

HB3082



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3082

Introduced 2/19/2021, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

410 ILCS 705/55-21

Amends the Cannabis Regulation and Tax Act. Provides that prohibited cannabis product packaging and labeling, which must not contain information that includes any image or text (rather than only any image) that promotes consumption of cannabis, includes the names of flavors referencing candy, chocolate, bubble gum, mint, popcorn, or other descriptive words or phrases likely to appeal to minors.

LRB102 10405 CPF 15732 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 Section 55-21 as follows:

6 (410 ILCS 705/55-21)

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

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

17 (b) All harvested cannabis intended for distribution to a
18 cannabis enterprise must be packaged in a sealed, labeled
19 container.

20 (c) Any product containing cannabis shall be packaged in a
21 sealed, odor-proof, and child-resistant cannabis container
22 consistent with current standards, including the Consumer
23 Product Safety Commission standards referenced by the Poison

1 Prevention Act.

2 (d) All cannabis-infused products shall be individually
3 wrapped or packaged at the original point of preparation. The
4 packaging of the cannabis-infused product shall conform to the
5 labeling requirements of the Illinois Food, Drug and Cosmetic
6 Act, in addition to the other requirements set forth in this
7 Section.

8 (e) Each cannabis product shall be labeled before sale and
9 each label shall be securely affixed to the package and shall
10 state in legible English and any languages required by the
11 Department of Agriculture:

12 (1) the name and post office box of the registered
13 cultivation center or craft grower where the item was
14 manufactured;

15 (2) the common or usual name of the item and the
16 registered name of the cannabis product that was
17 registered with the Department of Agriculture under
18 subsection (a);

19 (3) a unique serial number that will match the product
20 with a cultivation center or craft grower batch and lot
21 number to facilitate any warnings or recalls the
22 Department of Agriculture, cultivation center, or craft
23 grower deems appropriate;

24 (4) the date of final testing and packaging, if
25 sampled, and the identification of the independent testing
26 laboratory;

- 1 (5) the date of harvest and "use by" date;
- 2 (6) the quantity (in ounces or grams) of cannabis
3 contained in the product;
- 4 (7) a pass/fail rating based on the laboratory's
5 microbiological, mycotoxins, and pesticide and solvent
6 residue analyses, if sampled;
- 7 (8) content list.
- 8 (A) A list of the following, including the minimum
9 and maximum percentage content by weight for
10 subdivisions (e) (8) (A) (i) through (iv):
- 11 (i) delta-9-tetrahydrocannabinol (THC);
- 12 (ii) tetrahydrocannabinolic acid (THCA);
- 13 (iii) cannabidiol (CBD);
- 14 (iv) cannabidiolic acid (CBDA); and
- 15 (v) all other ingredients of the item,
16 including any colors, artificial flavors, and
17 preservatives, listed in descending order by
18 predominance of weight shown with common or usual
19 names.
- 20 (B) The acceptable tolerances for the minimum
21 percentage printed on the label for any of
22 subdivisions (e) (8) (A) (i) through (iv) shall not be
23 below 85% or above 115% of the labeled amount.
- 24 (f) Packaging must not contain information that:
- 25 (1) is false or misleading;
- 26 (2) promotes excessive consumption;

1 (3) depicts a person under 21 years of age consuming
2 cannabis;

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

4 (5) includes any image or text designed or likely to
5 appeal to minors, including cartoons, toys, animals, or
6 children, or any other likeness to images, characters, or
7 phrases that are popularly used to advertise to children,
8 or any packaging or labeling that bears reasonable
9 resemblance to any product available for consumption as a
10 commercially available candy, or that promotes consumption
11 of cannabis, including, but not limited to, names of
12 flavors referencing candy, chocolate, bubble gum, mint,
13 popcorn, or other descriptive words or phrases likely to
14 appeal to minors;

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

20 (g) Cannabis products produced by concentrating or
21 extracting ingredients from the cannabis plant shall contain
22 the following information, where applicable:

23 (1) If solvents were used to create the concentrate or
24 extract, a statement that discloses the type of extraction
25 method, including any solvents or gases used to create the
26 concentrate or extract; and

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

3 (h) All cannabis products must contain warning statements
4 established for purchasers, of a size that is legible and
5 readily visible to a consumer inspecting a package, which may
6 not be covered or obscured in any way. The Department of Public
7 Health shall define and update appropriate health warnings for
8 packages including specific labeling or warning requirements
9 for specific cannabis products.

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

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

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

26 (2) Cannabis-infused products (other than those

1 intended for topical application) must contain a statement
2 "CAUTION: This product contains cannabis, and intoxication
3 following use may be delayed 2 or more hours. This product
4 was produced in a facility that cultivates cannabis, and
5 that may also process common food allergens."

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

9 (k) Each cannabis-infused product intended for consumption
10 must be individually packaged, must include the total
11 milligram content of THC and CBD, and may not include more than
12 a total of 100 milligrams of THC per package. A package may
13 contain multiple servings of 10 milligrams of THC, indicated
14 by scoring, wrapping, or by other indicators designating
15 individual serving sizes. The Department of Agriculture may
16 change the total amount of THC allowed for each package, or the
17 total amount of THC allowed for each serving size, by rule.

18 (1) No individual other than the purchaser may alter or
19 destroy any labeling affixed to the primary packaging of
20 cannabis or cannabis-infused products.

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

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

26 (2) Maintain documentation of the licensure of the

1 commercial device; and

2 (3) Provide a copy of the license of the commercial
3 device to the Department of Agriculture for review upon
4 request.

5 (n) It is the responsibility of the Department to ensure
6 that packaging and labeling requirements, including product
7 warnings, are enforced at all times for products provided to
8 purchasers. Product registration requirements and container
9 requirements may be modified by rule by the Department of
10 Agriculture.

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

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