

HB3077



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3077

Introduced 2/19/2021, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

410 ILCS 705/1-10
410 ILCS 705/55-21
625 ILCS 5/11-502.1
625 ILCS 5/11-502.15

Amends the Cannabis Regulation and Tax Act. Makes changes to the definition of "cannabis container". Makes changes to cannabis packaging requirements during sale. Amends the Illinois Vehicle Code. Makes changes to cannabis containment requirements within a motor vehicle.

LRB102 15085 RAM 20440 b

A BILL FOR

1 AN ACT concerning cannabis.

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 1-10 and 55-21 as follows:

6 (410 ILCS 705/1-10)

7 Sec. 1-10. Definitions. In this Act:

8 "Adult Use Cultivation Center License" means a license
9 issued by the Department of Agriculture that permits a person
10 to act as a cultivation center under this Act and any
11 administrative rule made in furtherance of this Act.

12 "Adult Use Dispensing Organization License" means a
13 license issued by the Department of Financial and Professional
14 Regulation that permits a person to act as a dispensing
15 organization under this Act and any administrative rule made
16 in furtherance of this Act.

17 "Advertise" means to engage in promotional activities
18 including, but not limited to: newspaper, radio, Internet and
19 electronic media, and television advertising; the distribution
20 of fliers and circulars; billboard advertising; and the
21 display of window and interior signs. "Advertise" does not
22 mean exterior signage displaying only the name of the licensed
23 cannabis business establishment.

1 "BLS Region" means a region in Illinois used by the United
2 States Bureau of Labor Statistics to gather and categorize
3 certain employment and wage data. The 17 such regions in
4 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
5 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
6 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
7 Rockford, St. Louis, Springfield, Northwest Illinois
8 nonmetropolitan area, West Central Illinois nonmetropolitan
9 area, East Central Illinois nonmetropolitan area, and South
10 Illinois nonmetropolitan area.

11 "Cannabis" means marijuana, hashish, and other substances
12 that are identified as including any parts of the plant
13 Cannabis sativa and including derivatives or subspecies, such
14 as indica, of all strains of cannabis, whether growing or not;
15 the seeds thereof, the resin extracted from any part of the
16 plant; and any compound, manufacture, salt, derivative,
17 mixture, or preparation of the plant, its seeds, or resin,
18 including tetrahydrocannabinol (THC) and all other naturally
19 produced cannabinol derivatives, whether produced directly or
20 indirectly by extraction; however, "cannabis" does not include
21 the mature stalks of the plant, fiber produced from the
22 stalks, oil or cake made from the seeds of the plant, any other
23 compound, manufacture, salt, derivative, mixture, or
24 preparation of the mature stalks (except the resin extracted
25 from it), fiber, oil or cake, or the sterilized seed of the
26 plant that is incapable of germination. "Cannabis" does not

1 include industrial hemp as defined and authorized under the
2 Industrial Hemp Act. "Cannabis" also means cannabis flower,
3 concentrate, and cannabis-infused products.

4 "Cannabis business establishment" means a cultivation
5 center, craft grower, processing organization, infuser
6 organization, dispensing organization, or transporting
7 organization.

8 "Cannabis concentrate" means a product derived from
9 cannabis that is produced by extracting cannabinoids,
10 including tetrahydrocannabinol (THC), from the plant through
11 the use of propylene glycol, glycerin, butter, olive oil or
12 other typical cooking fats; water, ice, or dry ice; or butane,
13 propane, CO₂, ethanol, or isopropanol and with the intended
14 use of smoking or making a cannabis-infused product. The use
15 of any other solvent is expressly prohibited unless and until
16 it is approved by the Department of Agriculture.

17 "Cannabis container" means a sealed or resealable,
18 traceable, container, or package used for the purpose of
19 containment of cannabis or cannabis-infused product during
20 transportation.

21 "Cannabis flower" means marijuana, hashish, and other
22 substances that are identified as including any parts of the
23 plant Cannabis sativa and including derivatives or subspecies,
24 such as indica, of all strains of cannabis; including raw
25 kief, leaves, and buds, but not resin that has been extracted
26 from any part of such plant; nor any compound, manufacture,

1 salt, derivative, mixture, or preparation of such plant, its
2 seeds, or resin.

