

HB3970



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3970

Introduced 2/17/2023, by Rep. Norma Hernandez

SYNOPSIS AS INTRODUCED:

410 ILCS 705/55-21

Amends the Cannabis Regulation and Tax Act. Provides that cannabis packaging must not contain neon or fluorescent colors; the words "candy", "candies", or any variant of those words, such as "kandy" or "kandeez"; things that are commonly used to market products to individuals under the age of 21, including symbols, images, characters, public figures, or phrases; or images of individuals who could reasonably appear to be under the age of 21. Modifies a prohibition of images on labels designed or likely to appeal to minors to include games. Makes conforming changes.

LRB103 29914 AWJ 56326 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Cannabis Regulation and Tax Act is amended
5 by changing Section 55-21 as follows:

6 (410 ILCS 705/55-21)

7 Sec. 55-21. Cannabis product packaging and labeling.

8 (a) Each cannabis product produced for sale shall be
9 registered with the Department of Agriculture on forms
10 provided by the Department of Agriculture. Each product
11 registration shall include a label and the required
12 registration fee at the rate established by the Department of
13 Agriculture for a comparable medical cannabis product, or as
14 established by rule. The registration fee is for the name of
15 the product offered for sale and one fee shall be sufficient
16 for all package sizes.

17 (b) All harvested cannabis intended for distribution to a
18 cannabis enterprise must be packaged in a sealed, labeled
19 container.

20 (c) Any product containing cannabis shall be sold in a
21 sealed, odor-proof, and child-resistant cannabis container
22 consistent with current standards, including the Consumer
23 Product Safety Commission standards referenced by the Poison

1 Prevention Act unless the sale is between or among a craft
2 grower, infuser, or cultivation center.

3 (d) All cannabis-infused products shall be individually
4 wrapped or packaged at the original point of preparation. The
5 packaging of the cannabis-infused product shall conform to the
6 labeling requirements of the Illinois Food, Drug and Cosmetic
7 Act, in addition to the other requirements set forth in this
8 Section.

9 (e) Each cannabis product shall be labeled before sale and
10 each label shall be securely affixed to the package and shall
11 state in legible English and any languages required by the
12 Department of Agriculture:

13 (1) the name and post office box of the registered
14 cultivation center or craft grower where the item was
15 manufactured;

16 (2) the common or usual name of the item and the
17 registered name of the cannabis product that was
18 registered with the Department of Agriculture under
19 subsection (a);

20 (3) a unique serial number that will match the product
21 with a cultivation center or craft grower batch and lot
22 number to facilitate any warnings or recalls the
23 Department of Agriculture, cultivation center, or craft
24 grower deems appropriate;

25 (4) the date of final testing and packaging, if
26 sampled, and the identification of the independent testing

1 laboratory;

2 (5) the date of harvest and "use by" date;

3 (6) the quantity (in ounces or grams) of cannabis
4 contained in the product;

5 (7) a pass/fail rating based on the laboratory's
6 microbiological, mycotoxins, and pesticide and solvent
7 residue analyses, if sampled;

8 (8) content list.

9 (A) A list of the following, including the minimum
10 and maximum percentage content by weight for
11 subdivisions (e) (8) (A) (i) through (iv):

12 (i) delta-9-tetrahydrocannabinol (THC);

13 (ii) tetrahydrocannabinolic acid (THCA);

14 (iii) cannabidiol (CBD);

15 (iv) cannabidiolic acid (CBDA); and

16 (v) all other ingredients of the item,
17 including any colors, artificial flavors, and
18 preservatives, listed in descending order by
19 predominance of weight shown with common or usual
20 names.

21 (B) The acceptable tolerances for the minimum
22 percentage printed on the label for any of
23 subdivisions (e) (8) (A) (i) through (iv) shall not be
24 below 85% or above 115% of the labeled amount.

