Compassionate Use of Medical Cannabis
18 Program Act. This tax shall be paid by a cultivation center and
19 is not the responsibility of a dispensing organization or a
20 qualifying patient.

21 (b) The tax imposed under this Act shall be in addition to
22 all other occupation or privilege taxes imposed by the State
23 of Illinois or by any municipal corporation or political
24 subdivision thereof.

25 (Source: P.A. 101-363, eff. 8-9-19.)

1 (410 ILCS 130/205)

2 Sec. 205. Department enforcement.

3 (a) Every person subject to the tax under this Law shall
4 apply to the Department (upon a form prescribed and furnished
5 by the Department) for a certificate of registration under
6 this Law. Application for a certificate of registration shall
7 be made to the Department upon forms furnished by the
8 Department. The certificate of registration which is issued by
9 the Department to a retailer under the Retailers' Occupation
10 Tax Act shall permit the taxpayer to engage in a business which
11 is taxable under this Law without registering separately with
12 the Department. Beginning January 1, 2027, a person licensed
13 as a cultivation center or dispensing organization under the
14 Cannabis Regulation and Tax Act shall be deemed to be
15 sufficiently licensed under this Law by virtue of his or her
16 being properly licensed under the Cannabis Regulation and Tax
17 Act.

18 (b) The Department shall have full power to administer and
19 enforce this Law, to collect all taxes and penalties due
20 hereunder, to dispose of taxes and penalties so collected in
21 the manner hereinafter provided, and to determine all rights
22 to credit memoranda, arising on account of the erroneous
23 payment of tax or penalty hereunder. In the administration of,
24 and compliance with, this Law, the Department and persons who
25 are subject to this Law shall have the same rights, remedies,
26 privileges, immunities, powers and duties, and be subject to

1 the same conditions, restrictions, limitations, penalties and
2 definitions of terms, and employ the same modes of procedure,
3 as are prescribed in Sections 1, 1a, 2 through 2-65 (in respect
4 to all provisions therein other than the State rate of tax),
5 2a, 2b, 2c, 3 (except provisions relating to transaction
6 returns and quarter monthly payments, and except for
7 provisions that are inconsistent with this Law), 4, 5, 5a, 5b,
8 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11,
9 11a, 12 and 13 of the Retailers' Occupation Tax Act and Section
10 3-7 of the Uniform Penalty and Interest Act as fully as if
11 those provisions were set forth herein.

12 (Source: P.A. 98-122, eff. 1-1-14.)

13 (410 ILCS 130/210)

14 Sec. 210. Returns.

15 (a) This subsection (a) applies to returns due on or
16 before June 25, 2019 (the effective date of Public Act 101-27)
17 ~~this amendatory Act of the 101st General Assembly~~. On or
18 before the twentieth day of each calendar month, every person
19 subject to the tax imposed under this Law during the preceding
20 calendar month shall file a return with the Department,
21 stating:

22 (1) The name of the taxpayer;

23 (2) The number of ounces of medical cannabis sold to a
24 dispensing organization or a registered qualifying patient
25 during the preceding calendar month;

1 (3) The amount of tax due;

2 (4) The signature of the taxpayer; and

3 (5) Such other reasonable information as the
4 Department may require.

5 If a taxpayer fails to sign a return within 30 days after
6 the proper notice and demand for signature by the Department,
7 the return shall be considered valid and any amount shown to be
8 due on the return shall be deemed assessed.

9 The taxpayer shall remit the amount of the tax due to the
10 Department at the time the taxpayer files his or her return.

11 (b) Beginning on June 25, 2019 (the effective date of
12 Public Act 101-27) ~~this amendatory Act of the 101st General~~
13 ~~Assembly~~, Section 60-20 ~~65-20~~ of the Cannabis Regulation and
14 Tax Act shall apply to returns filed and taxes paid under this
15 Act to the same extent as if those provisions were set forth in
16 full in this Section.

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

18 (410 ILCS 130/80 rep.)

19 (410 ILCS 130/115.5 rep.)

20 (410 ILCS 130/135 rep.)

21 (410 ILCS 130/162 rep.)

22 Section 35. The Compassionate Use of Medical Cannabis
23 Program Act is amended by repealing Sections 80, 115.5, 125,
24 135, and 162.

Section 40. The Cannabis Regulation and Tax Act is amended by changing Sections 1-10, 5-10, 5-15, 7-10, 7-15, 10-10, 10-15, 15-10, 15-15, 15-20, 15-25, 15-30, 15-35, 15-35.10, 15-36, 15-40, 15-45, 15-50, 15-60, 15-65, 15-70, 15-75, 15-85, 15-100, 15-135, 15-145, the heading of Article 20, 20-10, 20-15, 20-20, 20-21, 20-30, 20-35, 20-45, 25-35, 30-10, 30-30, 30-35, 30-45, 35-25, 35-30, 40-25, 45-5, 50-5, 55-5, 55-10, 55-21, 55-30, 55-65, 55-85, 60-5, 60-10, 65-5, 65-10, 65-30, 65-38, and 65-42 and adding Sections 15-13, 15-17, 15-23, 15-24, and 55-36 as follows:

(410 ILCS 705/1-10)

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

"Adequate medical supply" means:

(1) 10 ounces of usable cannabis during a period of 14 days and that is derived solely from an intrastate source.

(2) Subject to the rules of the Department of Public Health, a patient may apply for a waiver where a certifying health care professional provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the certifying health care professional's professional judgment, 10 ounces is an insufficient adequate medical supply for a 14-day period to properly alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

1 (3) This subsection may not be construed to authorize
2 the possession of more than 10 ounces at any time without
3 authority from the Department of Public Health.

4 (4) The premixed weight of medical cannabis used in
5 making a cannabis-infused product shall apply toward the
6 limit on the total amount of medical cannabis a registered
7 qualifying patient may possess at any one time.

8 ~~"Adult Use~~ Cultivation Center License" means a license
9 issued by the Department of Agriculture that permits a person
10 to act as a cultivation center under this Act and any
11 administrative rule made in furtherance of this Act.

12 "Adult Use Dispensing Organization License" means a
13 license issued by the Department of Financial and Professional
14 Regulation that permits a person to act as a dispensing
15 organization under this Act and any administrative rule made
16 in furtherance of this Act.

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

24 "Application points" means the number of points a
25 Dispensary Applicant receives on an application for a
26 Conditional Adult Use Dispensing Organization License.

1 "BLS Region" means a region in Illinois used by the United
2 States Bureau of Labor Statistics to gather and categorize
3 certain employment and wage data. The 17 such regions in
4 Illinois are: ~~Bloomington, Cape Girardeau, Carbondale-Marion,~~
5 ~~Champaign-Urbana, Chicago-Naperville-Elgin, Danville,~~
6 ~~Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,~~
7 ~~Rockford, St. Louis, Springfield, Northwest Illinois~~
8 ~~nonmetropolitan area, West Central Illinois nonmetropolitan~~
9 ~~area, East Central Illinois nonmetropolitan area, and South~~
10 ~~Illinois nonmetropolitan area.~~

11 (1) Bloomington (DeWitt County; McLean County);

12 (2) Cape Girardeau (Alexander County);

13 (3) Carbondale-Marion (Jackson County; Williamson
14 County);

15 (4) Champaign-Urbana (Champaign County; Ford County;
16 Piatt County);

17 (5) Chicago-Naperville-Elgin (Cook County; DeKalb
18 County; DuPage County; Grundy County; Kane County; Kendall
19 County; Lake County; McHenry County; Will County);

20 (6) Danville (Vermilion County);

21 (7) Davenport-Moline-Rock Island (Henry County; Mercer
22 County; Rock Island County);

23 (8) Decatur (Macon County);

24 (9) Kankakee (Kankakee County);

25 (10) Peoria (Marshall County; Peoria County; Stark
26 County; Tazewell County; Woodford County);

1 (11) Rockford (Boone County; Winnebago County);

2 (12) St. Louis (Bond County; Calhoun County; Clinton
3 County; Jersey County; Madison County; Macoupin County;
4 Monroe County; St. Clair County),

5 (13) Springfield (Menard County; Sangamon County);

6 (14) Northwest Illinois nonmetropolitan area (Bureau
7 County; Carroll County; Jo Daviess County; LaSalle County;
8 Lee County; Ogle County; Putnam County; Stephenson County;
9 Whiteside County);

10 (15) West Central Illinois nonmetropolitan area (Adams
11 County; Brown County; Cass County; Christian County;
12 Fulton County; Greene County; Hancock County; Henderson
13 County; Knox County; Livingston County; Logan County;
14 Mason County; McDonough County; Montgomery County; Morgan
15 County; Moultrie County; Pike County; Schuyler County;
16 Scott County; Shelby County; Warren County);

17 (16) East Central Illinois nonmetropolitan area (Clark
18 County; Clay County; Coles County; Crawford County;
19 Cumberland County; Douglas County; Edgar County; Effingham
20 County; Fayette County; Iroquois County; Jasper County;
21 Lawrence County; Marion County; Richland County); and

22 (17) Southern Illinois nonmetropolitan area (Edwards
23 County; Franklin County; Gallatin County; Hamilton County;
24 Hardin County; Jefferson County; Johnson County; Massac
25 County; Perry County; Pope County; Pulaski County;
26 Randolph County; Saline County; Union County; Wabash

1 County; Wayne County; White County).

2 "By lot" means a randomized method of choosing between 2
3 or more Eligible Tied Applicants or 2 or more Qualifying
4 Applicants.

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

24 "Cannabis business establishment" means a cultivation
25 center, craft grower, ~~processing organization~~, infuser
26 organization, dispensing organization, or transporting

1 organization.

2 "Cannabis concentrate" means a product derived from
3 cannabis that is produced by extracting cannabinoids,
4 including tetrahydrocannabinol (THC), from the plant through
5 the use of propylene glycol, glycerin, butter, olive oil, or
6 other typical cooking fats; water, ice, or dry ice; or butane,
7 propane, CO₂, ethanol, or isopropanol and with the intended
8 use of smoking or making a cannabis-infused product. The use
9 of any other solvent is expressly prohibited unless and until
10 it is approved by the Department of Agriculture.

11 "Cannabis container" means a sealed or resealable,
12 traceable, container, or package used for the purpose of
13 containment of cannabis or cannabis-infused product during
14 transportation.

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

23 "Cannabis-infused product" means a beverage, food, oil,
24 ointment, tincture, topical formulation, or another product
25 containing cannabis or cannabis concentrate that is not
26 intended to be smoked.

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

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

18 "Cannabis testing facility" means an entity licensed
19 ~~registered~~ by the Department of Agriculture to test cannabis
20 for potency and contaminants. Licensed cannabis testing
21 facilities are authorized under this Act to transport cannabis
22 from licensed cannabis business establishments to the licensed
23 cannabis testing facility and are exempt from the transporting
24 organization license requirements.

25 "Certifying health care professional" has the meaning
26 given to that term under the Compassionate Use of Medical

1 Cannabis Program Act.

2 "Clone" means a plant section from a female cannabis plant
3 not yet rootbound, growing in a water solution or other
4 propagation matrix, that is capable of developing into a new
5 plant.

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

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

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

24 "Conditional ~~Adult Use~~ Cultivation Center License" means a
25 license awarded to top-scoring applicants for a ~~an Adult Use~~
26 Cultivation Center License that reserves the right to a ~~an~~

1 ~~Adult Use~~ Cultivation Center License if the applicant meets
2 certain conditions as determined by the Department of
3 Agriculture by rule, but does not entitle the recipient to
4 begin growing, processing, or selling cannabis or
5 cannabis-infused products.

6 "Craft grower" means a facility operated by an
7 organization or business that is licensed by the Department of
8 Agriculture to cultivate, dry, cure, and package cannabis and
9 perform other necessary activities to make cannabis available
10 for sale at a dispensing organization or use at an infuser ~~a~~
11 ~~processing~~ organization. A craft grower may contain up to
12 14,000 ~~5,000~~ square feet of canopy space on its premises for
13 plants in the flowering state. ~~The Department of Agriculture~~
14 ~~may authorize an increase or decrease of flowering stage~~
15 ~~cultivation space in increments of 3,000 square feet by rule~~
16 ~~based on market need, craft grower capacity, and the~~
17 ~~licensee's history of compliance or noncompliance, with a~~
18 ~~maximum space of 14,000 square feet for cultivating plants in~~
19 ~~the flowering stage~~, which must be cultivated in all stages of
20 growth in an enclosed and secure area. A craft grower may share
21 premises with an infuser ~~a processing~~ organization or a
22 dispensing organization, or both, provided each licensee
23 stores currency and cannabis or cannabis-infused products in a
24 separate secured vault to which the other licensee does not
25 have access or all licensees sharing a vault share more than
26 50% of the same ownership.

1 "Craft grower agent" means a principal officer, board
2 member, employee, or other agent of a craft grower who is 21
3 years of age or older.

4 "Craft Grower Agent Identification Card" means a document
5 issued by the Department of Agriculture that identifies a
6 person as a craft grower agent.

7 "Cultivation center" means a facility operated by an
8 organization or business that is licensed by the Department of
9 Agriculture to cultivate, process, transport (unless otherwise
10 limited by this Act), and perform other necessary activities
11 to provide cannabis and cannabis-infused products to cannabis
12 business establishments. As used in this Act, "cultivation
13 center" includes any cultivation center which prior to January
14 1, 2027, was a cultivation center as defined in the
15 Compassionate Use of Medical Cannabis Program Act.

16 "Cultivation center agent" means a principal officer,
17 board member, employee, or other agent of a cultivation center
18 who is 21 years of age or older.

19 "Cultivation Center Agent Identification Card" means a
20 document issued by the Department of Agriculture that
21 identifies a person as a cultivation center agent.

22 "Currency" means currency and coins ~~coin~~ of the United
23 States.

24 "Designated caregiver" means a person who:

25 (1) is at least 21 years of age;

26 (2) has agreed to assist with a patient's medical use

1 of cannabis; and

2 (3) assists no more than one registered qualifying
3 patient with the patient's medical use of cannabis, except
4 the parent of a registered qualifying patient may assist
5 any children of that parent who are registered qualifying
6 patients.

7 ~~"Dispensary" means a facility operated by a dispensing~~
8 ~~organization at which activities licensed by this Act may~~
9 ~~occur.~~

10 "Dispensary Applicant" means the Proposed Dispensing
11 Organization Name as stated on an application for a
12 Conditional Adult Use Dispensing Organization License.

13 "Dispensing organization" or "dispensary" means a facility
14 operated by an organization or business that is licensed by
15 the Department of Financial and Professional Regulation to
16 acquire cannabis from a cultivation center, craft grower,
17 infuser ~~processing~~ organization licensed by the Department of
18 Agriculture, or another dispensary licensed by the Department
19 of Financial and Professional Regulation, for the purpose of
20 selling or dispensing cannabis, cannabis-infused products,
21 cannabis seeds, paraphernalia, or related supplies under this
22 Act to purchasers or to qualified ~~registered medical cannabis~~
23 patients, and designated caregivers, Opioid Alternative
24 Patient Program participants, and provisional patients to
25 purchase an adequate medical supply. As used in this Act,
26 "dispensing organization" includes any dispensary which, prior

1 to January 1, 2027, was a registered medical cannabis
2 organization as defined in the Compassionate Use of Medical
3 Cannabis Program Act or its successor Act or that ~~has~~ obtained
4 an Early Approval Adult Use Dispensing Organization License or
5 Early Approval Adult Use Dispensing Organization License at a
6 Secondary Site under this Act.

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

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

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

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

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

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

25 (C) at least 20% of the households in the area
26 receive assistance under the Supplemental Nutrition

1 Assistance Program; or

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

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

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

21 "Early Approval Adult Use Dispensing Organization License"
22 means a license that permits a medical cannabis dispensing
23 organization licensed under the Compassionate Use of Medical
24 Cannabis Program Act as of the effective date of this Act to
25 begin selling cannabis or cannabis-infused product to
26 purchasers as permitted by this Act as of January 1, 2020.

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

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

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

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

- 24 (1) a space within a residential building that (i) is
25 the primary residence of the individual cultivating 5 or
26 fewer cannabis plants that are more than 5 inches tall and

1 (ii) includes sleeping quarters and indoor plumbing. The
2 space must only be accessible by a key or code that is
3 different from any key or code that can be used to access
4 the residential building from the exterior; or

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

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

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

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

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

26 "Individual" means a natural person.

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

6 "Infuser organization agent" means a principal officer,
7 board member, employee, or other agent of an infuser
8 organization.

9 "Infuser organization agent identification card" means a
10 document issued by the Department of Agriculture that
11 identifies a person as an infuser organization agent.

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

16 "Labor peace agreement" means an agreement between a
17 cannabis business establishment and any labor organization
18 recognized under the National Labor Relations Act, referred to
19 in this Act as a bona fide labor organization, that prohibits
20 labor organizations and members from engaging in picketing,
21 work stoppages, boycotts, and any other economic interference
22 with the cannabis business establishment. This agreement means
23 that the cannabis business establishment has agreed not to
24 disrupt efforts by the bona fide labor organization to
25 communicate with, and attempt to organize and represent, the
26 cannabis business establishment's employees. The agreement

1 shall provide a bona fide labor organization access at
2 reasonable times to areas in which the cannabis business
3 establishment's employees work, for the purpose of meeting
4 with employees to discuss their right to representation,
5 employment rights under State law, and terms and conditions of
6 employment. This type of agreement shall not mandate a
7 particular method of election or certification of the bona
8 fide labor organization.

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

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

1 under this Act.

2 "Mother plant" means a cannabis plant that is cultivated
3 or maintained for the purpose of generating clones, and that
4 will not be used to produce plant material for sale to an
5 infuser or dispensing organization.

6 "Ordinary public view" means within the sight line with
7 normal visual range of a person, unassisted by visual aids,
8 from a public street or sidewalk adjacent to real property, or
9 from within an adjacent property.

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

16 "Person" means a natural individual, firm, partnership,
17 association, joint-stock ~~joint-stock~~ company, joint venture,
18 public or private corporation, limited liability company, or a
19 receiver, executor, trustee, guardian, or other representative
20 appointed by order of any court.

21 "Possession limit" means the amount of cannabis under
22 Section 10-10 that may be possessed at any one time by a person
23 21 years of age or older or who is a registered qualifying
24 medical cannabis patient or caregiver under the Compassionate
25 Use of Medical Cannabis Program Act.

26 "Principal officer" includes a cannabis business

1 establishment applicant or licensed cannabis business
2 establishment's board member, owner with more than 10% ~~1%~~
3 interest of the total cannabis business establishment or more
4 than 10% ~~5%~~ interest of the total cannabis business
5 establishment of a publicly traded company, president, vice
6 president, secretary, treasurer, partner, officer, member,
7 manager member, or person with a profit sharing, financial
8 interest, or revenue sharing arrangement. The definition
9 includes a person with authority to control the cannabis
10 business establishment, a person who assumes responsibility
11 for the debts of the cannabis business establishment and who
12 is further defined in this Act.

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

20 "Processor license" means a license issued to an infuser
21 organization that is licensed by the Department of Agriculture
22 under subsection (f) of Section 35-31 to extract raw materials
23 from cannabis flower.

24 "Provisional registration" means a document issued by the
25 Department of Public Health to a qualifying patient who has
26 submitted (i) an online application and paid a fee to

1 participate in Compassionate Use of Medical Cannabis Program
2 pending approval or denial of the patient's application or
3 (ii) a completed application for terminal illness.

4 "Provisional patient" means a qualifying patient who has
5 received a provisional registration from the Department of
6 Public Health.

7 ~~"Processing organization" or "processor" means a facility~~
8 ~~operated by an organization or business that is licensed by~~
9 ~~the Department of Agriculture to either extract constituent~~
10 ~~chemicals or compounds to produce cannabis concentrate or~~
11 ~~incorporate cannabis or cannabis concentrate into a product~~
12 ~~formulation to produce a cannabis product.~~

13 ~~"Processing organization agent" means a principal officer,~~
14 ~~board member, employee, or agent of a processing organization.~~

15 ~~"Processing organization agent identification card" means~~
16 ~~a document issued by the Department of Agriculture that~~
17 ~~identifies a person as a processing organization agent.~~

18 "Purchaser" means a person 21 years of age or older who
19 acquires cannabis for a valuable consideration. "Purchaser"
20 does not include a cardholder under the Compassionate Use of
21 Medical Cannabis Program Act.

22 "Qualifying Applicant" means an applicant that submitted
23 an application pursuant to Section 15-30 that received at
24 least 85% of 250 application points available under Section
25 15-30 as the applicant's final score and meets the definition
26 of "Social Equity Applicant" as set forth under this Section.

1 "Qualifying patient" or "qualified patient" means a person
2 who has been diagnosed by a certifying health care
3 professional as having a debilitating medical condition as
4 defined under the Compassionate Use of Medical Cannabis
5 Program Act.

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

13 "Qualified Social Equity Applicant" means a Social Equity
14 Applicant who has been awarded a license or conditional
15 license under this Act to operate a cannabis business
16 establishment.

17 "Qualifying patient" or "qualified patient" means a person
18 who has been diagnosed by a certifying health care
19 professional as having a debilitating medical condition.

20 "Resided" means an individual's primary residence was
21 located within the relevant geographic area as established by
22 2 of the following:

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

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

1 (3) school records;

2 (4) a voter registration card;

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

6 (6) a paycheck stub;

7 (7) a utility bill;

8 (8) tax records; or

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

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

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

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

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

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

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

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

employees who:

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

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

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

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

"Tied Applicant" means an application submitted by a Dispensary Applicant pursuant to Section 15-30 that received the same number of application points under Section 15-30 as the Dispensary Applicant's final score as one or more top-scoring applications in the same BLS Region and would have been awarded a license but for the one or more other top-scoring applications that received the same number of application points. Each application for which a Dispensary Applicant was required to pay a required application fee for the application period ending January 2, 2020 shall be 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 composed ~~comprised~~ of alcohol, glycerin, or vegetable oils,
7 derived either directly from the cannabis plant or from a
8 processed cannabis extract. A tincture is not an alcoholic
9 liquor as defined in the Liquor Control Act of 1934. A tincture
10 shall include a calibrated dropper or other similar device
11 capable 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 705/5-10)

17 Sec. 5-10. Department of Agriculture.

18 (a) The Department of Agriculture shall administer and
19 enforce provisions of this Act relating to the oversight and
20 registration of cultivation centers, craft growers, infuser
21 organizations, and transporting organizations and agents,
22 including the issuance of identification cards and
23 establishing limits on potency or serving size for cannabis or
24 cannabis products. The Department of Agriculture may suspend
25 or revoke the license of, or impose other penalties upon

1 cannabis testing facilities, cultivation centers, craft
2 growers, infuser organizations, transporting organizations,
3 and their principal officers, Agents-in-Charge, and agents for
4 violations of this Act and any rules adopted under this Act.

5 (b) The Department of Agriculture may establish, by rule,
6 market protections that protect against unfair business
7 practices, including, but not limited to, price-fixing, bid
8 rigging, boycotts, agreements to not compete, exclusive
9 wholesale arrangements for cannabis concentrate, cannabis
10 flower, cannabis-infused products, and any product that is
11 licensed under this Act to ensure all license types have equal
12 access to the market without unfair competition.

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

14 (410 ILCS 705/5-15)

15 Sec. 5-15. Department of Financial and Professional
16 Regulation.

17 (a) The Department of Financial and Professional
18 Regulation shall enforce the provisions of this Act relating
19 to the oversight and registration of dispensing organizations
20 and agents, including the issuance of identification cards for
21 dispensing organization agents. The Department of Financial
22 and Professional Regulation may suspend or revoke the license
23 of, or otherwise discipline dispensing organizations,
24 principal officers, agents-in-charge, and agents for
25 violations of this Act and any rules adopted under this Act.

1 (b) The Department of Financial and Professional
2 Regulation may establish, by rule, market protections that
3 protect against unfair business practices, including, but not
4 limited to, price-fixing, bid rigging, boycotts, agreements to
5 not compete, exclusive wholesale arrangements for cannabis
6 concentrate, cannabis flower, cannabis-infused products, and
7 any product that is licensed under this Act to ensure all
8 license types have equal access to the market without unfair
9 competition.

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

11 (410 ILCS 705/7-10)

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

13 (a) There is created in the State treasury a special fund,
14 which shall be held separate and apart from all other State
15 moneys, to be known as the Cannabis Business Development Fund.
16 The Cannabis Business Development Fund shall be exclusively
17 used for the following purposes:

18 (1) to provide low-interest rate loans to Qualified
19 Social Equity Applicants and Social Equity Criteria
20 Lottery Licensees to pay for ordinary and necessary
21 expenses to start and operate a cannabis business
22 establishment permitted by this Act;

23 (2) to provide grants to Qualified Social Equity
24 Applicants to pay for ordinary and necessary expenses to
25 start and operate a cannabis business establishment

1 permitted by this Act;

2 (3) to compensate the Department of Commerce and
3 Economic Opportunity for any costs related to the
4 provision of low-interest loans and grants to Qualified
5 Social Equity Applicants and Social Equity Criteria
6 Lottery Licensees;

7 (4) to pay for outreach that may be provided or
8 targeted to attract and support Social Equity Applicants,
9 ~~and~~ Qualified Social Equity Applicants, and Social Equity
10 Criteria Lottery Licensees;

11 (5) (blank);

12 (5.5) to provide financial assistance that supports
13 lending to or private investment in Qualified Social
14 Equity Applicants and Social Equity Criteria Lottery
15 Licensees or that facilitates access to the facilities
16 needed to commence operations as a cannabis business
17 establishment;

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

24 (7) (blank); and

25 (8) to assist with job training and technical
26 assistance for residents in Disproportionately Impacted

1 Areas.

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

8 (c) (Blank).

9 (c-5) In addition to any other transfers that may be
10 provided for by law, on July 1, 2026 and each July 1 thereafter
11 ~~2023, or as soon thereafter as practical~~, the State
12 Comptroller shall direct and the State Treasurer shall
13 transfer the sum of \$40,000,000 from the Compassionate Use of
14 Medical Cannabis Fund to the Cannabis Business Development
15 Fund.

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

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

23 (410 ILCS 705/7-15)

24 Sec. 7-15. Loans, financial assistance, ~~and~~ grants to
25 Qualified Social Equity Applicants and Social Equity Criteria

1 Lottery Licensees.

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

9 (b) The Department of Commerce and Economic Opportunity
10 has the power to:

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

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

22 (3) fix, determine, charge, and collect any premiums,
23 fees, charges, costs and expenses, including application
24 fees, commitment fees, program fees, financing charges, or
25 publication fees in connection with its activities under
26 this Section;

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

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

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

17 (6.5) enter into financial intermediary agreements to
18 facilitate lending to or investment in Qualified Social
19 Equity Applicants, Social Equity Criteria Lottery
20 Licensees, or their subsidiaries or affiliates to ensure
21 the availability of facilities necessary to operate a
22 cannabis business establishment;

23 (7) establish application, notification, contract, and
24 other forms, procedures, or rules deemed necessary and
25 appropriate; and

26 (8) utilize vendors or contract work to carry out the

1 purposes of this Act.

2 (c) Loans made under this Section:

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

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

15 (3) may be distributed by a lottery if the Department
16 determines that the amount of funding available is
17 insufficient to provide an adequate amount of funding for
18 all of the applicants eligible to receive a loan.

19 The Department may determine the number of loans available
20 based on the amount of funding available and communicate the
21 number of loans available on the loan application. The
22 Department may use competitive criteria to establish which
23 applicants are eligible to receive a grant, loan, or financial
24 assistance.

25 (d) Grants made under this Section shall be awarded on a
26 competitive and annual basis under the Grant Accountability

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

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

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

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

24 (2) the amount in financial assistance awarded in the
25 aggregate, in addition to the amount of loans made that
26 are outstanding and the amount of grants awarded;

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

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

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

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

11 (410 ILCS 705/10-10)

12 Sec. 10-10. Possession limit.

13 (a) Except if otherwise authorized by this Act, for a
14 person who is 21 years of age or older and a resident of this
15 State, the possession limit is as follows:

16 (1) 120 ~~30~~ grams of cannabis flower;

17 (2) no more than 2,000 ~~500~~ milligrams of THC contained
18 in cannabis-infused product;

19 (3) 20 ~~5~~ grams of cannabis concentrate; and

20 (4) for registered qualifying patients, any cannabis
21 produced by cannabis plants grown under subsection (b) of
22 Section 10-5, provided any amount of cannabis produced in
23 excess of 120 ~~30~~ grams of raw cannabis or its equivalent
24 must remain secured within the residence or residential
25 property in which it was grown.

1 (b) For a person who is 21 years of age or older and who is
2 not a resident of this State, the possession limit is:

- 3 (1) 120 ~~15~~ grams of cannabis flower;
4 (2) 20 ~~2.5~~ grams of cannabis concentrate; and
5 (3) 2,000 ~~250~~ milligrams of THC contained in a
6 cannabis-infused product.

7 (c) The possession limits found in subsections (a) and (b)
8 of this Section are to be considered cumulative.

9 (d) No person shall knowingly obtain, seek to obtain, or
10 possess an amount of cannabis from a dispensing organization
11 or craft grower that would cause him or her to exceed the
12 possession limit under this Section, excluding ~~including~~
13 cannabis that is cultivated by a person under this Act or
14 obtained as a qualified registered medical patient, Opioid
15 Alternative Patient Program participant, provisional patient,
16 or designated caregiver.

17 (d-1) No qualified registered patient, provisional
18 patient, Opioid Alternative Patient Program participant, or
19 designated caregiver shall knowingly obtain, seek to obtain,
20 or possess, individually or collectively, an amount that would
21 cause the individual to exceed their adequate medical supply
22 under the Compassionate Use of Medical Cannabis Program Act.

23 (e) Cannabis and cannabis-derived substances regulated
24 under the Industrial Hemp Act are not covered by this Act.

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

1 (410 ILCS 705/10-15)

2 Sec. 10-15. Persons under 21 years of age.

3 (a) Nothing in this Act is intended to permit the transfer
4 of cannabis, with or without remuneration, to a person under
5 21 years of age, or to allow a person under 21 years of age to
6 purchase, possess, use, process, transport, grow, or consume
7 cannabis except where authorized by this Act, the
8 Compassionate Use of Medical Cannabis Program Act, ~~or by~~ the
9 Community College Cannabis Vocational Pilot Program.

10 (b) Notwithstanding any other provisions of law
11 authorizing ~~the~~ possession of ~~medical~~ cannabis or
12 cannabis-infused products by a qualified registered medical
13 patient, provisional patient, or designated caregiver, nothing
14 in this Act authorizes a person who is under 21 years of age to
15 possess cannabis. A person under 21 years of age with cannabis
16 in his or her possession is guilty of a civil law violation as
17 outlined in paragraph (a) of Section 4 of the Cannabis Control
18 Act.

19 (c) If the person under the age of 21 was in a motor
20 vehicle at the time of the offense, the Secretary of State may
21 suspend or revoke the driving privileges of any person for a
22 violation of this Section under Section 6-206 of the Illinois
23 Vehicle Code and the rules adopted under it.

24 (d) It is unlawful for any parent or guardian to knowingly
25 permit his or her residence, any other private property under
26 his or her control, or any vehicle, conveyance, or watercraft

1 under his or her control to be used by an invitee of the
2 parent's child or the guardian's ward, if the invitee is under
3 the age of 21, in a manner that constitutes a violation of this
4 Section. A parent or guardian is deemed to have knowingly
5 permitted his or her residence, any other private property
6 under his or her control, or any vehicle, conveyance, or
7 watercraft under his or her control to be used in violation of
8 this Section if he or she knowingly authorizes or permits
9 consumption of cannabis by underage invitees. Any person who
10 violates this subsection (d) is guilty of a Class A
11 misdemeanor and the person's sentence shall include, but shall
12 not be limited to, a fine of not less than \$500. If a violation
13 of this subsection (d) directly or indirectly results in great
14 bodily harm or death to any person, the person violating this
15 subsection is guilty of a Class 4 felony. In this subsection
16 (d), where the residence or other property has an owner and a
17 tenant or lessee, the trier of fact may infer that the
18 residence or other property is occupied only by the tenant or
19 lessee.

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

21 (410 ILCS 705/15-10)

22 Sec. 15-10. Medical cannabis dispensing organization
23 exemption. This Article does not apply to medical cannabis
24 dispensing organizations registered under the Compassionate
25 Use of Medical Cannabis ~~Pilot~~ Program Act, except where

1 otherwise specified. This Section is repealed on July 1, 2027.

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

3 (410 ILCS 705/15-13 new)

4 Sec. 15-13. Adult Use and medical cannabis dispensing
5 organization license merger; medical patient prioritization.

6 (a) Beginning January 1, 2027, all medical cannabis
7 dispensing organizations registered under the Compassionate
8 Use of Medical Cannabis Program Act and that have received an
9 Early Approval Adult Use Dispensing Organization License shall
10 be deemed to be an adult use dispensing organization licensed
11 pursuant to Section 15-36 of this Act. In addition to selling
12 cannabis and cannabis-infused products to persons 21 years of
13 age or older, beginning January 1, 2027, but no later than
14 April 1, 2027, all dispensing organizations licensed pursuant
15 to Section 15-36 of this Act shall also offer services to
16 registered qualifying patients, provisional patients, Opioid
17 Alternative Patient Program participants, and designated
18 caregivers.

19 (b) Beginning January 1, 2027, all dispensing organization
20 agents registered under the Compassionate Use of Medical
21 Cannabis Program Act shall be deemed to be a dispensing
22 organization agent as that term is defined in this Act. All
23 dispensing organization agents registered under the
24 Compassionate Use of Medical Cannabis Program Act shall have
25 the same rights, privileges, duties, and responsibilities of

1 dispensing organization agents licensed under this Act. All
2 dispensing organization agents shall be subject to this Act
3 and any administrative rules adopted under this Act.

4 (c) On and after January 1, 2027, any dispensing
5 organization previously registered as an Early Approval Adult
6 Use Dispensing Organization License or an Early Approval Adult
7 Use Dispensing Organization at a secondary site shall renew
8 pursuant to Section 15-45 of this Act. The Department shall
9 prorate any dispensing organization previously registered as
10 an Early Approval Adult Use Dispensing Organization License or
11 an Early Approval Adult Use Dispensing Organization at a
12 secondary site's first renewal fee due under Section 15-45.

13 (d) By April 1, 2027, all dispensing organizations shall
14 pay a one-time fee of \$10,000 to be deposited into the
15 Compassionate Use of Medical Cannabis Fund. After this
16 one-time fee, all dispensing organizations shall renew
17 pursuant to the provisions of Section 15-45. The Department
18 may approve payment plans that extend beyond April 1, 2026 for
19 the fee paid under this subsection if the first payment under
20 the payment plan is remitted by April 1, 2027.

21 (e) All dispensing organizations must maintain an adequate
22 supply of cannabis and cannabis-infused products for purchase
23 by qualifying patients, designated caregivers, and provisional
24 patients. For the purposes of this subsection, the Department
25 may promulgate administrative rules establishing what
26 constitutes an adequate supply.

1 (f) If there is a shortage of cannabis or cannabis-infused
2 products, a dispensing organization shall prioritize serving
3 qualifying patients, designated caregivers, and provisional
4 patients before serving purchasers.

5 (g) Beginning January 1, 2027, cannabis and
6 cannabis-infused products purchased from a dispensing
7 organization by a qualified patient, Opioid Alternative
8 Patient Program participant, provisional patient, or
9 designated caregiver are not subject to tax under Section
10 65-10 of this Act.

11 (410 ILCS 705/15-15)

12 Sec. 15-15. Early Approval Adult Use Dispensing
13 Organization License.

14 (a) Any medical cannabis dispensing organization holding a
15 valid registration under the Compassionate Use of Medical
16 Cannabis Program Act as of the effective date of this Act may,
17 within 60 days of the effective date of this Act, apply to the
18 Department for an Early Approval Adult Use Dispensing
19 Organization License to serve purchasers at any medical
20 cannabis dispensing location in operation on the effective
21 date of this Act, pursuant to this Section.

