

**SB3859**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB3859**

Introduced 2/14/2020, by Sen. John F. Curran

**SYNOPSIS AS INTRODUCED:**

410 ILCS 705/15-40  
410 ILCS 705/20-35  
410 ILCS 705/25-35  
410 ILCS 705/30-35  
410 ILCS 705/35-30  
410 ILCS 705/40-30

Amends the Cannabis Regulation and Tax Act. Provides for the issuance of identification cards to specified qualifying agents within 5 (rather than 15) business days after approving the application or renewal application. Effective immediately.

LRB101 19170 CPF 70114 b

**A BILL FOR**

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 15-40, 20-35, 25-35, 30-35, 35-30, and  
6 40-30 as follows:

7 (410 ILCS 705/15-40)

8 Sec. 15-40. Dispensing organization agent identification  
9 card; agent training.

10 (a) The Department shall:

11 (1) verify the information contained in an application  
12 or renewal for a dispensing organization agent  
13 identification card submitted under this Article, and  
14 approve or deny an application or renewal, within 30 days  
15 of receiving a completed application or renewal  
16 application and all supporting documentation required by  
17 rule;

18 (2) issue a dispensing organization agent  
19 identification card to a qualifying agent within 5 ~~15~~  
20 business days of approving the application or renewal;

21 (3) enter the registry identification number of the  
22 dispensing organization where the agent works;

23 (4) within one year from the effective date of this

1 Act, allow for an electronic application process and  
2 provide a confirmation by electronic or other methods that  
3 an application has been submitted; and

4 (5) collect a \$100 nonrefundable fee from the applicant  
5 to be deposited into the Cannabis Regulation Fund.

6 (b) A dispensing organization agent must keep his or her  
7 identification card visible at all times when in the  
8 dispensary.

9 (c) The dispensing organization agent identification cards  
10 shall contain the following:

11 (1) the name of the cardholder;

12 (2) the date of issuance and expiration date of the  
13 dispensing organization agent identification cards;

14 (3) a random 10-digit alphanumeric identification  
15 number containing at least 4 numbers and at least 4 letters  
16 that is unique to the cardholder; and

17 (4) a photograph of the cardholder.

18 (d) The dispensing organization agent identification cards  
19 shall be immediately returned to the dispensing organization  
20 upon termination of employment.

21 (e) The Department shall not issue an agent identification  
22 card if the applicant is delinquent in filing any required tax  
23 returns or paying any amounts owed to the State of Illinois.

24 (f) Any card lost by a dispensing organization agent shall  
25 be reported to the Department of State Police and the  
26 Department immediately upon discovery of the loss.

1           (g) An applicant shall be denied a dispensing organization  
2 agent identification card renewal if he or she fails to  
3 complete the training provided for in this Section.

4           (h) A dispensing organization agent shall only be required  
5 to hold one card for the same employer regardless of what type  
6 of dispensing organization license the employer holds.

7           (i) Cannabis retail sales training requirements.

8           (1) Within 90 days of September 1, 2019, or 90 days of  
9 employment, whichever is later, all owners, managers,  
10 employees, and agents involved in the handling or sale of  
11 cannabis or cannabis-infused product employed by an adult  
12 use dispensing organization or medical cannabis dispensing  
13 organization as defined in Section 10 of the Compassionate  
14 Use of Medical Cannabis Program Act shall attend and  
15 successfully complete a Responsible Vendor Program.

16           (2) Each owner, manager, employee, and agent of an  
17 adult use dispensing organization or medical cannabis  
18 dispensing organization shall successfully complete the  
19 program annually.

20           (3) Responsible Vendor Program Training modules shall  
21 include at least 2 hours of instruction time approved by  
22 the Department including:

23           (i) Health and safety concerns of cannabis use,  
24 including the responsible use of cannabis, its  
25 physical effects, onset of physiological effects,  
26 recognizing signs of impairment, and appropriate

1 responses in the event of overconsumption.

2 (ii) Training on laws and regulations on driving  
3 while under the influence and operating a watercraft or  
4 snowmobile while under the influence.

5 (iii) Sales to minors prohibition. Training shall  
6 cover all relevant Illinois laws and rules.

7 (iv) Quantity limitations on sales to purchasers.  
8 Training shall cover all relevant Illinois laws and  
9 rules.

