



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4164

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.35 new
410 ILCS 705/1-10
410 ILCS 705/5-10
410 ILCS 705/20-30
410 ILCS 705/30-30
410 ILCS 705/35-25
410 ILCS 705/40-5
410 ILCS 705/40-25

Amends the Cannabis Regulation and Tax Act. Provides that by January 1, 2024, the Department of Agriculture shall adopt emergency rules and begin accepting applications for the conversion of transporting organization licenses to third-party transporting organization licenses. Provides that there shall be no applicable fees for the conversion application process, and the Department shall process these applications and convert qualifying transporting organization licenses to third-party transporting organization licenses within 60 days after application submission. Provides that third-party transporting organizations are subject to the same standards and requirements for transporting organizations under the Act. Provides that a cultivation center, craft grower, infuser, or infuser agent shall not transport cannabis or cannabis-infused products and shall use third-party transporting organizations for all transports authorized under the Act, unless (1) the licensee possesses a transporting organization license, (2) the licensee requires delivery within 36 hours, and (3) the licensee has offered a right of first refusal to all third-party transporting organizations and confirmed there are no available third-party transporting organizations to complete the delivery. Amends the Illinois Administrative Procedure Act to make a conforming change. Effective immediately.

LRB103 34582 RPS 64420 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 Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.35 as follows:

6 (5 ILCS 100/5-45.35 new)

7 Sec. 5-45.35. Emergency rulemaking; third-party
8 transporting organization. To provide for the expeditious and
9 timely implementation of this amendatory Act of the 103rd
10 General Assembly, emergency rules implementing this amendatory
11 Act of the 103rd General Assembly may be adopted in accordance
12 with Section 5-45 by the Department of Agriculture. The
13 adoption of emergency rules authorized by Section 5-45 and
14 this Section is deemed to be necessary for the public
15 interest, safety, and welfare.

16 This Section is repealed one year after the effective date
17 of this amendatory Act of the 103rd General Assembly.

18 Section 10. The Cannabis Regulation and Tax Act is amended
19 by changing Sections 1-10, 5-10, 20-30, 30-30, 35-25, 40-5,
20 and 40-25 as follows:

21 (410 ILCS 705/1-10)

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

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

6 "Adult Use Dispensing Organization License" means a
7 license issued by the Department of Financial and Professional
8 Regulation that permits a person to act as a dispensing
9 organization under this Act and any administrative rule made
10 in furtherance of this Act.

11 "Advertise" means to engage in promotional activities
12 including, but not limited to: newspaper, radio, Internet and
13 electronic media, and television advertising; the distribution
14 of fliers and circulars; billboard advertising; and the
15 display of window and interior signs. "Advertise" does not
16 mean exterior signage displaying only the name of the licensed
17 cannabis business establishment.

18 "Application points" means the number of points a
19 Dispensary Applicant receives on an application for a
20 Conditional Adult Use Dispensing Organization License.

21 "BLS Region" means a region in Illinois used by the United
22 States Bureau of Labor Statistics to gather and categorize
23 certain employment and wage data. The 17 such regions in
24 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
25 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
26 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,

1 Rockford, St. Louis, Springfield, Northwest Illinois
2 nonmetropolitan area, West Central Illinois nonmetropolitan
3 area, East Central Illinois nonmetropolitan area, and South
4 Illinois nonmetropolitan area.

5 "By lot" means a randomized method of choosing between 2
6 or more Eligible Tied Applicants or 2 or more Qualifying
7 Applicants.

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

1 "Cannabis business establishment" means a cultivation
2 center, craft grower, processing organization, infuser
3 organization, dispensing organization, or transporting
4 organization.

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

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

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

26 "Cannabis-infused product" means a beverage, food, oil,

1 ointment, tincture, topical formulation, or another product
2 containing cannabis or cannabis concentrate that is not
3 intended to be smoked.

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

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

21 "Cannabis testing facility" means an entity registered by
22 the Department of Agriculture to test cannabis for potency and
23 contaminants.

24 "Clone" means a plant section from a female cannabis plant
25 not yet rootbound, growing in a water solution or other
26 propagation matrix, that is capable of developing into a new

1 plant.

