

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****SB4048**

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. Allows the Department of Professional Regulation to disclose to the Office of the Executive Inspector General confidential information collected during investigations. Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Specifies that "prescription and nonprescription medicines and drugs" includes, in the specified circumstances, cannabis. Redefines "adult use cannabis" for purposes of these tax Acts. Amends the Counties Code and the Illinois Municipal Code. Limits the authority to tax cannabis. Amends the Compassionate Use of Medical Cannabis Program Act. Changes the name of the Opioid Alternative Pilot Program to the Opioid Alternative Patient Program. Deletes a provision that provided for the repeal of that program and a provision that granted emergency rulemaking powers for purposes of the program. Makes changes to various definitions and causes some definitions to become inoperative. Authorizes the Department of Public Health to enter into intergovernmental agreements. Amends the Cannabis Regulation and Tax Act. Makes changes to various definitions. Removes certain references and repeals certain provisions related to the Compassionate Use of Medical Cannabis Program Act. Provides for mergers of certain licenses and medical patient prioritization. Provides for Adult Use Dispensing Organization licensee relocation. Provides for rescission of a conditional license. Makes changes to provisions regarding Adult Use Dispensing Organization Licenses. Adds to requirements for Responsible Vendor Program Training modules. Adds new prohibitions and exceptions to provisions regarding changes to a dispensing organization. Requires prioritizing qualifying patients, provisional patients, and dedicated caregivers. Adds certain State agencies and local health officials to provisions regarding investigations. Makes changes to provisions regarding Cultivation Center Licenses. Authorizes the Department and the Department of Financial and Professional Regulation to develop and implement an integrated system to issue an agent identification card. Makes other changes. Effective immediately.

LRB104 20768 BDA 34274 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 3. 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 the
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 Office of the Executive
23 Inspector General, shall not be disclosed by the agency for

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

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

9 Section 4. The State Finance Act is amended by changing
10 Section 5.916 as follows:

11 (30 ILCS 105/5.916)

12 Sec. 5.916. The Local Cannabis Retailers' Occupation
13 ~~Consumer Excise~~ Tax Trust Fund.

14 (Source: P.A. 101-27, eff. 6-25-19; 102-558, eff. 8-20-21.)

15 Section 5. The Illinois Procurement Code is amended by
16 changing Section 1-10 as follows:

17 (30 ILCS 500/1-10)

18 Sec. 1-10. Application.

19 (a) This Code applies only to procurements for which
20 bidders, offerors, potential contractors, or contractors were
21 first solicited on or after July 1, 1998. This Code shall not
22 be construed to affect or impair any contract, or any

1 provision of a contract, entered into based on a solicitation
2 prior to the implementation date of this Code as described in
3 Article 99, including, but not limited to, any covenant
4 entered into with respect to any revenue bonds or similar
5 instruments. All procurements for which contracts are
6 solicited between the effective date of Articles 50 and 99 and
7 July 1, 1998 shall be substantially in accordance with this
8 Code and its intent.

9 (b) This Code shall apply regardless of the source of the
10 funds with which the contracts are paid, including federal
11 assistance moneys. This Code shall not apply to:

12 (1) Contracts between the State and its political
13 subdivisions or other governments, or between State
14 governmental bodies, except as specifically provided in
15 this Code.

16 (2) Grants, except for the filing requirements of
17 Section 20-80.

18 (3) Purchase of care, except as provided in Section
19 5-30.6 of the Illinois Public Aid Code and this Section.

20 (4) Hiring of an individual as an employee and not as
21 an independent contractor, whether pursuant to an
22 employment code or policy or by contract directly with
23 that individual.

24 (5) Collective bargaining contracts.

25 (6) Purchase of real estate, except that notice of
26 this type of contract with a value of more than \$25,000

1 must be published in the Procurement Bulletin within 10
2 calendar days after the deed is recorded in the county of
3 jurisdiction. The notice shall identify the real estate
4 purchased, the names of all parties to the contract, the
5 value of the contract, and the effective date of the
6 contract.

7 (7) Contracts necessary to prepare for anticipated
8 litigation, enforcement actions, or investigations,
9 provided that the chief legal counsel to the Governor
10 shall give his or her prior approval when the procuring
11 agency is one subject to the jurisdiction of the Governor,
12 and provided that the chief legal counsel of any other
13 procuring entity subject to this Code shall give his or
14 her prior approval when the procuring entity is not one
15 subject to the jurisdiction of the Governor.

16 (8) (Blank).

17 (9) Procurement expenditures by the Illinois
18 Conservation Foundation when only private funds are used.

19 (10) (Blank).

20 (11) Public-private agreements entered into according
21 to the procurement requirements of Section 20 of the
22 Public-Private Partnerships for Transportation Act and
23 design-build agreements entered into according to the
24 procurement requirements of Section 25 of the
25 Public-Private Partnerships for Transportation Act.

26 (12) (A) Contracts for legal, financial, and other

1 professional and artistic services entered into by the
2 Illinois Finance Authority in which the State of Illinois
3 is not obligated. Such contracts shall be awarded through
4 a competitive process authorized by the members of the
5 Illinois Finance Authority and are subject to Sections
6 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
7 as well as the final approval by the members of the
8 Illinois Finance Authority of the terms of the contract.

9 (B) Contracts for legal and financial services entered
10 into by the Illinois Housing Development Authority in
11 connection with the issuance of bonds in which the State
12 of Illinois is not obligated. Such contracts shall be
13 awarded through a competitive process authorized by the
14 members of the Illinois Housing Development Authority and
15 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
16 and 50-37 of this Code, as well as the final approval by
17 the members of the Illinois Housing Development Authority
18 of the terms of the contract.

19 (13) Contracts for services, commodities, and
20 equipment to support the delivery of timely forensic
21 science services in consultation with and subject to the
22 approval of the Chief Procurement Officer as provided in
23 subsection (d) of Section 5-4-3a of the Unified Code of
24 Corrections, except for the requirements of Sections
25 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
26 Code; however, the Chief Procurement Officer may, in

1 writing with justification, waive any certification
2 required under Article 50 of this Code. For any contracts
3 for services which are currently provided by members of a
4 collective bargaining agreement, the applicable terms of
5 the collective bargaining agreement concerning
6 subcontracting shall be followed.

7 On and after January 1, 2019, this paragraph (13),
8 except for this sentence, is inoperative.

9 (14) Contracts for participation expenditures required
10 by a domestic or international trade show or exhibition of
11 an exhibitor, member, or sponsor.

12 (15) Contracts with a railroad or utility that
13 requires the State to reimburse the railroad or utilities
14 for the relocation of utilities for construction or other
15 public purpose. Contracts included within this paragraph
16 (15) shall include, but not be limited to, those
17 associated with: relocations, crossings, installations,
18 and maintenance. For the purposes of this paragraph (15),
19 "railroad" means any form of non-highway ground
20 transportation that runs on rails or electromagnetic
21 guideways and "utility" means: (1) public utilities as
22 defined in Section 3-105 of the Public Utilities Act, (2)
23 telecommunications carriers as defined in Section 13-202
24 of the Public Utilities Act, (3) electric cooperatives as
25 defined in Section 3.4 of the Electric Supplier Act, (4)
26 telephone or telecommunications cooperatives as defined in

1 Section 13-212 of the Public Utilities Act, (5) rural
2 water or waste water systems with 10,000 connections or
3 less, (6) a holder as defined in Section 21-201 of the
4 Public Utilities Act, and (7) municipalities owning or
5 operating utility systems consisting of public utilities
6 as that term is defined in Section 11-117-2 of the
7 Illinois Municipal Code.

8 (16) Procurement expenditures necessary for the
9 Department of Public Health to provide the delivery of
10 timely newborn screening services in accordance with the
11 Newborn Metabolic Screening Act.

12 (17) Procurement expenditures necessary for the
13 Department of Agriculture, the Department of Financial and
14 Professional Regulation, the Department of Human Services,
15 and the Department of Public Health to implement the
16 Compassionate Use of Medical Cannabis Program and Opioid
17 Alternative Patient ~~Pilot~~ Program requirements and ensure
18 access to medical cannabis for patients with debilitating
19 medical conditions in accordance with the Compassionate
20 Use of Medical Cannabis Program Act.

21 (18) This Code does not apply to any procurements
22 necessary for the Department of Agriculture, the
23 Department of Financial and Professional Regulation, the
24 Department of Human Services, the Department of Commerce
25 and Economic Opportunity, and the Department of Public
26 Health to implement the Cannabis Regulation and Tax Act if

1 the applicable agency has made a good faith determination
2 that it is necessary and appropriate for the expenditure
3 to fall within this exemption and if the process is
4 conducted in a manner substantially in accordance with the
5 requirements of Sections 20-160, 25-60, 30-22, 50-5,
6 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
7 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
8 Section 50-35, compliance applies only to contracts or
9 subcontracts over \$100,000. Notice of each contract
10 entered into under this paragraph (18) that is related to
11 the procurement of goods and services identified in
12 paragraph (1) through (9) of this subsection shall be
13 published in the Procurement Bulletin within 14 calendar
14 days after contract execution. The Chief Procurement
15 Officer shall prescribe the form and content of the
16 notice. Each agency shall provide the Chief Procurement
17 Officer, on a monthly basis, in the form and content
18 prescribed by the Chief Procurement Officer, a report of
19 contracts that are related to the procurement of goods and
20 services identified in this subsection. At a minimum, this
21 report shall include the name of the contractor, a
22 description of the supply or service provided, the total
23 amount of the contract, the term of the contract, and the
24 exception to this Code utilized. A copy of any or all of
25 these contracts shall be made available to the Chief
26 Procurement Officer immediately upon request. The Chief

1 Procurement Officer shall submit a report to the Governor
2 and General Assembly no later than November 1 of each year
3 that includes, at a minimum, an annual summary of the
4 monthly information reported to the Chief Procurement
5 Officer. This exemption becomes inoperative 9 ~~5~~ years
6 after June 25, 2019 (the effective date of Public Act
7 101-27).

8 (19) Acquisition of modifications or adjustments,
9 limited to assistive technology devices and assistive
10 technology services, adaptive equipment, repairs, and
11 replacement parts to provide reasonable accommodations (i)
12 that enable a qualified applicant with a disability to
13 complete the job application process and be considered for
14 the position such qualified applicant desires, (ii) that
15 modify or adjust the work environment to enable a
16 qualified current employee with a disability to perform
17 the essential functions of the position held by that
18 employee, (iii) to enable a qualified current employee
19 with a disability to enjoy equal benefits and privileges
20 of employment as are enjoyed by other similarly situated
21 employees without disabilities, and (iv) that allow a
22 customer, client, claimant, or member of the public
23 seeking State services full use and enjoyment of and
24 access to its programs, services, or benefits.

25 For purposes of this paragraph (19):

26 "Assistive technology devices" means any item, piece

1 of equipment, or product system, whether acquired
2 commercially off the shelf, modified, or customized, that
3 is used to increase, maintain, or improve functional
4 capabilities of individuals with disabilities.

5 "Assistive technology services" means any service that
6 directly assists an individual with a disability in
7 selection, acquisition, or use of an assistive technology
8 device.

9 "Qualified" has the same meaning and use as provided
10 under the federal Americans with Disabilities Act when
11 describing an individual with a disability.

12 (20) Procurement expenditures necessary for the
13 Illinois Commerce Commission to hire third-party
14 facilitators pursuant to Sections 16-105.17 and 16-108.18
15 of the Public Utilities Act or an ombudsman pursuant to
16 Section 16-107.5 of the Public Utilities Act, a
17 facilitator pursuant to Section 16-105.17 of the Public
18 Utilities Act, or a grid auditor pursuant to Section
19 16-105.10 of the Public Utilities Act.

20 (21) Procurement expenditures for the purchase,
21 renewal, and expansion of software, software licenses, or
22 software maintenance agreements that support the efforts
23 of the Illinois State Police to enforce, regulate, and
24 administer the Firearm Owners Identification Card Act, the
25 Firearm Concealed Carry Act, the Firearms Restraining
26 Order Act, the Firearm Dealer License Certification Act,

1 the Law Enforcement Agencies Data System (LEADS), the
2 Uniform Crime Reporting Act, the Criminal Identification
3 Act, the Illinois Uniform Conviction Information Act, and
4 the Gun Trafficking Information Act, or establish or
5 maintain record management systems necessary to conduct
6 human trafficking investigations or gun trafficking or
7 other stolen firearm investigations. This paragraph (21)
8 applies to contracts entered into on or after January 10,
9 2023 (the effective date of Public Act 102-1116) and the
10 renewal of contracts that are in effect on January 10,
11 2023 (the effective date of Public Act 102-1116).

12 (22) Contracts for project management services and
13 system integration services required for the completion of
14 the State's enterprise resource planning project. This
15 exemption becomes inoperative 5 years after June 7, 2023
16 (the effective date of the changes made to this Section by
17 Public Act 103-8). This paragraph (22) applies to
18 contracts entered into on or after June 7, 2023 (the
19 effective date of the changes made to this Section by
20 Public Act 103-8) and the renewal of contracts that are in
21 effect on June 7, 2023 (the effective date of the changes
22 made to this Section by Public Act 103-8).

23 (23) Procurements necessary for the Department of
24 Insurance to implement the Illinois Health Benefits
25 Exchange Law if the Department of Insurance has made a
26 good faith determination that it is necessary and

1 appropriate for the expenditure to fall within this
2 exemption. The procurement process shall be conducted in a
3 manner substantially in accordance with the requirements
4 of Sections 20-160 and 25-60 and Article 50 of this Code. A
5 copy of these contracts shall be made available to the
6 Chief Procurement Officer immediately upon request. This
7 paragraph is inoperative 5 years after June 27, 2023 (the
8 effective date of Public Act 103-103).

9 (24) Contracts for public education programming,
10 noncommercial sustaining announcements, public service
11 announcements, and public awareness and education
12 messaging with the nonprofit trade associations of the
13 providers of those services that inform the public on
14 immediate and ongoing health and safety risks and hazards.

15 (25) Procurements necessary for the Department of
16 Early Childhood to implement the Department of Early
17 Childhood Act if the Department has made a good faith
18 determination that it is necessary and appropriate for the
19 expenditure to fall within this exemption. This exemption
20 shall only be used for products and services procured
21 solely for use by the Department of Early Childhood. The
22 procurements may include those necessary to design and
23 build integrated, operational systems of programs and
24 services. The procurements may include, but are not
25 limited to, those necessary to align and update program
26 standards, integrate funding systems, design and establish

1 data and reporting systems, align and update models for
2 technical assistance and professional development, design
3 systems to manage grants and ensure compliance, design and
4 implement management and operational structures, and
5 establish new means of engaging with families, educators,
6 providers, and stakeholders. The procurement processes
7 shall be conducted in a manner substantially in accordance
8 with the requirements of Article 50 (ethics) and Sections
9 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
10 and Inclusion), 20-80 (contract files), 20-120
11 (subcontractors), 20-155 (paperwork), 20-160
12 (ethics/campaign contribution prohibitions), 25-60
13 (prevailing wage), and 25-90 (prohibited and authorized
14 cybersecurity) of this Code. Beginning January 1, 2025,
15 the Department of Early Childhood shall provide a
16 quarterly report to the General Assembly detailing a list
17 of expenditures and contracts for which the Department
18 uses this exemption. This paragraph is inoperative on and
19 after July 1, 2027.

20 (26) Procurements that are necessary for increasing
21 the recruitment and retention of State employees,
22 particularly minority candidates for employment,
23 including:

24 (A) procurements related to registration fees for
25 job fairs and other outreach and recruitment events;

26 (B) production of recruitment materials; and

1 (C) other services related to recruitment and
2 retention of State employees.

3 The exemption under this paragraph (26) applies only
4 if the State agency has made a good faith determination
5 that it is necessary and appropriate for the expenditure
6 to fall within this paragraph (26). The procurement
7 process under this paragraph (26) shall be conducted in a
8 manner substantially in accordance with the requirements
9 of Sections 20-160 and 25-60 and Article 50 of this Code. A
10 copy of these contracts shall be made available to the
11 Chief Procurement Officer immediately upon request.
12 Nothing in this paragraph (26) authorizes the replacement
13 or diminishment of State responsibilities in hiring or the
14 positions that effectuate that hiring. This paragraph (26)
15 is inoperative on and after June 30, 2029.

16 (27) Procurements necessary for the Department of
17 Healthcare and Family Services to implement changes to the
18 State's Integrated Eligibility System to ensure the
19 system's compliance with federal implementation mandates
20 and deadlines, if the Department of Healthcare and Family
21 Services has made a good faith determination that it is
22 necessary and appropriate for the procurement to fall
23 within this exemption.

24 Notwithstanding any other provision of law, for contracts
25 with an annual value of more than \$100,000 entered into on or
26 after October 1, 2017 under an exemption provided in any

1 paragraph of this subsection (b), except paragraph (1), (2),
2 or (5), each State agency shall post to the appropriate
3 procurement bulletin the name of the contractor, a description
4 of the supply or service provided, the total amount of the
5 contract, the term of the contract, and the exception to the
6 Code utilized. The chief procurement officer shall submit a
7 report to the Governor and General Assembly no later than
8 November 1 of each year that shall include, at a minimum, an
9 annual summary of the monthly information reported to the
10 chief procurement officer.

11 (c) This Code does not apply to the electric power
12 procurement process provided for under Section 1-75 of the
13 Illinois Power Agency Act and Section 16-111.5 of the Public
14 Utilities Act. This Code does not apply to the procurement of
15 technical and policy experts pursuant to Section 1-129 of the
16 Illinois Power Agency Act.

17 (d) Except for Section 20-160 and Article 50 of this Code,
18 and as expressly required by Section 9.1 of the Illinois
19 Lottery Law, the provisions of this Code do not apply to the
20 procurement process provided for under Section 9.1 of the
21 Illinois Lottery Law.

22 (e) This Code does not apply to the process used by the
23 Capital Development Board to retain a person or entity to
24 assist the Capital Development Board with its duties related
25 to the determination of costs of a clean coal SNG brownfield
26 facility, as defined by Section 1-10 of the Illinois Power

1 Agency Act, as required in subsection (h-3) of Section 9-220
2 of the Public Utilities Act, including calculating the range
3 of capital costs, the range of operating and maintenance
4 costs, or the sequestration costs or monitoring the
5 construction of clean coal SNG brownfield facility for the
6 full duration of construction.

7 (f) (Blank).

8 (g) (Blank).

9 (h) This Code does not apply to the process to procure or
10 contracts entered into in accordance with Sections 11-5.2 and
11 11-5.3 of the Illinois Public Aid Code.

12 (i) Each chief procurement officer may access records
13 necessary to review whether a contract, purchase, or other
14 expenditure is or is not subject to the provisions of this
15 Code, unless such records would be subject to attorney-client
16 privilege.

17 (j) This Code does not apply to the process used by the
18 Capital Development Board to retain an artist or work or works
19 of art as required in Section 14 of the Capital Development
20 Board Act.

21 (k) This Code does not apply to the process to procure
22 contracts, or contracts entered into, by the State Board of
23 Elections or the State Electoral Board for hearing officers
24 appointed pursuant to the Election Code.

25 (l) This Code does not apply to the processes used by the
26 Illinois Student Assistance Commission to procure supplies and

1 services paid for from the private funds of the Illinois
2 Prepaid Tuition Fund. As used in this subsection (1), "private
3 funds" means funds derived from deposits paid into the
4 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

5 (m) This Code shall apply regardless of the source of
6 funds with which contracts are paid, including federal
7 assistance moneys. Except as specifically provided in this
8 Code, this Code shall not apply to procurement expenditures
9 necessary for the Department of Public Health to conduct the
10 Healthy Illinois Survey in accordance with Section 2310-431 of
11 the Department of Public Health Powers and Duties Law of the
12 Civil Administrative Code of Illinois.

13 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
14 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
15 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
16 eff. 6-16-25; 104-417, eff. 8-15-25)

17 Section 10. The Use Tax Act is amended by changing Section
18 3-10 as follows:

19 (35 ILCS 105/3-10) from Ch. 120, par. 439.33-10

20 Sec. 3-10. Rate of tax. Unless otherwise provided in this
21 Section, the tax imposed by this Act is at the rate of 6.25% of
22 either the selling price or the fair market value, if any, of
23 the tangible personal property, which, on and after January 1,
24 2025, includes leases of tangible personal property. In all

1 cases where property functionally used or consumed is the same
2 as the property that was purchased at retail, then the tax is
3 imposed on the selling price of the property. In all cases
4 where property functionally used or consumed is a by-product
5 or waste product that has been refined, manufactured, or
6 produced from property purchased at retail, then the tax is
7 imposed on the lower of the fair market value, if any, of the
8 specific property so used in this State or on the selling price
9 of the property purchased at retail. For purposes of this
10 Section "fair market value" means the price at which property
11 would change hands between a willing buyer and a willing
12 seller, neither being under any compulsion to buy or sell and
13 both having reasonable knowledge of the relevant facts. The
14 fair market value shall be established by Illinois sales by
15 the taxpayer of the same property as that functionally used or
16 consumed, or if there are no such sales by the taxpayer, then
17 comparable sales or purchases of property of like kind and
18 character in Illinois.

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

23 Beginning on August 6, 2010 through August 15, 2010, and
24 beginning again on August 5, 2022 through August 14, 2022,
25 with respect to sales tax holiday items as defined in Section
26 3-6 of this Act, the tax is imposed at the rate of 1.25%.

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

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

21 With respect to majority blended ethanol fuel, the tax
22 imposed by this Act does not apply to the proceeds of sales
23 made on or after July 1, 2003 and on or before December 31,
24 2028 but applies to 100% of the proceeds of sales made
25 thereafter.

26 With respect to biodiesel blends with no less than 1% and

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

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

21 Until July 1, 2022 and from July 1, 2023 through December
22 31, 2025, with respect to food for human consumption that is to
23 be consumed off the premises where it is sold (other than
24 alcoholic beverages, food consisting of or infused with adult
25 use cannabis, soft drinks, and food that has been prepared for
26 immediate consumption), the tax is imposed at the rate of 1%.

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

13 With respect to prescription and nonprescription
14 medicines, drugs, medical appliances, products classified as
15 Class III medical devices by the United States Food and Drug
16 Administration that are used for cancer treatment pursuant to
17 a prescription, as well as any accessories and components
18 related to those devices, modifications to a motor vehicle for
19 the purpose of rendering it usable by a person with a
20 disability, and insulin, blood sugar testing materials,
21 syringes, and needles used by human diabetics, the tax is
22 imposed at the rate of 1%. For the purposes of this Section,
23 until September 1, 2009: the term "soft drinks" means any
24 complete, finished, ready-to-use, non-alcoholic drink, whether
25 carbonated or not, including, but not limited to, soda water,
26 cola, fruit juice, vegetable juice, carbonated water, and all

1 other preparations commonly known as soft drinks of whatever
2 kind or description that are contained in any closed or sealed
3 bottle, can, carton, or container, regardless of size; but
4 "soft drinks" does not include coffee, tea, non-carbonated
5 water, infant formula, milk or milk products as defined in the
6 Grade A Pasteurized Milk and Milk Products Act, or drinks
7 containing 50% or more natural fruit or vegetable juice.

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

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

26 Notwithstanding any other provisions of this Act,

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

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

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

23 (B) a statement of the "active ingredient(s)" with a
24 list of those ingredients contained in the compound,
25 substance or preparation.

26 Beginning on January 1, 2014 (the effective date of Public

1 Act 98-122), and through December 31, 2026, "prescription and
2 nonprescription medicines and drugs" includes medical cannabis
3 purchased from a registered dispensing organization under the
4 Compassionate Use of Medical Cannabis Program Act.

5 Beginning on January 1, 2027, "prescription and
6 nonprescription medicines and drugs" includes cannabis
7 purchased by a qualified patient, provisional patient,
8 designated caregiver, or Opioid Alternative Patient Program
9 participant as part of that individual's adequate medical
10 supply, as these terms are defined under the Cannabis
11 Regulation and Tax Act, from a dispensing organization
12 registered under the Compassionate Use of Medical Cannabis
13 Program Act or the Cannabis Regulation and Tax Act.

14 As used in this Section through December 31, 2026, "adult
15 use cannabis" means cannabis subject to tax under the Cannabis
16 Cultivation Privilege Tax Law and the Cannabis Purchaser
17 Excise Tax Law and does not include cannabis subject to tax
18 under the Compassionate Use of Medical Cannabis Program Act.

19 Beginning January 1, 2027, as used in this Section, "adult
20 use cannabis" means cannabis subject to tax under the Cannabis
21 Cultivation Privilege Tax Law and the Cannabis Purchaser
22 Excise Tax Law and does not include cannabis purchased by a
23 qualified patient, provisional patient, designated caregiver,
24 or Opioid Alternative Patient Program participant as part of
25 that individual's adequate medical supply.

26 If the property that is purchased at retail from a

1 retailer is acquired outside Illinois and used outside
2 Illinois before being brought to Illinois for use here and is
3 taxable under this Act, the "selling price" on which the tax is
4 computed shall be reduced by an amount that represents a
5 reasonable allowance for depreciation for the period of prior
6 out-of-state use. No depreciation is allowed in cases where
7 the tax under this Act is imposed on lease receipts.

8 (Source: P.A. 103-9, eff. 6-7-23; 103-154, eff. 6-30-23;
9 103-592, eff. 1-1-25; 103-781, eff. 8-5-24; 104-417, eff.
10 8-15-25.)

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

13 (35 ILCS 110/3-10)

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

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

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

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

1 imposed by this Act applies to 100% of the selling price of
2 mid-range ethanol blends transferred as an incident to the
3 sale of service during that time.

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

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

26 With respect to biodiesel, as defined in the Use Tax Act,

1 and biodiesel blends, as defined in the Use Tax Act, with more
2 than 10% but no more than 99% biodiesel, the tax imposed by
3 this Act does not apply to the proceeds of the selling price of
4 property transferred as an incident to the sale of service on
5 or after July 1, 2003 and on or before December 31, 2023. On
6 and after January 1, 2024 and on or before December 31, 2030,
7 the taxation of biodiesel, renewable diesel, and biodiesel
8 blends shall be as provided in Section 3-5.1 of the Use Tax
9 Act.

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

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

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

26 Beginning on July 1, 2022 and until July 1, 2023, the tax

1 shall be imposed at the rate of 0% on food prepared for
2 immediate consumption and transferred incident to a sale of
3 service subject to this Act or the Service Occupation Tax Act
4 by an entity licensed under the Hospital Licensing Act, the
5 Nursing Home Care Act, the Assisted Living and Shared Housing
6 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. Beginning on July 1,
10 2022 and until July 1, 2023, the tax shall also be imposed at
11 the rate of 0% on food for human consumption that is to be
12 consumed off the premises where it is sold (other than
13 alcoholic beverages, food consisting of or infused with adult
14 use cannabis, soft drinks, and food that has been prepared for
15 immediate consumption and is not otherwise included in this
16 paragraph).

17 On and after January 1, 2026, food prepared for immediate
18 consumption and transferred incident to a sale of service
19 subject to this Act or the Service Occupation Tax Act by an
20 entity licensed under the Hospital Licensing Act, the Nursing
21 Home Care Act, the Assisted Living and Shared Housing Act, the
22 ID/DD Community Care Act, the MC/DD Act, the Specialized
23 Mental Health Rehabilitation Act of 2013, or the Child Care
24 Act of 1969, or by an entity that holds a permit issued
25 pursuant to the Life Care Facilities Act is exempt from the tax
26 under this Act. On and after January 1, 2026, food for human

1 consumption that is to be consumed off the premises where it is
2 sold (other than alcoholic beverages, food consisting of or
3 infused with adult use cannabis, soft drinks, candy, and food
4 that has been prepared for immediate consumption and is not
5 otherwise included in this paragraph) is exempt from the tax
6 under this Act.

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

1 50% or more natural fruit or vegetable juice.

2 Notwithstanding any other provisions of this Act,
3 beginning September 1, 2009, "soft drinks" means non-alcoholic
4 beverages that contain natural or artificial sweeteners. "Soft
5 drinks" does not include beverages that contain milk or milk
6 products, soy, rice or similar milk substitutes, or greater
7 than 50% of vegetable or fruit juice by volume.

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

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

1 pieces. "Candy" does not include any preparation that contains
2 flour or requires refrigeration.

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

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

17 (B) a statement of the "active ingredient(s)" with a
18 list of those ingredients contained in the compound,
19 substance or preparation.

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

25 Beginning on January 1, 2027, "prescription and
26 nonprescription medicines and drugs" includes cannabis

1 purchased by a qualified patient, provisional patient,
2 designated caregiver, or Opioid Alternative Patient Program
3 participant as part of that individual's adequate medical
4 supply, as these terms are defined under the Cannabis
5 Regulation and Tax Act, from a dispensing organization
6 registered under the Compassionate Use of Medical Cannabis
7 Program Act or the Cannabis Regulation and Tax Act.

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

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

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

1 the tax under this Act is imposed on lease receipts.

2 (Source: P.A. 103-9, eff. 6-7-23; 103-154, eff. 6-30-23;
3 103-592, eff. 1-1-25; 103-781, eff. 8-5-24; 104-6, eff.
4 6-16-25; 104-417, eff. 8-15-25.)

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

7 (35 ILCS 115/3-10)

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

1 price of the tangible personal property transferred incident
2 to the completion of the contract.

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

7 With respect to gasohol, as defined in the Use Tax Act, the
8 tax imposed by this Act shall apply to (i) 70% of the cost
9 price of property transferred as an incident to the sale of
10 service on or after January 1, 1990, and before July 1, 2003,
11 (ii) 80% of the selling price of property transferred as an
12 incident to the sale of service on or after July 1, 2003 and on
13 or before July 1, 2017, (iii) 100% of the selling price of
14 property transferred as an incident to the sale of service
15 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of
16 the selling price of property transferred as an incident to
17 the sale of service on or after January 1, 2024 and on or
18 before December 31, 2028, and (v) 100% of the selling price of
19 property transferred as an incident to the sale of service
20 after December 31, 2028. If, at any time, however, the tax
21 under this Act on sales of gasohol, as defined in the Use Tax
22 Act, is imposed at the rate of 1.25%, then the tax imposed by
23 this Act applies to 100% of the proceeds of sales of gasohol
24 made during that time.

25 With respect to mid-range ethanol blends, as defined in
26 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act

1 applies to (i) 80% of the selling price of property
2 transferred as an incident to the sale of service on or after
3 January 1, 2024 and on or before December 31, 2028 and (ii)
4 100% of the selling price of property transferred as an
5 incident to the sale of service after December 31, 2028. If, at
6 any time, however, the tax under this Act on sales of mid-range
7 ethanol blends is imposed at the rate of 1.25%, then the tax
8 imposed by this Act applies to 100% of the selling price of
9 mid-range ethanol blends transferred as an incident to the
10 sale of service during that time.

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

17 With respect to biodiesel blends, as defined in the Use
18 Tax Act, with no less than 1% and no more than 10% biodiesel,
19 the tax imposed by this Act applies to (i) 80% of the selling
20 price of property transferred as an incident to the sale of
21 service on or after July 1, 2003 and on or before December 31,
22 2018 and (ii) 100% of the proceeds of the selling price after
23 December 31, 2018 and before January 1, 2024. On and after
24 January 1, 2024 and on or before December 31, 2030, the
25 taxation of biodiesel, renewable diesel, and biodiesel blends
26 shall be as provided in Section 3-5.1 of the Use Tax Act. If,

1 at any time, however, the tax under this Act on sales of
2 biodiesel blends, as defined in the Use Tax Act, with no less
3 than 1% and no more than 10% biodiesel is imposed at the rate
4 of 1.25%, then the tax imposed by this Act applies to 100% of
5 the proceeds of sales of biodiesel blends with no less than 1%
6 and no more than 10% biodiesel made during that time.

7 With respect to biodiesel, as defined in the Use Tax Act,
8 and biodiesel blends, as defined in the Use Tax Act, with more
9 than 10% but no more than 99% biodiesel material, the tax
10 imposed by this Act does not apply to the proceeds of the
11 selling price of property transferred as an incident to the
12 sale of service on or after July 1, 2003 and on or before
13 December 31, 2023. On and after January 1, 2024 and on or
14 before December 31, 2030, the taxation of biodiesel, renewable
15 diesel, and biodiesel blends shall be as provided in Section
16 3-5.1 of the Use Tax Act.

17 At the election of any registered serviceman made for each
18 fiscal year, for whom the aggregate annual cost price of
19 tangible personal property transferred as an incident to the
20 sales of service is less than 35%, or 75% in the case of
21 servicemen transferring prescription drugs or servicemen
22 engaged in graphic arts production, of the aggregate annual
23 total gross receipts from all sales of service, the tax
24 imposed by this Act shall be based on the serviceman's cost
25 price of the tangible personal property transferred incident
26 to the sale of those services. This election may also be made

1 by a serviceman maintaining a place of business in this State
2 who makes retail sales from outside of this State to Illinois
3 customers but is not required to be registered under Section
4 2a of the Retailers' Occupation Tax Act. Beginning January 1,
5 2026, this election shall not apply to any sale of service made
6 through a marketplace that has met the threshold in subsection
7 (d) of Section 3 of this Act.

8 Beginning January 1, 2026, the tax shall be imposed at the
9 rate of 6.25% of 50% of the entire billing to the service
10 customer for all sales of service made through a marketplace
11 that has met the threshold in subsection (d) of Section 3 of
12 this Act. In no event shall 50% of the entire billing be less
13 than the cost price of the property to the marketplace
14 serviceman or the marketplace facilitator on its own sales of
15 service.

16 Until July 1, 2022 and from July 1, 2023 through December
17 31, 2025, the tax shall be imposed at the rate of 1% on food
18 prepared for immediate consumption and transferred incident to
19 a sale of service subject to this Act or the Service Use Tax
20 Act by an entity licensed under the Hospital Licensing Act,
21 the Nursing Home Care Act, the Assisted Living and Shared
22 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
23 Specialized Mental Health Rehabilitation Act of 2013, or the
24 Child Care Act of 1969, or an entity that holds a permit issued
25 pursuant to the Life Care Facilities Act. Until July 1, 2022
26 and from July 1, 2023 through December 31, 2025, the tax shall

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

7 Beginning on July 1, 2022 and until July 1, 2023, the tax
8 shall be imposed at the rate of 0% on food prepared for
9 immediate consumption and transferred incident to a sale of
10 service subject to this Act or the Service Use 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 an entity that holds a permit issued pursuant
16 to the Life Care Facilities Act. Beginning July 1, 2022 and
17 until July 1, 2023, the tax shall also be imposed at the rate
18 of 0% on food for human consumption that is to be consumed off
19 the premises where it is sold (other than alcoholic beverages,
20 food consisting of or infused with adult use cannabis, soft
21 drinks, and food that has been prepared for immediate
22 consumption and is not otherwise included in this paragraph).

23 On and after January 1, 2026, food prepared for immediate
24 consumption and transferred incident to a sale of service
25 subject to this Act or the Service Use Tax Act by an entity
26 licensed under the Hospital Licensing Act, the Nursing Home

1 Care Act, the Assisted Living and Shared Housing Act, the
2 ID/DD Community Care Act, the MC/DD Act, the Specialized
3 Mental Health Rehabilitation Act of 2013, or the Child Care
4 Act of 1969, or an entity that holds a permit issued pursuant
5 to the Life Care Facilities Act is exempt from the tax imposed
6 by this Act. On and after January 1, 2026, food for human
7 consumption that is to be consumed off the premises where it is
8 sold (other than alcoholic beverages, food consisting of or
9 infused with adult use cannabis, soft drinks, candy, and food
10 that has been prepared for immediate consumption and is not
11 otherwise included in this paragraph) is exempt from the tax
12 imposed by this Act.

13 The tax shall be imposed at the rate of 1% on prescription
14 and nonprescription medicines, drugs, medical appliances,
15 products classified as Class III medical devices by the United
16 States Food and Drug Administration that are used for cancer
17 treatment pursuant to a prescription, as well as any
18 accessories and components related to those devices,
19 modifications to a motor vehicle for the purpose of rendering
20 it usable by a person with a disability, and insulin, blood
21 sugar testing materials, syringes, and needles used by human
22 diabetics. For the purposes of this Section, until September
23 1, 2009: the term "soft drinks" means any complete, finished,
24 ready-to-use, non-alcoholic drink, whether carbonated or not,
25 including, but not limited to, soda water, cola, fruit juice,
26 vegetable juice, carbonated water, and all other preparations

1 commonly known as soft drinks of whatever kind or description
2 that are contained in any closed or sealed can, carton, or
3 container, regardless of size; but "soft drinks" does not
4 include coffee, tea, non-carbonated water, infant formula,
5 milk or milk products as defined in the Grade A Pasteurized
6 Milk and Milk Products Act, or drinks containing 50% or more
7 natural fruit or vegetable juice.

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

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

26 Notwithstanding any other provisions of this Act,

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

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

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

23 (B) a statement of the "active ingredient(s)" with a
24 list of those ingredients contained in the compound,
25 substance or preparation.

26 Beginning on January 1, 2014 (the effective date of Public

1 Act 98-122) and through December 31, 2026,, "prescription and
2 nonprescription medicines and drugs" includes medical cannabis
3 purchased from a registered dispensing organization under the
4 Compassionate Use of Medical Cannabis Program Act.

5 Beginning on January 1, 2027, "prescription and
6 nonprescription medicines and drugs" includes cannabis
7 purchased by a qualified patient, provisional patient,
8 designated caregiver, or Opioid Alternative Patient Program
9 participant as part of that individual's adequate medical
10 supply, as these terms are defined under the Cannabis
11 Regulation and Tax Act, from a dispensing organization
12 registered under the Compassionate Use of Medical Cannabis
13 Program Act or the Cannabis Regulation and Tax Act.

14 As used in this Section, and through December 31, 2026,
15 "adult use cannabis" means cannabis subject to tax under the
16 Cannabis Cultivation Privilege Tax Law and the Cannabis
17 Purchaser Excise Tax Law and does not include cannabis subject
18 to tax under the Compassionate Use of Medical Cannabis Program
19 Act.

20 Beginning January 1, 2027, as used in this Section, "adult
21 use cannabis" means cannabis subject to tax under the Cannabis
22 Cultivation Privilege Tax Law and the Cannabis Purchaser
23 Excise Tax Law and does not include cannabis purchased by a
24 qualified patient, provisional patient, designated caregiver,
25 or Opioid Alternative Patient Program participant as part of
26 that individual's adequate medical supply.

1 (Source: P.A. 103-9, eff. 6-7-23; 103-154, eff. 6-30-23;
2 103-592, eff. 1-1-25; 103-781, eff. 8-5-24; 104-6, eff.
3 6-16-25; 104-417, eff. 8-15-25.)

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

6 (35 ILCS 120/2-10) from Ch. 120, par. 441-10

7 Sec. 2-10. Rate of tax. Unless otherwise provided in this
8 Section, the tax imposed by this Act is at the rate of 6.25% of
9 gross receipts from sales, which, on and after January 1,
10 2025, includes leases, of tangible personal property made in
11 the course of business.

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 Beginning on August 6, 2010 through August 15, 2010, and
17 beginning again on August 5, 2022 through August 14, 2022,
18 with respect to sales tax holiday items as defined in Section
19 2-8 of this Act, the tax is imposed at the rate of 1.25%.

20 Within 14 days after July 1, 2000 (the effective date of
21 Public Act 91-872), each retailer of motor fuel and gasohol
22 shall cause the following notice to be posted in a prominently
23 visible place on each retail dispensing device that is used to
24 dispense motor fuel or gasohol in the State of Illinois: "As of

1 July 1, 2000, the State of Illinois has eliminated the State's
2 share of sales tax on motor fuel and gasohol through December
3 31, 2000. The price on this pump should reflect the
4 elimination of the tax." The notice shall be printed in bold
5 print on a sign that is no smaller than 4 inches by 8 inches.
6 The sign shall be clearly visible to customers. Any retailer
7 who fails to post or maintain a required sign through December
8 31, 2000 is guilty of a petty offense for which the fine shall
9 be \$500 per day per each retail premises where a violation
10 occurs.

11 With respect to gasohol, as defined in the Use Tax Act, the
12 tax imposed by this Act applies to (i) 70% of the proceeds of
13 sales made on or after January 1, 1990, and before July 1,
14 2003, (ii) 80% of the proceeds of sales made on or after July
15 1, 2003 and on or before July 1, 2017, (iii) 100% of the
16 proceeds of sales made after July 1, 2017 and prior to January
17 1, 2024, (iv) 90% of the proceeds of sales made on or after
18 January 1, 2024 and on or before December 31, 2028, and (v)
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 gasohol, as defined in the Use Tax Act, is imposed at the rate
22 of 1.25%, then the tax imposed by this Act applies to 100% of
23 the proceeds of sales of gasohol made during that time.

24 With respect to mid-range ethanol blends, as defined in
25 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
26 applies to (i) 80% of the proceeds of sales made on or after

1 January 1, 2024 and on or before December 31, 2028 and (ii)
2 100% of the proceeds of sales made after December 31, 2028. If,
3 at any time, however, the tax under this Act on sales of
4 mid-range ethanol blends is imposed at the rate of 1.25%, then
5 the tax imposed by this Act applies to 100% of the proceeds of
6 sales of mid-range ethanol blends made during that time.

7 With respect to majority blended ethanol fuel, as defined
8 in the Use Tax Act, the tax imposed by this Act does not apply
9 to the proceeds of sales made on or after July 1, 2003 and on
10 or before December 31, 2028 but applies to 100% of the proceeds
11 of sales made thereafter.

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

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

9 Until July 1, 2022 and from July 1, 2023 through December
10 31, 2025, with respect to food for human consumption that is to
11 be consumed off the premises where it is sold (other than
12 alcoholic beverages, food consisting of or infused with adult
13 use cannabis, soft drinks, and food that has been prepared for
14 immediate consumption), the tax is imposed at the rate of 1%.
15 Beginning July 1, 2022 and until July 1, 2023, with respect to
16 food for human consumption that is to be consumed off the
17 premises where it is sold (other than alcoholic beverages,
18 food consisting of or infused with adult use cannabis, soft
19 drinks, and food that has been prepared for immediate
20 consumption), the tax is imposed at the rate of 0%. On and
21 after January 1, 2026, food for human consumption that is to be
22 consumed off the premises where it is sold (other than
23 alcoholic beverages, food consisting of or infused with adult
24 use cannabis, soft drinks, candy, and food that has been
25 prepared for immediate consumption) is exempt from the tax
26 imposed by this Act.

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

22 Notwithstanding any other provisions of this Act,
23 beginning September 1, 2009, "soft drinks" means non-alcoholic
24 beverages that contain natural or artificial sweeteners. "Soft
25 drinks" does not include beverages that contain milk or milk
26 products, soy, rice or similar milk substitutes, or greater

1 than 50% of vegetable or fruit juice by volume.

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

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

23 Notwithstanding any other provisions of this Act,
24 beginning September 1, 2009, "nonprescription medicines and
25 drugs" does not include grooming and hygiene products. For
26 purposes of this Section, "grooming and hygiene products"

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

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

11 (B) a statement of the "active ingredient(s)" with a
12 list of those ingredients contained in the compound,
13 substance or preparation.

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

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

1 Program Act or the Cannabis Regulation and Tax Act.

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

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

15 (Source: P.A. 103-9, eff. 6-7-23; 103-154, eff. 6-30-23;
16 103-592, eff. 1-1-25; 103-781, eff. 8-5-24; 104-417, eff.
17 8-15-25.)

18 (35 ILCS 120/11) (from Ch. 120, par. 450)

19 Sec. 11. All information received by the Department from
20 returns filed under this Act, or from any investigation
21 conducted under this Act, shall be confidential, except for
22 official purposes, and any person, including a third party as
23 defined in the Local Government Revenue Recapture Act, who
24 divulges any such information in any manner, except in
25 accordance with a proper judicial order or as otherwise

1 provided by law, including the Local Government Revenue
2 Recapture Act, shall be guilty of a Class B misdemeanor with a
3 fine not to exceed \$7,500.

4 Nothing in this Act prevents the Director of Revenue from
5 publishing or making available to the public the names and
6 addresses of persons filing returns under this Act, or
7 reasonable statistics concerning the operation of the tax by
8 grouping the contents of returns so the information in any
9 individual return is not disclosed.

10 Nothing in this Act prevents the Director of Revenue from
11 divulging to the United States Government or the government of
12 any other state, or any officer or agency thereof, for
13 exclusively official purposes, information received by the
14 Department in administering this Act, provided that such other
15 governmental agency agrees to divulge requested tax
16 information to the Department.

17 The Department's furnishing of information derived from a
18 taxpayer's return or from an investigation conducted under
19 this Act to the surety on a taxpayer's bond that has been
20 furnished to the Department under this Act, either to provide
21 notice to such surety of its potential liability under the
22 bond or, in order to support the Department's demand for
23 payment from such surety under the bond, is an official
24 purpose within the meaning of this Section.

25 The furnishing upon request of information obtained by the
26 Department from returns filed under this Act or investigations

1 conducted under this Act to the Illinois Liquor Control
2 Commission for official use is deemed to be an official
3 purpose within the meaning of this Section.

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

8 The furnishing upon request of the Auditor General, or his
9 authorized agents, for official use, of returns filed and
10 information related thereto under this Act is deemed to be an
11 official purpose within the meaning of this Section.

12 Where an appeal or a protest has been filed on behalf of a
13 taxpayer, the furnishing upon request of the attorney for the
14 taxpayer of returns filed by the taxpayer and information
15 related thereto under this Act is deemed to be an official
16 purpose within the meaning of this Section.