3 "Cannabis-infused product" means a beverage, food, oil,
4 ointment, tincture, topical formulation, or another product
5 containing cannabis or cannabis concentrate that is not
6 intended to be smoked.

7 "Cannabis paraphernalia" means equipment, products, or
8 materials intended to be used for planting, propagating,
9 cultivating, growing, harvesting, manufacturing, producing,
10 processing, preparing, testing, analyzing, packaging,
11 repackaging, storing, containing, concealing, ingesting, or
12 otherwise introducing cannabis into the human body.

13 "Cannabis plant monitoring system" or "plant monitoring
14 system" means a system that includes, but is not limited to,
15 testing and data collection established and maintained by the
16 cultivation center, craft grower, or processing organization
17 and that is available to the Department of Revenue, the
18 Department of Agriculture, the Department of Financial and
19 Professional Regulation, and the Department of State Police
20 for the purposes of documenting each cannabis plant and
21 monitoring plant development throughout the life cycle of a
22 cannabis plant cultivated for the intended use by a customer
23 from seed planting to final packaging.

24 "Cannabis testing facility" means an entity registered by
25 the Department of Agriculture to test cannabis for potency and
26 contaminants.

1 "Clone" means a plant section from a female cannabis plant
2 not yet rootbound, growing in a water solution or other
3 propagation matrix, that is capable of developing into a new
4 plant.

5 "Community College Cannabis Vocational Training Pilot
6 Program faculty participant" means a person who is 21 years of
7 age or older, licensed by the Department of Agriculture, and
8 is employed or contracted by an Illinois community college to
9 provide student instruction using cannabis plants at an
10 Illinois Community College.

11 "Community College Cannabis Vocational Training Pilot
12 Program faculty participant Agent Identification Card" means a
13 document issued by the Department of Agriculture that
14 identifies a person as Community College Cannabis Vocational
15 Training Pilot Program faculty participant.

16 "Conditional Adult Use Dispensing Organization License"
17 means a license awarded to top-scoring applicants for an Adult
18 Use Dispensing Organization License that reserves the right to
19 an Adult Use Dispensing Organization License if the applicant
20 meets certain conditions described in this Act, but does not
21 entitle the recipient to begin purchasing or selling cannabis
22 or cannabis-infused products.

23 "Conditional Adult Use Cultivation Center License" means a
24 license awarded to top-scoring applicants for an Adult Use
25 Cultivation Center License that reserves the right to an Adult
26 Use Cultivation Center License if the applicant meets certain

1 conditions as determined by the Department of Agriculture by
2 rule, but does not entitle the recipient to begin growing,
3 processing, or selling cannabis or cannabis-infused products.

4 "Craft grower" means a facility operated by an
5 organization or business that is licensed by the Department of
6 Agriculture to cultivate, dry, cure, and package cannabis and
7 perform other necessary activities to make cannabis available
8 for sale at a dispensing organization or use at a processing
9 organization. A craft grower may contain up to 5,000 square
10 feet of canopy space on its premises for plants in the
11 flowering state. The Department of Agriculture may authorize
12 an increase or decrease of flowering stage cultivation space
13 in increments of 3,000 square feet by rule based on market
14 need, craft grower capacity, and the licensee's history of
15 compliance or noncompliance, with a maximum space of 14,000
16 square feet for cultivating plants in the flowering stage,
17 which must be cultivated in all stages of growth in an enclosed
18 and secure area. A craft grower may share premises with a
19 processing organization or a dispensing organization, or both,
20 provided each licensee stores currency and cannabis or
21 cannabis-infused products in a separate secured vault to which
22 the other licensee does not have access or all licensees
23 sharing a vault share more than 50% of the same ownership.

24 "Craft grower agent" means a principal officer, board
25 member, employee, or other agent of a craft grower who is 21
26 years of age or older.

1 "Craft Grower Agent Identification Card" means a document
2 issued by the Department of Agriculture that identifies a
3 person as a craft grower agent.

