



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4799

Introduced 1/27/2022, by Rep. Carol Ammons - Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

410 ILCS 705/10-5

Amends the Cannabis Regulation and Tax Act. Provides that an Illinois resident 21 years of age or older (rather than a person who is a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act) may cultivate cannabis plants, with a limit of 5 plants that are more than 5 inches tall, per household without a cultivation center or craft grower license. Provides that an Illinois resident 21 years of age or older (rather than adult registered qualifying patients) may purchase cannabis seeds from a dispensary for the purpose of home cultivation. Provides that an Illinois resident 21 years of age or older (rather than a registered qualifying patient) who cultivates more than the allowable number of cannabis plants, or who sells or gives away cannabis plants, cannabis, or cannabis-infused products produced under this provision, is liable for penalties as provided by law, including the Cannabis Control Act (deletes in addition to loss of home cultivation privileges as established by rule). Deletes provision that cannabis plants may only be tended by registered qualifying patients who reside at the residence, or their authorized agent attending to the residence for brief periods, such as when the qualifying patient is temporarily away from the residence.

LRB102 25513 CPF 34802 b

1 AN ACT concerning health.

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

4 Section 5. The Cannabis Regulation and Tax Act is amended
5 by changing Section 10-5 as follows:

6 (410 ILCS 705/10-5)

7 Sec. 10-5. Personal use of cannabis; restrictions on
8 cultivation; penalties.

9 (a) Beginning January 1, 2020, notwithstanding any other
10 provision of law, and except as otherwise provided in this
11 Act, the following acts are not a violation of this Act and
12 shall not be a criminal or civil offense under State law or the
13 ordinances of any unit of local government of this State or be
14 a basis for seizure or forfeiture of assets under State law for
15 persons other than natural individuals under 21 years of age:

16 (1) possession, consumption, use, purchase, obtaining,
17 or transporting cannabis paraphernalia or an amount of
18 cannabis for personal use that does not exceed the
19 possession limit under Section 10-10 or otherwise in
20 accordance with the requirements of this Act;

21 (2) cultivation of cannabis for personal use in
22 accordance with the requirements of this Act; and

23 (3) controlling property if actions that are

1 authorized by this Act occur on the property in accordance
2 with this Act.

3 (a-1) Beginning January 1, 2020, notwithstanding any other
4 provision of law, and except as otherwise provided in this
5 Act, possessing, consuming, using, purchasing, obtaining, or
6 transporting cannabis paraphernalia or an amount of cannabis
7 purchased or produced in accordance with this Act that does
8 not exceed the possession limit under subsection (a) of
9 Section 10-10 shall not be a basis for seizure or forfeiture of
10 assets under State law.

11 (b) Cultivating cannabis for personal use is subject to
12 the following limitations:

13 (1) An Illinois resident 21 years of age or older ~~who~~
14 ~~is a registered qualifying patient under the Compassionate~~
15 ~~Use of Medical Cannabis Program Act~~ may cultivate cannabis
16 plants, with a limit of 5 plants that are more than 5
17 inches tall, per household without a cultivation center or
18 craft grower license. In this Section, "resident" means a
19 person who has been domiciled in the State of Illinois for
20 a period of 30 days before cultivation.

21 (2) Cannabis cultivation must take place in an
22 enclosed, locked space.

23 (3) An Illinois resident 21 years of age or older
24 ~~Adult registered qualifying patients~~ may purchase cannabis
25 seeds from a dispensary for the purpose of home
26 cultivation. Seeds may not be given or sold to any other

1 person.

2 (4) Cannabis plants shall not be stored or placed in a
3 location where they are subject to ordinary public view,
4 as defined in this Act. A registered qualifying patient
5 who cultivates cannabis under this Section shall take
6 reasonable precautions to ensure the plants are secure
7 from unauthorized access, including unauthorized access by
8 a person under 21 years of age.

9 (5) Cannabis cultivation may occur only on residential
10 property lawfully in possession of the cultivator or with
11 the consent of the person in lawful possession of the
12 property. An owner or lessor of residential property may
13 prohibit the cultivation of cannabis by a lessee.

14 (6) (Blank).

15 (7) A dwelling, residence, apartment, condominium
16 unit, enclosed, locked space, or piece of property not
17 divided into multiple dwelling units shall not contain
18 more than 5 plants at any one time.

19 (8) (Blank). ~~Cannabis plants may only be tended by~~
20 ~~registered qualifying patients who reside at the~~
21 ~~residence, or their authorized agent attending to the~~
22 ~~residence for brief periods, such as when the qualifying~~
23 ~~patient is temporarily away from the residence.~~

24 (9) An Illinois resident 21 years of age or older ~~A~~
25 ~~registered qualifying patient~~ who cultivates more than the
26 allowable number of cannabis plants, or who sells or gives

1 away cannabis plants, cannabis, or cannabis-infused
2 products produced under this Section, is liable for
3 penalties as provided by law, including the Cannabis
4 Control Act, ~~in addition to loss of home cultivation~~
5 ~~privileges as established by rule.~~

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