



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4101

Introduced 5/19/2023, by Rep. Cyril Nichols - Dave Vella - La Shawn K. Ford - Maurice A. West, II - Carol Ammons

SYNOPSIS AS INTRODUCED:

505 ILCS 89/30 new

Amends the Industrial Hemp Act. Sets forth provisions concerning hemp extract for human consumption. Provides that hemp extract distributed or sold in violation of the provisions shall be considered adulterated or misbranded. Provides that each establishment distributing products consisting of or containing hemp extract intended for human consumption must be permitted as a hemp food establishment by the Department of Agriculture. Provides that hemp or hemp extract intended for ingestion must be manufactured by an approved source. Provides that hemp or hemp extract intended for inhalation must be manufactured by a source permitted to manufacture hemp or hemp extract intended for inhalation. Provides that hemp extract intended for human consumption may not be manufactured, processed, packaged, held, prepared, or sold under specified provisions. Provides that hemp extract intended for human consumption shall not contain a total delta-9 tetrahydrocannabinol concentration that exceeds 0.3%. Provides that products intended for human consumption shall be considered adulterated if contaminants are detected at levels greater than the limits listed in the provisions. Sets forth limits concerning contaminants prohibited in hemp cultivation or processing; residual solvent limits for ingestion or inhalation; metals limits; biological limits for ingestion or inhalation; mycotoxin limits; total combined yeast and mold limit; and cannabinoid limits. Sets forth provisions concerning hemp extracts labeling, disposal, and age limits. Provides that hemp or hemp extract products that do not meet the requirements of the provisions may not be sold in the State. Provides that violations of the provisions shall result in the imposition of stop-sale or stop-use orders, an administrative fine of up to \$5,000 per violation, permit suspension, permit revocation, or any combination of those penalties. Provides that the sale of hemp extract intended for inhalation to persons under the age of 21 shall result in an administrative fine of \$5,000 per occurrence. Defines terms. Makes other changes.

LRB103 32639 BMS 62306 b

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Industrial Hemp Act is amended by adding
5 Section 30 as follows:

6 (505 ILCS 89/30 new)

7 Sec. 30. Hemp extract for human consumption.

8 (a) Definitions. As used in this Section:

9 "Approved source" means an establishment manufacturing
10 products consisting of or containing hemp extract intended for
11 ingestion that meets local, State, or federal regulatory food
12 safety or health standards from the jurisdiction of origin.

13 "Batch" or "lot" means the hemp extract produced during a
14 period of time under similar conditions and identified by a
15 specific code that allows traceability.

16 "Expiration date" means the month and year as determined
17 by the manufacturer, packer, or distributor on the basis of
18 tests or other information showing that the product, until
19 that date, under the conditions of handling, storage,
20 preparation, and use per label directions will, when consumed,
21 contain not less than the quantity of each ingredient as set
22 forth on its label.

23 "Hemp" means the plant Cannabis sativa L. and any part of

1 that plant, including the seeds thereof, and all derivatives,
2 extracts, cannabinoids, isomers, acids, salts, or isomers
3 thereof, whether growing or not, that has a total delta-9
4 tetrahydrocannabinol concentration that does not exceed 0.3%
5 on a dry-weight basis.

6 "Hemp extract" means a substance of compound intended for
7 ingestion that is derived from or contains hemp and that does
8 not contain other controlled substances.

9 "Hemp food establishment" means an establishment as
10 defined in extracting, manufacturing, processing, packing,
11 holding, preparing, or selling hemp Extract intended for human
12 consumption at wholesale or retail.

13 "Hemp extract intended for human consumption" includes
14 products intended for human ingestion or human inhalation, but
15 does not include topical applications.

16 "Ingestion" means the process of consuming hemp extract
17 through the mouth, whether by swallowing into the
18 gastrointestinal system or through tissue absorption.

19 "Inhalation" means the process of consuming hemp extract
20 through the mouth or nasal passages into the respiratory
21 system.

22 "Manufacturing" means preparing or packaging products
23 consisting of or containing hemp extract intended for human
24 consumption.

25 "Processor" or "extractor" means the establishment that
26 removes the hemp extract oil from the hemp plant.

1 "Self-service merchandising" means an open display of hemp
2 extract products to which the public has access without the
3 intervention of the vendor or a store employee.

