



Sen. Toi W. Hutchinson

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1 AMENDMENT TO SENATE BILL 1294

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1294, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 Section 5. Definitions. In this Act:

8 "Department" means the Department of Agriculture.

9 "Director" means the Director of Agriculture.

10 "Industrial hemp" means the plant Cannabis sativa L. and  
11 any part of that plant, whether growing or not, with a delta-9  
12 tetrahydrocannabinol concentration of not more than 0.3  
13 percent on a dry weight basis that has been cultivated under a  
14 license issued under this Act.

15 Section 10. Licenses.

1           (a) A person desiring to cultivate industrial hemp shall be  
2 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, including Global Positioning System coordinates, to  
6 be used to cultivate industrial hemp.

7           (c) The Department may determine, by rule, the duration of  
8 a license and the requirements for license renewal.

9           Section 15. Rules.

10           (a) The application and licensing requirements shall be  
11 determined by the Department and set by rule within 240 days of  
12 the effective date of this Act.

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

16           (c) The Department shall adopt rules necessary for the  
17 administration and enforcement of this Act, including rules  
18 concerning standards and criteria for licensure, for the  
19 payment of applicable fees, signage, and for forms required for  
20 the administration of this Act.

21           Section 17. Administrative hearings. Administrative  
22 hearings involving licensees under the Act shall be conducted  
23 under the Department of Agriculture's rules governing formal  
24 administrative proceedings.

1           Section 18. Industrial Hemp Regulatory Fund. There is  
2           created in the State treasury a special fund to be known as the  
3           Industrial Hemp Regulatory Fund. All fees and fines collected  
4           by the Department under this Act shall be deposited into the  
5           Fund. Monies in the Fund shall be utilized by the Department  
6           for the purposes of implementation, administration, and  
7           enforcement of this Act.

8           Section 19. Immunity. A person employed by the Department  
9           shall not be subject to criminal or civil penalties for taking  
10          any action under this Act when the actions are within the scope  
11          of his or her employment. Representation and indemnification of  
12          Department employees shall be provided to Department employees  
13          as set forth in Section 2 of the State Employee Indemnification  
14          Act.

15          Section 20. Hemp products. Nothing in this Act shall alter  
16          the legality of hemp or hemp products that are presently legal  
17          to possess or own. To the extent that the Compassionate Use of  
18          Medical Cannabis Pilot Program Act, and its rules, regulate  
19          products marketed as CBD medicinal products, that Act and its  
20          rules control the production and sale of those products.

21          Section 25. Violation of federal law. Nothing in this Act  
22          shall be construed to authorize any person to violate federal

1 rules, regulations, or laws. If any part of this Act conflicts  
2 with a provision of the federal laws regarding industrial hemp,  
3 the federal provisions shall control to the extent of the  
4 conflict.

5 Section 30. Home rule. The regulation and licensing of  
6 persons to grow, cultivate, process, possess, sell, or purchase  
7 industrial hemp or industrial hemp related products are  
8 exclusive powers and functions of the State. These powers and  
9 functions shall not be exercised concurrently, either directly  
10 or indirectly, by any unit of local government, including home  
11 rule units, except as otherwise provided in this Act. This  
12 Section is a limitation of home rule powers and functions under  
13 subsection (h) of Section 6 of Article VII of the Illinois  
14 Constitution.

15 Section 895. The State Finance Act is amended by adding  
16 Section 5.878 as follows:

17 (30 ILCS 105/5.878 new)

18 Sec. 5.878. The Industrial Hemp Regulatory Fund.

19 Section 900. The Illinois Noxious Weed Law is amended by  
20 changing Section 2 as follows:

21 (505 ILCS 100/2) (from Ch. 5, par. 952)

1           Sec. 2. As used in this Act:

2           (1) "Person" means any individual, partnership, firm,  
3 corporation, company, society, association, the State or any  
4 department, agency, or subdivision thereof, or any other  
5 entity.

6           (2) "Control", "controlled" or "controlling" includes  
7 being in charge of or being in possession, whether as owner,  
8 lessee, renter, or tenant, under statutory authority, or  
9 otherwise.

10          (3) "Director" means the Director of the Department of  
11 Agriculture of the State of Illinois, or his or her duly  
12 appointed representative.

13          (4) "Department" means the Department of Agriculture of the  
14 State of Illinois.

15          (5) "Noxious weed" means any plant which is determined by  
16 the Director, the Dean of the College of Agricultural, Consumer  
17 and Environmental Sciences of the University of Illinois and  
18 the Director of the Agricultural Experiment Station at the  
19 University of Illinois, to be injurious to public health,  
20 crops, livestock, land or other property. "Noxious weed" does  
21 not include industrial hemp as defined and authorized under the  
22 Industrial Hemp Act.

23          (6) "Control Authority" means the governing body of each  
24 county, and shall represent all rural areas and cities,  
25 villages and townships within the county boundaries.

26          (7) "Applicable fund" means the fund current at the time

1 the work is performed or the money is received.