10 (v) Acceptable forms of identification. Training  
11 shall include:

12 (I) How to check identification; and

13 (II) Common mistakes made in verification;

14 (vi) Safe storage of cannabis;

15 (vii) Compliance with all inventory tracking  
16 system regulations;

17 (viii) Waste handling, management, and disposal;

18 (ix) Health and safety standards;

19 (x) Maintenance of records;

20 (xi) Security and surveillance requirements;

21 (xii) Permitting inspections by State and local  
22 licensing and enforcement authorities;

23 (xiii) Privacy issues;

24 (xiv) Packaging and labeling requirement for sales  
25 to purchasers; and

26 (xv) Other areas as determined by rule.

1 (j) Blank.

2 (k) Upon the successful completion of the Responsible  
3 Vendor Program, the provider shall deliver proof of completion  
4 either through mail or electronic communication to the  
5 dispensing organization, which shall retain a copy of the  
6 certificate.

7 (l) The license of a dispensing organization or medical  
8 cannabis dispensing organization whose owners, managers,  
9 employees, or agents fail to comply with this Section may be  
10 suspended or permanently revoked under Section 15-145 or may  
11 face other disciplinary action.

12 (m) The regulation of dispensing organization and medical  
13 cannabis dispensing employer and employee training is an  
14 exclusive function of the State, and regulation by a unit of  
15 local government, including a home rule unit, is prohibited.  
16 This subsection (m) is a denial and limitation of home rule  
17 powers and functions under subsection (h) of Section 6 of  
18 Article VII of the Illinois Constitution.

19 (n) Persons seeking Department approval to offer the  
20 training required by paragraph (3) of subsection (i) may apply  
21 for such approval between August 1 and August 15 of each  
22 odd-numbered year in a manner prescribed by the Department.

23 (o) Persons seeking Department approval to offer the  
24 training required by paragraph (3) of subsection (i) shall  
25 submit a nonrefundable application fee of \$2,000 to be  
26 deposited into the Cannabis Regulation Fund or a fee as may be

1 set by rule. Any changes made to the training module shall be  
2 approved by the Department.

3 (p) The Department shall not unreasonably deny approval of  
4 a training module that meets all the requirements of paragraph  
5 (3) of subsection (i). A denial of approval shall include a  
6 detailed description of the reasons for the denial.

7 (q) Any person approved to provide the training required by  
8 paragraph (3) of subsection (i) shall submit an application for  
9 re-approval between August 1 and August 15 of each odd-numbered  
10 year and include a nonrefundable application fee of \$2,000 to  
11 be deposited into the Cannabis Regulation Fund or a fee as may  
12 be set by rule.

13 (r) All persons applying to become or renewing their  
14 registrations to be agents, including agents-in-charge and  
15 principal officers, shall disclose any disciplinary action  
16 taken against them that may have occurred in Illinois, another  
17 state, or another country in relation to their employment at a  
18 cannabis business establishment or at any cannabis cultivation  
19 center, processor, infuser, dispensary, or other cannabis  
20 business establishment.

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

22 (410 ILCS 705/20-35)

23 Sec. 20-35. Cultivation center agent identification card.

24 (a) The Department of Agriculture shall:

25 (1) establish by rule the information required in an

1 initial application or renewal application for an agent  
2 identification card submitted under this Act and the  
3 nonrefundable fee to accompany the initial application or  
4 renewal application;

5 (2) verify the information contained in an initial  
6 application or renewal application for an agent  
7 identification card submitted under this Act, and approve  
8 or deny an application within 30 days of receiving a  
9 completed initial application or renewal application and  
10 all supporting documentation required by rule;

11 (3) issue an agent identification card to a qualifying  
12 agent within 5 ~~15~~ business days of approving the initial  
13 application or renewal application;

14 (4) enter the license number of the cultivation center  
15 where the agent works; and

16 (5) allow for an electronic initial application and  
17 renewal application process, and provide a confirmation by  
18 electronic or other methods that an application has been  
19 submitted. The Department of Agriculture may by rule  
20 require prospective agents to file their applications by  
21 electronic means and provide notices to the agents by  
22 electronic means.

23 (b) An agent must keep his or her identification card  
24 visible at all times when on the property of the cultivation  
25 center at which the agent is employed.

26 (c) The agent identification cards shall contain the



1 following:

2 (1) the name of the cardholder;

3 (2) the date of issuance and expiration date of the  
4 identification card;

5 (3) a random 10-digit alphanumeric identification  
6 number containing at least 4 numbers and at least 4 letters  
7 that is unique to the holder;

8 (4) a photograph of the cardholder; and

9 (5) the legal name of the cultivation center employing  
10 the agent.

