



Rep. Kenneth Dunkin

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09800HB2668ham001

LRB098 10464 CEL 43107 a

1 AMENDMENT TO HOUSE BILL 2668

2 AMENDMENT NO. _____. Amend House Bill 2668 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1

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

7 Section 1-5. Definitions. In this Act:

8 "Department" means the Department of Agriculture.

9 "Director" means the Director of Agriculture.

10 "Industrial hemp" means fibres cultivated from plants of
11 the cannabis genus with a THC (tetrahydrocannabinol) content of
12 0.3% or lower.

13 Section 1-10. Licenses.

14 (a) Any person desiring to grow, process, cultivate, or

1 harvest industrial hemp or industrial hemp related products
2 must be licensed by the Department.

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

6 (c) Each individual shall submit his or her fingerprints to
7 the Department of State Police in an electronic format that
8 complies with the form and manner for requesting and furnishing
9 criminal history record information prescribed by the
10 Department of State Police. The fingerprints submitted under
11 this Section shall be checked against the fingerprint records
12 filed in the Department of State Police criminal history record
13 databases. The Department of State Police shall charge a fee
14 for conducting the criminal history records check, which shall
15 not exceed the actual cost of the records check. The Department
16 of State Police shall provide information concerning any
17 criminal convictions against the individual to the Department.
18 No person with a prior felony conviction within 10 years of
19 applying for a license shall be eligible for licensure.

20 (d) If the applicant completes the application process to
21 the satisfaction of the Department, then the Department shall
22 issue the license, which shall be valid for a period of one
23 year.

24 Section 1-15. Rules.

25 (a) The application and licensing requirements shall be

1 determined by the Department and set by rule.

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

5 (c) Within 180 days after the federal government's approval
6 of any waiver requested under this Act, the Department shall
7 adopt rules necessary for the administration and enforcement of
8 this Act, including rules concerning standards and criteria for
9 licensure, for the payment of applicable fees that shall offset
10 the cost of enforcement of this Act, and for forms required for
11 the administration of this Act.

12 Section 1-20. Hemp products. Nothing in this Act shall
13 alter the legality of hemp or hemp products that are presently
14 legal to possess or own.

15 Section 1-25. Violation of federal law. Nothing in this Act
16 shall be construed to authorize any person to violate federal
17 rules, regulations, or laws. If any part of this Act conflicts
18 with a provision of the federal laws regarding industrial hemp,
19 the federal provisions shall control to the extent of the
20 conflict.

21 Section 1-30. Home rule. It is declared to be the public
22 policy of this State, under subsection (h) of Section 6 of
23 Article VII of the Illinois Constitution of 1970, that any

1 power or function set forth in this Act to be exercised by the
2 State is an exclusive State power or function. The power or
3 function shall not be exercised concurrently, either directly
4 or indirectly, by any unit of local government, including home
5 rule units, except as otherwise provided in this Act. This is a
6 limitation of home rule powers.

7 ARTICLE 5

8 Section 5-1. Short title. This Act may be cited as the
9 Industrial Hemp Research Act.

10 Section 5-5. Definitions. For the purposes of this Act:

11 "Department" means the Department of Agriculture.

12 "Industrial hemp" means any variety of *Cannabis sativa* L.
13 with a delta-9 tetrahydrocannabinol (THC) concentration that
14 does not exceed 0.3% on a dry weight basis and that is grown in
15 compliance with federal and State licensing conditions.

16 Section 5-10. Industrial hemp study. Public universities
17 in the State, except the University of Illinois at Chicago, are
18 authorized to study the feasibility and desirability of
19 industrial hemp production in this State. This authority
20 expires on January 1, 2019 and is subject to renewal. Any study
21 shall include an analysis of required soils and growing
22 conditions, seed availability and varieties, including

1 in-the-ground seed variety trials, harvest methods, market
2 economies, and environmental benefits. Research shall include
3 finding high producing, high quality varieties with a zero
4 percent level of THC. In addition, research shall address the
5 potential impact of commercial production of industrial hemp on
6 law enforcement, including, but not limited to, the impact on
7 the State's crime laboratory system. Any public university in
8 the State shall obtain all federal and State permits needed to
9 legally grow industrial hemp for fiber or seed production prior
10 to importing any non-sterilized industrial hemp seeds capable
11 of germination into the State. All research conducted in this
12 Section is subject to the availability of funding, which shall
13 be sought by institutions performing the research from federal,
14 private, corporate, and other sources other than the State of
15 Illinois. Any university conducting the research shall report
16 its research, progress, and any findings and recommendations to
17 the General Assembly by January 1, 2017.

18 ARTICLE 10

19 Section 10-5. The Cannabis Control Act is amended by
20 changing Section 3 as follows:

21 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

22 Sec. 3. As used in this Act, unless the context otherwise
23 requires:

1 (a) "Cannabis" includes marihuana, hashish and other
2 substances which are identified as including any parts of the
3 plant Cannabis Sativa, whether growing or not; the seeds
4 thereof, the resin extracted from any part of such plant; and
5 any compound, manufacture, salt, derivative, mixture, or
6 preparation of such plant, its seeds, or resin, including
7 tetrahydrocannabinol (THC) and all other cannabinol
8 derivatives, including its naturally occurring or
9 synthetically produced ingredients, whether produced directly
10 or indirectly by extraction, or independently by means of
11 chemical synthesis or by a combination of extraction and
12 chemical synthesis; but shall not include the mature stalks of
13 such plant, fiber produced from such stalks, oil or cake made
14 from the seeds of such plant, any other compound, manufacture,
15 salt, derivative, mixture, or preparation of such mature stalks
16 (except the resin extracted therefrom), fiber, oil or cake, ~~or~~
17 the sterilized seed of such plant which is incapable of
18 germination, or industrial hemp solely as authorized for the
19 purposes of the Industrial Hemp Research Act.

