



Sen. Cristina Castro

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LRB102 22462 CPF 35918 a

1 AMENDMENT TO SENATE BILL 3105

2 AMENDMENT NO. _____. Amend Senate Bill 3105 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Cannabis Regulation and Tax Act is amended
5 by changing Section 1-10 as follows:

6 (410 ILCS 705/1-10)

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

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

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

1 "Advertise" means to engage in promotional activities
2 including, but not limited to: newspaper, radio, Internet and
3 electronic media, and television advertising; the distribution
4 of fliers and circulars; billboard advertising; and the
5 display of window and interior signs. "Advertise" does not
6 mean exterior signage displaying only the name of the licensed
7 cannabis business establishment.

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 processing organization
4 and that is available to the Department of Revenue, the
5 Department of Agriculture, the Department of Financial and
6 Professional Regulation, and the Illinois State Police for the
7 purposes of documenting each cannabis plant and monitoring
8 plant development throughout the life cycle of a cannabis
9 plant cultivated for the intended use by a customer from seed
10 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 an Adult Use
12 Cultivation Center License that reserves the right to an Adult
13 Use Cultivation Center License if the applicant meets certain
14 conditions as determined by the Department of Agriculture by
15 rule, but does not entitle the recipient to begin growing,
16 processing, or selling cannabis or cannabis-infused products.

17 "Craft grower" means a facility operated by an
18 organization or business that is licensed by the Department of
19 Agriculture to cultivate, dry, cure, and package cannabis and
20 perform other necessary activities to make cannabis available
21 for sale at a dispensing organization or use at a processing
22 organization. A craft grower may contain up to 14,000 ~~5,000~~
23 square feet of canopy space on its premises for plants in the
24 flowering state. Plants in the flowering stage ~~The Department~~
25 ~~of Agriculture may authorize an increase or decrease of~~
26 ~~flowering stage cultivation space in increments of 3,000~~

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

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

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

18 "Cultivation center" means a facility operated by an
19 organization or business that is licensed by the Department of
20 Agriculture to cultivate, process, transport (unless otherwise
21 limited by this Act), and perform other necessary activities
22 to provide cannabis and cannabis-infused products to cannabis
23 business establishments.

24 "Cultivation center agent" means a principal officer,
25 board member, employee, or other agent of a cultivation center
26 who is 21 years of age or older.

1 "Cultivation Center Agent Identification Card" means a
2 document issued by the Department of Agriculture that
3 identifies a person as a cultivation center agent.

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

5 "Dispensary" means a facility operated by a dispensing
6 organization at which activities licensed by this Act may
7 occur.

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

11 "Dispensing organization" means a facility operated by an
12 organization or business that is licensed by the Department of
13 Financial and Professional Regulation to acquire cannabis from
14 a cultivation center, craft grower, processing organization,
15 or another dispensary for the purpose of selling or dispensing
16 cannabis, cannabis-infused products, cannabis seeds,
17 paraphernalia, or related supplies under this Act to
18 purchasers or to qualified registered medical cannabis
19 patients and caregivers. As used in this Act, "dispensing
20 organization" includes a registered medical cannabis
21 organization as defined in the Compassionate Use of Medical
22 Cannabis Program Act or its successor Act that has obtained an
23 Early Approval Adult Use Dispensing Organization License.

24 "Dispensing organization agent" means a principal officer,
25 employee, or agent of a dispensing organization who is 21
26 years of age or older.

1 "Dispensing organization agent identification card" means
2 a document issued by the Department of Financial and
3 Professional Regulation that identifies a person as a
4 dispensing organization agent.

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

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

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

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

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

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

26 (2) has high rates of arrest, conviction, and

1 incarceration related to the sale, possession, use,
2 cultivation, manufacture, or transport of cannabis.

3 "Early Approval Adult Use Cultivation Center License"
4 means a license that permits a medical cannabis cultivation
5 center licensed under the Compassionate Use of Medical
6 Cannabis Program Act as of the effective date of this Act to
7 begin cultivating, infusing, packaging, transporting (unless
8 otherwise provided in this Act), processing, and selling
9 cannabis or cannabis-infused product to cannabis business
10 establishments for resale to purchasers as permitted by this
11 Act as of January 1, 2020.

