



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3919

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

SYNOPSIS AS INTRODUCED:

410 ILCS 705/1-10
505 ILCS 89/5
505 ILCS 89/15
505 ILCS 89/18
505 ILCS 89/20
720 ILCS 550/3

from Ch. 56 1/2, par. 703

Amends the Cannabis Regulation and Tax Act. In the definition of "cannabis", provides that "cannabis" does not include hemp, industrial hemp, or Illinois hemp for human consumption as defined and authorized under the Industrial Hemp Act, but includes intoxicating hemp as defined under the Industrial Hemp Act. Amends the Industrial Hemp Act. Revises definitions to conform to federal law. Adds definitions of "Illinois hemp for human consumption", "intoxicating hemp", and "synthetic hemp product". Directs the Department of Agriculture to adopt rules to conform to federal law. Directs the Department to also adopt rules regarding hemp products intended for human consumption that (1) require testing, (2) establish labeling requirements, (3) require child-resistant packaging, and (4) prohibit branding attractive to children. Prohibits the sale, offer for sale, delivery, or furnishment of a hemp product intended for human consumption to a person who is under 21 years of age. Prohibits the manufacture, distribution, sale, offer for sale, delivery, or furnishment of synthetic hemp products. Provides for civil penalties for violations to be deposited into the Industrial Hemp Regulatory Fund. Provides that the exception in the Cannabis Control Act for the Industrial Hemp Act does not apply to synthetic hemp products. Amends the Cannabis Control Act. Changes the definition of "cannabis".

LRB104 17476 BDA 30902 b

1 AN ACT concerning hemp.

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 1-10 as follows:

6 (410 ILCS 705/1-10)

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

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

12 "Adult Use Dispensing Organization License" means a
13 license issued by the Department of Financial and Professional
14 Regulation that permits a person to act as a dispensing
15 organization under this Act and any administrative rule made
16 in furtherance of this Act.

17 "Advertise" means to engage in promotional activities
18 including, but not limited to: newspaper, radio, Internet and
19 electronic media, and television advertising; the distribution
20 of fliers and circulars; billboard advertising; and the
21 display of window and interior signs. "Advertise" does not
22 mean exterior signage displaying only the name of the licensed
23 cannabis business establishment.

1 "Application points" means the number of points a
2 Dispensary Applicant receives on an application for a
3 Conditional Adult Use Dispensing Organization License.

4 "BLS Region" means a region in Illinois used by the United
5 States Bureau of Labor Statistics to gather and categorize
6 certain employment and wage data. The 17 such regions in
7 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
8 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
9 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
10 Rockford, St. Louis, Springfield, Northwest Illinois
11 nonmetropolitan area, West Central Illinois nonmetropolitan
12 area, East Central Illinois nonmetropolitan area, and South
13 Illinois nonmetropolitan area.

14 "By lot" means a randomized method of choosing between 2
15 or more Eligible Tied Applicants or 2 or more Qualifying
16 Applicants.

17 "Cannabis" means marijuana, hashish, and other substances
18 that are identified as including any parts of the plant
19 Cannabis sativa and including derivatives or subspecies, such
20 as indica, of all strains of cannabis, whether growing or not;
21 the seeds thereof, the resin extracted from any part of the
22 plant; and any compound, manufacture, salt, derivative,
23 mixture, or preparation of the plant, its seeds, or resin,
24 including tetrahydrocannabinol (THC) and all other naturally
25 produced cannabinol derivatives, whether produced directly or
26 indirectly by extraction; however, "cannabis" does not include

1 the mature stalks of the plant, fiber produced from the
2 stalks, oil or cake made from the seeds of the plant, any other
3 compound, manufacture, salt, derivative, mixture, or
4 preparation of the mature stalks (except the resin extracted
5 from it), fiber, oil or cake, or the sterilized seed of the
6 plant that is incapable of germination. "Cannabis" does not
7 include hemp, industrial hemp, or Illinois hemp for human
8 consumption as defined and authorized under the Industrial
9 Hemp Act, but includes intoxicating hemp as defined under the
10 Industrial Hemp Act. "Cannabis" also means cannabis flower,
11 concentrate, and cannabis-infused products.