4 "Total delta-9 tetrahydrocannabinol concentration" means
5 delta-9 tetrahydrocannabinol plus 0.877 x
6 tetrahydrocannabinolic acid.

7 "Vending machine" means any self-service device that, upon
8 completion of payment, dispenses hemp extract products without
9 the necessity of replenishing the device between each
10 operation.

11 (b) Hemp extract distributed or sold in violation of this
12 Section shall be considered adulterated or misbranded. Hemp
13 extract intended for human consumption that is not clearly
14 labeled as intended for inhalation or ingestion must meet all
15 of the requirements for hemp products intended for both
16 inhalation and ingestion. If there are different requirements
17 for hemp products intended for inhalation and hemp products
18 intended for ingestion, the stricter standard shall apply.

19 (c) Each establishment distributing products consisting of
20 or containing hemp extract intended for human consumption must
21 be permitted as a hemp food establishment by the Department.
22 The annual permit fee for a hemp food establishment is
23 \$650.00.

24 (d) Hemp or hemp extract intended for ingestion must be
25 manufactured by an approved source. A hemp food establishment
26 shall provide a valid hemp food establishment permit and the

1 most recent food safety or health inspection report from the
2 approved source to the Department upon request.

3 (e) Hemp or hemp extract intended for inhalation must be
4 manufactured by a source permitted to manufacture hemp or hemp
5 extract intended for inhalation. A hemp food establishment
6 shall provide a valid hemp food establishment permit and the
7 most recent inspection report from the permitting source to
8 the Department upon request.

9 (f) Hemp extract intended for human consumption may not be
10 manufactured, processed, packaged, held, prepared, or sold
11 under Section 4 of the Food Handling Regulation Enforcement
12 Act.

13 (g) Hemp extract intended for human consumption must be
14 packaged in containers minimizing the exposure to light to
15 prevent degradation of the cannabinoids. Containers used for
16 hemp extract intended for human consumption must comply with
17 this requirement.

18 (h) Hemp extract intended for human consumption shall not
19 contain a total delta-9 tetrahydrocannabinol concentration
20 that exceeds 0.3%.

21 (i) Hemp extract intended for human consumption shall not
22 be manufactured, processed, packaged, held, or prepared in a
23 private home or in a room used as living or sleeping quarters.

24 (j) Hemp extract intended for human consumption shall not
25 be offered for sale by means of vending machines.

26 (k) Products intended for human consumption shall be

1 considered adulterated if contaminants are detected at levels
2 greater than the limits listed in this Section. Contaminant
3 limits under this Section do not constitute authorization to
4 use or apply any of the following contaminants during hemp
5 cultivation or processing.

6 (1) The following substances are prohibited in Hemp
7 extract intended for inhalation:

8 (A) Abamectin, 300 parts per billion for
9 Ingestion; 100 parts per billion for Inhalation.

10 (B) Acephate, 3,000 parts per billion for
11 Ingestion; 100 parts per billion for Inhalation.

12 (C) Acequinocyl, 2,000 parts per billion for
13 Ingestion; 100 parts per billion for Inhalation.

14 (D) Acetamiprid, 3,000 parts per billion for
15 Ingestion; 100 parts per billion for Inhalation.

16 (E) Aldicarb, 100 parts per billion for Ingestion
17 or Inhalation.

18 (F) Azoxystrobin, 3,000 parts per billion for
19 Ingestion; 100 parts per billion for Inhalation.

20 (G) Bifenazate, 3,000 parts per billion for
21 Ingestion; 100 parts per billion for Inhalation.

22 (H) Bifenthrin, 500 parts per billion for
23 Ingestion; 100 parts per billion for Inhalation.

24 (I) Boscalid, 3,000 parts per billion for
25 Ingestion; 100 parts per billion for Inhalation.

26 (J) Captan, 3,000 parts per billion for Ingestion;

1 700 parts per billion for Inhalation.

2 (K) Carbaryl, 500 parts per billion for Ingestion;
3 500 parts per billion for Inhalation.

4 (L) Carbofuran, 100 parts per billion for
5 Ingestion or Inhalation.

6 (M) Chlorantraniliprole, 3,000 parts per billion
7 for Ingestion; 1,000 parts per billion for Inhalation.

8 (N) Chlordane, 100 parts per billion for Ingestion
9 or Inhalation.

