

HB3387



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3387

Introduced 2/17/2023, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

410 ILCS 705/50-5

Amends the Cannabis Regulation and Tax Act. In provisions relating to laboratory testing, defines "batch" to mean: (1) for cannabis concentrate, 10 grams of every 2.2 pounds of concentrate; (2) for edible cannabis-infused products, 1% of a run, being a minimum of 2 packaged units or, if a bulk product, 10 grams; (3) for cannabis-infused beverage products, 1% of a run, being a minimum of 2 packaged units; and (4) for other cannabis-infused products (not including edibles and beverages), 1% of a run, being a minimum of 2 packaged units, or, if a bulk product, 10 grams. Requires the Department of Agriculture to adopt rules creating an incentive program for cultivation centers to use minority-owned or women-owned cannabis-testing laboratories.

LRB103 30501 AWJ 56934 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 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,
22 from 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.

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

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

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

5 (1) If the sample failed the pesticide chemical
6 residue test, the entire batch from which the sample was
7 taken shall, if applicable, be recalled as provided by
8 rule.

9 (2) If the sample failed any other test, the batch may
10 be used to make a CO₂-based or solvent based extract. After
11 processing, the CO₂-based or solvent based extract must
12 still pass all required tests.

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

18 (h) The laboratory shall file with the Department of
19 Agriculture an electronic copy of each laboratory test result
20 for any batch that does not pass the microbiological,
21 mycotoxin, or pesticide chemical residue test, at the same
22 time that it transmits those results to the cultivation
23 center. In addition, the laboratory shall maintain the
24 laboratory test results for at least 5 years and make them
25 available at the Department of Agriculture's request.

26 (i) A cultivation center, craft grower, and infuser shall

1 provide to a dispensing organization the laboratory test
2 results for each batch of cannabis product purchased by the
3 dispensing organization, if sampled. Each dispensing
4 organization must have those laboratory results available upon
5 request to purchasers.

6 (j) The Department of Agriculture shall ~~may~~ adopt rules
7 related to testing in furtherance of this Act. The rules shall
8 include, at a minimum, rules creating an incentive program for
9 cultivation centers to use minority-owned or women-owned
10 cannabis-testing laboratories.

11 (k) As used in this Section, "batch" means:

12 (1) for cannabis concentrate, 10 grams of every 2.2
13 pounds of concentrate;

14 (2) for edible cannabis-infused products, 1% of a run,
15 being a minimum of 2 packaged units, or, if a bulk product,
16 10 grams;

17 (3) for cannabis-infused beverage products, 1% of a
18 run, being a minimum of 2 packaged units; and

19 (4) for other cannabis-infused products other than
20 edibles and beverages, 1% of a run, being a minimum of 2
21 packaged units, or, if a bulk product, 10 grams.

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