12 "Cannabis business establishment" means a cultivation
13 center, craft grower, processing organization, infuser
14 organization, dispensing organization, or transporting
15 organization.

16 "Cannabis concentrate" means a product derived from
17 cannabis that is produced by extracting cannabinoids,
18 including tetrahydrocannabinol (THC), from the plant through
19 the use of propylene glycol, glycerin, butter, olive oil, or
20 other typical cooking fats; water, ice, or dry ice; or butane,
21 propane, CO₂, ethanol, or isopropanol and with the intended
22 use of smoking or making a cannabis-infused product. The use
23 of any other solvent is expressly prohibited unless and until
24 it is approved by the Department of Agriculture.

25 "Cannabis container" means a sealed or resealable,
26 traceable, container, or package used for the purpose of

1 containment of cannabis or cannabis-infused product during
2 transportation.

3 "Cannabis flower" means marijuana, hashish, and other
4 substances that are identified as including any parts of the
5 plant Cannabis sativa and including derivatives or subspecies,
6 such as indica, of all strains of cannabis; including raw
7 kief, leaves, and buds, but not resin that has been extracted
8 from any part of such plant; nor any compound, manufacture,
9 salt, derivative, mixture, or preparation of such plant, its
10 seeds, or resin.

11 "Cannabis-infused product" means a beverage, food, oil,
12 ointment, tincture, topical formulation, or another product
13 containing cannabis or cannabis concentrate that is not
14 intended to be smoked.

15 "Cannabis paraphernalia" means equipment, products, or
16 materials intended to be used for planting, propagating,
17 cultivating, growing, harvesting, manufacturing, producing,
18 processing, preparing, testing, analyzing, packaging,
19 repackaging, storing, containing, concealing, ingesting, or
20 otherwise introducing cannabis into the human body.

21 "Cannabis plant monitoring system" or "plant monitoring
22 system" means a system that includes, but is not limited to,
23 testing and data collection established and maintained by the
24 cultivation center, craft grower, or processing organization
25 and that is available to the Department of Revenue, the
26 Department of Agriculture, the Department of Financial and

1 Professional Regulation, and the Illinois State Police for the
2 purposes of documenting each cannabis plant and monitoring
3 plant development throughout the life cycle of a cannabis
4 plant cultivated for the intended use by a customer from seed
5 planting to final packaging.

6 "Cannabis testing facility" means an entity registered by
7 the Department of Agriculture to test cannabis for potency and
8 contaminants.

9 "Clone" means a plant section from a female cannabis plant
10 not yet rootbound, growing in a water solution or other
11 propagation matrix, that is capable of developing into a new
12 plant.

13 "Community College Cannabis Vocational Training Pilot
14 Program faculty participant" means a person who is 21 years of
15 age or older, licensed by the Department of Agriculture, and
16 is employed or contracted by an Illinois community college to
17 provide student instruction using cannabis plants at an
18 Illinois Community College.

19 "Community College Cannabis Vocational Training Pilot
20 Program faculty participant Agent Identification Card" means a
21 document issued by the Department of Agriculture that
22 identifies a person as a Community College Cannabis Vocational
23 Training Pilot Program faculty participant.

24 "Conditional Adult Use Dispensing Organization License"
25 means a contingent license awarded to applicants for an Adult
26 Use Dispensing Organization License that reserves the right to

1 an Adult Use Dispensing Organization License if the applicant
2 meets certain conditions described in this Act, but does not
3 entitle the recipient to begin purchasing or selling cannabis
4 or cannabis-infused products.

5 "Conditional Adult Use Cultivation Center License" means a
6 license awarded to top-scoring applicants for an Adult Use
7 Cultivation Center License that reserves the right to an Adult
8 Use Cultivation Center License if the applicant meets certain
9 conditions as determined by the Department of Agriculture by
10 rule, but does not entitle the recipient to begin growing,
11 processing, or selling cannabis or cannabis-infused products.