17 The furnishing of financial information to a municipality
18 or county, upon request of the chief executive officer
19 thereof, is an official purpose within the meaning of this
20 Section, provided the municipality or county agrees in writing
21 to the requirements of this Section. Information provided to
22 municipalities and counties under this paragraph shall be
23 limited to: (1) the business name; (2) the business address;
24 (3) the standard classification number assigned to the
25 business; (4) net revenue distributed to the requesting
26 municipality or county that is directly related to the

1 requesting municipality's or county's local share of the
2 proceeds under the Use Tax Act, the Service Use Tax Act, the
3 Service Occupation Tax Act, and the Retailers' Occupation Tax
4 Act distributed from the Local Government Tax Fund, and, if
5 applicable, any locally imposed retailers' occupation tax or
6 service occupation tax; and (5) a listing of all businesses
7 within the requesting municipality or county by account
8 identification number and address. On and after July 1, 2015,
9 the furnishing of financial information to municipalities and
10 counties under this paragraph may be by electronic means. If
11 the Department may furnish financial information to a
12 municipality or county under this paragraph, then the chief
13 executive officer of the municipality or county may, in turn,
14 provide that financial information to a third party pursuant
15 to the Local Government Revenue Recapture Act. However, the
16 third party shall agree in writing to the requirements of this
17 Section and meet the requirements of the Local Government
18 Revenue Recapture Act.

19 Information so provided shall be subject to all
20 confidentiality provisions of this Section. The written
21 agreement shall provide for reciprocity, limitations on
22 access, disclosure, and procedures for requesting information.
23 For the purposes of furnishing financial information to a
24 municipality or county under this Section, "chief executive
25 officer" means the mayor of a city, the village board
26 president of a village, the mayor or president of an

1 incorporated town, the county executive of a county that has
2 adopted the county executive form of government, the president
3 of the board of commissioners of Cook County, or the
4 chairperson of the county board or board of county
5 commissioners of any other county.

6 The Department may make available to the Board of Trustees
7 of any Metro East Mass Transit District information contained
8 on transaction reporting returns required to be filed under
9 Section 3 of this Act that report sales made within the
10 boundary of the taxing authority of that Metro East Mass
11 Transit District, as provided in Section 5.01 of the Local
12 Mass Transit District Act. The disclosure shall be made
13 pursuant to a written agreement between the Department and the
14 Board of Trustees of a Metro East Mass Transit District, which
15 is an official purpose within the meaning of this Section. The
16 written agreement between the Department and the Board of
17 Trustees of a Metro East Mass Transit District shall provide
18 for reciprocity, limitations on access, disclosure, and
19 procedures for requesting information. Information so provided
20 shall be subject to all confidentiality provisions of this
21 Section.

22 The Director may make available to any State agency,
23 including the Illinois Supreme Court, which licenses persons
24 to engage in any occupation, information that a person
25 licensed by such agency has failed to file returns under this
26 Act or pay the tax, penalty and interest shown therein, or has

1 failed to pay any final assessment of tax, penalty or interest
2 due under this Act. The Director may make available to any
3 State agency, including the Illinois Supreme Court,
4 information regarding whether a bidder, contractor, or an
5 affiliate of a bidder or contractor has failed to collect and
6 remit Illinois Use tax on sales into Illinois, or any tax under
7 this Act or pay the tax, penalty, and interest shown therein,
8 or has failed to pay any final assessment of tax, penalty, or
9 interest due under this Act, for the limited purpose of
10 enforcing bidder and contractor certifications. The Director
11 may make available to units of local government and school
12 districts that require bidder and contractor certifications,
13 as set forth in Sections 50-11 and 50-12 of the Illinois
14 Procurement Code, information regarding whether a bidder,
15 contractor, or an affiliate of a bidder or contractor has
16 failed to collect and remit Illinois Use tax on sales into
17 Illinois, file returns under this Act, or pay the tax,
18 penalty, and interest shown therein, or has failed to pay any
19 final assessment of tax, penalty, or interest due under this
20 Act, for the limited purpose of enforcing bidder and
21 contractor certifications. For purposes of this Section, the
22 term "affiliate" means any entity that (1) directly,
23 indirectly, or constructively controls another entity, (2) is
24 directly, indirectly, or constructively controlled by another
25 entity, or (3) is subject to the control of a common entity.
26 For purposes of this Section, an entity controls another

1 entity if it owns, directly or individually, more than 10% of
2 the voting securities of that entity. As used in this Section,
3 the term "voting security" means a security that (1) confers
4 upon the holder the right to vote for the election of members
5 of the board of directors or similar governing body of the
6 business or (2) is convertible into, or entitles the holder to
7 receive upon its exercise, a security that confers such a
8 right to vote. A general partnership interest is a voting
9 security.

10 The Director may make available to any State agency,
11 including the Illinois Supreme Court, units of local
12 government, and school districts, information regarding
13 whether a bidder or contractor is an affiliate of a person who
14 is not collecting and remitting Illinois Use taxes for the
15 limited purpose of enforcing bidder and contractor
16 certifications.

17 The Director may also make available to the Secretary of
18 State information that a limited liability company, which has
19 filed articles of organization with the Secretary of State, or
20 corporation which has been issued a certificate of
21 incorporation by the Secretary of State has failed to file
22 returns under this Act or pay the tax, penalty and interest
23 shown therein, or has failed to pay any final assessment of
24 tax, penalty or interest due under this Act. An assessment is
25 final when all proceedings in court for review of such
26 assessment have terminated or the time for the taking thereof

1 has expired without such proceedings being instituted.

2 It is an official purpose within the meaning of this
3 Section for the Department to publicly report the aggregate
4 amount of tax revenues from a given tax return type that the
5 Department allocates from a State fund or State trust fund to
6 each unit of local government, such as the amount of the
7 monthly allocation to each unit of local government of
8 Municipal Cannabis Retailers' Occupation Tax, County Cannabis
9 Retailers' Occupation Tax, or Business District Occupation
10 Tax, notwithstanding that some units of local government may
11 have as few as one retailer reporting revenues for a given tax
12 return type in any given reporting period.

13 The Director shall make available for public inspection in
14 the Department's principal office and for publication, at
15 cost, administrative decisions issued on or after January 1,
16 1995. These decisions are to be made available in a manner so
17 that the following taxpayer information is not disclosed:

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

20 (2) At the sole discretion of the Director, trade
21 secrets or other confidential information identified as
22 such by the taxpayer, no later than 30 days after receipt
23 of an administrative decision, by such means as the
24 Department shall provide by rule.

25 The Director shall determine the appropriate extent of the
26 deletions allowed in paragraph (2). In the event the taxpayer

1 does not submit deletions, the Director shall make only the
2 deletions specified in paragraph (1).

3 The Director shall make available for public inspection
4 and publication an administrative decision within 180 days
5 after the issuance of the administrative decision. The term
6 "administrative decision" has the same meaning as defined in
7 Section 3-101 of Article III of the Code of Civil Procedure.
8 Costs collected under this Section shall be paid into the Tax
9 Compliance and Administration Fund.

10 Nothing contained in this Act shall prevent the Director
11 from divulging information to any person pursuant to a request
12 or authorization made by the taxpayer or by an authorized
13 representative of the taxpayer.

14 The furnishing of information obtained by the Department
15 from returns filed under Public Act 101-10 to the Department
16 of Transportation for purposes of compliance with Public Act
17 101-10 regarding aviation fuel is deemed to be an official
18 purpose within the meaning of this Section.

19 The Director may make information available to the
20 Secretary of State for the purpose of administering Section
21 5-901 of the Illinois Vehicle Code.

22 (Source: P.A. 101-10, eff. 6-5-19; 101-628, eff. 6-1-20;
23 102-558, eff. 8-20-21; 102-941, eff. 7-1-22.)

24 Section 26. The Counties Code is amended by changing
25 Section 5-1009 as follows:

1 (55 ILCS 5/5-1009) (from Ch. 34, par. 5-1009)

2 Sec. 5-1009. Limitation on home rule powers. Except as
3 provided in Sections 5-1006, 5-1006.5, 5-1006.8, 5-1006.9,
4 5-1007, and 5-1008, on and after September 1, 1990, no home
5 rule county has the authority to impose, pursuant to its home
6 rule authority, a retailers' occupation tax, service
7 occupation tax, use tax, sales tax, or other tax on the use,
8 sale, or purchase of tangible personal property based on the
9 gross receipts from such sales or the selling or purchase
10 price of said tangible personal property. Notwithstanding the
11 foregoing, this Section does not preempt any home rule imposed
12 tax such as the following: (1) a tax on alcoholic beverages,
13 whether based on gross receipts, volume sold, or any other
14 measurement; (2) a tax based on the number of units of
15 cigarettes or tobacco products; (3) a tax, however measured,
16 based on the use of a hotel or motel room or similar facility;
17 (4) a tax, however measured, on the sale or transfer of real
18 property; (5) a tax, however measured, on lease receipts; (6)
19 a tax on food prepared for immediate consumption and on
20 alcoholic beverages sold by a business which provides for on
21 premise consumption of said food or alcoholic beverages; or
22 (7) other taxes not based on the selling or purchase price or
23 gross receipts from the use, sale, or purchase of tangible
24 personal property (other than a tax on cannabis in any of its
25 forms, which is prohibited except as otherwise provided in

1 this Section). This Section does not preempt a home rule
2 county from imposing a tax, however measured, on the use, for
3 consideration, of a parking lot, garage, or other parking
4 facility.

5 On and after December 1, 2019, no home rule county has the
6 authority to impose, pursuant to its home rule authority, a
7 tax, however measured, on sales of aviation fuel, as defined
8 in Section 3 of the Retailers' Occupation Tax Act, unless the
9 tax revenue is expended for airport-related purposes. For
10 purposes of this Section, "airport-related purposes" has the
11 meaning ascribed in Section 6z-20.2 of the State Finance Act.
12 Aviation fuel shall be excluded from tax only for so long as
13 the revenue use requirements of 49 U.S.C. 47017(b) and 49
14 U.S.C. 47133 are binding on the county.

15 This Section is a limitation, pursuant to subsection (g)
16 of Section 6 of Article VII of the Illinois Constitution, on
17 the power of home rule units to tax. The changes made to this
18 Section by Public Act 101-10 are a denial and limitation of
19 home rule powers and functions under subsection (g) of Section
20 6 of Article VII of the Illinois Constitution.

21 (Source: P.A. 103-781, eff. 8-5-24; 104-417, eff. 8-15-25.)

22 Section 27. The Illinois Municipal Code is amended by
23 changing Section 8-11-6a as follows:

24 (65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

1 Sec. 8-11-6a. Home rule municipalities; preemption of
2 certain taxes. Except as provided in Sections 8-11-1, 8-11-5,
3 8-11-6, 8-11-6b, 8-11-6c, 8-11-23, 8-11-24, and 11-74.3-6 on
4 and after September 1, 1990, no home rule municipality has the
5 authority to impose, pursuant to its home rule authority, a
6 retailer's occupation tax, service occupation tax, use tax,
7 sales tax or other tax on the use, sale or purchase of tangible
8 personal property based on the gross receipts from such sales
9 or the selling or purchase price of said tangible personal
10 property. Notwithstanding the foregoing, this Section does not
11 preempt any home rule imposed tax such as the following: (1) a
12 tax on alcoholic beverages, whether based on gross receipts,
13 volume sold or any other measurement; (2) a tax based on the
14 number of units of cigarettes or tobacco products (provided,
15 however, that a home rule municipality that has not imposed a
16 tax based on the number of units of cigarettes or tobacco
17 products before July 1, 1993, shall not impose such a tax after
18 that date); (3) a tax, however measured, based on the use of a
19 hotel or motel room or similar facility; (4) a tax, however
20 measured, on the sale or transfer of real property; (5) a tax,
21 however measured, on lease receipts; (6) a tax on food
22 prepared for immediate consumption and on alcoholic beverages
23 sold by a business which provides for on premise consumption
24 of said food or alcoholic beverages; or (7) other taxes not
25 based on the selling or purchase price or gross receipts from
26 the use, sale or purchase of tangible personal property (other

1 than a tax on cannabis in any of its forms, which is prohibited
2 except as otherwise provided in this Section). This Section
3 does not preempt a home rule municipality with a population of
4 more than 2,000,000 from imposing a tax, however measured, on
5 the use, for consideration, of a parking lot, garage, or other
6 parking facility. This Section is not intended to affect any
7 existing tax on food and beverages prepared for immediate
8 consumption on the premises where the sale occurs, or any
9 existing tax on alcoholic beverages, or any existing tax
10 imposed on the charge for renting a hotel or motel room, which
11 was in effect January 15, 1988, or any extension of the
12 effective date of such an existing tax by ordinance of the
13 municipality imposing the tax, which extension is hereby
14 authorized, in any non-home rule municipality in which the
15 imposition of such a tax has been upheld by judicial
16 determination, nor is this Section intended to preempt the
17 authority granted by Public Act 85-1006. On and after December
18 1, 2019, no home rule municipality has the authority to
19 impose, pursuant to its home rule authority, a tax, however
20 measured, on sales of aviation fuel, as defined in Section 3 of
21 the Retailers' Occupation Tax Act, unless the tax is not
22 subject to the revenue use requirements of 49 U.S.C. 47107(b)
23 and 49 U.S.C. 47133, or unless the tax revenue is expended for
24 airport-related purposes. For purposes of this Section,
25 "airport-related purposes" has the meaning ascribed in Section
26 6z-20.2 of the State Finance Act. Aviation fuel shall be

1 excluded from tax only if, and for so long as, the revenue use
2 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
3 binding on the municipality. This Section is a limitation,
4 pursuant to subsection (g) of Section 6 of Article VII of the
5 Illinois Constitution, on the power of home rule units to tax.
6 The changes made to this Section by Public Act 101-10 are a
7 denial and limitation of home rule powers and functions under
8 subsection (g) of Section 6 of Article VII of the Illinois
9 Constitution.

10 (Source: P.A. 103-781, eff. 8-5-24.)

11 Section 30. The Compassionate Use of Medical Cannabis
12 Program Act is amended by changing Sections 7, 7-15, 10, 15,
13 25, 30, 35, 57, 60, 62, 70, 75, 85, 90, 95, 100, 105, 110, 115,
14 120, 125, 130, 140, 145, 150, 180, 200, 205, and 210 as
15 follows:

16 (410 ILCS 130/7)

17 Sec. 7. Lawful user and lawful products. For the purposes
18 of this Act and to clarify the legislative findings on the
19 lawful use of cannabis:

20 (1) A cardholder under this Act shall not be
21 considered an unlawful user or addicted to narcotics
22 solely as a result of his or her qualifying patient,
23 provisional patient, or designated caregiver, or Opioid
24 Alternative Patient Program participant status.

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

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

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

19 (410 ILCS 130/10)

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

22 (a) "Adequate medical supply" means:

23 (1) 2.5 ounces of usable cannabis during a period of
24 14 days and that is derived solely from an intrastate
25 source.

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

11 (3) This subsection may not be construed to authorize
12 the possession of more than 2.5 ounces at any time without
13 authority from the Department of Public Health.

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

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

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

26 (b-5) "Cannabis business establishment" has the same

1 meaning given to that term in Section 1-10 of the Cannabis
2 Regulation and Tax Act.

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

11 (d) "Cardholder" means a qualifying patient, provisional
12 patient, or a designated caregiver who has been issued and
13 possesses a valid registry identification card by the
14 Department of Public Health.

15 (d-5) "Certifying health care professional" means a
16 physician, an advanced practice registered nurse, or a
17 physician assistant.

18 (e) "Cultivation center" means a facility operated by an
19 organization or business that is registered by the Department
20 of Agriculture to perform necessary activities to provide only
21 registered medical cannabis dispensing organizations with
22 usable medical cannabis. Beginning January 1, 2027,
23 cultivation centers registered under this Act are subject to
24 regulation exclusively as a cultivation center under the
25 Cannabis Regulation and Tax Act. Cultivation center
26 registrations under this Act shall not be renewed after

1 January 1, 2027.

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

7 (g) "Cultivation center agent identification card" means a
8 document issued by the Department of Agriculture that
9 identifies a person as a cultivation center agent. This
10 subsection (g) becomes inoperative on July 1, 2027.

11 (h) "Debilitating medical condition" means one or more of
12 the following:

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

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

15 (1.5) terminal illness with a diagnosis of 6 months or
16 less; if the terminal illness is not one of the qualifying
17 debilitating medical conditions, then the certifying
18 health care professional shall on the certification form
19 identify the cause of the terminal illness; or

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

23 (i) "Designated caregiver" means a person who: (1) is at
24 least 21 years of age; (2) has agreed to assist with a
25 patient's medical use of cannabis; ~~(3) has not been convicted~~
26 ~~of an excluded offense;~~ and (3) ~~(4)~~ assists no more than one

1 registered qualifying patient with the patient's ~~his or her~~
2 medical use of cannabis, except the parent or guardian of a
3 registered qualifying patient may assist each of their
4 children who are registered qualifying patients. Beginning
5 January 1, 2027, a designated caregiver registered under this
6 Act may perform the designated caregiver's duties at any
7 dispensary licensed by the Department of Financial and
8 Professional Regulation under the Cannabis Regulation and Tax
9 Act.

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

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

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

25 ~~(1) a violent crime defined in Section 3 of the Rights~~
26 ~~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 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 written certifications for Opioid Alternative Patient ~~Pilot~~

1 Program participants, to verify Opioid Alternative Patient
2 ~~Pilot~~ Program participants, to verify Opioid Alternative
3 Patient ~~Pilot~~ Program participants' available cannabis
4 allotment ~~and assigned dispensary~~, and the tracking of the
5 date of sale, amount, and price of medical cannabis purchased
6 by an Opioid Alternative Patient ~~Pilot~~ Program participant.

7 (m) "Medical cannabis cultivation center registration"
8 means a registration issued by the Department of Agriculture.
9 This subsection (m) becomes inoperative on July 1, 2027.

10 (n) "Medical cannabis container" means a sealed,
11 traceable, food compliant, tamper resistant, tamper evident
12 container, or package used for the purpose of containment of
13 medical cannabis from a cultivation center to a dispensing
14 organization. This subsection (n) becomes inoperative on July
15 1, 2027.

16 (o) "Medical cannabis dispensing organization", or
17 "dispensing organization", or "dispensary organization",
18 through December 31, 2026, means a facility operated by an
19 organization or business that is registered by the Department
20 of Financial and Professional Regulation to acquire medical
21 cannabis from a registered cultivation center for the purpose
22 of dispensing cannabis, paraphernalia, or related supplies and
23 educational materials to registered qualifying patients,
24 individuals with a provisional registration for qualifying
25 patient cardholder status, or an Opioid Alternative Patient
26 ~~Pilot~~ Program participant. Beginning January 1, 2027, medical

1 cannabis dispensing organizations licensed under this Act are
2 subject to regulation as a dispensary under the Cannabis
3 Regulation and Tax Act.

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

13 (q) "Medical cannabis infused product" means food, oils,
14 ointments, or other products containing usable cannabis that
15 are not smoked.

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

21 (r-5) "Opioid" means a narcotic drug or substance that is
22 a Schedule II controlled substance under paragraph (1), (2),
23 (3), or (5) of subsection (b) or under subsection (c) of
24 Section 206 of the Illinois Controlled Substances Act.

25 (r-10) "Opioid Alternative Patient ~~Pilot~~ Program
26 participant" means an individual who has received a valid

1 written certification to participate in the Opioid Alternative
2 Patient Pilot Program for a medical condition for which an
3 opioid has been or could be prescribed by a certifying health
4 care professional based on generally accepted standards of
5 care.

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

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

17 (s-2) "Provisional patient" means a qualifying patient who
18 has received a provisional registration from the Department of
19 Public Health.

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 (t) "Qualifying patient" or "registered qualifying

1 patient" means a person who has been diagnosed by a certifying
2 health care professional as having a debilitating medical
3 condition.

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

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

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

18 (x) "Verification system" means a Web-based system
19 established and maintained by the Department of Public Health
20 that is available to the Department of Agriculture, the
21 Department of Financial and Professional Regulation, law
22 enforcement personnel, and registered medical cannabis
23 dispensing organization agents on a 24-hour basis for the
24 verification of registry identification cards, the tracking of
25 delivery of medical cannabis to medical cannabis dispensing
26 organizations, and the tracking of the date of sale, amount,

1 and price of medical cannabis purchased by a registered
2 qualifying patient.

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

19 (z) "Bona fide health care professional-patient
20 relationship" means a relationship established at a hospital,
21 certifying health care professional's office, or other health
22 care facility in which the certifying health care professional
23 has an ongoing responsibility for the assessment, care, and
24 treatment of a patient's debilitating medical condition or a
25 symptom of the patient's debilitating medical condition.

26 A veteran who has received treatment at a VA hospital

1 shall be deemed to have a bona fide health care
2 professional-patient relationship with a VA certifying health
3 care professional if the patient has been seen for his or her
4 debilitating medical condition at the VA Hospital in
5 accordance with VA Hospital protocols.

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

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

10 (410 ILCS 130/15)

11 Sec. 15. Authority.

12 (a) It is the duty of the Department of Public Health to
13 enforce the following provisions of this Act unless otherwise
14 provided for by this Act:

15 (1) establish and maintain a confidential registry of
16 qualifying patients authorized to engage in the medical
17 use of cannabis and their caregivers;

18 (2) distribute educational materials about the health
19 benefits and risks associated with the use of cannabis and
20 prescription medications;

21 (3) adopt rules to administer the patient and
22 caregiver registration program; and

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

1 (b) Through December 31, 2026, it ~~It~~ is the duty of the
2 Department of Agriculture to enforce the provisions of this
3 Act relating to the registration and oversight of cultivation
4 centers unless otherwise provided for in this Act.

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

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

22 (e) The Department of Public Health, the Department of
23 Agriculture through January 1, 2027, or the Department of
24 Financial and Professional Regulation through December 31,
25 2026 may suspend, revoke, or impose other penalties upon a
26 registration for violations of this Act and any rules adopted

1 in accordance thereto. The suspension or revocation of, or
2 imposition of any other penalty upon, a registration is a
3 final Agency action, subject to judicial review. Jurisdiction
4 and venue for judicial review are vested in the Circuit Court.
5 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
6 99-519, eff. 6-30-16.)

7 (410 ILCS 130/25)

8 Sec. 25. Immunities and presumptions related to the
9 medical use of cannabis.

10 (a) A registered qualifying patient is not subject to
11 arrest, prosecution, or denial of any right or privilege,
12 including, but not limited to, civil penalty or disciplinary
13 action by an occupational or professional licensing board, for
14 the medical use of cannabis in accordance with this Act, if the
15 registered qualifying patient possesses an amount of cannabis
16 that does not exceed an adequate medical supply as defined in
17 subsection (a) of Section 10 of this Act of usable cannabis
18 and, where the registered qualifying patient is a licensed
19 professional, the use of cannabis does not impair that
20 licensed professional when he or she is engaged in the
21 practice of the profession for which he or she is licensed.

22 (b) A registered designated caregiver is not subject to
23 arrest, prosecution, or denial of any right or privilege,
24 including, but not limited to, civil penalty or disciplinary
25 action by an occupational or professional licensing board, for

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

16 (c) A registered qualifying patient, ~~or~~ registered
17 designated caregiver, or Opioid Alternative Patient Program
18 participant is not subject to arrest, prosecution, or denial
19 of any right or privilege, including, but not limited to,
20 civil penalty or disciplinary action by an occupational or
21 professional licensing board for possession of cannabis that
22 is incidental to medical use, but is not usable cannabis as
23 defined in this Act.

24 (d) (1) There is a rebuttable presumption that a registered
25 qualifying patient is engaged in, or a designated caregiver is
26 assisting with, the medical use of cannabis in accordance with

1 this Act if the qualifying patient or designated caregiver:

2 (A) is in possession of a valid registry
3 identification card; and

4 (B) is in possession of an amount of cannabis that
5 does not exceed the amount allowed under subsection (a) of
6 Section 10.

7 (2) The presumption may be rebutted by evidence that
8 conduct related to cannabis was not for the purpose of
9 treating or alleviating the qualifying patient's debilitating
10 medical condition or symptoms associated with the debilitating
11 medical condition in compliance with this Act.

12 (e) A certifying health care professional is not subject
13 to arrest, prosecution, or penalty in any manner, or denial of
14 any right or privilege, including, but not limited to, civil
15 penalty or disciplinary action by the Medical Disciplinary
16 Board or by any other occupational or professional licensing
17 board, solely for providing written certifications or for
18 otherwise stating that, in the certifying health care
19 professional's professional opinion, a patient is likely to
20 receive therapeutic or palliative benefit from the medical use
21 of cannabis to treat or alleviate the patient's debilitating
22 medical condition or symptoms associated with the debilitating
23 medical condition, provided that nothing shall prevent a
24 professional licensing or disciplinary board from sanctioning
25 a certifying health care professional for: (1) issuing a
26 written certification to a patient who is not under the

1 certifying health care professional's care for a debilitating
2 medical condition; or (2) failing to properly evaluate a
3 patient's medical condition or otherwise violating the
4 standard of care for evaluating medical conditions.

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

18 (g) A registered cultivation center is not subject to
19 prosecution; search or inspection, except by the Department of
20 Agriculture, Department of Public Health, or State or local
21 law enforcement under Section 130; seizure; or penalty in any
22 manner, or denial of any right or privilege, including, but
23 not limited to, civil penalty or disciplinary action by a
24 business licensing board or entity, for acting under this Act
25 and Department of Agriculture rules to: acquire, possess,
26 cultivate, manufacture, deliver, transfer, transport, supply,

1 or sell cannabis to registered dispensing organizations. This
2 subsection does not apply to events occurring on and after
3 January 1, 2027; however, the authority granted in this
4 subsection remains in force and effect for events occurring on
5 or before December 31, 2026.

6 (h) A registered cultivation center agent is not subject
7 to prosecution, search, or penalty in any manner, or denial of
8 any right or privilege, including, but not limited to, civil
9 penalty or disciplinary action by a business licensing board
10 or entity, for working or volunteering for a registered
11 cannabis cultivation center under this Act and Department of
12 Agriculture rules, including to perform the actions listed
13 under subsection (g). This subsection does not apply to events
14 occurring on and after January 1, 2027; however, the authority
15 granted in this subsection remains in force and effect for
16 events occurring on or before December 31, 2026.

17 (i) A registered dispensing organization is not subject to
18 prosecution; search or inspection, except by the Department of
19 Financial and Professional Regulation or State or local law
20 enforcement pursuant to Section 130; seizure; or penalty in
21 any manner, or denial of any right or privilege, including,
22 but not limited to, civil penalty or disciplinary action by a
23 business licensing board or entity, for acting under this Act
24 and Department of Financial and Professional Regulation rules
25 to: acquire, possess, or dispense cannabis, or related
26 supplies, and educational materials to registered qualifying

1 patients or registered designated caregivers on behalf of
2 registered qualifying patients. This subsection does not apply
3 to events occurring on and after January 1, 2027; however, the
4 authority granted in this subsection remains in force and
5 effect for events occurring on or before December 31, 2026.

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

18 (k) Any cannabis, cannabis paraphernalia, illegal
19 property, or interest in legal property that is possessed,
20 owned, or used in connection with the medical use of cannabis
21 as allowed under this Act, or acts incidental to that use, may
22 not be seized or forfeited. This Act does not prevent the
23 seizure or forfeiture of cannabis exceeding the amounts
24 allowed under this Act or the Cannabis Regulation and Tax Act,
25 nor shall it prevent seizure or forfeiture if the basis for the
26 action is unrelated to the cannabis that is possessed,

1 manufactured, transferred, or used under this Act or the
2 Cannabis Regulation and Tax Act.

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

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

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

24 (o) No individual employed by the State of Illinois shall
25 be subject to criminal or civil penalties for taking any
26 action in accordance with the provisions of this Act, when the

1 actions are within the scope of his or her employment.
2 Representation and indemnification of State employees shall be
3 provided to State employees as set forth in Section 2 of the
4 State Employee Indemnification Act.

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

16 (Source: P.A. 101-363, eff. 8-19-19; 101-370, eff. 1-1-20;
17 102-558, eff. 8-20-21.)

18 (410 ILCS 130/30)

19 Sec. 30. Limitations and penalties.

20 (a) This Act does not permit any person to engage in, and
21 does not prevent the imposition of any civil, criminal, or
22 other penalties for engaging in, the following conduct:

23 (1) Undertaking any task under the influence of
24 cannabis, when doing so would constitute negligence,
25 professional malpractice, or professional misconduct;

1 (2) Possessing cannabis:

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

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

7 (C) in any correctional facility;

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

10 (E) in a vehicle not open to the public unless the
11 medical cannabis is in a reasonably secured, sealed
12 container and reasonably inaccessible while the
13 vehicle is moving; or

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

17 (3) Using cannabis:

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

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

23 (C) in any correctional facility;

24 (D) in any motor vehicle;

25 (E) in a private residence that is used at any time
26 to provide licensed child care or other similar social

1 service care on the premises;

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

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

22 (4) Smoking medical cannabis in any public place where
23 an individual could reasonably be expected to be observed
24 by others, in a health care facility, or any other place
25 where smoking is prohibited under the Smoke Free Illinois
26 Act;

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

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

8 (7) Allowing any person who is not allowed to use
9 cannabis under this Act to use cannabis that a cardholder
10 is allowed to possess under this Act;

11 (8) Transferring cannabis to any person contrary to
12 the provisions of this Act;

13 (9) The use of medical cannabis by an active duty law
14 enforcement officer, correctional officer, correctional
15 probation officer, or firefighter; or

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

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

22 (c) Notwithstanding any other criminal penalties related
23 to the unlawful possession of cannabis, knowingly making a
24 misrepresentation to a law enforcement official of any fact or
25 circumstance relating to the medical use of cannabis to avoid
26 arrest or prosecution is a petty offense punishable by a fine

1 of up to \$1,000, which shall be in addition to any other
2 penalties that may apply for making a false statement or for
3 the use of cannabis other than use undertaken under this Act.

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

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

17 (f) Any registered qualifying patient, provisional
18 patient, or Opioid Alternative Patient Program participant who
19 commits a violation of Section 11-502.1 of the Illinois
20 Vehicle Code or refuses a properly requested test related to
21 operating a motor vehicle while under the influence of
22 cannabis shall have his or her registry identification card
23 revoked.

24 (g) No registered qualifying patient, provisional patient,
25 ~~or~~ designated caregiver, or Opioid Alternative Patient Program
26 participant shall knowingly obtain, seek to obtain, or

1 possess, individually or collectively, an amount of usable
2 cannabis from a registered medical cannabis dispensing
3 organization that would cause him or her to exceed the
4 authorized adequate medical supply under subsection (a) of
5 Section 10.

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

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

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

14 (410 ILCS 130/35)

15 Sec. 35. Certifying health care professional requirements.

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

19 (1) The certifying health care professional shall be
20 currently licensed under the Medical Practice Act of 1987
21 to practice medicine in all its branches, the Nurse
22 Practice Act, or the Physician Assistant Practice Act of
23 1987, shall be in good standing, and must hold a
24 controlled substances license under Article III of the
25 Illinois Controlled Substances Act.

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

6 (3) The physical examination required by this Act may
7 ~~not~~ be performed by remote means, including telemedicine.

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

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

16 (1) accept, solicit, or offer any form of remuneration
17 from or to a qualifying patient, provisional patient,
18 designated primary caregiver, Opioid Alternative Patient
19 Program participant, cultivation center, or dispensing
20 organization, including each principal officer, board
21 member, agent, and employee, to certify a patient, other
22 than accepting payment from a patient for the fee
23 associated with the required examination, except for the
24 limited purpose of performing a medical cannabis-related
25 research study;

26 (1.5) accept, solicit, or offer any form of

1 remuneration from or to a medical cannabis cultivation
2 center or dispensary organization for the purposes of
3 referring a patient to a specific dispensary organization;

4 (1.10) engage in any activity that is prohibited under
5 Section 22.2 of the Medical Practice Act of 1987,
6 regardless of whether the certifying health care
7 professional is a physician, advanced practice registered
8 nurse, or physician assistant;

9 (2) offer a discount of any other item of value to a
10 qualifying patient, provisional patient, designated
11 caregiver, or Opioid Alternative Patient Program
12 participant who uses or agrees to use a particular
13 designated ~~primary~~ caregiver or dispensing organization to
14 obtain medical cannabis;

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

20 (4) hold a direct or indirect economic interest in a
21 cultivation center or dispensing organization if he or she
22 recommends the use of medical cannabis to qualified
23 patients or is in a partnership or other fee or
24 profit-sharing relationship with a certifying health care
25 professional who recommends medical cannabis, except for
26 the limited purpose of performing a medical

1 cannabis-related research study;

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

4 (6) refer patients to a cultivation center, a
5 dispensing organization, or a registered designated
6 caregiver; or

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

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

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

17 (e) A certifying health care professional who certifies a
18 debilitating medical condition for a qualifying patient may
19 notify the Department of Public Health in writing: (1) if the
20 certifying health care professional has reason to believe
21 either that the registered qualifying patient has ceased to
22 suffer from a debilitating medical condition; (2) that the
23 bona fide health care professional-patient relationship has
24 terminated; or (3) that continued use of medical cannabis
25 would result in contraindication with the patient's other
26 medication. The registered qualifying patient's registry

1 identification card shall be revoked by the Department of
2 Public Health after receiving the certifying health care
3 professional's notification.

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

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

9 (410 ILCS 130/57)

10 Sec. 57. Designated caregivers ~~Qualifying patients.~~

11 (a) Qualifying patients or provisional patients that are
12 under the age of 18 years shall not be prohibited from
13 appointing up to 3 designated caregivers who meet the
14 definition of "designated caregiver" under Section 10 so long
15 as at least one designated caregiver is a biological parent or
16 legal guardian.

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

21 (c) Beginning January 1, 2027, designated caregivers,
22 qualifying patients, provisional patients, and Opioid
23 Alternative Patient Program participants registered under this
24 Act may purchase an adequate medical supply at any dispensing
25 organization licensed by the Department of Financial and

1 Professional Regulation under the Cannabis Regulation and Tax
2 Act.

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

4 (410 ILCS 130/60)

5 Sec. 60. Issuance of registry identification cards.

6 (a) Except as provided in subsection (b), the Department
7 of Public Health shall:

8 (1) verify the information contained in an application
9 or renewal for a registry identification card submitted
10 under this Act, and approve or deny an application or
11 renewal, within 90 days of receiving a completed
12 application or renewal application and all supporting
13 documentation specified in Section 55;

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

18 ~~(3) enter the registry identification number of the~~
19 ~~registered dispensing organization the patient designates~~
20 ~~into the verification system; and~~

21 (3) ~~(4)~~ allow for an electronic application process,
22 and provide a confirmation by electronic or other methods
23 that an application has been submitted.

24 Notwithstanding any other provision of this Act, the
25 Department of Public Health shall adopt rules for qualifying

1 patients and applicants with life-long debilitating medical
2 conditions, who may be charged annual renewal fees. The
3 Department of Public Health shall not require patients and
4 applicants with life-long debilitating medical conditions to
5 apply to renew registry identification cards.

6 (b) The Department of Public Health may not issue a
7 registry identification card to a qualifying patient who is
8 under 18 years of age, unless that patient suffers from
9 seizures, including those characteristic of epilepsy, or as
10 provided by administrative rule. The Department of Public
11 Health shall adopt rules for the issuance of a registry
12 identification card for qualifying patients who are under 18
13 years of age and suffering from seizures, including those
14 characteristic of epilepsy. The Department of Public Health
15 may adopt rules to allow other individuals under 18 years of
16 age to become registered qualifying patients under this Act
17 with the consent of a parent or legal guardian. Registered
18 qualifying patients under 18 years of age shall be prohibited
19 from consuming forms of cannabis other than medical cannabis
20 infused products and purchasing any usable cannabis.

21 (c) A veteran who has received treatment at a VA hospital
22 is deemed to have a bona fide health care professional-patient
23 relationship with a VA certifying health care professional if
24 the patient has been seen for his or her debilitating medical
25 condition at the VA hospital in accordance with VA hospital
26 protocols. All reasonable inferences regarding the existence

1 of a bona fide health care professional-patient relationship
2 shall be drawn in favor of an applicant who is a veteran and
3 has undergone treatment at a VA hospital.

4 (c-10) An individual who submits an application as someone
5 who is terminally ill shall have all fees waived. The
6 Department of Public Health shall within 30 days after this
7 amendatory Act of the 99th General Assembly adopt emergency
8 rules to expedite approval for terminally ill individuals.
9 These rules shall include, but not be limited to, rules that
10 provide that applications by individuals with terminal
11 illnesses shall be approved or denied within 14 days of their
12 submission.

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

18 (e) Upon the approval of the registration and issuance of
19 a registry card under this Section, the Department of Public
20 Health shall electronically forward the registered qualifying
21 patient's identification card information to the Prescription
22 Monitoring Program established under the Illinois Controlled
23 Substances Act and certify that the individual is permitted to
24 engage in the medical use of cannabis. For the purposes of
25 patient care, the Prescription Monitoring Program shall make a
26 notation on the person's prescription record stating that the

1 person is a registered qualifying patient who is entitled to
2 the lawful medical use of cannabis. If the person no longer
3 holds a valid registry card, the Department of Public Health
4 shall notify the Prescription Monitoring Program and
5 Department of Human Services to remove the notation from the
6 person's record. The Department of Human Services and the
7 Prescription Monitoring Program shall establish a system by
8 which the information may be shared electronically. This
9 confidential list may not be combined or linked in any manner
10 with any other list or database except as provided in this
11 Section.

12 (f) (Blank).

13 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;
14 101-593, eff. 12-4-19.)

15 (410 ILCS 130/62)

16 Sec. 62. Opioid Alternative Patient ~~Pilot~~ Program.

17 (a) The Department of Public Health shall establish the
18 Opioid Alternative Patient ~~Pilot~~ Program. Licensed dispensing
19 organizations shall allow persons with a written certification
20 from a certifying health care professional under Section 36 to
21 purchase medical cannabis upon enrollment in the Opioid
22 Alternative Patient ~~Pilot~~ Program. The Department of Public
23 Health shall adopt rules or establish procedures allowing
24 qualified veterans to participate in the Opioid Alternative
25 Patient ~~Pilot~~ Program. For a person to receive medical

1 cannabis under this Section, the person must present the
2 written certification along with a valid driver's license or
3 state identification card to the licensed dispensing
4 organization specified in his or her application. The
5 dispensing organization shall verify the person's status as an
6 Opioid Alternative Patient ~~Pilot~~ Program participant through
7 the Department of Public Health's online verification system.

8 (b) The Opioid Alternative Patient ~~Pilot~~ Program shall be
9 limited to participation by Illinois residents age 21 and
10 older.

11 (c) The Department of Financial and Professional
12 Regulation shall specify that all licensed dispensing
13 organizations participating in the Opioid Alternative Patient
14 ~~Pilot~~ Program use the Illinois Cannabis Tracking System. The
15 Department of Public Health shall establish and maintain the
16 Illinois Cannabis Tracking System. The Illinois Cannabis
17 Tracking System shall be used to collect information about all
18 persons participating in the Opioid Alternative Patient ~~Pilot~~
19 Program and shall be used to track the sale of medical cannabis
20 for verification purposes.

21 Each dispensing organization shall retain a copy of the
22 Opioid Alternative Patient ~~Pilot~~ Program certification and
23 other identifying information as required by the Department of
24 Financial and Professional Regulation, the Department of
25 Public Health, and the Illinois State Police in the Illinois
26 Cannabis Tracking System.

1 The Illinois Cannabis Tracking System shall be accessible
2 to the Department of Financial and Professional Regulation,
3 Department of Public Health, Department of Agriculture, and
4 the Illinois State Police.

5 The Department of Financial and Professional Regulation in
6 collaboration with the Department of Public Health shall
7 specify the data requirements for the Opioid Alternative
8 Patient ~~Pilot~~ Program by licensed dispensing organizations;
9 including, but not limited to, the participant's full legal
10 name, address, and date of birth, date on which the Opioid
11 Alternative Patient ~~Pilot~~ Program certification was issued,
12 length of the participation in the Program, including the
13 start and end date to purchase medical cannabis, name of the
14 issuing physician, copy of the participant's current driver's
15 license or State identification card, and phone number.

16 The Illinois Cannabis Tracking System shall provide
17 verification of a person's participation in the Opioid
18 Alternative Patient ~~Pilot~~ Program for law enforcement at any
19 time and on any day.

20 (d) The certification for Opioid Alternative Patient ~~Pilot~~
21 Program participant must be issued by a certifying health care
22 professional who is licensed to practice in Illinois under the
23 Medical Practice Act of 1987, the Nurse Practice Act, or the
24 Physician Assistant Practice Act of 1987 and who is in good
25 standing and holds a controlled substances license under
26 Article III of the Illinois Controlled Substances Act.

1 The certification for an Opioid Alternative Patient ~~Pilot~~
2 Program participant shall be written within 90 days before the
3 participant submits his or her certification to the dispensing
4 organization.

5 The written certification uploaded to the Illinois
6 Cannabis Tracking System shall be accessible to the Department
7 of Public Health.

8 (e) Upon verification of the individual's valid
9 certification and enrollment in the Illinois Cannabis Tracking
10 System, the dispensing organization may dispense the medical
11 cannabis, in amounts not exceeding 2.5 ounces of medical
12 cannabis per 14-day period to the participant at the
13 participant's specified dispensary for no more than 90 days.

14 An Opioid Alternative Patient ~~Pilot~~ Program participant
15 shall not be registered as a medical cannabis cardholder. The
16 dispensing organization shall verify that the person is not an
17 active registered qualifying patient prior to enrollment in
18 the Opioid Alternative Patient ~~Pilot~~ Program and each time
19 medical cannabis is dispensed.

20 Upon receipt of a written certification under the Opioid
21 Alternative Patient ~~Pilot~~ Program, the Department of Public
22 Health shall electronically forward the patient's
23 identification information to the Prescription Monitoring
24 Program established under the Illinois Controlled Substances
25 Act and certify that the individual is permitted to engage in
26 the medical use of cannabis. For the purposes of patient care,

1 the Prescription Monitoring Program shall make a notation on
2 the person's prescription record stating that the person has a
3 written certification under the Opioid Alternative Patient
4 ~~Pilot~~ Program and is a patient who is entitled to the lawful
5 medical use of cannabis. If the person is no longer authorized
6 to engage in the medical use of cannabis, the Department of
7 Public Health shall notify the Prescription Monitoring Program
8 and Department of Human Services to remove the notation from
9 the person's record. The Department of Human Services and the
10 Prescription Monitoring Program shall establish a system by
11 which the information may be shared electronically. This
12 confidential list may not be combined or linked in any manner
13 with any other list or database except as provided in this
14 Section.

15 (f) An Opioid Alternative Patient ~~Pilot~~ Program
16 participant shall not be considered a qualifying patient with
17 a debilitating medical condition under this Act and shall be
18 provided access to medical cannabis solely for the duration of
19 the participant's certification. Nothing in this Section shall
20 be construed to limit or prohibit an Opioid Alternative
21 Patient ~~Pilot~~ Program participant who has a debilitating
22 medical condition from applying to the Compassionate Use of
23 Medical Cannabis Program.

24 (g) A person with a provisional registration under Section
25 55 shall not be considered an Opioid Alternative Patient ~~Pilot~~
26 Program participant.

1 (h) (Blank). ~~The Department of Financial and Professional~~
2 ~~Regulation and the Department of Public Health shall submit~~
3 ~~emergency rulemaking to implement the changes made by this~~
4 ~~amendatory Act of the 100th General Assembly by December 1,~~
5 ~~2018. The Department of Financial and Professional Regulation,~~
6 ~~the Department of Agriculture, the Department of Human~~
7 ~~Services, the Department of Public Health, and the Illinois~~
8 ~~State Police shall utilize emergency purchase authority for 12~~
9 ~~months after the effective date of this amendatory Act of the~~
10 ~~100th General Assembly for the purpose of implementing the~~
11 ~~changes made by this amendatory Act of the 100th General~~
12 ~~Assembly.~~

13 (i) Dispensing organizations are not authorized to
14 dispense medical cannabis to Opioid Alternative Patient Pilot
15 Program participants until administrative rules are approved
16 by the Joint Committee on Administrative Rules and go into
17 effect.

18 (j) (Blank). ~~The provisions of this Section are~~
19 ~~inoperative on and after July 1, 2025.~~

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

21 (410 ILCS 130/70)

22 Sec. 70. Registry identification cards.

23 (a) A registered qualifying patient or designated
24 caregiver must keep their registry identification card in his
25 or her possession at all times when engaging in the medical use

1 of cannabis.

2 (b) Registry identification cards shall contain the
3 following:

4 (1) the name of the cardholder;

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

7 (3) the date of issuance and expiration date of the
8 registry identification card;

9 (4) a random alphanumeric identification number that
10 is unique to the cardholder;

11 (5) if the cardholder is a designated caregiver, the
12 random alphanumeric identification number of the
13 registered qualifying patient the designated caregiver is
14 receiving the registry identification card to assist; and

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

17 (c) To maintain a valid registration identification card,
18 a registered qualifying patient and designated caregiver must
19 annually resubmit, at least 45 days prior to the expiration
20 date stated on the registry identification card, a completed
21 renewal application, renewal fee, and accompanying
22 documentation as described in Department of Public Health
23 rules. The Department of Public Health shall send a
24 notification to a registered qualifying patient or registered
25 designated caregiver 90 days prior to the expiration of the
26 registered qualifying patient's or registered designated

1 caregiver's identification card. If the Department of Public
2 Health fails to grant or deny a renewal application received
3 in accordance with this Section, then the renewal is deemed
4 granted and the registered qualifying patient or registered
5 designated caregiver may continue to use the expired
6 identification card until the Department of Public Health
7 denies the renewal or issues a new identification card.