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

8 "Community College Cannabis Vocational Training Pilot
9 Program faculty participant Agent Identification Card" means a
10 document issued by the Department of Agriculture that
11 identifies a person as a Community College Cannabis Vocational
12 Training Pilot Program faculty participant.

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

20 "Conditional Adult Use Cultivation Center License" means a
21 license awarded to top-scoring applicants for an Adult Use
22 Cultivation Center License that reserves the right to an Adult
23 Use Cultivation Center License if the applicant meets certain
24 conditions as determined by the Department of Agriculture by
25 rule, but does not entitle the recipient to begin growing,
26 processing, or selling cannabis or cannabis-infused products.

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

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

24 "Craft Grower Agent Identification Card" means a document
25 issued by the Department of Agriculture that identifies a
26 person as a craft grower agent.

1 "Cultivation center" means a facility operated by an
2 organization or business that is licensed by the Department of
3 Agriculture to cultivate, process, transport (unless otherwise
4 limited by this Act), and perform other necessary activities
5 to provide cannabis and cannabis-infused products to cannabis
6 business establishments.

7 "Cultivation center agent" means a principal officer,
8 board member, employee, or other agent of a cultivation center
9 who is 21 years of age or older.

10 "Cultivation Center Agent Identification Card" means a
11 document issued by the Department of Agriculture that
12 identifies a person as a cultivation center agent.

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

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" means a facility operated by an
21 organization or business that is licensed by the Department of
22 Financial and Professional Regulation to acquire cannabis from
23 a cultivation center, craft grower, processing organization,
24 or another dispensary for the purpose of selling or dispensing
25 cannabis, cannabis-infused products, cannabis seeds,
26 paraphernalia, or related supplies under this Act to

1 purchasers or to qualified registered medical cannabis
2 patients and caregivers. As used in this Act, "dispensing
3 organization" includes a registered medical cannabis
4 organization as defined in the Compassionate Use of Medical
5 Cannabis Program Act or its successor Act that has obtained an
6 Early Approval Adult Use Dispensing Organization License.

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

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

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

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

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

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

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

1 Assistance Program; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 "Individual" means a natural person.

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

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

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

1 particular method of election or certification of the bona
2 fide labor organization.

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

16 "Member of an impacted family" means an individual who has
17 a parent, legal guardian, child, spouse, or dependent, or was
18 a dependent of an individual who, prior to the effective date
19 of this Act, was arrested for, convicted of, or adjudicated
20 delinquent for any offense that is eligible for expungement
21 under this Act.

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

26 "Ordinary public view" means within the sight line with

1 normal visual range of a person, unassisted by visual aids,
2 from a public street or sidewalk adjacent to real property, or
3 from within an adjacent property.

4 "Ownership and control" means ownership of at least 51% of
5 the business, including corporate stock if a corporation, and
6 control over the management and day-to-day operations of the
7 business and an interest in the capital, assets, and profits
8 and losses of the business proportionate to percentage of
9 ownership.

10 "Person" means a natural individual, firm, partnership,
11 association, joint stock company, joint venture, 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 "Possession limit" means the amount of cannabis under
16 Section 10-10 that may be possessed at any one time by a person
17 21 years of age or older or who is a registered qualifying
18 medical cannabis patient or caregiver under the Compassionate
19 Use of Medical Cannabis Program Act.

20 "Principal officer" includes a cannabis business
21 establishment applicant or licensed cannabis business
22 establishment's board member, owner with more than 1% interest
23 of the total cannabis business establishment or more than 5%
24 interest of the total cannabis business establishment of a
25 publicly traded company, president, vice president, secretary,
26 treasurer, partner, officer, member, manager member, or person

1 with a profit sharing, financial interest, or revenue sharing
2 arrangement. The definition includes a person with authority
3 to control the cannabis business establishment, a person who
4 assumes responsibility for the debts of the cannabis business
5 establishment and who is further defined in this Act.

6 "Primary residence" means a dwelling where a person
7 usually stays or stays more often than other locations. It may
8 be determined by, without limitation, presence, tax filings;
9 address on an Illinois driver's license, an Illinois
10 Identification Card, or an Illinois Person with a Disability
11 Identification Card; or voter registration. No person may have
12 more than one primary residence.