4 "Cultivation center" means a facility operated by an
5 organization or business that is licensed by the Department of
6 Agriculture to cultivate, process, transport (unless otherwise
7 limited by this Act), and perform other necessary activities
8 to provide cannabis and cannabis-infused products to cannabis
9 business establishments.

10 "Cultivation center agent" means a principal officer,
11 board member, employee, or other agent of a cultivation center
12 who is 21 years of age or older.

13 "Cultivation Center Agent Identification Card" means a
14 document issued by the Department of Agriculture that
15 identifies a person as a cultivation center agent.

16 "Currency" means currency and coin of the United States.

17 "Dispensary" means a facility operated by a dispensing
18 organization at which activities licensed by this Act may
19 occur.

20 "Dispensing organization" means a facility operated by an
21 organization or business that is licensed by the Department of
22 Financial and Professional Regulation to acquire cannabis from
23 a cultivation center, craft grower, processing organization,
24 or another dispensary for the purpose of selling or dispensing
25 cannabis, cannabis-infused products, cannabis seeds,
26 paraphernalia, or related supplies under this Act to

1 purchasers or to qualified registered medical cannabis
2 patients and caregivers. As used in this Act, "dispensing
3 organization" includes a registered medical cannabis
4 organization as defined in the Compassionate Use of Medical
5 Cannabis Program Act or its successor Act that has obtained an
6 Early Approval Adult Use Dispensing Organization License.

7 "Dispensing organization agent" means a principal officer,
8 employee, or agent of a dispensing organization who is 21
9 years of age or older.

10 "Dispensing organization agent identification card" means
11 a document issued by the Department of Financial and
12 Professional Regulation that identifies a person as a
13 dispensing organization agent.

14 "Disproportionately Impacted Area" means a census tract or
15 comparable geographic area that satisfies the following
16 criteria as determined by the Department of Commerce and
17 Economic Opportunity, that:

18 (1) meets at least one of the following criteria:

19 (A) the area has a poverty rate of at least 20%
20 according to the latest federal decennial census; or

21 (B) 75% or more of the children in the area
22 participate in the federal free lunch program
23 according to reported statistics from the State Board
24 of Education; or

25 (C) at least 20% of the households in the area
26 receive assistance under the Supplemental Nutrition

1 Assistance Program; or

2 (D) the area has an average unemployment rate, as
3 determined by the Illinois Department of Employment
4 Security, that is more than 120% of the national
5 unemployment average, as determined by the United
6 States Department of Labor, for a period of at least 2
7 consecutive calendar years preceding the date of the
8 application; and

9 (2) has high rates of arrest, conviction, and
10 incarceration related to the sale, possession, use,
11 cultivation, manufacture, or transport of cannabis.

12 "Early Approval Adult Use Cultivation Center License"
13 means a license that permits a medical cannabis cultivation
14 center licensed under the Compassionate Use of Medical
15 Cannabis Program Act as of the effective date of this Act to
16 begin cultivating, infusing, packaging, transporting (unless
17 otherwise provided in this Act), processing and selling
18 cannabis or cannabis-infused product to cannabis business
19 establishments for resale to purchasers as permitted by this
20 Act as of January 1, 2020.

21 "Early Approval Adult Use Dispensing Organization License"
22 means a license that permits a medical cannabis dispensing
23 organization licensed under the Compassionate Use of Medical
24 Cannabis Program Act as of the effective date of this Act to
25 begin selling cannabis or cannabis-infused product to
26 purchasers as permitted by this Act as of January 1, 2020.

1 "Early Approval Adult Use Dispensing Organization at a
2 secondary site" means a license that permits a medical
3 cannabis dispensing organization licensed under the
4 Compassionate Use of Medical Cannabis Program Act as of the
5 effective date of this Act to begin selling cannabis or
6 cannabis-infused product to purchasers as permitted by this
7 Act on January 1, 2020 at a different dispensary location from
8 its existing registered medical dispensary location.