8 (d) Except as otherwise provided in this Section, the
9 expiration date is 3 years after the date of issuance.

10 (e) The Department of Public Health may electronically
11 store in the card any or all of the information listed in
12 subsection (b), along with the address and date of birth of the
13 cardholder ~~and the qualifying patient's designated dispensary~~
14 ~~organization~~, to allow it to be read by law enforcement
15 agents.

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

17 (410 ILCS 130/75)

18 Sec. 75. Notifications to Department of Public Health and
19 responses; civil penalty.

20 (a) The following notifications and Department of Public
21 Health responses are required:

22 (1) A registered qualifying patient shall notify the
23 Department of Public Health of any change in his or her
24 name or address, or if the registered qualifying patient
25 ceases to have his or her debilitating medical condition,

1 within 10 days of the change.

2 (2) A registered designated caregiver shall notify the
3 Department of Public Health of any change in his or her
4 name or address, or if the designated caregiver becomes
5 aware the registered qualifying patient passed away,
6 within 10 days of the change.

7 (3) Before a registered qualifying patient changes his
8 or her designated caregiver, the qualifying patient must
9 notify the Department of Public Health.

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

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

25 (c) If a registered qualifying patient ceases to be a
26 registered qualifying patient or changes his or her registered

1 designated caregiver, the Department of Public Health shall
2 promptly notify the designated caregiver. The registered
3 designated caregiver's protections under this Act as to that
4 qualifying patient shall expire 15 days after notification by
5 the Department.

6 (d) A cardholder who fails to make a notification to the
7 Department of Public Health that is required by this Section
8 is subject to a civil infraction, punishable by a penalty of no
9 more than \$150.

10 (e) (Blank). ~~A registered qualifying patient shall notify~~
11 ~~the Department of Public Health of any change to his or her~~
12 ~~designated registered dispensing organization. The Department~~
13 ~~of Public Health shall provide for immediate changes of a~~
14 ~~registered qualifying patient's designated registered~~
15 ~~dispensing organization. Registered dispensing organizations~~
16 ~~must comply with all requirements of this Act.~~

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

1 paraphernalia.

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

3 (410 ILCS 130/85)

4 Sec. 85. Issuance and denial of medical cannabis
5 cultivation permit.

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

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

15 (c) The Department of Agriculture shall determine a
16 registration fee by rule.

17 (d) A cultivation center may only operate if it has been
18 issued a valid registration from the Department of
19 Agriculture. When applying for a cultivation center
20 registration, the applicant shall submit the following in
21 accordance with Department of Agriculture rules:

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

23 (2) the proposed physical address of the cultivation
24 center and description of the enclosed, locked facility as
25 it applies to cultivation centers where medical cannabis

1 will be grown, harvested, manufactured, packaged, or
2 otherwise prepared for distribution to a dispensing
3 organization;

4 (3) the name, address, and date of birth of each
5 principal officer and board member of the cultivation
6 center, provided that all those individuals shall be at
7 least 21 years of age;

8 (4) any instance in which a business that any of the
9 prospective board members of the cultivation center had
10 managed or served on the board of the business and was
11 convicted, fined, censured, or had a registration or
12 license suspended or revoked in any administrative or
13 judicial proceeding;

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

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

24 (7) experience with agricultural cultivation
25 techniques and industry standards;

26 (8) any academic degrees, certifications, or relevant

1 experience with related businesses;

2 (9) the identity of every person, association, trust,
3 or corporation having any direct or indirect pecuniary
4 interest in the cultivation center operation with respect
5 to which the registration is sought. If the disclosed
6 entity is a trust, the application shall disclose the
7 names and addresses of the beneficiaries; if a
8 corporation, the names and addresses of all stockholders
9 and directors; if a partnership, the names and addresses
10 of all partners, both general and limited;

11 (10) verification from the Illinois State Police that
12 all background checks of the principal officer, board
13 members, and registered agents have been conducted ~~and~~
14 ~~those individuals have not been convicted of an excluded~~
15 ~~offense;~~

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

20 (12) an application fee set by the Department of
21 Agriculture by rule; and

22 (13) any other information required by Department of
23 Agriculture rules, including, but not limited to a
24 cultivation center applicant's experience with the
25 cultivation of agricultural or horticultural products,
26 operating an agriculturally related business, or operating

1 a horticultural business.

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

4 (1) the applicant failed to submit the materials
5 required by this Section, including if the applicant's
6 plans do not satisfy the security, oversight, inventory,
7 or recordkeeping rules issued by the Department of
8 Agriculture;

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

11 (3) (blank); ~~one or more of the prospective principal~~
12 ~~officers or board members has been convicted of an~~
13 ~~excluded offense;~~

14 (4) one or more of the prospective principal officers
15 or board members has served as a principal officer or
16 board member for a registered dispensing organization or
17 cultivation center that has had its registration revoked;

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

20 (6) (blank); ~~a principal officer or board member of~~
21 ~~the cultivation center has been convicted of a felony~~
22 ~~under the laws of this State, any other state, or the~~
23 ~~United States;~~

24 (7) (blank); ~~or a principal officer or board member of~~
25 ~~the cultivation center has been convicted of any violation~~
26 ~~of Article 28 of the Criminal Code of 2012, or~~

~~substantially similar laws of any other jurisdiction; or~~

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

(f) Beginning January 1, 2027, the Department shall cease to issue or renew any medical cannabis cultivation permit. Licensees that hold dual medical cannabis cultivation permits and adult use cultivation center licenses may continue all operations with a valid cultivation center license issued under the Cannabis Regulation and Tax Act.

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

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

(410 ILCS 130/90)

Sec. 90. Renewal of cultivation center registrations.

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

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

(2) the Department of Agriculture has not suspended the registration of the cultivation center or suspended or

1 revoked the registration for violation of this Act or
2 rules adopted under this Act.

3 (b) Beginning January 1, 2027, all cultivation center
4 permits issued under Section 85 shall be renewed in accordance
5 with Section 20-45 of the Cannabis Regulation and Tax Act and
6 shall be subject to the requirements and prohibitions of the
7 Cannabis Regulation and Tax Act.

8 (c) This Section is repealed on July 1, 2027.

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

10 (410 ILCS 130/95)

11 Sec. 95. Background checks.

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

1 Illinois State Police shall furnish, following positive
2 identification, all Illinois conviction information to the
3 Department of Agriculture.

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

8 (c) This Section is repealed on July 1, 2027.

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

10 (410 ILCS 130/100)

11 Sec. 100. Cultivation center agent identification card.

12 (a) The Department of Agriculture shall:

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

19 (2) issue a cultivation center agent identification
20 card to a qualifying agent within 15 business days of
21 approving the application or renewal;

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

24 (4) allow for an electronic application process, and
25 provide a confirmation by electronic or other methods that

1 an application has been submitted.

2 (b) A cultivation center agent must keep his or her
3 identification card visible at all times when on the property
4 of a cultivation center and during the transportation of
5 medical cannabis to a registered dispensary organization.

6 (c) The cultivation center agent identification cards
7 shall contain the following:

8 (1) the name of the cardholder;

9 (2) the date of issuance and expiration date of
10 cultivation center agent identification cards;

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; and

14 (4) a photograph of the cardholder.

15 (d) The cultivation center agent identification cards
16 shall be immediately returned to the cultivation center upon
17 termination of employment.

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

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

24 (g) An agent applicant may begin employment at a
25 cultivation center while the agent applicant's identification
26 card application is pending. Upon approval, the Department

1 shall issue the agent's identification card to the agent. If
2 denied, the cultivation center and the agent applicant shall
3 be notified and the agent applicant must cease all activity at
4 the cultivation center immediately.

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

9 (i) This Section is repealed on July 1, 2027.

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

12 (410 ILCS 130/105)

13 Sec. 105. Requirements; prohibitions; penalties for
14 cultivation centers.

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

21 (b) A registered cultivation center shall implement a
22 security plan reviewed by the Illinois State Police and
23 including but not limited to: facility access controls,
24 perimeter intrusion detection systems, personnel
25 identification systems, 24-hour surveillance system to monitor

1 the interior and exterior of the registered cultivation center
2 facility and accessible to authorized law enforcement and the
3 Department of Agriculture in real-time.

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

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

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

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

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

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

8 (i) Registered cultivation centers are subject to random
9 inspections by the Department of Agriculture and the
10 Department of Public Health.

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

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

18 (l) This Section is repealed on July 1, 2027.

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

20 (410 ILCS 130/110)

21 Sec. 110. Suspension; revocation; other penalties for
22 cultivation centers and agents. Notwithstanding any other
23 criminal penalties related to the unlawful possession of
24 cannabis, the Department of Agriculture may revoke, suspend,
25 place on probation, reprimand, issue cease and desist orders,

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

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

16 (410 ILCS 130/115)

17 Sec. 115. Registration of dispensing organizations.

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

1 qualifying patients reasonable proximity and access to a
2 dispensing organization.

3 (a-5) (Blank). ~~The Department of Financial and~~
4 ~~Professional Regulation shall adopt rules to create a~~
5 ~~registration process for Social Equity Justice Involved~~
6 ~~Applicants and Qualifying Applicants, a streamlined~~
7 ~~application, and a Social Equity Justice Involved Medical~~
8 ~~Lottery under Section 115.5 to issue the remaining available 5~~
9 ~~dispensing organization registrations for operation. For~~
10 ~~purposes of this Section:~~

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

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

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

18 ~~(B) 75% or more of the children in the area~~
19 ~~participate in the federal free lunch program~~
20 ~~according to reported statistics from the State Board~~
21 ~~of Education; or~~

22 ~~(C) at least 20% of the households in the area~~
23 ~~receive assistance under the Supplemental Nutrition~~
24 ~~Assistance Program; or~~

25 ~~(D) the area has an average unemployment rate, as~~
26 ~~determined by the Illinois Department of Employment~~

~~Security, that is more than 120% of the national unemployment average, as determined by the United States Department of Labor, for a period of at least 2 consecutive calendar years preceding the date of the application; and~~

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

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

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

~~(1) an applicant with at least 51% ownership and control by one or more individuals who have resided for at~~

1 ~~least 5 of the preceding 10 years in a Disproportionately~~
2 ~~Impacted Area;~~

3 ~~(2) an applicant with at least 51% of ownership and~~
4 ~~control by one or more individuals who have been arrested~~
5 ~~for, convicted of, or adjudicated delinquent for any~~
6 ~~offense that is eligible for expungement under subsection~~
7 ~~(i) of Section 5.2 of the Criminal Identification Act; or~~

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

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

15 (c) When applying for a dispensing organization
16 registration, the applicant shall submit, at a minimum, the
17 following in accordance with Department of Financial and
18 Professional Regulation rules:

19 (1) a non-refundable application fee established by
20 rule;

21 (2) the proposed legal name of the dispensing
22 organization;

23 (3) the proposed physical address of the dispensing
24 organization;

25 (4) the name, address, and date of birth of each
26 principal officer and board member of the dispensing

1 organization, provided that all those individuals shall be
2 at least 21 years of age;

3 (5) (blank);

4 (6) (blank); and

5 (7) (blank).

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

23 (e) A dispensing organization must pay a registration fee
24 set by the Department of Financial and Professional
25 Regulation.

26 (f) An application for a medical cannabis dispensing

1 organization registration must be denied if any of the
2 following conditions are met:

3 (1) the applicant failed to submit the materials
4 required by this Section, including if the applicant's
5 plans do not satisfy the security, oversight, or
6 recordkeeping rules issued by the Department of Financial
7 and Professional Regulation;

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

10 (3) the applicant does not meet the requirements of
11 Section 130;

12 (4) one or more of the prospective principal officers
13 or board members has been convicted of an excluded
14 offense;

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

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

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

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

23 (410 ILCS 130/120)

24 Sec. 120. Dispensing organization agent identification
25 card.

1 (a) The Department of Financial and Professional
2 Regulation shall:

3 (1) verify the information contained in an application
4 or renewal for a dispensing organization agent
5 identification card submitted under this Act, and approve
6 or deny an application or renewal, within 30 days of
7 receiving a completed application or renewal application
8 and all supporting documentation required by rule;

9 (2) issue a dispensing organization agent
10 identification card to a qualifying agent within 15
11 business days of approving the application or renewal;

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

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

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

20 (c) The dispensing organization agent identification cards
21 shall contain the following:

22 (1) the name of the cardholder;

23 (2) the date of issuance and expiration date of the
24 dispensing organization agent identification cards;

25 (3) a random 10 digit alphanumeric identification
26 number containing at least 4 numbers and at least 4

1 letters; that is unique to the holder; and

2 (4) a photograph of the cardholder.

3 (d) The dispensing organization agent identification cards
4 shall be immediately returned to the dispensing organization
5 upon termination of employment.

6 (e) Any card lost by a dispensing organization agent shall
7 be reported to the Illinois State Police and the Department of
8 Financial and Professional Regulation immediately upon
9 discovery of the loss.

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

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

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

17 (410 ILCS 130/125)

18 Sec. 125. Medical cannabis dispensing organization
19 certification renewal.

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

1 (1) the registered dispensing organization submits a
2 renewal application and the required renewal fee
3 established by the Department of Financial and
4 Professional Regulation rules; and

5 (2) the Department of Financial and Professional
6 Regulation has not suspended the registered dispensing
7 organization or suspended or revoked the registration for
8 violation of this Act or rules adopted under this Act.

9 (b) If a dispensing organization fails to renew its
10 registration prior to expiration, the dispensing organization
11 shall cease operations until registration is renewed.

12 (c) If a dispensing organization agent fails to renew his
13 or her registration prior to its expiration, he or she shall
14 cease to work or volunteer at a dispensing organization until
15 his or her registration is renewed.

16 (d) Any dispensing organization that continues to operate
17 or dispensing agent that continues to work or volunteer at a
18 dispensing organization that fails to renew its registration
19 shall be subject to penalty as provided in Section 130.

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

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

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

25 (410 ILCS 130/130)

1 Sec. 130. Requirements; prohibitions; penalties;
2 dispensing organizations.

3 (a) The Department of Financial and Professional
4 Regulation shall implement the provisions of this Section by
5 rule.

6 (b) A dispensing organization shall maintain operating
7 documents which shall include procedures for the oversight of
8 the registered dispensing organization and procedures to
9 ensure accurate recordkeeping.

10 (c) A dispensing organization shall implement appropriate
11 security measures, as provided by rule, to deter and prevent
12 the theft of cannabis and unauthorized entrance into areas
13 containing cannabis.

14 (d) A dispensing organization may not be located within
15 1,000 feet of the property line of a pre-existing public or
16 private preschool or elementary or secondary school or day
17 care center, day care home, group day care home, or part day
18 child care facility. A registered dispensing organization may
19 not be located in a house, apartment, condominium, or an area
20 zoned for residential use. This subsection shall not apply to
21 any dispensing organizations registered on or after July 1,
22 2019.

23 (e) A dispensing organization is prohibited from acquiring
24 cannabis from anyone other than a cultivation center, craft
25 grower, infuser organization ~~processing organization~~, another
26 dispensing organization, or transporting organization licensed

1 or registered under this Act or the Cannabis Regulation and
2 Tax Act. A dispensing organization is prohibited from
3 obtaining cannabis from outside the State of Illinois.

4 (f) A registered dispensing organization is prohibited
5 from dispensing cannabis for any purpose except to assist
6 registered qualifying patients with the medical use of
7 cannabis directly or through the qualifying patients'
8 designated caregivers.

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

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

24 (i) Except as provided in subsection (i-5), before medical
25 cannabis may be dispensed to a designated caregiver or a
26 registered qualifying patient, a dispensing organization agent

1 must determine that the individual is a current cardholder in
2 the verification system and must verify each of the following:

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

5 (2) that the person presenting the card is the person
6 identified on the registry identification card presented
7 to the dispensing organization agent;

8 (3) (blank); and

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

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

18 (1) that the written certification presented to the
19 registered dispensing organization is valid and an
20 original document;

21 (2) that the person presenting the written
22 certification is the person identified on the written
23 certification; and

24 (3) that the participant has not exceeded his or her
25 adequate supply.

26 (j) Dispensing organizations shall ensure compliance with

1 this limitation by maintaining internal, confidential records
2 that include records specifying how much medical cannabis is
3 dispensed to the registered qualifying patient and whether it
4 was dispensed directly to the registered qualifying patient or
5 to the designated caregiver. Each entry must include the date
6 and time the cannabis was dispensed. Additional recordkeeping
7 requirements may be set by rule.

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

14 (l) A dispensing organization may not permit any person to
15 consume cannabis on the property of a medical cannabis
16 organization.

17 (m) A dispensing organization may not share office space
18 with or refer patients to a certifying health care
19 professional.

20 (n) Notwithstanding any other criminal penalties related
21 to the unlawful possession of cannabis, the Department of
22 Financial and Professional Regulation may revoke, suspend,
23 place on probation, reprimand, refuse to issue or renew, or
24 take any other disciplinary or non-disciplinary action as the
25 Department of Financial and Professional Regulation may deem
26 proper with regard to the registration of any person issued

1 under this Act to operate a dispensing organization or act as a
2 dispensing organization agent, including imposing fines not to
3 exceed \$10,000 for each violation, for any violations of this
4 Act and rules adopted in accordance with this Act. The
5 procedures for disciplining a registered dispensing
6 organization shall be determined by rule. All final
7 administrative decisions of the Department of Financial and
8 Professional Regulation are subject to judicial review under
9 the Administrative Review Law and its rules. The term
10 "administrative decision" is defined as in Section 3-101 of
11 the Code of Civil Procedure.

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

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

20 (q) The Department of Financial and Professional
21 Regulation may issue nondisciplinary citations for minor
22 violations which may be accompanied by a civil penalty not to
23 exceed \$10,000 per violation. The penalty shall be a civil
24 penalty or other condition as established by rule. The
25 citation shall be issued to the licensee and shall contain the
26 licensee's name, address, and license number, a brief factual

1 statement, the Sections of the law or rule allegedly violated,
2 and the civil penalty, if any, imposed. The citation must
3 clearly state that the licensee may choose, in lieu of
4 accepting the citation, to request a hearing. If the licensee
5 does not dispute the matter in the citation with the
6 Department of Financial and Professional Regulation within 30
7 days after the citation is served, then the citation shall
8 become final and shall not be subject to appeal.

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

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

11 (410 ILCS 130/140)

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

This Section is repealed on July 1, 2027.

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

(410 ILCS 130/145)

Sec. 145. Confidentiality.

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

(1) Applications and renewals, their contents, and

1 supporting information submitted by qualifying patients,
2 provisional patients, ~~and~~ designated caregivers, and
3 Opioid Alternative Patient Program participants, including
4 information regarding their designated caregivers and
5 certifying health care professionals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (410 ILCS 130/150)

25 Sec. 150. Registry identification and registration

1 certificate verification.

2 (a) The Department of Public Health shall maintain a
3 confidential list of the persons to whom the Department of
4 Public Health has issued registry identification cards and
5 their addresses, phone numbers, and registry identification
6 numbers. This confidential list may not be combined or linked
7 in any manner with any other list or database except as
8 provided in this Section.

9 (b) Within 180 days of the effective date of this Act, the
10 Department of Public Health, Department of Financial and
11 Professional Regulation, and Department of Agriculture shall
12 together establish a computerized database or verification
13 system. The database or verification system must allow law
14 enforcement personnel and medical cannabis dispensary
15 organization agents to determine whether or not the
16 identification number corresponds with a current, valid
17 registry identification card. The system shall only disclose
18 whether the identification card is valid, whether the
19 cardholder is a registered qualifying patient, provisional
20 patient, ~~or a registered~~ designated caregiver, or Opioid
21 Alternative Patient Program participant ~~the registry~~
22 ~~identification number of the registered medical cannabis~~
23 ~~dispensing organization designated to serve the registered~~
24 ~~qualifying patient who holds the card,~~ and the registry
25 identification number of the patient who is assisted by a
26 registered designated caregiver who holds the card. The

1 Department of Public Health, the Department of Agriculture,
2 the Illinois State Police, and the Department of Financial and
3 Professional Regulation shall not share or disclose any
4 existing or non-existing Illinois or national criminal history
5 record information. Notwithstanding any other requirements
6 established by this subsection, the Department of Public
7 Health shall issue registry cards to qualifying patients, the
8 Department of Financial and Professional Regulation may issue
9 registration cards to medical cannabis dispensing
10 organizations for the period during which the database is
11 being established, and the Department of Agriculture may issue
12 registration to medical cannabis cultivation organizations for
13 the period during which the database is being established.

14 (c) For the purposes of this Section, "any existing or
15 non-existing Illinois or national criminal history record
16 information" means any Illinois or national criminal history
17 record information, including but not limited to the lack of
18 or non-existence of these records.

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

20 (410 ILCS 130/180)

21 Sec. 180. Destruction of medical cannabis.

22 (a) All cannabis byproduct, scrap, and harvested cannabis
23 not intended for distribution to a medical cannabis
24 organization must be destroyed and disposed of pursuant to
25 State law. Documentation of destruction and disposal shall be

1 retained at the cultivation center for a period of not less
2 than 5 years.

3 (b) A cultivation center shall prior to the destruction,
4 notify the Department of Agriculture and the Illinois State
5 Police.

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

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

13 (e) A dispensary organization shall prior to the
14 destruction, notify the Department of Financial and
15 Professional Regulation and the Illinois State Police.

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

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

18 (410 ILCS 130/200)

19 Sec. 200. Tax imposed.

20 (a) Beginning on January 1, 2014 and through June 30, 2026
21 ~~the effective date of this Act,~~ a tax is imposed upon the
22 privilege of cultivating medical cannabis at a rate of 7% of
23 the sales price per ounce. Beginning July 1, 2026, a tax is
24 imposed on the privilege of cultivating medical cannabis at
25 the rate of 7% of the gross receipts from the first sale of

1 medical cannabis by a cultivator. The sale of any product that
2 contains any amount of medical cannabis or any derivative
3 thereof is subject to the tax under this Section on the full
4 selling price of the product. The Department may determine the
5 selling price of the medical cannabis if a value is not
6 established for the medical cannabis and either the seller and
7 purchaser are affiliated persons or the sale and purchase of
8 medical cannabis is not an arm's length transaction. The value
9 determined by the Department shall be commensurate with the
10 actual price received for products of like quality, character,
11 and use in the area. If there are no sales of medical cannabis
12 of like quality, character, and use in the area, then the
13 Department shall establish a reasonable value based on sales
14 of products of like quality, character, and use in the other
15 areas of the State, taking into consideration any other
16 relevant factors. Beginning January 1, 2027, the privilege of
17 cultivating cannabis shall be subject to the tax imposed under
18 Section 60-10 of the Cannabis Regulation and Tax Act. Through
19 December 30, 2026 the ~~The~~ proceeds from this tax shall be
20 deposited into the Compassionate Use of Medical Cannabis Fund
21 created under the Compassionate Use of Medical Cannabis
22 Program Act. This tax shall be paid by a cultivation center and
23 is not the responsibility of a dispensing organization or a
24 qualifying patient.

25 (b) The tax imposed under this Act shall be in addition to
26 all other occupation or privilege taxes imposed by the State

1 of Illinois or by any municipal corporation or political
2 subdivision thereof.

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

4 (410 ILCS 130/205)

5 Sec. 205. Department enforcement.

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

20 (b) The Department shall have full power to administer and
21 enforce this Law, to collect all taxes and penalties due
22 hereunder, to dispose of taxes and penalties so collected in
23 the manner hereinafter provided, and to determine all rights
24 to credit memoranda, arising on account of the erroneous
25 payment of tax or penalty hereunder. In the administration of,

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

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

16 (410 ILCS 130/210)

17 Sec. 210. Returns.

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

24 (1) The name of the taxpayer;

25 (2) The number of ounces of medical cannabis sold to a

1 dispensing organization or a registered qualifying patient
2 during the preceding calendar month;

3 (3) The amount of tax due;

4 (4) The signature of the taxpayer; and

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

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

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

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

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

19 (410 ILCS 130/80 rep.)

20 (410 ILCS 130/115.5 rep.)

21 (410 ILCS 130/162 rep.)

22 Section 45. The Compassionate Use of Medical Cannabis
23 Program Act is amended by repealing Sections 80, 115.5, and
24 162.

1 Section 50. The Cannabis Regulation and Tax Act is amended
2 by changing Sections 1-10, 7-10, 7-15, 7-20, 10-10, 10-15,
3 15-10, 15-15, 15-20, 15-25, 15-35, 15-35.10, 15-36, 15-40,
4 15-45, 15-65, 15-70, 15-75, 15-85, 15-100, 15-135, 15-145,
5 25-35, 25-45, 30-10, 30-30, 30-35, 30-45, 35-25, 35-30, 35-40,
6 40-25, 40-30, 45-5, 50-5, 55-5, 55-10, 55-30, 55-65, 55-85,
7 60-5, 60-10, 65-5, 65-10, 65-30, 65-38, 65-42, and the heading
8 of Article 20 and Sections 20-10, 20-15, 20-20, 20-21, 20-30,
9 20-35 and 20-45 and by adding Sections 15-13, 15-17, 15-23,
10 15-24, and 40-31 as follows:

11 (410 ILCS 705/1-10)

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

13 "Adequate medical supply" means:

14 (1) 2.5 ounces of usable cannabis during a period of
15 14 days and that is derived solely from an intrastate
16 source.

17 (2) Subject to the rules of the Department of Public
18 Health, a patient may apply for a waiver where a
19 certifying health care professional provides a substantial
20 medical basis in a signed, written statement asserting
21 that, based on the patient's medical history, in the
22 certifying health care professional's professional
23 judgment, 2.5 ounces is an insufficient adequate medical
24 supply for a 14-day period to properly alleviate the
25 patient's debilitating medical condition or symptoms

1 associated with the debilitating medical condition.

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

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

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

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

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

25 "Ancillary cannabis business" means a subsidiary,
26 affiliate, or related business to a licensed cannabis business

1 that supports that licensed cannabis business in operations.
2 "Ancillary cannabis business" includes a professional services
3 business, raw materials and waste disposal business, technical
4 services business, construction business, packaging and
5 labeling business, security business, staffing services
6 business, uniform supply business, safety material production
7 business, cleaning business, and transportation business.

8 "Application points" means the number of points a
9 Dispensary Applicant receives on an application for a
10 Conditional Adult Use Dispensing Organization License.

11 "BLS Region" means a region in Illinois used by the United
12 States Bureau of Labor Statistics to gather and categorize
13 certain employment and wage data. The 17 such regions in
14 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
15 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
16 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
17 Rockford, St. Louis, Springfield, Northwest Illinois
18 nonmetropolitan area, West Central Illinois nonmetropolitan
19 area, East Central Illinois nonmetropolitan area, and South
20 Illinois nonmetropolitan area.

21 "By lot" means a randomized method of choosing between 2
22 or more Eligible Tied Applicants or 2 or more Qualifying
23 Applicants.

24 "Cannabis" means marijuana, hashish, and other substances
25 that are identified as including any parts of the plant
26 Cannabis sativa and including derivatives or subspecies, such

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

17 "Cannabis business establishment" means a cultivation
18 center, craft grower, ~~processing organization~~, infuser
19 organization, dispensing organization, or transporting
20 organization.

21 "Cannabis concentrate" means a product derived from
22 cannabis that is produced by extracting cannabinoids,
23 including tetrahydrocannabinol (THC), from the plant through
24 the use of propylene glycol, glycerin, butter, olive oil, or
25 other typical cooking fats; water, ice, or dry ice; or butane,
26 propane, CO₂, ethanol, or isopropanol and with the intended

1 use of smoking or making a cannabis-infused product. The use
2 of any other solvent is expressly prohibited unless and until
3 it is approved by the Department of Agriculture.

4 "Cannabis container" means a sealed or resealable,
5 traceable, container, or package used for the purpose of
6 containment of cannabis or cannabis-infused product during
7 transportation.

8 "Cannabis flower" means marijuana, hashish, and other
9 substances that are identified as including any parts of the
10 plant Cannabis sativa and including derivatives or subspecies,
11 such as indica, of all strains of cannabis; including raw
12 kief, leaves, and buds, but not resin that has been extracted
13 from any part of such plant; nor any compound, manufacture,
14 salt, derivative, mixture, or preparation of such plant, its
15 seeds, or resin.

16 "Cannabis-infused product" means a beverage, food, oil,
17 ointment, tincture, topical formulation, or another product
18 containing cannabis or cannabis concentrate that is not
19 intended to be smoked.

20 "Cannabis paraphernalia" means equipment, products, or
21 materials intended to be used for planting, propagating,
22 cultivating, growing, harvesting, manufacturing, producing,
23 processing, preparing, testing, analyzing, packaging,
24 repackaging, storing, containing, concealing, ingesting, or
25 otherwise introducing cannabis into the human body.

26 "Cannabis plant monitoring system" or "plant monitoring

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

11 "Cannabis testing facility" means an entity registered by
12 the Department of Agriculture to test cannabis for potency and
13 contaminants.

14 "Clone" means a plant section from a female cannabis plant
15 not yet rootbound, growing in a water solution or other
16 propagation matrix, that is capable of developing into a new
17 plant.

18 "Community College Cannabis Vocational Training Pilot
19 Program faculty participant" means a person who is 21 years of
20 age or older, licensed by the Department of Agriculture, and
21 is employed or contracted by an Illinois community college to
22 provide student instruction using cannabis plants at an
23 Illinois Community College.

24 "Community College Cannabis Vocational Training Pilot
25 Program faculty participant Agent Identification Card" means a
26 document issued by the Department of Agriculture that

1 identifies a person as a Community College Cannabis Vocational
2 Training Pilot Program faculty participant.

3 "Conditional Adult Use Dispensing Organization License"
4 means a contingent license awarded to applicants for an Adult
5 Use Dispensing Organization License that reserves the right to
6 an Adult Use Dispensing Organization License if the applicant
7 meets certain conditions described in this Act, but does not
8 entitle the recipient to begin purchasing or selling cannabis
9 or cannabis-infused products.

10 "Conditional ~~Adult Use~~ Cultivation Center License" means a
11 license awarded to top-scoring applicants for a ~~an Adult Use~~
12 Cultivation Center License that reserves the right to a ~~an~~
13 ~~Adult Use~~ Cultivation Center License if the applicant meets
14 certain conditions as determined by the Department of
15 Agriculture by rule, but does not entitle the recipient to
16 begin growing, processing, or selling cannabis or
17 cannabis-infused products.

18 "Craft grower" means a facility operated by an
19 organization or business that is licensed by the Department of
20 Agriculture to cultivate, dry, cure, and package cannabis and
21 perform other necessary activities to make cannabis available
22 for sale at a dispensing organization or use at an infuser ~~a~~
23 ~~processing~~ organization. A craft grower may contain up to
24 14,000 ~~5,000~~ square feet of canopy space on its premises for
25 plants in the flowering state. ~~The Department of Agriculture~~
26 ~~may authorize an increase or decrease of flowering stage~~

1 ~~cultivation space in increments of 3,000 square feet by rule~~
2 ~~based on market need, craft grower capacity, and the~~
3 ~~licensee's history of compliance or noncompliance, with a~~
4 ~~maximum space of 14,000 square feet for cultivating plants in~~
5 ~~the flowering stage,~~ which must be cultivated in all stages of
6 growth in an enclosed and secure area. A craft grower may share
7 premises with an infuser ~~a processing~~ organization or a
8 dispensing organization, or both, provided each licensee
9 stores currency and cannabis or cannabis-infused products in a
10 separate secured vault to which the other licensee does not
11 have access or all licensees sharing a vault share more than
12 50% of the same ownership.

13 "Craft grower agent" means a principal officer, board
14 member, employee, or other agent of a craft grower who is 21
15 years of age or older.

16 "Craft Grower Agent Identification Card" means a document
17 issued by the Department of Agriculture that identifies a
18 person as a craft grower agent.

19 "Cultivation center" means a facility operated by an
20 organization or business that is licensed by the Department of
21 Agriculture to cultivate, process, transport (unless otherwise
22 limited by this Act), and perform other necessary activities
23 to provide cannabis and cannabis-infused products to cannabis
24 business establishments. As used in this Act, "cultivation
25 center" includes any cultivation center that, prior to January
26 1, 2027, was a cultivation center as defined in the

1 Compassionate Use of Medical Cannabis Program Act.

2 "Cultivation center agent" means a principal officer,
3 board member, employee, or other agent of a cultivation center
4 who is 21 years of age or older.

5 "Cultivation Center Agent Identification Card" means a
6 document issued by the Department of Agriculture that
7 identifies a person as a cultivation center agent.

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

9 "Designated caregiver" means a person who assists no more
10 than one registered qualifying patient with the patient's
11 medical use of cannabis, except the parent or legal guardian
12 of a registered qualifying patient may assist each of their
13 children who are registered qualifying patients.

14 ~~"Dispensary" means a facility operated by a dispensing~~
15 ~~organization at which activities licensed by this Act may~~
16 ~~occur.~~

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

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

1 selling or dispensing cannabis, cannabis-infused products,
2 cannabis seeds, paraphernalia, or related supplies under this
3 Act to purchasers or to qualified registered medical cannabis
4 patients and caregivers. As used in this Act, "dispensing
5 organization" or "dispensary" includes any dispensary that,
6 prior to January 1, 2027, was a ~~a~~ registered medical cannabis
7 organization as defined in the Compassionate Use of Medical
8 Cannabis Program Act or its successor Act or that ~~has~~ obtained
9 an Early Approval Adult Use Dispensing Organization License or
10 Early Approval Adult Use Dispensing Organization License at a
11 Secondary Site under this Act.

12 "Dispensing organization agent" means a principal officer,
13 employee, or agent of a dispensing organization who is 21
14 years of age or older.

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

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

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

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

26 (B) 75% or more of the children in the area

1 participate in the federal free lunch program
2 according to reported statistics from the State Board
3 of Education; or

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

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

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

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

26 "Early Approval Adult Use Dispensing Organization License"

1 means a license that permits a medical cannabis dispensing
2 organization licensed under the Compassionate Use of Medical
3 Cannabis Program Act as of the effective date of this Act to
4 begin selling cannabis or cannabis-infused product to
5 purchasers as permitted by this Act as of January 1, 2020.

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

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

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

24 "Enclosed, locked space" means a closet, room, greenhouse,
25 building, or other enclosed area equipped with locks or other
26 security devices that permit access only by authorized

1 individuals under this Act. "Enclosed, locked space" may
2 include:

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

10 (2) a structure, such as a shed or greenhouse, that
11 lies on the same plot of land as a residential building
12 that (i) includes sleeping quarters and indoor plumbing
13 and (ii) is used as a primary residence by the person
14 cultivating 5 or fewer cannabis plants that are more than
15 5 inches tall, such as a shed or greenhouse. The structure
16 must remain locked when it is unoccupied by people.

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

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

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

26 (2) if the cannabis plant is in an area that has been

1 intentionally deprived of light for a period of time
2 intended to produce flower buds and induce maturation,
3 from the moment the light deprivation began through the
4 remainder of the marijuana plant growth cycle.

5 "Individual" means a natural person.

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

11 "Infuser organization agent" means a principal officer,
12 board member, employee, or other agent of an infuser
13 organization.

14 "Infuser organization agent identification card" means a
15 document issued by the Department of Agriculture that
16 identifies a person as an infuser organization agent.

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

21 "Labor peace agreement" means an agreement between a
22 cannabis business establishment and any labor organization
23 recognized under the National Labor Relations Act, referred to
24 in this Act as a bona fide labor organization, that prohibits
25 labor organizations and members from engaging in picketing,
26 work stoppages, boycotts, and any other economic interference

1 with the cannabis business establishment. This agreement means
2 that the cannabis business establishment has agreed not to
3 disrupt efforts by the bona fide labor organization to
4 communicate with, and attempt to organize and represent, the
5 cannabis business establishment's employees. The agreement
6 shall provide a bona fide labor organization access at
7 reasonable times to areas in which the cannabis business
8 establishment's employees work, for the purpose of meeting
9 with employees to discuss their right to representation,
10 employment rights under State law, and terms and conditions of
11 employment. This type of agreement shall not mandate a
12 particular method of election or certification of the bona
13 fide labor organization.

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

1 "Member of an impacted family" means an individual who has
2 a parent, legal guardian, child, spouse, or dependent, or was
3 a dependent of an individual who, prior to the effective date
4 of this Act, was arrested for, convicted of, or adjudicated
5 delinquent for any offense that is eligible for expungement
6 under this Act.

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

11 "Opioid Alternative Patient Program participant" means an
12 individual who has received a valid written certification to
13 participate in the Opioid Alternative Patient Program for a
14 medical condition for which an opioid has been or could be
15 prescribed by a certifying health care professional based on
16 generally accepted standards of care.

17 "Ordinary public view" means within the sight line with
18 normal visual range of a person, unassisted by visual aids,
19 from a public street or sidewalk adjacent to real property, or
20 from within an adjacent property.

21 "Ownership and control" means ownership of at least 51% of
22 the business, including corporate stock if a corporation, and
23 control over the management and day-to-day operations of the
24 business and an interest in the capital, assets, and profits
25 and losses of the business proportionate to percentage of
26 ownership.

1 "Person" means a natural individual, firm, partnership,
2 association, joint stock company, joint venture, public or
3 private corporation, limited liability company, or a receiver,
4 executor, trustee, guardian, or other representative appointed
5 by order of any court.

6 "Possession limit" means the amount of cannabis under
7 Section 10-10 that may be possessed at any one time by a person
8 21 years of age or older or who is a registered qualifying
9 medical cannabis patient, designated or caregiver, or Opioid
10 Alternative Patient Program participant under the
11 Compassionate Use of Medical Cannabis Program Act.

12 "Principal officer" includes a cannabis business
13 establishment applicant or licensed cannabis business
14 establishment's board member, owner with more than 1% interest
15 of the total cannabis business establishment or more than 5%
16 interest of the total cannabis business establishment of a
17 publicly traded company, president, vice president, secretary,
18 treasurer, partner, officer, member, manager member, or person
19 with a profit sharing, financial interest, or revenue sharing
20 arrangement. The definition includes a person with authority
21 to control the cannabis business establishment, a person who
22 assumes responsibility for the debts of the cannabis business
23 establishment and who is further defined in this Act.

24 "Primary residence" means a dwelling where a person
25 usually stays or stays more often than other locations. It may
26 be determined by, without limitation, presence, tax filings;

1 address on an Illinois driver's license, an Illinois
2 Identification Card, or an Illinois Person with a Disability
3 Identification Card; or voter registration. No person may have
4 more than one primary residence.

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

9 "Provisional patient" means a qualifying patient who has
10 received a provisional registration from the Department of
11 Public Health.

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

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

20 ~~"Processing organization agent identification card" means~~
21 ~~a document issued by the Department of Agriculture that~~
22 ~~identifies a person as a processing organization agent.~~

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

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

6 "Qualifying patient" or "qualified patient" means a person
7 who has been diagnosed by a certifying health care
8 professional as having a debilitating medical condition as
9 defined under the Compassionate Use of Medical Cannabis
10 Program Act.

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

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

21 "Resided" means an individual's primary residence was
22 located within the relevant geographic area as established by
23 2 of the following:

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

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

1 name;

2 (3) school records;

3 (4) a voter registration card;

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

7 (6) a paycheck stub;

8 (7) a utility bill;

9 (8) tax records; or

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

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

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

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

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

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

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

26 (3) for applicants with a minimum of 10 full-time

1 employees, an applicant with at least 51% of current
2 employees who:

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

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

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

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

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

1 the application period ending January 2, 2020 shall be
2 considered an application of a separate Tied Applicant.

3 "Tied Applicant Lottery" means the process established
4 under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult
5 Use Dispensing Organization Licenses pursuant to Sections
6 15-25 and 15-30 among Eligible Tied Applicants.

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

14 "Transporter transfer site" means a physical facility
15 approved by the Department of Agriculture to be operated by a
16 transporting organization where the transporting organization
17 may transfer product from one vehicle to another. The
18 Department may allow for onsite storage of cannabis product by
19 rule.

20 "Transporting organization" or "transporter" means an
21 organization or business that is licensed by the Department of
22 Agriculture to transport cannabis or cannabis-infused product
23 on behalf of a cannabis business establishment or a community
24 college licensed under the Community College Cannabis
25 Vocational Training Pilot Program.

26 "Transporting organization agent" means a principal

1 officer, board member, employee, or agent of a transporting
2 organization.

3 "Transporting organization agent identification card"
4 means a document issued by the Department of Agriculture that
5 identifies a person as a transporting organization agent.

6 "Unit of local government" means any county, city,
7 village, or incorporated town.

8 "Vegetative stage" means the stage of cultivation in which
9 a cannabis plant is propagated to produce additional cannabis
10 plants or reach a sufficient size for production. This
11 includes seedlings, clones, mothers, and other immature
12 cannabis plants as follows:

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

18 (2) any cannabis plant that is cultivated solely for
19 the purpose of propagating clones and is never used to
20 produce cannabis.

21 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
22 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
23 5-13-22.)

24 (410 ILCS 705/7-10)

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

1 (a) There is created in the State treasury a special fund,
2 which shall be held separate and apart from all other State
3 moneys, to be known as the Cannabis Business Development Fund.
4 The Cannabis Business Development Fund shall be exclusively
5 used for the following purposes:

6 (1) to provide low-interest rate loans to Qualified
7 Social Equity Applicants and Social Equity Lottery
8 Licensees to pay for ordinary and necessary expenses to
9 start and operate a cannabis business establishment
10 permitted by this Act;

11 (2) to provide grants to Qualified Social Equity
12 Applicants and Social Equity Lottery Licensees to pay for
13 ordinary and necessary expenses to start and operate a
14 cannabis business establishment permitted by this Act;

15 (3) to compensate the Department of Commerce and
16 Economic Opportunity for any costs related to the
17 provision of low-interest loans and grants to Qualified
18 Social Equity Applicants and Social Equity Lottery
19 Licensees;

20 (4) to pay for outreach that may be provided or
21 targeted to attract and support Social Equity Applicants
22 and Qualified Social Equity Applicants and Social Equity
23 Lottery Licensees;

24 (5) to provide financial assistance to support lending
25 to, or private investment in, Qualified Social Equity
26 Applicants and Social Equity Lottery Licensees, or to

1 facilitate access to the facilities needed to commence
2 operations as a cannabis business establishment ~~(blank)~~;

3 (6) to conduct any study or research concerning the
4 participation of minorities, women, veterans, or people
5 with disabilities in the cannabis industry, including,
6 without limitation, barriers to such individuals entering
7 the industry as equity owners of cannabis business
8 establishments;

9 (6.5) to enter into financial intermediary agreements
10 to facilitate lending to or investment in Qualified Social
11 Equity Applicants, Social Equity Lottery Licensees, or
12 their ancillary businesses, with the goal of ensuring the
13 availability of facilities necessary to operate a cannabis
14 business establishment;

15 (7) (blank); and

16 (8) to assist with job training and technical
17 assistance for residents in Disproportionately Impacted
18 Areas.

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

25 (c) (Blank).

26 (c-5) In addition to any other transfers that may be

1 provided for by law, on July 1, 2023, or as soon thereafter as
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$40,000,000 from the
4 Compassionate Use of Medical Cannabis Fund to the Cannabis
5 Business Development Fund.

6 (d) Notwithstanding any other law to the contrary, the
7 Cannabis Business Development Fund is not subject to sweeps,
8 administrative charge-backs, or any other fiscal or budgetary
9 maneuver that would in any way transfer any amounts from the
10 Cannabis Business Development Fund into any other fund of the
11 State.

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

13 (410 ILCS 705/7-15)

14 Sec. 7-15. Loans, financial assistance, and grants to
15 Qualified Social Equity Applicants and Social Equity Lottery
16 Licensees.

17 (a) The Department of Commerce and Economic Opportunity
18 shall establish grant, ~~and loan,~~ and financial assistance
19 programs, subject to appropriations from the Cannabis Business
20 Development Fund, for the purposes of providing financial
21 assistance, loans, grants, and technical assistance to
22 Qualified Social Equity Applicants and Social Equity Lottery
23 Licensees.

24 (b) The Department of Commerce and Economic Opportunity
25 has the power to:

1 (1) provide Cannabis Social Equity loans, financial
2 assistance, and grants from appropriations from the
3 Cannabis Business Development Fund to assist Qualified
4 Social Equity Applicants and Social Equity Lottery
5 Licensees in gaining entry to, and successfully operating
6 in, the State's regulated cannabis marketplace;

7 (2) enter into agreements that set forth terms and
8 conditions of the financial assistance, accept funds or
9 grants, and engage in cooperation with private entities
10 and agencies of State or local government to carry out the
11 purposes of this Section;

12 (3) fix, determine, charge, and collect any premiums,
13 fees, charges, costs and expenses, including application
14 fees, commitment fees, program fees, financing charges, or
15 publication fees in connection with its activities under
16 this Section;

17 (4) coordinate assistance under the financial
18 assistance ~~these loan~~ programs with activities of the
19 Illinois Department of Financial and Professional
20 Regulation, the Illinois Department of Agriculture, and
21 other agencies as needed to maximize the effectiveness and
22 efficiency of this Act;

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

25 (6) take whatever actions are necessary or appropriate
26 to protect the State's interest in the event of

1 bankruptcy, default, foreclosure, or noncompliance with
2 the terms and conditions of financial assistance provided
3 under this Section, including the ability to recapture
4 funds if the recipient is found to be noncompliant with
5 the terms and conditions of the financial assistance
6 agreement;

7 (6.5) enter into financial intermediary agreements and
8 charge fees to financial institutions required to
9 facilitate lending to or investment in Qualified Social
10 Equity Applicants, Social Equity Lottery Licensees, or
11 their ancillary businesses, with the goal of ensuring the
12 availability of facilities necessary to operate a cannabis
13 business establishment;

14 (7) establish application, notification, contract, and
15 other forms, procedures, or rules deemed necessary and
16 appropriate; and

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

19 (c) Financial assistance loans made under this Section:

20 (1) shall only be made if, in the Department's
21 judgment, the project furthers the goals set forth in this
22 Act; ~~and~~

23 (2) shall be in such principal amount and form and
24 contain such terms and provisions with respect to
25 security, insurance, reporting, delinquency charges,
26 default remedies, forgiveness, and other matters as the

1 Department shall determine appropriate to protect the
2 public interest and to be consistent with the purposes of
3 this Section. The terms and provisions may be less than
4 required for similar loans not covered by this Section;
5 and-

6 (3) may be distributed by lottery if the Department
7 determines that the amount of funding available is
8 insufficient to provide an adequate amount of funding for
9 all of the applicants eligible to receive financial
10 assistance. The Department may determine the number of
11 financial assistance awards available based on the amount
12 of funding available and may communicate the number of
13 loans available on the loan application. The Department
14 may use competitive criteria to establish which applicants
15 are eligible to receive a grant, loan, or financial
16 assistance.