2 (Source: P.A. 99-539, eff. 7-8-16.)

3 Section 905. The Cannabis Control Act is amended by  
4 changing Sections 3 and 8 as follows:

5 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

6 Sec. 3. As used in this Act, unless the context otherwise  
7 requires:

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

1 germination. "Cannabis" does not include industrial hemp as  
2 defined and authorized under the Industrial Hemp Act.

3 (b) "Casual delivery" means the delivery of not more than  
4 10 grams of any substance containing cannabis without  
5 consideration.

6 (c) "Department" means the Illinois Department of Human  
7 Services (as successor to the Department of Alcoholism and  
8 Substance Abuse) or its successor agency.

9 (d) "Deliver" or "delivery" means the actual, constructive  
10 or attempted transfer of possession of cannabis, with or  
11 without consideration, whether or not there is an agency  
12 relationship.

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

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

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

19 (h) "Manufacture" means the production, preparation,  
20 propagation, compounding, conversion or processing of  
21 cannabis, either directly or indirectly, by extraction from  
22 substances of natural origin, or independently by means of  
23 chemical synthesis, or by a combination of extraction and  
24 chemical synthesis, and includes any packaging or repackaging  
25 of cannabis or labeling of its container, except that this term  
26 does not include the preparation, compounding, packaging, or

1 labeling of cannabis as an incident to lawful research,  
2 teaching, or chemical analysis and not for sale.

3 (i) "Person" means any individual, corporation, government  
4 or governmental subdivision or agency, business trust, estate,  
5 trust, partnership or association, or any other entity.

6 (j) "Produce" or "production" means planting, cultivating,  
7 tending or harvesting.

8 (k) "State" includes the State of Illinois and any state,  
9 district, commonwealth, territory, insular possession thereof,  
10 and any area subject to the legal authority of the United  
11 States of America.

12 (l) "Subsequent offense" means an offense under this Act,  
13 the offender of which, prior to his conviction of the offense,  
14 has at any time been convicted under this Act or under any laws  
15 of the United States or of any state relating to cannabis, or  
16 any controlled substance as defined in the Illinois Controlled  
17 Substances Act.

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

19 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

20 Sec. 8. It is unlawful for any person knowingly to produce  
21 the cannabis sativa plant or to possess such plants unless  
22 production or possession has been authorized pursuant to the  
23 provisions of Section 11 ~~or 15.2~~ of the Act. Any person who  
24 violates this Section with respect to production or possession  
25 of:



1 (a) Not more than 5 plants is guilty of a Class A  
2 misdemeanor.

3 (b) More than 5, but not more than 20 plants, is guilty of  
4 a Class 4 felony.

5 (c) More than 20, but not more than 50 plants, is guilty of  
6 a Class 3 felony.

7 (d) More than 50, but not more than 200 plants, is guilty  
8 of a Class 2 felony for which a fine not to exceed \$100,000 may  
9 be imposed and for which liability for the cost of conducting  
10 the investigation and eradicating such plants may be assessed.  
11 Compensation for expenses incurred in the enforcement of this  
12 provision shall be transmitted to and deposited in the  
13 treasurer's office at the level of government represented by  
14 the Illinois law enforcement agency whose officers or employees  
15 conducted the investigation or caused the arrest or arrests  
16 leading to the prosecution, to be subsequently made available  
17 to that law enforcement agency as expendable receipts for use  
18 in the enforcement of laws regulating controlled substances and  
19 cannabis. If such seizure was made by a combination of law  
20 enforcement personnel representing different levels of  
21 government, the court levying the assessment shall determine  
22 the allocation of such assessment. The proceeds of assessment  
23 awarded to the State treasury shall be deposited in a special  
24 fund known as the Drug Traffic Prevention Fund.

25 (e) More than 200 plants is guilty of a Class 1 felony for  
26 which a fine not to exceed \$100,000 may be imposed and for

1 which liability for the cost of conducting the investigation  
2 and eradicating such plants may be assessed. Compensation for  
3 expenses incurred in the enforcement of this provision shall be  
4 transmitted to and deposited in the treasurer's office at the  
5 level of government represented by the Illinois law enforcement  
6 agency whose officers or employees conducted the investigation  
7 or caused the arrest or arrests leading to the prosecution, to  
8 be subsequently made available to that law enforcement agency  
9 as expendable receipts for use in the enforcement of laws  
10 regulating controlled substances and cannabis. If such seizure  
11 was made by a combination of law enforcement personnel  
12 representing different levels of government, the court levying  
13 the assessment shall determine the allocation of such  
14 assessment. The proceeds of assessment awarded to the State  
15 treasury shall be deposited in a special fund known as the Drug  
16 Traffic Prevention Fund.

17 (Source: P.A. 98-1072, eff. 1-1-15.)

18 (720 ILCS 550/15.2 rep.)

19 Section 910. The Cannabis Control Act is amended by  
20 repealing Section 15.2."