9 "Enclosed, locked facility" means a room, greenhouse,
10 building, or other enclosed area equipped with locks or other
11 security devices that permit access only by cannabis business
12 establishment agents working for the licensed cannabis
13 business establishment or acting pursuant to this Act to
14 cultivate, process, store, or distribute cannabis.

15 "Enclosed, locked space" means a closet, room, greenhouse,
16 building or other enclosed area equipped with locks or other
17 security devices that permit access only by authorized
18 individuals under this Act. "Enclosed, locked space" may
19 include:

- 20 (1) a space within a residential building that (i) is
21 the primary residence of the individual cultivating 5 or
22 fewer cannabis plants that are more than 5 inches tall and
23 (ii) includes sleeping quarters and indoor plumbing. The
24 space must only be accessible by a key or code that is
25 different from any key or code that can be used to access
26 the residential building from the exterior; or

1 (2) a structure, such as a shed or greenhouse, that
2 lies on the same plot of land as a residential building
3 that (i) includes sleeping quarters and indoor plumbing
4 and (ii) is used as a primary residence by the person
5 cultivating 5 or fewer cannabis plants that are more than
6 5 inches tall, such as a shed or greenhouse. The structure
7 must remain locked when it is unoccupied by people.

8 "Financial institution" has the same meaning as "financial
9 organization" as defined in Section 1501 of the Illinois
10 Income Tax Act, and also includes the holding companies,
11 subsidiaries, and affiliates of such financial organizations.

12 "Flowering stage" means the stage of cultivation where and
13 when a cannabis plant is cultivated to produce plant material
14 for cannabis products. This includes mature plants as follows:

15 (1) if greater than 2 stigmas are visible at each
16 internode of the plant; or

17 (2) if the cannabis plant is in an area that has been
18 intentionally deprived of light for a period of time
19 intended to produce flower buds and induce maturation,
20 from the moment the light deprivation began through the
21 remainder of the marijuana plant growth cycle.

22 "Individual" means a natural person.

23 "Infuser organization" or "infuser" means a facility
24 operated by an organization or business that is licensed by
25 the Department of Agriculture to directly incorporate cannabis
26 or cannabis concentrate into a product formulation to produce

1 a cannabis-infused product.

2 "Kief" means the resinous crystal-like trichomes that are
3 found on cannabis and that are accumulated, resulting in a
4 higher concentration of cannabinoids, untreated by heat or
5 pressure, or extracted using a solvent.

6 "Labor peace agreement" means an agreement between a
7 cannabis business establishment and any labor organization
8 recognized under the National Labor Relations Act, referred to
9 in this Act as a bona fide labor organization, that prohibits
10 labor organizations and members from engaging in picketing,
11 work stoppages, boycotts, and any other economic interference
12 with the cannabis business establishment. This agreement means
13 that the cannabis business establishment has agreed not to
14 disrupt efforts by the bona fide labor organization to
15 communicate with, and attempt to organize and represent, the
16 cannabis business establishment's employees. The agreement
17 shall provide a bona fide labor organization access at
18 reasonable times to areas in which the cannabis business
19 establishment's employees work, for the purpose of meeting
20 with employees to discuss their right to representation,
21 employment rights under State law, and terms and conditions of
22 employment. This type of agreement shall not mandate a
23 particular method of election or certification of the bona
24 fide labor organization.

25 "Limited access area" means a room or other area under the
26 control of a cannabis dispensing organization licensed under

1 this Act and upon the licensed premises where cannabis sales
2 occur with access limited to purchasers, dispensing
3 organization owners and other dispensing organization agents,
4 or service professionals conducting business with the
5 dispensing organization, or, if sales to registered qualifying
6 patients, caregivers, provisional patients, and Opioid
7 Alternative Pilot Program participants licensed pursuant to
8 the Compassionate Use of Medical Cannabis Program Act are also
9 permitted at the dispensary, registered qualifying patients,
10 caregivers, provisional patients, and Opioid Alternative Pilot
11 Program participants.

12 "Member of an impacted family" means an individual who has
13 a parent, legal guardian, child, spouse, or dependent, or was
14 a dependent of an individual who, prior to the effective date
15 of this Act, was arrested for, convicted of, or adjudicated
16 delinquent for any offense that is eligible for expungement
17 under this Act.