11 (d) An agent identification card shall be immediately  
12 returned to the cultivation center of the agent upon  
13 termination of his or her employment.

14 (e) Any agent identification card lost by a cultivation  
15 center agent shall be reported to the Department of State  
16 Police and the Department of Agriculture immediately upon  
17 discovery of the loss.

18 (f) The Department of Agriculture shall not issue an agent  
19 identification card if the applicant is delinquent in filing  
20 any required tax returns or paying any amounts owed to the  
21 State of Illinois.

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

23 (410 ILCS 705/25-35)

24 (Section scheduled to be repealed on July 1, 2026)

25 Sec. 25-35. Community College Cannabis Vocational Training

1 Pilot Program faculty participant agent identification card.

2 (a) The Department shall:

3 (1) establish by rule the information required in an  
4 initial application or renewal application for an agent  
5 identification card submitted under this Article and the  
6 nonrefundable fee to accompany the initial application or  
7 renewal application;

8 (2) verify the information contained in an initial  
9 application or renewal application for an agent  
10 identification card submitted under this Article, and  
11 approve or deny an application within 30 days of receiving  
12 a completed initial application or renewal application and  
13 all supporting documentation required by rule;

14 (3) issue an agent identification card to a qualifying  
15 agent within 5 ~~15~~ business days of approving the initial  
16 application or renewal application;

17 (4) enter the license number of the community college  
18 where the agent works; and

19 (5) allow for an electronic initial application and  
20 renewal application process, and provide a confirmation by  
21 electronic or other methods that an application has been  
22 submitted. Each Department may by rule require prospective  
23 agents to file their applications by electronic means and  
24 to provide notices to the agents by electronic means.

25 (b) An agent must keep his or her identification card  
26 visible at all times when in the enclosed, locked facility, or

1 facilities for which he or she is an agent.

2 (c) The agent identification cards shall contain the  
3 following:

4 (1) the name of the cardholder;

5 (2) the date of issuance and expiration date of the  
6 identification card;

7 (3) a random 10-digit alphanumeric identification  
8 number containing at least 4 numbers and at least 4 letters  
9 that is unique to the holder;

10 (4) a photograph of the cardholder; and

11 (5) the legal name of the community college employing  
12 the agent.

13 (d) An agent identification card shall be immediately  
14 returned to the community college of the agent upon termination  
15 of his or her employment.

16 (e) Any agent identification card lost shall be reported to  
17 the Department of State Police and the Department of  
18 Agriculture immediately upon discovery of the loss.

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

20 (410 ILCS 705/30-35)

21 Sec. 30-35. Craft grower agent identification card.

22 (a) The Department of Agriculture shall:

23 (1) establish by rule the information required in an  
24 initial application or renewal application for an agent  
25 identification card submitted under this Act and the

1 nonrefundable fee to accompany the initial application or  
2 renewal application;

3 (2) verify the information contained in an initial  
4 application or renewal application for an agent  
5 identification card submitted under this Act and approve or  
6 deny an application within 30 days of receiving a completed  
7 initial application or renewal application and all  
8 supporting documentation required by rule;

9 (3) issue an agent identification card to a qualifying  
10 agent within 5 ~~15~~ business days of approving the initial  
11 application or renewal application;

12 (4) enter the license number of the craft grower where  
13 the agent works; and

14 (5) allow for an electronic initial application and  
15 renewal application process, and provide a confirmation by  
16 electronic or other methods that an application has been  
17 submitted. The Department of Agriculture may by rule  
18 require prospective agents to file their applications by  
19 electronic means and provide notices to the agents by  
20 electronic means.

21 (b) An agent must keep his or her identification card  
22 visible at all times when on the property of a cannabis  
23 business establishment, including the craft grower  
24 organization for which he or she is an agent.

25 (c) The agent identification cards shall contain the  
26 following:

- 1 (1) the name of the cardholder;
- 2 (2) the date of issuance and expiration date of the  
3 identification card;
- 4 (3) a random 10-digit alphanumeric identification  
5 number containing at least 4 numbers and at least 4 letters  
6 that is unique to the holder;
- 7 (4) a photograph of the cardholder; and
- 8 (5) the legal name of the craft grower organization  
9 employing the agent.

