



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4134

Introduced 1/22/2020, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

410 ILCS 705/10-20  
410 ILCS 705/15-73 new  
410 ILCS 705/15-145

Amends the Cannabis Regulation and Tax Act. Requires the Department of Public Health to provide by rule for the establishment of a list of self-excluded persons who may request to be placed on the list and are prohibited from entering a dispensary or purchasing any product or service at a dispensary. Provides that the rules must establish specified procedures regarding the list and require dispensaries to establish procedures designed to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons entry and access to the dispensary and the products and services provided by the dispensary. Prohibits dispensaries from allowing entry to or serving any person who is on the self-exclusion list. Provides that the list of self-excluded persons shall be exempt from public inspection, copying, and disclosure, except for the limited purpose of assisting in the proper administration of procedures established under the amendatory Act. Allows the Department of Public Health to adopt rules requiring a dispensing organization to use a purchaser's identification to check whether the purchaser is on the self-exclusion list. Provides that allowing entry to or serving any person who is on the self-exclusion list is grounds for discipline by the Department of Financial and Professional Regulation. Effective immediately.

LRB101 16209 CPF 65581 b

1 AN ACT concerning health.

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 Sections 10-20 and 15-145 and by adding Section  
6 15-73 as follows:

7 (410 ILCS 705/10-20)

8 Sec. 10-20. Identification; false identification; penalty.

9 (a) To protect personal privacy, the Department of  
10 Financial and Professional Regulation shall not require a  
11 purchaser to provide a dispensing organization with personal  
12 information other than government-issued identification to  
13 determine the purchaser's age, and a dispensing organization  
14 shall not obtain and record personal information about a  
15 purchaser without the purchaser's consent. A dispensing  
16 organization shall use an electronic reader or electronic  
17 scanning device to scan a purchaser's government-issued  
18 identification, if applicable, to determine the purchaser's  
19 age and the validity of the identification. Any identifying or  
20 personal information of a purchaser obtained or received in  
21 accordance with this Section shall not be retained, used,  
22 shared or disclosed for any purpose except as authorized by  
23 this Act.

1 (b) A person who is under 21 years of age may not present  
2 or offer to a cannabis business establishment or the cannabis  
3 business establishment's principal or employee any written or  
4 oral evidence of age that is false, fraudulent, or not actually  
5 the person's own, for the purpose of:

6 (1) purchasing, attempting to purchase, or otherwise  
7 obtaining or attempting to obtain cannabis or any cannabis  
8 product; or

9 (2) gaining access to a cannabis business  
10 establishment.

11 (c) A violation of this Section is a Class A misdemeanor  
12 consistent with Section 6-20 of the Liquor Control Act of 1934.

13 (d) The Secretary of State may suspend or revoke the  
14 driving privileges of any person for a violation of this  
15 Section under Section 6-206 of the Illinois Vehicle Code and  
16 the rules adopted under it.

17 (e) No agent or employee of the licensee shall be  
18 disciplined or discharged for selling or furnishing cannabis or  
19 cannabis products to a person under 21 years of age if the  
20 agent or employee demanded and was shown, before furnishing  
21 cannabis or cannabis products to a person under 21 years of  
22 age, adequate written evidence of age and identity of the  
23 person. This subsection (e) does not apply if the agent or  
24 employee accepted the written evidence knowing it to be false  
25 or fraudulent. Adequate written evidence of age and identity of  
26 the person is a document issued by a federal, State, county, or

1 municipal government, or subdivision or agency thereof,  
2 including, but not limited to, a motor vehicle operator's  
3 license, a registration certificate issued under the Military  
4 Selective Service Act, or an identification card issued to a  
5 member of the Armed Forces. Proof that the licensee or his or  
6 her employee or agent was shown and reasonably relied upon such  
7 written evidence in any transaction forbidden by this Section  
8 is an affirmative defense in any criminal prosecution therefor  
9 or to any proceedings for the suspension or revocation of any  
10 license based thereon.

11 (f) The Department of Public Health may adopt rules  
12 requiring a dispensing organization to use a purchaser's  
13 identification to check whether the purchaser is on the  
14 self-exclusion list established under Section 15-73 of this  
15 Act.

16 (Source: P.A. 101-27, eff. 6-25-19.)

17 (410 ILCS 705/15-73 new)

18 Sec. 15-73. Self-exclusion list.

19 (a) The Department of Public Health shall provide by rule  
20 for the establishment of a list of self-excluded persons who  
21 are prohibited from entering a dispensary or purchasing any  
22 product or service at a dispensary. A person may request to be  
23 placed on the list by acknowledging in a manner to be  
24 established by the Department of Public Health that the person  
25 wishes to be excluded and by agreeing that, during any period

1 of voluntary exclusion, the person may not enter any dispensary  
2 or purchase any product or service at a dispensary.

3 (b) The rules established under subsection (a) shall:

4 (1) establish procedures for placement on, and removal  
5 from, the list of self-excluded persons, provided that,  
6 notwithstanding any law to the contrary, prior to the  
7 removal from the list a hearing must be conducted that is  
8 not open to the general public and at which it shall be  
9 established by the person seeking removal that there is no  
10 longer a basis for the person to be maintained on the  
11 self-exclusion list;

12 (2) establish procedures for the transmittal to all  
13 dispensaries of identifying information concerning  
14 self-excluded persons; and

15 (3) require dispensaries to establish procedures  
16 designed to, at a minimum, remove self-excluded persons  
17 from targeted mailings or other forms of advertising or  
18 promotions and deny self-excluded persons entry and access  
19 to the dispensary and the products and services provided by  
20 the dispensary.