18 "Mother plant" means a cannabis plant that is cultivated
19 or maintained for the purpose of generating clones, and that
20 will not be used to produce plant material for sale to an
21 infuser or dispensing organization.

22 "Ordinary public view" means within the sight line with
23 normal visual range of a person, unassisted by visual aids,
24 from a public street or sidewalk adjacent to real property, or
25 from within an adjacent property.

26 "Ownership and control" means ownership of at least 51% of

1 the business, including corporate stock if a corporation, and
2 control over the management and day-to-day operations of the
3 business and an interest in the capital, assets, and profits
4 and losses of the business proportionate to percentage of
5 ownership.

6 "Person" means a natural individual, firm, partnership,
7 association, joint stock company, joint venture, public or
8 private corporation, limited liability company, or a receiver,
9 executor, trustee, guardian, or other representative appointed
10 by order of any court.

11 "Possession limit" means the amount of cannabis under
12 Section 10-10 that may be possessed at any one time by a person
13 21 years of age or older or who is a registered qualifying
14 medical cannabis patient or caregiver under the Compassionate
15 Use of Medical Cannabis Program Act.

16 "Principal officer" includes a cannabis business
17 establishment applicant or licensed cannabis business
18 establishment's board member, owner with more than 1% interest
19 of the total cannabis business establishment or more than 5%
20 interest of the total cannabis business establishment of a
21 publicly traded company, president, vice president, secretary,
22 treasurer, partner, officer, member, manager member, or person
23 with a profit sharing, financial interest, or revenue sharing
24 arrangement. The definition includes a person with authority
25 to control the cannabis business establishment, a person who
26 assumes responsibility for the debts of the cannabis business

1 establishment and who is further defined in this Act.

2 "Primary residence" means a dwelling where a person
3 usually stays or stays more often than other locations. It may
4 be determined by, without limitation, presence, tax filings;
5 address on an Illinois driver's license, an Illinois
6 Identification Card, or an Illinois Person with a Disability
7 Identification Card; or voter registration. No person may have
8 more than one primary residence.

9 "Processing organization" or "processor" means a facility
10 operated by an organization or business that is licensed by
11 the Department of Agriculture to either extract constituent
12 chemicals or compounds to produce cannabis concentrate or
13 incorporate cannabis or cannabis concentrate into a product
14 formulation to produce a cannabis product.

15 "Processing organization agent" means a principal officer,
16 board member, employee, or agent of a processing organization.

17 "Processing organization agent identification card" means
18 a document issued by the Department of Agriculture that
19 identifies a person as a processing organization agent.

20 "Purchaser" means a person 21 years of age or older who
21 acquires cannabis for a valuable consideration. "Purchaser"
22 does not include a cardholder under the Compassionate Use of
23 Medical Cannabis Program Act.

24 "Qualified Social Equity Applicant" means a Social Equity
25 Applicant who has been awarded a conditional license under
26 this Act to operate a cannabis business establishment.

1 "Resided" means an individual's primary residence was
2 located within the relevant geographic area as established by
3 2 of the following:

4 (1) a signed lease agreement that includes the
5 applicant's name;

6 (2) a property deed that includes the applicant's
7 name;

8 (3) school records;

9 (4) a voter registration card;

10 (5) an Illinois driver's license, an Illinois
11 Identification Card, or an Illinois Person with a
12 Disability Identification Card;

13 (6) a paycheck stub;

14 (7) a utility bill;

15 (8) tax records; or

16 (9) any other proof of residency or other information
17 necessary to establish residence as provided by rule.

18 "Smoking" means the inhalation of smoke caused by the
19 combustion of cannabis.