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

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

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

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

1 Medical Cannabis Program Act.

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

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

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

17 "Resided" means an individual's primary residence was
18 located within the relevant geographic area as established by
19 2 of the following:

20 (1) a signed lease agreement that includes the
21 applicant's name;

22 (2) a property deed that includes the applicant's
23 name;

24 (3) school records;

25 (4) a voter registration card;

26 (5) an Illinois driver's license, an Illinois

1 Identification Card, or an Illinois Person with a
2 Disability Identification Card;

3 (6) a paycheck stub;

4 (7) a utility bill;

5 (8) tax records; or

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

8 "Smoking" means the inhalation of smoke caused by the
9 combustion of cannabis.

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

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

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

18 (i) have been arrested for, convicted of, or
19 adjudicated delinquent for any offense that is
20 eligible for expungement under this Act; or

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

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

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

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

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

10 "Third-party transporting organization" means a
11 transporting organization that is not owned or controlled in
12 whole or in part by any other cannabis business establishment
13 or individual who serves as a principal officer or who has
14 ownership in or control of a cannabis business establishment
15 and has been licensed by the Department of Agriculture.

16 "Tied Applicant" means an application submitted by a
17 Dispensary Applicant pursuant to Section 15-30 that received
18 the same number of application points under Section 15-30 as
19 the Dispensary Applicant's final score as one or more
20 top-scoring applications in the same BLS Region and would have
21 been awarded a license but for the one or more other
22 top-scoring applications that received the same number of
23 application points. Each application for which a Dispensary
24 Applicant was required to pay a required application fee for
25 the application period ending January 2, 2020 shall be
26 considered an application of a separate Tied Applicant.

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

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

12 "Transporting organization" or "transporter" means an
13 organization or business that is licensed by the Department of
14 Agriculture to transport cannabis or cannabis-infused product
15 on behalf of a cannabis business establishment or a community
16 college licensed under the Community College Cannabis
17 Vocational Training Pilot Program.

18 "Transporting organization agent" means a principal
19 officer, board member, employee, or agent of a transporting
20 organization.

21 "Transporting organization agent identification card"
22 means a document issued by the Department of Agriculture that
23 identifies a person as a transporting organization agent.

24 "Unit of local government" means any county, city,
25 village, or incorporated town.

26 "Vegetative stage" means the stage of cultivation in which

1 a cannabis plant is propagated to produce additional cannabis
2 plants or reach a sufficient size for production. This
3 includes seedlings, clones, mothers, and other immature
4 cannabis plants as follows:

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

10 (2) any cannabis plant that is cultivated solely for
11 the purpose of propagating clones and is never used to
12 produce cannabis.

13 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
14 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
15 5-13-22.)

16 (410 ILCS 705/5-10)

17 Sec. 5-10. Department of Agriculture. The Department of
18 Agriculture shall administer and enforce provisions of this
19 Act relating to the oversight and registration of cultivation
20 centers, craft growers, infuser organizations, and
21 transporting organizations and agents, including the issuance
22 of identification cards and establishing limits on potency or
23 serving size for cannabis or cannabis products. The Department
24 of Agriculture may suspend or revoke the license of, or impose
25 other penalties upon cultivation centers, craft growers,

1 infuser organizations, transporting organizations, and their
2 principal officers, Agents-in-Charge, and agents for
3 violations of this Act and any rules adopted under this Act. By
4 January 1, 2024, the Department shall adopt emergency rules
5 and begin accepting applications for the conversion of
6 transporting organization licenses to third-party transporting
7 organization licenses. There shall be no applicable fees for
8 the license conversion application process, and the Department
9 shall process these applications and convert qualifying
10 transporting organization licenses to third-party transporting
11 organization licenses within 60 days after application
12 submission. Third-party transporting organizations are subject
13 to the same standards and requirements for transporting
14 organizations under this Act.

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

16 (410 ILCS 705/20-30)

17 Sec. 20-30. Cultivation center requirements; prohibitions.

18 (a) The operating documents of a cultivation center shall
19 include procedures for the oversight of the cultivation
20 center, a cannabis plant monitoring system including a
21 physical inventory recorded weekly, accurate recordkeeping,
22 and a staffing plan.