17 (d) Grants made under this Section shall be awarded on a
18 competitive and annual basis under the Grant Accountability
19 and Transparency Act. Grants made under this Section shall
20 further and promote the goals of this Act, including promotion
21 of Social Equity Applicants, Qualified Social Equity
22 Applicants, or Social Equity Lottery Licensees, job training
23 and workforce development, and technical assistance to Social
24 Equity Applicants and Social Equity Lottery Licensees. To the
25 extent registration with the federal System for Award
26 Management requires a grant applicant to certify compliance

1 with all federal laws, the grant applicants under this Section
2 shall not be required to register for a unique entity
3 identifier through the federal System for Award Management to
4 be qualified to receive a grant so long as federal law
5 prohibits the cultivation and sale of cannabis.

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

10 (e) Beginning January 1, 2021 and each year thereafter,
11 the Department shall annually report to the Governor and the
12 General Assembly on the outcomes and effectiveness of this
13 Section that shall include the following:

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

16 (2) the amount in financial assistance awarded in the
17 aggregate, in addition to the amount of loans made that
18 are outstanding and the amount of grants awarded;

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

21 (4) if applicable, the number of new jobs and other
22 forms of economic output created as a result of the
23 financial assistance.

24 (f) The Department of Commerce and Economic Opportunity
25 shall include engagement with individuals with limited English
26 proficiency as part of its outreach provided or targeted to

1 attract and support Social Equity Applicants.

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

3 (410 ILCS 705/7-20)

4 Sec. 7-20. Fee waivers.

5 (a) For Social Equity Applicants, the Department of
6 Financial and Professional Regulation and the Department of
7 Agriculture shall waive 50% of any nonrefundable license
8 application fees, any nonrefundable fees associated with
9 purchasing a license to operate a cannabis business
10 establishment, and any surety bond or other financial
11 requirements, provided a Social Equity Applicant meets the
12 following qualifications at the time the payment is due:

13 (1) the applicant, including all individuals and
14 entities with 10% or greater ownership and all parent
15 companies, subsidiaries, and affiliates, has less than a
16 total of \$750,000 of gross income in the previous calendar
17 year; and

18 (2) the applicant, including all individuals and
19 entities with 10% or greater ownership and all parent
20 companies, subsidiaries, and affiliates, has no more than
21 2 other licenses for cannabis business establishments in
22 the State of Illinois.

23 (b) The Department of Financial and Professional
24 Regulation and the Department of Agriculture may require
25 Social Equity Applicants to attest that they meet the

1 requirements for a fee waiver as provided in subsection (a)
2 and to provide evidence of annual total income in the previous
3 calendar year.

4 (c) If the Department of Financial and Professional
5 Regulation or the Department of Agriculture determines that an
6 applicant who applied as a Social Equity Applicant is not
7 eligible for such status, the applicant shall be provided an
8 additional 10 days to provide alternative evidence that he or
9 she qualifies as a Social Equity Applicant. Alternatively, the
10 applicant may pay the remainder of the waived fee and be
11 considered as a non-Social Equity Applicant. If the applicant
12 cannot do either, then the Departments may keep the initial
13 application fee and the application shall not be graded.

14 (d) The Department of Agriculture may provide hardship
15 waivers for craft grower and infuser license and renewal fees
16 due to the Department pursuant to the provisions below:

17 (1) The craft grower or infuser organization attests
18 that the craft grower or infuser organization or applicant
19 for renewal, including all individuals and entities with
20 10% or greater ownership and all parent companies,
21 subsidiaries, and affiliates, have no more than 2 other
22 licenses for cannabis business establishments in the
23 State.

24 (2) For craft grower and infuser organizations that
25 have a total of \$50,000 or less of reported gross income
26 for the prior fiscal year, the Department may waive the

1 full license or renewal fee. The craft grower or infuser
2 organization shall verify its income to the Department.

3 (3) For craft grower and infuser organizations that
4 have a gross income of more than \$50,000 and less than or
5 equal to \$750,000, the Department may waive 50% of the
6 full license or renewal fee. The craft grower or infuser
7 organization shall verify its income to the Department.

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

9 (410 ILCS 705/10-10)

10 Sec. 10-10. Possession limit.

11 (a) Except if otherwise authorized by this Act, for a
12 person who is 21 years of age or older and a resident of this
13 State, the possession limit is as follows:

14 (1) 30 grams of cannabis flower;

15 (2) no more than 500 milligrams of THC contained in
16 cannabis-infused product;

17 (3) 5 grams of cannabis concentrate; and

18 (4) for registered qualifying patients, any cannabis
19 produced by cannabis plants grown under subsection (b) of
20 Section 10-5, provided any amount of cannabis produced in
21 excess of 30 grams of raw cannabis or its equivalent must
22 remain secured within the residence or residential
23 property in which it was grown.

24 (b) For a person who is 21 years of age or older and who is
25 not a resident of this State, the possession limit is:

1 (1) 15 grams of cannabis flower;

2 (2) 2.5 grams of cannabis concentrate; and

3 (3) 250 milligrams of THC contained in a
4 cannabis-infused product.

5 (c) The possession limits found in subsections (a) and (b)
6 of this Section are to be considered cumulative.

7 (d) No person shall knowingly obtain, seek to obtain, or
8 possess an amount of cannabis from a dispensing organization
9 or craft grower that would cause him or her to exceed the
10 possession limit under this Section, including cannabis that
11 is cultivated by a person under this Act or obtained as a
12 qualified registered medical patient, provisional patient,
13 designated caregiver, or Opioid Alternative Patient Program
14 participant.

15 (d-1) No qualified patient, provisional patient,
16 designated caregiver, or Opioid Alternative Patient Program
17 participant shall knowingly obtain, seek to obtain, or
18 possess, individually or collectively, an amount that would
19 cause the individual to exceed that individual's adequate
20 medical supply ~~under the Compassionate Use of Medical Cannabis~~
21 ~~Program Act.~~

22 (e) Cannabis and cannabis-derived substances regulated
23 under the Industrial Hemp Act are not covered by this Act.

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

1 Sec. 10-15. Persons under 21 years of age.

2 (a) Nothing in this Act is intended to permit the transfer
3 of cannabis, with or without remuneration, to a person under
4 21 years of age, or to allow a person under 21 years of age to
5 purchase, possess, use, process, transport, grow, or consume
6 cannabis except where authorized by this Act, the
7 Compassionate Use of Medical Cannabis Program Act or ~~by~~ the
8 Community College Cannabis Vocational Pilot Program.

9 (b) Notwithstanding any other provisions of law
10 authorizing ~~the~~ possession of ~~medical~~ cannabis or
11 cannabis-infused products by a qualified registered medical
12 patient, provisional patient, designated caregiver, or Opioid
13 Alternative Patient Program participant, nothing in this Act
14 authorizes a person who is under 21 years of age to possess
15 cannabis. A person under 21 years of age with cannabis in his
16 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 January 1,
2 2027.

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

4 (410 ILCS 705/15-13 new)

5 Sec. 15-13. Adult Use and medical cannabis dispensing
6 organization license merger; medical patient prioritization.

7 (a) Beginning January 1, 2027, all medical cannabis
8 dispensing organizations registered under the Compassionate
9 Use of Medical Cannabis Program Act and that have received an
10 Early Approval Adult Use Dispensing Organization License shall
11 be deemed to be an adult use dispensing organization licensed
12 pursuant to Section 15-36 of this Act. In addition to selling
13 cannabis and cannabis-infused products to persons 21 years of
14 age or older, beginning January 1, 2027, but no later than
15 April 1, 2027, all dispensing organizations licensed pursuant
16 to Section 15-36 of this Act shall also offer services to
17 registered qualifying patients, provisional patients,
18 designated caregivers, and Opioid Alternative Patient Program
19 participants.

20 (b) Beginning January 1, 2027, all dispensing organization
21 agents registered under the Compassionate Use of Medical
22 Cannabis Program Act shall be deemed to be a dispensing
23 organization agent as that term is defined in this Act. All
24 dispensing organization agents registered under the
25 Compassionate Use of Medical Cannabis Program Act shall have

1 the same rights, privileges, duties, and responsibilities as
2 dispensing organization agents licensed under this Act. All
3 dispensing organization agents shall be subject to this Act
4 and any administrative rules adopted under this Act.

5 (c) On and after January 1, 2027, any dispensing
6 organization previously registered under an Early Approval
7 Adult Use Dispensing Organization License or as an Early
8 Approval Adult Use Dispensing Organization at a secondary site
9 shall renew pursuant to Section 15-45 of this Act. The
10 Department shall prorate the first renewal fee due under
11 Section 15-45 for any dispensing organization previously
12 registered under an Early Approval Adult Use Dispensing
13 Organization License or as an Early Approval Adult Use
14 Dispensing Organization at a secondary site.

15 (d) By April 1, 2027, all dispensing organizations shall
16 pay a one-time fee of \$10,000 to be deposited into the
17 Compassionate Use of Medical Cannabis Fund. After this
18 one-time fee is imposed, all dispensing organizations shall
19 renew pursuant to the provisions of Section 15-45. The
20 Department may approve payment plans that extend beyond April
21 1, 2027 for the fee paid under this subsection if the first
22 payment under the payment plan is remitted by April 1, 2027.

23 (e) All dispensing organizations must maintain an adequate
24 supply of cannabis and cannabis-infused products for purchase
25 by qualifying patients, designated caregivers, provisional
26 patients, and Opioid Alternative Patient Program participants.

1 For the purposes of this subsection, the Department may adopt
2 rules establishing what constitutes an adequate supply and how
3 dispensing organizations may cure any adequate supply
4 shortages.

5 (f) If there is a shortage of cannabis or cannabis-infused
6 products, a dispensing organization shall prioritize serving
7 qualifying patients, designated caregivers, provisional
8 patients, and Opioid Alternative Patient Program participants
9 before serving purchasers.

10 (g) Beginning January 1, 2027, cannabis and
11 cannabis-infused products purchased from a dispensing
12 organization by a qualified patient, provisional patient,
13 designated caregiver, or Opioid Alternative Patient Program
14 participant as part of that individual's adequate medical
15 supply are not subject to tax under Section 65-10 of this Act.

16 (410 ILCS 705/15-15)

17 Sec. 15-15. Early Approval Adult Use Dispensing
18 Organization License.

19 (a) Any medical cannabis dispensing organization holding a
20 valid registration under the Compassionate Use of Medical
21 Cannabis Program Act as of the effective date of this Act may,
22 within 60 days of the effective date of this Act, apply to the
23 Department for an Early Approval Adult Use Dispensing
24 Organization License to serve purchasers at any medical
25 cannabis dispensing location in operation on the effective

1 date of this Act, pursuant to this Section.

2 (b) A medical cannabis dispensing organization seeking
3 issuance of an Early Approval Adult Use Dispensing
4 Organization License to serve purchasers at any medical
5 cannabis dispensing location in operation as of the effective
6 date of this Act shall submit an application on forms provided
7 by the Department. The application must be submitted by the
8 same person or entity that holds the medical cannabis
9 dispensing organization registration and include the
10 following:

11 (1) Payment of a nonrefundable fee of \$30,000 to be
12 deposited into the Cannabis Regulation Fund;

13 (2) Proof of registration as a medical cannabis
14 dispensing organization that is in good standing;

15 (3) Certification that the applicant will comply with
16 the requirements contained in the Compassionate Use of
17 Medical Cannabis Program Act except as provided in this
18 Act;

19 (4) The legal name of the dispensing organization;

20 (5) The physical address of the dispensing
21 organization;

22 (6) 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 whom must be at
25 least 21 years of age;

26 (7) A nonrefundable Cannabis Business Development Fee

1 equal to 3% of the dispensing organization's total sales
2 between June 1, 2018 to June 1, 2019, or \$100,000,
3 whichever is less, to be deposited into the Cannabis
4 Business Development Fund; and

5 (8) Identification of one of the following Social
6 Equity Inclusion Plans to be completed by March 31, 2021:

7 (A) Make a contribution of 3% of total sales from
8 June 1, 2018 to June 1, 2019, or \$100,000, whichever is
9 less, to the Cannabis Business Development Fund. This
10 is in addition to the fee required by item (7) of this
11 subsection (b);

12 (B) Make a grant of 3% of total sales from June 1,
13 2018 to June 1, 2019, or \$100,000, whichever is less,
14 to a cannabis industry training or education program
15 at an Illinois community college as defined in the
16 Public Community College Act;

17 (C) Make a donation of \$100,000 or more to a
18 program that provides job training services to persons
19 recently incarcerated or that operates in a
20 Disproportionately Impacted Area;

21 (D) Participate as a host in a cannabis business
22 establishment incubator program approved by the
23 Department of Commerce and Economic Opportunity, and
24 in which an Early Approval Adult Use Dispensing
25 Organization License holder agrees to provide a loan
26 of at least \$100,000 and mentorship to incubate, for

1 at least a year, a Social Equity Applicant intending
2 to seek a license or a licensee that qualifies as a
3 Social Equity Applicant. As used in this Section,
4 "incubate" means providing direct financial assistance
5 and training necessary to engage in licensed cannabis
6 industry activity similar to that of the host
7 licensee. The Early Approval Adult Use Dispensing
8 Organization License holder or the same entity holding
9 any other licenses issued pursuant to this Act shall
10 not take an ownership stake of greater than 10% in any
11 business receiving incubation services to comply with
12 this subsection. If an Early Approval Adult Use
13 Dispensing Organization License holder fails to find a
14 business to incubate to comply with this subsection
15 before its Early Approval Adult Use Dispensing
16 Organization License expires, it may opt to meet the
17 requirement of this subsection by completing another
18 item from this subsection; or

19 (E) Participate in a sponsorship program for at
20 least 2 years approved by the Department of Commerce
21 and Economic Opportunity in which an Early Approval
22 Adult Use Dispensing Organization License holder
23 agrees to provide an interest-free loan of at least
24 \$200,000 to a Social Equity Applicant. The sponsor
25 shall not take an ownership stake in any cannabis
26 business establishment receiving sponsorship services

1 to comply with this subsection.

2 (b-5) Beginning 90 days after the effective date of this
3 amendatory Act of the 102nd General Assembly, an Early
4 Approval Adult Use Dispensing Organization licensee whose
5 license was issued pursuant to this Section may apply to
6 relocate within the same geographic district where its
7 existing associated medical cannabis dispensing organization
8 dispensary licensed under the Compassionate Use of Medical
9 Cannabis Act is authorized to operate. A request to relocate
10 under this subsection is subject to approval by the
11 Department. An Early Approval Adult Use Dispensing
12 Organization's application to relocate its license under this
13 subsection shall be deemed approved 30 days following the
14 submission of a complete application to relocate, unless
15 sooner approved or denied in writing by the Department. If an
16 application to relocate is denied, the Department shall
17 provide, in writing, the specific reason for denial.

18 An Early Approval Adult Use Dispensing Organization may
19 request to relocate under this subsection if:

20 (1) its existing location is within the boundaries of
21 a unit of local government that prohibits the sale of
22 adult use cannabis; or

23 (2) the Early Approval Adult Use Dispensing
24 Organization has obtained the approval of the municipality
25 or, if outside the boundaries of a municipality in an
26 unincorporated area of the county, the approval of the

1 county where the existing license is located to move to
2 another location within that unit of local government.

3 At no time may an Early Approval Adult Use Dispensing
4 Organization dispensary licensed under this Section operate in
5 a separate facility from its associated medical cannabis
6 dispensing organization dispensary licensed under the
7 Compassionate Use of Medical Cannabis Act. The relocation of
8 an Early Approval Adult Use Dispensing Organization License
9 under this subsection shall be subject to Sections 55-25 and
10 55-28 of this Act.

11 (c) The license fee required by paragraph (1) of
12 subsection (b) of this Section shall be in addition to any
13 license fee required for the renewal of a registered medical
14 cannabis dispensing organization license.

15 (d) Applicants must submit all required information,
16 including the requirements in subsection (b) of this Section,
17 to the Department. Failure by an applicant to submit all
18 required information may result in the application being
19 disqualified.

20 (e) If the Department receives an application that fails
21 to provide the required elements contained in subsection (b),
22 the Department shall issue a deficiency notice to the
23 applicant. The applicant shall have 10 calendar days from the
24 date of the deficiency notice to submit complete information.
25 Applications that are still incomplete after this opportunity
26 to cure may be disqualified.

1 (f) If an applicant meets all the requirements of
2 subsection (b) of this Section, the Department shall issue the
3 Early Approval Adult Use Dispensing Organization License
4 within 14 days of receiving a completed application unless:

5 (1) The licensee or a principal officer is delinquent
6 in filing any required tax returns or paying any amounts
7 owed to the State of Illinois;

8 (2) The Secretary of Financial and Professional
9 Regulation determines there is reason, based on documented
10 compliance violations, the licensee is not entitled to an
11 Early Approval Adult Use Dispensing Organization License;
12 or

13 (3) Any principal officer fails to register and remain
14 in compliance with this Act or the Compassionate Use of
15 Medical Cannabis Program Act.

16 (g) A registered medical cannabis dispensing organization
17 that obtains an Early Approval Adult Use Dispensing
18 Organization License may begin selling cannabis,
19 cannabis-infused products, paraphernalia, and related items to
20 purchasers under the rules of this Act no sooner than January
21 1, 2020.

22 (h) A dispensing organization holding a medical cannabis
23 dispensing organization license issued under the Compassionate
24 Use of Medical Cannabis Program Act must maintain an adequate
25 supply of cannabis and cannabis-infused products for purchase
26 by qualifying patients, caregivers, provisional patients, and

1 Opioid Alternative Patient ~~Pilot~~ Program participants. For the
2 purposes of this subsection, "adequate supply" means a monthly
3 inventory level that is comparable in type and quantity to
4 those medical cannabis products provided to patients and
5 caregivers on an average monthly basis for the 6 months before
6 the effective date of this Act.

7 (i) If there is a shortage of cannabis or cannabis-infused
8 products, a dispensing organization holding both a dispensing
9 organization license under the Compassionate Use of Medical
10 Cannabis Program Act and this Act shall prioritize serving
11 qualifying patients, caregivers, provisional patients, and
12 Opioid Alternative Patient ~~Pilot~~ Program participants before
13 serving purchasers.

14 (j) Notwithstanding any law or rule to the contrary, a
15 person that holds a medical cannabis dispensing organization
16 license issued under the Compassionate Use of Medical Cannabis
17 Program Act and an Early Approval Adult Use Dispensing
18 Organization License may permit purchasers into a limited
19 access area as that term is defined in administrative rules
20 made under the authority in the Compassionate Use of Medical
21 Cannabis Program Act.

22 (k) An Early Approval Adult Use Dispensing Organization
23 License is valid until March 31, 2021. A dispensing
24 organization that obtains an Early Approval Adult Use
25 Dispensing Organization License shall receive written or
26 electronic notice 90 days before the expiration of the license

1 that the license will expire, and that informs the license
2 holder that it may apply to renew its Early Approval Adult Use
3 Dispensing Organization License on forms provided by the
4 Department. The Department shall renew the Early Approval
5 Adult Use Dispensing Organization License within 60 days of
6 the renewal application being deemed complete if:

7 (1) the dispensing organization submits an application
8 and the required nonrefundable renewal fee of \$30,000, to
9 be deposited into the Cannabis Regulation Fund;

10 (2) the Department has not suspended or permanently
11 revoked the Early Approval Adult Use Dispensing
12 Organization License or a medical cannabis dispensing
13 organization license on the same premises for violations
14 of this Act, the Compassionate Use of Medical Cannabis
15 Program Act, or rules adopted pursuant to those Acts;

16 (3) the dispensing organization has completed a Social
17 Equity Inclusion Plan as provided by parts (A), (B), and
18 (C) of paragraph (8) of subsection (b) of this Section or
19 has made substantial progress toward completing a Social
20 Equity Inclusion Plan as provided by parts (D) and (E) of
21 paragraph (8) of subsection (b) of this Section; and

22 (4) the dispensing organization is in compliance with
23 this Act and rules.

24 (1) The Early Approval Adult Use Dispensing Organization
25 License renewed pursuant to subsection (k) of this Section
26 shall expire March 31, 2022. The Early Approval Adult Use

1 Dispensing Organization Licensee shall receive written or
2 electronic notice 90 days before the expiration of the license
3 that the license will expire, and that informs the license
4 holder that it may apply for an Adult Use Dispensing
5 Organization License on forms provided by the Department. The
6 Department shall grant an Adult Use Dispensing Organization
7 License within 60 days of an application being deemed complete
8 if the applicant has met all of the criteria in Section 15-36.

9 (m) If a dispensing organization fails to submit an
10 application for renewal of an Early Approval Adult Use
11 Dispensing Organization License or for an Adult Use Dispensing
12 Organization License before the expiration dates provided in
13 subsections (k) and (l) of this Section, the dispensing
14 organization shall cease serving purchasers and cease all
15 operations until it receives a renewal or an Adult Use
16 Dispensing Organization License, as the case may be.

17 (n) A dispensing organization agent who holds a valid
18 dispensing organization agent identification card issued under
19 the Compassionate Use of Medical Cannabis Program Act and is
20 an officer, director, manager, or employee of the dispensing
21 organization licensed under this Section may engage in all
22 activities authorized by this Article to be performed by a
23 dispensing organization agent.

24 (o) If the Department suspends, permanently revokes, or
25 otherwise disciplines the Early Approval Adult Use Dispensing
26 Organization License of a dispensing organization that also

1 holds a medical cannabis dispensing organization license
2 issued under the Compassionate Use of Medical Cannabis Program
3 Act, the Department may consider the suspension, permanent
4 revocation, or other discipline of the medical cannabis
5 dispensing organization license.

6 (p) All fees collected pursuant to this Section shall be
7 deposited into the Cannabis Regulation Fund, unless otherwise
8 specified.

9 (q) On and after January 1, 2027, all dispensaries that
10 were previously issued an Early Approval Adult Use Dispensing
11 Organization License pursuant to this Section shall be deemed
12 to be a dispensary pursuant to Section 15-36 of this Act.

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

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
15 102-98, eff. 7-15-21.)

16 (410 ILCS 705/15-17 new)

17 Sec. 15-17. Early Approval Adult Use Dispensing
18 Organization License merger with Adult Use Dispensing
19 Organization License.

20 (a) On and after January 1, 2027, any dispensing
21 organization previously registered under an Early Approval
22 Adult Use Dispensing Organization License shall be a
23 dispensing organization or a dispensary under this Act and
24 shall be an Adult Use Dispensing Organization License holder
25 under Section 15-36 of this Act.

1 (b) The BLS Region in which the dispensing organization
2 licensee's Early Approval Adult Use Dispensing Organization
3 License was originally issued shall be considered the
4 licensee's BLS Region. The dispensing organization shall
5 remain in that BLS Region even if the license or licensee
6 changes its ownership, is sold, is relocated under Section
7 15-24 of this Act, or receives authorization under subsection
8 (e-5) of Section 15-25.

9 (410 ILCS 705/15-20)

10 Sec. 15-20. Early Approval Adult Use Dispensing
11 Organization License; secondary site.

12 (a) Any medical cannabis dispensing organization holding a
13 valid registration under the Compassionate Use of Medical
14 Cannabis Program Act as of the effective date of this Act may,
15 within 60 days of the effective date of this Act, apply to the
16 Department for an Early Approval Adult Use Dispensing
17 Organization License to operate a dispensing organization to
18 serve purchasers at a secondary site not within 1,500 feet of
19 another medical cannabis dispensing organization or adult use
20 dispensing organization. The Early Approval Adult Use
21 Dispensing Organization secondary site shall be within any BLS
22 Region that shares territory with the dispensing organization
23 district to which the medical cannabis dispensing organization
24 is assigned under the administrative rules for dispensing
25 organizations under the Compassionate Use of Medical Cannabis

1 Program Act.

2 (a-5) If, within 360 days of the effective date of this
3 Act, a dispensing organization is unable to find a location
4 within the BLS Regions prescribed in subsection (a) of this
5 Section in which to operate an Early Approval Adult Use
6 Dispensing Organization at a secondary site because no
7 jurisdiction within the prescribed area allows the operation
8 of an Adult Use Dispensing Organization, the Department of
9 Financial and Professional Regulation may waive the geographic
10 restrictions of subsection (a) of this Section and specify
11 another BLS Region into which the dispensary may be placed.

12 (b) (Blank).

13 (c) A medical cannabis dispensing organization seeking
14 issuance of an Early Approval Adult Use Dispensing
15 Organization License at a secondary site to serve purchasers
16 at a secondary site as prescribed in subsection (a) of this
17 Section shall submit an application on forms provided by the
18 Department. The application must meet or include the following
19 qualifications:

20 (1) a payment of a nonrefundable application fee of
21 \$30,000;

22 (2) proof of registration as a medical cannabis
23 dispensing organization that is in good standing;

24 (3) submission of the application by the same person
25 or entity that holds the medical cannabis dispensing
26 organization registration;

1 (4) the legal name of the medical cannabis dispensing
2 organization;

3 (5) the physical address of the medical cannabis
4 dispensing organization and the proposed physical address
5 of the secondary site;

6 (6) a copy of the current local zoning ordinance
7 Sections relevant to dispensary operations and
8 documentation of the approval, the conditional approval or
9 the status of a request for zoning approval from the local
10 zoning office that the proposed dispensary location is in
11 compliance with the local zoning rules;

12 (7) a plot plan of the dispensary drawn to scale. The
13 applicant shall submit general specifications of the
14 building exterior and interior layout;

15 (8) a statement that the dispensing organization
16 agrees to respond to the Department's supplemental
17 requests for information;

18 (9) for the building or land to be used as the proposed
19 dispensary:

20 (A) if the property is not owned by the applicant,
21 a written statement from the property owner and
22 landlord, if any, certifying consent that the
23 applicant may operate a dispensary on the premises; or

24 (B) if the property is owned by the applicant,
25 confirmation of ownership;

26 (10) a copy of the proposed operating bylaws;

1 (11) a copy of the proposed business plan that
2 complies with the requirements in this Act, including, at
3 a minimum, the following:

4 (A) a description of services to be offered; and

5 (B) a description of the process of dispensing
6 cannabis;

7 (12) a copy of the proposed security plan that
8 complies with the requirements in this Article, including:

9 (A) a description of the delivery process by which
10 cannabis will be received from a transporting
11 organization, including receipt of manifests and
12 protocols that will be used to avoid diversion, theft,
13 or loss at the dispensary acceptance point; and

14 (B) the process or controls that will be
15 implemented to monitor the dispensary, secure the
16 premises, agents, patients, and currency, and prevent
17 the diversion, theft, or loss of cannabis; and

18 (C) the process to ensure that access to the
19 restricted access areas is restricted to, registered
20 agents, service professionals, transporting
21 organization agents, Department inspectors, and
22 security personnel;

23 (13) a proposed inventory control plan that complies
24 with this Section;

25 (14) the name, address, social security number, and
26 date of birth of each principal officer and board member

1 of the dispensing organization; each of those individuals
2 shall be at least 21 years of age;

3 (15) a nonrefundable Cannabis Business Development Fee
4 equal to \$200,000, to be deposited into the Cannabis
5 Business Development Fund; and

6 (16) a commitment to completing one of the following
7 Social Equity Inclusion Plans in subsection (d).

8 (d) Before receiving an Early Approval Adult Use
9 Dispensing Organization License at a secondary site, a
10 dispensing organization shall indicate the Social Equity
11 Inclusion Plan that the applicant plans to achieve before the
12 expiration of the Early Approval Adult Use Dispensing
13 Organization License from the list below:

14 (1) make a contribution of 3% of total sales from June
15 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to
16 the Cannabis Business Development Fund. This is in
17 addition to the fee required by paragraph (16) of
18 subsection (c) of this Section;

19 (2) make a grant of 3% of total sales from June 1, 2018
20 to June 1, 2019, or \$100,000, whichever is less, to a
21 cannabis industry training or education program at an
22 Illinois community college as defined in the Public
23 Community College Act;

24 (3) make a donation of \$100,000 or more to a program
25 that provides job training services to persons recently
26 incarcerated or that operates in a Disproportionately

1 Impacted Area;

2 (4) participate as a host in a cannabis business
3 establishment incubator program approved by the Department
4 of Commerce and Economic Opportunity, and in which an
5 Early Approval Adult Use Dispensing Organization License
6 at a secondary site holder agrees to provide a loan of at
7 least \$100,000 and mentorship to incubate, for at least a
8 year, a Social Equity Applicant intending to seek a
9 license or a licensee that qualifies as a Social Equity
10 Applicant. In this paragraph (4), "incubate" means
11 providing direct financial assistance and training
12 necessary to engage in licensed cannabis industry activity
13 similar to that of the host licensee. The Early Approval
14 Adult Use Dispensing Organization License holder or the
15 same entity holding any other licenses issued under this
16 Act shall not take an ownership stake of greater than 10%
17 in any business receiving incubation services to comply
18 with this subsection. If an Early Approval Adult Use
19 Dispensing Organization License at a secondary site holder
20 fails to find a business to incubate in order to comply
21 with this subsection before its Early Approval Adult Use
22 Dispensing Organization License at a secondary site
23 expires, it may opt to meet the requirement of this
24 subsection by completing another item from this subsection
25 before the expiration of its Early Approval Adult Use
26 Dispensing Organization License at a secondary site to

1 avoid a penalty; or

2 (5) participate in a sponsorship program for at least
3 2 years approved by the Department of Commerce and
4 Economic Opportunity in which an Early Approval Adult Use
5 Dispensing Organization License at a secondary site holder
6 agrees to provide an interest-free loan of at least
7 \$200,000 to a Social Equity Applicant. The sponsor shall
8 not take an ownership stake of greater than 10% in any
9 business receiving sponsorship services to comply with
10 this subsection.

11 (e) The license fee required by paragraph (1) of
12 subsection (c) of this Section is in addition to any license
13 fee required for the renewal of a registered medical cannabis
14 dispensing organization license.

15 (f) Applicants must submit all required information,
16 including the requirements in subsection (c) of this Section,
17 to the Department. Failure by an applicant to submit all
18 required information may result in the application being
19 disqualified. Principal officers shall not be required to
20 submit to the fingerprint and background check requirements of
21 Section 5-20.

22 (g) If the Department receives an application that fails
23 to provide the required elements contained in subsection (c),
24 the Department shall issue a deficiency notice to the
25 applicant. The applicant shall have 10 calendar days from the
26 date of the deficiency notice to submit complete information.

1 Applications that are still incomplete after this opportunity
2 to cure may be disqualified.

3 (h) Once all required information and documents have been
4 submitted, the Department will review the application. The
5 Department may request revisions and retains final approval
6 over dispensary features. Once the application is complete and
7 meets the Department's approval, the Department shall
8 conditionally approve the license. Final approval is
9 contingent on the build-out and Department inspection.

10 (i) Upon submission of the Early Approval Adult Use
11 Dispensing Organization at a secondary site application, the
12 applicant shall request an inspection and the Department may
13 inspect the Early Approval Adult Use Dispensing Organization's
14 secondary site to confirm compliance with the application and
15 this Act.

16 (j) The Department shall only issue an Early Approval
17 Adult Use Dispensing Organization License at a secondary site
18 after the completion of a successful inspection.

19 (k) If an applicant passes the inspection under this
20 Section, the Department shall issue the Early Approval Adult
21 Use Dispensing Organization License at a secondary site within
22 10 business days unless:

23 (1) the licensee, any principal officer or board
24 member of the licensee, or any person having a financial
25 or voting interest of 5% or greater in the licensee is
26 delinquent in filing any required tax returns or paying

1 any amounts owed to the State of Illinois; or

2 (2) the Secretary of Financial and Professional
3 Regulation determines there is reason, based on documented
4 compliance violations, the licensee is not entitled to an
5 Early Approval Adult Use Dispensing Organization License
6 at its secondary site.

7 (1) Once the Department has issued a license, the
8 dispensing organization shall notify the Department of the
9 proposed opening date.

10 (m) A registered medical cannabis dispensing organization
11 that obtains an Early Approval Adult Use Dispensing
12 Organization License at a secondary site may begin selling
13 cannabis, cannabis-infused products, paraphernalia, and
14 related items to purchasers under the rules of this Act no
15 sooner than January 1, 2020.

16 (n) If there is a shortage of cannabis or cannabis-infused
17 products, a dispensing organization holding both a dispensing
18 organization license under the Compassionate Use of Medical
19 Cannabis Program Act and this Article shall prioritize serving
20 qualifying patients and caregivers before serving purchasers.

21 (o) An Early Approval Adult Use Dispensing Organization
22 License at a secondary site is valid until March 31, 2021. A
23 dispensing organization that obtains an Early Approval Adult
24 Use Dispensing Organization License at a secondary site shall
25 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 Dispensing Organization License at a secondary site.
3 The Department shall renew an Early Approval Adult Use
4 Dispensing Organization License at a secondary site within 60
5 days of submission of the renewal application being deemed
6 complete if:

7 (1) the dispensing organization submits an application
8 and the required nonrefundable renewal fee of \$30,000, to
9 be deposited into the Cannabis Regulation Fund;

10 (2) the Department has not suspended or permanently
11 revoked the Early Approval Adult Use Dispensing
12 Organization License or a medical cannabis dispensing
13 organization license held by the same person or entity for
14 violating this Act or rules adopted under this Act or the
15 Compassionate Use of Medical Cannabis Program Act or rules
16 adopted under that Act; and

17 (3) the dispensing organization has completed a Social
18 Equity Inclusion Plan provided by paragraph (1), (2), or
19 (3) of subsection (d) of this Section or has made
20 substantial progress toward completing a Social Equity
21 Inclusion Plan provided by paragraph (4) or (5) of
22 subsection (d) of this Section.

23 (p) The Early Approval Adult Use Dispensing Organization
24 Licensee at a secondary site renewed pursuant to subsection
25 (o) shall receive written or electronic notice 90 days before
26 the expiration of the license that the license will expire,

1 and that informs the license holder that it may apply for an
2 Adult Use Dispensing Organization License on forms provided by
3 the Department. The Department shall grant an Adult Use
4 Dispensing Organization License within 60 days of an
5 application being deemed complete if the applicant has meet
6 all of the criteria in Section 15-36.

7 (q) If a dispensing organization fails to submit an
8 application for renewal of an Early Approval Adult Use
9 Dispensing Organization License or for an Adult Use Dispensing
10 Organization License before the expiration dates provided in
11 subsections (o) and (p) of this Section, the dispensing
12 organization shall cease serving purchasers until it receives
13 a renewal or an Adult Use Dispensing Organization License.

14 (r) 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 (s) 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 as grounds to take
2 disciplinary action against the medical cannabis dispensing
3 organization.

4 (t) All fees collected pursuant to this Section shall be
5 deposited into the Cannabis Regulation Fund, unless otherwise
6 specified.

7 (u) On and after January 1, 2027, all dispensaries that
8 were previously issued an Early Approval Adult Use Dispensing
9 Organization at a secondary site license pursuant to this
10 Section shall be deemed to be a dispensary pursuant to Section
11 15-36 of this Act.

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

13 (Source: P.A. 104-417, eff. 8-15-25.)

14 (410 ILCS 705/15-23 new)

15 Sec. 15-23. Early Approval Adult Use Dispensing
16 Organization at a secondary site license merger with Adult Use
17 Dispensing Organization license.

18 (a) On and after January 1, 2027, all dispensing
19 organizations previously registered as an Early Approval Adult
20 Use Dispensing Organization at a secondary site license shall
21 be a dispensing organization or a dispensary under this Act
22 and shall be an Adult Use Dispensing Organization License
23 holder under Section 15-36 of this Act.

24 (b) The BLS Region in which the dispensing organization
25 licensee's Early Approval Adult Use Dispensing Organization at

1 a secondary site license was originally issued shall be
2 considered the licensee's BLS Region. The dispensing
3 organization shall remain in that BLS Region even if the
4 license or licensee changes its ownership, is sold, is
5 relocated under Section 15-24 of this Act, or receives
6 authorization under subsection (e-5) of Section 15-25.

7 (410 ILCS 705/15-24 new)

8 Sec. 15-24. Adult Use Dispensing Organization Licensee
9 relocation.

10 (a) An Adult Use Dispensing Organization licensee may
11 apply to relocate within the licensee's specific BLS Region
12 consistent with this Section. A request to relocate under this
13 Section is subject to approval by the Department. An Adult Use
14 Dispensing Organization's application to relocate its license
15 under this Section shall be considered to be approved 30 days
16 following the submission of a complete application to
17 relocate, unless the request is sooner approved or denied in
18 writing by the Department. If an application to relocate is
19 denied, the Department shall provide, in writing, the specific
20 reason for denial. An Adult Use Dispensing Organization may
21 request to relocate under this Section only if:

22 (1) the Adult Use Dispensing Organization's existing
23 location is within the boundaries of a unit of local
24 government that prohibits the sale of adult use cannabis;

25 (2) the Adult Use Dispensing Organization has obtained

1 the zoning approval of a new location by the municipality
2 it currently operates in if the new location is within
3 that same municipality, or if outside the boundaries of a
4 municipality in an unincorporated area of the county, the
5 zoning approval of a new location by the county where it
6 currently operates in if the new location is within the
7 same county, to move to a different location within that
8 unit of local government; or

9 (3) the Adult Use Dispensing Organization has obtained
10 the approval, as evidenced by a letter of intent or full
11 zoning approval, to operate within the boundaries of a new
12 unit of local government, so long as the new unit of local
13 government is within the dispensing organization's
14 specific BLS Region.

15 (b) The relocation of an Adult Use Dispensing Organization
16 Licensee under this Section shall be subject to Sections 55-25
17 and 55-28.

18 (410 ILCS 705/15-25)

19 Sec. 15-25. Awarding of Conditional Adult Use Dispensing
20 Organization Licenses prior to January 1, 2021.

21 (a) The Department shall issue up to 75 Conditional Adult
22 Use Dispensing Organization Licenses before May 1, 2020.

23 (b) The Department shall make the application for a
24 Conditional Adult Use Dispensing Organization License
25 available no later than October 1, 2019 and shall accept

1 applications no later than January 1, 2020.

2 (c) To ensure the geographic dispersion of Conditional
3 Adult Use Dispensing Organization License holders, the
4 following number of licenses shall be awarded in each BLS
5 Region as determined by each region's percentage of the
6 State's population:

7 (1) Bloomington: 1

8 (2) Cape Girardeau: 1

9 (3) Carbondale-Marion: 1

10 (4) Champaign-Urbana: 1

11 (5) Chicago-Naperville-Elgin: 47

12 (6) Danville: 1

13 (7) Davenport-Moline-Rock Island: 1

14 (8) Decatur: 1

15 (9) Kankakee: 1

16 (10) Peoria: 3

17 (11) Rockford: 2

18 (12) St. Louis: 4

19 (13) Springfield: 1

20 (14) Northwest Illinois nonmetropolitan: 3

21 (15) West Central Illinois nonmetropolitan: 3

22 (16) East Central Illinois nonmetropolitan: 2

23 (17) South Illinois nonmetropolitan: 2

24 (d) An applicant seeking issuance of a Conditional Adult
25 Use Dispensing Organization License shall submit an
26 application on forms provided by the Department. An applicant

1 must meet the following requirements:

2 (1) Payment of a nonrefundable application fee of
3 \$5,000 for each license for which the applicant is
4 applying, which shall be deposited into the Cannabis
5 Regulation Fund;

6 (2) Certification that the applicant will comply with
7 the requirements contained in this Act;

8 (3) The legal name of the proposed dispensing
9 organization;

10 (4) A statement that the dispensing organization
11 agrees to respond to the Department's supplemental
12 requests for information;

13 (5) From each principal officer, a statement
14 indicating whether that person:

15 (A) has previously held or currently holds an
16 ownership interest in a cannabis business
17 establishment in Illinois; or

18 (B) has held an ownership interest in a dispensing
19 organization or its equivalent in another state or
20 territory of the United States that had the dispensing
21 organization registration or license suspended,
22 revoked, placed on probationary status, or subjected
23 to other disciplinary action;

24 (6) Disclosure of whether any principal officer has
25 ever filed for bankruptcy or defaulted on spousal support
26 or child support obligation;

1 (7) A resume for each principal officer, including
2 whether that person has an academic degree, certification,
3 or relevant experience with a cannabis business
4 establishment or in a related industry;

5 (8) A description of the training and education that
6 will be provided to dispensing organization agents;

7 (9) A copy of the proposed operating bylaws;

8 (10) A copy of the proposed business plan that
9 complies with the requirements in this Act, including, at
10 a minimum, the following:

11 (A) A description of services to be offered; and

12 (B) A description of the process of dispensing
13 cannabis;

14 (11) A copy of the proposed security plan that
15 complies with the requirements in this Article, including:

16 (A) The process or controls that will be
17 implemented to monitor the dispensary, secure the
18 premises, agents, and currency, and prevent the
19 diversion, theft, or loss of cannabis; and

20 (B) The process to ensure that access to the
21 restricted access areas is restricted to, registered
22 agents, service professionals, transporting
23 organization agents, Department inspectors, and
24 security personnel;

25 (12) A proposed inventory control plan that complies
26 with this Section;

1 (13) A proposed floor plan, a square footage estimate,
2 and a description of proposed security devices, including,
3 without limitation, cameras, motion detectors, servers,
4 video storage capabilities, and alarm service providers;

5 (14) The name, address, social security number, and
6 date of birth of each principal officer and board member
7 of the dispensing organization; each of those individuals
8 shall be at least 21 years of age;

9 (15) Evidence of the applicant's status as a Social
10 Equity Applicant, if applicable, and whether a Social
11 Equity Applicant plans to apply for a loan or grant issued
12 by the Department of Commerce and Economic Opportunity;

13 (16) The address, telephone number, and email address
14 of the applicant's principal place of business, if
15 applicable. A post office box is not permitted;

16 (17) Written summaries of any information regarding
17 instances in which a business or not-for-profit that a
18 prospective board member previously managed or served on
19 were fined or censured, or any instances in which a
20 business or not-for-profit that a prospective board member
21 previously managed or served on had its registration
22 suspended or revoked in any administrative or judicial
23 proceeding;

24 (18) A plan for community engagement;

25 (19) Procedures to ensure accurate recordkeeping and
26 security measures that are in accordance with this Article

1 and Department rules;

2 (20) The estimated volume of cannabis it plans to
3 store at the dispensary;

4 (21) A description of the features that will provide
5 accessibility to purchasers as required by the Americans
6 with Disabilities Act;

7 (22) A detailed description of air treatment systems
8 that will be installed to reduce odors;

9 (23) A reasonable assurance that the issuance of a
10 license will not have a detrimental impact on the
11 community in which the applicant wishes to locate;

12 (24) The dated signature of each principal officer;

13 (25) A description of the enclosed, locked facility
14 where cannabis will be stored by the dispensing
15 organization;

16 (26) Signed statements from each dispensing
17 organization agent stating that he or she will not divert
18 cannabis;

19 (27) The number of licenses it is applying for in each
20 BLS Region;

21 (28) A diversity plan that includes a narrative of at
22 least 2,500 words that establishes a goal of diversity in
23 ownership, management, employment, and contracting to
24 ensure that diverse participants and groups are afforded
25 equality of opportunity;

26 (29) A contract with a private security contractor

1 agency that is licensed under Section 10-5 of the Private
2 Detective, Private Alarm, Private Security, Fingerprint
3 Vendor, and Locksmith Act of 2004 in order for the
4 dispensary to have adequate security at its facility; and

5 (30) Other information deemed necessary by the
6 Illinois Cannabis Regulation Oversight Officer to conduct
7 the disparity and availability study referenced in
8 subsection (e) of Section 5-45.