12 "Craft grower" means a facility operated by an
13 organization or business that is licensed by the Department of
14 Agriculture to cultivate, dry, cure, and package cannabis and
15 perform other necessary activities to make cannabis available
16 for sale at a dispensing organization or use at a processing
17 organization. A craft grower may contain up to 5,000 square
18 feet of canopy space on its premises for plants in the
19 flowering state. The Department of Agriculture may authorize
20 an increase or decrease of flowering stage cultivation space
21 in increments of 3,000 square feet by rule based on market
22 need, craft grower capacity, and the licensee's history of
23 compliance or noncompliance, with a maximum space of 14,000
24 square feet for cultivating plants in the flowering stage,
25 which must be cultivated in all stages of growth in an enclosed
26 and secure area. A craft grower may share premises with a

1 processing organization or a dispensing organization, or both,
2 provided each licensee stores currency and cannabis or
3 cannabis-infused products in a separate secured vault to which
4 the other licensee does not have access or all licensees
5 sharing a vault share more than 50% of the same ownership.

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

9 "Craft Grower Agent Identification Card" means a document
10 issued by the Department of Agriculture that identifies a
11 person as a craft grower agent.

12 "Cultivation center" means a facility operated by an
13 organization or business that is licensed by the Department of
14 Agriculture to cultivate, process, transport (unless otherwise
15 limited by this Act), and perform other necessary activities
16 to provide cannabis and cannabis-infused products to cannabis
17 business establishments.

18 "Cultivation center agent" means a principal officer,
19 board member, employee, or other agent of a cultivation center
20 who is 21 years of age or older.

21 "Cultivation Center Agent Identification Card" means a
22 document issued by the Department of Agriculture that
23 identifies a person as a cultivation center agent.

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

25 "Dispensary" means a facility operated by a dispensing
26 organization at which activities licensed by this Act may

1 occur.

2 "Dispensary Applicant" means the Proposed Dispensing
3 Organization Name as stated on an application for a
4 Conditional Adult Use Dispensing Organization License.

5 "Dispensing organization" means a facility operated by an
6 organization or business that is licensed by the Department of
7 Financial and Professional Regulation to acquire cannabis from
8 a cultivation center, craft grower, processing organization,
9 or another dispensary for the purpose of selling or dispensing
10 cannabis, cannabis-infused products, cannabis seeds,
11 paraphernalia, or related supplies under this Act to
12 purchasers or to qualified registered medical cannabis
13 patients and caregivers. As used in this Act, "dispensing
14 organization" includes a registered medical cannabis
15 organization as defined in the Compassionate Use of Medical
16 Cannabis Program Act or its successor Act that has obtained an
17 Early Approval Adult Use Dispensing Organization License.

18 "Dispensing organization agent" means a principal officer,
19 employee, or agent of a dispensing organization who is 21
20 years of age or older.

21 "Dispensing organization agent identification card" means
22 a document issued by the Department of Financial and
23 Professional Regulation that identifies a person as a
24 dispensing organization agent.

25 "Disproportionately Impacted Area" means a census tract or
26 comparable geographic area that satisfies the following

1 criteria as determined by the Department of Commerce and
2 Economic Opportunity, that:

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

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

6 (B) 75% or more of the children in the area
7 participate in the federal free lunch program
8 according to reported statistics from the State Board
9 of Education; or

10 (C) at least 20% of the households in the area
11 receive assistance under the Supplemental Nutrition
12 Assistance Program; or

13 (D) the area has an average unemployment rate, as
14 determined by the Illinois Department of Employment
15 Security, that is more than 120% of the national
16 unemployment average, as determined by the United
17 States Department of Labor, for a period of at least 2
18 consecutive calendar years preceding the date of the
19 application; and

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

23 "Early Approval Adult Use Cultivation Center License"
24 means a license that permits a medical cannabis cultivation
25 center licensed under the Compassionate Use of Medical
26 Cannabis Program Act as of the effective date of this Act to

1 begin cultivating, infusing, packaging, transporting (unless
2 otherwise provided in this Act), processing, and selling
3 cannabis or cannabis-infused product to cannabis business
4 establishments for resale to purchasers as permitted by this
5 Act as of January 1, 2020.