23 (b) A cultivation center shall implement a security plan
24 reviewed by the Illinois State Police that includes, but is
25 not limited to: facility access controls, perimeter intrusion

1 detection systems, personnel identification systems, 24-hour
2 surveillance system to monitor the interior and exterior of
3 the cultivation center facility and accessibility to
4 authorized law enforcement, the Department of Public Health
5 where processing takes place, and the Department of
6 Agriculture in real time.

7 (c) All cultivation of cannabis by a cultivation center
8 must take place in an enclosed, locked facility at the
9 physical address provided to the Department of Agriculture
10 during the licensing process. The cultivation center location
11 shall only be accessed by the agents working for the
12 cultivation center, the Department of Agriculture staff
13 performing inspections, the Department of Public Health staff
14 performing inspections, local and State law enforcement or
15 other emergency personnel, contractors working on jobs
16 unrelated to cannabis, such as installing or maintaining
17 security devices or performing electrical wiring, transporting
18 organization agents as provided in this Act, individuals in a
19 mentoring or educational program approved by the State, or
20 other individuals as provided by rule.

21 (d) A cultivation center may not sell or distribute any
22 cannabis or cannabis-infused products to any person other than
23 a dispensing organization, craft grower, infuser organization,
24 transporter, or as otherwise authorized by rule.

25 (e) A cultivation center may not either directly or
26 indirectly discriminate in price between different dispensing

1 organizations, craft growers, or infuser organizations that
2 are purchasing a like grade, strain, brand, and quality of
3 cannabis or cannabis-infused product. Nothing in this
4 subsection (e) prevents a cultivation center from pricing
5 cannabis differently based on differences in the cost of
6 manufacturing or processing, the quantities sold, such as
7 volume discounts, or the way the products are delivered.

8 (f) All cannabis harvested by a cultivation center and
9 intended for distribution to a dispensing organization must be
10 entered into a data collection system, packaged and labeled
11 under Section 55-21, and placed into a cannabis container for
12 transport. All cannabis harvested by a cultivation center and
13 intended for distribution to a craft grower or infuser
14 organization must be packaged in a labeled cannabis container
15 and entered into a data collection system before transport.

16 (g) Cultivation centers are subject to random inspections
17 by the Department of Agriculture, the Department of Public
18 Health, local safety or health inspectors, the Illinois State
19 Police, or as provided by rule.

20 (h) A cultivation center agent shall notify local law
21 enforcement, the Illinois State Police, and the Department of
22 Agriculture within 24 hours of the discovery of any loss or
23 theft. Notification shall be made by phone or in person, or by
24 written or electronic communication.

25 (i) A cultivation center shall comply with all State and
26 any applicable federal rules and regulations regarding the use

1 of pesticides on cannabis plants.

2 (j) No person or entity shall hold any legal, equitable,
3 ownership, or beneficial interest, directly or indirectly, of
4 more than 3 cultivation centers licensed under this Article.
5 Further, no person or entity that is employed by, an agent of,
6 has a contract to receive payment in any form from a
7 cultivation center, is a principal officer of a cultivation
8 center, or entity controlled by or affiliated with a principal
9 officer of a cultivation shall hold any legal, equitable,
10 ownership, or beneficial interest, directly or indirectly, in
11 a cultivation that would result in the person or entity owning
12 or controlling in combination with any cultivation center,
13 principal officer of a cultivation center, or entity
14 controlled or affiliated with a principal officer of a
15 cultivation center by which he, she, or it is employed, is an
16 agent of, or participates in the management of, more than 3
17 cultivation center licenses.

18 (k) A cultivation center may not contain more than 210,000
19 square feet of canopy space for plants in the flowering stage
20 for cultivation of adult use cannabis as provided in this Act.

21 (l) A cultivation center may process cannabis, cannabis
22 concentrates, and cannabis-infused products.