9 (e) An applicant who receives a Conditional Adult Use
10 Dispensing Organization License under this Section has 180
11 days from the date of award to identify a physical location for
12 the dispensing organization retail storefront. The applicant
13 shall provide evidence that the location is not within 1,500
14 feet of an existing dispensing organization, unless the
15 applicant is a Social Equity Applicant or Social Equity
16 Justice Involved Applicant located or seeking to locate within
17 1,500 feet of a dispensing organization licensed under Section
18 15-15 or Section 15-20. If an applicant is unable to find a
19 suitable physical address in the opinion of the Department
20 within 180 days of the issuance of the Conditional Adult Use
21 Dispensing Organization License, the Department may extend the
22 period for finding a physical address an additional 540 days
23 if the Conditional Adult Use Dispensing Organization License
24 holder demonstrates concrete attempts to secure a location and
25 a hardship. If the Department denies the extension or the
26 Conditional Adult Use Dispensing Organization License holder

1 is unable to either find a location within 720 days of being
2 awarded a conditional license and become operational within
3 180 days thereafter, or become operational within 720 days of
4 being awarded a conditional license, the Department may,
5 considering the totality of the circumstances, rescind the
6 conditional license. If the conditional license holder does
7 not become operational within 365 days after having found a
8 location, the Department may mandate a date by which the
9 conditional license holder shall become operational prior to
10 the Department rescinding the conditional license. If the
11 Department rescinds ~~shall rescind~~ the conditional license it
12 may ~~and~~ award it to the next highest scoring applicant in the
13 BLS Region for which the license was assigned, provided the
14 applicant receiving the license: (i) confirms a continued
15 interest in operating a dispensing organization; (ii) can
16 provide evidence that the applicant continues to meet all
17 requirements for holding a Conditional Adult Use Dispensing
18 Organization License set forth in this Act; and (iii) has not
19 otherwise become ineligible to be awarded a dispensing
20 organization license. If the new awardee is unable to accept
21 the Conditional Adult Use Dispensing Organization License, the
22 Department may issue ~~shall award~~ the Conditional Adult Use
23 Dispensing Organization License to the next highest scoring
24 applicant in the same manner. The new awardee shall be subject
25 to the same required deadlines as provided in this subsection.

26 (e-5) If, within 720 days of being awarded a Conditional

1 Adult Use Dispensing Organization License, a dispensing
2 organization is unable to find a location within the BLS
3 Region in which it was awarded a Conditional Adult Use
4 Dispensing Organization License because no jurisdiction within
5 the BLS Region allows for the operation of an Adult Use
6 Dispensing Organization, the Department of Financial and
7 Professional Regulation may authorize the Conditional Adult
8 Use Dispensing Organization License holder to transfer its
9 license to a BLS Region specified by the Department.

10 (f) A dispensing organization that is awarded a
11 Conditional Adult Use Dispensing Organization License pursuant
12 to the criteria in Section 15-30 shall not purchase, possess,
13 sell, or dispense cannabis or cannabis-infused products until
14 the person has received an Adult Use Dispensing Organization
15 License issued by the Department pursuant to Section 15-36 of
16 this Act.

17 (g) The Department shall conduct a background check of the
18 prospective organization agents in order to carry out this
19 Article. The Illinois State Police shall charge the applicant
20 a fee for conducting the criminal history record check, which
21 shall be deposited into the State Police Services Fund and
22 shall not exceed the actual cost of the record check. Each
23 person applying as a dispensing organization agent shall
24 submit a full set of fingerprints to the Illinois State Police
25 for the purpose of obtaining a State and federal criminal
26 records check. These fingerprints shall be checked against the

1 fingerprint records now and hereafter, to the extent allowed
2 by law, filed in the Illinois State Police and Federal Bureau
3 of Identification criminal history records databases. The
4 Illinois State Police shall furnish, following positive
5 identification, all Illinois conviction information to the
6 Department.

7 (Source: P.A. 102-98, eff. 7-15-21; 102-538, eff. 8-20-21;
8 102-813, eff. 5-13-22; 103-8, eff. 6-7-23.)

9 (410 ILCS 705/15-35)

10 Sec. 15-35. Qualifying Applicant Lottery for Conditional
11 Adult Use Dispensing Organization Licenses.

12 (a) In addition to any of the licenses issued under
13 Section 15-15, Section 15-20, Section 15-25, Section 15-30.20,
14 or Section 15-35.10 of this Act, within 10 business days after
15 the resulting final scores for all scored applications
16 pursuant to Sections 15-25 and 15-30 are released, the
17 Department shall issue up to 55 Conditional Adult Use
18 Dispensing Organization Licenses by lot, pursuant to the
19 application process adopted under this Section. In order to be
20 eligible to be awarded a Conditional Adult Use Dispensing
21 Organization License by lot under this Section, a Dispensary
22 Applicant must be a Qualifying Applicant.

23 The licenses issued under this Section shall be awarded in
24 each BLS Region in the following amounts:

25 (1) Bloomington: 1.

- (2) Cape Girardeau: 1.
- (3) Carbondale-Marion: 1.
- (4) Champaign-Urbana: 1.
- (5) Chicago-Naperville-Elgin: 36.
- (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

1 issued under this Section shall occur on the same day when
2 practicable.

3 (2) Within each BLS Region, the first Qualifying
4 Applicant drawn will have the first right to an available
5 license. The second Qualifying Applicant drawn will have
6 the second right to an available license. The same pattern
7 will continue for each subsequent Qualifying Applicant
8 drawn.

9 (3) The process for distributing available licenses
10 under this Section shall be recorded by the Department in
11 a format selected by the Department.

12 (4) A Dispensary Applicant is prohibited from becoming
13 a Qualifying Applicant if a principal officer resigns
14 after the resulting final scores for all scored
15 applications pursuant to Sections 15-25 and 15-30 are
16 released.

17 (5) No Qualifying Applicant may be awarded more than 2
18 Conditional Adult Use Dispensing Organization Licenses at
19 the conclusion of a lottery conducted under this Section.

20 (6) No individual may be listed as a principal officer
21 of more than 2 Conditional Adult Use Dispensing
22 Organization Licenses awarded under this Section.

23 (7) If, upon being selected for an available license
24 established under this Section, a Qualifying Applicant
25 exceeds the limits under paragraph (5) or (6), the
26 Qualifying Applicant must choose which license to abandon

1 and notify the Department in writing within 5 business
2 days. If the Qualifying Applicant does not notify the
3 Department as required, the Department shall refuse to
4 issue the Qualifying Applicant all available licenses
5 established under this Section obtained by lot in all BLS
6 Regions.

7 (8) If, upon being selected for an available license
8 established under this Section, a Qualifying Applicant has
9 a principal officer who is a principal officer in more
10 than 10 Early Approval Adult Use Dispensing Organization
11 Licenses, Conditional Adult Use Dispensing Organization
12 Licenses, Adult Use Dispensing Organization Licenses, or
13 any combination thereof, the licensees and the Qualifying
14 Applicant listing that principal officer must choose which
15 license to abandon pursuant to subsection (d) of Section
16 15-36 and notify the Department in writing within 5
17 business days. If the Qualifying Applicant or licensees do
18 not notify the Department as required, the Department
19 shall refuse to issue the Qualifying Applicant all
20 available licenses established under this Section obtained
21 by lot in all BLS Regions.

22 (9) All available licenses that have been abandoned
23 under paragraph (7) or (8) shall be distributed to the
24 next Qualifying Applicant drawn by lot.

25 Any and all rights conferred or obtained under this
26 Section shall be limited to the provisions of this Section.

1 (c) An applicant who receives a Conditional Adult Use
2 Dispensing Organization License under this Section has 180
3 days from the date it is awarded to identify a physical
4 location for the dispensing organization's retail storefront.
5 The applicant shall provide evidence that the location is not
6 within 1,500 feet of an existing dispensing organization,
7 unless the applicant is a Social Equity Applicant or Social
8 Equity Justice Involved Applicant located or seeking to locate
9 within 1,500 feet of a dispensing organization licensed under
10 Section 15-15 or Section 15-20. If an applicant is unable to
11 find a suitable physical address in the opinion of the
12 Department within 180 days from the issuance of the
13 Conditional Adult Use Dispensing Organization License, the
14 Department may extend the period for finding a physical
15 address an additional 540 days if the Conditional Adult Use
16 Dispensing Organization License holder demonstrates a concrete
17 attempt to secure a location and a hardship. If the Department
18 denies the extension or the Conditional Adult Use Dispensing
19 Organization License holder is unable to either find a
20 location within 720 days of being awarded a conditional
21 license and become operational within 180 days thereafter, or
22 become operational within 720 days of being awarded a
23 Conditional Adult Use Dispensing Organization License, the
24 Department may, considering the totality of the circumstances,
25 rescind the conditional license. If the conditional license
26 holder does not become operational within 365 days after

1 having found a location, the Department may mandate a date by
2 which the conditional license holder shall become operational
3 prior to the Department rescinding the conditional license. If
4 ~~under this Section,~~ the Department rescinds ~~shall rescind~~ the
5 Conditional Adult Use Dispensing Organization License it may
6 issue ~~and award~~ it pursuant to subsection (b), provided the
7 applicant receiving the Conditional Adult Use Dispensing
8 Organization License: (i) confirms a continued interest in
9 operating a dispensing organization; (ii) can provide evidence
10 that the applicant continues to meet all requirements for
11 holding a Conditional Adult Use Dispensing Organization
12 License set forth in this Act; and (iii) has not otherwise
13 become ineligible to be awarded a Conditional Adult Use
14 Dispensing Organization License. If the new awardee is unable
15 to accept the Conditional Adult Use Dispensing Organization
16 License, the Department may issue ~~shall award~~ the Conditional
17 Adult Use Dispensing Organization License pursuant to
18 subsection (b). The new awardee shall be subject to the same
19 required deadlines as provided in this subsection.

20 (d) If, within 720 days of being awarded a Conditional
21 Adult Use Dispensing Organization License, a dispensing
22 organization is unable to find a location within the BLS
23 Region in which it was awarded a Conditional Adult Use
24 Dispensing Organization License because no jurisdiction within
25 the BLS Region allows for the operation of an Adult Use
26 Dispensing Organization, the Department may authorize the

1 Conditional Adult Use Dispensing Organization License holder
2 to transfer its Conditional Adult Use Dispensing Organization
3 License to a BLS Region specified by the Department.

4 (e) A dispensing organization that is awarded a
5 Conditional Adult Use Dispensing Organization License under
6 this Section shall not purchase, possess, sell, or dispense
7 cannabis or cannabis-infused products until the dispensing
8 organization has received an Adult Use Dispensing Organization
9 License issued by the Department pursuant to Section 15-36.

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

26 (g) The Department may verify information contained in

1 each application and accompanying documentation to assess the
2 applicant's veracity and fitness to operate a dispensing
3 organization.

4 (h) The Department may, in its discretion, refuse to issue
5 authorization to an applicant who meets any of the following
6 criteria:

7 (1) An applicant who is unqualified to perform the
8 duties required of the applicant.

9 (2) An applicant who fails to disclose or states
10 falsely any information called for in the application.

11 (3) An applicant who has been found guilty of a
12 violation of this Act, who has had any disciplinary order
13 entered against the applicant by the Department, who has
14 entered into a disciplinary or nondisciplinary agreement
15 with the Department, whose medical cannabis dispensing
16 organization, medical cannabis cultivation organization,
17 Early Approval Adult Use Dispensing Organization License,
18 Early Approval Adult Use Dispensing Organization License
19 at a secondary site, Early Approval Cultivation Center
20 License, Conditional Adult Use Dispensing Organization
21 License, or Adult Use Dispensing Organization License was
22 suspended, restricted, revoked, or denied for just cause,
23 or whose cannabis business establishment license was
24 suspended, restricted, revoked, or denied in any other
25 state.

26 (4) An applicant who has engaged in a pattern or

1 practice of unfair or illegal practices, methods, or
2 activities in the conduct of owning a cannabis business
3 establishment or other business.

4 (i) The Department shall deny issuance of a license under
5 this Section if any principal officer, board member, or person
6 having a financial or voting interest of 5% or greater in the
7 licensee is delinquent in filing any required tax return or
8 paying any amount owed to the State of Illinois.

9 (j) The Department shall verify an applicant's compliance
10 with the requirements of this Article and rules adopted under
11 this Article before issuing a Conditional Adult Use Dispensing
12 Organization License under this Section.

13 (k) If an applicant is awarded a Conditional Adult Use
14 Dispensing Organization License under this Section, the
15 information and plans provided in the application, including
16 any plans submitted for bonus points, shall become a condition
17 of the Conditional Adult Use Dispensing Organization License
18 and any Adult Use Dispensing Organization License issued to
19 the holder of the Conditional Adult Use Dispensing
20 Organization License, except as otherwise provided by this Act
21 or by rule. A dispensing organization has a duty to disclose
22 any material changes to the application. The Department shall
23 review all material changes disclosed by the dispensing
24 organization and may reevaluate its prior decision regarding
25 the awarding of a Conditional Adult Use Dispensing
26 Organization License, including, but not limited to,

1 suspending or permanently revoking a Conditional Adult Use
2 Dispensing Organization License. Failure to comply with the
3 conditions or requirements in the application may subject the
4 dispensing organization to discipline up to and including
5 suspension or permanent revocation of its authorization or
6 Conditional Adult Use Dispensing Organization License by the
7 Department.

8 (1) If an applicant has not begun operating as a
9 dispensing organization within one year after the issuance of
10 the Conditional Adult Use Dispensing Organization License
11 under this Section, the Department may permanently revoke the
12 Conditional Adult Use Dispensing Organization License and
13 award it to the next highest scoring applicant in the BLS
14 Region if a suitable applicant indicates a continued interest
15 in the Conditional Adult Use Dispensing Organization License
16 or may begin a new selection process to award a Conditional
17 Adult Use Dispensing Organization License.

18 (Source: P.A. 102-98, eff. 7-15-21; 103-8, eff. 6-7-23.)

19 (410 ILCS 705/15-35.10)

20 Sec. 15-35.10. Social Equity Justice Involved Lottery for
21 Conditional Adult Use Dispensing Organization Licenses.

22 (a) In addition to any of the licenses issued under
23 Section 15-15, Section 15-20, Section 15-25, Section 15-30.20,
24 or Section 15-35, within 10 business days after the resulting
25 final scores for all scored applications pursuant to Sections

1 15-25 and 15-30 are released, the Department shall issue up to
2 55 Conditional Adult Use Dispensing Organization Licenses by
3 lot, pursuant to the application process adopted under this
4 Section. In order to be eligible to be awarded a Conditional
5 Adult Use Dispensing Organization License by lot, a Dispensary
6 Applicant must be a Qualifying Social Equity Justice Involved
7 Applicant.

8 The licenses issued under this Section shall be awarded in
9 each BLS Region in the following amounts:

- 10 (1) Bloomington: 1.
- 11 (2) Cape Girardeau: 1.
- 12 (3) Carbondale-Marion: 1.
- 13 (4) Champaign-Urbana: 1.
- 14 (5) Chicago-Naperville-Elgin: 36.
- 15 (6) Danville: 1.
- 16 (7) Davenport-Moline-Rock Island: 1.
- 17 (8) Decatur: 1.
- 18 (9) Kankakee: 1.
- 19 (10) Peoria: 2.
- 20 (11) Rockford: 1.
- 21 (12) St. Louis: 3.
- 22 (13) Springfield: 1.
- 23 (14) Northwest Illinois nonmetropolitan: 1.
- 24 (15) West Central Illinois nonmetropolitan: 1.
- 25 (16) East Central Illinois nonmetropolitan: 1.
- 26 (17) South Illinois nonmetropolitan: 1.

1 (a-5) Prior to issuing licenses under subsection (a), the
2 Department may adopt rules through emergency rulemaking in
3 accordance with subsection (kk) of Section 5-45 of the
4 Illinois Administrative Procedure Act. The General Assembly
5 finds that the adoption of rules to regulate cannabis use is
6 deemed an emergency and necessary for the public interest,
7 safety, and welfare.

8 (b) The Department shall distribute the available licenses
9 established under this Section subject to the following:

10 (1) The drawing by lot for all available licenses
11 established under this Section shall occur on the same day
12 when practicable.

13 (2) Within each BLS Region, the first Qualifying
14 Social Equity Justice Involved Applicant drawn will have
15 the first right to an available license. The second
16 Qualifying Social Equity Justice Involved Applicant drawn
17 will have the second right to an available license. The
18 same pattern will continue for each subsequent applicant
19 drawn.

20 (3) The process for distributing available licenses
21 under this Section shall be recorded by the Department in
22 a format selected by the Department.

23 (4) A Dispensary Applicant is prohibited from becoming
24 a Qualifying Social Equity Justice Involved Applicant if a
25 principal officer resigns after the resulting final scores
26 for all scored applications pursuant to Sections 15-25 and

1 15-30 are released.

2 (5) No Qualifying Social Equity Justice Involved
3 Applicant may be awarded more than 2 Conditional Adult Use
4 Dispensing Organization Licenses at the conclusion of a
5 lottery conducted under this Section.

6 (6) No individual may be listed as a principal officer
7 of more than 2 Conditional Adult Use Dispensing
8 Organization Licenses awarded under this Section.

9 (7) If, upon being selected for an available license
10 established under this Section, a Qualifying Social Equity
11 Justice Involved Applicant exceeds the limits under
12 paragraph (5) or (6), the Qualifying Social Equity Justice
13 Involved Applicant must choose which license to abandon
14 and notify the Department in writing within 5 business
15 days on forms prescribed by the Department. If the
16 Qualifying Social Equity Justice Involved Applicant does
17 not notify the Department as required, the Department
18 shall refuse to issue the Qualifying Social Equity Justice
19 Involved Applicant all available licenses established
20 under this Section obtained by lot in all BLS Regions.

21 (8) If, upon being selected for an available license
22 established under this Section, a Qualifying Social Equity
23 Justice Involved Applicant has a principal officer who is
24 a principal officer in more than 10 Early Approval Adult
25 Use Dispensing Organization Licenses, Conditional Adult
26 Use Dispensing Organization Licenses, Adult Use Dispensing

1 Organization Licenses, or any combination thereof, the
2 licensees and the Qualifying Social Equity Justice
3 Involved Applicant listing that principal officer must
4 choose which license to abandon pursuant to subsection (d)
5 of Section 15-36 and notify the Department in writing
6 within 5 business days on forms prescribed by the
7 Department. If the Dispensary Applicant or licensees do
8 not notify the Department as required, the Department
9 shall refuse to issue the Qualifying Social Equity Justice
10 Involved Applicant all available licenses established
11 under this Section obtained by lot in all BLS Regions.

12 (9) All available licenses that have been abandoned
13 under paragraph (7) or (8) shall be distributed to the
14 next Qualifying Social Equity Justice Involved Applicant
15 drawn by lot.

16 Any and all rights conferred or obtained under this
17 subsection shall be limited to the provisions of this
18 subsection.

19 (c) An applicant who receives a Conditional Adult Use
20 Dispensing Organization License under this Section has 180
21 days from the date of the award to identify a physical location
22 for the dispensing organization's retail storefront. The
23 applicant shall provide evidence that the location is not
24 within 1,500 feet of an existing dispensing organization,
25 unless the applicant is a Social Equity Applicant or Social
26 Equity Justice Involved Applicant located or seeking to locate

1 within 1,500 feet of a dispensing organization licensed under
2 Section 15-15 or Section 15-20. If an applicant is unable to
3 find a suitable physical address in the opinion of the
4 Department within 180 days from the issuance of the
5 Conditional Adult Use Dispensing Organization License, the
6 Department may extend the period for finding a physical
7 address an additional 540 days if the Conditional Adult Use
8 Dispensing Organization License holder demonstrates a concrete
9 attempt to secure a location and a hardship. If the Department
10 denies the extension or the Conditional Adult Use Dispensing
11 Organization License holder is unable to either find a
12 location within 720 days of being awarded a conditional
13 license and become operational within 180 days thereafter, or
14 become operational within 720 days of being awarded a
15 Conditional Adult Use Dispensing Organization License, the
16 Department may, considering the totality of the circumstances,
17 rescind the conditional license. If the conditional license
18 holder does not become operational within 365 days after
19 having found a location, the Department may mandate a date by
20 which the conditional license holder shall become operational
21 prior to the Department rescinding the conditional license. If
22 ~~under this Section,~~ the Department rescinds ~~shall rescind~~ the
23 Conditional Adult Use Dispensing Organization License it may
24 issue ~~and award~~ it pursuant to subsection (b) and notify the
25 new awardee at the email address provided in the awardee's
26 application, provided the applicant receiving the Conditional

1 Adult Use Dispensing Organization License: (i) confirms a
2 continued interest in operating a dispensing organization;
3 (ii) can provide evidence that the applicant continues to meet
4 all requirements for holding a Conditional Adult Use
5 Dispensing Organization License set forth in this Act; and
6 (iii) has not otherwise become ineligible to be awarded a
7 Conditional Adult Use Dispensing Organization License. If the
8 new awardee is unable to accept the Conditional Adult Use
9 Dispensing Organization License, the Department may issue
10 ~~shall award~~ the Conditional Adult Use Dispensing Organization
11 License pursuant to subsection (b). The new awardee shall be
12 subject to the same required deadlines as provided in this
13 subsection.

14 (d) If, within 720 ~~180~~ days of being awarded a Conditional
15 Adult Use Dispensing Organization License, a dispensing
16 organization is unable to find a location within the BLS
17 Region in which it was awarded a Conditional Adult Use
18 Dispensing Organization License under this Section because no
19 jurisdiction within the BLS Region allows for the operation of
20 an Adult Use Dispensing Organization, the Department may
21 authorize the Conditional Adult Use Dispensing Organization
22 License holder to transfer its Conditional Adult Use
23 Dispensing Organization License to a BLS Region specified by
24 the Department.

25 (e) A dispensing organization that is awarded a
26 Conditional Adult Use Dispensing Organization License under

1 this Section shall not purchase, possess, sell, or dispense
2 cannabis or cannabis-infused products until the dispensing
3 organization has received an Adult Use Dispensing Organization
4 License issued by the Department pursuant to Section 15-36.

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

21 (g) The Department may verify information contained in
22 each application and accompanying documentation to assess the
23 applicant's veracity and fitness to operate a dispensing
24 organization.

25 (h) The Department may, in its discretion, refuse to issue
26 an authorization to an applicant who meets any of the

1 following criteria:

2 (1) An applicant who is unqualified to perform the
3 duties required of the applicant.

4 (2) An applicant who fails to disclose or states
5 falsely any information called for in the application.

6 (3) An applicant who has been found guilty of a
7 violation of this Act, who has had any disciplinary order
8 entered against the applicant by the Department, who has
9 entered into a disciplinary or nondisciplinary agreement
10 with the Department, whose medical cannabis dispensing
11 organization, medical cannabis cultivation organization,
12 Early Approval Adult Use Dispensing Organization License,
13 Early Approval Adult Use Dispensing Organization License
14 at a secondary site, Early Approval Cultivation Center
15 License, Conditional Adult Use Dispensing Organization
16 License, or Adult Use Dispensing Organization License was
17 suspended, restricted, revoked, or denied for just cause,
18 or whose cannabis business establishment license was
19 suspended, restricted, revoked, or denied in any other
20 state.

21 (4) An applicant who has engaged in a pattern or
22 practice of unfair or illegal practices, methods, or
23 activities in the conduct of owning a cannabis business
24 establishment or other business.

25 (i) The Department shall deny the license if any principal
26 officer, board member, or person having a financial or voting

1 interest of 5% or greater in the licensee is delinquent in
2 filing any required tax return or paying any amount owed to the
3 State of Illinois.

4 (j) The Department shall verify an applicant's compliance
5 with the requirements of this Article and rules adopted under
6 this Article before issuing a Conditional Adult Use Dispensing
7 Organization License.

8 (k) If an applicant is awarded a Conditional Adult Use
9 Dispensing Organization License under this Section, the
10 information and plans provided in the application, including
11 any plans submitted for bonus points, shall become a condition
12 of the Conditional Adult Use Dispensing Organization License
13 and any Adult Use Dispensing Organization License issued to
14 the holder of the Conditional Adult Use Dispensing
15 Organization License, except as otherwise provided by this Act
16 or by rule. Dispensing organizations have a duty to disclose
17 any material changes to the application. The Department shall
18 review all material changes disclosed by the dispensing
19 organization and may reevaluate its prior decision regarding
20 the awarding of a Conditional Adult Use Dispensing
21 Organization License, including, but not limited to,
22 suspending or permanently revoking a Conditional Adult Use
23 Dispensing Organization License. Failure to comply with the
24 conditions or requirements in the application may subject the
25 dispensing organization to discipline up to and including
26 suspension or permanent revocation of its authorization or

1 Conditional Adult Use Dispensing Organization License by the
2 Department.

3 (1) If an applicant has not begun operating as a
4 dispensing organization within one year after the issuance of
5 the Conditional Adult Use Dispensing Organization License
6 under this Section, the Department may permanently revoke the
7 Conditional Adult Use Dispensing Organization License and
8 award it to the next highest scoring applicant in the BLS
9 Region if a suitable applicant indicates a continued interest
10 in the Conditional Adult Use Dispensing Organization License
11 or may begin a new selection process to award a Conditional
12 Adult Use Dispensing Organization License.

13 (Source: P.A. 102-98, eff. 7-15-21; 103-8, eff. 6-7-23.)

14 (410 ILCS 705/15-36)

15 Sec. 15-36. Adult Use Dispensing Organization License.

16 (a) A person is only eligible to receive or hold an Adult
17 Use Dispensing Organization License if the person has been
18 issued ~~awarded~~ a Conditional Adult Use Dispensing Organization
19 License pursuant to this Act or its administrative rules, was
20 issued an Early Approval Adult Use Dispensing Organization
21 License, an Early Approval Adult Use Dispensing Organization
22 License at a Secondary Site, or was a registered medical
23 dispensing organization as defined under the Compassionate Use
24 of Medical Cannabis Act ~~or has renewed its license pursuant to~~
25 ~~subsection (k) of Section 15-15 or subsection (p) of Section~~

1 ~~15-20.~~

2 (a-5) Beginning January 1, 2027, all dispensing
3 organizations registered under the Compassionate Use of
4 Medical Cannabis Program Act and Sections 15-15 and 15-20 of
5 this Act shall be a dispensing organization or a dispensary as
6 those terms are defined in this Act and shall be an Adult Use
7 Dispensing Organization License holder under this Section.
8 Beginning January 1, 2027, all dispensing organizations
9 registered under the Compassionate Use of Medical Cannabis
10 Program Act and Sections 15-15 and 15-20 of this Act shall have
11 the same rights, privileges, duties, and responsibilities as
12 dispensing organizations licensed pursuant to this Section and
13 shall be subject to any administrative rules adopted under
14 this Act.

15 (a-10) In addition to selling cannabis and
16 cannabis-infused products to persons 21 years of age or older,
17 beginning January 1, 2027, but no later than April 1, 2027, all
18 dispensing organizations licensed pursuant to this Act shall
19 also offer cannabis and cannabis-infused products for sale to
20 registered qualifying patients, provisional patients,
21 designated caregivers, and Opioid Alternative Patient Program
22 participants.

23 (a-15) By April 1, 2027, all dispensing organizations
24 licensed under Section 15-36 shall pay the fee under
25 subsection (d) of Section 15-13 of this Act or shall have
26 entered into an approved payment plan with the Department to

1 pay the fee.

2 (b) The Department shall not issue an Adult Use Dispensing
3 Organization License until:

4 (1) the Department has inspected the dispensary site
5 and proposed operations and verified that they are in
6 compliance with this Act and local zoning laws;

7 (2) the Conditional Adult Use Dispensing Organization
8 License holder has paid a license fee of \$70,000 ~~\$60,000~~
9 or a prorated amount accounting for the difference of time
10 between when the Adult Use Dispensing Organization License
11 is issued and March 31 of the next even-numbered year;
12 \$60,000 (or the proportional prorated amount paid) of the
13 fee shall be remitted into the Cannabis Regulation Fund,
14 and \$10,000 (or the proportional prorated amount paid) of
15 the fee shall be remitted into the Compassionate Use of
16 Medical Cannabis Fund; and

17 (3) the Conditional Adult Use Dispensing Organization
18 License holder has met all the requirements in this Act
19 and rules.

20 (c) No person or entity shall hold any legal, equitable,
21 ownership, or beneficial interest, directly or indirectly, of
22 more than 10 dispensing organizations licensed under this
23 Article. Further, no person or entity that is:

24 (1) employed by, is an agent of, or participates in
25 the management of a dispensing organization or registered
26 medical cannabis dispensing organization;

1 (2) a principal officer of a dispensing organization
2 or registered medical cannabis dispensing organization; or

3 (3) an entity controlled by or affiliated with a
4 principal officer of a dispensing organization or
5 registered medical cannabis dispensing organization;

6 shall hold any legal, equitable, ownership, or beneficial
7 interest, directly or indirectly, in a dispensing organization
8 that would result in such person or entity owning or
9 participating in the management of more than 10 Early Approval
10 Adult Use Dispensing Organization Licenses, Early Approval
11 Adult Use Dispensing Organization Licenses at a secondary
12 site, Conditional Adult Use Dispensing Organization Licenses,
13 or Adult Use Dispensing Organization Licenses. For the purpose
14 of this subsection, participating in management may include,
15 without limitation, controlling decisions regarding staffing,
16 pricing, purchasing, marketing, store design, hiring, and
17 website design.

18 (d) The Department shall deny an application if granting
19 that application would result in a person or entity obtaining
20 direct or indirect financial interest in more than 10 Early
21 Approval Adult Use Dispensing Organization Licenses,
22 Conditional Adult Use Dispensing Organization Licenses, Adult
23 Use Dispensing Organization Licenses, or any combination
24 thereof. If a person or entity is awarded a Conditional Adult
25 Use Dispensing Organization License that would cause the
26 person or entity to be in violation of this subsection, he,

1 she, or it shall choose which license application it wants to
2 abandon and such licenses shall become available to the next
3 qualified applicant in the region in which the abandoned
4 license was awarded.

5 (Source: P.A. 104-417, eff. 8-15-25.)

6 (410 ILCS 705/15-40)

7 Sec. 15-40. Dispensing organization agent identification
8 card; agent training.

9 (a) The Department shall:

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

17 (2) issue a dispensing organization agent
18 identification card to a qualifying agent within 15
19 business days of approving the application or renewal;

20 (3) enter the registry identification number of the
21 dispensing organization where the agent works;

22 (4) within one year from the effective date of this
23 Act, allow for an electronic application process and
24 provide a confirmation by electronic or other methods that
25 an application has been submitted; and

1 (5) collect a \$100 nonrefundable fee from the
2 applicant to be deposited into the Cannabis Regulation
3 Fund.

4 (b) A dispensing organization agent must keep his or her
5 identification card visible at all times when in the
6 dispensary.

7 (c) The dispensing organization agent identification cards
8 shall contain the following:

9 (1) the name of the cardholder;

10 (2) the date of issuance and expiration date of the
11 dispensing organization agent identification cards;

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 cardholder; and

15 (4) a photograph of the cardholder.

16 (d) The dispensing organization agent identification cards
17 shall be immediately returned to the dispensing organization
18 upon termination of employment.

19 (e) The Department shall not issue an agent identification
20 card if the applicant is delinquent in filing any required tax
21 returns or paying any amounts owed to the State of Illinois.

22 (f) Any card lost by a dispensing organization agent shall
23 be reported to the Illinois State Police and the Department
24 immediately upon discovery of the loss.

25 (g) An applicant shall be denied a dispensing organization
26 agent identification card renewal if he or she fails to

1 complete the training provided for in this Section.

2 (h) A dispensing organization agent shall only be required
3 to hold one card for the same employer regardless of what type
4 of dispensing organization license the employer holds.

5 (i) Cannabis retail sales training requirements.

6 (1) Within 90 days of September 1, 2019, or 90 days of
7 employment, whichever is later, all owners, managers,
8 employees, and agents involved in the handling or sale of
9 cannabis or cannabis-infused product employed by an adult
10 use dispensing organization or medical cannabis dispensing
11 organization as defined in Section 10 of the Compassionate
12 Use of Medical Cannabis Program Act shall attend and
13 successfully complete a Responsible Vendor Program.

14 (2) Each owner, manager, employee, and agent of an
15 adult use dispensing organization or medical cannabis
16 dispensing organization shall successfully complete the
17 program annually.

18 (3) Responsible Vendor Program Training modules shall
19 include at least 2 hours of instruction time approved by
20 the Department including:

21 (i) Health and safety concerns of cannabis use,
22 including the responsible use of cannabis, its
23 physical effects, onset of physiological effects,
24 recognizing signs of impairment, and appropriate
25 responses in the event of overconsumption.

26 (ii) Training on laws and regulations on driving

1 while under the influence and operating a watercraft
2 or snowmobile while under the influence.

3 (iii) Sales to minors prohibition. Training shall
4 cover all relevant Illinois laws and rules.

5 (iv) Quantity limitations on sales to purchasers.
6 Training shall cover all relevant Illinois laws and
7 rules.

8 (v) Acceptable forms of identification. Training
9 shall include:

10 (I) How to check identification; and

11 (II) Common mistakes made in verification;

12 (vi) Safe storage of cannabis;

13 (vii) Compliance with all inventory tracking
14 system regulations;

15 (viii) Waste handling, management, and disposal;

16 (ix) Health and safety standards;

17 (x) Maintenance of records;

18 (xi) Security and surveillance requirements;

19 (xii) Permitting inspections by State and local
20 licensing and enforcement authorities;

21 (xiii) Privacy issues, including, but not limited
22 to, the safe storage and handling of confidential
23 information, such as qualifying patient information;

24 (xiv) Packaging and labeling requirement for sales
25 to purchasers; ~~and~~

26 (xv) Prioritizing the needs of a qualifying

1 patient, provisional patient, designated caregiver, or
2 Opioid Alternative Patient Program participant; and
3 (xvi) Other areas as determined by rule.

4 (j) Blank.

5 (k) Upon the successful completion of the Responsible
6 Vendor Program, the provider shall deliver proof of completion
7 either through mail or electronic communication to the
8 dispensing organization, which shall retain a copy of the
9 certificate.

10 (l) The license of a dispensing organization or medical
11 cannabis dispensing organization whose owners, managers,
12 employees, or agents fail to comply with this Section may be
13 suspended or permanently revoked under Section 15-145 or may
14 face other disciplinary action.

15 (m) The regulation of dispensing organization and medical
16 cannabis dispensing employer and employee training is an
17 exclusive function of the State, and regulation by a unit of
18 local government, including a home rule unit, is prohibited.
19 This subsection (m) is a denial and limitation of home rule
20 powers and functions under subsection (h) of Section 6 of
21 Article VII of the Illinois Constitution.

22 (n) Persons seeking Department approval to offer the
23 training required by paragraph (3) of subsection (i) may apply
24 for such approval between August 1 and August 15 of each
25 odd-numbered year in a manner prescribed by the Department.

26 (o) Persons seeking Department approval to offer the

1 training required by paragraph (3) of subsection (i) shall
2 submit a nonrefundable application fee of \$2,000 to be
3 deposited into the Cannabis Regulation Fund or a fee as may be
4 set by rule. Any changes made to the training module shall be
5 approved by the Department.

6 (p) The Department shall not unreasonably deny approval of
7 a training module that meets all the requirements of paragraph
8 (3) of subsection (i). A denial of approval shall include a
9 detailed description of the reasons for the denial.

10 (q) Any person approved to provide the training required
11 by paragraph (3) of subsection (i) shall submit an application
12 for re-approval between August 1 and August 15 of each
13 odd-numbered year and include a nonrefundable application fee
14 of \$2,000 to be deposited into the Cannabis Regulation Fund or
15 a fee as may be set by rule.

16 (r) All persons applying to become or renewing their
17 registrations to be agents, including agents-in-charge and
18 principal officers, shall disclose any disciplinary action
19 taken against them that may have occurred in Illinois, another
20 state, or another country in relation to their employment at a
21 cannabis business establishment or at any cannabis cultivation
22 center, ~~processor,~~ infuser, dispensary, or other cannabis
23 business establishment.

24 (s) An agent applicant may begin employment at a
25 dispensing organization while the agent applicant's
26 identification card application is pending. Upon approval, the

1 Department shall issue the agent's identification card to the
2 agent. If denied, the dispensing organization and the agent
3 applicant shall be notified and the agent applicant must cease
4 all activity at the dispensing organization immediately.

5 (t) The Department and the Department of Agriculture may
6 develop and implement an integrated system to issue an agent
7 identification card which identifies a dispensary agent
8 licensed by the Department as well as any cultivator, craft
9 grower, transporter, community college program or infuser
10 license or registration the agent may simultaneously hold.

11 (u) Beginning January 1, 2027, all dispensing organization
12 agents registered under the Compassionate Use of Medical
13 Cannabis Program Act shall, subject to the agent being in good
14 standing with all licensing requirements, be deemed to be an
15 agent under this Act. The Department shall issue all agents
16 previously registered as an agent under the Compassionate Use
17 of Medical Cannabis Program Act a new license number at the
18 time of their first renewal on or after January 1, 2027.

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

22 (410 ILCS 705/15-45)

23 Sec. 15-45. Renewal.

24 (a) Adult Use Dispensing Organization Licenses shall
25 expire on March 31 of even-numbered years.

1 (b) Agent identification cards shall expire one year from
2 the date they are issued.

3 (c) Licensees and dispensing agents shall submit a renewal
4 application as provided by the Department and pay the required
5 renewal fee. The Department shall require an agent, employee,
6 contracting, and subcontracting diversity report and an
7 environmental impact report with its renewal application. No
8 license or agent identification card shall be renewed if it is
9 currently under revocation or suspension for violation of this
10 Article or any rules that may be adopted under this Article or
11 the licensee, principal officer, board member, person having a
12 financial or voting interest of 5% or greater in the licensee,
13 or agent is delinquent in filing any required tax returns or
14 paying any amounts owed to the State of Illinois.

15 (d) Renewal fees are:

16 (1) For a dispensing organization, \$60,000, to be
17 deposited into the Cannabis Regulation Fund, and \$10,000,
18 to be deposited into Compassionate Use of Medical Cannabis
19 Fund.

20 (2) For an agent identification card, \$100, to be
21 deposited into the Cannabis Regulation Fund.

22 (e) If a dispensing organization fails to renew its
23 license before expiration, the dispensing organization shall
24 cease operations until the license is renewed.

25 (f) If a dispensing organization agent fails to renew his
26 or her registration before its expiration, he or she shall

1 cease to perform duties authorized by this Article at a
2 dispensing organization until his or her registration is
3 renewed.

4 (g) Any dispensing organization that continues to operate
5 or dispensing agent that continues to perform duties
6 authorized by this Article at a dispensing organization that
7 fails to renew its license is subject to penalty as provided in
8 this Article, or any rules that may be adopted pursuant to this
9 Article.

10 (h) The Department shall not renew a license if the
11 applicant is delinquent in filing any required tax returns or
12 paying any amounts owed to the State of Illinois. The
13 Department shall not renew a dispensing agent identification
14 card if the applicant is delinquent in filing any required tax
15 returns or paying any amounts owed to the State of Illinois.

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

17 (410 ILCS 705/15-65)

18 Sec. 15-65. Administration.

19 (a) A dispensing organization shall establish, maintain,
20 and comply with written policies and procedures as submitted
21 in the Business, Financial and Operating plan as required in
22 this Article or by rules established by the Department, and
23 approved by the Department, for the security, storage,
24 inventory, and distribution of cannabis. These policies and
25 procedures shall include methods for identifying, recording,

1 and reporting diversion, theft, or loss, and for correcting
2 errors and inaccuracies in inventories. At a minimum,
3 dispensing organizations shall ensure the written policies and
4 procedures provide for the following:

5 (1) Mandatory and voluntary recalls of cannabis
6 products. The policies shall be adequate to deal with
7 recalls due to any action initiated at the request of the
8 Department and any voluntary action by the dispensing
9 organization to remove defective or potentially defective
10 cannabis from the market or any action undertaken to
11 promote public health and safety, including:

12 (i) A mechanism reasonably calculated to contact
13 purchasers who have, or likely have, obtained the
14 product from the dispensary, including information on
15 the policy for return of the recalled product;

16 (ii) A mechanism to identify and contact the ~~adult~~
17 ~~use~~ cultivation center, craft grower, or infuser that
18 manufactured the cannabis;

19 (iii) Policies for communicating with the
20 Department, the Department of Agriculture, and the
21 Department of Public Health within 24 hours of
22 discovering defective or potentially defective
23 cannabis; and

24 (iv) Policies for destruction of any recalled
25 cannabis product;

26 (2) Responses to local, State, or national

1 emergencies, including natural disasters, that affect the
2 security or operation of a dispensary;

3 (3) Segregation and destruction of outdated, damaged,
4 deteriorated, misbranded, or adulterated cannabis. This
5 procedure shall provide for written documentation of the
6 cannabis disposition;

7 (4) Ensure the oldest stock of a cannabis product is
8 distributed first. The procedure may permit deviation from
9 this requirement, if such deviation is temporary and
10 appropriate;

11 (5) Training of dispensing organization agents in the
12 provisions of this Act and rules, to effectively operate
13 the point-of-sale system and the State's verification
14 system, proper inventory handling and tracking, specific
15 uses of cannabis or cannabis-infused products, instruction
16 regarding regulatory inspection preparedness and law
17 enforcement interaction, awareness of the legal
18 requirements for maintaining status as an agent, and other
19 topics as specified by the dispensing organization or the
20 Department. The dispensing organization shall maintain
21 evidence of all training provided to each agent in its
22 files that is subject to inspection and audit by the
23 Department. The dispensing organization shall ensure
24 agents receive a minimum of 8 hours of training subject to
25 the requirements in subsection (i) of Section 15-40
26 annually, unless otherwise approved by the Department;

1 (6) Maintenance of business records consistent with
2 industry standards, including bylaws, consents, manual or
3 computerized records of assets and liabilities, audits,
4 monetary transactions, journals, ledgers, and supporting
5 documents, including agreements, checks, invoices,
6 receipts, and vouchers. Records shall be maintained in a
7 manner consistent with this Act and shall be retained for
8 5 years;

9 (7) Inventory control, including:

10 (i) Tracking purchases and denials of sale;

11 (ii) Disposal of unusable or damaged cannabis as
12 required by this Act and rules; and

13 (8) Purchaser education and support, including:

14 (i) Whether possession of cannabis is illegal
15 under federal law;

16 (ii) Current educational information issued by the
17 Department of Public Health about the health risks
18 associated with the use or abuse of cannabis;

19 (iii) Information about possible side effects;

20 (iv) Prohibition on smoking cannabis in public
21 places; and

22 (v) Offering any other appropriate purchaser
23 education or support materials.

24 (b) Blank.

25 (c) A dispensing organization shall maintain copies of the
26 policies and procedures on the dispensary premises and provide

1 copies to the Department upon request. The dispensing
2 organization shall review the dispensing organization policies
3 and procedures at least once every 12 months from the issue
4 date of the license and update as needed due to changes in
5 industry standards or as requested by the Department.

6 (d) A dispensing organization shall ensure that each
7 principal officer and each dispensing organization agent has a
8 current agent identification card in the agent's immediate
9 possession when the agent is at the dispensary.

10 (e) A dispensing organization shall provide prompt written
11 notice to the Department, including the date of the event,
12 when a dispensing organization agent no longer is employed by
13 the dispensing organization.

14 (f) A dispensing organization shall promptly document and
15 report any loss or theft of cannabis from the dispensary to the
16 Illinois State Police and the Department. It is the duty of any
17 dispensing organization agent who becomes aware of the loss or
18 theft to report it as provided in this Article.

19 (g) A dispensing organization shall post the following
20 information in a conspicuous location in an area of the
21 dispensary accessible to consumers:

22 (1) The dispensing organization's license;

23 (2) The hours of operation.

24 (h) Signage that shall be posted inside the premises.

25 (1) All dispensing organizations must display a
26 placard that states the following: "Cannabis consumption

1 can impair cognition and driving, is for adult use only,
2 may be habit forming, and should not be used by pregnant or
3 breastfeeding women.".

4 (2) Any dispensing organization that sells edible
5 cannabis-infused products must display a placard that
6 states the following:

7 (A) "Edible cannabis-infused products were
8 produced in a kitchen that may also process common
9 food allergens."; and

10 (B) "The effects of cannabis products can vary
11 from person to person, and it can take as long as two
12 hours to feel the effects of some cannabis-infused
13 products. Carefully review the portion size
14 information and warnings contained on the product
15 packaging before consuming.".

16 (3) All of the required signage in this subsection (h)
17 shall be no smaller than 24 inches tall by 36 inches wide,
18 with typed letters no smaller than 2 inches. The signage
19 shall be clearly visible and readable by customers. The
20 signage shall be placed in the area where cannabis and
21 cannabis-infused products are sold and may be translated
22 into additional languages as needed. The Department may
23 require a dispensary to display the required signage in a
24 different language, other than English, if the Secretary
25 deems it necessary.

26 (i) A dispensing organization shall prominently post

1 notices inside the dispensing organization that state
2 activities that are strictly prohibited and punishable by law,
3 including, but not limited to:

4 (1) no minors permitted on the premises unless the
5 minor is a minor qualifying patient under the
6 Compassionate Use of Medical Cannabis Program Act;

7 (2) distribution to persons under the age of 21 is
8 prohibited;

9 (3) transportation of cannabis or cannabis products
10 across state lines is prohibited.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
12 102-538, eff. 8-20-21.)

13 (410 ILCS 705/15-70)

14 Sec. 15-70. Operational requirements; prohibitions.

15 (a) A dispensing organization shall operate in accordance
16 with the representations made in its application and license
17 materials. It shall be in compliance with this Act and rules.

18 (b) Beginning January 1, 2027, but no later than April 1,
19 2027, all dispensaries shall have a patient prioritization
20 plan demonstrating that the dispensary is prioritizing
21 qualifying patients, provisional patients, designated
22 caregivers, and Opioid Alternative Patient Program
23 participants. Prioritization may include, but is not limited
24 to, the following: a dedicated service line for patients or
25 caregivers; a dedicated time of the day for patients or

1 caregivers, so long as the dispensary remains open at all
2 other hours of operation to serve patients and caregivers; and
3 a dedicated register for patients or caregivers ~~A dispensing~~
4 ~~organization must include the legal name of the dispensary on~~
5 ~~the packaging of any cannabis product it sells.~~

6 (c) All cannabis, cannabis-infused products, and cannabis
7 seeds must be obtained from an Illinois registered adult use
8 cultivation center, craft grower, infuser, or another
9 dispensary.