6 "Early Approval Adult Use Dispensing Organization License"
7 means a license that permits a medical cannabis dispensing
8 organization licensed under the Compassionate Use of Medical
9 Cannabis Program Act as of the effective date of this Act to
10 begin selling cannabis or cannabis-infused product to
11 purchasers as permitted by this Act as of January 1, 2020.

12 "Early Approval Adult Use Dispensing Organization at a
13 secondary site" means a license that permits a medical
14 cannabis dispensing organization licensed under the
15 Compassionate Use of Medical Cannabis Program Act as of the
16 effective date of this Act to begin selling cannabis or
17 cannabis-infused product to purchasers as permitted by this
18 Act on January 1, 2020 at a different dispensary location from
19 its existing registered medical dispensary location.

20 "Eligible Tied Applicant" means a Tied Applicant that is
21 eligible to participate in the process by which a remaining
22 available license is distributed by lot pursuant to a Tied
23 Applicant Lottery.

24 "Enclosed, locked facility" means a room, greenhouse,
25 building, or other enclosed area equipped with locks or other
26 security devices that permit access only by cannabis business

1 establishment agents working for the licensed cannabis
2 business establishment or acting pursuant to this Act to
3 cultivate, process, store, or distribute cannabis.

4 "Enclosed, locked space" means a closet, room, greenhouse,
5 building, or other enclosed area equipped with locks or other
6 security devices that permit access only by authorized
7 individuals under this Act. "Enclosed, locked space" may
8 include:

9 (1) a space within a residential building that (i) is
10 the primary residence of the individual cultivating 5 or
11 fewer cannabis plants that are more than 5 inches tall and
12 (ii) includes sleeping quarters and indoor plumbing. The
13 space must only be accessible by a key or code that is
14 different from any key or code that can be used to access
15 the residential building from the exterior; or

16 (2) a structure, such as a shed or greenhouse, that
17 lies on the same plot of land as a residential building
18 that (i) includes sleeping quarters and indoor plumbing
19 and (ii) is used as a primary residence by the person
20 cultivating 5 or fewer cannabis plants that are more than
21 5 inches tall, such as a shed or greenhouse. The structure
22 must remain locked when it is unoccupied by people.

23 "Financial institution" has the same meaning as "financial
24 organization" as defined in Section 1501 of the Illinois
25 Income Tax Act, and also includes the holding companies,
26 subsidiaries, and affiliates of such financial organizations.

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

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

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

11 "Individual" means a natural person.

12 "Infuser organization" or "infuser" means a facility
13 operated by an organization or business that is licensed by
14 the Department of Agriculture to directly incorporate cannabis
15 or cannabis concentrate into a product formulation to produce
16 a cannabis-infused product.

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

21 "Labor peace agreement" means an agreement between a
22 cannabis business establishment and any labor organization
23 recognized under the National Labor Relations Act, referred to
24 in this Act as a bona fide labor organization, that prohibits
25 labor organizations and members from engaging in picketing,
26 work stoppages, boycotts, and any other economic interference

1 with the cannabis business establishment. This agreement means
2 that the cannabis business establishment has agreed not to
3 disrupt efforts by the bona fide labor organization to
4 communicate with, and attempt to organize and represent, the
5 cannabis business establishment's employees. The agreement
6 shall provide a bona fide labor organization access at
7 reasonable times to areas in which the cannabis business
8 establishment's employees work, for the purpose of meeting
9 with employees to discuss their right to representation,
10 employment rights under State law, and terms and conditions of
11 employment. This type of agreement shall not mandate a
12 particular method of election or certification of the bona
13 fide labor organization.

14 "Limited access area" means a room or other area under the
15 control of a cannabis dispensing organization licensed under
16 this Act and upon the licensed premises where cannabis sales
17 occur with access limited to purchasers, dispensing
18 organization owners and other dispensing organization agents,
19 or service professionals conducting business with the
20 dispensing organization, or, if sales to registered qualifying
21 patients, caregivers, provisional patients, and Opioid
22 Alternative Pilot Program participants licensed pursuant to
23 the Compassionate Use of Medical Cannabis Program Act are also
24 permitted at the dispensary, registered qualifying patients,
25 caregivers, provisional patients, and Opioid Alternative Pilot
26 Program participants.