10 (d) An agent identification card shall be immediately  
11 returned to the cannabis business establishment of the agent  
12 upon termination of his or her employment.

13 (e) Any agent identification card lost by a craft grower  
14 agent shall be reported to the Department of State Police and  
15 the Department of Agriculture immediately upon discovery of the  
16 loss.

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

18 (410 ILCS 705/35-30)

19 Sec. 35-30. Infuser agent identification card.

20 (a) The Department of Agriculture shall:

- 21 (1) establish by rule the information required in an  
22 initial application or renewal application for an agent  
23 identification card submitted under this Act and the  
24 nonrefundable fee to accompany the initial application or  
25 renewal application;

1           (2) verify the information contained in an initial  
2 application or renewal application for an agent  
3 identification card submitted under this Act, and approve  
4 or deny an application within 30 days of receiving a  
5 completed initial application or renewal application and  
6 all supporting documentation required by rule;

7           (3) issue an agent identification card to a qualifying  
8 agent within 5 ~~15~~ business days of approving the initial  
9 application or renewal application;

10          (4) enter the license number of the infuser where the  
11 agent works; and

12          (5) allow for an electronic initial application and  
13 renewal application process, and provide a confirmation by  
14 electronic or other methods that an application has been  
15 submitted. The Department of Agriculture may by rule  
16 require prospective agents to file their applications by  
17 electronic means and provide notices to the agents by  
18 electronic means.

19          (b) An agent must keep his or her identification card  
20 visible at all times when on the property of a cannabis  
21 business establishment including the cannabis business  
22 establishment for which he or she is an agent.

23          (c) The agent identification cards shall contain the  
24 following:

25               (1) the name of the cardholder;

26               (2) the date of issuance and expiration date of the

1 identification card;

2 (3) a random 10-digit alphanumeric identification  
3 number containing at least 4 numbers and at least 4 letters  
4 that is unique to the holder;

5 (4) a photograph of the cardholder; and

6 (5) the legal name of the infuser organization  
7 employing the agent.

8 (d) An agent identification card shall be immediately  
9 returned to the infuser organization of the agent upon  
10 termination of his or her employment.

11 (e) Any agent identification card lost by a transporting  
12 agent shall be reported to the Department of State Police and  
13 the Department of Agriculture immediately upon discovery of the  
14 loss.

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

16 (410 ILCS 705/40-30)

17 Sec. 40-30. Transporting agent identification card.

18 (a) The Department of Agriculture shall:

19 (1) establish by rule the information required in an  
20 initial application or renewal application for an agent  
21 identification card submitted under this Act and the  
22 nonrefundable fee to accompany the initial application or  
23 renewal application;

24 (2) verify the information contained in an initial  
25 application or renewal application for an agent

1 identification card submitted under this Act and approve or  
2 deny an application within 30 days of receiving a completed  
3 initial application or renewal application and all  
4 supporting documentation required by rule;

5 (3) issue an agent identification card to a qualifying  
6 agent within 5 ~~15~~ business days of approving the initial  
7 application or renewal application;

8 (4) enter the license number of the transporting  
9 organization where the agent works; and

10 (5) allow for an electronic initial application and  
11 renewal application process, and provide a confirmation by  
12 electronic or other methods that an application has been  
13 submitted. The Department of Agriculture may by rule  
14 require prospective agents to file their applications by  
15 electronic means and provide notices to the agents by  
16 electronic means.

17 (b) An agent must keep his or her identification card  
18 visible at all times when on the property of a cannabis  
19 business establishment, including the cannabis business  
20 establishment for which he or she is an agent.

21 (c) The agent identification cards shall contain the  
22 following:

23 (1) the name of the cardholder;

24 (2) the date of issuance and expiration date of the  
25 identification card;

26 (3) a random 10-digit alphanumeric identification



1 number containing at least 4 numbers and at least 4 letters  
2 that is unique to the holder;

3 (4) a photograph of the cardholder; and

4 (5) the legal name of the transporting organization  
5 employing the agent.

6 (d) An agent identification card shall be immediately  
7 returned to the transporting organization of the agent upon  
8 termination of his or her employment.

9 (e) Any agent identification card lost by a transporting  
10 agent shall be reported to the Department of State Police and  
11 the Department of Agriculture immediately upon discovery of the  
12 loss.

13 (f) An application for an agent identification card shall  
14 be denied if the applicant is delinquent in filing any required  
15 tax returns or paying any amounts owed to the State of  
16 Illinois.

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

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.