25 (f) Packaging must not contain ~~information that~~:

26 (1) information that is false or misleading;

- 1 (2) information that promotes excessive consumption;
- 2 (3) information that depicts a person under 21 years
3 of age consuming cannabis;
- 4 (4) information that includes the image of a cannabis
5 leaf;
- 6 (5) images ~~includes any image~~ designed or likely to
7 appeal to minors, including cartoons, toys, games,
8 animals, or children, or any other likeness to images,
9 characters, or phrases that are popularly used to
10 advertise to children, or any packaging or labeling that
11 bears reasonable resemblance to any product available for
12 consumption as a commercially available candy, or that
13 promotes consumption of cannabis;
- 14 (6) information that contains any seal, flag, crest,
15 coat of arms, or other insignia likely to mislead the
16 purchaser to believe that the product has been endorsed,
17 made, or used by the State of Illinois or any of its
18 representatives except where authorized by this Act;~~:-~~
- 19 (7) neon or fluorescent colors;
- 20 (8) the words "candy", "candies", or any variant of
21 those words, such as "kandy" or "kandeez";
- 22 (9) things that are commonly used to market products
23 to individuals under the age of 21, including symbols,
24 images, characters, public figures, or phrases; or
- 25 (10) images of individuals who could reasonably appear
26 to be under the age of 21.

1 (g) Cannabis products produced by concentrating or
2 extracting ingredients from the cannabis plant shall contain
3 the following information, where applicable:

4 (1) If solvents were used to create the concentrate or
5 extract, a statement that discloses the type of extraction
6 method, including any solvents or gases used to create the
7 concentrate or extract; and

8 (2) Any other chemicals or compounds used to produce
9 or were added to the concentrate or extract.

10 (h) All cannabis products must contain warning statements
11 established for purchasers, of a size that is legible and
12 readily visible to a consumer inspecting a package, which may
13 not be covered or obscured in any way. The Department of Public
14 Health shall define and update appropriate health warnings for
15 packages including specific labeling or warning requirements
16 for specific cannabis products.

17 (i) Unless modified by rule to strengthen or respond to
18 new evidence and science, the following warnings shall apply
19 to all cannabis products unless modified by rule: "This
20 product contains cannabis and is intended for use by adults 21
21 and over. Its use can impair cognition and may be habit
22 forming. This product should not be used by pregnant or
23 breastfeeding women. It is unlawful to sell or provide this
24 item to any individual, and it may not be transported outside
25 the State of Illinois. It is illegal to operate a motor vehicle
26 while under the influence of cannabis. Possession or use of

1 this product may carry significant legal penalties in some
2 jurisdictions and under federal law.".

3 (j) Warnings for each of the following product types must
4 be present on labels when offered for sale to a purchaser:

5 (1) Cannabis that may be smoked must contain a
6 statement that "Smoking is hazardous to your health.".

7 (2) Cannabis-infused products (other than those
8 intended for topical application) must contain a statement
9 "CAUTION: This product contains cannabis, and intoxication
10 following use may be delayed 2 or more hours. This product
11 was produced in a facility that cultivates cannabis, and
12 that may also process common food allergens.".

13 (3) Cannabis-infused products intended for topical
14 application must contain a statement "DO NOT EAT" in bold,
15 capital letters.

16 (k) Each cannabis-infused product intended for consumption
17 must be individually packaged, must include the total
18 milligram content of THC and CBD, and may not include more than
19 a total of 100 milligrams of THC per package. A package may
20 contain multiple servings of 10 milligrams of THC, indicated
21 by scoring, wrapping, or by other indicators designating
22 individual serving sizes. The Department of Agriculture may
23 change the total amount of THC allowed for each package, or the
24 total amount of THC allowed for each serving size, by rule.

25 (l) No individual other than the purchaser may alter or
26 destroy any labeling affixed to the primary packaging of

1 cannabis or cannabis-infused products.

2 (m) For each commercial weighing and measuring device used
3 at a facility, the cultivation center or craft grower must:

4 (1) Ensure that the commercial device is licensed
5 under the Weights and Measures Act and the associated
6 administrative rules (8 Ill. Adm. Code 600);

7 (2) Maintain documentation of the licensure of the
8 commercial device; and

9 (3) Provide a copy of the license of the commercial
10 device to the Department of Agriculture for review upon
11 request.

12 (n) It is the responsibility of the Department to ensure
13 that packaging and labeling requirements, including product
14 warnings, are enforced at all times for products provided to
15 purchasers. Product registration requirements and container
16 requirements may be modified by rule by the Department of
17 Agriculture.

18 (o) Labeling, including warning labels, may be modified by
19 rule by the Department of Agriculture.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
21 102-98, eff. 7-15-21.)