20 (b) "Casual delivery" means the delivery of not more than
21 10 grams of any substance containing cannabis without
22 consideration.

23 (c) "Department" means the Illinois Department of Human
24 Services (as successor to the Department of Alcoholism and
25 Substance Abuse) or its successor agency.

26 (d) "Deliver" or "delivery" means the actual, constructive

1 or attempted transfer of possession of cannabis, with or
2 without consideration, whether or not there is an agency
3 relationship.

4 (e) "Department of State Police" means the Department of
5 State Police of the State of Illinois or its successor agency.

6 (f) "Director" means the Director of the Department of
7 State Police or his designated agent.

8 (g) "Local authorities" means a duly organized State,
9 county, or municipal peace unit or police force.

10 (h) "Manufacture" means the production, preparation,
11 propagation, compounding, conversion or processing of
12 cannabis, either directly or indirectly, by extraction from
13 substances of natural origin, or independently by means of
14 chemical synthesis, or by a combination of extraction and
15 chemical synthesis, and includes any packaging or repackaging
16 of cannabis or labeling of its container, except that this term
17 does not include the preparation, compounding, packaging, or
18 labeling of cannabis as an incident to lawful research,
19 teaching, or chemical analysis and not for sale.

20 (i) "Person" means any individual, corporation, government
21 or governmental subdivision or agency, business trust, estate,
22 trust, partnership or association, or any other entity.

23 (j) "Produce" or "production" means planting, cultivating,
24 tending or harvesting.

25 (k) "State" includes the State of Illinois and any state,
26 district, commonwealth, territory, insular possession thereof,

1 and any area subject to the legal authority of the United
2 States of America.

3 (1) "Subsequent offense" means an offense under this Act,
4 the offender of which, prior to his conviction of the offense,
5 has at any time been convicted under this Act or under any laws
6 of the United States or of any state relating to cannabis, or
7 any controlled substance as defined in the Illinois Controlled
8 Substances Act.

9 (Source: P.A. 89-507, eff. 7-1-97.)

10 Section 10-10. The Cannabis and Controlled Substances Tort
11 Claims Act is amended by changing Section 3 as follows:

12 (740 ILCS 20/3) (from Ch. 70, par. 903)

13 Sec. 3. Definitions. As used in this Act, unless the
14 context otherwise requires:

15 "Cannabis" includes marihuana, hashish, and other
16 substances that are identified as including any parts of the
17 plant Cannabis Sativa, whether growing or not, the seeds of
18 that plant, the resin extracted from any part of that plant,
19 and any compound, manufacture, salt, derivative, mixture, or
20 preparation of that plant, its seeds, or resin, including
21 tetrahydrocannabinol (THC) and all other cannabinol
22 derivatives, including its naturally occurring or
23 synthetically produced ingredients, whether produced directly
24 or indirectly by extraction, independently by means of chemical

1 synthesis, or by a combination of extraction and chemical
2 synthesis. "Cannabis" does not include the mature stalks of
3 that plant, fiber produced from those stalks, oil or cake made
4 from the seeds of that plant, any other compound, manufacture,
5 salt, derivative, mixture, or preparation of mature stalks
6 (except the extracted resin), fiber, oil or cake, ~~or~~ the
7 sterilized seeds of that plant that are incapable of
8 germination, or industrial hemp solely as authorized for the
9 purposes of the Industrial Hemp Research Act.

10 "Controlled substance" means a drug, substance, or
11 immediate precursor in the Schedules of Article II of the
12 Illinois Controlled Substances Act.

13 "Counterfeit substance" means a controlled substance or
14 the container or labeling of a controlled substance that,
15 without authorization, bears the trademark, trade name, or
16 other identifying mark, imprint, number, device, or any
17 likeness thereof of a manufacturer, distributor, or dispenser
18 other than the person who in fact manufactured, distributed, or
19 dispensed the substance.

20 "Deliver" or "delivery" means the actual, constructive, or
21 attempted transfer of possession of a controlled substance or
22 cannabis, with or without consideration, whether or not there
23 is an agency relationship.

24 "Manufacture" means the production, preparation,
25 propagation, compounding, conversion, or processing of a
26 controlled substance, either directly or indirectly, by

1 extraction from substances of natural origin, independently by
2 means of chemical synthesis, or by a combination of extraction
3 and chemical synthesis, and includes any packaging or
4 repackaging of the substance or labeling of its container,
5 except that the term does not include:

6 (1) by an ultimate user, the preparation or compounding
7 of a controlled substance for his own use;

8 (2) by a practitioner or his authorized agent under his
9 supervision, the preparation, compounding, packaging, or
10 labeling of a controlled substance:

11 (A) as an incident to his administering or
12 dispensing of a controlled substance in the course of
13 his professional practice; or

14 (B) as an incident to lawful research, teaching or
15 chemical analysis and not for sale; or

16 (3) the preparation, compounding, packaging, or
17 labeling of cannabis as an incident to lawful research,
18 teaching, or chemical analysis and not for sale.

19 "Owner" means a person who has possession of or any
20 interest whatsoever in the property involved.

21 "Person" means an individual, a corporation, a government,
22 a governmental subdivision or agency, a business trust, an
23 estate, a trust, a partnership or association, or any other
24 entity.

25 "Production" means planting, cultivating, tending, or
26 harvesting.

1 "Property" means real property, including things growing
2 on, affixed to, and found in land, and tangible or intangible
3 personal property, including rights, services, privileges,
4 interests, claims, and securities.
5 (Source: P.A. 96-328, eff. 8-11-09.)".