

# HB2430



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2430

Introduced 2/15/2023, by Rep. Marcus C. Evans, Jr.

### SYNOPSIS AS INTRODUCED:

410 ILCS 705/10-5

Amends the Cannabis Regulation and Tax Act. Provides that the Department of Agriculture shall adopt rules to establish cannabis nursery licenses that allow for the sale of cannabis seeds, seedlings, and cuttings to registered qualifying patients under the Compassionate Use of Medical Cannabis Act for the purposes of home cultivation, subject to specified provisions.

LRB103 29916 AWJ 56328 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 10-5 as follows:

6 (410 ILCS 705/10-5)

7 Sec. 10-5. Personal use of cannabis; restrictions on  
8 cultivation; penalties.

9 (a) Beginning January 1, 2020, notwithstanding any other  
10 provision of law, and except as otherwise provided in this  
11 Act, the following acts are not a violation of this Act and  
12 shall not be a criminal or civil offense under State law or the  
13 ordinances of any unit of local government of this State or be  
14 a basis for seizure or forfeiture of assets under State law for  
15 persons other than natural individuals under 21 years of age:

16 (1) possession, consumption, use, purchase, obtaining,  
17 or transporting cannabis paraphernalia or an amount of  
18 cannabis for personal use that does not exceed the  
19 possession limit under Section 10-10 or otherwise in  
20 accordance with the requirements of this Act;

21 (2) cultivation of cannabis for personal use in  
22 accordance with the requirements of this Act; and

23 (3) controlling property if actions that are

1 authorized by this Act occur on the property in accordance  
2 with this Act.

3 (a-1) Beginning January 1, 2020, notwithstanding any other  
4 provision of law, and except as otherwise provided in this  
5 Act, possessing, consuming, using, purchasing, obtaining, or  
6 transporting cannabis paraphernalia or an amount of cannabis  
7 purchased or produced in accordance with this Act that does  
8 not exceed the possession limit under subsection (a) of  
9 Section 10-10 shall not be a basis for seizure or forfeiture of  
10 assets under State law.

11 (b) Cultivating cannabis for personal use is subject to  
12 the following limitations:

13 (1) An Illinois resident 21 years of age or older who  
14 is a registered qualifying patient under the Compassionate  
15 Use of Medical Cannabis Program Act may cultivate cannabis  
16 plants, with a limit of 5 plants that are more than 5  
17 inches tall, per household without a cultivation center or  
18 craft grower license. In this Section, "resident" means a  
19 person who has been domiciled in the State of Illinois for  
20 a period of 30 days before cultivation.

21 (2) Cannabis cultivation must take place in an  
22 enclosed, locked space.

23 (3) Adult registered qualifying patients may purchase  
24 cannabis seeds from a dispensary for the purpose of home  
25 cultivation. Seeds may not be given or sold to any other  
26 person.

1           (4) Cannabis plants shall not be stored or placed in a  
2           location where they are subject to ordinary public view,  
3           as defined in this Act. A registered qualifying patient  
4           who cultivates cannabis under this Section shall take  
5           reasonable precautions to ensure the plants are secure  
6           from unauthorized access, including unauthorized access by  
7           a person under 21 years of age.

8           (5) Cannabis cultivation may occur only on residential  
9           property lawfully in possession of the cultivator or with  
10          the consent of the person in lawful possession of the  
11          property. An owner or lessor of residential property may  
12          prohibit the cultivation of cannabis by a lessee.

13          (6) (Blank).

14          (7) A dwelling, residence, apartment, condominium  
15          unit, enclosed, locked space, or piece of property not  
16          divided into multiple dwelling units shall not contain  
17          more than 5 plants at any one time.

18          (8) Cannabis plants may only be tended by registered  
19          qualifying patients who reside at the residence, or their  
20          authorized agent attending to the residence for brief  
21          periods, such as when the qualifying patient is  
22          temporarily away from the residence.

23          (9) A registered qualifying patient who cultivates  
24          more than the allowable number of cannabis plants, or who  
25          sells or gives away cannabis plants, cannabis, or  
26          cannabis-infused products produced under this Section, is

1           liable for penalties as provided by law, including the  
2 Cannabis Control Act, in addition to loss of home  
3 cultivation privileges as established by rule.

4           (10) The Department shall adopt rules to establish  
5 cannabis nursery licenses that allow for the sale of  
6 cannabis seeds, seedlings, and cuttings to registered  
7 qualifying patients under the Compassionate Use of Medical  
8 Cannabis Act for the purposes of home cultivation, subject  
9 to the requirements of this Section.

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