22 (b) A medical cannabis dispensing organization seeking
23 issuance of an Early Approval Adult Use Dispensing
24 Organization License to serve purchasers at any medical
25 cannabis dispensing location in operation as of the effective

1 date of this Act shall submit an application on forms provided
2 by the Department. The application must be submitted by the
3 same person or entity that holds the medical cannabis
4 dispensing organization registration and include the
5 following:

6 (1) Payment of a nonrefundable fee of \$30,000 to be
7 deposited into the Cannabis Regulation Fund;

8 (2) Proof of registration as a medical cannabis
9 dispensing organization that is in good standing;

10 (3) Certification that the applicant will comply with
11 the requirements contained in the Compassionate Use of
12 Medical Cannabis Program Act except as provided in this
13 Act;

14 (4) The legal name of the dispensing organization;

15 (5) The physical address of the dispensing
16 organization;

17 (6) The name, address, social security number, and
18 date of birth of each principal officer and board member
19 of the dispensing organization, each of whom must be at
20 least 21 years of age;

21 (7) A nonrefundable Cannabis Business Development Fee
22 equal to 3% of the dispensing organization's total sales
23 between June 1, 2018 to June 1, 2019, or \$100,000,
24 whichever is less, to be deposited into the Cannabis
25 Business Development Fund; and

26 (8) Identification of one of the following Social

1 Equity Inclusion Plans to be completed by March 31, 2021:

2 (A) Make a contribution of 3% of total sales from
3 June 1, 2018 to June 1, 2019, or \$100,000, whichever is
4 less, to the Cannabis Business Development Fund. This
5 is in addition to the fee required by item (7) of this
6 subsection (b);

7 (B) Make a grant of 3% of total sales from June 1,
8 2018 to June 1, 2019, or \$100,000, whichever is less,
9 to a cannabis industry training or education program
10 at an Illinois community college as defined in the
11 Public Community College Act;

12 (C) Make a donation of \$100,000 or more to a
13 program that provides job training services to persons
14 recently incarcerated or that operates in a
15 Disproportionately Impacted Area;

16 (D) Participate as a host in a cannabis business
17 establishment incubator program approved by the
18 Department of Commerce and Economic Opportunity, and
19 in which an Early Approval Adult Use Dispensing
20 Organization License holder agrees to provide a loan
21 of at least \$100,000 and mentorship to incubate, for
22 at least a year, a Social Equity Applicant intending
23 to seek a license or a licensee that qualifies as a
24 Social Equity Applicant. As used in this Section,
25 "incubate" means providing direct financial assistance
26 and training necessary to engage in licensed cannabis

1 industry activity similar to that of the host
2 licensee. The Early Approval Adult Use Dispensing
3 Organization License holder or the same entity holding
4 any other licenses issued pursuant to this Act shall
5 not take an ownership stake of greater than 10% in any
6 business receiving incubation services to comply with
7 this subsection. If an Early Approval Adult Use
8 Dispensing Organization License holder fails to find a
9 business to incubate to comply with this subsection
10 before its Early Approval Adult Use Dispensing
11 Organization License expires, it may opt to meet the
12 requirement of this subsection by completing another
13 item from this subsection; or

14 (E) Participate in a sponsorship program for at
15 least 2 years approved by the Department of Commerce
16 and Economic Opportunity in which an Early Approval
17 Adult Use Dispensing Organization License holder
18 agrees to provide an interest-free loan of at least
19 \$200,000 to a Social Equity Applicant. The sponsor
20 shall not take an ownership stake in any cannabis
21 business establishment receiving sponsorship services
22 to comply with this subsection.

23 (b-5) Beginning 90 days after the effective date of this
24 amendatory Act of the 102nd General Assembly, an Early
25 Approval Adult Use Dispensing Organization licensee whose
26 license was issued pursuant to this Section may apply to

1 relocate within the same geographic district where its
2 existing associated medical cannabis dispensing organization
3 dispensary licensed under the Compassionate Use of Medical
4 Cannabis Program Act is authorized to operate. A request to
5 relocate under this subsection is subject to approval by the
6 Department. An Early Approval Adult Use Dispensing
7 Organization's application to relocate its license under this
8 subsection shall be deemed approved 30 days following the
9 submission of a complete application to relocate, unless
10 sooner approved or denied in writing by the Department. If an
11 application to relocate is denied, the Department shall
12 provide, in writing, the specific reason for denial.

13 An Early Approval Adult Use Dispensing Organization may
14 request to relocate under this subsection if:

15 (1) its existing location is within the boundaries of
16 a unit of local government that prohibits the sale of
17 adult use cannabis; or

18 (2) the Early Approval Adult Use Dispensing
19 Organization has obtained the approval of the municipality
20 or, if outside the boundaries of a municipality in an
21 unincorporated area of the county, the approval of the
22 county where the existing license is located to move to
23 another location within that unit of local government.

24 At no time may an Early Approval Adult Use Dispensing
25 Organization dispensary licensed under this Section operate in
26 a separate facility from its associated medical cannabis

1 dispensing organization dispensary licensed under the
2 Compassionate Use of Medical Cannabis Program Act. The
3 relocation of an Early Approval Adult Use Dispensing
4 Organization License under this subsection shall be subject to
5 Sections 55-25 and 55-28 of this Act.

6 (c) The license fee required by paragraph (1) of
7 subsection (b) of this Section shall be in addition to any
8 license fee required for the renewal of a registered medical
9 cannabis dispensing organization license.

10 (d) Applicants must submit all required information,
11 including the requirements in subsection (b) of this Section,
12 to the Department. Failure by an applicant to submit all
13 required information may result in the application being
14 disqualified.

15 (e) If the Department receives an application that fails
16 to provide the required elements contained in subsection (b),
17 the Department shall issue a deficiency notice to the
18 applicant. The applicant shall have 10 calendar days from the
19 date of the deficiency notice to submit complete information.
20 Applications that are still incomplete after this opportunity
21 to cure may be disqualified.

22 (f) If an applicant meets all the requirements of
23 subsection (b) of this Section, the Department shall issue the
24 Early Approval Adult Use Dispensing Organization License
25 within 14 days of receiving a completed application unless:

26 (1) The licensee or a principal officer is delinquent

1 in filing any required tax returns or paying any amounts
2 owed to the State of Illinois;

3 (2) The Secretary of Financial and Professional
4 Regulation determines there is reason, based on documented
5 compliance violations, the licensee is not entitled to an
6 Early Approval Adult Use Dispensing Organization License;
7 or

8 (3) Any principal officer fails to register and remain
9 in compliance with this Act or the Compassionate Use of
10 Medical Cannabis Program Act.

11 (g) A registered medical cannabis dispensing organization
12 that obtains an Early Approval Adult Use Dispensing
13 Organization License may begin selling cannabis,
14 cannabis-infused products, paraphernalia, and related items to
15 purchasers under the rules of this Act no sooner than January
16 1, 2020.

17 (h) A dispensing organization holding a medical cannabis
18 dispensing organization license issued under the Compassionate
19 Use of Medical Cannabis Program Act must maintain an adequate
20 supply of cannabis and cannabis-infused products for purchase
21 by qualifying patients, designated caregivers, provisional
22 patients, and Opioid Alternative Patient ~~Pilot~~ Program
23 participants. For the purposes of this subsection, "adequate
24 supply" means a monthly inventory level that is comparable in
25 type and quantity to those medical cannabis products provided
26 to qualified patients, Opioid Alternative Patient Program

1 participants, provisional patients, and designated caregivers
2 on an average monthly basis for the 6 months before the
3 effective date of this Act.

4 (i) If there is a shortage of cannabis or cannabis-infused
5 products, a dispensing organization holding both a dispensing
6 organization license under the Compassionate Use of Medical
7 Cannabis Program Act and this Act shall prioritize serving
8 qualifying patients, designated caregivers, provisional
9 patients, and Opioid Alternative Patient ~~Pilot~~ Program
10 participants before serving purchasers.

11 (j) Notwithstanding any law or rule to the contrary, a
12 person that holds a medical cannabis dispensing organization
13 license issued under the Compassionate Use of Medical Cannabis
14 Program Act and an Early Approval Adult Use Dispensing
15 Organization License may permit purchasers into a limited
16 access area as that term is defined in administrative rules
17 made under the authority in the Compassionate Use of Medical
18 Cannabis Program Act.

19 (k) An Early Approval Adult Use Dispensing Organization
20 License is valid until March 31, 2021. A dispensing
21 organization that obtains an Early Approval Adult Use
22 Dispensing Organization License shall receive written or
23 electronic notice 90 days before the expiration of the license
24 that the license will expire, and that informs the license
25 holder that it may apply to renew its Early Approval Adult Use
26 Dispensing Organization License on forms provided by the

1 Department. The Department shall renew the Early Approval
2 Adult Use Dispensing Organization License within 60 days of
3 the renewal application being deemed complete if:

4 (1) the dispensing organization submits an application
5 and the required nonrefundable renewal fee of \$30,000, to
6 be deposited into the Cannabis Regulation Fund;

7 (2) the Department has not suspended or permanently
8 revoked the Early Approval Adult Use Dispensing
9 Organization License or a medical cannabis dispensing
10 organization license on the same premises for violations
11 of this Act, the Compassionate Use of Medical Cannabis
12 Program Act, or rules adopted pursuant to those Acts;

13 (3) the dispensing organization has completed a Social
14 Equity Inclusion Plan as provided by parts (A), (B), and
15 (C) of paragraph (8) of subsection (b) of this Section or
16 has made substantial progress toward completing a Social
17 Equity Inclusion Plan as provided by parts (D) and (E) of
18 paragraph (8) of subsection (b) of this Section; and

19 (4) the dispensing organization is in compliance with
20 this Act and rules.

21 (1) The Early Approval Adult Use Dispensing Organization
22 License renewed pursuant to subsection (k) of this Section
23 shall expire March 31, 2022. The Early Approval Adult Use
24 Dispensing Organization Licensee shall receive written or
25 electronic notice 90 days before the expiration of the license
26 that the license will expire, and that informs the license

1 holder that it may apply for an Adult Use Dispensing
2 Organization License on forms provided by the Department. The
3 Department shall grant an Adult Use Dispensing Organization
4 License within 60 days of an application being deemed complete
5 if the applicant has met all of the criteria in Section 15-36.

6 (m) If a dispensing organization fails to submit an
7 application for renewal of an Early Approval Adult Use
8 Dispensing Organization License or for an Adult Use Dispensing
9 Organization License before the expiration dates provided in
10 subsections (k) and (l) of this Section, the dispensing
11 organization shall cease serving purchasers and cease all
12 operations until it receives a renewal or an Adult Use
13 Dispensing Organization License, as the case may be.

14 (n) A dispensing organization agent who holds a valid
15 dispensing organization agent identification card issued under
16 the Compassionate Use of Medical Cannabis Program Act and is
17 an officer, director, manager, or employee of the dispensing
18 organization licensed under this Section may engage in all
19 activities authorized by this Article to be performed by a
20 dispensing organization agent.

21 (o) If the Department suspends, permanently revokes, or
22 otherwise disciplines the Early Approval Adult Use Dispensing
23 Organization License of a dispensing organization that also
24 holds a medical cannabis dispensing organization license
25 issued under the Compassionate Use of Medical Cannabis Program
26 Act, the Department may consider the suspension, permanent

1 revocation, or other discipline of the medical cannabis
2 dispensing organization license.

3 (p) All fees collected pursuant to this Section shall be
4 deposited into the Cannabis Regulation Fund, unless otherwise
5 specified.

6 (q) On and after January 1, 2027, all dispensaries which
7 were previously issued an Early Approval Adult Use Dispensing
8 Organization License pursuant to this Section shall be deemed
9 to be a dispensary pursuant to Section 15-36 of this Act.

10 (r) This Section is repealed on July 1, 2027.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
12 102-98, eff. 7-15-21.)

13 (410 ILCS 705/15-17 new)

14 Sec. 15-17. Early Approval Adult Use Dispensing
15 Organization License merger with Adult Use Dispensing
16 Organization License.

17 (a) On and after January 1, 2027, all dispensing
18 organizations previously registered as an Early Approval Adult
19 Use Dispensing Organization License shall be a dispensing
20 organization or a dispensary under this Act and shall be an
21 Adult Use Dispensing Organization License holder under Section
22 15-36 of this Act.

23 (b) The BLS Region in which the dispensing organization
24 licensee's Early Approval Adult Use Dispensing Organization
25 License was originally issued shall be considered the

1 licensee's BLS Region. The dispensing organization shall
2 remain in that BLS Region even if the license or licensee
3 changes its ownership, is sold, is relocated under Section
4 15-24 of this Act, or receives authorization under subsection
5 7 (e-5) of Section 15-25.

6 (410 ILCS 705/15-20)

7 Sec. 15-20. Early Approval Adult Use Dispensing
8 Organization License; secondary site.

9 (a) Any medical cannabis dispensing organization holding a
10 valid registration under the Compassionate Use of Medical
11 Cannabis Program Act as of the effective date of this Act may,
12 within 60 days of the effective date of this Act, apply to the
13 Department for an Early Approval Adult Use Dispensing
14 Organization License to operate a dispensing organization to
15 serve purchasers at a secondary site not within 1,500 feet of
16 another medical cannabis dispensing organization or adult use
17 dispensing organization. The Early Approval Adult Use
18 Dispensing Organization secondary site shall be within any BLS
19 Region that shares territory with the dispensing organization
20 district to which the medical cannabis dispensing organization
21 is assigned under the administrative rules for dispensing
22 organizations under the Compassionate Use of Medical Cannabis
23 Program Act.

24 (a-5) If, within 360 days of the effective date of this
25 Act, a dispensing organization is unable to find a location

1 within the BLS Regions prescribed in subsection (a) of this
2 Section in which to operate an Early Approval Adult Use
3 Dispensing Organization at a secondary site because no
4 jurisdiction within the prescribed area allows the operation
5 of an Adult Use Dispensing Organization, the Department of
6 Financial and Professional Regulation may waive the geographic
7 restrictions of subsection (a) of this Section and specify
8 another BLS Region into which the dispensary may be placed.

9 (b) (Blank).

10 (c) A medical cannabis dispensing organization seeking
11 issuance of an Early Approval Adult Use Dispensing
12 Organization License at a secondary site to serve purchasers
13 at a secondary site as prescribed in subsection (a) of this
14 Section shall submit an application on forms provided by the
15 Department. The application must meet or include the following
16 qualifications:

17 (1) a payment of a nonrefundable application fee of
18 \$30,000;

19 (2) proof of registration as a medical cannabis
20 dispensing organization that is in good standing;

21 (3) submission of the application by the same person
22 or entity that holds the medical cannabis dispensing
23 organization registration;

24 (4) the legal name of the medical cannabis dispensing
25 organization;

26 (5) the physical address of the medical cannabis

1 dispensing organization and the proposed physical address
2 of the secondary site;

3 (6) a copy of the current local zoning ordinance
4 Sections relevant to dispensary operations and
5 documentation of the approval, the conditional approval or
6 the status of a request for zoning approval from the local
7 zoning office that the proposed dispensary location is in
8 compliance with the local zoning rules;

9 (7) a plot plan of the dispensary drawn to scale. The
10 applicant shall submit general specifications of the
11 building exterior and interior layout;

12 (8) a statement that the dispensing organization
13 agrees to respond to the Department's supplemental
14 requests for information;

15 (9) for the building or land to be used as the proposed
16 dispensary:

17 (A) if the property is not owned by the applicant,
18 a written statement from the property owner and
19 landlord, if any, certifying consent that the
20 applicant may operate a dispensary on the premises; or

21 (B) if the property is owned by the applicant,
22 confirmation of ownership;

23 (10) a copy of the proposed operating bylaws;

24 (11) a copy of the proposed business plan that
25 complies with the requirements in this Act, including, at
26 a minimum, the following:

1 (A) a description of services to be offered; and

2 (B) a description of the process of dispensing
3 cannabis;

4 (12) a copy of the proposed security plan that
5 complies with the requirements in this Article, including:

6 (A) a description of the delivery process by which
7 cannabis will be received from a transporting
8 organization, including receipt of manifests and
9 protocols that will be used to avoid diversion, theft,
10 or loss at the dispensary acceptance point; and

11 (B) the process or controls that will be
12 implemented to monitor the dispensary, secure the
13 premises, agents, patients, and currency, and prevent
14 the diversion, theft, or loss of cannabis; and

15 (C) the process to ensure that access to the
16 restricted access areas is restricted to, registered
17 agents, service professionals, transporting
18 organization agents, Department inspectors, and
19 security personnel;

20 (13) a proposed inventory control plan that complies
21 with this Section;

22 (14) the name, address, social security number, and
23 date of birth of each principal officer and board member
24 of the dispensing organization; each of those individuals
25 shall be at least 21 years of age;

26 (15) a nonrefundable Cannabis Business Development Fee

1 equal to \$200,000, to be deposited into the Cannabis
2 Business Development Fund; and

3 (16) a commitment to completing one of the following
4 Social Equity Inclusion Plans in subsection (d).

5 (d) Before receiving an Early Approval Adult Use
6 Dispensing Organization License at a secondary site, a
7 dispensing organization shall indicate the Social Equity
8 Inclusion Plan that the applicant plans to achieve before the
9 expiration of the Early Approval Adult Use Dispensing
10 Organization License from the list below:

11 (1) make a contribution of 3% of total sales from June
12 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to
13 the Cannabis Business Development Fund. This is in
14 addition to the fee required by paragraph (16) of
15 subsection (c) of this Section;

16 (2) make a grant of 3% of total sales from June 1, 2018
17 to June 1, 2019, or \$100,000, whichever is less, to a
18 cannabis industry training or education program at an
19 Illinois community college as defined in the Public
20 Community College Act;

21 (3) make a donation of \$100,000 or more to a program
22 that provides job training services to persons recently
23 incarcerated or that operates in a Disproportionately
24 Impacted Area;

25 (4) participate as a host in a cannabis business
26 establishment incubator program approved by the Department

1 of Commerce and Economic Opportunity, and in which an
2 Early Approval Adult Use Dispensing Organization License
3 at a secondary site holder agrees to provide a loan of at
4 least \$100,000 and mentorship to incubate, for at least a
5 year, a Social Equity Applicant intending to seek a
6 license or a licensee that qualifies as a Social Equity
7 Applicant. In this paragraph (4), "incubate" means
8 providing direct financial assistance and training
9 necessary to engage in licensed cannabis industry activity
10 similar to that of the host licensee. The Early Approval
11 Adult Use Dispensing Organization License holder or the
12 same entity holding any other licenses issued under this
13 Act shall not take an ownership stake of greater than 10%
14 in any business receiving incubation services to comply
15 with this subsection. If an Early Approval Adult Use
16 Dispensing Organization License at a secondary site holder
17 fails to find a business to incubate in order to comply
18 with this subsection before its Early Approval Adult Use
19 Dispensing Organization License at a secondary site
20 expires, it may opt to meet the requirement of this
21 subsection by completing another item from this subsection
22 before the expiration of its Early Approval Adult Use
23 Dispensing Organization License at a secondary site to
24 avoid a penalty; or

25 (5) participate in a sponsorship program for at least
26 2 years approved by the Department of Commerce and

1 Economic Opportunity in which an Early Approval Adult Use
2 Dispensing Organization License at a secondary site holder
3 agrees to provide an interest-free loan of at least
4 \$200,000 to a Social Equity Applicant. The sponsor shall
5 not take an ownership stake of greater than 10% in any
6 business receiving sponsorship services to comply with
7 this subsection.

8 (e) The license fee required by paragraph (1) of
9 subsection (c) of this Section is in addition to any license
10 fee required for the renewal of a registered medical cannabis
11 dispensing organization license.

12 (f) Applicants must submit all required information,
13 including the requirements in subsection (c) of this Section,
14 to the Department. Failure by an applicant to submit all
15 required information may result in the application being
16 disqualified. Principal officers shall not be required to
17 submit to the fingerprint and background check requirements of
18 Section 5-20.

19 (g) If the Department receives an application that fails
20 to provide the required elements contained in subsection (c),
21 the Department shall issue a deficiency notice to the
22 applicant. The applicant shall have 10 calendar days from the
23 date of the deficiency notice to submit complete information.
24 Applications that are still incomplete after this opportunity
25 to cure may be disqualified.

26 (h) Once all required information and documents have been

1 submitted, the Department will review the application. The
2 Department may request revisions and retains final approval
3 over dispensary features. Once the application is complete and
4 meets the Department's approval, the Department shall
5 conditionally approve the license. Final approval is
6 contingent on the build-out and Department inspection.

7 (i) Upon submission of the Early Approval Adult Use
8 Dispensing Organization at a secondary site application, the
9 applicant shall request an inspection and the Department may
10 inspect the Early Approval Adult Use Dispensing Organization's
11 secondary site to confirm compliance with the application and
12 this Act.

13 (j) The Department shall only issue an Early Approval
14 Adult Use Dispensing Organization License at a secondary site
15 after the completion of a successful inspection.

16 (k) If an applicant passes the inspection under this
17 Section, the Department shall issue the Early Approval Adult
18 Use Dispensing Organization License at a secondary site within
19 10 business days unless:

20 (1) the licensee, any principal officer or board
21 member of the licensee, or any person having a financial
22 or voting interest of 5% or greater in the licensee is
23 delinquent in filing any required tax returns or paying
24 any amounts owed to the State of Illinois; or

25 (2) the Secretary of Financial and Professional
26 Regulation determines there is reason, based on documented

1 compliance violations, the licensee is not entitled to an
2 Early Approval Adult Use Dispensing Organization License
3 at its secondary site.

4 (l) Once the Department has issued a license, the
5 dispensing organization shall notify the Department of the
6 proposed opening date.

7 (m) A registered medical cannabis dispensing organization
8 that obtains an Early Approval Adult Use Dispensing
9 Organization License at a secondary site may begin selling
10 cannabis, cannabis-infused products, paraphernalia, and
11 related items to purchasers under the rules of this Act no
12 sooner than January 1, 2020.

13 (n) If there is a shortage of cannabis or cannabis-infused
14 products, a dispensing organization holding both a dispensing
15 organization license under the Compassionate Use of Medical
16 Cannabis Program Act and this Article shall prioritize serving
17 qualifying patients, Opioid Alternative Patient Program
18 participants, provisional patients, and caregivers before
19 serving purchasers.

20 (o) An Early Approval Adult Use Dispensing Organization
21 License at a secondary site is valid until March 31, 2021. A
22 dispensing organization that obtains an Early Approval Adult
23 Use Dispensing Organization License at a secondary site shall
24 receive written or electronic notice 90 days before the
25 expiration of the license that the license will expire, and
26 inform the license holder that it may renew its Early Approval

1 Adult Use Dispensing Organization License at a secondary site.
2 The Department shall renew an Early Approval Adult Use
3 Dispensing Organization License at a secondary site within 60
4 days of submission of the renewal application being deemed
5 complete if:

6 (1) the dispensing organization submits an application
7 and the required nonrefundable renewal fee of \$30,000, to
8 be deposited into the Cannabis Regulation Fund;

9 (2) the Department has not suspended or permanently
10 revoked the Early Approval Adult Use Dispensing
11 Organization License or a medical cannabis dispensing
12 organization license held by the same person or entity for
13 violating this Act or rules adopted under this Act or the
14 Compassionate Use of Medical Cannabis Program Act or rules
15 adopted under that Act; and

16 (3) the dispensing organization has completed a Social
17 Equity Inclusion Plan provided by paragraph (1), (2), or
18 (3) of subsection (d) of this Section or has made
19 substantial progress toward completing a Social Equity
20 Inclusion Plan provided by paragraph (4) or (5) of
21 subsection (d) of this Section.

22 (p) The Early Approval Adult Use Dispensing Organization
23 Licensee at a secondary site renewed pursuant to subsection
24 (o) shall receive written or electronic notice 90 days before
25 the expiration of the license that the license will expire,
26 and that informs the license holder that it may apply for an

1 Adult Use Dispensing Organization License on forms provided by
2 the Department. The Department shall grant an Adult Use
3 Dispensing Organization License within 60 days of an
4 application being deemed complete if the applicant has meet
5 all of the criteria in Section 15-36.

6 (q) If a dispensing organization fails to submit an
7 application for renewal of an Early Approval Adult Use
8 Dispensing Organization License or for an Adult Use Dispensing
9 Organization License before the expiration dates provided in
10 subsections (o) and (p) of this Section, the dispensing
11 organization shall cease serving purchasers until it receives
12 a renewal or an Adult Use Dispensing Organization License.

13 (r) A dispensing organization agent who holds a valid
14 dispensing organization agent identification card issued under
15 the Compassionate Use of Medical Cannabis Program Act and is
16 an officer, director, manager, or employee of the dispensing
17 organization licensed under this Section may engage in all
18 activities authorized by this Article to be performed by a
19 dispensing organization agent.

20 (s) If the Department suspends, permanently revokes, or
21 otherwise disciplines the Early Approval Adult Use Dispensing
22 Organization License of a dispensing organization that also
23 holds a medical cannabis dispensing organization license
24 issued under the Compassionate Use of Medical Cannabis Program
25 Act, the Department may consider the suspension, permanent
26 revocation, or other discipline as grounds to take

1 disciplinary action against the medical cannabis dispensing
2 organization.

3 (t) All fees collected pursuant to this Section shall be
4 deposited into the Cannabis Regulation Fund, unless otherwise
5 specified.

6 (u) On and after January 1, 2027, all dispensaries that
7 were previously issued an Early Approval Adult Use Dispensing
8 Organization at a secondary site license pursuant to this
9 Section shall be deemed to be a dispensary pursuant to Section
10 15-36 of this Act.

11 (v) This Section is repealed on July 1, 2027.

12 (Source: P.A. 104-417, eff. 8-15-25.)

13 (410 ILCS 705/15-23 new)

14 Sec. 15-23. Early Approval Adult Use Dispensing
15 Organization at a secondary site license merger with Adult Use
16 Dispensing Organization license.

17 (a) On and after January 1, 2027, all dispensing
18 organizations previously registered as an Early Approval Adult
19 Use Dispensing Organization at a secondary site license shall
20 be a dispensing organization or a dispensary under this Act
21 and shall be an Adult Use Dispensing Organization License
22 holder under Section 15-36 of this Act.

23 (b) The BLS Region in which the dispensing organization
24 licensee's Early Approval Adult Use Dispensing Organization at
25 a secondary site license was originally issued shall be

1 considered the licensee's BLS Region. The dispensing
2 organization shall remain in that BLS Region even if the
3 license or licensee changes its ownership, is sold, is
4 relocated under Section 15-24 of this Act, or receives
5 authorization under subsection (e-5) of Section 15-25.

6 (410 ILCS 705/15-24 new)

7 Sec. 15-24. Adult Use Dispensing Organization Licensee
8 relocation.

9 (a) An Adult Use Dispensing Organization licensee may
10 apply to relocate within the Licensee's specific BLS Region
11 consistent with this Section. A request to relocate under this
12 Section is subject to approval by the Department. An Adult Use
13 Dispensing Organization's application to relocate its license
14 under this Section shall be considered to be approved 30 days
15 following the submission of a complete application to
16 relocate, unless the request is sooner approved or denied in
17 writing by the Department. If an application to relocate is
18 denied, the Department shall provide, in writing, the specific
19 reason for denial. An Adult Use Dispensing Organization may
20 request to relocate under this Section only if:

21 (1) the Adult Use Dispensing Organization's existing
22 location is within the boundaries of a unit of local
23 government that prohibits the sale of adult use cannabis;

24 (2) the Adult Use Dispensing Organization has obtained
25 the zoning approval of a new location by the municipality

1 it currently operates in if the new location is within
2 that same municipality, or if outside the boundaries of a
3 municipality in an unincorporated area of the county, the
4 zoning approval of a new location by the county where it
5 currently operates in if the new location is within the
6 same county, to move to a different location within that
7 unit of local government; or

8 (3) the Adult Use Dispensing Organization has obtained
9 the approval, as evidenced by a letter of intent or full
10 zoning approval, to operate within the boundaries of a new
11 unit of local government, so long as the new unit of local
12 government is within the dispensing organization's
13 specific BLS Region.

14 (b) The relocation of an Adult Use Dispensing Organization
15 Licensee under this Section shall be subject to Sections 55-25
16 and 55-28.

17 (410 ILCS 705/15-25)

18 Sec. 15-25. Awarding of Conditional Adult Use Dispensing
19 Organization Licenses prior to January 1, 2021.

20 (a) The Department shall issue up to 75 Conditional Adult
21 Use Dispensing Organization Licenses before May 1, 2020.

22 (b) The Department shall make the application for a
23 Conditional Adult Use Dispensing Organization License
24 available no later than October 1, 2019 and shall accept
25 applications no later than January 1, 2020.

1 (c) To ensure the geographic dispersion of Conditional
2 Adult Use Dispensing Organization License holders, the
3 following number of licenses shall be awarded in each BLS
4 Region as determined by each region's percentage of the
5 State's population:

- 6 (1) Bloomington: 1
- 7 (2) Cape Girardeau: 1
- 8 (3) Carbondale-Marion: 1
- 9 (4) Champaign-Urbana: 1
- 10 (5) Chicago-Naperville-Elgin: 47
- 11 (6) Danville: 1
- 12 (7) Davenport-Moline-Rock Island: 1
- 13 (8) Decatur: 1
- 14 (9) Kankakee: 1
- 15 (10) Peoria: 3
- 16 (11) Rockford: 2
- 17 (12) St. Louis: 4
- 18 (13) Springfield: 1
- 19 (14) Northwest Illinois nonmetropolitan: 3
- 20 (15) West Central Illinois nonmetropolitan: 3
- 21 (16) East Central Illinois nonmetropolitan: 2
- 22 (17) South Illinois nonmetropolitan: 2

23 (d) An applicant seeking issuance of a Conditional Adult
24 Use Dispensing Organization License shall submit an
25 application on forms provided by the Department. An applicant
26 must meet the following requirements:

1 (1) Payment of a nonrefundable application fee of
2 \$5,000 for each license for which the applicant is
3 applying, which shall be deposited into the Cannabis
4 Regulation Fund;

5 (2) Certification that the applicant will comply with
6 the requirements contained in this Act;

7 (3) The legal name of the proposed dispensing
8 organization;

9 (4) A statement that the dispensing organization
10 agrees to respond to the Department's supplemental
11 requests for information;

12 (5) From each principal officer, a statement
13 indicating whether that person:

14 (A) has previously held or currently holds an
15 ownership interest in a cannabis business
16 establishment in Illinois; or

17 (B) has held an ownership interest in a dispensing
18 organization or its equivalent in another state or
19 territory of the United States that had the dispensing
20 organization registration or license suspended,
21 revoked, placed on probationary status, or subjected
22 to other disciplinary action;

23 (6) Disclosure of whether any principal officer has
24 ever filed for bankruptcy or defaulted on spousal support
25 or child support obligation;

26 (7) A resume for each principal officer, including

1 whether that person has an academic degree, certification,
2 or relevant experience with a cannabis business
3 establishment or in a related industry;

4 (8) A description of the training and education that
5 will be provided to dispensing organization agents;

6 (9) A copy of the proposed operating bylaws;

7 (10) A copy of the proposed business plan that
8 complies with the requirements in this Act, including, at
9 a minimum, the following:

10 (A) A description of services to be offered; and

11 (B) A description of the process of dispensing
12 cannabis;

13 (11) A copy of the proposed security plan that
14 complies with the requirements in this Article, including:

15 (A) The process or controls that will be
16 implemented to monitor the dispensary, secure the
17 premises, agents, and currency, and prevent the
18 diversion, theft, or loss of cannabis; and

19 (B) The process to ensure that access to the
20 restricted access areas is restricted to, registered
21 agents, service professionals, transporting
22 organization agents, Department inspectors, and
23 security personnel;

24 (12) A proposed inventory control plan that complies
25 with this Section;

26 (13) A proposed floor plan, a square footage estimate,

1 and a description of proposed security devices, including,
2 without limitation, cameras, motion detectors, servers,
3 video storage capabilities, and alarm service providers;

4 (14) The name, address, social security number, and
5 date of birth of each principal officer and board member
6 of the dispensing organization; each of those individuals
7 shall be at least 21 years of age;

8 (15) Evidence of the applicant's status as a Social
9 Equity Applicant, if applicable, and whether a Social
10 Equity Applicant plans to apply for a loan or grant issued
11 by the Department of Commerce and Economic Opportunity;

12 (16) The address, telephone number, and email address
13 of the applicant's principal place of business, if
14 applicable. A post office box is not permitted;

15 (17) Written summaries of any information regarding
16 instances in which a business or not-for-profit that a
17 prospective board member previously managed or served on
18 were fined or censured, or any instances in which a
19 business or not-for-profit that a prospective board member
20 previously managed or served on had its registration
21 suspended or revoked in any administrative or judicial
22 proceeding;

23 (18) A plan for community engagement;

24 (19) Procedures to ensure accurate recordkeeping and
25 security measures that are in accordance with this Article
26 and Department rules;

1 (20) The estimated volume of cannabis it plans to
2 store at the dispensary;

3 (21) A description of the features that will provide
4 accessibility to purchasers as required by the Americans
5 with Disabilities Act;

6 (22) A detailed description of air treatment systems
7 that will be installed to reduce odors;

8 (23) A reasonable assurance that the issuance of a
9 license will not have a detrimental impact on the
10 community in which the applicant wishes to locate;

11 (24) The dated signature of each principal officer;

12 (25) A description of the enclosed, locked facility
13 where cannabis will be stored by the dispensing
14 organization;

15 (26) Signed statements from each dispensing
16 organization agent stating that he or she will not divert
17 cannabis;

18 (27) The number of licenses it is applying for in each
19 BLS Region;

20 (28) A diversity plan that includes a narrative of at
21 least 2,500 words that establishes a goal of diversity in
22 ownership, management, employment, and contracting to
23 ensure that diverse participants and groups are afforded
24 equality of opportunity;

25 (29) (Blank); and ~~A contract with a private security~~
26 ~~contractor agency that is licensed under Section 10-5 of~~

~~the Private Detective, Private Alarm, Private Security,
Fingerprint Vendor, and Locksmith Act of 2004 in order for
the dispensary to have adequate security at its facility;
and~~

(30) Other information deemed necessary by the Illinois Cannabis Regulation Oversight Officer to conduct the disparity and availability study referenced in subsection (e) of Section 5-45.

(e) An applicant who receives a Conditional Adult Use Dispensing Organization License under this Section has 180 days from the date of award to identify a physical location for the dispensing organization retail storefront. The applicant shall provide evidence that the location is not within 1,500 feet of an existing dispensing organization, unless the applicant is a Social Equity Applicant or Social Equity Justice Involved Applicant located or seeking to locate within 1,500 feet of a dispensing organization licensed under Section 15-15 or Section 15-20. However, the Department may approve locations to be within 1,500 feet of each other if both have received local government zoning approval for sites within 1,500 feet of each other and the conditional licenses were issued pursuant to a lottery conducted under 68 Ill. Adm. Code 1291.50, subsection (c) of Section 15-35.20, Section 15-35, or Section 15-35.10. If an applicant is unable to find a suitable physical address in the opinion of the Department within 180 days of the issuance of the Conditional Adult Use Dispensing

1 Organization License, the Department may extend the period for
2 finding a physical address an additional 540 days if the
3 Conditional Adult Use Dispensing Organization License holder
4 demonstrates concrete attempts to secure a location and a
5 hardship. If the Department denies the extension or the
6 Conditional Adult Use Dispensing Organization License holder
7 is unable to either find a location within 720 days of being
8 awarded a conditional license and become operational within
9 180 days thereafter, or become operational within 720 days of
10 being awarded a conditional license, the Department may,
11 considering the totality of the circumstances, rescind the
12 conditional license. If the conditional license holder does
13 not become operational within 365 days after having found a
14 location, the Department may mandate a date by which the
15 conditional license holder shall become operational prior to
16 the Department rescinding the conditional license. If the
17 Department rescinds ~~shall rescind~~ the conditional license and
18 award it to the next highest scoring applicant in the BLS
19 Region for which the license was assigned, provided the
20 applicant receiving the license: (i) confirms a continued
21 interest in operating a dispensing organization; (ii) can
22 provide evidence that the applicant continues to meet all
23 requirements for holding a Conditional Adult Use Dispensing
24 Organization License set forth in this Act; and (iii) has not
25 otherwise become ineligible to be awarded a dispensing
26 organization license. If the new awardee is unable to accept

1 the Conditional Adult Use Dispensing Organization License, the
2 Department may issue ~~shall award~~ the Conditional Adult Use
3 Dispensing Organization License to the next highest scoring
4 applicant in the same manner. The new awardee shall be subject
5 to the same required deadlines as provided in this subsection.

