



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4522**

Introduced 2/5/2020, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

410 ILCS 705/50-5

Amends the Cannabis Regulation and Tax Act. Requires cannabis or cannabis-infused products to be tested for vitamin E acetate. Provides that if a sample fails the test the entire batch from which the sample was taken shall be recalled. Prohibits cannabis and cannabis-infused products from containing vitamin E acetate.

LRB101 16755 CPF 66145 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 Section 50-5 as follows:

6 (410 ILCS 705/50-5)

7 Sec. 50-5. Laboratory testing.

8 (a) Notwithstanding any other provision of law, the  
9 following acts, when performed by a cannabis testing facility  
10 with a current, valid registration, or a person 21 years of age  
11 or older who is acting in his or her capacity as an owner,  
12 employee, or agent of a cannabis testing facility, are not  
13 unlawful and shall not be an offense under Illinois law or be a  
14 basis for seizure or forfeiture of assets under Illinois law:

15 (1) possessing, repackaging, transporting, storing, or  
16 displaying cannabis or cannabis-infused products;

17 (2) receiving or transporting cannabis or  
18 cannabis-infused products from a cannabis business  
19 establishment, a community college licensed under the  
20 Community College Cannabis Vocational Training Pilot  
21 Program, or a person 21 years of age or older; and

22 (3) returning or transporting cannabis or  
23 cannabis-infused products to a cannabis business

1 establishment, a community college licensed under the  
2 Community College Cannabis Vocational Training Pilot  
3 Program, or a person 21 years of age or older.

4 (b)(1) No laboratory shall handle, test, or analyze  
5 cannabis unless approved by the Department of Agriculture in  
6 accordance with this Section.

7 (2) No laboratory shall be approved to handle, test, or  
8 analyze cannabis unless the laboratory:

9 (A) is accredited by a private laboratory accrediting  
10 organization;

11 (B) is independent from all other persons involved in  
12 the cannabis industry in Illinois and no person with a  
13 direct or indirect interest in the laboratory has a direct  
14 or indirect financial, management, or other interest in an  
15 Illinois cultivation center, craft grower, dispensary,  
16 infuser, transporter, certifying physician, or any other  
17 entity in the State that may benefit from the production,  
18 manufacture, dispensing, sale, purchase, or use of  
19 cannabis; and

20 (C) has employed at least one person to oversee and be  
21 responsible for the laboratory testing who has earned, from  
22 a college or university accredited by a national or  
23 regional certifying authority, at least:

24 (i) a master's level degree in chemical or  
25 biological sciences and a minimum of 2 years'  
26 post-degree laboratory experience; or

1           (ii) a bachelor's degree in chemical or biological  
2           sciences and a minimum of 4 years' post-degree  
3           laboratory experience.

4           (3) Each independent testing laboratory that claims to be  
5           accredited must provide the Department of Agriculture with a  
6           copy of the most recent annual inspection report granting  
7           accreditation and every annual report thereafter.

8           (c) Immediately before manufacturing or natural processing  
9           of any cannabis or cannabis-infused product or packaging  
10          cannabis for sale to a dispensary, each batch shall be made  
11          available by the cultivation center, craft grower, or infuser  
12          for an employee of an approved laboratory to select a random  
13          sample, which shall be tested by the approved laboratory for:

- 14           (1) microbiological contaminants;  
15           (2) mycotoxins;  
16           (3) pesticide active ingredients;  
17           (4) residual solvent; ~~and~~  
18           (5) an active ingredient analysis; ~~and~~  
19           (6) vitamin E acetate.

20          (d) The Department of Agriculture may select a random  
21          sample that shall, for the purposes of conducting an active  
22          ingredient analysis, be tested by the Department of Agriculture  
23          for verification of label information.

24          (e) A laboratory shall immediately return or dispose of any  
25          cannabis upon the completion of any testing, use, or research.  
26          If cannabis is disposed of, it shall be done in compliance with

1 Department of Agriculture rule.

2 (f) If a sample of cannabis does not pass the  
3 microbiological, mycotoxin, pesticide chemical residue, ~~or~~  
4 solvent residue test, or vitamin E acetate test, based on the  
5 standards established by the Department of Agriculture, the  
6 following shall apply:

7 (1) If the sample failed the pesticide chemical residue  
8 test or vitamin E acetate test, the entire batch from which  
9 the sample was taken shall, if applicable, be recalled as  
10 provided by rule.

11 (2) If the sample failed any other test, the batch may  
12 be used to make a CO<sub>2</sub>-based or solvent based extract. After  
13 processing, the CO<sub>2</sub>-based or solvent based extract must  
14 still pass all required tests.

15 (g) The Department of Agriculture shall establish  
16 standards for microbial, mycotoxin, pesticide residue, solvent  
17 residue, or other standards for the presence of possible  
18 contaminants, in addition to labeling requirements for  
19 contents and potency.

20 (g-1) Cannabis and cannabis-infused products shall not  
21 contain vitamin E acetate.

22 (h) The laboratory shall file with the Department of  
23 Agriculture an electronic copy of each laboratory test result  
24 for any batch that does not pass the microbiological,  
25 mycotoxin, or pesticide chemical residue test, at the same time  
26 that it transmits those results to the cultivation center. In

1 addition, the laboratory shall maintain the laboratory test  
2 results for at least 5 years and make them available at the  
3 Department of Agriculture's request.

4 (i) A cultivation center, craft grower, and infuser shall  
5 provide to a dispensing organization the laboratory test  
6 results for each batch of cannabis product purchased by the  
7 dispensing organization, if sampled. Each dispensing  
8 organization must have those laboratory results available upon  
9 request to purchasers.

10 (j) The Department of Agriculture may adopt rules related  
11 to testing in furtherance of this Act.

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