

# HB3741



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

**HB3741**

Introduced 2/17/2023, by Rep. Eva-Dina Delgado

### SYNOPSIS AS INTRODUCED:

410 ILCS 705/55-21

Amends the Cannabis Regulation and Tax Act. Requires cannabis-infused products that have been treated with radiation to conform to specified labeling requirements.

LRB103 30413 CPF 56843 b

A BILL FOR

1 AN ACT concerning safety.

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 sold 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 unless the sale is between or among a craft  
2 grower, infuser, or cultivation center.

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

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

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

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

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

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

1 laboratory;

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

3 (6) the quantity (in ounces or grams) of cannabis  
4 contained in the product;

5 (7) a pass/fail rating based on the laboratory's  
6 microbiological, mycotoxins, and pesticide and solvent  
7 residue analyses, if sampled;

8 (8) content list.

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

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

13 (ii) tetrahydrocannabinolic acid (THCA);

14 (iii) cannabidiol (CBD);

15 (iv) cannabidiolic acid (CBDA); and

16 (v) all other ingredients of the item,  
17 including any colors, artificial flavors, and  
18 preservatives, listed in descending order by  
19 predominance of weight shown with common or usual  
20 names.

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

25 (f) Packaging must not contain information that:

26 (1) is false or misleading;

1 (2) promotes excessive consumption;

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

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

5 (5) includes any image designed or likely to appeal to  
6 minors, including cartoons, toys, animals, or children, or  
7 any other likeness to images, characters, or phrases that  
8 are popularly used to advertise to children, or any  
9 packaging or labeling that bears reasonable resemblance to  
10 any product available for consumption as a commercially  
11 available candy, or that promotes consumption of cannabis;

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

17 (g) Cannabis products produced by concentrating or  
18 extracting ingredients from the cannabis plant shall contain  
19 the following information, where applicable:

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

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

26 (h) All cannabis products must contain warning statements

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

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

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

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

23 (2) Cannabis-infused products (other than those  
24 intended for topical application) must contain a statement  
25 "CAUTION: This product contains cannabis, and intoxication  
26 following use may be delayed 2 or more hours. This product

1 was produced in a facility that cultivates cannabis, and  
2 that may also process common food allergens.".

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

6 (4) Cannabis-infused products that have been treated  
7 with radiation at any time must contain the radura symbol  
8 used by the United States Food and Drug Administration and  
9 a statement in bold lettering that reads: "NOTICE: This  
10 product contains ingredients that have been treated with  
11 radiation".

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

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

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

26 (1) Ensure that the commercial device is licensed

1 under the Weights and Measures Act and the associated  
2 administrative rules (8 Ill. Adm. Code 600);

3 (2) Maintain documentation of the licensure of the  
4 commercial device; and

5 (3) Provide a copy of the license of the commercial  
6 device to the Department of Agriculture for review upon  
7 request.

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

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

16 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;  
17 102-98, eff. 7-15-21.)