6 (e-5) If, within 720 days of being awarded a Conditional
7 Adult Use Dispensing Organization License, a dispensing
8 organization is unable to find a location within the BLS
9 Region in which it was awarded a Conditional Adult Use
10 Dispensing Organization License because no jurisdiction within
11 the BLS Region allows for the operation of an Adult Use
12 Dispensing Organization, the Department of Financial and
13 Professional Regulation may authorize the Conditional Adult
14 Use Dispensing Organization License holder to transfer its
15 license to a BLS Region specified by the Department.

16 (f) A dispensing organization that is awarded a
17 Conditional Adult Use Dispensing Organization License pursuant
18 to the criteria in Section 15-30 shall not purchase, possess,
19 sell, or dispense cannabis or cannabis-infused products until
20 the person has received an Adult Use Dispensing Organization
21 License issued by the Department pursuant to Section 15-36 of
22 this Act.

23 (g) The Department shall conduct a background check of the
24 prospective organization agents in order to carry out this
25 Article. The Illinois State Police shall charge the applicant
26 a fee for conducting the criminal history record check, which

1 shall be deposited into the State Police Services Fund and
2 shall not exceed the actual cost of the record check. Each
3 person applying as a dispensing organization agent shall
4 submit a full set of fingerprints to the Illinois State Police
5 for the purpose of obtaining a State and federal criminal
6 records check. These fingerprints shall be checked against the
7 fingerprint records now and hereafter, to the extent allowed
8 by law, filed in the Illinois State Police and Federal Bureau
9 of Identification criminal history records databases. The
10 Illinois State Police shall furnish, following positive
11 identification, all Illinois conviction information to the
12 Department.

13 (Source: P.A. 102-98, eff. 7-15-21; 102-538, eff. 8-20-21;
14 102-813, eff. 5-13-22; 103-8, eff. 6-7-23.)

15 (410 ILCS 705/15-30)

16 Sec. 15-30. Selection criteria for conditional licenses
17 awarded under Section 15-25.

18 (a) Applicants for a Conditional Adult Use Dispensing
19 Organization License must submit all required information,
20 including the information required in Section 15-25, to the
21 Department. Failure by an applicant to submit all required
22 information may result in the application being disqualified.

23 (b) If the Department receives an application that fails
24 to provide the required elements contained in this Section,
25 the Department shall issue a deficiency notice to the

1 applicant. The applicant shall have 10 calendar days from the
2 date of the deficiency notice to resubmit the incomplete
3 information. Applications that are still incomplete after this
4 opportunity to cure will not be scored and will be
5 disqualified.

6 (c) The Department will award up to 250 points to complete
7 applications based on the sufficiency of the applicant's
8 responses to required information. Applicants will be awarded
9 points based on a determination that the application
10 satisfactorily includes the following elements:

11 (1) Suitability of Employee Training Plan (15 points).

12 The plan includes an employee training plan that
13 demonstrates that employees will understand the rules and
14 laws to be followed by dispensary employees, have
15 knowledge of any security measures and operating
16 procedures of the dispensary, and are able to advise
17 purchasers on how to safely consume cannabis and use
18 individual products offered by the dispensary.

19 (2) Security and Recordkeeping (65 points).

20 (A) The security plan accounts for the prevention
21 of the theft or diversion of cannabis. The security
22 plan demonstrates safety procedures for dispensing
23 organization agents and purchasers, and safe delivery
24 and storage of cannabis and currency. It demonstrates
25 compliance with all security requirements in this Act
26 and rules.

1 (B) A plan for recordkeeping, tracking, and
2 monitoring inventory, quality control, and other
3 policies and procedures that will promote standard
4 recordkeeping and discourage unlawful activity. This
5 plan includes the applicant's strategy to communicate
6 with the Department and the Illinois State Police on
7 the destruction and disposal of cannabis. The plan
8 must also demonstrate compliance with this Act and
9 rules.

10 (C) (Blank). ~~The security plan shall also detail~~
11 ~~which private security contractor licensed under~~
12 ~~Section 10-5 of the Private Detective, Private Alarm,~~
13 ~~Private Security, Fingerprint Vendor, and Locksmith~~
14 ~~Act of 2004 the dispensary will contract with in order~~
15 ~~to provide adequate security at its facility.~~

16 (3) Applicant's Business Plan, Financials, Operating
17 and Floor Plan (65 points).

18 (A) The business plan shall describe, at a
19 minimum, how the dispensing organization will be
20 managed on a long-term basis. This shall include a
21 description of the dispensing organization's
22 point-of-sale system, purchases and denials of sale,
23 confidentiality, and products and services to be
24 offered. It will demonstrate compliance with this Act
25 and rules.

26 (B) The operating plan shall include, at a

1 minimum, best practices for day-to-day dispensary
2 operation and staffing. The operating plan may also
3 include information about employment practices,
4 including information about the percentage of
5 full-time employees who will be provided a living
6 wage.

7 (C) The proposed floor plan is suitable for public
8 access, the layout promotes safe dispensing of
9 cannabis, is compliant with the Americans with
10 Disabilities Act and the Environmental Barriers Act,
11 and facilitates safe product handling and storage.

12 (4) Knowledge and Experience (30 points).

13 (A) The applicant's principal officers must
14 demonstrate experience and qualifications in business
15 management or experience with the cannabis industry.
16 This includes ensuring optimal safety and accuracy in
17 the dispensing and sale of cannabis.

18 (B) The applicant's principal officers must
19 demonstrate knowledge of various cannabis product
20 strains or varieties and describe the types and
21 quantities of products planned to be sold. This
22 includes confirmation of whether the dispensing
23 organization plans to sell cannabis paraphernalia or
24 edibles.

25 (C) Knowledge and experience may be demonstrated
26 through experience in other comparable industries that

1 reflect on the applicant's ability to operate a
2 cannabis business establishment.

3 (5) Status as a Social Equity Applicant (50 points).
4 The applicant meets the qualifications for a Social Equity
5 Applicant as set forth in this Act.

6 (6) Labor and employment practices (5 points). The
7 applicant may describe plans to provide a safe, healthy,
8 and economically beneficial working environment for its
9 agents, including, but not limited to, codes of conduct,
10 health care benefits, educational benefits, retirement
11 benefits, living wage standards, and entering a labor
12 peace agreement with employees.

13 (7) Environmental Plan (5 points). The applicant may
14 demonstrate an environmental plan of action to minimize
15 the carbon footprint, environmental impact, and resource
16 needs for the dispensary, which may include, without
17 limitation, recycling cannabis product packaging.

18 (8) Illinois owner (5 points). The applicant is 51% or
19 more owned and controlled by an Illinois resident, who can
20 prove residency in each of the past 5 years with tax
21 records or 2 of the following:

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

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

26 (C) school records;

1 (D) a voter registration card;

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

5 (F) a paycheck stub;

6 (G) a utility bill; or

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

10 (9) Status as veteran (5 points). The applicant is 51%
11 or more controlled and owned by an individual or
12 individuals who meet the qualifications of a veteran as
13 defined by Section 45-57 of the Illinois Procurement Code.

14 (10) A diversity plan (5 points). The plan includes a
15 narrative of not more than 2,500 words that establishes a
16 goal of diversity in ownership, management, employment,
17 and contracting to ensure that diverse participants and
18 groups are afforded equality of opportunity.

19 (d) The Department may also award up to 2 bonus points for
20 a plan to engage with the community. The applicant may
21 demonstrate a desire to engage with its community by
22 participating in one or more of, but not limited to, the
23 following actions: (i) establishment of an incubator program
24 designed to increase participation in the cannabis industry by
25 persons who would qualify as Social Equity Applicants; (ii)
26 providing financial assistance to substance abuse treatment

1 centers; (iii) educating children and teens about the
2 potential harms of cannabis use; or (iv) other measures
3 demonstrating a commitment to the applicant's community. Bonus
4 points will only be awarded if the Department receives
5 applications that receive an equal score for a particular
6 region.

7 (e) The Department may verify information contained in
8 each application and accompanying documentation to assess the
9 applicant's veracity and fitness to operate a dispensing
10 organization.

11 (f) The Department may, in its discretion, refuse to issue
12 an authorization to any applicant:

13 (1) Who is unqualified to perform the duties required
14 of the applicant;

15 (2) Who fails to disclose or states falsely any
16 information called for in the application;

17 (3) Who has been found guilty of a violation of this
18 Act, who has had any disciplinary order entered against it
19 by the Department, who has entered into a disciplinary or
20 nondisciplinary agreement with the Department, or whose
21 medical cannabis dispensing organization, medical cannabis
22 cultivation organization, or Early Approval Adult Use
23 Dispensing Organization License, or Early Approval Adult
24 Use Dispensing Organization License at a secondary site,
25 or Early Approval Cultivation Center License was
26 suspended, restricted, revoked, or denied for just cause,

1 or the applicant's cannabis business establishment license
2 was suspended, restricted, revoked, or denied in any other
3 state; or

4 (4) Who has engaged in a pattern or practice of unfair
5 or illegal practices, methods, or activities in the
6 conduct of owning a cannabis business establishment or
7 other business.

8 (g) The Department shall deny the license if any principal
9 officer, board member, or person having a financial or voting
10 interest of 5% or greater in the licensee is delinquent in
11 filing any required tax returns or paying any amounts owed to
12 the State of Illinois.

13 (h) The Department shall verify an applicant's compliance
14 with the requirements of this Article and rules before issuing
15 a dispensing organization license.

16 (i) Should the applicant be awarded a license, the
17 information and plans provided in the application, including
18 any plans submitted for bonus points, shall become a condition
19 of the Conditional Adult Use Dispensing Organization Licenses
20 and any Adult Use Dispensing Organization License issued to
21 the holder of the Conditional Adult Use Dispensing
22 Organization License, except as otherwise provided by this Act
23 or rule. Dispensing organizations have a duty to disclose any
24 material changes to the application. The Department shall
25 review all material changes disclosed by the dispensing
26 organization, and may re-evaluate its prior decision regarding

1 the awarding of a license, including, but not limited to,
2 suspending or permanently revoking a license. Failure to
3 comply with the conditions or requirements in the application
4 may subject the dispensing organization to discipline, up to
5 and including suspension or permanent revocation of its
6 authorization or license by the Department.

7 (j) If an applicant has not begun operating as a
8 dispensing organization within one year of the issuance of the
9 Conditional Adult Use Dispensing Organization License, the
10 Department may permanently revoke the Conditional Adult Use
11 Dispensing Organization License and award it to the next
12 highest scoring applicant in the BLS Region if a suitable
13 applicant indicates a continued interest in the license or
14 begin a new selection process to award a Conditional Adult Use
15 Dispensing Organization License.

16 (k) The Department shall deny an application if granting
17 that application would result in a single person or entity
18 having a direct or indirect financial interest in more than 10
19 Early Approval Adult Use Dispensing Organization Licenses,
20 Conditional Adult Use Dispensing Organization Licenses, or
21 Adult Use Dispensing Organization Licenses. Any entity that is
22 awarded a license that results in a single person or entity
23 having a direct or indirect financial interest in more than 10
24 licenses shall forfeit the most recently issued license and
25 suffer a penalty to be determined by the Department, unless
26 the entity declines the license at the time it is awarded.

1 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
2 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
3 5-13-22.)

4 (410 ILCS 705/15-35)

5 Sec. 15-35. Qualifying Applicant Lottery for Conditional
6 Adult Use Dispensing Organization Licenses.

7 (a) In addition to any of the licenses issued under
8 Section 15-15, Section 15-20, Section 15-25, Section 15-30.20,
9 or Section 15-35.10 of this Act, within 10 business days after
10 the resulting final scores for all scored applications
11 pursuant to Sections 15-25 and 15-30 are released, the
12 Department shall issue up to 55 Conditional Adult Use
13 Dispensing Organization Licenses by lot, pursuant to the
14 application process adopted under this Section. In order to be
15 eligible to be awarded a Conditional Adult Use Dispensing
16 Organization License by lot under this Section, a Dispensary
17 Applicant must be a Qualifying Applicant.

18 The licenses issued under this Section shall be awarded in
19 each BLS Region in the following amounts:

- 20 (1) Bloomington: 1.
21 (2) Cape Girardeau: 1.
22 (3) Carbondale-Marion: 1.
23 (4) Champaign-Urbana: 1.
24 (5) Chicago-Naperville-Elgin: 36.
25 (6) Danville: 1.

(7) Davenport-Moline-Rock Island: 1.

(8) Decatur: 1.

(9) Kankakee: 1.

(10) Peoria: 2.

(11) Rockford: 1.

(12) St. Louis: 3.

(13) Springfield: 1.

(14) Northwest Illinois nonmetropolitan: 1.

(15) West Central Illinois nonmetropolitan: 1.

(16) East Central Illinois nonmetropolitan: 1.

(17) South Illinois nonmetropolitan: 1.

(a-5) Prior to issuing licenses under subsection (a), the Department may adopt rules through emergency rulemaking in accordance with subsection (kk) of Section 5-45 of the Illinois Administrative Procedure Act. The General Assembly finds that the adoption of rules to regulate cannabis use is deemed an emergency and necessary for the public interest, safety, and welfare.

(b) The Department shall distribute the available licenses established under this Section subject to the following:

(1) The drawing by lot for all available licenses issued under this Section shall occur on the same day when practicable.

(2) Within each BLS Region, the first Qualifying Applicant drawn will have the first right to an available license. The second Qualifying Applicant drawn will have

1 the second right to an available license. The same pattern
2 will continue for each subsequent Qualifying Applicant
3 drawn.

4 (3) The process for distributing available licenses
5 under this Section shall be recorded by the Department in
6 a format selected by the Department.

7 (4) A Dispensary Applicant is prohibited from becoming
8 a Qualifying Applicant if a principal officer resigns
9 after the resulting final scores for all scored
10 applications pursuant to Sections 15-25 and 15-30 are
11 released.

12 (5) No Qualifying Applicant may be awarded more than 2
13 Conditional Adult Use Dispensing Organization Licenses at
14 the conclusion of a lottery conducted under this Section.

15 (6) No individual may be listed as a principal officer
16 of more than 2 Conditional Adult Use Dispensing
17 Organization Licenses awarded under this Section.

18 (7) If, upon being selected for an available license
19 established under this Section, a Qualifying Applicant
20 exceeds the limits under paragraph (5) or (6), the
21 Qualifying Applicant must choose which license to abandon
22 and notify the Department in writing within 5 business
23 days. If the Qualifying Applicant does not notify the
24 Department as required, the Department shall refuse to
25 issue the Qualifying Applicant all available licenses
26 established under this Section obtained by lot in all BLS

1 Regions.

2 (8) If, upon being selected for an available license
3 established under this Section, a Qualifying Applicant has
4 a principal officer who is a principal officer in more
5 than 10 Early Approval Adult Use Dispensing Organization
6 Licenses, Conditional Adult Use Dispensing Organization
7 Licenses, Adult Use Dispensing Organization Licenses, or
8 any combination thereof, the licensees and the Qualifying
9 Applicant listing that principal officer must choose which
10 license to abandon pursuant to subsection (d) of Section
11 15-36 and notify the Department in writing within 5
12 business days. If the Qualifying Applicant or licensees do
13 not notify the Department as required, the Department
14 shall refuse to issue the Qualifying Applicant all
15 available licenses established under this Section obtained
16 by lot in all BLS Regions.

17 (9) All available licenses that have been abandoned
18 under paragraph (7) or (8) shall be distributed to the
19 next Qualifying Applicant drawn by lot.

20 Any and all rights conferred or obtained under this
21 Section shall be limited to the provisions of this Section.

22 (c) An applicant who receives a Conditional Adult Use
23 Dispensing Organization License under this Section has 180
24 days from the date it is awarded to identify a physical
25 location for the dispensing organization's retail storefront.
26 The applicant shall provide evidence that the location is not

1 within 1,500 feet of an existing dispensing organization,
2 unless the applicant is a Social Equity Applicant or Social
3 Equity Justice Involved Applicant located or seeking to locate
4 within 1,500 feet of a dispensing organization licensed under
5 Section 15-15 or Section 15-20. If an applicant is unable to
6 find a suitable physical address in the opinion of the
7 Department within 180 days from the issuance of the
8 Conditional Adult Use Dispensing Organization License, the
9 Department may extend the period for finding a physical
10 address an additional 540 days if the Conditional Adult Use
11 Dispensing Organization License holder demonstrates a concrete
12 attempt to secure a location and a hardship. If the Department
13 denies the extension or the Conditional Adult Use Dispensing
14 Organization License holder is unable to either find a
15 location within 720 days of being awarded a conditional
16 license and become operational within 180 days thereafter, or
17 become operational within 720 days of being awarded a
18 Conditional Adult Use Dispensing Organization License under
19 this Section, the Department may, considering the totality of
20 the circumstances, rescind the conditional license. If the
21 conditional license holder does not become operational within
22 365 days after having found a location, the Department may
23 mandate a date by which the conditional license holder shall
24 become operational prior to the Department rescinding the
25 conditional license. If the Department rescinds ~~shall rescind~~
26 the Conditional Adult Use Dispensing Organization License, it

1 ~~may issue and award~~ it pursuant to subsection (b), provided
2 the applicant receiving the Conditional Adult Use Dispensing
3 Organization License: (i) confirms a continued interest in
4 operating a dispensing organization; (ii) can provide evidence
5 that the applicant continues to meet all requirements for
6 holding a Conditional Adult Use Dispensing Organization
7 License set forth in this Act; and (iii) has not otherwise
8 become ineligible to be awarded a Conditional Adult Use
9 Dispensing Organization License. If the new awardee is unable
10 to accept the Conditional Adult Use Dispensing Organization
11 License, the Department may issue ~~shall award~~ the Conditional
12 Adult Use Dispensing Organization License pursuant to
13 subsection (b). The new conditional license holder ~~awardee~~
14 shall be subject to the same required deadlines as provided in
15 this subsection. However, the Department may approve locations
16 to be within 1,500 feet of each other if both have received
17 local government zoning approval for sites within 1,500 feet
18 of each other and the conditional licenses were issued
19 pursuant to a lottery conducted under 68 Ill. Adm. Code
20 1291.50, subsection (c) of Section 15-35.20, Section 15-35, or
21 Section 15-35.10.

22 (d) If, within 720 days of being awarded a Conditional
23 Adult Use Dispensing Organization License, a dispensing
24 organization is unable to find a location within the BLS
25 Region in which it was awarded a Conditional Adult Use
26 Dispensing Organization License because no jurisdiction within

1 the BLS Region allows for the operation of an Adult Use
2 Dispensing Organization, the Department may authorize the
3 Conditional Adult Use Dispensing Organization License holder
4 to transfer its Conditional Adult Use Dispensing Organization
5 License to a BLS Region specified by the Department.

6 (e) A dispensing organization that is awarded a
7 Conditional Adult Use Dispensing Organization License under
8 this Section shall not purchase, possess, sell, or dispense
9 cannabis or cannabis-infused products until the dispensing
10 organization has received an Adult Use Dispensing Organization
11 License issued by the Department pursuant to Section 15-36.

12 (f) The Department shall conduct a background check of the
13 prospective dispensing organization agents in order to carry
14 out this Article. The Illinois State Police shall charge the
15 applicant a fee for conducting the criminal history record
16 check, which shall be deposited into the State Police Services
17 Fund and shall not exceed the actual cost of the record check.
18 Each person applying as a dispensing organization agent shall
19 submit a full set of fingerprints to the Illinois State Police
20 for the purpose of obtaining a State and federal criminal
21 records check. These fingerprints shall be checked against the
22 fingerprint records now and hereafter, to the extent allowed
23 by law, filed with the Illinois State Police and the Federal
24 Bureau of Investigation criminal history records databases.
25 The Illinois State Police shall furnish, following positive
26 identification, all Illinois conviction information to the

1 Department.

2 (g) The Department may verify information contained in
3 each application and accompanying documentation to assess the
4 applicant's veracity and fitness to operate a dispensing
5 organization.

6 (h) The Department may, in its discretion, refuse to issue
7 authorization to an applicant who meets any of the following
8 criteria:

9 (1) An applicant who is unqualified to perform the
10 duties required of the applicant.

11 (2) An applicant who fails to disclose or states
12 falsely any information called for in the application.

13 (3) An applicant who has been found guilty of a
14 violation of this Act, who has had any disciplinary order
15 entered against the applicant by the Department, who has
16 entered into a disciplinary or nondisciplinary agreement
17 with the Department, whose medical cannabis dispensing
18 organization, medical cannabis cultivation organization,
19 Early Approval Adult Use Dispensing Organization License,
20 Early Approval Adult Use Dispensing Organization License
21 at a secondary site, Early Approval Cultivation Center
22 License, Conditional Adult Use Dispensing Organization
23 License, or Adult Use Dispensing Organization License was
24 suspended, restricted, revoked, or denied for just cause,
25 or whose cannabis business establishment license was
26 suspended, restricted, revoked, or denied in any other

1 state.

2 (4) An applicant who has engaged in a pattern or
3 practice of unfair or illegal practices, methods, or
4 activities in the conduct of owning a cannabis business
5 establishment or other business.

6 (i) The Department shall deny issuance of a license under
7 this Section if any principal officer, board member, or person
8 having a financial or voting interest of 5% or greater in the
9 licensee is delinquent in filing any required tax return or
10 paying any amount owed to the State of Illinois.

11 (j) The Department shall verify an applicant's compliance
12 with the requirements of this Article and rules adopted under
13 this Article before issuing a Conditional Adult Use Dispensing
14 Organization License under this Section.

15 (k) If an applicant is awarded a Conditional Adult Use
16 Dispensing Organization License under this Section, the
17 information and plans provided in the application, including
18 any plans submitted for bonus points, shall become a condition
19 of the Conditional Adult Use Dispensing Organization License
20 and any Adult Use Dispensing Organization License issued to
21 the holder of the Conditional Adult Use Dispensing
22 Organization License, except as otherwise provided by this Act
23 or by rule. A dispensing organization has a duty to disclose
24 any material changes to the application. The Department shall
25 review all material changes disclosed by the dispensing
26 organization and may reevaluate its prior decision regarding

1 the awarding of a Conditional Adult Use Dispensing
2 Organization License, including, but not limited to,
3 suspending or permanently revoking a Conditional Adult Use
4 Dispensing Organization License. Failure to comply with the
5 conditions or requirements in the application may subject the
6 dispensing organization to discipline up to and including
7 suspension or permanent revocation of its authorization or
8 Conditional Adult Use Dispensing Organization License by the
9 Department.

10 (1) If an applicant has not begun operating as a
11 dispensing organization within one year after the issuance of
12 the Conditional Adult Use Dispensing Organization License
13 under this Section, the Department may permanently revoke the
14 Conditional Adult Use Dispensing Organization License and
15 award it to the next highest scoring applicant in the BLS
16 Region if a suitable applicant indicates a continued interest
17 in the Conditional Adult Use Dispensing Organization License
18 or may begin a new selection process to award a Conditional
19 Adult Use Dispensing Organization License.

20 (Source: P.A. 102-98, eff. 7-15-21; 103-8, eff. 6-7-23.)

21 (410 ILCS 705/15-35.10)

22 Sec. 15-35.10. Social Equity Justice Involved Lottery for
23 Conditional Adult Use Dispensing Organization Licenses.

24 (a) In addition to any of the licenses issued under
25 Section 15-15, Section 15-20, Section 15-25, Section 15-30.20,

1 or Section 15-35, within 10 business days after the resulting
2 final scores for all scored applications pursuant to Sections
3 15-25 and 15-30 are released, the Department shall issue up to
4 55 Conditional Adult Use Dispensing Organization Licenses by
5 lot, pursuant to the application process adopted under this
6 Section. In order to be eligible to be awarded a Conditional
7 Adult Use Dispensing Organization License by lot, a Dispensary
8 Applicant must be a Qualifying Social Equity Justice Involved
9 Applicant.

10 The licenses issued under this Section shall be awarded in
11 each BLS Region in the following amounts:

- 12 (1) Bloomington: 1.
- 13 (2) Cape Girardeau: 1.
- 14 (3) Carbondale-Marion: 1.
- 15 (4) Champaign-Urbana: 1.
- 16 (5) Chicago-Naperville-Elgin: 36.
- 17 (6) Danville: 1.
- 18 (7) Davenport-Moline-Rock Island: 1.
- 19 (8) Decatur: 1.
- 20 (9) Kankakee: 1.
- 21 (10) Peoria: 2.
- 22 (11) Rockford: 1.
- 23 (12) St. Louis: 3.
- 24 (13) Springfield: 1.
- 25 (14) Northwest Illinois nonmetropolitan: 1.
- 26 (15) West Central Illinois nonmetropolitan: 1.

1 (16) East Central Illinois nonmetropolitan: 1.

2 (17) South Illinois nonmetropolitan: 1.

3 (a-5) Prior to issuing licenses under subsection (a), the
4 Department may adopt rules through emergency rulemaking in
5 accordance with subsection (kk) of Section 5-45 of the
6 Illinois Administrative Procedure Act. The General Assembly
7 finds that the adoption of rules to regulate cannabis use is
8 deemed an emergency and necessary for the public interest,
9 safety, and welfare.

10 (b) The Department shall distribute the available licenses
11 established under this Section subject to the following:

12 (1) The drawing by lot for all available licenses
13 established under this Section shall occur on the same day
14 when practicable.

15 (2) Within each BLS Region, the first Qualifying
16 Social Equity Justice Involved Applicant drawn will have
17 the first right to an available license. The second
18 Qualifying Social Equity Justice Involved Applicant drawn
19 will have the second right to an available license. The
20 same pattern will continue for each subsequent applicant
21 drawn.

22 (3) The process for distributing available licenses
23 under this Section shall be recorded by the Department in
24 a format selected by the Department.

25 (4) A Dispensary Applicant is prohibited from becoming
26 a Qualifying Social Equity Justice Involved Applicant if a

1 principal officer resigns after the resulting final scores
2 for all scored applications pursuant to Sections 15-25 and
3 15-30 are released.

4 (5) No Qualifying Social Equity Justice Involved
5 Applicant may be awarded more than 2 Conditional Adult Use
6 Dispensing Organization Licenses at the conclusion of a
7 lottery conducted under this Section.

8 (6) No individual may be listed as a principal officer
9 of more than 2 Conditional Adult Use Dispensing
10 Organization Licenses awarded under this Section.

11 (7) If, upon being selected for an available license
12 established under this Section, a Qualifying Social Equity
13 Justice Involved Applicant exceeds the limits under
14 paragraph (5) or (6), the Qualifying Social Equity Justice
15 Involved Applicant must choose which license to abandon
16 and notify the Department in writing within 5 business
17 days on forms prescribed by the Department. If the
18 Qualifying Social Equity Justice Involved Applicant does
19 not notify the Department as required, the Department
20 shall refuse to issue the Qualifying Social Equity Justice
21 Involved Applicant all available licenses established
22 under this Section obtained by lot in all BLS Regions.

23 (8) If, upon being selected for an available license
24 established under this Section, a Qualifying Social Equity
25 Justice Involved Applicant has a principal officer who is
26 a principal officer in more than 10 Early Approval Adult

1 Use Dispensing Organization Licenses, Conditional Adult
2 Use Dispensing Organization Licenses, Adult Use Dispensing
3 Organization Licenses, or any combination thereof, the
4 licensees and the Qualifying Social Equity Justice
5 Involved Applicant listing that principal officer must
6 choose which license to abandon pursuant to subsection (d)
7 of Section 15-36 and notify the Department in writing
8 within 5 business days on forms prescribed by the
9 Department. If the Dispensary Applicant or licensees do
10 not notify the Department as required, the Department
11 shall refuse to issue the Qualifying Social Equity Justice
12 Involved Applicant all available licenses established
13 under this Section obtained by lot in all BLS Regions.

14 (9) All available licenses that have been abandoned
15 under paragraph (7) or (8) shall be distributed to the
16 next Qualifying Social Equity Justice Involved Applicant
17 drawn by lot.

18 Any and all rights conferred or obtained under this
19 subsection shall be limited to the provisions of this
20 subsection.

21 (c) An applicant who receives a Conditional Adult Use
22 Dispensing Organization License under this Section has 180
23 days from the date of the award to identify a physical location
24 for the dispensing organization's retail storefront. The
25 applicant shall provide evidence that the location is not
26 within 1,500 feet of an existing dispensing organization,

1 unless the applicant is a Social Equity Applicant or Social
2 Equity Justice Involved Applicant located or seeking to locate
3 within 1,500 feet of a dispensing organization licensed under
4 Section 15-15 or Section 15-20. If an applicant is unable to
5 find a suitable physical address in the opinion of the
6 Department within 180 days from the issuance of the
7 Conditional Adult Use Dispensing Organization License, the
8 Department may extend the period for finding a physical
9 address an additional 540 days if the Conditional Adult Use
10 Dispensing Organization License holder demonstrates a concrete
11 attempt to secure a location and a hardship. If the Department
12 denies the extension or the Conditional Adult Use Dispensing
13 Organization License holder is unable to either find a
14 location within 720 days of being awarded a conditional
15 license and become operational within 180 days thereafter, or
16 become operational within 720 days of being awarded a
17 Conditional Adult Use Dispensing Organization License under
18 this Section, the Department may, considering the totality of
19 the circumstances, rescind the conditional license. If the
20 conditional license holder does not become operational within
21 365 days after having found a location, the Department may
22 mandate a date by which the conditional license holder shall
23 become operational prior to the Department rescinding the
24 conditional license. If the Department rescinds ~~shall rescind~~
25 the Conditional Adult Use Dispensing Organization License, it
26 may issue ~~and award~~ it pursuant to subsection (b) and notify

1 the new awardee at the email address provided in the awardee's
2 application, provided the applicant receiving the Conditional
3 Adult Use Dispensing Organization License: (i) confirms a
4 continued interest in operating a dispensing organization;
5 (ii) can provide evidence that the applicant continues to meet
6 all requirements for holding a Conditional Adult Use
7 Dispensing Organization License set forth in this Act; and
8 (iii) has not otherwise become ineligible to be awarded a
9 Conditional Adult Use Dispensing Organization License. If the
10 new awardee is unable to accept the Conditional Adult Use
11 Dispensing Organization License, the Department may issue
12 ~~shall award~~ the Conditional Adult Use Dispensing Organization
13 License pursuant to subsection (b). The new conditional
14 license holder ~~awardee~~ shall be subject to the same required
15 deadlines as provided in this subsection. However, the
16 Department may approve locations to be within 1,500 feet of
17 each other if both have received local government zoning
18 approval for sites within 1,500 feet of each other and the
19 conditional licenses were issued pursuant to a lottery
20 conducted under 68 Ill. Adm. Code 1291.50, subsection (c) of
21 Section 15-35.20, Section 15-35, or Section 15-35.10.

22 (d) If, within 720 ~~180~~ days of being awarded a Conditional
23 Adult Use Dispensing Organization License, a dispensing
24 organization is unable to find a location within the BLS
25 Region in which it was awarded a Conditional Adult Use
26 Dispensing Organization License under this Section because no

1 jurisdiction within the BLS Region allows for the operation of
2 an Adult Use Dispensing Organization, the Department may
3 authorize the Conditional Adult Use Dispensing Organization
4 License holder to transfer its Conditional Adult Use
5 Dispensing Organization License to a BLS Region specified by
6 the Department.

7 (e) A dispensing organization that is awarded a
8 Conditional Adult Use Dispensing Organization License under
9 this Section shall not purchase, possess, sell, or dispense
10 cannabis or cannabis-infused products until the dispensing
11 organization has received an Adult Use Dispensing Organization
12 License issued by the Department pursuant to Section 15-36.

13 (f) The Department shall conduct a background check of the
14 prospective dispensing organization agents in order to carry
15 out this Article. The Illinois State Police shall charge the
16 applicant a fee for conducting the criminal history record
17 check, which shall be deposited into the State Police Services
18 Fund and shall not exceed the actual cost of the record check.
19 Each person applying as a dispensing organization agent shall
20 submit a full set of fingerprints to the Illinois State Police
21 for the purpose of obtaining a State and federal criminal
22 records check. These fingerprints shall be checked against the
23 fingerprint records now and hereafter, to the extent allowed
24 by law, filed with the Illinois State Police and the Federal
25 Bureau of Investigation criminal history records databases.
26 The Illinois State Police shall furnish, following positive

1 identification, all Illinois conviction information to the
2 Department.

3 (g) The Department may verify information contained in
4 each application and accompanying documentation to assess the
5 applicant's veracity and fitness to operate a dispensing
6 organization.

7 (h) The Department may, in its discretion, refuse to issue
8 an authorization to an applicant who meets any of the
9 following criteria:

10 (1) An applicant who is unqualified to perform the
11 duties required of the applicant.

12 (2) An applicant who fails to disclose or states
13 falsely any information called for in the application.

14 (3) An applicant who has been found guilty of a
15 violation of this Act, who has had any disciplinary order
16 entered against the applicant by the Department, who has
17 entered into a disciplinary or nondisciplinary agreement
18 with the Department, whose medical cannabis dispensing
19 organization, medical cannabis cultivation organization,
20 Early Approval Adult Use Dispensing Organization License,
21 Early Approval Adult Use Dispensing Organization License
22 at a secondary site, Early Approval Cultivation Center
23 License, Conditional Adult Use Dispensing Organization
24 License, or Adult Use Dispensing Organization License was
25 suspended, restricted, revoked, or denied for just cause,
26 or whose cannabis business establishment license was

1 suspended, restricted, revoked, or denied in any other
2 state.

3 (4) An applicant who has engaged in a pattern or
4 practice of unfair or illegal practices, methods, or
5 activities in the conduct of owning a cannabis business
6 establishment or other business.

7 (i) The Department shall deny the license if any principal
8 officer, board member, or person having a financial or voting
9 interest of 5% or greater in the licensee is delinquent in
10 filing any required tax return or paying any amount owed to the
11 State of Illinois.

12 (j) The Department shall verify an applicant's compliance
13 with the requirements of this Article and rules adopted under
14 this Article before issuing a Conditional Adult Use Dispensing
15 Organization License.

16 (k) If an applicant is awarded a Conditional Adult Use
17 Dispensing Organization License under this Section, the
18 information and plans provided in the application, including
19 any plans submitted for bonus points, shall become a condition
20 of the Conditional Adult Use Dispensing Organization License
21 and any Adult Use Dispensing Organization License issued to
22 the holder of the Conditional Adult Use Dispensing
23 Organization License, except as otherwise provided by this Act
24 or by rule. Dispensing organizations have a duty to disclose
25 any material changes to the application. The Department shall
26 review all material changes disclosed by the dispensing

1 organization and may reevaluate its prior decision regarding
2 the awarding of a Conditional Adult Use Dispensing
3 Organization License, including, but not limited to,
4 suspending or permanently revoking a Conditional Adult Use
5 Dispensing Organization License. Failure to comply with the
6 conditions or requirements in the application may subject the
7 dispensing organization to discipline up to and including
8 suspension or permanent revocation of its authorization or
9 Conditional Adult Use Dispensing Organization License by the
10 Department.