1 "Member of an impacted family" means an individual who has
2 a parent, legal guardian, child, spouse, or dependent, or was
3 a dependent of an individual who, prior to the effective date
4 of this Act, was arrested for, convicted of, or adjudicated
5 delinquent for any offense that is eligible for expungement
6 under this Act.

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

11 "Ordinary public view" means within the sight line with
12 normal visual range of a person, unassisted by visual aids,
13 from a public street or sidewalk adjacent to real property, or
14 from within an adjacent property.

15 "Ownership and control" means ownership of at least 51% of
16 the business, including corporate stock if a corporation, and
17 control over the management and day-to-day operations of the
18 business and an interest in the capital, assets, and profits
19 and losses of the business proportionate to percentage of
20 ownership.

21 "Person" means a natural individual, firm, partnership,
22 association, joint stock company, joint venture, public or
23 private corporation, limited liability company, or a receiver,
24 executor, trustee, guardian, or other representative appointed
25 by order of any court.

26 "Possession limit" means the amount of cannabis under

1 Section 10-10 that may be possessed at any one time by a person
2 21 years of age or older or who is a registered qualifying
3 medical cannabis patient or caregiver under the Compassionate
4 Use of Medical Cannabis Program Act.

5 "Principal officer" includes a cannabis business
6 establishment applicant or licensed cannabis business
7 establishment's board member, owner with more than 1% interest
8 of the total cannabis business establishment or more than 5%
9 interest of the total cannabis business establishment of a
10 publicly traded company, president, vice president, secretary,
11 treasurer, partner, officer, member, manager member, or person
12 with a profit sharing, financial interest, or revenue sharing
13 arrangement. The definition includes a person with authority
14 to control the cannabis business establishment, a person who
15 assumes responsibility for the debts of the cannabis business
16 establishment and who is further defined in this Act.

17 "Primary residence" means a dwelling where a person
18 usually stays or stays more often than other locations. It may
19 be determined by, without limitation, presence, tax filings;
20 address on an Illinois driver's license, an Illinois
21 Identification Card, or an Illinois Person with a Disability
22 Identification Card; or voter registration. No person may have
23 more than one primary residence.

24 "Processing organization" or "processor" means a facility
25 operated by an organization or business that is licensed by
26 the Department of Agriculture to either extract constituent

1 chemicals or compounds to produce cannabis concentrate or
2 incorporate cannabis or cannabis concentrate into a product
3 formulation to produce a cannabis product.

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

6 "Processing organization agent identification card" means
7 a document issued by the Department of Agriculture that
8 identifies a person as a processing organization agent.

9 "Purchaser" means a person 21 years of age or older who
10 acquires cannabis for a valuable consideration. "Purchaser"
11 does not include a cardholder under the Compassionate Use of
12 Medical Cannabis Program Act.

13 "Qualifying Applicant" means an applicant that submitted
14 an application pursuant to Section 15-30 that received at
15 least 85% of 250 application points available under Section
16 15-30 as the applicant's final score and meets the definition
17 of "Social Equity Applicant" as set forth under this Section.

18 "Qualifying Social Equity Justice Involved Applicant"
19 means an applicant that submitted an application pursuant to
20 Section 15-30 that received at least 85% of 250 application
21 points available under Section 15-30 as the applicant's final
22 score and meets the criteria of either paragraph (1) or (2) of
23 the definition of "Social Equity Applicant" as set forth under
24 this Section.

25 "Qualified Social Equity Applicant" means a Social Equity
26 Applicant who has been awarded a conditional license under

1 this Act to operate a cannabis business establishment.

2 "Resided" means an individual's primary residence was
3 located within the relevant geographic area as established by
4 2 of the following:

5 (1) a signed lease agreement that includes the
6 applicant's name;

7 (2) a property deed that includes the applicant's
8 name;

9 (3) school records;

10 (4) a voter registration card;

11 (5) an Illinois driver's license, an Illinois
12 Identification Card, or an Illinois Person with a
13 Disability Identification Card;

14 (6) a paycheck stub;

15 (7) a utility bill;

16 (8) tax records; or

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

19 "Smoking" means the inhalation of smoke caused by the
20 combustion of cannabis.