23 (m) Until the Department first issues third-party
24 transporting organization licenses ~~Beginning July 1, 2020,~~ a
25 cultivation center shall not transport cannabis or
26 cannabis-infused products to a craft grower, dispensing

1 organization, infuser organization, or laboratory licensed
2 under this Act, unless it has obtained a transporting
3 organization license. Beginning when the Department first
4 issues third-party transporting organization licenses, a
5 cultivation center shall not transport cannabis or
6 cannabis-infused products and shall use third-party
7 transporting organizations for all transports authorized under
8 this Act, unless (1) the cultivation center possesses a
9 transporting organization license, (2) the cultivation center
10 requires delivery within 36 hours, and (3) the cultivation
11 center has offered a right of first refusal to all third-party
12 transporting organizations and confirmed there are no
13 available third-party transporting organizations to complete
14 the delivery.

15 (n) It is unlawful for any person having a cultivation
16 center license or any officer, associate, member,
17 representative, or agent of such licensee to offer or deliver
18 money, or anything else of value, directly or indirectly to
19 any person having an Early Approval Adult Use Dispensing
20 Organization License, a Conditional Adult Use Dispensing
21 Organization License, an Adult Use Dispensing Organization
22 License, or a medical cannabis dispensing organization license
23 issued under the Compassionate Use of Medical Cannabis Program
24 Act, or to any person connected with or in any way
25 representing, or to any member of the family of, such person
26 holding an Early Approval Adult Use Dispensing Organization

1 License, a Conditional Adult Use Dispensing Organization
2 License, an Adult Use Dispensing Organization License, or a
3 medical cannabis dispensing organization license issued under
4 the Compassionate Use of Medical Cannabis Program Act, or to
5 any stockholders in any corporation engaged in the retail sale
6 of cannabis, or to any officer, manager, agent, or
7 representative of the Early Approval Adult Use Dispensing
8 Organization License, a Conditional Adult Use Dispensing
9 Organization License, an Adult Use Dispensing Organization
10 License, or a medical cannabis dispensing organization license
11 issued under the Compassionate Use of Medical Cannabis Program
12 Act to obtain preferential placement within the dispensing
13 organization, including, without limitation, on shelves and in
14 display cases where purchasers can view products, or on the
15 dispensing organization's website.

16 (o) A cultivation center must comply with any other
17 requirements or prohibitions set by administrative rule of the
18 Department of Agriculture.

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 705/30-30)

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; or -

10 (iv) The craft grower (1) possesses a transporting
11 organization license, (2) requires delivery within 36
12 hours, and (3) has confirmed there are no available
13 third-party transporting organizations to complete the
14 delivery.

15 (l) A craft grower may enter into a contract with a
16 transporting organization to transport cannabis to a
17 cultivation center, a craft grower, an infuser organization, a
18 dispensing organization, or a laboratory.

19 (m) No person or entity shall hold any legal, equitable,
20 ownership, or beneficial interest, directly or indirectly, of
21 more than 3 craft grower licenses. Further, no person or
22 entity that is employed by, an agent of, or has a contract to
23 receive payment from or participate in the management of a
24 craft grower, is a principal officer of a craft grower, or
25 entity controlled by or affiliated with a principal officer of
26 a craft grower shall hold any legal, equitable, ownership, or

1 beneficial interest, directly or indirectly, in a craft grower
2 license that would result in the person or entity owning or
3 controlling in combination with any craft grower, principal
4 officer of a craft grower, or entity controlled or affiliated
5 with a principal officer of a craft grower by which he, she, or
6 it is employed, is an agent of, or participates in the
7 management of more than 3 craft grower licenses.

8 (n) It is unlawful for any person having a craft grower
9 license or any officer, associate, member, representative, or
10 agent of the licensee to offer or deliver money, or anything
11 else of value, directly or indirectly, to any person having an
12 Early Approval Adult Use Dispensing Organization License, a
13 Conditional Adult Use Dispensing Organization License, an
14 Adult Use Dispensing Organization License, or a medical
15 cannabis dispensing organization license issued under the
16 Compassionate Use of Medical Cannabis Program Act, or to any
17 person connected with or in any way representing, or to any
18 member of the family of, the person holding an Early Approval
19 Adult Use Dispensing Organization License, a Conditional Adult
20 Use Dispensing Organization License, an Adult Use Dispensing
21 Organization License, or a medical cannabis dispensing
22 organization license issued under the Compassionate Use of
23 Medical Cannabis Program Act, or to any stockholders in any
24 corporation engaged in the retail sale of cannabis, or to any
25 officer, manager, agent, or representative of the Early
26 Approval Adult Use Dispensing Organization License, a