11 (1) If an applicant has not begun operating as a
12 dispensing organization within one year after the issuance of
13 the Conditional Adult Use Dispensing Organization License
14 under this Section, the Department may permanently revoke the
15 Conditional Adult Use Dispensing Organization License and
16 award it to the next highest scoring applicant in the BLS
17 Region if a suitable applicant indicates a continued interest
18 in the Conditional Adult Use Dispensing Organization License
19 or may begin a new selection process to award a Conditional
20 Adult Use Dispensing Organization License.

21 (Source: P.A. 102-98, eff. 7-15-21; 103-8, eff. 6-7-23.)

22 (410 ILCS 705/15-36)

23 Sec. 15-36. Adult Use Dispensing Organization License.

24 (a) A person is only eligible to receive or hold an Adult
25 Use Dispensing Organization License if the person has been

1 ~~issued awarded~~ a Conditional Adult Use Dispensing Organization
2 License pursuant to this Act or its administrative rules, was
3 issued an Early Approval Adult Use Dispensing Organization
4 License, an Early Approval Adult Use Dispensing Organization
5 License at a Secondary Site, or was a registered medical
6 dispensing organization as defined under the Compassionate Use
7 of Medical Cannabis Act ~~or has renewed its license pursuant to~~
8 ~~subsection (k) of Section 15-15 or subsection (p) of Section~~
9 ~~15-20.~~

10 (a-5) Beginning January 1, 2027, all dispensing
11 organizations registered under the Compassionate Use of
12 Medical Cannabis Program Act and Sections 15-15 and 15-20 of
13 this Act shall be a dispensing organization or a dispensary as
14 those terms are defined in this Act and shall be an Adult Use
15 Dispensing Organization License holder under this Section.
16 Beginning January 1, 2027, all dispensing organizations
17 registered under the Compassionate Use of Medical Cannabis
18 Program Act and Sections 15-15 and 15-20 of this Act shall have
19 the same rights, privileges, duties, and responsibilities of
20 dispensing organizations licensed pursuant to this Section and
21 shall be subject to any administrative rules adopted under
22 this Act.

23 (a-10) In addition to selling cannabis and
24 cannabis-infused products to persons 21 years of age or older,
25 beginning January 1, 2027, but no later than April 1, 2027, all
26 dispensing organizations licensed pursuant to this Act shall

1 also offer cannabis and cannabis-infused products for sale to
2 registered qualifying patients, Opioid Alternative Patient
3 Program participants, provisional patients, and designated
4 caregivers.

5 (a-15) By April 1, 2027, all dispensing organizations
6 licensed under Section 15-36 shall pay the fee under
7 subsection (d) of Section 15-13 of this Act or shall have
8 entered into an approved payment plan with the Department to
9 pay the fee.

10 (b) The Department shall not issue an Adult Use Dispensing
11 Organization License until:

12 (1) the Department has inspected the dispensary site
13 and proposed operations and verified that they are in
14 compliance with this Act and local zoning laws;

15 (2) the Conditional Adult Use Dispensing Organization
16 License holder has paid a license fee of \$70,000 ~~\$60,000~~
17 or a prorated amount accounting for the difference of time
18 between when the Adult Use Dispensing Organization License
19 is issued and March 31 of the next even-numbered year;
20 \$60,000 (or the proportional prorated amount paid) of the
21 fee shall be remitted into the Cannabis Regulation Fund,
22 and \$10,000 (or the proportional prorated amount paid) of
23 the fee shall be remitted into the Compassionate Use of
24 Medical Cannabis Fund; and

25 (3) the Conditional Adult Use Dispensing Organization
26 License holder has met all the requirements in this Act

1 and rules.

2 (c) No person or entity shall hold any legal, equitable,
3 ownership, or beneficial interest, directly or indirectly, of
4 more than 10 dispensing organizations licensed under this
5 Article. Further, no person or entity that is:

6 (1) employed by, is an agent of, or participates in
7 the management of a dispensing organization or registered
8 medical cannabis dispensing organization;

9 (2) a principal officer of a dispensing organization
10 or registered medical cannabis dispensing organization; or

11 (3) an entity controlled by or affiliated with a
12 principal officer of a dispensing organization or
13 registered medical cannabis dispensing organization;

14 shall hold any legal, equitable, ownership, or beneficial
15 interest, directly or indirectly, in a dispensing organization
16 that would result in such person or entity owning or
17 participating in the management of more than 10 Early Approval
18 Adult Use Dispensing Organization Licenses, Early Approval
19 Adult Use Dispensing Organization Licenses at a secondary
20 site, Conditional Adult Use Dispensing Organization Licenses,
21 or Adult Use Dispensing Organization Licenses. For the purpose
22 of this subsection, participating in management may include,
23 without limitation, controlling decisions regarding staffing,
24 pricing, purchasing, marketing, store design, hiring, and
25 website design.

26 (d) The Department shall deny an application if granting

1 that application would result in a person or entity obtaining
2 direct or indirect financial interest in more than 10 Early
3 Approval Adult Use Dispensing Organization Licenses,
4 Conditional Adult Use Dispensing Organization Licenses, Adult
5 Use Dispensing Organization Licenses, or any combination
6 thereof. If a person or entity is awarded a Conditional Adult
7 Use Dispensing Organization License that would cause the
8 person or entity to be in violation of this subsection, he,
9 she, or it shall choose which license application it wants to
10 abandon and such licenses shall become available to the next
11 qualified applicant in the region in which the abandoned
12 license was awarded.

13 (Source: P.A. 104-417, eff. 8-15-25.)

14 (410 ILCS 705/15-40)

15 Sec. 15-40. Dispensing organization agent identification
16 card; agent training.

17 (a) The Department shall:

18 (1) verify the information contained in an application
19 or renewal for a dispensing organization agent
20 identification card submitted under this Article, and
21 approve or deny an application or renewal, within 30 days
22 of receiving a completed application or renewal
23 application and all supporting documentation required by
24 rule;

25 (2) issue a dispensing organization agent

1 identification card to a qualifying agent within 15
2 business days of approving the application or renewal;

3 (3) enter the registry identification number of the
4 dispensing organization where the agent works;

5 (4) within one year from the effective date of this
6 Act, allow for an electronic application process and
7 provide a confirmation by electronic or other methods that
8 an application has been submitted; and

9 (5) collect a \$100 nonrefundable fee from the
10 applicant to be deposited into the Cannabis Regulation
11 Fund.

12 (b) A dispensing organization agent must keep his or her
13 identification card visible at all times when in the
14 dispensary.

15 (c) The dispensing organization agent identification cards
16 shall contain the following:

17 (1) the name of the cardholder;

18 (2) the date of issuance and expiration date of the
19 dispensing organization agent identification cards;

20 (3) a random 10-digit alphanumeric identification
21 number containing at least 4 numbers and at least 4
22 letters that is unique to the cardholder; and

23 (4) a photograph of the cardholder.

24 (d) The dispensing organization agent identification cards
25 shall be immediately returned to the dispensing organization
26 upon termination of employment.

1 (e) The Department shall not issue an agent identification
2 card if the applicant is delinquent in filing any required tax
3 returns or paying any amounts owed to the State of Illinois.

4 (f) Any card lost by a dispensing organization agent shall
5 be reported to the Illinois State Police and the Department
6 immediately upon discovery of the loss.

7 (g) An applicant shall be denied a dispensing organization
8 agent identification card renewal if he or she fails to
9 complete the training provided for in this Section.

10 (h) A dispensing organization agent shall only be required
11 to hold one card for the same employer regardless of what type
12 of dispensing organization license the employer holds.

13 (i) Cannabis retail sales training requirements.

14 (1) Within 90 days of September 1, 2019, or 90 days of
15 employment, whichever is later, all owners, managers,
16 employees, and agents involved in the handling or sale of
17 cannabis or cannabis-infused product employed by an adult
18 use dispensing organization or medical cannabis dispensing
19 organization as defined in Section 10 of the Compassionate
20 Use of Medical Cannabis Program Act shall attend and
21 successfully complete a Responsible Vendor Program.

22 (2) Each owner, manager, employee, and agent of an
23 adult use dispensing organization or medical cannabis
24 dispensing organization shall successfully complete the
25 program annually.

26 (3) Responsible Vendor Program Training modules shall

1 include at least 2 hours of instruction time approved by
2 the Department including:

3 (i) Health and safety concerns of cannabis use,
4 including the responsible use of cannabis, its
5 physical effects, onset of physiological effects,
6 recognizing signs of impairment, and appropriate
7 responses in the event of overconsumption.

8 (ii) Training on laws and regulations on driving
9 while under the influence and operating a watercraft
10 or snowmobile while under the influence.

11 (iii) Sales to minors prohibition. Training shall
12 cover all relevant Illinois laws and rules.

13 (iv) Quantity limitations on sales to purchasers.
14 Training shall cover all relevant Illinois laws and
15 rules.

16 (v) Acceptable forms of identification. Training
17 shall include:

18 (I) How to check identification; and

19 (II) Common mistakes made in verification;

20 (vi) Safe storage of cannabis;

21 (vii) Compliance with all inventory tracking
22 system regulations;

23 (viii) Waste handling, management, and disposal;

24 (ix) Health and safety standards;

25 (x) Maintenance of records;

26 (xi) Security and surveillance requirements;

1 (xii) Permitting inspections by State and local
2 licensing and enforcement authorities;

3 (xiii) Privacy issues, including, but not limited
4 to, the safe storage and handling of confidential
5 information such as qualifying patient information;

6 (xiv) Packaging and labeling requirement for sales
7 to purchasers; ~~and~~

8 (xv) Prioritizing the needs of a qualifying
9 patient, provisional patient, Opioid Alternative
10 Patient Program participant, or designated caregiver;
11 and

12 (xvi) Other areas as determined by rule.

13 (j) Blank.

14 (k) Upon the successful completion of the Responsible
15 Vendor Program, the provider shall deliver proof of completion
16 either through mail or electronic communication to the
17 dispensing organization, which shall retain a copy of the
18 certificate.

19 (l) The license of a dispensing organization or medical
20 cannabis dispensing organization whose owners, managers,
21 employees, or agents fail to comply with this Section may be
22 suspended or permanently revoked under Section 15-145 or may
23 face other disciplinary action.

24 (m) The regulation of dispensing organization and medical
25 cannabis dispensing employer and employee training is an
26 exclusive function of the State, and regulation by a unit of

1 local government, including a home rule unit, is prohibited.
2 This subsection (m) is a denial and limitation of home rule
3 powers and functions under subsection (h) of Section 6 of
4 Article VII of the Illinois Constitution.

5 (n) Persons seeking Department approval to offer the
6 training required by paragraph (3) of subsection (i) may apply
7 for such approval between August 1 and August 15 of each
8 odd-numbered year in a manner prescribed by the Department.

9 (o) Persons seeking Department approval to offer the
10 training required by paragraph (3) of subsection (i) shall
11 submit a nonrefundable application fee of \$2,000 to be
12 deposited into the Cannabis Regulation Fund or a fee as may be
13 set by rule. Any changes made to the training module shall be
14 approved by the Department.

15 (p) The Department shall not unreasonably deny approval of
16 a training module that meets all the requirements of paragraph
17 (3) of subsection (i). A denial of approval shall include a
18 detailed description of the reasons for the denial.

19 (q) Any person approved to provide the training required
20 by paragraph (3) of subsection (i) shall submit an application
21 for re-approval between August 1 and August 15 of each
22 odd-numbered year and include a nonrefundable application fee
23 of \$2,000 to be deposited into the Cannabis Regulation Fund or
24 a fee as may be set by rule.

25 (r) All persons applying to become or renewing their
26 registrations to be agents, including agents-in-charge and

1 principal officers, shall disclose any disciplinary action
2 taken against them that may have occurred in Illinois, another
3 state, or another country in relation to their employment at a
4 cannabis business establishment or at any cannabis cultivation
5 center, ~~processor~~, infuser, dispensary, or other cannabis
6 business establishment.

7 (s) An agent applicant may begin employment at a
8 dispensing organization while the agent applicant's
9 identification card application is pending. Upon approval, the
10 Department shall issue the agent's identification card to the
11 agent. If denied, the dispensing organization and the agent
12 applicant shall be notified and the agent applicant must cease
13 all activity at the dispensing organization immediately.

14 (t) The Department and the Department of Agriculture may
15 develop and implement an integrated system to issue an agent
16 identification card which identifies a dispensary agent
17 licensed by the Department as well as any cultivator, craft
18 grower, transporter, community college program or infuser
19 license or registration the agent may simultaneously hold.

20 (u) Beginning January 1, 2027, all dispensing organization
21 agents registered under the Compassionate Use of Medical
22 Cannabis Program Act shall, subject to the agent being in good
23 standing with all licensing requirements, be deemed to be an
24 agent under this Act. The Department shall issue all agents
25 previously registered as an agent under the Compassionate Use
26 of Medical Cannabis Program Act a new license number at the

1 time of their first renewal on or after January 1, 2027.

2 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
3 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
4 5-13-22.)

5 (410 ILCS 705/15-45)

6 Sec. 15-45. Renewal.

7 (a) Adult Use Dispensing Organization Licenses shall
8 expire on March 31 of even-numbered years.

9 (b) Agent identification cards shall expire one year from
10 the date they are issued.

11 (c) Licensees and dispensing agents shall submit a renewal
12 application as provided by the Department and pay the required
13 renewal fee. The Department shall require an agent, employee,
14 contracting, and subcontracting diversity report and an
15 environmental impact report with its renewal application. No
16 license or agent identification card shall be renewed if it is
17 currently under revocation or suspension for violation of this
18 Article or any rules that may be adopted under this Article or
19 the licensee, principal officer, board member, person having a
20 financial or voting interest of 5% or greater in the licensee,
21 or agent is delinquent in filing any required tax returns or
22 paying any amounts owed to the State of Illinois.

23 (d) Renewal fees are:

24 (1) For a dispensing organization, \$60,000, to be
25 deposited into the Cannabis Regulation Fund; and \$10,000

1 to be deposited into Compassionate Use of Medical Cannabis
2 Fund.

3 (2) For an agent identification card, \$100, to be
4 deposited into the Cannabis Regulation Fund.

5 (e) If a dispensing organization fails to renew its
6 license before expiration, the dispensing organization shall
7 cease operations until the license is renewed.

8 (f) If a dispensing organization agent fails to renew his
9 or her registration before its expiration, he or she shall
10 cease to perform duties authorized by this Article at a
11 dispensing organization until his or her registration is
12 renewed.

13 (g) Any dispensing organization that continues to operate
14 or dispensing agent that continues to perform duties
15 authorized by this Article at a dispensing organization that
16 fails to renew its license is subject to penalty as provided in
17 this Article, or any rules that may be adopted pursuant to this
18 Article.

19 (h) The Department shall not renew a license if the
20 applicant is delinquent in filing any required tax returns or
21 paying any amounts owed to the State of Illinois. The
22 Department shall not renew a dispensing agent identification
23 card if the applicant is delinquent in filing any required tax
24 returns or paying any amounts owed to the State of Illinois.

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

1 (410 ILCS 705/15-50)

2 Sec. 15-50. Disclosure of ownership and control.

3 (a) Each dispensing organization applicant and licensee
4 shall file and maintain a Table of Organization, Ownership,
5 and Control with the Department. The Table of Organization,
6 Ownership, and Control shall contain the information required
7 by this Section in sufficient detail to identify all owners,
8 directors, and principal officers, and the title of each
9 principal officer or business entity that, through direct or
10 indirect means, manages, owns, or controls the applicant or
11 licensee.

12 (b) The Table of Organization, Ownership, and Control
13 shall identify the following information:

14 (1) The management structure, ownership, and control
15 of the applicant or license holder including the name of
16 each principal officer or business entity, the office or
17 position held, and the percentage ownership interest, if
18 any. If the business entity has a parent company, the name
19 of each owner, board member, and officer of the parent
20 company and his or her percentage ownership interest in
21 the parent company and the dispensing organization.

22 (2) If the applicant or licensee is a business entity
23 with publicly traded stock, the identification of
24 ownership shall be provided as required in subsection (c).

25 (c) If a business entity identified in subsection (b) is a
26 publicly traded company, the following information shall be

1 provided in the Table of Organization, Ownership, and Control:

2 (1) The name and percentage of ownership interest of
3 each individual or business entity with ownership of more
4 than 5% of the voting shares of the entity, to the extent
5 such information is known or contained in 13D or 13G
6 Securities and Exchange Commission filings.

7 (2) To the extent known, the names and percentage of
8 interest of ownership of persons who are relatives of one
9 another and who together exercise control over or own more
10 than 10% of the voting shares of the entity.

11 (d) A dispensing organization with a parent company or
12 companies, or partially owned or controlled by another entity
13 must disclose to the Department the relationship and all
14 owners, board members, officers, or individuals with control
15 or management of those entities. A dispensing organization
16 shall not shield its ownership or control from the Department.

17 (e) All principal officers must submit a complete online
18 application with the Department within 14 days of the
19 dispensing organization being licensed by the Department or
20 within 14 days of Department notice of approval as a new
21 principal officer.

22 (f) A principal officer may not allow his or her
23 registration to expire.

24 (g) A dispensing organization separating with a principal
25 officer must do so under this Act. The principal officer must
26 communicate the separation to the Department within 5 business

1 days.

2 (h) A principal officer not in compliance with the
3 requirements of this Act shall be removed from his or her
4 position with the dispensing organization or shall otherwise
5 terminate his or her affiliation. Failure to do so may subject
6 the dispensing organization to discipline, suspension, or
7 revocation of its license by the Department.

8 (i) It is the responsibility of the dispensing
9 organization and its principal officers to promptly notify the
10 Department of any change of the principal place of business
11 address, hours of operation, change in ownership or control,
12 or a change of the dispensing organization's primary or
13 secondary contact information. Any changes must be made to the
14 Department in writing.

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

16 (410 ILCS 705/15-60)

17 Sec. 15-60. Changes to a dispensing organization.

18 (a) A license shall be issued to the specific dispensing
19 organization identified on the application and for the
20 specific location proposed. The license is valid only as
21 designated on the license and for the location for which it is
22 issued.

23 (b) A dispensing organization may only add principal
24 officers after being approved by the Department.

25 (c) A dispensing organization shall provide written notice

1 of the removal of a principal officer within 5 business days
2 after removal. The notice shall include the written agreement
3 of the principal officer being removed, unless otherwise
4 approved by the Department, and allocation of ownership shares
5 after removal in an updated ownership chart.

6 (d) A dispensing organization shall provide a written
7 request to the Department for the addition of principal
8 officers. A dispensing organization shall submit proposed
9 principal officer applications on forms approved by the
10 Department.

11 (e) All proposed new principal officers shall be subject
12 to the requirements of this Act, this Article, and any rules
13 that may be adopted pursuant to this Act.

14 (f) The Department may prohibit the addition of a
15 principal officer to a dispensing organization for failure to
16 comply with this Act, this Article, and any rules that may be
17 adopted pursuant to this Act.

18 (g) A dispensing organization may not assign a license.

19 (h) A dispensing organization may not transfer a license
20 without prior Department approval. Such approval may be
21 withheld if the person to whom the license is being
22 transferred does not commit to the same or a similar community
23 engagement plan provided as part of the dispensing
24 organization's application under paragraph (18) of subsection
25 (d) of Section 15-25, and such transferee's license shall be
26 conditional upon that commitment.

1 (i) With the addition or removal of principal officers,
2 the Department will review the ownership structure to
3 determine whether the change in ownership has had the effect
4 of a transfer of the license. The dispensing organization
5 shall supply all ownership documents requested by the
6 Department.

7 (j) A dispensing organization may apply to the Department
8 to approve a sale of the dispensing organization. A request to
9 sell the dispensing organization must be on application forms
10 provided by the Department. A request for an approval to sell a
11 dispensing organization must comply with the following:

12 (1) New application materials shall comply with this
13 Act and any rules that may be adopted pursuant to this Act;

14 (2) Application materials shall include a change of
15 ownership fee of \$5,000 to be deposited into the Cannabis
16 Regulation Fund;

17 (3) The application materials shall provide proof that
18 the transfer of ownership will not have the effect of
19 granting any of the owners or principal officers direct or
20 indirect ownership or control of more than 10 adult use
21 dispensing organization licenses;

22 (4) New principal officers shall each complete the
23 proposed new principal officer application;

24 (5) If the Department approves the application
25 materials and proposed new principal officer applications,
26 it will perform an inspection before approving the sale

1 and issuing the dispensing organization license;

2 (6) If a new license is approved, the Department will
3 issue a new license number and certificate to the new
4 dispensing organization.

5 (k) The dispensing organization shall provide the
6 Department with the personal information for all new
7 dispensing organizations agents as required in this Article
8 and all new dispensing organization agents shall be subject to
9 the requirements of this Article. A dispensing organization
10 agent must obtain an agent identification card from the
11 Department before beginning work at a dispensary.

12 (l) Before remodeling, expansion, reduction, or other
13 physical, noncosmetic alteration of a dispensary, the
14 dispensing organization must notify the Department and confirm
15 the alterations are in compliance with this Act and any rules
16 that may be adopted pursuant to this Act.

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

18 (410 ILCS 705/15-65)

19 Sec. 15-65. Administration.

20 (a) A dispensing organization shall establish, maintain,
21 and comply with written policies and procedures as submitted
22 in the Business, Financial and Operating plan as required in
23 this Article or by rules established by the Department, and
24 approved by the Department, for the security, storage,
25 inventory, and distribution of cannabis. These policies and

1 procedures shall include methods for identifying, recording,
2 and reporting diversion, theft, or loss, and for correcting
3 errors and inaccuracies in inventories. At a minimum,
4 dispensing organizations shall ensure the written policies and
5 procedures provide for the following:

6 (1) Mandatory and voluntary recalls of cannabis
7 products. The policies shall be adequate to deal with
8 recalls due to any action initiated at the request of the
9 Department and any voluntary action by the dispensing
10 organization to remove defective or potentially defective
11 cannabis from the market or any action undertaken to
12 promote public health and safety, including:

13 (i) A mechanism reasonably calculated to contact
14 purchasers who have, or likely have, obtained the
15 product from the dispensary, including information on
16 the policy for return of the recalled product;

17 (ii) A mechanism to identify and contact the ~~adult~~
18 ~~use~~ cultivation center, craft grower, or infuser that
19 manufactured the cannabis;

20 (iii) Policies for communicating with the
21 Department, the Department of Agriculture, and the
22 Department of Public Health within 24 hours of
23 discovering defective or potentially defective
24 cannabis; and

25 (iv) Policies for destruction of any recalled
26 cannabis product;

1 (2) Responses to local, State, or national
2 emergencies, including natural disasters, that affect the
3 security or operation of a dispensary;

4 (3) Segregation and destruction of outdated, damaged,
5 deteriorated, misbranded, or adulterated cannabis. This
6 procedure shall provide for written documentation of the
7 cannabis disposition;

8 (4) Ensure the oldest stock of a cannabis product is
9 distributed first. The procedure may permit deviation from
10 this requirement, if such deviation is temporary and
11 appropriate;

12 (5) Training of dispensing organization agents in the
13 provisions of this Act and rules, to effectively operate
14 the point-of-sale system and the State's verification
15 system, proper inventory handling and tracking, specific
16 uses of cannabis or cannabis-infused products, instruction
17 regarding regulatory inspection preparedness and law
18 enforcement interaction, awareness of the legal
19 requirements for maintaining status as an agent, and other
20 topics as specified by the dispensing organization or the
21 Department. The dispensing organization shall maintain
22 evidence of all training provided to each agent in its
23 files that is subject to inspection and audit by the
24 Department. The dispensing organization shall ensure
25 agents receive a minimum of 8 hours of training subject to
26 the requirements in subsection (i) of Section 15-40

1 annually, unless otherwise approved by the Department;

2 (6) Maintenance of business records consistent with
3 industry standards, including bylaws, consents, manual or
4 computerized records of assets and liabilities, audits,
5 monetary transactions, journals, ledgers, and supporting
6 documents, including agreements, checks, invoices,
7 receipts, and vouchers. Records shall be maintained in a
8 manner consistent with this Act and shall be retained for
9 5 years;

10 (7) Inventory control, including:

11 (i) Tracking purchases and denials of sale;

12 (ii) Disposal of unusable or damaged cannabis as
13 required by this Act and rules; and

14 (8) Purchaser education and support, including:

15 (i) Whether possession of cannabis is illegal
16 under federal law;

17 (ii) Current educational information issued by the
18 Department of Public Health about the health risks
19 associated with the use or abuse of cannabis;

20 (iii) Information about possible side effects;

21 (iv) Prohibition on smoking cannabis in public
22 places; and

23 (v) Offering any other appropriate purchaser
24 education or support materials.

25 (b) Blank.

26 (c) A dispensing organization shall maintain copies of the

1 policies and procedures on the dispensary premises and provide
2 copies to the Department upon request. The dispensing
3 organization shall review the dispensing organization policies
4 and procedures at least once every 12 months from the issue
5 date of the license and update as needed due to changes in
6 industry standards or as requested by the Department.

7 (d) A dispensing organization shall ensure that each
8 principal officer and each dispensing organization agent has a
9 current agent identification card in the agent's immediate
10 possession when the agent is at the dispensary.

11 (e) A dispensing organization shall provide prompt written
12 notice to the Department, including the date of the event,
13 when a dispensing organization agent no longer is employed by
14 the dispensing organization.

15 (f) A dispensing organization shall promptly document and
16 report any loss or theft of cannabis from the dispensary to the
17 Illinois State Police and the Department. It is the duty of any
18 dispensing organization agent who becomes aware of the loss or
19 theft to report it as provided in this Article.

20 (g) A dispensing organization shall post the following
21 information in a conspicuous location in an area of the
22 dispensary accessible to consumers:

23 (1) The dispensing organization's license;

24 (2) The hours of operation.

25 (h) Signage that shall be posted inside the premises.

26 (1) All dispensing organizations must display a

1 placard that states the following: "Cannabis consumption
2 can impair cognition and driving, is for adult use only,
3 may be habit forming, and should not be used by pregnant or
4 breastfeeding women.".

5 (2) Any dispensing organization that sells edible
6 cannabis-infused products must display a placard that
7 states the following:

8 (A) "Edible cannabis-infused products were
9 produced in a kitchen that may also process common
10 food allergens."; and

11 (B) "The effects of cannabis products can vary
12 from person to person, and it can take as long as two
13 hours to feel the effects of some cannabis-infused
14 products. Carefully review the portion size
15 information and warnings contained on the product
16 packaging before consuming.".

17 (3) All of the required signage in this subsection (h)
18 shall be no smaller than 24 inches tall by 36 inches wide,
19 with typed letters no smaller than 2 inches. The signage
20 shall be clearly visible and readable by customers. The
21 signage shall be placed in the area where cannabis and
22 cannabis-infused products are sold and may be translated
23 into additional languages as needed. The Department may
24 require a dispensary to display the required signage in a
25 different language, other than English, if the Secretary
26 deems it necessary.

1 (i) A dispensing organization shall prominently post
2 notices inside the dispensing organization that state
3 activities that are strictly prohibited and punishable by law,
4 including, but not limited to:

5 (1) no minors permitted on the premises unless the
6 minor is a minor qualifying patient under the
7 Compassionate Use of Medical Cannabis Program Act;

8 (2) distribution to persons under the age of 21 is
9 prohibited;

10 (3) transportation of cannabis or cannabis products
11 across state lines is prohibited.

12 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
13 102-538, eff. 8-20-21.)

14 (410 ILCS 705/15-70)

15 Sec. 15-70. Operational requirements; prohibitions.

16 (a) A dispensing organization shall operate in accordance
17 with the representations made in its application and license
18 materials. It shall be in compliance with this Act and rules.

19 (b) Beginning January 1, 2027, but no later than April 1,
20 2027, all dispensaries shall have a patient prioritization
21 plan demonstrating that the dispensary is prioritizing
22 qualifying patients, provisional patients, Opioid Alternative
23 Patient Program participants, and designated caregivers.
24 Prioritization may include, but is not limited to, the
25 following: a dedicated service line for patients or

1 caregivers; a dedicated time of the day for patients or
2 caregivers, so long as the dispensary remains open at all
3 other hours of operation to serve patients and caregivers; and
4 a dedicated register for patients or caregivers. A dispensing
5 ~~organization must include the legal name of the dispensary on~~
6 ~~the packaging of any cannabis product it sells.~~

7 (c) All cannabis, cannabis-infused products, and cannabis
8 seeds must be obtained from an Illinois registered ~~adult use~~
9 cultivation center, craft grower, infuser, or another
10 dispensary.

11 (c-5) A dispensing organization may sell cannabis and
12 cannabis-infused products purchased from any cultivation
13 center, craft grower, infuser, or other dispensary to persons
14 over 21 years of age and to qualifying patients, Opioid
15 Alternative Patient Program Participants, designated
16 caregivers, and provisional patients.

17 (d) Dispensing organizations are prohibited from selling
18 any product containing alcohol except tinctures, which must be
19 limited to containers that are no larger than 100 milliliters.

20 (e) A dispensing organization shall inspect and count
21 product received from a transporting organization, adult use
22 cultivation center, craft grower, infuser organization, or
23 other dispensing organization before dispensing it.

24 (f) A dispensing organization may only accept cannabis
25 deliveries into a restricted access area. Deliveries may not
26 be accepted through the public or limited access areas unless

1 otherwise approved by the Department.

2 (g) A dispensing organization shall maintain compliance
3 with State and local building, fire, and zoning requirements
4 or regulations.

5 (h) A dispensing organization shall submit a list to the
6 Department of the names of all service professionals that will
7 work at the dispensary. The list shall include a description
8 of the type of business or service provided. Changes to the
9 service professional list shall be promptly provided. No
10 service professional shall work in the dispensary until the
11 name is provided to the Department on the service professional
12 list.

13 (i) A dispensing organization's license allows for a
14 dispensary to be operated only at a single location.

15 (j) All dispensaries' hours of operation may be ~~A~~
16 ~~dispensary may operate~~ between 6 a.m. and 10 p.m. local time.

17 (k) A dispensing organization must keep all lighting
18 outside and inside the dispensary in good working order and
19 wattage sufficient for security cameras.

20 (l) A dispensing organization must keep all air treatment
21 systems that will be installed to reduce odors in good working
22 order.

23 (m) (Blank). ~~A dispensing organization must contract with~~
24 ~~a private security contractor that is licensed under Section~~
25 ~~10-5 of the Private Detective, Private Alarm, Private~~
26 ~~Security, Fingerprint Vendor, and Locksmith Act of 2004 to~~

1 ~~provide on-site security at all hours of the dispensary's~~
2 ~~operation.~~

3 (n) A dispensing organization shall ensure that any
4 building or equipment used by a dispensing organization for
5 the storage or sale of cannabis is maintained in a clean and
6 sanitary condition.

7 (o) The dispensary shall be free from infestation by
8 insects, rodents, or pests.

9 (p) A dispensing organization shall not:

10 (1) Produce or manufacture cannabis;

11 (2) Accept a cannabis product from a ~~an adult use~~
12 cultivation center, craft grower, infuser, dispensing
13 organization, or transporting organization unless it is
14 pre-packaged and labeled in accordance with this Act and
15 any rules that may be adopted pursuant to this Act;

16 (3) Obtain cannabis or cannabis-infused products from
17 outside the State of Illinois;

18 (4) Sell cannabis or cannabis-infused products to a
19 purchaser unless the dispensing organization is licensed
20 under the Compassionate Use of Medical Cannabis Program
21 Act, and the individual is registered under the
22 Compassionate Use of Medical Cannabis Program or the
23 purchaser has been verified to be 21 years of age or older;

24 (5) Enter into an exclusive agreement with any adult
25 use cultivation center, craft grower, or infuser.
26 Dispensaries shall provide consumers an assortment of

1 products from various cannabis business establishment
2 licensees such that the inventory available for sale at
3 any dispensary from any single cultivation center, craft
4 grower, processor, transporter, or infuser entity shall
5 not be more than 40% of the total inventory available for
6 sale. For the purpose of this subsection, a cultivation
7 center, craft grower, processor, or infuser shall be
8 considered part of the same entity if the licensees share
9 at least one principal officer. The Department may request
10 that a dispensary diversify its products as needed or
11 otherwise discipline a dispensing organization for
12 violating this requirement;

13 (6) Refuse to conduct business with an adult use
14 cultivation center, craft grower, transporting
15 organization, or infuser that has the ability to properly
16 deliver the product and is permitted by the Department of
17 Agriculture, on the same terms as other adult use
18 cultivation centers, craft growers, infusers, or
19 transporters with whom it is dealing;

20 (7) Operate drive-through windows;

21 (8) Allow for the dispensing of cannabis or
22 cannabis-infused products in vending machines;

23 (9) Transport cannabis to residences or other
24 locations where purchasers may be for delivery;

25 (10) Enter into agreements to allow persons who are
26 not dispensing organization agents to deliver cannabis or

1 to transport cannabis to purchasers;

2 (11) Operate a dispensary if its video surveillance
3 equipment is inoperative;

4 (12) Operate a dispensary if the point-of-sale
5 equipment is inoperative;

6 (13) Operate a dispensary if the State's cannabis
7 electronic verification system is inoperative;

8 (14) Have fewer than 2 people working at the
9 dispensary at any time while the dispensary is open;

10 (15) Be located within 1,500 feet of the property line
11 of a pre-existing dispensing organization, unless the
12 applicant is a Social Equity Applicant or Social Equity
13 Justice Involved Applicant located or seeking to locate
14 within 1,500 feet of a dispensing organization licensed
15 under Section 15-15 or Section 15-20;

16 (16) Sell clones or any other live plant material;

17 (17) Sell cannabis, cannabis concentrate, or
18 cannabis-infused products in combination or bundled with
19 each other or any other items for one price, and each item
20 of cannabis, concentrate, or cannabis-infused product must
21 be separately identified by quantity and price on the
22 receipt;

23 (18) Violate any other requirements or prohibitions
24 set by Department rules.

25 (q) It is unlawful for any person having an Early Approval
26 Adult Use Dispensing Organization License, a Conditional Adult

1 Use Dispensing Organization License, an Adult Use Dispensing
2 Organization License, or a medical cannabis dispensing
3 organization license issued under the Compassionate Use of
4 Medical Cannabis Program Act or any officer, associate,
5 member, representative, or agent of such licensee to accept,
6 receive, or borrow money or anything else of value or accept or
7 receive credit (other than merchandising credit in the
8 ordinary course of business for a period not to exceed 30 days)
9 directly or indirectly from any adult use cultivation center,
10 craft grower, infuser, or transporting organization in
11 exchange for preferential placement on the dispensing
12 organization's shelves, display cases, or website. This
13 includes anything received or borrowed or from any
14 stockholders, officers, agents, or persons connected with an
15 adult use cultivation center, craft grower, infuser, or
16 transporting organization.

17 (r) It is unlawful for any person having an Early Approval
18 Adult Use Dispensing Organization License, a Conditional Adult
19 Use Dispensing Organization License, an Adult Use Dispensing
20 Organization License, or a medical cannabis dispensing
21 organization license issued under the Compassionate Use of
22 Medical Cannabis Program to enter into any contract with any
23 person licensed to cultivate, process, or transport cannabis
24 whereby such dispensing organization agrees not to sell any
25 cannabis cultivated, processed, transported, manufactured, or
26 distributed by any other cultivator, transporter, or infuser,

1 and any provision in any contract violative of this Section
2 shall render the whole of such contract void and no action
3 shall be brought thereon in any court.

4 (Source: P.A. 104-417, eff. 8-15-25.)

5 (410 ILCS 705/15-75)

6 Sec. 15-75. Inventory control system.

7 (a) A dispensing organization agent-in-charge shall have
8 primary oversight of the dispensing organization's cannabis
9 inventory verification system, and its point-of-sale system.
10 The inventory point-of-sale system shall be real-time,
11 web-based, and accessible by the Department at any time. The
12 point-of-sale system shall track, at a minimum the date of
13 sale, amount, price, and currency.