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

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

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

3 (i) have been arrested for, convicted of, or
4 adjudicated delinquent for any offense that is
5 eligible for expungement under this Act; or

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

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

10 (i) currently reside in a Disproportionately
11 Impacted Area; or

12 (ii) have been arrested for, convicted of, or
13 adjudicated delinquent for any offense that is
14 eligible for expungement under this Act or member of
15 an impacted family.

16 Nothing in this Act shall be construed to preempt or limit
17 the duties of any employer under the Job Opportunities for
18 Qualified Applicants Act. Nothing in this Act shall permit an
19 employer to require an employee to disclose sealed or expunged
20 offenses, unless otherwise required by law.

21 "Tied Applicant" means an application submitted by a
22 Dispensary Applicant pursuant to Section 15-30 that received
23 the same number of application points under Section 15-30 as
24 the Dispensary Applicant's final score as one or more
25 top-scoring applications in the same BLS Region and would have
26 been awarded a license but for the one or more other

1 top-scoring applications that received the same number of
2 application points. Each application for which a Dispensary
3 Applicant was required to pay a required application fee for
4 the application period ending January 2, 2020 shall be
5 considered an application of a separate Tied Applicant.

6 "Tied Applicant Lottery" means the process established
7 under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult
8 Use Dispensing Organization Licenses pursuant to Sections
9 15-25 and 15-30 among Eligible Tied Applicants.

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

17 "Transporting organization" or "transporter" means an
18 organization or business that is licensed by the Department of
19 Agriculture to transport cannabis or cannabis-infused product
20 on behalf of a cannabis business establishment or a community
21 college licensed under the Community College Cannabis
22 Vocational Training Pilot Program.

23 "Transporting organization agent" means a principal
24 officer, board member, employee, or agent of a transporting
25 organization.

26 "Transporting organization agent identification card"

1 means a document issued by the Department of Agriculture that
2 identifies a person as a transporting organization agent.

3 "Unit of local government" means any county, city,
4 village, or incorporated town.

5 "Vegetative stage" means the stage of cultivation in which
6 a cannabis plant is propagated to produce additional cannabis
7 plants or reach a sufficient size for production. This
8 includes seedlings, clones, mothers, and other immature
9 cannabis plants as follows:

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

15 (2) any cannabis plant that is cultivated solely for
16 the purpose of propagating clones and is never used to
17 produce cannabis.

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

21 Section 10. The Industrial Hemp Act is amended by changing
22 Sections 5, 15, 18, and 20 as follows:

23 (505 ILCS 89/5)

24 Sec. 5. Definitions. In this Act:

1 "Department" means the Department of Agriculture.

2 "Director" means the Director of Agriculture.

3 "Hemp" has the meaning given to that term in 7 U.S.C. 1639o
4 or "industrial hemp" means the plant Cannabis sativa L. and
5 any part of that plant, whether growing or not, with a delta 9
6 tetrahydrocannabinol concentration of not more than 0.3
7 percent on a dry weight basis and includes any intermediate or
8 finished product made or derived from industrial hemp.

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

11 "Hemp production plan" means a plan submitted by the
12 Department to the Secretary of the United States Department of
13 Agriculture pursuant to 7 U.S.C. 1639p ~~the federal Agriculture~~
14 ~~Improvement Act of 2018, Public Law 115-334,~~ and consistent
15 with the Domestic Hemp Production Program pursuant to 7 CFR
16 Part 990 or successor regulations ~~wherein the Department~~
17 ~~establishes its desire to have primary regulatory authority~~
18 ~~over the production of hemp.~~

19 "Illinois hemp for human consumption" means the plant
20 Cannabis sativa L. and any part of that plant, whether growing
21 or not, that has a THC concentration of not more than 0.4% on a
22 dry weight basis, that is designed for human consumption, and
23 that is cultivated, processed, distributed, and sold in the
24 State without ever leaving the State or engaging in interstate
25 commerce and any intermediate or finished product made or
26 derived from Illinois hemp for human consumption. "Illinois

1 hemp for human consumption" does not include synthetic hemp
2 products.