10 (O) Chlorfenapyr, 100 parts per billion for
11 Ingestion or Inhalation.

12 (P) Chlormequat chloride, 3,000 parts per billion
13 for Ingestion; 1,000 parts per billion for Inhalation.

14 (Q) Chlorpyrifos, 100 parts per billion for
15 Ingestion or Inhalation.

16 (R) Clofentezine, 500 parts per billion for
17 Ingestion; 200 parts per billion for Inhalation.

18 (S) Coumaphos, 100 parts per billion for Ingestion
19 or Inhalation.

20 (T) Cyfluthrin, 1,000 parts per billion for
21 Ingestion; 500 parts per billion for Inhalation.

22 (U) Cypermethrin, 1,000 parts per billion for
23 Ingestion; 500 parts per billion for Inhalation.

24 (V) Daminozide, 100 parts per billion for
25 Ingestion or Inhalation.

26 (W) DDVP (Dichlorvos), 100 parts per billion for

1 Ingestion or Inhalation.

2 (X) Diazinon, 200 parts per billion for Ingestion;
3 100 parts per billion for Inhalation.

4 (Y) Dimethoate, 100 parts per billion for
5 Ingestion or Inhalation.

6 (Z) Dimethomorph, 3,000 parts per billion for
7 Ingestion; 200 parts per billion for Inhalation.

8 (AA) Ethoprop(hos), 100 parts per billion for
9 Ingestion or Inhalation.

10 (BB) Etofenprox, 100 parts per billion for
11 Ingestion or Inhalation.

12 (CC) Etoxazole, 1,500 parts per billion for
13 Ingestion; 100 parts per billion for Inhalation.

14 (DD) Fenhexamid, 3,000 parts per billion for
15 Ingestion; 100 parts per billion for Inhalation.

16 (EE) Fenoxycarb, 100 parts per billion for
17 Ingestion or Inhalation.

18 (FF) Fenpyroximate, 2,000 parts per billion for
19 Ingestion; 100 parts per billion for Inhalation.

20 (GG) Fipronil, 100 parts per billion for Ingestion
21 or Inhalation.

22 (HH) Flonicamid, 2,000 parts per billion for
23 Ingestion; 100 parts per billion for Inhalation.

24 (II) Fludioxonil, 3,000 parts per billion for
25 Ingestion; 100 parts per billion for Inhalation.

26 (JJ) Hexythiazox, 2,000 parts per billion for

1 Ingestion; 100 parts per billion for Inhalation.

2 (KK) Imazalil, 100 parts per billion for Ingestion
3 or Inhalation.

4 (LL) Imidacloprid, 3,000 parts per billion for
5 Ingestion; 400 parts per billion for Inhalation.

6 (MM) Kresoxim-methyl, 1,000 parts per billion for
7 Ingestion; 100 parts per billion for Inhalation.

8 (NN) Malathion, 2,000 parts per billion for
9 Ingestion; 200 parts per billion for Inhalation.

10 (OO) Metalaxyl, 3,000 parts per billion for
11 Ingestion; 100 parts per billion for Inhalation.

12 (PP) Methiocarb, 100 parts per billion for
13 Ingestion or Inhalation.

14 (QQ) Methomyl, 100 parts per billion for Ingestion
15 or Inhalation.

16 (RR) Methyl parathion, 100 parts per billion for
17 Ingestion or Inhalation.

18 (SS) Mevinphos, 100 parts per billion for
19 Ingestion or Inhalation.

20 (TT) Myclobutanil, 3,000 parts per billion for
21 Ingestion; prohibited at any concentration for
22 Inhalation.

23 (UU) Naled, 500 parts per billion for Ingestion;
24 250 parts per billion for Inhalation.

25 (VV) Oxamyl, 500 parts per billion for Ingestion
26 or Inhalation.

1 (WW) Paclobutrazol, 100 parts per billion for
2 Ingestion or Inhalation.

3 (XX) Pentachloronitrobenzene, 200 parts per
4 billion for Ingestion; 150 parts per billion for
5 Inhalation.

6 (YY) Permethrin, 1,000 parts per billion for
7 Ingestion; 100 parts per billion for Inhalation.

8 (ZZ) Phosmet, 200 parts per billion for Ingestion;
9 100 parts per billion for Inhalation.