21 (c) A dispensary shall not allow entry to or serve any  
22 person who is on the self-exclusion list established under this  
23 Section.

24 (d) Notwithstanding any other law to the contrary, the list  
25 of self-excluded persons shall be exempt from public  
26 inspection, copying, and disclosure. This subsection shall not

1 be construed to prohibit a dispensary from disclosing the  
2 identity of a properly self-excluded person for the limited  
3 purpose of assisting in the proper administration of  
4 self-exclusion procedures established under this Section.

5 (410 ILCS 705/15-145)

6 Sec. 15-145. Grounds for discipline.

7 (a) The Department may deny issuance, refuse to renew or  
8 restore, or may reprimand, place on probation, suspend, revoke,  
9 or take other disciplinary or nondisciplinary action against  
10 any license or agent identification card or may impose a fine  
11 for any of the following:

12 (1) Material misstatement in furnishing information to  
13 the Department;

14 (2) Violations of this Act or rules;

15 (3) Obtaining an authorization or license by fraud or  
16 misrepresentation;

17 (4) A pattern of conduct that demonstrates  
18 incompetence or that the applicant has engaged in conduct  
19 or actions that would constitute grounds for discipline  
20 under this Act;

21 (5) Aiding or assisting another person in violating any  
22 provision of this Act or rules;

23 (6) Failing to respond to a written request for  
24 information by the Department within 30 days;

25 (7) Engaging in unprofessional, dishonorable, or

1 unethetical conduct of a character likely to deceive,  
2 defraud, or harm the public;

3 (8) Adverse action by another United States  
4 jurisdiction or foreign nation;

5 (9) A finding by the Department that the licensee,  
6 after having his or her license placed on suspended or  
7 probationary status, has violated the terms of the  
8 suspension or probation;

9 (10) Conviction, entry of a plea of guilty, nolo  
10 contendere, or the equivalent in a State or federal court  
11 of a principal officer or agent-in-charge of a felony  
12 offense in accordance with Sections 2105-131, 2105-135,  
13 and 2105-205 of the Department of Professional Regulation  
14 Law of the Civil Administrative Code of Illinois;

15 (11) Excessive use of or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or drug;

17 (12) A finding by the Department of a discrepancy in a  
18 Department audit of cannabis;

19 (13) A finding by the Department of a discrepancy in a  
20 Department audit of capital or funds;

21 (14) A finding by the Department of acceptance of  
22 cannabis from a source other than an Adult Use Cultivation  
23 Center, craft grower, infuser, or transporting  
24 organization licensed by the Department of Agriculture, or  
25 a dispensing organization licensed by the Department;

26 (15) An inability to operate using reasonable

1 judgment, skill, or safety due to physical or mental  
2 illness or other impairment or disability, including,  
3 without limitation, deterioration through the aging  
4 process or loss of motor skills or mental incompetence;

5 (16) Failing to report to the Department within the  
6 time frames established, or if not identified, 14 days, of  
7 any adverse action taken against the dispensing  
8 organization or an agent by a licensing jurisdiction in any  
9 state or any territory of the United States or any foreign  
10 jurisdiction, any governmental agency, any law enforcement  
11 agency or any court defined in this Section;

12 (17) Any violation of the dispensing organization's  
13 policies and procedures submitted to the Department  
14 annually as a condition for licensure;

15 (18) Failure to inform the Department of any change of  
16 address within 10 business days;

17 (19) Disclosing customer names, personal information,  
18 or protected health information in violation of any State  
19 or federal law;

20 (20) Operating a dispensary before obtaining a license  
21 from the Department;

22 (21) Performing duties authorized by this Act prior to  
23 receiving a license to perform such duties;

24 (22) Dispensing cannabis when prohibited by this Act or  
25 rules;

26 (23) Any fact or condition that, if it had existed at



1 the time of the original application for the license, would  
2 have warranted the denial of the license;

3 (24) Permitting a person without a valid agent  
4 identification card to perform licensed activities under  
5 this Act;

6 (25) Failure to assign an agent-in-charge as required  
7 by this Article;

8 (26) Failure to provide the training required by  
9 paragraph (3) of subsection (i) of Section 15-40 within the  
10 provided timeframe;

11 (27) Personnel insufficient in number or unqualified  
12 in training or experience to properly operate the  
13 dispensary business;

14 (28) Any pattern of activity that causes a harmful  
15 impact on the community; ~~and~~

16 (29) Failing to prevent diversion, theft, or loss of  
17 cannabis; ~~and-~~

18 (30) Allowing entry to or serving any person who is on  
19 the self-exclusion list established under Section 15-73.

20 (b) All fines and fees imposed under this Section shall be  
21 paid within 60 days after the effective date of the order  
22 imposing the fine or as otherwise specified in the order.

23 (c) A circuit court order establishing that an  
24 agent-in-charge or principal officer holding an agent  
25 identification card is subject to involuntary admission as that  
26 term is defined in Section 1-119 or 1-119.1 of the Mental

1 Health and Developmental Disabilities Code shall operate as a  
2 suspension of that card.

3 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.