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

5 "Intoxicating hemp" means the plant Cannabis sativa L. and
6 any part of that plant, whether growing or not, that is
7 designed for human consumption and either (i) that is
8 cultivated, processed, distributed, and sold in the State
9 without ever leaving the State or engaging in interstate
10 commerce and any intermediate or finished product made or
11 derived therefrom and that has a THC concentration of more
12 than 0.4% on a dry weight basis or (ii) that does not meet the
13 requirements of being cultivated, processed, distributed, and
14 sold in the State without ever leaving the State or engaging in
15 interstate commerce and that has a total tetrahydrocannabinols
16 concentration (including tetrahydrocannabinolic acid) of more
17 than 0.3% on a dry weight basis.

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

21 "Person" means any individual, partnership, firm,
22 corporation, company, society, association, the State or any
23 department, agency, or subdivision thereof, or any other
24 entity.

25 "Process" means the conversion of raw industrial hemp
26 plant material into a form that is presently legal to import

1 from outside the United States under federal law.

2 "Synthetic hemp product" means any consumer good
3 containing cannabinoids created through chemical catalysis or
4 synthesis, including those that are structurally identical to
5 trace compounds found in the Cannabis sativa L. plant (such as
6 delta-8 tetrahydrocannabinol, delta-10 tetrahydrocannabinol,
7 and hexahydrocannabinol), as well as non-naturally occurring
8 compounds designed to mimic the effects of cannabinoids.

9 "THC" means any ~~delta-9~~ tetrahydrocannabinol. "THC"
10 includes tetrahydrocannabinolic acid.

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

12 (505 ILCS 89/15)

13 Sec. 15. Rules.

14 (a) The Department shall submit to the Secretary of the
15 United States Department of Agriculture a hemp production plan
16 under which the Department monitors and regulates the
17 production of industrial hemp in this State. The Department
18 shall adopt rules incorporating the hemp production plan,
19 including application and licensing requirements.

20 (b) The rules set by the Department shall include one
21 yearly inspection of a licensed industrial hemp cultivation
22 operation and allow for additional unannounced inspections of
23 a licensed industrial hemp cultivation operation at the
24 Department's discretion.

25 (c) The Department shall adopt rules necessary for the

1 administration and enforcement of this Act in accordance with
2 all applicable State and federal laws and regulations,
3 including rules concerning standards and criteria for
4 licensure and registration, for the payment of applicable
5 fees, signage, and for forms required for the administration
6 of this Act.

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

14 (e) The Department shall adopt rules to conform with
15 changes in federal law with respect to hemp and industrial
16 hemp reflected in the federal Continuing Appropriations,
17 Agriculture, Legislative Branch, Military Construction and
18 Veterans Affairs, and Extensions Act, 2026 (Public Law
19 119-37).

20 (f) The Department shall adopt rules:

21 (1) requiring the testing for THC levels of and
22 contaminants within any hemp-derived cannabinoid product
23 intended for human consumption and any Illinois hemp for
24 human consumption;

25 (2) establishing labeling requirements, including
26 clear labeling of all cannabinoid content, for all

1 hemp-derived cannabinoid products intended for human
2 consumption and Illinois hemp for human consumption;

3 (3) requiring child-resistant packaging for all
4 hemp-derived cannabinoid products intended for human
5 consumption and Illinois hemp for human consumption; and

6 (4) prohibiting branding, advertising, or labeling
7 that is or is designed to be attractive to children for all
8 hemp-derived cannabinoid products intended for human
9 consumption and Illinois hemp for human consumption.

10 A person who violates a Department rule adopted pursuant
11 to this subsection (f) is subject to a civil penalty of \$1,000.
12 The penalty may be recovered by the State's Attorney of the
13 county where the violation occurred or by the Attorney General
14 in an action brought in a court of competent jurisdiction.

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

16 (505 ILCS 89/18)

17 Sec. 18. Industrial Hemp Regulatory Fund. There is created
18 in the State treasury a special fund to be known as the
19 Industrial Hemp Regulatory Fund. All fees and fines collected
20 by the Department under this Act and all civil penalties
21 collected under this Act shall be deposited into the Fund.
22 Moneys in the Fund shall be utilized by the Department for the
23 purposes of implementation, administration, and enforcement of
24 this Act.