14 (b) A dispensing organization shall establish an account
15 with the State's verification system that documents:

16 (1) Each sales transaction at the time of sale and
17 each day's beginning inventory, acquisitions, sales,
18 disposal, and ending inventory.

19 (2) Acquisition of cannabis and cannabis-infused
20 products from a licensed ~~adult-use~~ cultivation center,
21 craft grower, infuser, or transporter, including:

22 (i) A description of the products, including the
23 quantity, strain, variety, and batch number of each
24 product received;

25 (ii) The name and registry identification number

1 of the licensed ~~adult-use~~ cultivation center, craft
2 grower, or infuser providing the cannabis and
3 cannabis-infused products;

4 (iii) The name and registry identification number
5 of the licensed ~~adult-use~~ cultivation center, craft
6 grower, infuser, or transporting agent delivering the
7 cannabis;

8 (iv) The name and registry identification number
9 of the dispensing organization agent receiving the
10 cannabis; and

11 (v) The date of acquisition.

12 (3) The disposal of cannabis, including:

13 (i) A description of the products, including the
14 quantity, strain, variety, batch number, and reason
15 for the cannabis being disposed;

16 (ii) The method of disposal; and

17 (iii) The date and time of disposal.

18 (c) Upon cannabis delivery, a dispensing organization
19 shall confirm the product's name, strain name, weight, and
20 identification number on the manifest matches the information
21 on the cannabis product label and package. The product name
22 listed and the weight listed in the State's verification
23 system shall match the product packaging.

24 (d) The agent-in-charge shall conduct daily inventory
25 reconciliation documenting and balancing cannabis inventory by
26 confirming the State's verification system matches the

1 dispensing organization's point-of-sale system and the amount
2 of physical product at the dispensary.

3 (1) A dispensing organization must receive Department
4 approval before completing an inventory adjustment. It
5 shall provide a detailed reason for the adjustment.
6 Inventory adjustment documentation shall be kept at the
7 dispensary for 2 years from the date performed.

8 (2) If the dispensing organization identifies an
9 imbalance in the amount of cannabis after the daily
10 inventory reconciliation due to mistake, the dispensing
11 organization shall determine how the imbalance occurred
12 and immediately upon discovery take and document
13 corrective action. If the dispensing organization cannot
14 identify the reason for the mistake within 2 calendar days
15 after first discovery, it shall inform the Department
16 immediately in writing of the imbalance and the corrective
17 action taken to date. The dispensing organization shall
18 work diligently to determine the reason for the mistake.

19 (3) If the dispensing organization identifies an
20 imbalance in the amount of cannabis after the daily
21 inventory reconciliation or through other means due to
22 theft, criminal activity, or suspected criminal activity,
23 the dispensing organization shall immediately determine
24 how the reduction occurred and take and document
25 corrective action. Within 24 hours after the first
26 discovery of the reduction due to theft, criminal

1 activity, or suspected criminal activity, the dispensing
2 organization shall inform the Department and the Illinois
3 State Police in writing.

4 (4) The dispensing organization shall file an annual
5 compilation report with the Department, including a
6 financial statement that shall include, but not be limited
7 to, an income statement, balance sheet, profit and loss
8 statement, statement of cash flow, wholesale cost and
9 sales, and any other documentation requested by the
10 Department in writing. The financial statement shall
11 include any other information the Department deems
12 necessary in order to effectively administer this Act and
13 all rules, orders, and final decisions promulgated under
14 this Act. Statements required by this Section shall be
15 filed with the Department within 60 days after the end of
16 the calendar year. The compilation report shall include a
17 letter authored by a licensed certified public accountant
18 that it has been reviewed and is accurate based on the
19 information provided. The dispensing organization,
20 financial statement, and accompanying documents are not
21 required to be audited unless specifically requested by
22 the Department.

23 (e) A dispensing organization shall:

24 (1) Maintain the documentation required in this
25 Section in a secure locked location at the dispensing
26 organization for 5 years from the date on the document;

1 (2) Provide any documentation required to be
2 maintained in this Section to the Department for review
3 upon request; and

4 (3) If maintaining a bank account, retain for a period
5 of 5 years a record of each deposit or withdrawal from the
6 account.

7 (f) If a dispensing organization chooses to have a return
8 policy for cannabis and cannabis products, the dispensing
9 organization shall seek prior approval from the Department.

10 (g) Beginning January 1, 2027, all dispensing
11 organizations shall maintain internal, confidential records
12 that record a registered qualifying patient, provisional
13 patient, or designated caregiver's transactions for the
14 patient's adequate medical supply and whether it was dispensed
15 directly to the patient, the Opioid Alternative Patient
16 Program participant, or to the designated caregiver. Each
17 entry must include the amount and the date and time the
18 cannabis was dispensed. Additional recordkeeping requirements
19 may be set by rule.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
21 102-538, eff. 8-20-21.)

22 (410 ILCS 705/15-85)

23 Sec. 15-85. Dispensing cannabis.

24 (a) Before a dispensing organization agent dispenses
25 cannabis to a purchaser, the agent shall:

1 (1) Verify the age of the purchaser by checking a
2 government-issued identification card by use of an
3 electronic reader or electronic scanning device to scan a
4 purchaser's government-issued identification, if
5 applicable, to determine the purchaser's age and the
6 validity of the identification;

7 (2) Verify the validity of the government-issued
8 identification card by use of an electronic reader or
9 electronic scanning device to scan a purchaser's
10 government-issued identification, if applicable, to
11 determine the purchaser's age and the validity of the
12 identification;

13 (3) Offer any appropriate purchaser education or
14 support materials;

15 (3-5) Verify the qualifying patient, Opioid
16 Alternative Patient Program participant, provisional
17 patient, or designated caregiver's registration card, if
18 purchasing as a patient or caregiver;

19 (4) Enter the following information into the State's
20 cannabis electronic verification system:

21 (i) The dispensing organization agent's
22 identification number, or if the agent's card
23 application is pending the Department's approval, a
24 temporary and unique identifier until the agent's card
25 application is approved or denied by the Department;

26 (ii) The dispensing organization's identification

1 number;

2 (iii) The amount, type (including strain, if
3 applicable) of cannabis or cannabis-infused product
4 dispensed;

5 (iv) The date and time the cannabis was dispensed.

6 (b) A dispensing organization shall refuse to sell
7 cannabis or cannabis-infused products to any person unless the
8 person produces a valid identification showing that the person
9 is 21 years of age or older or a qualifying patient,
10 provisional patient, Opioid Alternative Patient Program
11 participant, or designated caregivers registered under the
12 Compassionate Use of Medical Cannabis Program Act. ~~A medical~~
13 ~~cannabis dispensing organization may sell cannabis or~~
14 ~~cannabis-infused products to a person who is under 21 years of~~
15 ~~age if the sale complies with the provisions of the~~
16 ~~Compassionate Use of Medical Cannabis Program Act and rules.~~

17 (c) For the purposes of this Section, valid identification
18 must:

19 (1) Be valid and unexpired;

20 (2) Contain a photograph and the date of birth of the
21 person.

22 (d) A dispensing organization shall not dispense to a
23 registered qualifying patient, Opioid Alternative Patient
24 Program participant, provisional patient, or a designated
25 caregiver, an amount exceeding the patient's adequate medical
26 supply unless the qualifying patient has a Department of

1 Public Health-approved quantity waiver.

2 (e) Notwithstanding any other provision of law, a
3 dispensing organization may offer pickup or drive-through
4 locations for cannabis or cannabis-infused products to
5 purchasers over 21 years of age, qualifying patients,
6 provisional patients, and designated caregivers in accordance
7 with Section 15-100 of this Act.

8 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
9 102-98, eff. 7-15-21.)

10 (410 ILCS 705/15-100)

11 Sec. 15-100. Security.

12 (a) A dispensing organization shall implement security
13 measures to deter and prevent entry into and theft of cannabis
14 or currency.

15 (b) A dispensing organization shall submit any changes to
16 the floor plan or security plan to the Department for
17 pre-approval. All cannabis shall be maintained and stored in a
18 restricted access area during construction.

19 (c) The dispensing organization shall implement security
20 measures to protect the premises, purchasers, and dispensing
21 organization agents including, but not limited to the
22 following:

23 (1) Establish a locked door or barrier between the
24 facility's entrance and the limited access area;

25 (2) Prevent individuals from remaining on the premises

1 if they are not engaging in activity permitted by this Act
2 or rules;

3 (3) Develop a policy that addresses the maximum
4 capacity and purchaser flow in the waiting rooms and
5 limited access areas;

6 (4) Dispose of cannabis in accordance with this Act
7 and rules;

8 (5) During hours of operation, store ~~and dispense~~ all
9 cannabis in ~~from~~ the restricted access area. ~~During~~
10 ~~operational hours, cannabis shall be stored~~ in an enclosed
11 locked room or cabinet and accessible only to specifically
12 authorized dispensing organization agents;

13 (5.5) During hours of operation, dispense all cannabis
14 from the restricted access area, including a drive-through
15 window, or from a pickup location in close proximity to
16 the restricted access area. Orders in the pickup or
17 drive-through location may only be placed by the purchaser
18 or patient in advance, and the dispensing organization
19 shall, prior to dispensing the cannabis, confirm that the
20 purchaser, registered qualifying patient, Opioid
21 Alternative Patient Program participant, provisional
22 patient, or designated caregiver is in compliance with
23 Section 15-85 of this Act. As used in this paragraph,
24 "pickup location in close proximity" means an area
25 contiguous to the real property of the dispensary, such as
26 a sidewalk or parking lot;

1 (6) When the dispensary is closed, store all cannabis
2 and currency in a reinforced vault room in the restricted
3 access area and in a manner as to prevent diversion,
4 theft, or loss;

5 (7) Keep the reinforced vault room and any other
6 equipment or cannabis storage areas securely locked and
7 protected from unauthorized entry;

8 (8) Keep an electronic daily log of dispensing
9 organization agents with access to the reinforced vault
10 room and knowledge of the access code or combination;

11 (9) Keep all locks and security equipment in good
12 working order;

13 (10) Maintain an operational security and alarm system
14 at all times;

15 (11) Prohibit keys, if applicable, from being left in
16 the locks, or stored or placed in a location accessible to
17 persons other than specifically authorized personnel;

18 (12) Prohibit accessibility of security measures,
19 including combination numbers, passwords, or electronic or
20 biometric security systems to persons other than
21 specifically authorized dispensing organization agents;

22 (13) Ensure that the dispensary interior and exterior
23 premises are sufficiently lit to facilitate surveillance;

24 (14) Ensure that trees, bushes, and other foliage
25 outside of the dispensary premises do not allow for a
26 person or persons to conceal themselves from sight;

1 (15) Develop emergency policies and procedures for
2 securing all product and currency following any instance
3 of diversion, theft, or loss of cannabis, and conduct an
4 assessment to determine whether additional safeguards are
5 necessary; ~~and~~

6 (16) Develop sufficient additional safeguards in
7 response to any special security concerns, or as required
8 by the Department; ~~and~~.

9 (17) Maintain a security and safe storage plan for
10 qualifying patient information. The health care
11 professional-patient privilege as set forth by Section
12 8-802 of the Code of Civil Procedure shall apply between a
13 qualifying patient, provisional patient, and a dispensing
14 organization and its agents with respect to communications
15 and records concerning patients' debilitating conditions.

16 (d) The Department may request or approve alternative
17 security provisions that it determines are an adequate
18 substitute for a security requirement specified in this
19 Article. Any additional protections may be considered by the
20 Department in evaluating overall security measures.

21 (e) A dispensing organization may share premises with a
22 craft grower or an infuser organization, or both, provided
23 each licensee stores currency and cannabis or cannabis-infused
24 products in a separate secured vault to which the other
25 licensee does not have access or all licensees sharing a vault
26 share more than 50% of the same ownership.

1 (f) A dispensing organization shall provide additional
2 security as needed and in a manner appropriate for the
3 community where it operates.

4 (g) Restricted access areas.

5 (1) All restricted access areas must be identified by
6 the posting of a sign that is a minimum of 12 inches by 12
7 inches and that states "Do Not Enter - Restricted Access
8 Area - Authorized Personnel Only" in lettering no smaller
9 than one inch in height.

10 (2) All restricted access areas shall be clearly
11 described in the floor plan of the premises, in the form
12 and manner determined by the Department, reflecting walls,
13 partitions, counters, and all areas of entry and exit. The
14 floor plan shall show all storage, disposal, and retail
15 sales areas.

16 (3) All restricted access areas must be secure, with
17 locking devices that prevent access from the limited
18 access areas.

19 (h) Security and alarm.

20 (1) A dispensing organization shall have an adequate
21 security plan and security system to prevent and detect
22 diversion, theft, or loss of cannabis, currency, or
23 unauthorized intrusion using commercial grade equipment
24 installed by an Illinois licensed private alarm contractor
25 or private alarm contractor agency that shall, at a
26 minimum, include:

1 (i) A perimeter alarm on all entry points and
2 glass break protection on perimeter windows;

3 (ii) Security shatterproof tinted film on exterior
4 windows;

5 (iii) A failure notification system that provides
6 an audible, text, or visual notification of any
7 failure in the surveillance system, including, but not
8 limited to, panic buttons, alarms, and video
9 monitoring system. The failure notification system
10 shall provide an alert to designated dispensing
11 organization agents within 5 minutes after the
12 failure, either by telephone or text message;

13 (iv) A duress alarm, panic button, and alarm, or
14 holdup alarm and after-hours intrusion detection alarm
15 that by design and purpose will directly or indirectly
16 notify, by the most efficient means, the Public Safety
17 Answering Point for the law enforcement agency having
18 primary jurisdiction;

19 (v) Security equipment to deter and prevent
20 unauthorized entrance into the dispensary, including
21 electronic door locks on the limited and restricted
22 access areas that include devices or a series of
23 devices to detect unauthorized intrusion that may
24 include a signal system interconnected with a radio
25 frequency method, cellular, private radio signals or
26 other mechanical or electronic device.

1 (2) All security system equipment and recordings shall
2 be maintained in good working order, in a secure location
3 so as to prevent theft, loss, destruction, or alterations.

4 (3) Access to surveillance monitoring recording
5 equipment shall be limited to persons who are essential to
6 surveillance operations, law enforcement authorities
7 acting within their jurisdiction, security system service
8 personnel, and the Department. A current list of
9 authorized dispensing organization agents and service
10 personnel that have access to the surveillance equipment
11 must be available to the Department upon request.

12 (4) All security equipment shall be inspected and
13 tested at regular intervals, not to exceed one month from
14 the previous inspection, and tested to ensure the systems
15 remain functional.

16 (5) The security system shall provide protection
17 against theft and diversion that is facilitated or hidden
18 by tampering with computers or electronic records.

19 (6) The dispensary shall ensure all access doors are
20 not solely controlled by an electronic access panel to
21 ensure that locks are not released during a power outage.

22 (i) To monitor the dispensary, the dispensing organization
23 shall incorporate continuous electronic video monitoring
24 including the following:

25 (1) All monitors must be 19 inches or greater;

26 (2) Unobstructed video surveillance of all enclosed

1 dispensary areas, unless prohibited by law, including all
2 points of entry and exit that shall be appropriate for the
3 normal lighting conditions of the area under surveillance.
4 The cameras shall be directed so all areas are captured,
5 including, but not limited to, safes, vaults, sales areas,
6 and areas where cannabis is stored, handled, dispensed, or
7 destroyed. Cameras shall be angled to allow for facial
8 recognition, the capture of clear and certain
9 identification of any person entering or exiting the
10 dispensary area and in lighting sufficient during all
11 times of night or day;

12 (3) Unobstructed video surveillance of outside areas,
13 the storefront, and the parking lot, that shall be
14 appropriate for the normal lighting conditions of the area
15 under surveillance. Cameras shall be angled so as to allow
16 for the capture of facial recognition, clear and certain
17 identification of any person entering or exiting the
18 dispensary and the immediate surrounding area, and license
19 plates of vehicles in the parking lot;

20 (4) 24-hour recordings from all video cameras
21 available for immediate viewing by the Department upon
22 request. Recordings shall not be destroyed or altered and
23 shall be retained for at least 90 days. Recordings shall
24 be retained as long as necessary if the dispensing
25 organization is aware of the loss or theft of cannabis or a
26 pending criminal, civil, or administrative investigation

1 or legal proceeding for which the recording may contain
2 relevant information;

3 (5) The ability to immediately produce a clear, color
4 still photo from the surveillance video, either live or
5 recorded;

6 (6) A date and time stamp embedded on all video
7 surveillance recordings. The date and time shall be
8 synchronized and set correctly and shall not significantly
9 obscure the picture;

10 (7) The ability to remain operational during a power
11 outage and ensure all access doors are not solely
12 controlled by an electronic access panel to ensure that
13 locks are not released during a power outage;

14 (8) All video surveillance equipment shall allow for
15 the exporting of still images in an industry standard
16 image format, including .jpg, .bmp, and .gif. Exported
17 video shall have the ability to be archived in a
18 proprietary format that ensures authentication of the
19 video and guarantees that no alteration of the recorded
20 image has taken place. Exported video shall also have the
21 ability to be saved in an industry standard file format
22 that can be played on a standard computer operating
23 system. All recordings shall be erased or destroyed before
24 disposal;

25 (9) The video surveillance system shall be operational
26 during a power outage with a 4-hour minimum battery

1 backup;

2 (10) A video camera or cameras recording at each
3 point-of-sale location allowing for the identification of
4 the dispensing organization agent distributing the
5 cannabis and any purchaser. The camera or cameras shall
6 capture the sale, the individuals and the computer
7 monitors used for the sale;

8 (11) A failure notification system that provides an
9 audible and visual notification of any failure in the
10 electronic video monitoring system; and

11 (12) All electronic video surveillance monitoring must
12 record at least the equivalent of 8 frames per second and
13 be available as recordings to the Department and the
14 Illinois State Police 24 hours a day via a secure
15 web-based portal with reverse functionality.

16 (j) The requirements contained in this Act are minimum
17 requirements for operating a dispensing organization. The
18 Department may establish additional requirements by rule.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
20 102-538, eff. 8-20-21.)

21 (410 ILCS 705/15-135)

22 Sec. 15-135. Investigations.

23 (a) Dispensing organizations are subject to random and
24 unannounced dispensary inspections and cannabis testing by the
25 Department, the Department of Agriculture, the Department of

1 Revenue, the Department of Public Health, the Illinois State
2 Police, local law enforcement, local health officials, or as
3 provided by rule.

4 (b) The Department and its authorized representatives may
5 enter any place, including a vehicle, in which cannabis is
6 held, stored, dispensed, sold, produced, delivered,
7 transported, manufactured, or disposed of and inspect, in a
8 reasonable manner, the place and all pertinent equipment,
9 containers and labeling, and all things including records,
10 files, financial data, sales data, shipping data, pricing
11 data, personnel data, research, papers, processes, controls,
12 and facility, and inventory any stock of cannabis and obtain
13 samples of any cannabis or cannabis-infused product, any
14 labels or containers for cannabis, or paraphernalia.

15 (c) The Department may conduct an investigation of an
16 applicant, application, dispensing organization, principal
17 officer, dispensary agent, third party vendor, or any other
18 party associated with a dispensing organization for an alleged
19 violation of this Act or rules or to determine qualifications
20 to be granted a registration by the Department.

21 (d) The Department may require an applicant or holder of
22 any license issued pursuant to this Article to produce
23 documents, records, or any other material pertinent to the
24 investigation of an application or alleged violations of this
25 Act or rules. Failure to provide the required material may be
26 grounds for denial or discipline.

1 (e) Every person charged with preparation, obtaining, or
2 keeping records, logs, reports, or other documents in
3 connection with this Act and rules and every person in charge,
4 or having custody, of those documents shall, upon request by
5 the Department, make the documents immediately available for
6 inspection and copying by the Department, the Department's
7 authorized representative, or others authorized by law to
8 review the documents.

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

11 (410 ILCS 705/15-145)

12 Sec. 15-145. Grounds for discipline.

13 (a) The Department may deny issuance, refuse to renew or
14 restore, or may reprimand, place on probation, suspend,
15 revoke, or take other disciplinary or nondisciplinary action
16 against any license or agent identification card or may impose
17 a fine for any of the following:

18 (1) Material misstatement in furnishing information to
19 the Department;

20 (2) Violations of this Act or rules;

21 (3) Obtaining an authorization or license by fraud or
22 misrepresentation;

23 (4) A pattern of conduct that demonstrates
24 incompetence or that the applicant has engaged in conduct
25 or actions that would constitute grounds for discipline

1 under this Act;

2 (5) Aiding or assisting another person in violating
3 any provision of this Act or rules;

4 (6) Failing to respond to a written request for
5 information by the Department within 30 days;

6 (7) Engaging in unprofessional, dishonorable, or
7 unethical conduct of a character likely to deceive,
8 defraud, or harm the public;

9 (8) Adverse action by another United States
10 jurisdiction or foreign nation;

11 (9) A finding by the Department that the licensee,
12 after having his or her license placed on suspended or
13 probationary status, has violated the terms of the
14 suspension or probation;

15 (10) Conviction, entry of a plea of guilty, nolo
16 contendere, or the equivalent in a State or federal court
17 of a principal officer or agent-in-charge of a felony
18 offense in accordance with Sections 2105-131, 2105-135,
19 and 2105-205 of the Department of Professional Regulation
20 Law of the Civil Administrative Code of Illinois;

21 (11) Excessive use of or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or
23 drug;

24 (12) A finding by the Department of a discrepancy in a
25 Department audit of cannabis;

26 (13) A finding by the Department of a discrepancy in a

1 Department audit of capital or funds;

2 (14) A finding by the Department of acceptance of
3 cannabis from a source other than a cultivation center ~~an~~
4 ~~Adult Use Cultivation Center~~, craft grower, infuser, or
5 transporting organization licensed by the Department of
6 Agriculture, or a dispensing organization licensed by the
7 Department;

8 (15) An inability to operate using reasonable
9 judgment, skill, or safety due to physical or mental
10 illness or other impairment or disability, including,
11 without limitation, deterioration through the aging
12 process or loss of motor skills or mental incompetence;

13 (16) Failing to report to the Department within the
14 time frames established, or if not identified, 14 days, of
15 any adverse action taken against the dispensing
16 organization or an agent by a licensing jurisdiction in
17 any state or any territory of the United States or any
18 foreign jurisdiction, any governmental agency, any law
19 enforcement agency or any court defined in this Section;

20 (17) Any violation of the dispensing organization's
21 policies and procedures submitted to the Department
22 annually as a condition for licensure;

23 (18) Failure to inform the Department of any change of
24 address within 10 business days;

25 (19) Disclosing customer names, personal information,
26 or protected health information in violation of any State

1 or federal law;

2 (20) Operating a dispensary before obtaining a license
3 from the Department;

4 (21) Performing duties authorized by this Act prior to
5 receiving a license to perform such duties;

6 (22) Dispensing cannabis when prohibited by this Act
7 or rules;

8 (23) Any fact or condition that, if it had existed at
9 the time of the original application for the license,
10 would have warranted the denial of the license;

11 (24) Permitting a person without a valid agent
12 identification card to perform licensed activities under
13 this Act;

14 (25) Failure to assign an agent-in-charge as required
15 by this Article;

16 (26) Failure to provide the training required by
17 paragraph (3) of subsection (i) of Section 15-40 within
18 the provided timeframe;

19 (27) Personnel insufficient in number or unqualified
20 in training or experience to properly operate the
21 dispensary business;

22 (28) Any pattern of activity that causes a harmful
23 impact on the community; ~~and~~

24 (29) Failing to prevent diversion, theft, or loss of
25 cannabis; and -

26 (30) Engaging in a pattern of nonpayment or late

1 payment for goods or services to a cannabis business
2 establishment.

3 (b) All fines and fees imposed under this Section shall be
4 paid within 60 days after the effective date of the order
5 imposing the fine or as otherwise specified in the order.

6 (c) A circuit court order establishing that an
7 agent-in-charge or principal officer holding an agent
8 identification card is subject to involuntary admission as
9 that term is defined in Section 1-119 or 1-119.1 of the Mental
10 Health and Developmental Disabilities Code shall operate as a
11 suspension of that card.

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

13 (410 ILCS 705/Art. 20 heading)

14 Article 20.

15 ~~Adult Use~~ Cultivation Centers

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

17 (410 ILCS 705/20-10)

18 Sec. 20-10. Early Approval of Adult Use Cultivation Center
19 License.

20 (a) Any medical cannabis cultivation center registered and
21 in good standing under the Compassionate Use of Medical
22 Cannabis Program Act as of the effective date of this Act may,
23 within 60 days of the effective date of this Act but no later
24 than 180 days from the effective date of this Act, apply to the

1 Department of Agriculture for an Early Approval Adult Use
2 Cultivation Center License to produce cannabis and
3 cannabis-infused products at its existing facilities as of the
4 effective date of this Act.

5 (b) A medical cannabis cultivation center seeking issuance
6 of an Early Approval Adult Use Cultivation Center License
7 shall submit an application on forms provided by the
8 Department of Agriculture. The application must meet or
9 include the following qualifications:

10 (1) Payment of a nonrefundable application fee of
11 \$100,000 to be deposited into the Cannabis Regulation
12 Fund;

13 (2) Proof of registration as a medical cannabis
14 cultivation center that is in good standing;

15 (3) Submission of the application by the same person
16 or entity that holds the medical cannabis cultivation
17 center registration;

18 (4) Certification that the applicant will comply with
19 the requirements of Section 20-30;

20 (5) The legal name of the cultivation center;

21 (6) The physical address of the cultivation center;

22 (7) The name, address, social security number, and
23 date of birth of each principal officer and board member
24 of the cultivation center; each of those individuals shall
25 be at least 21 years of age;

26 (8) A nonrefundable Cannabis Business Development Fee

1 equal to 5% of the cultivation center's total sales
2 between June 1, 2018 to June 1, 2019 or \$750,000,
3 whichever is less, but at not less than \$250,000, to be
4 deposited into the Cannabis Business Development Fund; and

5 (9) A commitment to completing one of the following
6 Social Equity Inclusion Plans provided for in this
7 subsection (b) before the expiration of the Early Approval
8 Adult Use Cultivation Center License:

9 (A) A contribution of 5% of the cultivation
10 center's total sales from June 1, 2018 to June 1, 2019,
11 or \$100,000, whichever is less, to one of the
12 following:

13 (i) the Cannabis Business Development Fund.
14 This is in addition to the fee required by item (8)
15 of this subsection (b);

16 (ii) a cannabis industry training or education
17 program at an Illinois community college as
18 defined in the Public Community College Act;

19 (iii) a program that provides job training
20 services to persons recently incarcerated or that
21 operates in a Disproportionately Impacted Area.

22 (B) Participate as a host in a cannabis business
23 incubator program for at least one year approved by
24 the Department of Commerce and Economic Opportunity,
25 and in which an Early Approval Adult Use Cultivation
26 Center License holder agrees to provide a loan of at

1 least \$100,000 and mentorship to incubate, for at
2 least a year, a Social Equity Applicant intending to
3 seek a license or a licensee that qualifies as a Social
4 Equity Applicant. As used in this Section, "incubate"
5 means providing direct financial assistance and
6 training necessary to engage in licensed cannabis
7 industry activity similar to that of the host
8 licensee. The Early Approval Adult Use Cultivation
9 Center License holder or the same entity holding any
10 other licenses issued pursuant to this Act shall not
11 take an ownership stake of greater than 10% in any
12 business receiving incubation services to comply with
13 this subsection. If an Early Approval Adult Use
14 Cultivation Center License holder fails to find a
15 business to incubate to comply with this subsection
16 before its Early Approval Adult Use Cultivation Center
17 License expires, it may opt to meet the requirement of
18 this subsection by completing another item from this
19 subsection prior to the expiration of its Early
20 Approval Adult Use Cultivation Center License to avoid
21 a penalty.

22 (c) An Early Approval Adult Use Cultivation Center License
23 is valid until March 31, 2021. A cultivation center that
24 obtains an Early Approval Adult Use Cultivation Center License
25 shall receive written or electronic notice 90 days before the
26 expiration of the license that the license will expire, and

1 inform the license holder that it may renew its Early Approval
2 Adult Use Cultivation Center License. The Department of
3 Agriculture shall grant a renewal of an Early Approval Adult
4 Use Cultivation Center License within 60 days of submission of
5 an application if:

6 (1) the cultivation center submits an application and
7 the required renewal fee of \$100,000 for an Early Approval
8 Adult Use Cultivation Center License;

9 (2) the Department of Agriculture has not suspended
10 the license of the cultivation center or suspended or
11 revoked the license for violating this Act or rules
12 adopted under this Act; and

13 (3) the cultivation center has completed a Social
14 Equity Inclusion Plan as required by item (9) of
15 subsection (b) of this Section.

16 (c-5) The Early Approval Adult Use Cultivation Center
17 License renewed pursuant to subsection (c) of this Section
18 shall expire March 31, 2022. The Early Approval Adult Use
19 Cultivation Center Licensee shall receive written or
20 electronic notice 90 days before the expiration of the license
21 that the license will expire, and inform the license holder
22 that it may apply for a ~~an Adult Use~~ Cultivation Center
23 License. The Department of Agriculture shall grant a
24 Cultivation Center ~~an Adult Use Dispensing Organization~~
25 License within 60 days of an application being deemed complete
26 if the applicant meets all of the criteria in Section 20-21.

1 (d) The license fee required by paragraph (1) of
2 subsection (c) of this Section shall be in addition to any
3 license fee required for the renewal of a registered medical
4 cannabis cultivation center license that expires during the
5 effective period of the Early Approval Adult Use Cultivation
6 Center License.

7 (e) Applicants must submit all required information,
8 including the requirements in subsection (b) of this Section,
9 to the Department of Agriculture. Failure by an applicant to
10 submit all required information may result in the application
11 being disqualified.

12 (f) If the Department of Agriculture receives an
13 application with missing information, the Department may issue
14 a deficiency notice to the applicant. The applicant shall have
15 10 calendar days from the date of the deficiency notice to
16 submit complete information. Applications that are still
17 incomplete after this opportunity to cure may be disqualified.

18 (g) If an applicant meets all the requirements of
19 subsection (b) of this Section, the Department of Agriculture
20 shall issue the Early Approval Adult Use Cultivation Center
21 License within 14 days of receiving the application unless:

22 (1) The licensee; principal officer, board member, or
23 person having a financial or voting interest of 5% or
24 greater in the licensee; or agent is delinquent in filing
25 any required tax returns or paying any amounts owed to the
26 State of Illinois;

1 (2) The Director of Agriculture determines there is
2 reason, based on an inordinate number of documented
3 compliance violations, the licensee is not entitled to an
4 Early Approval Adult Use Cultivation Center License; or

5 (3) The licensee fails to commit to the Social Equity
6 Inclusion Plan.

7 (h) A cultivation center may begin producing cannabis and
8 cannabis-infused products once the Early Approval Adult Use
9 Cultivation Center License is approved. A cultivation center
10 that obtains an Early Approval Adult Use Cultivation Center
11 License may begin selling cannabis and cannabis-infused
12 products on December 1, 2019.

13 (i) An Early Approval Adult Use Cultivation Center License
14 holder must continue to produce and provide an adequate supply
15 of cannabis and cannabis-infused products for purchase by
16 qualifying patients and caregivers. For the purposes of this
17 subsection, "adequate supply" means a monthly production level
18 that is comparable in type and quantity to those medical
19 cannabis products produced for patients and caregivers on an
20 average monthly basis for the 6 months before the effective
21 date of this Act.

22 (j) If there is a shortage of cannabis or cannabis-infused
23 products, a license holder shall prioritize patients
24 registered under the Compassionate Use of Medical Cannabis
25 Program Act over adult use purchasers.

26 (k) If an Early Approval Adult Use Cultivation Center

1 licensee fails to submit an application for a ~~an Adult Use~~
2 Cultivation Center License before the expiration of the Early
3 Approval Adult Use Cultivation Center License pursuant to
4 subsection (c-5) of this Section, the cultivation center shall
5 cease all ~~adult use~~ cultivation until it receives a ~~an Adult~~
6 ~~Use~~ Cultivation Center License.

7 (l) A cultivation center agent who holds a valid
8 cultivation center agent identification card issued under the
9 Compassionate Use of Medical Cannabis Program Act and is an
10 officer, director, manager, or employee of the cultivation
11 center licensed under this Section may engage in all
12 activities authorized by this Article to be performed by a
13 cultivation center agent.

14 (m) If the Department of Agriculture suspends or revokes
15 the Early Approval Adult Use Cultivation Center License of a
16 cultivation center that also holds a medical cannabis
17 cultivation center license issued under the Compassionate Use
18 of Medical Cannabis Program Act, the Department of Agriculture
19 may suspend or revoke the medical cannabis cultivation center
20 license concurrently with the Early Approval Adult Use
21 Cultivation Center License.

22 (n) All fees or fines collected from an Early Approval
23 Adult Use Cultivation Center License holder as a result of a
24 disciplinary action in the enforcement of this Act shall be
25 deposited into the Cannabis Regulation Fund.

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

1 (410 ILCS 705/20-15)

2 Sec. 20-15. Conditional ~~Adult-Use~~ Cultivation Center
3 application.

4 (a) If the Department of Agriculture makes available
5 additional cultivation center licenses pursuant to Section
6 20-5, applicants for a Conditional ~~Adult-Use~~ Cultivation
7 Center License shall electronically submit the following in
8 such form as the Department of Agriculture may direct:

9 (1) the nonrefundable application fee set by rule by
10 the Department of Agriculture, to be deposited into the
11 Cannabis Regulation Fund;

12 (2) the legal name of the cultivation center;

13 (3) the proposed physical address of the cultivation
14 center;

15 (4) the name, address, social security number, and
16 date of birth of each principal officer and board member
17 of the cultivation center; each principal officer and
18 board member shall be at least 21 years of age;

19 (5) the details of any administrative or judicial
20 proceeding in which any of the principal officers or board
21 members of the cultivation center (i) pled guilty, were
22 convicted, were fined, or had a registration or license
23 suspended or revoked, or (ii) managed or served on the
24 board of a business or non-profit organization that pled
25 guilty, was convicted, was fined, or had a registration or

1 license suspended or revoked;

2 (6) proposed operating bylaws that include procedures
3 for the oversight of the cultivation center, including the
4 development and implementation of a plant monitoring
5 system, accurate recordkeeping, staffing plan, and
6 security plan approved by the Illinois State Police that
7 are in accordance with the rules issued by the Department
8 of Agriculture under this Act. A physical inventory shall
9 be performed of all plants and cannabis on a weekly basis
10 by the cultivation center;

11 (7) verification from the Illinois State Police that
12 all background checks of the prospective principal
13 officers, board members, and agents of the cannabis
14 business establishment have been conducted;

15 (8) a copy of the current local zoning ordinance or
16 permit and verification that the proposed cultivation
17 center is in compliance with the local zoning rules and
18 distance limitations established by the local
19 jurisdiction;

20 (9) proposed employment practices, in which the
21 applicant must demonstrate a plan of action to inform,
22 hire, and educate minorities, women, veterans, and persons
23 with disabilities, engage in fair labor practices, and
24 provide worker protections;

25 (10) whether an applicant can demonstrate experience
26 in or business practices that promote economic empowerment

1 in Disproportionately Impacted Areas;

2 (11) experience with the cultivation of agricultural
3 or horticultural products, operating an agriculturally
4 related business, or operating a horticultural business;

5 (12) a description of the enclosed, locked facility
6 where cannabis will be grown, harvested, manufactured,
7 processed, packaged, or otherwise prepared for
8 distribution to a dispensing organization;

9 (13) a survey of the enclosed, locked facility,
10 including the space used for cultivation;

11 (14) cultivation, processing, inventory, and packaging
12 plans;

13 (15) a description of the applicant's experience with
14 agricultural cultivation techniques and industry
15 standards;

16 (16) a list of any academic degrees, certifications,
17 or relevant experience of all prospective principal
18 officers, board members, and agents of the related
19 business;

20 (17) the identity of every person having a financial
21 or voting interest of 5% or greater in the cultivation
22 center operation with respect to which the license is
23 sought, whether a trust, corporation, partnership, limited
24 liability company, or sole proprietorship, including the
25 name and address of each person;

26 (18) a plan describing how the cultivation center will

1 address each of the following:

2 (i) energy needs, including estimates of monthly
3 electricity and gas usage, to what extent it will
4 procure energy from a local utility or from on-site
5 generation, and if it has or will adopt a sustainable
6 energy use and energy conservation policy;

7 (ii) water needs, including estimated water draw
8 and if it has or will adopt a sustainable water use and
9 water conservation policy; and

10 (iii) waste management, including if it has or
11 will adopt a waste reduction policy;

12 (19) a diversity plan that includes a narrative of not
13 more than 2,500 words that establishes a goal of diversity
14 in ownership, management, employment, and contracting to
15 ensure that diverse participants and groups are afforded
16 equality of opportunity;

17 (20) any other information required by rule;

18 (21) a recycling plan:

19 (A) Purchaser packaging, including cartridges,
20 shall be accepted by the applicant and recycled.