20 "Social Equity Applicant" means an applicant that is an
21 Illinois resident that meets one of the following criteria:

22 (1) an applicant with at least 51% ownership and
23 control by one or more individuals who have resided for at
24 least 5 of the preceding 10 years in a Disproportionately
25 Impacted Area;

26 (2) an applicant with at least 51% ownership and

1 control by one or more individuals who:

2 (i) have been arrested for, convicted of, or
3 adjudicated delinquent for any offense that is
4 eligible for expungement under this Act; or

5 (ii) is a member of an impacted family;

6 (3) for applicants with a minimum of 10 full-time
7 employees, an applicant with at least 51% of current
8 employees who:

9 (i) currently reside in a Disproportionately
10 Impacted Area; or

11 (ii) have been arrested for, convicted of, or
12 adjudicated delinquent for any offense that is
13 eligible for expungement under this Act or member of
14 an impacted family.

15 Nothing in this Act shall be construed to preempt or limit
16 the duties of any employer under the Job Opportunities for
17 Qualified Applicants Act. Nothing in this Act shall permit an
18 employer to require an employee to disclose sealed or expunged
19 offenses, unless otherwise required by law.

20 "Tincture" means a cannabis-infused solution, typically
21 comprised of alcohol, glycerin, or vegetable oils, derived
22 either directly from the cannabis plant or from a processed
23 cannabis extract. A tincture is not an alcoholic liquor as
24 defined in the Liquor Control Act of 1934. A tincture shall
25 include a calibrated dropper or other similar device capable
26 of accurately measuring servings.

1 "Transporting organization" or "transporter" means an
2 organization or business that is licensed by the Department of
3 Agriculture to transport cannabis or cannabis-infused product
4 on behalf of a cannabis business establishment or a community
5 college licensed under the Community College Cannabis
6 Vocational Training Pilot Program.

7 "Transporting organization agent" means a principal
8 officer, board member, employee, or agent of a transporting
9 organization.

10 "Transporting organization agent identification card"
11 means a document issued by the Department of Agriculture that
12 identifies a person as a transporting organization agent.

13 "Unit of local government" means any county, city,
14 village, or incorporated town.

15 "Vegetative stage" means the stage of cultivation in which
16 a cannabis plant is propagated to produce additional cannabis
17 plants or reach a sufficient size for production. This
18 includes seedlings, clones, mothers, and other immature
19 cannabis plants as follows:

20 (1) if the cannabis plant is in an area that has not
21 been intentionally deprived of light for a period of time
22 intended to produce flower buds and induce maturation, it
23 has no more than 2 stigmas visible at each internode of the
24 cannabis plant; or

25 (2) any cannabis plant that is cultivated solely for
26 the purpose of propagating clones and is never used to

1 produce cannabis.

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

3 (410 ILCS 705/55-21)

4 Sec. 55-21. Cannabis product packaging and labeling.

5 (a) Each cannabis product produced for sale shall be
6 registered with the Department of Agriculture on forms
7 provided by the Department of Agriculture. Each product
8 registration shall include a label and the required
9 registration fee at the rate established by the Department of
10 Agriculture for a comparable medical cannabis product, or as
11 established by rule. The registration fee is for the name of
12 the product offered for sale and one fee shall be sufficient
13 for all package sizes.

14 (b) All harvested cannabis intended for distribution to a
15 cannabis enterprise must be packaged in a sealed, labeled
16 container.

17 (c) At point of sale, any ~~Any~~ product containing cannabis
18 shall be packaged in a sealed or resealable, odor-proof, and
19 child-resistant cannabis container consistent with current
20 standards, including the Consumer Product Safety Commission
21 standards referenced by the Poison Prevention Act.

22 (d) All cannabis-infused products shall be individually
23 wrapped or packaged at the original point of preparation. The
24 packaging of the cannabis-infused product shall conform to the
25 labeling requirements of the Illinois Food, Drug and Cosmetic

1 Act, in addition to the other requirements set forth in this
2 Section.

3 (e) Each cannabis product shall be labeled before sale and
4 each label shall be securely affixed to the package and shall
5 state in legible English and any languages required by the
6 Department of Agriculture:

7 (1) the name and post office box of the registered
8 cultivation center or craft grower where the item was
9 manufactured;

10 (2) the common or usual name of the item and the
11 registered name of the cannabis product that was
12 registered with the Department of Agriculture under
13 subsection (a);