10 (AAA) Piperonyl butoxide, 3,000 parts per billion
11 for Ingestion or Inhalation.

12 (BBB) Prallethrin, 400 parts per billion for
13 Ingestion; 100 parts per billion for Inhalation.

14 (CCC) Propiconazole, 1,000 parts per billion for
15 Ingestion; 100 parts per billion for Inhalation.

16 (DDD) Propoxur, 100 parts per billion for
17 Ingestion or Inhalation.

18 (EEE) Pyrethrins, 1,000 parts per billion for
19 Ingestion; 500 parts per billion for Inhalation.

20 (FFF) Pyridaben, 3,000 parts per billion for
21 Ingestion; 200 parts per billion for Inhalation.

22 (GGG) Spinetoram, 3,000 parts per billion for
23 Ingestion; 200 parts per billion for Inhalation.

24 (HHH) Spinosad A & D, 3,000 parts per billion for
25 Ingestion; 100 parts per billion for Inhalation.

26 (III) Spiromesifen, 3,000 parts per billion for

- 1 Ingestion; 100 parts per billion for Inhalation.
- 2 (JJJ) Spirotetramat, 3,000 parts per billion for
3 Ingestion; 100 parts per billion for Inhalation.
- 4 (KKK) Spiroxamine, 100 parts per billion for
5 Ingestion or Inhalation.
- 6 (LLL) Tebuconazole, 1,000 parts per billion for
7 Ingestion; 100 parts per billion for Inhalation.
- 8 (MMM) Thiacloprid, 100 parts per billion for
9 Ingestion; 100 parts per billion for Inhalation.
- 10 (NNN) Thiamethoxam, 1,000 parts per billion for
11 Ingestion; 500 parts per billion for Inhalation.
- 12 (OOO) Trifloxystrobin, 3,000 parts per billion for
13 Ingestion; 100 parts per billion for Inhalation.
- 14 (3) Residual solvent limits for ingestion or
15 inhalation:
- 16 (A) 1,2-Dichloroethane, 2 parts per million.
- 17 (B) 1,1-Dichloroethene, 8 parts per million.
- 18 (C) Acetone, 750 parts per million.
- 19 (D) Acetonitrile, 60 parts per million.
- 20 (E) Benzene, 1 part per million.
- 21 (F) Butane, 5,000 parts per million.
- 22 (G) Chloroform, 2 parts per million.
- 23 (H) Ethanol, 5,000 parts per million.
- 24 (I) Ethyl Acetate, 400 parts per million.
- 25 (J) Ethyl Ether, 500 parts per million.
- 26 (K) Ethylene Oxide, 5 parts per million.

- 1 (L) Heptane, 5,000 parts per million.
- 2 (M) Hexane, 250 parts per million.
- 3 (N) Isopropyl Alcohol, 500 parts per million.
- 4 (O) Methanol, 250 parts per million.
- 5 (P) Methylene Chloride, 125 parts per million.
- 6 (Q) Pentane, 750 parts per million.
- 7 (R) Propane, 5,000 parts per million.
- 8 (S) Toluene, 150 parts per million.
- 9 (T) Trichloroethylene 25 parts per million.
- 10 (U) Xylenes, Total (ortho-, meta-, para-), 150
11 parts per million.
- 12 (4) Metals limits:
- 13 (A) Cadmium, 500 parts per billion for ingestion;
14 200 parts per billion for inhalation.
- 15 (B) Lead, 500 parts per billion for ingestion or
16 inhalation.
- 17 (C) Arsenic, 1,500 parts per billion for
18 ingestion; 200 parts per billion for inhalation.
- 19 (D) Mercury, 3,000 parts per billion for
20 ingestion; 200 parts per billion for inhalation.
- 21 (5) Biological limits for ingestion or inhalation:
- 22 (A) Shiga toxin-producing Escherichia coli (STEC
23 E. coli) and other pathogenic E. coli, 1 CFU per gram.
- 24 (B) Salmonella, 1 CFU per gram.
- 25 (C) Aspergillus niger, Aspergillus fumigatus,
26 Aspergillus flavus, Aspergillus terreus, 1 CFU per

1 gram.

2 (6) Mycotoxin limits:

3 (A) Total Aflatoxin (B1, B2, G1, G2), 20 parts per
4 billion for ingestion or inhalation.