10 (c-5) A dispensing organization may sell cannabis and
11 cannabis-infused products purchased from any cultivation
12 center, craft grower, infuser, or other dispensary to persons
13 over 21 years of age and to qualifying patients, designated
14 caregivers, provisional patients, and Opioid Alternative
15 Patient Program participants.

16 (d) Dispensing organizations are prohibited from selling
17 any product containing alcohol except tinctures, which must be
18 limited to containers that are no larger than 100 milliliters.

19 (e) A dispensing organization shall inspect and count
20 product received from a transporting organization, ~~adult use~~
21 cultivation center, craft grower, infuser organization, or
22 other dispensing organization before dispensing it.

23 (f) A dispensing organization may only accept cannabis
24 deliveries into a restricted access area. Deliveries may not
25 be accepted through the public or limited access areas unless
26 otherwise approved by the Department.

1 (g) A dispensing organization shall maintain compliance
2 with State and local building, fire, and zoning requirements
3 or regulations.

4 (h) A dispensing organization shall submit a list to the
5 Department of the names of all service professionals that will
6 work at the dispensary. The list shall include a description
7 of the type of business or service provided. Changes to the
8 service professional list shall be promptly provided. No
9 service professional shall work in the dispensary until the
10 name is provided to the Department on the service professional
11 list.

12 (i) A dispensing organization's license allows for a
13 dispensary to be operated only at a single location.

14 (j) All dispensaries' hours of operation may be A
15 ~~dispensary may operate~~ between 6 a.m. and 10 p.m. local time.

16 (k) A dispensing organization must keep all lighting
17 outside and inside the dispensary in good working order and
18 wattage sufficient for security cameras.

19 (l) A dispensing organization must keep all air treatment
20 systems that will be installed to reduce odors in good working
21 order.

22 (m) A dispensing organization must contract with a private
23 security contractor that is licensed under Section 10-5 of the
24 Private Detective, Private Alarm, Private Security,
25 Fingerprint Vendor, and Locksmith Act of 2004 to provide
26 on-site security at all hours of the dispensary's operation.

1 (n) A dispensing organization shall ensure that any
2 building or equipment used by a dispensing organization for
3 the storage or sale of cannabis is maintained in a clean and
4 sanitary condition.

5 (o) The dispensary shall be free from infestation by
6 insects, rodents, or pests.

7 (p) A dispensing organization shall not:

8 (1) Produce or manufacture cannabis;

9 (2) Accept a cannabis product from a ~~an adult use~~
10 cultivation center, craft grower, infuser, dispensing
11 organization, or transporting organization unless it is
12 pre-packaged and labeled in accordance with this Act and
13 any rules that may be adopted pursuant to this Act;

14 (3) Obtain cannabis or cannabis-infused products from
15 outside the State of Illinois;

16 (4) Sell cannabis or cannabis-infused products to a
17 purchaser unless the purchaser has been verified to be 21
18 years of age or older or, beginning January 1, 2027, the
19 person is verified to be a qualifying patient, provisional
20 patient, designated caregiver, or Opioid Alternative
21 Patient Program participant ~~the dispensing organization is~~
22 ~~licensed under the Compassionate Use of Medical Cannabis~~
23 ~~Program Act, and the individual is registered under the~~
24 ~~Compassionate Use of Medical Cannabis Program or the~~
25 ~~purchaser has been verified to be 21 years of age or older;~~

26 (5) Enter into an exclusive agreement with any adult

1 use cultivation center, craft grower, or infuser.
2 Dispensaries shall provide consumers an assortment of
3 products from various cannabis business establishment
4 licensees such that the inventory available for sale at
5 any dispensary from any single cultivation center, craft
6 grower, ~~processor~~, transporter, or infuser entity shall
7 not be more than 40% of the total inventory available for
8 sale. For the purpose of this subsection, a cultivation
9 center, craft grower, ~~processor~~, or infuser shall be
10 considered part of the same entity if the licensees share
11 at least one principal officer. The Department may request
12 that a dispensary diversify its products as needed or
13 otherwise discipline a dispensing organization for
14 violating this requirement;

15 (6) Refuse to conduct business with an adult use
16 cultivation center, craft grower, transporting
17 organization, or infuser that has the ability to properly
18 deliver the product and is permitted by the Department of
19 Agriculture, on the same terms as other ~~adult-use~~
20 cultivation centers, craft growers, infusers, or
21 transporters with whom it is dealing;

22 (7) (Blank); ~~Operate drive-through windows;~~

23 (8) Allow for the dispensing of cannabis or
24 cannabis-infused products in vending machines;

25 (9) Transport cannabis to residences or transport
26 cannabis to other locations where purchasers may be for

1 delivery, except for the limited circumstances provided in
2 paragraph (5.5) of subsection (c) of Section 15-100;

3 (10) Enter into agreements to allow persons who are
4 not dispensing organization agents to deliver cannabis or
5 to transport cannabis to purchasers;

6 (11) Operate a dispensary if its video surveillance
7 equipment is inoperative;

8 (12) Operate a dispensary if the point-of-sale
9 equipment is inoperative;

10 (13) Operate a dispensary if the State's cannabis
11 electronic verification system is inoperative;

12 (14) Have fewer than 2 people working at the
13 dispensary at any time while the dispensary is open;

14 (15) Be located within 1,500 feet of the property line
15 of a pre-existing dispensing organization, unless the
16 applicant is a Social Equity Applicant or Social Equity
17 Justice Involved Applicant located or seeking to locate
18 within 1,500 feet of a dispensing organization licensed
19 under Section 15-15 or Section 15-20;

20 (16) Sell clones or any other live plant material;

21 (17) Sell cannabis, cannabis concentrate, or
22 cannabis-infused products in combination or bundled with
23 each other or any other items for one price, and each item
24 of cannabis, concentrate, or cannabis-infused product must
25 be separately identified by quantity and price on the
26 receipt;

1 (18) Have a certifying health care professional
2 on-site at the dispensary, make referrals to a certifying
3 health care professional, include links to a certifying
4 health care professional on the dispensary's website, or
5 otherwise direct patients to a certifying health care
6 professional;

7 (19) Beginning January 1, 2027, fail to prioritize
8 qualifying patients, provisional patients, designated
9 caregivers, and Opioid Alternative Patient Program
10 participants; or

11 (20) Violate any other requirements or prohibitions
12 set by Department rules.

13 (q) It is unlawful for any person having an Early Approval
14 Adult Use Dispensing Organization License, a Conditional Adult
15 Use Dispensing Organization License, an Adult Use Dispensing
16 Organization License, or a medical cannabis dispensing
17 organization license issued under the Compassionate Use of
18 Medical Cannabis Program Act or any officer, associate,
19 member, representative, or agent of such licensee to accept,
20 receive, or borrow money or anything else of value or accept or
21 receive credit (other than merchandising credit in the
22 ordinary course of business for a period not to exceed 30 days)
23 directly or indirectly from any ~~adult-use~~ cultivation center,
24 craft grower, infuser, or transporting organization in
25 exchange for preferential placement on the dispensing
26 organization's shelves, display cases, or website. This

1 includes anything received or borrowed or from any
2 stockholders, officers, agents, or persons connected with a ~~an~~
3 ~~adult-use~~ cultivation center, craft grower, infuser, or
4 transporting organization.

5 (r) It is unlawful for any person having an Early Approval
6 Adult Use Dispensing Organization License, a Conditional Adult
7 Use Dispensing Organization License, an Adult Use Dispensing
8 Organization License, or a medical cannabis dispensing
9 organization license issued under the Compassionate Use of
10 Medical Cannabis Program to enter into any contract with any
11 person licensed to cultivate, process, or transport cannabis
12 whereby such dispensing organization agrees not to sell any
13 cannabis cultivated, processed, transported, manufactured, or
14 distributed by any other cultivator, transporter, or infuser,
15 and any provision in any contract violative of this Section
16 shall render the whole of such contract void and no action
17 shall be brought thereon in any court.

18 (Source: P.A. 104-417, eff. 8-15-25.)

19 (410 ILCS 705/15-75)

20 Sec. 15-75. Inventory control system.

21 (a) A dispensing organization agent-in-charge shall have
22 primary oversight of the dispensing organization's cannabis
23 inventory verification system, and its point-of-sale system.
24 The inventory point-of-sale system shall be real-time,
25 web-based, and accessible by the Department at any time. The

1 point-of-sale system shall track, at a minimum the date of
2 sale, amount, price, and currency.

3 (b) A dispensing organization shall establish an account
4 with the State's verification system that documents:

5 (1) Each sales transaction at the time of sale and
6 each day's beginning inventory, acquisitions, sales,
7 disposal, and ending inventory.

8 (2) Acquisition of cannabis and cannabis-infused
9 products from a licensed ~~adult-use~~ cultivation center,
10 craft grower, infuser, or transporter, including:

11 (i) A description of the products, including the
12 quantity, strain, variety, and batch number of each
13 product received;

14 (ii) The name and registry identification number
15 of the licensed ~~adult-use~~ cultivation center, craft
16 grower, or infuser providing the cannabis and
17 cannabis-infused products;

18 (iii) The name and registry identification number
19 of the licensed ~~adult-use~~ cultivation center, craft
20 grower, infuser, or transporting agent delivering the
21 cannabis;

22 (iv) The name and registry identification number
23 of the dispensing organization agent receiving the
24 cannabis; and

25 (v) The date of acquisition.

26 (3) The disposal of cannabis, including:

1 (i) A description of the products, including the
2 quantity, strain, variety, batch number, and reason
3 for the cannabis being disposed;

4 (ii) The method of disposal; and

5 (iii) The date and time of disposal.

6 (c) Upon cannabis delivery, a dispensing organization
7 shall confirm the product's name, strain name, weight, and
8 identification number on the manifest matches the information
9 on the cannabis product label and package. The product name
10 listed and the weight listed in the State's verification
11 system shall match the product packaging.

12 (d) The agent-in-charge shall conduct daily inventory
13 reconciliation documenting and balancing cannabis inventory by
14 confirming the State's verification system matches the
15 dispensing organization's point-of-sale system and the amount
16 of physical product at the dispensary.

17 (1) A dispensing organization must receive Department
18 approval before completing an inventory adjustment. It
19 shall provide a detailed reason for the adjustment.
20 Inventory adjustment documentation shall be kept at the
21 dispensary for 2 years from the date performed.

22 (2) If the dispensing organization identifies an
23 imbalance in the amount of cannabis after the daily
24 inventory reconciliation due to mistake, the dispensing
25 organization shall determine how the imbalance occurred
26 and immediately upon discovery take and document

1 corrective action. If the dispensing organization cannot
2 identify the reason for the mistake within 2 calendar days
3 after first discovery, it shall inform the Department
4 immediately in writing of the imbalance and the corrective
5 action taken to date. The dispensing organization shall
6 work diligently to determine the reason for the mistake.

7 (3) If the dispensing organization identifies an
8 imbalance in the amount of cannabis after the daily
9 inventory reconciliation or through other means due to
10 theft, criminal activity, or suspected criminal activity,
11 the dispensing organization shall immediately determine
12 how the reduction occurred and take and document
13 corrective action. Within 24 hours after the first
14 discovery of the reduction due to theft, criminal
15 activity, or suspected criminal activity, the dispensing
16 organization shall inform the Department and the Illinois
17 State Police in writing.

18 (4) The dispensing organization shall file an annual
19 compilation report with the Department, including a
20 financial statement that shall include, but not be limited
21 to, an income statement, balance sheet, profit and loss
22 statement, statement of cash flow, wholesale cost and
23 sales, and any other documentation requested by the
24 Department in writing. The financial statement shall
25 include any other information the Department deems
26 necessary in order to effectively administer this Act and

1 all rules, orders, and final decisions promulgated under
2 this Act. Statements required by this Section shall be
3 filed with the Department within 60 days after the end of
4 the calendar year. The compilation report shall include a
5 letter authored by a licensed certified public accountant
6 that it has been reviewed and is accurate based on the
7 information provided. The dispensing organization,
8 financial statement, and accompanying documents are not
9 required to be audited unless specifically requested by
10 the Department.

11 (e) A dispensing organization shall:

12 (1) Maintain the documentation required in this
13 Section in a secure locked location at the dispensing
14 organization for 5 years from the date on the document;

15 (2) Provide any documentation required to be
16 maintained in this Section to the Department for review
17 upon request; and

18 (3) If maintaining a bank account, retain for a period
19 of 5 years a record of each deposit or withdrawal from the
20 account.

21 (f) If a dispensing organization chooses to have a return
22 policy for cannabis and cannabis products, the dispensing
23 organization shall seek prior approval from the Department.

24 (g) Beginning January 1, 2027, all dispensing
25 organizations shall maintain internal, confidential records
26 that record a registered qualifying patient, provisional

1 patient, designated caregiver, or Opioid Alternative Patient
2 Program participant's transactions for the patient's adequate
3 medical supply and whether it was dispensed directly to the
4 patient or to the designated caregiver. Each entry must
5 include the amount and the date and time the cannabis was
6 dispensed. Additional recordkeeping requirements may be set by
7 rule.

8 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
9 102-538, eff. 8-20-21.)

10 (410 ILCS 705/15-85)

11 Sec. 15-85. Dispensing cannabis.

12 (a) Before a dispensing organization agent dispenses
13 cannabis to a purchaser, the agent shall:

14 (1) Verify the age of the purchaser by checking a
15 government-issued identification card by use of an
16 electronic reader or electronic scanning device to scan a
17 purchaser's government-issued identification, if
18 applicable, to determine the purchaser's age and the
19 validity of the identification;

20 (2) Verify the validity of the government-issued
21 identification card by use of an electronic reader or
22 electronic scanning device to scan a purchaser's
23 government-issued identification, if applicable, to
24 determine the purchaser's age and the validity of the
25 identification;

1 (3) Offer any appropriate purchaser education or
2 support materials;

3 (3-5) Verify the qualifying patient, provisional
4 patient, designated caregiver, or Opioid Alternative
5 Patient Program participant's registration card, if
6 purchasing as a patient or caregiver;

7 (4) Enter the following information into the State's
8 cannabis electronic verification system:

9 (i) The dispensing organization agent's
10 identification number, or if the agent's card
11 application is pending the Department's approval, a
12 temporary and unique identifier until the agent's card
13 application is approved or denied by the Department;

14 (ii) The dispensing organization's identification
15 number;

16 (iii) The amount, type (including strain, if
17 applicable) of cannabis or cannabis-infused product
18 dispensed;

19 (iv) The date and time the cannabis was dispensed.

20 (b) A dispensing organization shall refuse to sell
21 cannabis or cannabis-infused products to any person unless the
22 person produces a valid identification showing that the person
23 is 21 years of age or older or a qualifying patient,
24 provisional patient, designated caregivers, or Opioid
25 Alternative Patient Program participants registered under the
26 Compassionate Use of Medical Cannabis Program Act. A medical

~~cannabis dispensing organization may sell cannabis or
cannabis-infused products to a person who is under 21 years of
age if the sale complies with the provisions of the
Compassionate Use of Medical Cannabis Program Act and rules.~~

(c) For the purposes of this Section, valid identification must:

(1) Be valid and unexpired;

(2) Contain a photograph and the date of birth of the person.

(d) A dispensing organization shall not dispense to a registered qualifying patient, provisional patient, or a designated caregiver, an amount exceeding the patient's adequate medical supply unless the qualifying patient has a Department of Public Health-approved quantity waiver.

(e) Notwithstanding any other provision of law, a dispensing organization may offer pickup or drive-through locations for cannabis or cannabis-infused products to purchasers over 21 years of age, qualifying patients, provisional patients, and designated caregivers in accordance with Section 15-100 of this Act.

(Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19; 102-98, eff. 7-15-21.)

(410 ILCS 705/15-100)

Sec. 15-100. Security.

(a) A dispensing organization shall implement security

1 measures to deter and prevent entry into and theft of cannabis
2 or currency.

3 (b) A dispensing organization shall submit any changes to
4 the floor plan or security plan to the Department for
5 pre-approval. All cannabis shall be maintained and stored in a
6 restricted access area during construction.

7 (c) The dispensing organization shall implement security
8 measures to protect the premises, purchasers, and dispensing
9 organization agents including, but not limited to the
10 following:

11 (1) Establish a locked door or barrier between the
12 facility's entrance and the limited access area;

13 (2) Prevent individuals from remaining on the premises
14 if they are not engaging in activity permitted by this Act
15 or rules;

16 (3) Develop a policy that addresses the maximum
17 capacity and purchaser flow in the waiting rooms and
18 limited access areas;

19 (4) Dispose of cannabis in accordance with this Act
20 and rules;

21 (5) During hours of operation, store ~~and dispense~~ all
22 cannabis in ~~from~~ the restricted access area. ~~During~~
23 ~~operational hours, cannabis shall be stored~~ in an enclosed
24 locked room or cabinet and accessible only to specifically
25 authorized dispensing organization agents;

26 (5.5) During hours of operation, dispense all cannabis

1 from the restricted access area, including a drive-through
2 window, or from a pickup location in close proximity to
3 the restricted access area. Orders in the pickup or
4 drive-through location may only be placed by the purchaser
5 or patient in advance, and the dispensing organization
6 shall, prior to dispensing the cannabis, confirm that the
7 purchaser, registered qualifying patient, provisional
8 patient, designated caregiver, or Opioid Alternative
9 Patient Program participant is in compliance with Section
10 15-85 of this Act. As used in this paragraph, "pickup
11 location in close proximity" means an area contiguous to
12 the real property of the dispensary, such as a sidewalk or
13 parking lot;

14 (6) When the dispensary is closed, store all cannabis
15 and currency in a reinforced vault room in the restricted
16 access area and in a manner as to prevent diversion,
17 theft, or loss;

18 (7) Keep the reinforced vault room and any other
19 equipment or cannabis storage areas securely locked and
20 protected from unauthorized entry;

21 (8) Keep an electronic daily log of dispensing
22 organization agents with access to the reinforced vault
23 room and knowledge of the access code or combination;

24 (9) Keep all locks and security equipment in good
25 working order;

26 (10) Maintain an operational security and alarm system

1 at all times;

2 (11) Prohibit keys, if applicable, from being left in
3 the locks, or stored or placed in a location accessible to
4 persons other than specifically authorized personnel;

5 (12) Prohibit accessibility of security measures,
6 including combination numbers, passwords, or electronic or
7 biometric security systems to persons other than
8 specifically authorized dispensing organization agents;

9 (13) Ensure that the dispensary interior and exterior
10 premises are sufficiently lit to facilitate surveillance;

11 (14) Ensure that trees, bushes, and other foliage
12 outside of the dispensary premises do not allow for a
13 person or persons to conceal themselves from sight;

14 (15) Develop emergency policies and procedures for
15 securing all product and currency following any instance
16 of diversion, theft, or loss of cannabis, and conduct an
17 assessment to determine whether additional safeguards are
18 necessary; ~~and~~

19 (16) Develop sufficient additional safeguards in
20 response to any special security concerns, or as required
21 by the Department; and

22 (17) Maintain a security and safe storage plan for
23 qualifying patient information. The health care
24 professional-patient privilege as set forth by Section
25 8-802 of the Code of Civil Procedure shall apply between a
26 qualifying patient, provisional patient, Opioid

1 Alternative Patient Program participant, and a dispensing
2 organization and its agents with respect to communications
3 and records concerning patients' debilitating conditions.

4 (d) The Department may request or approve alternative
5 security provisions that it determines are an adequate
6 substitute for a security requirement specified in this
7 Article. Any additional protections may be considered by the
8 Department in evaluating overall security measures.

9 (e) A dispensing organization may share premises with a
10 craft grower or an infuser organization, or both, provided
11 each licensee stores currency and cannabis or cannabis-infused
12 products in a separate secured vault to which the other
13 licensee does not have access or all licensees sharing a vault
14 share more than 50% of the same ownership.

15 (f) A dispensing organization shall provide additional
16 security as needed and in a manner appropriate for the
17 community where it operates.

18 (g) Restricted access areas.

19 (1) All restricted access areas must be identified by
20 the posting of a sign that is a minimum of 12 inches by 12
21 inches and that states "Do Not Enter - Restricted Access
22 Area - Authorized Personnel Only" in lettering no smaller
23 than one inch in height.

24 (2) All restricted access areas shall be clearly
25 described in the floor plan of the premises, in the form
26 and manner determined by the Department, reflecting walls,

1 partitions, counters, and all areas of entry and exit. The
2 floor plan shall show all storage, disposal, and retail
3 sales areas.

4 (3) All restricted access areas must be secure, with
5 locking devices that prevent access from the limited
6 access areas.

7 (h) Security and alarm.

8 (1) A dispensing organization shall have an adequate
9 security plan and security system to prevent and detect
10 diversion, theft, or loss of cannabis, currency, or
11 unauthorized intrusion using commercial grade equipment
12 installed by an Illinois licensed private alarm contractor
13 or private alarm contractor agency that shall, at a
14 minimum, include:

15 (i) A perimeter alarm on all entry points and
16 glass break protection on perimeter windows;

17 (ii) Security shatterproof tinted film on exterior
18 windows;

19 (iii) A failure notification system that provides
20 an audible, text, or visual notification of any
21 failure in the surveillance system, including, but not
22 limited to, panic buttons, alarms, and video
23 monitoring system. The failure notification system
24 shall provide an alert to designated dispensing
25 organization agents within 5 minutes after the
26 failure, either by telephone or text message;

1 (iv) A duress alarm, panic button, and alarm, or
2 holdup alarm and after-hours intrusion detection alarm
3 that by design and purpose will directly or indirectly
4 notify, by the most efficient means, the Public Safety
5 Answering Point for the law enforcement agency having
6 primary jurisdiction;

7 (v) Security equipment to deter and prevent
8 unauthorized entrance into the dispensary, including
9 electronic door locks on the limited and restricted
10 access areas that include devices or a series of
11 devices to detect unauthorized intrusion that may
12 include a signal system interconnected with a radio
13 frequency method, cellular, private radio signals or
14 other mechanical or electronic device.

15 (2) All security system equipment and recordings shall
16 be maintained in good working order, in a secure location
17 so as to prevent theft, loss, destruction, or alterations.

18 (3) Access to surveillance monitoring recording
19 equipment shall be limited to persons who are essential to
20 surveillance operations, law enforcement authorities
21 acting within their jurisdiction, security system service
22 personnel, and the Department. A current list of
23 authorized dispensing organization agents and service
24 personnel that have access to the surveillance equipment
25 must be available to the Department upon request.

26 (4) All security equipment shall be inspected and

1 tested at regular intervals, not to exceed one month from
2 the previous inspection, and tested to ensure the systems
3 remain functional.

4 (5) The security system shall provide protection
5 against theft and diversion that is facilitated or hidden
6 by tampering with computers or electronic records.

7 (6) The dispensary shall ensure all access doors are
8 not solely controlled by an electronic access panel to
9 ensure that locks are not released during a power outage.

10 (i) To monitor the dispensary, the dispensing organization
11 shall incorporate continuous electronic video monitoring
12 including the following:

13 (1) All monitors must be 19 inches or greater;

14 (2) Unobstructed video surveillance of all enclosed
15 dispensary areas, unless prohibited by law, including all
16 points of entry and exit that shall be appropriate for the
17 normal lighting conditions of the area under surveillance.
18 The cameras shall be directed so all areas are captured,
19 including, but not limited to, safes, vaults, sales areas,
20 and areas where cannabis is stored, handled, dispensed, or
21 destroyed. Cameras shall be angled to allow for facial
22 recognition, the capture of clear and certain
23 identification of any person entering or exiting the
24 dispensary area and in lighting sufficient during all
25 times of night or day;

26 (3) Unobstructed video surveillance of outside areas,

1 the storefront, and the parking lot, that shall be
2 appropriate for the normal lighting conditions of the area
3 under surveillance. Cameras shall be angled so as to allow
4 for the capture of facial recognition, clear and certain
5 identification of any person entering or exiting the
6 dispensary and the immediate surrounding area, and license
7 plates of vehicles in the parking lot;

8 (4) 24-hour recordings from all video cameras
9 available for immediate viewing by the Department upon
10 request. Recordings shall not be destroyed or altered and
11 shall be retained for at least 90 days. Recordings shall
12 be retained as long as necessary if the dispensing
13 organization is aware of the loss or theft of cannabis or a
14 pending criminal, civil, or administrative investigation
15 or legal proceeding for which the recording may contain
16 relevant information;

17 (5) The ability to immediately produce a clear, color
18 still photo from the surveillance video, either live or
19 recorded;

20 (6) A date and time stamp embedded on all video
21 surveillance recordings. The date and time shall be
22 synchronized and set correctly and shall not significantly
23 obscure the picture;

24 (7) The ability to remain operational during a power
25 outage and ensure all access doors are not solely
26 controlled by an electronic access panel to ensure that

1 locks are not released during a power outage;

2 (8) All video surveillance equipment shall allow for
3 the exporting of still images in an industry standard
4 image format, including .jpg, .bmp, and .gif. Exported
5 video shall have the ability to be archived in a
6 proprietary format that ensures authentication of the
7 video and guarantees that no alteration of the recorded
8 image has taken place. Exported video shall also have the
9 ability to be saved in an industry standard file format
10 that can be played on a standard computer operating
11 system. All recordings shall be erased or destroyed before
12 disposal;

13 (9) The video surveillance system shall be operational
14 during a power outage with a 4-hour minimum battery
15 backup;

16 (10) A video camera or cameras recording at each
17 point-of-sale location allowing for the identification of
18 the dispensing organization agent distributing the
19 cannabis and any purchaser. The camera or cameras shall
20 capture the sale, the individuals and the computer
21 monitors used for the sale;

22 (11) A failure notification system that provides an
23 audible and visual notification of any failure in the
24 electronic video monitoring system; and

25 (12) All electronic video surveillance monitoring must
26 record at least the equivalent of 8 frames per second and

1 be available as recordings to the Department and the
2 Illinois State Police 24 hours a day via a secure
3 web-based portal with reverse functionality.

4 (j) The requirements contained in this Act are minimum
5 requirements for operating a dispensing organization. The
6 Department may establish additional requirements by rule.

7 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
8 102-538, eff. 8-20-21.)

9 (410 ILCS 705/15-135)

10 Sec. 15-135. Investigations.

11 (a) Dispensing organizations are subject to random and
12 unannounced dispensary inspections and cannabis testing by the
13 Department, the Department of Agriculture, the Department of
14 Revenue, the Department of Public Health, the Illinois State
15 Police, local law enforcement, local health officials, or as
16 provided by rule.

17 (b) The Department and its authorized representatives may
18 enter any place, including a vehicle, in which cannabis is
19 held, stored, dispensed, sold, produced, delivered,
20 transported, manufactured, or disposed of and inspect, in a
21 reasonable manner, the place and all pertinent equipment,
22 containers and labeling, and all things including records,
23 files, financial data, sales data, shipping data, pricing
24 data, personnel data, research, papers, processes, controls,
25 and facility, and inventory any stock of cannabis and obtain

1 samples of any cannabis or cannabis-infused product, any
2 labels or containers for cannabis, or paraphernalia.

3 (c) The Department may conduct an investigation of an
4 applicant, application, dispensing organization, principal
5 officer, dispensary agent, third party vendor, or any other
6 party associated with a dispensing organization for an alleged
7 violation of this Act or rules or to determine qualifications
8 to be granted a registration by the Department.

9 (d) The Department may require an applicant or holder of
10 any license issued pursuant to this Article to produce
11 documents, records, or any other material pertinent to the
12 investigation of an application or alleged violations of this
13 Act or rules. Failure to provide the required material may be
14 grounds for denial or discipline.

15 (e) Every person charged with preparation, obtaining, or
16 keeping records, logs, reports, or other documents in
17 connection with this Act and rules and every person in charge,
18 or having custody, of those documents shall, upon request by
19 the Department, make the documents immediately available for
20 inspection and copying by the Department, the Department's
21 authorized representative, or others authorized by law to
22 review the documents.

23 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
24 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

1 Sec. 15-145. Grounds for discipline.

2 (a) The Department may deny issuance, refuse to renew or
3 restore, or may reprimand, place on probation, suspend,
4 revoke, or take other disciplinary or nondisciplinary action
5 against any license or agent identification card or may impose
6 a fine for any of the following:

7 (1) Material misstatement in furnishing information to
8 the Department;

9 (2) Violations of this Act or rules;

10 (3) Obtaining an authorization or license by fraud or
11 misrepresentation;

12 (4) A pattern of conduct that demonstrates
13 incompetence or that the applicant has engaged in conduct
14 or actions that would constitute grounds for discipline
15 under this Act;

16 (5) Aiding or assisting another person in violating
17 any provision of this Act or rules;

18 (6) Failing to respond to a written request for
19 information by the Department within 30 days;

20 (7) Engaging in unprofessional, dishonorable, or
21 unethical conduct of a character likely to deceive,
22 defraud, or harm the public;

23 (8) Adverse action by another United States
24 jurisdiction or foreign nation;

25 (9) A finding by the Department that the licensee,
26 after having his or her license placed on suspended or

1 probationary status, has violated the terms of the
2 suspension or probation;

3 (10) Conviction, entry of a plea of guilty, nolo
4 contendere, or the equivalent in a State or federal court
5 of a principal officer or agent-in-charge of a felony
6 offense in accordance with Sections 2105-131, 2105-135,
7 and 2105-205 of the Department of Professional Regulation
8 Law of the Civil Administrative Code of Illinois;

9 (11) Excessive use of or addiction to alcohol,
10 narcotics, stimulants, or any other chemical agent or
11 drug;

12 (12) A finding by the Department of a discrepancy in a
13 Department audit of cannabis;

14 (13) A finding by the Department of a discrepancy in a
15 Department audit of capital or funds;

16 (14) A finding by the Department of acceptance of
17 cannabis from a source other than a cultivation center ~~an~~
18 ~~Adult Use Cultivation Center~~, craft grower, infuser, or
19 transporting organization licensed by the Department of
20 Agriculture, or a dispensing organization licensed by the
21 Department;

22 (15) An inability to operate using reasonable
23 judgment, skill, or safety due to physical or mental
24 illness or other impairment or disability, including,
25 without limitation, deterioration through the aging
26 process or loss of motor skills or mental incompetence;

1 (16) Failing to report to the Department within the
2 time frames established, or if not identified, 14 days, of
3 any adverse action taken against the dispensing
4 organization or an agent by a licensing jurisdiction in
5 any state or any territory of the United States or any
6 foreign jurisdiction, any governmental agency, any law
7 enforcement agency or any court defined in this Section;

8 (17) Any violation of the dispensing organization's
9 policies and procedures submitted to the Department
10 annually as a condition for licensure;

11 (18) Failure to inform the Department of any change of
12 address within 10 business days;

13 (19) Disclosing customer names, personal information,
14 or protected health information in violation of any State
15 or federal law;

16 (20) Operating a dispensary before obtaining a license
17 from the Department;

18 (21) Performing duties authorized by this Act prior to
19 receiving a license to perform such duties;

20 (22) Dispensing cannabis when prohibited by this Act
21 or rules;

22 (23) Any fact or condition that, if it had existed at
23 the time of the original application for the license,
24 would have warranted the denial of the license;

25 (24) Permitting a person without a valid agent
26 identification card to perform licensed activities under

1 this Act;

2 (25) Failure to assign an agent-in-charge as required
3 by this Article;

4 (26) Failure to provide the training required by
5 paragraph (3) of subsection (i) of Section 15-40 within
6 the provided timeframe;

7 (27) Personnel insufficient in number or unqualified
8 in training or experience to properly operate the
9 dispensary business;

10 (28) Any pattern of activity that causes a harmful
11 impact on the community; ~~and~~

12 (29) Failing to prevent diversion, theft, or loss of
13 cannabis; ~~and-~~

14 (30) Engaging in a pattern of nonpayment or late
15 payment for goods or services to a cannabis business
16 establishment.

17 (b) All fines and fees imposed under this Section shall be
18 paid within 60 days after the effective date of the order
19 imposing the fine or as otherwise specified in the order.

20 (c) A circuit court order establishing that an
21 agent-in-charge or principal officer holding an agent
22 identification card is subject to involuntary admission as
23 that term is defined in Section 1-119 or 1-119.1 of the Mental
24 Health and Developmental Disabilities Code shall operate as a
25 suspension of that card.

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

1 (410 ILCS 705/Art. 20 heading)

2 Article 20.

3 ~~Adult Use~~ Cultivation Centers

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

5 (410 ILCS 705/20-10)

6 Sec. 20-10. Early Approval of Adult Use Cultivation Center
7 License.

8 (a) Any medical cannabis cultivation center registered and
9 in good standing under the Compassionate Use of Medical
10 Cannabis Program Act as of the effective date of this Act may,
11 within 60 days of the effective date of this Act but no later
12 than 180 days from the effective date of this Act, apply to the
13 Department of Agriculture for an Early Approval Adult Use
14 Cultivation Center License to produce cannabis and
15 cannabis-infused products at its existing facilities as of the
16 effective date of this Act.

17 (b) A medical cannabis cultivation center seeking issuance
18 of an Early Approval Adult Use Cultivation Center License
19 shall submit an application on forms provided by the
20 Department of Agriculture. The application must meet or
21 include the following qualifications:

22 (1) Payment of a nonrefundable application fee of
23 \$100,000 to be deposited into the Cannabis Regulation
24 Fund;

1 (2) Proof of registration as a medical cannabis
2 cultivation center that is in good standing;

3 (3) Submission of the application by the same person
4 or entity that holds the medical cannabis cultivation
5 center registration;

6 (4) Certification that the applicant will comply with
7 the requirements of Section 20-30;

8 (5) The legal name of the cultivation center;

9 (6) The physical address of the cultivation center;

10 (7) The name, address, social security number, and
11 date of birth of each principal officer and board member
12 of the cultivation center; each of those individuals shall
13 be at least 21 years of age;

14 (8) A nonrefundable Cannabis Business Development Fee
15 equal to 5% of the cultivation center's total sales
16 between June 1, 2018 to June 1, 2019 or \$750,000,
17 whichever is less, but at not less than \$250,000, to be
18 deposited into the Cannabis Business Development Fund; and

19 (9) A commitment to completing one of the following
20 Social Equity Inclusion Plans provided for in this
21 subsection (b) before the expiration of the Early Approval
22 Adult Use Cultivation Center License:

23 (A) A contribution of 5% of the cultivation
24 center's total sales from June 1, 2018 to June 1, 2019,
25 or \$100,000, whichever is less, to one of the
26 following:

1 (i) the Cannabis Business Development Fund.
2 This is in addition to the fee required by item (8)
3 of this subsection (b);

4 (ii) a cannabis industry training or education
5 program at an Illinois community college as
6 defined in the Public Community College Act;

7 (iii) a program that provides job training
8 services to persons recently incarcerated or that
9 operates in a Disproportionately Impacted Area.

10 (B) Participate as a host in a cannabis business
11 incubator program for at least one year approved by
12 the Department of Commerce and Economic Opportunity,
13 and in which an Early Approval Adult Use Cultivation
14 Center License holder agrees to provide a loan of at
15 least \$100,000 and mentorship to incubate, for at
16 least a year, a Social Equity Applicant intending to
17 seek a license or a licensee that qualifies as a Social
18 Equity Applicant. As used in this Section, "incubate"
19 means providing direct financial assistance and
20 training necessary to engage in licensed cannabis
21 industry activity similar to that of the host
22 licensee. The Early Approval Adult Use Cultivation
23 Center License holder or the same entity holding any
24 other licenses issued pursuant to this Act shall not
25 take an ownership stake of greater than 10% in any
26 business receiving incubation services to comply with

1 this subsection. If an Early Approval Adult Use
2 Cultivation Center License holder fails to find a
3 business to incubate to comply with this subsection
4 before its Early Approval Adult Use Cultivation Center
5 License expires, it may opt to meet the requirement of
6 this subsection by completing another item from this
7 subsection prior to the expiration of its Early
8 Approval Adult Use Cultivation Center License to avoid
9 a penalty.

10 (c) An Early Approval Adult Use Cultivation Center License
11 is valid until March 31, 2021. A cultivation center that
12 obtains an Early Approval Adult Use Cultivation Center License
13 shall receive written or electronic notice 90 days before the
14 expiration of the license that the license will expire, and
15 inform the license holder that it may renew its Early Approval
16 Adult Use Cultivation Center License. The Department of
17 Agriculture shall grant a renewal of an Early Approval Adult
18 Use Cultivation Center License within 60 days of submission of
19 an application if:

20 (1) the cultivation center submits an application and
21 the required renewal fee of \$100,000 for an Early Approval
22 Adult Use Cultivation Center License;

23 (2) the Department of Agriculture has not suspended
24 the license of the cultivation center or suspended or
25 revoked the license for violating this Act or rules
26 adopted under this Act; and

1 (3) the cultivation center has completed a Social
2 Equity Inclusion Plan as required by item (9) of
3 subsection (b) of this Section.

4 (c-5) The Early Approval Adult Use Cultivation Center
5 License renewed pursuant to subsection (c) of this Section
6 shall expire March 31, 2022. The Early Approval Adult Use
7 Cultivation Center Licensee shall receive written or
8 electronic notice 90 days before the expiration of the license
9 that the license will expire, and inform the license holder
10 that it may apply for a ~~an Adult Use~~ Cultivation Center
11 License. The Department of Agriculture shall grant a
12 Cultivation Center ~~an Adult Use Dispensing Organization~~
13 License within 60 days of an application being deemed complete
14 if the applicant meets all of the criteria in Section 20-21.

15 (d) The license fee required by paragraph (1) of
16 subsection (c) of this Section shall be in addition to any
17 license fee required for the renewal of a registered medical
18 cannabis cultivation center license that expires during the
19 effective period of the Early Approval Adult Use Cultivation
20 Center License.

21 (e) Applicants must submit all required information,
22 including the requirements in subsection (b) of this Section,
23 to the Department of Agriculture. Failure by an applicant to
24 submit all required information may result in the application
25 being disqualified.

26 (f) If the Department of Agriculture receives an

1 application with missing information, the Department may issue
2 a deficiency notice to the applicant. The applicant shall have
3 10 calendar days from the date of the deficiency notice to
4 submit complete information. Applications that are still
5 incomplete after this opportunity to cure may be disqualified.

6 (g) If an applicant meets all the requirements of
7 subsection (b) of this Section, the Department of Agriculture
8 shall issue the Early Approval Adult Use Cultivation Center
9 License within 14 days of receiving the application unless:

10 (1) The licensee; principal officer, board member, or
11 person having a financial or voting interest of 5% or
12 greater in the licensee; or agent is delinquent in filing
13 any required tax returns or paying any amounts owed to the
14 State of Illinois;

15 (2) The Director of Agriculture determines there is
16 reason, based on an inordinate number of documented
17 compliance violations, the licensee is not entitled to an
18 Early Approval Adult Use Cultivation Center License; or

19 (3) The licensee fails to commit to the Social Equity
20 Inclusion Plan.

21 (h) A cultivation center may begin producing cannabis and
22 cannabis-infused products once the Early Approval Adult Use
23 Cultivation Center License is approved. A cultivation center
24 that obtains an Early Approval Adult Use Cultivation Center
25 License may begin selling cannabis and cannabis-infused
26 products on December 1, 2019.

1 (i) An Early Approval Adult Use Cultivation Center License
2 holder must continue to produce and provide an adequate supply
3 of cannabis and cannabis-infused products for purchase by
4 qualifying patients and caregivers. For the purposes of this
5 subsection, "adequate supply" means a monthly production level
6 that is comparable in type and quantity to those medical
7 cannabis products produced for patients and caregivers on an
8 average monthly basis for the 6 months before the effective
9 date of this Act.

10 (j) If there is a shortage of cannabis or cannabis-infused
11 products, a license holder shall prioritize patients
12 registered under the Compassionate Use of Medical Cannabis
13 Program Act over adult use purchasers.

14 (k) If an Early Approval Adult Use Cultivation Center
15 licensee fails to submit an application for a ~~an Adult Use~~
16 Cultivation Center License before the expiration of the Early
17 Approval Adult Use Cultivation Center License pursuant to
18 subsection (c-5) of this Section, the cultivation center shall
19 cease all ~~adult use~~ cultivation until it receives a ~~an Adult~~
20 ~~Use~~ Cultivation Center License.

21 (l) A cultivation center agent who holds a valid
22 cultivation center agent identification card issued under the
23 Compassionate Use of Medical Cannabis Program Act and is an
24 officer, director, manager, or employee of the cultivation
25 center licensed under this Section may engage in all
26 activities authorized by this Article to be performed by a

1 cultivation center agent.

2 (m) If the Department of Agriculture suspends or revokes
3 the Early Approval Adult Use Cultivation Center License of a
4 cultivation center that also holds a medical cannabis
5 cultivation center license issued under the Compassionate Use
6 of Medical Cannabis Program Act, the Department of Agriculture
7 may suspend or revoke the medical cannabis cultivation center
8 license concurrently with the Early Approval Adult Use
9 Cultivation Center License.

10 (n) All fees or fines collected from an Early Approval
11 Adult Use Cultivation Center License holder as a result of a
12 disciplinary action in the enforcement of this Act shall be
13 deposited into the Cannabis Regulation Fund.

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

15 (410 ILCS 705/20-15)

16 Sec. 20-15. Conditional ~~Adult Use~~ Cultivation Center
17 application.

18 (a) If the Department of Agriculture makes available
19 additional cultivation center licenses pursuant to Section
20 20-5, applicants for a Conditional ~~Adult Use~~ Cultivation
21 Center License shall electronically submit the following in
22 such form as the Department of Agriculture may direct:

23 (1) the nonrefundable application fee set by rule by
24 the Department of Agriculture, to be deposited into the
25 Cannabis Regulation Fund;

1 (2) the legal name of the cultivation center;

2 (3) the proposed physical address of the cultivation
3 center;

4 (4) the name, address, social security number, and
5 date of birth of each principal officer and board member
6 of the cultivation center; each principal officer and
7 board member shall be at least 21 years of age;

8 (5) the details of any administrative or judicial
9 proceeding in which any of the principal officers or board
10 members of the cultivation center (i) pled guilty, were
11 convicted, were fined, or had a registration or license
12 suspended or revoked, or (ii) managed or served on the
13 board of a business or non-profit organization that pled
14 guilty, was convicted, was fined, or had a registration or
15 license suspended or revoked;

16 (6) proposed operating bylaws that include procedures
17 for the oversight of the cultivation center, including the
18 development and implementation of a plant monitoring
19 system, accurate recordkeeping, staffing plan, and
20 security plan approved by the Illinois State Police that
21 are in accordance with the rules issued by the Department
22 of Agriculture under this Act. A physical inventory shall
23 be performed of all plants and cannabis on a weekly basis
24 by the cultivation center;

25 (7) verification from the Illinois State Police that
26 all background checks of the prospective principal

1 officers, board members, and agents of the cannabis
2 business establishment have been conducted;

3 (8) a copy of the current local zoning ordinance or
4 permit and verification that the proposed cultivation
5 center is in compliance with the local zoning rules and
6 distance limitations established by the local
7 jurisdiction;

8 (9) proposed employment practices, in which the
9 applicant must demonstrate a plan of action to inform,
10 hire, and educate minorities, women, veterans, and persons
11 with disabilities, engage in fair labor practices, and
12 provide worker protections;

13 (10) whether an applicant can demonstrate experience
14 in or business practices that promote economic empowerment
15 in Disproportionately Impacted Areas;

16 (11) experience with the cultivation of agricultural
17 or horticultural products, operating an agriculturally
18 related business, or operating a horticultural business;

19 (12) a description of the enclosed, locked facility
20 where cannabis will be grown, harvested, manufactured,
21 processed, packaged, or otherwise prepared for
22 distribution to a dispensing organization;

23 (13) a survey of the enclosed, locked facility,
24 including the space used for cultivation;

25 (14) cultivation, processing, inventory, and packaging
26 plans;

1 (15) a description of the applicant's experience with
2 agricultural cultivation techniques and industry
3 standards;

4 (16) a list of any academic degrees, certifications,
5 or relevant experience of all prospective principal
6 officers, board members, and agents of the related
7 business;

8 (17) the identity of every person having a financial
9 or voting interest of 5% or greater in the cultivation
10 center operation with respect to which the license is
11 sought, whether a trust, corporation, partnership, limited
12 liability company, or sole proprietorship, including the
13 name and address of each person;

14 (18) a plan describing how the cultivation center will
15 address each of the following:

16 (i) energy needs, including estimates of monthly
17 electricity and gas usage, to what extent it will
18 procure energy from a local utility or from on-site
19 generation, and if it has or will adopt a sustainable
20 energy use and energy conservation policy;

21 (ii) water needs, including estimated water draw
22 and if it has or will adopt a sustainable water use and
23 water conservation policy; and

24 (iii) waste management, including if it has or
25 will adopt a waste reduction policy;

26 (19) a diversity plan that includes a narrative of not

1 more than 2,500 words that establishes a goal of diversity
2 in ownership, management, employment, and contracting to
3 ensure that diverse participants and groups are afforded
4 equality of opportunity;

5 (20) any other information required by rule;

6 (21) a recycling plan:

7 (A) Purchaser packaging, including cartridges,
8 shall be accepted by the applicant and recycled.

9 (B) Any recyclable waste generated by the cannabis
10 cultivation facility shall be recycled per applicable
11 State and local laws, ordinances, and rules.

