



Sen. Toi W. Hutchinson

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LRB100 09774 SLF 23268 a

1 AMENDMENT TO SENATE BILL 1294

2 AMENDMENT NO. _____. Amend Senate Bill 1294 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Industrial Hemp Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Agriculture.

8 "Director" means the Director of Agriculture.

9 "Industrial hemp" means the plant *Cannabis sativa* L. and
10 any part of that plant, whether growing or not, with a delta-9
11 tetrahydrocannabinol concentration of not more than 0.3
12 percent on a dry weight basis.

13 Section 10. Licenses.

14 (a) A person desiring to grow, cultivate, or process
15 industrial hemp or industrial hemp products must be licensed by

1 the Department.

2 (b) The application for a license shall include the name
3 and address of the applicant and the legal description of the
4 land area, including Global Positioning System coordinates, to
5 be used to grow or process industrial hemp.

6 (c) The Department may determine, by rule, the duration of
7 a license and the requirements for license renewal.

8 Section 15. Rules.

9 (a) The application and licensing requirements shall be
10 determined by the Department and set by rule within 180 days of
11 the effective date of this Act.

12 (b) The rules set by the Department shall include one
13 yearly inspection and one yearly surprise inspection of a
14 licensed industrial hemp cultivation operation.

15 (c) The Department shall adopt rules necessary for the
16 administration and enforcement of this Act, including rules
17 concerning standards and criteria for licensure, for the
18 payment of applicable fees, signage, and for forms required for
19 the administration of this Act.

20 Section 20. Hemp products. Nothing in this Act shall alter
21 the legality of hemp or hemp products that are presently legal
22 to possess or own.

23 Section 25. Violation of federal law. Nothing in this Act

1 shall be construed to authorize any person to violate federal
2 rules, regulations, or laws. If any part of this Act conflicts
3 with a provision of the federal laws regarding industrial hemp,
4 the federal provisions shall control to the extent of the
5 conflict.

6 Section 30. Home rule. The regulation and licensing of
7 persons to grow, cultivate, process, possess, sell, or purchase
8 industrial hemp or industrial hemp related products are
9 exclusive powers and functions of the State. These powers and
10 functions shall not be exercised concurrently, either directly
11 or indirectly, by any unit of local government, including home
12 rule units, except as otherwise provided in this Act. This
13 Section is a limitation of home rule powers and functions under
14 subsection (h) of Section 6 of Article VII of the Illinois
15 Constitution.

16 Section 900. The Illinois Noxious Weed Law is amended by
17 changing Section 2 as follows:

18 (505 ILCS 100/2) (from Ch. 5, par. 952)

19 Sec. 2. As used in this Act:

20 (1) "Person" means any individual, partnership, firm,
21 corporation, company, society, association, the State or any
22 department, agency, or subdivision thereof, or any other
23 entity.

1 (2) "Control", "controlled" or "controlling" includes
2 being in charge of or being in possession, whether as owner,
3 lessee, renter, or tenant, under statutory authority, or
4 otherwise.

5 (3) "Director" means the Director of the Department of
6 Agriculture of the State of Illinois, or his or her duly
7 appointed representative.

8 (4) "Department" means the Department of Agriculture of the
9 State of Illinois.

10 (5) "Noxious weed" means any plant which is determined by
11 the Director, the Dean of the College of Agricultural, Consumer
12 and Environmental Sciences of the University of Illinois and
13 the Director of the Agricultural Experiment Station at the
14 University of Illinois, to be injurious to public health,
15 crops, livestock, land or other property. "Noxious weed" does
16 not include industrial hemp as defined and authorized under the
17 Industrial Hemp Act.

18 (6) "Control Authority" means the governing body of each
19 county, and shall represent all rural areas and cities,
20 villages and townships within the county boundaries.

21 (7) "Applicable fund" means the fund current at the time
22 the work is performed or the money is received.

23 (Source: P.A. 99-539, eff. 7-8-16.)

24 Section 905. The Cannabis Control Act is amended by
25 changing Section 3 as follows:

1 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

2 Sec. 3. As used in this Act, unless the context otherwise
3 requires:

4 (a) "Cannabis" includes marihuana, hashish and other
5 substances which are identified as including any parts of the
6 plant Cannabis Sativa, whether growing or not; the seeds
7 thereof, the resin extracted from any part of such plant; and
8 any compound, manufacture, salt, derivative, mixture, or
9 preparation of such plant, its seeds, or resin, including
10 tetrahydrocannabinol (THC) and all other cannabinol
11 derivatives, including its naturally occurring or
12 synthetically produced ingredients, whether produced directly
13 or indirectly by extraction, or independently by means of
14 chemical synthesis or by a combination of extraction and
15 chemical synthesis; but shall not include the mature stalks of
16 such plant, fiber produced from such stalks, oil or cake made
17 from the seeds of such plant, any other compound, manufacture,
18 salt, derivative, mixture, or preparation of such mature stalks
19 (except the resin extracted therefrom), fiber, oil or cake, or
20 the sterilized seed of such plant which is incapable of
21 germination. "Cannabis" does not include industrial hemp as
22 defined and authorized under the Industrial Hemp Act.

23 (b) "Casual delivery" means the delivery of not more than
24 10 grams of any substance containing cannabis without
25 consideration.

1 (c) "Department" means the Illinois Department of Human
2 Services (as successor to the Department of Alcoholism and
3 Substance Abuse) or its successor agency.

4 (d) "Deliver" or "delivery" means the actual, constructive
5 or attempted transfer of possession of cannabis, with or
6 without consideration, whether or not there is an agency
7 relationship.

8 (e) "Department of State Police" means the Department of
9 State Police of the State of Illinois or its successor agency.

10 (f) "Director" means the Director of the Department of
11 State Police or his designated agent.

12 (g) "Local authorities" means a duly organized State,
13 county, or municipal peace unit or police force.

14 (h) "Manufacture" means the production, preparation,
15 propagation, compounding, conversion or processing of
16 cannabis, either directly or indirectly, by extraction from
17 substances of natural origin, or independently by means of
18 chemical synthesis, or by a combination of extraction and
19 chemical synthesis, and includes any packaging or repackaging
20 of cannabis or labeling of its container, except that this term
21 does not include the preparation, compounding, packaging, or
22 labeling of cannabis as an incident to lawful research,
23 teaching, or chemical analysis and not for sale.

24 (i) "Person" means any individual, corporation, government
25 or governmental subdivision or agency, business trust, estate,
26 trust, partnership or association, or any other entity.

1 (j) "Produce" or "production" means planting, cultivating,
2 tending or harvesting.

3 (k) "State" includes the State of Illinois and any state,
4 district, commonwealth, territory, insular possession thereof,
5 and any area subject to the legal authority of the United
6 States of America.

7 (l) "Subsequent offense" means an offense under this Act,
8 the offender of which, prior to his conviction of the offense,
9 has at any time been convicted under this Act or under any laws
10 of the United States or of any state relating to cannabis, or
11 any controlled substance as defined in the Illinois Controlled
12 Substances Act.

13 (Source: P.A. 89-507, eff. 7-1-97.)".