14 (3) a unique serial number that will match the product
15 with a cultivation center or craft grower batch and lot
16 number to facilitate any warnings or recalls the
17 Department of Agriculture, cultivation center, or craft
18 grower deems appropriate;

19 (4) the date of final testing and packaging, if
20 sampled, and the identification of the independent testing
21 laboratory;

22 (5) the date of harvest and "use by" date;

23 (6) the quantity (in ounces or grams) of cannabis
24 contained in the product;

25 (7) a pass/fail rating based on the laboratory's
26 microbiological, mycotoxins, and pesticide and solvent

1 residue analyses, if sampled;

2 (8) content list.

3 (A) A list of the following, including the minimum
4 and maximum percentage content by weight for
5 subdivisions (e) (8) (A) (i) through (iv):

6 (i) delta-9-tetrahydrocannabinol (THC);

7 (ii) tetrahydrocannabinolic acid (THCA);

8 (iii) cannabidiol (CBD);

9 (iv) cannabidiolic acid (CBDA); and

10 (v) all other ingredients of the item,
11 including any colors, artificial flavors, and
12 preservatives, listed in descending order by
13 predominance of weight shown with common or usual
14 names.

15 (B) The acceptable tolerances for the minimum
16 percentage printed on the label for any of
17 subdivisions (e) (8) (A) (i) through (iv) shall not be
18 below 85% or above 115% of the labeled amount.

19 (f) Packaging must not contain information that:

20 (1) is false or misleading;

21 (2) promotes excessive consumption;

22 (3) depicts a person under 21 years of age consuming
23 cannabis;

24 (4) includes the image of a cannabis leaf;

25 (5) includes any image designed or likely to appeal to
26 minors, including cartoons, toys, animals, or children, or

1 any other likeness to images, characters, or phrases that
2 are popularly used to advertise to children, or any
3 packaging or labeling that bears reasonable resemblance to
4 any product available for consumption as a commercially
5 available candy, or that promotes consumption of cannabis;

6 (6) contains any seal, flag, crest, coat of arms, or
7 other insignia likely to mislead the purchaser to believe
8 that the product has been endorsed, made, or used by the
9 State of Illinois or any of its representatives except
10 where authorized by this Act.

11 (g) Cannabis products produced by concentrating or
12 extracting ingredients from the cannabis plant shall contain
13 the following information, where applicable:

14 (1) If solvents were used to create the concentrate or
15 extract, a statement that discloses the type of extraction
16 method, including any solvents or gases used to create the
17 concentrate or extract; and

18 (2) Any other chemicals or compounds used to produce
19 or were added to the concentrate or extract.

20 (h) All cannabis products must contain warning statements
21 established for purchasers, of a size that is legible and
22 readily visible to a consumer inspecting a package, which may
23 not be covered or obscured in any way. The Department of Public
24 Health shall define and update appropriate health warnings for
25 packages including specific labeling or warning requirements
26 for specific cannabis products.

1 (i) Unless modified by rule to strengthen or respond to
2 new evidence and science, the following warnings shall apply
3 to all cannabis products unless modified by rule: "This
4 product contains cannabis and is intended for use by adults 21
5 and over. Its use can impair cognition and may be habit
6 forming. This product should not be used by pregnant or
7 breastfeeding women. It is unlawful to sell or provide this
8 item to any individual, and it may not be transported outside
9 the State of Illinois. It is illegal to operate a motor vehicle
10 while under the influence of cannabis. Possession or use of
11 this product may carry significant legal penalties in some
12 jurisdictions and under federal law."

13 (j) Warnings for each of the following product types must
14 be present on labels when offered for sale to a purchaser:

15 (1) Cannabis that may be smoked must contain a
16 statement that "Smoking is hazardous to your health."

17 (2) Cannabis-infused products (other than those
18 intended for topical application) must contain a statement
19 "CAUTION: This product contains cannabis, and intoxication
20 following use may be delayed 2 or more hours. This product
21 was produced in a facility that cultivates cannabis, and
22 that may also process common food allergens."