21 (B) Any recyclable waste generated by the cannabis
22 cultivation facility shall be recycled per applicable
23 State and local laws, ordinances, and rules.

24 (C) Any cannabis waste, liquid waste, or hazardous
25 waste shall be disposed of in accordance with 8 Ill.
26 Adm. Code 1000.460, except, to the greatest extent

feasible, all cannabis plant waste will be rendered unusable by grinding and incorporating the cannabis plant waste with compostable mixed waste to be disposed of in accordance with 8 Ill. Adm. Code 1000.460(g)(1);

(22) commitment to comply with local waste provisions: a cultivation facility must remain in compliance with applicable State and federal environmental requirements, including, but not limited to:

(A) storing, securing, and managing all recyclables and waste, including organic waste composed of or containing finished cannabis and cannabis products, in accordance with applicable State and local laws, ordinances, and rules; and

(B) disposing liquid waste containing cannabis or byproducts of cannabis processing in compliance with all applicable State and federal requirements, including, but not limited to, the cannabis cultivation facility's permits under Title X of the Environmental Protection Act; and

(23) a commitment to a technology standard for resource efficiency of the cultivation center facility.

(A) A cannabis cultivation facility commits to use resources efficiently, including energy and water. For the following, a cannabis cultivation facility commits to meet or exceed the technology standard identified

1 in items (i), (ii), (iii), and (iv), which may be
2 modified by rule:

3 (i) lighting systems, including light bulbs;

4 (ii) HVAC system;

5 (iii) water application system to the crop;

6 and

7 (iv) filtration system for removing
8 contaminants from wastewater.

9 (B) Lighting. The Lighting Power Densities (LPD)
10 for cultivation space commits to not exceed an average
11 of 36 watts per gross square foot of active and growing
12 space canopy, or all installed lighting technology
13 shall meet a photosynthetic photon efficacy (PPE) of
14 no less than 2.2 micromoles per joule fixture and
15 shall be featured on the DesignLights Consortium (DLC)
16 Horticultural Specification Qualified Products List
17 (QPL). In the event that DLC requirement for minimum
18 efficacy exceeds 2.2 micromoles per joule fixture,
19 that PPE shall become the new standard.

20 (C) HVAC.

21 (i) For cannabis grow operations with less
22 than 6,000 square feet of canopy, the licensee
23 commits that all HVAC units will be
24 high-efficiency ductless split HVAC units, or
25 other more energy efficient equipment.

26 (ii) For cannabis grow operations with 6,000

1 square feet of canopy or more, the licensee
2 commits that all HVAC units will be variable
3 refrigerant flow HVAC units, or other more energy
4 efficient equipment.

5 (D) Water application.

6 (i) The cannabis cultivation facility commits
7 to use automated watering systems, including, but
8 not limited to, drip irrigation and flood tables,
9 to irrigate cannabis crops ~~crop~~.

10 (ii) The cannabis cultivation facility commits
11 to measure runoff from watering events and report
12 this volume in its water usage plan, and that on
13 average, watering events shall have no more than
14 20% of runoff of water.

15 (E) Filtration. The cultivator commits that HVAC
16 condensate, dehumidification water, excess runoff, and
17 other wastewater produced by the cannabis cultivation
18 facility shall be captured and filtered to the best of
19 the facility's ability to achieve the quality needed
20 to be reused in subsequent watering rounds.

21 (F) Reporting energy use and efficiency as
22 required by rule.

23 (b) Applicants must submit all required information,
24 including the information required in Section 20-10, to the
25 Department of Agriculture. Failure by an applicant to submit
26 all required information may result in the application being

1 disqualified.

2 (c) If the Department of Agriculture receives an
3 application with missing information, the Department of
4 Agriculture may issue a deficiency notice to the applicant.
5 The applicant shall have 10 calendar days from the date of the
6 deficiency notice to resubmit the incomplete information.
7 Applications that are still incomplete after this opportunity
8 to cure will not be scored and will be disqualified.

9 (d) (Blank).

10 (e) A cultivation center that is awarded a Conditional
11 Adult Use Cultivation Center License pursuant to the criteria
12 in Section 20-20 shall not grow, purchase, possess, or sell
13 cannabis or cannabis-infused products until the person has
14 received an Adult Use Cultivation Center License issued by the
15 Department of Agriculture pursuant to Section 20-21 of this
16 Act.

17 (Source: P.A. 104-417, eff. 8-15-25.)

18 (410 ILCS 705/20-20)

19 Sec. 20-20. Conditional Cultivation Center ~~Adult Use~~
20 License scoring applications.

21 (a) The Department of Agriculture shall by rule develop a
22 system to score cultivation center applications to
23 administratively rank applications based on the clarity,
24 organization, and quality of the applicant's responses to
25 required information. Applicants shall be awarded points based

1 on the following categories:

2 (1) Suitability of the proposed facility;

3 (2) Suitability of employee training plan;

4 (3) Security and recordkeeping;

5 (4) Cultivation plan;

6 (5) Product safety and labeling plan;

7 (6) Business plan;

8 (7) The applicant's status as a Social Equity
9 Applicant, which shall constitute no less than 20% of
10 total available points;

11 (8) Labor and employment practices, which shall
12 constitute no less than 2% of total available points;

13 (9) Environmental plan as described in paragraphs
14 (18), (21), (22), and (23) of subsection (a) of Section
15 20-15;

16 (10) The applicant is 51% or more owned and controlled
17 by an individual or individuals who have been an Illinois
18 resident for the past 5 years as proved by tax records or 2
19 of the following:

20 (A) a signed lease agreement that includes the
21 applicant's name;

22 (B) a property deed that includes the applicant's
23 name;

24 (C) school records;

25 (D) a voter registration card;

26 (E) an Illinois driver's license, an Illinois

1 Identification Card, or an Illinois Person with a
2 Disability Identification Card;

3 (F) a paycheck stub;

4 (G) a utility bill; or

5 (H) any other proof of residency or other
6 information necessary to establish residence as
7 provided by rule;

8 (11) The applicant is 51% or more controlled and owned
9 by an individual or individuals who meet the
10 qualifications of a veteran as defined by Section 45-57 of
11 the Illinois Procurement Code;

12 (12) a diversity plan that includes a narrative of not
13 more than 2,500 words that establishes a goal of diversity
14 in ownership, management, employment, and contracting to
15 ensure that diverse participants and groups are afforded
16 equality of opportunity; and

17 (13) Any other criteria the Department of Agriculture
18 may set by rule for points.

19 (b) The Department may also award bonus points for the
20 applicant's plan to engage with the community. Bonus points
21 will only be awarded if the Department receives applications
22 that receive an equal score for a particular region.

23 (c) Should the applicant be awarded a cultivation center
24 license, the information and plans that an applicant provided
25 in its application, including any plans submitted for the
26 acquiring of bonus points, becomes a mandatory condition of

1 the permit. Any variation from or failure to perform such
2 plans may result in discipline, including the revocation or
3 nonrenewal of a license.

4 (d) Should the applicant be awarded a cultivation center
5 license, it shall pay a fee of \$100,000 prior to receiving the
6 license, to be deposited into the Cannabis Regulation Fund.
7 The Department of Agriculture may by rule adjust the fee in
8 this Section after January 1, 2021.

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

10 (410 ILCS 705/20-21)

11 Sec. 20-21. ~~Adult-Use~~ Cultivation Center License.

12 (a) A person or entity is only eligible to receive a ~~an~~
13 ~~Adult-Use~~ Cultivation Center License if the person or entity
14 has first been awarded a Conditional ~~Adult-Use~~ Cultivation
15 Center License pursuant to this Act or the person or entity has
16 renewed its Early Approval Cultivation Center License pursuant
17 to subsection (c) of Section 20-10.

18 (b) The Department of Agriculture shall not issue a ~~an~~
19 ~~Adult-Use~~ Cultivation Center License until:

20 (1) the Department of Agriculture has inspected the
21 cultivation center site and proposed operations and
22 verified that they are in compliance with this Act and
23 local zoning laws;

24 (2) the Conditional ~~Adult-Use~~ Cultivation Center
25 License holder has paid a registration fee of \$100,000 or

1 a prorated amount accounting for the difference of time
2 between when the ~~Adult Use~~ Cultivation Center License is
3 issued and March 31 of the next even-numbered year; and

4 (3) The Conditional ~~Adult Use~~ Cultivation Center
5 License holder has met all the requirements in the Act and
6 rules.

7 (c) Notwithstanding any other provision of law, on and
8 after January 1, 2027, the Department shall cease to issue or
9 renew any medical cannabis cultivation permit issued under the
10 Compassionate Use of Medical Cannabis Act. Licensees that hold
11 dual Medical Cannabis Cultivation Permits and Adult Use
12 Cultivation Center Licenses may continue all operations with a
13 valid Cultivation Center License issued under this Act that is
14 in good standing.

15 (1) The Department shall create a process for licenses
16 to transition to sole operation as Cultivation Centers;
17 including refund or proration of medical cultivation
18 center permit fees.

19 (2) Any statements or plans submitted as part of an
20 initial application for a medical cannabis cultivation
21 permit as well as all subsequent modifications and
22 alterations shall remain a mandatory condition of the
23 cultivation center license.

24 (3) Cultivation Centers shall not relocate except
25 within the same Illinois State Police District boundary as
26 specified on the date of January 1, 2013 in which the

1 initial Medical Cannabis Cultivation Permit was initially
2 issued.

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

4 (410 ILCS 705/20-30)

5 Sec. 20-30. Cultivation center requirements; prohibitions.

6 (a) The operating documents of a cultivation center shall
7 include procedures for the oversight of the cultivation
8 center, a cannabis plant monitoring system including a
9 physical inventory recorded weekly, accurate recordkeeping,
10 and a staffing plan.

11 (b) A cultivation center shall implement a security plan
12 reviewed by the Illinois State Police that includes, but is
13 not limited to: facility access controls, perimeter intrusion
14 detection systems, personnel identification systems, 24-hour
15 surveillance system to monitor the interior and exterior of
16 the cultivation center facility and accessibility to
17 authorized law enforcement, the Department of Public Health
18 where processing takes place, and the Department of
19 Agriculture in real time.

20 (c) All cultivation of cannabis by a cultivation center
21 must take place in an enclosed, locked facility at the
22 physical address provided to the Department of Agriculture
23 during the licensing process. The cultivation center location
24 shall only be accessed by the agents working for the
25 cultivation center, the Department of Agriculture staff

1 performing inspections, the Department of Public Health staff
2 performing inspections, local and State law enforcement or
3 other emergency personnel, contractors working on jobs
4 unrelated to cannabis, such as installing or maintaining
5 security devices or performing electrical wiring, transporting
6 organization agents as provided in this Act, individuals in a
7 mentoring or educational program approved by the State, or
8 other individuals as provided by rule.

9 (d) A cultivation center may not sell or distribute any
10 cannabis or cannabis-infused products to any person other than
11 a dispensing organization, craft grower, infuser organization,
12 transporter, or as otherwise authorized by rule.

13 (e) A cultivation center may not either directly or
14 indirectly discriminate in price between different dispensing
15 organizations, craft growers, or infuser organizations that
16 are purchasing a like grade, strain, brand, and quality of
17 cannabis or cannabis-infused product. Nothing in this
18 subsection (e) prevents a cultivation center from pricing
19 cannabis differently based on differences in the cost of
20 manufacturing or processing, the quantities sold, such as
21 volume discounts, or the way the products are delivered.

22 (f) All cannabis harvested by a cultivation center and
23 intended for distribution to a dispensing organization must be
24 entered into a data collection system, packaged and labeled
25 under Section 55-21, and placed into a cannabis container for
26 transport. All cannabis harvested by a cultivation center and

1 intended for distribution to a craft grower or infuser
2 organization must be packaged in a labeled cannabis container
3 and entered into a data collection system before transport.

4 (g) Cultivation centers are subject to random inspections
5 by the Department of Agriculture, the Department of Public
6 Health, local safety or health inspectors, the Illinois State
7 Police, or as provided by rule.

8 (h) A cultivation center agent shall notify local law
9 enforcement, the Illinois State Police, and the Department of
10 Agriculture within 24 hours of the discovery of any loss or
11 theft. Notification shall be made by phone or in person, or by
12 written or electronic communication.

13 (i) A cultivation center shall comply with all State and
14 any applicable federal rules and regulations regarding the use
15 of pesticides on cannabis plants.

16 (j) No person or entity shall hold any legal, equitable,
17 ownership, or beneficial interest, directly or indirectly, of
18 more than 3 cultivation centers licensed under this Article.
19 Further, no person or entity that is employed by, an agent of,
20 has a contract to receive payment in any form from a
21 cultivation center, is a principal officer of a cultivation
22 center, or entity controlled by or affiliated with a principal
23 officer of a cultivation shall hold any legal, equitable,
24 ownership, or beneficial interest, directly or indirectly, in
25 a cultivation that would result in the person or entity owning
26 or controlling in combination with any cultivation center,

1 principal officer of a cultivation center, or entity
2 controlled or affiliated with a principal officer of a
3 cultivation center by which he, she, or it is employed, is an
4 agent of, or participates in the management of, more than 3
5 cultivation center licenses.

6 (k) A cultivation center may not contain more than 210,000
7 square feet of canopy space for plants in the flowering stage
8 for cultivation of adult use cannabis as provided in this Act.

9 (l) A cultivation center may process cannabis, cannabis
10 concentrates, and cannabis-infused products.

11 (m) Beginning July 1, 2020, a cultivation center shall not
12 transport cannabis or cannabis-infused products to a craft
13 grower, dispensing organization, infuser organization, or
14 laboratory licensed under this Act, unless it has obtained a
15 transporting organization license.

16 (n) It is unlawful for any person having a cultivation
17 center license or any officer, associate, member,
18 representative, or agent of such licensee to offer or deliver
19 money, or anything else of value, directly or indirectly to
20 any person having an Early Approval Adult Use Dispensing
21 Organization License, a Conditional Adult Use Dispensing
22 Organization License, an Adult Use Dispensing Organization
23 License, or a medical cannabis dispensing organization license
24 issued under the Compassionate Use of Medical Cannabis Program
25 Act, or to any person connected with or in any way
26 representing, or to any member of the family of, such person

1 holding an Early Approval Adult Use Dispensing Organization
2 License, a Conditional Adult Use Dispensing Organization
3 License, an Adult Use Dispensing Organization License, or a
4 medical cannabis dispensing organization license issued under
5 the Compassionate Use of Medical Cannabis Program Act, or to
6 any stockholders in any corporation engaged in the retail sale
7 of cannabis, or to any officer, manager, agent, or
8 representative of the Early Approval Adult Use Dispensing
9 Organization License, a Conditional Adult Use Dispensing
10 Organization License, an Adult Use Dispensing Organization
11 License, or a medical cannabis dispensing organization license
12 issued under the Compassionate Use of Medical Cannabis Program
13 Act to obtain preferential placement within the dispensing
14 organization, including, without limitation, on shelves and in
15 display cases where purchasers can view products, or on the
16 dispensing organization's website.

17 (o) A cultivation center must comply with any other
18 requirements or prohibitions set by administrative rule of the
19 Department of Agriculture.

20 (p) A cultivation center may not be located within 2,500
21 feet of the property line of a pre-existing public or private
22 preschool or elementary or secondary school or day care
23 center, day care home, group day care home, part day child care
24 facility, or an area zoned for residential use.

25 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
26 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.

1 5-13-22.)

2 (410 ILCS 705/20-35)

3 Sec. 20-35. Cultivation center agent identification card.

4 (a) The Department of Agriculture shall:

5 (1) establish by rule the information required in an
6 initial application or renewal application for an agent
7 identification card submitted under this Act and the
8 nonrefundable fee to accompany the initial application or
9 renewal application;

10 (2) verify the information contained in an initial
11 application or renewal application for an agent
12 identification card submitted under this Act, and approve
13 or deny an application within 30 days of receiving a
14 completed initial application or renewal application and
15 all supporting documentation required by rule;

16 (3) issue an agent identification card to a qualifying
17 agent within 15 business days of approving the initial
18 application or renewal application;

19 (4) enter the license number of the cultivation center
20 where the agent works; and

21 (5) allow for an electronic initial application and
22 renewal application process, and provide a confirmation by
23 electronic or other methods that an application has been
24 submitted. The Department of Agriculture may by rule
25 require prospective agents to file their applications by

1 electronic means and provide notices to the agents by
2 electronic means.

3 (b) An agent must keep his or her identification card
4 visible at all times when on the property of the cultivation
5 center at which the agent is employed.

6 (c) The agent identification cards shall contain the
7 following:

8 (1) the name of the cardholder;

9 (2) the date of issuance and expiration date of the
10 identification card;

11 (3) a random 10-digit alphanumeric identification
12 number containing at least 4 numbers and at least 4
13 letters that is unique to the holder;

14 (4) a photograph of the cardholder; and

15 (5) the legal name of the cultivation center employing
16 the agent.

17 (d) An agent identification card shall be immediately
18 returned to the cultivation center of the agent upon
19 termination of his or her employment.

20 (e) Any agent identification card lost by a cultivation
21 center agent shall be reported to the Illinois State Police
22 and the Department of Agriculture immediately upon discovery
23 of the loss.

24 (f) The Department of Agriculture shall not issue an agent
25 identification card if the applicant is delinquent in filing
26 any required tax returns or paying any amounts owed to the

1 State of Illinois.

2 (g) The Department and the Department of Financial and
3 Professional Regulation may develop and implement an
4 integrated system to issue an agent identification card which
5 identifies a cultivation center agent licensed by the
6 Department as well as any craft grower, transporter,
7 dispensing organization, community college program, or infuser
8 license or registration the agent may simultaneously hold.

9 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

10 (410 ILCS 705/20-45)

11 Sec. 20-45. Renewal of cultivation center licenses and
12 agent identification cards.

13 (a) Licenses and identification cards issued under this
14 Act shall be renewed annually. A cultivation center shall
15 receive written or electronic notice 90 days before the
16 expiration of its current license that the license will
17 expire. The Department of Agriculture shall grant a renewal
18 within 45 days of submission of a renewal application if:

19 (1) the cultivation center submits a renewal
20 application and the required nonrefundable renewal fee of
21 \$100,000, or another amount as the Department of
22 Agriculture may set by rule after January 1, 2021, to be
23 deposited into the Cannabis Regulation Fund. On or after
24 January 1, 2027, the Cultivation Center License renewal
25 fee shall be \$200,000 to be deposited into the Cannabis

1 Regulation Fund. For the 2027 renewal cycle the Department
2 may set up a process to refund or prorate renewal fees.

3 (2) the Department of Agriculture has not suspended
4 the license of the cultivation center or suspended or
5 revoked the license for violating this Act or rules
6 adopted under this Act;

7 (3) the cultivation center has continued to operate in
8 accordance with all plans submitted as part of its
9 application and approved by the Department of Agriculture
10 or any amendments thereto that have been approved by the
11 Department of Agriculture;

12 (4) the cultivation center has submitted an agent,
13 employee, contracting, and subcontracting diversity report
14 as required by the Department; and

15 (5) the cultivation center has submitted an
16 environmental impact report.

17 (b) If a cultivation center fails to renew its license
18 before expiration, it shall cease operations until its license
19 is renewed.

20 (c) If a cultivation center agent fails to renew his or her
21 identification card before its expiration, he or she shall
22 cease to work as an agent of the cultivation center until his
23 or her identification card is renewed.

24 (d) Any cultivation center that continues to operate, or
25 any cultivation center agent who continues to work as an
26 agent, after the applicable license or identification card has

1 expired without renewal is subject to the penalties provided
2 under Section 45-5.

3 (e) The Department of Agriculture shall not renew a
4 license or an agent identification card if the applicant is
5 delinquent in filing any required tax returns or paying any
6 amounts owed to the State.

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

8 (410 ILCS 705/25-35)

9 (Section scheduled to be repealed on July 1, 2026)

10 Sec. 25-35. Community College Cannabis Vocational Training
11 Pilot Program faculty participant agent identification card.

12 (a) The Department shall:

13 (1) establish by rule the information required in an
14 initial application or renewal application for an agent
15 identification card submitted under this Article and the
16 nonrefundable fee to accompany the initial application or
17 renewal application;

18 (2) verify the information contained in an initial
19 application or renewal application for an agent
20 identification card submitted under this Article, and
21 approve or deny an application within 30 days of receiving
22 a completed initial application or renewal application and
23 all supporting documentation required by rule;

24 (3) issue an agent identification card to a qualifying
25 agent within 15 business days of approving the initial

1 application or renewal application;

2 (4) enter the license number of the community college
3 where the agent works; and

4 (5) allow for an electronic initial application and
5 renewal application process, and provide a confirmation by
6 electronic or other methods that an application has been
7 submitted. Each Department may by rule require prospective
8 agents to file their applications by electronic means and
9 to provide notices to the agents by electronic means.

10 (b) An agent must keep his or her identification card
11 visible at all times when in the enclosed, locked facility, or
12 facilities for which he or she is an agent.

13 (c) The agent identification cards shall contain the
14 following:

15 (1) the name of the cardholder;

16 (2) the date of issuance and expiration date of the
17 identification card;

18 (3) a random 10-digit alphanumeric identification
19 number containing at least 4 numbers and at least 4
20 letters that is unique to the holder;

21 (4) a photograph of the cardholder; and

22 (5) the legal name of the community college employing
23 the agent.

24 (d) An agent identification card shall be immediately
25 returned to the community college of the agent upon
26 termination of his or her employment.

1 (e) Any agent identification card lost shall be reported
2 to the Illinois State Police and the Department of Agriculture
3 immediately upon discovery of the loss.

4 (f) An agent applicant may begin employment at a Community
5 College Cannabis Vocational Training Pilot Program while the
6 agent applicant's identification card application is pending.
7 Upon approval, the Department shall issue the agent's
8 identification card to the agent. If denied, the Community
9 College Cannabis Vocational Training Pilot Program and the
10 agent applicant shall be notified and the agent applicant must
11 cease all activity at the Community College Cannabis
12 Vocational Training Pilot Program immediately.

13 (g) The Department of Agriculture shall not issue an agent
14 identification card if the applicant is delinquent in filing
15 any required tax returns or paying any amounts owed to the
16 State.

17 (h) The Department of Agriculture and the Department of
18 Financial and Professional Regulation may develop and
19 implement an integrated system to issue an agent
20 identification card which identifies a community college
21 program agent licensed by the Department as well as any
22 cultivation center, craft grower, transporter, dispensing
23 organization, or infuser license or registration the agent may
24 simultaneously hold.

25 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
26 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

1 (410 ILCS 705/30-10)

2 Sec. 30-10. Application.

3 (a) When applying for a license, the applicant shall
4 electronically submit the following in such form as the
5 Department of Agriculture may direct:

6 (1) the nonrefundable application fee of \$5,000 to be
7 deposited into the Cannabis Regulation Fund, or another
8 amount as the Department of Agriculture may set by rule
9 after January 1, 2021;

10 (2) the legal name of the craft grower;

11 (3) the proposed physical address of the craft grower;

12 (4) the name, address, social security number, and
13 date of birth of each principal officer and board member
14 of the craft grower; each principal officer and board
15 member shall be at least 21 years of age;

16 (5) the details of any administrative or judicial
17 proceeding in which any of the principal officers or board
18 members of the craft grower (i) pled guilty, were
19 convicted, were fined, or had a registration or license
20 suspended or revoked or (ii) managed or served on the
21 board of a business or non-profit organization that pled
22 guilty, was convicted, was fined, or had a registration or
23 license suspended or revoked;

24 (6) proposed operating bylaws that include procedures
25 for the oversight of the craft grower, including the

1 development and implementation of a plant monitoring
2 system, accurate recordkeeping, staffing plan, and
3 security plan approved by the Illinois State Police that
4 are in accordance with the rules issued by the Department
5 of Agriculture under this Act; a physical inventory shall
6 be performed of all plants and on a weekly basis by the
7 craft grower;

8 (7) verification from the Illinois State Police that
9 all background checks of the prospective principal
10 officers, board members, and agents of the cannabis
11 business establishment have been conducted;

12 (8) a copy of the current local zoning ordinance or
13 permit and verification that the proposed craft grower is
14 in compliance with the local zoning rules and distance
15 limitations established by the local jurisdiction;

16 (9) proposed employment practices, in which the
17 applicant must demonstrate a plan of action to inform,
18 hire, and educate minorities, women, veterans, and persons
19 with disabilities, engage in fair labor practices, and
20 provide worker protections;

21 (10) whether an applicant can demonstrate experience
22 in or business practices that promote economic empowerment
23 in Disproportionately Impacted Areas;

24 (11) experience with the cultivation of agricultural
25 or horticultural products, operating an agriculturally
26 related business, or operating a horticultural business;

1 (12) a description of the enclosed, locked facility
2 where cannabis will be grown, harvested, manufactured,
3 packaged, or otherwise prepared for distribution to a
4 dispensing organization or other cannabis business
5 establishment;

6 (13) a survey of the enclosed, locked facility,
7 including the space used for cultivation;

8 (14) cultivation, processing, inventory, and packaging
9 plans;

10 (15) a description of the applicant's experience with
11 agricultural cultivation techniques and industry
12 standards;

13 (16) a list of any academic degrees, certifications,
14 or relevant experience of all prospective principal
15 officers, board members, and agents of the related
16 business;

17 (17) the identity of every person having a financial
18 or voting interest of 5% or greater in the craft grower
19 operation, whether a trust, corporation, partnership,
20 limited liability company, or sole proprietorship,
21 including the name and address of each person;

22 (18) a plan describing how the craft grower will
23 address each of the following:

24 (i) energy needs, including estimates of monthly
25 electricity and gas usage, to what extent it will
26 procure energy from a local utility or from on-site

1 generation, and if it has or will adopt a sustainable
2 energy use and energy conservation policy;

3 (ii) water needs, including estimated water draw
4 and if it has or will adopt a sustainable water use and
5 water conservation policy; and

6 (iii) waste management, including if it has or
7 will adopt a waste reduction policy;

8 (19) a recycling plan:

9 (A) Purchaser packaging, including cartridges,
10 shall be accepted by the applicant and recycled.

11 (B) Any recyclable waste generated by the craft
12 grower facility shall be recycled per applicable State
13 and local laws, ordinances, and rules.

14 (C) Any cannabis waste, liquid waste, or hazardous
15 waste shall be disposed of in accordance with 8 Ill.
16 Adm. Code 1000.460, except, to the greatest extent
17 feasible, all cannabis plant waste will be rendered
18 unusable by grinding and incorporating the cannabis
19 plant waste with compostable mixed waste to be
20 disposed of in accordance with 8 Ill. Adm. Code
21 1000.460(g)(1);

22 (20) a commitment to comply with local waste
23 provisions: a craft grower facility must remain in
24 compliance with applicable State and federal environmental
25 requirements, including, but not limited to:

26 (A) storing, securing, and managing all

1 recyclables and waste, including organic waste
2 composed of or containing finished cannabis and
3 cannabis products, in accordance with applicable State
4 and local laws, ordinances, and rules; and

5 (B) disposing liquid waste containing cannabis or
6 byproducts of cannabis processing in compliance with
7 all applicable State and federal requirements,
8 including, but not limited to, the cannabis
9 cultivation facility's permits under Title X of the
10 Environmental Protection Act;

11 (21) a commitment to a technology standard for
12 resource efficiency of the craft grower facility.

13 (A) A craft grower facility commits to use
14 resources efficiently, including energy and water. For
15 the following, a cannabis cultivation facility commits
16 to meet or exceed the technology standard identified
17 in paragraphs (i), (ii), (iii), and (iv), which may be
18 modified by rule:

19 (i) lighting systems, including light bulbs;

20 (ii) HVAC system;

21 (iii) water application system to the crop;

22 and

23 (iv) filtration system for removing
24 contaminants from wastewater.

25 (B) Lighting. The Lighting Power Densities (LPD)
26 for cultivation space commits to not exceed an average

1 of 36 watts per gross square foot of active and growing
2 space canopy, or all installed lighting technology
3 shall meet a photosynthetic photon efficacy (PPE) of
4 no less than 2.2 micromoles per joule fixture and
5 shall be featured on the DesignLights Consortium (DLC)
6 Horticultural Specification Qualified Products List
7 (QPL). In the event that DLC requirement for minimum
8 efficacy exceeds 2.2 micromoles per joule fixture,
9 that PPE shall become the new standard.

10 (C) HVAC.

11 (i) ~~The For cannabis grow operations with less~~
12 ~~than 6,000 square feet of canopy, the licensee~~
13 commits that all HVAC units will be
14 high-efficiency ductless split HVAC units, or
15 other more energy efficient equipment.

16 (ii) ~~(Blank). For cannabis grow operations~~
17 ~~with 6,000 square feet of canopy or more, the~~
18 ~~licensee commits that all HVAC units will be~~
19 ~~variable refrigerant flow HVAC units, or other~~
20 ~~more energy efficient equipment.~~

21 (D) Water application.

22 (i) The craft grower facility commits to use
23 automated watering systems, including, but not
24 limited to, drip irrigation and flood tables, to
25 irrigate cannabis crop.

26 (ii) The craft grower facility commits to

1 measure runoff from watering events and report
2 this volume in its water usage plan, and that on
3 average, watering events shall have no more than
4 20% of runoff of water.

5 (E) Filtration. The craft grower commits that HVAC
6 condensate, dehumidification water, excess runoff, and
7 other wastewater produced by the craft grower facility
8 shall be captured and filtered to the best of the
9 facility's ability to achieve the quality needed to be
10 reused in subsequent watering rounds.

11 (F) Reporting energy use and efficiency as
12 required by rule; and

13 (22) any other information required by rule.

14 (b) Applicants must submit all required information,
15 including the information required in Section 30-15, to the
16 Department of Agriculture. Failure by an applicant to submit
17 all required information may result in the application being
18 disqualified.

19 (c) If the Department of Agriculture receives an
20 application with missing information, the Department of
21 Agriculture may issue a deficiency notice to the applicant.
22 The applicant shall have 10 calendar days from the date of the
23 deficiency notice to resubmit the incomplete information.
24 Applications that are still incomplete after this opportunity
25 to cure will not be scored and will be disqualified.

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

1 102-538, eff. 8-20-21.)

2 (410 ILCS 705/30-30)

3 Sec. 30-30. Craft grower requirements; prohibitions.

4 (a) The operating documents of a craft grower shall
5 include procedures for the oversight of the craft grower, a
6 cannabis plant monitoring system including a physical
7 inventory recorded weekly, accurate recordkeeping, and a
8 staffing plan.

9 (b) A craft grower shall implement a security plan
10 reviewed by the Illinois State Police that includes, but is
11 not limited to: facility access controls, perimeter intrusion
12 detection systems, personnel identification systems, and a
13 24-hour surveillance system to monitor the interior and
14 exterior of the craft grower facility and that is accessible
15 to authorized law enforcement and the Department of
16 Agriculture in real time.

17 (c) All cultivation of cannabis by a craft grower must
18 take place in an enclosed, locked facility at the physical
19 address provided to the Department of Agriculture during the
20 licensing process. The craft grower location shall only be
21 accessed by the agents working for the craft grower, the
22 Department of Agriculture staff performing inspections, the
23 Department of Public Health staff performing inspections,
24 State and local law enforcement or other emergency personnel,
25 contractors working on jobs unrelated to cannabis, such as

1 installing or maintaining security devices or performing
2 electrical wiring, transporting organization agents as
3 provided in this Act, or participants in the incubator
4 program, individuals in a mentoring or educational program
5 approved by the State, or other individuals as provided by
6 rule. However, if a craft grower shares a premises with an
7 infuser or dispensing organization, agents from those other
8 licensees may access the craft grower portion of the premises
9 if that is the location of common bathrooms, lunchrooms,
10 locker rooms, or other areas of the building where work or
11 cultivation of cannabis is not performed. At no time may an
12 infuser or dispensing organization agent perform work at a
13 craft grower without being a registered agent of the craft
14 grower.

15 (d) A craft grower may not sell or distribute any cannabis
16 to any person other than a cultivation center, a craft grower,
17 an infuser organization, a dispensing organization, or as
18 otherwise authorized by rule.

19 (e) A craft grower may not be located in an area zoned for
20 residential use.

21 (f) A craft grower may not either directly or indirectly
22 discriminate in price between different cannabis business
23 establishments that are purchasing a like grade, strain,
24 brand, and quality of cannabis or cannabis-infused product.
25 Nothing in this subsection (f) prevents a craft grower from
26 pricing cannabis differently based on differences in the cost

1 of manufacturing or processing, the quantities sold, such as
2 volume discounts, or the way the products are delivered.

3 (g) All cannabis harvested by a craft grower and intended
4 for distribution to a dispensing organization must be entered
5 into a data collection system, packaged and labeled under
6 Section 55-21, and, if distribution is to a dispensing
7 organization that does not share a premises with the
8 dispensing organization receiving the cannabis, placed into a
9 cannabis container for transport. All cannabis harvested by a
10 craft grower and intended for distribution to a cultivation
11 center, to an infuser organization, or to a craft grower with
12 which it does not share a premises, must be packaged in a
13 labeled cannabis container and entered into a data collection
14 system before transport.

15 (h) Craft growers are subject to random inspections by the
16 Department of Agriculture, local safety or health inspectors,
17 the Illinois State Police, or as provided by rule.

18 (i) A craft grower agent shall notify local law
19 enforcement, the Illinois State Police, and the Department of
20 Agriculture within 24 hours of the discovery of any loss or
21 theft. Notification shall be made by phone, in person, or
22 written or electronic communication.

23 (j) A craft grower shall comply with all State and any
24 applicable federal rules and regulations regarding the use of
25 pesticides.

26 (k) A craft grower or craft grower agent shall not

1 transport cannabis or cannabis-infused products to any other
2 cannabis business establishment without a transport
3 organization license unless:

4 (i) If the craft grower is located in a county with a
5 population of 3,000,000 or more, the cannabis business
6 establishment receiving the cannabis is within 2,000 feet
7 of the property line of the craft grower;

8 (ii) If the craft grower is located in a county with a
9 population of more than 700,000 but fewer than 3,000,000,
10 the cannabis business establishment receiving the cannabis
11 is within 2 miles of the craft grower; or

12 (iii) If the craft grower is located in a county with a
13 population of fewer than 700,000, the cannabis business
14 establishment receiving the cannabis is within 15 miles of
15 the craft grower.

16 (l) A craft grower may enter into a contract with a
17 transporting organization to transport cannabis to a
18 cultivation center, a craft grower, an infuser organization, a
19 dispensing organization, or a laboratory.