12 "Early Approval Adult Use Dispensing Organization License"
13 means a license that permits a medical cannabis dispensing
14 organization licensed under the Compassionate Use of Medical
15 Cannabis Program Act as of the effective date of this Act to
16 begin selling cannabis or cannabis-infused product to
17 purchasers as permitted by this Act as of January 1, 2020.

18 "Early Approval Adult Use Dispensing Organization at a
19 secondary site" means a license that permits a medical
20 cannabis dispensing organization licensed under the
21 Compassionate Use of Medical Cannabis Program Act as of the
22 effective date of this Act to begin selling cannabis or
23 cannabis-infused product to purchasers as permitted by this
24 Act on January 1, 2020 at a different dispensary location from
25 its existing registered medical dispensary location.

26 "Eligible Tied Applicant" means a Tied Applicant that is

1 eligible to participate in the process by which a remaining
2 available license is distributed by lot pursuant to a Tied
3 Applicant Lottery.

4 "Enclosed, locked facility" means a room, greenhouse,
5 building, or other enclosed area equipped with locks or other
6 security devices that permit access only by cannabis business
7 establishment agents working for the licensed cannabis
8 business establishment or acting pursuant to this Act to
9 cultivate, process, store, or distribute cannabis.

10 "Enclosed, locked space" means a closet, room, greenhouse,
11 building, or other enclosed area equipped with locks or other
12 security devices that permit access only by authorized
13 individuals under this Act. "Enclosed, locked space" may
14 include:

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

22 (2) a structure, such as a shed or greenhouse, that
23 lies on the same plot of land as a residential building
24 that (i) includes sleeping quarters and indoor plumbing
25 and (ii) is used as a primary residence by the person
26 cultivating 5 or fewer cannabis plants that are more than

1 5 inches tall, such as a shed or greenhouse. The structure
2 must remain locked when it is unoccupied by people.

3 "Financial institution" has the same meaning as "financial
4 organization" as defined in Section 1501 of the Illinois
5 Income Tax Act, and also includes the holding companies,
6 subsidiaries, and affiliates of such financial organizations.

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

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

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

17 "Individual" means a natural person.

18 "Infuser organization" or "infuser" means a facility
19 operated by an organization or business that is licensed by
20 the Department of Agriculture to directly incorporate cannabis
21 or cannabis concentrate into a product formulation to produce
22 a cannabis-infused product.

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

1 "Labor peace agreement" means an agreement between a
2 cannabis business establishment and any labor organization
3 recognized under the National Labor Relations Act, referred to
4 in this Act as a bona fide labor organization, that prohibits
5 labor organizations and members from engaging in picketing,
6 work stoppages, boycotts, and any other economic interference
7 with the cannabis business establishment. This agreement means
8 that the cannabis business establishment has agreed not to
9 disrupt efforts by the bona fide labor organization to
10 communicate with, and attempt to organize and represent, the
11 cannabis business establishment's employees. The agreement
12 shall provide a bona fide labor organization access at
13 reasonable times to areas in which the cannabis business
14 establishment's employees work, for the purpose of meeting
15 with employees to discuss their right to representation,
16 employment rights under State law, and terms and conditions of
17 employment. This type of agreement shall not mandate a
18 particular method of election or certification of the bona
19 fide labor organization.

20 "Limited access area" means a room or other area under the
21 control of a cannabis dispensing organization licensed under
22 this Act and upon the licensed premises where cannabis sales
23 occur with access limited to purchasers, dispensing
24 organization owners and other dispensing organization agents,
25 or service professionals conducting business with the
26 dispensing organization, or, if sales to registered qualifying

1 patients, caregivers, provisional patients, and Opioid
2 Alternative Pilot Program participants licensed pursuant to
3 the Compassionate Use of Medical Cannabis Program Act are also
4 permitted at the dispensary, registered qualifying patients,
5 caregivers, provisional patients, and Opioid Alternative Pilot
6 Program participants.

