**Section 1300.10 Definitions and Incorporations**

Definitions for this Part can be located in Section 10 of the Cannabis Regulation and Tax Act [410 ILCS 705]. The following definitions shall also apply to this Part:

"Act" means the Cannabis Regulation and Tax Act [410 ILCS 705].

*"Adult Use Cultivation Center License" means a license issued by the Department of Agriculture that licenses a person to act as a cultivation center under the Act and any administrative rule made in furtherance of the Act.* [410 ILCS 705/1-10]

*"Advertise" means to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior*

*signs.* [410 ILCS 705/1-10]

"Alarm System" means a device or series of devices intended to summon law enforcement personnel during, or as a result of, an alarm condition. Devices may include hard-wired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audible, visual or electronic signal; motion detectors, pressure switches, duress alarms (a silent system signal generated by the entry of a designated code into the arming station to indicate that the user is disarming under duress); panic alarms (an audible system signal to indicate an emergency situation); and hold-up alarms (a silent system signal to indicate that a robbery is in progress). The Department and law enforcement agencies shall have the ability to access a cultivation center's security alarm system in real-time.

"Alterations" means permanent non-cosmetic changes in activities or processes at a cultivation center, or changes in production, handling or storage of the product mix, that do not modify the functions of facility structures or systems.

"Applicant" means the proposed licensee name as stated on the license application.

"Area Zoned for Residential Use" means an area zoned exclusively for residential use; provided that, in municipalities with a population over 2,000,000 people, an "area zoned for residential use" means an area zoned as a residential district or a residential planned development. An area that allows non-residential uses shall not be considered an area zoned exclusively for residential use.

"Batch" means the established segregation of a group of plants at the time of planting for the control of quantity, traceability and/or strain. A batch number will be assigned at the time of planting for a specified number of plants.

"Batch Number" means a unique numeric or alphanumeric identifier assigned to a batch by a cultivation center when the batch is first planted.

"Biosecurity" means a set of preventative measures designed to reduce the risk of transmission of infectious diseases in crops, quarantined pests, invasive alien species, and living modified organisms.

*"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds of that plant; the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.* [410 ILCS 705/1-10]

*"Cannabis Business Establishment" means a cultivation center, craft grower, infuser, dispensing organization, or* transporter. [410 ILCS 705/1-10]

*"Cannabis Container" means a sealed, traceable container or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.* [410 ILCS 705/1-10]

*"Cannabis-infused Product" means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.* [410 ILCS 705/1-10]

"Cannabis Product" means a product containing medical or adult use cannabis either in a physical form or infused with an extracted resin.

"Cannabis Waste" means all cannabis byproduct, scrap, harvested cannabis, and cannabis-infused products not intended for distribution to a dispensing organization.

"Canopy Space" means the surface area utilized to produce mature plants calculated in square feet and measured using the outside boundaries of any area that includes mature marijuana plants, including all the space within the boundaries. The square footage of canopy space is measured horizontally starting from the outermost point of the furthest mature flowering plant in a designated growing space and continuing around the outside of all mature flowering plants located within the designated growing space. If growing spaces are stacked vertically, each level of space shall be measured and included as part of the total canopy space measurement.

*"Community College Cannabis Vocational Training Pilot Program Faculty Participant" means a person who is 21 years of age or older, licensed by the Department of Agriculture, and employed or contracted by an Illinois community college to provide student instruction using cannabis plants at an Illinois Community College.* [410 ILCS 705/1-10]

*"Conditional Adult Use Cultivation Center License"* or "CAUCCL" *means a license awarded to top-scoring applicants for an Adult Use Cultivation Organization License that reserves the right to an Adult Use Cultivation Center License if the applicant meets certain criteria set forth in this Part.* [410 ILCS 705/1-10] A Conditional Adult Use Cultivation Center Licensee or applicant may also be referred to as a "cultivation center".

*"Craft Grower" means a facility operated by an organization or business that is licensed by the Department to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale, at a dispensing organization, or use, at an infuser. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with an infuser or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.* [410 ILCS 705/1-10]

*"Craft Grower Agent" means a principal officer, board member, employee, or other agent of a craft grower who is 21 year of age or older.* [410 ILCS 705/1-10]

"Crop Input" means any substance that is used for the production of adult use cannabis. This may include pesticides as defined by the Illinois Pesticide Act or the American Association of Pesticide Control Officials, fertilizers as defined by the Illinois Fertilizer Act of 1961 or the American Association of Plant Food Officials, and soil amendments as defined by the Soil Amendment Act.

