



Sen. Neil Anderson

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1 AMENDMENT TO SENATE BILL 2772

2 AMENDMENT NO. _____. Amend Senate Bill 2772 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Commercial Low THC Hemp Extract Act.

6 Section 5. Definitions. In this Act:

7 "Certificate of analysis" means a certificate from an
8 independent testing laboratory describing the results of the
9 laboratory's testing of a sample of a product.

10 "Hemp" means cannabis sativa L. that has no more than 0.3%
11 total THC available, upon heating, or maximum delta-9 THC
12 content possible.

13 "Independent testing laboratory" means a laboratory:

14 (1) with respect to which no person having a direct or
15 indirect interest in the laboratory also has a direct or
16 indirect interest in a facility that:

1 (A) processes, distributes, or sells low THC hemp
2 extract or a substantially similar substance;

3 (B) cultivates, processes, distributes, dispenses,
4 or sells either medical or recreational cannabis; or

5 (C) cultivates, processes, or distributes
6 industrial hemp; and

7 (2) that has been accredited as a testing laboratory
8 according to the standards of the International
9 Organization for Standardization by a third-party
10 accrediting body, such as the American Association for
11 Laboratory Accreditation or the Assured Calibration and
12 Laboratory Accreditation Select Services.

13 "Label" means a display of written, printed, or graphic
14 matter upon the immediate container of any article; and a
15 requirement made by or under the authority of this Act that any
16 word, statement, or other information appearing on the label
17 shall not be considered to be complied with unless the word,
18 statement, or other information also appears on the outside
19 container or wrapper, if any, of the retail package of the
20 article, or is easily legible through the outside container or
21 wrapper.

22 "Labeling" means all labels and other written, printed, or
23 graphic matter upon an article or any of its containers or
24 wrappers or accompanying the article.

25 "Low THC hemp extract" means a substance or compound that:

26 (1) is derived from hemp and is produced by extracting

1 cannabinoids from the plant through the use of propylene
2 glycol, glycerin, butter, olive oil, or other typical
3 cooking fats; water, ice, or dry ice; or butane, propane,
4 CO₂, ethanol, or isopropanol;

5 (2) contains no more than 0.3% total THC by weight; and

6 (3) contains no other controlled substances.

7 "THC" means tetrahydrocannabinol.

8 Section 10. Distribution and sale of low THC hemp extract.

9 (a) A person or commercial enterprise may distribute or
10 sell low THC hemp extract if the person or commercial
11 enterprise can produce a certificate of analysis for the
12 product that shows that it contains no more than 0.3% total THC
13 by weight.

14 (b) A person or commercial enterprise may not distribute
15 low THC hemp extract without having obtained the certificate of
16 analysis for the product.

17 (c) Low THC hemp extract must be clearly labeled. The label
18 must include the following:

19 (1) a scannable bar code or Quick Response code linked
20 to a document that contains information with respect to the
21 manufacture of the low THC hemp extract, including:

22 (A) the product name;

23 (B) the batch identification number for the tested
24 product;

25 (C) the expiration date, which must be not more

- 1 than 2 years from the date of manufacture;
- 2 (D) the ingredients used; and
- 3 (E) a download link for a certificate of analysis
- 4 for the product;
- 5 (2) the batch number for the tested product;
- 6 (3) a download link for the certificate of analysis for
- 7 the batch number;
- 8 (4) the expiration date;
- 9 (5) the number of milligrams of low THC hemp extract;
- 10 (6) the ingredients used;
- 11 (7) the manufacturer of the product; and
- 12 (8) the fact that the product contains no more than
- 13 0.3% total THC by weight.
- 14 (d) Nothing in this Act prevents a person who knowingly
- 15 distributes, sells, or uses a hemp extract that contains more
- 16 than 0.3% THC or who knowingly sells, distributes, or uses a
- 17 misbranded low THC hemp extract product from being prosecuted
- 18 under the Cannabis Control Act, the Illinois Controlled
- 19 Substances Act, or the Illinois Food, Drug and Cosmetic Act.
- 20 (e) Low THC hemp extract shall be considered misbranded if:
- 21 (1) it is falsely labeled or offered for sale under the
- 22 name of another product; or
- 23 (2) any word, statement, or other information required
- 24 by or under the authority of this Act to appear on the
- 25 label or labeling is not prominently and conspicuously
- 26 placed as compared with other words, statements, designs,

1 or devices in the labeling, and in terms that render it
2 likely to be read and understood by the ordinary individual
3 under customary conditions of purchase and use.

4 (f) Nothing in this Act shall be construed to change
5 current State laws on the cultivation or production of hemp or
6 any strain of cannabis.

7 Section 90. The Cannabis Control Act is amended by changing
8 Section 3 as follows:

9 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

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

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

1 from the seeds of such plant, any other compound, manufacture,
2 salt, derivative, mixture, or preparation of such mature stalks
3 (except the resin extracted therefrom), fiber, oil or cake, or
4 the sterilized seed of such plant which is incapable of
5 germination. "Cannabis" does not include low THC hemp extract
6 as defined in the Commercial Low THC Hemp Extract Act.

7 (b) "Casual delivery" means the delivery of not more than
8 10 grams of any substance containing cannabis without
9 consideration.

10 (c) "Department" means the Illinois Department of Human
11 Services (as successor to the Department of Alcoholism and
12 Substance Abuse) or its successor agency.

13 (d) "Deliver" or "delivery" means the actual, constructive
14 or attempted transfer of possession of cannabis, with or
15 without consideration, whether or not there is an agency
16 relationship.

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

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

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

23 (h) "Manufacture" means the production, preparation,
24 propagation, compounding, conversion or processing of
25 cannabis, either directly or indirectly, by extraction from
26 substances of natural origin, or independently by means of

1 chemical synthesis, or by a combination of extraction and
2 chemical synthesis, and includes any packaging or repackaging
3 of cannabis or labeling of its container, except that this term
4 does not include the preparation, compounding, packaging, or
5 labeling of cannabis as an incident to lawful research,
6 teaching, or chemical analysis and not for sale.

7 (i) "Person" means any individual, corporation, government
8 or governmental subdivision or agency, business trust, estate,
9 trust, partnership or association, or any other entity.

10 (j) "Produce" or "production" means planting, cultivating,
11 tending or harvesting.

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

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

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