

# SB3820



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3820

Introduced 2/6/2026, by Sen. Kimberly A. Lightford

### SYNOPSIS AS INTRODUCED:

505 ILCS 89/5  
505 ILCS 89/15  
505 ILCS 89/20  
720 ILCS 550/15.2

Amends the Industrial Hemp Act and the Cannabis Control Act. Makes changes to conform with changes in federal law. Directs the Department of Agriculture, within 12 months of the effective date of the amendatory Act, to adopt rules consistent with the changes in federal law with respect to hemp and industrial hemp reflected in the federal Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026. Effective immediately.

LRB104 20131 BDA 33582 b

A BILL FOR

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 5. The Industrial Hemp Act is amended by changing  
5 Sections 5, 15, and 20 as follows:

6 (505 ILCS 89/5)

7 Sec. 5. Definitions. In this Act:

8 "Department" means the Department of Agriculture.

9 "Director" means the Director of Agriculture.

10 "Hemp" has the meaning given to that term in 7 U.S.C.  
11 1639o. ~~or "industrial hemp" means the plant Cannabis sativa L.~~  
12 ~~and any part of that plant, whether growing or not, with a~~  
13 ~~delta-9 tetrahydrocannabinol concentration of not more than~~  
14 ~~0.3 percent on a dry weight basis and includes any~~  
15 ~~intermediate or finished product made or derived from~~  
16 ~~industrial hemp.~~

17 "Hemp-derived cannabinoid product" has the meaning given  
18 to that term in 7 U.S.C. 1639o.

19 "Hemp production plan" means a plan submitted by the  
20 Department to the Secretary of the United States Department of  
21 Agriculture pursuant to 7 U.S.C. 1639p ~~the federal Agriculture~~  
22 ~~Improvement Act of 2018, Public Law 115-334,~~ and consistent  
23 with the Domestic Hemp Production Program pursuant to 7 CFR

1 Part 990 or successor regulations ~~wherein the Department~~  
2 ~~establishes its desire to have primary regulatory authority~~  
3 ~~over the production of hemp.~~

4 "Industrial hemp" has the meaning given to that term in 7  
5 U.S.C. 1639o.

6 "Land area" means a farm as defined in Section 1-60 of the  
7 Property Tax Code in this State or land or facilities under the  
8 control of an institution of higher education.

9 "Person" means any individual, partnership, firm,  
10 corporation, company, society, association, the State or any  
11 department, agency, or subdivision thereof, or any other  
12 entity.

13 "Process" means the conversion of raw industrial hemp  
14 plant material into a form that is presently legal to import  
15 from outside the United States under federal law.

16 "THC" means any ~~delta-9~~ tetrahydrocannabinol.

17 (Source: P.A. 102-690, eff. 12-17-21.)

18 (505 ILCS 89/15)

19 Sec. 15. Rules.

20 (a) The Department shall submit to the Secretary of the  
21 United States Department of Agriculture a hemp production plan  
22 under which the Department monitors and regulates the  
23 production of industrial hemp in this State. The Department  
24 shall adopt rules incorporating the hemp production plan,  
25 including application and licensing requirements.

1           (b) The rules set by the Department shall include one  
2 yearly inspection of a licensed industrial hemp cultivation  
3 operation and allow for additional unannounced inspections of  
4 a licensed industrial hemp cultivation operation at the  
5 Department's discretion.

6           (c) The Department shall adopt rules necessary for the  
7 administration and enforcement of this Act in accordance with  
8 all applicable State and federal laws and regulations,  
9 including rules concerning standards and criteria for  
10 licensure and registration, for the payment of applicable  
11 fees, signage, and for forms required for the administration  
12 of this Act.

13           (d) The Department shall adopt rules for the testing of  
14 the industrial hemp THC levels and the disposal of plant  
15 matter exceeding lawful THC levels, including an option for a  
16 cultivator to retest for a minor violation, with the retest  
17 threshold determined by the Department and set in rule. Those  
18 rules may provide for the use of seed certified to meet the THC  
19 levels mandated by this Act as an alternative to testing.

