



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1383

Introduced 2/14/2011, by Rep. Kenneth Dunkin

SYNOPSIS AS INTRODUCED:

New Act

Creates the Industrial Hemp Act. Provides that any person desiring to grow, process, cultivate, harvest, process, possess, sell, or purchase industrial hemp or industrial hemp related products must be licensed by the Department of Agriculture. Provides that the application for a license shall include the name and address of the applicant and the legal description of the land area to be used to grow or process industrial hemp and that the license shall be valid for a period of one year. Requires an applicant to complete a statewide and nationwide criminal background check. Provides that no person with a prior felony conviction within 10 years of applying for a license shall be eligible for licensure. Preempts home rule.

LRB097 05439 CEL 45497 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning agriculture.

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

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

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Agriculture.

8 "Director" means the Director of Agriculture.

9 "Industrial hemp" means fibres cultivated from plants of
10 the cannabis genus with a THC (tetrahydrocannabinol) content of
11 0.3% or lower.

12 Section 10. Licenses.

13 (a) Any person desiring to grow, process, cultivate,
14 harvest, process, possess, sell, or purchase industrial hemp or
15 industrial hemp related products must be licensed by the
16 Department.

17 (b) The application for a license shall include the name
18 and address of the applicant and the legal description of the
19 land area to be used to grow or process industrial hemp.

20 (c) Each individual shall submit his or her fingerprints to
21 the Department of State Police in an electronic format that
22 complies with the form and manner for requesting and furnishing

1 criminal history record information prescribed by the
2 Department of State Police. The fingerprints submitted under
3 this Section shall be checked against the fingerprint records
4 filed in the Department of State Police criminal history record
5 databases. The Department of State Police shall charge a fee
6 for conducting the criminal history records check, which shall
7 not exceed the actual cost of the records check. The Department
8 of State Police shall provide information concerning any
9 criminal convictions against the individual to the Department.
10 No person with a prior felony conviction within 10 years of
11 applying for a license shall be eligible for licensure.

12 (d) If the applicant completes the application process to
13 the satisfaction of the Department, then the Department shall
14 issue the license, which shall be valid for a period of one
15 year.

16 Section 15. Rules.

17 (a) The application and licensing requirements shall be
18 determined by the Department and set by rule.

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

22 (c) The Department shall adopt rules necessary for the
23 administration and enforcement of this Act, including rules
24 concerning standards and criteria for licensure, for the
25 payment of applicable fees, and for forms required for the

1 administration of this Act.

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

5 Section 25. Violation of federal law. Nothing in this Act
6 shall be construed to authorize any person to violate federal
7 rules, regulations, or laws. If any part of this Act conflicts
8 with a provision of the federal laws regarding industrial hemp,
9 the federal provisions shall control to the extent of the
10 conflict.

11 Section 30. Home rule. It is declared to be the public
12 policy of this State, under subsection (h) of Section 6 of
13 Article VII of the Illinois Constitution of 1970, that any
14 power or function set forth in this Act to be exercised by the
15 State is an exclusive State power or function. The power or
16 function shall not be exercised concurrently, either directly
17 or indirectly, by any unit of local government, including home
18 rule units, except as otherwise provided in this Act. This is a
19 limitation of home rule powers.