1 Conditional Adult Use Dispensing Organization License, an
2 Adult Use Dispensing Organization License, or a medical
3 cannabis dispensing organization license issued under the
4 Compassionate Use of Medical Cannabis Program Act to obtain
5 preferential placement within the dispensing organization,
6 including, without limitation, on shelves and in display cases
7 where purchasers can view products, or on the dispensing
8 organization's website.

9 (o) A craft grower shall not be located within 1,500 feet
10 of another craft grower or a cultivation center.

11 (p) A craft grower may process cannabis, cannabis
12 concentrates, and cannabis-infused products.

13 (q) A craft grower must comply with any other requirements
14 or prohibitions set by administrative rule of the Department
15 of Agriculture.

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 705/35-25)

20 Sec. 35-25. Infuser organization requirements;
21 prohibitions.

22 (a) The operating documents of an infuser shall include
23 procedures for the oversight of the infuser, an inventory
24 monitoring system including a physical inventory recorded
25 weekly, accurate recordkeeping, and a staffing plan.

1 (b) An infuser shall implement a security plan reviewed by
2 the Illinois State Police that includes, but is not limited
3 to: facility access controls, perimeter intrusion detection
4 systems, personnel identification systems, and a 24-hour
5 surveillance system to monitor the interior and exterior of
6 the infuser facility and that is accessible to authorized law
7 enforcement, the Department of Public Health, and the
8 Department of Agriculture in real time.

9 (c) All processing of cannabis by an infuser must take
10 place in an enclosed, locked facility at the physical address
11 provided to the Department of Agriculture during the licensing
12 process. The infuser location shall only be accessed by the
13 agents working for the infuser, the Department of Agriculture
14 staff performing inspections, the Department of Public Health
15 staff performing inspections, State and local law enforcement
16 or other emergency personnel, contractors working on jobs
17 unrelated to cannabis, such as installing or maintaining
18 security devices or performing electrical wiring, transporting
19 organization agents as provided in this Act, participants in
20 the incubator program, individuals in a mentoring or
21 educational program approved by the State, local safety or
22 health inspectors, or other individuals as provided by rule.
23 However, if an infuser shares a premises with a craft grower or
24 dispensing organization, agents from these other licensees may
25 access the infuser portion of the premises if that is the
26 location of common bathrooms, lunchrooms, locker rooms, or

1 other areas of the building where processing of cannabis is
2 not performed. At no time may a craft grower or dispensing
3 organization agent perform work at an infuser without being a
4 registered agent of the infuser.

5 (d) An infuser may not sell or distribute any cannabis to
6 any person other than a dispensing organization, or as
7 otherwise authorized by rule.

8 (e) An infuser may not either directly or indirectly
9 discriminate in price between different cannabis business
10 establishments that are purchasing a like grade, strain,
11 brand, and quality of cannabis or cannabis-infused product.
12 Nothing in this subsection (e) prevents an infuser from
13 pricing cannabis differently based on differences in the cost
14 of manufacturing or processing, the quantities sold, such
15 volume discounts, or the way the products are delivered.

16 (f) All cannabis infused by an infuser and intended for
17 distribution to a dispensing organization must be entered into
18 a data collection system, packaged and labeled under Section
19 55-21, and, if distribution is to a dispensing organization
20 that does not share a premises with the infuser, placed into a
21 cannabis container for transport. All cannabis produced by an
22 infuser and intended for distribution to a cultivation center,
23 infuser organization, or craft grower with which it does not
24 share a premises, must be packaged in a labeled cannabis
25 container and entered into a data collection system before
26 transport.

1 (g) Infusers are subject to random inspections by the
2 Department of Agriculture, the Department of Public Health,
3 the Illinois State Police, local law enforcement, or as
4 provided by rule.