20           (e) Within 12 months of the effective date of this  
21 amendatory Act of the 104th General Assembly, the Department  
22 shall adopt rules consistent with the changes in federal law  
23 with respect to hemp and industrial hemp reflected in the  
24 federal Continuing Appropriations, Agriculture, Legislative  
25 Branch, Military Construction and Veterans Affairs, and  
26 Extensions Act, 2026 (Public Law 119-37).

1 (Source: P.A. 102-690, eff. 12-17-21.)

2 (505 ILCS 89/20)

3 Sec. 20. Hemp products. Nothing in this Act shall alter  
4 the legality of hemp or hemp products or hemp-derived  
5 cannabinoid products that are presently legal to possess or  
6 own.

7 (Source: P.A. 100-1091, eff. 8-26-18.)

8 Section 10. The Cannabis Control Act is amended by  
9 changing Section 15.2 as follows:

10 (720 ILCS 550/15.2)

11 Sec. 15.2. Industrial hemp pilot program.

12 (a) Pursuant to Section 7606 of the federal Agricultural  
13 Act of 2014, an institution of higher education or the  
14 Department of Agriculture may grow or cultivate industrial  
15 hemp if:

16 (1) the industrial hemp is grown or cultivated for  
17 purposes of research conducted under an agricultural pilot  
18 program or other agricultural or academic research;

19 (2) the pilot program studies the growth, cultivation,  
20 or marketing of industrial hemp; and

21 (3) any site used for the growing or cultivating of  
22 industrial hemp is certified by, and registered with, the  
23 Department of Agriculture.

1 (b) Before conducting industrial hemp research, an  
2 institution of higher education shall notify the Department of  
3 Agriculture and any local law enforcement agency in writing.

4 (c) The institution of higher education shall provide  
5 quarterly reports and an annual report to the Department of  
6 Agriculture on the research and the research program shall be  
7 subject to random inspection by the Department of Agriculture,  
8 the Illinois State Police, or local law enforcement agencies.  
9 The institution of higher education shall submit the annual  
10 report to the Department of Agriculture on or before October  
11 1.

12 (d) The Department of Agriculture may adopt rules to  
13 implement this Section. In order to provide for the  
14 expeditious and timely implementation of this Section, upon  
15 notification by an institution of higher education that the  
16 institution wishes to engage in the growth or cultivation of  
17 industrial hemp for agricultural research purposes, the  
18 Department of Agriculture may adopt emergency rules under  
19 Section 5-45 of the Illinois Administrative Procedure Act to  
20 implement the provisions of this Section. If changes to the  
21 rules are required to comply with federal rules, the  
22 Department of Agriculture may adopt peremptory rules as  
23 necessary to comply with changes to corresponding federal  
24 rules. All other rules that the Department of Agriculture  
25 deems necessary to adopt in connection with this Section must  
26 proceed through the ordinary rule-making process. The adoption

1 of emergency rules authorized by this Section shall be deemed  
2 to be necessary for the public interest, safety, and welfare.

3 The Department of Agriculture may determine, by rule, the  
4 duration of an institution of higher education's pilot program  
5 or industrial hemp research. If the institution of higher  
6 education has not completed its program within the timeframe  
7 established by rule, then the Department of Agriculture may  
8 grant an extension to the pilot program if unanticipated  
9 circumstances arose that impacted the program.

10 Within 12 months of the effective date of this amendatory  
11 Act of the 104th General Assembly, the Department of  
12 Agriculture shall adopt rules consistent with the changes in  
13 federal law with respect to hemp and industrial hemp reflected  
14 in the federal Continuing Appropriations, Agriculture,  
15 Legislative Branch, Military Construction and Veterans  
16 Affairs, and Extensions Act, 2026 (Public Law 119-37).

17 (e) As used in this Section:

18 "Industrial hemp" has the meaning given to that term in 7  
19 U.S.C. 1639o ~~means cannabis sativa L. having no more than 0.3%~~  
20 ~~total THC available, upon heating, or maximum delta-9~~  
21 ~~tetrahydrocannabinol content possible.~~

22 "Institution of higher education" means a State  
23 institution of higher education that offers a 4-year degree in  
24 agricultural science.

25 (Source: P.A. 102-538, eff. 8-20-21.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.