20 (m) No person or entity shall hold any legal, equitable,
21 ownership, or beneficial interest, directly or indirectly, of
22 more than 3 craft grower licenses. Further, no person or
23 entity that is employed by, an agent of, or has a contract to
24 receive payment from or participate in the management of a
25 craft grower, is a principal officer of a craft grower, or
26 entity controlled by or affiliated with a principal officer of

1 a craft grower shall hold any legal, equitable, ownership, or
2 beneficial interest, directly or indirectly, in a craft grower
3 license that would result in the person or entity owning or
4 controlling in combination with any craft grower, principal
5 officer of a craft grower, or entity controlled or affiliated
6 with a principal officer of a craft grower by which he, she, or
7 it is employed, is an agent of, or participates in the
8 management of more than 3 craft grower licenses.

9 (n) It is unlawful for any person having a craft grower
10 license or any officer, associate, member, representative, or
11 agent of the licensee to offer or deliver money, or anything
12 else of value, directly or indirectly, to any person having an
13 Early Approval Adult Use Dispensing Organization License, a
14 Conditional Adult Use Dispensing Organization License, an
15 Adult Use Dispensing Organization License, or a medical
16 cannabis dispensing organization license issued under the
17 Compassionate Use of Medical Cannabis Program Act, or to any
18 person connected with or in any way representing, or to any
19 member of the family of, the person holding an Early Approval
20 Adult Use Dispensing Organization License, a Conditional Adult
21 Use Dispensing Organization License, an Adult Use Dispensing
22 Organization License, or a medical cannabis dispensing
23 organization license issued under the Compassionate Use of
24 Medical Cannabis Program Act, or to any stockholders in any
25 corporation engaged in the retail sale of cannabis, or to any
26 officer, manager, agent, or representative of the Early

1 Approval Adult Use Dispensing Organization License, a
2 Conditional Adult Use Dispensing Organization License, an
3 Adult Use Dispensing Organization License, or a medical
4 cannabis dispensing organization license issued under the
5 Compassionate Use of Medical Cannabis Program Act to obtain
6 preferential placement within the dispensing organization,
7 including, without limitation, on shelves and in display cases
8 where purchasers can view products, or on the dispensing
9 organization's website.

10 (o) A craft grower shall not be located within 1,500 feet
11 of another craft grower or a cultivation center.

12 (p) A craft grower may process cannabis, cannabis
13 concentrates, and cannabis-infused products.

14 (q) A craft grower must comply with any other requirements
15 or prohibitions set by administrative rule of the Department
16 of Agriculture.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
18 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
19 5-13-22.)

20 (410 ILCS 705/30-35)

21 Sec. 30-35. Craft grower agent identification card.

22 (a) The Department of Agriculture shall:

23 (1) establish by rule the information required in an
24 initial application or renewal application for an agent
25 identification card submitted under this Act and the

1 nonrefundable fee to accompany the initial application or
2 renewal application;

3 (2) verify the information contained in an initial
4 application or renewal application for an agent
5 identification card submitted under this Act and approve
6 or deny an application within 30 days of receiving a
7 completed initial application or renewal application and
8 all supporting documentation required by rule;

9 (3) issue an agent identification card to a qualifying
10 agent within 15 business days of approving the initial
11 application or renewal application;

12 (4) enter the license number of the craft grower where
13 the agent works; and

14 (5) allow for an electronic initial application and
15 renewal application process, and provide a confirmation by
16 electronic or other methods that an application has been
17 submitted. The Department of Agriculture may by rule
18 require prospective agents to file their applications by
19 electronic means and provide notices to the agents by
20 electronic means.

21 (b) An agent must keep his or her identification card
22 visible at all times when on the property of a cannabis
23 business establishment, including the craft grower
24 organization for which he or she is an agent.

25 (c) The agent identification cards shall contain the
26 following:

1 (1) the name of the cardholder;

2 (2) the date of issuance and expiration date of the
3 identification card;

4 (3) a random 10-digit alphanumeric identification
5 number containing at least 4 numbers and at least 4
6 letters that is unique to the holder;

7 (4) a photograph of the cardholder; and

8 (5) the legal name of the craft grower organization
9 employing the agent.

10 (d) An agent identification card shall be immediately
11 returned to the cannabis business establishment of the agent
12 upon termination of his or her employment.

13 (e) Any agent identification card lost by a craft grower
14 agent shall be reported to the Illinois State Police and the
15 Department of Agriculture immediately upon discovery of the
16 loss.

17 (f) The Department of Agriculture shall not issue an agent
18 identification card to an applicant if the applicant is
19 delinquent in filing any required tax returns or paying any
20 amounts owed to the State.

21 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

22 (410 ILCS 705/30-45)

23 Sec. 30-45. Renewal of craft grower licenses and agent
24 identification cards.

25 (a) Licenses and identification cards issued under this

1 Act shall be renewed annually. A craft grower shall receive
2 written or electronic notice 90 days before the expiration of
3 its current license that the license will expire. The
4 Department of Agriculture shall grant a renewal within 45 days
5 of submission of a renewal application if:

6 (1) the craft grower submits a renewal application and
7 the required nonrefundable renewal fee of \$40,000, or
8 another amount as the Department of Agriculture may set by
9 rule after January 1, 2021;

10 (2) the Department of Agriculture has not suspended
11 the license of the craft grower or suspended or revoked
12 the license for violating this Act or rules adopted under
13 this Act;

14 (3) the craft grower has continued to operate in
15 accordance with all plans submitted as part of its
16 application and approved by the Department of Agriculture
17 or any amendments thereto that have been approved by the
18 Department of Agriculture;

19 (4) the craft grower has submitted an agent, employee,
20 contracting, and subcontracting diversity report as
21 required by the Department; and

22 (5) the craft grower has submitted an environmental
23 impact report.

24 (b) If a craft grower fails to renew its license before
25 expiration, it shall cease operations until its license is
26 renewed.

1 (c) If a craft grower agent fails to renew his or her
2 identification card before its expiration, he or she shall
3 cease to work as an agent of the craft grower organization
4 until his or her identification card is renewed.

5 (d) Any craft grower that continues to operate, or any
6 craft grower agent who continues to work as an agent, after the
7 applicable license or identification card has expired without
8 renewal is subject to the penalties provided under Section
9 45-5.

10 (e) All fees or fines collected from the renewal of a craft
11 grower license shall be deposited into the Cannabis Regulation
12 Fund.

13 (f) The Department of Agriculture shall not renew an
14 applicant's license or agent identification card if the
15 applicant is delinquent in filing any required tax returns or
16 paying any amounts owed to the State.

17 (g) The Department and the Department of Financial and
18 Professional Regulation may develop and implement an
19 integrated system to issue an agent identification card which
20 identifies a craft grower agent licensed by the Department as
21 well as any cultivator, dispensary, transporter, community
22 college program, or infuser license or registration the agent
23 may simultaneously hold.

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

1 Sec. 35-25. Infuser organization requirements;
2 prohibitions.

3 (a) The operating documents of an infuser shall include
4 procedures for the oversight of the infuser, an inventory
5 monitoring system including a physical inventory recorded
6 weekly, accurate recordkeeping, and a staffing plan.

7 (b) An infuser shall implement a security plan reviewed by
8 the Illinois State Police that includes, but is not limited
9 to: facility access controls, perimeter intrusion detection
10 systems, personnel identification systems, and a 24-hour
11 surveillance system to monitor the interior and exterior of
12 the infuser facility and that is accessible to authorized law
13 enforcement, the Department of Public Health, and the
14 Department of Agriculture in real time.

15 (c) All processing of cannabis by an infuser must take
16 place in an enclosed, locked facility at the physical address
17 provided to the Department of Agriculture during the licensing
18 process. The infuser location shall only be accessed by the
19 agents working for the infuser, the Department of Agriculture
20 staff performing inspections, the Department of Public Health
21 staff performing inspections, State and local law enforcement
22 or other emergency personnel, contractors working on jobs
23 unrelated to cannabis, such as installing or maintaining
24 security devices or performing electrical wiring, transporting
25 organization agents as provided in this Act, participants in
26 the incubator program, individuals in a mentoring or

1 educational program approved by the State, local safety or
2 health inspectors, or other individuals as provided by rule.
3 However, if an infuser shares a premises with a craft grower or
4 dispensing organization, agents from these other licensees may
5 access the infuser portion of the premises if that is the
6 location of common bathrooms, lunchrooms, locker rooms, or
7 other areas of the building where processing of cannabis is
8 not performed. At no time may a craft grower or dispensing
9 organization agent perform work at an infuser without being a
10 registered agent of the infuser.

11 (d) An infuser may not sell or distribute any cannabis to
12 any person other than a dispensing organization, or as
13 otherwise authorized by rule.

14 (e) An infuser may not either directly or indirectly
15 discriminate in price between different cannabis business
16 establishments that are purchasing a like grade, strain,
17 brand, and quality of cannabis or cannabis-infused product.
18 Nothing in this subsection (e) prevents an infuser from
19 pricing cannabis differently based on differences in the cost
20 of manufacturing or processing, the quantities sold, such
21 volume discounts, or the way the products are delivered.

22 (f) All cannabis infused by an infuser and intended for
23 distribution to a dispensing organization must be entered into
24 a data collection system, packaged and labeled under Section
25 55-21, and, if distribution is to a dispensing organization
26 that does not share a premises with the infuser, placed into a

1 cannabis container for transport. All cannabis produced by an
2 infuser and intended for distribution to a cultivation center,
3 infuser organization, or craft grower with which it does not
4 share a premises, must be packaged in a labeled cannabis
5 container and entered into a data collection system before
6 transport.

7 (g) Infusers are subject to random inspections by the
8 Department of Agriculture, the Department of Public Health,
9 the Illinois State Police, local law enforcement, or as
10 provided by rule.

11 (h) An infuser agent shall notify local law enforcement,
12 the Illinois State Police, and the Department of Agriculture
13 within 24 hours of the discovery of any loss or theft.
14 Notification shall be made by phone, in person, or by written
15 or electronic communication.

16 (i) An infuser organization may not be located in an area
17 zoned for residential use.

18 (j) An infuser or infuser agent shall not transport
19 cannabis or cannabis-infused products to any other cannabis
20 business establishment without a transport organization
21 license unless:

22 (i) If the infuser is located in a county with a
23 population of 3,000,000 or more, the cannabis business
24 establishment receiving the cannabis or cannabis-infused
25 product is within 2,000 feet of the property line of the
26 infuser;

1 (ii) If the infuser is located in a county with a
2 population of more than 700,000 but fewer than 3,000,000,
3 the cannabis business establishment receiving the cannabis
4 or cannabis-infused product is within 2 miles of the
5 infuser; or

6 (iii) If the infuser is located in a county with a
7 population of fewer than 700,000, the cannabis business
8 establishment receiving the cannabis or cannabis-infused
9 product is within 15 miles of the infuser.

10 (k) An infuser may enter into a contract with a
11 transporting organization to transport cannabis to a
12 dispensing organization or a laboratory.

13 (l) An infuser organization may share premises with a
14 craft grower or a dispensing organization, or both, provided
15 each licensee stores currency and cannabis or cannabis-infused
16 products in a separate secured vault to which the other
17 licensee does not have access or all licensees sharing a vault
18 share more than 50% of the same ownership.

19 (m) It is unlawful for any person or entity having an
20 infuser organization license or any officer, associate,
21 member, representative or agent of such licensee to offer or
22 deliver money, or anything else of value, directly or
23 indirectly to any person having an Early Approval Adult Use
24 Dispensing Organization License, a Conditional Adult Use
25 Dispensing Organization License, an Adult Use Dispensing
26 Organization License, or a medical cannabis dispensing

1 organization license issued under the Compassionate Use of
2 Medical Cannabis Program Act, or to any person connected with
3 or in any way representing, or to any member of the family of,
4 such person holding an Early Approval Adult Use Dispensing
5 Organization License, a Conditional Adult Use Dispensing
6 Organization License, an Adult Use Dispensing Organization
7 License, or a medical cannabis dispensing organization license
8 issued under the Compassionate Use of Medical Cannabis Program
9 Act, or to any stockholders in any corporation engaged the
10 retail sales of cannabis, or to any officer, manager, agent,
11 or representative of the Early Approval Adult Use Dispensing
12 Organization License, a Conditional Adult Use Dispensing
13 Organization License, an Adult Use Dispensing Organization
14 License, or a medical cannabis dispensing organization license
15 issued under the Compassionate Use of Medical Cannabis Program
16 Act to obtain preferential placement within the dispensing
17 organization, including, without limitation, on shelves and in
18 display cases where purchasers can view products, or on the
19 dispensing organization's website.

20 (n) At no time shall an infuser organization or an infuser
21 agent perform the extraction of cannabis concentrate from
22 cannabis flower except if the infuser organization has also
23 been issued a processor license under subsection (f) of
24 Section 35-31.

25 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
26 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.

1 5-13-22.)

2 (410 ILCS 705/35-30)

3 Sec. 35-30. Infuser agent identification card.

4 (a) The Department of Agriculture shall:

5 (1) establish by rule the information required in an
6 initial application or renewal application for an agent
7 identification card submitted under this Act and the
8 nonrefundable fee to accompany the initial application or
9 renewal application;

10 (2) verify the information contained in an initial
11 application or renewal application for an agent
12 identification card submitted under this Act, and approve
13 or deny an application within 30 days of receiving a
14 completed initial application or renewal application and
15 all supporting documentation required by rule;

16 (3) issue an agent identification card to a qualifying
17 agent within 15 business days of approving the initial
18 application or renewal application;

19 (4) enter the license number of the infuser where the
20 agent works; and

21 (5) allow for an electronic initial application and
22 renewal application process, and provide a confirmation by
23 electronic or other methods that an application has been
24 submitted. The Department of Agriculture may by rule
25 require prospective agents to file their applications by

1 electronic means and provide notices to the agents by
2 electronic means.

3 (b) An agent must keep his or her identification card
4 visible at all times when on the property of a cannabis
5 business establishment including the cannabis business
6 establishment for which he or she is an agent.

7 (c) The agent identification cards shall contain the
8 following:

9 (1) the name of the cardholder;

10 (2) the date of issuance and expiration date of the
11 identification card;

12 (3) a random 10-digit alphanumeric identification
13 number containing at least 4 numbers and at least 4
14 letters that is unique to the holder;

15 (4) a photograph of the cardholder; and

16 (5) the legal name of the infuser organization
17 employing the agent.

18 (d) An agent identification card shall be immediately
19 returned to the infuser organization of the agent upon
20 termination of his or her employment.

21 (e) Any agent identification card lost by a transporting
22 agent shall be reported to the Illinois State Police and the
23 Department of Agriculture immediately upon discovery of the
24 loss.

25 (f) An agent applicant may begin employment at an infuser
26 organization while the agent applicant's identification card

1 application is pending. Upon approval, the Department shall
2 issue the agent's identification card to the agent. If denied,
3 the infuser organization and the agent applicant shall be
4 notified and the agent applicant must cease all activity at
5 the infuser organization immediately.

6 (g) The Department of Agriculture shall not issue an
7 applicant an agent identification card if the applicant is
8 delinquent in filing any required tax returns or paying any
9 amounts owed to the State.

10 (h) The Department and the Department of Financial and
11 Professional Regulation may develop and implement an
12 integrated system to issue an agent identification card which
13 identifies an infuser agent licensed by the Department as well
14 as any cultivation center, craft grower, transporter,
15 dispensing organization, or community college program license
16 or registration the agent may simultaneously hold.

17 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
18 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

19 (410 ILCS 705/40-25)

20 Sec. 40-25. Transporting organization requirements;
21 prohibitions.

22 (a) The operating documents of a transporting organization
23 shall include procedures for the oversight of the transporter,
24 an inventory monitoring system including a physical inventory
25 recorded weekly, accurate recordkeeping, and a staffing plan.

1 (b) A transporting organization may not transport cannabis
2 or cannabis-infused products to any person other than a
3 cultivation center, a craft grower, an infuser organization, a
4 dispensing organization, a testing facility, or as otherwise
5 authorized by rule.

6 (c) All cannabis transported by a transporting
7 organization must be entered into a data collection system and
8 placed into a cannabis container for transport.

9 (d) Transporters are subject to random inspections by the
10 Department of Agriculture, the Department of Public Health,
11 the Illinois State Police, or as provided by rule.

12 (e) A transporting organization agent shall notify local
13 law enforcement, the Illinois State Police, and the Department
14 of Agriculture within 24 hours of the discovery of any loss or
15 theft. Notification shall be made by phone, in person, or by
16 written or electronic communication.

17 (f) No person under the age of 21 years shall be in a
18 commercial vehicle or trailer transporting cannabis goods.

19 (g) No person or individual who is not a transporting
20 organization agent shall be in a vehicle while transporting
21 cannabis goods.

22 (h) Transporters may not use commercial motor vehicles
23 with a weight rating of over 10,001 pounds.

24 (i) It is unlawful for any person to offer or deliver
25 money, or anything else of value, directly or indirectly, to
26 any of the following persons to obtain preferential placement

1 within the dispensing organization, including, without
2 limitation, on shelves and in display cases where purchasers
3 can view products, or on the dispensing organization's
4 website:

5 (1) a person having a transporting organization
6 license, or any officer, associate, member,
7 representative, or agent of the licensee;

8 (2) a person having an Early Applicant Adult Use
9 Dispensing Organization License, an Adult Use Dispensing
10 Organization License, or a medical cannabis dispensing
11 organization license issued under the Compassionate Use of
12 Medical Cannabis Program Act;

13 (3) a person connected with or in any way
14 representing, or a member of the family of, a person
15 holding an Early Applicant Adult Use Dispensing
16 Organization License, an Adult Use Dispensing Organization
17 License, or a medical cannabis dispensing organization
18 license issued under the Compassionate Use of Medical
19 Cannabis Program Act; or

20 (4) a stockholder, officer, manager, agent, or
21 representative of a corporation engaged in the retail sale
22 of cannabis, an Early Applicant Adult Use Dispensing
23 Organization License, an Adult Use Dispensing Organization
24 License, or a medical cannabis dispensing organization
25 license issued under the Compassionate Use of Medical
26 Cannabis Program Act.

1 (j) A transporting organization agent must keep his or her
2 identification card visible at all times when on the property
3 of a cannabis business establishment and during the
4 transporting of cannabis when acting under his or her duties
5 as a transportation organization agent. During these times,
6 the transporting organization agent must also provide the
7 identification card upon request of any law enforcement
8 officer engaged in his or her official duties.

9 (j-5) A transporting organization agent may not be
10 required to remain on the property of a cannabis business
11 establishment after transferring cannabis goods into the
12 control of the cannabis business establishment. A cannabis
13 business establishment may examine the cannabis goods from the
14 delivery after the transporting organization has transferred
15 control of the cannabis goods to the cannabis business
16 establishment.

17 (k) A copy of the transporting organization's registration
18 and a manifest for the delivery shall be present in any vehicle
19 transporting cannabis.

20 (l) Cannabis shall be transported so it is not visible or
21 recognizable from outside the vehicle.

22 (m) A vehicle transporting cannabis must not bear any
23 markings to indicate the vehicle contains cannabis or bear the
24 name or logo of the cannabis business establishment.

25 (n) Cannabis must be transported in an enclosed, locked
26 storage compartment that is secured or affixed to the vehicle.

1 (o) The Department of Agriculture may, by rule, impose any
2 other requirements or prohibitions on the transportation of
3 cannabis.

4 (p) A cannabis business establishment may not schedule any
5 delivery from a transporting organization within 1 hour of the
6 cannabis business establishment's close of business on any
7 business day.

8 (q) A transporting organization may begin a delivery to a
9 cannabis business establishment at any time during the day. A
10 transporting organization may not be restricted from beginning
11 a delivery based on a cannabis business establishment's listed
12 business hours.

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 705/45-5)

17 Sec. 45-5. License suspension; revocation; other
18 penalties.

19 (a) Notwithstanding any other criminal penalties related
20 to the unlawful possession of cannabis, the Department of
21 Financial and Professional Regulation and the Department of
22 Agriculture may revoke, suspend, place on probation,
23 reprimand, issue cease and desist orders, refuse to issue or
24 renew a license, or take any other disciplinary or
25 nondisciplinary action as each department may deem proper with

1 regard to a cannabis business establishment or cannabis
2 business establishment agent, including fines not to exceed:

3 (1) \$50,000 for each violation of this Act or rules
4 adopted under this Act by a cultivation center or
5 cultivation center agent;

6 (2) \$20,000 for each violation of this Act or rules
7 adopted under this Act by a dispensing organization or
8 dispensing organization agent;

9 (3) \$15,000 for each violation of this Act or rules
10 adopted under this Act by a craft grower or craft grower
11 agent;

12 (4) \$10,000 for each violation of this Act or rules
13 adopted under this Act by an infuser organization or
14 infuser organization agent; and

15 (5) \$10,000 for each violation of this Act or rules
16 adopted under this Act by a transporting organization or
17 transporting organization agent.

18 (6) \$15,000 for each violation of this Act or rules
19 adopted under this Act by a cannabis testing facility.

20 (b) The Department of Financial and Professional
21 Regulation and the Department of Agriculture, as the case may
22 be, shall consider licensee cooperation in any agency or other
23 investigation in its determination of penalties imposed under
24 this Section.

25 (c) The procedures for disciplining a cannabis business
26 establishment or cannabis business establishment agent and for

1 administrative hearings shall be determined by rule, and shall
2 provide for the review of final decisions under the
3 Administrative Review Law.

4 (d) The Attorney General may also enforce a violation of
5 Section 55-20, Section 55-21, and Section 15-155 as an
6 unlawful practice under the Consumer Fraud and Deceptive
7 Business Practices Act.

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

9 (410 ILCS 705/50-5)

10 Sec. 50-5. Laboratory testing.

11 (a) Notwithstanding any other provision of law, the
12 following acts, when performed by a cannabis testing facility
13 with a current, valid license ~~registration~~, or a person 21
14 years of age or older who is acting in his or her capacity as
15 an owner, employee, or agent of a cannabis testing facility,
16 are not unlawful and shall not be an offense under Illinois law
17 or be a basis for seizure or forfeiture of assets under
18 Illinois law:

19 (1) possessing, repackaging, transporting, storing, or
20 displaying cannabis or cannabis-infused products;

21 (2) receiving or transporting cannabis or
22 cannabis-infused products from a cannabis business
23 establishment, a community college licensed under the
24 Community College Cannabis Vocational Training Pilot
25 Program, or a person 21 years of age or older; and

1 (3) returning or transporting cannabis or
2 cannabis-infused products to a cannabis business
3 establishment, a community college licensed under the
4 Community College Cannabis Vocational Training Pilot
5 Program, or a person 21 years of age or older.

6 (b)(1) No laboratory shall handle, test, or analyze
7 cannabis unless approved by the Department of Agriculture in
8 accordance with this Section.

9 (2) No laboratory shall be approved to handle, test, or
10 analyze cannabis unless the laboratory:

11 (A) is licensed by the Department of Agriculture;

12 (A-5) is accredited by a private laboratory
13 accrediting organization;

14 (B) is independent from all other persons involved in
15 the cannabis industry in Illinois and no person with a
16 direct or indirect interest in the laboratory has a direct
17 or indirect financial, management, or other interest in an
18 Illinois cultivation center, craft grower, dispensary,
19 infuser, transporter, certifying physician, or any other
20 entity in the State that may benefit from the production,
21 manufacture, dispensing, sale, purchase, or use of
22 cannabis; and

23 (C) has employed at least one person to oversee and be
24 responsible for the laboratory testing who has earned,
25 from a college or university accredited by a national or
26 regional certifying authority, at least:

1 (i) a master's level degree in chemical or
2 biological sciences and a minimum of 2 years'
3 post-degree laboratory experience; or

4 (ii) a bachelor's degree in chemical or biological
5 sciences and a minimum of 4 years' post-degree
6 laboratory experience.

7 (3) Each independent testing laboratory that claims to be
8 accredited must provide the Department of Agriculture with a
9 copy of the most recent annual inspection report granting
10 accreditation and every annual report thereafter.

11 (c) Immediately before manufacturing or natural processing
12 of any cannabis or cannabis-infused product or packaging
13 cannabis for sale to a dispensary, each batch shall be made
14 available by the cultivation center, craft grower, or infuser
15 for an employee of an approved laboratory to select a random
16 sample, which shall be tested by the approved laboratory for:

17 (1) microbiological contaminants;

18 (2) mycotoxins;

19 (3) pesticide active ingredients;

20 (4) residual solvent; and

21 (5) an active ingredient analysis.

22 (d) The Department of Agriculture may select a random
23 sample that shall, for the purposes of conducting an active
24 ingredient analysis, be tested by the Department of
25 Agriculture for verification of label information and any
26 other testing deemed necessary by the Department.

1 (e) A laboratory shall immediately return or dispose of
2 any cannabis upon the completion of any testing, use, or
3 research. If cannabis is disposed of, it shall be done in
4 compliance with Department of Agriculture rule.

5 (f) If a sample of cannabis does not pass the
6 microbiological, mycotoxin, pesticide chemical residue, or
7 solvent residue test, based on the standards established by
8 the Department of Agriculture, the following shall apply:

9 (1) If the sample failed the pesticide chemical
10 residue test, the entire batch from which the sample was
11 taken shall, if applicable, be recalled as provided by
12 rule.

13 (2) If the sample failed any other test, the batch may
14 be used to make a CO₂-based or solvent based extract. After
15 processing, the CO₂-based or solvent based extract must
16 still pass all required tests.

17 (g) The Department of Agriculture shall establish and,
18 from time to time, revise standards for microbial, mycotoxin,
19 pesticide residue, solvent residue, or other standards for the
20 presence of possible contaminants, in addition to labeling
21 requirements for contents and potency. The standards adopted
22 by the Department of Agriculture under this subsection (g)
23 shall be consistent with national cannabis industry standards.

24 (h) The laboratory shall file with the Department of
25 Agriculture an electronic copy of each laboratory test result
26 for any batch that does not pass the microbiological,

1 mycotoxin, or pesticide chemical residue test, at the same
2 time that it transmits those results to the cultivation
3 center. In addition, the laboratory shall maintain the
4 laboratory test results for at least 5 years and make them
5 available at the Department of Agriculture's request.

6 (i) A cultivation center, craft grower, and infuser shall
7 provide to a dispensing organization the laboratory test
8 results for each batch of cannabis product purchased by the
9 dispensing organization, if sampled. Each dispensing
10 organization must have those laboratory results available upon
11 request to purchasers.

12 (j) The Department of Agriculture may adopt rules related
13 to testing and licensing of laboratories in furtherance of
14 this Act.

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

16 (410 ILCS 705/55-5)

17 Sec. 55-5. Preparation of cannabis-infused products.

18 (a) The Department of Agriculture may regulate the
19 production of cannabis-infused products by a cultivation
20 center, a craft grower, an infuser organization, or a
21 dispensing organization and establish rules related to
22 refrigeration, hot-holding, and handling of cannabis-infused
23 products. All cannabis-infused products shall meet the
24 packaging and labeling requirements contained in Section
25 55-21.

1 (b) Cannabis-infused products for sale or distribution at
2 a dispensing organization must be prepared by an approved
3 agent of a cultivation center, craft grower, or infuser
4 organization.

5 (c) A cultivation center, craft grower, or infuser
6 organization that prepares cannabis-infused products for sale
7 or distribution by a dispensing organization shall be under
8 the operational supervision of a Department of Public Health
9 certified food service sanitation manager.

10 (d) Dispensing organizations may not manufacture, process,
11 or produce cannabis-infused products.

12 (e) The Department of Public Health shall adopt and
13 enforce rules for the manufacture and processing of
14 cannabis-infused products, and for that purpose it may at all
15 times enter every building, room, basement, enclosure, or
16 premises occupied or used, or suspected of being occupied or
17 used, for the production, preparation, manufacture for sale,
18 storage, sale, processing, distribution, or transportation of
19 cannabis-infused products, and to inspect the premises
20 together with all utensils, fixtures, furniture, and machinery
21 used for the preparation of these products.

22 (f) The Department of Agriculture shall by rule establish
23 a maximum level of THC that may be contained in each serving of
24 cannabis-infused product, and within the product package.

25 (g) If a local public health agency has a reasonable
26 belief that a cannabis-infused product poses a public health

1 hazard, it may refer the cultivation center, craft grower, or
2 infuser that manufactured or processed the cannabis-infused
3 product to the Department of Public Health. If the Department
4 of Public Health finds that a cannabis-infused product poses a
5 health hazard, it may bring an action for immediate injunctive
6 relief to require that action be taken as the court may deem
7 necessary to meet the hazard of the cultivation facility or
8 seek other relief as provided by rule.

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

10 (410 ILCS 705/55-10)

11 Sec. 55-10. Maintenance of inventory. Through June 30,
12 2026, all ~~All~~ dispensing organizations authorized to serve
13 both registered qualifying patients, Opioid Alternative
14 Patient Program participants, provisional patients, and
15 caregivers and purchasers are required to report which
16 cannabis and cannabis-infused products are purchased for sale
17 under the Compassionate Use of Medical Cannabis Program Act,
18 and which cannabis and cannabis-infused products are purchased
19 under this Act. Nothing in this Section prohibits a registered
20 qualifying patient under the Compassionate Use of Medical
21 Cannabis Program Act from purchasing cannabis as a purchaser
22 under this Act.

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

24 (410 ILCS 705/55-21)

1 Sec. 55-21. Cannabis product packaging and labeling.

2 (a) Each cannabis product produced for sale shall be
3 registered with the Department of Agriculture on forms
4 provided by the Department of Agriculture. Each product
5 registration shall include a label and the required
6 registration fee at the rate established by the Department of
7 Agriculture for a comparable medical cannabis product, or as
8 established by rule. The registration fee is for the name of
9 the product offered for sale and one fee shall be sufficient
10 for all package sizes.

11 (b) All harvested cannabis intended for distribution to a
12 cannabis enterprise must be packaged in a sealed, labeled
13 container.

14 (c) Any product containing cannabis shall be sold in a
15 sealed, odor-proof, and child-resistant cannabis container
16 consistent with current standards, including the Consumer
17 Product Safety Commission standards referenced by the Poison
18 Prevention Act unless the sale is between or among a craft
19 grower, infuser, or cultivation center.

20 (d) All cannabis-infused products shall be individually
21 wrapped or packaged at the original point of preparation. The
22 packaging of the cannabis-infused product shall conform to the
23 labeling requirements of the Illinois Food, Drug and Cosmetic
24 Act, in addition to the other requirements set forth in this
25 Section.

26 (e) Each cannabis product shall be labeled before sale and

1 each label shall be securely affixed to the package and shall
2 state in legible English and any languages required by the
3 Department of Agriculture:

4 (1) the name and post office box of the registered
5 cultivation center or craft grower where the item was
6 manufactured;

7 (2) the common or usual name of the item and the
8 registered name of the cannabis product that was
9 registered with the Department of Agriculture under
10 subsection (a);

11 (3) a unique serial number that will match the product
12 with a cultivation center or craft grower batch and lot
13 number to facilitate any warnings or recalls the
14 Department of Agriculture, cultivation center, or craft
15 grower deems appropriate;

16 (4) the date of final testing and packaging, if
17 sampled, and the identification of the independent testing
18 laboratory;

19 (5) the date of harvest and "use by" date;

20 (6) the quantity (in ounces or grams) of cannabis
21 contained in the product;

22 (7) a pass/fail rating based on the laboratory's
23 microbiological, mycotoxins, and pesticide and solvent
24 residue analyses, if sampled;

25 (8) content list.

26 (A) A list of the following, including the minimum

1 and maximum percentage content by weight for
2 subdivisions (e) (8) (A) (i) through (iv):

- 3 (i) delta-9-tetrahydrocannabinol (THC);
4 (ii) tetrahydrocannabinolic acid (THCA);
5 (iii) cannabidiol (CBD);
6 (iv) cannabidiolic acid (CBDA); and
7 (v) all other ingredients of the item,
8 including any colors, artificial flavors, and
9 preservatives, listed in descending order by
10 predominance of weight shown with common or usual
11 names.

12 (B) The acceptable tolerances for the minimum
13 percentage printed on the label for any of
14 subdivisions (e) (8) (A) (i) through (iv) shall not be
15 below 85% or above 115% of the labeled amount.

16 (f) Packaging must not contain information that:

- 17 (1) is false or misleading;
18 (2) promotes excessive consumption;
19 (3) depicts a person under 21 years of age consuming
20 cannabis;
21 (4) includes the image of a cannabis leaf;
22 (5) includes any image designed or likely to appeal to
23 minors, including cartoons, toys, animals, or children, or
24 any other likeness to images, characters, or phrases that
25 are popularly used to advertise to children, or any
26 packaging or labeling that bears reasonable resemblance to

1 any product available for consumption as a commercially
2 available candy, or that promotes consumption of cannabis;

3 (6) contains any seal, flag, crest, coat of arms, or
4 other insignia likely to mislead the purchaser to believe
5 that the product has been endorsed, made, or used by the
6 State of Illinois or any of its representatives except
7 where authorized by this Act.

8 (g) Cannabis products produced by concentrating or
9 extracting ingredients from the cannabis plant shall contain
10 the following information, where applicable:

11 (1) If solvents were used to create the concentrate or
12 extract, a statement that discloses the type of extraction
13 method, including any solvents or gases used to create the
14 concentrate or extract; and

15 (2) Any other chemicals or compounds used to produce
16 or were added to the concentrate or extract.

17 (h) All cannabis products must contain warning statements
18 established for purchasers, of a size that is legible and
19 readily visible to a consumer inspecting a package, which may
20 not be covered or obscured in any way. The Department of Public
21 Health shall define and update appropriate health warnings for
22 packages including specific labeling or warning requirements
23 for specific cannabis products.

24 (i) Unless modified by rule to strengthen or respond to
25 new evidence and science, the following warnings shall apply
26 to all cannabis products unless modified by rule: "This

1 product contains cannabis and is intended for use by adults 21
2 and over. Its use can impair cognition and may be habit
3 forming. This product should not be used by pregnant or
4 breastfeeding women. It is unlawful to sell or provide this
5 item to any individual, and it may not be transported outside
6 the State of Illinois. It is illegal to operate a motor vehicle
7 while under the influence of cannabis. Possession or use of
8 this product may carry significant legal penalties in some
9 jurisdictions and under federal law."

10 (j) Warnings for each of the following product types must
11 be present on labels when offered for sale to a purchaser:

12 (1) Cannabis that may be smoked must contain a
13 statement that "Smoking is hazardous to your health."

14 (2) Cannabis-infused products (other than those
15 intended for topical application) must contain a statement
16 "CAUTION: This product contains cannabis, and intoxication
17 following use may be delayed 2 or more hours. This product
18 was produced in a facility that cultivates cannabis, and
19 that may also process common food allergens."

20 (3) Cannabis-infused products intended for topical
21 application must contain a statement "DO NOT EAT" in bold,
22 capital letters.

23 (k) Each cannabis-infused product intended for consumption
24 must be individually packaged, must include the total
25 milligram content of THC and CBD, and may not include more than
26 a total of 500 ~~100~~ milligrams of THC per package. A package may

1 contain multiple servings of 50 ~~10~~ milligrams of THC,
2 indicated by scoring, wrapping, or by other indicators
3 designating individual serving sizes. The Department of
4 Agriculture may change the total amount of THC allowed for
5 each package, or the total amount of THC allowed for each
6 serving size, by rule.

7 (l) No individual other than the purchaser may alter or
8 destroy any labeling affixed to the primary packaging of
9 cannabis or cannabis-infused products.

10 (m) For each commercial weighing and measuring device used
11 at a facility, the cultivation center or craft grower must:

12 (1) Ensure that the commercial device is licensed
13 under the Weights and Measures Act and the associated
14 administrative rules (8 Ill. Adm. Code 600);

15 (2) Maintain documentation of the licensure of the
16 commercial device; and

17 (3) Provide a copy of the license of the commercial
18 device to the Department of Agriculture for review upon
19 request.

20 (n) It is the responsibility of the Department to ensure
21 that packaging and labeling requirements, including product
22 warnings, are enforced at all times for products provided to
23 purchasers. Product registration requirements and container
24 requirements may be modified by rule by the Department of
25 Agriculture.

26 (o) Labeling, including warning labels, may be modified by

1 rule by the Department of Agriculture.