12 (C) Any cannabis waste, liquid waste, or hazardous
13 waste shall be disposed of in accordance with 8 Ill.
14 Adm. Code 1000.460, except, to the greatest extent
15 feasible, all cannabis plant waste will be rendered
16 unusable by grinding and incorporating the cannabis
17 plant waste with compostable mixed waste to be
18 disposed of in accordance with 8 Ill. Adm. Code
19 1000.460(g)(1);

20 (22) commitment to comply with local waste provisions:
21 a cultivation facility must remain in compliance with
22 applicable State and federal environmental requirements,
23 including, but not limited to:

24 (A) storing, securing, and managing all
25 recyclables and waste, including organic waste
26 composed of or containing finished cannabis and

1 cannabis products, in accordance with applicable State
2 and local laws, ordinances, and rules; and

3 (B) disposing liquid waste containing cannabis or
4 byproducts of cannabis processing in compliance with
5 all applicable State and federal requirements,
6 including, but not limited to, the cannabis
7 cultivation facility's permits under Title X of the
8 Environmental Protection Act; and

9 (23) a commitment to a technology standard for
10 resource efficiency of the cultivation center facility.

11 (A) A cannabis cultivation facility commits to use
12 resources efficiently, including energy and water. For
13 the following, a cannabis cultivation facility commits
14 to meet or exceed the technology standard identified
15 in items (i), (ii), (iii), and (iv), which may be
16 modified by rule:

17 (i) lighting systems, including light bulbs;

18 (ii) HVAC system;

19 (iii) water application system to the crop;

20 and

21 (iv) filtration system for removing
22 contaminants from wastewater.

23 (B) Lighting. The Lighting Power Densities (LPD)
24 for cultivation space commits to not exceed an average
25 of 36 watts per gross square foot of active and growing
26 space canopy, or all installed lighting technology

1 shall meet a photosynthetic photon efficacy (PPE) of
2 no less than 2.2 micromoles per joule fixture and
3 shall be featured on the DesignLights Consortium (DLC)
4 Horticultural Specification Qualified Products List
5 (QPL). In the event that DLC requirement for minimum
6 efficacy exceeds 2.2 micromoles per joule fixture,
7 that PPE shall become the new standard.

8 (C) HVAC.

9 (i) ~~The For cannabis grow operations with less~~
10 ~~than 6,000 square feet of canopy, the licensee~~
11 ~~commits that all HVAC units will be~~
12 ~~high-efficiency ductless split HVAC units, or~~
13 ~~other more energy efficient equipment.~~

14 ~~(ii) For cannabis grow operations with 6,000~~
15 ~~square feet of canopy or more, the licensee~~
16 ~~commits that all HVAC units will be variable~~
17 ~~refrigerant flow HVAC units, or other more energy~~
18 ~~efficient equipment.~~

19 (D) Water application.

20 (i) The cannabis cultivation facility commits
21 to use automated watering systems, including, but
22 not limited to, drip irrigation and flood tables,
23 to irrigate cannabis crop.

24 (ii) The cannabis cultivation facility commits
25 to measure runoff from watering events and report
26 this volume in its water usage plan, and that on

1 average, watering events shall have no more than
2 20% of runoff of water.

3 (E) Filtration. The cultivator commits that HVAC
4 condensate, dehumidification water, excess runoff, and
5 other wastewater produced by the cannabis cultivation
6 facility shall be captured and filtered to the best of
7 the facility's ability to achieve the quality needed
8 to be reused in subsequent watering rounds.

9 (F) Reporting energy use and efficiency as
10 required by rule.

11 (b) Applicants must submit all required information,
12 including the information required in Section 20-10, to the
13 Department of Agriculture. Failure by an applicant to submit
14 all required information may result in the application being
15 disqualified.

16 (c) If the Department of Agriculture receives an
17 application with missing information, the Department of
18 Agriculture may issue a deficiency notice to the applicant.
19 The applicant shall have 10 calendar days from the date of the
20 deficiency notice to resubmit the incomplete information.
21 Applications that are still incomplete after this opportunity
22 to cure will not be scored and will be disqualified.

23 (d) (Blank).

24 (e) A cultivation center that is awarded a Conditional
25 Adult Use Cultivation Center License pursuant to the criteria
26 in Section 20-20 shall not grow, purchase, possess, or sell

1 cannabis or cannabis-infused products until the person has
2 received an Adult Use Cultivation Center License issued by the
3 Department of Agriculture pursuant to Section 20-21 of this
4 Act.

5 (Source: P.A. 104-417, eff. 8-15-25.)

6 (410 ILCS 705/20-20)

7 Sec. 20-20. Conditional Cultivation Center ~~Adult Use~~
8 License scoring applications.

9 (a) The Department of Agriculture shall by rule develop a
10 system to score cultivation center applications to
11 administratively rank applications based on the clarity,
12 organization, and quality of the applicant's responses to
13 required information. Applicants shall be awarded points based
14 on the following categories:

- 15 (1) Suitability of the proposed facility;
- 16 (2) Suitability of employee training plan;
- 17 (3) Security and recordkeeping;
- 18 (4) Cultivation plan;
- 19 (5) Product safety and labeling plan;
- 20 (6) Business plan;

21 (7) The applicant's status as a Social Equity
22 Applicant, which shall constitute no less than 20% of
23 total available points;

24 (8) Labor and employment practices, which shall
25 constitute no less than 2% of total available points;

1 (9) Environmental plan as described in paragraphs
2 (18), (21), (22), and (23) of subsection (a) of Section
3 20-15;

4 (10) The applicant is 51% or more owned and controlled
5 by an individual or individuals who have been an Illinois
6 resident for the past 5 years as proved by tax records or 2
7 of the following:

8 (A) a signed lease agreement that includes the
9 applicant's name;

10 (B) a property deed that includes the applicant's
11 name;

12 (C) school records;

13 (D) a voter registration card;

14 (E) an Illinois driver's license, an Illinois
15 Identification Card, or an Illinois Person with a
16 Disability Identification Card;

17 (F) a paycheck stub;

18 (G) a utility bill; or

19 (H) any other proof of residency or other
20 information necessary to establish residence as
21 provided by rule;

22 (11) The applicant is 51% or more controlled and owned
23 by an individual or individuals who meet the
24 qualifications of a veteran as defined by Section 45-57 of
25 the Illinois Procurement Code;

26 (12) a diversity plan that includes a narrative of not

1 more than 2,500 words that establishes a goal of diversity
2 in ownership, management, employment, and contracting to
3 ensure that diverse participants and groups are afforded
4 equality of opportunity; and

5 (13) Any other criteria the Department of Agriculture
6 may set by rule for points.

7 (b) The Department may also award bonus points for the
8 applicant's plan to engage with the community. Bonus points
9 will only be awarded if the Department receives applications
10 that receive an equal score for a particular region.

11 (c) Should the applicant be awarded a cultivation center
12 license, the information and plans that an applicant provided
13 in its application, including any plans submitted for the
14 acquiring of bonus points, becomes a mandatory condition of
15 the permit. Any variation from or failure to perform such
16 plans may result in discipline, including the revocation or
17 nonrenewal of a license.

18 (d) Should the applicant be awarded a cultivation center
19 license, it shall pay a fee of \$100,000 prior to receiving the
20 license, to be deposited into the Cannabis Regulation Fund.
21 The Department of Agriculture may by rule adjust the fee in
22 this Section after January 1, 2021.

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

24 (410 ILCS 705/20-21)

25 Sec. 20-21. ~~Adult Use~~ Cultivation Center License.

1 (a) A person or entity is only eligible to receive a ~~an~~
2 ~~Adult Use~~ Cultivation Center License if the person or entity
3 has first been awarded a Conditional ~~Adult Use~~ Cultivation
4 Center License pursuant to this Act or the person or entity has
5 renewed its Early Approval Cultivation Center License pursuant
6 to subsection (c) of Section 20-10.

7 (b) The Department of Agriculture shall not issue a ~~an~~
8 ~~Adult Use~~ Cultivation Center License until:

9 (1) the Department of Agriculture has inspected the
10 cultivation center site and proposed operations and
11 verified that they are in compliance with this Act and
12 local zoning laws;

13 (2) the Conditional ~~Adult Use~~ Cultivation Center
14 License holder has paid a registration fee of \$100,000 or
15 a prorated amount accounting for the difference of time
16 between when the ~~Adult Use~~ Cultivation Center License is
17 issued and March 31 of the next even-numbered year; and

18 (3) The Conditional ~~Adult Use~~ Cultivation Center
19 License holder has met all the requirements in the Act and
20 rules.

21 (c) Notwithstanding any other provision of law, on and
22 after January 1, 2027, the Department shall cease to issue or
23 renew any medical cannabis cultivation permit issued under the
24 Compassionate Use of Medical Cannabis Act. Licensees that hold
25 dual Medical Cannabis Cultivation Permits and Adult Use
26 Cultivation Center Licenses may continue all operations with a

1 valid Cultivation Center License issued under this Act that is
2 in good standing.

3 (1) The Department shall create a process for licenses
4 to transition to sole operation as Cultivation Centers;
5 including refund or proration of medical cultivation
6 center permit fees.

7 (2) Any statements or plans submitted as part of an
8 initial application for a medical cannabis cultivation
9 permit, as well as all subsequent modifications and
10 alterations, shall remain a mandatory condition of the
11 cultivation center license.

12 (3) Cultivation centers shall not relocate except
13 within the same Illinois State Police District boundary as
14 specified on the date of January 1, 2013 in which the
15 initial Medical Cannabis Cultivation Permit was initially
16 issued.

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

18 (410 ILCS 705/20-30)

19 Sec. 20-30. Cultivation center requirements; prohibitions.

20 (a) The operating documents of a cultivation center shall
21 include procedures for the oversight of the cultivation
22 center, a cannabis plant monitoring system including a
23 physical inventory recorded weekly, accurate recordkeeping,
24 and a staffing plan.

25 (b) A cultivation center shall implement a security plan

1 reviewed by the Illinois State Police that includes, but is
2 not limited to: facility access controls, perimeter intrusion
3 detection systems, personnel identification systems, 24-hour
4 surveillance system to monitor the interior and exterior of
5 the cultivation center facility and accessibility to
6 authorized law enforcement, the Department of Public Health
7 where processing takes place, and the Department of
8 Agriculture in real time.

9 (c) All cultivation of cannabis by a cultivation center
10 must take place in an enclosed, locked facility at the
11 physical address provided to the Department of Agriculture
12 during the licensing process. The cultivation center location
13 shall only be accessed by the agents working for the
14 cultivation center, the Department of Agriculture staff
15 performing inspections, the Department of Public Health staff
16 performing inspections, local and State law enforcement or
17 other emergency personnel, contractors working on jobs
18 unrelated to cannabis, such as installing or maintaining
19 security devices or performing electrical wiring, transporting
20 organization agents as provided in this Act, individuals in a
21 mentoring or educational program approved by the State, or
22 other individuals as provided by rule.

23 (d) A cultivation center may not sell or distribute any
24 cannabis or cannabis-infused products to any person other than
25 a dispensing organization, craft grower, infuser organization,
26 transporter, or as otherwise authorized by rule.

1 (e) A cultivation center may not either directly or
2 indirectly discriminate in price between different dispensing
3 organizations, craft growers, or infuser organizations that
4 are purchasing a like grade, strain, brand, and quality of
5 cannabis or cannabis-infused product. Nothing in this
6 subsection (e) prevents a cultivation center from pricing
7 cannabis differently based on differences in the cost of
8 manufacturing or processing, the quantities sold, such as
9 volume discounts, or the way the products are delivered.

10 (f) All cannabis harvested by a cultivation center and
11 intended for distribution to a dispensing organization must be
12 entered into a data collection system, packaged and labeled
13 under Section 55-21, and placed into a cannabis container for
14 transport. All cannabis harvested by a cultivation center and
15 intended for distribution to a craft grower or infuser
16 organization must be packaged in a labeled cannabis container
17 and entered into a data collection system before transport.

18 (g) Cultivation centers are subject to random inspections
19 by the Department of Agriculture, the Department of Public
20 Health, local safety or health inspectors, the Illinois State
21 Police, or as provided by rule.

22 (h) A cultivation center agent shall notify local law
23 enforcement, the Illinois State Police, and the Department of
24 Agriculture within 24 hours of the discovery of any loss or
25 theft. Notification shall be made by phone or in person, or by
26 written or electronic communication.

1 (i) A cultivation center shall comply with all State and
2 any applicable federal rules and regulations regarding the use
3 of pesticides on cannabis plants.

4 (j) No person or entity shall hold any legal, equitable,
5 ownership, or beneficial interest, directly or indirectly, of
6 more than 3 cultivation centers licensed under this Article.
7 Further, no person or entity that is employed by, an agent of,
8 has a contract to receive payment in any form from a
9 cultivation center, is a principal officer of a cultivation
10 center, or entity controlled by or affiliated with a principal
11 officer of a cultivation shall hold any legal, equitable,
12 ownership, or beneficial interest, directly or indirectly, in
13 a cultivation that would result in the person or entity owning
14 or controlling in combination with any cultivation center,
15 principal officer of a cultivation center, or entity
16 controlled or affiliated with a principal officer of a
17 cultivation center by which he, she, or it is employed, is an
18 agent of, or participates in the management of, more than 3
19 cultivation center licenses.

20 (k) A cultivation center may not contain more than 210,000
21 square feet of canopy space for plants in the flowering stage
22 for cultivation of adult use cannabis as provided in this Act.

23 (l) A cultivation center may process cannabis, cannabis
24 concentrates, and cannabis-infused products.

25 (m) Beginning July 1, 2020, a cultivation center shall not
26 transport cannabis or cannabis-infused products to a craft

1 grower, dispensing organization, infuser organization, or
2 laboratory licensed under this Act, unless it has obtained a
3 transporting organization license.

4 (n) It is unlawful for any person having a cultivation
5 center license or any officer, associate, member,
6 representative, or agent of such licensee to offer or deliver
7 money, or anything else of value, directly or indirectly to
8 any person having an 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, or to any person connected with or in any way
14 representing, or to any member of the family of, such person
15 holding an Early Approval Adult Use Dispensing Organization
16 License, a Conditional Adult Use Dispensing Organization
17 License, an Adult Use Dispensing Organization License, or a
18 medical cannabis dispensing organization license issued under
19 the Compassionate Use of Medical Cannabis Program Act, or to
20 any stockholders in any corporation engaged in the retail sale
21 of cannabis, or to any officer, manager, agent, or
22 representative of the Early Approval Adult Use Dispensing
23 Organization License, a Conditional Adult Use Dispensing
24 Organization License, an Adult Use Dispensing Organization
25 License, or a medical cannabis dispensing organization license
26 issued under the Compassionate Use of Medical Cannabis Program

1 Act to obtain preferential placement within the dispensing
2 organization, including, without limitation, on shelves and in
3 display cases where purchasers can view products, or on the
4 dispensing organization's website.

5 (o) A cultivation center must comply with any other
6 requirements or prohibitions set by administrative rule of the
7 Department of Agriculture.

8 (p) A cultivation center may not be located within 2,500
9 feet of the property line of any one or more of the following
10 areas or facilities constructed or developed before the
11 effective date of this amendatory Act of the 104th General
12 Assembly: a public or private preschool or elementary or
13 secondary school or day care center, day care home, group day
14 care home, part day child care facility, or an area zoned for
15 residential use.

16 (q) Upon approval of the Department through an application
17 for alteration, cultivation centers shall retain 90 days of
18 camera storage in any location. The Department may require
19 footage be maintained for purposes of an investigation.

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

23 (410 ILCS 705/20-35)

24 Sec. 20-35. Cultivation center agent identification card.

25 (a) The Department of Agriculture shall:

1 (1) establish by rule the information required in an
2 initial application or renewal application for an agent
3 identification card submitted under this Act and the
4 nonrefundable fee to accompany the initial application or
5 renewal application;

6 (2) verify the information contained in an initial
7 application or renewal application for an agent
8 identification card submitted under this Act, and approve
9 or deny an application within 30 days of receiving a
10 completed initial application or renewal application and
11 all supporting documentation required by rule;

12 (3) issue an agent identification card to a qualifying
13 agent within 15 business days of approving the initial
14 application or renewal application;

15 (4) enter the license number of the cultivation center
16 where the agent works; and

17 (5) allow for an electronic initial application and
18 renewal application process, and provide a confirmation by
19 electronic or other methods that an application has been
20 submitted. The Department of Agriculture may by rule
21 require prospective agents to file their applications by
22 electronic means and provide notices to the agents by
23 electronic means.

24 (b) An agent must keep his or her identification card
25 visible at all times when on the property of the cultivation
26 center at which the agent is employed.

1 (c) The agent identification cards shall contain the
2 following:

- 3 (1) the name of the cardholder;
4 (2) the date of issuance and expiration date of the
5 identification card;
6 (3) a random 10-digit alphanumeric identification
7 number containing at least 4 numbers and at least 4
8 letters that is unique to the holder;
9 (4) a photograph of the cardholder; and
10 (5) the legal name of the cultivation center employing
11 the agent.

12 (d) An agent identification card shall be immediately
13 returned to the cultivation center of the agent upon
14 termination of his or her employment.

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

19 (f) The Department of Agriculture shall not issue an agent
20 identification card if the applicant is delinquent in filing
21 any required tax returns or paying any amounts owed to the
22 State of Illinois.

23 (g) The Department and the Department of Financial and
24 Professional Regulation may develop and implement an
25 integrated system to issue an agent identification card that
26 identifies a cultivation center agent licensed by the

1 Department as well as any craft grower, transporter,
2 dispensing organization, community college program, or infuser
3 license or registration the agent may simultaneously hold.

4 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

5 (410 ILCS 705/20-45)

6 Sec. 20-45. Renewal of cultivation center licenses and
7 agent identification cards.

8 (a) Licenses and identification cards issued under this
9 Act shall be renewed annually. A cultivation center shall
10 receive written or electronic notice 90 days before the
11 expiration of its current license that the license will
12 expire. The Department of Agriculture shall grant a renewal
13 within 45 days of submission of a renewal application if:

14 (1) the cultivation center submits a renewal
15 application and the required nonrefundable renewal fee of
16 \$100,000, or another amount as the Department of
17 Agriculture may set by rule after January 1, 2021, to be
18 deposited into the Cannabis Regulation Fund. On and after
19 January 1, 2027, the cultivation center license renewal
20 fee shall be \$200,000 to be deposited into the Cannabis
21 Regulation Fund. For the 2026-2027 renewal cycle, the
22 Department may establish a process to refund or prorate
23 renewal fees.

24 (2) the Department of Agriculture has not suspended
25 the license of the cultivation center or suspended or

1 revoked the license for violating this Act or rules
2 adopted under this Act;

3 (3) the cultivation center has continued to operate in
4 accordance with all plans submitted as part of its
5 application and approved by the Department of Agriculture
6 or any amendments thereto that have been approved by the
7 Department of Agriculture;

8 (4) the cultivation center has submitted an agent,
9 employee, contracting, and subcontracting diversity report
10 as required by the Department; and

11 (5) the cultivation center has submitted an
12 environmental impact report.

13 (b) If a cultivation center fails to renew its license
14 before expiration, it shall cease operations until its license
15 is renewed.

16 (c) If a cultivation center agent fails to renew his or her
17 identification card before its expiration, he or she shall
18 cease to work as an agent of the cultivation center until his
19 or her identification card is renewed.

20 (d) Any cultivation center that continues to operate, or
21 any cultivation center agent who continues to work as an
22 agent, after the applicable license or identification card has
23 expired without renewal is subject to the penalties provided
24 under Section 45-5.

25 (e) The Department of Agriculture shall not renew a
26 license or an agent identification card if the applicant is

1 delinquent in filing any required tax returns or paying any
2 amounts owed to the State of Illinois

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

4 (410 ILCS 705/25-35)

5 (Section scheduled to be repealed on July 1, 2026)

6 Sec. 25-35. Community College Cannabis Vocational Training
7 Pilot Program faculty participant agent identification card.

8 (a) The Department shall:

9 (1) establish by rule the information required in an
10 initial application or renewal application for an agent
11 identification card submitted under this Article and the
12 nonrefundable fee to accompany the initial application or
13 renewal application;

14 (2) verify the information contained in an initial
15 application or renewal application for an agent
16 identification card submitted under this Article, and
17 approve or deny an application within 30 days of receiving
18 a completed initial application or renewal application and
19 all supporting documentation required by rule;

20 (3) issue an agent identification card to a qualifying
21 agent within 15 business days of approving the initial
22 application or renewal application;

23 (4) enter the license number of the community college
24 where the agent works; and

25 (5) allow for an electronic initial application and

1 renewal application process, and provide a confirmation by
2 electronic or other methods that an application has been
3 submitted. Each Department may by rule require prospective
4 agents to file their applications by electronic means and
5 to provide notices to the agents by electronic means.

6 (b) An agent must keep his or her identification card
7 visible at all times when in the enclosed, locked facility, or
8 facilities for which he or she is an agent.

9 (c) The agent identification cards shall contain the
10 following:

11 (1) the name of the cardholder;

12 (2) the date of issuance and expiration date of the
13 identification card;

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

17 (4) a photograph of the cardholder; and

18 (5) the legal name of the community college employing
19 the agent.

20 (d) An agent identification card shall be immediately
21 returned to the community college of the agent upon
22 termination of his or her employment.

23 (e) Any agent identification card lost shall be reported
24 to the Illinois State Police and the Department of Agriculture
25 immediately upon discovery of the loss.

26 (f) An agent applicant may begin employment at a Community

1 College Cannabis Vocational Training Pilot Program while the
2 agent applicant's identification card application is pending.
3 Upon approval, the Department shall issue the agent's
4 identification card to the agent. If denied, the Community
5 College Cannabis Vocational Training Pilot Program and the
6 agent applicant shall be notified and the agent applicant must
7 cease all activity at the Community College Cannabis
8 Vocational Training Pilot Program immediately.

9 (g) The Department of Agriculture shall not issue an agent
10 identification card if the applicant is delinquent in filing
11 any required tax returns or paying any amounts owed to the
12 State of Illinois.

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

15 (410 ILCS 705/25-45)

16 (Section scheduled to be repealed on July 1, 2026)

17 Sec. 25-45. Repeal. This Article is repealed on July 1,
18 2031 ~~2026~~.

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

20 (410 ILCS 705/30-10)

21 Sec. 30-10. Application.

22 (a) When applying for a license, the applicant shall
23 electronically submit the following in such form as the
24 Department of Agriculture may direct:

1 (1) the nonrefundable application fee of \$5,000 to be
2 deposited into the Cannabis Regulation Fund, or another
3 amount as the Department of Agriculture may set by rule
4 after January 1, 2021;

5 (2) the legal name of the craft grower;

6 (3) the proposed physical address of the craft grower;

7 (4) the name, address, social security number, and
8 date of birth of each principal officer and board member
9 of the craft grower; each principal officer and board
10 member shall be at least 21 years of age;

11 (5) the details of any administrative or judicial
12 proceeding in which any of the principal officers or board
13 members of the craft grower (i) pled guilty, were
14 convicted, were fined, or had a registration or license
15 suspended or revoked or (ii) managed or served on the
16 board of a business or non-profit organization that pled
17 guilty, was convicted, was fined, or had a registration or
18 license suspended or revoked;

19 (6) proposed operating bylaws that include procedures
20 for the oversight of the craft grower, including the
21 development and implementation of a plant monitoring
22 system, accurate recordkeeping, staffing plan, and
23 security plan approved by the Illinois State Police that
24 are in accordance with the rules issued by the Department
25 of Agriculture under this Act; a physical inventory shall
26 be performed of all plants and on a weekly basis by the

1 craft grower;

2 (7) verification from the Illinois State Police that
3 all background checks of the prospective principal
4 officers, board members, and agents of the cannabis
5 business establishment have been conducted;

6 (8) a copy of the current local zoning ordinance or
7 permit and verification that the proposed craft grower is
8 in compliance with the local zoning rules and distance
9 limitations established by the local jurisdiction;

10 (9) proposed employment practices, in which the
11 applicant must demonstrate a plan of action to inform,
12 hire, and educate minorities, women, veterans, and persons
13 with disabilities, engage in fair labor practices, and
14 provide worker protections;

15 (10) whether an applicant can demonstrate experience
16 in or business practices that promote economic empowerment
17 in Disproportionately Impacted Areas;

18 (11) experience with the cultivation of agricultural
19 or horticultural products, operating an agriculturally
20 related business, or operating a horticultural business;

21 (12) a description of the enclosed, locked facility
22 where cannabis will be grown, harvested, manufactured,
23 packaged, or otherwise prepared for distribution to a
24 dispensing organization or other cannabis business
25 establishment;

26 (13) a survey of the enclosed, locked facility,

1 including the space used for cultivation;

2 (14) cultivation, processing, inventory, and packaging
3 plans;

4 (15) a description of the applicant's experience with
5 agricultural cultivation techniques and industry
6 standards;

7 (16) a list of any academic degrees, certifications,
8 or relevant experience of all prospective principal
9 officers, board members, and agents of the related
10 business;

11 (17) the identity of every person having a financial
12 or voting interest of 5% or greater in the craft grower
13 operation, whether a trust, corporation, partnership,
14 limited liability company, or sole proprietorship,
15 including the name and address of each person;

16 (18) a plan describing how the craft grower will
17 address each of the following:

18 (i) energy needs, including estimates of monthly
19 electricity and gas usage, to what extent it will
20 procure energy from a local utility or from on-site
21 generation, and if it has or will adopt a sustainable
22 energy use and energy conservation policy;

23 (ii) water needs, including estimated water draw
24 and if it has or will adopt a sustainable water use and
25 water conservation policy; and

26 (iii) waste management, including if it has or

1 will adopt a waste reduction policy;

2 (19) a recycling plan:

3 (A) Purchaser packaging, including cartridges,
4 shall be accepted by the applicant and recycled.

5 (B) Any recyclable waste generated by the craft
6 grower facility shall be recycled per applicable State
7 and local laws, ordinances, and rules.

8 (C) Any cannabis waste, liquid waste, or hazardous
9 waste shall be disposed of in accordance with 8 Ill.
10 Adm. Code 1000.460, except, to the greatest extent
11 feasible, all cannabis plant waste will be rendered
12 unusable by grinding and incorporating the cannabis
13 plant waste with compostable mixed waste to be
14 disposed of in accordance with 8 Ill. Adm. Code
15 1000.460(g)(1);

16 (20) a commitment to comply with local waste
17 provisions: a craft grower facility must remain in
18 compliance with applicable State and federal environmental
19 requirements, including, but not limited to:

20 (A) storing, securing, and managing all
21 recyclables and waste, including organic waste
22 composed of or containing finished cannabis and
23 cannabis products, in accordance with applicable State
24 and local laws, ordinances, and rules; and

25 (B) disposing liquid waste containing cannabis or
26 byproducts of cannabis processing in compliance with

1 all applicable State and federal requirements,
2 including, but not limited to, the cannabis
3 cultivation facility's permits under Title X of the
4 Environmental Protection Act;

5 (21) a commitment to a technology standard for
6 resource efficiency of the craft grower facility.

7 (A) A craft grower facility commits to use
8 resources efficiently, including energy and water. For
9 the following, a cannabis cultivation facility commits
10 to meet or exceed the technology standard identified
11 in paragraphs (i), (ii), (iii), and (iv), which may be
12 modified by rule:

13 (i) lighting systems, including light bulbs;

14 (ii) HVAC system;

15 (iii) water application system to the crop;

16 and

17 (iv) filtration system for removing
18 contaminants from wastewater.

19 (B) Lighting. The Lighting Power Densities (LPD)
20 for cultivation space commits to not exceed an average
21 of 36 watts per gross square foot of active and growing
22 space canopy, or all installed lighting technology
23 shall meet a photosynthetic photon efficacy (PPE) of
24 no less than 2.2 micromoles per joule fixture and
25 shall be featured on the DesignLights Consortium (DLC)
26 Horticultural Specification Qualified Products List

1 (QPL). In the event that DLC requirement for minimum
2 efficacy exceeds 2.2 micromoles per joule fixture,
3 that PPE shall become the new standard.

4 (C) HVAC.

5 (i) ~~The For cannabis grow operations with less~~
6 ~~than 6,000 square feet of canopy, the licensee~~
7 commits that all HVAC units will be
8 high-efficiency ductless split HVAC units, or
9 other more energy efficient equipment.

10 (ii) ~~(Blank). For cannabis grow operations~~
11 ~~with 6,000 square feet of canopy or more, the~~
12 ~~licensee commits that all HVAC units will be~~
13 ~~variable refrigerant flow HVAC units, or other~~
14 ~~more energy efficient equipment.~~

15 (D) Water application.

16 (i) The craft grower facility commits to use
17 automated watering systems, including, but not
18 limited to, drip irrigation and flood tables, to
19 irrigate cannabis crop.

20 (ii) The craft grower facility commits to
21 measure runoff from watering events and report
22 this volume in its water usage plan, and that on
23 average, watering events shall have no more than
24 20% of runoff of water.

25 (E) Filtration. The craft grower commits that HVAC
26 condensate, dehumidification water, excess runoff, and

1 other wastewater produced by the craft grower facility
2 shall be captured and filtered to the best of the
3 facility's ability to achieve the quality needed to be
4 reused in subsequent watering rounds.

5 (F) Reporting energy use and efficiency as
6 required by rule; and

7 (22) any other information required by rule.

8 (b) Applicants must submit all required information,
9 including the information required in Section 30-15, to the
10 Department of Agriculture. Failure by an applicant to submit
11 all required information may result in the application being
12 disqualified.

13 (c) If the Department of Agriculture receives an
14 application with missing information, the Department of
15 Agriculture may issue a deficiency notice to the applicant.
16 The applicant shall have 10 calendar days from the date of the
17 deficiency notice to resubmit the incomplete information.
18 Applications that are still incomplete after this opportunity
19 to cure will not be scored and will be disqualified.

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 705/30-30)

23 Sec. 30-30. Craft grower requirements; prohibitions.

24 (a) The operating documents of a craft grower shall
25 include procedures for the oversight of the craft grower, a

1 cannabis plant monitoring system including a physical
2 inventory recorded weekly, accurate recordkeeping, and a
3 staffing plan.

4 (b) A craft grower shall implement a security plan
5 reviewed by the Illinois State Police that includes, but is
6 not limited to: facility access controls, perimeter intrusion
7 detection systems, personnel identification systems, and a
8 24-hour surveillance system to monitor the interior and
9 exterior of the craft grower facility and that is accessible
10 to authorized law enforcement and the Department of
11 Agriculture in real time.

12 (c) All cultivation of cannabis by a craft grower must
13 take place in an enclosed, locked facility at the physical
14 address provided to the Department of Agriculture during the
15 licensing process. The craft grower location shall only be
16 accessed by the agents working for the craft grower, the
17 Department of Agriculture staff performing inspections, the
18 Department of Public Health staff performing inspections,
19 State and local law enforcement or other emergency personnel,
20 contractors working on jobs unrelated to cannabis, such as
21 installing or maintaining security devices or performing
22 electrical wiring, transporting organization agents as
23 provided in this Act, or participants in the incubator
24 program, individuals in a mentoring or educational program
25 approved by the State, or other individuals as provided by
26 rule. However, if a craft grower shares a premises with an

1 infuser or dispensing organization, agents from those other
2 licensees may access the craft grower portion of the premises
3 if that is the location of common bathrooms, lunchrooms,
4 locker rooms, or other areas of the building where work or
5 cultivation of cannabis is not performed. At no time may an
6 infuser or dispensing organization agent perform work at a
7 craft grower without being a registered agent of the craft
8 grower.

9 (d) A craft grower may not sell or distribute any cannabis
10 to any person other than a cultivation center, a craft grower,
11 an infuser organization, a dispensing organization, or as
12 otherwise authorized by rule.

13 (e) A craft grower may not be located in an area zoned for
14 residential use.

15 (f) A craft grower may not either directly or indirectly
16 discriminate in price between different cannabis business
17 establishments that are purchasing a like grade, strain,
18 brand, and quality of cannabis or cannabis-infused product.
19 Nothing in this subsection (f) prevents a craft grower from
20 pricing cannabis differently based on differences in the cost
21 of manufacturing or processing, the quantities sold, such as
22 volume discounts, or the way the products are delivered.

23 (g) All cannabis harvested by a craft grower and intended
24 for distribution to a dispensing organization must be entered
25 into a data collection system, packaged and labeled under
26 Section 55-21, and, if distribution is to a dispensing

1 organization that does not share a premises with the
2 dispensing organization receiving the cannabis, placed into a
3 cannabis container for transport. All cannabis harvested by a
4 craft grower and intended for distribution to a cultivation
5 center, to an infuser organization, or to a craft grower with
6 which it does not share a premises, must be packaged in a
7 labeled cannabis container and entered into a data collection
8 system before transport.

9 (h) Craft growers are subject to random inspections by the
10 Department of Agriculture, local safety or health inspectors,
11 the Illinois State Police, or as provided by rule.

12 (i) A craft grower agent shall notify local law
13 enforcement, the Illinois State Police, and the Department of
14 Agriculture within 24 hours of the discovery of any loss or
15 theft. Notification shall be made by phone, in person, or
16 written or electronic communication.

17 (j) A craft grower shall comply with all State and any
18 applicable federal rules and regulations regarding the use of
19 pesticides.

20 (k) A craft grower or craft grower agent shall not
21 transport cannabis or cannabis-infused products to any other
22 cannabis business establishment without a transport
23 organization license unless:

24 (i) If the craft grower is located in a county with a
25 population of 3,000,000 or more, the cannabis business
26 establishment receiving the cannabis is within 2,000 feet

1 of the property line of the craft grower;

2 (ii) If the craft grower is located in a county with a
3 population of more than 700,000 but fewer than 3,000,000,
4 the cannabis business establishment receiving the cannabis
5 is within 2 miles of the craft grower; or

6 (iii) If the craft grower is located in a county with a
7 population of fewer than 700,000, the cannabis business
8 establishment receiving the cannabis is within 15 miles of
9 the craft grower.

10 (l) A craft grower may enter into a contract with a
11 transporting organization to transport cannabis to a
12 cultivation center, a craft grower, an infuser organization, a
13 dispensing organization, or a laboratory.

14 (m) No person or entity shall hold any legal, equitable,
15 ownership, or beneficial interest, directly or indirectly, of
16 more than 3 craft grower licenses. Further, no person or
17 entity that is employed by, an agent of, or has a contract to
18 receive payment from or participate in the management of a
19 craft grower, is a principal officer of a craft grower, or
20 entity controlled by or affiliated with a principal officer of
21 a craft grower shall hold any legal, equitable, ownership, or
22 beneficial interest, directly or indirectly, in a craft grower
23 license that would result in the person or entity owning or
24 controlling in combination with any craft grower, principal
25 officer of a craft grower, or entity controlled or affiliated
26 with a principal officer of a craft grower by which he, she, or

1 it is employed, is an agent of, or participates in the
2 management of more than 3 craft grower licenses.

3 (n) It is unlawful for any person having a craft grower
4 license or any officer, associate, member, representative, or
5 agent of the licensee to offer or deliver money, or anything
6 else of value, directly or indirectly, to any person having an
7 Early Approval Adult Use Dispensing Organization License, a
8 Conditional Adult Use Dispensing Organization License, an
9 Adult Use Dispensing Organization License, or a medical
10 cannabis dispensing organization license issued under the
11 Compassionate Use of Medical Cannabis Program Act, or to any
12 person connected with or in any way representing, or to any
13 member of the family of, the person holding an Early Approval
14 Adult Use Dispensing Organization License, a Conditional Adult
15 Use Dispensing Organization License, an Adult Use Dispensing
16 Organization License, or a medical cannabis dispensing
17 organization license issued under the Compassionate Use of
18 Medical Cannabis Program Act, or to any stockholders in any
19 corporation engaged in the retail sale of cannabis, or to any
20 officer, manager, agent, or representative of the Early
21 Approval Adult Use Dispensing Organization License, a
22 Conditional Adult Use Dispensing Organization License, an
23 Adult Use Dispensing Organization License, or a medical
24 cannabis dispensing organization license issued under the
25 Compassionate Use of Medical Cannabis Program Act to obtain
26 preferential placement within the dispensing organization,

1 including, without limitation, on shelves and in display cases
2 where purchasers can view products, or on the dispensing
3 organization's website.

4 (o) A craft grower shall not be located within 1,500 feet
5 of another craft grower or a cultivation center.

6 (p) A craft grower may process cannabis, cannabis
7 concentrates, and cannabis-infused products.

8 (q) A craft grower must comply with any other requirements
9 or prohibitions set by administrative rule of the Department
10 of Agriculture.

11 (r) Upon approval of the Department through an application
12 for alteration, craft growers shall retain 90 days of camera
13 storage in any location. The Department may require footage be
14 maintained for purposes of an investigation.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
16 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
17 5-13-22.)

18 (410 ILCS 705/30-35)

19 Sec. 30-35. Craft grower agent identification card.

20 (a) The Department of Agriculture shall:

21 (1) establish by rule the information required in an
22 initial application or renewal application for an agent
23 identification card submitted under this Act and the
24 nonrefundable fee to accompany the initial application or
25 renewal application;

1 (2) verify the information contained in an initial
2 application or renewal application for an agent
3 identification card submitted under this Act and approve
4 or deny an application within 30 days of receiving a
5 completed initial application or renewal application and
6 all supporting documentation required by rule;

7 (3) issue an agent identification card to a qualifying
8 agent within 15 business days of approving the initial
9 application or renewal application;

10 (4) enter the license number of the craft grower where
11 the agent works; and

12 (5) allow for an electronic initial application and
13 renewal application process, and provide a confirmation by
14 electronic or other methods that an application has been
15 submitted. The Department of Agriculture may by rule
16 require prospective agents to file their applications by
17 electronic means and provide notices to the agents by
18 electronic means.

19 (b) An agent must keep his or her identification card
20 visible at all times when on the property of a cannabis
21 business establishment, including the craft grower
22 organization for which he or she is an agent.

23 (c) The agent identification cards shall contain the
24 following:

25 (1) the name of the cardholder;

26 (2) the date of issuance and expiration date of the

1 identification card;

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

5 (4) a photograph of the cardholder; and

6 (5) the legal name of the craft grower organization
7 employing the agent.

8 (d) An agent identification card shall be immediately
9 returned to the cannabis business establishment of the agent
10 upon termination of his or her employment.

11 (e) Any agent identification card lost by a craft grower
12 agent shall be reported to the Illinois State Police and the
13 Department of Agriculture immediately upon discovery of the
14 loss.

15 (f) The Department of Agriculture shall not issue an agent
16 identification card if the applicant is delinquent in filing
17 any required tax returns or paying any amounts owed to the
18 State of Illinois.

19 (g) The Department and the Department of Financial and
20 Professional Regulation may develop and implement an
21 integrated system to issue an agent identification card that
22 identifies a craft grower agent licensed by the Department as
23 well as any cultivator, dispensary, transporter, community
24 college program, or infuser license or registration the agent
25 may simultaneously hold.

26 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

1 (410 ILCS 705/30-45)

2 Sec. 30-45. Renewal of craft grower licenses and agent
3 identification cards.

4 (a) Licenses and identification cards issued under this
5 Act shall be renewed annually. Effective January 1, 2027, all
6 craft grower licenses are valid for 2 years upon the next
7 renewal period. A craft grower shall receive written or
8 electronic notice 90 days before the expiration of its current
9 license that the license will expire. The Department of
10 Agriculture shall grant a renewal within 45 days of submission
11 of a renewal application if:

12 (1) the craft grower submits a renewal application and
13 the required nonrefundable renewal fee of \$40,000, or
14 another amount as the Department of Agriculture may set by
15 rule after January 1, 2021;

16 (2) the Department of Agriculture has not suspended
17 the license of the craft grower or suspended or revoked
18 the license for violating this Act or rules adopted under
19 this Act;

20 (3) the craft grower has continued to operate in
21 accordance with all plans submitted as part of its
22 application and approved by the Department of Agriculture
23 or any amendments thereto that have been approved by the
24 Department of Agriculture;

25 (4) the craft grower has submitted an agent, employee,

1 contracting, and subcontracting diversity report as
2 required by the Department; and

3 (5) the craft grower has submitted an environmental
4 impact report.

5 (b) If a craft grower fails to renew its license before
6 expiration, it shall cease operations until its license is
7 renewed.

8 (c) If a craft grower agent fails to renew his or her
9 identification card before its expiration, he or she shall
10 cease to work as an agent of the craft grower organization
11 until his or her identification card is renewed.

12 (d) Any craft grower that continues to operate, or any
13 craft grower agent who continues to work as an agent, after the
14 applicable license or identification card has expired without
15 renewal is subject to the penalties provided under Section
16 45-5.

17 (e) All fees or fines collected from the renewal of a craft
18 grower license shall be deposited into the Cannabis Regulation
19 Fund.

20 (f) The Department of Agriculture shall not renew a
21 license or an agent identification card if the applicant is
22 delinquent in filing any required tax returns or paying any
23 amounts owed to the State of Illinois

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

25 (410 ILCS 705/35-25)

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 (o) Upon approval of the Department through an application
26 for alteration, infusing organizations shall retain 90 days of

1 camera storage in any location. The Department may require
2 footage be maintained for purposes of an investigation.

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

6 (410 ILCS 705/35-30)

7 Sec. 35-30. Infuser agent identification card.

8 (a) The Department of Agriculture shall:

9 (1) establish by rule the information required in an
10 initial application or renewal application for an agent
11 identification card submitted under this Act and the
12 nonrefundable fee to accompany the initial application or
13 renewal application;

14 (2) verify the information contained in an initial
15 application or renewal application for an agent
16 identification card submitted under this Act, and approve
17 or deny an application within 30 days of receiving a
18 completed initial application or renewal application and
19 all supporting documentation required by rule;

20 (3) issue an agent identification card to a qualifying
21 agent within 15 business days of approving the initial
22 application or renewal application;

23 (4) enter the license number of the infuser where the
24 agent works; and

25 (5) allow for an electronic initial application and

1 renewal application process, and provide a confirmation by
2 electronic or other methods that an application has been
3 submitted. The Department of Agriculture may by rule
4 require prospective agents to file their applications by
5 electronic means and provide notices to the agents by
6 electronic means.

7 (b) An agent must keep his or her identification card
8 visible at all times when on the property of a cannabis
9 business establishment including the cannabis business
10 establishment for which he or she is an agent.

11 (c) The agent identification cards shall contain the
12 following:

13 (1) the name of the cardholder;

14 (2) the date of issuance and expiration date of the
15 identification card;

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

19 (4) a photograph of the cardholder; and

20 (5) the legal name of the infuser organization
21 employing the agent.

22 (d) An agent identification card shall be immediately
23 returned to the infuser organization of the agent upon
24 termination of his or her employment.

25 (e) Any agent identification card lost by a transporting
26 agent shall be reported to the Illinois State Police and the

1 Department of Agriculture immediately upon discovery of the
2 loss.

3 (f) An agent applicant may begin employment at an infuser
4 organization while the agent applicant's identification card
5 application is pending. Upon approval, the Department shall
6 issue the agent's identification card to the agent. If denied,
7 the infuser organization and the agent applicant shall be
8 notified and the agent applicant must cease all activity at
9 the infuser organization immediately.

10 (g) The Department of Agriculture shall not issue an agent
11 identification card if the applicant is delinquent in filing
12 any required tax returns or paying any amounts owed to the
13 State of Illinois.

14 (h) The Department and the Department of Financial and
15 Professional Regulation may develop and implement an
16 integrated system to issue an agent identification card that
17 identifies an infuser agent licensed by the Department as well
18 as any cultivation center, craft grower, dispensary,
19 transporter, or community college program, or registration the
20 agent may simultaneously hold.

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

23 (410 ILCS 705/35-40)

24 Sec. 35-40. Renewal of infuser organization licenses and
25 agent identification cards.

1 (a) Licenses and identification cards issued under this
2 Act shall be renewed annually. Effective January 1, 2027, all
3 infuser organization licenses are valid for 2 years upon the
4 next renewal period. An infuser organization shall receive
5 written or electronic notice 90 days before the expiration of
6 its current license that the license will expire. The
7 Department of Agriculture shall grant a renewal within 45 days
8 of submission of a renewal application if:

9 (1) the infuser organization submits a renewal
10 application and the required nonrefundable renewal fee of
11 \$20,000, or, after January 1, 2021, another amount set by
12 rule by the Department of Agriculture, to be deposited
13 into the Cannabis Regulation Fund;

14 (2) the Department of Agriculture has not suspended or
15 revoked the license of the infuser organization for
16 violating this Act or rules adopted under this Act;

17 (3) the infuser organization has continued to operate
18 in accordance with all plans submitted as part of its
19 application and approved by the Department of Agriculture
20 or any amendments thereto that have been approved by the
21 Department of Agriculture;

22 (4) The infuser has submitted an agent, employee,
23 contracting, and subcontracting diversity report as
24 required by the Department; and

25 (5) The infuser has submitted an environmental impact
26 report.

1 (b) If an infuser organization fails to renew its license
2 before expiration, it shall cease operations until its license
3 is renewed.

4 (c) If an infuser organization agent fails to renew his or
5 her identification card before its expiration, he or she shall
6 cease to work as an agent of the infuser organization until his
7 or her identification card is renewed.

8 (d) Any infuser organization that continues to operate, or
9 any infuser organization agent who continues to work as an
10 agent, after the applicable license or identification card has
11 expired without renewal is subject to the penalties provided
12 under Section 35-25.

13 (e) The Department shall not renew a license or 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 of Illinois.

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

18 (410 ILCS 705/40-25)

19 Sec. 40-25. Transporting organization requirements;
20 prohibitions.

21 (a) The operating documents of a transporting organization
22 shall include procedures for the oversight of the transporter,
23 an inventory monitoring system including a physical inventory
24 recorded weekly, accurate recordkeeping, and a staffing plan.