7 "Member of an impacted family" means an individual who has
8 a parent, legal guardian, child, spouse, or dependent, or was
9 a dependent of an individual who, prior to the effective date
10 of this Act, was arrested for, convicted of, or adjudicated
11 delinquent for any offense that is eligible for expungement
12 under this Act.

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

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 or caregiver under the Compassionate
10 Use of Medical Cannabis Program Act.

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

23 "Primary residence" means a dwelling where a person
24 usually stays or stays more often than other locations. It may
25 be determined by, without limitation, presence, tax filings;
26 address on an Illinois driver's license, an Illinois

1 Identification Card, or an Illinois Person with a Disability
2 Identification Card; or voter registration. No person may have
3 more than one primary residence.

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

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

12 "Processing organization agent identification card" means
13 a document issued by the Department of Agriculture that
14 identifies a person as a processing organization agent.

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

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

24 "Qualifying Social Equity Justice Involved Applicant"
25 means an applicant that submitted an application pursuant to
26 Section 15-30 that received at least 85% of 250 application

1 points available under Section 15-30 as the applicant's final
2 score and meets the criteria of either paragraph (1) or (2) of
3 the definition of "Social Equity Applicant" as set forth under
4 this Section.

5 "Qualified Social Equity Applicant" means a Social Equity
6 Applicant who has been awarded a conditional license under
7 this Act to operate a cannabis business establishment.

8 "Resided" means an individual's primary residence was
9 located within the relevant geographic area as established by
10 2 of the following:

11 (1) a signed lease agreement that includes the
12 applicant's name;

13 (2) a property deed that includes the applicant's
14 name;

15 (3) school records;

16 (4) a voter registration card;

17 (5) an Illinois driver's license, an Illinois
18 Identification Card, or an Illinois Person with a
19 Disability Identification Card;

20 (6) a paycheck stub;

21 (7) a utility bill;

22 (8) tax records; or

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

25 "Smoking" means the inhalation of smoke caused by the
26 combustion of cannabis.

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

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

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

9 (i) have been arrested for, convicted of, or
10 adjudicated delinquent for any offense that is
11 eligible for expungement under this Act; or

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

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

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

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

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

1 "Tied Applicant" means an application submitted by a
2 Dispensary Applicant pursuant to Section 15-30 that received
3 the same number of application points under Section 15-30 as
4 the Dispensary Applicant's final score as one or more
5 top-scoring applications in the same BLS Region and would have
6 been awarded a license but for the one or more other
7 top-scoring applications that received the same number of
8 application points. Each application for which a Dispensary
9 Applicant was required to pay a required application fee for
10 the application period ending January 2, 2020 shall be
11 considered an application of a separate Tied Applicant.

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

16 "Tincture" means a cannabis-infused solution, typically
17 comprised of alcohol, glycerin, or vegetable oils, derived
18 either directly from the cannabis plant or from a processed
19 cannabis extract. A tincture is not an alcoholic liquor as
20 defined in the Liquor Control Act of 1934. A tincture shall
21 include a calibrated dropper or other similar device capable
22 of accurately measuring servings.

23 "Transporting organization" or "transporter" means an
24 organization or business that is licensed by the Department of
25 Agriculture to transport cannabis or cannabis-infused product
26 on behalf of a cannabis business establishment or a community

1 college licensed under the Community College Cannabis
2 Vocational Training Pilot Program.

3 "Transporting organization agent" means a principal
4 officer, board member, employee, or agent of a transporting
5 organization.

6 "Transporting organization agent identification card"
7 means a document issued by the Department of Agriculture that
8 identifies a person as a transporting organization agent.

9 "Unit of local government" means any county, city,
10 village, or incorporated town.

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

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

21 (2) any cannabis plant that is cultivated solely for
22 the purpose of propagating clones and is never used to
23 produce cannabis.

24 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
25 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
26 10-13-21.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".