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

1 (505 ILCS 89/20)

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

6 (1) a hemp-derived cannabinoid product intended for
7 human consumption and any Illinois hemp for human
8 consumption shall be tested for potency and contaminants
9 before distribution or sale in accordance with Department
10 rules;

11 (2) a hemp-derived cannabinoid product intended for
12 human consumption and any Illinois hemp for human
13 consumption shall be packaged and labeled before
14 distribution or sale in accordance with Department rules
15 and shall conform to all other Department rules;

16 (3) a person may not sell, offer for sale, deliver, or
17 furnish a hemp-derived cannabinoid product intended for
18 human consumption or Illinois hemp for human consumption
19 to a person who is under 21 years of age; and

20 (4) a person may not manufacture, distribute, sell,
21 offer for sale, deliver, or furnish synthetic hemp
22 products in this State.

23 A person who violates paragraph (3) or (4) is subject to a
24 civil penalty of \$1,000. The penalty may be recovered in a
25 civil action brought by the State's Attorney of the county

1 where the violation occurred or by the Attorney General in a
2 court of competent jurisdiction. The civil penalty for
3 violation of paragraph (4) is in addition to any criminal
4 penalties or other penalties under the Cannabis Control Act;
5 this Act shall not be construed as to limit the application of
6 the Cannabis Control Act to synthetic hemp products.

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

8 Section 15. The Cannabis Control Act is amended by
9 changing Section 3 as follows:

10 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

11 Sec. 3. As used in this Act, unless the context otherwise
12 requires:

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

1 such plant, fiber produced from such stalks, oil or cake made
2 from the seeds of such plant, any other compound, manufacture,
3 salt, derivative, mixture, or preparation of such mature
4 stalks (except the resin extracted therefrom), fiber, oil or
5 cake, or the sterilized seed of such plant which is incapable
6 of germination. "Cannabis" does not include "hemp",
7 "industrial hemp", or "Illinois hemp for human consumption" as
8 those terms are defined in the Industrial Hemp Act, but
9 includes "intoxicating hemp" and "synthetic hemp products" as
10 those terms are defined in the Industrial Hemp Act.

11 (b) "Casual delivery" means the delivery of not more than
12 10 grams of any substance containing cannabis without
13 consideration.

14 (c) "Department" means the Illinois Department of Human
15 Services (as successor to the Department of Alcoholism and
16 Substance Abuse) or its successor agency.

17 (d) "Deliver" or "delivery" means the actual, constructive
18 or attempted transfer of possession of cannabis, with or
19 without consideration, whether or not there is an agency
20 relationship.

21 (e) (Blank).

22 (f) "Director" means the Director of the Illinois State
23 Police or his designated agent.

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

26 (h) "Manufacture" means the production, preparation,

1 propagation, compounding, conversion or processing of
2 cannabis, either directly or indirectly, by extraction from
3 substances of natural origin, or independently by means of
4 chemical synthesis, or by a combination of extraction and
5 chemical synthesis, and includes any packaging or repackaging
6 of cannabis or labeling of its container, except that this
7 term does not include the preparation, compounding, packaging,
8 or labeling of cannabis as an incident to lawful research,
9 teaching, or chemical analysis and not for sale.

10 (i) "Person" means any individual, corporation, government
11 or governmental subdivision or agency, business trust, estate,
12 trust, partnership or association, or any other entity.

13 (j) "Produce" or "production" means planting, cultivating,
14 tending or harvesting.

15 (k) "State" includes the State of Illinois and any state,
16 district, commonwealth, territory, insular possession thereof,
17 and any area subject to the legal authority of the United
18 States of America.

19 (l) "Subsequent offense" means an offense under this Act,
20 the offender of which, prior to his conviction of the offense,
21 has at any time been convicted under this Act or under any laws
22 of the United States or of any state relating to cannabis, or
23 any controlled substance as defined in the Illinois Controlled
24 Substances Act.

25 (Source: P.A. 101-593, eff. 12-4-19; 102-538, eff. 8-20-21.)