2 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
3 102-98, eff. 7-15-21.)

4 (410 ILCS 705/55-30)

5 Sec. 55-30. Confidentiality.

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

16 (b) The following information received and records kept by
17 the Department of Agriculture, the Department of Public
18 Health, the Illinois State Police, and the Department of
19 Financial and Professional Regulation for purposes of
20 administering this Article are subject to all applicable
21 federal privacy laws, are confidential and exempt from
22 disclosure under the Freedom of Information Act, except as
23 provided in this Act, and not subject to disclosure to any
24 individual or public or private entity, except to the
25 Department of Financial and Professional Regulation, the

1 Department of Agriculture, the Department of Public Health,
2 the Department of Commerce and Economic Opportunity, the
3 Office of Executive Inspector General, and the Illinois State
4 Police as necessary to perform official duties under this
5 Article, ~~and~~ to the Attorney General as necessary to enforce
6 the provisions of this Act, and except as necessary to those
7 involved in enforcing the State Officials and Employees Ethics
8 Act. The following information received and kept by the
9 Department of Financial and Professional Regulation or the
10 Department of Agriculture may be disclosed to the Department
11 of Public Health, the Department of Agriculture, the
12 Department of Revenue, the Department of Commerce and Economic
13 Opportunity, the Illinois State Police, the Office of
14 Executive Inspector General, or the Attorney General upon
15 proper request:

16 (1) Applications and renewals, their contents, and
17 supporting information submitted by or on behalf of
18 dispensing organizations, cannabis business
19 establishments, or Community College Cannabis Vocational
20 Program licensees, in compliance with this Article,
21 including their physical addresses; however, this does not
22 preclude the release of ownership information about
23 cannabis business establishment licenses, or information
24 submitted with an application required to be disclosed
25 pursuant to subsection (f);

26 (2) Any plans, procedures, policies, or other records

1 relating to cannabis business establishment security; and

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

4 Illinois or national criminal history record information,
5 or the nonexistence or lack of such information, may not be
6 disclosed by the Department of Financial and Professional
7 Regulation or the Department of Agriculture, except as
8 necessary to the Attorney General to enforce this Act.

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

15 (d) All information collected by the Department of
16 Financial and Professional Regulation or the Department of
17 Agriculture in the course of an examination, inspection, or
18 investigation of a licensee or applicant, including, but not
19 limited to, any complaint against a licensee or applicant
20 filed with the Department of Financial and Professional
21 Regulation or the Department of Agriculture and information
22 collected to investigate any such complaint, shall be
23 maintained for the confidential use of the Department of
24 Financial and Professional Regulation or the Department of
25 Agriculture and shall not be disclosed, except to those
26 involved in enforcing the State Officials and Employees Ethics

1 Act and as otherwise provided in this Act. A formal complaint
2 against a licensee by the Department of Financial and
3 Professional Regulation or the Department of Agriculture or
4 any disciplinary order issued by the Department of Financial
5 and Professional Regulation or the Department of Agriculture
6 against a licensee or applicant shall be a public record,
7 except as otherwise provided by law. Complaints from consumers
8 or members of the general public received regarding a
9 specific, named licensee or complaints regarding conduct by
10 unlicensed entities shall be subject to disclosure under the
11 Freedom of Information Act.

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

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

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

1 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
2 5-13-22.)

3 (410 ILCS 705/55-36 new)

4 Sec. 55-36. Ensuring the payment of financial obligations
5 by dispensing organization licensees; rules.

6 (a) No later than one year after the effective date of this
7 amendatory Act of the 104th General Assembly, the Department
8 of Agriculture shall adopt rules to protect a cannabis
9 business establishment from the financial threat posed to the
10 cannabis business establishment by the nonpayment for goods or
11 services delivered to another cannabis business establishment.
12 The rules adopted by the Department of Agriculture under this
13 Section shall, at a minimum:

14 (1) require each each cannabis business establishment
15 to report to the Department of Agriculture on a weekly
16 basis the name and address of each cannabis business
17 establishment that has not paid the initial cannabis
18 business establishment the full invoiced amount for
19 delivered goods or services within 30 days after delivery;

20 (2) require the Department of Agriculture to maintain
21 on its website an accurate database of cannabis business
22 establishments who have not paid any other cannabis
23 business establishment the full invoiced amount for
24 delivered goods or services within 180 days after
25 delivery;

1 (3) require the Department of Agriculture to update
2 the database described in paragraph (2) at least weekly;
3 and

4 (4) prohibit a cannabis business establishment from
5 making a sale of goods or services to another cannabis
6 business establishment while the other cannabis business
7 establishment remains in the database described in
8 paragraph (2).

9 (b) The Department of Agriculture may suspend, revoke, or
10 refuse to renew the license of any cannabis business
11 establishment for failure to comply with the rules adopted
12 under this Section.

13 (410 ILCS 705/55-65)

14 Sec. 55-65. Financial institutions.

15 (a) A financial institution that provides financial
16 services customarily provided by financial institutions to a
17 cannabis business establishment authorized under this Act or
18 the Compassionate Use of Medical Cannabis Program Act, or to a
19 person that is affiliated with such cannabis business
20 establishment, is exempt from any criminal law of this State
21 as it relates to cannabis-related conduct authorized under
22 State law.

23 (b) Upon request of a financial institution, a cannabis
24 business establishment or proposed cannabis business
25 establishment may provide to the financial institution the

1 following information:

2 (1) Whether a cannabis business establishment with
3 which the financial institution is doing or is considering
4 doing business holds a license under this Act or the
5 Compassionate Use of Medical Cannabis Program Act;

6 (2) The name of any other business or individual
7 affiliate with the cannabis business establishment;

8 (3) A copy of the application, and any supporting
9 documentation submitted with the application, for a
10 license or a permit submitted on behalf of the proposed
11 cannabis business establishment;

12 (4) If applicable, data relating to sales and the
13 volume of product sold by the cannabis business
14 establishment;

15 (5) Any past or pending violation by the person of
16 this Act, the Compassionate Use of Medical Cannabis
17 Program Act, or the rules adopted under these Acts where
18 applicable; and

19 (6) Any penalty imposed upon the person for violating
20 this Act, the Compassionate Use of Medical Cannabis
21 Program Act, or the rules adopted under these Acts.

22 (c) (Blank).

23 (d) (Blank).

24 (e) Information received by a financial institution under
25 this Section is confidential. Except as otherwise required or
26 permitted by this Act, State law or rule, or federal law or

1 regulation, a financial institution may not make the
2 information available to any person other than:

3 (1) the customer to whom the information applies;

4 (2) a trustee, conservator, guardian, personal
5 representative, or agent of the customer to whom the
6 information applies; a federal or State regulator when
7 requested in connection with an examination of the
8 financial institution or if otherwise necessary for
9 complying with federal or State law;

10 (3) a federal or State regulator when requested in
11 connection with an examination of the financial
12 institution or if otherwise necessary for complying with
13 federal or State law; ~~and~~

14 (4) a third party performing services for the
15 financial institution, provided the third party is
16 performing such services under a written agreement that
17 expressly or by operation of law prohibits the third
18 party's sharing and use of such confidential information
19 for any purpose other than as provided in its agreement to
20 provide services to the financial institution; and-

21 (5) the Office of Executive Inspector General pursuant
22 to an investigation.

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

24 (410 ILCS 705/55-85)

25 Sec. 55-85. Medical cannabis.

1 ~~(a)~~ Nothing in this Act shall be construed to limit any
2 privileges or rights of an Opioid Alternative Patient Program
3 participant, a qualifying medical cannabis patient including
4 minor patients, provisional patients, designated caregivers
5 ~~primary caregiver~~, medical cannabis cultivation center, or
6 medical cannabis dispensing organization under the
7 Compassionate Use of Medical Cannabis Program Act, and where
8 there is conflict between this Act and the Compassionate Use
9 of Medical Cannabis Program Act as they relate to medical
10 cannabis patients, the Compassionate Use of Medical Cannabis
11 Program Act shall prevail.

12 ~~(b) Dispensary locations that obtain an Early Approval~~
13 ~~Adult Use Dispensary Organization License or an Adult Use~~
14 ~~Dispensary Organization License in accordance with this Act at~~
15 ~~the same location as a medical cannabis dispensing~~
16 ~~organization registered under the Compassionate Use of Medical~~
17 ~~Cannabis Program Act shall maintain an inventory of medical~~
18 ~~cannabis and medical cannabis products on a monthly basis that~~
19 ~~is substantially similar in variety and quantity to the~~
20 ~~products offered at the dispensary during the 6-month period~~
21 ~~immediately before the effective date of this Act.~~

22 ~~(c) Beginning June 30, 2020, the Department of Agriculture~~
23 ~~shall make a quarterly determination whether inventory~~
24 ~~requirements established for dispensaries in subsection (b)~~
25 ~~should be adjusted due to changing patient need.~~

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

1 (410 ILCS 705/60-5)

2 Sec. 60-5. Definitions. In this Article:

3 "Cannabis" has the meaning given to that term in Article 1
4 of this Act, except that, through December 31, 2026, it does
5 not include cannabis that is subject to tax under the
6 Compassionate Use of Medical Cannabis Program Act.

7 "Craft grower" has the meaning given to that term in
8 Article 1 of this Act.

9 "Cultivation center" has the meaning given to that term in
10 Article 1 of this Act. On and after January 1, 2027,
11 "cultivation center" includes any cultivation center which,
12 prior to January 1, 2027, was a cultivation center as defined
13 in the Compassionate Use of Medical Cannabis Program Act.

14 "Cultivator" or "taxpayer" means a cultivation center or
15 craft grower who is subject to tax under this Article. On and
16 after January 1, 2027, "cultivator" includes any cultivator
17 which, prior to January 1, 2027, was a cultivator as defined
18 under the Compassionate Use of Medical Cannabis Program Act.

19 "Department" means the Department of Revenue.

20 "Director" means the Director of Revenue.

21 "Dispensing organization" or "dispensary" has the meaning
22 given to that term in Article 1 of this Act.

23 "Gross receipts" from the sales of cannabis by a
24 cultivator means the total selling price or the amount of such
25 sales, as defined in this Article. In the case of charges and

1 time sales, the amount thereof shall be included only when
2 payments are received by the cultivator.

3 "Person" means a natural individual, firm, partnership,
4 association, joint stock company, joint adventure, public or
5 private corporation, limited liability company, or a receiver,
6 executor, trustee, guardian, or other representative appointed
7 by order of any court.

8 "Infuser" means "infuser organization" or "infuser" as
9 defined in Article 1 of this Act.

10 "Selling price" or "amount of sale" means the
11 consideration for a sale valued in money whether received in
12 money or otherwise, including cash, credits, property, and
13 services, and shall be determined without any deduction on
14 account of the cost of the property sold, the cost of materials
15 used, labor or service cost, or any other expense whatsoever,
16 but does not include separately stated charges identified on
17 the invoice by cultivators to reimburse themselves for their
18 tax liability under this Article.

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

20 (410 ILCS 705/60-10)

21 Sec. 60-10. Tax imposed.

22 (a) Beginning September 1, 2019, a tax is imposed upon the
23 privilege of cultivating cannabis at the rate of 7% of the
24 gross receipts from the first sale of cannabis by a
25 cultivator. The sale of any product that contains any amount

1 of cannabis or any derivative thereof is subject to the tax
2 under this Section on the full selling price of the product.
3 The Department may determine the selling price of the cannabis
4 when the seller and purchaser are affiliated persons, when the
5 sale and purchase of cannabis is not an arm's length
6 transaction, or when cannabis is transferred by a craft grower
7 to the craft grower's dispensing organization or infuser ~~or~~
8 ~~processing~~ organization and a value is not established for the
9 cannabis. The value determined by the Department shall be
10 commensurate with the actual price received for products of
11 like quality, character, and use in the area. If there are no
12 sales of cannabis of like quality, character, and use in the
13 same area, then the Department shall establish a reasonable
14 value based on sales of products of like quality, character,
15 and use in other areas of the State, taking into consideration
16 any other relevant factors.

17 (b) The Cannabis Cultivation Privilege Tax imposed under
18 this Article is solely the responsibility of the cultivator
19 who makes the first sale and is not the responsibility of a
20 subsequent purchaser, a dispensing organization, or an
21 infuser. Persons subject to the tax imposed under this Article
22 may, however, reimburse themselves for their tax liability
23 hereunder by separately stating reimbursement for their tax
24 liability as an additional charge.

25 (c) The tax imposed under this Article shall be in
26 addition to all other occupation, privilege, or excise taxes

1 imposed by the State of Illinois or by any unit of local
2 government.

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

4 (410 ILCS 705/65-5)

5 Sec. 65-5. Definitions. In this Article:

6 "Adjusted delta-9-tetrahydrocannabinol level" means, for a
7 delta-9-tetrahydrocannabinol dominant product, the sum of the
8 percentage of delta-9-tetrahydrocannabinol plus .877
9 multiplied by the percentage of tetrahydrocannabinolic acid.

10 "Cannabis" has the meaning given to that term in Article 1
11 of this Act, except that through December 31, 2026, it does not
12 include cannabis that is subject to tax under the
13 Compassionate Use of Medical Cannabis Program Act.

14 "Cannabis-infused product" means beverage food, oils,
15 ointments, tincture, topical formulation, or another product
16 containing cannabis that is not intended to be smoked.

17 "Cannabis retailer" means a dispensing organization that
18 sells cannabis for use and not for resale.

19 "Craft grower" has the meaning given to that term in
20 Article 1 of this Act.

21 "Department" means the Department of Revenue.

22 "Director" means the Director of Revenue.

23 "Dispensing organization" or "dispensary" has the meaning
24 given to that term in Article 1 of this Act.

25 "Person" means a natural individual, firm, partnership,

1 association, joint stock company, joint adventure, public or
2 private corporation, limited liability company, or a receiver,
3 executor, trustee, guardian, or other representative appointed
4 by order of any court.

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

10 "Purchase price" means the consideration paid for a
11 purchase of cannabis, valued in money, whether received in
12 money or otherwise, including cash, gift cards, credits, and
13 property and shall be determined without any deduction on
14 account of the cost of materials used, labor or service costs,
15 or any other expense whatsoever. However, "purchase price"
16 does not include consideration paid for:

17 (1) any charge for a payment that is not honored by a
18 financial institution;

19 (2) any finance or credit charge, penalty or charge
20 for delayed payment, or discount for prompt payment; and

21 (3) any amounts added to a purchaser's bill because of
22 charges made under the tax imposed by this Article, the
23 Municipal Cannabis Retailers' Occupation Tax Law, the
24 County Cannabis Retailers' Occupation Tax Law, the
25 Retailers' Occupation Tax Act, the Use Tax Act, the
26 Service Occupation Tax Act, the Service Use Tax Act, or

1 any locally imposed occupation or use tax.

2 "Purchaser" means a person who acquires cannabis for a
3 valuable consideration.

4 "Qualifying patient" or "qualified patient" means a person
5 who has been diagnosed by a certifying health care
6 professional as having a debilitating medical condition as
7 defined under the Compassionate Use of Medical Cannabis
8 Program Act.

9 "Taxpayer" means a cannabis retailer who is required to
10 collect the tax imposed under this Article.

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

12 (410 ILCS 705/65-10)

13 Sec. 65-10. Tax imposed.

14 (a) Beginning January 1, 2020, a tax is imposed upon
15 purchasers for the privilege of using cannabis, and not for
16 the purpose of resale, at the following rates:

17 (1) Any cannabis, other than a cannabis-infused
18 product, with an adjusted delta-9-tetrahydrocannabinol
19 level at or below 35% shall be taxed at a rate of 10% of
20 the purchase price;

21 (2) Any cannabis, other than a cannabis-infused
22 product, with an adjusted delta-9-tetrahydrocannabinol
23 level above 35% shall be taxed at a rate of 25% of the
24 purchase price; and

25 (3) A cannabis-infused product shall be taxed at a

1 rate of 20% of the purchase price.

2 (b) The purchase of any product that contains any amount
3 of cannabis or any derivative thereof is subject to the tax
4 under subsection (a) of this Section on the full purchase
5 price of the product.

6 (c) Through December 31, 2026, the ~~The~~ tax imposed under
7 this Section is not imposed on cannabis that is subject to tax
8 under the Compassionate Use of Medical Cannabis Program Act.
9 The tax imposed by this Section is not imposed with respect to
10 any transaction in interstate commerce, to the extent the
11 transaction may not, under the Constitution and statutes of
12 the United States, be made the subject of taxation by this
13 State. Beginning January 1, 2027, the tax imposed under this
14 Article shall not be imposed on cannabis or cannabis-infused
15 products purchased by a qualified patient, designated
16 caregiver, provisional patient, or Opioid Alternative Patient
17 Program participant when purchasing cannabis or
18 cannabis-infused products under this Act as part of their
19 adequate medical supply as these terms are defined under
20 Section 1-10 of this Act.

21 (d) The tax imposed under this Article shall be in
22 addition to all other occupation, privilege, or excise taxes
23 imposed by the State of Illinois or by any municipal
24 corporation or political subdivision thereof.

25 (e) The tax imposed under this Article shall not be
26 imposed on any purchase by a purchaser if the cannabis

1 retailer is prohibited by federal or State Constitution,
2 treaty, convention, statute, or court decision from collecting
3 the tax from the purchaser.

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

5 (410 ILCS 705/65-30)

6 Sec. 65-30. Return and payment of tax by cannabis
7 retailer. Each cannabis retailer that is required or
8 authorized to collect the tax imposed by this Article shall
9 make a return to the Department, by electronic means, on or
10 before the 20th day of each month for the preceding calendar
11 month stating the following:

12 (1) the cannabis retailer's name;

13 (2) the address of the cannabis retailer's principal
14 place of business and the address of the principal place
15 of business (if that is a different address) from which
16 the cannabis retailer is engaged in the business of
17 selling cannabis subject to tax under this Article;

18 (3) the total purchase price received by the cannabis
19 retailer for cannabis subject to tax under this Article;

20 (4) the amount of tax due at each rate;

21 (5) the signature of the cannabis retailer; and

22 (6) any other information as the Department may
23 reasonably require.

24 All returns required to be filed and payments required to
25 be made under this Article shall be by electronic means.

1 Cannabis retailers who demonstrate hardship in paying
2 electronically may petition the Department to waive the
3 electronic payment requirement.

4 Any amount that is required to be shown or reported on any
5 return or other document under this Article shall, if the
6 amount is not a whole-dollar amount, be increased to the
7 nearest whole-dollar amount if the fractional part of a dollar
8 is \$0.50 or more and decreased to the nearest whole-dollar
9 amount if the fractional part of a dollar is less than \$0.50.
10 If a total amount of less than \$1 is payable, refundable, or
11 creditable, the amount shall be disregarded if it is less than
12 \$0.50 and shall be increased to \$1 if it is \$0.50 or more.

13 The cannabis retailer making the return provided for in
14 this Section shall also pay to the Department, in accordance
15 with this Section, the amount of tax imposed by this Article,
16 less a discount of 1.75%, but not to exceed \$1,000 per return
17 period, which is allowed to reimburse the cannabis retailer
18 for the expenses incurred in keeping records, collecting tax,
19 preparing and filing returns, remitting the tax, and supplying
20 data to the Department upon request. No discount may be
21 claimed by a cannabis retailer on returns not timely filed and
22 for taxes not timely remitted. No discount may be claimed by a
23 taxpayer for any return that is not filed electronically. No
24 discount may be claimed by a taxpayer for any payment that is
25 not made electronically, unless a waiver has been granted
26 under this Section.

1 Notwithstanding any other provision of this Article
2 concerning the time within which a cannabis retailer may file
3 a return, any such cannabis retailer who ceases to engage in
4 the kind of business that makes the person responsible for
5 filing returns under this Article shall file a final return
6 under this Article with the Department within one month after
7 discontinuing the business.

8 Each cannabis retailer shall make estimated payments to
9 the Department on or before the 7th, 15th, 22nd, and last day
10 of the month during which tax liability to the Department is
11 incurred. The payments shall be in an amount not less than the
12 lower of either 22.5% of the cannabis retailer's actual tax
13 liability for the month or 25% of the cannabis retailer's
14 actual tax liability for the same calendar month of the
15 preceding year. The amount of the quarter-monthly payments
16 shall be credited against the final tax liability of the
17 cannabis retailer's return for that month. If any such
18 quarter-monthly payment is not paid at the time or in the
19 amount required by this Section, then the cannabis retailer
20 shall be liable for penalties and interest on the difference
21 between the minimum amount due as a payment and the amount of
22 the quarter-monthly payment actually and timely paid, except
23 insofar as the cannabis retailer has previously made payments
24 for that month to the Department in excess of the minimum
25 payments previously due as provided in this Section.

26 If any payment provided for in this Section exceeds the

1 taxpayer's liabilities under this Article, as shown on an
2 original monthly return, the Department shall, if requested by
3 the taxpayer, issue to the taxpayer a credit memorandum no
4 later than 30 days after the date of payment. The credit
5 evidenced by the credit memorandum may be assigned by the
6 taxpayer to a similar taxpayer under this Article, in
7 accordance with reasonable rules to be prescribed by the
8 Department. If no such request is made, the taxpayer may
9 credit the excess payment against tax liability subsequently
10 to be remitted to the Department under this Article, in
11 accordance with reasonable rules prescribed by the Department.
12 If the Department subsequently determines that all or any part
13 of the credit taken was not actually due to the taxpayer, the
14 taxpayer's discount shall be reduced, if necessary, to reflect
15 the difference between the credit taken and that actually due,
16 and that taxpayer shall be liable for penalties and interest
17 on the difference. If a cannabis retailer fails to sign a
18 return within 30 days after the proper notice and demand for
19 signature by the Department is received by the cannabis
20 retailer, the return shall be considered valid and any amount
21 shown to be due on the return shall be deemed assessed.

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

23 (410 ILCS 705/65-38)

24 Sec. 65-38. Violations and penalties.

25 (a) When the amount due is under \$300, any retailer of

1 cannabis who fails to file a return, willfully fails or
2 refuses to make any payment to the Department of the tax
3 imposed by this Article, or files a fraudulent return, or any
4 officer or agent of a corporation engaged in the business of
5 selling cannabis to purchasers located in this State who signs
6 a fraudulent return filed on behalf of the corporation, or any
7 accountant or other agent who knowingly enters false
8 information on the return of any taxpayer under this Article
9 is guilty of a Class 4 felony.

10 (b) When the amount due is \$300 or more, any retailer of
11 cannabis who files, or causes to be filed, a fraudulent
12 return, or any officer or agent of a corporation engaged in the
13 business of selling cannabis to purchasers located in this
14 State who files or causes to be filed or signs or causes to be
15 signed a fraudulent return filed on behalf of the corporation,
16 or any accountant or other agent who knowingly enters false
17 information on the return of any taxpayer under this Article
18 is guilty of a Class 3 felony.

19 (c) Any person who violates any provision of Section 65-20
20 or fails to keep books and records as required under this
21 Article, ~~or willfully violates a rule of the Department for~~
22 ~~the administration and enforcement of this Article~~ is guilty
23 of a Class 4 felony. A person commits a separate offense on
24 each day that he or she engages in business in violation of
25 Section 65-20 ~~or a rule of the Department for the~~
26 ~~administration and enforcement of this Article~~. If a person

1 fails to produce the books and records for inspection by the
2 Department upon request, a prima facie presumption shall arise
3 that the person has failed to keep books and records as
4 required under this Article. A person who is unable to rebut
5 this presumption is in violation of this Article and is
6 subject to the penalties provided in this Section.

7 (d) Any person who ~~violates any provision of Sections~~
8 ~~65-20, fails to keep books and records as required under this~~
9 ~~Article, or~~ willfully violates a rule of the Department for
10 the administration and enforcement of this Article, is guilty
11 of a business offense and may be fined up to \$5,000. ~~If a~~
12 ~~person fails to produce books and records for inspection by~~
13 ~~the Department upon request, a prima facie presumption shall~~
14 ~~arise that the person has failed to keep books and records as~~
15 ~~required under this Article. A person who is unable to rebut~~
16 ~~this presumption is in violation of this Article and is~~
17 ~~subject to the penalties provided in this Section.~~ A person
18 commits a separate offense on each day that he or she engages
19 in business in violation of a rule of the Department for the
20 administration and enforcement of this Article ~~Section 65-20.~~

21 (e) Any taxpayer or agent of a taxpayer who with the intent
22 to defraud purports to make a payment due to the Department by
23 issuing or delivering a check or other order upon a real or
24 fictitious depository for the payment of money, knowing that
25 it will not be paid by the depository, is guilty of a deceptive
26 practice in violation of Section 17-1 of the Criminal Code of

1 2012.

2 (f) Any person who fails to keep books and records or fails
3 to produce books and records for inspection, as required by
4 Section 65-36, is liable to pay to the Department, for deposit
5 in the Tax Compliance and Administration Fund, a penalty of
6 \$1,000 for the first failure to keep books and records or
7 failure to produce books and records for inspection, as
8 required by Section 65-36, and \$3,000 for each subsequent
9 failure to keep books and records or failure to produce books
10 and records for inspection, as required by Section 65-36.

11 (g) Any person who knowingly acts as a retailer of
12 cannabis in this State without first having obtained a
13 certificate of registration to do so in compliance with
14 Section 65-20 of this Article shall be guilty of a Class 4
15 felony.

16 (h) A person commits the offense of tax evasion under this
17 Article when he or she knowingly attempts in any manner to
18 evade or defeat the tax imposed on him or her or on any other
19 person, or the payment thereof, and he or she commits an
20 affirmative act in furtherance of the evasion. As used in this
21 Section, "affirmative act in furtherance of the evasion" means
22 an act designed in whole or in part to (i) conceal,
23 misrepresent, falsify, or manipulate any material fact or (ii)
24 tamper with or destroy documents or materials related to a
25 person's tax liability under this Article. Two or more acts of
26 sales tax evasion may be charged as a single count in any

1 indictment, information, or complaint and the amount of tax
2 deficiency may be aggregated for purposes of determining the
3 amount of tax that is attempted to be or is evaded and the
4 period between the first and last acts may be alleged as the
5 date of the offense.

6 (1) When the amount of tax, the assessment or payment
7 of which is attempted to be or is evaded is less than \$500,
8 a person is guilty of a Class 4 felony.

9 (2) When the amount of tax, the assessment or payment
10 of which is attempted to be or is evaded is \$500 or more
11 but less than \$10,000, a person is guilty of a Class 3
12 felony.

13 (3) When the amount of tax, the assessment or payment
14 of which is attempted to be or is evaded is \$10,000 or more
15 but less than \$100,000, a person is guilty of a Class 2
16 felony.

17 (4) When the amount of tax, the assessment or payment
18 of which is attempted to be or is evaded is \$100,000 or
19 more, a person is guilty of a Class 1 felony.

20 Any person who knowingly sells, purchases, installs,
21 transfers, possesses, uses, or accesses any automated sales
22 suppression device, zapper, or phantom-ware in this State is
23 guilty of a Class 3 felony.

24 As used in this Section:

25 "Automated sales suppression device" or "zapper" means a
26 software program that falsifies the electronic records of an

1 electronic cash register or other point-of-sale system,
2 including, but not limited to, transaction data and
3 transaction reports. The term includes the software program,
4 any device that carries the software program, or an Internet
5 link to the software program.

6 "Phantom-ware" means a hidden programming option embedded
7 in the operating system of an electronic cash register or
8 hardwired into an electronic cash register that can be used to
9 create a second set of records or that can eliminate or
10 manipulate transaction records in an electronic cash register.

11 "Electronic cash register" means a device that keeps a
12 register or supporting documents through the use of an
13 electronic device or computer system designed to record
14 transaction data for the purpose of computing, compiling, or
15 processing retail sales transaction data in any manner.

16 "Transaction data" includes: items purchased by a
17 purchaser; the price of each item; a taxability determination
18 for each item; a segregated tax amount for each taxed item; the
19 amount of cash or credit tendered; the net amount returned to
20 the customer in change; the date and time of the purchase; the
21 name, address, and identification number of the vendor; and
22 the receipt or invoice number of the transaction.

23 "Transaction report" means a report that documents,
24 without limitation, the sales, taxes, or fees collected, media
25 totals, and discount voids at an electronic cash register and
26 that is printed on a cash register tape at the end of a day or

1 shift, or a report that documents every action at an
2 electronic cash register and is stored electronically.

3 A prosecution for any act in violation of this Section may
4 be commenced at any time within 5 years of the commission of
5 that act.

6 (i) The Department may adopt rules to administer the
7 penalties under this Section.

8 (j) Any person whose principal place of business is in
9 this State and who is charged with a violation under this
10 Section shall be tried in the county where his or her principal
11 place of business is located unless he or she asserts a right
12 to be tried in another venue.

13 (k) Except as otherwise provided in subsection (h), a
14 prosecution for a violation described in this Section may be
15 commenced within 3 years after the commission of the act
16 constituting the violation.

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

18 (410 ILCS 705/65-42)

19 Sec. 65-42. Seizure and forfeiture. After seizing any
20 cannabis as provided in Section 65-41, the Department must
21 hold a hearing and determine whether (i) the retailer was
22 properly registered to sell the cannabis; (ii) the retailer
23 possessed the cannabis in violation of this Act; (iii) the
24 retailer possessed the cannabis in violation of any reasonable
25 rule or regulation adopted by the Department for the

1 enforcement of this Act; or (iv) the tax imposed by Article 60
2 had been paid on the cannabis at the time of its seizure by the
3 Department. The Department is not required to hold such a
4 hearing if a waiver and consent to forfeiture has been
5 executed by the owner of the cannabis, if the owner is known,
6 and by the person in whose possession the cannabis so taken was
7 found, if that person is known and if that person is not the
8 owner of said cannabis. The Department shall give not less
9 than 20 days' notice of the time and place of the hearing to
10 the owner of the cannabis, if the owner is known, and also to
11 the person in whose possession the cannabis was found, if that
12 person is known and if the person in possession is not the
13 owner of the cannabis. If neither the owner nor the person in
14 possession of the cannabis is known, the Department must cause
15 publication of the time and place of the hearing to be made at
16 least once in each week for 3 weeks successively in a newspaper
17 of general circulation in the county where the hearing is to be
18 held.

19 If, as the result of the hearing, the Department makes any
20 of the findings listed in items (i) through (iv) ~~determines~~
21 ~~that the retailer was not properly registered at the time the~~
22 ~~cannabis was seized~~, or upon receipt of a properly executed
23 waiver and consent to forfeiture as provided in this Section,
24 the Department must enter an order declaring the cannabis
25 confiscated and forfeited to the State, to be held by the
26 Department for disposal by it as provided in Section 65-43.

1 The Department must give notice of the order to the owner of
2 the cannabis, if the owner is known, and also to the person in
3 whose possession the cannabis was found, if that person is
4 known and if the person in possession is not the owner of the
5 cannabis. If neither the owner nor the person in possession of
6 the cannabis is known, the Department must cause publication
7 of the order to be made at least once in each week for 3 weeks
8 successively in a newspaper of general circulation in the
9 county where the hearing was held.

10 (Source: P.A. 103-1001, eff. 8-9-24.)

11 (410 ILCS 705/15-55 rep.)

12 (410 ILCS 705/20-50 rep.)

13 (410 ILCS 705/30-50 rep.)

14 Section 45. The Cannabis Regulation and Tax Act is amended
15 by repealing Sections 15-55, 20-50, and 30-50.

16 Section 50. The Illinois Vehicle Code is amended by
17 changing Sections 11-502.1 and 11-502.15 as follows:

18 (625 ILCS 5/11-502.1)

19 Sec. 11-502.1. Possession of medical cannabis in a motor
20 vehicle.

21 (a) No driver, who is a medical cannabis cardholder, may
22 use medical cannabis within the passenger area of any motor
23 vehicle upon a highway in this State.

1 (b) No driver, who is a medical cannabis cardholder,
2 medical cannabis provisional patient, an Opioid Alternative
3 Patient Program participant, a medical cannabis designated
4 caregiver, medical cannabis cultivation center agent, or
5 dispensing organization agent may possess ~~medical~~ cannabis
6 within any area of any motor vehicle upon a highway in this
7 State except in a secured, sealed or resealable, odor-proof,
8 and child-resistant ~~medical—cannabis~~ container that is
9 inaccessible.

10 (c) No passenger, who is a medical cannabis card holder,
11 medical cannabis provisional patient, an Opioid Alternative
12 Patient Program participant, a medical cannabis designated
13 caregiver, or medical cannabis dispensing organization agent
14 may possess ~~medical~~ cannabis within any passenger area of any
15 motor vehicle upon a highway in this State except in a secured,
16 sealed or resealable, odor-proof, and child-resistant ~~medical~~
17 ~~cannabis~~ container that is inaccessible.

18 (d) Any person who violates subsections (a) through (c) of
19 this Section:

20 (1) commits a Class A misdemeanor;

21 (2) shall be subject to revocation of his or her
22 medical cannabis card for a period of 2 years from the end
23 of the sentence imposed; and

24 (3) shall be subject to revocation of his or her
25 status as a designated ~~medical—cannabis~~ caregiver, medical
26 cannabis cultivation center agent, or medical cannabis

1 dispensing organization agent for a period of 2 years from
2 the end of the sentence imposed.

3 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
4 102-558, eff. 8-20-21.)

5 (625 ILCS 5/11-502.15)

6 Sec. 11-502.15. Possession of adult use cannabis in a
7 motor vehicle.

8 (a) No driver may use cannabis within the passenger area
9 of any motor vehicle upon a highway in this State.

10 (b) No driver may possess cannabis within any area of any
11 motor vehicle upon a highway in this State except in a secured,
12 sealed or resealable, odor-proof, child-resistant ~~cannabis~~
13 container that is inaccessible.

14 (c) No passenger may possess cannabis within any passenger
15 area of any motor vehicle upon a highway in this State except
16 in a secured, sealed or resealable, odor-proof,
17 child-resistant ~~cannabis~~ container that is inaccessible.

18 (d) Any person who knowingly violates subsection (a), (b),
19 or (c) of this Section commits a Class A misdemeanor.

20 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21.)

21 Section 55. The Tobacco Accessories and Smoking Herbs
22 Control Act is amended by changing Section 2 as follows:

23 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

1 Sec. 2. Purpose. The sale and possession of ~~marijuana,~~
2 ~~hashish,~~ cocaine, opium, and their derivatives, is not only
3 prohibited by Illinois Law, but the use of these substances
4 has been deemed injurious to the health of the user.

5 It has further been determined by the Surgeon General of
6 the United States that the use of tobacco is hazardous to human
7 health.

8 The ready availability of smoking herbs to persons under
9 21 years of age could lead to the use of tobacco and illegal
10 drugs.

11 It is in the best interests of the citizens of the State of
12 Illinois to seek to prohibit the spread of illegal drugs,
13 tobacco or smoking materials to persons under 21 years of age.
14 The prohibition of the sale of tobacco and snuff accessories
15 and smoking herbs to persons under 21 years of age would help
16 to curb the usage of illegal drugs and tobacco products, among
17 our youth.

18 (Source: P.A. 101-2, eff. 7-1-19.)

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

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3 20 ILCS 2105/2105-117

4 35 ILCS 105/3-10 from Ch. 120, par. 439.33-10

5 35 ILCS 110/3-10

6 35 ILCS 115/3-10

7 35 ILCS 120/2-10 from Ch. 120, par. 441-10

8 35 ILCS 120/11 from Ch. 120, par. 450

9 410 ILCS 130/7

10 410 ILCS 130/10

11 410 ILCS 130/15

12 410 ILCS 130/25

13 410 ILCS 130/30

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1 410 ILCS 705/65-38

2 410 ILCS 705/65-42

3 410 ILCS 705/15-55 rep.

4 410 ILCS 705/20-50 rep.

5 410 ILCS 705/30-50 rep.

6 625 ILCS 5/11-502.1

7 625 ILCS 5/11-502.15

8 720 ILCS 685/2 from Ch. 23, par. 2358-2

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