5 (B) Ochratoxin, 20 parts per billion for ingestion
6 or inhalation.

7 (7) Total combined yeast and mold limit: 100,000 CFU
8 per gram for ingestion or inhalation.

9 (8) Cannabinoid limits: total delta-9
10 tetrahydrocannabinol concentration shall not exceed 0.3%.

11 (9) If a testing sample is found to contain levels of
12 any pathogen, toxicant, residual solvent, metal, or
13 pesticide not enumerated in this Section or by State law,
14 then the hemp extract shall be considered adulterated.

15 (10) Devices used during the inhalation process must
16 not introduce contaminants over the limits listed in this
17 Section into the hemp extract product.

18 (1) Hemp extract intended for human consumption must be
19 labeled as follows:

20 (1) If cannabinoids are marketed, the number of
21 milligrams of each cannabinoid per serving and the
22 serving size must be declared on the label.

23 (2) The label and advertisement shall not contain
24 claims indicating the product is intended for
25 diagnosis, cure, mitigation, treatment, or prevention
26 of disease; and if such claims are included, then the

1 product shall be considered misbranded.

2 (3) Hemp extract intended solely for inhalation
3 must be clearly labeled with the statement, "Not
4 Intended For Ingestion - Do Not Eat.".

5 (m) Disposal.

6 (1) Laboratory samples found to contain more than
7 a total delta-9 tetrahydrocannabinol concentration of
8 0.3% shall be disposed of.

9 (2) Hemp extract intended for human consumption
10 containing a total delta-9 tetrahydrocannabinol
11 concentration that exceeds 0.3% shall be detained.
12 Hemp extract intended for human consumption containing
13 a total delta-9 tetrahydrocannabinol concentration
14 that exceeds 0.3% that has been detained shall not be
15 further subdivided or renumbered such that the
16 integrity of the lot is not maintained. The
17 establishment shall not dispose of the hemp extract
18 intended for human consumption in any manner until
19 written permission is given by the Department or a
20 court of competent jurisdiction.

21 (3) Upon receipt of written permission by the
22 Department or a court of competent jurisdiction, the
23 hemp extract intended for human consumption shall be
24 disposed of in a manner approved by a court of
25 competent jurisdiction.

26 (n) Age limit for hemp extract intended for inhalation.

1 (1) Any retailer that sells hemp extract intended
2 for inhalation shall post a clear and conspicuous sign
3 directly adjacent to the display of the product that
4 states the following: "THE SALE OF HEMP EXTRACT
5 INTENDED FOR INHALATION TO PERSONS UNDER THE AGE OF 21
6 IS PROHIBITED. PROOF OF AGE IS REQUIRED FOR
7 PURCHASE.".

8 (2) Hemp extract intended for inhalation may not
9 be mailed, shipped, or otherwise delivered to a
10 purchaser unless, before the delivery to the
11 purchaser, the hemp food establishment obtains
12 confirmation that the purchaser is 21 years of age or
13 older.

14 (3) Hemp food establishments shall require proof
15 of age from a purchaser of any product containing hemp
16 extract intended for inhalation before selling the
17 product to that person. Hemp food establishments shall
18 exercise diligence in the management and supervision
19 of their premises and in the supervision and training
20 of their employees to prevent the underage sale of
21 these products.

22 (4) Hemp extract intended for inhalation shall not
23 be offered for sale by means of self-service
24 merchandising unless proof of age has been verified
25 before allowing access to the self-service
26 merchandising.

1 (5) The giving or sampling of hemp extract
2 intended for inhalation products by a hemp food
3 establishment to any person under the age of 21 is
4 prohibited.

5 (o) Penalties.

6 (1) Hemp or hemp extract products must meet the
7 requirements of this Section. Hemp or hemp extract
8 products that do not meet the requirements of this
9 Section or without the documentation required in this
10 Section may not be sold in this State.

11 (2) Violations of this Section shall result in the
12 imposition of stop-sale or stop-use orders, an
13 administrative fine of up to \$5,000 per violation,
14 permit suspension, permit revocation, or any
15 combination of those penalties.

16 (3) The sale of hemp extract intended for
17 inhalation to persons under the age of 21 shall result
18 in an administrative fine of \$5,000 per occurrence.