23 (3) Cannabis-infused products intended for topical
24 application must contain a statement "DO NOT EAT" in bold,
25 capital letters.

26 (k) Each cannabis-infused product intended for consumption

1 must be individually packaged, must include the total
2 milligram content of THC and CBD, and may not include more than
3 a total of 100 milligrams of THC per package. A package may
4 contain multiple servings of 10 milligrams of THC, indicated
5 by scoring, wrapping, or by other indicators designating
6 individual serving sizes. The Department of Agriculture may
7 change the total amount of THC allowed for each package, or the
8 total amount of THC allowed for each serving size, by rule.

9 (l) No individual other than the purchaser may alter or
10 destroy any labeling affixed to the primary packaging of
11 cannabis or cannabis-infused products.

12 (m) For each commercial weighing and measuring device used
13 at a facility, the cultivation center or craft grower must:

14 (1) Ensure that the commercial device is licensed
15 under the Weights and Measures Act and the associated
16 administrative rules (8 Ill. Adm. Code 600);

17 (2) Maintain documentation of the licensure of the
18 commercial device; and

19 (3) Provide a copy of the license of the commercial
20 device to the Department of Agriculture for review upon
21 request.

22 (n) It is the responsibility of the Department to ensure
23 that packaging and labeling requirements, including product
24 warnings, are enforced at all times for products provided to
25 purchasers. Product registration requirements and container
26 requirements may be modified by rule by the Department of

1 Agriculture.

2 (o) Labeling, including warning labels, may be modified by
3 rule by the Department of Agriculture.

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

5 Section 10. The Illinois Vehicle Code is amended by
6 changing Sections 11-502.1 and 11-502.15 as follows:

7 (625 ILCS 5/11-502.1)

8 Sec. 11-502.1. Possession of medical cannabis in a motor
9 vehicle.

10 (a) No driver, who is a medical cannabis cardholder, may
11 use medical cannabis within the passenger area of any motor
12 vehicle upon a highway in this State.

13 (b) No driver, who is a medical cannabis cardholder, a
14 medical cannabis designated caregiver, medical cannabis
15 cultivation center agent, or dispensing organization agent may
16 possess medical cannabis within any area of any motor vehicle
17 upon a highway in this State except in a secured, sealed or
18 resealable, odor-proof, and child-resistant medical cannabis
19 container that is inaccessible.

20 (c) No passenger, who is a medical cannabis card holder, a
21 medical cannabis designated caregiver, or medical cannabis
22 dispensing organization agent may possess medical cannabis
23 within any passenger area of any motor vehicle upon a highway
24 in this State except in a secured, sealed or resealable,

1 odor-proof, and child-resistant medical cannabis container
2 that is inaccessible.

3 (d) Any person who violates subsections (a) through (c) of
4 this Section:

5 (1) commits a Class A misdemeanor;

6 (2) shall be subject to revocation of his or her
7 medical cannabis card for a period of 2 years from the end
8 of the sentence imposed; and

9 (3) ~~(4)~~ shall be subject to revocation of his or her
10 status as a medical cannabis caregiver, medical cannabis
11 cultivation center agent, or medical cannabis dispensing
12 organization agent for a period of 2 years from the end of
13 the sentence imposed.

14 (Source: P.A. 101-27, eff. 6-25-19; revised 8-6-19.)

15 (625 ILCS 5/11-502.15)

16 Sec. 11-502.15. Possession of adult use cannabis in a
17 motor vehicle.

18 (a) No driver may use cannabis within the passenger area
19 of any motor vehicle upon a highway in this State.

20 (b) No driver may possess cannabis within any area of any
21 motor vehicle upon a highway in this State except in a secured,
22 sealed or resealable, odor-proof, child-resistant cannabis
23 container that is inaccessible.

24 (c) No passenger may possess cannabis within any passenger
25 area of any motor vehicle upon a highway in this State except

1 in a secured, sealed or resealable, odor-proof,
2 child-resistant cannabis container that is inaccessible.

3 (d) Any person who knowingly violates subsection (a), (b),
4 or (c) of this Section commits a Class A misdemeanor.

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