25 (b) A transporting organization may not transport cannabis

1 or cannabis-infused products to any person other than a
2 cultivation center, a craft grower, an infuser organization, a
3 dispensing organization, a testing facility, transfer site, or
4 as otherwise authorized by rule.

5 (c) All cannabis transported by a transporting
6 organization must be entered into a data collection system and
7 placed into a cannabis container for transport.

8 (d) Transporters are subject to random inspections by the
9 Department of Agriculture, the Department of Public Health,
10 the Illinois State Police, or as provided by rule.

11 (e) A transporting organization agent shall notify local
12 law enforcement, the Illinois State Police, and the Department
13 of Agriculture within 24 hours of the discovery of any loss or
14 theft. Notification shall be made by phone, in person, or by
15 written or electronic communication.

16 (f) No person under the age of 21 years shall be in a
17 commercial vehicle or trailer transporting cannabis goods.

18 (g) No person or individual who is not a transporting
19 organization agent shall be in a vehicle while transporting
20 cannabis goods.

21 (h) Transporters may not use commercial motor vehicles
22 with a weight rating of over 10,001 pounds.

23 (i) It is unlawful for any person to offer or deliver
24 money, or anything else of value, directly or indirectly, to
25 any of the following persons to obtain preferential placement
26 within the dispensing organization, including, without

1 limitation, on shelves and in display cases where purchasers
2 can view products, or on the dispensing organization's
3 website:

4 (1) a person having a transporting organization
5 license, or any officer, associate, member,
6 representative, or agent of the licensee;

7 (2) a person having an Early Applicant Adult Use
8 Dispensing Organization License, an Adult Use Dispensing
9 Organization License, or a medical cannabis dispensing
10 organization license issued under the Compassionate Use of
11 Medical Cannabis Program Act;

12 (3) a person connected with or in any way
13 representing, or a member of the family of, a person
14 holding an Early Applicant Adult Use Dispensing
15 Organization License, an Adult Use Dispensing Organization
16 License, or a medical cannabis dispensing organization
17 license issued under the Compassionate Use of Medical
18 Cannabis Program Act; or

19 (4) a stockholder, officer, manager, agent, or
20 representative of a corporation engaged in the retail sale
21 of cannabis, an Early Applicant Adult Use Dispensing
22 Organization License, an Adult Use Dispensing Organization
23 License, or a medical cannabis dispensing organization
24 license issued under the Compassionate Use of Medical
25 Cannabis Program Act.

26 (j) A transporting organization agent must keep his or her

1 identification card visible at all times when on the property
2 of a cannabis business establishment and during the
3 transporting of cannabis when acting under his or her duties
4 as a transportation organization agent. During these times,
5 the transporting organization agent must also provide the
6 identification card upon request of any law enforcement
7 officer engaged in his or her official duties.

8 (k) A copy of the transporting organization's registration
9 and a manifest for the delivery shall be present in any vehicle
10 transporting cannabis.

11 (l) Cannabis shall be transported so it is not visible or
12 recognizable from outside the vehicle.

13 (m) A vehicle transporting cannabis must not bear any
14 markings to indicate the vehicle contains cannabis or bear the
15 name or logo of the cannabis business establishment.

16 (n) Cannabis must be transported in an enclosed, locked
17 storage compartment that is secured or affixed to the vehicle.

18 (o) The Department of Agriculture may, by rule, impose any
19 other requirements or prohibitions on the transportation of
20 cannabis.

21 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
22 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
23 5-13-22.)

24 (410 ILCS 705/40-31 new)

25 Sec. 40-31. Transporter transfer site.

1 (a) Transporting organizations may, but are not required
2 to, operate a transfer site.

3 (b) Plans for a transfer site must be submitted and
4 approved by the Department through an application for
5 modification of the license.

6 (c) A transfer site shall be an enclosed facility such as a
7 garage or loading bay with physical walls and ceiling and
8 large enough to fit 2 vehicles.

9 (d) All transfers of cannabis product at a transporter
10 physical location shall be documented in the cannabis plant
11 monitoring system.

12 (e) A transfer site shall be a separate facility from
13 other cannabis business establishments. A transfer site may be
14 adjacent to another cannabis business establishment.

15 (f) Transporter physical locations shall be equipped with
16 cameras and shall be required to operate and maintain in good
17 working order a 24-hour-a-day, 7-day-a-week closed circuit
18 television surveillance system. The electronic security system
19 shall be available 24 hours per day 7 days per week to the
20 Department and the Illinois State Police via a secure
21 web-based portal with forward and backward playback abilities.

22 (g) The Department may, by rule, establish standards and
23 requirements for the storage of cannabis product. Transporters
24 are not permitted to store cannabis products at a transfer
25 site until authorized by rule.

26 (h) The Department and the Department of Financial and

1 Professional Regulation may develop and implement an
2 integrated system to issue an agent identification card that
3 identifies a transporter agent licensed by the Department as
4 well as any cultivation center, craft grower, dispensary,
5 infuser, or community college program, or registration the
6 agent may simultaneously hold.

7 (410 ILCS 705/45-5)

8 Sec. 45-5. License suspension; revocation; other
9 penalties.

10 (a) Notwithstanding any other criminal penalties related
11 to the unlawful possession of cannabis, the Department of
12 Financial and Professional Regulation and the Department of
13 Agriculture may revoke, suspend, place on probation,
14 reprimand, issue cease and desist orders, refuse to issue or
15 renew a license, or take any other disciplinary or
16 nondisciplinary action as each department may deem proper with
17 regard to a cannabis business establishment or cannabis
18 business establishment agent, including fines not to exceed:

19 (1) \$50,000 for each violation of this Act or rules
20 adopted under this Act by a cultivation center or
21 cultivation center agent;

22 (2) \$20,000 for each violation of this Act or rules
23 adopted under this Act by a dispensing organization or
24 dispensing organization agent;

25 (3) \$15,000 for each violation of this Act or rules

1 adopted under this Act by a craft grower or craft grower
2 agent;

3 (4) \$10,000 for each violation of this Act or rules
4 adopted under this Act by an infuser organization or
5 infuser organization agent; ~~and~~

6 (5) \$10,000 for each violation of this Act or rules
7 adopted under this Act by a transporting organization or
8 transporting organization agent; and -

9 (6) \$15,000 for each violation of this Act or rules
10 adopted under this Act by a cannabis testing facility.

11 (b) The Department of Financial and Professional
12 Regulation and the Department of Agriculture, as the case may
13 be, shall consider licensee cooperation in any agency or other
14 investigation in its determination of penalties imposed under
15 this Section.

16 (c) The procedures for disciplining a cannabis business
17 establishment or cannabis business establishment agent and for
18 administrative hearings shall be determined by rule, and shall
19 provide for the review of final decisions under the
20 Administrative Review Law.

21 (d) The Attorney General may also enforce a violation of
22 Section 55-20, Section 55-21, and Section 15-155 as an
23 unlawful practice under the Consumer Fraud and Deceptive
24 Business Practices Act.

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

1 (410 ILCS 705/50-5)

2 Sec. 50-5. Laboratory testing.

3 (a) Notwithstanding any other provision of law, the
4 following acts, when performed by a cannabis testing facility
5 with a current, valid license ~~registration~~, or a person 21
6 years of age or older who is acting in his or her capacity as
7 an owner, employee, or agent of a cannabis testing facility,
8 are not unlawful and shall not be an offense under Illinois law
9 or be a basis for seizure or forfeiture of assets under
10 Illinois law:

11 (1) possessing, repackaging, transporting, storing, or
12 displaying cannabis or cannabis-infused products;

13 (2) receiving or transporting cannabis or
14 cannabis-infused products from a cannabis business
15 establishment, a community college licensed under the
16 Community College Cannabis Vocational Training Pilot
17 Program, or a person 21 years of age or older; and

18 (3) returning or transporting cannabis or
19 cannabis-infused products to a cannabis business
20 establishment, a community college licensed under the
21 Community College Cannabis Vocational Training Pilot
22 Program, or a person 21 years of age or older.

23 (b)(1) No laboratory shall handle, test, or analyze
24 cannabis unless approved by the Department of Agriculture in
25 accordance with this Section.

26 (2) No laboratory shall be approved to handle, test, or

1 analyze cannabis unless the laboratory:

2 (A) is licensed by the Department of Agriculture;

3 (A-5) is accredited by a private laboratory
4 accrediting organization;

5 (B) is independent from all other persons involved in
6 the cannabis industry in Illinois and no person with a
7 direct or indirect interest in the laboratory has a direct
8 or indirect financial, management, or other interest in an
9 Illinois cultivation center, craft grower, dispensary,
10 infuser, transporter, certifying physician, or any other
11 entity in the State that may benefit from the production,
12 manufacture, dispensing, sale, purchase, or use of
13 cannabis; and

14 (C) has employed at least one person to oversee and be
15 responsible for the laboratory testing who has earned,
16 from a college or university accredited by a national or
17 regional certifying authority, at least:

18 (i) a master's level degree in chemical or
19 biological sciences and a minimum of 2 years'
20 post-degree laboratory experience; or

21 (ii) a bachelor's degree in chemical or biological
22 sciences and a minimum of 4 years' post-degree
23 laboratory experience.

24 (3) Each independent testing laboratory that claims to be
25 accredited must provide the Department of Agriculture with a
26 copy of the most recent annual inspection report granting

1 accreditation and every annual report thereafter.

2 (c) Immediately before manufacturing or natural processing
3 of any cannabis or cannabis-infused product or packaging
4 cannabis for sale to a dispensary, each batch shall be made
5 available by the cultivation center, craft grower, or infuser
6 for an employee of an approved laboratory to select a random
7 sample, which shall be tested by the approved laboratory for:

8 (1) microbiological contaminants;

9 (2) mycotoxins;

10 (3) pesticide active ingredients;

11 (4) residual solvent; and

12 (5) an active ingredient analysis.

13 (d) The Department of Agriculture may select a random
14 sample that shall, for the purposes of conducting an active
15 ingredient analysis, be tested by the Department of
16 Agriculture for verification of label information and any
17 other testing deemed necessary by the Department.

18 (e) A laboratory shall immediately return or dispose of
19 any cannabis upon the completion of any testing, use, or
20 research. If cannabis is disposed of, it shall be done in
21 compliance with Department of Agriculture rule.

22 (f) If a sample of cannabis does not pass the
23 microbiological, mycotoxin, pesticide chemical residue, or
24 solvent residue test, based on the standards established by
25 the Department of Agriculture, the following shall apply:

26 (1) If the sample failed the pesticide chemical

1 residue test, the entire batch from which the sample was
2 taken shall, if applicable, be recalled as provided by
3 rule.

4 (2) If the sample failed any other test, the batch may
5 be used to make a CO₂-based or solvent based extract. After
6 processing, the CO₂-based or solvent based extract must
7 still pass all required tests.

8 (g) The Department of Agriculture shall establish
9 standards for microbial, mycotoxin, pesticide residue, solvent
10 residue, or other standards for the presence of possible
11 contaminants, in addition to labeling requirements for
12 contents and potency.

13 (h) The laboratory shall file with the Department of
14 Agriculture an electronic copy of each laboratory test result
15 for any batch that does not pass the microbiological,
16 mycotoxin, or pesticide chemical residue test, at the same
17 time that it transmits those results to the cultivation
18 center. In addition, the laboratory shall maintain the
19 laboratory test results for at least 5 years and make them
20 available at the Department of Agriculture's request.

21 (i) A cultivation center, craft grower, and infuser shall
22 provide to a dispensing organization the laboratory test
23 results for each batch of cannabis product purchased by the
24 dispensing organization, if sampled. Each dispensing
25 organization must have those laboratory results available upon
26 request to purchasers.

1 (j) The Department of Agriculture may adopt rules related
2 to testing and licensing of laboratories in furtherance of
3 this Act.

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

5 (410 ILCS 705/55-5)

6 Sec. 55-5. Preparation of cannabis-infused products.

7 (a) The Department of Agriculture may regulate the
8 production of cannabis-infused products by a cultivation
9 center, a craft grower, an infuser organization, or a
10 dispensing organization and establish rules related to
11 refrigeration, hot-holding, and handling of cannabis-infused
12 products. All cannabis-infused products shall meet the
13 packaging and labeling requirements contained in Section
14 55-21.

15 (b) Cannabis-infused products for sale or distribution at
16 a dispensing organization must be prepared by an approved
17 agent of a cultivation center, craft grower, or infuser
18 organization.

19 (c) A cultivation center, craft grower, or infuser
20 organization that prepares cannabis-infused products for sale
21 or distribution by a dispensing organization shall be under
22 the operational supervision of a Department of Public Health
23 certified food service sanitation manager.

24 (d) Dispensing organizations may not manufacture, process,
25 or produce cannabis-infused products.

1 (e) The Department of Public Health shall adopt and
2 enforce rules for the manufacture and processing of
3 cannabis-infused products, and for that purpose it may at all
4 times enter every building, room, basement, enclosure, or
5 premises occupied or used, or suspected of being occupied or
6 used, for the production, preparation, manufacture for sale,
7 storage, sale, processing, distribution, or transportation of
8 cannabis-infused products, and to inspect the premises
9 together with all utensils, fixtures, furniture, and machinery
10 used for the preparation of these products.

11 (f) The Department of Agriculture shall by rule establish
12 a maximum level of THC that may be contained in each serving of
13 cannabis-infused product, and within the product package.

14 (g) If a local public health agency has a reasonable
15 belief that a cannabis-infused product poses a public health
16 hazard, it may refer the cultivation center, craft grower, or
17 infuser that manufactured or processed the cannabis-infused
18 product to the Department of Public Health. If the Department
19 of Public Health finds that a cannabis-infused product poses a
20 health hazard, it may bring an action for immediate injunctive
21 relief to require that action be taken as the court may deem
22 necessary to meet the hazard of the cultivation facility or
23 seek other relief as provided by rule.

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

1 Sec. 55-10. Maintenance of inventory. Through December 31,
2 2026, all ~~All~~ dispensing organizations authorized to serve
3 ~~both~~ registered qualifying patients, ~~and~~ caregivers, ~~and~~
4 purchasers, and Opioid Alternative Patient Program
5 participants are required to report which cannabis and
6 cannabis-infused products are purchased for sale under the
7 Compassionate Use of Medical Cannabis Program Act, and which
8 cannabis and cannabis-infused products are purchased under
9 this Act. Nothing in this Section prohibits a registered
10 qualifying patient under the Compassionate Use of Medical
11 Cannabis Program Act from purchasing cannabis as a purchaser
12 under this Act.

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

14 (410 ILCS 705/55-30)

15 Sec. 55-30. Confidentiality.

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

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

26 (1) Applications and renewals, their contents, and

1 supporting information submitted by or on behalf of
2 dispensing organizations, cannabis business
3 establishments, or Community College Cannabis Vocational
4 Program licensees, in compliance with this Article,
5 including their physical addresses; however, this does not
6 preclude the release of ownership information about
7 cannabis business establishment licenses, or information
8 submitted with an application required to be disclosed
9 pursuant to subsection (f);

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

12 (3) Information otherwise exempt from disclosure by
13 State or federal law.

14 Illinois or national criminal history record information,
15 or the nonexistence or lack of such information, may not be
16 disclosed by the Department of Financial and Professional
17 Regulation or the Department of Agriculture, except as
18 necessary to the Attorney General to enforce this Act.

19 (c) The name and address of a dispensing organization
20 licensed under this Act shall be subject to disclosure under
21 the Freedom of Information Act. The name and cannabis business
22 establishment address of the person or entity holding each
23 cannabis business establishment license shall be subject to
24 disclosure.

25 (d) All information collected by the Department of
26 Financial and Professional Regulation or the Department of

1 Agriculture in the course of an examination, inspection, or
2 investigation of a licensee or applicant, including, but not
3 limited to, any complaint against a licensee or applicant
4 filed with the Department of Financial and Professional
5 Regulation or the Department of Agriculture and information
6 collected to investigate any such complaint, shall be
7 maintained for the confidential use of the Department of
8 Financial and Professional Regulation or the Department of
9 Agriculture and shall not be disclosed, except to those
10 involved in enforcing the State Officials and Employees Ethics
11 Act and as otherwise provided in this Act. A formal complaint
12 against a licensee by the Department of Financial and
13 Professional Regulation or the Department of Agriculture or
14 any disciplinary order issued by the Department of Financial
15 and Professional Regulation or the Department of Agriculture
16 against a licensee or applicant shall be a public record,
17 except as otherwise provided by law. Complaints from consumers
18 or members of the general public received regarding a
19 specific, named licensee or complaints regarding conduct by
20 unlicensed entities shall be subject to disclosure under the
21 Freedom of Information Act.

22 (e) The Department of Agriculture, the Illinois State
23 Police, and the Department of Financial and Professional
24 Regulation shall not share or disclose any Illinois or
25 national criminal history record information, or the
26 nonexistence or lack of such information, to any person or

1 entity not expressly authorized by this Act.

2 (f) Each Department responsible for licensure under this
3 Act shall publish on the Department's website a list of the
4 ownership information of cannabis business establishment
5 licensees under the Department's jurisdiction. The list shall
6 include, but is not limited to: the name of the person or
7 entity holding each cannabis business establishment license;
8 and the address at which the entity is operating under this
9 Act. This list shall be published and updated monthly.

10 (g) Notwithstanding anything in this Section to the
11 contrary, the Department of Financial and Professional
12 Regulation and the Department of Agriculture may share with
13 the Department of Commerce and Economic Opportunity any
14 licensee information necessary to support the administration
15 of social equity programming.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
17 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
18 5-13-22.)

19 (410 ILCS 705/55-65)

20 Sec. 55-65. Financial institutions.

21 (a) A financial institution that provides financial
22 services customarily provided by financial institutions to a
23 cannabis business establishment authorized under this Act or
24 the Compassionate Use of Medical Cannabis Program Act, or to a
25 person that is affiliated with such cannabis business

1 establishment, is exempt from any criminal law of this State
2 as it relates to cannabis-related conduct authorized under
3 State law.

4 (b) Upon request of a financial institution, a cannabis
5 business establishment or proposed cannabis business
6 establishment may provide to the financial institution the
7 following information:

8 (1) Whether a cannabis business establishment with
9 which the financial institution is doing or is considering
10 doing business holds a license under this Act or the
11 Compassionate Use of Medical Cannabis Program Act;

12 (2) The name of any other business or individual
13 affiliate with the cannabis business establishment;

14 (3) A copy of the application, and any supporting
15 documentation submitted with the application, for a
16 license or a permit submitted on behalf of the proposed
17 cannabis business establishment;

18 (4) If applicable, data relating to sales and the
19 volume of product sold by the cannabis business
20 establishment;

21 (5) Any past or pending violation by the person of
22 this Act, the Compassionate Use of Medical Cannabis
23 Program Act, or the rules adopted under these Acts where
24 applicable; and

25 (6) Any penalty imposed upon the person for violating
26 this Act, the Compassionate Use of Medical Cannabis

1 Program Act, or the rules adopted under these Acts.

2 (c) (Blank).

3 (d) (Blank).

4 (e) Information received by a financial institution under
5 this Section is confidential. Except as otherwise required or
6 permitted by this Act, State law or rule, or federal law or
7 regulation, a financial institution may not make the
8 information available to any person other than:

9 (1) the customer to whom the information applies;

10 (2) a trustee, conservator, guardian, personal
11 representative, or agent of the customer to whom the
12 information applies; a federal or State regulator when
13 requested in connection with an examination of the
14 financial institution or if otherwise necessary for
15 complying with federal or State law;

16 (3) a federal or State regulator when requested in
17 connection with an examination of the financial
18 institution or if otherwise necessary for complying with
19 federal or State law; ~~and~~

20 (4) a third party performing services for the
21 financial institution, provided the third party is
22 performing such services under a written agreement that
23 expressly or by operation of law prohibits the third
24 party's sharing and use of such confidential information
25 for any purpose other than as provided in its agreement to
26 provide services to the financial institution; and -

1 (5) the Office of the Executive Inspector General
2 pursuant to an investigation under the State Officials and
3 Employees Ethics Act.

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

5 (410 ILCS 705/55-85)

6 Sec. 55-85. Medical cannabis.

7 ~~(a)~~ Nothing in this Act shall be construed to limit any
8 privileges or rights of a qualifying ~~medical cannabis~~ patient
9 including minor patients, designated ~~primary~~ caregiver,
10 medical cannabis cultivation center, provisional patient and
11 Opioid Alternative Patient Program participant or medical
12 cannabis dispensing organization under the Compassionate Use
13 of Medical Cannabis Program Act, and where there is conflict
14 between this Act and the Compassionate Use of Medical Cannabis
15 Program Act as they relate to medical cannabis patients, the
16 Compassionate Use of Medical Cannabis Program Act shall
17 prevail.

18 ~~(b) Dispensary locations that obtain an Early Approval~~
19 ~~Adult Use Dispensary Organization License or an Adult Use~~
20 ~~Dispensary Organization License in accordance with this Act at~~
21 ~~the same location as a medical cannabis dispensing~~
22 ~~organization registered under the Compassionate Use of Medical~~
23 ~~Cannabis Program Act shall maintain an inventory of medical~~
24 ~~cannabis and medical cannabis products on a monthly basis that~~
25 ~~is substantially similar in variety and quantity to the~~

1 ~~products offered at the dispensary during the 6-month period~~
2 ~~immediately before the effective date of this Act.~~

3 ~~(c) Beginning June 30, 2020, the Department of Agriculture~~
4 ~~shall make a quarterly determination whether inventory~~
5 ~~requirements established for dispensaries in subsection (b)~~
6 ~~should be adjusted due to changing patient need.~~

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

8 (410 ILCS 705/60-5)

9 Sec. 60-5. Definitions. In this Article:

10 "Cannabis" has the meaning given to that term in Article 1
11 of this Act, except that, through December 31, 2026, it does
12 not include cannabis that is subject to tax under the
13 Compassionate Use of Medical Cannabis Program Act.

14 "Craft grower" has the meaning given to that term in
15 Article 1 of this Act.

16 "Cultivation center" has the meaning given to that term in
17 Article 1 of this Act. On and after January 1, 2027,
18 "cultivation center" includes any cultivation center that,
19 prior to January 1, 2027, was a cultivation center as defined
20 in the Compassionate Use of Medical Cannabis Program Act.

21 "Cultivator" or "taxpayer" means a cultivation center or
22 craft grower who is subject to tax under this Article. On and
23 after January 1, 2027, "cultivator" includes any cultivator
24 that, prior to January 1, 2027, was a cultivator as defined
25 under the Compassionate Use of Medical Cannabis Program Act.

1 "Department" means the Department of Revenue.

2 "Director" means the Director of Revenue.

3 "Dispensing organization" or "dispensary" has the meaning
4 given to that term in Article 1 of this Act.

5 "Gross receipts" from the sales of cannabis by a
6 cultivator means the total selling price or the amount of such
7 sales, as defined in this Article. In the case of charges and
8 time sales, the amount thereof shall be included only when
9 payments are received by the cultivator.

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

15 "Infuser" means "infuser organization" or "infuser" as
16 defined in Article 1 of this Act.

17 "Selling price" or "amount of sale" means the
18 consideration for a sale valued in money whether received in
19 money or otherwise, including cash, credits, property, and
20 services, and shall be determined without any deduction on
21 account of the cost of the property sold, the cost of materials
22 used, labor or service cost, or any other expense whatsoever,
23 but does not include separately stated charges identified on
24 the invoice by cultivators to reimburse themselves for their
25 tax liability under this Article.

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

1 (410 ILCS 705/60-10)

2 Sec. 60-10. Tax imposed.

3 (a) Beginning September 1, 2019, a tax is imposed upon the
4 privilege of cultivating cannabis at the rate of 7% of the
5 gross receipts from the first sale of cannabis by a
6 cultivator. The sale of any product that contains any amount
7 of cannabis or any derivative thereof is subject to the tax
8 under this Section on the full selling price of the product.
9 The Department may determine the selling price of the cannabis
10 when the seller and purchaser are affiliated persons, when the
11 sale and purchase of cannabis is not an arm's length
12 transaction, or when cannabis is transferred by a craft grower
13 to the craft grower's dispensing organization or infuser ~~or~~
14 ~~processing~~ organization and a value is not established for the
15 cannabis. The value determined by the Department shall be
16 commensurate with the actual price received for products of
17 like quality, character, and use in the area. If there are no
18 sales of cannabis of like quality, character, and use in the
19 same area, then the Department shall establish a reasonable
20 value based on sales of products of like quality, character,
21 and use in other areas of the State, taking into consideration
22 any other relevant factors.

23 (b) The Cannabis Cultivation Privilege Tax imposed under
24 this Article is solely the responsibility of the cultivator
25 who makes the first sale and is not the responsibility of a

1 subsequent purchaser, a dispensing organization, or an
2 infuser. Persons subject to the tax imposed under this Article
3 may, however, reimburse themselves for their tax liability
4 hereunder by separately stating reimbursement for their tax
5 liability as an additional charge.

6 (c) The tax imposed under this Article shall be in
7 addition to all other occupation, privilege, or excise taxes
8 imposed by the State of Illinois or by any unit of local
9 government.

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

11 (410 ILCS 705/65-5)

12 Sec. 65-5. Definitions. In this Article:

13 "Adjusted delta-9-tetrahydrocannabinol level" means, for a
14 delta-9-tetrahydrocannabinol dominant product, the sum of the
15 percentage of delta-9-tetrahydrocannabinol plus .877
16 multiplied by the percentage of tetrahydrocannabinolic acid.

17 "Cannabis" has the meaning given to that term in Article 1
18 of this Act, except that through December 31, 2026, it does not
19 include cannabis that is subject to tax under the
20 Compassionate Use of Medical Cannabis Program Act.

21 "Cannabis-infused product" means beverage food, oils,
22 ointments, tincture, topical formulation, or another product
23 containing cannabis that is not intended to be smoked.

24 "Cannabis retailer" means a dispensing organization that
25 sells cannabis for use and not for resale.

1 "Craft grower" has the meaning given to that term in
2 Article 1 of this Act.

3 "Department" means the Department of Revenue.

4 "Director" means the Director of Revenue.

5 "Dispensing organization" or "dispensary" has the meaning
6 given to that term in Article 1 of this Act.

7 "Person" means a natural individual, firm, partnership,
8 association, joint stock company, joint adventure, public or
9 private corporation, limited liability company, or a receiver,
10 executor, trustee, guardian, or other representative appointed
11 by order of any court.

12 "Infuser organization" or "infuser" means a facility
13 operated by an organization or business that is licensed by
14 the Department of Agriculture to directly incorporate cannabis
15 or cannabis concentrate into a product formulation to produce
16 a cannabis-infused product.

17 "Purchase price" means the consideration paid for a
18 purchase of cannabis, valued in money, whether received in
19 money or otherwise, including cash, gift cards, credits, and
20 property and shall be determined without any deduction on
21 account of the cost of materials used, labor or service costs,
22 or any other expense whatsoever. However, "purchase price"
23 does not include consideration paid for:

24 (1) any charge for a payment that is not honored by a
25 financial institution;

26 (2) any finance or credit charge, penalty or charge

1 for delayed payment, or discount for prompt payment; and

2 (3) any amounts added to a purchaser's bill because of
3 charges made under the tax imposed by this Article, the
4 Municipal Cannabis Retailers' Occupation Tax Law, the
5 County Cannabis Retailers' Occupation Tax Law, the
6 Retailers' Occupation Tax Act, the Use Tax Act, the
7 Service Occupation Tax Act, the Service Use Tax Act, or
8 any locally imposed occupation or use tax.

9 "Purchaser" means a person who acquires cannabis for a
10 valuable consideration.

11 "Qualifying patient" or "qualified patient" means a person
12 who has been diagnosed by a certifying health care
13 professional as having a debilitating medical condition as
14 defined under the Compassionate Use of Medical Cannabis
15 Program Act.

16 "Taxpayer" means a cannabis retailer who is required to
17 collect the tax imposed under this Article.

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

19 (410 ILCS 705/65-10)

20 Sec. 65-10. Tax imposed.

21 (a) Beginning January 1, 2020, a tax is imposed upon
22 purchasers for the privilege of using cannabis, and not for
23 the purpose of resale, at the following rates:

24 (1) Any cannabis, other than a cannabis-infused
25 product, with an adjusted delta-9-tetrahydrocannabinol

1 level at or below 35% shall be taxed at a rate of 10% of
2 the purchase price;

3 (2) Any cannabis, other than a cannabis-infused
4 product, with an adjusted delta-9-tetrahydrocannabinol
5 level above 35% shall be taxed at a rate of 25% of the
6 purchase price; and

7 (3) A cannabis-infused product shall be taxed at a
8 rate of 20% of the purchase price.

9 (b) The purchase of any product that contains any amount
10 of cannabis or any derivative thereof is subject to the tax
11 under subsection (a) of this Section on the full purchase
12 price of the product.

13 (c) Through December 31, 2026, the ~~The~~ tax imposed under
14 this Section is not imposed on cannabis that is subject to tax
15 under the Compassionate Use of Medical Cannabis Program Act.
16 The tax imposed by this Section is not imposed with respect to
17 any transaction in interstate commerce, to the extent the
18 transaction may not, under the Constitution and statutes of
19 the United States, be made the subject of taxation by this
20 State. Beginning January 1, 2027, the tax imposed under this
21 Article shall not be imposed on cannabis or cannabis-infused
22 products purchased by a qualified patient, designated
23 caregiver, Opioid Alternative Patient Program participant, or
24 provisional patient when purchasing cannabis or
25 cannabis-infused products under this Act as part of that
26 individual's adequate medical supply as these terms are

1 defined under Section 1-10 of this Act.

2 (d) The tax imposed under this Article shall be in
3 addition to all other occupation, privilege, or excise taxes
4 imposed by the State of Illinois or by any municipal
5 corporation or political subdivision thereof.

6 (e) The tax imposed under this Article shall not be
7 imposed on any purchase by a purchaser if the cannabis
8 retailer is prohibited by federal or State Constitution,
9 treaty, convention, statute, or court decision from collecting
10 the tax from the purchaser.

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

12 (410 ILCS 705/65-30)

13 Sec. 65-30. Return and payment of tax by cannabis
14 retailer. Each cannabis retailer that is required or
15 authorized to collect the tax imposed by this Article shall
16 make a return to the Department, by electronic means, on or
17 before the 20th day of each month for the preceding calendar
18 month stating the following:

19 (1) the cannabis retailer's name;

20 (2) the address of the cannabis retailer's principal
21 place of business and the address of the principal place
22 of business (if that is a different address) from which
23 the cannabis retailer is engaged in the business of
24 selling cannabis subject to tax under this Article;

25 (3) the total purchase price received by the cannabis

1 retailer for cannabis subject to tax under this Article;

2 (4) the amount of tax due at each rate;

3 (5) the signature of the cannabis retailer; and

4 (6) any other information as the Department may
5 reasonably require.

6 All returns required to be filed and payments required to
7 be made under this Article shall be by electronic means.
8 Cannabis retailers who demonstrate hardship in paying
9 electronically may petition the Department to waive the
10 electronic payment requirement.

11 Any amount that is required to be shown or reported on any
12 return or other document under this Article shall, if the
13 amount is not a whole-dollar amount, be increased to the
14 nearest whole-dollar amount if the fractional part of a dollar
15 is \$0.50 or more and decreased to the nearest whole-dollar
16 amount if the fractional part of a dollar is less than \$0.50.
17 If a total amount of less than \$1 is payable, refundable, or
18 creditable, the amount shall be disregarded if it is less than
19 \$0.50 and shall be increased to \$1 if it is \$0.50 or more.

20 The cannabis retailer making the return provided for in
21 this Section shall also pay to the Department, in accordance
22 with this Section, the amount of tax imposed by this Article,
23 less a discount of 1.75%, but not to exceed \$1,000 per return
24 period, which is allowed to reimburse the cannabis retailer
25 for the expenses incurred in keeping records, collecting tax,
26 preparing and filing returns, remitting the tax, and supplying

1 data to the Department upon request. No discount may be
2 claimed by a cannabis retailer on returns not timely filed and
3 for taxes not timely remitted. No discount may be claimed by a
4 taxpayer for any return that is not filed electronically. No
5 discount may be claimed by a taxpayer for any payment that is
6 not made electronically, unless a waiver has been granted
7 under this Section.

8 Notwithstanding any other provision of this Article
9 concerning the time within which a cannabis retailer may file
10 a return, any such cannabis retailer who ceases to engage in
11 the kind of business that makes the person responsible for
12 filing returns under this Article shall file a final return
13 under this Article with the Department within one month after
14 discontinuing the business.

15 Each cannabis retailer shall make estimated payments to
16 the Department on or before the 7th, 15th, 22nd, and last day
17 of the month during which tax liability to the Department is
18 incurred. The payments shall be in an amount not less than the
19 lower of either 22.5% of the cannabis retailer's actual tax
20 liability for the month or 25% of the cannabis retailer's
21 actual tax liability for the same calendar month of the
22 preceding year. The amount of the quarter-monthly payments
23 shall be credited against the final tax liability of the
24 cannabis retailer's return for that month. If any such
25 quarter-monthly payment is not paid at the time or in the
26 amount required by this Section, then the cannabis retailer

1 shall be liable for penalties and interest on the difference
2 between the minimum amount due as a payment and the amount of
3 the quarter-monthly payment actually and timely paid, except
4 insofar as the cannabis retailer has previously made payments
5 for that month to the Department in excess of the minimum
6 payments previously due as provided in this Section.

7 If any payment provided for in this Section exceeds the
8 taxpayer's liabilities under this Article, as shown on an
9 original monthly return, the Department shall, if requested by
10 the taxpayer, issue to the taxpayer a credit memorandum no
11 later than 30 days after the date of payment. The credit
12 evidenced by the credit memorandum may be assigned by the
13 taxpayer to a similar taxpayer under this Article, in
14 accordance with reasonable rules to be prescribed by the
15 Department. If no such request is made, the taxpayer may
16 credit the excess payment against tax liability subsequently
17 to be remitted to the Department under this Article, in
18 accordance with reasonable rules prescribed by the Department.
19 If the Department subsequently determines that all or any part
20 of the credit taken was not actually due to the taxpayer, the
21 taxpayer's discount shall be reduced, if necessary, to reflect
22 the difference between the credit taken and that actually due,
23 and that taxpayer shall be liable for penalties and interest
24 on the difference. If a cannabis retailer fails to sign a
25 return within 30 days after the proper notice and demand for
26 signature by the Department is received by the cannabis

1 retailer, the return shall be considered valid and any amount
2 shown to be due on the return shall be deemed assessed.

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

4 (410 ILCS 705/65-38)

5 Sec. 65-38. Violations and penalties.

6 (a) When the amount due is under \$300, any retailer of
7 cannabis who fails to file a return, willfully fails or
8 refuses to make any payment to the Department of the tax
9 imposed by this Article, or files a fraudulent return, or any
10 officer or agent of a corporation engaged in the business of
11 selling cannabis to purchasers located in this State who signs
12 a fraudulent return filed on behalf of the corporation, or any
13 accountant or other agent who knowingly enters false
14 information on the return of any taxpayer under this Article
15 is guilty of a Class 4 felony.

16 (b) When the amount due is \$300 or more, any retailer of
17 cannabis who fails to file a return, willfully fails or
18 refuses to make any payment to the Department of the tax
19 imposed by this Article, files, or causes to be filed, a
20 fraudulent return, or any officer or agent of a corporation
21 engaged in the business of selling cannabis to purchasers
22 located in this State who files or causes to be filed or signs
23 or causes to be signed a fraudulent return filed on behalf of
24 the corporation, or any accountant or other agent who
25 knowingly enters false information on the return of any

1 taxpayer under this Article is guilty of a Class 3 felony.

2 (c) Any person who violates any provision of Section
3 65-20, or fails to keep books and records as required under
4 this Article, ~~or willfully violates a rule of the Department~~
5 ~~for the administration and enforcement of this Article~~ is
6 guilty of a Class 4 felony. A person commits a separate offense
7 on each day that he or she engages in business in violation of
8 Section 65-20 ~~or a rule of the Department for the~~
9 ~~administration and enforcement of this Article~~. If a person
10 fails to produce the books and records for inspection by the
11 Department upon request, a prima facie presumption shall arise
12 that the person has failed to keep books and records as
13 required under this Article. A person who is unable to rebut
14 this presumption is in violation of this Article and is
15 subject to the penalties provided in this Section.

16 (d) Any person who ~~violates any provision of Sections~~
17 ~~65-20, fails to keep books and records as required under this~~
18 ~~Article, or~~ willfully violates a rule of the Department for
19 the administration and enforcement of this Article, is guilty
20 of a business offense and may be fined up to \$5,000. ~~If a~~
21 ~~person fails to produce books and records for inspection by~~
22 ~~the Department upon request, a prima facie presumption shall~~
23 ~~arise that the person has failed to keep books and records as~~
24 ~~required under this Article. A person who is unable to rebut~~
25 ~~this presumption is in violation of this Article and is~~
26 ~~subject to the penalties provided in this Section.~~ A person

1 commits a separate offense on each day that he or she engages
2 in business in violation of a rule of the Department for the
3 administration and enforcement of this Article ~~Section 65-20~~.

4 (e) Any taxpayer or agent of a taxpayer who with the intent
5 to defraud purports to make a payment due to the Department by
6 issuing or delivering a check or other order upon a real or
7 fictitious depository for the payment of money, knowing that
8 it will not be paid by the depository, is guilty of a deceptive
9 practice in violation of Section 17-1 of the Criminal Code of
10 2012.

11 (f) Any person who fails to keep books and records or fails
12 to produce books and records for inspection, as required by
13 Section 65-36, is liable to pay to the Department, for deposit
14 in the Tax Compliance and Administration Fund, a penalty of
15 \$1,000 for the first failure to keep books and records or
16 failure to produce books and records for inspection, as
17 required by Section 65-36, and \$3,000 for each subsequent
18 failure to keep books and records or failure to produce books
19 and records for inspection, as required by Section 65-36.

20 (g) Any person who knowingly acts as a retailer of
21 cannabis in this State without first having obtained a
22 certificate of registration to do so in compliance with
23 Section 65-20 of this Article shall be guilty of a Class 4
24 felony.

25 (h) A person commits the offense of tax evasion under this
26 Article when he or she knowingly attempts in any manner to

1 evade or defeat the tax imposed on him or her or on any other
2 person, or the payment thereof, and he or she commits an
3 affirmative act in furtherance of the evasion. As used in this
4 Section, "affirmative act in furtherance of the evasion" means
5 an act designed in whole or in part to (i) conceal,
6 misrepresent, falsify, or manipulate any material fact or (ii)
7 tamper with or destroy documents or materials related to a
8 person's tax liability under this Article. Two or more acts of
9 sales tax evasion may be charged as a single count in any
10 indictment, information, or complaint and the amount of tax
11 deficiency may be aggregated for purposes of determining the
12 amount of tax that is attempted to be or is evaded and the
13 period between the first and last acts may be alleged as the
14 date of the offense.

15 (1) When the amount of tax, the assessment or payment
16 of which is attempted to be or is evaded is less than \$500,
17 a person is guilty of a Class 4 felony.

18 (2) When the amount of tax, the assessment or payment
19 of which is attempted to be or is evaded is \$500 or more
20 but less than \$10,000, a person is guilty of a Class 3
21 felony.

22 (3) When the amount of tax, the assessment or payment
23 of which is attempted to be or is evaded is \$10,000 or more
24 but less than \$100,000, a person is guilty of a Class 2
25 felony.

26 (4) When the amount of tax, the assessment or payment

1 of which is attempted to be or is evaded is \$100,000 or
2 more, a person is guilty of a Class 1 felony.

3 Any person who knowingly sells, purchases, installs,
4 transfers, possesses, uses, or accesses any automated sales
5 suppression device, zapper, or phantom-ware in this State is
6 guilty of a Class 3 felony.

7 As used in this Section:

8 "Automated sales suppression device" or "zapper" means a
9 software program that falsifies the electronic records of an
10 electronic cash register or other point-of-sale system,
11 including, but not limited to, transaction data and
12 transaction reports. The term includes the software program,
13 any device that carries the software program, or an Internet
14 link to the software program.

15 "Phantom-ware" means a hidden programming option embedded
16 in the operating system of an electronic cash register or
17 hardwired into an electronic cash register that can be used to
18 create a second set of records or that can eliminate or
19 manipulate transaction records in an electronic cash register.

20 "Electronic cash register" means a device that keeps a
21 register or supporting documents through the use of an
22 electronic device or computer system designed to record
23 transaction data for the purpose of computing, compiling, or
24 processing retail sales transaction data in any manner.

25 "Transaction data" includes: items purchased by a
26 purchaser; the price of each item; a taxability determination

1 for each item; a segregated tax amount for each taxed item; the
2 amount of cash or credit tendered; the net amount returned to
3 the customer in change; the date and time of the purchase; the
4 name, address, and identification number of the vendor; and
5 the receipt or invoice number of the transaction.

6 "Transaction report" means a report that documents,
7 without limitation, the sales, taxes, or fees collected, media
8 totals, and discount voids at an electronic cash register and
9 that is printed on a cash register tape at the end of a day or
10 shift, or a report that documents every action at an
11 electronic cash register and is stored electronically.

12 A prosecution for any act in violation of this Section may
13 be commenced at any time within 5 years of the commission of
14 that act.

15 (i) The Department may adopt rules to administer the
16 penalties under this Section.

17 (j) Any person whose principal place of business is in
18 this State and who is charged with a violation under this
19 Section shall be tried in the county where his or her principal
20 place of business is located unless he or she asserts a right
21 to be tried in another venue.

22 (k) Except as otherwise provided in subsection (h), a
23 prosecution for a violation described in this Section may be
24 commenced within 3 years after the commission of the act
25 constituting the violation.

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

1 (410 ILCS 705/65-42)

2 Sec. 65-42. Seizure and forfeiture. After seizing any
3 cannabis as provided in Section 65-41, the Department must
4 hold a hearing and determine whether (i) the retailer was
5 properly registered to sell the cannabis; (ii) the retailer
6 possessed the cannabis in violation of this Act; (iii) the
7 retailer possessed the cannabis in violation of any reasonable
8 rule or regulation adopted by the Department for the
9 enforcement of this Act; or (iv) the tax imposed by Article 60
10 had been paid on the cannabis at the time of its seizure by the
11 Department. The Department is not required to hold such a
12 hearing if a waiver and consent to forfeiture has been
13 executed by the owner of the cannabis, if the owner is known,
14 and by the person in whose possession the cannabis so taken was
15 found, if that person is known and if that person is not the
16 owner of said cannabis. The Department shall give not less
17 than 20 days' notice of the time and place of the hearing to
18 the owner of the cannabis, if the owner is known, and also to
19 the person in whose possession the cannabis was found, if that
20 person is known and if the person in possession is not the
21 owner of the cannabis. If neither the owner nor the person in
22 possession of the cannabis is known, the Department must cause
23 publication of the time and place of the hearing to be made at
24 least once in each week for 3 weeks successively in a newspaper
25 of general circulation in the county where the hearing is to be

1 held.

2 If, as the result of the hearing, the Department makes any
3 of the findings listed in items (i) through (iv) determines
4 ~~that the retailer was not properly registered at the time the~~
5 ~~cannabis was seized~~, or upon receipt of a properly executed
6 waiver and consent to forfeiture as provided in this Section,
7 the Department must enter an order declaring the cannabis
8 confiscated and forfeited to the State, to be held by the
9 Department for disposal by it as provided in Section 65-43.
10 The Department must give notice of the order to the owner of
11 the cannabis, if the owner is known, and also to the person in
12 whose possession the cannabis was found, if that person is
13 known and if the person in possession is not the owner of the
14 cannabis. If neither the owner nor the person in possession of
15 the cannabis is known, the Department must cause publication
16 of the order to be made at least once in each week for 3 weeks
17 successively in a newspaper of general circulation in the
18 county where the hearing was held.

19 (Source: P.A. 103-1001, eff. 8-9-24.)

20 (410 ILCS 705/20-50 rep.)

21 (410 ILCS 705/30-50 rep.)

22 Section 55. The Cannabis Regulation and Tax Act is amended
23 by repealing Sections 20-50 and 30-50.

24 Section 60. The Tobacco Accessories and Smoking Herbs

1 Control Act is amended by changing Section 2 as follows:

2 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

3 Sec. 2. Purpose. The sale and possession of ~~marijuana,~~
4 ~~hashish,~~ cocaine, opium, and their derivatives, is not only
5 prohibited by Illinois Law, but the use of these substances
6 has been deemed injurious to the health of the user.

7 It has further been determined by the Surgeon General of
8 the United States that the use of tobacco is hazardous to human
9 health.

10 The ready availability of smoking herbs to persons under
11 21 years of age could lead to the use of tobacco and illegal
12 drugs.

13 It is in the best interests of the citizens of the State of
14 Illinois to seek to prohibit the spread of illegal drugs,
15 tobacco or smoking materials to persons under 21 years of age.
16 The prohibition of the sale of tobacco and snuff accessories
17 and smoking herbs to persons under 21 years of age would help
18 to curb the usage of illegal drugs and tobacco products, among
19 our youth.

20 (Source: P.A. 101-2, eff. 7-1-19.)

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

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5	30 ILCS 500/1-10	
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7	35 ILCS 110/3-10	
8	35 ILCS 115/3-10	
9	35 ILCS 120/2-10	from Ch. 120, par. 441-10
10	35 ILCS 120/11	from Ch. 120, par. 450
11	55 ILCS 5/5-1009	from Ch. 34, par. 5-1009
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1 410 ILCS 705/20-50 rep.

2 410 ILCS 705/30-50 rep.

3 720 ILCS 685/2 from Ch. 23, par. 2358-2