*"Cultivation Center" means a facility operated by an organization or business that is licensed by the Department to cultivate, process, transport (unless otherwise limited by the Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.* [410 ILCS 705/1-10]

*"Cultivation Center Agent" means a principal officer, board member, employee, or other agent of a cultivation center who is 21 years of age or older.* [410 ILCS 705/1-10]

"Department" means the Illinois Department of Agriculture.

"DFPR" means the Illinois Department of Financial and Professional Regulation.

"Director of Agriculture" or "Director" means the Director of the Illinois Department of Agriculture.

*"Disproportionately Impacted Area" means a census tract or comparable geographic area that satisfies the following criteria as determined by the Department of Commerce and Economic Opportunity, that:*

*Meets at least one of the following criteria:*

*The area has a poverty rate of at least 20% according to the latest federal decennial census;*

*75% or more of the children in the area participate in the federal free lunch program according to reported statistics from the State Board of Education;*

*At least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program; or*

*The area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the United States Department of Labor, for a period of at least 2 consecutive calendar years preceding the date of the application; and*

*Has high rates of arrest, conviction, and incarceration related to the sale, possession, use, cultivation, manufacture, or transport of cannabis.* [410 ILCS 705/1-10]

"DOR" means the Illinois Department of Revenue.

"DPH" means the Illinois Department of Public Health.

*"Early Approval Adult Use Cultivation Center License"* or "Early Approval License" *means a license that permits a medical cannabis cultivation center licensed under the Compassionate Use of Medical Cannabis Pilot Program Act as of the effective date of the Cannabis Regulation and Tax Act to begin cultivating, infusing, packaging, transporting (unless otherwise provided in the Act), and selling cannabis to cannabis business establishments for resale to purchasers as permitted by the Act as of January 1, 2020.* [410 ILCS 705/1-10]

*"Enclosed, Locked Facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by cannabis business establishment agents working for the licensed cannabis business establishment or acting pursuant to the Act to cultivate, process, store, or distribute cannabis.* [410 ILCS 705/1-10]

*"Enclosed, Locked Space" means a closet, room, greenhouse, building or other enclosed area equipped with locks or other security devices that permit access only by authorized individuals under the Act. "Enclosed, locked space" may include:*

*A space within a residential building that is the primary residence of the individual cultivating 5 or fewer cannabis plants that are more than 5 inches tall and includes sleeping quarters and indoor plumbing. The space must only be accessible by a key or code that is different from any key or code that can be used to access the residential building from the exterior; or*

*A structure, such as a shed or greenhouse, that lies on the same plot of land as a residential building that includes sleeping quarters and indoor plumbing and is used as a primary residence by the person cultivating 5 or fewer cannabis plants that are more than 5 inches tall, such as a shed or greenhouse. The structure must remain locked when it is unoccupied by people.* [410 ILCS 705/1-10]

"Facility" means the physical structures associated with a licensee.

"Financial Interest" means any actual or future right to ownership, investment or compensation arrangement with another person, either directly or indirectly, through business, investment, spouse, parent or child, in a cultivation center. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national securities exchange or over-the-counter market in the United States, provided the investment securities held by the person and the person's spouse, parent or child, in the aggregate, do not exceed one percent ownership in the cultivation center.

"Fingerprint-based Criminal History Records Check" means a fingerprint-based criminal history records check conducted by the Illinois State Police in accordance with the Uniform Conviction Information Act (UCIA) or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).

"Impacted Family" means an individual who has a parent, legal guardian, child, spouse, or dependent, or was a dependent of an individual who, prior to the effective date of the Act, was arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act.

*"Infuser" means a facility operated by an organization or business that is licensed by the Department to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.* [410 ILCS 705/1-10]

"Infuser Agent" means a principal officer, board member, employee, or agent of an infuser.

"ISP" means the Illinois State Police.

"Label" means a display of written, printed or graphic matter on the immediate container of any product containing cannabis.

"Laboratory" means an independent laboratory located in Illinois and approved by the Department to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research or analysis.

"Labor Peace Agreement" means an agreement between a cannabis business establishment and any labor organization recognized under the National Labor Relations Act, referred to in this Act as a bona fide labor organization, that prohibits labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economics interference with the cannabis business establishment. This agreement means that the cannabis business establishment has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the cannabis business establishment's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the cannabis business establishment's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under State law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

"Livescan" means an inkless electronic system designed to capture an individual's fingerprint images and demographic data (name, sex, race, date of birth, etc.) in a digitized format that can be transmitted to ISP for processing. The data is forwarded to the ISP Bureau of Identification (BOI) over a virtual private network (VPN) and then processed by ISP's Automated Fingerprint Identification System (AFIS). Once received at the BOI for processing, the inquiry may, as permitted by law, be forwarded to the Federal Bureau of Investigation (FBI) electronically for processing.