5 (h) An infuser agent shall notify local law enforcement,
6 the Illinois State Police, and the Department of Agriculture
7 within 24 hours of the discovery of any loss or theft.
8 Notification shall be made by phone, in person, or by written
9 or electronic communication.

10 (i) An infuser organization may not be located in an area
11 zoned for residential use.

12 (j) An infuser or infuser agent shall not transport
13 cannabis or cannabis-infused products to any other cannabis
14 business establishment ~~without a transport organization~~
15 ~~license~~ unless:

16 (i) If the infuser is located in a county with a
17 population of 3,000,000 or more, the cannabis business
18 establishment receiving the cannabis or cannabis-infused
19 product is within 2,000 feet of the property line of the
20 infuser;

21 (ii) If the infuser is located in a county with a
22 population of more than 700,000 but fewer than 3,000,000,
23 the cannabis business establishment receiving the cannabis
24 or cannabis-infused product is within 2 miles of the
25 infuser; ~~or~~

26 (iii) If the infuser is located in a county with a

1 population of fewer than 700,000, the cannabis business
2 establishment receiving the cannabis or cannabis-infused
3 product is within 15 miles of the infuser; or -

4 (iv) The infuser (1) possesses a transporting
5 organization license, (2) requires delivery within 36
6 hours, and (3) has confirmed there are no available
7 third-party transporting organizations to complete the
8 delivery.

9 (k) An infuser may enter into a contract with a
10 transporting organization to transport cannabis to a
11 dispensing organization or a laboratory.

12 (l) An infuser organization may share premises with a
13 craft grower or a dispensing organization, or both, provided
14 each licensee stores currency and cannabis or cannabis-infused
15 products in a separate secured vault to which the other
16 licensee does not have access or all licensees sharing a vault
17 share more than 50% of the same ownership.

18 (m) It is unlawful for any person or entity having an
19 infuser organization license or any officer, associate,
20 member, representative or agent of such licensee to offer or
21 deliver money, or anything else of value, directly or
22 indirectly to any person having an Early Approval Adult Use
23 Dispensing Organization License, a Conditional Adult Use
24 Dispensing Organization License, an Adult Use Dispensing
25 Organization License, or a medical cannabis dispensing
26 organization license issued under the Compassionate Use of

1 Medical Cannabis Program Act, or to any person connected with
2 or in any way representing, or to any member of the family of,
3 such person holding an Early Approval Adult Use Dispensing
4 Organization License, a Conditional Adult Use Dispensing
5 Organization License, an Adult Use Dispensing Organization
6 License, or a medical cannabis dispensing organization license
7 issued under the Compassionate Use of Medical Cannabis Program
8 Act, or to any stockholders in any corporation engaged the
9 retail sales of cannabis, or to any officer, manager, agent,
10 or representative of the Early Approval Adult Use Dispensing
11 Organization License, a Conditional Adult Use Dispensing
12 Organization License, an Adult Use Dispensing Organization
13 License, or a medical cannabis dispensing organization license
14 issued under the Compassionate Use of Medical Cannabis Program
15 Act to obtain preferential placement within the dispensing
16 organization, including, without limitation, on shelves and in
17 display cases where purchasers can view products, or on the
18 dispensing organization's website.

19 (n) At no time shall an infuser organization or an infuser
20 agent perform the extraction of cannabis concentrate from
21 cannabis flower.

22 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
23 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
24 5-13-22.)

1 Sec. 40-5. Issuance of licenses.

2 (a) The Department shall issue transporting licenses
3 through a process provided for in this Article no later than
4 July 1, 2020.

5 (b) The Department shall make the application for
6 transporting organization licenses available on January 7,
7 2020 and shall receive such applications no later than March
8 15, 2020. Subject to subsection (c), the ~~The~~ Department of
9 Agriculture shall make available such applications on every
10 January 7 thereafter or if that date falls on a weekend or
11 holiday, the business day immediately succeeding the weekend
12 or holiday and shall receive such applications no later than
13 March 15 or the succeeding business day thereafter.