"Livescan Vendor" means an entity licensed by the DFPR to provide commercial fingerprinting services under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

"Manufacturing" or "Manufacture" means the process of converting harvested cannabis material into a finished product by manual labor and/or machinery designed to meet a specific need or customer expectation, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

"Modification" means changes in structures, processes or activities at a cultivation center that will alter the functions of production structures, processing systems, and/or changes in the physical footprint of the cultivation center.

"Monitoring" means the continuous and uninterrupted video surveillance of cultivation activities and oversight for potential suspicious actions. Monitoring includes video surveillance for the purpose of summoning a law enforcement officer to the premises during alarm conditions.

"Motor Vehicle" means a self-propelled vehicle as defined in Section 1-146 of the Illinois Vehicle Code.

"Natural Processing" or "Naturally Produced" means the preparation of the harvested cannabis without significantly changing its physical form.

"Operational and Management Practices Plan" means a narrative description of all practices that will be employed at the cultivation center for the production of cannabis and cannabis-infused products. The plan shall include, but is not limited to:

The types and quantities of cannabis products that will be produced at the cultivation center;

The methods of planting (seed or clones), harvesting, drying and storage of cannabis;

The estimated quantity of waste material to be generated and plans for subsequent disposal;

The quantity and proposed method for disposal for all crop inputs utilized for plant production;

Methods for training employees for the specific phases of production;

Biosecurity measures to be implemented for plant production and edible infused product production;

Planned response to discrepancies in accounting of product inventories;

Sampling strategy and quality testing for labeling purposes;

Procedures to follow for proper labeling; and

Procedures to follow for handling mandatory and voluntary recalls of cannabis or cannabis-infused products.

*"Ownership and Control" means ownership of at least 51% of the business, including corporate stock if a corporation, and control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership.* [410 ILCS 705/1-10]

*"Primary Residence" means a dwelling where a person usually stays or stays more often than other locations. It may be determined by, without limitation, presence; tax filings; address on an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card; or voter registration. No person may have more than one primary residence.* [410 ILCS 705/1-10]

*"Principal Officer" includes:*

*A cannabis business establishment applicant or licensed cannabis business establishment's board member, owner with more than 1% interest of the total cannabis business establishment or more than 5% interest of the total cannabis business establishment of a publicly traded company;*

*President, vice president, secretary, treasurer, partner, officer, member, manager member, or person with a profit sharing, financial interest, or revenue sharing arrangement.*

*The definition includes a person with authority to control the cannabis business establishment, a person who assumes responsibility for the debts of the cannabis business establishment, and* a person *who is further defined in the Act.* [410 ILCS 705/1-10]

"Production" or "To Produce" means the planting, preparation, cultivation, growing, harvesting, propagation, compounding, conversion, natural processing, or manufacturing of cannabis, and includes any packaging or repackaging of the substance, or labeling or relabeling of its container.

"Qualified Applicant" means an applicant for a cultivation center permit who receives at least the minimum required score in each category required by the application.

*"Qualified Social Equity Applicant" means a Social Equity Applicant who has been awarded a conditional license under the Act to operate a cannabis business establishment.* [410 ILCS 705/1-10]

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

*A signed lease agreement that includes the applicant's name;*

*A property deed that includes the applicant's name;*

*School records;*

*A voter registration card;*

*An Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card;*

*A paycheck stub;*

*A utility bill; or*

*Any other proof of residency or other information necessary to establish residence as provided by this Part.* [410 ILCS 705/1-10]

"Restricted Area" means a building, room or other contiguous area upon the permitted premises where cannabis is grown, cultivated, harvested, stored, weighed, packaged, sold or processed for sale, under control of the permitted facility.

"Sale" means any form of delivery, which includes barter, exchange or gift, or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant or employee.

"Secretary of State" or "SOS" means the Illinois Secretary of State.

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

*An applicant with at least 51% ownership and control by one or more individuals who have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area;*

*An applicant with at least 51% ownership and control by one or more individuals who:*

*Have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act; or*

*Is a member of an impacted family;*

*For applicants with a minimum of 10 full-time employees, an applicant with at least 51% of current employees who:*

*Currently reside in a Disproportionately Impacted Area; or*

*Have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act or member of an impacted family.*

"THC" means tetrahydrocannabinol.

"THCA" means tetrahydrocannabinolic acid.

"Transportation Activities" means the transport of cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

*"Transporter"* *means an organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.* [410 ILCS 705/1-10]

"Transporter Agent" means a principal officer, board member, employee, or agent of a transporting organization.

"Usable Cannabis" means the seeds, leaves, buds, and flowers of the cannabis plant, and any mixture or preparation thereof, including the resin extracted from any part of the plant, but does not include the stalk and roots of the plant. It does not include the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food, or drink.