14 (c) Beginning on the effective date of this amendatory Act
15 of the 103rd General Assembly and until January 1, 2031, the
16 Department shall not accept any transporting license
17 applications or issue any transporting licenses. By December
18 31, 2030, the Illinois Cannabis Regulation Oversight Officer
19 shall conduct a study to determine whether additional
20 transportation licenses are necessary at that time. Additional
21 transportation licenses shall not be issued unless the
22 Illinois Cannabis Regulation Oversight Officer deems it
23 necessary.

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

25 (410 ILCS 705/40-25)

1 Sec. 40-25. Transporting organization requirements;
2 prohibitions.

3 (a) The operating documents of a transporting organization
4 shall include procedures for the oversight of the transporter,
5 an inventory monitoring system including a physical inventory
6 recorded weekly, accurate recordkeeping, and a staffing plan.

7 (b) A transporting organization may not transport cannabis
8 or cannabis-infused products to any person other than a
9 cultivation center, a craft grower, an infuser organization, a
10 dispensing organization, a testing facility, or as otherwise
11 authorized by rule.

12 (c) All cannabis transported by a transporting
13 organization must be entered into a data collection system and
14 placed into a cannabis container for transport.

15 (d) Transporters are subject to random inspections by the
16 Department of Agriculture, the Department of Public Health,
17 the Illinois State Police, or as provided by rule.

18 (e) A transporting organization agent shall notify local
19 law enforcement, the Illinois State Police, and the Department
20 of Agriculture within 24 hours of the discovery of any loss or
21 theft. Notification shall be made by phone, in person, or by
22 written or electronic communication.

23 (f) No person under the age of 21 years shall be in a
24 commercial vehicle or trailer transporting cannabis goods.

25 (g) No person or individual who is not a transporting
26 organization agent shall be in a vehicle while transporting

1 cannabis goods.

2 (h) Transporters may not use commercial motor vehicles
3 with a weight rating of over 10,001 pounds.

4 (i) It is unlawful for any person to offer or deliver
5 money, or anything else of value, directly or indirectly, to
6 any of the following persons to obtain preferential placement
7 within the dispensing organization, including, without
8 limitation, on shelves and in display cases where purchasers
9 can view products, or on the dispensing organization's
10 website:

11 (1) a person having a transporting organization
12 license, or any officer, associate, member,
13 representative, or agent of the licensee;

14 (2) a person having an Early Applicant Adult Use
15 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;

19 (3) a person connected with or in any way
20 representing, or a member of the family of, a person
21 holding 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; or

26 (4) a stockholder, officer, manager, agent, or

1 representative of a corporation engaged in the retail sale
2 of cannabis, an Early Applicant Adult Use Dispensing
3 Organization License, an Adult Use Dispensing Organization
4 License, or a medical cannabis dispensing organization
5 license issued under the Compassionate Use of Medical
6 Cannabis Program Act.

7 (j) A transporting organization agent must keep his or her
8 identification card visible at all times when on the property
9 of a cannabis business establishment and during the
10 transporting of cannabis when acting under his or her duties
11 as a transportation organization agent. During these times,
12 the transporting organization agent must also provide the
13 identification card upon request of any law enforcement
14 officer engaged in his or her official duties.

15 (k) A copy of the transporting organization's registration
16 and a manifest for the delivery shall be present in any vehicle
17 transporting cannabis.

18 (l) Cannabis shall be transported so it is not visible or
19 recognizable from outside the vehicle.

20 (m) A vehicle transporting cannabis must not bear any
21 markings to indicate the vehicle contains cannabis or bear the
22 name or logo of the cannabis business establishment.

23 (n) Cannabis must be transported in an enclosed, locked
24 storage compartment that is secured or affixed to the vehicle.

25 (n-5) Third-party transporting organizations may
26 temporarily store cannabis and cannabis products in a secure

1 storage area in the third-party transporting organization's
2 physical location for no more than 36 hours and in compliance
3 with all applicable security, inventory, and storage
4 requirements set forth by the Department of Agriculture, which
5 shall be no more burdensome than those set forth for craft
6 growers.

7 (o) The Department of Agriculture may, by rule, impose any
8 other requirements or prohibitions on the transportation of
9 cannabis.

10 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
11 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
12 5-13-22.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.